Minutes of the West Bountiful Special City Council meeting held on Tuesday, October 6, 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 McKeans, and Mark Preece

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

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

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

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

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

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

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

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

Mr. Huffman said it is not clear where the projections came from. He would appreciate any evidence or additional information that is available so that the issue can be better understood. He asked the developers to provide answers/information to several questions. 1) The origination of the
projections; 2) A timeline of when the properties closed; and, 3) An explanation of what each phase of the project included. The Participation Agreement and First Amendment talk about 3 phases, but it is not clear what each of the phases included. He explained the City did a cost/benefit analysis required by law before the sales tax sharing commenced, and he would like to update the analysis now that we have ten years experience.

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

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

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

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

1. **Accept Agenda**

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

2. **Public Comment**

   No comment.

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

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

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

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

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

   **MOTION:** James Ahlstrom moved to Adopt Resolution 372-15, A Resolution Appointing Rick George to the West Bountiful Arts Council. James Bruhn seconded the Motion which passed by unanimous vote of all members present.
The vote was recorded as follows:

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


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


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

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

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

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

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

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

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

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

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

9. Mayor/Council Reports.

Kelly Enquist – no report.

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

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

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

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

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

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

MOTION: James Ahlstrom moved to approve the minutes from the October 6, 2015 meeting. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.
11. **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.

12. **Adjourn**

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

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

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   Cathy Brightwell (City Recorder)