

Minutes of the West Bountiful City Council meeting held on Tuesday, June 2, 2015 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 (Engineer), Steve Maughan (Public Works Director), Paul Holden (Golf Director), Cathy Brightwell (City Recorder/Secretary), Patrice Twitchell (Finance)

VISITORS: Alan Malan, Andrew Williams, Wendell Wild, Brady Tracy

Mayor Romney called the work session to order at 6:05 pm.

1. Discuss Budgets for FY 2015 and FY 2016.

Duane Huffman introduced a continuation of the discussion from previous budget meetings.

FY 2016 – Based on changes discussed at previous meetings, the new draft general fund balance at the end of FY 16 is \$834K which is 26% of revenues. This includes a wage increase of 4% for all employees and a \$1,000 increase in worker's compensation rates.

He explained that previously the Council discussed deferring \$116k in capital streets maintenance, but this draft proposes transferring it from the current year's budget to the Streets Capital fund for future planned projects.

Capital funds discussion – It is important to understand that estimates are for undesigned projects well into the future. In the past we had built up money in the funds, but after FY 16, we likely will not be able to be as aggressive with multiple projects in the same year.

There was discussion about all the projects and where funding comes from. We will likely need to fund a portion of the 1200 N project from the General Fund.

There was discussion about sales tax projections and how conservative we are with our estimates, as well as the future of property tax collections.

Monument signs to welcome people to West Bountiful were discussed but there is nothing for them in the current draft based on the need for more clarity on the scope of the project. There was discussion about different kinds of signs and how much they cost. It was proposed to include a total of \$50k for 3 signs. The locations discussed were at City Park (1st priority), 640 West from Centerville, and at the bottom of 400 North. If the sign is combined with a City Park sign, it becomes eligible for RAP.

Regarding playground upgrades, there is a 6-8 week lag for equipment and concrete bids. We need to move quickly to get it finished in the fall. Council members McKean and Enquist having been reviewing the proposals and are close to making a decision for a recommendation.

Duane reviewed the Golf Fund Loan options again. Following discussion on the pros and cons of each, it was decided to include in the budget a contribution from the General Fund to pay off the total Solid Waste loan.

Golf fund – there was discussion about earlier requested items for the golf course that had been taken off the table. Council member Ahlstrom pointed out that the things they asked for are more needs than wishes. Following discussion on each of the requests, it was decided to add back \$2k for merchandise displays. Duane Huffman noted that golf course revenue projections are difficult to make because of unknown weather changes.

There was interest in setting up a West Yard fund but not sure where the seed money would come from. Council members Bruhn and McKean would like to see something started.

FY 2015 Budget amendments. -

Mr. Huffman then went over the proposed changes and adjustments in the current year budget (FY 15), including the changes in the RAP fund.

Duane Huffman suggested everyone review the documents to be ready for the next meeting and final approval. If there are questions, please contact him.

The Budget Work session adjourned at 7:00 pm.

Mayor Romney called the Regular meeting to order at 7:45 pm. Debbie McKean offered a prayer and the Pledge of Allegiance was led by Kelly Enquist.

1. Accept Agenda

MOTION: *James Ahlstrom moved to approve the agenda as posted, which includes an executive session. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment.

No comments.

3. Public Hearing for the Purpose of Receiving Public Comment on the FY 2015-2016 Tentative Budget.

MOTION: *Debbie McKean moved to open the public hearing to receive comments on the FY 2015-2016 Tentative Budget. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

There was no public comment.

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

4. Public Hearing for the Purpose of Receiving Public Comment on Proposed Amendments to the FY 2014-2015 Budget.

MOTION: *James Bruhn moved to open the public hearing to receive comments on Proposed Amendments to the FY 2014-2015 Budget. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

Duane Huffman reviewed the FY 2014-15 budget estimates which includes an increase in sales tax projections, building permit collections, etc. Expenses were updated to reflect changes in salaries and other employee related costs including employees who have left and new employees and council wages, South Davis Metro Fire Agency payment changes, and not in the tentative budget but discussed earlier tonight, a transfer of \$116k to the streets capital fund to help pay for improvements this summer and next spring for street capital, and other fund updates. The bottom line is an increase in Fund balance of \$80k from last year.

Mayor Romney asked for public comment; there was none.

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

5. Consider Final Plat Approval for Stringham Farm Subdivision at 735 W 100 North.

Ben White explained that in March the planning commission gave a favorable recommendation for approval of the Stringham Farm subdivision and issued a conditional use permit regarding the proposed flag lots. Since then the City Council issued a final decision on an appeal of the conditional use permit.

Mr. White reviewed the list of Planning Commission recommendations for the Final Plat from his memo. The Final Plat as submitted does not currently include a mid-block walkway between lots 6 and 7 as recommended. The Planning Commission recommended a six foot walkway easement that would be vacated if the adjoining property owner did not allow access within twelve months. There was discussion about the requirement in City Code 16.12.050 that mid-block walkways be no less than ten feet wide. Mr. White explained that the Planning Commission wanted to make sure vehicles would not be able to use it, and six feet would provide adequate width for pedestrian travel. One suggestion was to require a ten foot easement but only require the pavement to be 6 feet. There was also discussion about the twelve month timeframe recommended by the Planning Commission, and Mr. White explained that the Planning Commission thought it might be unreasonable to leave homeowners up in the air indefinitely about what they could/could not do on the easement regarding flower beds, sprinklers, and fences. He also stated that they did not expect the walkway to be constructed until there was approval from the neighboring property owner.

