

Mayor
Kenneth Romney

City Council
James Ahlstrom
James Bruhn
Debbie McKean
Mark Preece
Dave Tovey

West Bountiful City

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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City Administrator
Craig Howe

Chief of Police
Todd Hixson

City Engineer
Ben White

City Recorder / Auditor
Heidi Voordeckers

City Treasurer
Mindi Tullis

CITY COUNCIL MEETING AGENDA

NOTICE IS HEREBY GIVEN THAT WEST BOUNTIFUL CITY WILL HOLD A CITY COUNCIL MEETING ON **TUESDAY MAY 15, 2012 AT 7:30 PM** – 550 NORTH 800 WEST, WEST BOUNTIFUL CITY

CITY COUNCIL MEETING AGENDA:

Invocation/Thought by Invitation
Pledge of Allegiance – Dave Tovey

1. Accept Agenda
2. Public Comment (Two minutes per person) or if a spokesperson has been asked by a group to summaries their comments, five minutes will be allowed.
3. Consider approval of Proclamation designating May 17, 2012 as West Bountiful City Arbor Day
4. Tree City USA Recognition for West Bountiful City – Scott Zeidler
5. Update from Golf Course Advisory Committee – Scott Strong
6. Consider notice of Award for DSB Trail Construction to Kilgore Paving \$119,839 plus set a project budget
7. Consider appeal of planning commission decision to deny farm animal conditional use permit, Brad Jensen
8. Consider approval of Ordinance 343-12, and ordinance amending Chapter 17.08.120, 17.18.030, and 17.12.030 of the West Bountiful Municipal Code to clarify appeal and variance language
9. Consider approval of Ordinance 344-12, and ordinance amending Title 16, Subdivisions, of the West Bountiful Municipal Code
10. Consider amendments to Chapter 17.60, Conditional Use, of the West Bountiful Municipal Code
11. Consider recommendation to amend the West Bountiful Municipal Code to allow for a new appointed position – Deputy Recorder
12. Planning Commission Report
13. Engineers Report
14. Police Report
15. Finance Report
16. Administrative Report
17. Mayor/Council Reports
18. Closed meeting, if necessary, for reasons allowed by state law.
19. Possible action following closed meeting, including appointment to boards and commissions
20. Adjourn.

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Heidi Voordeckers, City Recorder/Auditor, at (801) 292-4486.

Any residents or property owners in West Bountiful City may request to offer a prayer or thought at the City Council Meetings. Please notify Heidi Voordeckers, City Recorder/Auditor of West Bountiful City, of this desire twenty four (24) hours before the meeting.

** I certify that this agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on May 10, 2012.

1
2 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, May 15,
3 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, Cathy Brightwell, Steve Maughan (Public Works
13 Director), and Nathalie Ellingson (secretary).
14

15 VISITORS: Scott Zeidler, Alan Malan, Laura Charchenko, Scott Strong,
16 Kelly Enquist, Ken K. Romney.
17

18 Called to Order: Mayor Romney called this meeting to order at 7:35 pm.
19

20 Invocation/Thought – Thought by James Ahlstrom: “He has success who has lived well, laughed often,
21 loved much, and landed a hole in one.”
22

23 Pledge of Allegiance led by Dave Tovey.
24
25

26 1.
27 Accept Agenda

28 MOTION: Debbie McKean moved to accept the Agenda.
29

30 SECOND: James Bruhn 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
42 Kelly Enquist – two weeks ago there was a water leak at 600 West 1550
43 North and he wants to know if the city was paying for the repair. Ben
44 stated that Weber Basin fixed the line and the city fixed the asphalt. Kelly
45 wants the city to bill the contractor. Mayor Romney asked for a report
46 regarding what happened, who is involved, and what were the discussions.
47 After council has reviewed the report, they will decide where to go from
48 there. They want to be able to determine the cost of the repair compared
49 to the cost of pursuing the contractor for payment. Ben White said he
50 would supply the report.
51

52 3.
53 Consider Approval of Proclamation
54 Designating May 17, 2012 as
55 West Bountiful City Arbor Day
56

57 The city makes this proclamation each year, and this year it will be in
58 conjunction with a free golf day, as well as for planting trees.
59

