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2 Minutes of the West Bountiful City Council meeting held on **Tuesday, June 3, 2014** at West
3 Bountiful City Hall, 550 N 800 West, Davis County, Utah.

4
5 Those in attendance:

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

9
10 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Heidi
11 Voordeckers (Finance Director/Recorder), Ben White (City Engineer), Chief Todd Hixson,
12 Paul Holden (Golf Director), Steve Maughan (Public Works Director), Cathy Brightwell
13 (Deputy Recorder/ Secretary)

14
15 **VISITORS:** Alan Malan, Corey Sweat, Paul Bensen, Darin Palmer, Mike Leger, Lesley
16 Leger, Mike & Jinnie Edgar, Robert Holmes, Emily Hofeling, Lloyd Selleneit

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18
19 Mayor Romney called the meeting to order at 7:30 pm. Mark Preece gave an Invocation, and the
20 Pledge of Allegiance was led by James Bruhn.

21
22 **1. Accept Agenda**

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

27
28 **2. Public Comment**

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30 Lloyd Selleneit, 1725 N 560 West – Mr. Selleneit began by complimenting Mr. Huffman on
31 the draft nuisance ordinance adding that it is clear he had put in a lot of work into it and he believes
32 it is headed in the right direction. Mr. Selleneit understands we need to move forward with caution
33 but reminded everyone that it is a real problem that needs to be resolved. One of his concerns is that
34 the ordinance recognize and treat fairly those in difficult situations, e.g. widows, etc. He said he will
35 finish reviewing the draft and get with Duane later.

36
37 **3. Recognition of West Bountiful Citizen of the Year**

38 Mayor Romney recognized Mike Leger as West Bountiful's 2014 Citizen of the Year. He
39 read a document prepared by the Arts Council describing Mr. Leger's contributions to the city, and
40 presented him with a plaque.

41
42 **4. Public hearing for the purpose of receiving public comment on the FY 2014-2015**
43 **Tentative Budget as well as recommendations for opening and amending the FY 2013-**
44 **2014 Budget (7:30 p.m., or as soon thereafter as agenda allows)**

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MOTION: *Debbie McKean moved to open the public hearing on the FY 2014-2015 Tentative Budget. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present*

No public comments were made.

MOTION: *James Bruhn moved to close the public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

Council member Ahlstrom asked about the police department budget. Mr. Huffman explained that previous direction from Council was to only include a double step increase for this fiscal year which is reflected in the tentative budget. Council member Ahlstrom commented that the Chief went to a lot of work on the proposed police salary increases and wondered if members gave due diligence in reading the Chief's recent memo. Council member McKean responded that her position had not changed.

Heidi Voordeckers explained we are also required to hold a hearing to open the current FY2013-2014 budget. She summarized the changes which included shifting funds for capital improvements from the general and enterprise funds to special capital project funds for better tracking, and a handful of changes to true-up revenues and spending for the year. And as previously discussed, RAP tax was split out to show improvements that were made. The budget amendment will be on the agenda for approval at the next meeting.

MOTION: *Debbie McKean moved to open the public hearing amending the FY 2013-2014 Budget. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present*

No public comments were made

MOTION: *James Bruhn moved to close the public hearing. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

5. Consider request for night time dirt hauling – Olsen Ranches Subdivision

Ben White explained that the recently approved Olsen Ranches subdivision is in need of fill dirt and the developer has an opportunity to receive a lot of dirt from the I-15 reconstruction. While this is not something that would typically come before city council, the dirt would be hauled during the night so the developer would like permission from Council before they go to the effort and expense to begin this project only to find out that they need to stop. The proposal is for the trucks to travel on 500 South to 1100 West and north to Pages Lane and the development.

Bob Holmes responded to questions from the Council that he is not sure how much noise the trucks will make but they will make efforts to keep it at a minimum by disabling the back-up beepers to be sensitive to residents. Mr. Holmes agreed to notify all the residents along 1100 West. There was discussion that there is only one neighbor and two vacant homes very close to the property.

90 Council agreed that notification will be for information only; not approval by residents. When asked
91 what the timeline would be, Mr. Holmes said he thought it would begin in a week to ten days and
92 that he was not sure of the times the trucks would be hauling, but it would be during the night. He
93 added that he appreciates the Council's willingness to approve the issue now as there is a fairly good
94 mobilization cost and he does not want to start the project only to have the police shut them down.
95 Mayor Romney asked if the dirt would be leveled as it is dumped. Mr. Holmes responded that it will
96 need to be leveled. The Mayor said if it becomes an issue, they may need to limit leveling and dump
97 only. He added that if there is enough public outcry, we may need to take another look down the
98 road.

