Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, May 17, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Manager), Heidi Voordeckers (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Chief Randy Lloyd, Nathalie Ellingson (secretary).

VISITORS: Sandi Smith, Kenneth Maloy, Jacob Maloy, James Maloy, Kelly Enquist, Terry Olsen, Doug Layne.

Mayor Kenneth Romney called this meeting to order at 7:34 pm.

Invocation/Thought: James Maloy of Boy Scout Troop 219 gave the Scout Oath.
Pledge of Allegiance was led by Boy Scout Jacob Maloy.

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
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

2. Public Comment

No comments.

3. Consider Approval of Ordinance
327-11, an Ordinance Amending the West Bountiful Municipal Code Chapter 5.12, Beer Licenses and Regulations, to Include a Class “D” Beer License.

Craig Howe – The language was changed in Chapter 5.12 to add a Class D, which allows a licensee to sell take-out draft beer in a resealable container as permitted by state law for off-premise consumption, as well as to sell beer on draft for consumption on the premises. This was in response to a request several months ago from Wingers Restaurant asking to be able to sell “growlers” from their West Bountiful location.

Steve Doxey added some clarification to the discussion, stating that since Class D was designed to cover consumption both on and off premises, an establishment would not have to have a Class A, B, or C license. He also stated that licensing was at the discretion of the city. The city can place restrictions which would govern over state regulations. However, the
city cannot be held responsible if an establishment sells beer to someone who abuses it.

It was generally agreed upon by the council and Chief Randy Lloyd that selling beer in a reusable container or an original container would not make much difference to those who would abuse it; in fact, the beer in the reusable container will be more expensive, and therefore will more than likely be purchased for social drinking.

MOTION: James Bruhn moved to amend the West Bountiful Municipal Code Chapter 5.12, Beer Licenses and Regulations, to include a Class “D” beer license.

SECOND: Dave Tovey seconded the Motion.

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

4. Consider Approval of Resolution 277-11, a Resolution Setting the Annual Fee for a Class “D” Beer Licence.

The fees are as follows: Class A (in original container for off-premise consumption) - $250.00; Class B (in original containers for on- or off-premise consumption) - $300.00; Class C (on draft for on-premise consumption) - $350.00; and Class D (on draft for on- or off-premise consumption) - $500.00. These fees were arrived at by considering the cost of enforcement.

MOTION: Mark Preece moved to approve Resolution 277-11, setting the annual fee for a Class “D” beer license at $500.00.

SECOND: James Bruhn seconded the Motion.

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

5. Consider Approval of Ordinance 328-11, an Ordinance Amending the West Bountiful Municipal Code, Chapters 17.16, 17.20, and 17.24.

Ben White – Title 17.44 Supplementary includes miscellaneous information that applies to multiple areas of the city. The staff has been moving this information into the appropriate chapters. The changes were approved by the Planning Commission, and they have been reviewed by Steve Doxey. Steve and Ben made some additional changes.
Chapter 17.16 refers to Agricultural District, 17.20 refers to Residential District R-1-22, and 17.24 refers to Residential District R-1-10. In reviewing the changes, council found language that was not clear in regard to fence heights and property length to width ratio. After some discussion and suggestions, it was decided that staff would make some additional revisions, and the matter should be tabled until this is done.

MOTION: Dave Tovey moved to table approval of Ordinance 328-11 until further revisions are made.

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

6. Planning Commission Report

Valerie Shaw – a public hearing was held to discuss changes in Title 15. There was no one from the public to comment.

7. Police Report

Chief Randy Lloyd – in working with Centerville, they were able to apprehend a 19 year old who confessed to committing several burglaries including the clubs from the golf course. The Chief stated they would probably get the stolen golf clubs back.

8. Finance Report

Heidi Voordeekers – Sales tax is still down, but the gap is closing. There was a property tax adjustment. In June 2010, the city received $69,000 in an over-distribution which should have gone to the RDA. The adjustment was made, and the city is still on track with a budgeted figure of $548,344, according to the county.

The golf course is still struggling due to wet weather. There have been few good playing days, but even on those days they have not been able to rent golf carts because the grass was so wet. She anticipates they will be about $200,000 short when the budget is opened. Mayor Romney pointed out they were down $125,000 in revenues from the same time last year, but they are also down in expenses.

9. FY 2010-2011 Budget Open

Mayor Romney set the public hearing to open and amend the 2010-2011 budget for June 21, 2011 at 7:45 pm, and the public hearing to receive input on the 2011-2012 budget for June 7, 2011 at 8:00 pm. Heidi
Voordeckers mentioned there may be additional needs in the water budget due to recent leaks.