60 MOTION: James Ahlstrom moved to approve the proclamation
61 designating May 17, 2012 as West Bountiful City Arbor Day.
62

1 SECOND: Debbie McKean seconded the Motion.
2

3 PASSED: Voting was as follows:

4 James Ahlstrom – Aye

5 Mark Preece – Aye

6 James Bruhn – Aye

7 Dave Tovey – Aye

8 Debbie McKean – Aye
)

- 11 4.
12 Tree City USA Recognition for
13 West Bountiful City – Scott Zeidler
14

15 Scott Zeidler is from the Utah Division of Forestry – Tree City is a
16 national program to advocate planting and the stewardship of trees. West
17 Bountiful is one of eight Tree City communities in Utah, and West
18 Bountiful has earned this designation for three consecutive years. Trees
19 have played a large part in developing communities across the west. After
20 the wind storm last fall, many treasured trees were lost. Mr. Zeidler
21 presented a plaque and flag to Steve Maughan and Blake Anderson.
22

23 Debbie McKean mentioned that Mr. Zeidler and Smokey Bear will be
24 meeting the fourth graders at West Bountiful Elementary school on May
25 17, and she asked for someone to take pictures in case she can't be there.
26

- 27 5.
28 Update form Golf Course
29 Advisory Committee – Scott Strong
)

32 Mr. Strong thanked the council for the time members have put towards the
33 golf course. He presented a slide show which included charts showing the
34 relation of expense and revenue on the operations side and a list of
35 approved golf user fees. There was some discussion about whether sales
36 tax should be added into the fees or shown separately on receipts. Most
37 courses include tax in their fees, but that could change shortly. Mr. Strong
38 asked that council consider this for next season.
39

- 40 6.
41 Consider Notice of Award for
42 DSB Trail Construction to
43 Kilgore Paving \$119,839 Plus
44 Set a Project Budget.

45 Ben White – the first part of this item is to approve the award for
46 \$119,839. A chart showing the bids received was provided to council and
47 showed that Kilgore Paving came in with the best bid. The second part of
48 this item is to approve the remaining \$50,000 (\$25,000 from the grant and
49 \$25,000 from impact fees) for extra improvements. Improvements could
50 include benches, aggressive ground sterilization, asphalt sealer, etc. James
51 Bruhn and Dave Tovey said they should focus on improvements that
52 would limit maintenance. Debbie McKean pointed out it is important to
53 spend the entire amount that was budgeted because the state will only
54 match the amount the city spends. She asked for a list of extra
55 improvements to consider, along with the costs. Construction of the trail
56 should start the middle of June.
57

58 MOTION: Dave Tovey moved to award the DSB trail construction to
59 Kilgore Paving for \$119,839, and direct staff to consider additional
60 improvements to be funded up to the maximum of the matching funds. .
61

62 SECOND: James Ahlstrom seconded the Motion.

1
2 PASSED: Voting was as follows:
3 James Ahlstrom – Aye
4 Mark Preece – Aye
5 James Bruhn – Aye
6 Dave Tovey – Aye
7 Debbie McKean – Aye
8

9
10 7.
11 Consider Appeal of Planning Commission
12 Decision to Deny Farm Animal Conditional
13 Use Permit – Brad Jenson

14 The Jenson's had come to the Planning Commission with a request for a
15 conditional use permit so they could keep two horses and three goats on
16 their .42 acre property. The Planning Commission had denied their
17 request, and they were coming to council with an appeal. Attorney Joe
18 Barber represented the Jenson's. He stated their appeal was that they
19 believe the commission should have considered other aspects of the
20 request besides the point system. The Planning Commission's list of
21 standards for approving conditional use includes the property owners
22 being able to mitigate reasonable detrimental effects of approval. He
23 stated the Jenson's have met the setback requirements, and they keep the
24 animals and their areas clean. In addition, they provide goat milk to
25 members of the community who are unable to use regular milk. They
26 have no issues with their neighbors, and their appeal included testimonials
27 from neighbors regarding their favorable experiences with the Jenson's
28 and their animals. Mr. Barber also argued that former planning
29 commission members had told the Jenson's their situation would be
30 grandfathered under the point system at that time.

