Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, October 5, 2010 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT: Mayor Kenneth Romney, Dave Tovey, John Baza, James Bruhn, Valerie Shaw, Mark Preece.

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordeickers (City Recorder), Ben White (City Engineer), Randy Lloyd (Chief of Police), Nathalie Ellingson (Secretary).

VISITORS: Kelly Enquist, Sandi Smith, Doug Layne, Kaye Parrish, Terry Olsen, Mike Sowby, Megan Sowby, Gary Jacketta, Marc Nadauld, Paul Bergantz, Oscar Turner, Mike Bruhn, Melissa Vest, Dennis Vest.

Called to Order:

Mayor Kenneth Romney of West Bountiful City called this meeting to order at 7:35 pm.

Invocation/Thought: John Baza gave a thought.

Pledge of Allegiance was let by Mark Preece.

1. Accept Agenda

MOTION: Dave Tovey moved to approve the Agenda, moving Item 16 to follow Item 7.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

2. Public Comment

Gary Jacketta lives at 1604 North 600 West. He asked if the roads would be swept after the slurry is done. Ben White said no, but they will look for loose gravel. Gary asked how the road was done in George Knighton’s cul de sac. Ben explained he offered developers a discount if they all shared the expense. Gary then asked how much money has been put away since they raised the water rates. Heidi Voordeickers responded the city is $150,000 ahead. Gary wanted to know where the money goes from the golf course pro shop. Mayor Romney answered that as of the last two years the city gets the money. Gary then asked how the golf course employees were paid, and Craig explained they get paid with comp time for the extra hours put in during the golf season, and those comp hours are paid to them during the winter months.

3. Employee of the Month
Craig Howe – Ben White was recommended as Employee of the Month for September. He has exceeded the city’s expectations as an on-staff engineer. He is diligent and thorough. He has organized the development files and documents and he reviews ordinances and practices for inconsistencies. He has contributed far more than his salary. The staff appreciates his sense of humor.

4. City Attorney Report

Steve Doxey gave a brief overview of his position and gave suggestions to the city in how he can be better utilized. The city code allows the city to employ attorneys on a contract basis. Mr. Doxey is retained by the city for civil matters. His responsibilities are to advise the mayor and council as legal matters arise. He has negotiated and reviewed contracts, prosecuted under zoning ordinances, represented the city in annexation disputes, has served as in-house council to work with outside council for specific cases, and has represented the city in appeals of ordinances.

He suggested that the city could avoid having major hits to the legal budget if they take care of things at the beginning. Cases can be avoided if the ordinances are stronger. Valerie asked if the city had been doing better in recent months and he stated that Craig has been contacting him early about legal matters. Valerie suggested he be given minutes from the management meetings. He said he would like to attend city council meetings, also. He said he would make a proposal in writing for a base monthly fee which would include attending such meetings, rather than billing hourly. If his base hours for a month are exceeded, he would bill hourly but at a discount rate. Heidi indicated that money is available, and a base monthly fee had been discussed during budgeting.

5. Consider adoption of Ordinance 322-10 Amending the West Bountiful Municipal Code and Distribution of Certain Intoxicating Chemical Compounds, commonly known as “Spice.”

This issue was addressed in the last council meeting, but had been tabled to allow for legal review. Steve Doxey stated he did look at other city ordinances which have recently been written. The Utah Legislature will be addressing the issue in the next session, but the city should have an ordinance on the books pending a more comprehensive ordinance from the legislature. Mr. Doxey prepared a chemical description for council, which he took from the Ogden ordinance, but it may not be complete. As of now, the city would only be authorized to impose a Class B misdemeanor for violation of the ordinance. A state statute will supersede that restriction.

The ordinance will require that “spice” be removed from store shelves. This could be interpreted as unconstitutional, as the substance is not technically being sold for ingestion, and is not dangerous unless abused. Chief Lloyd stated he has evidence that “spice” does not fit in this category.

Mr. Doxey said he would be willing to do further research regarding the constitutionality issue. If he writes an ordinance, he
wants to be sure it will withstand challenges. Other cities have not had their ordinances long enough to know if they will be challenged.

