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2 Minutes of the Special Meeting of the City Council of West Bountiful City held on
3 Tuesday, November 30, 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, Mark Preece. Valerie Shaw was excused.
9

10 STAFF PRESENT: Craig Howe (City Administrator), Heidi
11 Voordeckers (City Recorder), Ben White (City Engineer), Steve
12 Doxey (City Attorney), Nathalie Ellingson (secretary).
13

14 VISITORS: Jennifer Johnson, Lynn Wood, Kelly Enquist, Nancy
15 Knudson, Heidi Simpson, Mark Simpson, David Cusick, Doug
16 Lane.
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19 Called to Order:

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21 Mayor Kenneth Romney called this meeting to order at 7:32 pm.
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23 Invocation/Thought: James Bruhn
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25 Pledge of Allegiance was led by John Baza.
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29 1.
30 Accept Agenda

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32 Mayor Romney asked to table Items 3 and 4 and have Holly attend
33 a special work meeting next week to discuss improvements.
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35 MOTION: James Bruhn moved to accept agenda, tabling Items 3
36 and 4.
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38 SECOND: Mark Preece seconded the Motion.
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40 PASSED: Voting was as follows:

41 Mark Preece – Aye
42 James Bruhn – Aye
43 John Baza – Aye
44 Dave Tovey – Aye
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49 2.
50 Public Comment

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52 No comments.
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55 3.
56 Presentation by
57 Lynn Keddington – Holly Refinery
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59 Tabled
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61 4.
62 Discussion on

1 Holly Refinery Improvements

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Tabled.

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6 5.

7 Audit Report –

8 Woods Richards and Associates

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Jennifer Johnson – An Independent Auditors' Report was provided in the councils' packets and reviewed. Ms. Johnson explained the city administration creates a financial statement, and the auditor then reviews the statement and issues an opinion report. In reviewing the report, Jennifer pointed out that the city's financials have improved over last year most notably because of the decrease in spending. Other factors were that Holly Oil paid more in property taxes, and, although moving the court to the county decreased revenues, there was a net decrease in spending. Of the proprietary funds, water, sewer and storm drain funds had more income and less expense. The water fund has increased \$285,000 since the fees were increased. The golf course revenues were down because of a wet spring; however, some of that loss was offset by a decrease in both wages and supplies. Some of the expense went towards retirement settlements of two employees, but those employees are not being replaced.

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Lynn Wood – Overall comments were that the city has a good electronic accounting system, and Craig reviews bank statements timely, which is a good way of keeping control. Mr. Wood reviewed a letter he had included in the Auditors' Report which stated no problems were encountered in performing the audit, but he had a few suggestions. The accounting software has several levels of security, and he suggested tighter control over access to the higher levels. He suggested the staff keep journal entries and adjustments to a minimum to avoid errors. He said the utility billing system works well and the city has a good shutoff policy, but he suggested the staff make a list of old accounts for approval to have them written off so they are no longer carried on the books. Lynn also suggested the city update its purchasing policies due to price increases. A state statute puts a \$25,000 threshold in requiring bids.

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51 6.

52 Consider Approval of

53 Hogan Basement Request

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Ben White – the home at 100 North 724 West was built by the Hogans and they have lived there for 50 years. The Hogans are planning an addition and are asking to have a basement included. That basement will be at the same level as the current basement of the house. The daughter who is planning the addition, Ruthann Hogan Cuzick, stated in a letter to council there has only been one incident occur which was caused when the field behind the home

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1 flooded. Since the field has been replaced with homes, there has
2 been no flooding.

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4 MOTION: James Bruhn moved to approve the Hogan Basement
5 Request.

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7 SECOND: Dave Tovey seconded the Motion.

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9 PASSED: Voting was as follows:

10 Mark Preece – Aye

11 James Bruhn – Aye

12 John Baza – Aye

13 Dave Tovey – Aye
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21 7.

22 Consider Approval of
23 Simpson/Knudson
24 Basement Request
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26 Ben White recommended approving a basement for an addition
27 because the current home has a basement, the home has had only
28 one tenant, and there is no history of flooding. Additionally, the
29 city approved partial basements in an adjacent neighborhood,
30 Greenhouse Circle.

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32 MOTION: James Bruhn moved to approve the Simpson/Knudson
33 Basement Request.

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35 SECOND: Mark Preece seconded the Motion.

