

1
2 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday,
3 September 20, 2011 at West Bountiful City Hall, Davis County, Utah
4

5 Those in Attendance

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

9
10 STAFF PRESENT: Craig Howe (City Administrator), Heidi
11 Voordeckers (City Recorder), Ben White (City Engineer), Steve
12 Doxey (City Attorney), Interim Chief John Rasmussen, Nathalie
13 Ellingson (secretary).

14
15 VISITORS: Tonya Howard Boswell, Terry Olsen, Caleb Nelson,
16 Fred Moss, Lynn Keddington, Dennis Hopkinson, Roger
17 Henrikson, James Ahlstrom, Kelly Enquist, Laura Charchenko,
18 Debbie McKean, Terry Turner.

19
20 3. Appoint Mayor Pro Tem

21
22 MOTION: James Bruhn moved to appoint Mark Preece as Mayor
23 Pro Tem for this meeting.

24
25 SECOND: John Baza seconded the Motion.

26
27 PASSED: Voting was as follows:
28 Valerie Shaw – Aye
29 James Bruhn – Aye
30 John Baza – Aye
31 Dave Tovey – Aye
32

33 Called to Order:

34
35 Mayor Pro Tem Mark Preece called this session to order at 7:37
36 pm.
37

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

39
40 Pledge of Allegiance was let by Youth Mayor Pro Tem Teresa Romney of the West Bountiful
41 Youth Council.

42
43 1.
44 Accept Agenda

45
46 MOTION: James Bruhn moved that Council approve the Agenda
47 moving Item 3 to beginning of meeting.

48
49 SECOND: Dave Tovey seconded the Motion.

50
51 PASSED: Voting was as follows:
52 Valerie Shaw – Aye
53 James Bruhn – Aye
54 John Baza – Aye
55 Dave Tovey – Aye

56 2.
57 Public Comment

58
59 No comments from the public
60

1 Chief John Rasmussen introduced a new officer, Elizabeth
2 Bogden. She graduated from the SLCC Satellite Academy
3 Program. She was highly regarded by her instructors.
4

5 3.
6 Moved to beginning of meeting
7

8 4.
9 7:35pm or as soon thereafter as
10 Agenda allows, Public Hearing
11 to receive Input on Request to
12 Vacate a Rear and Side Yard
13 Easement in Moss Farms, Lot 12,
14 for the Purpose of Building a Garage.
15

16 MOTION: Dave Tovey moved to go to public hearing.
17

18 Ben explained the background of the request. Site plans had been
19 provided to council. Mr. Caleb Nelson began building a home on
20 Moss Farm earlier this year. In the process of building, the
21 Nelsons have concluded they want to build a detached garage. The
22 garage would sit on the rear and side yard easements, and would be
23 closer to the house than the required 10 feet between buildings. In
24 their last meeting, the Planning Commission granted approval to
25 reduce the distance between the house and garage from 10 feet to
26 the requested 5 feet. Council will be deciding on whether or not to
27 vacate, and whether they want to vacate all or part of the
28 easements
29

30 SECOND: James Bruhn seconded the Motion.
31

32 DISCUSSION: Ben was asked if there were any utility lines under
33 the easements and Ben responded there were none as far as he
34 knew. He will make sure letters are provided from the utility
35 companies before they execute the document. Ben recommended
36 leaving at least the side easement so that the city would still have
37 some control over land use.
38

39 PASSED: Voting was as follows:
40 Valerie Shaw – Aye
41 James Bruhn – Aye
42 John Baza – Aye
43 Dave Tovey – Aye
44

45 Public Hearing
46

47 Mayor Pro Tem Preece asked for comments from the public.
48

49 Caleb Nelson spoke as the builder of the home at 686 West 810
50 North. He had with him his father-in-law, Fred Moss, who sits on
51 the Bountiful City Council, and has advised the Nelsons
52 throughout the building process. Mr. Moss has a civil engineering
53 company and so is familiar with easements. In regard to drainage,
54 his comment was that drainage goes through a conduit and there is
55 no drainage of surface water on the easement. There are fences
56 around all the yards and easements. Until homes are built, it
57 cannot be known where the utility companies will need to run their
58 lines, so it is customary to put easements along the back of the lots
59 and on the side of every other lot. The landowner to the rear,
60 Robert Holmes, has a detached garage three feet from his back
61 fence and three feet from his side fence, which is exactly what Mr.

