

Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, November 15, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Heidi Voordeckers (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Sgt. Corie Hamilton, Nathalie Ellingson (secretary). City Administrator Craig Howe was excused.

VISITORS: Debbie McKean, Mike Wright, Kelly Enquist, Lynette Larson, Laurel Simmons, Rob Turville, Alan Malan, Kelly Class, Richelle Whitehead, James Ahlstrom, Roger Henriksen, Laura Charchenko.

Called to Order: Mayor Pro Tem Mark Preece called this session to order at 7:33 pm.

Invocation/Thought – John Baza read some quotes from Ronald Reagan regarding liberty.

Pledge of Allegiance was led by Dave Tovey.

1. Accept Agenda

Heidi Voordeckers asked that they table Items 6 and 7.

MOTION: Dave Tovey moved to approve the Agenda, tabling Items 6 and 7.

SECOND: James Bruhn 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.

3. Discussion on Public Infrastructure Improvements for the Skiddy Corner Subdivision.

Ben White – a decision on approving the Skiddy Corners Subdivision was tabled at the last meeting so staff could look over some issues that had come up. In the meantime, it was found that the street right of way corner of 400 North and 1100 West was a 90 degree angle, which does not allow for the road to properly curve around the corner. A new plat was being prepared with a right of way for the curve. The city had not yet received

1 the plat, so they could not approve the subdivision at this meeting. Staff  
2 was asking the council for direction on what public infrastructure  
3 improvements should be required of the applicant. Ben noted that the  
4 storm drain on 1100 West along the property needs to be replaced, and he  
5 suggests it be done at the city's expense before a curb, gutter and sidewalk  
6 are put in.  
7

8 The applicant, Robert Turville, introduced Burt Greenwood, who is an  
9 attorney for real estate developments. He disagreed with Ben's opinion  
10 that by adjusting for the right of way, the development is no longer a small  
11 subdivision, and therefore the city had the right to require infrastructure  
12 improvements. He stated a curb, gutter and sidewalk would add no value  
13 to the property.  
14

15 Laura Simmons was representing the buyer of the property. The buyers  
16 were confused about the city's requirements and whether the seller knew  
17 about them.  
18

19 Rob Turville, the seller of the property, said he had asked Ben why they  
20 needed improvements on that corner, since the neighbors had no desire for  
21 those improvements. Ben had told him that 400 North is a collector road,  
22 and the city is expecting commercial developments farther west which will  
23 increase the traffic volume. Mr. Turville stated the property owners  
24 should not bear the cost for the needs of a commercial development.  
25

26 Lynette Larsen is a property owner at 1187 West 400 North. She  
27 represented the people living along 1100 West. They do not want a curb  
28 and gutter on their street, and they believe the city has an ulterior motive  
29 for requiring them.  
30

31 Valerie Shaw stated that Ben does not make these decisions for the city,  
32 and some of the comments directed to him were not fair, and seemed to  
33 attack him personally.  
34

35 Mark Preece asked for clarification about changing the subdivision type  
36 because of the change on the corner. Ben said the size of the right of way  
37 would be about 50 square feet, and the city does have the option of  
38 changing the classification of the subdivision.  
39

40 Dave Tovey stated he is aware of the plans for 400 North, which include  
41 curbs, gutters and sidewalks. However, he would want the street done all  
42 at once, and is therefore in favor of a deferred agreement.  
43

44 John Baza's opinion was that the deferred agreements seemed haphazard.  
45 He did not oppose a deferred agreement, however, because it would at  
46 least be in place. He said the Planning Commission had discussed putting  
47 in the new storm drain, but had said nothing about curb and gutter. He  
48 stated the homeowners should be made aware the city is planning to  
49 eventually have curb and gutter throughout the city.  
50

51 James Bruhn stated this corner would be a good starting point, and 400  
52 North east of the corner will be all curb and gutter by next year. He said  
53 he would not oppose a deferred agreement, however.  
54

55 Valerie Shaw stated she would not oppose a deferred agreement.  
56

57 There was discussion regarding the ditch that needs to be covered, and the  
58 storm drains. Mr. Turville stated their agreement had been for them to put  
59 an 18-inch pipe in the ditch. He had a water expert tell him that pipe  
60 could not be connected to the city's pipes, and his attorney, Mr.  
61 Greenwood, questioned if the city had the ability to require the storm

1 drain, as well as the other improvements. Steve Doxey referred the  
2 council to a memo he prepared two years ago about that issue.

