

Minutes of the West Bountiful City Council meeting held on **Tuesday, May 5, 2015** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Kenneth 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 (Engineer), Paul Holden (Golf Director), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder/ Secretary), Patrice Twitchell (Finance Clerk)

**VISITORS:** Alan Malan, Beth Holbrook, Josh Cochran, Richard Hamik, TJ Atwood, Rod Wood, Ken Rasmussen, Reece Dedrille, Ben Moon, Caleb Hoggan, Taylor Thomas, Denis Hopkinson, Gary Jacketta, Todd Smith, Dave Powers, Jeff Bassett, Wendell Wild

Mayor Romney called the work session meeting to order at 6:15 pm.

1. **Discuss Budget for FY 2016.**

Duane Huffman reviewed the budget process to date and described each proposed increase in the current draft of the Funds not yet covered. Highlights and items for follow-up are listed below.

Jessi's Meadow Assessment Fund

*Revenue* - This is a new Fund resulting from the discontinuance of the Jessi's Meadow homeowner's association and the associated transfer of funds to the City. There is approximately \$11k in revenue and beginning next year similar annual amounts will be collected.

*Expenses* - \$5k maintenance expense has been put in as a placeholder until we determine what the actual expense will be. There was discussion about who will do the lawn maintenance and because the bids came in similar to the in-house expense, we will contract the work out.

Streets Impact Fee Fund - Plan to use \$40k development impact fees plus the \$110k fund balance to pay for the Pages Lane project.

Storm Drain Impact Fee Fund - This fund has been combined with the Storm Water Utility Fund that should have been together before.

Police Facility Impact Fees Fund - \$2k debt service on police station in city hall building.

Park Impact Fees Fund - Capital outlay for trail rest room FY15 and Park improvements FY16.

Capital Improvement Fund - As this fund is not specific to any currently planned project, intent is to zero it out.

Streets Capital Improvement Fund – Had \$238k in balance, and will collect \$212k. Plan to spend \$125k for 725 West, \$475k for 660 West and Pages Lane. Plow, tractor, and 1-ton truck will also come out for \$75.5k.

RDA Fund will be adopted separately.

*Revenue* is collected from tax increments in the Redevelopment Area.

*Expenses* come from 3 employees (City Administrator, Police Chief, Finance Clerk) allocated to the RDA, including a percentage of their salaries and associated expenses. The travel expense line item is a portion of the vehicle allowance for the Mayor. Professional fees go to LYRB for annual reports. Meeting stipends for attendance at RDA meetings have been coming out of General Fund, but should move to RDA.

RAP Fund –  
FY15

- The \$100k for trail restroom – moved to Park Impacts Fund;
- Transfer to fund annual amount for Arts Council added;
- Budgeted \$50k for trail netting, but trees are only \$30k;
- Budgeting error – Park equipment (gator) purchased was to come completely out of this fund rather than split with the General Fund;
- Birnam Woods park drainage was supposed to come out of RAP so will also transfer;
- Added funds to cover the overlay of Legacy Trail,
- Will need to add funds to cover electrical issues at snack shack.

FY16

- 200k for Park Improvements;
- Transfer to General fund for Arts Council;
- Would have approximately \$200k left in fund balance.

There was discussion about the need to move the West Yard and potentially the Public Works Shop in the future. Steve Maughan commented that it would be nice to have the Shop and the Yard together for convenience of equipment and supplies, e.g., salt, etc., and that the current Yard location is not ideal. He would like to see a larger Shop so the equipment, including snow plows, can all be kept inside. Council member McKean noted that there has been discussion in the past about moving public works and using their existing location for arts and community events, so that RAP funding could potentially be used to help with the project. It was suggested that a capital projects fund could be created to begin saving money for it.

There was additional discussion about other potential projects including replacing the roof on the bowery behind city hall, and improvements at Charnell Park.

Water Fund

*Revenues* - Impact fees of \$80k are expected, and have been correctly posted unlike storm water. We are also expecting a 1% increase in water sales.