1 Nelson is requesting. If they build that close to the fence, they will
2 put in a coded firewall, as required. Mr. Holmes had gotten letters
3 from the utilities when he built, and the city should have those on
4 record. Mr. Nelson wants to be able to at least put in a concrete
5 pad before he does his landscaping.
6

7 James Ahlstrom stated the Planning Commission has no objections
8 to the request.
9

10 MOTION: Dave Tovey moved to close the Public Hearing.
11

12 SECOND: James Bruhn seconded the Motion.
13

14 PASSED: Voting was as follows:
15 Valerie Shaw – Aye
16 James Bruhn – Aye
17 John Baza – Aye
18 Dave Tovey – Aye
19

20 Valerie Shaw asked if the easements on Mr. Holmes's property
21 were vacated. Ben said they were not vacated and Mr. Holmes
22 was given permission to build based on the letters from the utility
23 companies. The easements still exist.
24

25 5.
26 Consider Approval of Resolution 284-11,
27 a Resolution Authorizing the Vacation
28 of a Rear and Side Yard Easement of the
29 Property Described as Moss Farms, Lot 12.
30

31 Council asked to look at the actual ordinance before they approve,
32 so Ben left to get it. The Mayor Pro Tem suggested they table the
33 motion until after Item 6.
34

35 MOTION: Dave Tovey moved to table the Motion until after
36 canvassing votes.
37

38 SECOND: Valerie Shaw seconded the Motion
39

40 PASSED: Voting was as follows:
41 Valerie Shaw – Aye
42 James Bruhn – Aye
43 John Baza – Aye
44 Dave Tovey – Aye
45

46 6.
47 Canvass Votes from the
48 September 13, 2011
49 Primary Election
50

51 Heidi Voordeckers – as part of the election process, council meets
52 and reviews the tally sheets. They count the tally marks and
53 compare that count to the stated count. At the end they make a
54 motion to approve the canvass and state the total votes for each
55 candidate. Mayor Pro Tem read the totals: James Ahlstrom – 312;
56 James Bruhn – 243; Laura Charchenko – 136; Alan Malan – 95;
57 Debbie McKean – 187; Steve Schmidt – 80; Brady Tracey – 54;
58 and Scott Strong – 173.
59

60 MOTION: John Baza moved to accept the canvass as read.
61

1 SECOND: Valerie Shaw seconded the Motion.

2
3 PASSED: Voting was as follows:
4 Valerie Shaw – Aye
5 James Bruhn – Aye
6 John Baza – Aye
7 Dave Tovey – Aye

8
9 Continuation of Item 5.

10
11 Ben read from the ordinance that the rear yard setback can be three
12 feet but must be fire rated.

13
14 MOTION: Dave Tovey moved to approve Resolution 284-11
15 authorizing vacating portions of the rear and side easements to a
16 length of three feet on the back of the lot and a length of three feet
17 on the side of the lot, subject to letters from utility companies.

18
19 SECOND: James Bruhn seconded the Motion.

20
21 PASSED: (As Amended)
22 Voting was as follows:
23 Valerie Shaw – Aye
24 James Bruhn – Aye
25 John Baza – Aye
26 Dave Tovey – Aye

27
28 Dave Tovey pointed out that the address was wrong on the
29 resolution, which will be corrected.

30
31 7.
32 Report by the West Bountiful
33 Youth City Council and Review
34 of Proposed West Bountiful
35 Youth City Council Bylaws.

36
37 Youth Mayor Braden Wilcox and Mayor Pro Tem Teresa Romney,
38 with their advisor, Tonya Boswell, presented the Youth City
39 Council Report.

