

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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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, JUNE 5, 2018 AT CITY HALL, 550 N 800 WEST**

*Invocation/Thought – Rajan Zed, President, Universal Society of Hinduism;
Pledge of Allegiance – James Ahlstrom*

1. Approve the Agenda.
2. Introduce and Swear-in new Youth City Council for 2018-2019 Term.
3. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
4. Public Hearing for Tentative Amendments to the Fiscal Year 2017-2018 Budget.
5. Public Hearing for Fiscal Year 2018-2019 Tentative Budget
6. Consider Acceptance of the Petition of Annexation for Parcel 06-030-0034 for Plumb, Gardiner LC.
7. Consider Authorization of Second Amendment to Development Agreement for Kinross Estates, Modify Bonding Requirements.
8. Consider Request for Exception to Street Excavation Restrictions for Proposed Subdivision at 1811 North 800 West.
9. Consider Ordinance 406-18 Amending WBMC 16.20.020 Regarding Secondary Water in Subdivisions.
10. Consider Ordinance 407-18 Confirming Land Use Fees and Modifying the Subdivision Inspection Fee in the West Bountiful Consolidated Fee Schedule and WBMC 16.08.050.D.
11. Consider Resolution 436-18 Approving the Second Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and the City of West Bountiful for Animal Control Services.
12. Consider Resolution 437-18, A Resolution Certifying Authorized Individuals for PTIF Accounts.
13. Public Works/Engineering Report.
14. Administrative Report.
15. Mayor/Council Reports.
16. Consider Approval of Minutes from the May 15, 2018 City Council Meeting.
17. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
18. Adjourn.

Those needing special accommodations 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 May 31, 2018.

Minutes of the West Bountiful City Council meeting held at 7:30 p.m. on **Tuesday, June 5, 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, and Mark Preece. Andy Williams

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

VISITORS: Alan Malan, Rajan Zed, Paul Maloy, Laura & Megan Charchenko, Ryan Johnson, Gordan Williams, Rachel Lee, Bridget Lee, Ann Marie Thurgood, Travis Thurgood Robert Echeverria, Heather, Chad, Addison, Taylor, Morgan, Chloe Feinauer, Madeline Stokes, Hayden Paxton, Joni Paxton, Michael Brodsky, Zachary Brodsky, James Behunin, Xander Hulet, Mike Meredith, Jaden Thurgood, Sarahi & Olga Echeverria, Ginny & Dave Wood, Mikayla Williams, Tyson Williams, Gary Jacketta, Audrey Stokes, Dee Vest

Mayor Romney called the regular meeting to order at 7:30 pm. Rajan Zed, President, Universal Society of Hinduism provided an invocation; the Pledge of Allegiance was led by James Ahlstrom.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda as presented. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

2. Introduce and Swear-in new Youth City Council for 2018-2019 Term.

Mayor Romney introduced Youth Mayor Madeline Stokes and had her recite the oath of office. The rest of the 2018-2019 Youth Council members were then introduced and given the oath of office.

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

James Behunin commented that he has lived here for 32 years, with 16 of those in local government, and from what he can tell the city has made great progress and he congratulated the mayor and city council. Mayor Romney thanked him for his support.

4. Public Hearing for Tentative Amendments to the Fiscal Year 2017-2018 Budget.

Duane Huffman stated that all the amendments have been discussed in previous meetings. He proposed delaying approval until the next meeting.

MOTION: *Mark Preece made a Motion to open the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

James Behunin asked about the overpayment to Bountiful. Mr. Huffman explained that Bountiful Power over-remitted \$150k in municipal energy tax, and we will pay them back - half this year and half next year.

MOTION: *Mark Preece made a Motion to close the hearing. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

5. Public Hearing for Fiscal Year 2018-2019 Tentative Budget.

MOTION: *James Bruhn made a Motion to open the public hearing. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

Duane Huffman reviewed the FY 2018-2019 tentative budget.

