Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, September 21, 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 Voordeckers (City Recorder), Ben White (City Engineer), Randy Lloyd (Chief of Police), Nathalie Ellingson (secretary).


Called to Order:

Mayor Kenneth Romney of West Bountiful City called this meeting to order at 7:32 pm.

Invocation/Thought: Valerie Shaw

Pledge of Allegiance was led by James Bruhn.

1. Accept Agenda

MOTION: James Bruhn moved to approve 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

2. Public Comment

Kathleen Olsen, also known as Kathleen Yazzie, lives at 1272 North 700 West. She is the person who found the victim of an attack on the Prospector Trail on September 11th. She asked that the trail be made safer by removing the tall weeds so that people walking along the trail can be visible from the homes adjacent to the trail. Mayor Romney stated there was a cleanup planned for the following Saturday, and hoped they would get a lot done.

Chief Randy Lloyd thanked Mrs. Olsen for what she did and also thanked the victims for coming forward. He stated some of the trail has already been cleaned by residents.
Todd Gardner lives at 2233 North 830 West. He suggested a neighborhood watch program be implemented, and had already spoken with the police secretary regarding cost of signs placed along the trail. He would be willing to purchase them if the city would hang them. He also suggested they see if any of the residents along the trail would be willing to be a McGruff House. Chief Lloyd agreed that McGruff Houses would be good, and some houses have gates that open out onto the trail. Dave Tovey said he would be willing to work on a watch program. It was suggested an announcement regarding this be put in the newsletter.

Gary Jacketta lives at 1604 North 600 West. He wanted to know how much money has been put away for water pipes since the fee was raised. Heidi Voordeckers responded about $150,000. The amount they can put away will drop a little when seasonal usage goes down, but the city is on target. Gary also asked why the city hall is closed at noon. Craig Howe stated it is a government policy that they be closed for one hour each day, but they have not formerly done this. They have found that if they have a few people keeping the office open during the lunch hours, more often than not a person coming in to seek information or assistance will find the person they need is not there anyway. Gary also asked if the mailbox could be moved out of the school parking lot because access is difficult at certain times of the school day. Craig said they would speak with the postmaster.

Doug Lane, resident at 900 West 1600 North, presented some home-grown vegetables to council, and commented that he has been impressed over the past year to see how the city can rally in certain situations, and he is proud to live in West Bountiful.

3.
Consider approval of Access Easement Agreement Between West Bountiful City and Rocky Mountain Power

Craig Howe – when the Frontrunner came through there was a reconfiguration of 800 West. Part of the road had to be vacated, which left Rocky Mountain Power without an easement to service their power station. Negotiations have been ongoing for about a year, and the agreement they have reached was being presented to council for their approval. A concern of the city had been they did not want to easement to be used as a storage property. Valerie Shaw asked if the easement extended along personal property. Craig responded most of it is along the Holly property, and Holly has approved it.

MOTION: James Bruhn moved to approve the Access Easement Agreement between West Bountiful City and Rocky Mountain Power.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye
5. Discussion on the addition of a “Spice” Ordinance for West Bountiful City

Chief Randy Lloyd – Spice is a substance sold as incense in convenience stores. It consists of herbs that have been enhanced by chemicals, and young people have found that when inhaled it produces a high similar to marijuana. Since it is a new substance, there is no test to determine presence in the system. He has already had one DUI due to spice. Until there is an ordinance created against spice, it remains legal. He is strongly in favor of an ordinance.

Ogden City’s ordinance was included in the packets for review by council. The County has created a sample ordinance, as well, which was also in the packets. Attorney Steve Doxey is reviewing them. Craig Howe stated there is also a proposal to send to the legislature supporting any action they may take. This matter will be brought up again the next council meeting after the attorney has finished his review.


Craig Howe pointed out changes to this section regarding the return to work policy, the retirement system, and employee golf privileges. Valerie Shaw pointed out the policy regarding medical health insurance states “the employee may be required to contribute...” and suggested it would be more accurate to state “the employee will contribute....” Valerie also had a question regarding requirements of Workman’s Comp as to where a person should seek urgent care. Craig said he would get an answer.

MOTION: Dave Tovey moved to table Item 5 pending an answer regarding the Workman’s Comp requirement.

SECOND: John Baza seconded the Motion.

PASSED: Voting as follows:

Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye
6. Parks and Trails
Committee Report

Kelly Enquist – Since the organization of the Parks and Trails Committee, they have had two meetings and a walk-through. Their first focus is on maintenance issues in West Bountiful Park. They are looking at fixing the bowery, updating the restrooms, going to LED lighting (lighting experts recommend waiting until LED technology is more stable and less expensive), repairing the reservation sign, moving the baseball fields apart and fixing the backstops and outfield fences, and purchasing new playgrounds. Kelly stated he is not asking for money at this point, but merely bringing suggestions to the council.

Kelly said he has tried to correspond with people at UDOT regarding the Legacy Trail issues with no success. The city is going to be in contact with representatives in the legislature on this issue to see if anything can be accomplished by them. Signs are needed on the trails because in the area by Birnam Woods people do not know which trail they are on.

The committee suggested naming the DSB trail after it is completed.

