

Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, December 6, 2011 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordeckers (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Chief Todd Hixson, Nathalie Ellingson (secretary).

VISITORS: Kelly Enquist, Lynn Keddington, Debbie McKean, Terry Olsen, Troy Larsen, Shanna Wainwright, Nathan Wainwright, Carly Anderson, Brent Slideron, Tonya Howard Boswell, Blythe Boswell, Dayna Fletcher, Katana Biehn, Jan Carbone, Angie Knight, Aaron Knight, Scott and Vicki Biehn, Marty Smith, Harry Banak, James Ahlstrom, Scott Strong, Monte Widdison, Lon Griffith, Fran Wilby, Becky Johnson, Alan Malan.

Called to Order: Mayor Romney called this session to order at 7:33 pm.

Invocation/Thought – Valerie Shaw gave an invocation.

Pledge of Allegiance was led by James Bruhn.

1.
Accept Agenda

Mayor Romney suggested moving Item 4 to Item 1a, and Item 11 to Item 5a.

MOTION: Dave Tovey moved to approve the Agenda, changing Item 4 to Item 1a, and Item 11 to Item 5a.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

Valerie Shaw – Aye

James Bruhn – Aye

Dave Tovey – Aye

2.
Public Comment

No comments.

1a.
Swearing in of New Youth
City Council Members.

The new Youth Council By-laws allow for five more members on the Youth City Council. Mayor Romney swore in Carter Johnson, Allie Knight, Nathan Wainwright, Dayna Fletcher, and Katana Biehn.

3.
Recognition Presentations

1
2 Craig Howe – John Rasmussen served West Bountiful as Interim Chief for
3 about six months, and Craig presented him with a plaque. Chief Hixson
4 presented him with an original badge and thanked him for his work.
5

6 Craig read a poem about council meetings and presented Valerie Shaw
7 with a certificate and plaque for her service on City Council. Valerie
encouraged people in attendance to get involved in city government. She
did it because she loves where she lives and wanted to make it better.

11 John Baza has also finished his term on the city council, but since he was
12 excused from the meeting, Craig will present his awards at a later date.
13

14 4.
15 Moved to 1a
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18 5.
19 Presentation of Audit Report
20 for the Fiscal Year Ended
21 June 30, 2011 – Tim Rees
22

23 This has been the first year Karren, Hendrix, Stagg, Allen has audited the
24 city, and Tim stated he has enjoyed working with council and
25 management. The auditors issued their opinion of the city's financial
26 status based on statements, and West Bountiful's statements were found to
27 be in good shape. There was a new accounting standard implemented
28 regarding fund balance, which changed some of the wording in the
29 financial statement. There were no difficulties with the audit, no
30 disagreements with management nor any need to bring in another party.
31 Mayor Romney had discussed the golf course with the auditors and
32 received positive comments.
33

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35 5a.
36 Consider Approval of Resolution 288-11,
37 a Resolution Authorizing the City to
38 Engage Bountiful City for
39 Public Safety Dispatch Services.
40

41 Mayor Romney – there had been discussion about changing West
42 Bountiful's dispatch service from the county to Bountiful City, because of
43 concern about a couple of incidents, as well as finances. Mayor Romney
44 had made some inquiries, but the discussion was shelved during the
45 interim period before Chief Hixson.
46

47 Chief Hixson – when he was appointed as chief, Mayor Romney asked
48 him to address this issue. Chief Hixson did an evaluation of the
49 department which included services provided, logistics, and costs. He
50 recommends that West Bountiful switch to the Bountiful dispatch services.
51 When the county dispatch would get a call on an incident in West
52 Bountiful, they sometimes contacted responders that were too far north of
53 the incident to respond quickly. In addition, Woods Cross and North Salt
54 Lake, as well as the South Davis Metro Fire District, all work off of the
55 Bountiful dispatch.
56

57 Currently, contact has to go through several centers. In Bountiful,
58 information gets to all agencies at the same time. Additionally, if centers
59 in Bountiful are busy, they can pull from Woods Cross or North Salt Lake,
60 which are generally closer.
61

1 This year, the city was charged \$22,491 for dispatch services, \$11,552 of
2 which will be due in January 1, 2012. It is estimated the city would save
3 \$1,888 in a year using Bountiful's dispatch service. In spite of the fact
4 that both centers are very capable, Chief Hixson believes it is in the city's
5 best interest to change centers.
6

