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2
3 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, December
4 4, 2012 at West Bountiful City Hall, Davis County, Utah.
5
6

7 Those in Attendance

8 MEMBERS PRESENT: Mayor Kenneth Romney, James Ahlstrom, Mark
9 Preece, James Bruhn, Dave Tovey, Debbie McKean.

11 STAFF PRESENT: Craig Howe (City Manager), Heidi Voordeckers
12 (City Recorder/Auditor), Cathy Brightwell (Deputy Recorder), Ben White
13 (City Engineer), Steve Doxey (City Attorney), Chief Todd Hixson,
14 Nathalie Ellingson (secretary).
15

16 VISITORS: Terry Olsen, Bradie Brimley, Steve Harder, Gene Mietchen,
17 Kelly Enquist, Doug Lane, Dan Davis, Clint Shaw.
18

19 Called to Order: Mayor Romney called this meeting to order at 7:31 pm.
20

21 Invocation/Thought – Mayor Romney gave an invocation.

22 Pledge of Allegiance was led by James Bruhn.
23

24 1.
25 Accept Agenda
26

27 MOTION: Dave Tovey moved to accept the agenda.

28
29 SECOND: Debbie McKean seconded the Motion.

30 PASSED: Voting was as follows:
31 James Ahlstrom – Aye
32 Mark Preece – Aye
33 James Bruhn – Aye
34 Dave Tovey – Aye
35 Debbie McKean – Aye
36
37

38 2.
39 Public Comment
40

41 Terry Olsen, 1014 W. Pages Lane – The Mosquito Abatement District has
42 been doing an excellent job the past few years. He would support DeVan
43 Pack to continue representing West Bountiful on the board.
44

45 Kelly Enquist – He recommended appointments for the two boards under
46 discussion be made for just one year. When the next mayor is in office, he
47 can appoint whom he chooses. Kelly also stated that the Council has not
48 had regular reports from either district. James Ahlstrom responded saying
49 they may not have the option to appoint for just one year. In any case the
50 Mayor can only appoint City created positions. The Council is responsible
51 for appointing to third-party boards.
52

53 3.
54 Employee of the Month – October
55
56

57 Craig Howe – Bradie Brimley has worked at golf courses since the age of
58 14, has studied turf and golf course management, and achieved a
59 bachelor's degree in landscape science. He has been with the Lakeside
60 Golf Course since last February. His skill and knowledge has been a great
61 asset. In addition, he was able to install the new computers that run the
62 sprinkler system, which took him many hours.

1
2 4.
3 Employee of the Month – November

4
5 Will be presented in January.
6

7 5.
8 Presentation FY 2012 Audit Report

9
10 Each council member was provided a copy of the Audit Report prepared
11 by Karren Hendrix Stagg Allen. Tim Rees explained that the report was
12 unqualified, which is a high score for a financial statement, and the
13 auditors had very few if any negative comments. Most of the audit
14 focused on the golf course, and their report showed the city has made
15 excellent progress in the financial condition of the golf course. There had
16 been some compliance issues that the city has now met. The auditors had
17 suggested a change in the security measures at the golf course, and Mayor
18 Romney stated the city is looking at getting camera monitoring because it
19 does not make financial sense to have two employees present at all times.
20

21 6.
22 Presentation by Jessi's Meadows
23 Homeowners Association

24
25 Before the discussion, Mayor Romney stated for the record he is a
26 member of Jessi's Meadows Homeowners Association ("HOA") since he
27 owns property there.
28

29
30 Steve Harder, 1255 W. Jessi's Meadows Way and secretary/treasurer of
31 the HOA, and Gene Mietchen, 1250 W. Jessi's Meadows Way and HOA
32 director, presented the issues the residents have about the HOA. Clint
33 Shaw, 855 N. Jessi's Meadows Way, and Dan Davis, 805 Jessi's
34 Meadows Way, also participated in the discussion. The HOA is in the
35 process of being dissolved. They have conferred with legal counsel, who
36 said one of the preliminary steps was to speak with the City Council, and
37 that was their purpose at this meeting. They indicated the residents want
38 to dissolve the HOA, not to avoid paying the fees, but because the
39 covenants, conditions and restrictions ("CCRs") are difficult to enforce.
40 The HOA was to have approved new buildings, e.g., barns, accessory
41 buildings, before the builder obtained a permit from the city, but that has
42 not always happened. Once a building is finished, the HOA loses any
43 power it had to enforce the CCRs. It is their opinion the unapproved
44 buildings have lowered property values. They recently concluded a
45 lawsuit with a member that took two years, and they cannot afford to go to
46 court for each problem that arises.

