

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Mark Preece  
Andrew Williams

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A WORKSESSION  
AT 6:30 PM AND A REGULAR MEETING AT 7:30 PM, ON TUESDAY,  
DECEMBER 6, 2016, AT THE CITY HALL, 550 N 800 WEST**

### 6:30 pm Work Session

Presentation by Questar Gas Company Regarding Proposed Use of Public Street Right-of-Way for Natural Gas Feeder Line 122 in 400 N, Jessi's Meadow Way, Porter Lane, and 640 W.

### 7:30 pm Regular Meeting

*Invocation/Thought –James Ahlstrom; Pledge of Allegiance – Mark Preece*

1. Accept Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Presentation by Wasatch Integrated Waste Management District Regarding Equipment Needs and District Finances.
4. Presentation of West Bountiful City Fiscal Year 2016 Audit Report.
5. Public Hearing to Receive Input on Proposed Amendment to Impact Fee City Code.
6. Consider Ordinance 385-16, An Ordinance Amending West Bountiful City Code 3.22.060 to Allow for Impact Fee Deferrals.
7. Consider Resolution 402-16, A Resolution Authorizing the City to Enter into the Local Public Safety And Firefighter Surviving Spouse Trust Fund Cost-Sharing Agreement.
8. Public Works Report.
9. Engineering Report.
10. Administrative Report.
11. Mayor/Council Reports.
12. Approve Minutes from the November 15, 2016, City Council Meeting.
13. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205.
14. Adjourn.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486 twenty-four hours prior to the meeting.

*This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on December 1, 2016.*

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## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the West Bountiful City Council at its regular meeting on Tuesday, December 6, 2016 at the City offices, 550 N 800 West, beginning at 7:30 p.m., or as soon thereafter as dictated by the agenda.

The purpose of the hearing is to receive public comment regarding amending the impact fee ordinance to allow for deferrals for culinary water.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting.

Cathy Brightwell  
City Recorder

*Posted: November 23, 2016 Salt Lake Tribune/Deseret News/UtahLegals.com*

# MEMORANDUM



**TO:** Mayor & Council  
**DATE:** December 1, 2016  
**FROM:** Duane Huffman  
**RE:** **Deferral of Impact Fees for Insignificant Use of Water**

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This memo explains the purpose and function of a proposed amendment to the City Code regarding payment of impact fees.

## Background

Current City Code requires the payment of water impact fees whenever development activity occurs. This section of City Code defines development activity as any use or change of use that involves a connection to the water system and that creates an additional demand on that system. The Code allows the City Council to waive or adjust these fees for a public purpose, but otherwise does not provide flexibility for unique circumstances.

Staff is aware of at least one property within the City that desires to use a very small amount of water from the city system for livestock during times of the year when secondary water is unavailable; however, the costs associated with impact fees makes such use prohibitive.

## Proposed Ordinance

To allow the City Council additional flexibility in cases where very small amounts of water will be used during limited times of the year, staff has drafted the attached proposed ordinance. The ordinance allows the Council to *defer* the payment of water impact fees under the following limited conditions:

1. The property will not be used for anything other than non-commercial agricultural purposes;
2. The property will receive the majority of its water from secondary or other sources (such as a well);
3. The property will not use more than 24,000 gallons of water in a year (a quarter of the amount a standard home is allowed under the base fee).

If a property meets these conditions, it can request a deferral from the Council. If granted, a deferral agreement must be recorded with the property so that any future owner is aware of the requirement to pay the impact fee once the property no longer meets the criteria.

Any additional improvements to the concept of this proposed ordinance are welcomed.