- 40
41
- 42 • They helped to plan and carry out the Meet the Candidates
43 Night.
 - 44 • In October they are planning a youth stomp and a Safe
45 Halloween event.
 - 46 • In November they will have a turkey and non-perishable
47 foods collection.
 - 48 • In December they will have the Elf Tree and help with
49 Christmas on Onion Street.
 - 50 • In January they will send letters to members of the Armed
51 Forces from the community.
 - 52 • In February they will have West Bountiful City Pride
53 Month and will sell “I (heart) West Bountiful” T-shirts.
54 From the sale of T-shirts, they hope to earn enough money
55 to attend the Youth Council Summit in Logan.
 - 56 • March will be Green Month and they have invited a
57 representative from Rocky Mountain Power to do a seminar
58 on conserving energy.
 - 59 • 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

9.

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.

1 SECOND: Dave Tovey seconded the Motion.
2

3 PASSED: Voting was as follows:

4 Valerie Shaw – Aye

5 James Bruhn – Aye

6 John Baza – Aye

7 Dave Tovey – Aye

8
9 10.

10 Planning Commission Report
11

12 Ben White – the garage setback issue was discussed in the last
13 meeting. They also discussed the sign ordinance and zone changes
14 on 500 South.
15

16 11.

17 Discussion on Planning Commission

18 Recommended Changes to Chapter 17.48,

19 Signs, of the West Bountiful Municipal Code .
20

21 Ben White – the Planning Commission has worked on the sign
22 ordinance for some time. Much of that time was taken to address
23 the issue of temporary signs, such as those attached to poles,
24 wooden plaques set out in front of stores, and professionally made
25 banners. The ordinance does not allow these signs without a
26 permit and this has not been enforced. The problem was to decide
27 if they want to enforce the current ordinance, or if they want to
28 relax the ordinance so enforcement would not be required. The
29 final decision was to relax the ordinance in regard to temporary
30 signs.
31

32 A question was asked regarding signs on trucks. Ben said the
33 ordinance did not apply to trucks with the business name on them
34 that are being used to conduct business. It applies to trucks that are
35 parked just for the purpose of displaying a banner or sign.
36

37 They also relaxed rules regarding political signs because the rules
38 did not meet state code. The ordinance includes charging fines for
39 political signs being placed wrong, instead of charging a Class C
40 misdemeanor, which was not appropriate.
41

42 James Ahlstrom brought up a discussion of political signs not
43 being allowed on a right of way, but it is sometimes hard for
44 people to know where the rights of way are. He suggested relaxing
45 the sign ordinance in regard to political signs during election
46 periods. Steve Doxey stated they should not make seasonal
47 changes to the code, so it was decided that political signs will be
48 allowed on the lawns that are between the sidewalk and houses but
49 not on the mowing strips. Where there is no sidewalk, they will be
50 lenient. James Ahlstrom wanted to know where the law regarding
51 political signs is cited, and Steve Doxey said he would look it up.
52

53 12.

54 Discussion on Planning Commission

55 Recommendation to Add New Zone,

56 C-H, Commercial Highway, to the

57 West Bountiful Municipal Code.
58

59 Ben White – the C-G zone defines one principal commercial
60 district that is on 500 West and 500 South. The types of businesses
61 on 500 South do not fit the definition. The Planning Commission

1 drafted a new zone more oriented to those types of businesses,
2 which are blue collar, contractors, etc. After the ordinance was
3 drafted, it was brought to Mr. White's attention they should have
4 something in about hazardous chemicals because of the close
5 proximity to the refinery. This will be done before they bring a
6 resolution to council.
7

8 Dennis Hopkinson stated some of the considerations of the
9 Planning Commission were the appearances of the buildings and
10 the money potential for the city. They also talked about keeping
11 the number of people in a building down when it is close to
12 Holly's tanks.
13

14
15 13.
16 Discussion on Planning Commission
17 Recommendation to Rezone the
18 Section of 500 South West of the
19 Union Pacific Railroad From a
20 C-G Zone to a C-H Zone.
21

22 Ben White – a zoning map was provided in the packets showing a
23 cross-hatched area which is currently C-G and is on both sides of
24 500 South. They want to rezone all properties west of the track
25 from C-G to C-H. C-H has a narrower range of businesses that
26 would be allowed, but it will also allow some businesses that
27 cannot be in a C-G zone.
28

