Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, September 20, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mark Preece, Valerie Shaw, James Bruhn, John Baza, Dave Tovey. Mayor Kenneth Romney was not in attendance.

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

VISITORS: Tonya Howard Boswell, Terry Olsen, Caleb Nelson, Fred Moss, Lynn Keddington, Dennis Hopkinson, Roger Henrikson, James Ahlstrom, Kelly Enquist, Laura Charchenko, Debbie McKean, Terry Turner.

3. Appoint Mayor Pro Tem

MOTION: James Bruhn moved to appoint Mark Preece as Mayor Pro Tem for this meeting.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows:

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

Called to Order:

Mayor Pro Tem Mark Preece called this session to order at 7:37 pm.

Invocation/Thought - Council Member Valerie Shaw gave a thought regarding success.

Pledge of Allegiance was let by Youth Mayor Pro Tem Teresa Romney of the West Bountiful Youth Council.

1. Accept Agenda

MOTION: James Bruhn moved that Council approve the Agenda moving Item 3 to beginning of meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:

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

2. Public Comment

No comments from the public
Chief John Rasmussen introduced a new officer, Elizabeth Bogden. She graduated from the SLCC Satellite Academy Program. She was highly regarded by her instructors.

3. Moved to beginning of meeting

4. 7:35pm or as soon thereafter as Agenda allows, Public Hearing to receive Input on Request to Vacate a Rear and Side Yard Easement in Moss Farms, Lot 12, for the Purpose of Building a Garage.

MOTION: Dave Tovey moved to go to public hearing.

Ben explained the background of the request. Site plans had been provided to council. Mr. Caleb Nelson began building a home on Moss Farm earlier this year. In the process of building, the Nelsons have concluded they want to build a detached garage. The garage would sit on the rear and side yard easements, and would be closer to the house than the required 10 feet between buildings. In their last meeting, the Planning Commission granted approval to reduce the distance between the house and garage from 10 feet to the requested 5 feet. Council will be deciding on whether or not to vacate, and whether they want to vacate all or part of the easements.

SECOND: James Bruhn seconded the Motion.

DISCUSSION: Ben was asked if there were any utility lines under the easements and Ben responded there were none as far as he knew. He will make sure letters are provided from the utility companies before they execute the document. Ben recommended leaving at least the side easement so that the city would still have some control over land use.

PASSED: Voting was as follows:

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

Public Hearing

Mayor Pro Tem Preece asked for comments from the public.

Caleb Nelson spoke as the builder of the home at 686 West 810 North. He had with him his father-in-law, Fred Moss, who sits on the Bountiful City Council, and has advised the Nelsons throughout the building process. Mr. Moss has a civil engineering company and so is familiar with easements. In regard to drainage, his comment was that drainage goes through a conduit and there is no drainage of surface water on the easement. There are fences around all the yards and easements. Until homes are built, it cannot be known where the utility companies will need to run their lines, so it is customary to put easements along the back of the lots and on the side of every other lot. The landowner to the rear, Robert Holmes, has a detached garage three feet from his back fence and three feet from his side fence, which is exactly what Mr.
Nelson is requesting. If they build that close to the fence, they will put in a coded firewall, as required. Mr. Holmes had gotten letters from the utilities when he built, and the city should have those on record. Mr. Nelson wants to be able to at least put in a concrete pad before he does his landscaping.

James Ahlstrom stated the Planning Commission has no objections to the request.

MOTION: Dave Tovey moved to close the Public Hearing.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
  Valerie Shaw – Aye
  James Bruhn – Aye
  John Baza – Aye
  Dave Tovey – Aye

Valerie Shaw asked if the easements on Mr. Holmes’s property were vacated. Ben said they were not vacated and Mr. Holmes was given permission to build based on the letters from the utility companies. The easements still exist.

5. Consider Approval of Resolution 284-11, a Resolution Authorizing the Vacation of a Rear and Side Yard Easement of the Property Described as Moss Farms, Lot 12.

Council asked to look at the actual ordinance before they approve, so Ben left to get it. The Mayor Pro Tem suggested they table the motion until after Item 6.

MOTION: Dave Tovey moved to table the Motion until after canvassing votes.