**WEST BOUNTIFUL CITY**

**ORDINANCE #385-16**

***AN ORDINANCE AMENDING WEST BOUNTIFUL CITY CODE SECTION 3.22.060 TO ALLOW FOR IMPACT FEE DEFERRALS***

**WHEREAS**, West Bountiful City has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended (“Impact Fees Act” or “Act”), to impose Impact Fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity; and,

**WHEREAS**, the Council desires to re-codify Chapter 3.22 Impact Fees, of the West Bountiful Municipal Code to incorporate the fees adopted in Ordinance 351-13 and make technical changes, including modifications to be consistent with current State Law provisions related to Impact Fees Act (11-36a); and

**WHEREAS**, the City Council held a public hearing on December 6th, 2016 to receive input and consider approval and adoption of the proposed amendment.

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT THE FOLLOWING RECODIFICATION OF CHAPTER 3.22 IMPACT FEES, OF THE WEST BOUNTIFUL CITY CODE BE ADOPTED AS REFLECTED IN ATTACHMENT A.***

This ordinance will become effective upon signing and posting.

Adopted this 6<sup>th</sup> day of December, 2016.

By:

\_\_\_\_\_  
Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Williams	_____	_____

*Attest:*

\_\_\_\_\_  
Cathy Brightwell, City Recorder

Ordinance 385-16 Exhibit A

3.22.060 Fee Exemptions, Deferrals, and Adjustments

- A. Waiver for “Public Purpose”. The City Council may authorize, on a project-by-project basis and subject to the Act, exemptions or adjustments to the impact fee rate structure for development activity the City Council determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such development activity may be attributable to tax-supported agencies, low income housing, or facilities of a temporary nature.
- ~~A.~~B. Deferral for Insignificant Use of Water. The City Council may authorize, on a project-by-project basis and subject to the Act, deferral of the payment of a culinary water impact fee when the applicant shows: (1) the property will not be used for anything other than non-commercial agricultural purposes, (2) the property will receive the majority of its water from secondary or other sources, and (3) the applicant will not use more than 24,000 gallons a year of water from the City’s culinary water system. To receive a deferral, the applicant must record against the property an agreement with the City stating that all required water impact fees shall be paid upon any further development activity or when any of the three listed criteria ceases to apply. When the fees are paid, they will be based on the fees at that time, and not on the fees in place at the time the deferral is granted.
- ~~B.~~C. Procedure. Applications for deferrals, exemptions, or adjustments are to be filed with the City at the time the applicant first requests the extension of service to the applicant’s development or property.

# MEMORANDUM



**TO:** Mayor & Council

**DATE:** December 1, 2016

**FROM:** Duane Huffman

**RE:** **Line of Duty Death Trust Fund**

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This memo explains new requirements regarding city-provided health insurance coverage for the families of police officers that die in the line of duty, and recommends participation in the newly created Line of Duty Death Trust Fund.

## Health Coverage for Families

A law adopted in 2015 requires that the city provide the same health insurance it provides to employees to the surviving spouse and children of any police officer (or firefighter) that dies while in the line of duty. Specifically, the city is required to pay 100% of the health insurance premium, and is required to continue to provide this coverage until the child turns 26 and until spouse remarries or becomes eligible for Medicare.

To provide context for the potential impact this could have on the City, the FY 17 annual premium rates for health insurance are \$17,842 (family); \$13,190 (double); and \$6,372.24 (single). With basic assumptions for inflation, we could easily estimate a liability in the range of \$1 million over 30 years if an officer with a young family of three were to fall in the line of duty.

## Trust Fund

The same 2015 law that enacted the health coverage requirements also set up a framework for all interested local governments in the state to participate in a pooled trust fund that would cover the on-going family health coverage costs in the event of a line of duty death. To participate in the fund, the City needs to adopt the attached agreement. The current cost of participation in the agreement is \$95/annually for each eligible officer for a total of \$855 for the City. The amount may change in the future, like any type of insurance, based on the number of entities that chose to participate and the number of draws on the pool.

Based on the potential liabilities, staff strongly recommends participation in the fund.

