

Minutes of the West Bountiful City Council meeting held on **Tuesday, July 15 , 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Bruhn, Debbie McKean, and Mark Preece

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Ben White (Engineer), Paul Holden (Golf Director), Cathy Brightwell (Acting City Recorder/Secretary)

EXCUSED: Council members James Ahlstrom and Kelly Enquist

VISITORS: Alan Malan, Corey Sweat, Gary Jacketta, Kelly Chase, Robert Holmes, Mr. and Mrs. Knighton, Shawn Draney, Ron Jensen, and Chief Bassett-South Davis Metro Fire Dept.

Mayor Romney called the meeting to order at 7:35 pm. Debbie McKean gave an Invocation, and the Pledge of Allegiance was led by Mark Preece.

1. Accept Agenda

MOTION: *Debbie McKean moved to approve the agenda as written. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

Mrs. Knighton, 647 W Pages Lane, said the issue of rocks on the sidewalk began in October 1989 when they purchased their home in West Bountiful and were told by the City that sidewalks, curb, and gutter were part of the City's five year plan so they chose to install it then. She said because there is no sidewalk to the east of them, there is a drop off at the end of the sidewalk and even though they filled it in with dirt, kids used it as a bike jump. One parent even threatened to sue them when their son broke his leg while making the jump. She said they have complained to the city and to the police but nothing has changed in 20 years. To keep kids off, they placed cones at each end. She said Steve Maughan came to their home recently (even though there were 'no trespassing' signs) and left a note in their mailbox and then they received a letter from the City with the wrong address that did not say anything about solving the bike jump problem. She claims they are tired of it. It's a liability and harassment and they want to know what the city's going to do. Mayor Romney stated he had talked with them before the meeting began and they have agreed to meet with the City Administrator to discuss the issue and get something worked out.

3. Consider request by the developer of Olsen Ranches subdivision to defer the Water Right Fee and the Storm Drain Impact Fee, and have them paid as part of future building permits for each home.

The Council recently approved the final plat for Olsen Ranches, which included a standard requirement for payment of the water right fee and storm drain impact fees. Ben White reviewed how the last four subdivisions have been handled showing that some had paid the fees upfront and some when building permits were issued. Council member McKean agreed we need to develop and follow a consistent policy even though in some cases deferment may be best for the City. Mayor Romney commented that we need to consider this specific request now, and then decide how to handle the issue in the future. Council member Preece asked staff how hard it is to track these deferments. Ben responded it is difficult when they are handled differently and it requires digging through old files; there is always a chance something will be missed. The Mayor added that our current Ordinance requires these fees be paid as part of development but we have sometimes allowed deferment. Duane Huffman suggested we need to consider that some impacts are immediate, such as streets and storm drains, so it is better to get the money up front. Mayor Romney believes the issue needs more discussion - on another night.

There was discussion about whether a decision had to be made tonight or if it could be tabled until the next meeting. Robert Holmes, the developer, said that based on their construction schedule they would like it decided tonight.

MOTION: *James Bruhn moved to defer the Water Right Fee and the Storm Drain Impact Fee for Olsen Ranches subdivision and have them paid as part of future building permits for each home. There was no second on the motion.*

MOTION: *Mark Preece moved to deny deferment of the Water Right Fee and the Storm Drain Impact Fee for Olsen Ranches subdivision for the purpose of following our ordinance. Debbie McKean seconded the motion.*

The vote was recorded as follows:

James Ahlstrom – absent
James Bruhn – Nay
Kelly Enquist – absent
Debbie McKean – Aye
Mark Preece – Aye

Pursuant to Resolution 331-14, City Council Rules of Order and Procedure, without a minimum of 3 affirmative votes, the Motion fails and as a result, the request is denied.

Mayor Romney directed staff to prepare a policy recommendation reasonably quickly to get this issue resolved for future developments.

4. Consider final plat approval for the Frank Chase Subdivision at approximately 950 W 1600 North.

This 1.53 acre 3 lot subdivision on Pages Lane is being subdivided and sold by Frank Chase's children as part of his estate. Ben White described the parcels and confirmed they do meet zoning requirements. Staff is recommending final approval with no deferral on curb and gutter.

Shawn Draney, representing the Chase family, described this situation as a little different than the previous agenda item because they are just trying to liquidate the estate, and as a result are 'accidental developers.' The property includes one existing home, one abandoned home, and a lot with only an accessory building. They are asking for deferral of the storm drain impact fees because there are two existing homes and no new roads. There was discussion about whether the water right fees have been paid. Ben commented that the existing home has water service and a meter, but he does not believe any fees have been paid for the two vacant lots, except to connect when Pages Lane was re-built. Council members Preece and McKean noted they are not fans of deferral.

MOTION: *Mark Preece moved to approve the Frank Chase Subdivision at approximately 950 W 1600 North, with the following requirements: 1. Applicant will provide a title report for review by the City Attorney that contains no items of concern to the City Attorney; 2. Applicant will pay the Public Improvement Inspection fee; and 3. Applicant will provide an acceptable means to satisfy bonding requirements for the public improvements, namely curb, sidewalk, utility services, a storm drain catch basin and asphalt. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – absent
James Bruhn – Aye
Kelly Enquist – absent
Debbie McKean– Aye
Mark Preece – Aye

5. Consider Resolution #342-14, approving the form of the Equipment Lease Agreement with Zion's First National Bank, Salt Lake City, Utah, finding that it is in the best interests of West Bountiful City, Utah to enter into said agreement, and authorizing the execution and delivery thereof. (Golf Equipment)

Duane Huffman explained that as part of the FY 2015 budget, \$13k was budgeted for the lease of a new rough mower for the golf course. Resolution 342-14 approves this six year lease with Zion's Bank, with an annual payment of \$12,009, interest rate of 2.1%, and an option to purchase at any time. He added that in general his recommendation would be to pay cash for equipment, but the

golf course does not have sufficient cash reserves and there is a critical need for the mower, so this lease option is recommended.