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37 PASSED: Voting was as follows:

38 Mark Preece – Aye

39 James Bruhn – Aye

40 John Baza – Aye

41 Dave Tovey – Aye
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44 8.

45 Consider Approval of
46 Simpson/Knudson
47 Building Permit Appeal.
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49 Ben White – the building permit request submitted by the
50 Simpsons was denied by staff due to zoning. A question arose as
51 to the definition of a dwelling, and staff concluded that after the
52 addition is completed, the home would meet the definition of two
53 dwelling units, which is not allowed in the zone. A dwelling unit is
54 defined as providing a completely independent living facility for
55 one or more persons for living, sleeping, cooking, eating, and
56 sanitation. The addition, which would contain a separate kitchen
57 and would have a separate outside entrance, would fit the
58 definition.
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60 The applicant, Mark Simpson, addressed council stating that they
61 plan to have the current home and the addition blend together as
62 one family home. The addition will create room for the Simpsons

1 and Mrs. Knudson, as well as other family members who may wish
2 to stay there from time to time. He found nothing in the city code
3 that would define the home as a two-family dwelling.
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5 Mayor Romney asked council members if they had any questions
6 for Mr. Simpson. James Bruhn asked if they would consider
7 having a larger opening between the two areas, rather than a
8 regular doorway. There was some discussion as to whether a wider
9 opening would make it easier to call it a single family dwelling, or
10 if a door would be okay as long as it did not have a lock. Mr.
11 Simpson stated they would prefer a door since that would allow
12 Mrs. Knudson some occasional privacy when she uses that room.
13

14 Steve Doxey had provided a written opinion which was distributed
15 to council. It gave a summary of options. He is sympathetic to the
16 applicants and feels the ordinance is far from perfect. He is of the
17 opinion that the size of the doorway would not matter; it can be
18 defined as a two family dwelling either way. The city is not saying
19 the proposed living arrangement is unacceptable, but just that it is
20 unacceptable for that zone. It is the responsibility of the city to
21 base decisions on city ordinances. He suggested council should
22 deny the plan, then look at doing an accessory dwelling ordinance.
23 Ordinances are open to interpretation, and council does have the
24 right to disagree with the staff decision, but an approval would
25 open the door for other people to want to do the same before the
26 city has had a chance to change the ordinance.
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28 Ben stated that a home across the street from Knudson's was
29 approved for accessory use with a deed restriction. A deed
30 restriction would prevent a future owner of the home turning it into
31 a duplex. Mr. Simpson said he had no objection to a deed
32 restriction.
33

34 Craig Howe said in the world as it is today, the city may begin to
35 see more requests for this type of living arrangement, and the
36 ordinances should be reflective of the times.
37

38 MOTION: James Bruhn moved to reverse the decision of the City
39 Engineer and allow applicants to move forward on the building
40 permit application for a single family dwelling, with a deed
41 restriction not allowing any rental of any portion of the premises.
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43 SECOND: Mark Preece seconded the Motion.
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45 DISCUSSION: Dave Tovey stated he does not disagree with the
46 applicants' intent but he would prefer to see the ordinance fixed
47 before the applicants move forward. He is concerned other
48 residents will be encouraged to seek approval for similar plans
49 before the city has an ordinance in place.
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51 PASSED: Voting was as follows:
52 Mark Preece – Aye
53 James Bruhn – Aye
54 John Baze – Aye
55 Dave Tovey – Nay
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1 No meeting held.
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5 10.
6 Mayor/Council Reports
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8 Mark Preece – the Historical Committee is working on approval of
9 plans for the old Bennett home.

10 James Bruhn – regarding Christmas on Onion Street, he had
11 comments from residents last year that they had too many police
12 cars accompanying the fire truck with Santa. The cars were to let
13 people know ahead of time that Santa was coming so they would
14 have time to come out of their homes, but there should only be two
15 cars in front of the fire truck.

16 John Baza – the city made an offer for prosecutor position, and it
17 was accepted. The golf board will meet tomorrow. He will not be
18 able to attend the work session next week.

19 Dave Tovey – the Elf Tree is up and is mentioned on the marquee.
20 For Christmas on Onion Street, he is asking council to be at City
21 Hall at 5:45 pm next Monday to help the youth council serve hot
22 chocolate.

23 Mayor Romney – mentioned the increase in the fire board
24 assessment, and he would like to see the fire district become
25 financially stable. The board is exploring options for
26 improvement. He wants notices in the next newsletter regarding
27 winter parking and snow shoveling ordinances. He made a general
28 comment regarding the financial improvement of the city.
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33 11.
34 Approval of Minutes of
35 November 16th City Council Meeting
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37 James Bruhn asked for a correction on Page 3 and Page 4, and
38 Steve Doxey asked for a correction on Page 4.
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40 MOTION: Dave Tovey moved to approve the minutes of the
41 November 16th Council Meeting with noted changes.
42

43 SECOND: James Bruhn seconded the Motion.
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45 PASSED: Voting was as follows:

46 Mark Preece – Aye

47 James Bruhn – Aye

48 John Baze – Aye

49 Dave Tovey – Aye
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51 12.
52 Closed Meeting
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54 Not necessary
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56 13.
57 Possible Actions following
58 Closed Meeting
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60 Not necessary.
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1 14.
2 Adjournment

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4 MOTION: James Bruhn moved to adjourn the meeting.

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6 SECOND: Dave Tovey seconded the Motion.

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8 PASSED: Voting was as follows:

9 Mark Preece – Aye

10 James Bruhn – Aye

11 John Baze – Aye

12 Dave Tovey – Aye

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MAYOR KENNETH ROMNEY

HEIDI VOORDECKERS (CITY RECORDER)

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NATHALIE ELLINGSON (SECRETARY)

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