Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, September 6, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordecker (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Interim Chief John Rasmussen, Nathalie Ellingson (secretary).

VISITORS: Alan Malan, Judy Rapp, Sandi Smith, Terry Olsen, Troy Larsen, Kelly Enquist, Gary Jacketta, Mike Bicker, Andrew Smith, Cathy Brightwell.

Called to Order:

Mayor Kenneth Romney of West Bountiful City called this session to order at 7:37 pm.

Pledge of Allegiance was led by Boy Scout Spencer Gleave of Troop 1259.

Invocation/Thought - Boy Scout Corbin Barlow repeated the Scout Oath.

1. Accept Agenda

MOTION: James Bruhn moved that Council approve the Agenda as posted.

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

Terry Olsen, 10th West 1600 North – appreciates the chipping done from Pages Lane to 200 North. The line on the old surface was double yellow and he would like them to consider doing a dotted line. There are times when he is moving heavy equipment on the road and other cars are forced to cross the double line to pass him, thereby breaking the law. Mayor Romney responded that they are restriping the new surface to have a passing lane. Mr. Olsen also wanted to commend the Interim Chief, John Rasmussen, for his willingness to help Mr. Olsen on various special projects for the city.

Judy Rapp – Her organization is holding another 10K race at the West Bountiful Park on September 17th. They will have a DJ beginning at 7:30 am and the race will begin at 8:00 am. As required by the city ordinance, she is asking for approval from the
city council, The DJ was approved. She also asked if the road
construction on Pages Lane will be closer to the park on September
17th. Ben responded the work would be where it is now.

Kelly Enquist and Doug Lane – Doug brought two boxes of his
home-grown vegetables for the council members and staff. They
both also wanted to commend the law enforcement agency for
moving in a positive direction.

3. Employee of the Month

Craig Howe presented Rocky Miller as the Employee of the Month
for August. A citation came from the police department, which
Chief Rasmussen read to the council. On July 1st, he had been
assisting with the fireworks at the park and had little time to spend
with his family. When he was able to sit with his family, he saw
an eight year old boy’s glow stick break and the liquid went in his
eye, which burned the area around it. The boy also suffers from
stress-induced asthma. Mr. Miller gave first aid with limited
supplies and called Officer Boyle. They calmed the child and
stopped the burning. The family, medical staff and officers were
appreciative of Mr. Miller’s quick actions.

4. Golf Report and Consider
4a Appointment of Council
4b Members to Golf Committee

Mike Bicker – provided financial reports to council for July and
August. Last July had been a poor month, and this July was a big
improvement. Between revenues and expenses, they were able to
hold the line. The expenses for August have not been calculated
but revenues have shown a big improvement over August of last
year. They are testing a golf simulator which can be used for
league play and during the winter months. They are also working
on heating the driving range for winter use. James Bruhn asked if
the discounted rate for citizens is worth keeping up, since most
golfers are from outside the city, and if it was difficult to
administer. Mr. Bicker does not feel it is a big issue either way,
and said the new committee would review it. Alan Malan asked
how many rounds had been played each month. Mr. Bicker
responded 7,228 rounds were played in July, and 6,117 rounds
were played in August.

Mayor Romney stated there had been a golf board which included
a council member and several residents. The board was disbanded,
but he wants to replace it for the time being with a golf course
committee consisting of himself, two council members, the city
administrator, and the golf pro. John Baza stated he would like to
be on the committee as a council member until the end of his term
and then stay on the committee as a private citizen afterwards.
Dave Tovey said he would be on the committee.

5. Consider Approval of Resolution 283-11,
5a A Resolution Establishing Fund 34,
5b Streets Capital Improvement Fund,
5c and Establishing the Transfer of
5d Revenues Related to the Fiscal Year 2012
5e Property Tax Increase.
Heidi Voordecker – as part the property tax increase, the council had requested that the increased revenues be set aside to fund street projects. A Streets Capital Improvement Funds has been created to which a set amount of $212,500 will be transferred from the tax increase revenues. The intent is to keep $212,500 as the annual budget amount for this new fund. This amount may be changed by future councils, but would require formal action to do so.

MOTION: Dave Tovey moved to approve Resolution 283-11, establishing Fund 34, Streets Capital Improvement Fund, and approve an annual transfer of revenues of $212,500 into the fund.

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

Chief Rasmussen – in finding a solution for the problem of regulating alarms (false alarms, outdated contact information, etc.), it has become a trend for cities to require alarm users to register with the city and to issue yearly permits. The police department of West Bountiful responded to 226 alarms the past year which took a total time of 70 hours. These are a nuisance when the alarms are false. Cathy Brightwell has looked at regulations from other cities and has come up with a good municipal code. Chief Rasmussen would like to impose the regulation gradually to give him time to educate businesses. Mayor Romney asked if there would be a difference between business alarm users and resident alarm users. Although the number of home alarms is small, Chief Rasmussen wants to require permits across the board.

Cathy Brightwell – the permits would be free since the main purpose of requiring a permit is to get updated information each year. There will be a fee for more than four false alarms. The police secretary would do the tracking of call-outs. Computers in the police cars will have this information, also. As well as putting an article in the newsletter, Heidi suggested putting a notification in with the business license renewals that go out in November.

