Minutes of the West Bountiful City Council meeting held on Tuesday, April 15, 2014 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Chief Todd Hixson, Paul Holden (Golf Director), Steve Maughan (Public Works Director), Marcus Fenton (Golf Superintendent), Cathy Brightwell (Deputy Recorder/Secretary)

**VISITORS:** Alan Malan, Corey Sweat, Doug Layne, Mark Page & wife, Sandy Herrera, Hillary Timmons, Travis Martin, Emma Dougal

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**WORK SESSION**

Mayor Romney called the work session to order at 6:07 pm.

1. **Discussion on Fiscal Year 2015 Draft Budget**

   Duane Huffman began the budget discussion by reminding Council members the tentative budget needs to be approved at the end of the first meeting in May; if after tonight’s meeting they find it necessary, another meeting can be called the end of April.

   **Utility Rates.** Duane proceeded by going over the current base utility fees: Water $63, Solid Waste $10 (first can), Recycle $4.50, Storm drain $1.75 = $79.25. He reported the solid waste fund is projected to be in the red $10,591 for next fiscal year, which reflects a $.63 per account per month shortfall. There was discussion that rather than increasing the solid waste rate to $10.63, it would make more sense to increase it to an even $11. Duane explained that the Storm drain fund is projected to be in the black even though it has been in the red in past. The consensus was to increase garbage by $1 for each can and storm drain by $2. If the water rate is dropped to $50, residents will see a net reduction of $10 on their overall bill.

   Duane pointed out on his spreadsheet that the proposed water rates may cause the water fund to be negative in 2030 making regular reviews critical. There was some discussion about frequency of reviews. Several members shared a strong desire not to have large increases in the future, making it very important to ensure that rates do not go down too fast. Council members Bruhn and McKean prefer to drop the rate to $50, while Council members Ahlstrom and Preece are okay with a $55 rate. The Mayor suggested there is something to be said about raising rates slowly over time, so if future Council’s find a little increase is necessary, it will probably be okay.
Mayor Romney asked Ben about water system needs. He responded that we have 155,253 feet of pipe, 1 well, and 2 tanks. With design life of 50 years, replacement cost would be $452,607 per year. In 13 years, we would add 30,000 feet pipe and 1 well.

Council gave staff direction to come back at the next work session with a resolution for the following rate proposal: Water $50, Garbage $11, Recycle $4.50, Storm Drain $3.75 = $69.25 per month. The proposal will include a statement that the capital improvement portion of the water rate will go away in 4 years, unless action is taken by the city council.

Golf. Regarding payoff of the golf loan, Duane explained a new law requires a public hearing and notification of customers, 10 year payback term, and a minimum interest rate. If the City wants to change the terms of the current payback, he recommends doing it at the next meeting before the law goes into effect in middle of May, 2014. Council member McKean asked to focus efforts on paying back RAP and solid waste and water. The Mayor explained that water and solid waste have nothing to do with the golf course so those funds should be a priority. RAP can be used for golf course so it is not as important to pay it back. Duane said the golf course owes the water fund $193k, the solid waste fund $200k, and $306,000 to the RAP fund. The Mayor suggested we pay something to these funds, for example, $25k either from the golf course or general fund this year or next year; at least put it in the plans. The idea was also mentioned to have amounts that would be triggered by different levels of revenues to the Golf Course. Duane committed for the next meeting to have a broad, flexible resolution ready.