Mr. Wendell Wild was invited to the podium to address his items of concern. Regarding the walkway, he explained that it was left off the plat because the neighboring church does not allow public access across its properties. He then read from an email he received from the church. In response to questions, Mr. Wild said he was concerned about the impact on the two properties sharing the walkway, including maintenance, imposed liability, and diminished property values. He added that these lots will be difficult to market and it is not clear who will bear the expense. There was discussion about the City's responsibility to consider the needs of and benefits to the entire community rather than one developer or two individual property owners. He added that he checked with the Property Rights Ombudsman to see if it would be considered an exaction to put this

responsibility on a developer; they stated there were enough grounds to review and render an opinion. He stated that Duane Huffman spoke with the Property Ombudsman and explained that the city believes until there is a final decision it is premature to review the issue.

Mayor Romney added his personal feelings that there are changes in attitude among the public with a growing demand for walking, green communities. He acknowledged that the church says it discourages access, but he gave examples of similar access to churches in the city. In the future he believes they will change their policy and it will be good to have the easement even if the walkway is not installed now. It gives the City the ability to build it later even if we have to pay for it, which is estimated to cost approximately \$3k for a concrete walkway 6 ft. X 85 ft.

Mr. Huffman briefly explained his interpretation of the City's right to require the walkway under the standards of the Nolan/Dolan legal cases, and that neighboring property owners do not affect the City's ability to make the requirement.

Mayor Romney asked for council comments.

James Ahlstrom stated that his job is to do what is in the best interest of all citizens. He added that he believes the Code and case law is clear that the City has the right to require the walkway.

Debbie McKean said that as a property owner, she likes to have the freedom to do what she wants on her property, but from a City Council perspective she has a responsibility to do what is best for the City. She suggested they ask for the easement and have the City pay for the path then deed it over to the property owners to maintain as regular sidewalk.

Kelly Enquist would like to see the requirement removed altogether. Other examples previously stated connect public property to public property, not public property to private property as in this case. He agreed there are positives to having it, and he wishes the property owners would work something out, but feels the City has overstepped its bounds. He believes the City has the discretion not to impose the requirement.

There was then discussion about curb, gutter and sidewalk on 1000 North. Mr. Wild explained that he asked for a deferral in installing the improvements due to the changes that would need to be made to Barton Creek, and he believes those changes will affect the historic character of the street.

Mayor Romney asked if there were any other issues to be discussed. Duane Huffman brought up the issue of the required Joint Maintenance agreement for the flag lots. He said the City contemplates being a party to the agreement. So as not to delay the approval, he suggested that if the subdivision is approved tonight, the specific Joint Maintenance agreement could be approved at a later meeting.

MOTION: *James Ahlstrom moved to grant Final Plat approval for Stringham Farm subdivision with the following conditions:*

- *The Council approves the recommendations laid out in the staff memo of Ben White, unless otherwise noted below.*
- *In relation to item four in the staff memo, the Council finds that the subdivision meets the mid-block requirements of City Code 16.12.050, which grants the Council the ability to require a walkway. As such, this subdivision is to include a ten foot easement split between lots 6 and 7 for a mid-block walkway, with a 6 ft. concrete walkway to be installed by the developer with all other required subdivision public improvements.*

- *The required installation of curb, gutter, and sidewalks on 1000 North is to be installed with all other required public improvements (no deferral).*
- *A cross access and joint maintenance agreement for the flag lots #4 and #5 will be approved at a later meeting by this body.*

Mark Preece seconded the Motion, and it PASSED 3-2.

The vote was recorded as follows:

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

6. Engineering Report.

Ben White provided a construction update reporting that 725 West was paved today, and the Porter Lane storm drain is wrapping up.

In response to questions about problems with the asphalt on 700 West, he explained that it appeared to be a water leak, but when it was dug up it was only wet down a foot deep, so there was no evidence of a leak. It appears that our new excavation opened it up to the rain and caused the problem. There are other issues on 700 West into which Steve is looking.

He added that the walls are up at the new restroom at the golf course, and paths will be added to it from between the black tees on hole #2, and south of the black tees on hole #8. Construction of a path connecting to the Prospector Trail is delayed due to discussions with UTA regarding maintenance of that trail.

Ben also reported that he and Duane Huffman met with a representative for the new owners of the old Shopko building. They are planning to be up and running with a new tenant before the holiday season. He added that there appears to be movement regarding area previously occupied by Winger's and Burger King

Ben was asked to give an update on 400 North construction. He said they seem to be moving along and are still scheduled to reopen in early August. UDOT received our letter asking them to delay their 400 North concrete project next year and they are considering some modifications to their plans. He believes the concrete may be installed on the 400 North bridge as part of the current rebuild so it won't have to be closed again.

