

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Debbie McKean  
Mark Preece

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355  
www.WBCity.org

**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## **CITY COUNCIL MEETING**

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING BEGINNING AT 7:30 PM, ON TUESDAY, DECEMBER 1, 2015 IN THE CITY OFFICES AT 550 N 800 WEST.

*Invocation/Thought –Mark Preece; Pledge of Allegiance – James Ahlstrom*

1. Accept Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Presentation by the Dion J. Stephenson Marine Corp League to Chief Hixson for the Local DARE Program.
4. Public Hearing Regarding a Request by William VanderToolen to Vacate a 3 Foot Easement on the Property at 1704 N 600 West.
5. Consider the Request by William VanderToolen to Vacate a 3 Foot Easement on his Property at 1704 N 600 West.
6. Discuss Sidewalk Repair/Replacement Policies.
7. Engineering/Planning Commission Report.
8. Finance/Administrative Report.
9. Mayor/Council Reports.
10. Approve Minutes from the November 13, 2015, and November 17, 2015 City Council Meetings.
11. Possible Executive Session for the Purpose of Discussing Items as Allowed, Pursuant to Utah Code Annotated 52-4-205.
12. Adjourn.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486 twenty-four hours prior to the meeting.

*This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on November 24, 2015.*

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## **PUBLIC HEARING NOTICE**

A public hearing will be held by the West Bountiful City Council on Tuesday, December 1, 2015 at 7:35 p.m. (or as soon thereafter as agenda allows) at the City offices, at 550 N 800 West.

The purpose of the hearing is to receive public comment regarding a request to vacate a three foot easement along the south border of the property located at 1704 N 600 West, West Bountiful, Utah.

All interested parties are invited to attend. Written comments may be submitted prior to the meeting.

Cathy Brightwell  
City Recorder

600 WEST

1704 N

EXIST. EASEMENT  
TO VACATE



# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** November 24, 2015

**FROM:** Ben White

**RE:** **Vacate Easement at 1704 N 600 West**

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The owner of the property, William VanderToolen, wishes to construct an accessory structure in the southeast portion of his rear yard. A stipulation of a building permit is that there are no utility easement conflicts with the proposed building. Mr. VanderToolen has obtained easement releases from the six major utilities (Sewer District, Weber Basin, Questar, Rocky Mountain Power, CenturyLink and Comcast).

A Public Hearing is required prior to the City Council acting on items such as this.

Staff does not foresee any negative impacts to the City with vacating the seven foot wide side yard easement.

It is staff's recommendation that Resolution 374-15 be approved which would vacate the side yard easement at 1704 N 600 West as described above.

# MEMORANDUM



**TO:** Mayor & Council  
**DATE:** November 24, 2015  
**FROM:** Duane Huffman  
**RE:** **Sidewalk Repairs**

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As staff continues to develop a systematic plan to address damaged sidewalk throughout the City, we request Council input on policy elements and potential ordinance concepts.

## Policy Plans

In contemplating where to begin addressing damaged sidewalk throughout the City, staff proposes the following items be used as general policy:

1. Sidewalk damage repair/replacement will begin on the north side of the City and work south. The north end of the City has the highest concentration of damaged sidewalk, and this plan will help avoid questions or concerns about any given neighborhood being favored.
2. Each year, staff will divide the budget assigned to sidewalk repair into sidewalk trip hazard grinding (if cost effective) and sidewalk replacement. There will be a separate budget line item for filling “gaps.” The following figures are available this year:
  - a. Sidewalk Repair: \$14,000 (Class C road money)
  - b. Sidewalk Gaps: \$25,000 (General Fund) – This year’s gap money is tentatively planned for 1000 N 550 W.
  - c. Additionally, last year’s budget included \$13,000 in Class Road Money for sidewalk repairs that went unspent. This money is available to be re-budgeted for sidewalk purposes.

## Elements of Potential New Ordinance

To implement a program whereby the City will require owner participation in the replacement or repair of damaged sidewalk<sup>1</sup>, staff proposes that the following elements be incorporated in a new ordinance:

- A. City Engineer will determine if a damaged sidewalk needs to be replaced or repaired per APWA standards;
- B. City Engineer will determine if sidewalk has been damaged as the result of a cause that will require owner participation (see table of options below);

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<sup>1</sup> The recent passage of Proposition 1 is estimated to provide West Bountiful with an additional \$162,760 per year for transportation needs such as sidewalk repairs.

- C. If a sidewalk will be replaced, owner will be billed for their participation amount, and will have 3 months to pay prior to the amount being placed as property tax lien;
- D. Owners may appeal the cost or need determination to the City Council;
- E. If the City Council is interested in a potential *Hardships* program for owners' costs, a few examples from other cities are attached to this report. A cursory search did not identify similar programs in Utah.

