

1 Minutes of the West Bountiful City Council work session and meeting held on **Tuesday, August 19,**
2 **2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

3
4 Those in attendance:

5
6 **MEMBERS:** Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly
7 Enquist, Debbie McKean, Mark Preece

8
9 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd
10 Hixson, Ben White (City Engineer), Cathy Brightwell (Acting City Recorder/ Secretary)

11
12 **VISITORS:** Alan Malan, Corey Sweat, Phil & Sue Francis, Gene Mietchen, Chuck Allison,
13 Craig Johnson, Bryce Allen, Larry Daly, Cyndi Harding, Don Corry, Mike Cottle, Cindy
14 Gubler, Karen Lemmon, Mike & Jinnie Edgar, Brent Baker, David Garlick, Em Hofeling

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16
17 Mayor Romney called the work session to order at 6:40 pm.

- 18
19 • Discuss Potential Special Assessment Area for Jessi's Meadow Subdivision

20
21 Mayor Romney welcomed guests to the open house/work session for a discussion about
22 potentially establishing a Special Assessment Area for Jessi's Meadow.

23 Duane Huffman provided some history on Jessi's Meadows and available options.

24 Jessi's Meadow was developed as a special subdivision; a Planned Unit Development that
25 allowed flexibility of lot sizes and improvements. For example, even though the development is in a
26 zone requiring minimum 1 acre lot sizes, approval was given to develop the forty acre property with
27 40 lots, most of which are less than one acre in order to include common green spaces, bridle paths,
28 and a park. In return, the HOA was given responsibility for the bridle path and newly landscaped
29 areas. The subdivision was approved in June 2000.

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

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

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

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

44 **Landscaped Areas** – Mr. Huffman showed a map of the subdivision that highlights
45 landscaped areas, explaining that some areas are actual parcels and others are in the right-of-way.
46 City has had appraisals done on the landscaped parcels and is currently working to dispose of the

47 land, which would remove the HOA's responsibilities. With what is left, the perpetual approach
48 would be to cover ongoing maintenance costs. A definitive idea would be to incentivize neighbors to
49 maintain the areas close to their property. There was some discussion as to whether the city could
50 take over all of the maintenance, or at least have the golf course maintain the right-of-way portion on
51 the north end of the subdivision.

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

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

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

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

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

69
70 The work session ended at 7:30 p.m.

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72 -----
73

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

75
76 Brandon Wood recited the Scout Oath, and Richard Moore led the Pledge of Allegiance; both were
77 from Boy Scout Troop 280.

78
79 **1. Accept Agenda**

80
81 **MOTION:** *Debbie McKean moved to approve the agenda as written. Kelly Enquist*
82 *seconded the Motion which PASSED by unanimous vote of all members present.*
83

84 **2. Public Comment**

85
86 No comments.

87
88 **3. Public Hearing at 7:35 pm to receive public comments regarding a request from Rick**
89 **Rose to vacate a portion of a public utility easement on the properties at 685 W 700 N and 697**
90 **W 700 N.**

91

92 Ben White gave a brief description of Mr. Rose's request to vacate these easements so homes
93 can be built on the property. He explained that initially, the lots were essentially square but the Rose
94 family bought additional land behind them so now the easement runs through the middle. Ben
95 recommends moving the easements to the rear of the new lots.

96
97 **MOTION:** *Debbie McKean moved to open public hearing. Mark Preece seconded*
98 *the Motion which PASSED by unanimous vote of all members present.*
99

100 No public comment

101
102 **MOTION:** *James Ahlstrom moved to close the public hearing. Debbie McKean*
103 *seconded the Motion which PASSED by unanimous vote of all members*
104 *present.*
105

106 **4. Consider Resolution #347-14, a Resolution Vacating a Portion of Rear Easement at 685**
107 **& 697 W 700 N.**

108
109 Ben White explained there is a lot of paper in the meeting packets because each lot requires
110 its own documentation to vacate the easement and replace it to the back of the lots. Council member
111 Ahlstrom inquired whether the neighbor to the west still has the same easement in the middle of his
112 property, and the answer was affirmative. He suggested to Ben that if there is a way to clean it up,
113 we may want to try sooner rather than later.

