Minutes of the meeting of the City Council of West Bountiful City held on Tuesday,
September 7, 2010 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Heidi
Voordecker (City Recorder), Ben White (City Engineer), Randy
Lloyd (Chief of Police), Nathalie Ellingson (secretary).

VISITORS: Denis Hopkinson, Kelly Enquist, Marilee Hullinger,
Richard Hullinger, Bev Haslam, Tori Boggess, Dennis Vest,
Melanie Vest, Terry Olsen, Mark McCleary, Melissa Vest, Trent
Vest, Laura Charchenko, Jake Ferlin, Blair Perkes, Austin Gerber,
David Call, Miles Evans, Wendy Hughes, Melissa Ward, Susan
Ward, Scott Budge.

Called to Order:

Mayor Kenneth Romney of West Bountiful City called this
meeting to order at 7:38 pm.

Invocation/Thought: Troop 1039 – Scout Oath by Blair Perkes and
Scout Law by Austin Gerber

Pledge of Allegiance was led by Jake Ferlin.

1. Accept Agenda

MOTION: Dave Tovey moved to approve the Agenda.

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

2. Public Comment

Laura Charchenko – Everyone was encouraged to try recycling,
but she does not believe there was full disclosure. The recent
newsletter came out saying the opt-out period was over. She was
not aware there was an opt-out option. Also, she was not aware the
program will be mandatory for new residents. Mayor Romney
responded by saying the city had actually postponed one opt-out
deadline so that the newsletter could go out before it ended.
Unfortunately, the newsletter went out later than planned.
3. Employee of the Month – Jeremy Adams

Craig Howe – the Employee of the Month for August 2010 is Officer Jeremy Adams. Officer Adams is active in training and providing resources to the officers. He championed the purchase of a video encrypting system. He is a consistent, stable presence in the community and is very loyal to his fellow officers.

4. Recognition of Parade Committee and Arts Council for Fourth of July Celebration

Terry Olsen, who was the chairman of the Parade Committee for July 4, 2010, gave out, as awards, certificates and small gifts to the following: Ben Booth and Debbie McKean as co-chairs, Terry Noni, Matt Bown, Wally Greenfield, Bev Haslam, John Trimming, Rich and Marilee Hullinger, Jason Meservy, Susan and Kent Ward, and Mark Preece of City Council. Craig Howe then presented an award to Terry Olsen.

Arts Council – Susan Ward received an award for her work on the Arts Council, and she thanked all those on the Arts Council who helped set up the park for the Fourth of July Celebration.

Mayor Romney commented that Holly Oil donates the money for fireworks every year.

5. Planning Commission Appointments

Mayor Romney – There has been a vacant seat on the Planning Commission due to Dave Tovey taking the seat on City Council. Also, the term is up for two other seats. A request went out for applications and several applicants were interviewed. Mayor Romney suggested three names for four-year terms: Denis Hopkinson, Tori Boggess, and Oscar Terry Turner.

MOTION: Valerie Shaw moved to approve proposed appointments to the Planning Commission.

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

6. Planning Commission Report
Valerie Shaw – At the last Planning Commission meeting, a resident asked for approval of a home occupation – a grooming salon for dogs in her garage. The Commission applied some stipulations and approval was obtained from the neighbors. The Commission voted in favor. There was some discussion regarding a proposed Accessory Dwelling Unity (ADU) ordinance.

7.
Consider Approval of
Rockin V Acres Small Subdivision (8:00 pm)

Dennis and Melanie Vest have applied for approval for a small lot subdivision on their property. They will not be changing the street. State code allows for shortening of the process for approval of small subdivisions. Approval for the Vests has been held up, however. The issue was tabled in the previous regular City Council meeting because there is an issue regarding the curb, gutter and sidewalk requirements on the west side of town. Some subdivisions on that end have gone in without curbs, gutters or sidewalks because the city has not yet decided how to handle the historic district.