7 Bountiful Police Chief Tom Ross was present, and Mayor Romney asked
him what the impact would be in taking on West Bountiful at their
dispatch center. Chief Ross stated they are currently staffed to handle
West Bountiful, and after their city's fiscal budget is in, they are planning
to hire another dispatcher.
11

12 Valerie Shaw asked Chief Ross if they would commit to the same cost
13 over several years. Chief Ross responded that they have never worked
14 from a contract with the other cities, but the other cities would be able to
15 state that their rates and fees have not gone up. Valerie was concerned
16 that Bountiful did not supply figures going as far out as the sheriff's
17 department did. Heidi explained the county runs on a difference budget
18 schedule than Bountiful City, which accounts for the difference in the
19 amount of information provided.
20

21 Dave Tovey stated he believed that changing to Bountiful's dispatch
22 would be a good move due to proximity. However, he wanted a chance to
23 hear the experiences of the other cities.
24

25 Mayor Romney recommended the switch based on his research, talking
26 with officers in the other cities, and talking with Craig Howe. Since one
27 of two bi-annual payments is coming due, he would like the switch to
28 occur on January 1st so there would be no necessity to make that payment.
29 He therefore asked for a vote.

30 MOTION: James Bruhn moved to approve Resolution 288-11 authorizing
31 the city to engage Bountiful City for public safety dispatch services.
32

33 SECOND: Dave Tovey seconded the Motion.
34

35 DISCUSSION: Valerie Shaw asked to abstain since her husband works
36 for the Davis County Sheriff, and Steve Doxey approved the abstention.
37 However, it was noted that with Valerie abstaining, there would not be a
38 quorum for the vote.
39

40 Voting was tabled by default.
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45 6.
46 Quarterly Report on Holly Frontier –
47 Lynn Keddington
48

49 Mr. Keddington played a slide show that listed their modernization
50 projects and the costs so far.

- A wet scrubber, which will be on line in October 2012, will remove particulates and have a 200 to 250 foot stack.
 - They have put in one new boiler. New technology reduces nox in the new boilers.
 - When Holly and Frontier merged, their timeline changed for getting benzene within regulations.
 - All their gas is 10% ethanol. Their diesel fuel will have 5% biodiesel added beginning in 2012.
 - The floors have been poured in the new office building, and the block work will start soon. The warehouse is still in the designing stage.
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Community involvement –

- They donated \$30,000 to West Bountiful Elementary for a mobile computer lab and upgraded electronics in the classrooms. They are funding two field trips. They have invited interested students who will be selected by the school to go on a tour of the plant.
- They have helped with several sports in West Bountiful, helped with the Fourth of July celebration, participated in United Way, and have done a service project for Family Connections.
- They have installed a printing module in DATC. They have contributed to Woods Cross High School's football program, Bountiful High School's drama department by funding their two musicals each year, and Viewmont High School's dance program.
- They have given \$10,000 to the Utah food bank, and they help the Rotary Club in their Coats for Kids Car Show in Bountiful.
- They have funded the Concert in the Park series.
- They added six new employees in the past year, and have 12 openings to fill.

In looking towards the future, they are doing feasibility studies to define the plant's capacity. They are studying using black wax crude which is available in Utah. They are looking at their expansion plans and property policies in the way they affect the neighborhoods. They held an open house for citizens, and they will continue those in the future. They finished their landscape projects.

Valerie Shaw noted that Holly has accomplished much in the last four years. They used to be a regular topic at the council meetings due to concerns of the residents, but because of Holly's efforts in maintaining good communication and being part of the community, the people in West Bountiful are much happier.

7.
Consider Approval of Ordinance 336-11,
an Ordinance Amending Chapter 17.92.
Outdoor Storage and Merchandising,
of the West Bountiful Municipal Code.

Ben White – the ordinance addresses storage of equipment and materials in all zones. A new zone was recently created which required updating of this section. They added some requirements which should have been put in all along. A public hearing was held but Holly Oil was the only participant. This issue was also discussed in the last council meeting. There have been no changes made since that last meeting.

MOTION: James Bruhn moved to approve Ordinance 336-11, amending Chapter 17.92. Outdoor Storage and Merchandising.

SECOND: Dave Tovey seconded the Motion.

DISCUSSION: Steve Doxey advised that all three members present will have to vote in favor for the vote to be valid.

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

8.
MOTION: James Bruhn moved to switch Items 8 and 9.

SECOND: Valerie Shaw seconded the Motion.