114 **MOTION:** *James Bruhn moved to adopt Resolution #347-14. Debbie McKean*
115 *seconded the Motion which PASSED.*
116

117 The vote was recorded as follows:

118 James Ahlstrom – Aye
119 James Bruhn – Aye
120 Kelly Enquist – Aye
121 Debbie McKean – Aye
122 Mark Preece – Aye
123

124 **5. Hearing to receive input from public safety personnel concerning converting to the**
125 **public safety noncontributory retirement system.**
126

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

131 Chief Hixson commented that this is a positive change; saves the City money, and provides a
132 more favorable death benefit program. He added that the City would retain flexibility in other areas

133 if it needed to control costs in the future. He said all the affected employees he spoke with are in
134 favor of the change.

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

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

140
141 There were no comments made in the hearing.

142
143 **MOTION:** *James Ahlstrom moved to close the hearing. Mark Preece seconded the*
144 *Motion which PASSED by unanimous vote of all members present.*

145
146 **6. Consider Resolution #348-14, a Resolution Converting the Public Safety Retirement**
147 **System to Non-Contributory**

148
149 **MOTION:** *James Ahlstrom moved to convert the Public Safety Retirement System*
150 *to Non-Contributory. Debbie McKean seconded the Motion which*
151 *PASSED.*

152
153 The vote was recorded as follows:

154 James Ahlstrom – Aye

155 James Bruhn – Aye

156 Kelly Enquist – Aye

157 Debbie McKean – Aye

158 Mark Preece – Aye

159
160 **7. Consider Request from Alice Acres' developer to cut three 1 foot by 1 foot holes in 400**
161 **North.**

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

168 Another option is to cut the five services in and replace all asphalt from beginning to end.
169 Ben believes allowing the additional three holes is probably the best option. They will use flowable
170 fill and a seamless patch to fix the road. Mayor Romney stated that if we allow them to do it, we
171 need full-time inspector on site during the backfill; especially with the problems we had with settling
172 on 1100 West. Council member Enquist asked if they can feed off the culinary water in on 1100

173 West. Ben responded that would require us to run the water line through front yards which we do
174 not want to do. He said this is the best of worst solutions.

175
176 **MOTION:** *James Bruhn moved to allow Alice Acres' developer to cut three 1 foot*
177 *by 1 foot holes in 400 North, with City oversight regarding where the*
178 *holes are placed. James Ahlstrom seconded the Motion. The Motion*
179 *PASSED by unanimous vote of all members present.*
180

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

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

185
186 **MOTION:** *James Ahlstrom moved to adopt Ordinance 365-14 amending the West*
187 *Bountiful City Code to adopt a Pipeline Franchise Ordinance. Debbie*
188 *McKean seconded the Motion.*
189

190 The vote was recorded as follows:

191 James Ahlstrom – Aye
192 James Bruhn – Aye
193 Kelly Enquist – Aye
194 Debbie McKean – Aye
195 Mark Preece – Aye
196

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

199
200 **MOTION:** *James Ahlstrom moved to table this item. James Bruhn seconded the*
201 *Motion which passed by unanimous vote of all members present.*

202
203 **10. Consider Ordinance #364-14, an Ordinance Amending the West Bountiful City Code to**
204 **Adopt a Re-Drafted Nuisance Ordinance.**
205

206 Duane Huffman explained that this Ordinance was initially discussed in June. Steve Doxey
207 has reviewed it and changes have been made based on comments from the earlier meeting. For
208 example, clarification that abandoned/junk vehicles must be viewable from a public place to
209 constitute a nuisance; the removal of language stating that the City would focus enforcement on
210 situations where at least 3 or more persons are affected; and, insertion of language that allows the
211 Neighborhood Preservation Officer the ability to extend the completion date even after an
212 administrative citation. Duane asked that the Council give particular thought to whether any
213 definitions have been left out or not necessary, and also to the amount of the proposed fines.

