

**Minutes of the West Bountiful City Council meeting held on Tuesday, September 15, 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, and Mark Preece

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

**VISITORS:** Alan Malan, David and Ginnette Wood, Michelle Van Huizen, Preston Huggard, Dave and Tonya Boswell, Bryce Cindrich, Ellie Jensen, Austin Gerber, Rachel and Gerry Carpenter, Madison Parker, Olivia Jackson, Eric Eastman, Launa Blackburn, Jimmy Hardy, Michelle Carpenter, Brooklyn White, Steven Nordfors, Marisa Wilcox, Aupera and Shaune Van Huizen, Evan Cindrich, Lisa Wilcox, Spencer Jorgensen, Brooke and Mark Wild, Ken Miller, Wendell & Mary Wild, Andy Williams, Myron and Shauna Knighton

Mayor Romney called the work session to order at 6:00 pm.

**Work Session To Discuss Personnel Policy Re-draft.**

The Council picked up the review of the re-draft Personnel Policy manual at Section 5-4 Annual Leave (page 12).

**Section 5-4 Sick Leave.**

- 1) Accrual – Duane Huffman explained that sick leave is accrued at 4 hours per pay period and is capped at 1440 hours.
- 2) Use – there was some discussion about how and when sick leave is used.
- 3) Conversion – Mr. Huffman explained the policy of annual conversion that West Bountiful has had for some time. An employee who has more than 120 hrs on December 1<sup>st</sup> of each year can convert 1/3 of the sick hours they have accrued during the year, minus any sick leave they used, into a cash payout. This has been a long held policy and employees see it as a nice benefit they can use similar to a Christmas bonus and a reward for good attendance. It is also a way to reduce the accumulation of sick hours. He explained that the City does not pay out sick leave when an employee terminates, which is different than comp time and annual leave. However, we do pay out 20% of the maximum 1440 sick leave hours for employees retiring with 10 years' service, 40% of the maximum 1440 sick leave hours for employees retiring with 20 years' service, and 50% of the maximum 1440 sick leave hours for employees retiring with 25 years' service. There was discussion about whether the cap should be reduced to limit the city's liability.

Staff was asked to research the policies of surrounding cities to determine, as best they can, how this issue is handled. There was also discussion that if the policy does change, it

could be done such that only affected employees hired in the future and not those currently in place would be subject to the change.

Section 5-5 Funeral Leave - no change from draft.

Section 5-6 Court Leave – no change from draft.

Section 5-7 Military Leave – no change from draft.

Section 5-8 Administrative Leave – There was a request to include language clarifying that the City Council will be notified when these situations arise.

Section 5-9 Leave Without Pay – no change from draft.

Section 5-10 FMLA – no change from draft.

Section 6-1 Promotion

There was a short discussion about the need to ensure this section clearly references and follows the applicable standards of the regular hiring practices found in previous sections of the draft.

Section 6-2 Demotion – no change from draft.

Section 6-3 Transfer – no change from draft.

Section 6-4 – Resignation – no change from draft.

Section 6-5 – Abandonment of Position – no change from draft.

Section 6-6 Reduction in Force – no change from draft.

Section 6-7 Dismissal – no change from draft.

*The work session adjourned at 7:22pm.*

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Mayor Romney called the regular meeting to order at 7:30 pm.

Invocation/thought – Debbie McKean offered a prayer; Kelly Enquist led the Pledge of Allegiance.

**1. Accept Agenda**

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

**2. Swearing In of the 2015/2016 West Bountiful Youth City Council.**

**MOTION:** *Mark Preece moved to consent to the appointment of the members of the 2015-2016 Youth City Council as presented. James Bruhn seconded the Motion which passed by unanimous vote of all members present.*

The 2015/2016 West Bountiful Youth City Council was sworn in by Mayor Romney. The members include: Ethan Till, Mayor; Austin Gerber, Mayor Pro-Tem; Rachel Carpenter, Secretary ; Madison Parker, Recorder; Justin Wood, Treasurer; Brooklyn White, Historian; Brooke Strong, Publicity Head; Steven Nordfors, Web Administrator; Bryce Cindrich; Preston Huggard; Olivia Jackson; Ellie Jensen; Spencer Jorgensen; Michelle Van Huizen; Nathan Wainwright; Marisa Wilcox; Brooke Wild; and Anthony Wuthrich. Advisors include: Tonya Boswell, Teresa Romney, and Council member Mark Preece.

**3. Public Comment.**

Eric Eastman, 620 W 1950 North, presented the work of local artist Doug Vandergrift on display in the council chambers. He explained Doug was the bass guitarist for the Endless Summer band, a former animator for Disney, and currently an animator for True Golf in Centerville. He has agreed to let us display his artwork for six months, and then Arts Council will bring in another local artist's work to display. This is a great way to highlight local West Bountiful talent.

