

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

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

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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 REGULAR MEETING  
AT 7:30 PM ON TUESDAY, SEPTEMBER 17, 2019 AT CITY HALL, 550 N 800 WEST**

*Invocation/Thought – Andy Williams; Pledge of Allegiance – Judy Barking (Sego Lily Chapter – National Society of the Daughters of the American Revolution and West Bountiful resident)*

1. Approve the Agenda.
2. Consider Proclamation Designating September 17, 2019 through September 23, 2019 as Constitution Week in West Bountiful.
3. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Discussion and Update on 400 North Well.
5. Discuss Options for Deferral Agreement for Bennett's at 1311 W 400 North.
6. Discuss Financial Options for Bonding for the New Public Works West Yard.
7. Discuss 800 West Project Options.
8. Discuss City Hall Bowery Options.
9. Consider Approval of Minutes from the August 20 and August 27, 2019 City Council Meeting.
10. Public Works/Engineering Report.
11. Police Report.
12. Administrative Report.
13. Mayor/Council Reports.
14. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
15. Adjourn.

Those needing special accommodations can 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 September 13, 2019.*

Minutes of the West Bountiful City Council meeting held on **Tuesday, September 17, 2019** at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Kenneth Romney, Council members, James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Andy Williams

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Steve Maughan (Public Works Director), Sgt Lance Wilkinson (Police), Dallas Green (Director of Golf), Mischelle Robinson (Secretary)

**VISITORS:** Judy Barking, Belinda Barking, Christine Schultz, Emily Clark, Jody Hugoe, McKay & Shealee Bennett, Jessica Gertsch, Gary Jacketta, Alan Malan

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Mayor Romney called the regular meeting to order at 7:34 pm. Andy Williams provided an invocation. Judy Barking, West Bountiful resident, led the Pledge of Allegiance on behalf of the National Society of the Daughters of the American Revolution.

**1. Approve Agenda**

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

**2. Consider Proclamation Designating September 17 through September 23, 2019 as Constitution Week in West Bountiful.**

Christine Shultz, Constitution Week chairman for the local Segó Lily Chapter of the National Society of the Daughters of the American Revolution (DAR), provided background on their organization and purpose for proclaiming Constitution Week. DAR is a national women's volunteer and service organization made up of direct descendants of those brave patriots who aided or fought for our independence in the American Revolution. President Eisenhower officially declared Constitution Week in 1956 to promote patriotism and preserve American history. Today is the 232<sup>nd</sup> anniversary of the signing of the Constitution. She introduced local members including Judy Barking, a West Bountiful resident.

**MOTION:** *James Ahlstrom made a Motion to Adopt a Proclamation Designating September 17 through September 23, 2019 as Constitution Week in West Bountiful. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**3. Public Comment – two minutes per person, or five minutes if speaking on behalf of a group.**

No Public Comment.

**4. Discussion and Update on 400 North Well.**

Ben White described the test well that was drilled and the current process of testing. He introduced Paul Hirst, CRS Engineers, to provide additional information and answer questions. Mr. Hirst explained that the well was drilled deeper than originally anticipated because the soil stratifications above 450' were mixed with more fine sands and clay than they were hoping for. Between 450' and 750' feet they found larger, cleaner gravel layers that can produce good water. A preliminary screen design is being worked on by Mark Chandler-CRS, the driller, and the screen manufacturer. He said they are feeling the well will produce more than 200 gpm and up to 700 gpm, but we will not know for sure until the screen is in and test pumping begins. He noted that it will take about a month to finish building this portion of the well.

There was discussion about the cost impact of the additional drilling which was about \$50,000 for the initial test well with additional costs to ream and case the production well. A pump house will need to be designed and constructed before the well will actually deliver water to the city. It could be a year before we have a producing well. Paul said there are a lot of variables, but he is optimistic about the quality and quantity from the well; and is pleased with the overall results.

**5. Discuss Options for Deferral Agreement for Bennett's at 1311 W 400 North.**

In 2013, McKay and Shaelee Bennett applied for a building permit which triggered city requirements for the property owner to construct public improvements (curb, sidewalk, and storm drainage). The city council granted the Bennett's a deferral of most public improvements but the requirement to pipe the ditch in front of their home was not deferred. The storm impact fee of \$2,120 was waived to offset the cost of installing the size of pipe required by the city (36-inch reinforced concrete pipe).

The Bennett's have asked the city to reconsider their requirement for the following reasons: 1- Like most improvements, they believe it would be better to install pipe all at once when the road is completed in the future. 2- To connect the pipe with his neighbor's pipe to the west, a junction box is required. This increases the cost and because of interference with a utility pole, it is difficult to locate it on the property line. 3 – They believe that smaller pipe can be installed across their property until the road is complete.