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2 PASSED: Voting was as follows:
3 Valerie Shaw – Aye
4 James Bruhn – Aye
5 Dave Tovey – Aye
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7 9.
Discussion on Including Flag Lots
as a Conditional Use in the
R-1-10 Zone.

11 Ben White provided a map to council members showing potential flag lots
12 in the city. James Bruhn noted that some of the open parcels would not
13 benefit the city as flag lots because they are so large. He also pointed out
14 it is difficult for first responders to find a house that does not face the
15 street. The fire code requires a 25 foot wide asphalt surface to access the
16 homes and limits the number of houses that can be built on a flag.
17 Otherwise, the parcel must be divided into a standard subdivision.
18

19
20 Each house's lot must meet the requirements of the zone. Mayor Romney
21 suggested they define lot size better, especially where it refers to someone
22 asking for approval of a flag lot to avoid doing a standard development.
23 They also need to more closely define standard development. Updated
24 revisions will be on the agenda for the next council meeting.
25

26 8.
27 Discussion on Proposed Changes
28 to Sections 17.16.080, 17.20.080,
29 and 17.24.080 (Farm Animal
Regulations) of the West Bountiful
Municipal Code

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33 Ben White – In September, the council addressed the farm animal
34 ordinance and made a ruling to what the current ordinance meant, while at
35 the same time requested the Planning Commission revisit the ordinance.
36 Numerous meetings and a public hearing were held and proposed changes
37 were provided to council members. The changes clarified pooling of
38 properties, reduced the number of points for large and small farm animals,
39 and they included miniature animals. They also added beekeeping.
40

41 Council member Shaw questioned whether there should be prior
42 notification before someone puts bees on their property or if a conditional
43 permit could be required. The Planning Commission said they would
44 consider requiring notification. There was some discussion by the council
45 centered on whether the points should be based on the size of the entire lot
46 or based on the portion of a lot that is not occupied by the main
47 structure/home. Mayor Romney stated that the lots in Jessie's Meadows
48 were set up to allow horses based on the present point system. There have
49 been few problems with the current point system, and it would be difficult
50 to find any system that would fit all situations.

51
52 Although this was not a public hearing, Mayor Romney asked for
53 comments from the public.
54

55 Terry Olsen – he felt that Paragraph B, subparagraph c was dictating what
56 a property lessee must do with the property rather than leaving it up to the
57 lessee. Ben responded the paragraph referred to people who lease
58 property specifically to comply with the point system and then do not use
59 the property.
60

1 James Ahlstrom – the Planning Commission was most concerned with
2 pooling and one goal was to provide meaningful restrictions and avoid
3 loopholes.
4

5 The council discussed the degree to which the city can tell people how to
6 use their leased property because land could have different uses depending
7 on the season. Dave Tovey stated his belief that the main reason for farm
animal regulations is to avoid impacting surrounding properties.

11 Julie Barton – She gave the council some pictures she taken of her lot
12 showing that additional horses would not cause any problems. She
13 believes West Bountiful residents take good care of their horses.

14 Fran Wilby – After so many hours discussing this issue with the Planning
15 Commission, she wondered why the council would not take their
16 suggestions. The Equestrian Committee requested .30 acre per horse,
17 while Doc Shupe was consulted said .25 acre is adequate.
18

19 Sue Hansen – If you bring in rhetoric about protecting the rights of
20 neighbors, you choke out the rights of animal owners and farmers.
21

22 Troy Larsen – when he addressed council in a previous meeting, his
23 purpose was to have the point system clarified; he did not intend for the
24 point system to be changed.
25

26 10:00 pm

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28 MOTION: James Bruhn moved to extend the meeting to 10:30 pm.
29

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31 SECOND: Dave Tovey seconded the Motion.
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33 PASSED: Voting was as follows:
34 Valerie Shaw – Aye
35 James Bruhn – Aye
36 Dave Tovey – Aye
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38 Marty Smith – she pays \$3,000 a year for extra pooling, and at some times
39 of the year, her horses cannot go onto the pooled area because it is too
40 wet. Also, she tries to grow grass in that area. She owns one acre, leases
41 two acres, and neighbors lend her four more acres. She has six horses on
42 her acre and three on another parcel.
43

44 Alan Malan – the reason that the current way of pooling was done was
45 because in the rural areas, horses are not normally kept in the same area
46 where hay is being raised. The horses may be kept in a smaller area to
47 allow for the hay. Ben suggested the leased lots be conditional use and
48 council agreed.
49

50 This issue will be on the December 20th council meeting agenda.
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53 10.
54 Consider Approval of Resolution
55 287-11, a Resolution Authorizing
56 an Employer Pick-Up of Employee
57 Retirement Contributions
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59 Heidi Voordeckers- in 2006, the IRS passed guidelines on employer pick
60 up. Resolution 236-08 met conditions for that year, but they needed a
61 more general resolution to apply to rate changes of the Utah Retirement
System in the future.

