

Minutes of the West Bountiful City Council meeting held on **Tuesday, December 2, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Steve Maughan (Public Works Director), Paul Holden (Director of Golf), Cathy Brightwell (City Recorder/Secretary)

**VISITORS:** Alan Malan, Corey Sweat, Tim Rees, Jeff Dunn, Justin Williams, Gene Meitchen, Steve Harder, Brenda and Bryce Allen, Blaine Nuttal, Mike Youngberg, Dave Van Otten, Floyd Meads, Chris and Rob Jenson, Trisha Davis, Rebecca Conant

Mayor Romney called the meeting to order at 7:31 pm. James Ahlstrom 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**

Corey Sweat thanked the City for continuing the tradition of having Santa ride through town on the fire truck. He said it was enjoyed by all.

**3. Public Hearing – Jessi’s Meadow Special Assessment Area, followed by any Council discussion based on comments made during the hearing.**

Duane Huffman summarized the issue explaining that the City was approached by the Jessi’s Meadow homeowner’s association (HOA) about a year ago regarding their desire to dissolve. The concept of a special assessment area was discussed as a way to cover the costs of the HOA’s responsibilities set forth when the Planned Unit Development was created. The process for establishing a Special Assessment Area includes public notice, which began on November 6, 2014; a public hearing, being held tonight; and official protest period which runs until February 2, 2015. Details of the proposal can be changed based on comments received. If more than twenty protests are received by that date, the special assessment area will be defeated.

The current proposal includes transferring maintenance of the asphalt trails to the City with the goal of replacing with concrete as funds become available. As proposed, the special assessment

will collect \$240K over 20 years based on a twenty year projection, but there will be an annual review.

Council member James Ahlstrom asked how the proposed costs compare to those currently collected by the HOA. The proposed assessment would equate to \$300 per lot per year whereas the HOA has collected \$216 per lot per year in the past.

**MOTION:** *Debbie McKean moved to open the public hearing. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

*Rebecca Conant - 767 Jessi's Meadow Dr. – Ms. Conant thanked the Council for agreeing to deal with this issue; the HOA has been struggling with it for some time. She said they had been told the asphalt would be replaced with concrete for similar amount, and asked if that had changed. Duane Huffman explained that when private financing for an immediate concrete project was further explored, the City found that affordable financing was not available for the amount and terms needed. Ms. Conant said that having concrete would have helped justify \$84 a year increase. Concrete is more durable and lasts longer. She is disappointed now with the new proposal. The initial asphalt installation was done in an inferior manner, can be dangerous, and they would like to get rid of it with a permanent solution. She added that this assessment will almost equal her current taxes to West Bountiful which does not seem equitable. She asked if there will there be an annual review. Mr. Huffman responded that the proposal includes reviews, and the money will be maintained in a separate City Fund. Annual budgets/audits will include details available to the public. Mayor Romney added that if the proposal goes forward, the City will sit down with the HOA to discuss where to start, costs, types of repairs, prioritization, etc. Ms. Conant pointed out that the HOA was developed with consistency and beautification in mind. She is concerned that if lots are sold to individuals who no longer have to maintain green spaces, the values in the development may drop. She asked what would happen if the HOA just dissolved; wouldn't the City have to assume maintenance responsibility? The Mayor responded that the City would not have to assume responsibility.*

*Dave Van Otten -1260 Jessi's Meadow Way – Mr. Van Otten asked if there is a preventative maintenance plan to keep the asphalt in the best possible condition. He is concerned that without proper ongoing maintenance, costs increase and values go down. Ben White pointed out that the intent is to set aside money to properly maintain the asphalt with crack sealing, seal coating, etc. He said expected life, with proper maintenance, is assumed to be 20-30 years but many variables play into the assumptions. The City currently seal coats roads about every 5 years. When asked, the HOA stated the trail has only been seal coated once, 5 years ago. They said it also needs to be crack sealed. Council member McKean suggested that maybe the HOA could do that before transferring responsibility, or give the City money to do it.*

