Minutes of the West Bountiful City Council work session and meeting held on **Tuesday, August 19, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Ken 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, Ben White (City Engineer), Cathy Brightwell (Acting City Recorder/Secretary)

**VISITORS:** Alan Malan, Corey Sweat, Phil & Sue Francis, Gene Mietchen, Chuck Allison, Craig Johnson, Bryce Allen, Larry Daly, Cyndi Harding, Don Corry, Mike Cottle, Cindy Gubler, Karen Lemmon, Mike & Jinnie Edgar, Brent Baker, David Garlick, Em Hofeling

Mayor Romney called the work session to order at 6:40 pm.

- Discuss Potential Special Assessment Area for Jessi’s Meadow Subdivision

  Mayor Romney welcomed guests to the open house/work session for a discussion about potentially establishing a Special Assessment Area for Jessi’s Meadow.
  
  Duane Huffman provided some history on Jessi’s Meadows and available options.
  
  Jessi’s Meadow was developed as a special subdivision; a Planned Unit Development that allowed flexibility of lot sizes and improvements. For example, even though the development is in a zone requiring minimum 1 acre lot sizes, approval was given to develop the forty acre property with 40 lots, most of which are less than one acre in order to include common green spaces, bridle paths, and a park. In return, the HOA was given responsibility for the bridle path and newly landscaped areas. The subdivision was approved in June 2000.

  Currently, the HOA believes it is hard to manage these areas and they want to dissolve. That leaves the question of what do we do with those responsibilities. One option is the creation of a special assessment area. Title 11, Chapter 42 of the Utah Code allows improvements benefitting the property and maintenance benefitting the property. A primary question would be whether to plan for the assessment area to be perpetual or for a definitive time/outcome.

  A member of the public asked about the backyard drainage easement, and if it should be included in the assessment process. Mr. Huffman stated that the City generally stays out of private drainage issues, but at this point in the discussion, everything is on the table.

  **Bridle path** – The perpetual approach would be to maintain the asphalt, estimating costs and making on-going assessments. The definitive approach would be to replace the asphalt with standard sidewalk. Once the sidewalk is paid for, the assessment would go away.

  Mr. Huffman presented rough estimates for both options. These estimates were put together to give comparison of what homeowners are paying now, but would probably be an annual fee added to property taxes.

  **Landscaped Areas** – Mr. Huffman showed a map of the subdivision that highlights landscaped areas, explaining that some areas are actual parcels and others are in the right-of-way. City has had appraisals done on the landscaped parcels and is currently working to dispose of the
land, which would remove the HOA's responsibilities. With what is left, the perpetual approach
would be to cover ongoing maintenance costs. A definitive idea would be to incentivize neighbors to
maintain the areas close to their property. There was some discussion as to whether the city could
take over all of the maintenance, or at least have the golf course maintain the right-of-way portion on
the north end of the subdivision.

   To do a special assessment, Utah Code requires a full process that begins with a public
hearing after at least four weeks of public notice. The notice will need to include several items of
information related to estimated costs, how the assessment will be collected, etc. Earliest the area
could be finally established would probably be the end of year.

   A resident asked if landowners could individually put in sidewalk so as to be relieved of any
responsibility or participation in an assessment area. Mr. Huffman responded that in most areas the
path is both within the right-of-way and on private property, so it is complicated as to how it should
be handled. The best approach would be to make sure it is handled consistently throughout.

   The mayor led a discussion about the options as presented. The consensus of those in
attendance was to replace the asphalt path with sidewalk. A discussion followed about how sidewalk
would impact each homeowner, both cost-wise and landscaping.

   Mr. White spoke briefly to explain how he developed the cost estimates presented at the
meeting. His assumptions included the idea that the asphalt path would need to be replaced in 20
years, as well as trying to estimate future asphalt costs. The sidewalk costs are in today's numbers.

   The mayor again received confirmation from those in attendance that they were in favor of
moving towards special assessment area. He stated that the City will continue to sharpen the
numbers and move forward with the process.

The work session ended at 7:30 p.m.

Mayor Romney called the regular City Council meeting to order at 7:35 pm.

Brandon Wood recited the Scout Oath, and Richard Moore led the Pledge of Allegiance; both were
from Boy Scout Troop 280.

1. **Accept Agenda**

   **MOTION:** Debbie McKeen 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. **Public Hearing at 7:35 pm to receive public comments regarding a request from Rick
   Rose to vacate a portion of a public utility easement on the properties at 685 W 700 N and 697
   W 700 N.**
Ben White gave a brief description of Mr. Rose’s request to vacate these easements so homes can be built on the property. He explained that initially, the lots were essentially square but the Rose family bought additional land behind them so now the easement runs through the middle. Ben recommends moving the easements to the rear of the new lots.

