

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Debbie McKean
Mark Preece

550 North 800 West
West Bountiful, Utah 84087

City Recorder
Cathy Brightwell

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

City Engineer
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL ITS REGULAR MEETING ON
TUESDAY, SEPTEMBER 16, 2014, BEGINNING AT 7:30 PM
IN THE CITY OFFICES AT 550 NORTH 800 WEST.

Invocation/Thought by Invitation
Pledge of Allegiance – Kelly Enquist

1. Accept Agenda.
2. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed.
3. Swearing in of 2014-2015 Youth City Council.
4. Consider Resolution #349-14, A Resolution Consenting to the Davis County Animal Control's Trap, Neuter, and Return Pilot Program.
5. Consider awarding Birnam Woods Storm Drain Project to Triple J Concrete for \$25,000.
6. Consider Ordinance #366-14, An Ordinance Amending the West Bountiful City Land Use Ordinance to Reinstate Exception to Zoning Specific Height Restrictions.
7. Consider Resolution #350-14, A Resolution Adopting the Second Amendment to Development Agreement with Holly Refining & Marketing Company – Woods Cross LLC.
8. Discussion on options for addressing gaps in sidewalk improvements.
9. Police Report.
10. Engineering Report.
11. Administrative Report.
12. Mayor/Council Reports.
13. Approval of Minutes from the September 2, 2014 City Council Meeting.
14. Executive session, pursuant Utah Code 52-4-205 (c) to discuss pending or reasonably imminent litigation.
15. Adjourn.

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Cathy Brightwell, City Recorder, at (801) 292-4486.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on September 12, 2014.

Minutes of the West Bountiful City Council meeting held on **Tuesday, September 2, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece. Council member Ahlstrom participated by telephone.

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer)

VISITORS: Alan Malan, Ben Booth, Jeanette Booth, Tracy Roddom, Arlyn Bradshaw, Dave Powers

Mayor Romney called the meeting to order at 7:35 pm. James Bruhn gave an Invocation, and the Pledge of Allegiance was led by Mark Preece.

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

Ben Booth of 1918 N 800 West presented a letter to the Council addressed to his neighbor directly to the south (Ryan Wilson) regarding the construction of a new fence. Mr. Booth claims that the fence encroaches on to his property and that its construction has resulted in damages to his property. The Mayor asked staff to look into what can be done, specifically how this fence impacts the current building permit for the home being constructed on the same property. The Mayor also asked staff to keep him and the Council informed on the issue. He received permission from Mr. and Mrs. Booth to enter their property to review the situation.

3. Presentation on proposed trap, neuter, return (TNR) program for feral cats by Davis County Animal Control.

Tracy Roddom, Assistant Director for Davis County Animal Care and Control introduced Arlyn Bradshaw, representing Best Friends Animal Society. Mr. Bradshaw explained that the Trap, Neuter, Return program worked within state code to control feral cat populations by releasing eligible community cats back into neighborhoods after they had been trapped, sterilized, and vaccinated. The goals of this program are to lower euthanasia and homeless pets. Sterilized cats do not cause many of the nuisances associated with feral cats, and actually help keep cat populations under control. Currently, about 54 cats are collected each year from West Bountiful. The City's ordinances would not need to be amended to implement this program, but as a matter of policy, Animal Control wants affirmative approval before beginning. Council member Bruhn asked where

the funding comes from for this program, and Mr. Bradshaw replied that Best Friends Animal Society supplies funding through the donations they collect. Council member McKean asked staff to bring back a resolution at the next meeting to consider providing approval for this program.

4. Consider Awarding a Professional Services Agreement to Project Engineering Consultant, Ltd. ("PEC") for Wetland Delineation Study

Mr. White explained that he sent a solicitation out to every engineering firm on the Utah Department of Transportation's list of approved engineers for these types of studies. Because this is a professional services agreement, the lowest cost does not necessarily represent the best value to the City. Mr. White recommends PCE as their proposal included everything the City will need for the permitting process on the 1200 North storm drain project, and that the individual with PCE is the same individual who has successfully performed similar work for the City (Prospector Trail).

MOTION: *James Bruhn moved to award a Professional Services Agreement to PEC for the 1200 North Wetland Delineation Study. Debbie McKean seconded the Motion which PASSED by unanimous roll call vote of all members present.*

5. Discussion on sidewalk options for potential Jessi's Meadow's special assessment area.

Mr. Huffman introduced the discussion by reviewing that at the last meeting, the city began moving towards a process whereby the asphalt path within the Jessi's Meadow subdivision would be replaced by sidewalk through a special assessment area, thereby removing the Home Owners Association from the responsibility of maintaining the path. Mr. Huffman then displayed satellite and Google "Street View" images of the subdivision to explain the difficulties in determining the width of the proposed sidewalk; the difficulties primarily related to how to integrate varying types of existing landscaping. Options reviewed included widths of 4 feet, 5 feet, and completely replacing the existing sidewalk with concrete (an average of 7 feet in width). Based on the complicated nature of landscaping, the consensus was to propose replacing the path's full width with sidewalk. Council member Bruhn also suggested extending the sidewalk along the south side of Jessi's Meadow Drive, thus removing the need for continued landscaping of that area. Finally, the financing costs should be built into the assessment, unless property owners "buy-out" their share of the costs prior to any financing. Staff will take these options to develop the estimated costs for the first official notice related to the assessment area.