MOTION: *James Bruhn moved to approve Resolution #342-14 approving the form of the Equipment Lease Agreement with Zion's First National Bank, Salt Lake City, Utah, finding that it is in the best interests of West Bountiful City, Utah to enter into said agreement, and authorizing the execution and delivery thereof after legal counsel review. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – absent
James Bruhn – Aye
Kelly Enquist – absent
Debbie McKean – Aye
Mark Preece – Aye

6. Planning Commission Report

Ben White reported that the last planning commission meeting included granting a conditional use application for a swimming pool that was less than 10 feet from the corner of the garage, and a presentation by Duane Huffman regarding height exceptions omitted from commercial/industrial zones when the supplemental language was moved several years ago.

7. Engineering Report

Ben White reported on the street seal coating status and several problems with notice, especially for 1000 North, and added we will do better to let the general public know when there are major closures. He explained that part of the project got rained out so it is scheduled to be completed on July 30. Council member Bruhn asked if they will be touching up an area north of the Stake Center, and Ben responded that if we can't get to it this year, it will be included with a handful of other areas later.

The 800 West water line is installed, water services are being connected on Pages Lane, and they will start connecting laterals on 800 West. We hope to see asphalt by the end of the month. Council member Preece asked for clarification about the north section of 800 West and what work will be done.

Alice Acres – the sewer district did not approve the sewer manhole so it will be redone for the third time. Curb and gutter will go in next week on 1100 West. We approved 3 bore pits on 400 North, but now they want to expose irrigation lines in the west lane, and at this point we are telling them no.

8. Police Report

Chief Hixson explained the statistics program is down so he can't provide the recent statistics. He reported that Officer Wilkinson is starting the recruitment process for new reserve

officers, and a staff meeting will be held on July 31 to provide information from the past three years, including job basics and vision, with all officers.

The Chief commended Officer Boyle for the fantastic job he did putting together the Safety fair on July 3rd and added that the event has improved each year. He also recognized Officer Robbins for the work he put in on the parade and complemented him on a good job especially being his first year. He was thankful there were no reported police events over the holiday.

The Chief also reported that the State Beer tax grant was approved.

9. Administrative Report

Duane Huffman reported on preparations for the week's Long Drive events at Lakeside. The activities kick-off Thursday with local qualifying and a high school competition, the long drive competition on Friday for Rockwell, and Saturday is the Re/MAX World Long Drive competition. Bleachers will be moved from the Park tomorrow, and unfortunately, we still have no air conditioning at the Clubhouse.

Duane asked to defer the rest of his report until after the closed session.

10. Mayor/Council Reports

Mark Preece passed out the annual report for the South Davis Sewer district and reported the Youth Council is reviewing applications for the upcoming year.

James Bruhn – no report

Debbie McKean thanked everyone for helping with the Independence day events. An appreciation dinner will be held for the Arts Council at the golf course on August 7 beginning at 6:30. The City Council is invited.

She reminded everyone that the newsletter has been changed to quarterly with the fall edition (out the end of August) articles due July 30.

She and Duane have a meeting with Principal Sun on Friday to discuss the school's efforts on new playground equipment. In the past, the PTA has raised funds. Mayor Romney asked about the City's property boundaries by the school playground and it was explained that it basically goes around the perimeter of the bowery.

Now that July 4th has passed, she will work on putting together the Historic Commission. She has people in mind but will need to formalize it.

Mosquito report – they have found some West Nile activity in Southern Utah, for example, Kanab had a positive reading. She added that an eight page mail insert will be coming out soon with lots of good information about mosquitoes.

Mayor Romney thanked everyone for a great Independence Day celebration.

He also reported that he sent an email to UDOT regarding the 400 North dip. They replied saying the design team is still looking at it, there are procurement issues, they are not sure of the schedule, and more information should be available next week.

11. Approval of Minutes from the July 1, 2014 City Council Meeting.

MOTION: *James Bruhn moved to approve the minutes from the July 1, 2014 meeting as presented. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

15. Executive session, pursuant Utah Code 52-4-205 (a) to discuss the character, professional competence, or physical or mental health of an individual.

MOTION: *James Bruhn moved to go in to Executive Session at 8:43 p.m. in the police training room to discuss the character, professional competence, or physical or mental health of an individual. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – absent
James Bruhn – Aye
Kelly Enquist – absent
Debbie McKean – Aye
Mark Preece – Aye

MOTION: *Mark Preece moved to close the Executive Session at 9:45 p.m. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – absent
James Bruhn – Aye
Kelly Enquist – absent
Debbie McKean – Aye
Mark Preece – Aye

9. Administrative Report - continued

Duane said he is not clear about how to handle the council's involvement in the process for non-seasonal hiring. He asked the Council how they wanted to participate with the upcoming public works and finance clerk positions processes. He explained that the general practice would be to prepare the job description, advertise for the position, establish interview criteria and go through applications to see who qualifies for an interview. Then they would put together a group to interview those candidates. Mayor Romney commented that for these positions, he is fine either way. If anyone is interested, they are welcome to participate. Council member Preece believes each interview committee needs at least one council member. Council member McKean offered to be on

the finance interview committee and council member Bruhn will be on the public works interview committee. If anyone else is interested, two council members could participate in each committee.

Adjourn

MOTION: *Mark Preece moved to adjourn this meeting of the West Bountiful City Council at 9:50 pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, August 5, 2014.



CATHY BRIGHTWELL (CITY RECORDER)

