Minutes of the West Bountiful City Council meeting held on **Tuesday, June 3, 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 McKeen, Mark Preece

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

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

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

1. **Accept Agenda**

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

2. **Public Comment**

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

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

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

4. **Public hearing for the purpose of receiving public comment on the FY 2014-2015 Tentative Budget as well as recommendations for opening and amending the FY 2013-2014 Budget (7:30 p.m., or as soon thereafter as agenda allows)**
MOTION: Debbie McKeen 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 McKeen 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 McKeen 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.
Council agreed that notification will be for information only; not approval by residents. When asked what the timeline would be, Mr. Holmes said he thought it would begin in a week to ten days and that he was not sure of the times the trucks would be hauling, but it would be during the night. He added that he appreciates the Council’s willingness to approve the issue now as there is a fairly good mobilization cost and he does not want to start the project only to have the police shut them down. Mayor Romney asked if the dirt would be leveled as it is dumped. Mr. Holmes responded that it will need to be leveled. The Mayor said if it becomes an issue, they may need to limit leveling and dump only. He added that if there is enough public outcry, we may need to take another look down the road.

**MOTION:** James Ahlstrom moved to approve the request for night dumping in Olsen Ranches in line with the mitigating efforts discussed in staff’s memorandum. Debbie McKeon seconded the motion which PASSED.

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Nay
Debbie McKeon – Aye
Mark Preece – Aye

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

6. Presentation on police department incorporated funds

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

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

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

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

Duane presented a handout that compares insurance options for the City’s non-medical coverage. He compared the costs of the Utah Local Governments Trust which is a semi-broker
cooperative used by most municipalities; Olympus, a private broker; and URMMA, also a cooperative of twenty-five municipalities and provides a form of self insurance whereby premiums cover fixed costs but members essentially pay their own claims with catastrophic events covered. Our current coverage expires in September so it is timely to consider these options.

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

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

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

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

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

MOTION: Debbie McKeen moved to adopt Ordinance 361-14 amending the West Bountiful Municipal Code to include processes for the disposal of real property. Mark Preece 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

9. Consider approval of Resolution 339-14, a resolution amending the policy for employee golf privileges.

Duane Huffman explained that the recently adopted employee golf privileges policy included limitations on how much free golf part-time employees could use. A concern has been raised by these employees. Mr. Huffman reported that he reviewed the records for May and no part-time employee has used more than 9 even though the limit was 12. He feels the issue must have been based on the principle of the restriction, although he expects these numbers to increase as summer and the weather continue to improve. Council member McKeen asked how many part-time employees work under 20 hours per week. Paul Holden responded that about one-third to one half of their part-time seasonal employees work less than 20 hours.
This proposal eliminates the limitation for part-time employees. With the change, Mr. Huffman and Mr. Holden will track usage monthly and will ensure any usage does not affect potential revenues at the course.

**MOTION:** *Debbie McKeen moved to adopt Resolution 339-14 amending the policy for employee golf privileges. James Bruhn 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

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

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

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

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

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

11. **Planning Commission Report**

Ben White reported that planning commission granted a home occupation for a salon and had an interesting discussion about a subdivision on the Hopkinson property at the bottom of Wasatch Meadows. He said they discussed zoning requirements, turnarounds, and street improvements.
Corey Sweat commented from the audience that the problem with the proposal is that as proposed, planning commission believes it will require a variance and because planning commission does not have the authority to grant one, they recommended taking the proposal to Council first. In response to questions, Mr. White explained that the applicant does not want to extend the street to the end of the property or build a turnaround. Council member Bruhn said it is important to have a turnaround and extend the street to deal with zoning and fire code issues.

12. Public Works Report

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

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

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

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

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

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

13. Administrative Report

Duane Huffman – no additional report

14. Mayor/Council Reports

James Ahlstrom – nothing to report

Debbie McKean – The summer newsletter went out today, includes discussion of water rate reduction. She also talked about an 8 page flyer insert about mosquitoes that will come out in July to
30,000 residents. She then reported that everything is in order for the Independence Day activities and she has everyone’s candy order except Duane’s and needs shirt sizes for each council member. Duane said he wasn’t sure he needed to be in the parade.

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

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

He then talked about problems with bike races going through the City and wondered what the process was to have the races approved. He said they usually have flaggers in intersections but they the bikes are never stopped which holds cars up for 20-30 minutes. Chief Hixson responded that most races had contacted the police department in the past, but if there are problems the police department needs to be contacted. He said we do not have any requirements for these events right now but he talks with them and tells them he needs to see their route, their flaggers need vests, etc.

Duane Huffman added that the City can require permits or prohibit organized events altogether if it finds there is a problem. Council member Preece suggested the events could be posted on the website or other social media to let people know.

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

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

Mayor Romney reported he will not be here on August 5. He thanked Public Works for their help with opening the park restrooms after he received a call very early in the morning asking for them to be opened. He gave them Rocky Miller’s number and he took care of it. The Mayor then read a letter from a citizen endorsing the $13 water rate reduction.

15. Approval of Minutes from the May 20, 2014 City Council Meeting.

MOTION: Kelly Enquist moved to approve the minutes from the May 20, 2014 meeting as presented. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.
16. Executive session, pursuant Utah Code 52-4-205 (c), to discuss pending or reasonably imminent litigation and (d), to hold a strategy session to discuss the purchase, exchange, or lease of real property.

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

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

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

17. Adjourn

**MOTION:** James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 10:43 p.m. Debbie McKean 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, June 17, 2014.

HEIDI VOORDECKERS (CITY RECORDER)