MOTION: Valerie Shaw moved to table Approval of Ordinance 322-10 to allow time for more research and to notify businesses.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- John Baza – Aye
- Dave Tovey – Aye

6.

Consider Approval of Resolution 267-10, a Resolution Establishing Capitalization Thresholds per Government Finance Officers Association (GFOA) Recommendation.

Heidi Voordeckers stated that when reviewing documents, she found nothing that confirmed thresholds. A memorandum had set them at $2,500, but nothing had been documented. A threshold has to be at least $5,000. She created a table, included in the packets, that listed the asset, the capitalization threshold, and the typical useful life. All amounts are the minimum. If a purchase comes below the amount, it is expensed into the year it is purchased. Dave Tovey asked what method of depreciation the city used, and Heidi responded straight line.

MOTION: Dave Tovey moved to approve Resolution 267-10 which establishes capitalization thresholds.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- John Baza – Aye
- Dave Tovey – Aye

7.

Consider approval of Resolution 268-10, a Resolution Encouraging the Utah State Legislature to Ban the Marketing, Sale, and Distribution of “Spice” to Minors.

Craig Howe – this resolution was created before the city had received the ordinances from Ogden City and Davis County.

MOTION: Valerie Shaw moved to approve Resolution 268-10, encouraging the Utah State Legislature to ban the marketing, sale
and distribution of “Spice” but deleting “minor” where mentioned in the ordinance.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

7a. Consider Approval of a Boundary Line Agreement for the Vest Property

The approval for the small subdivision on the Vest property is completed with all signatures required. When Davis County reviewed it, they felt uncomfortable about the boundary overlap of Vest and city property. Up until now, the Vests have been paying taxes on this portion because the county thought it was theirs. The city should relinquish rights to any ground on the east side of the fence line and the Vests should relinquish rights to any ground on the west side of the fence line. Once this issue has been resolved the plat can be recorded.

MOTION: James Bruhn moved to approve the boundary line agreement that adjusts the boundary line per the property descriptions in the exhibits of the agreement.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

8. Consider Revisions to the Employee Policies and Procedures

Craig Howe – they updated Section XVII which clarifies the provider employees are required to see regarding a Workman’s Comp. accident. The language was changed under insurance to state that spouses and children will be covered at the employees’ expense. Also the section regarding use of the golf course by employees was updated.

MOTION: Valerie Shaw moved to accept revisions.

SECOND: Mark Preece seconded the Motion.
PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

Paul Bergantz – included in the packets was a proposal to purchase a used mower. Mowers are good for about 10 to 15 years, and the mower that is down presently is 15 years old. The mower they want to purchase is in good shape, and he will have Dave Oram go over it thoroughly. James Bruhn asked if the budget allowed for the purchase. Craig responded that the mower has many problems which would be costly to fix. The newly purchased mower will already be serviced and blades sharpened. Heidi stated there are reductions in the equipment maintenance account, but the golf fund was budgeted for one full time employee, and Dave Oram is only taking 30% of that amount.

Paul and Craig both indicated the golf course needs three mowers to keep the golf course adequately maintained. Craig also pointed out that buying a newer mower now and then replacing the other two in the next two or three years would be much easier than buying three mowers at once when all three wear out.

MOTION: Dave Tovey moved to approve the purchase of a mower to replace a worn-out mower.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

Mike Bicker – recent meeting packets have contained monthly reports which indicate that golfing revenue is down. Unfortunately, the extra money in the budget is due to the loss of some good employees. Heidi pointed out that September appears to have been a good month, due to warm weather. Mike reviewed some of the marketing programs they have instituted and the benefits or drawbacks of them. He would like to meet with council to discuss marketing ideas. Mayor Romney asked to see a financial status report at the end of the season, or sometime in November. Heidi stated she would make one, and Mayor Romney also stated he would like to see a report run each calendar year.

Kelly Enquist extended appreciation to all those who came to the Prospector Trail cleanup. For future cleanups they would like a chipper, and it was thought the city has one.
As a safety item, the gate on the northeast side of the park has a 2x3 hole that accesses the canal.

