Minutes of the regular session of the City Council of West Bountiful City held on Tuesday, June 21, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordecker (Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), John Rasmussen (Interim Chief of Police), Nathalie Ellingson (secretary).

VISITORS: Alan Malan, Kelly Enquist, Dean Curtis, Terry Olsen, Jonathan Hair, Stacy Hair, Dawson Hair, Nathan Hair, Travis Godfrey, Sandi Smith, Marc Nadauld, Laura Charchenko, Richard Barton

Called to Order:

Mayor Kenneth Romney of West Bountiful City called this session to order at 7:35 pm.

Invocation/Thought: Thought by Dave Tovey regarding service.

Pledge of Allegiance was let by Mark Preece.

1. Accept Agenda

MOTION: Dave Tovey moved to approve the agenda.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

Mark Preece – Aye
Valerie Shaw – Not present
James Bruhn – Aye
Dave Tovey – Aye

2. Public Comment

Alan Malan – showed a video of two villages in Japan; in village lost 42 people in the earthquake, and the other village lost 1/2 of its 17,000 population. The village that only lost 42 citizens had practiced emergency drills. In this vein, he gave council a flyer regarding the amateur radio club putting on a field day at the fairgrounds this Saturday and until noon on Sunday. They will have the antennas up and practice receiving and sending with other radio clubs around the country. The public is invited and they will let kids under 18 operate radios.
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1. Don Curtis – stated he recognized the need to raise property taxes, but he is concerned about senior citizens who live on fixed incomes. He wants the city to consider that the citizens are improperly subsidizing the golf course. He said he knows of 36-hole golf courses running on the same budget as this golf course.

2. Richard Barton – addressed the weed problem in West Bountiful. Every year for the five years he has lived here he has called City Hall to have someone address the weed situation on a neighboring property. The city should have a program that starts at the beginning of the year and is ongoing from there. Some of the weeds were sprayed and they are gone, but the weeds that weren’t sprayed are waist high. Just before tonight’s meeting the weeds were being cut by Devan Pack, which is appreciated, but the weeds will quickly grow back.

3. Travis Godfrey – lives by Mr. Barton on the other side of a big patch of weeds. He stated he would be willing to be involved in any kind of program that would control weeds.

3. Announcement of Employee of the Fiscal Year

Craig Howe awarded a plaque to Heidi Voordeckers for her service as the city accountant and recorder. There have been many improvements to the budget procedures due to her hard work and dedication.

4. Consider Approval of Storm Drain Services Agreement Between West Bountiful City, Davis County, and Seth and Callie Keller.

Ben White – the Kellers live on the north side of the DSB canal. When Davis County rebuilt the canal several years ago, the elevation was raised in many sections, including the Keller’s property. Before the rebuild their yard drained into the canal, but now the water is blocked and they have a huge puddle in their front yard. They came to the city for help, so Ben made a design and put a bid out to contractors. A contractor has been selected, and Davis County has approved the plans. The county will pay for the work.

MOTION: James Bruhn moved to approve the Storm Drain Services Agreement between West Bountiful City, Davis County, and the Kellers.

SECOND: Dave Tovey seconded the Motion.

DISCUSSION: Valerie Shaw wanted to know, given the County has agreed to a certain dollar amount for the project, if there is a
chance the work could get done and then the County refuse to pay. Ben said that the agreement would prevent that.

PASSED: Voting by was as follows:

- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- Dave Tovey – Aye

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

Ben White – pursuant to the discussion at the last council meeting
Ben has made revisions to chapters of the code which regulate what the city does in residential areas. Among the revisions are: rewording of the fencing portion; and the ratio of depth to width of properties, changed from 5/1 to 3/1.

MOTION: Mark moved to approve Ordinance 328-11 amending City Code Chapters 17.16, 17.20, and 17.24.
SECOND: Valerie seconded the Motion.

PASSED: Voting by roll call was as follows:

- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- Dave Tovey – Aye

6. Consider Approval of Ordinance 329-11, an Ordinance Amending West Bountiful City Code Title 12, Streets, Sidewalks, and Public Places.

Ben White – Ben did some research regarding park strips and found that it is not typical for cities to be responsible for the trees in park strips. He has reworded the ordinance, modeling it after the Salt Lake City ordinance. The code now requires that owners of properties adjoining the park strip be responsible for the street trees with little interference from the city. The city has the right to remove any tree that is a hazard without recourse by the property owner. Residents can plant trees in the park strips, but the city still allows only specific species.

There was some discussion regarding enforcement of the ordinance. If the city has to remove a tree or do trimming, they can bill the property owner for the cost. The question was asked if the city would be responsible for any damage that might be caused by an old tree, and Steve Doxey responded that since the homeowners are now responsible for the trees, they will be responsible for such damages.
MOTION: Jim Bruhn moved to approve Ordinance 329-11 amending City Code Title 12, Streets, Sidewalks, and Public Places.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting by roll call was as follows:

- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- Dave Tovey – Aye

7. Consider Approval of Ordinance 330-11, an Ordinance Amending West Bountiful City Code Title 15, Buildings and Construction.