<b>OWNER PARTICIPATION OPTIONS</b>				
	Option A Owner Emphasis	Option B Driveways	Option C Everything But Trees	Option D City Emphasis
Tree Removal	Owner 100%	Owner 100%	Owner 100%	Owner 100%
Tree Damaged SW	Owner 50%	Owner 50%	Owner 50%	City 100%
Utility Damaged SW (sprinkler/sewer)	Owner 50%	Owner 50%	City 100%	City 100%
Salt Damaged SW (driveways)	Owner 50%	City 100%	City 100%	City 100%
Weight Damaged SW (driveways)	Owner 50%	City 100%	City 100%	City 100%
Unknown Cause	City 100%	City 100%	City 100%	City 100%



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Hans F. Larsen

**SUBJECT: AMENDMENT TO THE TREE AND  
SIDEWALK HARDSHIP PROGRAM**

**DATE:** January 21, 2014

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Approved:  Date 1/23/14

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## RECOMMENDATION

Accept the report on administrative modifications to the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program, to include qualifying medical and dental expenses reported in filed tax returns to determine a property owner's qualification for financial assistance.

## BACKGROUND

Current State law and the City's Municipal Code place the responsibility of performing and paying for street tree maintenance and sidewalk related repairs with the adjacent property owner. However, the City offers financial assistance to residents of owner-occupied, single family residences whose annual income is below twice the national poverty levels for families of equal size. The determination of a property owner's qualification for financial assistance is based solely on his/her annual income as documented on at least one official government form, with the Federal Income Tax Return being the most common document used for qualification. No deductions or expenses, such as medical, dental, mortgage, employment, education, charitable, or casualty and theft losses are considered when determining qualification for financial assistance.

On September 25, 2013, Councilmember Pierluigi Oliverio made a recommendation to the Rules and Open Government Committee that staff consider on-going and/or unanticipated medical expenditures not covered by insurance as a criterion to qualify for tree maintenance and sidewalk repair financial assistance. The committee accepted the recommendation and referred the matter to staff for further analysis. This memorandum provides the analysis and recommends that the Department of Transportation (DOT) make administrative modifications to the current program allowing consideration of medical and dental expenses when determining whether a property owner qualifies for financial assistance.

## ANALYSIS

### Current Criteria and Methodology for Determining Qualification for Financial Assistance

Each year thousands of tree maintenance activities and sidewalk related repairs are performed by property owners or on their behalf by the City. The tree maintenance activities include, but are not limited to, tree limb clearance, tree pruning, and tree removal. The sidewalk related repairs typically include sidewalk grinding, sidewalk replacement, curb/gutter replacement, and driveway approach replacement. In Fiscal Year 2012-13, approximately 1,300 tree maintenance activities and over 3,000 sidewalk related repairs were completed. The individual cost of these activities and repairs can range from under \$50 to over \$20,000, depending on the scope of the work, with an average cost of approximately \$300 for tree maintenance activities and \$700 for sidewalk repairs. These types of expenditures can be a significant burden on residents, especially for those who are experiencing financial hardship.

To assist property owners who are experiencing financial hardship, the City allocates funding each year to cover their cost of tree maintenance activities and/or sidewalk repairs. To qualify for financial assistance, a property owner must occupy the residence where the maintenance activities or repairs are being performed, the residence must be a single-family home, and the property owner must demonstrate an annual income below twice the annual poverty rate for families of equal size. The table below describes the current income guidelines to qualify for financial assistance.

Number of Dependents	Annual Income (2x Annual Poverty Rate)
1	\$22,980
2	\$31,020
3	\$39,060
4	\$47,100
5	\$55,140
6	\$63,180
7	\$71,220
8	\$79,260

Property Owners requesting financial assistance are required to submit official documentation that provides evidence of the number of dependents and income level. Accepted documents include a Federal Income Tax Return form 1040 or 1040A and/or other supporting documents, such as Verification of Non-Filing (formerly Letter 1722), Verification of Social Security Income, Welfare or General Assistance Notice of Action/Income Verification, and/or Documentation of Unemployment. Staff will review the documentation provided and determine if the property owner meets the annual income criteria above to qualify for financial assistance. When a tax return is provided as evidence of income, the number of dependents claimed and the

Adjusted Gross Income stated on the form are used to determine qualification. In situations where a property owner has not filed a tax return, the number of dependents and annual income must be derived from other supporting documentation. Under the current methodology a property owner's Adjusted Gross Income or calculated annual income that is used to determine qualification for financial assistance does not consider any deductions or expenses, such as medical or dental costs.

### **Proposed Criteria and Methodology for Determining Qualification for Financial Assistance**

DOT staff is proposing to modify the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program in a way that would allow property owners who have experienced financial hardship due to extraordinary medical and dental expenses not covered by insurance to qualify for financial assistance for required street tree maintenance and sidewalk related repairs.

Under the modified program, if property owners desire to have their extraordinary medical and dental expenses not covered by insurance considered in DOT's review of qualification for financial assistance, they would be required to submit a Schedule A – Itemized Deductions form documenting medical and dental expenses as part of their Federal Income Tax Return. Staff would deduct the medical and dental expenses documented in Schedule A from the Adjusted Gross Income on the same tax return form to calculate the income amount that would be used to determine qualification. The income guidelines to qualify for financial assistance would remain the same as they are currently.