*Expenses* – there was discussion about how employees' salaries are split between the funds. Public works employees' salaries are allocated based on the amount of time they spend on water as well as Ben White and Mindi Tullis. Public works splits their time out on their timesheets each pay period based on how many actual hours they spend on water, which is very cumbersome. This

exercise was initially set up to analyze hours but may not be necessary any longer. Council members agreed that after 5-6 years, it is probably not necessary to continue.

- There was question as to what is included in the Miscellaneous Expense line. Staff will double check and report back;
- Capital outlay-Equipment includes new tools, Hydrant Saver for \$9.5k, Confined Space Blower for \$2.5k, and Water Incubator for \$1.9k. Discussed replacement of old hydrants throughout the city. They cost about \$4500 each. We have been setting aside money to replace them so they are all working now, although a couple may not shut off.
- Capital Projects – Pages Lane and 660 West.
- Capital Outlay-Equipment includes a new 1-ton truck to be split with General Fund (\$25k each).
- We plugged in \$1m as a placeholder for a new well.
- 500 South waterline replacement project needs to be added. Holly agreed to pay for a portion of it as part of agreement - \$500K for a new source of water and \$500K to replace waterline on 500 South.

Total for Water Fund this year \$ 3.3m.

#### Solid Waste Fund

Rates were raised last year because we had not been covering cost. Now we are projected to collect \$371k at the end of FY15. We do not expect any increase in tipping costs, although dumpster costs will go up for our clean-ups. At the end of FY16, we are projected to be \$35k in the black. There was discussion about options including moving some to the west yard project fund, decreasing rates or implementing new clean-up options like picking up old tires.

#### Storm Drain Utility Fund

*Revenues* – We originally projected that we would collect \$125k but will likely only get \$97k.

*Expenses* – We increased the time allocation for one employee.

- \$1,000 for trailer maintenance;
- Capital Outlay projects include \$100k for 1100 West and \$120k for 1200 North projects. These estimates are old so we may need to check inflation and possibly increase amounts.

#### Special Capital Project Funds

- 900 West - \$53k expenses.
- 800 West – budgeted \$740k, costs were \$674.
- 725 West – estimates are the same as budgeted figures this year.
- Pages Lane – budgeted \$500k last year but the project was not done because of UDOT closing 400 North. We have included it in this year's budget but may have delays again due to UDOT. We are projecting \$800k, but may need to check inflation costs.
- 660 West projected at \$600k.
- Birnam Woods project moved to RAP.
- 1100 West storm drain belongs in the Storm Water Fund.

Duane Huffman discussed a handout describing Golf Fund Loan Options.

Option A - 1 year, 2 fund plan. The General fund pays off Solid Waste and the RAP Fund pays off Water Fund. This is the most aggressive option.

Option B - 2 year, General Fund plan. The FY16 General Fund pays off the total Solid Waste amount and makes one year payment for water. In FY17, the General Fund pays off the remaining Water balance.

Option C - 2 year, 2 fund plan. The General Fund pays half of Solid Waste in FY16 and half in FY17. The RAP Fund pays half of water in FY16 and half in FY17.

There were no immediate questions so Mayor Romney asked the Council to review the options and be prepared for further discussion at the next meeting.

*The work session adjourned to the Regular City Council meeting at 7:22 pm.*

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Boy Scouts Eli Moon gave the Boy Scout Pledge, and Caleb Hoggan led the Pledge of Allegiance

**1. Accept Agenda**

**MOTION:** *Debbie McKean moved to approve the agenda as posted. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**2. Public Comment – None**

**3. Consider Award to of Waste Collection Services.**

Mayor Romney invited the four Waste Collection respondents to give a short presentation.

Ace Disposal – Phil Martin, explained that the company is local and family owned. The founder still works and his son is the general manager. Their customer service center is in West Valley with a 24/7 answer policy. He noted that they have a new regional center in Clearfield making it convenient to serve West Bountiful from either location. He added that they take great pride in being a green company and he described their fleet. Regarding employees, he said they use E-verify, and randomly drug test. He said they recognize the importance of making the change as transparent as possible, so they will keep the same schedule as currently used.