Ben White, City Engineer, issue a memo to the Mayor and City Council that listed ten improvements he would like to see on the property. The Vests asked for a variance on the most expensive requirements; curb, gutter and sidewalk, and piped ditch. In a 4 to 1 vote, the Planning Commission agreed to grant a variance on those items.

Both Melanie and Dennis Vest addressed the council. Melanie said she believes the Planning Commission has the best for the city in mind when they make decisions. Members of the Planning Commission are appointed by City Council, and therefore the council should seriously weigh decisions of the Commission. Dennis said he spent endless hours going over ordinances to make sure requirements were met in their plans for building. He did not see a clear ordinance regarding sidewalks. He stated his ditch handles drainage better than the city culverts that have been installed. He believes if the city laid asphalt along his side of the road, it would look nice. He mentioned there are dozens of sidewalks not being used in the city. People prefer walking, jogging or biking along the side of the road. The city should concentrate on maintaining sidewalks where they are most needed, such as in the area of the elementary school. He showed a video he had taken to support his statements.

Trent Vest, for whom the house is being built, stated he wants to live in West Bountiful because of the rural feel, and thinks there is confusion as to what the city is trying to achieve in their part of town. He clarified with Ben White that the requests on the ten-item list were recommendations, not mandatory.

Scott Budge, who lives at 1160 West 1200 North, the Stringham subdivision, addressed the council with his perspective about curb and gutter. He built his home in 2004, and was told that it was mandatory to post bond for curb and gutter before permits would be issued. However, there was no enforcement. He gave the developer $10,000 for the bond, the permits had already been issued, and the developer pocketed the $10,000. In regards to the
Vest property, since the area is rural, he believes if a sidewalk was put in, it would deteriorate before it was used.

James Ahlstrom, Planning Commission Chairman, was asked several questions by the council, and he clarified the opinion of the Commission. The list of requirements from Ben White would cost $40,000 to $50,000, which the Planning Commission thought was high. The main expense would be the curb, gutter, sidewalk and pipe. James said if the changes were mandatory, they should be followed, but he does not believe a variance is required in this case.

There was some discussion between council, staff and the public regarding future plans for the area, in particular a soccer field, that would make sidewalks mandatory for safety reasons and to curbs and gutters would be needed to provide stable parking. Several of the residents present expressed concern about using that land, which is quite wet, as a soccer field. Most people who commented did not foresee a need for sidewalks in the area in the near future.

It was suggested that if and when the city deemed sidewalks necessary, a special improvement district could be created, thereby making the residents responsible for putting in curb, gutter and sidewalks.

Council members have made visits to the Vest property and it was determined they were ready to vote on the issue.

MOTION: John Baza moved to approve the Rockin V Acres Small Lot Subdivision based on the recommendations of the Planning and Zoning Commission.

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

DISCUSSION: Dave Tovey asked for clarification as to whether, if the motion is passed, it is with the understanding that the city could come back using a mechanism such as a special improvement district with due process. Valerie Shaw expressed concern that this vote would have bearing when a decision is necessary on the Stringham subdivision in two years. James Bruhn offered a brief history of the Stringham property; that issue will be separate from this one. James Ahlstrom stated if the motion was passed on a variance, the city would not be able to go back to the Vests in the future for a sidewalk. The Vests agreed that they would be willing to comply to a special improvement district should the city deem a sidewalk with related improvements necessary. Valerie asked the staff to work out the differences in interpretation by talking with Steve Doxey.

AMENDED MOTION: John Baza accepted the amendment to the Motion: to approve the Rockin V Acres Small Lot Subdivision, based on recommendation of the Planning and Zoning Commission, with the understanding that if, in the future, the city deems it necessary to create a special improvement district with due process, the Vests will comply.
SECOND: Mark Preece seconded the Amended Motion.

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

9:50 pm

MOTION: Mark Preece moved to take a five minute break and extend the meeting.