Mayor Romney will have Steve Doxey review the ordinance and it will come back for approval in the next council meeting.

Consider Award of Contract
in the Amount of $93,225 to
Staker Parsons for 2250 North Streets Overlay.
Ben White – this contract has already been discussed in a previous meeting, but he now has all the documentation necessary from Staker Parsons to award the contract. The project is scheduled to be completed in mid-September.

MOTION: Dave Tovey moved to approve award of the contract in the amount of $93,225 to Staker Parsons for the 2250 North streets overlay.

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 Approval of Deferred Improvement Agreement Between West Bountiful City and Brandon and Katrina McKean for the Property Located at 1065 North 1100 West.

Ben White – this agreement is similar to that made with the Nafoosi family recently. The McKeans have applied to put up a barn on their property. The subdivision where they reside was developed 10 years ago. They live on the only developed property in the subdivision and they got a deferment agreement with the city so they did not have to put in a curb and gutter. The deferment was for 10 years, and the 10 years are up, so they now either must put in a curb and gutter or execute a new deferred improvement agreement. Ben suggests the agreement in order to keep all properties in the subdivision consistent rather than have just one property with a curb and gutter.

MOTION: Dave Tovey moved to approve a Deferred Improvement Agreement between Brandon and Katrina McKean and West Bountiful City.

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

9.
Review of Proposed City Park Master Plan and Consider Approval of Construction of Third Ball Diamond at City Park at a Cost of $40,000.

Ben White – the Parks and Trails Committee discussed the possibility of building a third baseball diamond and Ben created a master plan for a third baseball field, a soccer field, basketball
court, new play equipment, and a walking path around the
perimeter of the park. He is asking permission from council to go
forward with the design and put out bids for the new diamond to be
completed by next year. James Bruhn stated he has had comments
from residents they would like a small toy close to the ball field.
Ben said the Parks and Trails Committee would discuss it. Valerie
Shaw asked if the new field is necessary, and Kelly Enquist stated
he has observed some games which are for four different age
groups and he has seen another field is justified. Valerie
mentioned some cities charge for their ball fields, and Kelly
responded if they charged, they would need more staff to maintain
the field.

MOTION: James Bruhn moved to approve construction of a third
baseball diamond at the city park at a cost of $40,000.

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

Steve Doxey – Troy Larsen has served a formal appeal to council
of the decision of the city engineer in regard to Frances Wilby’s
horse property. The appeal procedure allows Mr. Larsen to present
evidence and an argument, and the city responds to the appeal. His
formal written appeal was provided to council. Mr. Larsen’s
appeal had six points to it: 1) he asks for clarification of ordinance
regarding animal density; 2) he has not refuted Ben’s decision that
the fencing on Harris’s property complies with the ordinance, but
he questions that the Harris property puts Wilby in density
compliance; 3) he disagrees that the concrete wall and vinyl
fencing are adequate; 4) he disagrees that methods to control odor
and flies meets compliance; 5) does not disagree with Mr. White’s
decision that horses should not occupy the south enclosure because
it is too close to Larsen’s property, but Mr. Larsen argued the
fencing is insecure in that area; and 6) disagrees that all of the
property can be used to train or ride horses, because he believes the
fencing is inadequate and unsafe.

Mr. Doxey instructed council to confine their review to determine
the city engineer’s interpretation of the ordinance. He stated his
opinion is that Mr. Larsen is correct in questioning Mr. White’s
decision since the ordinance is unclear. He did not believe Mr.
Larsen had provided sufficient evidence against Mr. White’s
decisions on the other five points.

Council asked the staff to work on tightening up the density
ordinance.
MOTION: James Bruhn moved to have Steve Doxey write up a letter stating the ordinance is weak regarding Item 1 and rule in Larsen’s favor, and rule in city’s favor on 2 through 6.

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

11. Discussion/Decision for a $7,000 Storm Drain Project Related to the Golden West Subdivision.

Ben White – drainage has been an issue in the Golden West subdivision for 40 years. He has worked with the Strand family and they have agreed the city can install two culverts and do a little grading. He is asking council to approve $7,000 for the project. The $7,000 was not budgeted.

MOTION: James Bruhn moved to approve a $7,000 storm drain project related to the Golden West Subdivision.

DISCUSSION: Council discussed the source of funds for the project. Several options were proposed. It was suggested the city could use less funds for cleaning drains and put that savings toward the project; however, there was concern that homes would be flooded due to not cleaning the drains. They could go to Golden West residents for contributions. Ben stated this was the least expensive solution so far.

SECOND: John Baza seconded the Motion.

DISCUSSION: Heidi Voordeckers suggested that as part of the Motion they could agree to move funds from Capital Improvements.

AMENDED MOTION: James Bruhn amended the Motion to approve $7,000 for a storm drain project related to the Golden West subdivision and transfer funds to Storm Drains from Capital Improvements.

SECOND: John Baza seconded the Amended Motion.

