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

Those in Attendance

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

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

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

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

Invocation/Thought – Mayor Romney gave an invocation.

Pledge of Allegiance was led by James Bruhn.

1. Accept Agenda

MOTION: Dave Tovey moved to accept the agenda.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

2. Public Comment

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

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

3. Employee of the Month – October

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

Will be presented in January.

5. Presentation FY 2012 Audit Report

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

6. Presentation by Jessi’s Meadows Homeowners Association

Before the discussion, Mayor Romney stated for the record he is a member of Jessi’s Meadows Homeowners Association (“HOA”) since he owns property there.

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

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

Mayor Romney stated the CCRs recorded by each homeowner constituted a contract with the city, and doing maintenance on the city parcels was part of the contract. Steve Doxey confirmed this. Also in the contract, the HOA assumed responsibility for the trail that goes through the subdivision, some fencing and a land drain. James Ahlstrom stated he was 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
planned unit development ("PUD"), would have legal justification for the proposed action.

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

7. Consider Approval of Contract with Lewis, Young, Robertson & Burningham for Impact Fees Facilities Plan and Fee Analysis

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

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

SECOND: Debbie McKeen seconded the Motion.

PASSED: Voting was as follows:

- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey – Aye
- Debbie McKeen – Aye

8. Discussion of Ranches at Lakeside Subdivision

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

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

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

Kelly Enquist expressed a concern that, since the sewer district pays its board members a relatively high compensation, it is possible a person
might run for council just to be appointed to that position, and that person may not advocate the city’s best interests. Mayor Romney stated that has been an issue in his mind as well.

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

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

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

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Nay
Dave Tovey – Aye
Debbie McKean – Aye

10. Consider Approval of Resolution 304-12, a Resolution Appointing a Representative to the South Davis Mosquito Abatement District Board of Trustees Representing West Bountiful City

Tabled.

11. Consider Approval of Extension for Off-Site Improvement Agreement

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

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

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

12. Consider Approval of Resolution 306-12,
a Resolution Adopting a Facility Use Policy for West Bountiful City

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

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

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting by roll call was as follows:
- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey – Aye
- Debbie McKean – Aye

Planning Commission Report

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

Engineers Report

Ben White –

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

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

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

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey - Aye
- Debbie McKeans – Aye

Mayor/Council Reports

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

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

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

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

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

James Ahlstrom – Regarding discussions about RAP tax being used for the golf course or parks, he commented that the golf course is working at a 3 to 5 level out of 10, and the parks are currently a 7 or 8. Therefore he thinks the greater part of the tax should go to the golf course, especially considering the golf course is a source of revenue.
Consider Approval of Minutes for the October 30, 2012 Work Session and City Council Meeting and the November 20, 2012 Work Session and City Council Meeting.

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

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

18. Closed Meeting

Not necessary

19. Possible Action Following Closed Meeting

Not necessary

20. Adjourn

10:15 pm

MOTION: James Bruhn moved to adjourn City Council meeting.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey - Aye
Debbie McKean – Aye

MAYOR KENNETH ROMNEY
HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)