*Chris Jensen* - 505 Jessi's Meadow Dr. – Ms. Jensen asked if Jessi's Meadow residents are paying the same tax rate as other city properties are paying. Mayor Romney confirmed they are. Ms. Jensen continued that if that is the case, the Special Assessment will raise taxes that no one else in the City has to pay. She would like some kind of cap on future adjustments. The reason to disband the HOA is that there are 40 lots and only a third of them have abided by the covenants and the HOA has no teeth to enforce them, but she's not sure it is worth doubling their taxes. Discussion followed about the life of the asphalt and whether a smaller sidewalk would be better or would the additional landscaping needs outweigh the benefit, and how long the assessment will last. Council member Bruhn commented that once everything is converted to concrete, the assessment may go away. Ms. Jensen asked if property owners had been approached about purchasing the common areas. Mayor Romney said they have been contacted. The intent is to work out negotiations with them but he cannot say anymore than that at this time.

*Bryce Allen* - 575 Jessi's Meadow Dr. – Mr. Allen suggested that individual property owners should be able to convert their properties to concrete and eliminate their obligation to the City. Mayor Romney explained that even though the property frontage may vary significantly by lot, the cost has traditionally been split among all 40 lots so it is not fair for someone with small frontage to be able to replace it and be relieved of their obligation. Current costs have been calculated based on the entire project.

There was discussion about fees collected, and the HOA explained that nothing has been collected in 2014, but everyone was paid up at the end of 2013.

*Tricia Davis* - 805 Jessi's Meadow Drive– Ms. Davis asked if money from the sale of common area will go into the account to pay for sidewalks. Mayor Romney said the City has paid for appraisals for 2 pieces, and he believes it is reasonable to include any funds realized in the special assessment fund. Ms. Davis also asked about the term levy, and Mr. Huffman explained that it is referred to as a levy because the annual assessment would be included on property tax notices. She asked how residents will be notified of the on-going process. Mr. Huffman explained the process requires the city to pass a resolution to adopt the special assessment so residents can be involved then.

*Floyd Meads* – 560 Jessi's Meadow Drive – Mr. Meads stated he is the only one in Jessi's Meadow that isn't in HOA, and he is curious how this special assessment will affect him. His property adjoins Jessi's Meadow and he agreed to put in asphalt, but he was not part of the original 40 lot development. Mayor Romney said we would have to review his records to see if there was a subdivision agreement.

*Rebecca Conant* asked for clarification that when the concrete is installed the special assessment will end. If that is true, she wondered if we should consider doing it sooner. She is concerned they will be nickel and dimed to maintain something they do not want long term. Mr. Huffman explained the financing problems again, which would have doubled the current proposal (with start up and interest). He said it is the City's intent to resolve the issue as soon as possible. There was discussion about the HOA making the change to concrete and then having the City take over. To do so would take about \$7,500 for each lot. Rebecca suggested they come up with half and

the City cover the rest. Mayor Romney told her that if the HOA came to the City with \$150k, we would be having a very different discussion.

Mr. Huffman reviewed the remaining process. Protests can be filed until February 2, 2015, then if it goes forward the City Council will adopt a Resolution. If substantial changes are made to the proposal, we may want to go through the notice period again.

**MOTION:** *Debbie McKean moved to close the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**4. Public Hearing – Vacate a portion of the Public Utility Easement at 1322 N 550 W.**

Ben White explained that Mr. Williams wants to build a shed in his yard and upon review noticed an easement exists so has requested it be vacated. The easement is an empty corridor.

**MOTION:** *James Ahlstrom moved to open the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

Alan Malan commented that the side setback is 6 feet; Ben agreed and added that the setback can be reduced to 3 feet if the building is fire rated.

