Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, November 16, 2010 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Heidi Voordecker (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Officer Corie Hamilton, Nathalie Ellingson (secretary). Craig Howe and Chief Randy Lloyd excused.

VISITORS: Terry Olsen, Kelly Enquist, Larry and Verlene Stanger, Alan Malan, Sandi Smith.

Called to Order:

Council Member James Bruhn called this meeting to order at 7:30 pm.

Appointment of Mayor Pro Tem

MOTION: Dave Tovey moved to appoint James Bruhn to serve as Mayor Pro Tem for this meeting.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Aye
Dave Tovey – Aye

Invocation/Thought: Dave Tovey gave a thought.

Pledge of Allegiance was led by Mark Preece.

1. Accept Agenda

MOTION: Valerie Shaw moved to accept the Agenda as written.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Aye
Dave Tovey – Aye

2. Public Comment

Lawrence Stanger told of an incident involving garbage pickup. He did not have his garbage at the curb in time for the pickup, so he moved his cans across the street. The truck driver skipped his cans when he went down the other side, and told Mr. Stanger he
3. Employee of the Month – Reserve Officer Corey Boyle

Officer Corie Hamilton read a letter from Chief Lloyd commending Officer Boyle for his actions on a vehicle burglary. After the burglary was reported, he saw two individuals running, he got out and chased them on foot, climbing over a barbed wire fence. All during the chase he kept dispatch updated as to his location. He was able to apprehend them when they were climbing a vinyl fence. Other officers arrived and they found a third individual. Officer Boyle’s initiative and quick action is an asset to the department. He works 10 to 40 hours per week for the department on his own time.

4. Consider Approval of Legal Service Agreement for City Attorney – Steve Doxey

Heidi Voordekers – the Legal Service Agreement has been reviewed by outside council and the city administration. The advantage to the city is that they will get attorney services for a guaranteed number of hours at a discounted rate. The administration recommended approving the agreement.

MOTION: Mark Preece moved to approve the Legal Service Agreement for City Attorney.

SECONDO: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Aye
Dave Tovey – Aye

5. Consider Approval of Resolution 269-10, A Resolution Establishing a Fee Schedule for Business/Beer Licenses and Home Occupation/Conditional Use Permits
Heidi Voordecker – the staff has been reviewing the fee schedules, many of which are outdated. Business licenses had been at a graded scale based on gross income, but the State of Utah rules changed in 1996-97. Fees should now be based on the cost of providing services to the business.

The procedure required to grant a beer license was reviewed to determine fees that would cover administrative costs.

There is a provision in the ordinance for a horse-drawn carriage permit. To the best of the staff’s knowledge, this permit has never been applied for.

A fee for Home Occupation/Conditional Use applications has not been imposed in recent years. The staff would like to include a fee in the schedule to cover administrative costs associated with reviewing these applications. The Planning Commission recommended an increase in the Conditional Use fee to cover the cost of the Planning Commission review.

Fees have been set as follows:
Annual business license fee - $50 plus $5 for each employee
Beer Licenses – Class A - $250 (up from $100)
   Class B - $300 (up from $150)
   Class C - $350 (up from $300)
Horse Drawn Carriage – Annual license fee plus $50 per carriage per year
Home Occupation Permit - $20 for application/review
Conditional Use Permit - $20 application/review for residential zones, $50 application/review for commercial zones.

Steve Doxey stated he recommends the fees be higher. In addition, the city should charge for annual renewals of business and home occupation licenses, because renewals should be reviewed for violations each year. Valerie asked what other cities charge for these licenses and Heidi said from $50 to $300.

MOTION: Dave Tovey moved to approve Resolution 269-10, establishing a fee schedule for business/beer licenses and home occupational/conditional use permits, with provision that staff is instructed to review home occupational/conditional use fees.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
   Mark Preece – Aye
   Valerie Shaw – Aye
   Dave Tovey – Aye

Consider Approval of Resolution 270-10, A Resolution Increasing the Bowery Rental Fee at the West Bountiful City Main Park and the Bowery behind City Hall

James Bruhn stated the Parks Committee is hesitant to establish a fee until improvements to the boweries are complete. They want to talk with the staff regarding clean-up of the boweries before and after events. There was also a question whether they are allowed to charge a rental fee for a bowery that is on city property. It was
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recommended the action be tabled but it will be addressed before
the public begins making reservations for 2011.

MOTION: Valerie Shaw moved to table Resolution 270-10
increasing Bowery rental fees pending further research and
completion of the repairs.

SECOND: Dave Tovey seconded the Motion.

DISCUSSION: Kelly Enquist should bring his recommendations
to the meeting held December 7th.

