

1
2 Minutes of the meeting of the City Council of West Bountiful City held on Tuesday,
3 October 5, 2010 at West Bountiful City Hall, Davis County, Utah.
4

5 Those in Attendance:

6 MEMBERS PRESENT: Mayor Kenneth Romney, Dave Tovey,
7 John Baza, James Bruhn, Valerie Shaw, Mark Preece.
8

9 STAFF PRESENT: Craig Howe (City Administrator), Heidi
10 Voordeckers (City Recorder), Ben White (City Engineer), Randy
11 Lloyd (Chief of Police), Nathalie Ellingson (Secretary).
12

13 VISITORS: Kelly Enquist, Sandi Smith, Doug Layne, Kaye
14 Parrish, Terry Olsen, Mike Sowby, Megan Sowby, Gary Jacketta,
15 Marc Nadauld, Paul Bergantz, Oscar Turner, Mike Bruhn, Melissa
16 Vest, Dennis Vest.
17

18 Called to Order:

19 Mayor Kenneth Romney of West Bountiful City called this
20 meeting to order at 7:35 pm.
21

22 Invocation/Thought: John Baza gave a thought.
23

24 Pledge of Allegiance was let by Mark Preece.
25

26 1.
27 Accept Agenda
28

29 MOTION: Dave Tovey moved to approve the Agenda, moving
30 Item 16 to follow Item 7.
31

32 SECOND: Mark Preece seconded the Motion.
33

34 PASSED: Voting was as follows:

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

42 2.
43 Public Comment
44

45 Gary Jacketta lives at 1604 North 600 West. He asked if the roads
46 would be swept after the slurry is done. Ben White said no, but
47 they will look for loose gravel. Gary asked how the road was done
48 in George Knighton's cul de sac. Ben explained he offered
49 developers a discount if they all shared the expense. Gary then
50 asked how much money has been put away since they raised the
51 water rates. Heidi Voordeckers responded the city is \$150,000
52 ahead. Gary wanted to know where the money goes from the golf
53 course pro shop. Mayor Romney answered that as of the last two
54 years the city gets the money. Gary then asked how the golf course
55 employees were paid, and Craig explained they get paid with comp
56 time for the extra hours put in during the golf season, and those
57 comp hours are paid to them during the winter months.
58

59 3.
60 Employee of the Month
61

1 Craig Howe – Ben White was recommended as Employee of the
2 Month for September. He has exceeded the city's expectations as
3 an on-staff engineer. He is diligent and thorough. He has
4 organized the development files and documents and he reviews
5 ordinances and practices for inconsistencies. He has contributed
6 far more than his salary. The staff appreciates his sense of humor.
7

8 4.
9 City Attorney Report

10 Steve Doxey gave a brief overview of his position and gave
11 suggestions to the city in how he can be better utilized. The city
12 code allows the city to employ attorneys on a contract basis. Mr.
13 Doxey is retained by the city for civil matters. His responsibilities
14 are to advise the mayor and council as legal matters arise. He has
15 negotiated and reviewed contracts, prosecuted under zoning
16 ordinances, represented the city in annexation disputes, has served
17 as in-house council to work with outside council for specific cases,
18 and has represented the city in appeals of ordinances.
19

20
21 He suggested that the city could avoid having major hits to the
22 legal budget if they take care of things at the beginning. Cases can
23 be avoided if the ordinances are stronger. Valerie asked if the city
24 had been doing better in recent months and he stated that Craig has
25 been contacting him early about legal matters. Valerie suggested
26 he be given minutes from the management meetings. He said he
27 would like to attend city council meetings, also. He said he would
28 make a proposal in writing for a base monthly fee which would
29 include attending such meetings, rather than billing hourly. If his
30 base hours for a month are exceeded, he would bill hourly but at a
31 discount rate. Heidi indicated that money is available, and a base
32 monthly fee had been discussed during budgeting.
33

34 5.
35 Consider adoption of
36 Ordinance 322-10 Amending the
37 West Bountiful Municipal Code
38 to Prohibit the Possession, Use,
39 and Distribution of Certain
40 Intoxicating Chemical Compounds,
41 commonly known as "Spice."
42