The golf budget was reviewed to see what was in and what was left out of the current draft. Duane listed the items not currently included - the range hood, HVAC, and unfinished projects. There was talk about needing to include the range hood. Debbie McKeen asked about the cart barn. She said it is an embarrassment and makes the facility look bad. The next item was heating/air conditioning (HVAC). Paul Holden said it is very hot in the summer and very cold in the winter, but they could get by another year. He mentioned that he has heard that it keeps people from hanging out in the Café. The unfinished projects include the 17th tee box, the front landscaping, and the back of the driving range. The Mayor believes completing these items would make big difference to the Course. Council member Ahlstrom agreed that #17 is important, but so is completion of the back of the driving range, and he believes the back fence is an eyesore. There was discussion about when these items should be completed and there was agreement that they need to be finished this season. Unfinished landscaping also needs to be finished. Duane explained that if we get all the revenue projected, we will still need $8k from another source, and we still wouldn’t have any cushion to fall back on. James Ahlstrom said we have enough in RAP tax and recommended the projects be done now rather than waiting until July 1st. There was agreement that for safety reasons, the netting along the trail needs be done right now too. Tee advertising was suggested as a way to help offset costs. Paul agreed to look into it. There was speculation that we could probably get up to $500/tee.

Duane asked for confirmation that we should move forward right away with a budget amendment. There was agreement to move forward now on the following items: netting along the trail, #17 tee box, parking lot/frontage landscaping, cart barn façade, back of the driving range, HVAC, range hood, and tee marker/Advertising.
Discussion followed on Heidi’s memo regarding previous RAP tax plans. It was suggested that netting on the trail, restrooms along the trail and the golf course, and Birnam Woods park drainage modifications be added to the list.

**General Fund** – Duane briefly listed items included and not included in the proposed budget, and the Council conducted straw polls for each item to determine what to include in the drafts moving forward.


Duane asked if there was anything else they would like to see included as options. Council member McKean said she would like to see an option for raising the planning commission stipend and an additional meeting stipend for council members with non-paying assignments. The Mayor also asked that staff return with options for a new water department employee.

It was decided to hold another work session prior to the May 6 Council meeting.

Mayor Romney called the regular City Council meeting to order at 7:37 pm. James Ahlstrom gave an Invocation, and the Pledge of Allegiance was led by Kelly Enquist.

1. **Accept Agenda**

   **MOTION:** Debbie McKean moved to approve the agenda as written. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

2. **Public Comment**

   Mark Page commented on Holly Refinery’s expansion. He owns the white duplexes on 800 West just north of the refinery. He has been in the rental business for thirty years and has well kept units with good renters – it’s his retirement fund. He said he got Holly’s two year projection information off their website. He is concerned that Holly is expanding all the way to residents’ homes, and has built a wall of dirt next to his property. He said they put up an attractive concrete wall on the other side of the street and wants to know why he is stuck with a pile of dirt. He explained that his property is worth about $300k and believes this will affect his property values. He said he is not anti-refinery; his father worked for the refinery, and he has lived here since 1958. He said he is concerned about a land grab by Holly because they always said their industrial footprint
will stay the same and would not go farther north than the canal. He asked the Council if there was anything that could be done; he believes the issues need to be discussed so residents can provide input. The Mayor said the City should facilitate a meeting between neighbors in the area and Holly.

Travis Martin, with West Bountiful Baseball, thanked the City for helping getting the fields ready. He appreciates the good partnering they have with the City. Mr. Martin would like further clarification regarding signs requiring permits. He said he reviewed the Sign Ordinance, 17.48.080(2), and wondered if sponsor-signs can be placed on the fences or only signs for West Bountiful Baseball. He asked if they can put up temporary fencing and advertise on that rather than the perimeter fences.

3. Presentation by Bountiful Davis Arts Center, Emma Dugal, and Hillary Timmons

Emma Dougal and Hillary Timmons are here to present information about the Bountiful Davis Arts Center. They explained that BDAC is celebrating its 40th year and they are in a new building on Main Street across from the Wight House. They showed a video that highlighted Summerfest, one of the free events they hold every year that usually draws 20,000 people. The event celebrates other cultures from around the world and features street dancing on Main St. in Bountiful and various food vendors. They pointed out that they get a lot of volunteers from West Bountiful including host families. Other BDAC events include a Davis High School exhibit opening tomorrow at the Arts Center in Farmington; which they encouraged everyone to attend. They also sponsor children’s arts classes all summer long and will send information to Council member McKean for the June newsletter. They concluded by expressing their appreciation for past financial support from West Bountiful.