Waste Management – Beth Holbrook began by distributing a general handout about her company. She said as the current provider, it is very important to them to continue serving West Bountiful. Waste Management believes in investing in the community and she reminded Council that they provided the blue carts up front when recycling began and let the city paid them back after recycling started. She noted that they have enhanced their customer service by adding a local person,

Jenny Reynolds, to handling local consumer service issues. She gave some history of their level of service and described their fleet explaining that maintenance and safety are huge priorities for them. She also pointed out they use E-verify and provide good training for their employees.

Republic – TJ Atwood, operations manager for the Ogden division, explained that he handles the territory from North Salt Lake to Tremonton. His company currently has eight municipalities and services 26k homes. He stated safety is their number one priority and described their fleet and maintenance schedule. He talked about the great reviews they get for customer service because they believe they are not in the waste business, but in the customer service business. They provide local customer service and focus on follow-up.

Robinson - Josh Cochran explained that their company started in 1989 and is locally owned and operated. They serve nine municipalities and Hill Air Force base. He claimed that what sets them apart from competitors is their service level. He noted that they have been awarded contracts even when not the lowest bid because of their highly rated customer service. He said they view themselves as an extension of the city and work hard to see that customers have no complaints.

Mayor Romney commented that all the companies were good and the City couldn't go wrong with any of them. He asked for council member comments.

Council member Ahlstrom asked each company if the bond requirement was lower, would their prices have been lower. They all responded affirmatively. He added that he had concerns about comparing proposals that were not "apples to apples."

Council members agreed the companies were all high quality companies offering similar services so price becomes more important.

**MOTION:** *James Bruhn moved to Award the City's Waste Collection Services to Ace Disposal. Mark Preece seconded the Motion.*

*Discussion on the Motion followed regarding the requested bond level, whether the lower bond proposal from Ace was sufficient, and whether it was appropriate to deviate from the RFP.*

**Voting on the Motion was recorded as follows:**

|                |     |
|----------------|-----|
| James Ahlstrom | Nay |
| Mark Preece    | Aye |
| James Bruhn    | Aye |
| Debbie McKean  | Nay |
| Kelly Enquist  | Aye |

**4. Consider Appeal of Conditional Use Permit for Stringham Farm Subdivision Flag Lots.**

Mayor Romney explained that the City Council is the Appeal Authority for the conditional use permit issued by the Planning Commission on March 24, 2015 granting flag lots for this subdivision with certain Conditions. The appeal constitutes a "de novo" review so no deference must be given to the earlier findings or conclusions, rather the Council will take a fresh look at the issues raised in the appeal which include lighting, driveway, and fencing. The remaining issues listed in the Wild's letter

were not part of the conditional use approval and should be considered at a later time. He also shared that updated information was received from the South Davis Metro Fire Agency today.

Duane Huffman reviewed the history of the case which began when the Wilds applied for a conditional use permit for flag lots at their property located at 735 W 1000 North in conjunction with a subdivision application for the same property that was filed in February. He discussed the Council's options and noted that a final written decision will be prepared by Mr. Doxey and approved at a later meeting.

The Mayor invited Wendell Wild to the podium to make comments supporting his claims. Regarding the driveway, he addressed Condition 3 that the driveway be at least twenty-six (26) feet wide to allow for parking on a dedicated fire access road, Condition 4 that the full width of the driveway must be constructed at the same time as the street and other public improvements for the entire length of the flag lot, and Condition 5 that the driveway must consist of eight inch thick concrete over eight inch thick compacted base course material to prevent public works vehicles and emergency responders from damaging the private driveway.

Mr. Wild argued that a driveway width of 20 feet is adequate and meets fire code. He believes the size of the lots will provide adequate parking areas for Lots 4 and 5 so parking will not be necessary along the driveway and he suggests "no parking" signs be installed.

There was discussion about the likelihood of residents and guests parking along the driveway regardless of signage especially with little to no available parking on the cul-de-sac, and questions about who would be responsible to enforce the parking restrictions.