7. Administrative Report.

Duane Huffman reminded Council the candidate filing period for the municipal election runs from June 1-8, between 8-5 pm. As of 5 p.m. today, we have three candidates – Brady Tracy, James Bruhn, and Alan Malan.

He then described a recent concern about parking along 800 West by Holly employees and contractors. Signs were posted at one point on the east side of the road that said, "no stopping or standing." Holly notified employees not to park there and told us to go ahead and cite them. After doing some research, we found that the signs were not installed by the City but had been put up by

the property owner. There was some thought that the signs were the result of Homeland Security issues during the 2002 Olympics, but Holly was unable to provide any documentation to that effect so the signs were removed this afternoon. He added that we need to decide if there is a parking problem and if so, we need to modify our parking ordinance as the current law does not give us much discretion. With recent construction in that area, their traffic patterns are evolving so we may find over time that parking is not a big concern.

8. Mayor/Council Reports.

Mayor Romney confirmed that the current schedule calls for 400 North to open by August 5, They will try to do some concrete now on the bridge, and will work with us on the construction schedule for Pages Lane. He added that 500 South will close completely on June 13-14 as they make the final change to diverging diamond. Union Pacific will also be closing the 500 South tracks at the same time to repair and do maintenance on the tracks due to some problems caused by water. The Mayor also said they will be adding a traffic light at 1450 West and Parrish Lane soon.

He added that he will be meeting with the incoming Youth Council Mayor in the next couple of weeks. There is a plan for a previous Youth Council Mayor, Ethan Till, to assist with the Youth Council, and we plan to arrange some assistance with the Independence Day activities.

James Ahlstrom thanked Patrice Twitchell and Duane Huffman for putting together a good budget and process. He appreciated everyone working together to get it done.

Mark Preece agreed this was a good budget process. He added that the Sewer District is going ahead with the methane reclamation project, which is very exciting. He also reported that the EmPAC meeting last week was good and they are finishing up the trailer. He added that Youth City Council interviews for the next school year will begin shortly.

James Bruhn – There is a Wasatch Integrated meeting tomorrow so he will have more information at the next meeting on the progress of the trammel screen and steam generation unit rebuild.

Debbie McKean talked about the mini newsletter going out in a couple of weeks. It will include information on the change in garbage collection contractor, Independence Day activities including the Safety fair, and the Long Drive. Regarding the July 4th celebration she explained there had been problems tying down food vendors but finally found a barbeque truck (from Orem) that will also bring along someone to do sliders, plus El Morro Tacos will be there again this year. She said she needs candy orders for the parade. Duane Huffman commented that if anyone plans to have any campaign signage on their vehicle during the parade they should not purchase candy through the City. There was then discussion about water drop squeeze balls and it was suggested that we purchase 2500 to throw out during the parade highlighting the City's award of Best Tasting Water in the State this year.

With all the water we have had recently, mosquitos have manifested and the Mosquito Abatement district is busy spraying. She suggested that if anyone is having problems they can get online at www.davismosquito.org to request an additional spray.

Kelly Enquist had no report.

9. **Approval of Minutes from the May 19, 2015 City Council Meeting.**

MOTION: *Mark Preece moved to approve the minutes from the May 19, 2015 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

10. **Executive session, pursuant Utah Code 52-4-205 (a) to Discuss the Character, Professional Competence, or Physical Health of an Individual.**

MOTION: *James Bruhn moved to go in to Executive Session at 9:42 p.m. in the police training room to discuss the character, professional competence, or physical health of an individual. Mark Preece seconded the Motion which PASSED by vote of 4-1.*

The vote was recorded as follows:

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

MOTION: *James Bruhn moved to close the Executive Session. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members.*

11. **Adjourn**

MOTION: *James Bruhn moved to adjourn this meeting of the West Bountiful City Council. Mark Preece 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, June 16, 2015.

Cathy Brightwell
CATHY BRIGHTWELL (City Recorder)



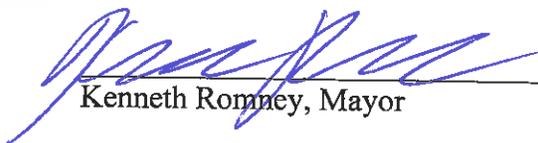
WEST BOUNTIFUL CITY
Statement Regarding Closed Meeting of City Council
June 2, 2015

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

I, Ken Romney, hereby affirm as follows:

1. I am the Mayor of West Bountiful City, and make the following averments based on personal knowledge.
2. I presided at a duly noticed meeting of the West Bountiful City Council on June 2, 2015.
3. Upon motion and a unanimous vote, the City Council closed the meeting and moved the meeting to the police line-up room for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual, pursuant *Utah Code Ann.* § 52-4-205(1)(a)
4. Upon conclusion of that discussion, the Council resumed its open meeting.

DATED this 2nd day of June, 2015.



Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 2 day of June, 2015.



Notary Public