- City-wide property taxes increase by \$18k due to new growth;
- Personnel includes general pay scale inflation of 1.5% - \$29,500, insurance 0.3% increase - \$1k, mayor/council salary increases - \$13k, and workers comp 11% decrease;
- General/Buildings includes Bountiful Power repayment - \$73k, city hall parking lot - \$34.5k, liability insurance repayment - \$2k, animal control increase - \$1.5k, IT services pending.
- Police includes crossing guard wage increase - \$6k, operation - \$24.5k, new server - \$10k, new vehicle - \$50k.
- Fire Department increase - \$72.6k.
- Street Maintenance includes school zone signs - \$3.3k, crack seal - \$20k, sidewalk maintenance - \$5k, hydraulic hose machine \$6k (\$4k from general fund/\$2k from water fund), loader - \$158k with guaranteed buyback of a higher amount (split between general fund and water fund) and \$171k from sale of FY18 loader using the same split.
- Streets projects include 1100 West sidewalk gap \$70k, seal coat - \$100k, Jessi's Meadow - \$600k, and 1000 N sidewalk - ?
- Parks department includes open space tractor - \$30k, service truck to replace 2013 - \$40k, top dressing city park - \$30k, restroom/snack shack - \$211k (Ovation and impact fees), and banners/lift - \$50k (RAP).

- General Fund balance includes transfers to the golf fund of \$50k and to the capital projects fund (west yard) of \$411,500 leaving a balance of \$1,046,000 – 22%.
- Water Fund includes maintenance for water lines - \$3k, water tank - \$5k, pumping - \$3k, and resetters - \$10k; training - \$1.8k, Weber water - \$8.9k. It also includes a portion of the hydraulic hose and loader (see above), and vac trailer - \$75k.
- Golf Fund includes increases to seasonal and part-time wages - \$17.2k, Weber water - \$3k, cart path for 18th tee - \$8k, new service truck (buy/sell same year), ball shed - \$3.5k, and range ball washer - \$3k.

James Behunin asked about sales tax revenues. He said revenue streams appear to be good and suggested the city consider eliminating the municipal energy tax (approximately \$230k) especially because our largest entity (HollyFrontier) is exempt from paying it. If we find that we need more, can shift money to property taxes. Municipal energy is not a progressive tax, everyone uses energy the same. He challenged the council to think about giving it up in the future; it would help residents.

Mr. Behunin also inquired about the golf course and whether they were able to make a contribution this year. He said once the bond was paid he expected them to more than break even. He was told that the golf course received a \$50k contribution from the general fund this year. There was discussion about this and how the need to support golf courses is a national trend.

MOTION: *James Bruhn made a Motion to close the hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

6. Consider Acceptance of the Petition of Annexation for Parcel 06-030-0034 for Plumb, Gardiner LC.

Ben explained that a Notice of Intent to File Petition to Annex was filed in February by John Warnick, Destination Homes, on behalf of Plumb, Gardiner LC for a 15.609 acre parcel of land they own adjacent to Legacy Parkway that is not currently in West Bountiful City boundaries. On May 15, 2018, an Annexation Petition was filed for the property. As required, notice of the Petition was mailed to each affected entity and property owner located within 300 feet of the areas proposed to be annexed. Pursuant to UCA 10-2-405 the city council now has an opportunity to accept or deny the Petition for further consideration.

MOTION: *James Bruhn made a Motion to accept the Petition for Annexation. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

7. Consider Authorization of Second Amendment to Development Agreement for Kinross Estates, Modify Bonding Requirements.

Duane Huffman explained that Mr. Brodsky is requesting this second amendment to the development agreement for Kinross Estates to allow for a letter of credit in place of either a cash bond or escrow fund for the required improvement bond agreement. He added that this change would not be allowed in a standard development but as a part of a PUD development agreement there is more flexibility.

Council member Ahlstrom stated that he believes a letter of credit to qualify and to be the functional equivalent of cash. Council member Williams commented that he is familiar with letters of credit, uses them at work, and believes they are the same as cash.

Steve Doxey provided history on the issue explaining that the city accepted alternatives to cash in the past but got burned with a forged letter and an institution that went out of business. The city just doesn't have any recent experience with this issue. There was discussion about revocable and nonrevocable letters of credit and whether other municipalities accept them.

Mr. Brodsky said his letter of credit experience comes from time with a national builder and Mountain America Credit Union. It is an instrument used to guarantee funds, is easily accessible and does not increase risk. The reason for the request is that he made a mistake. Most cities accept sureties and he was surprised to learn he could not in this case. He said there is probably no direct benefit to the city except that it allows him to quickly move forward with the development and selling homes. He expects to be substantially completed by mid-July, although it may be a month or two until miscellaneous improvements are complete and he can convert to the warranty bond (which is in cash to the city). He is asking for the council's kind consideration.