43 This issue was addressed in the last council meeting, but had been
44 tabled to allow for legal review. Steve Doxey stated he did look at
45 other city ordinances which have recently been written. The Utah
46 Legislature will be addressing the issue in the next session, but the
47 city should have an ordinance on the books pending a more
48 comprehensive ordinance from the legislature. Mr. Doxey
49 prepared a chemical description for council, which he took from
50 the Ogden ordinance, but it may not be complete. As of now, the
51 city would only be authorized to impose a Class B misdemeanor
52 for violation of the ordinance. A state statute will supersede that
53 restriction.
54

55 The ordinance will require that "spice" be removed from store
56 shelves. This could be interpreted as unconstitutional, as the
57 substance is not technically being sold for ingestion, and is not
58 dangerous unless abused. Chief Lloyd stated he has evidence that
59 "spice" does not fit in this category.
60

61 Mr. Doxey said he would be willing to do further research
62 regarding the constitutionality issue. If he writes an ordinance, he

1 wants to be sure it will withstand challenges. Other cities have not
2 had their ordinances long enough to know if they will be
3 challenged.

4
5 MOTION: Valerie Shaw moved to table Approval of Ordinance
6 322-10 to allow time for more research and to notify businesses.

7
8 SECOND: James Bruhn seconded the Motion.

9
10 PASSED: Voting was as follows:

11 Mark Preece – Aye
12 Valerie Shaw – Aye
13 James Bruhn – Aye
14 John Baza – Aye
15 Dave Tovey – Aye
16
17

18 6.
19 Consider Approval of
20 Resolution 267-10, a
21 Resolution Establishing
22 Capitalization Thresholds
23 per Government Finance
24 Officers Association (GFOA)
25 Recommendation.

26
27 Heidi Voordeckers stated that when reviewing documents, she
28 found nothing that confirmed thresholds. A memorandum had set
29 them at \$2,500, but nothing had been documented. A threshold has
30 to be at least \$5,000. She created a table, included in the packets,
31 that listed the asset, the capitalization threshold, and the typical
32 useful life. All amounts are the minimum. If a purchase comes
33 below the amount, it is expensed into the year it is purchased.
34 Dave Tovey asked what method of depreciation the city used, and
35 Heidi responded straight line.

36
37 MOTION: Dave Tovey moved to approve Resolution 267-10
38 which establishes capitalization thresholds.

39
40 SECOND: Mark Preece seconded the Motion.

41
42 PASSED: Voting was as follows:

43 Mark Preece – Aye
44 Valerie Shaw – Aye
45 James Bruhn – Aye
46 John Baza – Aye
47 Dave Tovey – Aye
48

49 7.
50 Consider approval of
51 Resolution 268-10, a
52 Resolution Encouraging the
53 Utah State Legislature to
54 Ban the Marketing, Sale, and
55 Distribution of “Spice” to Minors.

56
57 Craig Howe – this resolution was created before the city had
58 received the ordinances from Ogden City and Davis County.

59
60 MOTION: Valerie Shaw moved to approve Resolution 268-10,
61 encouraging the Utah State Legislature to ban the marketing, sale

1 and distribution of "Spice" but deleting "minor" where mentioned
2 in the ordinance.

3
4 SECOND: James Bruhn seconded the Motion.

5
6 PASSED: Voting was as follows:

7 Mark Preece – Aye

8 Valerie Shaw – Aye

9 James Bruhn – Aye

10 John Baza – Aye

11 Dave Tovey – Aye

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18 7a.

19 Consider Approval of a
20 Boundary Line Agreement
21 for the Vest Property

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23 The approval for the small subdivision on the Vest property is
24 completed with all signatures required. When Davis County
25 reviewed it, they felt uncomfortable about the boundary overlap of
26 Vest and city property. Up until now, the Vests have been paying
27 taxes on this portion because the county thought it was theirs. The
28 city should relinquish rights to any ground on the east side of the
29 fence line and the Vests should relinquish rights to any ground on
30 the west side of the fence line. Once this issue has been resolved
31 the plat can be recorded.

