Mayor
James Behunin

City Council
James Bruhn
Debbie McKean
Kenneth Romney
Cheryl Searle
Valerie Shaw

West Bountiful City

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City Administrator
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Beverly Haslam

Chief of Police
Randy W. Lloyd

CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT WEST BOUNTIFUL CITY WILL HOLD THE REGULARLY SCHEDULED CITRY COUNCIL MEETING ON TUESDAY DECEMBER 1, 2009 AT 7:30 P.M. – 550 NORTH 800 WEST, WEST BOUNTIFUL CITY

AGEDNA AS FOLLOWS:

Invocation/Though (Limit 2 minutes please)

Pledge of Allegiance – Cheryl Searle

1. Accept Agenda
2. Public Comment (Two minutes per person) of if a spokesperson who has been asked by a group to summarize their comments, five minutes will be allowed.
3. Employee of the Month
4. 7:45 Public Hearing to receive input on a lot line adjustment request by Jeff Huggard -718 West 2090 North.
5. Consider approval of Resolution # 252-09allowing a lot line adjustment at 718 West 2090 North.
6. 8:00 Public Hearing to receive input on vacation of a Public Access Easement and Amendment to a Subdivision Plat located at approximately 855 West Jessi's Meadow Drive as requested by Valerie and Clint Shaw.
7. Consider approval of Ordinance 315-09 to allow for the vacation of a Public Right of Way/Public Access Easement and Amendment to a Subdivision Plat located at 855 West Jessi's Meadow Drive.
8. Financial Report – Long Term Financial Strategy.
9. Engineer's Report – Capital Improvement Planning
10. Planning Commission Report (No meeting held)
11. Administrative Report.
12. Mayor/Council Reports.
13. Approval of minutes of previous meeting.
14. Closed Session = Strategy session to discuss pending or reasonably imminent litigation.

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Beverly Haslam (City Recorder) – 801-292-4486

Any resident or property owner in West Bountiful City may request to offer a prayer or thought at the City Council Meetings. Please notify Beverly Haslam, City Recorder of West Bountiful City of this desire, twenty four (24) hours before the meeting.

** I certify that this agenda has been posted delivered to the City Council and sent to Clipper Publishing Company on November 25, 2009.

Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, December 1, 2009 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, Debbie McKean, James Bruhn, Cheryl Searle, Valerie Shaw, Kenneth Romney,

STAFF PRESENT: Craig Howe (City Administrator), Ben White, (City Engineer), Beverly Haslam (Recorder), Nathalie Ellingson (secretary).

VISITORS: Chris Jensen, Terry Olsen, Mark Preece, Sandi Smith, Alan Malan, Kelly Enquist, Bryce Allen, Daniel Davis, Teresa Thomas, George Biada, Denise Montgomery, Glenn Beason, Don and Joan Corry, Wendy Green, Clint Shaw, Jeff Hansen, Marci Winkel, Colton Winkel.

Called to Order:

Mayor James Behunin of West Bountiful City called this meeting to order at 7:30 pm.

Invocation/Thought: Boy Scout Rand Urry gave a thought.

Pledge of Allegiance was led by Boy Scout Adam Jordan.

1.
Accept Agenda

Cheryl Searle suggested tabling Items 5 and 7 and postpone considering approval of the topics to be discussed in the Public Hearings to allow more time to review information provided and public comments. Mayor Behunin suggested waiting to consider tabling those items until after the public hearings.

MOTION: Cheryl Searle moved to approve the agenda, and consider tabling Item 5 after the Public Hearing in Item 4, and consider tabling Item 7 after the Public Hearing in Item 6.

SECOND: Debbie McKean seconded the Motion.

DISCUSSION: Ken Romney suggested tabling Items 8 and 9, since more information on those topics will be forthcoming later in the week.

AMENDED MOTION: Ken Romney moved to accept the agenda as proposed in the Motion, tabling Items 8 and 9 pending further information.

SECOND: Debbie McKean seconded the Amended Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

2.
Public Comment

Doug Lane resides at 1600 North 900 West, and had concerns that the Planning and Zoning Committee has had no meetings in the past 60 days. He would like the future of the community to be considered more often.

