

Minutes of the West Bountiful City Council meeting held on **Tuesday, July 1, 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), Chief Todd Hixson, Steve Maughan (Public Works Director), Cathy Brightwell (Acting City Recorder)

**VISITORS:** Alan Malan, Terry Turner, and Denis, Danny & Bonnie Hopkinson

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

**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**

No comments.

**3. Consider approval of Ordinance 362-14 amending Municipal Code Section 2.32 “Arts Council” to recognize many years of dedicated service.**

Duane Huffman asked that this item be tabled.

**MOTION:** *Debbie McKean moved to table Ordinance 362-14, amending Municipal Code Section 2.32 “Arts Council.” James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**4. Consider approval of a single lot subdivision for the Hopkinson family at approximately 1277 N 800 West.**

Mayor Romney asked that before having a discussion, that the council members take an extra minute to once again review the minutes of the last planning commission meeting regarding this issue.

Council member Bruhn asked how the setback for the sidewalk will transition to a wider park strip to accommodate large trees to the south of this lot. Mayor Romney responded that the intent is to have a wider park strip down 800 West but it is not clear at what point the park strip will widen.

Council member Ahlstrom noted there appears to be two issues to consider. First, whether the request can be considered a single lot subdivision, or whether it is a two lot subdivision. The second issue is whether to remove the newly proposed lot from the historic district. Regarding the removal from the historic district, he commented that he agrees with planning commission's recommendation which defers to property owner rights. Council member Preece added that he does not have heartburn over the request. Mayor Romney commented that his initial thought was to question the purpose of our historic district. He said in some cities it is clear where and why a historic district exists, but it is not as clear in West Bountiful because of the mix of different age homes in the area along 800 West. If we are we trying to make the whole street look like 1890, it will be very difficult. In response to a question, the Mayor explained that the historic district currently ends at the north side of this lot.

Council member Ahlstrom asked Steve Doxey if he thinks this is really a one lot subdivision or a two lot subdivision. Mr. Doxey replied that our Code is not clear and the State only provides for small and large subdivisions. Mr. Huffman responded that there is no clear definition of the two types of subdivisions but he concurs that the result will be one new buildable lot. There was then discussion about a deferral agreement for improvements based on which type of subdivision it is. If it is determined that it is a one lot subdivision, there is no issue regarding improvements on the larger parcel. If it is determined that it is really a two lot subdivision, a deferral agreement might be necessary.

**MOTION:** *Debbie McKean moved to approve a single lot subdivision for the Hopkinson family at approximately 1277 N 800 West with a stipulation that curb and gutter be installed in front of lot 1 on 800 West. Mark Preece seconded the Motion which PASSED.*

5. Consider Ordinance 363-14 amending the West Bountiful City Zoning Map, per a request from Danny and Bonnie Hopkinson to remove the property at approximately 1277 N 800 West from the Historic Overlay District.

This issue was well discussed under item 4 above.

**MOTION:** *Kelly Enquist moved to adopt Ordinance 363-14 amending the West Bountiful City Zoning Map, per a request from Danny and Bonnie Hopkinson, to remove the property at approximately 1277 N 800 West from the Historic Overlay District. James Bruhn 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

6. Consider the creation of an Ad Hoc Committee for research and recommendations regarding playground equipment at the City Park.

The city is looking at selecting playground equipment and would like to get people involved. Council members McKean and Enquist offered to serve for this purpose. The Council discussed having about 4 additional citizens to be appointed after a recommendation from Council members McKean and Enquist. The committee will research different types of equipment and bring back a recommendation. Council member Ahlstrom inquired as to the timeframe for this process. The Mayor responded that the goal will be to get the equipment installed before next summer.

**MOTION:** *James Bruhn moved to establish an ad hoc committee for research and recommendations regarding playground equipment at City Park. Committee appointments will be made by the Mayor with the advice and consent of city council. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

**7. Consider approval of 60-month lease of ten 2014 Yamaha YDRA “The Drive” Gasoline Golf Cars with an annual payment of \$6,915.00.**

Duane Huffman explained the plan to replace 10 carts from a 2009 lease with these new leases. With the additional carts the City leased earlier this year, 40 of our 60 carts will be three years-old or newer.