The proposed modification provides a reasonably effective and efficient way to determine qualification for financial assistance. Several advantages exist to using this proposed method (tax return and schedule) versus allowing property owners to submit medical bills, payment receipts, letters from doctors, and other information for review and consideration by DOT. First, the Federal Government has a defined description of the types of medical expenses that qualify for itemized deductions. It would not be necessary for DOT to determine qualifying medical expenses. Second, it would completely eliminate the need for staff to review and verify the legitimacy and accuracy of medical expense information provided by a property owner. This would otherwise likely be a technically challenging, resource consuming, and potentially contentious process. Third, it would eliminate the need to properly and securely handle, review, retain and purge potentially sensitive and confidential personal medical information.

### **Availability of Financial Assistance Funding**

While the proposed modification to this Financial Hardship Assistance Program provides an effective and efficient way for property owners to qualify for financial assistance, a number of qualified applicants, including those with extraordinary medical expenses, will not receive financial assistance based on the amount of funding available for this purpose.

Approximately \$160,000 is budgeted annually for financial hardship assistance. In Fiscal Year 2012-13, DOT utilized all of the funding to provide financial assistance to 78 qualifying property

owners. However, these funds were exhausted in April of 2013. For this fiscal year (2013-14), all of the financial assistance funds were spent or committed by the end of October 2013.

Based on current tree maintenance and sidewalk repair workload projections, DOT estimates that approximately \$300,000 to \$500,000 per year would be needed to provide full financial assistance to all qualified applicants, regardless of whether the proposed modified financial assistance program is implemented or not. At this time, DOT is uncertain as to how many property owners would include medical expenses in their application, but it is not anticipated to have a significant effect on the overall funding need. The annual funding level will be analyzed as part of the upcoming budget process.

### EVALUATION AND FOLLOW-UP

No further Rules Committee or City Council action is necessary to implement the proposed modifications to the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program.

### POLICY ALTERNATIVES

**Alternative #1:** *Do not accept this report and direct staff to maintain the current Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program without consideration of medical and dental expenses when determining a property owner's qualification for financial assistance.*

**Pros:** No changes to the information provided to property owners interested or applying for financial assistance, and no procedural adjustments for determining qualification for financial assistance would be necessary.

**Cons:** Does not consider those residents who are experiencing a financial hardship as a result of extraordinary medical and dental expenses.

**Reason for not recommending:** The income level criterion to qualify for financial assistance is low when considering the overall cost of living in the Bay Area. Allowing consideration for extraordinary medical or dental expenses that may adjust a property owner's income to a qualifying level seems reasonable given the impact that the expenses could have on a property owner's ability to pay for tree and sidewalk maintenance activities.

RULES AND OPEN GOVERNMENT COMMITTEE

January 21, 2014

**Subject: Amendment to the Tree and Sidewalk Hardship Program**

Page 5

**COORDINATION**

This item was coordinated with the City Attorney's Office, City Manager's Budget Office, and the Finance Department.

/s/

HANS F. LARSEN

Director of Transportation

For more information, please contact Kevin O'Connor, Deputy Director of Transportation at (408) 794-1987.



**CITY OF WAUKEE**  
**SIDEWALK ASSISTANCE PROGRAM (SAP)**  
 COUNCIL APPROVED

On March 14, 2005, the City of Waukeee City Council approved the Sidewalk Improvement Program. At the time the Sidewalk Improvement Program was being reviewed by the City Council, there was some question as to the need for an “assistance” program for those property owners who were financially unable to comply with the request to install public sidewalks.

**PURPOSE**

The purpose of the City of Waukeee Sidewalk Assistance Program (SAP) is to assist Waukeee single-family property owners (owner occupied) with the initial financial cost of installation of the required public sidewalks.

**ELIGIBILITY**

To be eligible for SAP, property owners must meet all of the following requirements:

1. Proof of home ownership of the applicant must be provided.
2. Property taxes must be current and paid-to-date.
3. Income limit of the household must fall below the 2011 SAP Income Limits below.

Number of Persons in Household	Maximum Total Gross Household Income
1	\$41,000
2	\$46,850
3	\$52,700
4	\$58,550
5	\$63,250
6	\$67,950
7	\$72,650
8+	\$77,300

Income Limits from 2010 HUD Income Guidelines

The household income will be calculated according to the previous year’s taxes or the income will be estimated according to the income for the previous four months, whichever is less.

## PROCESS

Following submittal of the required application materials (application due 30 days prior to assessment), the City will determine by assessment resolution date if the property owner is eligible based on the above income guidelines.

In the case that the property owner is not eligible, the property owner shall continue to be required to install the public sidewalk according to Ordinance 2505.

In the case of an eligible property owner, the City of Waukee will cause the installation of the public sidewalk through the assessment project. The cost of the required public sidewalk completed during the assessment phase shall be assessed to the property owner at the 50% level of total construction costs **plus** administrative, legal, engineering & inspection fees.

The cost assessed to the property owner shall be interest free and payable in equal installments over 10 years. If the property title is transferred prior to the assessment being paid, any remaining balance will need to be paid in full prior to any such transfer.

A qualified property owner may contact a private contractor(s) for a quote(s) for the sidewalk installation. Once the City approves the quote obtained by the homeowner, the homeowner may hire the contractor to install the sidewalk and the city will pay the contractor for 50% of the approved quoted cost for installation.

Please submit with application:

1. Proof of home ownership of the applicant must be provided.
2. Property taxes must be current and paid-to-date.
3. Income limit of the household must fall below the 2011 SAP Income Limits.
4. Copy of previous years summary pages of tax return.

CITY OF WAUKEE  
APPLICATION FOR PUBLIC IMPROVEMENT ASSESSMENT CREDIT

Name \_\_\_\_\_ Address: \_\_\_\_\_  
 S.S. No.: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
 Race/Ethnic/Group \_\_\_\_\_ Number of members in Family: \_\_\_\_\_  
 Telephone # \_\_\_\_\_

Assessed for Street \_\_\_\_\_ Sewer \_\_\_\_\_ Sidewalk \_\_\_\_\_ Sidewalk repair \_\_\_\_\_

**OWNERSHIP: Applicant/Head of Household must have legal or equitable title to the parcel.**

- a. If Titleholder, give date your deed was recorded \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
 b. If Contract Buyer, give date your contract was recorded \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

Schedule A – Annual Gross Income		Schedule B – Miscellaneous Information
<p>List all amounts of income received during the last 12 months. Be sure to include the income of all members of the family who share the household and include any funds contributed or paid on a regular basis to the family by a household resident who is not a member of the family.</p>		<ol style="list-style-type: none"> <li>1. Medical Expenses</li> <li>2. Amount of medical expenses covered by insurance.</li> <li>3. Amount received from non-profit child placing agency for care of one or more persons under 18 placed in your household by such agency.</li> <li>4. Any unusual occupational expense not compensated for by your employer.</li> <li>5. Amount paid for care of children or sick or incapacitated family members in order that head of household or spouse can work.</li> </ol>
1. WAGES- HEAD OF HOUSEHOLD	\$	
2. WAGES – SPOUSES	\$	
3. WAGES OTHER HOUSEHOLD MEMBERS	\$	
4. UNEMPLOYMENT COMPENSATION	\$	
5. SOCIAL SECURITY	\$	
6. RETIREMENT/PENSIONS	\$	
7. ADC/RELIEF	\$	
8. RENT/BOARD	\$	
9. CHILD SUPPORT	\$	
10. OTHER (List)	\$	
11. TOTAL ANNUAL GROSS INCOME	\$	

\*Indicate if this household member is one of the following by letter designation:  
 (a) Under 18 (b) Full-time Student (c) Disabled or handicapped

I hereby swear that the foregoing statements are a full, fair and truthful disclosure to the best of my knowledge and belief of the information sought. I certify that I have recorded title to make domicile in and that I am head of the household of the property for which I am making application for assessment credit. I further certify that I fully understand that any person or persons involved in making or conspiring to make false statements, claims, or affidavits in

support of this application are subject to criminal prosecution. I do hereby give permission to the City of Waukee to obtain pertinent information verifying my household income from my employer, bank and other income sources including federal, state, county and other agencies. This statement is my voluntary waiver of my rights to privacy strictly for the purpose of obtaining verification of my eligibility for this program only. This waiver is given with the understanding that complete privacy will be maintained by the City, as required under the Privacy Act of 1974.

I have read and understand this statement.

\_\_\_\_\_  
Applicant (Head of Household)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Application taken by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Site Office

## West Bountiful Finance Report

	Prior YTD	Current YTD	Budget	YTD % of Budget	Notes
<b>1 General Fund Revenues</b>					
2 Taxes	\$1,212,769	\$1,520,238	\$3,434,699	44%	Large property tax payment. Sales tax 3.6% below budget.
3 Licenses and Permits	\$41,723	\$56,662	\$89,750	63%	Building Permits and plan checks up significantly.
4 Intergovernmental	\$74,588	\$37,107	\$208,000	18%	
5 Charges for Services	\$16,449	\$2,519	\$25,200	10%	
6 Fines	\$31,250	\$20,667	\$80,000	26%	Court fines down significantly, perhaps due to court instability.
7 Misc	\$4,066	\$12,212	\$13,000	94%	
8 Contributions/Transfers	\$0	\$0	\$226,200	0%	
9 Total GF Revenue	\$1,380,844	\$1,649,404	\$4,076,849	40%	
10					
<b>11 General Fund Expenditures</b>					
12 Legislative	\$9,893	\$17,283	\$48,281	36%	
13 Court	\$8,087	\$8,204	\$24,500	33%	
14 Administrative	\$67,785	\$89,829	\$265,843	34%	
15 Engineering	\$35,192	\$25,544	\$76,226	34%	
16 Non-Departmental	\$106,703	\$114,235	\$202,300	56%	
17 Govt. Buildings	\$15,802	\$17,766	\$94,000	19%	
18 Planning/Zoning	\$19,651	\$12,621	\$40,336	31%	
19 Police	\$309,182	\$314,164	\$1,033,637	30%	
20 Fire	\$213,218	\$237,368	\$480,029	49%	
21 Streets	\$43,626	\$84,615	\$242,529	35%	
22 Class C	\$186,918	\$44,912	\$195,500	23%	
23 Parks	\$56,507	\$67,634	\$243,538	28%	
24 Debt	\$19,771	\$17,306	\$156,000	11%	
25 Transfers/Sales Tax Sharing	\$198,355	\$201,247	\$985,015	20%	
26 Total GF Expend	\$1,290,688	\$1,252,728	\$4,087,734	31%	

## West Bountiful Finance Report

	Prior YTD	Current YTD	Budget	YTD % of Budget	Notes
<b>27 RAP Tax Fund</b>					
28 Revenues	\$76,991	<b>\$71,833</b>	<b>\$224,334</b>	32%	
29 Equipment	\$4,997		<b>\$0</b>		
30 Park Improvements	\$8,394	<b>\$54,261</b>	<b>\$200,000</b>	27%	
31 Legacy Trail			<b>\$0</b>		
32 Trail Protection			<b>\$0</b>		
33 Restroom			<b>\$0</b>		
34 General Fund Trans			<b>\$4,500</b>	0%	
35 Total RAP Expend	\$13,391	\$54,261	\$204,500	27%	
36					
<b>37 RDA Fund</b>					
38 Revenues	\$108	<b>\$0</b>	<b>\$500,200</b>	0%	
39 Expenditures	\$30,081	<b>\$26,820</b>	<b>\$500,199</b>	5%	
40					
<b>41 Government Impact Fees</b>					
42 Revenues	<b>\$22,002</b>	<b>\$42,063</b>	<b>\$83,615</b>	50%	
43 Expenditures	<b>\$0</b>	<b>\$10,061</b>	<b>\$293,615</b>	3%	
44					
<b>45 Jessi's Meadows</b>					
46 Revenues	\$0	<b>\$606</b>	<b>\$12,025</b>	5%	
47 Expenditures	\$0	<b>\$755</b>	<b>\$12,025</b>	6%	
48					
<b>49 Streets Capital</b>					
50 Revenues	\$184	<b>\$0</b>	<b>\$212,500</b>	0%	
51 Expenditures	\$0	<b>\$27,270</b>	<b>\$641,000</b>	4%	
52					
<b>53 Water</b>					
54 Revenues	\$481,711	<b>\$1,002,392</b>	<b>\$2,541,984</b>	39%	\$500K Holly payment for Bountiful Water Connection
55 Expend (non-capital)	\$230,336	<b>\$145,368</b>	<b>\$955,132</b>	15%	
56 Capital	\$185,254	<b>\$53,480</b>	<b>\$2,672,000</b>	2%	

## West Bountiful Finance Report

	Prior YTD	Current YTD	Budget	YTD % of Budget	Notes
57 <b>Solid Waste</b>					
58 Revenues	\$124,314	<b>\$125,129</b>	<b>\$382,248</b>	33%	
59 Expenditures	\$107,366	<b>\$114,774</b>	<b>\$366,904</b>	31%	
60					
61 <b>Storm Water</b>					
62 Revenues	\$49,581	<b>\$50,102</b>	<b>\$117,000</b>	43%	
63 Expenditures	\$7,334	<b>\$18,105</b>	<b>\$321,358</b>	6%	
64					
65 <b>Golf</b>					
66 Revenues	\$388,873	<b>\$414,142</b>	<b>\$1,074,461</b>	39%	
67 Expenditures					
68 Pro-Shop	\$97,467	<b>\$97,591</b>	<b>\$289,001</b>	34%	
69 Grounds	\$161,219	<b>\$165,226</b>	<b>\$423,417</b>	39%	
70 Range	\$19,027	<b>\$18,560</b>	<b>\$27,554</b>	67%	
71 Café/Merch	\$41,641	<b>\$30,360</b>	<b>\$92,000</b>	33%	
72 Debt	\$9,650	<b>\$6,915</b>	<b>\$246,971</b>	3%	
73 Golf Expend Total	\$329,004	\$318,652	\$1,078,943	30%	

1 **Minutes of the West Bountiful Special City Council meeting held on Friday, November 13,**  
2 **2015 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

3  
4 Those in attendance:

5  
6 **MEMBERS:** Mayor Ken Romney, Council members James Ahlstrom, James Bruhn,  
7 Kelly Enquist, Debbie McKean, and Mark Preece

8  
9 **STAFF:** Duane Huffman (City Administrator), Steve Maughan (Public Works Director),  
10 Chief Todd Hixson, Mischelle Robinson (Police secretary), Patrice Twitchell (Finance),  
11 Cathy Brightwell (City Recorder/Secretary)

12  
13 **VISITORS:** Ed Swanke, Alan Malan, Andy Williams, Kim McKean

14  
15  
16 Mayor Romney called the special meeting to order at 12:07 pm.

17  
18 **1. Canvass of Votes for the West Bountiful 2015 Municipal General Election.**

19  
20 Mayor Romney opened the sealed election packet and read the results of the 2015  
21 Municipal General election. For city council, James Ahlstrom, James Bruhn and Andrew  
22 Williams had the highest totals of the six candidates. Also included was the vote tally for  
23 Proposition #9, the West Bountiful RAP tax, with 72% of votes cast in favor of the proposition.

