CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 19, 2013 at 550 NORTH 800 WEST, WEST BOUNTIFUL CITY.

City Council Agenda
Invocation/Thought by Invitation
Pledge of Allegiance – Debbie McKean

1. Accept Agenda
2. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed.
3. Budget Public Hearing at 7:35 PM (or as soon thereafter as agenda allows)
4. Consider approval of Resolution 320-13, to open and amend the Fiscal Year 2014 Budget
5. Canvass of votes for the West Bountiful City 2013 Municipal General Election
6. Consider approval of Resolution 319-13, to vacate a public utility easement located at approximately 600 East 600 North, Bountiful, Utah.
8. Consider request for site plan amendment, HollyFrontier
9. Discussion on Golf Course café concession services
11. Engineer Report
12. Police Report
15. Mayor/Council Reports
16. Approval of minutes of the October 15, 2013 City Council Work Session and Meeting
17. Possible closed meeting for allowed purposes pursuant Utah Code Annotated 52-4-205
18. Possible action following closed meeting
19. Adjourn

According to the American’s with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Heidi Voordeekers, Financial Director/Recorder, at (801) 292-4486. Any residents or property owners in West Bountiful City may request to offer a prayer or thought at the City Council Meeting. Please notify Heidi Voordeekers of this desire twenty-four (24) hours before the meeting.

This agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on November 14, 2013.
Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, November 19, 2013 at West Bountiful City Hall, Davis County, Utah.

Those in attendance:

MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Ahlstrom, James Bruhn, Debbie McKean. Mayor Kenneth Romney was not present. Dave Tovey arrived later.

STAFF PRESENT: Duane Huffman (City Administrator), Heidi Voordekkers (Finance Director/Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Lt. Corie Hamilton, Nathalie Ellingson (Secretary). Cathy Brightwell, Todd Hixson and Steve Maughan were excused.

VISITORS: Kelly Enquist, Brandee Nadauld, Gary Jacketta, Corey Sweat, Ron Halos, Lloyd Selleneit, Conrad Jenson.

Called to Order: Mayor Pro Tem Mark Preece called this meeting to order at 7:31 pm

Invocation/Thought – James Bruhn gave an invocation.
Pledge of Allegiance led by Debbie McKean

1. Accept Agenda

MOTION: Debbie McKean moved to approve the agenda, switching Items 3 and 4 with Items 5 and 6.

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:
  James Ahlstrom – Aye
  Mark Preece – Aye
  James Bruhn – Aye
  Debbie McKean – Aye

2. Public Comment

Brandee Nadauld, 1544 North 1100 West – She has had no Weber water on her property. They were told when a subdivision went in behind their property they would be hooked up to Weber water. When the subdivision went in, they were told to wait until another subdivision opened. She has been paying for water rights. Ben White explained that when Olson Farms was built, there was no Weber water on 1100 West. A line was
only brought as far as the subdivision, and then run to the Frank Chase property. Weber Water District said they did not bring water down 1100 West because the homes were built one at a time and they were not required to put in infrastructure. They said the city would have to pay to put in a line. Brandee asked if they could have water run from the subdivision behind them, and Weber said no. She has three neighbors who also cannot get Weber water. It would be expensive for the city to tear up the street to run a line to those four houses. James Ahlstrom asked Brandee for an opportunity to talk to Olson Farms and get the people together on running lines to the four houses. Ben said Weber would only run new lines when their lines are full to capacity, which could be five years from now or longer. Brandee said it has been 20 years since they were promised a hookup.

Dave Tovey arrived.

5. Canvass of Votes for the West Bountiful City 2013 Municipal General Election

Heidi Voordeckers – Once the votes are accepted, she will send them to the governor’s office. A roll call vote is required for approval then they all need to sign the canvass report.

MOTION: James Ahlstrom moved to accept the canvass of votes.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting by roll call was as follows:

   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

6. Consider Approval of Resolution 319-13, to Vacate a Public Utility Easement Located at Approximately 600 East 600 North, Bountiful, Utah.

MOTION: James Ahlstrom moved to approve Resolution 319-13, vacating a public utility easement located at approximately 600 East 600 North, Bountiful, Utah.
SECONDED: Debbie McKean seconded the Motion.

PASSED: Voting by roll call was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

3.
Budget Public Hearing

MOTION: Debbie McKean moved to open the public hearing, 7:48 pm.

SECONDED: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

Heidi Voordeekers went over the changes since the budget was last presented. The CDGB grant for sidewalk replacement was approved and the money needed to be put in the budget so they can go forward on the projects in the spring. The police department received the JAG grant money, which also needed to be recognized in the budget. In addition, the budget was modified to include work related to the golf course parking lot that had been approved in the June 18th City Council meeting, as well as personnel changes in the police department. Increased expenditures previously discussed were for a snow plow replacement and outfitting the dump truck with snow removal equipment, tuition reimbursement, the golf course irrigation project, and golf cart repairs and replacements.