214 Regarding implementation, staff will need to exercise careful judgment and discretion and
215 there must be a high level of trust from the Council. It will be important for staff to have the
216 authority to administer the ordinance fairly. If Council is not comfortable with this, it may not be
217 time for approval.

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

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

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

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

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

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

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

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

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

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

256
257 **MOTION:** *James Ahlstrom moved to adopt Ordinance #364-14 amending the West*
258 *Bountiful City Code to Adopt a Re-Drafted Nuisance Ordinance with the*
259 *following changes. The title, Neighborhood Preservation Officer, will be*

260 *changed to Nuisance Enforcement Officer, and Section 8.12.020 (20)*
261 *will be stricken. Debbie McKean seconded the Motion which PASSED.*
262

263 The vote was recorded as follows:

264 James Ahlstrom – Aye

265 James Bruhn – Aye

266 Kelly Enquist – Aye

267 Debbie McKean– Aye

268 Mark Preece – Aye

269

270 Following the vote, there was clapping from audience.

271

272 **11. Police Report**

273

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

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

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

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

292

293 **12. Engineering Report**

294

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

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

304 800 West has been paved north of Pages Lane and the contractor will be moving to Phase 2
305 on north end of 800 West with digging to begin tomorrow.

306 Ben added that the Bountiful water connection is half done and will be live in the next couple
307 of weeks. W.W. Clyde is working on our waterline on 500 South and can't finish until the water
308 connection is done.

309

310 **13. Administrative Report**

311

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

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

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

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

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

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

328

329 **14. Mayor/Council Reports**

330

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

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

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

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

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

346 He also shared that he is participating in the West Centerville Neighborhood Group.
347 Centerville City did a survey, but only to business owners, regarding development in the area
348 between Trinity Steel and the movie Theatre. For some reason they didn't include West Bountiful
349 residents even though they will be affected, like his neighborhood. Centerville is looking at 160
350 more multi-family units south of the existing apartments which already have a big parking problem.
351 Another multi-unit complex may go in west of the Theatre complex with a Maverick on the corner.

352 These are expected to be bigger with 3 bedrooms and garages so parking should not be as big a
353 problem and residents should be more stable. Centerville is hoping to get a Frontrunner station at
354 the location even though they've been told no in the past. We need to pay more attention to what
355 they're doing. Another meeting is scheduled on Thursday.

356 James Ahlstrom had no report.

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

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

370

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

372

373 **MOTION:** *Debbie McKean moved to approve the minutes from the August 5, 2014*
374 *meeting as presented. Mark Preece seconded the Motion which*
375 *PASSED by unanimous vote of all members present.*
376

377

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

380

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

384

The vote was recorded as follows:

385 James Ahlstrom – Aye

386 James Bruhn – Aye

387 Kelly Enquist – Aye

388 Debbie McKean – Aye

389 Mark Preece – Aye

390

391 **MOTION:** *James Ahlstrom moved to close Executive Session at 10:40. Debbie*
392 *McKean seconded the Motion.*
393

394

The vote was recorded as follows:

395 James Ahlstrom – Aye

396 James Bruhn – Aye

397 Kelly Enquist – Aye

398 Debbie McKean– Aye
399 Mark Preece – Aye

400
401 **17. Adjourn**

402
403 **MOTION:** *James Bruhn moved to adjourn this meeting of the West Bountiful City*
404 *Council at 10:42 pm. James Ahlstrom seconded the Motion which*
405 *PASSED by unanimous vote of all members present.*

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408
409 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all*
410 *members present on Tuesday, September 2, 2014.*

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412 
413 _____
414 DUANE HUFFMAN – CITY ADMINSTRATOR