Mr. Wild then addressed the thickness of concrete. He is concerned with the eight inch fill and concrete requirements and does not believe they are necessary for fire trucks and storm drain vacuum trucks. He distributed a letter from M.C. Green & Sons dated March 24, 2015, and a letter from AGEC, dated April 6, 2015 that talked about road depth options. He asked about how far the fire lane continues up the driveway. He wondered if with sufficient road base, the extended portion needs to be concrete. He said he does not dispute the fire lane extending twenty feet beyond the north sides of Lots 3 and 6, but would like the remainder of the driveway to the storm drain box to be asphalt or other materials that meet the requirements for a 66k pound truck.

Lighting – Condition 1 - Mr. Wild argues it is not necessary to have an address sign at the entrance of the lane with illuminated house numbers. He believes reflective, contrasting house numbers are sufficient.

Fence – Condition 8 - Mr. Wild is not opposed to fencing but is concerned that a future homeowner may want a different type of fence, and is not sure how to decide the type and color when the fence is supposed to go in at the time of development. He proposes waiting for the owner to select the fence, and in response to a question, responded that he would be fine to have the developer bond for it.

Ken Rasmussen, a neighbor to the subdivision inquired why a fence is required. Duane Huffman showed him a diagram explaining where the fence has been proposed.

The Council discussed the items raised by Mr. Wild as described below.

1. Address/ Numbers – Representatives from the fire department were asked about illuminated address numbers. They responded that the Fire Code requires premises to have reflective, contrasting numbers 6” high, visible from the street; anything beyond that is up to the City Council. There was discussion about difficulty finding the homes on lots 4 and 5 in the dark especially in medical emergencies when there is no other way to locate the home.

*There was consensus to construct one sign on each side of the driveway, no more than three feet from the back of the sidewalk. Address numbers must comply with the fire code.*

2. Driveway – There was discussion about how thick the driveway needs to be in the area beyond the 113 foot fire lane. With eight inches of gravel base, most thought that asphalt would be ok in this space, unless an engineered design is provided to support something different.

There was much discussion about the width of the driveway. Steve Maughan responded to questions that a storm drain vacuum truck needs a minimum of fourteen feet, but that assumes no vehicles are parked around it.

*There was consensus to require a twenty-six foot wide driveway for the full length of the fire lane, then drop back to twenty feet tapered with a clean transition, hard base all the way, centered between the two properties. The fire lane will be built with eight inches of concrete over eight inches of course fill material. The driveway beyond the fire lane may be built with asphalt over eight inches of gravel base. This requirement can change if the City agrees to a recommendation from a licensed geotechnical engineer that accommodates a 75k pound fire truck in the fire lane and 66k pound storm drain vacuum truck in the portion of the driveway north of the fire lane. The driveway will be installed with the subdivision. A cross-access and maintenance agreement will be recorded to identify where parking is allowed and to prohibit fences within the driveway.*

Ben White asked that that these requirements be recorded on the plat in case a homeowner wants to make changes later. They need the requirements to be clear.

3. Fence along the driveway – After discussion, *there was consensus that a fence along the driveway between lots 3 and 6 is not required.*

**MOTION:** *James Ahlstrom moved to have the City Attorney prepare findings of fact and conclusions of law consistent with the consensus reached tonight. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

Council thanked the Planning Commission for doing a good job anticipating and considering all the issues. There was discussion about flag lots in general and the need to begin work on an ordinance to address generic flag lot requirements.

*The meeting recessed for a 5 minute comfort break.*

**5. Budget Officer Filing of Fiscal Year 2015/2016 Tentative Budget.**

Duane Huffman explained that as the City's Budget officer he is required to present a tentative budget to the Council. Once adopted, the tentative budget becomes the draft used to develop a final budget and requires a public hearing.

**MOTION:** *James Bruhn moved to adopt the FY2015-2016 Tentative budget and set a public hearing for June 2, 2015. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

**6. Review Proposed Amendments to the Fiscal Year 2015/2016 Budget.**

Mayor Romney pointed out an error in the description above - that the proposed amendments were to the 2014/2015 Budget, not the 2015/2016 Budget. Mr. Huffman explained that the amendments need to be adopted after a public hearing is held and the specific amendments will be discussed at a work session prior to the hearing.