1 MOTION: Valerie Shaw moved to approve Resolution 287-11,
2 authorizing an employer pick-up of employee retirement contributions.

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4 SECOND: James Bruhn seconded the Motion.

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6 PASSED: Voting was as follows:

7 Valerie Shaw – Aye

8 James Bruhn – Aye

9 Dave Tovey – Aye

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12 11.
13 Moved to 5a.

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16 12.
17 Engineers Report

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19 Ben White – the county is at the second stage of the DSB canal project.
20 The new well is out to bid and will possibly be an agenda item for the
21 January 3rd meeting.

22
23 13.
24 Administrative Report

- 25
26 • The audit report and Holly presentation will be made available on
27 the city website.
- 28 • Clean-up efforts from Thursday's windstorm are well underway.
29 Residents are being asked to put their waste within 20 feet of the
30 curb for pickup. The police will drive around town starting at 5:00
31 am Wednesday to see what needs to be picked up, so they can tell
32 the workers when they arrive. The command center will be set up
33 at 7:00 am. The dumps are free through next weekend.
- 34 • 36 trees were lost at the golf course. West Bountiful's insurance
35 adjuster will be in the city on Thursday.
- 36 • The city is looking to overhaul the current website to a service that
37 offers more features in order to increase communications. Staff is
38 working on better security for the network. They are testing the
39 storage of large amounts of files in the internet so citizens have
40 easier access to information from the city.
- 41 • At the time of the meeting, two water leaks on 1100 West were
42 being worked on. 1100 West has had four leaks this year.

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45 14.
46 Planning Commission Report

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48 They are taking applications for Planning Commission members, which
49 may be ready for review by the December 20th meeting.

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53 15.
54 Approval of Minutes for
55 November 15, 2011 City
56 Council Meeting

57 MOTION: Dave Tovey moved to approve the minutes for the November
58 15, 2011 City Council meeting.

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60 SECOND: James Bruhn seconded the Motion.

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62 PASSED: Voting was as follows:

1 Valerie Shaw – Aye
2 James Bruhn – Aye
3 Dave Tovey – Aye
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6 16. Mayor/Council Reports
7

8 Mayor Romney – recognized the work done by the citizens and the long
9 hours put in by the staff in cleaning up after the windstorm. He thanked
10 Chief Hixson for stepping up first thing Thursday morning.

11
12 Dave Tovey- the Youth City Council was a big part of the Christmas on
13 Onion Street event, which went very well.

14
15 James Bruhn – nothing to report

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17 Valerie Shaw – nothing to report
18

19 15.
20 Closed Meeting
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23 MOTION: Dave Tovey moved to go to closed meeting to discuss pending
24 litigation.

25
26 SECOND: James Bruhn seconded the Motion.
27

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

33 10:50 pm.
34

35 MOTION: James Bruhn moved to close the closed session.

36
37 SECOND: Valerie Shaw seconded the Motion.
38

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

44 16.
45 Possible Action
46 Following Closed Meeting
47

48 MOTION: Dave Tovey moved to accept the settlement agreement.
49

50 SECOND: James Bruhn seconded the Motion.
51

52 PASSED: Voting was as follows:
53 Valerie Shaw – Aye
54 James Bruhn – Aye
55 Dave Tovey – Aye
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58 17.
59 Adjourn
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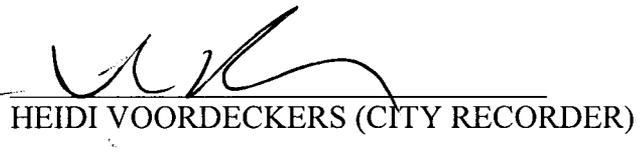
61 MOTION: James Bruhn moved to adjourn City Council meeting.
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63 SECOND: Dave Tovey seconded the Motion.

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

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MAYOR KENNETH ROMNEY


HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)