31
32 James Ahlstrom stated they had articulated their arguments well, and they
33 made sense if there were no cap on the point system. However, there is a
34 cap on how many points can be permitted under a conditional use permit.
35 Mr. Barber said a use analysis should be done for each application. If
36 someone comes in with something out of the point limits, their request
37 should be analyzed the same way and there should be flexibility to
38 consider the request.
39

40 Steve Doxey stated the Jenson's were informed numerous times by the
41 city that they had more animals than were allowed on their property in
42 their zone. They were informed they could apply for a conditional use
43 permit, however, in this instance; a conditional use permit would not apply
44 unless they leased additional land. Even using the reduced points under a
45 conditional use permit, the Jenson's were already over their point limit.
46 There is no flexibility to increase or decrease points beyond what is listed
47 in the ordinance. Increasing the points allowed would be granting a
48 prohibitive use rather than a conditional use, and neither the Planning
49 Commission nor the City Council can grant a prohibitive use permit. Mr.
50 Doxey stated he would be willing to talk with the Jenson's about potential
51 alternatives that may alleviate their small acreage issue.

52
53 James Ahlstrom stated the only options would be for the Jenson's to lease
54 property as an alternative, or they could apply for an ordinance change.
55 An ordinance change would take several months, and in the meantime
56 they could not keep the animals.
57

58 Mr. Barber then stated the point system is good but since a lot of citizens
59 have more animals than allowed, they should add the standard of
60 mitigating detrimental effects to the conditions in granting all conditional
61 use permits. The city should have a base point system and then approve
62 conditional use permits without point limits. If the citizen does not

1 mitigate detrimental effects at any time, their permit can be revoked.
2 James Bruhn mentioned that even if areas are kept clean, liquid waste
3 saturates the ground and causes smells, and this is worse when animals are
4 in too small of an area.
5

6 Mr. Doxey responded to Mr. Barber by stating that mitigating detrimental
7 effects is already one of the standards, but it is secondary to conforming to
8 other standards. He then asked council for a straw vote to direct him in
9 preparing a written decision. In a roll call, the votes were no to approving
10 the conditional use permit, which means the Planning Commission's
11 decision is upheld. Some members stated that they would approve it if the
12 Jenson's were within the point system limit. Debbie McKean thought they
13 should re-evaluate the point system, especially for medium sized animals.
14

- 15 8.
16 Consider Approval of Ordinance 343-12,
17 an Ordinance Amending Chapter 17.08.120,
18 17.08.030 and 17.12.030 of the
19 West Bountiful Municipal Code to
20 Clarify Appeal and Variance Language.
21

22 Ben White – Previously, city council was appointed as an appeal authority
23 and the ordinance has been changed to conform with this. Changes to
24 Chapter 17.08 clarifies that the city council is the appeal authority for
25 variances unless they have acted as the land use authority on that matter.
26 Section 17.12.030 removes the reference to a Board of Adjustments and
27 Chapter 2.40 deletes the Board of Adjustments entirely. A public hearing
28 was held on October 10, 2011 and no comments were received. James
29 Ahlstrom suggested taking away the “written opinion” language so that an
30 opinion can sometimes be verbal, and changing “city council” to upper
31 case throughout.

32
33 MOTION: James Ahlstrom moved to approve Ordinance 343-12
34 amending Chapter 17.08.020, 17.08.030 and 17.12.030 of the West
35 Bountiful Municipal Code, including the two suggested changes.
36

37 SECOND: James Bruhn seconded the Motion.
38

39 PASSED: Voting by roll call was as follows:

40 James Ahlstrom – Aye
41 Mark Preece – Aye
42 James Bruhn – Aye
43 Dave Tovey – Aye
44 Debbie McKean – Aye
45

- 46 9.
47 Consider Approval of Ordinance 344-12,
48 an Ordinance Amending Title 16, Subdivisions,
49 of the West Bountiful Municipal Code.
50

51 Ben White – public hearings were held in May 2011, October 2011, and
52 March 27, 2012. Changes include clarifying appeal authority, modifying
53 the appeals section to comply with state statute and other sections of the
54 municipal code, and public infrastructure requirements and provisions for
55 implementing several fees. He pointed out the paragraph at the top of
56 Page 25 had a list of conditions that did not fit all applications, so
57 standards were added. James Ahlstrom suggested omitting the word
58 “only” in that paragraph and the preamble. He also suggested narrowing
59 the wording on Page 28, A. and B. It currently states that if the council
60 has been part of the decision in the subject matter, the appeal goes to
61 district court. The city council should have appeal authority on any part of
62 a subject matter where they were not part of the decision. For example,

1 the planning commission can decide on easements so city council can be
2 the appeal authority in that regard.

