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

Those in Attendance

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

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

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

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

Invocation/Thought – Boy Scout Troop 280 recited the Scout Oath.

Pledge of Allegiance was led by one of the scouts.

1. Accept Agenda

MOTION: James Bruhn moved to accept the Agenda.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:

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

2. Public Comment

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

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

Gary Spillman – as resident of the Golden West subdivision, he has excess water in his gutter which freezes and causes a slip and fall hazard. This is due to a leak that has been going on for two months. Ben White responded that this was from a valve that cannot be turned off. When Mr. Spillman asked when it would be repaired, Ben said he will follow up on it.
Ray Smith – lives in West Valley City and belongs to a horse organization. He has one acre in West Valley City, and he is allowed to have two horses on half of the acre. He stated that horses are herd animals and they do better when they are around another horse or horses.

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

3. Introduction to Community Covenant Program

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

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

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

4. Consider Appeal of Setback Decision for Property Located at 1234 North 725 West – Brent and Penny Johnson

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

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

Mr. Doxey also stated the lot would not qualify for a variance. The lot occupied by the Johnson’s home was originally subdivided under an old
ordinance. James Ahlstrom explained that under the current ordinance the house is actually out of compliance, and because of that, the planning commission would not have the authority to grant a variance on that property. There is also a line in the ordinance stating that the city council does not have the authority to grant an approval outside the ordinance.

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

MOTION: James Ahlstrom moved to uphold staff’s decision and deny the Johnsons’ current request.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey – Aye
- Debbie McKeen – Aye

5. Consider Notice of Award for 400 North Storm Drain to Kapp Construction in the Amount of $36,000.

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

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

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
- James Ahlstrom – Aye
- Mark Preece – Aye
- James Bruhn – Aye
- Dave Tovey – Aye
- Debbie McKeen – Aye

6. Consider Final Approval of Skiddy Subdivision – Lynette Larsen

Ben White – this item had been discussed previously but at the time they were in the process of designing the 400 North road project. He presented a memo stating recommendations he had in regard to approving the subdivision. The owners were asked to pipe the ditch that runs along the property on 400 North. UDOT will be using 36” pipe, so Ben recommended the owners use that size pipe so they can connect. Ben suggested the city waive the storm drain impact fee to offset the cost of putting in the storm drain. The storm drain along 1100 West will be replaced by the city.
Further requirements listed in the memo were deeding the water rights to
the city, providing improvement plans and a title report, and posting a
construction bond for 120% of the construction costs.

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

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

MOTION: Debbie McKeal moved to table approval of the Skiddy
Subdivision until the next city council meeting.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:

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

7. Consider Approval of Ordinance 338-12,
 an Ordinance Amending Sections
17.15.080, 17.20.080, and 17.24.080
(Farm Animal Regulations) of the
West Bountiful Municipal Code

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

Debbie McKeal approved Option B, but with a lower point system and no
conditional use.

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

James Bruhn wanted to approve 25 points for larger animals.

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

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

MOTION: Dave Tovey moved to approve Ordinance 338-12 amending
sections 17.15.080, 17.20.080, and 17.24.080 of the West Bountiful
Municipal Code as written, the animal point system as a baseline staying
as it is now, but using conditional use permits to lower points per animal,
and waive conditional use fee for a year and the permit need not be
renewed every two years unless conditions change.

SECOND: James Ahlstrom seconded the Motion.

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

PASSED: Voting by roll call was as follows:
        James Ahlstrom – Aye
        Mark Preece – Aye
        James Bruhn – Nay
        Dave Tovey – Aye
        Debbie McKean – Nay

8.
Consider Approval of Resolution
292.12, a Resolution Authorizing
the Notice of Approval of Exchange
of Title Involving Property at
983 West 1600 North – Frank Chase,

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

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

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

9.
Consider Approval of Resolution
291-12, a Resolution Adopting the
2012 Fee Schedule for Lakeside Golf Course

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

Comments from council members were:
   • 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 – Bagwood’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 Proce – Aye
  James Bruhn – Aye
  Dave Tovey – Aye
  Debbie McKean – Aye


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.

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.

Finance Report

Heidi Voordeekers – 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.

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 McKeen 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
16. Mayor/Council Reports

Debbie McKeen – 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.

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

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.

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.

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

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.

Not necessary

Not necessary

MOTION: James Ahlstrom moved to adjourn City Council meeting.

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

MAYOR KENNETH ROMNEY

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)