Craig Howe –

- The Utah Legislature made changes in fireworks laws, in which they extended sales times. Fireworks can be sold starting June 26th for the Fourth of July and Pioneer Day celebrations; December 26th to January 1st; and, three days before the Chinese New Year. The changes also allow cake fireworks which can go 150 feet instead of 15 feet.
- At the last fire district meeting, they discussed creating an ordinance preventing fireworks discharged too close to refineries. Craig will provide a sample ordinance at the next meeting. The fire district also said no campfires except in fire pits.
- Water Leaks – on May 10th, the 1100 West water line sprung a leak and Wayne received the call at 5:30 am. Water was running into a home from the main break. They had the water turned off by 6:00 am, and all cleared by 9:00 am. Response time was very good, but Craig suggested if they could have everything they need ready for the next time in a trailer, they would avoid much running back and forth. That evening there was a second leak close to the first one. They did not have it taken care of until 3:00 am. There were two more leaks, and Public Works ended up working 33 hours straight. The summer hires were great assistants. The first leak resulted in only two insurance claims, which were taken care of quickly.
- The county wants the D&RG rail trail, which extends to Farmington, to have unified signs along the trail and mile markers from Omaha. The West Bountiful piece already has signs, and Craig does not think the city should take them down. Each city is being asked to fund the new signs.
- Staker has provided notice that they will be widening the freeway at 500 West to Parrish Lane to increase the size of the acceleration and deceleration lanes.
- Utah Local Government Trust is providing appraisal services for all of the structures in the risk pool. An appraiser has been scheduled to tour the city properties next Tuesday.
- Street cross section – The Equestrian Committee has discussed safety on trails, and designing a standard for streets to include a horse path. Several members of the committee live on 400 North, and they may come to council regarding a horse path on 400 North. Ben White showed a cross section of a road design which started with a sidewalk, then the gutter, a bike lane, the traffic lanes, a turn lane, another bike lane, and the horse path. He will probably make changes to the design as the planning goes forward.
- A town hall meeting will be held this Thursday, May 18th at 7:00 pm. Flyers have been distributed at the school, and the school has made phone calls.
- Valerie Shaw asked when mosquito spraying would start. Mayor Romney asked Craig to have the representative from the Mosquito Abatement District come to the next meeting.
Dave Tovey – the Youth City Council is going to have a Junior King and
Queen for the Fourth of July Parade. He reminded the council of the
Neighborhood Watch meeting and barbecue on July 9th at the Bowery
behind City Hall.

John Baza – attended a CARE meeting. The Wasatch Front Regional
Council meets this Thursday regarding transportation.

James Bruhn – there was an Arts Council concert on Friday put on by the
Young Artists. James asked about a road closed sign that was still on
1100 West since the water break, and whether residents had been asked
to clean out the ditch leading to the pump. Ben said the road closed
signs had been picked up, and the residents had been notified about the
ditch.

Valerie Shaw – asked if a letter had been sent to Golden West residents
yet. Ben stated he has drafted a letter explaining what the city can and
cannot do.

Mark Preece – Communications Meeting on Friday. The newsletter will
be out on the 15th. The Parade Committee is moving forward. There has
been some discussion of moving the parade from the Fourth of July to
Founders Day so they will not compete with Centerville’s parade.

Mayor Romney – update on the church service project: 18 homes are
lined up for service, and the project will begin June 20th. He mentioned a
scout was looking for an Eagle project, and Ben suggested he contact
Blake.

12.
Approval of Minutes
for the May 3, 2011
Work Session and
City Council Meeting

There was a correction on Page 2, Line 23.

MOTION: Mark Preece moved to approve the minutes for May 3, 2011
work session and City Council meeting with noted change.

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

Council member Shaw was excused from the meeting at 9:45 pm.

13.
Closed meeting, if necessary,
for reasons allowed by state law.

MOTION: James Bruhn moved to go to closed session to discuss the
character, professional competence or physical or mental health of an
individual.
SECOND: Mark Preece seconded the Motion.

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

14. Possible action following closed meeting, including appointment to boards and commissions

Not necessary.

MOTION: John Baza moved to adjourn the Closed Session and go to City Council meeting.

SECOND: James Bruhn seconded the Motion.

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

MOTION: James Bruhn moved to adjourn City Council meeting

SECOND: Dave Tovey seconded the Motion.

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

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MAYOR KENNETH ROMNEY
HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)