

**Minutes of the West Bountiful City Council meeting held on Tuesday, July 7, 2015 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

Those in attendance:

**MEMBERS:** Mayor Pro Tem Mark Preece, Council members James Ahlstrom, James Bruhn, Kelly Enquist, and Debbie McKean

**EXCUSED:** Mayor Ken Romney

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

**VISITORS:** Alan Malan, Corey Sweat, Jody Burnett

Mayor Pro Tem Preece called the Regular meeting to order at 7:32 pm. James Ahlstrom offered a prayer and the Pledge of Allegiance was led by Mark Preece.

**1. Accept Agenda**

**MOTION:** *James Bruhn moved to approve the agenda as revised; item 7a was added as an emergency item earlier in the day. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

**2. Public Comment.**

Corey Sweat, 1078 W 600 N, commented that he feels the playground equipment proposal scheduled to be considered tonight costs too much money. He believes the price is probably double what the City needs to spend and doesn't even include the separate bids for concrete, tree removal, etc. He added that the playground equipment and footprint space is bigger than it needs to be.

**3. Consider Awarding Playground Equipment Proposal.**

Duane Huffman explained that in response to a request for proposals, the City received seven proposals from playground equipment suppliers and contractors. After review and evaluation of the proposals by the designated council members and staff, Big T Recreation is being recommended as the vender who represents the best design and value to the City. The recommended design, which has been modified from the originally submitted proposal, comes at a cost of \$134,559.96 installed.

Based on Mr. Sweat's earlier comments, there was discussion about whether there would be a benefit to delay and go out to bid again but it was decided that the committee had done their due diligence and an unnecessary delay would probably push completion of the project into next year.

Council member Bruhn added that the bid process was done correctly and it would not be fair to the bidders to go backwards.

Mr. Huffman reviewed the pricing and color options. He explained that consideration needs to be given to colors, and added that the position of the equipment has been aligned so the slides face as close to north as possible. There was also discussion about warranties, and the vendor stated that all the steel components have a lifetime warranty and the plastic portions carry a standard fifteen year warranty.

Before the playground equipment is installed, there is some site work which needs to occur. Staff intends to have contractors who are independent from the playground contractor remove trees, existing concrete, and swings, and construct a new concrete border. In order to get all the work completed by this fall, we need to advertise a concrete package as soon as possible.

A bid package is being prepared with three bid schedules: (a) playground border, (b) a new basketball court, and (c) enlarging the volleyball courts. The three separate schedules will allow the City Council to see the cost of each component separate from the others and make an award for one, two, or all three schedules. Before bidding the additional work, staff wants to confirm that these are the items to be considered for constructed this year; the appropriate locations have been identified; and there is not anything else that should be included in a concrete package for this year.

There was some discussion about including a Pickle ball court and it was suggested that we wait to see what the space looks like after the above items are added to ensure the Park is not too crowded.

Mr. Huffman inquired about removal of the trees in the area of the new playground and there was concern that if the Cottonwood trees are not removed now, we could be sorry later. Ben White added that if all the existing trees are left in place, the play area would need to be moved closer to the hill which could result in safety issues near the hill. There was also concern that the Cottonwood droppings would cause a mess in the wood fiber floor of the play area. With the large trees scheduled to be removed, the intent is to plant new trees to help provide shade.

**MOTION:** *James Bruhn moved to award to Big T Recreation their Quote #5442 for proposed playground equipment – Playworld Systems Custom Option 1C, Design #15-1875C, with Engineered Wood Fiber for \$134,559.96. The colors will be orange and blue with light green colored slides. Staff is also directed to solicit concrete bids for items a, b, and c listed above for future consideration. Kelly Enquist 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

4. **Consider Resolution #367-15, A Resolution Authorizing the Submission of an Opinion Question to West Bountiful City Residents Regarding the Imposition of a City Wide Option Recreational, Cultural, Botanical, and Zoological Sales and Use Tax.**

Duane Huffman reviewed the state requirements for placing an opinion question on the ballot for the reauthorization of a RAP tax. The Resolution needs to include the specific language city council wants to have on the ballot. After some discussion, the consensus was to limit the language to the items specific to West Bountiful so as not to confuse residents.