PASSED: Voting was as follows:
    Mark Preece – Aye
    Valerie Shaw – Aye
    Dave Tovey – Aye

7. Consider Approval of Additions
to West Bountiful City Personnel
Policies Chapter VII: Employee Codes
of Conduct, Section 18c (Secondary
Employment).

Heidi Voordeekers – provision were missing from the Policies
regarding hiring city employees for an additional job outside their
original scope of work. The city wants to hire the city
administrator and a police officer to help run the snow plows
during the winter. A provision has been written that will allow this,
and it has been reviewed by Steve Doxey. He recommended some
changes be made that are clerical and provide consistency in the
document, but do not change the substance.

Valerie asked if the policy regarding outside employment for
employees is being adhered to. Employees are required to provide
a written statement to administration if they are taking a second
job. They will check with Craig Howe to see if this is being done.

MOTION: Dave Tovey moved to approve additions to West
Bountiful City Personnel Policies Chapter VII after changes
recommended by Steve Doxey.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
    Mark Preece – Aye
    Valerie Shaw – Aye
    Dave Tovey – Aye
8. Consider Approval of the Interlocal Cooperation Agreement between Davis County and West Bountiful City for the Urban Trail Systems.

Ben White – West Bountiful City has received a 50% matching grant to construct a trail along the DSB canal from 800 West to Legacy Trail. The canal and the right of way are owned by Davis County, so it was necessary to get an easement in order to construct the trail. An easement agreement was provided to council for approval. The new trail will be asphalt ten feet wide, with additional width for an equestrian trail. The county will be responsible for the maintenance of fences along the trail, and the city will be responsible for maintenance of the trail and the landscaping.

MOTION: Mark Preece moved to approve the Interlocal Agreement between Davis County and West Bountiful City for the Urban Trail System.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
Dave Tovey – Aye


Ben White – the main item of discussion has been the codes regarding signs. The current ordinance does not allow for residential signs such as “for sale” signs, election signs, lemonade stands, garage sales, etc. The Planning Commission is working on changing that part of the ordinance, and are going over commercial ordinances regarding temporary banners, sidewalk signs, etc. A provision for residential signs will not apply to home occupations where advertising at the home is not allowed.

10. Police Report

Officer Corie Hamilton presented the report. Officer Brown arrested three people who had $86,000 in warrants. Officer Hamilton arrested two women, one on parole, for home burglaries. These women stole from homes with garage doors open and cars unlocked. She stated the police warn that most criminals do not want to break in to a house or car, so they recommend locking all doors.

11. Finance Report
Heidi Voordecker – October sales tax is down from last year. City spending is way down, not counting capital projects. As budget time approaches, she asked council to begin thinking about the police vehicles, fire protection services, and benefit increases. Long-term assessments will need to be made. Department heads and council should get together sometime in January for a meeting. Heidi stated concerns about the $50,000 increase with the fire department, and water projects that are coming up, particularly how they dovetail with street projects.

Heidi Voordecker – There was a water leak last Thursday at 400 North and 800 West. She is planning a TEC meeting on November 30 at 6:30 pm. The November 30th special council meeting will have a big agenda; they will discuss an annexation issue, the prosecutor contract, and the auditors will be coming to present the annual report. There will probably be no meeting held December 21th.

Mark Preece – Communications Committee – copies of the newsletter were available at the meeting, and they will be in residents’ mailboxes tomorrow. Historical Committee – met two weeks ago and discussed restoring a house in the area.

Valerie Shaw – Attended Holly Oil’s open house. She said it was a nice gesture of Holly, and they were good with answering questions from the public that were there. She said she called Mayor Romney when she became aware of the leak last Thursday, and she also pointed out there are new potholes on 400 North. She has been participating in the prosecutor interviews, along with Steve Doxey, John Baza, and Craig Howe, and they have had very good applicants. They are hoping to have a good recommendation by the meeting November 30th.

Dave Tovey – Youth Council met last week. They are busy at work on the Elf Tree. The turkey trot portion of the project will take place this coming weekend and the Elf Tree portion will be up by November 22nd.

James Bruhn – He attended a Wasatch Integrated meeting where they did their final budget. Their finances are very good. The Arts Council is continuing with concerts every third Friday of each month; however there will be no concert in December.

MOTION: Mark Preece moved to approve the Minutes of October 29, 2010 City Council Meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
    Mark Preece – Aye
    Valerie Shaw – Aye
15. Closed Meeting, if necessary, for reasons allowed by State Law

Not necessary.

16. Possible Action Following Closed Meeting

Not necessary.

17. Adjournment

MOTION: Valerie Shaw moved to adjourn the meeting.
SECOND: Dave Tovey seconded the Motion.
PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
Dave Tovey – Aye