

Minutes of the West Bountiful City Council meeting held on **Tuesday, August 5, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Council members James Ahlstrom, Kelly Enquist, Debbie McKean, Mark Preece (Mayor Pro Tem)

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Ben White (City Engineer), Cathy Brightwell (Acting City Recorder/ Secretary)

EXCUSED: Mayor Kenneth Romney, Council member James Bruhn

VISITORS: Alan Malan, Corey Sweat, Darrell Child, Brian Child, Darin Palmer, Ryan Hatch, Travis Garton, Lyle Kurz, Carl Parker, Natalie Miller, Michelle Coyle

Mayor Pro Tem Preece called the work session to order at 6:10 pm.

1. Liability and property insurance options

Duane Huffman introduced three providers who will each make a presentation of proposals they have made to the City for liability and property insurance options.

Utah Local Government Trust

Darren Palmer, Ryan Hatch, and Travis Garton represent Utah Local Government Trust and described attributes of the Trust.

Ryan Hatch gave a general overview explaining the Trust was founded in 1972, is exclusive to Utah local government, has 550 members, insures in some form 87% of cities statewide, and the Board is comprised of elected officials. He said for general liability coverage, they insure 201 cities.

Travis Garton provided an overview of their coverage. He explained they are the City's current liability provider and also provide our workman's compensation coverage.

Darren Palmer believes there is safety in numbers. The Trust enjoys a 99.6% retention rate through good service and cost effectiveness. He talked about cost stability; in all lines there has been an increase of only 1.3% for West Bountiful in the last 5-6 years, while paying out \$16k in claims to West Bountiful.

Olympus

Darrell & Brian Child, representing Olympus Insurance, a member of the Association of Public Entities Risk Management Group (APERMG), complimented the City for taking a look at this large expense. They explained they are well experienced with a significant presence regionally with organizations and the public sector.

They stated their proposal meets the quality test and provides carrier security with stable pricing. They have top rated companies who understand local government and work with them for long term continuity. Carrier partners are carefully selected with local claim service and long term

commitments. They explained that they evaluate risks before proposed rates are determined and that West Bountiful is in a preferred risk group based on management operations and claims history.

They provide service to Bountiful, South Davis Sewer District, Davis County, West Jordan and Cedar Hills.

URMMA

Carl Parker-Risk Manager and Lyle Coons-Claims Manager provided an overview of Utah Risk Management Mutual Association (URMMA). URMMA has a unique structure. You can get insurance anywhere, but they want to avoid loss before it occurs.

Their service is based on prospective premiums. Member cities pay claim costs back over five years with a provision in place to protect against large claims. There is a cap at 125% of the base premium (\$33K), large claims can be paid back over 10 years.

They are proud of their transparency – you know exactly what you are paying for. Every one of their member organizations is represented on the board, so needs are accommodated. They provide local claims service, and because they are a small group, someone will always be available to deal with West Bountiful's unique needs.

They provide service to Centerville, Farmington, Layton, Brigham City and eighteen other cities.

General Questions – Council member Enquist asked about issues with swing sets in parks. The Trust responded that they focus on risk management and onsite inspections; they identify things that may need attention. URMMA said the U.S. Product Safety Commission has recommended changes regarding swing sets, such as larger space allotments.

The work session ended at 6:55 p.m.

Mayor Pro Tem Preece called the regular City Council meeting to order at 7:30 pm.

Invocation/Thought by Kelly Enquist
Pledge of Allegiance - James Ahlstrom

1. Accept Agenda

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

2. Public Comment

No comments.

3. Consider request by Natalie Miller to have live music at City Park on August 16, 2014, from 6:30 to 8:30 pm for a birthday party.

