

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

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City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A
REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 21, 2021
AT THE CITY OFFICES, 550 N 800 WEST**

AGENDA:

Invocation/Thought – By James Bruhn; Pledge of Allegiance – By Kelly Enquist

1. Approve Agenda.
2. Oath of Office - Police Sergeant Tom Smith.
3. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Improvements Required for Building Permit, Kyle & Amy Paget, 600 W 1000 N.
5. Impact Fee Deferral Request, Richard & Tonya Eggett, 210 Fairwind Cir.
6. Presentation of Financial Statements and Independent Audit for the Fiscal Year Ending June 30, 2021.
7. Final Plat Approval for Highgate Phase 2 Subdivision.
8. Storm Water Coalition Agreement.
9. Discussion of Police Wages.
10. Meeting Minutes from November 16, 2021.
11. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
12. Mayor/Council Reports.
13. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
14. Adjourn.

This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on December 17, 2021.

Minutes of the West Bountiful City Council meeting held on Tuesday, December 21, 2021, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Kenneth Romney, Council members, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood

EXCUSED: James Ahlstrom

STAFF: Duane Huffman (City Administrator), Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), Chief Erikson, Steve Doxey (City Attorney), Cathy Brightwell (City Recorder)

PUBLIC: Alan Malan, Tom Smith, Kyle & Amy Paget, Heather Christopherson, Jay Gough, Todd Willey

Mayor Romney called the regular meeting to order at 7:30 pm. James Bruhn offered a thought and Kelly Enquist led the Pledge of Allegiance.

1. Approve the Agenda.

MOTION: *Mark Preece made a Motion to approve the agenda as posted. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

2. Oath of Office – Police Sergeant Tom Smith

Mayor Romney welcomed Sergeant Tom Smith to the West Bountiful police department. Cathy Brightwell conducted the oath of office. Sergeant Smith introduced himself and his family and talked about his past police experience. Sergeant Smith will begin work on January 3, 2022.

3. Public Comment – Two Minutes Per Person, or Five Minutes if Speaking on Behalf of a Group.

Amy Paget, West Bountiful resident, commented that the new website looks good. She added that she enjoyed being able to watch city council meetings during Covid when zoom was available and encouraged the city to make the capability available again. She said Centerville has a YouTube channel they stream meetings over so residents can watch at any time.

Ms. Paget also commented that she supports increasing police wages but believes they should not be compared to larger cities.

4. Improvements Required for Building Permit, Kyle & Amy Paget, 600 W 1000 N

Kyle and Amy Paget applied for a building permit to build a 2,284 square foot addition to their 1,484 square foot home. City staff determined that the expansion triggers the requirement in WBMC 15.08.050 for street improvements to the frontage of their property. These improvements and estimated costs include curb/gutter (\$4,602), sidewalk (\$5,511), asphalt extension (\$12,829),

relocating a utility pole (\$13,000), relocating existing improvements along the property frontage as needed (\$3,745), and seal coat on the new asphalt surface (\$599). These improvements were not required for a 1,200 square foot garage built by the Pagets in 2018.

The city council has had previous discussions regarding the question of what level of a building permit triggers the improvement requirement. Land use law requires that exactions be both roughly proportionate to the project and have an essential link to a legitimate government objective. In the past, staff has determined that new homes on vacant lots clearly meet the threshold, but accessory structures or small additions were not proportionate to full street improvements – this was the case when the Pagets constructed the large, detached garage in 2018.

With the Paget's proposed addition, staff determined that based on square footage, the addition was close in scope to a new home on the property and required the full improvements, especially when also considering the 2018 garage.

The Pagets submitted a request for reconsideration based on cost and fairness. They commented that they were shocked when they learned of the requirements that will consume one-third of their budget. They believe they are being treated like a developer rather than citizen homeowners building an addition that will allow them to remain in West Bountiful. They raised arguments for delaying curb/gutter/sidewalk until the property to the east develops and raised the question of whether asphalt for widening the road to meet the new curb/gutter and moving a utility pole fall under the scope of WPMC 15.08.050 as such items are not explicitly listed. Mr. Paget stated that they assumed at some point they would have to put in curb, gutter, sidewalk but were surprised to learn about the pole and asphalt; \$40,000 is a lot of money for them to spend on a long time the problem.

Staff believes that widening the road and moving conflicting utilities are implicitly required, and this is consistent with how other properties have been treated. The west side of the property is contiguous with full street improvements (full road width, curb, gutter, sidewalk). No deferral has been approved by the city council when contiguous improvements are in place.

There was discussion about the history of the corner and the options proposed by staff. The city can talk with Rocky Mountain Power about moving the poles as part of franchise agreement and may be willing to participate in the asphalt extension costs.

The Paget's asked if the improvements could be deferred until the property to the east develops.