29 14.
30 Discussion on Planning Commission
31 Recommendation to Accept Requested
32 Zone Change of 17.5 Acres Generally
33 Described as North of 500 South,
34 East of 1100 West, and West of the
35 Holly Oil Rail Spur from a
36 R-1-22 Zone to a C-H Zone.
37

38 Ben White – a zoning map was provided to council showing an
39 overlay representing 17 ½ acres which Holly Oil is requesting to
40 be rezoned. They need a zone that will allow an office building
41 and a warehouse. By moving the warehouse and shops out of the
42 refinery area, they will have better security. The entrance off 500
43 South will provide a place where people can be stopped before
44 going into the refinery. Public hearings were held but there was no
45 discussion.
46

47 There was a question about using the road on the north side of
48 Holly, and how traffic on 1100 West would be impacted if
49 employees used that entrance. Roger Henrickson, legal counsel for
50 Holly stated their design is still in flux, but it is not Holly's intent
51 to have a separate entrance for employees and visitors. Everyone
52 will enter from 500 South.
53

54 Dennis Hopkinson pointed out that on the newest plan the size of
55 the warehouse is larger than was previously discussed. He was
56 concerned some land would need to be taken from residential, and
57 the Planning Commission had asked them why they needed a
58 warehouse on that area.
59

60 Lynn Keddington – the warehouse will be housing several shops,
61 the maintenance office, delivery, and a fire house. The footprint of

1 the new warehouse will be the same as the old warehouse and
2 those other buildings. The amount of land to be rezoned is what
3 they originally asked for; the building will just take up more of that
4 land.

5
6 Valerie Shaw asked about additional noise and light that might
7 disturb the residents around there. Mr. White stated he expected
8 little noise or light to reach the residents.

9
10 15.
11 Police Report – August

12
13 Interim Chief John Rasmussen – many of the statistics are down
14 for August. Suspicious activity reports have gone up; these are
15 when citizens call to have the police check something out.
16 Accidents have gone up during August.

17
18 A notable case in August was when the parents of a one-year-old
19 infant were trying to get him to the hospital as he was having
20 seizures. The highway patrol were notified but the closest officer
21 was 15 minutes away. Because West Bountiful was closer to
22 where the people were, Officer DeCarlo was called to the scene.
23 He met them at Legacy Highway and Parrish Lane. He was able to
24 stabilize the child until the EMTs and ambulance arrived.

25
26 In September, there has been a burglary on 600 North; items were
27 taken from a bedroom closet. Three arrests were made and
28 preliminary hearings are scheduled this week.

29
30 16.
31 Finance Report - August

32
33 Heidi Voordeckers - 17% of the fiscal year has lapsed. Of
34 revenues, 14% are collected and 15% disbursed. Sales tax revenue
35 is \$284,000 YTD, up from this time last year. A building permit
36 was taken out by the refinery, but a portion of it will need to be
37 refunded. Salaries and wages are down. The General Fund is
38 ahead \$115,000 and the golf course is ahead \$27,000. She expects
39 everything to level off next month.

40
41 17.
42 Administrative Report

43
44 Craig Howe –

- 45 • Last week he attended a conference of Utah League of
46 Cities and Towns. He is preparing a summary to give to
47 council, but he went over a few points. There was a
48 discussion of characteristics of sustainable cities. West
49 Bountiful has already dealt with many of the issues that
50 were brought up. Some of the trends they are seeing is that
51 sales tax revenue will be down for all cities due to online
52 shopping. The large box stores are cutting back, and
53 Walmart is planning “pee wee” stores in walking
54 neighborhoods. In housing, statistics show that from 1950
55 to 2000, home ownership was 64%. During the time of
56 “easy” loans, it went up to 71%. After the housing crash, it
57 has gone down to 68% and may drop to 58%. The decade
58 of 2010 is being considered the decade of high quality
59 rentals. There are going to be more multigenerational
60 households. West Bountiful has already addressed this
61 with their ADU ordinances. Demographically, more

1 people will live closer to their work, there will be more
2 households with couples with no children, and single
3 adults. Utah Rep. Jason Chaffetz had comments regarding
4 the federal government. The debt is 1.4 trillion dollars. 1
5 trillion dollars is equal to spending 1 million dollars a day
6 for 3,000 years. 4 billion in deficit is spent each day, and
7 600 million a day is interest.