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

8.
Consider Approval of DSB Trail and Grant

Ben White – The state offers a grant every year to fund a program, which is very competitive due to limited funding. West Bountiful was awarded the grant to fund a trail along the DSB canal from 800 West to Legacy Trail. The trial will be 10 feet wide, with additional room for an equestrian trail. The ground is owned by the county, and the city will enter into an easement agreement with them. With this grant, the city pays 100% of the cost and gets reimbursed 50%. In-kind matches count towards the city’s match, such as in-house designing or donations for materials. Ben estimates the city’s total portion will be $100,000. They will use the typical bid process. Heidi Voordecker said the full $100,000 would come from the park portion of the impact fees. The city would be responsible for maintenance (no show removal), and Ben estimates that cost to be $2400 per year. The city will have up to two years to complete the trail.

MOTION: James Bruhn moved to approve the DSB Trail and Grant.

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
Ben White -

- Included in the council packets was a memo regarding the Stone Creek Well. Problems with the well have not gotten worse but they have not gotten better. Ben has shut off the well for one year. He has sent in the water right change for the new well, and is waiting to hear back.

- The curb, gutter and sidewalk in front of City Hall has been improved; the walk was lifted to remove a tripping hazard and to prevent puddles and ice.
- The slurry seal project has been pushed back to the beginning of October. The contractor has had weather delays on other jobs. Mayor Romney suggested considering another contractor. Ben agreed to contact the company and indicate further postponement is not acceptable and the city may go to the second bidder.
- Ben looked into replacing the street lights using an energy grant, but was told by lighting experts that they should wait until the new technology is more reliable.

10. Consider Revisions to Employee Policies and Procedures Manual, Section XIX: Leaves of Absence

The council was asked if they had any questions, and they decided to go ahead with a motion.

MOTION: Dave Tovey moved to approve the changes to Employee Policies and Procedures Manual, Section XIX: Leaves of Absence.

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
Craig Howe -

- A section will be included in the next newsletter providing contact information of the council members, which the members provided to him.
- There has been a total of 320 opt-outs from the recycling program. This puts participation just under 80%. The staff will wait six months before lowering rates.
- The city has received negative comments about cancelling the Spring and Fall Cleanups.
- The city is asking the Fire Service to hold down their budget.

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

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

- The Freedom Light Foundation has requested contributions and help on Constitution Day activities September 17th and 18th. The events will be at the Bountiful City Park.
- Mayor Romney has given approval for creating an Equestrian Task Force.
- City managers will visit with UDOT regarding the Legacy Trail in what Craig thinks will be the last meeting. Recent adjustments to the Agreement have put it back to what it was in the beginning. Options were discussed on how to convince UDOT to take action. Kelly Enquist suggested bringing in legislators to a special meeting regarding the issue. Chief Lloyd, who rides the trail on a regular basis, stated it will be unusable in two years if not maintained.

Craig stated he will contact Steve Doxey and go over the issue with him.

Mark Preece – the next DUED will be hosted by West Bountiful.

James Bruhn – The Founders Day celebration is this Friday at the pavilion. There will be free food provided by Texas Roadhouse, and a concert. Flyers have gone out and it is on the marquee.

Dave Tovey – Youth City Council starts this month. Mayor Romney asked that swearing in of the new youth mayor be on the next agenda. Dave was approached by a resident who suggested forming a committee for environmental issues in the city.
Valerie Shaw asked for clarification on Page 4, Lines 16 and 17 whether it referred to the Stringhams or Vests. Dave Tovey, on Page 4, Line 18, was talking about the responsibility of the city regarding 1200 North. Heidi Voordeckers, Page 5, Line 17, the Vests had gotten an unofficial copy of the minutes early and had asked for clarification. They were allowed to listen to the tape. The Planning Commission has no budget responsibility.

MOTION: Dave Tovey moved to approve the August 17th Minutes with noted changes.

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

MOTION: Mark Preece moved to adjourn.

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

MAYOR KENNETH BONNER

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)