3  
4 4.  
5 Discussion on Proposed Changes  
6 to the Outdoor Storage Ordinance  
7

8 Ben White – upon approval of the CH zone, a change to the Outdoor  
9 Storage ordinance would be required to include outdoor storage provisions  
10 for that zone. The Planning Commission has recommended modifications  
11 to the Outdoor Storage ordinance to the City Council. A draft of the  
12 changes was provided to council. The council stated they had no  
13 comments, so, since Holly had made no changes since their last approval,  
14 the ordinance would come to the council for approval at the next meeting.  
15

16  
17 5.  
18 Canvass Votes  
19

20 Heidi Voordeckers – tally sheets had been provided for each council  
21 member. Mayor Pro Tem Preece asked if all the votes were in, to which  
22 Heidi said they were. The results were as followed: for the four-year  
23 council seat, the votes for James Ahlstrom – 615, James Bruhn – 488,  
24 Laura Charchenko – 345, Alan Malan – 180, Debbie McKean – 392, and  
25 Scott Strong – 385. For the two-year council seat, the votes for Bud Ingles  
26 – 321, and Dave Tovey – 502.  
27

28 MOTION: John Baza moved to accept the tally and give the four-year  
29 seats to James Ahlstrom, James Bruhn, and Debbie McKean, and the two-  
30 year seat to Dave Tovey.

31  
32 SECOND: Valerie Shaw seconded the Motion.

33  
34 PASSED: Voting by roll call was as follows:  
35 Valerie Shaw – Aye  
36 James Bruhn – Aye  
37 John Baza – Aye  
38 Dave Tovey – Aye  
39

40  
41 6.  
42 Consider Approval of Resolution 287-11  
43

44 Tabled.  
45

46 7.  
47 Consider Approval of Resolution 288-11  
48

49 Tabled.  
50

51  
52 8.  
53 Police Report  
54

55 Sgt Hamilton – presented the statistics from the report reviewed notable  
56 cases.  
57

58 On the first one, Officer Ellery found a truck that smelled like marijuana,  
59 and a 15 year old female and a 25 year old male were in the truck. Upon  
60 questioning, he learned the couple met on Facebook, and this was their  
61 first meeting in person. The girl said the man compelled her to smoke

1 marijuana and engage in oral sex. The man was booked and the girl's  
2 parents were called to pick her up.  
3

4 On the second case, a 20 year old female said her boyfriend had been  
5 beating her up. A coworker had asked questions and saw a bruise on her  
6 back shaped like a foot, as well as bruises on her neck. The coworker  
7 persuaded the girl to call the police, and Officers Bogdan and Boyle spoke  
8 with her. She stated her boyfriend had been abusing her for some time,  
9 and she worked two jobs to support his family, while he only worked 20  
10 hours a week. The officers booked the man, but he was released the same  
11 day. The girl's family kicked her out of their house, and she is now back  
12 with the boyfriend.  
13

14 There was an investigation regarding a resident of West Bountiful who has  
15 a large school bell in his yard, which he rings at random times to annoy his  
16 neighbors. He has harassed the people in the house next to his, so much  
17 so that several families have moved in and out within a year. The case  
18 was referred to the County Attorney's office and the department hopes the  
19 man can be made to understand he cannot continue his bullying behavior.  
20

21 9.  
22 Finance Report  
23

24 Heidi Voordeckers presented the budget report for the period ending  
25 October 31, 2011. The golf course is \$16,000 ahead of last year, with the  
26 best four month period in the last four years. There was some fraudulent  
27 activity on the city operating account. The police are investigating, and  
28 the administration is making some changes to prevent further fraud. Heidi  
29 will be meeting with the auditors on Friday. They have finished the  
30 financial reports and will be presenting them at the December 6 meeting.  
31