32
33 MOTION: James Bruhn moved to approve the boundary line
34 agreement that adjusts the boundary line per the property
35 descriptions in the exhibits of the agreement.

36
37 SECOND: John Baza seconded the Motion.

38
39 PASSED: Voting was as follows:

40 Mark Preece – Aye

41 Valerie Shaw – Aye

42 James Bruhn – Aye

43 John Baza – Aye

44 Dave Tovey – Aye

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48 8.

49 Consider Revisions to the
50 Employee Policies and
51 Procedures

52
53 Craig Howe – they updated Section XVII which clarifies the
54 provider employees are required to see regarding a Workman's
55 Comp. accident. The language was changed under insurance to
56 state that spouses and children will be covered at the employees'
57 expense. Also the section regarding use of the golf course by
58 employees was updated.

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60 MOTION: Valerie Shaw moved to accept revisions.

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62 SECOND: Mark Preece seconded the Motion.

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

9.
Golf Course Report

Paul Bergantz – included in the packets was a proposal to purchase a used mower. Mowers are good for about 10 to 15 years, and the mower that is down presently is 15 years old. The mower they want to purchase is in good shape, and he will have Dave Oram go over it thoroughly. James Bruhn asked if the budget allowed for the purchase. Craig responded that the mower has many problems which would be costly to fix. The newly purchased mower will already be serviced and blades sharpened. Heidi stated there are reductions in the equipment maintenance account, but the golf fund was budgeted for one full time employee, and Dave Oram is only taking 30% of that amount.

Paul and Craig both indicated the golf course needs three mowers to keep the golf course adequately maintained. Craig also pointed out that buying a newer mower now and then replacing the other two in the next two or three years would be much easier than buying three mowers at once when all three wear out.

MOTION: Dave Tovey moved to approve the purchase of a mower to replace a worn-out mower.

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

Mike Bicker – recent meeting packets have contained monthly reports which indicate that golfing revenue is down. Unfortunately, the extra money in the budget is due to the loss of some good employees. Heidi pointed out that September appears to have been a good month, due to warm weather. Mike reviewed some of the marketing programs they have instituted and the benefits or drawbacks of them. He would like to meet with council to discuss marketing ideas. Mayor Romney asked to see a financial status report at the end of the season, or sometime in November. Heidi stated she would make one, and Mayor Romney also stated he would like to see a report run each calendar year.

10.
Parks and Trails Report

Kelly Enquist extended appreciation to all those who came to the Prospector Trail cleanup. For future cleanups they would like a chipper, and it was thought the city has one.

1 As a safety item, the gate on the northeast side of the park has a
2 2x3 hole that accesses the canal.

3
4 Kelly received a call from UDOT regarding the lighted bollards on
5 the Legacy Trail. They offered to send some techs to change them
6 out, but Kelly told them he would take care of it. He did mention
7 to UDOT about the lights on 1200 West.

8
9 On Thursday of this week there will be a Parks and Trail
10 Committee meeting at 5:30 and it will be a walk-through of 1200
11 North, Jessie's Meadows and Burnham Woods. Mayor Romney
12 asked all council members to attend. They want to figure out a
13 way to get more use out of the pocket parks in those areas.

14
15 Terry Olsen, who organized the cleanup, made some remarks. He
16 said he got many positive and constructive comments. He felt it
17 was important for residents to see that the city took initiative to
18 make that improvement. There is much more work to do.

19
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21 11.
22 Planning Commission Report

23
24 Valerie Shaw – at the most recent meeting they swore in the new
25 members. There were discussions regarding an ordinance
26 establishing guidelines for future subdivisions. To begin the
27 process, James Ahlstrom asked the commissioners to go around the
28 city and develop standards and suggestions. The Planning
29 Commission will also be taking another look at the sign ordinance.