**4. Public Hearing – Proposed Creation of a Local District to Provide Fire Protection, Emergency Response Services, Emergency Medical Response, Paramedic, Ambulance Services and Related Services in the Cities of Bountiful, Centerville, North Salt Lake, West Bountiful, Woods Cross and an Unincorporated Portion of Davis County.**

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

Mayor Romney began the hearing by announcing the deadline for filing protests is November 16, 2015, and then explained that protests by City residents or property owners in the proposed service area must be in writing and filed with the City Recorder by that date. Protests may also be filed with the County Clerk by residents and property owners within the unincorporated county area located in the proposed service area. Certain protest levels must be met to stop the city or county, as applicable, from proceeding with the creation of the service area. Those levels are:

- a. Real Property-covers at least 25% of the total private land area within the city or included unincorporated county area and is equal to at least 15% of the value of all private real property within the city or included incorporated county area that is located within the proposed district; or
- b. Registered voters within the city or included unincorporated county area equal in number to at least 25% of the number of votes cast in the city or included unincorporated county area for the office of president of the United States at the most recent election prior to the adoption of the resolution.

Mr. Huffman reviewed the memo included in the packet explaining the initial creation of a local district will lead to a transfer of a small portion of the West Bountiful City property tax rate to the new district, which would have a net zero impact on total property tax rates for residents. However, the intent is to have the new district go through its own Truth-in-Taxation process once it is up and running so that it is able to issue the debt it needs to cover critical capital needs and refinance existing debt. This would likely lead to a property tax increase of \$10-14 per year based on an average home price of \$216k. He also confirmed that all cities in the district will pay the same tax rate, and noted that the current assessment to cities will continue. We will need to modify our current fire impact fee if the district is approved.

The following residents provided comments:

*Alan Malan*, 772 W 1400 North, stated he is fundamentally opposed to any new taxing entity. He believes it gives them the opportunity to raise taxes on a whim and is concerned there is already a tax hike ready to go once the District is created. He said he still has a lot of questions.

*Shawna Knighton*, 647 W. Pages Lane, said she would like to know where to get more information. She shared concerns about having no local emergency services in the City, especially when emergency vehicles coming into our city can potentially be held up by trains. She asked if there is way to bring some level of services into the city to avoid total losses in the event of an emergency.

*Launa Blackburn*, 662 W 1600 North, commented that recently proposed plans for the Pony Haven property will increase the number of retired residents who bring more problems and greater need for emergency services due to their age.

Mayor Romney responded to residents that while there are no facilities within the city, West Bountiful benefits from having three stations to respond to emergencies including downtown Bountiful; the new station just off Redwood Rd. in North Salt Lake covers the west side without any train restrictions; and an expanded Centerville fire station will help cover the north and east sides of the city. He said there are no plans in next five years to put any new emergency service facilities in West Bountiful.

Deputy Fire Chief Dave Powers, representing the South Davis Metro Fire Agency, spoke and agreed with the Mayor's comments. He explained the time sensitive nature of their calls. He described the agency's desire to meet response time and manpower standards developed by the fire protection industry.

He added that the Board that governs the agency has identified current long standing capital needs. They found that impact fees will not cover these expenses, especially due to economic decline beginning in 2008, and they are unable to negotiate, refinance loans, or get private bonds due to the agency's unique status.

Deputy Powers reviewed the Facility and Equipment Capital Needs they hope to address, which include \$3M to expand the Centerville Station; \$500K to correct drainage issues that are

damaging the Mueller Park Station; \$350K for repairs and a HazMat building at the Foxboro Station in North Salt Lake; and \$1M for a new single axle ladder truck with a platform.

There was discussion about safeguards to ensure that spending stays in line. One of the proposed controls is a budget/finance committee made up of city managers and the county clerk. It was noted again that the district would be required to go through truth-in-taxation process.

Mayor Romney closed the hearing by restating the protest procedure and requirements. The protest period is just beginning with final consideration of the district's creation expected in late November or early December.

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

**5. Consider Approving Information and Arguments to be Published in a Voter Information Pamphlet Regarding the Reauthorization of the Recreation, Arts, and Parks (RAP) Tax.**

Mr. Huffman reviewed Resolution 367-15 adopted in July of this year approving a ballot question to reauthorize the 0.1% RAP tax. To conform with the requirements of Utah Code regarding ballot transparency, the City will publish voter information in the City's newsletter, mail out a voter information pamphlet, and post the information on the City's website. Staff solicited arguments for and against the tax but did not receive any, so staff put together the proposed arguments on both sides of the issue with the intent of being broad and fair.

**MOTION:** *James Ahlstrom moved to approve information and arguments to include in a voter information pamphlet. James Bruhn seconded the Motion which PASSED with a vote of 5-0.*

The vote was recorded as follows:

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

**6. Consider Ordinance 373-15, An Ordinance Amending Section 16.12.060(C) of the West Bountiful Municipal Code To Establish Minimum Criteria for Flag Lots.**

Ben White reviewed the process the Planning Commission went through to develop minimum criteria for flag lots. The Commission concluded that there is a place for flag lots in the development process, but wanted to make sure good criteria existed limiting them to appropriate areas. In response to questions, Mr. White gave examples of areas around the city that are

candidates for flag lots. There was discussion about the proposed criteria, especially items 8 and 9 and what discretion, if any, went with these criteria. Ben responded that it was the Commission's intent that there would be no discretion. Because flag lots are a conditional use, each situation will be considered, and additional conditions can be applied if the minimum criteria are met.