3
4 MOTION: James Ahlstrom moved to approve Ordinance 344-12
5 amending Title 16, Subdivisions, of the West Bountiful Municipal Code,
6 to include clarification that the city council can be the appeal authority in
7 any part of a matter in which they had no involvement in the decision, and
8 only parts of the matter in which city council was involved in the decision
9 goes straight to district court.

11 SECOND: Dave Tovey seconded the Motion.

13 PASSED: Voting by roll call was as follows:

14 James Ahlstrom – Aye

15 Mark Preece – Aye

16 James Bruhn – Aye

17 Dave Tovey – Aye

18 Debbie McKean – Aye

19
20 10.

21 Consider Amendments to
22 Chapter 17.60, Conditional Use
23 of the West Bountiful Municipal Code

24
25 Ben White – in working with the farm animal ordinance, they found parts
26 of the Conditional Use ordinance that did not fit well, so they made some
27 changes. A public hearing was held on April 24, 2012 regarding these
28 changes, and there was no public input. The changes proposed are that
29 they delete the exceptions language on Page 2. On Page 5, the top
30 paragraph states that a conditional use permit lasts for two years. For farm
31 animals, the conditional use permit lasts until the property is sold, so the
32 other language had to be changed. On the last page, Paragraph C, the
33 planning commission omitted the word “detrimental,” however, Steve
34 Doxey said it should be left in because it is appropriate to that condition
35 and the language was taken from LUDMA. Dave Tovey said to take out
36 the word “only” on Page 5.

38 MOTION: Dave Tovey moved to approve the amendments to Chapter
39 17.60 of the West Bountiful Municipal Code with noted changes and
40 retain the word “detrimental.”

42 SECOND: James Bruhn seconded the Motion

44 PASSED: Voting by roll call was as follows:

45 James Ahlstrom – Aye

46 Mark Preece – Aye

47 James Bruhn – Nay

48 Dave Tovey – Aye

49 Debbie McKean – Aye

51 11.

52 Consider Recommendation to Amend
53 the West Bountiful Municipal Code to
54 Allow for a New Appointed Position –
55 Deputy Recorder.

56
57 Craig Howe –The recorder position has been combined with the finance
58 position for the past few years due to the limited budget, and that position
59 has increased in scope over time. A deputy recorder would be an
60 appointed position, would be part time, and would have little impact on
61 the budget. The deputy recorder would be able to officiate at public
62 meetings if necessary, and assist in other duties of the City Recorder.

1 Craig asked the council for guidance in the wording of the amendment.
2 The state statute allows for a deputy recorder, and it was suggested they
3 follow that wording.
4

5 MOTION: James Ahlstrom moved to amend the West Bountiful
6 Municipal Code to allow for a deputy recorder, to include the language
7 suggested.
8

9 SECOND: Mark Preece seconded the Motion.

10 PASSED: Voting was as follows:

11 James Ahlstrom – Aye

12 Mark Preece – Aye

13 James Bruhn – Aye

14 Dave Tovey – Aye

15 Debbie McKean – Aye
16
17

18 12.

19 Planning Commission Report
20

21 Ben White – Planning Commission talked about Bylaws and
22 miscellaneous clean-up changes to Title 17. Among the changes, some
23 duties of the historic commission are being moved to a new section. Staff
24 had planned to have a discussion on the historic district at the meeting but
25 due to the city's server and email not functioning, he was unable to send
26 the documents to review. They also approved a conditional use permit to
27 a preschool, pending building inspections.
28

29 13.

Engineers Report
30

31 Ben White –

- 32 • Work on the 400 North water line has reached the railroad tracks.
33 Rocky Mountain Power was there relocating guard poles. Bids for
34 the road construction will open on Tuesday. A storm drain is
35 going to be put in with the road.
- 36 • The new well has been drilled to 650 feet. The yield from the city
37 well has dropped off dramatically and could have been the cause of
38 the dirty water that Kelly Enquist brought to the last meeting.
- 39 • Water will be turned off at the north end of the city to repair
40 valves, but the water will not be turned off until 9:00 am.
41
42

43 14.