47
48 There are some common areas owned by the city that would be affected
49 by the dissolution of the HOA. The developer had wanted to build the
50 subdivision close to the golf course. To do so, he received permission
51 from the city to build around some parcels of land owned by the city, with
52 the agreement that the HOA would landscape and maintain them. When
53 the HOA is dissolved, maintenance of those common areas will become
54 the responsibility of the city.

55
56 Mayor Romney stated the CCRs recorded by each homeowner constituted
57 a contract with the city, and doing maintenance on the city parcels was
58 part of the contract. Steve Doxey confirmed this. Also in the contract, the
59 HOA assumed responsibility for the trail that goes through the
60 subdivision, some fencing and a land drain. James Ahlstrom stated he was
61 not aware of any precedent regarding disbanding an HOA and turning
maintenance over to the city. He also did not think the subdivision, as a

1 planned unit development (“PUD”), would have legal justification for the
2 proposed action.

3
4 Steve Doxey stated he wants to see a copy of the amended CCRs, and he
5 and James Ahlstrom would do some research. He also recommended the
6 HOA directors have their attorney draw up a formal written proposal to
7 outline their points.

8
9 7.
10 Consider Approval of Contract
11 with Lewis, Young, Robertson &
12 Burningham for Impact Fees
13 Facilities Plan and Fee Analysis
14

15 In a recent work session, the council talked about changing the ordinance
16 regarding impact fees related to parks and trails. Lewis, Young,
17 Robertson & Burningham has been retained as the city’s financial
18 consultants, and this falls under their purview.

19
20 MOTION: James Ahlstrom moved to approve the contract with Lewis,
21 Young, Robertson & Burningham for an impact fees facilities plan and fee
22 analysis, subject to review by legal counsel.

23
24 SECOND: Debbie McKean seconded the Motion.

25
26 PASSED: Voting was as follows:
27 James Ahlstrom – Aye
28 Mark Preece – Aye
29 James Bruhn – Aye
30 Dave Tovey – Aye
31 Debbie McKean – Aye
32

33 8.
34 Discussion of Ranches at Lakeside
35 Subdivision

36 Ben White –The developer has almost completed the documents. Ben has
37 the title report and Steve Doxey has reviewed it. There is no lot line
38 adjustment yet, nor have the CCRs been drafted. There will be no PUD
39 for this subdivision. Dave Tovey had Ben clarify that this subdivision will
40 have no common ground, the CCRs will contain only aesthetic
41 requirements, there will be no HOA, and the developer will enforce the
42 CCRs. Ben also stated where there is no HOA, each owner has the right
43 to make a neighbor comply to the CCRs. Ben will bring more paperwork
44 as it is completed. Mayor Romney asked about the status of the temporary
45 cul-de-sac, and Ben stated he has not yet spoken with the two property
46 owners about it.

47
48 9.
49 Consider Approval of Resolution 304-12,
50 a Resolution Appointing a Representative
51 to the South Davis Sewer District Board of
52 Trustees Representing West Bountiful City

53
54 Roy Johnson currently serves as West Bountiful’s representative on the
55 Sewer District Board, and his term is up at the end of December. The City
56 Council is responsible for appointing a person to the board by resolution.
57 Mayor Romney stated he recommend appointing the position to one of the
58 City Council members. He opened the floor to Council so they could
59 discuss issues, and then he would make a recommendation.

60
61 Kelly Enquist expressed a concern that, since the sewer district pays its
62 board members a relatively high compensation, it is possible a person

1 might run for council just to be appointed to that position, and that person
2 may not advocate the city's best interests. Mayor Romney stated that has
3 been an issue in his mind as well.
4

5 Three of the council members and the mayor expressed willingness to
6 serve on this or the Mosquito Abatement board. Two members were not
7 interested in serving, but agreed that both appointees should be from the
8 City Council.

