

1 **Minutes of the West Bountiful Special City Council meeting held on Tuesday, October 6, 2015**
2 **at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

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4 Those in attendance:

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6 **MEMBERS:** Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly
7 Enquist, Debbie McKean, and Mark Preece

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9 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Steve
10 Maughan (Public Works Director), Ben White (City Engineer), Lieutenant Corie Hamilton,
11 Cathy Brightwell (City Recorder/Secretary)

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13 **VISITORS:** Work session: John Thackeray, Armond Johannsen, Read Hellewell.
14 Regular meeting: Alan Malan, Andy Williams, Kaysee Hulet, Xander Hulet, Breann
15 Horstman, Dave Horstman, Corie Horstman, Caitlyn Horstman, Janice Gledhill, Tom
16 Gledhill, Matt Hinton

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19 Mayor Romney called the work session to order at 5:30 pm.

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21 **Discuss Request to Extend Sales Tax Sharing Payment Period with Developers of The**
22 **Commons At West Bountiful per 2004 Participation Agreement.**

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24 Mayor Romney welcomed the developers of the Commons, Mr. Thackeray and Mr. Johansen
25 and their attorney Mr. Hellewell. He explained that the RDA board has made a formal request to the
26 Council to extend sales tax sharing per the 2004 Participation Agreement, scheduled to end in early
27 2016, and referred to Duane Huffman's memo included in the meeting packet. He added that sales
28 and property tax revenues are far below what was expected for various reasons.

29 Mr. Hellewell provided history of the project including the high acquisition costs for real
30 property and the good working relationship the developers have with the City. He said they believe
31 they built a good project; they committed to owning it and have done everything they agreed to and
32 in some cases more. Nevertheless, it has not turned out the way they expected financially. He noted
33 that the tax sharing formulas were based on projections they were given by the City. He explained
34 that they are not trying to change the split: 43% (West Bountiful) / 43% (Commons) / 14%
35 (Bountiful), just extend it.

36 There was discussion about how the projections originated and their accuracy, with Mr.
37 Huffman contesting the idea that the projections came from the City. The term of the sharing
38 agreement, 10 versus 20 years, was also discussed. Mayor Romney noted that Mr. Huffman was
39 asked to gather information and did so based on the documents available. He added that during the
40 past 10 years the City has had financial needs, raised taxes, etc., and it is important that we make
41 sure the citizens are represented fairly.

42 Mr. Hellewell said they are not claiming they are legally entitled to an extension, only
43 required to have the RDA request it.

44 Mr. Huffman said it is not clear where the projections came from. He would appreciate any
45 evidence or additional information that is available so that the issue can be better understood. He
46 asked the developers to provide answers/information to several questions. 1) The origination of the

47 projections; 2) A timeline of when the properties closed; and, 3) An explanation of what each phase
48 of the project included. The Participation Agreement and First Amendment talk about 3 phases, but
49 it is not clear what each of the phases included. He explained the City did a cost/benefit analysis
50 required by law before the sales tax sharing commenced, and he would like to update the analysis
51 now that we have ten years experience.

52 There was then discussion about the financial status of the project and possible refinancing
53 plans of the developer.

54 The developers thanked the Mayor and Council for the opportunity to discuss the issue on an
55 informal basis and agreed to meet with Mr. Huffman and city counsel in the future.

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

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62 Invocation/thought – Kelly Enquist; Pledge of Allegiance – James Ahlstrom.

63

64 **1. Accept Agenda**

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

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70 **2. Public Comment**

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72 No comment.

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74 **3. Swearing In of Police Officer Tyler Horstman.**

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76 Mayor Romney welcomed Officer Tyler Horstman to the West Bountiful Police Department,
77 and administered to him the Oath of Office.

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79 **4. Public Meeting Pursuant to Utah Code Ann. §59-1-1605, Regarding Proposition 9 -**
80 **RAP Tax Reauthorization, To Allow the Public An Opportunity to Present Arguments**
81 **For and Against the Ballot Question.**

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83 No public came forward with comments or arguments on either side of the issue.

84

85 **5. Consider Resolution 372-15, A Resolution Appointing Rick George to the West**
86 **Bountiful Arts Council.**

87

88 **MOTION:** *James Ahlstrom moved to Adopt Resolution 372-15, A Resolution*
89 *Appointing Rick George to the West Bountiful Arts Council. James Bruhn*
90 *seconded the Motion which passed by unanimous vote of all members*
91 *present.*

92 The vote was recorded as follows:

93 James Ahlstrom – Aye

94 James Bruhn – Aye

95 Kelly Enquist – Aye

96 Debbie McKean – Aye

97 Mark Preece – Aye

98

99 **6. Police Report.**

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101 Lt. Hamilton, representing Chief Hixson, referred the Council to the October 21, 2015 Police
102 report attached to the meeting packet and offered to answer questions.

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

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106 Ben White reported that the City Park playground equipment has been delivered but will not
107 be installed until next week. He estimated it will take 3 weeks to install; they have roughly 54 holes
108 to auger into the ground. He added that the volleyball nets should arrive any day, and the lights
109 should be up on Thursday.