MOTION: *Rod Wood made a Motion to require improvements for the Paget property as described above. The city will pay half the cost of 1) Asphalt, base coarse, and subbase along the entire frontage between the saw cut and lip of new curb, and 2) seal coat on new asphalt surface. The city will take care of relocating the existing power pole to the new park strip. All improvements to be approved by the city engineer. Mark Preece seconded the motion which passed as reflected below.*

James Ahlstrom – absent
Kelly Enquist – aye

James Bruhn – aye
Mark Preece – aye

Rod Wood - aye

5. Impact Fee Deferral Request, Richard & Tonya Eggett, 210 Fairwind Circle.

Richard and Tonya Eggett are currently in the process of extending the culinary water line to their property at 210 N Fairwind Circle to supply water for horses during the winter. This extension will also allow a house to be built in the future.

Duane Huffman explained that in 2016, the city council adopted a new ordinance (WBM 3.22.060) that allows the council the discretion to grant a deferral of culinary water impact fees under the following conditions: when the applicant shows that the property will not be used for anything other than non-commercial agricultural purposes, the property will receive the majority of its water from secondary sources, the applicant will not use more than 24,000 gallons/year of city culinary water, and an agreement will be recorded against the property stating that all required impact fees will be paid upon further development or when the criteria ceases to apply. This situation meets the criteria set in the ordinance.

MOTION: *Mark Preece moved to approve the deferral of impact fees for the Eggett's at 210 N Fairwind Circle, subject to WBM 3.22.060. Rod Wood seconded the Motion which passed as reflected below.*

James Ahlstrom – absent
Kelly Enquist – aye
Rod Wood - aye

James Bruhn – aye
Mark Preece – aye

6. Presentation of Financial Statements and Independent Audit for the Fiscal Year ending June 30, 2021.

Heather Christopherson, the lead auditor for Ulrich & Associates, PC, presented the independent auditor's report summary for fiscal year ending June 30, 2021. She reviewed several highlights.

- The auditors were able to provide a “clean” opinion regarding the city's financial statements.
- Total assets exceeded liabilities by \$42,953,981 (net position) at the end of the fiscal year. Of this amount, \$9,642,816 (unrestricted net position) is available to meet ongoing obligations to citizens and creditors.
- Total government funds increased by \$372,464 with an ending balance of \$7,217,006.
- Proprietary funds (business-type) increased in net position by \$2,124,753.
- Total debt for West Bountiful City decreased by \$1,220,948.
- The results of the above highlights along with the financial statements illustrate the strong financial position of the City.

Ms. Christopherson said she has made a couple recommendations that Duane can go over with Council but they are happy with the results and have found that in all material respects the City met the state compliance requirements. She thanked Duane and Patrice for their hard work.

Duane Huffman pointed out the great results of the golf course. The city has never had assets in the golf fund in this range before. We have enjoyed two really good years that seem to be continuing. He also noted that the storm drain fund has a negative balance of about \$30k from carry over of the 800 West project. Overall, he stated the city has never been in a better financial position.

7. Final Plat Approval for Highgate Phase 2 Subdivision.

Kris Nilsen summarized his memo for final plat approval of Highgate Phase 2 subdivision. This 6-lot development is located on Wellington Ave (10 North) just west of 1450 West and the existing Highgate subdivision.

Kris recommends approval once the ten listed conditions are met. Additionally, an updated title report will be required and final mylar for signature and recording. Public improvements will cross the A-1 ditch/canal which will require an encroachment agreement between the city and the Department of Interior.

MOTION: *Rod Wood moved to approve the final plat for Highgate-2 subdivision with 12 conditions discussed above. Mark Preece seconded the Motion which passed by unanimous vote of all members present.*

8. Storm Water Coalition Agreement.

This interlocal agreement provides that the parties, Davis County and Davis County cities, are willing to jointly implement activities to fulfill and comply with the Utah Pollutant Discharge Elimination System permit requirements under Section 4.3 of the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems.

MOTION: *Rod Wood Moved to Authorize Mayor Romney to Sign the 2021 Interlocal Cooperation Agreement Between Davis County Cities and Davis County Storm Water Coalition Agreement. Mark Preece seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye
Kelly Enquist – aye
Rod Wood - aye

James Bruhn – aye
Mark Preece – aye

9. Discussion of Police Wages.

Duane Huffman provided information for a council discussion on adjusting wages within the police department. He explained that there has been pressure building for several years related to available workforce for police officers in Utah and around the country. Increasing professional standards, low unemployment rates, and general public perceptions have all had an impact on the number of individuals interested in becoming or continuing in law enforcement. West Bountiful City has seen this trend for many years now in the number and quality of applicants, and it appears that the events of 2020 have only exacerbated the trend.

In Salt Lake County, Taylorsville City recently formed a new police department and offered market-leading wages which led to a wage war in Salt Lake County moving average rates from \$23/hr. to \$28/hr.