# WEST BOUNTIFUL CITY

## RESOLUTION #402-16

### **A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND COST-SHARING AGREEMENT**

**WHEREAS**, local government entities are authorized by Section 53-17-301 of the Utah Code, and R698-8 of the Utah Administrative Code to enter into an agreement to participate in the Surviving Spouse Trust Fund; and

**WHEREAS**, the West Bountiful City Council finds that participation in the Surviving Spouse Trust Fund is in the best interest of the City, its employees, and its residents.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of West Bountiful City that the Mayor is authorized to execute the LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND COST-SHARING AGREEMENT found in Exhibit A.

**EFFECTIVE DATE.** This resolution shall take effect immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 6<sup>th</sup> day of December, 2016.

---

Ken Romney, Mayor

Voting by the City Council:     Aye     Nay

Councilmember Ahlstrom	___	___
Councilmember Bruhn	___	___
Councilmember Enquist	___	___
Councilmember Preece	___	___
Councilmember Williams	___	___

ATTEST:

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Cathy Brightwell, Recorder

## RESOLUTION 402-16 EXHIBIT A

### LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND COST-SHARING AGREEMENT

**THIS COST-SHARING AGREEMENT** is authorized by Section 53-17-301 of the Utah Code, and R698-8 of the Utah Administrative Code, and is made effective [DATE], by and between Keith D. Squires, Commissioner, Utah Department of Public Safety and [agency name, administrator name, office address and phone number].

**THE PARTIES ENTER THIS AGREEMENT** on the basis of the following facts, understandings and intentions:

- A.** In the event of a line of duty death of a member, the participating agency is required, pursuant to 53-17-201 of the Utah Code, to provide health coverage for the surviving spouse and for a child of the member until the child reaches the age of 26.
- B.** The participating agency is required to pay 100% of the premium costs for health coverage for surviving spouse and children.
- C.** Beginning 25 months after the line of duty death, the participating agency is eligible for reimbursement for the health coverage costs from the Local Public Safety and Firefighter Surviving Spouse Trust Fund.
- D.** In the event the participating agency fails to submit the annual premium in a timely manner the participating agency may not be eligible for reimbursement of health coverage costs for a surviving spouse or children.
- E.** The participating agency is not eligible for reimbursement of health coverage costs for a line of duty death that occurs during a period of time when the agency is not a participating agency.
- F.** A participating agency that elects to participate in the trust fund before July 1, 2017 shall be eligible for reimbursement of health coverage costs for a surviving spouse or children for a line of duty death that occurs on or after July 1, 2015, as long as annual premium payments are current.
- G.** The provisions found in Utah Administrative Rule R698-8 govern this agreement.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants of the parties hereto, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

**1. Payment of Annual Premiums.** The participating agency agrees to pay an annual premium as established by the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees. The annual premium shall be based upon the number of members employed by the participating agency, and shall be submitted by the participating agency no later than June 30<sup>th</sup> each year to the Department of Public Safety Attn. Trust Fund, PO Box 141775, Salt Lake City UT 84114.

**2. Eligible Members.** The participating agency agrees to furnish to the Department of Public Safety, Attn. Trust Fund annually, with payment of the annual premium, the number of eligible members for whom an annual premium is being paid as of March 31<sup>st</sup>. The participating agency expressly authorizes the Utah Retirement Systems (URS) to provide to the Utah Department of Public Safety or the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees aggregate totals of the participating agency's active employees participating in a retirement system under Utah Code Title 49, Utah State Retirement and Insurance



Benefit Act covering public safety and firefighter members, as requested for auditing purposes. Premiums paid by an agency for members who are not eligible for reimbursement from the fund are non-refundable.

3. Reimbursement of Shared Costs. The Commissioner agrees to reimburse the participating agency on an annual basis for the costs of health coverage for an eligible surviving spouse and children from the Local Public Safety and Firefighter Surviving Spouse Trust Fund. A request for reimbursement of health coverage costs shall be submitted to the Department of Public Safety, Attn. Trust Fund by June 30<sup>th</sup> of each year on a form approved by the Board, in addition to a statement provided by the group health plan that includes the agency's cost for health coverage for the surviving spouse and children of the fallen officer.