110 Concrete bids for unit price work are due next Tuesday. We have completed the sidewalk
111 repair inventory, and will be working on prioritization methodology.

112 The 1200 N storm drain project is going to bid this week and will be ready to award just
113 before Thanksgiving. This project can be done through the winter.

114 Pages Lane Bid Package – Ben said he is pretty much done with the design which includes
115 replacing the entire water line, all services to meters, constructing new storm drain and replacement
116 of some failing existing storm drain, constructing curb/gutter where it does not exist, bike lanes will
117 be striped from 800 W to 400 East, 3 inch asphalt overlay, sidewalk where there isn't any, and 4 ft.
118 park strip. Sidewalks may meander a few inches to avoid a couple trees. He said the north sidewalk
119 will be handled as a bid additive. This will allow the north sidewalk to be removed from the project
120 if the overall cost of the project exceeds the available monies. The park strips will have 4" topsoil
121 and an irrigation conduit running under the sidewalk, but the project does not include sod or
122 sprinklers in the park strip. Driveways will be put back in like kind, and concrete drive approaches
123 will be installed where current driveways are located. In front yards, grading will be approximately 5
124 ft. horizontal to 1 ft. vertical slope, trees with branches that are too low in relation to the new
125 sidewalk will either be removed or trimmed. Front yards will have disturbed sod and sprinklers
126 replaced. We are not planning to replace fences, shrubs or trees that are in the right of way but
127 fences on the property line or on private property will be replaced in like kind to the extent possible.
128 The city needs to purchase right of way at two corners, and begin collecting construction easement
129 agreements from each property owner. It was suggested that letters go out to property owners
130 explaining what we need and providing contact information for the state property ombudsman if a
131 property owner wishes to consult a third party. It is not our intent to strong arm anybody to grant a
132 construction easement, but it may seem like it when the alternative to not granting a construction
133 easement is that the elevation of the new sidewalk and an existing driveway may not match. Ben
134 said he would like to go to bid around Thanksgiving, with awards made by early January. He
135 estimates the project will take four months to construct.

136 Planning commission meeting review – the planning commission meeting minutes were
137 attached to the meeting packets for council members to review.

138 **8. Finance and Administrative Report.**

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140 Duane referred to the August 31, 2015 finance report included in the meeting packet and
141 explained the highlighted items; line #2 – property taxes are below previous year primarily due to a
142 delay in the receipt of personnel property taxes. Line #33 - Park improvements – the largest share of
143 these expenditures comes from paving the trail at the Birnam Woods Park which was budgeted for
144 FY 15 but did not occur until July of this year. A budget amendment will be needed to account for
145 the project moving into the current fiscal year. Line #64 - Water revenues are up due to impact fee
146 collections.

147 Mr. Huffman also included a summary of RAP tax fund balances and city park improvement
148 expenditures for the playground and volleyball courts.

149 In response to questions about when work will begin on the trail to the new restroom, he
150 indicated that a decision should be made this week if we can do it in house or bid it out.

151 For his Administrative report, Mr. Huffman reminded Council there will be no meeting on
152 November 3 due to the election, but instead they have agreed to judge art projects at West Bountiful
153 Elementary school. The city council meeting on November 17 will include the final resolution for
154 the creation of the fire district, presentation of the annual financial audit, election canvass, and
155 approval of the re-codified municipal code. Due to a scheduling conflict with annual the Safe
156 Harbor fundraiser, the mayor and 3 staff members will not be able to attend the November 17th
157 meeting.

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159 **9. Mayor/Council Reports.**

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161 Kelly Enquist – no report.

162
163 Debbie McKean suggested the Youth City Council see if anyone is interested in volunteering
164 to be a liaison to the Arts Council.

165
166 Mark Preece reported that the Youth Council will hold a retreat this Friday evening, the
167 EmPAC meeting for Thursday has been cancelled, and the Sewer district has gone ahead with
168 methane project.

169
170 James Ahlstrom reported that Senator Weiler is holding a town hall meeting this Thursday at
171 7 pm at the North Salt Lake city hall. The Governor and Lt. Governor will join him to discuss issues
172 of interest to South Davis residents.

173
174 Mayor Romney asked Duane Huffman and Steve Maughan to look into Steve Fackrell's
175 storm drain issue and facilitate a discussion between Mr. Fackrell and UTA.

176 He asked Steve for an update on UTA's work clearing the Prospector trail. Steve said it is
177 going well. However, there is still a lot of work to be done before the City can accept it.

178
179 **10. Approval of Minutes from the October 6, 2015 City Council Meeting.**

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181 **MOTION:** *James Ahlstrom moved to approve the minutes from the October 6, 2015*
182 *meeting. Mark Preece seconded the Motion which PASSED by unanimous*
183 *vote of all members present.*

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

186
187 There was no need for an Executive session.

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189 **12. Adjourn**

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191 **MOTION:** *James Ahlstrom moved to adjourn this meeting of the West Bountiful City*
192 *Council at 8:40 p.m. James Bruhn seconded the Motion which PASSED by*
193 *unanimous vote of all members present.*

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197 *The foregoing was approved by the West Bountiful City Council on Tuesday, November 17, 2015.*

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201 Cathy Brightwell (City Recorder)

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