Comments:
Kelly Enquist stated he was in agreement with the expenditures except for tuition reimbursement. That is a benefit that usually increases or decreases depending on the financial stability of the employer. Other benefits have been taken away from employees due to the economy which should be put back before they give tuition reimbursement. Citizens he has spoken to do not think this item should be passed at this time. Policies and procedures need to be developed first and then the item can go into the budget next year. He is uncomfortable with some of the wording in the contract referring to an agreement with Heidi Voordeekers that she would become assistant city administrator upon completion of her program. He
felt the position should be open to the public. (The agreement was reviewed by legal counsel and previously approved in an open meeting.)

Corey Sweat, 1078 West 600 North – He agreed with the changes except the tuition reimbursement agreement. He had not seen a copy of the contract, but his understanding from Kelly made him uncomfortable with it.

Jaren Conk, 1766 North 600 West – He said the city is setting a precedent in offering tuition reimbursement, and they are already taking $2,000 out of the general fund for the police department, while West Bountiful still has the highest water rate in the state.

MOTION: Debbie McKean moved to close the public hearing.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean - Aye

4.
Consider Approval of Resolution 320-13,
to Open and Amend the Fiscal Year 2014 Budget.

Debbie McKean suggested tabling this item in order to work through the comments they received during the public hearing. It was then suggested that the budget amendment could be approved with exception to the tuition reimbursement, which was the point of public concern. James Ahlstrom explained that regarding Heidi Voordecker’s tuition, she had already been offered the assistant city administrator position, but she felt she needed her degree first. He recognized that there would have been better understanding if the public had been in on the discussions, but such discussions regarding personnel may be done in closed sessions; that is the rule for all cities. He said employee turnover costs far exceed the cost of this benefit. In order to get this benefit, an employee must commit to at least four years of service or they must pay the money back. He felt they might discuss how the benefit should be budgeted, but the concept is solid.

Dave Tovey said additional schooling for employees benefits the city. They could develop policies and procedures first in order to set guiding principles, but a future council could change those policies anyway.
James Bruhn stated to the public that not all council members were unanimous in including tuition reimbursement as a benefit. He personally feels the same as many citizens regarding other expenses. The council was asked if they had asked their constituents for their opinions. Dave Tovey and James Ahlstrom stated they had received positive comments.

Debbie McKean said she is not opposed to the concept of tuition reimbursement, but she thought there had not been enough discussion, and the amount budgeted surprised her as that had not been discussed before. She also stated to the public that the council will be addressing the water rate issue in the near future. (James Ahlstrom remarked that the water rate issue should not be part of this discussion because it is a different fund.)

MOTION: James Ahlstrom moved to vote on this item later in the evening, after the golf course discussion, as Item 9(a).

SECOND: Debbie McKean seconded the Motion.

DISCUSSION: Regarding the comment that the tuition reimbursement contract was not available to the public, it was pointed out by staff that the contract was posted on the web site.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Nay
   Dave Tovey – Aye
   Debbie McKean – Aye

7. Consider Approval of Ordinance 355-13,
   Modifying Chapter 9.24 WEAPONS of
   the West Bountiful Municipal Code.

Detective Hamilton – Airsoft weapons have not been previously allowed to be fired in the city limits. This amendment will allow for their use under certain circumstances. The police department had few concerns regarding the danger of these weapons; they can be fired close to homes. Anyone underage has to have written permission from parents. Duane explained that a citizen, Lloyd Selleneit, wanted to use airsoft weapons to teach his family members the proper use of guns.

Mr. Selleneit addressed the council, explaining that, as a former legislator, he has knowledge of Utah’s right to bear arms amendment and he sponsored the legislation for castle laws, (a person can protect his property and not be prosecuted). Since laws in Utah allow liberal use of firearms,
he thought it was important that gun owners use their weapons properly and safely. In teaching members of his family, he is more comfortable using airsoft guns.

Duane explained that the City prosecutor saw Mr. Selleneit’s request as an opportunity to clean up the ordinance and make sure it covers all relevant issues. Steve Doxey made the changes but he had a question regarding the penalty. Violation of a firearms ordinance should be a Class B misdemeanor. If airsoft gun rules are broken inside a home, it would be an infraction. A discussion ensued regarding penalties, the definition of airsoft guns, and the difference between airsoft guns and BB guns.

It was suggested they table the issue and form a committee of citizens and city employees to go over the definitions of all weapons, including airsoft guns. Mr. Selleneit thanked Duane and Chief Hixson for their cooperation in discussing this issue with him. He offered to advise the citizens’ committee because of his expertise and background.