**MOTION:** *Kelly Enquist moved to approve Ordinance 373-15 which amends Section 16.12.060(C) of the West Bountiful Municipal Code to establish minimum criteria for flag lots. Mark Preece seconded the Motion which PASSED with a vote of 4-1.*

The vote was recorded as follows:

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

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

**a. Pages Lane Project**

Ben White reviewed design options and potential costs based on the discussion from the September 1 work session to mitigate impacts to residential properties that currently do not have sidewalk. He asked for direction so we can have a proposal to present at the homeowners meeting on September 29 and know what to include in bid documents.

Options were discussed including elimination of the park strip, changing the width of the sidewalk, installing a meandering sidewalk, or sticking with a standard design. There was also discussion about how to handle landscaping issues.

Several council members commented that there are long term benefits to doing the project correctly now. Standard designs should be used or they may be sorry in the future.

The consensus was that for purposes of the public meeting on September 29, staff would present a standard design on both sides of the road. If yards not in the right-of-way are affected, the city will repair them in a similar manner, but will not provide landscape the park strip other than top soil and a conduit for sprinklers.

**b. Ovation Homes**

Mr. White explained that Ovation Homes has verbally told city staff that they intend to move forward on the purchase of the property on Pages Lane commonly known as Pony Haven, and they have scheduled an open house for the coming Thursday evening to meet with surrounding neighbors. They are working on a preliminary plat and formal PUD request.

It was suggested that staff contact Ovation Homes about being careful not to present their project in such a way to give the impression that it has received approval. Based on some feedback council members have received from the public, this has occurred to some degree already.

**8. Police Report**

Chief Hixson reviewed his monthly report, highlighting several items.

- Background checks continue on remaining candidates for the open police officer position.
- The City has hired a crossing guard to fill the position vacancy that covers the Pages Ln./800 West intersection.
- EmPAC's monthly meeting will be held September 16.
- Staff has engaged with fellow cities and the county regarding Animal Control Services to come up with solutions for the county's budget challenges. We expect to have proposal to present to Mayors and City Councils soon.

Council member Bruhn told the Chief that he received feedback from cub scouts that they were thrilled with a recent tour of the police department.

**9. Administrative Report.**

Mr. Huffman explained that the field visit portion of the annual financial audit is underway this week. Anyone with concerns/questions/suggestions is welcome to contact the auditor directly while they are here.

He added that the city has been approached by a company that contracts with Verizon Wireless to find locations for cell phone towers. They have proposed a lease for a 40' X 40' square to house a 100' tower, off Legacy Highway and 1200 North. Staff is reviewing options and may recommend it be placed in the West yard. The Mayor instructed staff to keep in mind future development when looking at options.

**10. Mayor/Council Reports.**

James Ahlstrom explained he contacted a local stake president of the LDS church about setting up a meeting to discuss access for a pathway from the Stringham Farms subdivisions to the church located on 800 W. At this point it appears to be an uphill struggle, but Councilman Ahlstrom believes it will be helpful to meet and keep the process going.

Mark Preece stated that he is impressed with the new members of the Youth City Council and their plans for service projects.

James Bruhn reported that the Founder's Day concert was great, but he was disappointed that it was the least attended concert in long time. The Arts Council gave Colleen Maloy a retirement tribute along with a nice token for her years of service.

Debbie McKean will get the newsletter out for printing this week. She also reported that there have now been three human cases of West Nile Virus in Utah, and added that today is the projected day mosquito eggs will no longer hatch.

Kelly Enquist reported that an issue was brought to his attention that we need to have a "Local Deliveries Only" sign for trucks leaving Holly going north on 800 West. Steve Maughan will get a sign to match the one on 1100 West.

He also discussed several areas in the city with parking problems, and staff described the challenged with the current ordinances regarding designating and enforcing no parking zones.

Mayor Romney reported that West Bountiful Elementary school has their Reflections contest coming up in early November. The kids do art projects, and the PTA would like the city council to act as judges as the Arts Council said they are too busy. As there will be no regular meeting on election night, it was suggested that the judging occur on November 3, at 7 pm.

He added that Stephen Henegar Business college has offered to provide a Mayor's scholarship - \$25k for 4 years or a lesser amount for 2 years. He will provide additional information to Duane so the offer can be evaluated.

**11. Approval of Minutes from the September 1, 2015 City Council Meeting.**

**MOTION:** *James Bruhn moved to approve the minutes from the September 1, 2015 meeting. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

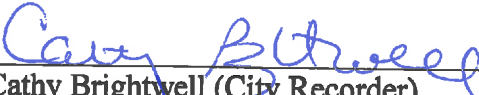
**12. Possible Executive Session for the Purpose of Discussing Items as Allowed, Pursuant to Utah Code Annotated 52-4-205.**

There was no need for an Executive session.

**13. Adjourn**

**MOTION:** *James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 10:25 PM p.m. James Ahlstrom 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, October 6, 2015.*

  
Cathy Brightwell (City Recorder)