4. Books and Records. The Department of Public Safety shall maintain appropriate and accurate books of account and records relating to eligible members, annual premiums paid by a participating agency and reimbursement of health coverage costs from the Local Public Safety and Firefighter Surviving Spouse Trust Fund under this Agreement, and such books of account and records shall be accessible for inspection by representatives of the participating agency at any time during normal business hours. Except in the ordinary course of business of the Department of Public Safety shall use reasonable efforts to keep confidential any and all information they may obtain from time to time in connection with the services they render under this Agreement.

5. Term. This Agreement shall commence on the Effective Date and shall be coterminous providing that annual premiums are kept current by the participating agency.

6. Binding Nature of Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto as provided in this Agreement.

7. Entire Agreement. This Agreement contains the entire agreement and understanding among the parties hereto with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements, understandings, inducements and conditions, express or implied, oral or written, of any nature whatsoever with respect to the subject matter hereof. This Agreement may not be modified or amended other than by an agreement in writing.

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**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the Effective Date.

**Commissioner Keith D. Squires**

**Utah Department of Public Safety/  
Local Public Safety and Firefighter  
Surviving Spouse Trust Fund Board,  
Chair**

By: \_\_\_\_\_

**Agency Administrator, Title**

**Agency**

By: \_\_\_\_\_



**Minutes of the West Bountiful City Council meeting held on Wednesday, November 15, 2016 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

Those in attendance:

**MEMBERS:** Council members James Ahlstrom, Kelly Enquist, James Bruhn, Mark Preece, and Andrew Williams

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Paul Holden (Director of Golf), Patrice Twitchell

**EXCUSED:** Mayor Ken Romney, Chief Hixson, Steven Maughan (Public Works Director), Cathy Brightwell (City Recorder)

**GUESTS:** Alan Malan, Brandon & Yvette Jones

Mayor Pro Tem Mark Preece called the meeting to order at 7:33pm

Invocation/Thought – Kelly Enquist offered a thought; James Ahlstrom led the Pledge of Allegiance.

**1. Accept Agenda.**

**MOTION:** *James Bruhn Moved to Accept the Agenda as amended. Andy Williams Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

**2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).**

No public comments were offered.

**3. Public Hearing Regarding the Vacation of a Public Utility Easement on the North Boundary of Lot 15, Heritage Pointe Subdivision, 871 N 800 West for Brandon Jones**

**MOTION:** *James Bruhn Moved to Open the Public Hearing. Kelly Enquist Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

No public comments were received.

**MOTION:** *James Bruhn Moved to Close the Public Hearing. James Ahlstrom Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

4. **Consider Resolution 398-16, A Resolution Vacating a Public Utility Easement on the North Boundary of Lot 15, Heritage Pointe Subdivision, 871 N 800 West for Brandon Jones.**

**MOTION:** *James Ahlstrom made a Motion to Adopt Resolution 398-16 as described above. James Bruhn seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

5. **Consider Ordinance 384-16, an Ordinance to Remove Lot 15 of Heritage Pointe Subdivision, 871 N 800 West – owner Brandon Jones, from the West Bountiful Historic District.**

The Jones' desire to construct an addition to the south side of their home at 887 N 800 West. In order for staff to process the building permit application, the addition must be constructed on the same lot as the existing home. The existing residence is not in the Historic district but the lot to the south which is currently part of the Heritage Pointe subdivision (lot 15) is in the Historic district.

Planning Commission held a public hearing on November 10, 2016 and recommends approval of the request.

**MOTION:** *James Ahlstrom Moved to Approve Ordinance 384-16 to Remove The Property at 871 N 800 West from the West Bountiful Historic District. James Bruhn seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

**6. Consider Final Plat Approval for Dirty Dog Subdivision, at 887 N 800 West for Brandon Jones.**

The Jones' would like to build an addition to the south side their home at 887 N 800 West. Currently the lot on which the addition is to be built is a separate lot from their existing home and before a building permit can be issued the two lots need to be combined. Planning Commission held a public hearing on November 10, 2016 and recommends approval of the request with no requirement for public improvements

There was discussion regarding installation of curb and gutter as part of the approval of the new subdivision. Brandon Jones confirmed that it is still their intent not to develop the grass field on the corner. It was suggested that an agreement be drafted that would defer the requirement to install curb until a special assessment district is formed to add curb and gutter along the entire 800 West street.

