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2 Minutes of the meeting of the City Council of West Bountiful City held on Tuesday,
3 September 7, 2010 at West Bountiful City Hall, Davis County, Utah
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6 Those in Attendance

7 MEMBERS PRESENT: Mayor Kenneth Romney, Dave Tovey,
8 John Baza, James Bruhn, Valerie Shaw, Mark Preece.
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10 STAFF PRESENT: Craig Howe (City Administrator), Heidi
11 Voordeckers (City Recorder), Ben White (City Engineer), Randy
12 Lloyd (Chief of Police), Nathalie Ellingson (secretary).
13

14 VISITORS: Denis Hopkinson, Kelly Enquist, Marilee Hullinger,
15 Richard Hullinger, Bev Haslam, Tori Boggess, Dennis Vest,
16 Melanie Vest, Terry Olsen, Mark McCleary, Melissa Vest, Trent
17 Vest, Laura Charchenko, Jake Ferlin, Blair Perkes, Austin Gerber,
18 David Call, Miles Evans, Wendy Hughes, Melissa Ward, Susan
19 Ward, Scott Budge.
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21
22 Called to Order:

23
24 Mayor Kenneth Romney of West Bountiful City called this
25 meeting to order at 7:38 pm.
26

27 Invocation/Thought: Troop 1039 – Scout Oath by Blair Perkes and
28 Scout Law by Austin Gerber
29

30 Pledge of Allegiance was led by Jake Ferlin.
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34 1.
35 Accept Agenda
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37 MOTION: Dave Tovey moved to approve the Agenda.
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39 SECOND: James Bruhn seconded the Motion.
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41 PASSED: Voting was as follows:

42 Mark Preece – Aye
43 Valerie Shaw – Aye
44 James Bruhn – Aye
45 John Baza – Aye
46 Dave Tovey – Aye
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50 2.
51 Public Comment
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53 Laura Charchenko – Everyone was encouraged to try recycling,
54 but she does not believe there was full disclosure. The recent
55 newsletter came out saying the opt-out period was over. She was
56 not aware there was an opt-out option. Also, she was not aware the
57 program will be mandatory for new residents. Mayor Romney
58 responded by saying the city had actually postponed one opt-out
59 deadline so that the newsletter could go out before it ended.
60 Unfortunately, the newsletter went out later than planned.
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1 3.
2 Employee of the Month –
3 Jeremy Adams

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

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13 4.
14 Recognition of Parade Committee
15 and Arts Council for Fourth of July
16 Celebration

17
18 Terry Olsen, who was the chairman of the Parade Committee for
19 July 4, 2010, gave out, as awards, certificates and small gifts to the
20 following: Ben Booth and Debbie McKean as co-chairs, Terry
21 Noni, Matt Bown, Wally Greenfield, Bev Haslam, John Trimming,
22 Rich and Marilee Hullinger, Jason Meservy, Susan and Kent Ward,
23 and Mark Preece of City Council. Craig Howe then presented an
24 award to Terry Olsen.

25
26 Arts Council – Susan Ward received an award for her work on the
27 Arts Council, and she thanked all those on the Arts Council who
28 helped set up the park for the Fourth of July Celebration.

29
30 Mayor Romney commented that Holly Oil donates the money for
31 fireworks every year.

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35 5.
36 Planning Commission Appointments

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

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

47
48 SECOND: James Bruhn seconded the Motion.

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50 PASSED: Voting was as follows:
51 Mark Preece – Aye
52 Valerie Shaw – Aye
53 James Bruhn – Aye
54 John Baza – Aye
55 Dave Tovey – Aye

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59 6.
60 Planning Commission Report
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1 Valerie Shaw – At the last Planning Commission meeting, a
2 resident asked for approval of a home occupation – a grooming
3 salon for dogs in her garage. The Commission applied some
4 stipulations and approval was obtained from the neighbors. The
5 Commission voted in favor. There was some discussion regarding
6 a proposed Accessory Dwelling Unity (ADU) ordinance.
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10 7.
11 Consider Approval of
12 Rockin V Acres Small
13 Subdivision (8:00 pm)
14

15 Dennis and Melanie Vest have applied for approval for a small lot
16 subdivision on their property. They will not be changing the street.
17 State code allows for shortening of the process for approval of
18 small subdivisions. Approval for the Vests has been held up,
19 however. The issue was tabled in the previous regular City
20 Council meeting because there is an issue regarding the curb,
21 gutter and sidewalk requirements on the west side of town. Some
22 subdivisions on that end have gone in without curbs, gutters or
23 sidewalks because the city has not yet decided how to handle the
24 historic district.
25

26 Ben White, City Engineer, issue a memo to the Mayor and City
27 Council that listed ten improvements he would like to see on the
28 property. The Vests asked for a variance on the most expensive
29 requirements; curb, gutter and sidewalk, and piped ditch. In a 4 to
30 1 vote, the Planning Commission agreed to grant a variance on
31 those items.
32

33 Both Melanie and Dennis Vest addressed the council. Melanie said
34 she believes the Planning Commission has the best for the city in
35 mind when they make decisions. Members of the Planning
36 Commission are appointed by City Council, and therefore the
37 council should seriously weigh decisions of the Commission.
38 Dennis said he spent endless hours going over ordinances to make
39 sure requirements were met in their plans for building. He did not
40 see a clear ordinance regarding sidewalks. He stated his ditch
41 handles drainage better than the city culverts that have been
42 installed. He believes if the city laid asphalt along his side of the
43 road, it would look nice. He mentioned there are dozens of
44 sidewalks not being used in the city. People prefer walking,
45 jogging or biking along the side of the road. The city should
46 concentrate on maintaining sidewalks where they are most needed,
47 such as in the area of the elementary school. He showed a video
48 he had taken to support his statements.
49