**MOTION:** Debbie McKean moved to open public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.

No public comment

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

4. Consider Resolution #347-14, a Resolution Vacating a Portion of Rear Easement at 685 & 697 W 700 N.

Ben White explained there is a lot of paper in the meeting packets because each lot requires its own documentation to vacate the easement and replace it to the back of the lots. Council member Ahlstrom inquired whether the neighbor to the west still has the same easement in the middle of his property, and the answer was affirmative. He suggested to Ben that if there is a way to clean it up, we may want to try sooner rather than later.

**MOTION:** James Bruhn moved to adopt Resolution #347-14. 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

5. Hearing to receive input from public safety personnel concerning converting to the public safety noncontributory retirement system.

Duane Huffman explained that State law opened a window to allow cities to convert Tier 1 public safety employees from contributory to non-contributory for the Utah Retirement system. Before making a change, a hearing must be held for all affected public safety employees. Notice of the hearing was given by mailing letters to their homes and then followed up with emails.

Chief Hixson commented that this is a positive change; saves the City money, and provides a more favorable death benefit program. He added that the City would retain flexibility in other areas
if it needed to control costs in the future. He said all the affected employees he spoke with are in favor of the change.

There was discussion about why the System may have been set up as contributory to begin with and speculation that the City may have wanted to leave the door open to employee contributions if they ever felt it was necessary.

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

There were no comments made in the hearing.

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

6. Consider Resolution #348-14, a Resolution Converting the Public Safety Retirement System to Non-Contributory

**MOTION:**  *James Ahlstrom moved to convert the Public Safety Retirement System to Non-Contributory. 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

7. Consider Request from Alice Acres’ developer to cut three 1 foot by 1 foot holes in 400 North.

Ben White explained that when Council approved Alice Acres subdivision earlier in the year there were strong feelings about maintaining the integrity of 400 North as it was a new road. A compromise was reached allowing three bore pits in the center of the street. However, the developer has been unable to find a contractor willing to take the risk to do it without making additional holes to specifically locate existing secondary water lines. The developer has requested to cut three 1 foot by 1 foot holes to locate the secondary water lines and determine their depth.

Another option is to cut the five services in and replace all asphalt from beginning to end. Ben believes allowing the additional three holes is probably the best option. They will use flowable fill and a seamless patch to fix the road. Mayor Romney stated if we allow them to do it, we need full-time inspector on site during the backfill; especially with the problems we had with settling on 1100 West. Council member Enquist asked if they can feed off the culinary water in on 1100
West. Ben responded that would require us to run the water line through front yards which we do not want to do. He said this is the best of worst solutions.

**MOTION:** *James Bruhn moved to allow Alice Acres’ developer to cut three 1 foot by 1 foot holes in 400 North, with City oversight regarding where the holes are placed. James Ahlstrom seconded the Motion. The Motion PASSED by unanimous vote of all members present.*

8. **Consider Ordinance #365-14, an Ordinance Amending the West Bountiful City Code to Adopt A Pipeline Franchise Ordinance.**

Duane Huffman explained the draft before the Council tonight is identical to the draft reviewed at the last meeting.

**MOTION:** *James Ahlstrom moved to adopt Ordinance 365-14 amending the West Bountiful City Code to adopt a Pipeline Franchise Ordinance. 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

9. **Consider Ordinance #366-14, an Ordinance Amending the West Bountiful City Land Use Ordinance to Reinstate Exception to Zoning Specific Height Restrictions.**

**MOTION:** *James Ahlstrom moved to table this item. James Bruhn seconded the Motion which passed by unanimous vote of all members present.*

10. **Consider Ordinance #364-14, an Ordinance Amending the West Bountiful City Code to Adopt a Re-Drafted Nuisance Ordinance.**

Duane Huffman explained that this Ordinance was initially discussed in June. Steve Doxey has reviewed it and changes have been made based on comments from the earlier meeting. For example, clarification that abandoned/junk vehicles must be viewable from a public place to constitute a nuisance; the removal of language stating that the City would focus enforcement on situations where at least 3 or more persons are affected; and, insertion of language that allows the Neighborhood Preservation Officer the ability to extend the completion date even after an administrative citation. Duane asked that the Council give particular thought to whether any definitions have been left out or not necessary, and also to the amount of the proposed fines.
Regarding implementation, staff will need to exercise careful judgment and discretion and there must be a high level of trust from the Council. It will be important for staff to have the authority to administer the ordinance fairly. If Council is not comfortable with this, it may not be time for approval.

