

Minutes of the West Bountiful City Council meeting held on **Tuesday, March 17, 2015** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom (absent), James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Ben White (Engineer), Paul Holden (Golf Director), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder/ Secretary)

**VISITORS:** Alan Malan, Corey Sweat

Mayor Romney called the work session to order at 6:35 pm.

**Continue discussion of Personnel Policy Manual re-draft.**

Council member McKean began by asking why “Mayor or designee” was removed from areas throughout the re-draft. Duane Huffman explained that the re-draft was crafted in such a way so as to match city ordinances and practices, and that staff would continue to consult regularly with the Mayor and Council on significant personnel issues.

The Council then picked-up the review of the re-draft at section 3-6, regarding the amount of comp time employees could accrue. After a lengthy discussion of the pros and cons of further capping comp time accruals, including the idea of including a statement of intent to normally keep accruals at less than 80 while leaving the regular cap at 240, this item was added to a list of potential items that may require mini-votes to resolve differences prior to final approval

The Council then moved on reviewing the following sections:

- 3.6.3 Emergency call-outs – There was a question regarding whether the emergency call-out pay would apply to an employee that is “on-call” at the time of the call-out.
- 3.7 Payment on Separation – No changes discussed.
- 4.1 Worker’s Comp - There was some discussion as to the contracted medical provider the city uses. Mr. Huffman committed to researching if it was tied to the City’s workers’ compensation insurance. No other changes discussed.
- 4.2 Social Security – No changes discussed.
- 4-3 Medical Ins. – No changes discussed.
- 4-4 LTD – No changes discussed.
- 4-5 COBRA – No changes discussed.
- 4-6 Employee Retirement – No changes discussed.
- 4-7 Employee Golf – No changes discussed.

Section 5 – LEAVE AND HOLIDAYS

- 5-1 Breaks and Meal Periods – No changes discussed.
- 5-2.1 Holidays – No changes discussed.
- 5-2.2 Holiday pay – No changes discussed.
- 5-3.1 Annual Leave – There was again discussion about an appropriate cap for annual leave accrual. This will be discussed more at a later meeting.

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Mayor Romney called the regular meeting to order at 7:34 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**

Dawn Smith - 801 Vintage Cir. – Ms. Smith expressed concerned about the 400 N bridge closure as part of the I-15 project, especially as it will affect children attending Bountiful Jr. High. She proposed alternatives such as constructing the bridge off-site and moving it in place. Mayor Romney explained that the City had discussed issues with the closure with UDOT, but their constraints limited what could be done. He also said that the City had been in contact with the School District, and that they have plans in place to help children reach the school. Mr. Huffman committed to helping Ms. Smith contact both UDOT and the School District.

Megan Smith – 801 Vintage Cir. – Ms. Smith is a student at West Bountiful Elementary, and she reported that horses on a property behind the school were treated very poorly. Chief Hixson will explore the situation.

**3. Consider Extension of Off-Site Improvements Agreement for Neal Hamilton, Stringham Subdivision, Lots 1 and 2**

Ben White explained that Stringham Estates subdivision, at 1200 North and 1100 West, was created in 2002, and included an agreement to defer off-site improvements for ten years. In 2011, the Agreement was extended for another ten years with certain triggers listed. Mr. Hamilton owns lots 1 and 2 and has applied for a building permit, which is one of the triggering events listed in the agreements. The owner has requested that the curb, sidewalk and additional asphalt that are required by the terms of the agreement be deferred until a future date. If curb and sidewalk were installed now, it would be the only curb and sidewalk presently along 1200 North. Staff recommends approval of the deferral but would like the ditch piped along the front of the property now which will

match adjoining properties. If approved, the Agreement to Modify the Extension For Off-Site Improvement Agreement extends the timeframe for when the surface improvements would be required for a term of twenty (20) years or until the City requires the improvements whichever is first. Piping the ditch on both lots will be required now as a condition of the pending building permit.

**MOTION:** *Debbie McKean moved to extend the Off-Site Improvements Agreement for Neal Hamilton, Stringham Estates Subdivision, Lots 1 and 2, subject to attorney review. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**4. Consider Request From The Munden's at 2095 N 800 West Regarding Public Improvements.**

Ben White explained that the Munden's own this property on the southwest corner of Porter Lane and 800 West. The City will be working on a storm drain project along the Munden's north property line. The new storm drain is directly under the existing curb alignment, so the curb must be removed to install the storm drain. The existing sidewalk and curb have been dysfunctional for years due to its alignment and being overgrown with weeds. The City made the decision earlier this year not to replace the curb and sidewalk as part of this project.