**MOTION:** *Debbie McKean moved to close the public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

**5. Consider adoption of Resolution 352-14, “A Resolution Authorizing the Mayor to Execute the Vacation of a Portion of Side Public Utility Easement Located at 1322 N 550 West.”**

**MOTION:** *Debbie McKean moved to adopt Resolution 352-14 as presented. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**6. Fiscal Year 2014 Audit Report.**

Tim Rees summarized the audit process and confirmed that the City is using acceptable accounting practices. He commented that even with some staff turnover the auditors did not run into problems; City staff was good to work with, and he is not aware of any necessary further adjustments. He complimented the City for staying on budget.

Mr. Rees said they went to the golf course and visited with personnel. Their only concern is with tracking punch cards. Duane Huffman explained that punch cards are listed as a liability on the books but we have received the cash. He suggested there is no need to address it unless it becomes an egregious problem. Mr. Rees agreed it is up to the City to manage; but important to make sure the liability is correct.

Council member McKean asked about language on page 24, paragraph 10, which talks about moving money between budgets. Mr. Huffman responded that State law gives departments authority to move money within the department, but not between departments. The Council needs to approve any changes from one department to another or increases in total spending.

Council member Ahlstrom asked about language on page 55, regarding percentage of revenue in fund balance restrictions. Duane explained that State law caps fund balance at 25% of revenue; however, the General Fund's loan to the Golf Course is counted as fund balance, artificially increasing the City's balance beyond the 25% cap. Council member Ahlstrom also asked about the decrease in RAP Tax fund balance as mentioned on page 8. Mr. Huffman explained that this was the result of projects that relied in part on previous years' collections, but that overall the fund remained healthy.

**7. Discuss potential actions to address the issue of tree limbs obstructing snow plows.**

Duane Huffman provided background on the issue explaining that 55 letters were sent in October to residents with tree branches in front of their properties hanging less than 14 feet above the ground. These low branches cause a lot of damage to our snow plows. Upon inspection this week, twenty-one residents had cut their branches, but 6 of those did not trim them the full 14 feet, and 32 had taken no action. Several additional locations were identified leaving 42 properties still in need of trimming.

Council member McKean stated this is a health, safety, and welfare issue and suggested non-compliant residents be fined. Mr. Huffman explained that the new Nuisance ordinance could be used to levy a fine if that is what Council wants. He said the City has been lax in the past and if Council is serious about assessing fines, he recommends we send them a bill this first year. If we continue to have problems next year, then we can assess fines.

Mr. Huffman stated that if the intent is to bill residents, he recommends hiring an outside company. If the intent is not to bill residents, then we could do it ourselves.

Council gave staff direction to move forward with second notices adding that they are serious about this issue. So that it's clear, Council member Bruhn said he would like the language stating they will be billed to be highlighted in bold text. He asked that letters go to property owners in addition to residents to ensure that rental properties are covered.

**8. Discuss draft modifications to construction standards and specifications.**

Ben White summarized his memo describing the draft modifications to construction standards and specifications. Council member McKean complimented Mr. White on his attention to detail and agreed it is important that we do this. Mr. White will bring a resolution to a future meeting for consideration.

## 9. Engineering/Planning Commission Report

Ben White reported that at last week's meeting, the Planning Commission approved a conditional use permit for a home occupation hair salon, and began a discussion of density as it relates to residential lots. The Planning Commission would like direction from the City Council about how they would like to handle the issue.

Preliminary plans have been received for the old Winger's/Burger King area. Buildings have been proposed for each location for small strip malls of approximately 6000 sq.ft.

The Birnam Woods drainage project to construct a 6 ft. swell is under way, and, weather permitting, we may have concrete before the week is out.

The I-15/500 South water line project is still in progress; they are having problems getting it to pass pressure testing. We have our crew working nights to oversee the project and with recent water line breaks in the City, they have been working a lot of overtime. Council member Bruhn asked about the City's overtime policy. Duane Huffman responded that the practice has been to give them the option to accrue overtime or take time off if the opportunity is available.

UDOT is still expecting 400 North bridge reconstruction to begin the end of February/beginning of March with the overpass closed for 90 days. Our intent is to rebuild the water line and overlay the road on Pages Lane next year, and we have \$100k contribution from UDOT to pay for bike lanes, but we will not proceed until 400 North is re-opened.