Council member Ahlstrom said the purpose of the requirement is to make sure the city is not left holding the bag. He does not see a problem with this proposal; in his mind cold hard cash is no different than a letter of credit. It comes from the bank, similar to an escrow account and gives flexibility to the developer. Council member Williams agrees; Letters of Credit are widely used. Council member Bruhn said he is hesitant to make the change due to previously being burned.

MOTION: *Andy Williams made a Motion to Authorize the 2nd Amendment to the Development Agreement for Kinross Estates. Kelly Enquist seconded the Motion which PASSED with a vote of 4-1.*

The vote was recorded as follows:

James Ahlstrom – Aye

Mark Preece – Aye

James Bruhn – Nay

Andy Williams - Aye

Kelly Enquist – Aye

Mr. Huffman asked if the council is comfortable having the planning commission look into this issue to see if the city requirements should be changed and was told yes.

8. Consider Request for Exception to Street Excavation Restrictions for Proposed Subdivision at 1811 North 800 West.

Wright development is under contract to purchase the 4.73-acre Grover property at 1811 N 800 West. The proposed development includes two cul-de-sacs which will require excavating across 800 West to access water and sanitary sewer. In September 2014, the City finished the reconstruction of 800 West between Pages Lane and the DSB canal after which a five-year excavation restriction went into effect. To move forward, the city council will need to find that the need for the utility services could not have been reasonably anticipated when the city completed the road improvements.

Staff believes if the excavation waiver is granted, the impacted area can be limited to the two cul-de-sac locations and excavation should not be needed in front of proposed lots 10, 11, and 12. Mr. White added that city staff will determine the appropriate methods to excavate and repair the road once a more detailed subdivision design becomes available.

MOTION: *James Ahlstrom made a Motion to grant the excavation waiver for the Grover property subject to the City determining the appropriate methods to excavate and repair the road. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

9. Consider Ordinance 406-18, An Ordinance Amending WBMC 16.20.020 Regarding Secondary Water in Subdivisions.

A six-month moratorium on new subdivision applications was imposed to allow the city time to review the requirements for new developments to provide secondary water for irrigation. The planning commission has worked hard to come up with better language to deal with this issue. Following a public hearing on May 22, 2018, the planning commission recommended the proposed language be added to WBMC 16.20.020 – Public Improvements. Deferral language would also be available.

Once approved, the city will consider the temporary moratorium to end automatically.

MOTION: *James Ahlstrom made a Motion to Amend WBMC 16.20.020 Regarding Secondary Water in Subdivisions. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

10. Consider Ordinance 407-18, An Ordinance Confirming Land Use Fees and Modifying the Subdivision Inspection Fee in the West Bountiful Consolidated Fee Schedule and WBMC 16.08.050.D.

Ben White explained that the recent increase in development activity brought the City's public works subdivision inspection fee under scrutiny. The current fee is 3% of the total improvement bond calculation and works well for smaller developments but could be a little high for larger developments. The planning commission considered several options and following a public hearing on May 22, 2018, recommends a fee of 2% of total improvement bond calculation with a \$1800 minimum inspection fee.

Recent legislative changes require land use fees to be adopted by Ordinance rather than Resolution.

Mayor Romney commented that if developers fail inspections they should be required to pay for re-inspections. He asked staff to think about requiring it in the future.

MOTION: *James Bruhn made a Motion to Adopt Ordinance 407-18 Confirming Land Use Fees and Modifying the Subdivision Inspection Fee in the Consolidated Fee Schedule. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

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

11. Consider Resolution 436-18 Approving the Second Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and West Bountiful City for Animal Control Services

Duane Huffman explained that there have been a lot of changes with Davis County Animal Control including a new director. He met with them to go over proposed increases and is satisfied that they are reasonable. He is not happy with the increase but still believes it is best way to handle animal control for the city.