Council member Ahlstrom asked if language giving citizens the right to take matters into their own hands is still included, and Duane confirmed that is the case. Mr. Ahlstrom asked how the name, Neighborhood Preservation Officer came about, and who would have that job. Duane responded that those issues are being worked out right now. In most cases it will not be a police officer, but as we have discussed resources, we have considered having the police secretary handle these responsibilities.

Council member Bruhn raised a concern with Section 8.12.020 (20) regarding Improper Parking or Storage, especially regarding construction equipment. He said for our community, this section should be clarified or scratched. There was discussion about what to include and exclude and it was decided to take it out.

Council member Bruhn also asked about Section (31) Parking on Landscaping, and if it applies to parking on landscaped RV pads. He said it is probably useless in residential areas but useful in business areas. He commented that he trusts the current staff now, but does not know about the future. He said Section 8.12.050.C. gives the City Administrator primary responsibility for carrying out the provisions of this ordinance but allows him to designate any other city employee as a Neighborhood Preservation Officer, and he would like to add “with consent of City Counsel.”

Council member Ahlstrom commented that the Council already has oversight of the City Administrator’s functions. Council member McKean said it would be nice to have the added language. Council member Preece agreed with Mr. Ahlstrom. Duane acknowledged that it comes back to good communication. There was agreement to leave out the language.

There was some discussion related to the language allowing city personnel to enter private property. Duane explained that this would need to be handled in accordance with other laws on the matter, and no employees other than police officers acting under their authority would enter a property without permission.

The Council also discussed the fine levels and the appeals process, deciding to leave the language as drafted.

Regarding next steps, Duane said we need to appoint a hearing officer before we issue any administrative citation. He wants to explore the idea of sharing resources with other cities, with payment on a case by case basis rather than hourly.

Council member Enquist asked about the title, Neighborhood Preservation Officer. He said he thinks it is too soft. He would prefer Ordinance Enforcement Officer. Duane suggested Nuisance Abatement Officer because they are enforcing the nuisance ordinance.

Duane summarized by saying all of this is breaking new ground for the City. The intent is to ease into it. There are several long time problem areas that we can address but we do not plan to run out and start issuing citations. Council member McKean asked about neighbors who are constantly complaining. Duane responded that we do not have to let residents use the City as a tool against neighbors in a feud. This Ordinance does not force us to take action on every complaint.

Council member Enquist asked the audience, “Are we good?” There was positive response.

**MOTION:** James Ahlstrom moved to adopt Ordinance #364-14 amending the West Bountiful City Code to Adopt a Re-Drafted Nuisance Ordinance with the following changes. The title, Neighborhood Preservation Officer, will be
changed to Nuisance Enforcement Officer, and Section 8.12.020 (20) will be stricken. 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

Following the vote, there was clapping from audience.

11. Police Report

Regarding personnel, Chief Hixson reported he is hoping to pick up reserve officers and alcohol enforcement officers. Officer Robbins is gone, Officer Altenes is back to patrol, and Lance Wilkinson will become new Detective. They have 13 applicants for the new officer position and have scheduled twelve for testing on August 25, followed by interviews on August 28th. He said he had hoped for more applications. Council member Preece asked why he thought there was such a poor response. The Chief speculated that the beginning rate of $16.39/hr. was a problem because several other cities posted job openings shortly after ours with higher wages. For example, a three year Salt Lake City officer can start at $7 more per hour. He said all jurisdictions are having problems finding officers, including police academies and other municipalities, so many are offering other incentives.

He reported that he worked with Steve Maughan on the deer problem around the trail on 400 North. Department of Wildlife worked very well with them and the small herd of 8-12 were trapped and relocated.

School starts next Monday so they will be holding annual training for crossing guards.

Council member Enquist asked about parking on public streets. He said some people think our streets are for RV parking in the summer. The Chief responded that our ordinances are not very strong, and unless it is clearly a safety issue they try not to be heavy handed. Mr. Enquist suggested this is something we should consider strengthening.

12. Engineering Report

Ben White talked briefly about the Planning Commission’s meeting last week. They approved a conditional use permit, pending conditions, for a day care center across the street, known by most residents as the Bangertor Rec Center. The new homeowners have been working with the Fire department on driveway access issues as well as correcting several problems within the house. They have secured the pool, and fixed things inside the home. To help with traffic, they plan to pick up kids at school and their homes.

Holly made a ‘Refinery 101’ presentation at the meeting and explained why they have different height requirements for their facilities. The Planning Commission decided to recommend to City Council that the height exception language omitted in 2011 be reinstated.

800 West has been paved north of Pages Lane and the contractor will be moving to Phase 2 on north end of 800 West with digging to begin tomorrow.
Ben added that the Bountiful water connection is half done and will be live in the next couple of weeks. W.W. Clyde is working on our waterline on 500 South and can’t finish until the water connection is done.