9
10 A question arose as to whether the city could govern the length of
11 appointment to the boards. It was suggested they table making the
12 appointments to either board until they have reviewed the bylaws of each
13 district and the overall structure of the boards.
14

15 MOTION: James Ahlstrom moved to table Items 9 and 10 pending
16 further research.
17

18 SECOND: Debbie McKean seconded the Motion.
19

20 PASSED: Voting was as follows:
21 James Ahlstrom – Aye
22 Mark Preece – Aye
23 James Bruhn – Nay
24 Dave Tovey – Aye
25 Debbie McKean – Aye
26

27 10.
28 Consider Approval of Resolution 304-12,
29 a Resolution Appointing a Representative
30 to the South Davis Mosquito Abatement
31 District Board of Trustees Representing
32 West Bountiful City
33

34 Tabled.
35

36 11.
37 Consider Approval of Extension
38 for Off-Site Improvement Agreement
39

40 The McKnights, who own the property at 1157 West 400 North, want to
41 demolish an old house and construct a new house. Their property is in the
42 middle of a block with no curb or sidewalk, and has a small frontage.
43 Therefore staff suggested executing a deferred improvement agreement
44 rather than installing curb and sidewalk at this time. The McKnights, who
45 were present at the meeting, agreed with Ben's recommendation, and they
46 understood the work could be triggered later and probably at a higher cost
47 than at present.
48

49 MOTION: Dave Tovey moved to approve an extension for off-site
50 improvement agreement.
51

52 SECOND: James Ahlstrom seconded the Motion.
53

54 PASSED: Voting was as follows:
55 James Ahlstrom – Aye
56 Mark Preece – Aye
57 James Bruhn – Aye
58 Dave Tovey – Aye
59 Debbie McKean – Aye
60

61 12.
62 Consider Approval of Resolution 306-12,

1 a Resolution Adopting a Facility Use
2 Policy for West Bountiful City

3
4 Cathy Brightwell – this had been discussed in previous meetings, but there
5 was one outstanding issue regarding holiday and weekend rental. They
6 also discussed whether the Mayor, a City Council member or staff should
7 be in charge of approving the reservations. It was decided a member of
8 the staff would be best at this, but was decided in all cases where the
9 policy stated mayor or mayor's designee, to leave the language as it is, and
10 the mayor's designee would be the city administrator. There was also a
11 revision of the fee schedule, to which a \$25 charge for holidays had been
12 added. Debbie McKean suggested having everything cleaned, including
13 the carpets and chairs right after the holidays and that would give them a
14 good standard to use when determining the condition of the building after
15 a rental. Alcohol would be prohibited.

16
17 MOTION: Dave Tovey moved to approve Resolution 306-12 adopting a
18 Facility Use Policy for West Bountiful City.

19
20 SECOND: Debbie McKean seconded the Motion.

21
22 PASSED: Voting by roll call was as follows:

23 James Ahlstrom – Aye
24 Mark Preece – Aye
25 James Bruhn – Aye
26 Dave Tovey – Aye
27 Debbie McKean – Aye

28
29 13
30 Planning Commission Report

31
32 Alan Malan – A public hearing was held regarding the new subdivision,
33 Mistletoe Farms, and was well attended. People were most concerned
34 about traffic on 400 North and through Jessi's Meadow. The development
35 will have 32 lots, each a minimum of one-acre. They had a lengthy
36 discussion about roads in and out of the development and whether the
37 north exit should be through Jessi's Meadow or 1200 North.

38
39 14.
40 Engineers Report

41
42 Ben White –

- 43 • Sent letters to residents on 700 West regarding curb and gutter
44 replacement issues. Six of the residents have called and want to
45 exercise the city's offer.
- 46 • 400 North contractors are winding down for the winter. Signs will
47 have to go in later.
- 48 • At the last meeting they had discussed the well and water allotment.
49 As of December 1, they will have fifty-one acre feet of Weber
50 Basin water. The old well is turned on and has been pumping, but
51 every two or three days it blows a fuse. For long-term use, it would
52 have to be rehabbed, and Ben has been talking about it with
53 Widdison. They are working with Weber Basin day by day to keep
54 track of usage.
- 55 • He has asked for a work session before the first meeting in January
56 because he will have the bids back on all the golf course and parks
57 projects.