32 10.  
33 Engineers Report  
34

35 Ben White –

- 36 • There will be an open house from 6:30 to 8:30 tomorrow regarding  
37 the design of 400 North from 800 West to 1100 West, which will  
38 give the residents a chance to provide feedback before the plans  
39 are completed. They will be told of improvements that will be  
40 made to the street in front of their properties. The neighbors will  
41 also be visited one at a time.
- 42 • Advertising has gone out for contractors to drill the well.
- 43 • Ben is looking into getting new street lights. He had considered  
44 getting LED lights when they were deciding how to spend federal  
45 stimulus money, but at the time there were issues with Rocky  
46 Mountain Power and there was not much information about  
47 performance of the LED lights. They had installed solar panels on  
48 the city hall instead. However, there is now more information  
49 regarding the lights, and they seem to be very practical. He thinks  
50 they will be a huge benefit to the city.

51 11.  
52 Administrative Report  
53

54 Heidi Voordeckers –

- 55 • The Elf Tree is going up on Monday. They have received a few  
56 elves so far.
- 57 • The next newsletter will go out in January, in which the new  
58 council members will be introduced.
- 59 • The Planning Commission openings will be posted on the marquee  
60 and on the website so people are informed who may be interested.  
61

- At the next meeting, they will get the quarterly report from Holly, and the auditors will present the Fiscal Year 2011 audited financial report.
- There was 27% voter turnout at the election.

12.  
Planning Commission Report

Ben White –

- There were four public hearings at the last meeting. There was a request to put in a flag lot in an R1-10 zone, so the hearing was about changing the Code to include flag lots as conditional use. A conditional use permit was required for two families to run a business from one family's home. Changes to the farm animal ordinance were presented which includes honey bees as a farm animal and establishing that lots can be combined to accommodate more animals. There was also discussion regarding curb and gutter requirements.
- The Planning Commission would like to hold a work session with council to discuss possible changes to the Subdivision ordinance. Next year they want to consider how the city should appear as a whole, starting with 800 West.

13.  
Approval of Minutes for  
November 1, 2011 City Council  
Meeting and Work Session

MOTION: John Baza moved to approve the minutes for the city council meeting and the work session held November 1, 2011

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:

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

14.  
Mayor Council Reports

Dave Tovey – the Youth City Council is doing their annual food drive on Saturday.

John Baza – two of his long-standing golfer friends expressed appreciation for the changes that have been made at the golf course. There was a break-in at a house on his street, where the owner found someone going through his things and chased him off. He will not be at council meeting December 6, but will make arrangements to be at the November 29 work session.

James Bruhn – another good concert was held on Friday, and he reminded council members that concerts are every second Friday each month. He attended a Wasatch Integrated meeting, and things are going well there.

Valerie Shaw – she received an email regarding fraudulent activity with the express bill pay and wondered if that was part of the check fraud mentioned in Heidi's report. Heidi knew nothing about it and Val said she would forward the email to her.

1 Mark Preece – nothing to report except he will be unable to attend the next  
2 DUED meeting.

3  
4 15.  
5 Closed Session

6  
7 Debbie McKean was asked to attend the closed meeting.

8  
9 MOTION: James Bruhn moved to go to closed meeting to discuss  
10 purchase, exchange or lease of real property.

11  
12 SECOND: Dave Tovey 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 MOTION: James Bruhn moved to adjourn the closed meeting.

21  
22 SECOND: Dave Tovey seconded the Motion.

23  
24 PASSED: Voting was as follows:  
25 Valerie Shaw – Aye  
26 James Bruhn – Aye  
27 John Baza – Aye  
28 Dave Tovey – Aye

29  
30 15.  
31 Possible Action Following Closed Meeting

32 Not necessary.

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34  
35 16.  
36 Adjourn

37 MOTION: James Bruhn moved to adjourn City Council meeting.

38  
39 SECOND: Mark Preece seconded the Motion.

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

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MAYOR KENNETH ROMNEY

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54  
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56  
57   
HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)