3.
Employee of the Month
for November

Craig Howe honored Ben White, the City Engineer, who came into his position in the middle of several infrastructure projects. A classic example was the project on 1100 West north of Pages Lane. Storm drains were on top of an old landfill, and could not support the trucks that needed to pass by. Ben developed a bridge for the trucks, and the road got paved on time. This is typical of his skill at being able to size up situations and solve problems, and consider what is best for the City.

4.
Public Hearing to receive Input
on a Lot Line Adjustment Request
by Jeff Huggard – 718 West 2090 North

Introduction: A copy of Burnham Woods Phase 1 Plat with Porter Lane to the left was distributed to Council members and displayed on the screen. When the platting was done, a small sliver of ground was left as a corner lot. Mr. Huggard owns property where he wants to subdivide and build a home. He wants street access from the west where he does not own any property, so he has worked it out with the owner to purchase the long sliver of ground to provide him access. He is asking the City to approve moving the lot line.

There was some discussion as to how the sliver of land came about. At the time Jeff purchased his property he did not realize the strip of land was a problem. He only learned about it when he had a surveyor subdivide the lot for him. The strip of land does not appear on the City's map. Ben White thinks it is possible changes were made to the property line without the knowledge of the City, and it was done by the owner of that strip in order to prevent subdividing. Jeff was asked if the City needs to take any action regarding this issue.

Jeff responded he has worked out a reasonable agreement with the other owner and he is just asking the City to approve the lot line adjustment.

Public Hearing - 7:50 p m

MOTION: James Bruhn moved to open the Public Hearing.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

Public comment was invited. No comments.

MOTION: James Bruhn moved to close the Public Hearing.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

5.
Consider Approval of Resolution #252-09 Allowing a Lot Line Adjustment at 718 West 2090 North.

Ken Romney asked if the owner of Lot 117 was maintaining the strip as if it were a parking strip. Jeff answered no, there are just weeds and no sidewalk, but there is a curb. Ken just wanted to be sure there was no other reason for the strip being there besides a possible grudge. Ben White mentioned the strip does make the street off set. Questions were asked regarding documentation. Ben had the agreement between Jeff and the other lot owner on file, and at the request of Council members, displayed it on the screen.

MOTION: James Bruhn moved to approve Resolution #252-09 allowing a lot line adjustment at 718 West 2090 North.

SECOND: Debbie McKean seconded the Motion, based on documentation that had been provided.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Aye
Cheryl Searle – Aye
James Bruhn – Aye

MOTION: Debbie McKean moved to go to Item 12 so that Item 6, Public Hearing could start at 8:00 pm as scheduled.

SECOND: Valerie Shaw seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

12.
Mayor/Council Reports

Debbie McKean reminded Council that Monday, December 7, 2009 is Santa Coming to Town, beginning at 5:00. He will roam the streets in a fire truck, a craft boutique will be held from 5:30 to 8:30 pm, Santa will arrive at City Hall at 7:00 pm, the West Bountiful Children's Choir will sing for the Tree Lighting at 7:00 pm. Cookies and hot chocolate will be served. She asked Council to arrive at 6:30 pm to help and that is when she wants the campfires lit. She announced the newsletter was coming out Wednesday.

James Bruhn addressed the comment by Doug Lane and he said he would speak with James Ahlstrom. He asked if the books that are prepared for the Council meetings could be provided to the members earlier in the week previous to the meeting to give them more time to review agenda items. All Council members agreed that the cutoff on agenda material should be the Tuesday evening of the week previous to the Council Meeting.

Cheryl Searle – the Historic Commission did not meet in November due to Thanksgiving, but they plan to meet in December.

Ken Romney – The Golf Board met and reviewed plans for next year. They are planning a PR campaign and some volunteer projects for citizens to participate in. He also mentioned the City has Twitter available in the website.

6.
Public Hearing to
Receive Input on Vacation of a
Public Access Easement and
Amendment to a Subdivision Plat
Located at approximately 855 West
Jessi's Meadow Drive as Requested
by Valerie and Clint Shaw.

Council Member Valerie Shaw recused herself from Council during the Hearing.

MOTION: Debbie McKean moved to go to the Public Hearing.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

Three acres in Jessi's Meadows had been set aside as the location of a nature park when the subdivision was originally planned. A map of Lot 13 was shown on the screen, the purple part on the edge of which was meant for an easement, which adjoins Shaws' property, allowing access to the park. The City owns property to the north of the easement where the Public Works yard is located. The nature park has not yet been developed because a pond which was put in does not hold water. Even without the development of a park, the City needs access to the parcel because a storm drain empties into it.