MOTION: James Ahlstrom moved to table approval of Ordinance 355-13 and proposed that Mayor Romney and the city administrator appoint members to a citizens’ committee to review the ordinance.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean - Aye

8. Consider Request for Site Plan Amendment, HollyFrontier

Ben White – In 2011, Lynn Keddington stated at a city council meeting that the gate on 1100West would only be open for emergencies or for access to the tanks. Now that the new warehouse and office are there, the road is being used again because it provides easier and safer access to the freeway than making U-turns on 500 South. Ben thought this issue should be brought to the council since traffic will be affected as well as the condition of the road. The point where the road goes onto 1100 West is in a residential zone so there could be a land use issue.

Conrad Jensen – When the office building and warehouse were built at the 1100 West 500 South corner of the plant, traffic was meant to enter and
exit the facility from 500 South. However, vehicles wishing to head East on 500 South cannot make the turn because there is a concrete median. They either turn right, do a U-turn in the intersection at 1100 West, and then go east toward the freeway, or they turn right on 1100 West, go down to 400 North and access the freeway from there, which creates more traffic through the residential zone and in front of the grade school. The refinery is requesting the use of the 1100 West exit (which is now gated) so that vehicles can turn left on to 1100 West, then turn left at the light on to 500 South and proceed toward the freeway. They wanted to bring the request to city council since the original plan had been approved by the council. Mr. Jensen stated that a change is not necessary, but they thought it would be better for traffic if trucks did not do the U-turn.

James Bruhn said he thought opening the road was a good idea, and if the road on 1100 West began showing extra wear and tear at that point, they could talk with Holly again. Dave Tovey asked if the road could be moved closer to 500 South so it is not in a residential zone, but that would put the road too close to the intersection, making the two left turns difficult. Ben pointed out that the road is used mostly by panel and delivery trucks, and there is still a weight/height and hazardous material restriction on 1100 West.

MOTION: James Bruhn moved to grant city staff authority to approve Holly Frontier's site plan change request if all other criteria is met.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Aye

Discussion on Golf Course Café
Concession Services

Paul Holden was present for this discussion.
Duane Huffman – He wanted this discussion so he could get some direction from the council as to whether they should get a contract or go in-house for concessions next year at the golf course. Mark Preece said he had talked with Paul previously about using Carmacks. They have been doing the concessions at Eagledown for ten years, and their name is familiar to the community. James Ahlstrom said when they had a concession employee, they made a mistake in trying to make the
concession operation profitable, and ended up losing a good employee. Duane said it is important they make a profit, and cost would be considered in the RFP, but other elements are important to all aspects in making the golf course profitable. James Bruhn said they should try to get Stephanie back and that in-house is best because they have more control over the operation of the café. Paul said contracting out would be better until they finish getting the golf course in shape. Duane said he would concentrate on developing an RFP for council’s approval and then get bids from outside vendors.

9b.
Consider Approval of Resolution 320-13, to Open and Amend the Fiscal Year 2014 Budget.

James Ahlstrom – The four expenditure items addressed in the amended budget were already discussed and approved by the council. Duane pointed out the amendments were discussed but not approved; the amendments were open for changes until they are approved this evening. The tuition reimbursement does not affect the bottom line. Funds were moved from the administrative department to the police department and to personnel for the tuition reimbursement. Heidi’s tuition was already covered by saving on other line items in the administrative budget. James Ahlstrom said if they do not approve the tuition reimbursement part of the amendments, they will be going back on a contract with the employees. The purpose of the public hearing was not to decide whether to fund the items, but where the funds should come from. Debbie McKean requested when making these changes, if the staff would make up a clear plan about the changes, showing where the money is coming from and what projects are going to be done and not done.

MOTION: James Ahlstrom moved to approve Resolution 320-13, opening and amending the Fiscal Year 2014 Budget.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting by roll call was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Nay
   Dave Tovey – Aye
   Debbie McKean – Nay

Ben White – Discussion from the November 12 joint work session continued. It was brought up that the largest back yard building was 30% of the back yard. They also discussed two subdivisions, the first of which is seven lots at the NE corner of 400 South and 1100 West. They will be required to put in a curb and gutter, but that will leave some houses on 1100 West without a curb and gutter. This will probably be brought to council at some point. There will also be an issue regarding the sewer lines and how 400 North will be repaired after the lines are put in. The second subdivision at the NW corner of Pages Lane and 1100 West is eight lots and came before council a while ago. There was concern regarding gas lines and a maintenance station. James Bruhn said Denis Hopkinson is working with the builder, who will be putting a concrete wall around the station. Ben said a question will be coming up as to the use of open land in the subdivision close to Legacy which is unsuitable for building.