Departments in Davis, Utah, and Weber counties began to follow in an attempt to stay competitive. Davis County's unemployment rate is less than 1% and our recent officer opening resulted in the smallest number of applicants ever. Cities around us have moved quickly and aggressively. These rates are changing rapidly to adjust to local pressures.

Based on industry movement, Duane strongly recommends taking action in January to remain competitive. It is not only important when trying to attract new officers but is critical in maintaining the excellent workforce already in place.

There was discussion about available funding and proposed options. Duane summarized the chart showing different percentage increases and funds necessary to achieve the different levels. He noted that sales tax is up 11% today over this time last year but we need to consider whether it will continue and also consider staffing levels in other areas.

Chief Erikson noted there is currently a shortage of 1100 officers in the state. He believes this is the right way to approach this problem. His preference is the 25%/20% option which solves compression issues and gives employees pause to not look elsewhere. Most of our employees are solid although there is extremely high-pressure recruiting going on in neighboring cities, so something needs to be done quickly.

Council member Wood shared his concern about similar issues in all employee groups. It's important that we not be treated as an employee training ground where our people move on to other locations for better pay. There was discussion about how to deal with the police problem and make sure there is money left over for other employee groups.

There was discussion about how these proposals may affect each employee. It was suggested to move into closed session at the end of the meeting to talk about performance of individual employees.

10. Meeting Minutes from November 16, 2021.

MOTION: *James Bruhn made a Motion to Approve the Meeting Minutes from November 16, 2021, as Presented. Kelly Enquist Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

13. Staff Reports

Police –

- Jeron Thompson has completed one year employment.
- Truck sold well at auction.

Public Works – Steve Maughan

- Public works facility bid package is expected to go out in January; footings/foundations in April and the metal building should arrive in August.
- Council member Preece complemented public works for a good job plowing roads, especially when compared to neighboring areas.

Community Development – Cathy Brightwell

- Christmas on Onion Street went well. The Saturday events had a good turn-out both for the Santa parade and at the park activities.
- New website went live today. She asked council members to review the site and provide comments and suggestions for improvement.

Engineering – Kris Nilsen

- Provided update on well house activities.

Administration – Duane Huffman

- Animal control will close out city contracts after 2022. There will be shift in property tax so they can absorb funds to handle expenses themselves.
- South Davis Recreation center will run the baseball league next year. We are working with them on agreements on fields, etc.

14. Mayor / Council Reports

Kelly Enquist – Requested a photo roster of police officers so council can better learn their names.

James Bruhn – Things are going well at Wasatch Integrated although struggling with some employees having or exposed to COVID. The Arts Council Christmas concert with Susie Carter went well.

James Ahlstrom – Absent.

Mark Preece – South Davis Sewer District truth in taxation process has been completed.

Rod Wood – The employee Christmas party was fun and there was a good turnout. Feedback was positive.

Mayor Romney – South Davis Fire District is going well. Mayor Romney will likely be chair of the board next year.

South Davis Rec Board budgets are being reviewed. The leisure pool has been shut down for repairs and new HVAC systems are being replaced. Income is down and costs have not decreased. They are looking at expansion plans and a bond next year.

Met with legislative leadership, bonus density was a topic of discussion.

15. Closed Session Pursuant to UCA § 52-4-205.

MOTION: *James Bruhn made a Motion to move into closed session to discuss the character, professional competence, or physical or mental health of an*

individual. The regular meeting will adjourn upon adjournment of the closed session. Rod Wood seconded the Motion which PASSED as reflected below.

James Ahlstrom – absent
Kelly Enquist – aye
Rod Wood - aye

James Bruhn – aye
Mark Preece – aye

16. Adjourn.

MOTION: *James Bruhn Moved to Adjourn the Meeting. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, January 4, 2022.


Cathy Brightwell, City Recorder



WEST BOUNTIFUL CITY

Statement Regarding Closed Meeting of City Council December 21, 2021

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

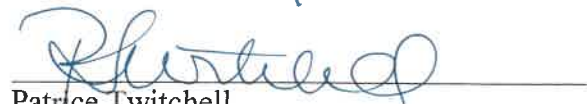
I, Kenneth Romney, hereby affirm as follows:

1. I am the Mayor of West Bountiful City, and make the following averments based on personal knowledge.
2. I presided at a duly noticed meeting of the West Bountiful City Council on December 21, 2021.
3. Upon motion and a unanimous vote, the City Council closed the regular meeting and moved into a closed session for the purpose of discussing the character, professional competence, or physical or mental health of an individual, pursuant *Utah Code Ann.* § 52-4-205(1)(a)
4. Upon conclusion of that discussion, the Council adjourned its open meeting.

DATED this 4th day of January 2022.


Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 4 day of Jan, 2022.


Patrice Twitchell,
Notary Public