SECOND: Valerie Shaw seconded the Motion

PASSED: Voting was as follows:
  Valerie Shaw – Aye
  James Bruhn – Aye
  John Baza – Aye
  Dave Tovey – Aye

6. Canvass Votes from the September 13, 2011 Primary Election

Heidi Voordeckers – as part of the election process, council meets and reviews the tally sheets. They count the tally marks and compare that count to the stated count. At the end they make a motion to approve the canvass and state the total votes for each candidate. Mayor Pro Tem read the totals: James Ahlstrom – 312; James Bruhn – 243; Laura Charchoen – 136; Alan Malan – 95; Debbie McKeen – 187; Steve Schmidt – 80; Brady Tracey – 54; and Scott Strong – 173.

MOTION: John Baza moved to accept the canvass as read.
SECOND: Valerie Shaw seconded the Motion.

PASSED: Voting was as follows:
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

Continuation of Item 5.

Ben read from the ordinance that the rear yard setback can be three feet but must be fire rated.

MOTION: Dave Tovey moved to approve Resolution 284-11 authorizing vacating portions of the rear and side easements to a length of three feet on the back of the lot and a length of three feet on the side of the lot, subject to letters from utility companies.

SECOND: James Bruhn seconded the Motion.

PASSED: (As Amended)
Voting was as follows:
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye

Dave Tovey pointed out that the address was wrong on the resolution, which will be corrected.

7.
Report by the West Bountiful Youth City Council and Review of Proposed West Bountiful Youth City Council Bylaws.

Youth Mayor Braden Wilcox and Mayor Pro Tem Teresa Romney, with their advisor, Tonya Boswell, presented the Youth City Council Report.

- They helped to plan and carry out the Meet the Candidates Night.
- In October they are planning a youth stomp and a Safe Halloween event.
- In November they will have a turkey and non-perishable foods collection.
- In December they will have the Elf Tree and help with Christmas on Onion Street.
- In January they will send letters to members of the Armed Forces from the community.
- In February they will have West Bountiful City Pride Month and will sell “I (heart) West Bountiful” T-shirts. From the sale of T-shirts, they hope to earn enough money to attend the Youth Council Summit in Logan.
- March will be Green Month and they have invited a representative from Rocky Mountain Power to do a seminar on conserving energy.
- In April they will plant trees in honor of Earth Day.
- In May they will do some clean-up on the Legacy Trail.
In June they will hold a daily camp for kids at the city hall. Classes will be for kids ages 4-13. They will use this to raise money for future service projects.

In August they plan to collect and donate school supplies to Title 1 schools in the area. Valerie Shaw suggested they check with regular schools, especially the local school, because Title 1 schools receive a lot of funds from the government.

The Youth Mayor asked for support from the city and the council. The activities are posted on their Facebook page. They are currently accepting applications for council.

The youth officers re-wrote the bylaws to make them more complete and up-to-date. Steve Doxey has looked them over and council members were provided with copies. A resolution to approve the by-laws will come before council at the next meeting, and new members will be sworn in.

8. Decision on Troy Larsen Appeal

Ben White – at the last meeting they discussed the appeal of Troy Larsen, and the mayor directed legal council to summarize the issues and findings of fact. The findings state that the city did not intend pooling of parcels but there are to be so many points per parcel. The council’s decision is a maximum of three horses can be kept on a parcel, and all other decisions of the City Engineer are confirmed. The owner of the property will be advised she is out of compliance with four horses on her property.

MOTION: Valerie Shaw moved to accept the appeal decision as stated.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

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

Consider Approval of Ordinance 331-11, an Ordinance Amending the West Bountiful City Code to include Chapter 5.36, Alarm Systems.

Cathy Brightwell - alarm systems were discussed in the last meeting. The Mayor Pro Tem asked if there were any changes since that discussion. Cathy stated one change was regarding permit revocation. Other cities enforce their alarm ordinance by revocation of permits. The ordinance now states if there are more than six alarms in twelve months, or if the alarm owner is 30 days late in paying a fee, that owner’s permit will be revoked. It will cost them $100 and payment of any outstanding false alarm fees to have the permit reinstated.

MOTION: Valerie Shaw moved to approve Ordinance 331-11 amending the West Bountiful City Code to include Chapter 5.36, Alarm Systems.
SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:
Valerie Shaw – Aye
James Bruhn – Aye
John Baza – Aye
Dave Tovey – Aye


Ben White – the garage setback issue was discussed in the last meeting. They also discussed the sign ordinance and zone changes on 500 South.