11. Engineer Report

Ben White –

- Concrete work on curbs and gutters is starting tomorrow using money left on the books from bonds that had been held until some landscaping was finished. Meetings with homeowners on 900 West and 800 West have been scheduled to review next year’s construction projects.
- He has a draft agreement back from Bountiful City regarding buying their water and he is working on modifications. The terms seem reasonable but the numbers have not been decided upon. It is critical to complete the agreement soon because the motor in the old well has seized up.
- A company has been hired to do a well siting study and he will have reports for council by the second meeting in December. He will also have information about the I-15 project and the FEMA flood plain study.

12. Police Report

Detective Corie Hamilton – The council was provided with the statistics from October only. The next report will be for October and November. Officer Gregory White has begun his field training. Officer Neff has begun field training with alcohol enforcement. He comes from the highway patrol. Field training takes from two to four weeks. Officer
Matthew Robbins finished his field training and is now working on his own. He is very public relations oriented. Officer Christopher Jacobson is in his third week of field training. He is a resident of West Bountiful. The sergeant testing material has been sent out to the applicants, Officer Ellery and Detective Erekson. The testing process will begin tomorrow at 8:00 am. The first emergency preparedness meeting was held October 9, and the next meeting will be November 13. Lastly, there are two pieces of exercise equipment that need to be sold, and the chief asked if they could be put on KSL.com again.

13.
Finance Report – October 2013

10:00 pm

MOTION: Debbie McKean moved to extend the meeting to 10:15 pm.

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

Heidi Voordeekers – This is an awkward time of the year when reviewing the bottom line because annual property tax receipts are not in yet. They are 34% through the fiscal year, and the expenses are on target. The report lists projects which are already completed, with fund transfers approved and scheduled for the end of the fiscal year. One item to note is that $33,000 came in from the insurance claim on the snow plow, which is reflected under miscellaneous revenue. The golf course revenues are falling behind from last year, but Paul is working with the point-of-sale people to get better statistics.

14.
Administrative Report.

Duane Huffman –
- The staff has completed their review of the staff policy manual. They will make their changes and highlight them for review by all employees. He is creating a new draft because redlining the current policy would be very confusing. When the draft is finished, it will come to the council for review, along with an itemized listing of the changes.
- For the December 3 meeting he will have the audit presentation, the RFP plan for the food concession, the golf cart proposal, and
the construction schedule for next year. The packets are usually ready by Thursday but this Thursday is Thanksgiving and Friday is a day off. He asked council if they wanted to postpone the meeting until the next week and only have one meeting in December. Council responded that the meeting could be held on the 3rd as planned if the packets are available online on Wednesday and delivered to them on the 2nd.

15.
Mayor/Council Reports

Debbie McKean – Newsletter items are due December 15th. Christmas on Onion Street is December 9th, with Santa there from 5:00 to 7:00 pm. They are not planning to turn the lights on that night; they will just have Steve Maughan get them turned on whenever he is ready. She attended the mosquito abatement meeting. Utah has had seven West Nile virus cases, which is the lowest in the US. South Dakota had 147, and they do not spray for mosquitoes. Gary Hatch has asked to attend the December 3rd meeting to explain the no-spray zones. They are also noticing for a proposed tax increase.

Dave Tovey – The youth council are preparing for Christmas on Onion Street, and the Elf Tree already has 60 names.

James Bruhn – He attended a Wasatch Integrated budget and committee meeting. The landfill is running well. They are trying to get new contracts with HAEB. They have lost revenue because the flow control came off, but they have handled it.

Mark Preece – He attended the Utah Association of Special Districts meeting. The sewer district is doing well. The EmPAC group had a meeting this week. He was unable to attend but knows that the meeting went well. They have their trailer up at 800 West 2259 North. They are getting it ready. Chief Hixson said there are several people interested in being members.

James Ahlstrom – He asked about the incentive-based program at the golf course that was promised when Paul was hired. Duane said he and Paul have been working on it.

16.
Approval of Minutes of the
October 15, 2013 City Council
Work Session and Meeting.

James Bruhn said there was a discrepancy on the voting regarding the Carbone item. Duane asked to table the approval until they have listened to the recording.
MOTION: James Bruhn moved to approve the minutes of the October 1, 2013 work session.

SECOND: Debbie McKeen seconded the Motion.

PASSED: Voting was as follows:
    James Ahlstrom – Aye
    Mark Preece – Aye
    James Bruhn – Aye
    Dave Tovey – Aye
    Debbie McKeen – Aye

17. Possible Closed Meeting for Allowed Purposes Pursuant Utah Code Annotated 52-4-205.
   Not necessary.

18. Possible Action Following Closed Meeting
    Not necessary.

19. Adjourn – 10:19 pm.

MOTION: James Ahlstrom moved to adjourn.

SECOND: Debbie McKeen seconded the Motion.

PASSED: Voting was as follows:
    James Ahlstrom – Aye
    Mark Preece – Aye
    James Bruhn – Aye
    Dave Tovey – Aye
    Debbie McKeen – Aye

MAYOR KENNETH ROMNEY

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)