Ben White – some changes were needed because for one thing, a building code was referenced that is no longer in use. He changed how fence heights are measured and also made some grammatical changes.

MOTION: Mark Preece moved to approve Ordinance 330-11 amending City Code Title 15, Buildings and Construction.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting by roll call was as follows:

- Mark Preece – Aye
- Valerie Shaw – Aye
- James Bruhn – Aye
- Dave Tovey – Aye

8. Discussion on Appeal Authority and Recommendation from City Engineer.

Ben White – currently subdivision proposals go to the planning commission for approval and then go to council, which has the final authority. All proposals are subject to an appeal; however, the Code defines neither the appeals process nor who is to hear appeals. The goal is to keep land use appeals at a city level, which will narrow the scope of evidence that can be produced of the case should still have to go to court. This would reduce court costs to the city.

Ben recommends that the city council be the appeal authority on all land use issues, other than subdivisions. The city council would continue to be the land use authority regarding subdivisions and they would appoint a Board of Appeals with three members. The planning commission would be the Board of Adjustments for variance issues, with the city council being the final authority. Council will review the draft ordinance and discuss further in a future meeting.
9.
Discussion on Nuisances and Hazards

Ben White – Staff has sent letters to residents regarding weeds on and around their properties, after which the weeds will sometimes get cut, but quickly grow back. He discussed adding language to the ordinance that would make the provision that the city can spray the weeds and then bill the property owner. This is much more expensive to the residents than if they hired someone to take care of the weeds. It was suggested that a letter be followed up by letters which threaten escalation. A citizen suggested a strongly worded letter be in the early spring newsletter.

10. Engineering Report

Ben White –
• The 500 West off ramp from southbound I-15 will be closed this weekend, will be open Fourth of July weekend, and be closed again the following weekend. They will be putting in storm drains.
• Work on the 400 North waterline is scheduled to start July 5 by the school. The water rights application will have closed by then, and Ben will bring his design plans to the next meeting.
• A backstop post caused a break in a sprinkler pipe. They will pull a pipe through under the cement.
• Chip sealing is due to start in August.
• The Federal Rate Agreement for the project 400 N Project will be before council at the July 5 meeting. No money will be set aside until that is approved, and then they can solicit a design consultant.


They have been talking about rezoning the 500 South corridor by Holly Oil. Holly owns both sides of the road from tracks to tracks. The rezone was first meant to provide a place for Holly to build shops and warehouses. Holly indicated they will more than likely leave the area vacant, so there should be no need for rezoning. They do not want a lot of people in the area of the refinery.

12. Police Report

Interim Chief John Rasmussen –
• In 2010 and 2011 the golf course was burglarized several times. A West Bountiful officer, Josh Ellery, was helping the Bountiful police find stolen property and he recognized items from the golf course. He got a full confession from a 19-year-old and most of the property was returned. The officer got a letter of commendation.
• In an effort to cut mileage costs, the police are having a gas mileage contest. So far, Josh Ellery has the best mileage in his Charger.
13. Finance Report

Heidi Voordecker – 92% of the fiscal year has elapsed and 86% of the revenues have been received. The report showed an amount in red that represented some property tax that was improperly distributed. To date, sales tax is only down $7,000 from last year. Revenues are coming back, franchise tax revenues have come in over budget, and building permits and business licenses are up $9,500. There will be a truth in taxation hearing on August 11 regarding the property tax increase.


Craig Howe – showed pictures of the Bountiful Heights church service project going on this week. There are 500 volunteers working on 17 homes. Craig talked to some of the residents and they were touched by the service.

15. Mayor/Council Reports

Mayor Romney –

- Regarding the service project, he is taking the week off to spend time with the crews and encourages council to drive around and see what is going on. The service crew is putting in a French drain and the city is keeping track of the cost so they will know how it will work on other properties.
- The city continues to go through the budget in each department trying to get as efficient as possible.
- He recognized John Rasmussen for doing a good job with the police department as they go through changes. He has been doing a lot of double duty.

Mark Preece –

- The parade committee had their last meeting last Wednesday. Everything is ready and the parade will be held at 10:30 am July 2nd.
- He attended the DUED meeting last week where they discussed financing. Money is still tight for businesses so it is tough to add new business.
- The Historical Committee meeting was Thursday.

Valerie Shaw – no comments

James Bruhn –

- The concert was good on Friday.
- He asked what the city is doing to show appreciation to the service crews. Craig responded they have already provided ice cream from Scoopology for their luau and they have contacted newspaper and put the service project on Twitter. Craig said he would talk to the team leaders about being in the parade.

Dave Tovey – no comments

16. Approval of Minutes
There were two corrections to the minutes.

MOTION: Valerie moved to approve the minutes for the June 17, 2011 City Council Meeting with changes.

SECOND: James Bruhn seconded the Motion.

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

Closed Session

Not necessary.

Possible Action

Not necessary.

Adjournment
9:45 pm

MOTION: Dave Tovey moved to adjourn.

SECOND: James Bruhn seconded the Motion.

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

MAYOR KENNETH ROMNEY

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)