6. Discussion on creation of district/special assessment area for fire/ambulance services

Mr. Huffman introduced this discussion by reviewing the memo included in the meeting's packet. North Salt Lake City is currently pushing to transition the South Davis Metro Fire Agency from an inter-local agency to a district. This would allow the agency better ability to handle forthcoming shortfalls to cover debt service, as well removing each city's payments to the agency

from the cities' annual budgets. In addition, having to receive approval from each city's governing body for any significant revenue increases has kept the agency's spending below service level needs. Mayor Romney also brought up the issue that the agency's current status makes borrowing under good terms very difficult. Concerns about creating a district include the idea that it would be too quick to generate revenue through taxes and Bountiful City's suspected opposition to the formation of a district may lead to a the creation of something that causes confusion in the future.

Dave Powers, Deputy Fire Chief, addressed the Council and stated that everything initially set up in 2004 was designed to be temporary to allow the entities involved time to create a district. That it has not happened has created messy situations. He also stated that creating a district may not provide everything needed to fix the agency's longstanding revenue issues, but it is evident that the current method is not working.

Mayor Romney likened the Fire Agency's funding situation to that of the City's previous experiences with the water system and road infrastructure. Needs have been deferred for many years, and the Agency is quickly approaching the point where they cannot provide the services being requested.

Council member Enquist asked Mr. Powers questions related to the number and location of fire stations in relation to refineries. Mr. Powers stated that West Bountiful was well served as it could draw resources from the stations that surround the City.

Mayor Romney asked the members how they generally felt on the issue of the creation of a district, stating that the Agency's current board may call for a formal vote soon. Council member Preece stated that in the past he had been opposed to the concept, but he feels that having the mayors serve as the governing board provides enough protection to make him now feel comfortable. Council member Ahlstrom stated that he believes it is probably the best option at this point. Council members McKean, Bruhn, and Enquist were also generally supportive of the idea.

7. Engineering Report

Ben White reported on the progress of the Bountiful City Water Connection and 800 W projects. He also reported that UDOT had finally addressed the bump on the 400 N overpass. The next meeting will likely include the consideration of awarding concrete work for the Birnam Woods storm drain project. Finally, he reported that a family on 400 N just south of the overpass may have interest in requesting the name of the road be changed to address the potential confusion of having three roads known as "400 N." The feeling from the Council was that everyone on the street would need to support the idea before the Council would consider the issue.

8. Administrative Report

Duane Huffman reported that the selected candidate had accepted the position as Finance Clerk, and that she (Patrice Twitchell) would be starting in two weeks time. He also reported that the City had issued a request for proposals for property and general liability insurance, and that there would need to be a special meeting next week to make an award. The Council's consensus was for Wednesday the 10th at 6pm.

9. Mayor/Council Reports

Kelly Enquist – Asked staff to report potential plans by developers on the bottom of 400 N and on the dirt being left on the roads on 400 N and 1100 W – Ben White responded that we are working with all contractors on that issue.

Debbie McKean – Reported that the newsletter had gone out, and encouraged everyone to support the Founders Day Concert on Friday evening the 12th.

James Bruhn – Reported on ride-along's he participated in with the police department. He attended a waste conference in Texas the previous week. There is a Wasatch Waste Management meeting on the 2nd.

Mark Preece – Reported that the new Youth City Council will be presented at the next meeting.

James Ahlstrom– No report.

Mayor Romney – No report.

10. Approval of Minutes from the August 19, 2014 City Council Meeting.

Councilman Bruhn noted a needed correction on line 224 of the pending minutes, suggesting that “8.12.020 (22)” be corrected to read “8.12.020 (20)”.

MOTION: *James Bruhn moved to approve the minutes from the August 19, 2014 meeting as corrected. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

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

MOTION: *James Bruhn moved to go in to Executive Session in the police training room to discuss the character, professional competence, or physical or mental health of an individual. Mark Preece seconded the Motion which PASSED, with Kelly Enquist dissenting.*

MOTION: *James Bruhn moved to close the Executive Session at 10:52 p.m. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

12. Adjourn

MOTION: *Debbie McKean moved to adjourn this meeting of the West Bountiful City Council at 10:53 pm. James Bruhn 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 16, 2014.

Cathy Brightwell
CATHY BRIGHTWELL (CITY RECORDER)