**MOTION:** *James Bruhn moved to Approve Resolution 367-15, A Resolution Authorizing the Submission of an Opinion Question to West Bountiful City Residents Regarding the Imposition of a City Wide Option Recreational, Cultural, Botanical, and Zoological Sales and Use Tax, using the following language on the ballot: Question: “Shall West Bountiful City, Utah be reauthorized to impose a 0.1% sales and use tax to fund recreational and cultural organizations, recreational and cultural facilities, and to finance ongoing operating expenses of recreational facilities and cultural organizations within the City?” Debbie McKean 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

5. **Consider Approval of Resolution 368-15, a Resolution Authorizing an Interlocal Agreement for Justice Court Services with Farmington City.**

Duane Huffman reviewed the staff memo and proposed Interlocal Agreement for Farmington City to provide the same Justice Court Services to West Bountiful currently provided by Davis County, who has given Notice that they no longer intend to provide the service. Everything will remain the same except who provides the services. Council member McKean asked Chief Hixson how he feels about the change and he responded that he feels good about it and believes it is a win-win for all.

**MOTION:** *James Ahlstrom moved to Approve Resolution 368-15, a Resolution Authorizing an Interlocal Agreement for Justice Court Services with Farmington City. Kelly Enquist 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

**6. Consider Community Development Block Grant (“CDBG”) Agreement for Sidewalk Improvement Project.**

Ben White reviewed the history of the Grant explaining that in 2013, the City submitted a \$65k funding request for CDBG funds (administered through Davis County) to construct sidewalk along the west side of 800 West, south of Pages Lane. The City received \$25k from that application which completed the sidewalk to about 1300 North. City funds contributed about \$6,400 for a total project cost of \$31,400. This year, the City requested \$30k to complete the 800 West sidewalk to Pages Lane, and was awarded the full amount. He added that the work will not be completed until next spring due to some conflicts with Rocky Mountain Power which first need to be addressed. He also confirmed that all the changes suggested by Steve Doxey had been made in the final Agreement.

**MOTION:** *Debbie McKean moved to approve a Community Development Block Grant Agreement for a sidewalk improvement project on 800 West. James Bruhn 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

**7. Consider Purchase Approvals for New Equipment Included in the Recently Adopted FY2016 Budget.**

The recently adopted FY 2016 budget included funding for new equipment for use by the Public Works and Golf Departments. The City’s procurement code requires that purchases of \$10k or more first be approved by the City Council.

James Bruhn asked if competitive bids had been solicited. Duane Huffman responded that all of the equipment will be purchased under the State contract so we know we have the best available price. Specific brand selection is left up to each department head and is based on which one best meets their needs. Regarding financing for item #1, the Toro Reelmaster fairway mower, Mr. Huffman explained that the price before them is the bottom line price for the equipment, and financing options will be brought back for council approval once received.

**MOTION:** *James Ahlstrom moved to approve purchases for 4 items of new equipment included in the recently adopted FY2016 budget with financing terms to be decided later for item #1. The items are: 1. Toro Reelmaster 5410-D (fairway mower), 2. John Deere 5075E (tractor for roadside mowing), 3. John Deere CX15 (mower deck for roadside mowing), and 4. Hustler Z Diesel 932699 (mower for parks). Debbie McKean 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

**7a. Consider Award to Wind River Excavation for \$31,500 for Pages Lane Water Line Repair**

Duane explained that we have been working for three weeks on a water break between the Bountiful Land fill and Legacy Trail. We have pulled out the pipe that was inside a sleeve and believe the break is under the north bound lane of Legacy highway.

The options are to proceed to replace the full length of pipe, or replace some of the pipe leaving the old pipe in place for some distance. The only customer on the line is the Bountiful Landfill and we have an agreement with them to maintain the line.

After seeking multiple quotes for the needed work, we have received two bids to replace the entire line; Kapp Construction at \$41k, and Wind River Construction at \$31.5k. If approved, we will have the pipe in this week then testing will take us out about ten days.

Council member Bruhn asked staff to prepare a letter to UDOT, for each council member to sign, letting them know about the problem and asking them to participate.

**MOTION –** *James Ahlstrom moved to Award to Wind River Excavation their bid for \$31.5k for the Pages Lane waterline project the entire line under Legacy Highway. James Bruhn 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

*The meeting moved to agenda item 12, Executive Session.*

**12. Executive Session Pursuant to Utah Code Annotated 52-4-205(c), to Discuss Pending or Reasonably Imminent Litigation.**

**MOTION:** *James Ahlstrom moved to go in to Executive Session Pursuant to Utah Code Annotated 52-4-205(c), to Discuss Pending or Reasonably Imminent Litigation, in the police training room. James Bruhn 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 close the Executive Session at 9:35 pm. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members.*

**8. Engineering/Planning Commission Report, including a discussion of Land Use Ordinances Related to Flag Lots.**

Ben White reported that the restrooms are now open at the golf course and he is working with UTA on the path to the Prospector trail.