99
100 **MOTION: James Ahlstrom moved to approve the request for night dumping in**
101 **Olsen Ranches in line with the mitigating efforts discussed in staff's**
102 **memorandum. Debbie McKean seconded the motion which PASSED.**
103

104 The vote was recorded as follows:

105 James Ahlstrom – Aye

106 James Bruhn – Aye

107 Kelly Enquist – Nay

108 Debbie McKean – Aye

109 Mark Preece – Aye
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111 Mr. Holmes informed the Council that he is getting approximately 50k yards of dirt and has
112 been told there is another 50k yards available and asked if the City wants some of it. There was
113 discussion about whether the City could use any of the dirt offered. The Mayor asked Ben White
114 and Steve Maughan to think about it.
115

116 **6. Presentation on police department incorporated funds**

117 Chief Hixson explained that last December he talked about a sum of money that is being held
118 from various cases ranging back to 2001. He said the police department is required to give notices to
119 those who potentially could receive the money. After following all of the required processed, there
120 is still \$9662.75 left and he needs City Council authorization before it can be used by the City. The
121 Chief's memo summarizes various cases that contributed to these funds and explains the police
122 department has earmarked the money to purchase a Dodge Charger. Mr. Huffman noted that no
123 approval is needed tonight, rather it will come when the budget amendment is considered at the next
124 meeting.

125 Council member McKean asked if money is ever given back to victims who have outstanding
126 burglary cases as restitution. The Chief confirmed that they have done their due diligence to try to
127 give back the money and for various reasons, no one wanted it. If restitution had been possible, the
128 money would have been released to the courts.

129 All council members agreed that the police department should be authorized to use the
130 money for the purchase of a Dodge Charger.
131

132 **7. Presentation on options related to property and liability insurance coverage**

133 Duane presented a handout that compares insurance options for the City's non-medical
134 coverage. He compared the costs of the Utah Local Governments Trust which is a semi-broker

135 cooperative used by most municipalities; Olympus, a private broker; and URMMA, also a
136 cooperative of twenty-five municipalities and provides a form of self insurance whereby premiums
137 cover fixed costs but members essentially pay their own claims with catastrophic events covered.
138 Our current coverage expires in September so it is timely to consider these options.

139 Council member Ahlstrom asked if we pay out a claim under the third option, would we have
140 to pay all claims back? Duane responded that there are levels based on certain size cities and claim
141 levels. For example, for a \$100k claim, we would pay \$20k for five years.

142 Council member McKean wondered if we owe some loyalty to the Trust since we are a long
143 time member. Council member Ahlstrom asked Mr. Huffman for his recommendation. Duane
144 responded that he has done a fair amount of research and believes any of the companies would do a
145 good job. He added that he would not have brought these options forward if he didn't think they
146 could potentially be good for the city. Mayor Romney asked Steve Doxey his opinion and wondered
147 if some legal suits are based on knowing how much coverage a company has. Steve replied that it is
148 a calculated risk, but the bottom line is that you need to have the coverage you believe is necessary.

149 Mr. Huffman said he brought this information forward to see if the Council is interested in
150 considering a change. Council member Preece said he likes the savings reflected on the comparison
151 chart. The Council agreed they are interested enough to take a further look.

152
153 **8. Consider approval of Ordinance 361-14, an ordinance amending the West Bountiful**
154 **Municipal Code to include processes for the disposal of real property.**

155 Mayor Romney explained that this issue has been discussed in the past and no further
156 changes have been made.

157
158 **MOTION:** *Debbie McKean moved to adopt Ordinance 361-14 amending the West*
159 *Bountiful Municipal Code to include processes for the disposal of real*
160 *property. Mark Preece seconded the Motion which PASSED.*

161
162 The vote was recorded as follows:
163 James Ahlstrom – Aye
164 James Bruhn – Aye
165 Kelly Enquist – Aye
166 Debbie McKean – Aye
167 Mark Preece – Aye
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169 **9. Consider approval of Resolution 339-14, a resolution amending the policy for employee**
170 **golf privileges.**

171
172 Duane Huffman explained that the recently adopted employee golf privileges policy included
173 limitations on how much free golf part-time employees could use. A concern has been raised by
174 these employees. Mr. Huffman reported that he reviewed the records for May and no part-time
175 employee has used more than 9 even though the limit was 12. He feels the issue must have been
176 based on the principle of the restriction, although he expects these numbers to increase as summer
177 and the weather continue to improve. Council member McKean asked how many part-time
178 employees work under 20 hours per week. Paul Holden responded that about one-third to one half
179 of their part-time seasonal employees work less than 20 hours.

180 This proposal eliminates the limitation for part-time employees. With the change, Mr.
181 Huffman and Mr. Holden will track usage monthly and will ensure any usage does not affect
182 potential revenues at the course.

183
184 **MOTION:** *Debbie McKean moved to adopt Resolution 339-14 amending the policy*
185 *for employee golf privileges. James Bruhn seconded the Motion which*
186 *PASSED.*

187
188 The vote was recorded as follows:

189 James Ahlstrom – Aye

190 James Bruhn – Aye

191 Kelly Enquist – Aye

192 Debbie McKean – Aye

193 Mark Preece – Aye

194

195 **10. Discussion on proposed changes to the nuisance ordinance**

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197 Duane Huffman explained that after discussions at previous meetings he was asked to draft
198 changes to modify and clarify the current nuisance ordinance. He believes he has put together a
199 strong ordinance, including definitions and enforcement that focuses on health and safety issues and
200 not aesthetics. He commented that some of the nuisance items listed may seem to be criminal, but it
201 is good to have them listed here as well. Mr. Huffman added that the ordinance can also be used by
202 residents if they want to pursue civil action against offenders.

203 Regarding enforcement, a mechanism was created for voluntary compliance whereby
204 appointed staff, designated as Neighborhood Preservation Officers, would go out and negotiate with
205 the party, using either a Verbal Agreement or Voluntary Correction Agreement. If corrections are
206 not made, then an Administrative Citation is issued which includes fines if the nuisance is not
207 corrected. Any person receiving an Administrative Citation may appeal to a Hearing Officer.

208 Council member Enquist asked why the draft's language on enforcement referenced
209 problems affecting three or more individuals rather than households. Council member Ahlstrom
210 commented that we need to be careful not to include language that opens the door to people accusing
211 the city of not enforcing its own ordinances. There could be instances where we receive fewer than
212 three complaints but for various reasons, e.g., an emergency situation, we need to do something.
213 Steve Doxey agreed that it could provide potential inconsistencies, and if you want maximum
214 flexibility, it is better to remove it. Discussion followed about the City having discretion to enforce
215 and the need to have some flexibility without being accused of uneven treatment.

216 The Mayor asked the several members in the audience how they felt about the proposal and
217 they said it looks pretty good, although one resident (Mike Edgar) expressed concern that as a citizen
218 who pays taxes, the city should handle the complaints and residents should not have to take civil
219 action. It should be the City's responsibility to enforce its laws.

220

221 **11. Planning Commission Report**

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223 Ben White reported that planning commission granted a home occupation for a salon and had
224 an interesting discussion about a subdivision on the Hopkinson property at the bottom of Wasatch
225 Meadows. He said they discussed zoning requirements, turnarounds, and street improvements.

226 Corey Sweat commented from the audience that the problem with the proposal is that as proposed,
227 planning commission believes it will require a variance and because planning commission does not
228 have the authority to grant one, they recommended taking the proposal to Council first. In response
229 to questions, Mr. White explained that the applicant does not want to extend the street to the end of
230 the property or build a turnaround. Council member Bruhn said it is important to have a turnaround
231 and extend the street to deal with zoning and fire code issues.
232

233 **12. Public Works Report**
234

235 Steve Maughan reported that the CDBG sidewalk project on 800 West is 100% complete and
236 he has received positive comments from residents.

237 The Park irrigation project is 99% complete. Shelters are still needed for filters but the lawn
238 is starting to green up nicely. Council member Ahlstrom asked how much the project ended up
239 costing. Steve responded that it came in around \$85k which is under what was budgeted, but we will
240 have a little more for the filter shelters. Council member Enquist said he has seen on the news that
241 filters are being stolen because of their value. Steve said we used stainless rather than brass, but he
242 intends to get them covered. Mr. Enquist asked if the Irrigation project included a remote to operate
243 the system and was told it did not. Steve said a remote would cost about \$600 and would be nice to
244 have. Mr. Enquist suggested that if we are under budget, it is probably something we should
245 consider getting.

246 800 West update – the road is closed while they bore under the canal. They dug a large bore
247 pit forty feet by twelve feet and hope to get the sleeve in so the road can be opened for the weekend.
248 He said the project is progressing on track.

249 There was a sewer backup at the Park. The sewer district helped by using a camera and
250 found a section with tree roots blocking the pipe. The roots were cut out and we will need to cut out
251 and replace a four foot section. As we have had similar problems in the past, we will routinely
252 check for similar problems in the future.

253 Steve reported that at the last meeting he was given an extensive list of things to be corrected
254 and everything has been addressed.