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

12. Consider a Project to Reconstruct a Section of the 400 North Storm Drain at a Cost of $40,000.
Ben White – during the spring flooding, Public Works tried cleaning the drains, but found them to be old and dilapidated. Ben wants to lay one length of storm drain at once. The $40,000 has not been budgeted, but would come from existing storm drain impact fees. He needs to go through the design/bid process, and plans to have the project done by next spring.

Councilmember Tovey recognized that this would use the entire balance in the Storm Drain Impact Fee fund.

MOTION: James Bruhn moved to approve $40,000 to reconstruct a section of the 400 North storm drain.

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

13.
Planning Commission Report

Valerie Shaw – at the last meeting they approved the paint booth for the auto body shop and they had a discussion with Holly Oil regarding the zoning changes. They also talked about the sign ordinance, regarding temporary signs and issues with the north RDA. Two public hearings will be scheduled regarding zoning issues and one for signs. Because of voting next week, the Planning Commission meeting will be held on Thursday.

14.
Police Report - July

Chief John Rasmussen – the number of arrests have gone down. The busiest time for the officers has changed from Monday to Wednesday, and the least busy time has changed from Friday to Sunday. Alarms remain consistent, animal control issues have gone up, and there has been a rise in responding to suspicious activity.

He had a couple of instances where they gave bears and blankets to some children. The police responded to a domestic call where the parents were arguing and the two year old girl was upset. The officer gave her a blanket and she loved it. They also responded to some people whose car was stranded at RB’s in Woods Cross. It also turned out they were living in their car at the time. The three children were given blankets.

15.
Finance Report - July

Heidi Voordecker – the May and June receipts show sales taxes up by $15,000. They have not collected sales tax yet from July,
when the US dropped it’s credit rating and the stock market dropped. Golf course revenues are ahead of last year while spending is down, however there is a substantial negative net change in cash related to making the bond payment early. This report also represents the first period that public works time is reported based on hours worked rather than a percent allocation. As we continue throughout the fiscal year using this method, there will be some fluctuations when compared to prior years based on the seasonal nature of the work that the public works department performs.

To date, 45 absentee ballots have been sent out for the primary election and 10 have been returned. They have had 16 early voters. West Bountiful has the fewest early voters of all the surrounding cities.

10:00 pm

MOTION: James Bruhn moved to extend the meeting to the end of the agenda.

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

Administrative Report

Craig Howe –
  • The EPA has issued an invitation to tour the filter plant on September 13. They will meet at 4:00. A public presentation will be at 4:30.
  • Officer Andrew Smith started today and, Elizabeth Bogdan will be ready to start after completing two items of training. They have initiated the lease of the new police vehicles. Also, during the hiring process, they have picked up two reserve officers.
  • Flatiron’s property has gone to the bank, but if they move back in next door, the city will refile charges.

17.

Engineers Report

Ben White –
  • The chip seal was finished this week. The top coat was applied but did not dry due to the weather. They will try again tomorrow.
  • Davis County has started a new storm drain project on Pages Lane. It will go to the east end of the park.
  • UDOT has selected a consultant for the 400 North project. More information will come in future meetings.
Mayor/Council Reports

Mark Preece – Historical Committee – Mark and Alan Malan told about someone who has applied to build at Heritage West. Mr. Malan explained that the applicant showed them pictures, but his plan is not historical. They may have to consult an architect. Mark missed the Communication meeting.

Valerie Shaw – she had a question regarding the management meeting: She thought the Explorer that they are planning to turn over to Public Works was in good condition, and she asked for some clarification. Craig stated they have had to do a lot of work on the police Explorer recently, and that is the one they are considering turning over to Public Works. The other Explorer has 100,000 miles on it.

James Bruhn – Wasatch Integrated paid for him to attend a waste management conference. He spent some time with an enforcement officer from Washington Terrace who had a good letter for getting people to cut their weeds, and James thought it would be good for West Bountiful. He also showed council an advertisement for a mower he thinks would be good for West Bountiful.

John Baza – met with the Audit Committee. They discussed the auditors concerns about the funds balancing.

Dave Tovey – Youth City Council is planning a service project to help with the school carnival. He also asked if he could be on the Parks and Trails Committee.

Mayor Romney – wanted to thank the council and staff for all they do and the time they put in.

Approval of Minutes for the Truth in Taxation Public Hearing Held on August 11, 2011 and the City Council Meeting Held on August 16, 2011.

Valerie Shaw had comments which were missing under Item 4.

MOTION: John Baza moved to approve minutes from the truth in taxation public hearing of August 11, 2011, and the city council meeting of August 16, 2011, including Valerie Shaw’s comments in Item 4.

SECONED: 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

MOTION: James Bruhn moved to go to the closed session to discuss the character, professional competence or physical or mental health of an individual and to discuss purchase, exchange, or lease of real property.
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

20. Closed Meeting, if Necessary, for Reasons Allowed by State Law.

11:25 pm

MOTION: Valerie Shaw moved to adjourn the closed session

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

21. Possible Action Following Closed Meeting, Including Appointment to Boards and Commissions.

Not necessary

22. Adjourn

11:27

MOTION: Mark Preece moved to adjourn 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