30
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32 12.
33 Engineers Report

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35 Ben White –

- 36 • a lot of ordinances will be coming up before council for the
- 37 purpose of meeting state code, cleaning up language, and
- 38 making sure the city's actions match the ordinances.
- 39 • The slurry seal was finished last Friday.
- 40 • They are again replacing fire hydrants and are having the
- 41 problem of not being able to shut off the water in specific
- 42 areas. More hydrants will be replaced through the rest of
- 43 the week.
- 44 • 1100 North has reopened. The asphalt patch is being
- 45 repaired where 500 West traffic goes onto the freeway.
- 46 • Work on Barton Creek is ongoing. They are trying to
- 47 figure out how to get a pipe to run under I-15. Excess land
- 48 fill is available from that project. It was reported that
- 49 trucks were hauling dirt at all hours during the weekend.
- 50 Mayor Romney is concerned the trucks will put too much
- 51 wear on the road. Ben suggested looking for evidence of
- 52 hauling wet dirt, as that would put too much weight on the
- 53 road.

54
55 13.
56 Administrative Report.

57
58 Craig Howe –

- 59 • A request has gone out for interest and qualifications for a
- 60 new city prosecutor. Applicants have an online form to
- 61 complete. Craig may need help in reviewing them.

- Wednesday is Walk Your Child to Work Day, and council members are asked to be at the school to hand out pencils to the students.
- Bountiful Heights Church, in partnership with Washington Heights Church, want to do service projects in West Bountiful. Their past projects have included putting in wheelchair ramps in homes, as well as other types of repairs. They will provide materials and manpower. They would like a list of about fifteen homes.
- On October 20 at 7:00 pm, there will be a two-hour land use training class. The cost is \$20.
- Craig received a visit from Johansen Co.'s administrative assistant. They are proactive in helping the tenants at the Commons. They are distributing gift cards to help increase traffic. Some were donated to the city.
- The city is preparing to hold an auction of stolen property that was recovered several months ago and remains unclaimed. At the next meeting the administration will be asking council for permission to hold the auction and to retain some of the items that would be beneficial to the city. The proceeds from the auction will go to the general fund.
- Administration is planning to open the budget in December to deal with some outstanding issues regarding police cars.

10:00 p.m.

MOTION: Valerie Shaw moved to extend the meeting until 10:20 p.m.

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

14.
Mayor/Council Reports

Dave Tovey – the Youth Council will be swearing in their new mayor at the next meeting, and will announce the other members. Dave is anticipating phone calls regarding Neighborhood Watch now that the newsletter is out.

John Baza did a lot of traveling on business the past month. He did indicate he is willing to help review the city prosecutor applications.

James Bruhn – has attended Wasatch Integrated meetings and reports that everything is going well at the burn plant.

Valerie Shaw – mentioned an email she had sent to Craig asking if they can get UDOT to paint the median on 400 North.

Mark Preece – referred council to an email about the historical district; West Bountiful is hosting the DUED meeting next Tuesday; reported on the meeting with UDOT, Representative Barrus, and city managers. Only one person represented UDOT.

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15.
Approval of Minutes of
City Council Meeting
September 21, 2010

The interlocal agreement was not signed off because they are waiting for some kind of funding from UDOT. They are planning another meeting with Representative Barrus, Senator Liljenquist and several representatives from UDOT.

Mayor Romney – thanked the citizens for the cleanup on Saturday.

MOTION: John Baza moved to approve the minutes from September 21, 2010 City Council Meeting.

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

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3 16.
4 Moved to 7a.
5
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7 17.
8 Adjournment

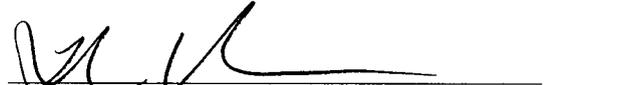
9 MOTION: Dave Tovey moved to adjourn.

10
11 SECOND: James Bruhn seconded the Motion.

12
13 PASSED: Voting was as follows:

14 Mark Preece – Aye
15 Valerie Shaw – Aye
16 James Bruhn – Aye
17 John Baza – Aye
18 Dave Tovey – Aye
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23 MAYOR KENNETH ROMBERG

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26 HEIDI VOORDECKERS (CITY RECORDER)



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NATHALIE ELLINGSON (SECRETARY)