## 10. Administrative Report

Duane Huffman recognized Steve Maughan and his crew, and Chief Hixson and his officers on their additional work loads. He also recognized Patrice Twitchell for her hard work through the audit process; she has shown no fear and stepped up to cover questions as they have come up.

The Fire Agency's budget year ends December 31, so their new budget is being adopted which includes new staffing beginning in July. The impact to West Bountiful in the current fiscal year is \$10K, and next year it will be \$60K. For our portion, we are working to see if we can shave off some of the proration to reduce those numbers.

We are in the process of providing continuing disclosure of water bonds and Fitch is updating our credit rating. Duane will have a meeting with them later in the week; he sees no problem maintaining our current A+ rating.

In June 2015, our agreement with Waste Management expires. We are in the process of reviewing past contracts to clarify certain items, and will come back in the future with options.

Mr. Huffman was asked when Council would start getting financial updates again. He explained that now that the audit is complete, we will have financials for your review at the next meeting. Several members commented that a slimmed down version from previous reports would be sufficient.

Duane invited members to the City Christmas party being held next Thursday, December 11. Good weather is forecast so the party will probably be held at City Hall instead of the golf course.

## 11. Mayor/Council Reports

Mayor Romney recognized Steve Maughan and his crew for doing a great job and commended Steve for his work in acquiring good equipment which has made them more efficient especially with water breaks, and for developing strong working relationships with nearby cities.

Regarding the Fire District, the Mayor explained that with expansion, growth and an aging population their call volumes are increasing causing a need to add paramedics/firemen to share responsibilities. We are reviewing our assessment which, by percentage, seems to be going up more in relation to others. Mr. Huffman is looking at the values used to calculate the assessment as it appears some of this valuation is tied to personal property taxes from Holly. The Mayor thanked Duane for working to help shake it out.

Kelly Enquist commented that Holly appears to be working on the berm on the east side of 800 West. He also asked about the status of the Wounded Warrior contribution approved earlier in the year. Staff will look into the contribution.

Debbie McKean had no report.

James Bruhn reported he had attended the Wasatch Integrated meeting where there had been discussion about the costs associated with wet grass in garbage cans. Wet grass doesn't burn so it causes problems in the garbage stream. He suggested the City consider offering green waste cans to residents to avoid these problems. Council member McKean suggested educating the public by including articles in the newsletter.

Mark Preece reported Christmas on Onion Street was a success; there were a lot of kids in attendance and they all appeared to be having a good time.

He said the Sewer District is doing well and there have been no additional discussions on nitrates. He noted that he attended the special district convention, which was very good.

He then provided an update on the West Centerville Neighborhood project. There have been two public hearings and we seem to be making some progress. There has been a lot of opposition from West Bountiful residents, Rep. Barrus, and even some Centerville residents.

James Ahlstrom talked about the Transportation Coalition email sent by Duane Huffman. He said it will cost \$250 to be involved, and as a part of the group the Salt Lake Chamber (Lane Beattie) becomes our consultant. Mr. Huffman added that it includes ULCT and Counties, and they are trying to increase the gas tax to bring in additional funding. Mr. Ahlstrom stated that he understood the coalition to work towards a fair distribution of funding, and said he would like to discuss the issue before January and asked Duane to invite Mr. Beattie to the next Council meeting.

**14. Approval of Minutes from the November 4, 2014 City Council Meeting.**

**MOTION:** *Debbie McKean moved to approve the minutes from the November 4, 2014 meeting as presented. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

**15. Executive session, pursuant Utah Code 52-4-205 (c) to discuss pending or reasonably imminent litigation.**

No executive session was held.

16. Adjourn

**MOTION:** *Mark Preece moved to adjourn this meeting of the West Bountiful City Council at 10:16 pm. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

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*The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, December 16, 2014.*

*Cathy Brightwell*  
CATHY BRIGHTWELL (City Recorder)