255 Steve then gave an update on the major gas leak on 500 West today. A Comcast contractor
256 was horizontal boring in the road and punched through a concrete underground culvert storm drain.
257 They then backed out and when they re-drilled they hit a gas line so gas filled the storm drain
258 causing widespread problems. He said it was a long day but everything worked out well. He
259 thanked Chief Hixson for setting up a command station with the CERT trailer and thought the CERT
260 volunteers did a good job helping during the event.
261

262 **13. Administrative Report**
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264 Duane Huffman – no additional report
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266 **14. Mayor/Council Reports**
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268 James Ahlstrom – nothing to report
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270 Debbie McKean – The summer newsletter went out today, includes discussion of water rate
271 reduction. She also talked about an 8 page flyer insert about mosquitoes that will come out in July to

272 30,000 residents. She then reported that everything is in order for the Independence Day activities
273 and she has everyone's candy order except Duane's and needs shirt sizes for each council member.
274 Duane said he wasn't sure he needed to be in the parade.
275

276 Kelly Enquist will be chauffeuring a couple youths to the youth golf clinics next week so will
277 be able to check it out. He also thanked Steve Maughan for working on all the items brought up at
278 the last meeting.
279

280 James Bruhn talked about recent Wasatch Integrated meetings where they have been working
281 through budget issues. He said this year is not a good sustainable year because they propose to
282 spend more than revenues, but they have some cash reserves to help out. He said it has been a long
283 process with lots of meetings.

284 He then talked about problems with bike races going through the City and wondered what the
285 process was to have the races approved. He said they usually have flaggers in intersections but they
286 the bikes are never stopped which holds cars up for 20-30 minutes. Chief Hixson responded that
287 most races had contacted the police department in the past, but if there are problems the police
288 department needs to be contacted. He said we do not have any requirements for these events right
289 now but he talks with them and tells them he needs to see their route, their flaggers need vests, etc.
290 Duane Huffman added that the City can require permits or prohibit organized events altogether if it
291 finds there is a problem. Council member Preece suggested the events could be posted on the
292 website or other social media to let people know.

293 He asked Steve Maughan if there is a water line break on 1100 North. Steve believes there is
294 a spring there.
295

296 Mark Preece commented that people have approached him about the Legacy trail, saying
297 bikers think they have sole ownership, ride at high rates of speed, yell, kick, etc. There doesn't
298 appear to be any overall management of the trail, so how do we enforce it? Council member
299 McKean asked if we can place signage saying to stay on the right side. Duane Huffman explained
300 that the trail goes through several jurisdictions and markings need to be consistent. There was
301 discussion about the dangers and what would happen if someone was injured. Chief Hixson
302 responded that it would be difficult to cite someone as they would have to prove intent; it would be a
303 civil issue, the City would not be liable. Council member Ahlstrom believes it would be nice to have
304 the five cities and County come up with a joint proposal. Council member Preece stated he is not
305 sure where to go from here but he is concerned about the problem.
306

307 Mayor Romney reported he will not be her on August 5. He thanked Public Works for their
308 help with opening the park restrooms after he received a call very early in the morning asking for
309 them to be opened. He gave them Rocky Miller's number and he took care of it. The Mayor then
310 read a letter from a citizen endorsing the \$13 water rate reduction.
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313 **15. Approval of Minutes from the May 20, 2014 City Council Meeting.**
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315 **MOTION:** *Kelly Enquist moved to approve the minutes from the May 20, 2014*
316 *meeting as presented. Debbie McKean seconded the Motion which*
317 *PASSED by unanimous vote of all members present.*

- 317 **16. Executive session, pursuant Utah Code 52-4-205 (c), to discuss pending or reasonably**
318 **imminent litigation and (d), to hold a strategy session to discuss the purchase, exchange,**
319 **or lease of real property.**

320
321 **MOTION:** *James Bruhn moved to go into Executive Session at 10:01 p.m. in the*
322 *police training room to discuss pending or reasonably imminent*
323 *litigation and to hold a strategy session to discuss the purchase,*
324 *exchange, or lease of real property. Debbie McKean seconded the*
325 *Motion which PASSED.*

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327 The vote was recorded as follows:
328 James Ahlstrom – Aye
329 James Bruhn – Aye
330 Kelly Enquist – Aye
331 Debbie McKean– Aye
332 Mark Preece – Aye

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334 **MOTION:** *James Bruhn moved to close the Executive Session at 10:43 p.m.*
335 *Debbie McKean seconded the Motion .*

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337 The vote was recorded as follows:
338 James Ahlstrom – Aye
339 James Bruhn – Aye
340 Kelly Enquist – Aye
341 Debbie McKean– Aye
342 Mark Preece – Aye

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344 **17. Adjourn**

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346 **MOTION:** James Bruhn moved to adjourn this meeting of the West Bountiful City
347 Council at 10:43 p.m. Debbie McKean seconded the Motion which
348 **PASSED** by unanimous vote of all members present.

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355 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all*
356 *members present on Tuesday, June 17, 2014.*

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HEIDI VOORDECKERS (CITY RECORDER)