11. Discussion on Planning Commission
Recommended Changes to Chapter 17.48,
Signs, of the West Bountiful Municipal Code.

Ben White – the Planning Commission has worked on the sign ordinance for some time. Much of that time was taken to address the issue of temporary signs, such as those attached to poles, wooden plaques set out in front of stores, and professionally made banners. The ordinance does not allow these signs without a permit and this has not been enforced. The problem was to decide if they want to enforce the current ordinance, or if they want to relax the ordinance so enforcement would not be required. The final decision was to relax the ordinance in regard to temporary signs.

A question was asked regarding signs on trucks. Ben said the ordinance did not apply to trucks with the business name on them that are being used to conduct business. It applies to trucks that are parked just for the purpose of displaying a banner or sign.

They also relaxed rules regarding political signs because the rules did not meet state code. The ordinance includes charging fines for political signs being placed wrong, instead of charging a Class C misdemeanor, which was not appropriate.

James Ahlstrom brought up a discussion of political signs not being allowed on a right of way, but it is sometimes hard for people to know where the rights of way are. He suggested relaxing the sign ordinance in regard to political signs during election periods. Steve Doxey stated they should not make seasonal changes to the code, so it was decided that political signs will be allowed on the lawns that are between the sidewalk and houses but not on the mowing strips. Where there is no sidewalk, they will be lenient. James Ahlstrom wanted to know where the law regarding political signs is cited, and Steve Doxey said he would look it up.

12. Discussion on Planning Commission
Recommendation to Add New Zone,
C-H, Commercial Highway, to the
West Bountiful Municipal Code.

Ben White – the C-G zone defines one principal commercial district that is on 500 West and 500 South. The types of businesses on 500 South do not fit the definition. The Planning Commission
drafted a new zone more oriented to those types of businesses, which are blue collar, contractors, etc. After the ordinance was drafted, it was brought to Mr. White’s attention they should have something in about hazardous chemicals because of the close proximity to the refinery. This will be done before they bring a resolution to council.

Dennis Hopkinson stated some of the considerations of the Planning Commission were the appearances of the buildings and the money potential for the city. They also talked about keeping the number of people in a building down when it is close to Holly’s tanks.

13.
Discussion on Planning Commission
Recommendation to Rezone the Section of 500 South West of the Union Pacific Railroad From a C-G Zone to a C-H Zone.

Ben White – a zoning map was provided in the packets showing a cross-hatched area which is currently C-G and is on both sides of 500 South. They want to rezone all properties west of the track from C-G to C-H. C-H has a narrower range of businesses that would be allowed, but it will also allow some businesses that cannot be in a C-G zone.

14.
Discussion on Planning Commission
Recommendation to Accept Requested Zone Change of 17.5 Acres Generally Described as North of 500 South, East of 1100 West, and West of the Holly Oil Rail Spur from a R-1-22 Zone to a C-H Zone.

Ben White – a zoning map was provided to council showing an overlay representing 17 ½ acres which Holly Oil is requesting to be rezoned. They need a zone that will allow an office building and a warehouse. By moving the warehouse and shops out of the refinery area, they will have better security. The entrance off 500 South will provide a place where people can be stopped before going into the refinery. Public hearings were held but there was no discussion.

There was a question about using the road on the north side of Holly, and how traffic on 1100 West would be impacted if employees used that entrance. Roger Henrickson, legal counsel for Holly stated their design is still in flux, but it is not Holly’s intent to have a separate entrance for employees and visitors. Everyone will enter from 500 South.

Dennis Hopkinson pointed out that on the newest plan the size of the warehouse is larger than was previously discussed. He was concerned some land would need to be taken from residential, and the Planning Commission had asked them why they needed a warehouse on that area.

Lynn Keddington – the warehouse will be housing several shops, the maintenance office, delivery, and a fire house. The footprint of
the new warehouse will be the same as the old warehouse and
those other buildings. The amount of land to be rezoned is what
they originally asked for; the building will just take up more of that
land.

Valerie Shaw asked about additional noise and light that might
disturb the residents around there. Mr. White stated he expected
little noise or light to reach the residents.

15. Police Report – August

Interim Chief John Rasmussen – many of the statistics are down
for August. Suspicious activity reports have gone up; these are
when citizens call to have the police check something out.
Accidents have gone up during August.

A notable case in August was when the parents of a one-year-old
infant were trying to get him to the hospital as he was having
seizures. The highway patrol were notified but the closest officer
was 15 minutes away. Because West Bountiful was closer to
where the people were, Officer DeCarlo was called to the scene.
He met them at Legacy Highway and Parrish Lane. He was able to
stabilize the child until the EMTs and ambulance arrived.

