

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

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West Bountiful, Utah 84087

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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 AT
7:30 PM ON TUESDAY, JANUARY 16, 2018, AT CITY HALL, 550 N 800 WEST**

Invocation/Thought – James Bruhn; Pledge of Allegiance – Andy Williams

1. Oath of Office for Newly Elected Officials – Mayor Romney, Council Members Enquist and Preece.
2. Swearing In of Police Officer Brian Flint.
3. Presentation of Donation for D.A.R.E Program by Marine Corps League – Kent Servoss
4. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
5. Consider Request for Adjustment of Water Bill for Edna King at 758 W 1000 N.
6. Consider Ordinance 400-18, A Planned Unit Development for Kinross Estates at Porter Ln. and 1100 West by Hamlet Homes.
7. Consider Bid Award to AAA Excavation for the 800 West Pump Station Relocation for \$47,220.
8. Consider Ordinance 399-18, Adopting Changes to Yard Regulations in Title 17.
9. Consider Resolution 425-18 Appointing Mayor Romney to the South Davis Recreation Administrative Board and the South Davis Metro Fire Area Board of Directors.
10. Consider Resolution 426-18 Appointing James Bruhn to the Wasatch Integrated Waste Management District Administrative Control Board, and Kelly Enquist to the Davis County Mosquito Abatement Board of Trustees.
11. Consider Resolution 427-18 Adopting New Fee for Variance Requests.
12. Consider Purchase Approval for Police Vehicle (\$14,041.63) and Vehicle Equipment (\$20,662.32).
13. Review Proposed Budget Amendments for FY 2017-2018.
14. Open Meeting Training.
15. Police Report.
16. Engineering/Public Works Report.
17. Administrative/Finance Report.
18. Mayor/Council Reports.
19. Approve Minutes from the December 5, 2017 City Council Meeting.
20. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205.
21. Adjourn.

Those needing special accommodations for the meeting can contact Cathy Brightwell at 801-292-4486 24-hrs 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 January 11, 2018.

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Minutes of the West Bountiful City Council meeting held at 7:30 p.m. on **Tuesday, January 16, 2018** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, Andy Williams

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, Mike and Zach Brodsky, Chris Nolan, Kent Servoss, David Standing, Jeff & Makena Swenson, Gary Jacketta, Kyle Turner, Mikayla Williams, Yvonne Preece, Ken Romney, Jacqueline Romney, Deanne Maggio, Elise Nielsen

Mayor Romney called the meeting to order at 7:33 pm. James Bruhn gave an Invocation, and the Pledge of Allegiance was led by Andy Williams.

1. Oath of Office for Newly Elected Officials – Mayor Romney, Council members Enquist and Preece.

Cathy Brightwell conducted the Oath of Office for the three newly elected officials.

2. Swearing In of Police Officer Brian Flint.

Mayor Romney introduced and conducted the Swearing In of Officer Brian Flint.

3. Presentation of Donation for D.A.R.E Program by Marine Corps League.

Kent Servoss and David Standing, on behalf of Marine Corps League #1014, a service organization made up primarily of marines, presented \$300 to West Bountiful Elementary School's D.A.R.E program.

4. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).

Ken Romney, Mayor Romney's son, stated that he is proud of his dad and proud that he is mayor.

48 **5. Consider Request for Adjustment of Water Bill for Edna King at 758 W 1000 N.**
49

50 Ms. Lisa Earl requested an adjustment to the recent water bill of her mother, Edna King, at 758
51 W 1000 North due to a broken water pipe. Mr. Huffman provided details of the leak that was
52 determined to be about 149,000 gallons with overage charges of \$149.89 above normal payments. He
53 provided options consistent with previous similar situations. Option 1 – forgive \$46.96, the difference
54 between overage charges and the estimated cost of water. Option 2 – forgive \$149.89, full overage
55 amount billed. Option 3 – require full payment.
56

57 **MOTION:** *James Ahlstrom made a motion to adopt Option 1, forgiving \$46.96. James*
58 *Bruhn seconded the Motion which passed by unanimous vote of all members*
59 *present.*
60

61
62 **6. Consider Ordinance 400-18, A Planned Unit Development (PUD) Overlay for Kinross**
63 **Estates at Porter Ln. and 1100 West by Hamlet Homes.**
64

65 Ben White provided a summary of the proposal for a 34-lot residential subdivision on the
66 corner of Porter Lane and 1100 West and explained planning commission's recommendation. The
67 developer, Hamlet Homes, is not seeking increased density but requested a PUD overlay for flexibility
68 to deal with the many challenging utility easements as well as a petroleum product spill on the
69 property. After months of review and changes, the final planning commission's vote was unanimous
70 to recommend approval for a planned unit development overlay.

71 Ben pointed out that the plat has been modified since the planning commission's last review
72 by reducing the size of several western lots for a detention basin, and that this was done at staff's
73 recommendation. Shortening the first few lots on the north end to fit a detention basin behind the
74 properties is preferable to having the detention basin as part of each lot. He added that public works
75 has asked for a street light on the corner of Porter and 1100 West, and the bubble in the cul-de-sac on
76 east side is intended to stay even when the road is eventually completed to the east; however, the
77 bubble on south cul-de-sac will be removed and the property owner will be responsible for the
78 landscaping of that portion of the lot. Ten-thousand dollars will be escrowed so the city has access to
79 funds to re-install the road improvements when the bubble is removed.

80 Mike Brodsky, owner of Hamlet Homes, said he appreciates the time and effort the planning
81 commission put in to come up with a good solution for this challenging property. Regarding concerns
82 about limited access, Mr. Brodsky said he met with adjacent property owners in an attempt to
83 purchase property to increase access but has not been successful. Regarding the spill, he said they
84 hired an environmental engineer to make sure it was safe. The Department of Environmental Quality
85 (DEQ) is requiring Tesoro to clean it up as the use has changed from agricultural to residential, and an
86 indemnification agreement with Tesoro is included in development agreement. The timeframe for
87 clean-up is a couple of years. He added that radon abatement will be included for every home, not
88 just those around the contaminated area.

89 Chris Nolan, Environmental Engineer, gave a summary statement about the contaminated area.
90 He said initial abatement included digging out 809 feet, airing it out and putting it back. It has been
91 determined that the top seven feet is safe, and the area is not moving and has been shrinking. He said
92 they have twenty plus years of data showing improvement, so it can be expected to be clean in a
93 couple of years. The State is monitoring and will test for an additional two years once it has been
94 determined to be clean.

95 There was discussion about how surrounding sump pumps may impact the area and Mr. Nolan
96 explained that a sump pump would not pull enough water to draw down and pull anything of concern
97 out.

98 Steve Doxey clarified that the Tesoro indemnity agreement only indemnifies injuries, and
99 costs and expenses incurred in making attempts to remediate. It does not indemnify if injuries are
100 reported related to the spill itself. While it is not likely there would be injuries, it is a technical point
101 of which the council needs to be aware.

102 There was discussion about how these issues will be recorded and determined that they will be
103 recorded on the final plat so future property owners can be aware.

104 Mr. Brodsky explained that it is expected that both the contaminated area and the open parcel
105 along 1100 West will be used for animal grazing. The seller has asked to buy these areas back and
106 will grow hay and graze animals. A farm fence will be installed along the open space and a split rail
107 fence around the four contaminated lots.

108 Duane explained the process pursuant to the new PUD ordinance. Granting an overlay is a
109 legislative act, and the development agreement will define the terms within the overlay. Council
110 approves the PUD then it goes back to planning commission for subdivision approval; it will not come
111 back to city council.

112 Council members Bruhn and Enquist stated their concerns about a single access point into and
113 out of the subdivision.

114 Council member Ahlstrom thanked planning commission for their dedication and all the time
115 they spent to sort out the issues.

116
117 **MOTION:** *Andy Williams made a motion to approve the PUD Overlay as presented.*
118 *Mark Preece seconded the Motion which PASSED 3-2.*

119
120 The vote was recorded as follows:

121 James Ahlstrom – Aye
122 James Bruhn – Nay
123 Kelly Enquist – Nay
124 Mark Preece – Aye
125 Andy Williams - Aye
126

127
128 **7. Consider Bid Award to AAA Excavation for the 800 West Pump Station Relocation for**
129 **\$47,220.**

130
131 Ben White reviewed the bids received from seven companies. AAA Excavating had a
132 significantly lower bid than the others, but references indicate it should be fine.

133
134 **MOTION:** *Mark Preece made a motion to award the 800 West Pump Station Relocation*
135 *project to AAA Excavation for \$47,220. James Bruhn seconded the Motion*
136 *which PASSED.*

137
138 The vote was recorded as follows:

139 James Ahlstrom – Aye
140 James Bruhn – Aye
141 Kelly Enquist – Aye

142 Mark Preece – Aye
143 Andy Williams - Aye
144

145
146 **8. Consider Ordinance 399-18, Adopting Changes to Yard Regulations in Title 17.**
147

148 Ben White explained that about a year ago changes were made to clean up yard regulations
149 which included relaxed fencing requirements and formally recognizing “street side yards” for corner
150 lots different from “side yards” for lots not on a street corner. Since then it has come to staff’s
151 attention that the language is not as clear as it could be.

152 This proposal attempts to correct inconsistencies and clarify language. In its recommendation,
153 planning commission has asked that a diagram be placed in the municipal code to help readers
154 understand the language, and that Section 050.3.c.i be modified to be clearer. Mr. Doxey and Mr.
155 Huffman proposed clarifying language for this Section.
156

157 **MOTION:** *Kelly Enquist made a motion to adopt the changes proposed by planning*
158 *commission including new language for Section 050.3.c.i and that a picture*
159 *labeled as appropriate be included in the municipal code. James Bruhn*
160 *seconded the Motion which PASSED.*
161

162 The vote was recorded as follows:

163 James Ahlstrom – Aye
164 James Bruhn – Aye
165 Kelly Enquist – Aye
166 Mark Preece – Aye
167 Andy Williams – Aye
168
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170 **9. Consider Resolution 425-18 Appointing Mayor Romney to the South Davis Recreation**
171 **Administrative Board and the South Davis Metro Fire Area Board of Directors.**
172

173 **MOTION:** *James Ahlstrom made a motion to adopt Resolution 425-18 consenting to the*
174 *Mayor’s appointment of Mayor Romney to the South Davis Recreation*
175 *Administrative Board and the South Davis Metro Fire Area Board of*
176 *Directors. Andy Williams seconded the Motion which PASSED.*
177

178 The vote was recorded as follows:

179 James Ahlstrom – Aye
180 James Bruhn – Aye
181 Kelly Enquist – Aye
182 Mark Preece – Aye
183 Andy Williams – Aye
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186 **10. Consider Resolution 426-18 Appointing James Bruhn to the Wasatch Integrated Waste**
187 **Management District Administrative Control Board, and Kelly Enquist to the Davis**
188 **County Mosquito Abatement Board of Trustees.**

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MOTION: *James Ahlstrom made a motion to adopt Resolution 426-18 consenting to the Mayor's appointment of James Bruhn to the Wasatch Integrated Waste Management District Administrative Control Board, and Kelly Enquist to the Davis County Mosquito Abatement Board of Trustees. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Mark Preece – Aye
- Andy Williams – Aye

11. Consider Resolution 427-18 Adopting a New Fee for Variance Requests.

Duane Huffman explained that although we do not get many variance requests, they are time consuming both for staff and legal counsel. The purpose of the fee is to offset a portion of the costs associated with providing the services. The costs associated with this time far exceed the proposed \$100 fee; however, staff feels that there is sufficient justification to balance residents' access to the process with the need to offset some portion of the cost and discourage frivolous or unprepared requests.

If the council finds this fee acceptable, the city's consolidated fee schedule will be amended by resolution.

MOTION: *James Ahlstrom made a motion to adopt Resolution 427-18 adopting a new fee for variance requests. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

- James Ahlstrom – Aye
- James Bruhn – Aye
- Kelly Enquist – Aye
- Mark Preece – Aye
- Andy Williams – Aye

12. Consider Purchase Approval for Police Vehicle (\$14,041.63) and Vehicle Equipment (\$20,662.32).

The City's procurement policy requires that purchases of \$10,000 or more first be approved by city council.

Chief Hixson made two requests for purchases:

- 1) The adopted FY 2018 budget includes \$14,000 to purchase Sgt. Adams' 2014 leased Ford F-150 pickup truck. The actual purchase price is \$14,041.63.
- 2) The adopted FY 2018 budget includes funding to continue the police department's practice of leasing vehicles. Originally, the department had planned to build into the vehicle leases

236 the purchase of necessary vehicle equipment. However, as the city will own the equipment
237 even after the vehicles are returned, and as the city has available funding to purchase it
238 outright rather than pay interest through the lease, we recommend the equipment be
239 purchased now rather than built into this year's new leases. He added that if approved, this
240 will require an increase to the department's budget prior to the end of the fiscal year
241

242 **MOTION:** *Mark Preece made a motion to approve the purchase of a police vehicle for*
243 *\$14,041.63 and the purchase of vehicle equipment for \$20,662.32. Andy*
244 *Williams seconded the Motion which PASSED by unanimous vote of all*
245 *members present.*
246
247

248 **13. Review Proposed Budget Amendments for FY 2017-2018.**
249

250 Duane Huffman provided proposed budget amendments for the FY 2017-2018 budget. The
251 process to consider and adopt these changes is identical to the that of a standard budget adoption
252 which includes setting a public hearing.

253 He explained that the budget is a living document that sets the goals of the city, and future
254 budget amendments will also be necessary related to capital projects such as the developing Page
255 Lane II and 640 W street projects.

256 There was discussion on transferring Class C road funds, proper tax designation for streets,
257 and project funds
258

259 **MOTION:** *James Ahlstrom made a motion to tentatively adopt proposed budget*
260 *amendments for the FY 2017-2018 budget and set a public hearing for the*
261 *next city council meeting. Kelly Enquist seconded the Motion which*
262 *PASSED by unanimous vote of all members present.*
263

264 **14. Open Meeting Training.**
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266 Cathy Brightwell reviewed the annual Open Meeting Training packet that was distributed
267 earlier to council members and answered questions. There was discussion about electronic message
268 transmission and when/where it applies.
269

270 **15. Police Report**
271

272 Chief Hixson reviewed his monthly report. Officer Flint has completed the required
273 Emergency Vehicle Operations training and is back on patrol field training; officer Van Wagoner's
274 first DARE program graduation for West Bountiful Elementary will be held January 25, 2018; and
275 Asst. Chief Erikson completed the 2017 case audit.
276

277 **16. Engineering/Public Works Report**
278

279 Ben White –

280 - High Gate subdivision's final plat was recommended for approval by planning commission
281 at its last meeting.

- 282 - Destination Homes is ready to move forward with annexation of a portion of their property
283 that is still in the county and has talked about traffic studies. We may see something from
284 them in February.
285 - Pages Lane II project is out to bid; bid award will be requested at the next meeting.
286 - 640 West Project with Centerville from the round-about to Porter Lane includes sidewalk
287 on both sides in West Bountiful and on the east side in Centerville. Grant money will be
288 available. Staff will look into lighting options.
289 - Meeting with UDOT next week regarding their desire to add a stop light at 1000 North and
290 500 West (in front of Country Inn & Suites).
291

292 Steve Maughan –

- 293 - There was a water leak on 800 West at about 300 South - main line is on east side of road,
294 storm drain broke under the historic Mill Creek canal and had an interesting rock slab roof.
295 Water came up several hundred feet from the leak.
296 - Fire hydrant on 400 North was hit by a car over the weekend and pushed it to the point that
297 it broke in a spiral pattern. This is the second damaged hydrant since Christmas.
298 - Golf course storm drain line (resulting from new McKean subdivision) - installed 240 feet
299 of 8-inch pipe and set 3 storm drain boxes. Golf course personnel will finish landscaping.
300 - Preconstruction meeting with the County regarding their new detention pond off 1100
301 West. This location will serve them better than the old pond on 500 South and I-15.
302
303

304 **17. Administrative/Finance Report**
305

306 Duane Huffman – We will begin distributing monthly financial reports by email before the 2nd
307 meeting each month. There may be some errors with incorrect posting by line item for a while
308 but let us know. We will also send disbursement reports every two weeks.
309

310
311 **18. Mayor/Council Reports**
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313 James Ahlstrom – nothing to report.
314

315 Mark Preece – nothing to report.
316

317 James Bruhn – Arts Council meeting last week. They are excited to be getting new members.
318 Sadly, Dianne Smith's husband passed over the weekend.
319

320 The Wasatch Integrated building is gone. They are filling the hole so a new transfer station
321 can be built.
322

323 Andy Williams – Youth Council is looking at different service projects, such as rotary car
324 show/coats for kids to expand visibility. They are doing a good job.
325

326 Kelly Enquist – A new type of mosquito, Rift Valley mosquito, is migrating into the country.
327

328 Mayor Romney – Thanks to Public Works for keeping our roads clear on Christmas. New
329 members for Arts Council will be appointed at the next meeting.
330

331
332 **19. Approval of Minutes from the December 5, 2017 City Council Meeting.**
333

334 **MOTION:** *James Ahlstrom made a motion to approve the December 5, 2017 city council*
335 *minutes as presented. James Bruhn seconded the Motion which PASSED by*
336 *unanimous vote of all members present.*
337

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339 **20. Adjourn**

340
341 **MOTION:** *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful*
342 *City Council at 9:55 pm. James Bruhn seconded the Motion which PASSED*
343 *by unanimous vote of all members present.*
344

345 -----
346
347 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all members*
348 *present on Tuesday, February 6, 2018.*
349

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351 
352 CATHY BRIGHTWELL (City Recorder)