Kelly received a call from UDOT regarding the lighted bollards on the Legacy Trail. They offered to send some techs to change them out, but Kelly told them he would take care of it. He did mention to UDOT about the lights on 1200 West.

On Thursday of this week there will be a Parks and Trail Committee meeting at 5:30 and it will be a walk-through of 1200 North, Jessie’s Meadows and Burnham Woods. Mayor Romney asked all council members to attend. They want to figure out a way to get more use out of the pocket parks in those areas.

Terry Olsen, who organized the cleanup, made some remarks. He said he got many positive and constructive comments. He felt it was important for residents to see that the city took initiative to make that improvement. There is much more work to do.


Valerie Shaw – at the most recent meeting they swore in the new members. There were discussions regarding an ordinance establishing guidelines for future subdivisions. To begin the process, James Ahlstrom asked the commissioners to go around the city and develop standards and suggestions. The Planning Commission will also be taking another look at the sign ordinance.

12. Engineers Report

Ben White –

- a lot of ordinances will be coming up before council for the purpose of meeting state code, cleaning up language, and making sure the city’s actions match the ordinances.
- The slurry seal was finished last Friday.
- They are again replacing fire hydrants and are having the problem of not being able to shut off the water in specific areas. More hydrants will be replaced through the rest of the week.
- 1100 North has reopened. The asphalt patch is being repaired where 500 West traffic goes onto the freeway.
- Work on Barton Creek is ongoing. They are trying to figure out how to get a pipe to run under I-15. Excess land fill is available from that project. It was reported that trucks were hauling dirt at all hours during the weekend. Mayor Romney is concerned the trucks will put too much wear on the road. Ben suggested looking for evidence of hauling wet dirt, as that would put too much weight on the road.


Craig Howe –

- A request has gone out for interest and qualifications for a new city prosecutor. Applicants have an online form to complete. Craig may need help in reviewing them.
Wednesday is Walk Your Child to Work Day, and council members are asked to be at the school to hand out pencils to the students.

- Bountiful Heights Church, in partnership with Washington Heights Church, want to do service projects in West Bountiful. Their past projects have included putting in wheelchair ramps in homes, as well as other types of repairs. They will provide materials and manpower. They would like a list of about fifteen homes.

- On October 20 at 7:00 pm, there will be a two-hour land use training class. The cost is $20.

- Craig received a visit from Johansen Co.'s administrative assistant. They are proactive in helping the tenants at the Commons. They are distributing gift cards to help increase traffic. Some were donated to the city.

- The city is preparing to hold an auction of stolen property that was recovered several months ago and remains unclaimed. At the next meeting the administration will be asking council for permission to hold the auction and to retain some of the items that would be beneficial to the city. The proceeds from the auction will go to the general fund.

- Administration is planning to open the budget in December to deal with some outstanding issues regarding police cars.

10:00 p.m.

MOTION: Valerie Shaw moved to extend the meeting until 10:20 p.m.

SECON: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- John Baza – Aye
- Dave Tovey – Aye

Mayor/Council Reports

Dave Tovey – the Youth Council will be swearing in their new mayor at the next meeting, and will announce the other members. Dave is anticipating phone calls regarding Neighborhood Watch now that the newsletter is out.

John Baza did a lot of traveling on business the past month. He did indicate he is willing to help review the city prosecutor applications.

James Bruhn – has attended Wasatch Integrated meetings and reports that everything is going well at the burn plant.

Valerie Shaw – mentioned an email she had sent to Craig asking if they can get UDOT to paint the median on 400 North.

Mark Preece – referred council to an email about the historical district; West Bountiful is hosting the DUED meeting next Tuesday; reported on the meeting with UDOT, Representative Barrus, and city managers. Only one person represented UDOT.
The interlocal agreement was not signed off because they are waiting for some kind of funding from UDOT. They are planning another meeting with Representative Barrus, Senator Liljenquist and several representatives from UDOT.

Mayor Romney – thanked the citizens for the cleanup on Saturday.

MOTION: John Baza moved to approve the minutes from September 21, 2010 City Council Meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye
16. Moved to 7a.

17. Adjournment

MOTION: Dave Tovey moved to adjourn.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

MAYOR KENNETH ROMINE

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)