Terry Olsen was asked to talk about the Saturday cleanup he organized. He stated that UTA owns the trail, and the cleanup crews need to stay within the parameters agreed to with UTA. They will need to work with what the city has because UTA does not have money to contribute. The meeting time is 9:00 a.m. Saturday morning, September 25th. On Thursday, a committee will pick out the areas that need high priority. Terry asked for any ideas the public may have to make the cleanup effort better. Craig Howe stated it was important to take the names of all participants, because while they are working on the trail they fall under Workman’s Comp for the activity. Also, UTA has asked that the participants sign a release of liability to UTA. The city also obtained some tickets from BARD to allow the participants to dispose of the green waste.

7. Planning Commission Report

Last week’s meeting was cancelled. A conditional use permit for a paint booth that is already in use will be discussed in the next meeting.

8. Engineers Report

Ben White – the staff received a memo from Steve Doxey regarding the small subdivision variance, which will be forwarded to the council for discussion. There is a difference between the city’s use and the state’s use of variance. It is recommended they implement a deferred improvement agreement as a standard policy.
A 7 Eleven is moving in at the Sinclair on 500 West. They want to put a blowup Slurpee on the roof but the ordinances are not clear in this case. Ben says he approves the blowup Slurpee during the grand opening as long as the council agrees. The planning commission needs to work on the language in the sign ordinance to clear up situation like this.

The slurry seal will start Thursday or Friday of this week, and as soon as Ben has an exact date, he will get it on the marquee. Neighborhoods will get 48 hour notice on each door and a general announcement is on the website.

500 West will be closed the first week of October at the northbound access to the freeway.

The city received the grant for the DSB trail with 50% funding. They did not get an environmental exclusion so the city will have to go through the environmental process. They have two years to complete the trail.

Chief Randy Lloyd reviewed the Month End Report. He made some comments regarding the attack that took place September 11th on the trail. Other cities helped with the investigation. Officer DeCarlo gave good TV interviews resulting in several good leads which have since been ruled out. Citizens have been helpful.

They have had both positive and negative comments. They will deal with negative comments when the investigation is completed. Chief Lloyd also referred to another incident that occurred two days after the September 11th incident, and an ATV accident that occurred when an ATV pulled from one trail to another. He would like signs posted instructing proper use of the trail. Mayor Romney stated that the more people using the trail, the less likelihood of similar incidents. Using common sense, walking in pairs, and cleaning up the weeds should all contribute to safety.

Heidi Voordecker presented the Finance Report for the period ending August 31st. Sales tax revenue was up 4% from last year. Payroll expenses are down. She is working on the procurement ordinance and will have a redlined document to present to council in the next meeting. The auditors have asked staff to remove some bad debts out of the utility accounts, since the people have moved. In the future they will set up an allowance for each year for bad debts.

Craig Howe –

The General Liability loss history has improved. No money has gone to cover claims, so they are able to keep the same premium rate and deductible. There could be decreases in the future.
He has been approached by the Slaymaker Group. They want their restaurant, Wingers, to market “growlers,” which are portable refillable containers of beer to be consumed off premises. The current West Bountiful ordinance allows for alcoholic beverages to be marketed in their original containers only. Craig researched and found that the state would approve of growlers after April 2011.

13. Approval of Minutes
   August 31 and September 7
   City Council Meetings.

   Changes –
   Dave Tovey – 9/7 minutes, on Page 4 line 11 change to “small lot subdivision.”
   John Baza – 8/31 minutes, on Page 2 item 2, contract
   Valerie Shaw – 9/7 minutes, on Page 4 line 12 should be “DUEED.”

   MOTION: Dave Tovey moved to approve the August 31st and September 7th minutes with noted changes.

   SECOND: Valerie Shaw seconded the Motion.

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

40. Mayor/Council Reports

   Mark Preece – Attended the Utah League of Cities and Towns. A meeting with Representative Roger Barrus is scheduled September 22nd, 2:00 p.m. at the city hall. Mayor Romney asked that all council try to attend. Craig is setting up a tour of the Legacy Trail.

   Valerie Shaw – Reminded Mayor Romney to appoint members for George Biada’s committee assignments.

   James Bruhn – Received good information from the League of Cities and Towns meeting he and Mark attended.

   John Baza – Attended a DUED luncheon with Mark, and another is scheduled October 12. He talked to someone whose company did some work on a gateway project in Layton and he had good ideas for the CDA. He may be able to attend a CDA meeting.

   Regarding the golf course, Heidi will get Mike Bickers to give a report on the golf course at a future meeting.

   Dave Tovey – Question regarding the yearly Turkey Trot. Craig stated it has been a burden on Beverly Haslam to organize it each
year, and the LDS Young Adult group has taken over the project. They have paid a fee and will use the city hall for the tree. The city only has to pay janitorial costs. Dave indicated he wants it to remain a community effort, and Craig advised him to talk to Bev.

Mayor Romney – The Recreation Board is looking at refinancing some loans for better interest rates. They made a list of members and found that more recreation members come from West Bountiful than any other city. A church from Washington Heights has spoken with the Mayor regarding doing a service project in West Bountiful. They will be meeting with Craig and the Mayor next week. Regarding the Legacy Trail, besides the Barrus meeting, Craig will be meeting with other city managers on Thursday. He asked that the council be careful about discussing any decisions at the Barrus meeting, since Craig intends to decline signing the agreement. Mayor Romney asked everyone to help out on Saturday morning at 9:00 a.m. for the cleanup.

15. Adjournment

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