- 8 • Craig attended a presentation regarding new EPA rules on
9 storm water management. West Bountiful has a couple of
10 issues that will need to be addressed, and it was made clear
11 at the presentation that the mandates will not be funded.
- 12 • The city has three positions for which they are taking
13 applications until Friday. One is for a chief of police, one
14 is for a public services director, and one is for a green
15 spaces superintendent. The staff has been trying to merge
16 operations between public works and maintenance of the
17 golf course. So far they have been unsuccessful due to
18 minimal interaction. Because of a pending retirement and a
19 resignation, they are able to make a change. They will
20 have the public services director care for the golf course
21 and public works. It will be a hands-on job, requiring that
22 person to participate in the work as well as supervise the
23 other employees. One position that will be under
24 supervision of the public services director will be the green
25 spaces superintendent. This person will be responsible for
26 taking care of the grass at the golf course and at the parks.
27 These new employees in these two departments will have
28 to be CDL licensed so they can drive the snowplows.
- 29 • The maintenance yard at the golf course has been cleaned
30 out, and they will store city equipment there.
- 31 • Valerie Shaw asked that the police department coordinate
32 with the city staff better when Sue Bailess has days off.
33 There are people who need to talk to the police but don't
34 need to go through dispatch. It was generally agreed that
35 services levels need to improve in all areas.

36
37 18.
38 Engineers Report

39
40 Ben White –

- 41 • In regard to drainage improvements on the Strand property,
42 Ben had permission from the estate attorney and the estate
43 to make the improvements. However, when it came to
44 working with the Strands regarding what they could do
45 with their horses while the work is being done, and then
46 asking them to maintain the improvements, he decided he
47 did not want to do the improvements on private property.
48 They will have to go back and talk to the residents of
49 Golden West again. Ben thought the best solution would
50 have been a surface concrete ditch but when it was
51 proposed, the residents turned it down.
- 52 • The county's Pages Lane construction is continuing, and
53 one phase is almost finished.

54
55 19.
56 Mayor/Council Reports.

57
58 Valerie Shaw – nothing to report.
59

1 James Bruhn – on Olson Farm Road at 1045 West, water is
2 seeping through the black top. He has talked to Rocky about it but
3 wanted Ben to be aware, also. The Parks Committee met today
4 and a visitor came to discuss splash parks. She may join the
5 committee. A Wasatch Integrated meeting was last week.
6

7 John Baza – nothing to report

8
9 Dave Tovey – also attended the Parks Committee meeting with
10 James and has worked with the Youth Council.
11

12 Mark Preece – a Historical Committee meeting will be next week.
13 They are still working with a man who wants to build a house on
14 Heritage but is having problems with the city's plans. The
15 newsletter will be out the first part of October. Mark also attended
16 the Utah League of Cities and Towns conference
17

18
19 20.

20 Approval of Minutes for
21 September 6, 2011 City
22 Council Meeting
23

24 Page 10 line 32, RB's not Arby's
25

26 MOTION: Dave Tovey moved to approve minutes for the
27 September 6, 2011 City Council meeting, with change.
28

29 SECOND: James Bruhn seconded the Motion.
30

31 PASSED: Voting was as follows:
32 Valerie Shaw – Aye
33 James Bruhn – Aye
34 John Baza – Aye
35 Dave Tovey – Aye
36

37 21.

38 Closed Meeting, if necessary,
39 for reasons allowed by state law.
40

41 Not necessary
42
43

44 22.

45 Possible action following
46 closed meeting, including
47 appointment to boards and
48 commissions.
49

50 Not necessary
51
52

53 23.

54 Adjourn to RDA Meeting
55 9:45
56

57 MOTION: James Bruhn moved to adjourn to RDA meeting.
58

59 SECOND: John Baza seconded the Motion.
60

61 PASSED: Voting was as follows:

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12

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


MAYOR KENNETH ROMNEY


HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)