58
59 15.
60 Administrative Report

61

1 Craig Howe –

- 2 • The staff will ask for a public hearing and budget open in early
- 3 February to align with all the projects.
- 4 • He was at the golf course one day and heard screeching tires. He
- 5 saw two cars that appeared to be drag racing out on 1100 West. He
- 6 called Chief Todd and they learned the cars were being tested by a
- 7 consumer group. He and Chief Todd asked the group to let them
- 8 know of any future tests.
- 9 • Craig is unable to update the marquee. He has contacted Yesco
- 10 numerous times but has not heard back from them.

11
12 MOTION: James Bruhn moved to extend the City Council meeting until
13 10:15 pm.

14
15 SECOND: Mark Preece seconded the Motion.

16
17 PASSED: Voting was as follows:

18 James Ahlstrom – Aye

19 Mark Preece – Aye

20 James Bruhn – Aye

21 Dave Tovey - Aye

22 Debbie McKean – Aye

23
24 16.
25 Mayor/Council Reports

26
27 Mayor Romney – There are two elves left on the Elf Tree. Applebee's is
28 offering coupons for free meals to kids with no purchase required. These
29 would be nice to include with the Elf Tree donations. At the golf course
30 this year they allowed credit books to be used for green fees. He thinks it
31 could have cost them some revenue and he suggested they should allow
32 credits to be used for merchandise only. Heidi Voordeckers stated that
33 since inventory levels are currently low, it would be a good time to look at
34 the figures. They could run a report of the credit book to see if those
35 people had used their balances to pay for rounds that typically would have
36 been sold for cash.

37
38 Debbie McKean – Articles need to be in before Christmas for the
39 newsletter that will go out the first of the year. There will be an 8:00 am
40 meeting for Communications on Friday.

41
42 Dave Tovey – Christmas on Onion Street went well and they had a good
43 turnout. The City Hall was crowded during the choir performance so next
44 year it will probably be outside. The youth council did a good job keeping
45 kids busy while they waited for Santa.

46
47 James Bruhn – Attended a Wasatch Integrated Waste committee meeting
48 where they discussed potential land purchases for a buffer around the
49 dump site. They are working with the land owner and will be calling a
50 special board meeting next week.

51
52 Mark Preece – Asked the Mayor to contact someone about the Historical
53 Committee. Chief Hixson asked if someone from the police force could
54 be on the parade committee.

55
56 James Ahlstrom – Regarding discussions about RAP tax being used for
57 the golf course or parks, he commented that the golf course is working at a
58 3 to 5 level out of 10, and the parks are currently a 7 or 8. Therefore he
59 thinks the greater part of the tax should go to the golf course, especially
60 considering the golf course is a source of revenue.

1 Consider Approval of Minutes
2 for the October 30, 2012 Work
3 Session and City Council Meeting
4 and the November 20, 2012
5 Work Session and City Council Meeting
6

7 MOTION: James Bruhn moved to approve minutes from the October 30,
8 2012 work session and city council meeting and the November 20, 2012
9 work session and city council meeting.
10

11 SECOND: James Ahlstrom seconded the Motion.
12

13 PASSED: Voting was as follows:
14 James Ahlstrom – Aye
15 Mark Preece – Aye
16 James Bruhn – Aye
17 Dave Tovey – Aye
18 Debbie McKean – Ay
19

20 18.
21 Closed Meeting
22

23 Not necessary
24

25 19.
26 Possible Action Following
27 Closed Meeting
28

29 Not necessary
30

31 20.
32 Adjourn
33 10:15 pm
34

35 MOTION: James Bruhn moved to adjourn City Council meeting.
36

37 SECOND: Mark Preece seconded the Motion.
38

39 PASSED: Voting was as follows:
40 James Ahlstrom – Aye
41 Mark Preece – Aye
42 James Bruhn – Aye
43 Dave Tovey - Aye
44 Debbie McKean – Aye
45



46
47
48
49 
MAYOR KENNETH ROMNEY

50 
HEIDI VOORDECKERS (CITY RECORDER)

51
52
53
54
55
NATHALIE ELLINGSON (SECRETARY)