**MOTION:** *Debbie McKean moved to set a public hearing for June 2, 2015 to adopt proposed amendments to the Fiscal Year 2014/2015 budget. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**7. Engineering/Planning Commission Report.**

Planning Commission granted a conditional use permit last week for an 8 foot fence to be built on the north side of a LDS Church parking lot/driveway to match a similar fence approved several years ago. They also considered a conditional use permit for an accessory building higher than 20 feet in Jessi's Meadow but tabled it as the applicant was not available to answer questions. At their next meeting, they will discuss a 2 lot subdivision proposal just west of Birnam Woods on Porter Lane. The application has some issues to be resolved.

Ben White also announced that a CDBG grant for \$30k was approved to complete the portions of sidewalk on the west side of 800 West that were not completed with last year's grant. It is not clear whether the improvements can be completed this year or next year.

He added that he recently got word that UDOT is preparing to go to bid on improvements to 400 N, from 800 W to Main St, next year that will include replacing the asphalt with concrete. The

Council discussed asking UDOT not to do it next year because city has been disrupted enough with 400 North closures.

The 725 West water line is completely done, the road has been excavated, and we expect it to be paved within 2 weeks.

The Porter Lane storm drain project is still underway, and the construction of the new restroom at the golf course has been started..

## 8. Mayor/Council Reports.

Mayor Romney – Received a complaint regarding pile driving.

He reminded the Council that state law allows the Council to remove a person from the meeting by 2/3 vote for disorderly conduct, not that there has been any need for something like that recently.

He noted that the budget process has gone well so far, and asked the Council to review the golf course loan options so we can lay out timetable.

He asked staff to get us options on RAP tax ballot language so we can get it ready.

Finally, he noted that the Council will talk about local sales tax option for transportation in the future.

James Ahlstrom – He inquired about the request from Mr. Thackeray to address the Council. Mr. Huffman responded that he is tentatively on the agenda for June 2.

Mark Preece - No report.

James Bruhn reported that Wasatch Integrated will be some raising fees. It should not impact the City except for dumpsters. The incinerator is down. They have been nursing it along but needed to wait to fix it until Hill AFB signed their proposal so they would have money. Everything is going to the landfill until can be rebuilt – it is very expensive to fix.

He has noticed several street lights are out around the city, including in Olsen Farms. What is the best way to get them fixed? Chief Hixson noted that the night officer will make a list of all the lights out.

Debbie McKean – Thanks to Council member Preece we had a quick turnaround getting the summer newsletter printed; it will go in the mail tomorrow. Friday's Arts Council event is the Youth concert spotlighting the city's talented musicians. It is always very good, and the Arts Council would appreciate city council's support by attending the event. At the Arts Council meeting on Thursday, we will continue to prepare for the July 4<sup>th</sup> celebration. She gave each council member an assignment for that Saturday's activities, and reminded them they are responsible to make arrangements for their own cars in the parade. She also discussed council shirts for the event and they decided to go with the great discount Paul Holden's was able to get through Nike, all in the same color.

Kelly Enquist is on a committee of south Davis County cities addressing a catastrophic fire plan for the area and asked Chief Bassett to summarize the project. Chief Bassett explained that the state does not fund expenses incurred as part of catastrophic fires and gave an example of high cost resulting from helicopters being called in to address emergencies. He believes there is a chance that legislation will be adopted next year to help in these situations but cities may only be eligible to

receive funding if they have a community protection fire plan in place, so we want to make sure we are eligible.

9. **Approval of Minutes from the April 21, 2015 City Council Meeting.**

**MOTION:** *James Bruhn moved to approve the minutes from the April 21, 2015 meeting as presented. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

17. **Adjourn**

**MOTION:** *James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 10:57pm. 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, May 19, 2015.*

*Cathy Brightwell*  
Cathy Brightwell (City Recorder)