Mayor Behunin asked about the value of the easement. Ben White stated an asphalt road has already been constructed, and to vacate and create a new access road, including pouring asphalt and moving the fencing would cost $50,000 to $55,000.

Public Comment:

Clint Shaw – the issue came about because of the disrepair of the asphalt and he questioned the homeowners' association as to who was responsible for the condition of the easement. They thought they were, but the County did not know. Shaw has repaired the fence and cleared the weeds and he is the only person who uses the access, which adjoins his property. No one else has seemed to have any responsibility while he or the previous owners have occupied his property. He asked if the City has any documentation showing they may have responsibility for maintaining the easement.

Ben White – a note on the plat calls the easement "public access," which gives the City the responsibility. Clint asked who is liable in case of an accident. Cheryl Searle said it would be the City's liability.

Clint suggested that no one had shown interest in the property until he had asked about the easement. Valerie Shaw stated the park was not on the list of park priorities Council developed for the rap tax. She asked the City either put the property on a priority list or vacate the easement. Debbie McKean stated it is included in the

park planning for the next ten or fifteen years. The Mayor stated the City is planning to move the Public Works yard and there is a possibility of the City selling that lot along with the easement. Valerie stated she didn't think it would be right for the City to hold onto an easement for a park and then make money from it. Also, she didn't know how the land could be used without flooding occurring.

George Biada – as a resident of Jessi's Meadows, he has been involved in the homeowners' association from the beginning. As an officer, he walked the subdivision with the planner and the city engineer at the time he did the inspection to release the bond. He did not know then that a nature park existed or that the easement belonged to the City. It was not a consideration in releasing the bond. He worked with the City to fill the pond, but the concept was eventually dismissed. Prior to the Shaws living on their property, the easement and park were being used for undesirable purposes. The homeowners at one time asked the City to install a post on the road to prevent cars from going into the park area. They did not know they had the option of putting up a fence until Chris Jensen had a fence put up. Until then, there was danger of people falling into water.

Doug Lane stated that the Shaws were aware of the easement when they purchased their property.

Chris Jensen provided a letter which was included in the packets for Council members. Chris said part of that property is the drainage system for Jessi's Meadows and if the City were to sell and there were problems with water, the responsibility would revert to the City. On the other hand, she is concerned the plans for a park are so far in the future. Until the Shaws brought up the issue, the current administration did not even know about the plans for a park. She suggests if the City plans a park, keep the easement, but block it off from the public until something is done.

Bryce Allen – resident at 575 Jessi's Meadows Drive – if the north side is being sold, it is in the interest of the homeowners association to have public access. He suggests the City restrict the type of access, such as motorized travel. He does not want the City to be short-sighted when something could be done beneficial to the community.

Dan Davis read a statement from Rebecca Connor – she is not in favor of vacating the easement as she wants the nature park to be developed as was originally envisioned. Building a new road through a different area would be too costly.

Dan Davis – in regards to the drainage for the subdivision, the five-acre parcel behind his property and the property east of that, and directly to the right of the subdivision, he tried to block off a pipe and found out he was flooding the five acres. He has been in the subdivision seven years and has seen a lot of problems with drug use, etc. He said it is a blessing there is a fence to block the road. When they asked the City to block the road, they got a deaf ear. A park in ten to fifteen years is not acceptable, and he believes the Shaws should have the use of the property. The area is not wide enough for two vehicles to pass each other safely, and it would be better to put a road in down through City-owned property.

Neil Harding lives across the street. He has been there 3 ½ years and saw the mess before the Shaws cleaned it up. He says the City should put together a plan now if they plan to use the area. He has seen the Shaws take good care of their property and if they owned the easement, it would be a value to the subdivision.

MOTION: Debbie McKean moved to close the Public Hearing.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Aye

The matter went to the Council for discussion. Ken Romney owns property in Jessi's Meadows he is trying to sell and wished to inform the Public in case they thought there was a conflict of interest. He agrees with George Biada that it has been a tough situation all along. He has been opposed to Planned Unit Development ("PUD") in general. He talked to Bill Flanders about what happened at the time the subdivision was created, and it is his recollection there was a problem with the Corps of Engineers regarding the wetlands that was never seen through. A PUD got approved with the amenity of a park by the City but it was never approved by the Corps of Engineers. He has seen property owners battle with a nuisance, but it is better now. He and other council members were involved in the first place because of a failed PUD.

