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2 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, February  
3 21, 2012 at West Bountiful City Hall, Davis County, Utah  
4

5  
6 Those in Attendance

7 MEMBERS PRESENT: Mayor Kenneth Romney, James Ahlstrom, Mark  
8 Preece, James Bruhn, Dave Tovey, Debbie McKean.

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

13  
14 VISITORS: Lt. Earl Simmons, Terry Olsen, Lori Griffith, Fran Wilby,  
15 Kelly Enquist, John Atkin, Paige Atkin, Russell Atkin, Alan Malan,  
16 Cameron King, Caleb Howe, Shawn Stucki, Michael Johnson, Jason  
17 Thompson, Koleman Morton, Mike Wright, Bud Ingles, Rob Turville,  
18 James Behunin, Trent Larson, Scott Strong, Laura Charchenko, Janet  
19 Anderson, Elanor Barcik.

20  
21 Called to Order: Mayor Romney called this meeting to order at 7:32 pm.

22  
23 Invocation/Thought – Boy Scout Troop 280 recited the Scout Oath.  
24 Pledge of Allegiance was led by one of the scouts.

25  
26 1.  
27 Accept Agenda

28 MOTION: James Bruhn moved to accept the Agenda.

29  
30 SECOND: Debbie McKean seconded the Motion.

31  
32 PASSED: Voting was as follows:  
33 James Ahlstrom – Aye  
34 Mark Preece – Aye  
35 James Bruhn – Aye  
36 Dave Tovey – Aye  
37 Debbie McKean – Aye  
38

39 2.  
40 Public Comment

41 Bud Ingles – in the letter sent out by Holly Oil in January, they indicated  
42 they would hold a public meeting in late January or early February. He  
43 asked if the Mayor or council members had heard anything about it, since  
44 it is now the middle of February. Mayor asked Craig Howe to get an  
45 update from Holly.  
46

47 Brent Anderson – concerning the animal ordinance that was to be voted  
48 on, he expressed his personal feeling that many people moved to West  
49 Bountiful so they could keep horses, and if a family owns one horse, they  
50 usually own two or three. Presently the ordinance reads that one horse can  
51 be kept on a half acre. He is in favor of dropping the points per large  
52 animal to 25 so two horses can be kept on a half acre. Other horse owners  
53 present at the meeting expressed agreement.  
54

55 Gary Spillman – as resident of the Golden West subdivision, he has  
56 excess water in his gutter which freezes and causes a slip and fall hazard.  
57 This is due to a leak that has been going on for two months. Ben White  
58 responded that this was from a valve that cannot be turned off. When Mr.  
59 Spillman asked when it would be repaired, Ben said he will follow up on  
60 it.  
61

1 Ray Smith – lives in West Valley City and belongs to a horse  
2 organization. He has one acre in West Valley City, and he is allowed to  
3 have two horses on half of the acre. He stated that horses are herd animals  
4 and they do better when they are around another horse or horses.

5  
6 Marty Smith – at 40 points per animal, many residents are out of  
7 compliance, and it is not being enforced. If they drop the points to 25,  
8 they can then be firm on compliance.

9  
10 3.  
11 Introduction to Community  
12 Covenant Program

13 Lt. Earl Smith of the Utah National Guard represented a Community  
14 Covenant Program team. In 2008, this program was started by the  
15 Secretary of the Army to foster the relationship between the military and  
16 communities. He explained, through a video, that the city is asked to draft  
17 a covenant between the city and military personnel and their families that  
18 reside in that city. The covenant is then presented at a signing ceremony,  
19 which the community leaders plan. The National Guard would help plan  
20 the ceremony if needed, and they would be present at the ceremony.

21  
22 The purpose of the covenant should be to make the community aware of  
23 their military families, and to help them find the resources available to  
24 take care of any needs they may have. As an example, there are several  
25 family assistance centers throughout the state, which can refer a family to  
26 the best service for them.

27  
28 Although the program is facilitated by the National Guard, it is open to  
29 personnel of all branches and any war in which they served. The National  
30 Guard is planning to present the program to all communities in Utah and  
31 then to the counties. Lt. Simmons asked the council to select a person  
32 either from the council or from the staff to be a liaison, and Mayor  
33 Romney suggested they ask Mindi Tullis. Also, Debbie McKean  
34 suggested doing the ceremony on the Fourth of July as part of the flag  
35 raising ceremony.

36  
37 4.  
38 Consider Appeal of Setback  
39 Decision for Property Located  
40 at 1234 North 725 West –  
41 Brent and Penny Johnson

42 Brent Johnson – They want to add on to their home. They did a site plan  
43 as required by the city, and Mrs. Johnson met with the city engineer, Ben  
44 White. Ben suggested their proposal would not meet code in relation to  
45 the distance of the new construction from the setback. Mr. Johnson stated  
46 the lot is small and options are limited. They have noticed other lots  
47 around the city with buildings that are out of code, based on their  
48 understanding of Ben's explanation. They sent council a letter asking for  
49 permission to add on to their home using their plans.

50  
51 Mayor Romney – The plan has them building within three feet of the  
52 property line. He listed some options for the Johnsons, which are to  
53 appeal Ben's decision or to ask for a variance. Mr. Johnson's purpose at  
54 the meeting was to appeal the decision. Steve Doxey explained the  
55 procedures. In an appeal, the city council is charged with determining,  
56 based on the Johnsons' evidence, that Ben's decision was erroneous. If  
57 the Johnsons apply for a variance, there are a number of statutory  
58 requirements to meet. Mr. Doxey does not recommend the council reverse  
59 Ben's decision.

60  
61 Mr. Doxey also stated the lot would not qualify for a variance. The lot  
62 occupied by the Johnson's home was originally subdivided under an old

1 ordinance. James Ahlstrom explained that under the current ordinance the  
2 house is actually out of compliance, and because of that, the planning  
3 commission would not have the authority to grant a variance on that  
4 property. There is also a line in the ordinance stating that the city council  
5 does not have the authority to grant an approval outside the ordinance.  
6

7 The Johnsons may try to have the ordinance changed. They could analyze  
8 their plans as nonconforming use if they can fit it into the overall purpose  
9 of the ordinance and could come up with a reason their plans would  
10 benefit the community.

11  
12 MOTION: James Ahlstrom moved to uphold staff's decision and deny the  
13 Johnsons' current request.

14  
15 SECOND: Mark Preece seconded the Motion.

16  
17 PASSED: Voting was as follows:

18 James Ahlstrom – Aye  
19 Mark Preece – Aye  
20 James Bruhn – Aye  
21 Dave Tovey – Aye  
22 Debbie McKean – Aye  
23

24 5.  
25 Consider Notice of Award  
26 for 400 North Storm Drain to  
27 Kapp Construction in the  
28 Amount of \$36,000.

29 Ben White – The area of 400 North had a lot of flooding last year. After  
30 the water subsided, staff researched the area and found that a storm drain  
31 had collapsed. At that time the council was asked to set a budget for the  
32 storm drain. Ben sent out for bids and he brought a list of the bids to  
33 council. Kapp Construction came in with the lowest bid. Ben  
34 recommended they award Kapp the project. Funds will come from storm  
35 drain impact fees.

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37 MOTION: Mark Preece moved to award Kapp Construction the 400  
38 North Storm Drain project in the amount of \$36,000, to be funded by  
39 storm drain impact fees.

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41 SECOND: James Bruhn seconded the Motion.

42  
43 PASSED: Voting was as follows:

44 James Ahlstrom – Aye  
45 Mark Preece – Aye  
46 James Bruhn – Aye  
47 Dave Tovey – Aye  
48 Debbie McKean – Aye  
49

50 6.  
51 Consider Final Approval of  
52 Skiddy Subdivision – Lynette Larsen

53  
54 Ben White – this item had been discussed previously but at the time they  
55 were in the process of designing the 400 North road project. He presented  
56 a memo stating recommendations he had in regard to approving the  
57 subdivision. The owners were asked to pipe the ditch that runs along the  
58 property on 400 North. UDOT will be using 36" pipe, so Ben  
59 recommended the owners use that size pipe so they can connect. Ben  
60 suggested the city waive the storm drain impact fee to offset the cost of  
61 putting in the storm drain. The storm drain along 1100 West will be  
62 replaced by the city.

1  
2 Further requirements listed in the memo were deeding the water rights to  
3 the city, providing improvement plans and a title report, and posting a  
4 construction bond for 120% of the construction costs.

5  
6 The planning commission had made no recommendations regarding curb  
7 and sidewalk. If council decides in the future there should be curb and  
8 gutter and sidewalk, Ben recommends that a delayed improvement be  
9 executed for those improvements at a later date.

10  
11 Mr. Larsen was provided a copy of the memo, as well, and he indicated he  
12 needed time to go over the new information before the subdivision is  
13 approved.

14  
15 MOTION: Debbie McKean moved to table approval of the Skiddy  
16 Subdivision until the next city council meeting.

17  
18 SECOND: James Bruhn seconded the Motion.

19  
20 PASSED: Voting was as follows:

21 James Ahlstrom – Aye  
22 Mark Preece – Aye  
23 James Bruhn – Aye  
24 Dave Tovey – Aye  
25 Debbie McKean – Aye  
26

27 7.

28 Consider Approval of Ordinance 338-12,  
29 an Ordinance Amending Sections  
30 17.15.080, 17.20,080, and 17.24.080  
31 (Farm Animal Regulations) of the  
32 West Bountiful Municipal Code  
33

34 The newest draft of the ordinance was in the council members' packets.  
35 Mayor Romney asked for their opinions on it.

36  
37 Debbie McKean approved Option B, but with a lower point system and no  
38 conditional use.

39  
40 Dave Tovey thought the conditional use permit was acceptable so people  
41 can get a lower point value. He suggested they waive the conditional use  
42 fee for one year to give residents a chance to apply. Once they have the  
43 permit, they would not need to renew it unless their situation changed or  
44 there was a complaint.

45  
46 James Bruhn wanted to approve 25 points for larger animals.

47  
48 Mark Preece referred to the first page of the ordinance and asked when  
49 offspring would be considered no longer dependent.

50  
51 James Ahlstrom – Conditional use permits would have to be granted by  
52 the planning commission. James stated that when serving on the planning  
53 commission, he found that each applicant had different ideas and there  
54 were different conditions with each property. The conditional use permit  
55 would cover differences in property conditions. These permits would not  
56 need to be renewed every two years unless conditions change.

57  
58 MOTION: Dave Tovey moved to approve Ordinance 338-12 amending  
59 sections 17.15.080, 17.20,080, and 17.24.080 of the West Bountiful  
60 Municipal Code as written, the animal point system as a baseline staying  
61 as it is now, but using conditional use permits to lower points per animal,

1 and waive conditional use fee for a year and the permit need not be  
2 renewed every two years unless conditions change.

3  
4 SECOND: James Ahlstrom seconded the Motion.

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6 DISCUSSION: Debbie McKean suggested there would be times when  
7 neighbors have a dispute over an issue that is not necessarily a nuisance.  
8 In that situation the neighbors could go before the planning commission  
9 and state their cases but they would not be able to change the decision.  
10 There was no need to change the Motion.

11  
12 PASSED: Voting by roll call was as follows:

13 James Ahlstrom – Aye  
14 Mark Preece – Aye  
15 James Bruhn – Nay  
16 Dave Tovey – Aye  
17 Debbie McKean – Nay

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19 8.

20 Consider Approval of Resolution  
21 292.12, a Resolution Authorizing  
22 the Notice of Approval of Exchange  
23 of Title Involving Property at  
24 983 West 1600 North – Frank Chase,

25  
26 Ben White – Mr. Chase owns two parcels of land which he has put up for  
27 sale. He has a buyer for one of the parcels. Before he can sell it, he is  
28 required to come before the council for a lot line adjustment. Ben  
29 indicated the staff is in favor of the proposal.

30  
31 MOTION: James Bruhn moved to approve Resolution 292-12 authorizing  
32 the notice of approval of exchange of title involving property at 983 West  
33 1600 North owned by Frank Chase.

34  
35 SECOND: James Ahlstrom seconded the Motion.

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37 PASSED: Voting by roll call was as follows:

38 James Ahlstrom – Aye  
39 Mark Preece – Aye  
40 James Bruhn – Aye  
41 Dave Tovey – Aye  
42 Debbie McKean – Aye

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44 9.

45 Consider Approval of Resolution  
46 291-12, a Resolution Adopting the  
47 2012 Fee Schedule for Lakeside Golf Course

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49 Heidi Voordeckers – the Golf Advisory Committee has met several times  
50 and have reviewed many aspects of running the golf course. They came  
51 up with some fee changes such as offering resident discounts on punch  
52 passes only and a new punch passes for cart rentals. The committee also  
53 recommended lowering the age to qualify as a senior citizen to 55. The  
54 only fee they raised was for the driving range, to include a small, medium,  
55 and large price for a bucket of balls.

56  
57 Comments from council members were:

- 58  
59  
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61
- James Ahlstrom – supported the changes
  - Mark Preece – did not like removing the resident discount which was discussed in prior meetings, but the new punch pass makes up for it. He liked the addition of medium bucket balls.



- Mayor Romney – they have eliminated having to track if pass owners are residents.
- James Bruhn – Baglewood’s fees are less in most areas, but they get some revenue from renting facilities which Lakeside does not have.
- Debbie McKean – liked the changes, but would have liked the resident discount to remain for single rounds.

MOTION: Dave Tovey moved to approve Resolution 291-12 adopting the 2012 fee schedule for Lakeside Golf Course.

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting by roll call was as follows:

- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey – Aye
- Debbie McKean – Aye

10.  
Planning Commission Report

Denis Hopkinson – the Planning Commission finalized changes to the farm animal ordinance and forwarded it to council. They are looking at new developments for the west side. Mayor Romney asked them to put a discussion on their next agenda of changes in the historic ordinance.

Debbie McKean – they will have recommendations regarding the sign ordinance for the next council meeting.

11.  
Engineers Report

Ben White –

- The construction season is starting early this year. The water line contractor will begin work next Monday between 1100 West and 1200 North. The water will be shut off briefly, and a notice will go out to the residents who will be affected.
- Holly Oil is doing some work on a water line on 800 East.
- Work has started on the ball diamonds.
- UDOT will be coming to look at 400 South sometime in the next 48 hours. Finally, there was a discussion regarding replacing water valves in the city.

12.  
Police Report

Chief Todd Hixson –

- Donations have been coming in to fund the K9 program. All funding for this program will be from donations.
- In January, Chief Hixson attended the final windstorm debriefing. Representatives from all affected areas were in attendance, as well as the governor. They discussed situations that had happened in other states.
- Officers responded to a call regarding suspicious activity at Country Inn and Suites. They found seven pounds of marijuana and some meth. This resulted in three arrests and learned this was part of a nationwide operation.
- Chief Hixson was unable to determine if the department had ever had a mission statement. He developed one and plans on hanging it in the department area and in the lobby.

- The busiest day of the week in January was Tuesday.
- The department is in the process of hiring a secretary. They are doing a background check and will be ready to make an offer. They had received 50 applications in one week.

10:00 pm

MOTION: James Ahlstrom moved to extend the meeting for 15 minutes.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye  
Mark Preece – Aye  
James Bruhn – Aye  
Dave Tovey – Aye  
Debbie McKean – Aye

Debbie McKean expressed appreciation for everything Chief Hixson has accomplished since he joined the force, and she really liked the mission statement. Dave Tovey asked if there was any progress on developing the alcohol enforcement program. Chief Hixson said they have seen a lot of interest, but they have not had the time to focus on it. Mayor Romney stated he was glad they could call on the county drug task force to help with the incident at the hotel.

13.  
Finance Report

Heidi Voordeckers – they are 60% through the fiscal year. General fund revenues are ahead 14% of last year. FEMA held a kick off which Heidi and Cathy Brightwell attended. The FEMA project coordinators are expected in the office on Wednesday to review paperwork. FEMA will pay 75% of the costs from the windstorm, and the city will match with 25%. There were enough volunteer hours to cover the city's match.

14.  
Administrative Report

Nothing to report.

15.  
Approval of Minutes for the  
January 31, 2012 Joint Work  
Session and the February 7, 2012  
City Council Meeting

Debbie McKean asked for a change in the city council meeting minutes on page 4 line 19.

MOTION: James Ahlstrom moved to approve the minutes for the January 13, 2012 joint work session and the February 7, 2012 city council meeting, with noted change.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:

James Ahlstrom – Aye  
Mark Preece – Aye  
James Bruhn – Aye  
Dave Tovey – Aye  
Debbie McKean – Aye

1 16.

2 Mayor/Council Reports

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Debbie McKean – the newsletter is underway and she wants to put something in it about the farm ordinance. The finance committee met earlier in the evening and she is very impressed with what the staff has done. In the meeting they focused on the police department.

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Dave Tovey – mentioned the City Youth Council is doing the Easter egg hunt in April.

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James Bruhn – at the last Arts Council concert, some candy was thrown, and a piece which landed by the lights along the ceiling needs to be taken down. He has spoken with residents about the newsletter and they said they enjoy it because it is the only way they get information.

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Mark Preece – attended a DUED meeting where they talked about real estate trends. The youth city council is getting ready to begin planning the parade. The first emergency meeting was held last week. There were 10 attendees, and they will encourage more people to come. The committee would like a representative from the staff to attend, also.

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James Ahlstrom – attended the finance committee meeting and wants council to make sure the citizens know the K9 program is being funded by donations.

24

25

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27

Mayor Romney – the city got \$300,000 from the Wasatch Front Regional Council in order to fund the additional cost of the 400 North project.

28

29

30 17.

31 Closed Meeting

Not necessary

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34 18.

35 Possible Action

36 Following Closed Meeting

Not necessary

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38

39 19.

40 Adjourn

41 10:15 pm

42

MOTION: James Ahlstrom moved to adjourn City Council meeting.

43

44

SECOND: Mark Preece seconded the Motion.

45

46

PASSED: Voting was as follows:

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48

James Ahlstrom – Aye

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Mark Preece – Aye

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James Bruhn – Aye

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Dave Tovey – Aye

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Debbie McKean – Aye

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MAYOR KENNETH ROMNEY

  
HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)