13. Administrative Report

Duane Huffman reported that Jake Taylor has been hired for Public Works and the new Utility Maintenance Worker and he will begin on Monday, August 25. He was previously with Mosquito Abatement as a seasonal employee.

He added that we are in the middle of the selection process for a finance clerk. We held the first round of interviews, and are now reviewing assessment tests.

ULCT’s Annual Conference will be held September 9-12 in Salt Lake. He asked that anyone wanting to attend let him know so they can be registered. Council member Preece would like to attend all three days; Council member Enquist would like to attend the 11th and 12th, the Mayor may be able to attend; and Council members McKean and Ahlstrom will be unable to attend.

Duane thanked Steve for all the work he and his team have put in lately.

He added that the City has received so many thanks and positive comments about the way Kapp Construction has treated residents while working on 900 W and 800 W that the City would like to hold a golf tournament for them. The Council agreed.

Steve Maughan commented that he is short one Parks helper until the end of the season and asked Council to let him know if they know anyone who might be interested in working for the next five to six weeks. He said they could even work part time if necessary.

14. Mayor/Council Reports

Kelly Enquist said there was a large event at the Park over the weekend with many cars parked on Pages Lane by the railroad tracks. He was concerned about safety. Duane said staff would look into no parking signs for the area.

Debbie McKean reported the Newsletter in process. She also reported that the Mosquito Abatement Board passed their budget, and rates went up $3-4 for an expansion project they’re doing. She asked if anyone saw the Mosquito Abatement newspaper insert last week. There is a lot of good information. She said they have identified thirty positive mosquito pools for West Nile in Utah.

The Arts Council appreciation dinner at Lakeside was very nice. The members really enjoyed the event. She reminded everyone that the Founders Day celebration will be held at City Hall on September 12, and it will be really good.

James Bruhn reported that Wasatch Integrated finally has a contract signed with Hill AFB. The Sewer Plant had nice open house with tours and video. It is a nice facility.

Mark Preece said things are going well with the Sewer District. Although there is still a lot of push for new nutrient removal requirements which would cause rate increases to cover the cost of building a new plant.

He also shared that he is participating in the West Centerville Neighborhood Group.

Centerville City did a survey, but only to business owners, regarding development in the area between Trinity Steel and the movie Theatre. For some reason they didn’t include West Bountiful residents even though they will be affected, like his neighborhood. Centerville is looking at 160 more multi-family units south of the existing apartments which already have a big parking problem. Another multi-unit complex may go in west of the Theatre complex with a Maverick on the corner.
These are expected to be bigger with 3 bedrooms and garages so parking should not be as big a
problem and residents should be more stable. Centerville is hoping to get a Frontrunner station at
the location even though they’ve been told no in the past. We need to pay more attention to what
they’re doing. Another meeting is scheduled on Thursday.

James Ahlstrom had no report.

Mayor Romney thanked Steve Maughan and his team for all the work they’ve been doing
recently including many long hours.

He reported on the South Davis Fire Board meeting and gave a report of the highlights of
their July activities, especially over 4th when they had 8 fires. He added that they ran out of
ambulances eight times, ran out of paramedics, nineteen times, and required help from the County
and Salt Lake City on several calls. He explained that some cities in the area want to become a
District so SDMF can have taxing authority. Bountiful is not interested; they are concerned they
would have to reduce property taxes to offset any taxes assessed from the Fire District. The agency
now has no bonding ability. The Mayor said if we find we have to add a fire station, we will have to
raise taxes anyway. Council member Preece said no one is happy with what the School District
does, so they will be concerned with the change, although the Fire Board is different because it is
made up of Mayors. The Mayor said it is an important issue and he will schedule a work session to
discuss it further.

15. Approval of Minutes from the August 5, 2014 City Council Meeting.

MOTION: Debbie McKean moved to approve the minutes from the August 5, 2014
meeting as presented. Mark Preece seconded the Motion which
PASSED by unanimous vote of all members present.

16. Executive Session, pursuant to Utah Code 52-4-205 (a) to discuss the character,
professional competence, or physical or mental health of an individual.

MOTION: Debbie McKean moved to go into Executive Session at 9:30 pm to
discuss the character, professional competence, or physical or mental
health of an individual. Mark Preece seconded the Motion.

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

MOTION: James Ahlstrom moved to close Executive Session at 10:40. Debbie
McKean seconded the Motion.

The vote was recorded as follows:
James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
17. Adjourn

MOTION: James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 10:42 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, September 2, 2014.

DUANE HUFFMAN – CITY ADMINISTRATOR