4. Consider approval of request for amplified music and water activities at the West Bountiful City Park on May 23, 2014.

Viewmont High School is asking for permission to have amplified music, in the form of a live band, and a dunk tank as part of its annual Spring celebration at City Park on Friday, May 23 from 8 am to 6 pm.

MOTION: James Ahlstrom moved to approve the request for amplified music and water activities at the West Bountiful City Park on May 23, 2014. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

5. Consider Final approval of the Frank Chase Subdivision, located at approximately 950 West 1600 North

Ben reported that he received a call today from the applicant asking that the matter be tabled as they work out some financial issues.

MOTION: James Ahlstrom moved to table approval of the Frank Chase subdivision. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.
6. **Consider approval of notice of award to Bowen Construction for the CDBG sidewalk project in the amount of $25,500**

Ben White reminded the Council that this project will replace sidewalks in existing bad areas along 800 West and is 100% funded through a CDBG grant. He explained that eleven proposals were received and Bowen Construction was the lowest, responsible bidder and represents the best value to the City.

**MOTION:** James Ahlstrom moved to approve the notice of award to Bowen Construction for the CDBG sidewalk project in the amount of $25,500. Debbie McKeen seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKeen – Aye
- Mark Preece – Aye

7. **Consider approval of notice of award to Holbrook Asphalt for 2014 Asphalt Sealing Project in the amount of $114,756.50**

Ben explained that asphalt sealers have proven to be a cost effective means to extend the life of asphalt streets. Last year, the City used a high density mineral bond (HDMA) on several of its streets because it has proven itself to provide a better seal than the traditional slurries and is liked better by the public. The City intends to seal coat the remainder of its newer asphalt streets this year. We requested Statements of Qualifications from contractors to provide HDMA seal coat. The only responder, Holbrook Asphalt, is the only maker of high density mineral bond in our market.

There was discussion about whether the City had been too specific in what it wanted. Ben stated that to get more competitive bids, we would have to go back to slurry seal. Steve Maughan said HDMA is the best material he has seen. He gave an example of testing it with a bottle of water and watching the water run off the HDMA while soaking in on other surfaces. He explained the oils stay active so it does not dry out. Spanish Fork and Farmington are high on HDMA and it is saving them money by making their roads last longer. Steve said we have not found anything else that works as well. Council member Enquist said he is not sure it is that great of product and he would like to see better examples. Ben replied that there are a few other types of slurry and HDMA is not the right product for all roads, for example, it would not work well on 800 West and 400 North. Council member McKeen asked staff if they could wait a little longer to make a decision. Steve responded that it needs to be done in the heat of summer and delays could jeopardize getting it done this year.

**MOTION:** Mark Preece moved to approve the notice of award to Holbrook Asphalt for the 2014 Asphalt Sealing Project in the amount of $114,756.50. James Ahlstrom seconded the Motion which PASSED.
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227 The vote was recorded as follows:
228 James Ahlstrom – Aye
229 James Bruhn – No
230 Kelly Enquist – No
231 Debbie McKean – Aye
232 Mark Preece – Aye
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234 James Ahlstrom moved to go out of order and move to #20. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.
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236 20. Executive Session
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238 MOTION: Kelly Enquist moved to go into executive session at 8:35 p.m. in the police training room for the purpose of discussing reasonably imminent litigation, real estate, and the character, professional competence, or physical or mental health of an individual. James Bruhn seconded the motion which PASSED.
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240 The vote was recorded as follows:
241 James Ahlstrom – Aye
242 James Bruhn – Aye
243 Kelly Enquist – Aye
244 Debbie McKean – Aye
245 Mark Preece – Aye
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247 MOTION: Debbie McKean moved to close the executive session at 9:24 pm. James Bruhn seconded the motion which PASSED.
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249 The vote was recorded as follows:
250 James Ahlstrom – Aye
251 James Bruhn – Aye
252 Kelly Enquist – Aye
253 Debbie McKean – Aye
254 Mark Preece – Aye
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256 James Ahlstrom moved to go out of order and move to #12. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.
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258 12. Discussion on retail tobacco specialty special regulations
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260 Duane summarized the history of the issue, the existing state regulations, and reminded the Council that the City’s moratorium will end on June 3. He talked about the planning commission’s recommendation to prohibit these businesses from operating in West Bountiful. He added that the legislature did not pass any bill affecting this issue in the recent legislative session. Given the
current state restrictions, he said we believe the only area that fits within the state regulations is the south end of the Gateway, but this could change if a “community location” were to open within 1000 feet of the shopping center, which could be hard for us to know if it opens within Bountiful.