In September, there has been a burglary on 600 North; items were
taken from a bedroom closet. Three arrests were made and
preliminary hearings are scheduled this week.

16. Finance Report - August

Heidi Voordeckers - 17% of the fiscal year has lapsed. Of
revenues, 14% are collected and 15% disbursed. Sales tax revenue
is $284,000 YTD, up from this time last year. A building permit
was taken out by the refinery, but a portion of it will need to be
refunded. Salaries and wages are down. The General Fund is
ahead $115,000 and the golf course is ahead $27,000. She expects
everything to level off next month.

17. Administrative Report

Craig Howe –
- Last week he attended a conference of Utah League of
Cities and Towns. He is preparing a summary to give to
council, but he went over a few points. There was a
discussion of characteristics of sustainable cities. West
Bountiful has already dealt with many of the issues that
were brought up. Some of the trends they are seeing is that
sales tax revenue will be down for all cities due to online
shopping. The large box stores are cutting back, and
Walmart is planning “pee wee” stores in walking
neighborhoods. In housing, statistics show that from 1950
to 2000, home ownership was 64%. During the time of
“easy” loans, it went up to 71%. After the housing crash, it
has gone down to 68% and may drop to 58%. The decade
of 2010 is being considered the decade of high quality
rentals. There are going to be more multigenerational
households. West Bountiful has already addressed this
with their ADU ordinances. Demographically, more
people will live closer to their work, there will be more
households with couples with no children, and single
adults. Utah Rep. Jason Chaffetz had comments regarding
the federal government. The debt is 1.4 trillion dollars. 1
trillion dollars is equal to spending 1 million dollars a day
for 3,000 years. 4 billion in deficit is spent each day, and
600 million a day is interest.

- Craig attended a presentation regarding new EPA rules on
storm water management. West Bountiful has a couple of
issues that will need to be addressed, and it was made clear
at the presentation that the mandates will not be funded.

- The city has three positions for which they are taking
applications until Friday. One is for a chief of police, one
is for a public services director, and one is for a green
spaces superintendent. The staff has been trying to merge
operations between public works and maintenance of the
golf course. So far they have been unsuccessful due to
minimal interaction. Because of a pending retirement and a
resignation, they are able to make a change. They will
have the public services director care for the golf course
and public works. It will be a hands-on job, requiring that
person to participate in the work as well as supervise the
other employees. One position that will be under
supervision of the public services director will be the green
spaces superintendent. This person will be responsible for
taking care of the grass at the golf course and at the parks.
These new employees in these two departments will have
to be CDL licensed so they can drive the snowplows.

- The maintenance yard at the golf course has been cleaned
out, and they will store city equipment there.

- Valerie Shaw asked that the police department coordinate
with the city staff better when Sue Bailess has days off.
There are people who need to talk to the police but don’t
need to go through dispatch. It was generally agreed that
services levels need to improve in all areas.

Ben White –

- In regard to drainage improvements on the Strand property,
Ben had permission from the estate attorney and the estate
to make the improvements. However, when it came to
working with the Strands regarding what they could do
with their horses while the work is being done, and then
asking them to maintain the improvements, he decided he
did not want to do the improvements on private property.
They will have to go back and talk to the residents of
Golden West again. Ben thought the best solution would
have been a surface concrete ditch but when it was
proposed, the residents turned it down.

- The county’s Pages Lane construction is continuing, and
one phase is almost finished.

Valerie Shaw – nothing to report.
James Bruhn – on Olson Farm Road at 1045 West, water is seeping through the black top. He has talked to Rocky about it but wanted Ben to be aware, also. The Parks Committee met today and a visitor came to discuss splash parks. She may join the committee. A Wasatch Integrated meeting was last week.

John Baza – nothing to report

Dave Tovey – also attended the Parks Committee meeting with James and has worked with the Youth Council.

Mark Preece – a Historical Committee meeting will be next week. They are still working with a man who wants to build a house on Heritage but is having problems with the city’s plans. The newsletter will be out the first part of October. Mark also attended the Utah League of Cities and Towns conference.

20. Approval of Minutes for September 6, 2011 City Council Meeting

MOTION: Dave Tovey moved to approve minutes for the September 6, 2011 City Council meeting, with change.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

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

21. Closed Meeting, if necessary, for reasons allowed by state law.

Not necessary

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

Not necessary

23. Adjourn to RDA Meeting 9:45

MOTION: James Bruhn moved to adjourn to RDA meeting.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows: