Minutes of the Special Meeting of the City Council of West Bountiful City held on
Tuesday, November 30, 2010 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordecker (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Nathalie Ellingson (secretary).

VISITORS: Jennifer Johnson, Lynn Wood, Kelly Enquist, Nancy Knudson, Heidi Simpson, Mark Simpson, David Cusick, Doug Lane.

Called to Order:

Mayor Kenneth Romney called this meeting to order at 7:32 pm.

Invocation/Thought: James Bruhn

Pledge of Allegiance was led by John Baza.

1. Accept Agenda

Mayor Romney asked to table Items 3 and 4 and have Holly attend a special work meeting next week to discuss improvements.

MOTION: James Bruhn moved to accept agenda, tabling Items 3 and 4.

SECOND: Mark Preece seconded the Motion.

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

2. Public Comment

No comments.

3. Presentation by
Lynn Keddington – Holly Refinery

Tabled

4. Discussion on
Holly Refinery Improvements

Tabled.

5. Audit Report –

Woods Richards and Associates

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.

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.

Doug Lane expressed concerns regarding the golf course ever paying for itself. Mayor Romney said that the golf course earns enough now so that once the bond is paid off, the golf course will have a positive cash flow. Heidi and Craig also pointed out that they are not replacing two employees who retired and they have increased the fees. Also, the weather has had a significant impact during the past year.

6. Consider Approval of Hogan Basement Request

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

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

SECOND: Dave Tovey seconded the Motion.

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

7. Consider Approval of Simpson/Knudson Basement Request

Ben White recommended approving a basement for an addition because the current home has a basement, the home has had only one tenant, and there is no history of flooding. Additionally, the city approved partial basements in an adjacent neighborhood, Greenhouse Circle.

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

SECOND: Mark Preece seconded the Motion.

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

8. Consider Approval of Simpson/Knudson Building Permit Appeal.

Ben White – the building permit request submitted by the Simpsons was denied by staff due to zoning. A question arose as to the definition of a dwelling, and staff concluded that after the addition is completed, the home would meet the definition of two dwelling units, which is not allowed in the zone. A dwelling unit is defined as providing a completely independent living facility for one or more persons for living, sleeping, cooking, eating, and sanitation. The addition, which would contain a separate kitchen and would have a separate outside entrance, would fit the definition.

The applicant, Mark Simpson, addressed council stating that they plan to have the current home and the addition blend together as one family home. The addition will create room for the Simpsons
and Mrs. Knudson, as well as other family members who may wish
to stay there from time to time. He found nothing in the city code
that would define the home as a two-family dwelling.

Mayor Romney asked council members if they had any questions
for Mr. Simpson. James Bruhn asked if they would consider
having a larger opening between the two areas, rather than a
regular doorway. There was some discussion as to whether a wider
opening would make it easier to call it a single family dwelling, or
if a door would be okay as long as it did not have a lock. Mr.
Simpson stated they would prefer a door since that would allow
Mrs. Knudson some occasional privacy when she uses that room.

Steve Dosey had provided a written opinion which was distributed
to council. It gave a summary of options. He is sympathetic to the
applicants and feels the ordinance is far from perfect. He is of the
opinion that the size of the doorway would not matter; it can be
defined as a two family dwelling either way. The city is not saying
the proposed living arrangement is unacceptable, but just that it is
unacceptable for that zone. It is the responsibility of the city to
base decisions on city ordinances. He suggested council should
deny the plan, then look at doing an accessory dwelling ordinance.
Ordinances are open to interpretation, and council does have the
right to disagree with the staff decision, but an approval would
open the door for other people to want to do the same before the
city has had a chance to change the ordinance.

Ben stated that a home across the street from Knudson’s was
approved for accessory use with a deed restriction. A deed
restriction would prevent a future owner of the home turning it into
a duplex. Mr. Simpson said he had no objection to a deed
restriction.

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

MOTION: James Bruhn moved to reverse the decision of the City
Engineer and allow applicants to move forward on the building
permit application for a single family dwelling, with a deed
restriction not allowing any rental of any portion of the premises.

SECOND: Mark Preece seconded the Motion.

DISCUSSION: Dave Tovey stated he does not disagree with the
applicants’ intent but he would prefer to see the ordinance fixed
before the applicants move forward. He is concerned other
residents will be encouraged to seek approval for similar plans
before the city has an ordinance in place.

PASSED: Voting was as follows:
Mark Preece – Aye
James Bruhn – Aye
John Baze – Aye
Dave Tovey – Nay

No meeting held.

10. Mayor/Council Reports

Mark Preece – the Historical Committee is working on approval of plans for the old Bennett home.

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

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

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

Mayor Romney – mentioned the increase in the fire board assessment, and he would like to see the fire district become financially stable. The board is exploring options for improvement. He wants notices in the next newsletter regarding winter parking and snow shoveling ordinances. He made a general comment regarding the financial improvement of the city.

11. Approval of Minutes of November 16th City Council Meeting


MOTION: Dave Tovey moved to approve the minutes of the November 16th Council Meeting with noted changes.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
James Bruhn – Aye
John Baze – Aye
Dave Tovey – Aye

12. Closed Meeting

Not necessary

13. Possible Actions following Closed Meeting

Not necessary.
14. Adjournment

MOTION: James Bruhn moved to adjourn the meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
James Bruhn – Aye
John Baze – Aye
Dave Tovey – Aye

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MAYOR KENNETH ROMNEY     HEIDI VOORDECKERS (CITY RECORDER)

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NATHALIE ELLINGSON (SECRETARY)