The Munden's are concerned that if the public improvements are not done as part of the project, they may be responsible for them down the road. There was discussion about potential future development and the high volume of pedestrian traffic coming off the trail with little room to walk.

The Munden's explained they have cleaned up yard, and would like sidewalk and curb installed, preferably diagonally from where the asphalt is to the entrance of the trail, with no park strip. Even though it will still be city owned, the Munden's will take care of the triangle area inside the sidewalk. There was discussion about the additional cost and it was suggested it be added to the total cost of the project.

**MOTION:** *James Bruhn moved to approve a new 6 ft. wide sidewalk and curb at the corner of Porter Lane and 800 West at a diagonal to meet with the trail head on Porter Lane. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Absent  
James Bruhn – Aye

Kelly Enquist – Aye  
Debbie McKean – Aye  
Mark Preece – Aye

**5. Consider Resolution #362-15 Establishing the Jessi's Meadows Special Assessment Area.**

Mr. Huffman introduced the item by referencing the memo included in the packet for the meeting. The proposed special assessment area will allow the Homeowners Association to dissolve while providing the means for its responsibilities to be met (path/landscape). Following the public hearing, the City received two protests from the 40 lots. The area will be funded by a \$300/yr assessment plus the remaining fund balance held by the HOA.

Council member Bruhn asked if the owner of the lot adjacent to the subdivision on the south end of the subdivision had been included, as he had extended the path in front of his property. Mr. Huffman explained that his lot could not be included without re-starting the entire process, and as such, recommended that issues with the path in front of his property be handled separately.

**MOTION:** *James Bruhn moved to adopt Resolution 362-15 establishing the Jessi's Meadow Special Assessment Area, noting that after reviewing the two protests no changes would be made to the original proposal. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**6. Consider Request From Chuck Gilmore To Have Amplified Music at City Park On July 31, 2015.**

**MOTION:** *Debbie McKean moved to approve the request from Chuck Gilmore to have amplified music at City Park on July 31, 2015. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

*Council member Ahlstrom arrived at the meeting*

**7. Consider Ordinance 371-15, An Ordinance Adopting Modifications to Section 17.56.030, Allowing Changes to Non-Conforming Structures**

Ben White explained that as a result of the City Council denying a variance request for an addition to a very old home that did not comply with current yard regulations, the planning commission was directed to develop language to deal with the issue.

The planning commission discussed various options over several meetings and held a public hearing on March 10, 2015. They have recommended language to the city council that allows some flexibility for modifications to structures that were legally conforming at the time of their construction, but due to changes in the Code, are now considered nonconforming. They also added a mechanism for the planning commission to impose mitigating conditions similar to a conditional use process.

Council member Bruhn does not support the proposed percentage limitation and gave an example of a subdivision that was built with eight foot side yard setbacks. If someone in that subdivision wants to extend the side of their home they wouldn't be able to, and he wants to make sure they don't have problems in the future. He supports maintaining the same encroachment they already have.

Following discussion on the issue, there was consensus to remove the percentage restrictions and change B.3. to allow the enlargement or addition to encroach into the applicable yard setback no more than the noncomplying structure encroaches into the same setback.

**MOTION:** *Kelly Enquist moved to table the item and review new proposed language at the next meeting. Mark Preece seconded the Motion, which PASSED by unanimous vote of all members present.*

**8. Discuss Prospector Trail Tree Proposal.**

Mr. Huffman explained that this proposal was the result of direction staff received after the Council reviewed and rejected bids for a fence along the Prospector trail. Council member Preece asked if the neighbors who had come to complain about the proposed fence would be happy with this, and the consensus was that they would be much happier with green trees in place of a fence. Mr. Huffman added that a recent quote for planting the trees came in at about \$12k in addition to the cost of the trees themselves. He will also check on whether the trees come with a warranty, as well as working with the tree programs of Bountiful Power and Holly. The Council was in agreement to move forward with acquiring and planting the trees to protect the trail.

**9. Consider Increases in the Compensation Paid to Members of the City Council and City Recorder of West Bountiful City**

Mr. Huffman explained the process to amend or adjust compensation for elected officials and statutory officers. There was discussion about how long the current city council compensation had been in place and it is thought that no changes have been made for some time. Staff will research the issue.