Council member Ahlstrom reviewed the lease agreement and believes it is the same as previous agreements, in that we were able to modify some of the warranty provisions, but were not able to make other modifications to Yamaha’s standard agreement language. He also commented that we need to get more carts. Mayor Romney agreed, stating that we will need to see how the funds look at the end of this season.

**MOTION:** *Mark Preece moved to approve a 60 month lease of ten 2014 Yamaha YDRA “The Drive” gasoline golf cars with an annual payment of \$6,915.00. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Debbie McKean– Aye  
Mark Preece – Aye

**8. Consider approval of Pipeline Crossing Agreement with Union Pacific Railroad Company.**

This agreement is to allow the City to cross UPR property/right-of-way with a new water line. Steve Doxey brought attention to sections of the proposed agreement that could be interpreted to unduly place risk on the City, including sections that would require the City to pay for the mitigation of *any* harmful elements unearthed during the placement of the line and a section that could require us to remove the line at their request. However, Utah law likely provides some

protection under principles of shared negligence. Mr. Doxey would like to ask UPR to change these provisions.

**MOTION:** *James Ahlstrom moved to approve a pipeline crossing agreement with Union Pacific Railroad company subject to legal review. James Bruhn 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

**9. Consider approval of Pipeline Crossing Agreement with Utah Transit Authority.**

This agreement is to allow the City to cross UTA property/right-of-way with a new water line. Steve Doxey stated that this agreement is more consistent with Utah law; however, section 8-2 is troublesome regarding hazardous material. Again, the City assumes all responsibility if hazardous material is found during construction, and he recommends we request this provision be deleted.

**MOTION:** *James Ahlstrom moved to approve a Pipeline Crossing Agreement with Utah Transit Authority subject to legal review. Mark Preece 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. Discussion on the city's participation on maintenance of the Legacy Trail.**

Duane introduced his memo discussing the history of the City's involvement with the maintenance of the Legacy Trail. The question at hand now is whether the City is looking to re-engage UDOT regarding our belief that we are not responsible for the trail, or should we begin to work with other cities? Council member McKean asked if costs associated with the trail are eligible for RAP tax funding, and Duane answered that they are. Several council members expressed concern with the condition of the trail and the wastefulness of UDOT in relation to the inoperable irrigation system. The Mayor asked staff to estimate the long-term cost of the trail. Council member Ahlstrom theorized that if the City was approached by someone now who offered to build a trail if we maintain it, the City would probably jump at the offer. He agreed UDOT pulled a fast one and we were upset, but it is a nice amenity. Council member Preece stated that it is probably time we stepped up and take care of the trail, but he is very frustrated because of how the whole thing was handled by UDOT from the beginning. There was some discussion about the value of working

together with the other entities to provide continuity along the trail, as well as an idea to seek a private sponsor for the trail, similar to Chevron and the Jordan River trail. Duane asked about the City's willingness to participate with the other entities for asphalt maintenance this summer. One approach would be to participate as an equal partner, and another would be to participate proportionate to the section within West Bountiful. Duane stated that participating proportionately should not prohibit us from going forward with any planned projects. The consensus of the discussion was to look into the long term costs of the trail, and explore participating proportionately with this year's asphalt maintenance.

#### **11. Public Works Report**

Steve Maughan gave a brief overview of city projects and activities. He reported that sidewalks are complete on Pages Lane in front of the Park; and the fence was modified including closing up the opening by the tracks. To make it safer, they also began putting boulders along the sidewalk on Pages Lane where it was so steep. Sidewalks connecting to 1810 North were also done.

The new irrigation is working fantastic in the Park and the enclosures are in and look great. We have good coverage with filters that we didn't have before, especially on north end. It is green for first time in years. In response to a question, he explained the entire park is on one system with close to 70 stations on the north end and 35 stations on the south, all running through filters.