Cheryl Searle stated a decision should not be made tonight as there are legal issues regarding public access, and she wants the Council to look at the parks plans and review the issues with the Corps of Engineers.

James Bruhn pointed out the discussion is about the easement providing access to the park property, not the park property itself. He thinks the City should retain the easement so the storm drain can be cleaned out and maintained. Even though there is no trail or pond, there are still native grasses. The property is being leased currently but when the lease runs out, they could go ahead and provide public access to the area. As far as maintenance of the easement strip, the Shaws should take care of it anyway because it is like a parking strip which is owned by the City but is the responsibility of the homeowner to maintain.

Debbie McKean was on the Council when the easement was approved. At the time "access" did not mean it had to be a road; they had also discussed a horse or foot trail.

Mayor Behunin stated the City has many projects which are being funded by the rap tax. The next administration will need to decide if they want to go to the community and say the City is not getting enough revenue. He is concerned about the road not really going anywhere at the present time and being in disrepair. The City will entertain neighbors' opinions when working on it.

7.
Consider Approval of Ordinance 315-09 to Allow for Vacation of a Public Right of Way/Public Access Easement and Amendment to a Subdivision Plat located at 855 West Jessi's Meadow Drive.

MOTION: Cheryl Searle moved to table Item 7.

SECOND: Ken Romney seconded the Motion

DISCUSSION: Ken clarified that the homeowners' association is responsible for land drains on private properties, not the storm sewer. Drainage issues are part of long-range capital improvements. Chris Jensen asked if land drains go directly to that area. Ken said no. George Biada stated some of the storm drains have a junction on private property. Public access would not be needed. Debbie McKean said as far as prioritization of parks and the rap tax, after the software is on line, there will be a public comments session to review it. The whole community needs to have a say as to where money should be spent because a park at Jessi's Meadows would be for the whole community.

NOT PASSED: Voting was as follows:
Ken Romney – Aye
Debbie McKean – Nay
Cheryl Searle – Aye
James Bruhn – Nay
Mayor Behunin – Nay

With Mayor casting deciding vote, Motion to Table Item 7 did not pass.

MOTION: James Bruhn moved to not approve Ordinance 315-09 to allow for the vacation of a Public Right of Way/ Public Access Easement and Amendment to a Subdivision Plat located at 855 West Jessi's Meadows Drive.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Nay
Debbie McKean – Aye
Cheryl Searle – Aye
James Bruhn – Aye

Valerie Shaw returned to her seat at Council table.

8.
Financial Report –
Long Term Financial Strategy

Tabled.

9.

Engineer's Report – Capital Improvement Planning

Tabled.

10.
Planning Commission Report
(no meeting held)

James Ahlstrom stated for the most recently scheduled meeting, they found out who was going to be out of town, and given they had no agenda items, they cancelled the meeting. That has happened for the past two meeting. They have discussed long-term plans via email, but nothing needed immediate attention. He is glad that residents take notice of their meetings, and they do have a meeting planned next week.

11.
Administrative Report

Craig Howe mentioned the Elf Tree is up in the City Hall lobby and they have already had over 100 offers to help with the tree. The swearing in of the new mayor and council members will take place on January 1, 2009 at 1:00 pm.

They have had no response from Waste Management yet regarding recycling. The Mayor has talked with Centerville about their vendor, who is ACE, and they are happy with them. The City wants to make it a competitive bid process.

13.
Approval of Minutes of Previous Meetings

MOTION: James Bruhn moved to approve the Minutes from the November 17, 2009 City Council Meeting.

SECOND: Ken Romney seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Aye
Cheryl Searle – Aye
James Bruhn – Aye

14.
Closed Session – Strategy session to discuss pending or reasonably imminent litigation.
9:15 pm

MOTION: Debbie McKean moved to go into Closed Session.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Aye
Cheryl Searle – Aye
James Bruhn – Aye

Adjournment
9:35 pm.

MOTION: Valerie Shaw moved to adjourn the City Council Meeting.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
Debbie McKean – Aye
Cheryl Searle – Aye
James Bruhn – Aye

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)