24  
25 **MOTION:** *Kelly Enquist moved to declare elected James L. Ahlstrom, James Bruhn*  
26 *and Andrew F. Williams, to the West Bountiful City Council, and to*  
27 *declare Approved Proposition 9, the Reauthorization of a 0.1% Sales and*  
28 *Use Tax to Fund Recreational and Cultural Facilities and Organizations*  
29 *based on the final canvass report of the West Bountiful general election*  
30 *held November 3, 2015. James Ahlstrom seconded the Motion which*  
31 *PASSED.*

32 The vote was recorded as follows:

33 James Ahlstrom – Aye  
34 James Bruhn – Aye  
35 Kelly Enquist – Aye  
36 Debbie McKean – Aye  
37 Mark Preece – Aye

38  
39 **2. Discuss Justice Court Services.**

40  
41 Duane Huffman explained that Davis County has provided our Justice Court services since  
42 2009, and had given notice earlier this year that they no longer intended to provide the service  
43 after January 2017. Later, they advanced the schedule to January 1, 2016. Initially, all

44 affected entities agreed to switch services to Farmington City, expecting the provision of  
45 service to be the same as currently provided, but things fell apart and Farmington has now  
46 decided not to provide the services.

47 West Bountiful and other affected entities have been working on a solution as our  
48 interlocal agreement with the County expires January 1, 2016. The County provided a new  
49 draft agreement that extends services for 2 years but it included additional costs that were very  
50 broadly defined to protect the county.

51 Currently, we provide a prosecutor and Davis County does everything else and then splits  
52 available revenues with us on a 50%-50% basis. In the new proposal, West Bountiful would  
53 be required to provide prosecution and public defender costs, and other undefined prosecution  
54 costs. All entities that reviewed the new draft are uncomfortable with that proposal and have  
55 not signed; however, West Bountiful is prepared to continue services with the County for the  
56 time being without an agreement and will provide a prosecutor and public defender under the  
57 same 50%-50% revenue split.

58 Mr. Huffman inquired of the Council as to whether there is interest in reviewing options  
59 with other courts. Earlier this year, both North Salt Lake and Woods Cross were interested in  
60 partnering, and staff believes we may get a better deal with them than under the current  
61 proposal. North Salt Lake has indicated they can provide something better than a 50%/50%  
62 split. Through an informal straw poll, Council members recommended that Mr. Huffman and  
63 Chief Hixson explore, in earnest, moving our services to North Salt Lake and report back with  
64 more information.

65

66 **3. Executive Session Pursuant to Utah Code Annotated 52-4-205(a), to Discuss the**  
67 **Character, Professional Competence, or Physical, or Mental Health of an Individual.**

68

69 **MOTION:** *James Ahlstrom moved to go into Executive session at 12:35 pm in the*  
70 *Police training room. Mark Preece seconded the Motion which PASSED*  
71 *with a vote of 5-0*

72

73 The vote was recorded as follows:

74 James Ahlstrom – Aye

75 James Bruhn – Aye

76 Kelly Enquist – Aye

77 Debbie McKean – Aye

78 Mark Preece – Aye

79

80 **MOTION:** *James Bruhn moved to move close the Executive session at 1:00 pm.*  
81 *Mark Preece seconded the Motion which PASSED by unanimous vote of*  
82 *all members present.*

83

84 **4. Adjourn**

85

86 **MOTION:** *James Bruhn moved to adjourn this meeting of the West Bountiful City*  
87 *Council at 1:05 p.m. Mark Preece seconded the Motion which PASSED*  
88 *by unanimous vote of all members present.*

89  
90  
91  
92  
93  
94  
95  
96

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*The foregoing was approved by the West Bountiful City Council on Tuesday, December 1, 2015.*

\_\_\_\_\_  
Cathy Brightwell (City Recorder)

1 **Minutes of the West Bountiful Special City Council meeting held on Tuesday, November 17,**  
2 **2015 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

3  
4 Those in attendance:

5  
6 **MEMBERS:** Mayor Pro Tem Mark Preece, Council members, James Bruhn, Kelly  
7 Enquist, and Debbie McKean

8  
9 **EXCUSED:** Mayor Romney, Council member James Ahlstrom (ill)

10  
11 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White  
12 (City Engineer), Sgt. Brandon Erikson, Paul Holden (Golf Director), Patrice Twitchell  
13 (Finance/Secretary)

14  
15 **VISITORS:** Alan Malan, Andy Williams, Chief Jeff Bassett, Tim Rees, Gary Jacketta,  
16 Brittney Webster

17  
18  
19 Mayor Pro Tem Preece called the regular meeting to order at 7:32 pm.

20  
21 Invocation/thought – James Bruhn; Pledge of Allegiance – Mark Preece.

22  
23 **1. Accept Agenda**

24  
25 **MOTION:** *Debbie McKean moved to approve the agenda as posted. James Bruhn*  
26 *seconded the Motion which PASSED by unanimous vote of all members*  
27 *present.*

28  
29 **2. Public Comment**

30  
31 Alan Malan suggested that the Council not act on agenda item #6 (Fire Service Area  
32 Resolution), as it is of such importance that all council members and the Mayor should be present.

33  
34 **3. Presentation of Financial Audit for the Fiscal Year ending June 30, 2015.**

35  
36 Tim Rees, independent auditor from Karren, Hendrix, Stagg, Allen & Company, presented  
37 the completed audit for the fiscal year ending June 30, 2015. He thanked the city staff for their  
38 cooperation during the audit. The audit team reviewed records and found everything to be in  
39 material compliance. He explained that new pension liability regulations added to the audit's  
40 complexity, but had no real effect on the City's financial position. Audited financials show the  
41 City in good standing.

42  
43 Council member McKean asked how the pension liability was calculated, and Mr. Rees answered  
44 that the calculation was dependent on retirement age and longevity of employment. Duane  
45 Huffman explained that the liability actually rests with the Utah Retirement System, and it was  
46 their actuaries that determined the full figures with the City allocating it among the City's funds.

47  
48 Mr. Huffman briefly pointed the Council to pages in the audit report that provide information on  
49 major city funds such as the General Fund and the Golf Fund. Due to timing of payments, year-to-  
50 year property taxes appear to have fallen, but this should be made up in the current year.

51  
52 **4. Public Hearing Regarding Ordinance 374-15, An Ordinance Adopting the 2015 West**  
53 **Bountiful Municipal Code.**

54  
55 **MOTION:** *James Bruhn moved to open the Public Hearing Regarding Ordinance*  
56 *374-15, An Ordinance Adopting the 2015 West Bountiful Municipal*  
57 *Code; Making Technical Changes; Severability; and Providing an*  
58 *Effective Date. Debbie McKean seconded the Motion which PASSED by*  
59 *unanimous vote of all members present.*

60  
61 Mr. Huffman explained that staff has worked with a contractor to transition the City's code  
62 to a new web-based platform, which will improve access and management of the code moving  
63 forward. The City has traditionally re-codified the complete code every 10-15 years, and staff  
64 recommends doing so now so that the City has a definitive starting point as we begin a new  
65 tracking process for changes. Many hours of staff and contractor work went into trying to ensure  
66 nothing was left out. The only changes in the presented code are technical in nature, but as the  
67 code includes land use ordinances, a public hearing was scheduled prior to adoption.

68  
69 Councilmember Bruhn asked how the City could be sure that nothing was left out. Mr. Huffman  
70 responded that we cannot be completely sure, but if an adopted ordinance has been lost since the  
71 last re-codification, it is not serving the City anyway. The Council can re-adopt any ordinance in  
72 the future that it feels is in the best interest of the City if something has inadvertently been left out.

73  
74 Mr. Alan Malan expressed his concern about the potential for missing ordinances in new re-  
75 codification.

76  
77 **MOTION:** *Kelly Enquist moved to close Public Hearing. Debbie McKean seconded*  
78 *the Motion which PASSED by unanimous vote of all members present.*

79  
80 **5. Consider Ordinance 374-15, An Ordinance Adopting the 2015 West Bountiful**  
81 **Municipal Code; Making Technical Changes; Severability; and Providing an**  
82 **Effective Date.**

83 **MOTION:** *Debbie McKean moved to Adopt Ordinance 374-15, An Ordinance*  
84 *Adopting the 2015 West Bountiful Municipal Code; Making Technical*  
85 *Changes; Severability; and Providing an Effective Date. Kelly Enquist*  
86 *seconded the Motion which PASSED.*

87 The vote was recorded as follows:  
88 James Bruhn – Nay  
89 Kelly Enquist – Aye

90 Debbie McKean– Aye  
91 Mark Preece – Aye  
92

93 **6. Consider Resolution 373-15, A Resolution of the City Council of West Bountiful City,**  
94 **a municipal corporation of the State of Utah, approving the creation of a Service**  
95 **Area for the provision of fire protection, emergency medical response, paramedic,**  
96 **emergency response services, ambulance services and related services to the cities of**  
97 **Bountiful, Centerville, North Salt Lake, West Bountiful, Woods Cross and the**  
98 **unincorporated area of south Davis County, and the transfer of the responsibilities**  
99 **and operations of the existing South Davis Metro Fire Agency to the Service Area**  
100 **created hereby.**

101 Mr. Huffman provided a brief explanation of the proposal to create a new entity for  
102 fire/EMS services that would now have taxing authority. The current fire agency has significant  
103 capital needs, and rather than each member entity going through a separate taxing process, the  
104 Board recommended that a fire district be given taxing authority. He referenced that the new entity  
105 will be governed by elected officials from each member entity and will have an administrative  
106 review committee made up of city managers/administrators to help with the budget process.

107 Chief Bassett stated that upon the creation of the district, ownership land and buildings for  
108 fire stations currently owned by member cities will be transferred to the new district. He indicated  
109 that Davis County, North Salt Lake, and Woods Cross adopted the ordinance earlier in the day.  
110 No formal protests for the creation of the district have been received by any of the member  
111 entities.

112 **MOTION:** *James Bruhn moved to Adopt Resolution 373-15, A Resolution of the City*  
113 *Council of West Bountiful City, a municipal corporation of the State of*  
114 *Utah, approving the creation of a Service Area for the provision of fire*  
115 *protection, emergency medical response, paramedic, emergency response*  
116 *services, ambulance services and related services to the cities of*  
117 *Bountiful, Centerville, North Salt Lake, West Bountiful, Woods Cross and*  
118 *the unincorporated area of south Davis County, and the transfer of the*  
119 *responsibilities and operations of the existing South Davis Metro Fire*  
120 *Agency to the Service Area created hereby. Kelly Enquist seconded the*  
121 *Motion which PASSED.*

122 The vote was recorded as follows:  
123 James Bruhn – Aye  
124 Kelly Enquist – Aye  
125 Debbie McKean– Aye  
126 Mark Preece – Aye  
127

128 **7. Consider Award of the 1200 North Storm Drain Project to Hughes General**  
129 **Contractors for the Amount of \$174,650.50.**  
130

131 Mr. White explained the project and construction process. UDOT agreed approximately 18  
132 months earlier to pay \$125,000 to help fund this project. A necessary permit from the Army Corp  
133 of Engineers has been obtained. The plan is for the project to start soon and be completed by  
134 February 2016. Staff is very pleased with bid prices for this project.  
135

136 **MOTION:** *Kelly Enquist moved to Award the 1200 North Storm Drain Project to*  
137 *Hughes General Contractors for the Amount of \$174,650.50. James*  
138 *Bruhn seconded the Motion which PASSED.*

139 The vote was recorded as follows:

140 James Bruhn – Aye  
141 Kelly Enquist – Aye  
142 Debbie McKean– Aye  
143 Mark Preece – Aye  
144

145 **8. Engineering/Planning Commission Report.**  
146

147 Mr. White reported on 3 items; playground equipment at the park is nearly complete, with  
148 a few missing parts planned to be installed by the end of this week. The design of the Pages Lane  
149 project is moving forward, and the City is currently collecting consent forms to enter private  
150 property so that we can repair driveways, landscaping, etc. So far we have about 50% of the  
151 needed forms. The Planning Commission is scheduled to hold a public hearing on November 24,  
152 for Ovation Homes' proposed PUD on Pages Lane.  
153

154 **9. Police Report.**  
155

156 Sgt. Erikson, representing Chief Hixson, referred the Council to the November 2015  
157 Police report attached to the meeting packet and stated that he is available to answer any  
158 questions.

159 Council member Bruhn had a question about the fire alarms not working at the elementary  
160 school. Mr. Huffman stated that it is his understand that the Fire Agency conducted a test at the  
161 school and that all of the fire alarm systems were properly functioning.  
162

163 **10. Administrative Report.**  
164

165 Mr. Huffman reminded the Council of the municipal training by Utah League of Cities &  
166 Towns on February 6, 2016, in Salt Lake City. Council member-elect Andy Williams will be  
167 attending.

168 UTA has given notice that they have completed their work to clear the prospector trail  
169 corridor. Staff is preparing a response contesting that the necessary work is incomplete based on  
170 their inspection from earlier in the day.

171 Staff recently met with the Johansen/Thackeray group in regards to sales tax sharing. No  
172 new progress was made, other than those in attendance agreed to drop the question of the origin of

173 the sales tax projection used, as the developers would no longer suggest that an extension of sales  
174 tax sharing should be provided because the developers relied on city forecasts. A cost/benefit  
175 analysis is ongoing and should be complete in a couple of weeks.

176 Mr. Huffman has begun the process of reviewing justice court options with North Salt  
177 Lake.

178 Finally, Mr. Huffman asked the Council to begin thinking about dates and locations for a  
179 Council retreat for a strategy session early next year.

180

181 **11. Council Reports.**

182

183 Kelly Enquist – Nothing to report.

184

185 Debbie McKean- Great Arts Council concert on Friday. The Arts Council requests that the  
186 July 4<sup>th</sup> celebration commence on Friday the 1<sup>st</sup> (fireworks) and Saturday the 2<sup>nd</sup> (parade). All  
187 agreed to these dates.

188 The Mosquito Abatement facility expansion is almost completed.

189

190 Mark Preece –South Davis Sewer board meeting and EmPAC meeting on Wednesday,  
191 November 18.

192

193 James Bruhn - At the recent Wasatch Integrated Waste meeting, budgets were reviewed,  
194 and it is estimated that landfill life expectancy is now 27 years. Post closure liability of landfill  
195 needs \$8 million to cap and maintain, and the district is on track with \$5,490,000 in the post  
196 closure account. The new entrance road is waiting on UDOT to open, and the new thrift store  
197 plans to open in the spring.

198

199 **12. Approval of Minutes from the October 20, 2015 City Council Meeting.**

200

201 **MOTION:** *James Bruhn moved to approve the minutes from the October 20, 2015*  
202 *meeting. Kelly Enquist seconded the Motion which PASSED by*  
203 *unanimous vote of all members present.*

204

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

207

208 There was no need for an Executive session.

209

210 **14. Adjourn**

211

212 **MOTION:** *Kelly Enquist moved to adjourn this meeting of the West Bountiful City*  
213 *Council at 8:45 p.m. James Bruhn seconded the Motion which PASSED*  
214 *by unanimous vote of all members present.*

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216

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219

220 *The foregoing was approved by the West Bountiful City Council on Tuesday, December 1, 2015.*

221

222

223

224 \_\_\_\_\_  
Cathy Brightwell (City Recorder)

225