Almost all relatively new asphalt in the City will be seal coated the week of July 7, including the golf course and city hall parking lots.

Steve said he is working on an ad for the new full-time public works employee. This will be great as we're falling farther and farther behind.

Round 1 of roadside mowing has been done including the road near the sewer district, which will again be mowed after a planned service project.

800 West update. We are hesitant to go into Pages Lane until after the parade so things have slowed down. In the meantime we will be working on water line testing and storm drains. He said we found an unexpected six foot wide concrete culvert with no bottom to it in the intersection at Pages Lane and 800 West. Our water line goes under it and there is also a rotten storm drain running through. Council member Bruhn explained it was an abandoned line from years ago. Steve said he is getting bids to remove it all; it does not make sense to put a new road on top of rotten pipe. He said if things go well, he still expects to have new asphalt the end of July. Council member McKean shared a compliment she received that the 900 West project went very smooth for residents and that all involved did a good job.

#### **12. Administrative Report**

Duane Huffman expressed the challenge he had with this week's payroll, but everything is expected to go through fine. He added that he plans to have a staffing recommendation by the next Council meeting to replace Heidi's position.

#### **13. Mayor/Council Reports**

James Ahlstrom – no report

Mark Preece reported that the Youth Council applications are due today and they will begin reviewing them soon.

James Bruhn reported Wasatch Integrated is still working on negotiations with Hill AFB, and they just signed a new agreement with the Administrator for another 5 years.

Debbie McKean gave an update of July 4<sup>th</sup> preparations. One of the food vendors cancelled a week before the event, leaving only a hot dog vendor and taco vendor. Suggestions were made that Arby's and Chick-Fil-A might be able to help. Debbie reviewed council assignments. Mayor Romney asked Steve to make sure sprinklers are off a couple of days in advance of Friday morning's flag raising ceremony. Council member McKean also reminded members to pick up shirts and candy.

Kelly Enquist commented that the lighting at the Park looks good on the flag and motion detectors seem to be working well. Steve noted the difficulty we have had with the volleyball lighting. Kelly said he thought they were under a maintenance contract with Rocky Mountain Power.

He reported the Weber Basin tour that he went on with Council member Preece and Duane Huffman was interesting and he learned a lot.

Mr. Enquist asked Steve Maughan if we were still using the well. Steve responded that the well was turned off 3 weeks ago.

Mayor Romney said he expects to see everyone at the flag raising ceremony on Friday morning. The speaker will be Dave Monson, a local World War II veteran. He and his wife are also grand marshals of the parade.

**14. Approval of Minutes from the June 17, 2014 City Council Meeting.**

**MOTION:** *Debbie McKean moved to approve the minutes from the June 17, 2014 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**15. 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 Ahlstrom moved to go in to Executive Session at 9:22 p.m., in the police training room, to discuss pending or reasonably imminent litigation and (d), to hold a strategy session to discuss the purchase, exchange, or lease of real property in the police training room. Mark Preece 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:** *Debbie McKean moved to close the Executive Session at 10:12 p.m. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye  
James Bruhn – Aye  
Kelly Enquist – Aye  
Debbie McKean– Aye  
Mark Preece – Aye

After the meeting resumed, Council member Enquist asked about the soil testing from the berm. Duane Huffman explained that residents had raised concerns regarding the material used by Holly for the berm, so the city had engaged a firm to provide testing. He said the sample data is in but the report is not complete as they are waiting on interpretation of results. Mr. Enquist asked how the samples were taken and if the company had been selected by the City or by Holly. Duane confirmed that the company had been selected by the City and they took samples at different levels throughout the berm to get the best possible samples, based on a structured methodology. He also reported that Holly met with the residents as requested and they have agreed to re-grade the area (when appropriate).

### Adjourn

**MOTION:** *Mark Preece moved to adjourn this meeting of the West Bountiful City Council at 10:20 pm. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

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The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, July 15, 2014.

  
CATHY BRIGHTWELL (ACTING CITY RECORDER)