Mr. Bennett said he agrees with the required size but believes it should come from the top of the road (1100 W) to work best. With the 12-inch pipe on one side and 16-inch on other side a junction box will be required to connect pipes of differing sizes. They are asking for a deferral to install the pipe and are willing to pay the impact fees that were waived.

Ben White explained that there are sections where the correctly sized pipe is in place east of Bennett's. He agreed that if a smaller size is put in now it would all need to come out in the future. He went through the pros and cons and noted that ditches can hold more water but don't flow as well. The status quo is not ideal but workable. He stated that the city should not allow an undersized pipe. He estimated the cost to complete the piping as required at \$10 - \$15K.

There was discussion about what triggers calling a deferral agreement due and the projected cost. Future west side development and associated street impact fees may help with future improvements.

Council member Ahlstrom noted that he typically supports consistency when considering deferral agreements but is frustrated that after going through the time and effort to consider the initial deferral in 2013, it was ignored by the homeowner.

Duane Huffman suggested two options – install now or amend the deferral agreement to include pipe and have the property owner pay impact fees. He added that in the future, the city may want to require bonding for public improvements to make sure they do what is required.

Jay Jenkins commented that he recently purchased a property to the east, and his realtor did not disclose a deferral agreement. He's not sure if there is or is not one on his property. Council member Ahlstrom explained that these agreements are recorded on the property with Davis County and is included in the title report that is usually reviewed as part of the buyer's due diligence period. Mr. Huffman stated that the existence of a deferral agreement is related to the timing of the construction of the home, and that city staff could help him find out if there is one. Mr. Jenkins wants to cover his ditch as soon as possible, and he would like to partner with the city do it. He was advised to make a proposal with the city.

**MOTION:** *Andy Williams made a Motion to Authorize the Mayor to sign an amended Deferral Agreement to include deferring the pipe contingent on the Bennett's paying impact fees within 30 days. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

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

## 6. Discuss Financial Options for Bonding for the New Public Works West Yard

Mr. Huffman reviewed the contents of the staff memo, beginning with current conceptual design and the estimate of \$7M.

The city has worked with Zions Bank Public Finance to look at preliminary bonding options. An initial review identified two bonding types – General Obligation which carries the lowest possible interest rate but can't be approved until the 2020 General Election, and Sales Tax Revenue which is council-approved and uses sales tax as collateral. This type is faster but carries a slightly higher interest rate. and two ways of issuance.

Two types of issuance include Market Sales that involves a public, competitive sale of bonds which requires a credit rating, has better interest rates and higher issuance costs. The second type is Direct Purchase where the city would sell the bonds directly to a financial institution, come with lower issuance costs, the debt can be structured to be paid off quicker, and has a higher interest rate. Mr. Huffman reviewed the pros and cons of each of the various options, as well as current interest projections and annual payments in 10 or 20-year scenarios.

Mr. Huffman proceeded to review current available funds within West Bountiful City accounts. He presented a first draft of a 10-year model of General Fund revenues and expenses.

The council was able to see how different assumptions related to property tax, sales taxes, employee costs, and general inflation affected the amount that the city could have to put towards debt service.

Council member Bruhn stated that he is uncomfortable using funding from the water fund towards this project, as he believes that the rate increase was committed solely to water projects like replacing pipes and the new well. Mr. Huffman stated that the yard is very much eligible for Water Fund money, but that he understands where Council member Bruhn is coming from.

There was discussion on other future city projects and how they affected available resources. It appears that the city is close to having enough funding to replace the water line originally identified as sub-standard, but it will still take many years to perform the work, and prices can change drastically.

Mayor Romney asked the council if the city should consider options for reducing the cost of the public works project. Council member Ahlstrom stated that the current plans seemed reasonable, though there is always room for some savings. Mayor Romney also brought up the potential of selling city property to help fund the project.

The council asked that Mr. Huffman prepare a work session to further discuss bonding options with an advisor from Zions Bank, and to also have a discussion on construction options such as construction manager/general contractor (CMGC) and design-build.

#### **7. Discuss 800 West Project Options.**

Mr. Huffman reviewed the background found in the staff memo and posed the question to the city council of what they wanted for 800 W in the long term – something similar to the current look/feel or something similar to recent projects on Pages Lane. The consensus from the council was that the Pages Lane model was preferable.

There was discussion about the pros and cons of the options presented in the staff memo. The council asked whether the complete project from 400 N to Pages could be completed in one season. Mr. Whie said that with the right contractor, it could be possible to complete the project in one season, barring any unexpected problems and adequate staffing, but the city would likely pay a premium to get the right resources. The large project would also be more vulnerable to weather risks, labor market risks, utility risks, etc. The city would likely need to pre-qualify contractors, which makes the pool smaller.

Staff was instructed to investigate options related to completing everything from 400 N to Pages. At a minimum, the council would like to complete 400 N to 1000 N. The idea of bidding 400 N-1000 N with additives/options to expand to Pages was discussed, but this presents difficulties in that the size variation greatly affects contractor eligibility.