**MOTION:** *James Ahlstrom moved to review and consider the compensation of the Council and Recorder for the purpose of determining whether or not it should be adopted, changed, or amended. 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:** *Mark Preece moved to set a public hearing to be held at 7:30 pm, or as soon thereafter as the agenda allows, on April 7, 2015 at the city offices to provide an opportunity for interested persons to comment on the compensation proposal presented in the memo. James Ahlstrom 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. Police Report**

Chief Hixson reported on March activities. He said that after contacting surrounding agencies, they were able to clear out all of the bikes from the evidence room. The bikes are being donated to the Children's Justice Center ("CJC") where a scout group will clean them up and sell them to raise money for the CJC.

The Chief also noted that there have been multiple counterfeit \$50 and \$100 bills passed in the city of the past two weeks. Officer Breeze is distributing letters to local businesses making them aware of this trend.

Chief Hixson reported that the grant money from Holly for the EmPAC trailer has been used and the trailer is close to being complete. They have purchased several cases of Meals Ready To Eat ("MREs") to use in case of an emergency, and we purchased two additional radio frequencies to be assigned to the police department and public works. At their next meeting, EmPAC will discuss and make plans for the Great Utah Shakeout scheduled for April 16.

#### **11. Planning Commission/Engineering Report**

Ben White reported that 400 North construction is now expected to happen in mid April. He added that we are working on landscape design with UDOT and Bountiful for the 500 South interchange. The Porter Lane storm drain should get started soon pending UTA right-of-way grants.

The Planning Commission, last week, approved language for non-complying structures; approved a conditional use permit for a 23 ft high garage in R1-10. The property on 550 West backs up to the train tracks and freeway and the garage will not adversely affect neighbors. The Commission also approved a Conditional Use permit for the Stringham Farms flag lots and after a long discussion it got tabled. They want to hold a work session with city council to discuss the issues related to the flag lots and the subdivision. We have not had any word back from the Church regarding the walkway from 750 West. The developer stated he does not want the path to the church

primarily because the lots are too small. Staff is working to prepare a list of potential detrimental effects and mitigating factors associated with the flag lots for the next meeting.

## 12. Administrative/Finance Report

Mr. Huffman briefly reviewed a financial summary for the year. In addition, he suggested the Council plan for a special meeting and a full regular meeting in April to review draft budgets for next year.

Mr. Huffman also reported that staff is preparing to use several enforcement provisions from the new nuisance ordinance this spring.

Mr. Huffman committed to sending out information to the Council regarding the spring Utah League of Cities and Towns conference in St. George next month.

## 13. Mayor/Council Reports

James Ahlstrom – no report.

Mark Preece reported that the Youth City Council will order *I heart WB* shirts; they are looking into setting up their own Retreat; and are in the process of filling 5000 eggs for the Easter Egg Scramble on April 4. He noted that Cathy Brightwell is helping them to conduct their meetings more like city council, with formal agendas, motions, minutes and recordings. Council member McKean suggested they may want to shadow city council members to learn more about what they do.

James Bruhn described the good meeting and lunch they had with school district and school officials, and passed on a letter from a concerned citizen.

He asked if discussion of RAP tax would be on the next agenda. There was discussion about the pros and cons of doing it this year versus next year, and most felt it would be better to do it this year. RAP Tax will be on the next meeting agenda.

Mr. Bruhn added that the city was probably a little short-sighted with the Birnam Woods ditch; it should have continued on the north side of the trail to the pipe that goes under the Legacy trail.

Debbie McKean reported that Arts Council is working on the July 4<sup>th</sup> parade. She asked council member Preece to see if the Youth Council could have Olaf and the Easter bunny ride in the parade and be at the Park afterwards.

She asked what happened to the information Lewis, Young, Robertson, and Burningham was going to send after our economic development work session. Duane Huffman will follow-up with them.

Kelly Enquist said he enjoyed the meeting at the elementary school yesterday. They walked through and took assessment of the conditions. They also received a stack of great letters from students.

He added that he received a citizen complaint about safety concerns on the Orville Ryver property at the bottom of Porter Lane.

Mayor Romney talked about the transportation tax recently passed by the legislature. He said the County may wait a year to implement it.

14. **Approval of Minutes from the March 3, 2015 City Council Meeting.**

**MOTION:** *James Ahlstrom moved to approve the minutes from the March 3, 2015 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

15. **Adjourn**

**MOTION:** *James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 9:48 pm. James Bruhn 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, April 7, 2015.*

  
Cathy Brightwell (City Recorder)