MOTION: *Debbie McKean moved to grant Natalie Miller's request to have live music at City Park on August 16, 2014 from 6:30 pm to 8:30 pm. James Ahlstrom seconded the Motion which PASSED.*

4. **Consider Resolution #343-14, a Resolution Consenting to the Appointment of Cathy Brightwell as the City Recorder.**

MOTION: *Debbie McKean moved to adopt Resolution #343-14 consenting to the Appointment of Cathy Brightwell as the City Recorder. Kelly Enquist seconded the Motion which PASSED.*

The vote was recorded as follows:

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

5. **Consider Resolution #345-14, a Resolution Approving a Telecommunications Franchise Agreement with Syringa Networks, LLC.**

Duane Huffman said the City was approached several months ago by Syringa Networks, LLC, wanting a telecommunications franchise for our city. Mr. Doxey has reviewed the Agreement and has no problems with it.

Michelle Coyle – outside plant manager for Syringa, explained they are a broadband service provider to high end users such as cellular companies and would like to use public rights of way in the City to place fiber optics. She said their network comes down I-15 from Idaho and they have several projects they would like to get going right away. They partner with UDOT for use of their right of way, and need agreements with affected cities to come off UDOT's right of way into the cities.

MOTION: *James Ahlstrom moved to adopt Resolution #345-14, approving a Telecommunications Franchise Agreement with Syringa Networks, LLC. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

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

6. **Consider Resolution #344-14, a Resolution Clarifying Rates for Residential Water for Residences Outside City Limits**

Council member Ahlstrom asked for clarification about the difference between this resolution and the one approved in May of this year. Duane Huffman explained that the earlier Resolution did not include residences outside the City limits. This Resolution gives these customers a similar reduction in their culinary water rates.

MOTION: *Debbie McKean moved to adopt Resolution #344-14, Clarifying Rates for Residential Water for Residences Outside City Limits. 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 – Excused
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

7. Consider Resolution #346-14, a Resolution Allowing the Mayor to Enter Into Public Improvements Reimbursement Agreements.

Duane Huffman introduced the item and said the issue is not up for decision tonight; a resolution has not been prepared. Ben White described the patchwork of curb/sidewalk infrastructure throughout the City. Due to the gaps, some properties could experience storm water drainage problems. One particular property on Pages Lane (Horrocks) would benefit from curb/gutter, and the owners have recently requested a building permit for a new detached garage, and the City can use this request to require the installment of curb/gutter. In wanting to be sensitive to residents' ability to pay for required improvements, staff has considered recommending that the City cover the up-front costs and allow the property owner to pay it to the City over time. However, the high costs associated with overall storm water improvements in front of the Horrocks property have given staff pause in moving forward with any recommendation.

Council member McKean expressed concern at requiring residents to install new improvements in front of existing properties, and asked if there was some way the City could budget some money each year to begin filling in these gaps. She also expressed concern with having the City act as a bank, noting that it can be difficult to keep track and collect the owed funding.

Council member Enquist noted concern that something like a new garage could trigger a requirement usually associated with new homes. He also suggested that without the improvements in front of the Horrocks, someone could make an argument that the City is directing storm water onto the property.

Council member Ahlstrom agreed that two separate issues exist: the first as to whether the City should help by carrying the costs in some cases, and the second as to whether the City should participate in the costs in filling some gaps. He agrees that it would be good to have some City participation in costs, but there would need to be strong criteria to determine who receives the assistance and at what level.

Duane said that staff would come up with and bring back some scenarios regarding how the city could budget to participate in improvements each year and the type of criteria that could be

used, including requiring matching funds from property owners. He will also put on the to-do-list a review of the ordinance that can require improvements on condition of a building permit.

8. Discuss draft ordinance related to pipeline franchises.

Duane described the various types of franchise agreements and the funds collected when granting the franchise. For example, telecommunication providers remit a telecommunication tax and energy utilities remit the municipal energy tax. However, if someone comes in with a pipeline who is not serving customers, the City's current ordinances do not address how that should be handled. State law likely gives these types of pipelines some legal rights to come through, but we can be compensated for use of our streets and exercise reasonable control. This draft ordinance creates a process for approving pipeline franchise agreements in these situations, and would provide the City with better control on the placement of the line and compensation for the use of the rights-of-way. Council members did not express any concerns with the draft, and asked that it be placed on the next agenda for consideration of approval.