The Mayor asked for a straw poll from the Council. Council member Pricee agrees they should be prohibited from operating in our city. Council member Ahlstrom said he would allow them because he does not like regulating moral issues, and he is not convinced e-cigarettes are a threat. He said we cannot prohibit their availability because the product is readily available at our convenience stores. He added that it is important to be equitable; prohibiting these businesses would be the same as picking favorites and it is not our job to do so. Mayor Romney said he leans more toward Council member Ahlstrom’s position as long as the businesses follow state and county regulations. He said he struggles with e-cigs being allowed in gas stations but not in specialty stores. Council member McKean reminded the Council that planning commission investigated the issue and looked at the potential of future uses. Council member Bruhn said he struggles with both sides. He is concerned about what is in the e-cig juices. Debbie McKean said she struggles too. She believes they should have rights and freedoms to do business but she is concerned about what it will do to the shopping center and believes it will become a hang out. Council member Enquist said he is a proponent of free enterprise and he has never seen hang outs or loitering around these businesses. He believes there are things more detrimental to the health of citizens than this product, and from a City perspective, opportunity may be knocking.

Alan Malan commented to explain the planning commission’s decision. He said they did not want these businesses in the city but because they are available in convenience stores, they did not feel like they were limiting access to those who want it. They were concerned about how it may impact customers of the Dollar store and Barnes and Noble, and wanted to make a statement that we didn’t want this in our city. Sandy Herrera, owner of Vapor Royale in Ogden, is interested in leasing space at the Gateway. She explained how careful they are to limit access to minors and follow all regulations. She believes problems are more likely to come from smaller stores like convenience stores.

Duane Huffman provided several options. He said they could make a decision at the next meeting to allow or prohibit the businesses; add stricter requirements; send the issue back to planning commission; or, just let the moratorium expire.

8. Consider notice of award for park irrigation project

Ben White explained that we were still in the process of getting bids on the park irrigation project when council packets were prepared last week. Only two companies showed up to the mandatory pre-bidders meeting so the deadline was extended until next week in an effort to get more bids.

**MOTION:** James Ahlstrom moved to authorize staff to approve lowest qualified bidder in order to stay on the city’s timeline. James Bruhn seconded the Motion which PASSED.

The vote was recorded as follows:
9. Consider approval of Resolution 333-14, a resolution approving the employee golf privileges policy

Duane Huffman explained that this Policy includes all the changes discussed in previous meetings. Council member McKean asked about #6 of the Policy which gives the Mayor and City Administrator authority to grant golfing privileges for City-business purposes or to better the interests of the City/Golf Course. Council member Ahlstrom prefers to give the authority to the full City Council, which includes the Mayor because he is a member of the Council. There was discussion about whether the City Administrator should be given these privileges as well and it was agreed that he should. James Ahlstrom stated it is important these privileges be monitored and tracked to ensure they are not abused. Duane said staff will prepare and distribute forms to document qualified golfers so that tracking mechanisms can be implemented.

MOTION: James Bruhn moved to approve Resolution 333-14 approving the employee golf privileges policy with a change to #6 that replaces “The Mayor” with “Any member of the City Council.” James Ahlstrom seconded the Motion which PASSED.

The vote was recorded as follows:
- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Debbie McKean – Aye
- Mark Preece – Aye

10. Consider approval of Resolution 334-14, a resolution amending the Interlocal Cooperation Agreement between West Bountiful City and Davis County for animal control services

Duane Huffman explained that the City contracts with the County for animal control services pursuant to terms of an interlocal cooperation agreement dated March 12, 2013 for services provided from January 1, 2013 through December 31, 2017. This Resolution approves Amendment I to the interlocal cooperation agreement that lowers our payment by approximately $2,000/year. Mr. Doxey wants to ensure that the original agreement’s language is clear that future rate changes would need to be mutually agreed to.

MOTION: James Ahlstrom moved to approve Resolution 334-14, a resolution amending the Interlocal Cooperation Agreement between West Bountiful City and Davis County for animal control services, with
inclusion of language from the City attorney. Debbie McKeen seconded the Motion which PASSED.

The vote was recorded as follows:
James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKeen – Aye
Mark Preece – Aye

11. Discussion of Reagan Outdoor Advertising Notice of Intent to Relocate Outdoor Advertising Structure

Duane Huffman recommended tabling this item.

MOTION: James Ahlstrom moved to table the discussion of Reagan Outdoor Advertising’s Notice of Intent to relocate an outdoor advertising structure. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.

13. Public Works Report

Steve Maughan – the 900 West reconstruction project started March 17 and is going relatively smoothly. The water line was in great need of repair as virtually every saddle fell off as we dug past them. The new line is 100% installed to Pages Lane. We ran into an issue when we found that the existing water mains under Pages Lane and 900 West do not run the way we thought. The main line from 800 West runs parallel with the sewer line and is only about two feet away, which is prohibited by state code. This required a change order in the range of $28k with a large portion of that being the amount for additional asphalt. We could just patch the trenches and not the entire intersection for less money. The contractor has ordered the additional parts needed for the water line, we are hoping to have parts here tomorrow and get the lines pressure tested on Friday. After the pressure test we take bacteria samples to verify the water is clean and safe for drinking, it will take 24 hours to get the results back from the health department, and then we can tie the lines together. Things should move quickly after that. Best case is that by next Friday all water lines should be tied in then they will excavate the road and work on concrete including ADA ramps.

Steve said he is happy with the contractor as are most residents. The price would not have been much different even if we had known the correct configuration under the street. Ben White asked how Council wanted to proceed with the asphalt on Pages Lane. There was agreement to repave the larger area. Duane Huffman advised them there was one other change order for $6k for a sewer barrier.


Ben White reported that the planning commission held a public hearing on the Frank Chase subdivision application and gave approval requiring curb, gutter, and sidewalk along Pages Lane.
15. Police Report

Chief Hixson – regarding personnel, he reported that a new reserve officer candidate he was considering went to the Highway Patrol and their existing reserve officer resigned which leaves us with no reserve officers at this time. Our alcohol officer, Chamberlain Neff was promoted to Sergeant with the Highway Patrol and went full time with them. The Chief also reported that Mischelle Robinson’s two year anniversary was on March 12, and Officer Corey Boyle’s three year anniversary was on February 20, 2014.

Officer Matt Robbins has been assigned to public relations. He gets along with everybody and has the perfect personality for this position. He has started to spend more time at the elementary school which has resulted in positive feedback. The recent evacuation drills at the school were successful.

EmPAC has planned a drill for the Great Shake Out on May 17. It will be a larger drill than we have had in the past and will allow us to identify strengths and weaknesses and test the plans we have been working on. He said the department is also gearing up for the safety fair and parade in July. Officer Robbins has been assigned as the parade liaison for the police department and he and Officer Boyle will work on the safety fair together.

The Mayor added that when things are quiet in the City it’s because the police department is doing a good job. He said that as far as police activity, ninety percent of residents don’t know what’s going on in the city and it is probably good that they don’t.


Duane Huffman reported that Heidi Voordeckers has done a good job putting together the monthly report and commented that things are going as planned. He shared that the golf course is doing well and had the second best February and March in ten years.

17. Administrative Report

Duane Huffman reminded the council that Carmack’s Café is holding an open house this Saturday, April 19, from 1 – 5 pm. Drawings will be held for a new bicycle, and many other great prizes, along with a free bucket of balls to residents.

He also reported that things are proceeding well with hiring the new Assistant Pro. Initial interviews were held on Monday. Follow up interviews will be held with the top two candidates and we expect to be back at the next meeting with a recommendation to extend an offer.

18. Mayor/Council Reports

Debbie McKean – The newsletter deadline for the June edition is May 15. She said the Utah League of Cities and Towns convention was good and she would like to report on it at the next meeting. She also reported that the Arts Council appreciates council support at events. Independence Day activities are progressing. She assigned the Bouncy house to James
Ahlstrom which requires staffing with 2 adults at all time. Debbie also thanked Duane for the legislative update he distributed.

Kelly Enquist – He also attended the ULCT convention and said it was very educational.

James Bruhn – He received a question from residents about whether the north restrooms at the Park are only for the baseball field and if they are only open when baseball is going on. Duane Huffman responded that the current practice is that the baseball league is responsible for cleaning them, so other than for baseball activities, the city only opens them when we have large events, like fireworks. He said if we want to change that practice, we will need to change language in our contract with them. He explained that those restrooms are small, and the new and improved restrooms are just a few hundred feet away.

Mark Preece – Youth Council is ready for the Easter Egg scramble. They will have 4,500 eggs this year and are thinking about moving the event to the Park or golf course for more room in future years.

James Ahlstrom said he talked with Marcus and Paul after the work session and in addition to the other projects discussed during that session, they could add a small cart path on the south side of the clubhouse that connects to the path east of the putting green so as to create a better cart staging area, dramatically improving the area. It was not on the list, but if the Council is willing to consider additional funding, he said this change would make a really nice flow and clean up the unfinished area by the practice green. (No one on the council objected to moving forward with this idea.) He added that when they talked about the police salary proposal during the work session, he got the sense that 3 of 5 council members will say no. He said we are under-market compared to other police departments and he was embarrassed by some of the salaries we pay. The best capital we have in the City is human capital and if we’re not willing to invest, we will never be a first rate city. He asked members to consider this issue to a back hoe or other equipment needed for a job to which we would never say no. Chief Hixson clarified the $17k is only for the first year. Mr. Ahlstrom said he would like to discuss it further at the next work session.

Mayor Romney – I-15 construction is gearing up as is construction on several other primary roads including 2600 South/1100 North in North Salt Lake. The I-15 kick-off will be this Friday at 1:30pm at the staging area on 500 South.

19. Approval of Minutes from the April 1, 2014 City Council Meeting.

MOTION: Debbie McKean moved to approve the minutes from the April 1, 2014 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

21. Consider approval of West Bountiful’s 2014 Mother of the Year

Mayor Romney explained that the Clipper is sponsoring its annual Mother of the Year contest. Because West Bountiful does not always get many nominations submitted to the
newspaper, we advertised in the newsletter and contacted the elementary school. The school jumped on board making it a school-wide project. We received a couple hundred nominations which his wife graciously volunteered to sort through. Wanting to share many of the thoughtful comments from the nominations, she prepared a list of quotes that stood out, which the Mayor read.

**MOTION:** Kelly Enquist moved to have Council members McKean and Bruhn review the nominations and make the selection for Council. James Ahlstrom seconded the Motion which **PASSED** by unanimous vote of all members present.

22. **Adjourn**

**MOTION:** Kelly Enquist moved to adjourn this meeting of the West Bountiful City Council at 10:57 pm. James Bruhn 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, May 6, 2014.

HEIDI VOORDECKERS (CITY RECORDER)