MOTION: *Mark Preece made a Motion to Adopt Ordinance 407-18 Approving the Second Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and West Bountiful City for Animal Control Services. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

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

12. Consider Resolution 437-18 Certifying Authorized Individuals for PTIF Accounts.

The Office of the Utah State Treasurer now requires PTIF pool participants to adopt a resolution authorizing at least two individuals to make changes to PTIF accounts. The proposed resolution provides authorization to Mindi Tullis – Treasurer and Duane Huffman – City Administrator.

MOTION: *James Ahlstrom made a Motion to Adopt Resolution 437-18 Authorizes Mindi Tullis and Duane Huffman to make changes to the City's PTIF accounts. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

13. Public Works/Engineering Report –

Ben White

- Planning Commission will hold a public hearing next week for Mtn View Estates subdivision, 42 lots, at 1900 North 1100 West.
- Pages Lane construction will start this month. There is one pole left to move.

Steve Maughan

- The 640 West project is on schedule. The road is closed for the week. They are in the process of rebuilding the road, with rebase tomorrow, paving scheduled for Friday, Saturday will cap and overlay from 75 North in Centerville to Porter Lane, then will stripe on Sunday and open the road up. The project has gone smoothly. The contractor tried to get the contractor for the Centerville storage units to do their portion of the road at the same time, but they would not agree.
- McKean subdivision – still working on utilities. They installed a 4 inch irrigation line but Weber Basin wanted 6 inch so it has been corrected.
- Kinross subdivision is going smoothly and moving pretty good. Dirt has been brought in for roads because the ground so low.
- 1100 West is progressing. They are doing one pour a day (150 ft.) for curb and prepping sidewalk. Probably will be 3 weeks before they can pave.
- Turned off Stone Creek well for the summer.
- Got a quote to remove the large poplar tree north of playground. It is ¾ dead so scheduled to have taken out due to safety concerns. Discussion about using the stump somewhere.
- Asphalt patching was done last week on 800 West.
- Storm drain cleaning/camera on 800 West.

- Soils engineer will do geo tech study at west yard this week.

14. Administrative Report - Duane Huffman

- Independence Day committee wants input on candy order for the parade. Discussion about types of candy and how much to get each city entrant. City council members would like three boxes instead of two. Mark Preece will get his own and James Ahlstrom will pay for additional boxes.

15. Mayor/Council Reports

Kelly Enquist – Discussion about mosquito spraying.

James Bruhn – Wasatch Integrated Board will meet tomorrow to decide on options for equipment. 1) status quo – no change, fills up land fill, 2) truck it all out - \$5.20/can goes to \$11, 3) if have to chip it down, mixed waste processing – ½ stays, ½ goes equals \$8/can, 4) \$20m for full waste processing/recycling equipment. Rate goes up \$1 and extends life of land fill 35 years (\$1/can = \$1M); would require 20 year bond. Land fill will always take residential waste but would stop accepting commercial at some point. Four percent is food waste going to the Sewer district.

Mark Preece – nothing to report.

James Ahlstrom – Discussion about whether dogs should be allowed at city park. Has awareness improved? Bountiful has loosened up their regulations and maybe we should consider it as well. Chief Hixson said the police will respond when called and ask the owner to remove the dog, but their hands are tied if someone claims it is a service dog.

Andy Williams – Excited about new youth council. They will do Coats for Kids service project in 2 weeks. Paul Maloy will be a great advisor.

Mayor Romney – South Davis Rec Center will be making a job offer for new Director.

16. Approve Minutes from the May 15, 2018 City Council Meetings.

MOTION: *James Bruhn made a Motion to approve the May 15, 2018 City Council meeting minutes. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

17. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205(a) discussion of the character, professional competence, or physical or mental health of an individual, and (c), strategy sessions to discuss pending or reasonably imminent litigation.

MOTION: *James Ahlstrom made a Motion to go into Executive Session in the Police Training Room to discuss the character, professional competence, or physical or mental health of an individual, and strategy session to discuss pending or reasonably imminent litigation. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

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

Mr. Huffman will attend the portion of closed session regarding 52-4-205(a). He will then leave for the discussion of pending litigation.

MOTION: *Mark Preece made a Motion to close the Executive Session. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

18. Adjourn Meeting.

MOTION: *James Ahlstrom made a Motion to adjourn this meeting of the West Bountiful City Council at 9:35pm. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council on June 19, 2018 by unanimous vote of all members present.


Cathy Brightwell (City Recorder)