#### **8. Discuss City Hall Bowery Options.**

The school district contractor continues to push forward with the construction of the new school while the city and school district continue to work on site and landscape improvement designs which best meet the needs of both entities. One of the items being discussed is the location and potential replacement of the city bowery.

The school district is proposing to move the bowery 10 to 15 feet to the north and west. A fire access road will be constructed just south of the existing bowery's location. The grass

landscaped slope will be much gentler if the bowery is relocated to the north. The school district has offered to remove the concrete pad and construct a new concrete pad if the city is interested in relocating the bowery.

Mr. Huffman noted that the city does not have to relocate the bowery, but it will leave a 2 to 2.5 ft. slope with the existing bowery lower than the road. He recommends moving it to the north to avoid the trees, but not so much to the west. He also asked the council to consider whether the same size of bowery is needed. The consensus of the council was to keep it to a similar size, though slight variations could be made based on the size of prefabricated structures.

Mr. Huffman also asked about earlier discussions to rebuild as an amphitheater or stage that could be used for city events. There is not a lot of room, but we could make it work although parking could be a challenge. He suggested that it may be better suited for a future new west side park when it comes.

There was also discussion about how best to handle the new concrete. The school district will tear down the existing building and demo the concrete. The council's initial preference is to collect the funding for the concrete from the school district so that the city can manage the timing and construction of the new bowery.

**9. Consider Approval of Minutes from the August 20 and August 27, 2019 City Council Meetings.**

Council member Enquist asked that the minutes from August 20 be corrected on page 3, lines 110-111. He did not make the draft statement related to water rights. The minutes were corrected to state: "Council member Enquist asked why...."

**MOTION:** *James Ahlstrom made a Motion to Approve the Minutes from the August 20 and August 27, 2019 City Council Meetings as corrected. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

**10. Public Works/Engineering Report.  
(Steve Maughan).**

- Mountain View subdivision finished paving. The trail connection is still planned.
- Atwater Estates has been placing utilities across 800 West. They appear to be done closing the road for a while; there may be plates in the road until final paving.
- Highgate Estates is currently installing sidewalk, about 500 feet a day, and tying into the gas line on 1100 West. Their goal is to lay more asphalt in two weeks.
- Concrete footings are in for the new concession building at the park. Fall clean-up is October 12-19 so will need to open north end of the parking lot.

**(Ben White)**

- 1100 West curb/sidewalk project - expect to see construction begin in the next week or two. MC Green Inc will do it.

**11. Police Report (Lance Wilkinson).**

- Reserve Officer Fiedler is starting FTO, and Reserve Officer Bjorndal successfully finished FTO and is beginning his ghost week. We are still completing the background investigation on our third and final reserve officer.
- Posted advertisement for open officer position.
- Andy Williams asked about the status of the large truck regularly in the walking line on 1100 W north of 200 N. Sergeant Wilkinson will look into the issue and have Chief Hixson report back.

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

- New legislation was passed last night that restricts cities from creating special zoning ordinances related to medical cannabis. West Bountiful zoning currently allows in the industrial zones. Because the city's agriculture zone is also residential, proximity restrictions would likely prohibit it there. It appears the request for the Carr building is no longer active.
- Woods Cross City is asking North Salt Lake, West Bountiful, Centerville, and Farmington to support a resolution requesting the state to not allow speed limits on Legacy Parkway to exceed 65 miles per hour once restriction end in January. Mr. Huffman will send out a draft resolution for the council's review.

**13. Mayor/Council Reports.**

James Ahlstrom – An Eagle Project has been proposed to put a bike repair station on Prospector trail. UTA told the scout that West Bountiful would be easier to work with rather than their bureaucracy. He will connect the scout and Mr. Huffman.

Mark Preece – Attended Sewer board meeting this week. There have been some very informative articles recently about the methane digester.

James Bruhn – Arts Council held a good concert last Friday that was well attended. Wasatch Integrated is still moving forward with construction.

Andy Williams – Youth City Council retreat was good. They are looking at several service projects and decided not to do the haunted house for Halloween. "Free to be, Dare to be" is their theme for the year.

Kelly Enquist – Attended Mosquito abatement meeting last week. Moab had a bad situation with mosquitoes and asked for help, so Salt Lake City and Davis County sent foggers down but local controversy required a police escort.

Mayor Romney – no report.

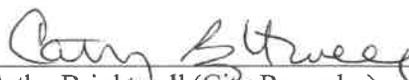
**14. Executive Session for the Purpose of Discussion Items as Allowed Pursuant to UCA 52-4-205(1)(f).**

An Executive Session was not held.

**15. Adjourn.**

**MOTION:** *James Bruhn made a Motion to Adjourn this meeting of the City Council at 10:32 p.m. Andy Williams 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 September 17, 2019 by unanimous vote of all members present.*

  
Cathy Brightwell (City Recorder)