50 Trent Vest, for whom the house is being built, stated he wants to
51 live in West Bountiful because of the rural feel, and thinks there is
52 confusion as to what the city is trying to achieve in their part of
53 town. He clarified with Ben White that the requests on the ten-
54 item list were recommendations, not mandatory.
55

56 Scott Budge, who lives at 1160 West 1200 North, the Stringham
57 subdivision, addressed the council with his perspective about curb
58 and gutter. He built his home in 2004, and was told that it was
59 mandatory to post bond for curb and gutter before permits would
60 be issued. However, there was no enforcement. He gave the
61 developer \$10,000 for the bond, the permits had already been
62 issued, and the developer pocketed the \$10,000. In regards to the

1 Vest property, since the area is rural, he believes if a sidewalk was
2 put in, it would deteriorate before it was used.

3
4 James Ahlstrom, Planning Commission Chairman, was asked
5 several questions by the council, and he clarified the opinion of the
6 Commission. The list of requirements from Ben White would cost
7 \$40,000 to \$50,000, which the Planning Commission thought was
8 high. The main expense would be the curb, gutter, sidewalk and
9 pipe. James said if the changes were mandatory, they should be
10 followed, but he does not believe a variance is required in this
11 case.

12
13 There was some discussion between council, staff and the public
14 regarding future plans for the area, in particular a soccer field, that
15 would make sidewalks mandatory for safety reasons and to curbs
16 and gutters would be needed to provide stable parking. Several of
17 the residents present expressed concern about using that land,
18 which is quite wet, as a soccer field. Most people who commented
19 did not foresee a need for sidewalks in the area in the near future.

20
21 It was suggested that if and when the city deemed sidewalks
22 necessary, a special improvement district could be created, thereby
23 making the residents responsible for putting in curb, gutter and
24 sidewalks.

25
26 Council members have made visits to the Vest property and it was
27 determined they were ready to vote on the issue.

28
29 MOTION: John Baza moved to approve the Rockin V Acres
30 Small Lot Subdivision based on the recommendations of the
31 Planning and Zoning Commission.

32
33 SECOND: Mark Preece seconded the Motion.

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35 PASSED: Voting was as follows:

36 Mark Preece – Aye
37 Valerie Shaw – Aye
38 James Bruhn – Aye
39 John Baza – Aye
40 Dave Tovey – Aye
41

42 DISCUSSION: Dave Tovey asked for clarification as to whether,
43 if the motion is passed, it is with the understanding that the city
44 could come back using a mechanism such as a special
45 improvement district with due process. Valerie Shaw expressed
46 concern that this vote would have bearing when a decision is
47 necessary on the Stringham subdivision in two years. James Bruhn
48 offered a brief history of the Stringham property; that issue will be
49 separate from this one. James Ahlstrom stated if the motion was
50 passed on a variance, the city would not be able to go back to the
51 Vests in the future for a sidewalk. The Vests agreed that they would
52 be willing to comply to a special improvement district should the
53 city deem a sidewalk with related improvements necessary.
54 Valerie asked the staff to work out the differences in interpretation
55 by talking with Steve Doxey.
56

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

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9:50 pm

8.
Consider Approval of
DSB Trail and Grant

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

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

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 trail 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 Voordeckers 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

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2 9.
3 Engineers Report

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5 Ben White -

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

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

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31 10.
32 Consider Revisions to
33 Employee Policies and
34 Procedures Manual, Section
35 XIX: Leaves of Absence

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

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

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44 SECOND: James Bruhn seconded the Motion.

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46 PASSED: Voting was as follows:
47 Mark Preece – Aye
48 Valerie Shaw – Aye
49 James Bruhn – Aye
50 John Baza – Aye
51 Dave Tovey – Aye

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61 11.
62 Administrative Report

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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.

12.
Mayor/ Council Reports

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.

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2 13.
3 Approval of Minutes for
4 August 17th City Council Meeting

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6 Valerie Shaw asked for clarification on Page 4, Lines 16 and 17
7 whether it referred to the Stringhams or Vests.
8 Dave Tovey, on Page 4, Line 18, was talking about the
9 responsibility of the city regarding 1200 North.
10 Heidi Voordeckers, Page 5, Line 17, the Vests had gotten an
11 unofficial copy of the minutes early and had asked for clarification.
12 They were allowed to listen to the tape. The Planning Commission
13 has no budget responsibility.

14
15 MOTION: Dave Tovey moved to approve the August 17th Minutes
16 with noted changes.

17
18 SECOND: John Baza seconded the Motion.

19
20 PASSED: Voting was as follows:
21 Mark Preece – Aye
22 Valerie Shaw – Aye
23 James Bruhn – Aye
24 John Baza – Aye
25 Dave Tovey – Aye
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30 14.
31 Adjournment

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33 MOTION: Mark Preece moved to adjourn.

34
35 SECOND: James Bruhn seconded the Motion.

36
37 PASSED: Voting was as follows:
38 Mark Preece – Aye
39 Valerie Shaw – Aye
40 James Bruhn – Aye
41 John Baza – Aye
42 Dave Tovey – Aye
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45
46 
47 MAYOR KENNETH ROMNEY

48 
49 HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)