9. Discuss City's participation in public safety retirement systems.

Duane Huffman began by noting a mistake in the staff memo included in the packet - the table in the memo should have listed the contributory system as the one where there is both an employee and City portion. He went on to explain that a window has been opened to make a change for public safety employees' retirement system coverage. For some reason, years ago the City decided to be and remain in the contributory system, but has always paid all the premiums. Changing to non-contributory would save the City money and provide officers a better death benefit. He shared we are one of only four cities still on contributory system.

The recommendation is to switch to non-contributory. Chief Hixson said he has talked with most of his officers and they do not have problems with the proposal. If they have questions, we can have a retirement representative come talk to our officers to explain all their benefits. If we decide to make a change, we are required to have a public hearing for all officers.

Duane clarified this proposal only applies to police officers. He will set a hearing for the officers and have a resolution ready for the next meeting.

10. Engineering Report

Ben White gave an 800 West road construction update. He said they plan to pave mid next week if it doesn't rain. There are still some water line tie overs to be done in the Pages Lane intersection that will cause intersection closure and water shut-offs. The entire intersection will be paved when they finish. Work will begin on the north portion of 800 West, above Porter Lane, next week.

Seal coating will finish up this Thursday, weather permitting. Dirt is going in to Birnam Woods Park; we hope to get enough that when drainage goes in we will be able to grade it nicely. UDOT started working on our water line on 500 South last night.

11. Administrative Report

Duane Huffman shared the status of filling the City's two open positions. The public works interviews are being completed and we hope to have a recommendation on Friday. The finance clerk position closes on Thursday. We will review applications on Friday and get interviews scheduled as soon as possible. Council member McKean will participate in the interviews and the Mayor is always invited. Council member Ahlstrom asked if this position will be the same as Heidi's when she left. Duane responded that Heidi was initially hired as a finance clerk and her role expanded over time. We have advertised for a finance clerk not a Finance Director and plan to pay about \$40k.

12. Mayor/Council Reports

James Ahlstrom said he talked with someone from the Knights of Columbus and after their recent charitable golf tournament at Lakeside, he was asked why the golf course doesn't offer swag, such as t-shirts, hats, free rounds of golf, etc. to give away. It would bring in business. Duane said he will talk with Paul Holden to get more information about the specific tournament details.

Mark Preece talked about the Long Drive; he said he asked the guy who ran it to bring a promotional budget proposal to Council in the future because it brings money to the City.

Sewer District is getting a push from the State to lower the levels of things being released which would force them to build a new sewer plant which would cause rates to go up.

Debbie McKean said she and Duane met with Ms. Sun, West Bountiful Elementary school principal. She is trying to get a grant from Lowe's for new playground equipment and wants us to help and/or contribute. Duane suggested we might be able to offer in kind services, such as back-hoe work, etc.

Arts Council appreciation dinner will be at Lakeside on Thursday at 6:30 pm. Council members are invited.

She added that she talked with the Chief about a Volunteer recognition award. She suggested CERT's participation in the gas leak at the Commons might be a good project to submit. She will forward the information to the Chief.

Newsletter articles are due on Friday. She said a Citizen gave her an idea for newsletters. It is to have a 'My West Bountiful' section that includes blurbs/interviews on the sidewalk. We could stop people and ask them things like, "What do you like about West Bountiful?" She thinks it could be fun.

Kelly Enquist asked how we are doing on our water allocation. Ben White responded that it is running about normal.

He said the new benches look great on the trail at the Park and he complimented Rocky when he saw him.

He also congratulated Cathy Brightwell on her appointment as Recorder.

13. Approval of Minutes from the July 15, 2014 City Council Meeting.

MOTION: *Debbie McKean moved to approve the minutes from the July 15, 2014 meeting as corrected. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

14. Adjourn

MOTION: *Kelly Enquist moved to adjourn this meeting of the West Bountiful City Council at 9:00 pm. James Ahlstrom 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, August 19, 2014.



CATHY BRIGHTWELL (CITY RECORDER)