The sale of Pony Haven is expected to complete this week and the owner will select a developer.

I-15 update – the contractor is due to be finished by July 20<sup>th</sup> on the South Davis project, except the 400 North bridge which should be finished mid to late August. UDOT is working with the owners of the Chevron convenience store at 400 North and 500 West on eminent domain issues so that a southbound turn lane can be added from eastbound 400 North. Chevron wants to tear down the existing building and car wash and build a larger store with a Steak and Shake fast food restaurant inside. Their plan appears to conflict with some current city zoning regulations regarding landscape and signage. We may see them come in requesting changes to our ordinances in order to proceed with their plans. We expressed to them we want them to be successful and will work with them but have little flexibility with the existing regulations.

The Planning Commission discussed flag lots at their last meeting. Some commissioners like the existing regulations with the conditional use option and some don't want them allowed at all. The Planning Commission would like some direction to know what the city council would like. Discussion followed about the criteria proposed several years ago as a good starting point. A suggestion was made that flag lots be limited to the larger residential zones, or limitations be placed based on the size of a proposed subdivision. For example, they could be used in a subdivision with less than five lots as a way to fill in holes, but restrict them from being used in larger subdivisions. The consensus was to have planning commission recommend proposed language to deal with flag lots. The basic structure will be to establish minimum criteria that must be met using the old list as a starting point; use the conditional use process for eligible properties; and give the planning commission some flexibility in the process.

**9. Administrative Report.**

Our new waste collection provider, Ace Disposal, started yesterday. Overall we had good results with some hiccups as they figure out routes, etc.

We are preparing for the primary election and will be proofing written and audio ballots this week. Early voting begins July 28 and runs through August 7.

**10. Mayor/Council Reports.**

James Ahlstrom reported that he has had a few neighbors complain about safety issues at the corner where 1000 North turns into 550 West. It is a blind corner with no sidewalk and there have been reports of a lot of near misses. Duane Huffman acknowledged that the city has been looking at that street. There was discussion about possible fixes. Council member Bruhn reminded them that money was added to the sidewalk budget to deal with these kinds of issues. Duane Huffman pointed out that correcting the issues on this corner would likely use all the money in that fund. There was discussion about getting volunteers to help the resident remove/cut the trees and shrubs. Ben White added that public works restriped the corner a couple years ago to move traffic farther away from the corner which helped a little.

Mark Preece had distributed the South Davis Sewer district annual reports to each council member and commented that the District is doing well. He said they are moving forward with the methane fuel reclamation. He also commented that the Safety fair went well from a CERT/EmPAC perspective.

James Bruhn expressed his appreciation for all the hard work that went into the Independence Day festivities. He heard good comments from lots of people and observed an increase in the size of the crowds for both days of the event.

He asked about the Horrocks home on Pages Lane that had a history of drainage issues, which the City agreed to front the money for curb, gutter and sidewalk. The house is now up for sale. Duane Huffman responded that city council approved the agreement last fall, but the Horrocks never signed it. It was too late in the year to do the paving work. There was a question of whether it was a condition of building the garage, and Mr. Huffman and Mr. White responded that it was not a condition of the building permit.

Debbie McKean thanked Council, the Mayor, staff, and everyone involved in making Independence Day activities a success - it was awesome. She said the Safety fair was over the top. Next year Leslie Leger will be the parade chair. She asked if there was a desire to make any changes to the fireworks, and everyone thought they did a great job for a good price.

Kelly Enquist complimented everyone involved in Independence Day activities for a great job. He said it was very nice.

11. **Approval of Minutes from the June 16, 2015 City Council Meeting.**

**MOTION:** *James Bruhn moved to approve the minutes from the June 16, 2015 meeting as corrected. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

12. **(Moved to follow Item 7A above)**

13. **Adjourn**

**MOTION:** *James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 10:15 p.m. 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 on Tuesday, July 21, 2015.*

  
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Cathy Brightwell (City Recorder)