***MOTION: James Ahlstrom Moved to Approve the Final Plat for the Dirty Dog Subdivision at 887 N 800 West With a Condition of a Deferral Agreement which Delays the Requirement to Construct Curb Until a Special Assessment Area is Created for Street Improvements. Andy Williams Seconded the Motion which PASSED by Unanimous Vote of all Members Present.***

**7. Consider Resolution 399-16, A Resolution Re-appointing Council Member Preece to the South Davis Sewer Board of Trustees, for the Term Ending January 31, 2021 or When Council Member Preece Is No Longer Serving on the West Bountiful City Council, or Whichever Comes First.**

***MOTION: Andy Williams made a Motion to Adopt Resolution 399-16 as described above. James Bruhn seconded the Motion which passed.***

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

**8. Consider Resolution 400-16, A Resolution Approving the 2016 Interlocal Cooperation Agreement for the Davis Metro Narcotics Strike Force.**

**MOTION:** *James Bruhn made a Motion to Adopt Resolution 400-16 as described above. Andy Williams seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

- 9. Consider Resolution 401-16, A Resolution Adopting the Davis County Natural Hazard Pre-Disaster Mitigation Plan As Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000.**

**MOTION:** *James Ahlstrom made a Motion to Adopt Resolution 401-16 as described above. James Bruhn seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

- 10. Consider Ordinance 383-16, An Ordinance Modifying Title 17 to Remove Planned Unit Developments as a Conditional Use from Residential and Agricultural Districts.**

**MOTION:** *James Bruhn made a Motion to Adopt Ordinance 383-16 as described above. James Ahlstrom seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Mark Preece – Aye  
Andy Williams – Aye

**11. Public Works/Engineering Report (Ben White)**

- 500 Waterline Project is almost complete. Piping is finished, now cleaning and disinfecting water tank.
- Golf Course storm drain on Hole #8 will be complete by Friday (weather permitting).
- 1100 West small storm drain will be completed in a week (weather permitting).
- Preparing snow plows for winter.

**12. Administrative Report (Duane Huffman).**

- Communication strategy session proposed January 27<sup>th</sup> - tentative date
- Questar discussions underway, presentation for new pipeline impact to the city at the next council meeting.
- Financial audit presentation next council meeting.

**13. Mayor/Council Reports.**

Kelly Enquist – Mosquito Abatement – There have been 22 positive cases of West Nile virus’ at HAFB. He discussed board elections, wages, etc., and the Board is discussing tax increases. In addition their Annual audit review was all clear.

Andy Williams – Youth Council is preparing for Christmas on Onion Street, December 5.

James Bruhn – Wasatch Integrated had their audit review; they found annual open meeting training discrepancy. Director Rich will give a presentation at Jan 6<sup>th</sup> council meeting regarding new processes and equipment.

Mark Preece – Special Sewer Board meeting included discussions of operations and private partnership plan. They are moving forward on bonding.

James Ahlstrom – none

Mayor Romney – absent

**14. Approve Minutes from the November 1, 2016, City Council Meeting.**

**MOTION:** *James Bruhn Moved to Approve the Minutes from the November 1, 2016 City Council Meeting. James Ahlstrom seconded the Motion which PASSED by Unanimous Vote of All Members Present.*

- 15. Closed Session for the Purpose of Discussing Pending Litigation, Pursuant to Utah Code Annotated, 52-4-205(c).**

**No closed session.**

- 16. Adjourn.**

**MOTION:** *James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 8:45 p.m. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

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*The foregoing was approved by the West Bountiful City Council on Tuesday, December 6, 2016.*

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Cathy Brightwell (City Recorder)