44 Police Report
45

46 Chief Todd Hixson –

- 47 • A story came out on Vader in the April 12, 2012 Davis County
48 Clipper.
- 49 • Detective Smith passed SWAT school successfully.
- 50 • April 8th through April 14th was Telecommunications Week. The
51 police department expressed their appreciation of the Bountiful
52 Dispatch Center and gave each dispatcher a "I heart WB" t-shirt.
- 53 • For the Great Shake Out, the department checked over their radios.
54 Their greatest concern is being able to communicate with other
55 departments in the area in the midst of a disaster.
- 56 • Chief Hixson and Mischelle Robinson attended a social media
57 training, and have now set up Facebook and Twitter. This will
58 enable them to provide useful information to the West Bountiful
59 citizens.
- 60 • Chief Hixson met with the city prosecutors about the department's
61 investigation skills and report writing. They said they have noticed

1 an improvement in the quality of the investigations and the
2 officers' ability to write well when preparing their reports. Sgt
3 Hamilton and Sgt Rasmussen have taken time to train the officers
4 in these areas and have been successful.
5

6 15.
7 Finance Report

8 Heidi Voordeckers – The next budget work session will be on June 5th.
9 She has been going over adjustments to the initial approved draft. May
10 and June have not typically been good months, so she did an estimate
11 showing there may be a shortfall.
12

13
14 10:00 pm

15 MOTION: James Ahlstrom moved to extend the meeting for ten minutes.
16

17 SECOND: Debbie McKean seconded the Motion.
18

19 PASSED: Voting was as follows:

20 James Ahlstrom – Aye

21 Mark Preece – Aye

22 James Bruhn – Aye

23 Dave Tovey – Aye

24 Debbie McKean – Aye
25

26 The finance report for the period ending March 31, 2012 showed that with
27 83% of the fiscal year elapsed, the General Fund shows 82% of revenues
28 collected and 73.8% disbursed. The General Fund is ahead from FY 2011
29 by \$431,000, which is attributed entirely to the property tax increase.
30

31 16.
32 Administrative Report

33
34 Craig Howe –

- 35 • He met with Edward Lenhardt, who manages Gateway, and
36 learned that Gateway is fully occupied.
- 37 • While he was out of town, the computer servers for the city
38 crashed. Fortunately, he has always backed everything up daily.
39 The staff is working on the system. Two servers are needed and
40 they received bids of between \$9,500 to \$14,000 per server.
41 Another bid had come in today for just under \$14,000 for two
42 servers. They will also need some additional software. They also
43 need to provide refrigeration for the server rooms. He is currently
44 projecting a total cost of about \$20,000. This will come from the
45 fund balance so he will need approval from council. They were
46 going to get a parks truck with the fund balance, but this was an
47 emergency, so they will set aside some additional money for the
48 truck. Heidi stated there are unallocated funds in the general fund
49 which can roll into the fund balance. Staff was directed to proceed
50 and to provide the information to the Mayor.
51

52 MOTION: James Ahlstrom moved to extend the meeting until 10:30 pm
53

54 SECOND: Debbie McKean seconded the Motion.
55

56 PASSED: Voting was as follows:

57 James Ahlstrom – Aye

58 Mark Preece – Aye

59 James Bruhn – Aye

60 Dave Tovey – Aye

61 Debbie McKean – Aye
62

1 17.
2 Mayor/Council Reports

3
4 Debbie McKean – the newsletter has gone out.

5
6 Dave Tovey – nothing to report.

7
8 James Bruhn – attended a Wasatch Integrated meeting and they are
9 working on their budget.

10
11 Mark Preece – on Thursday night there will be a CERT training for which
12 they will need a projector and screen.

13
14 James Ahlstrom – a public works meeting will be at 7:30 pm on
15 Thursday.

16
17 Mayor Romney – he talked to Steve and Blake regarding the artesian well
18 at 560 West. The well is backed up and the valve on Pages Lane is turned
19 off. People have been taking water from that well for years, although the
20 water has never been tested to see if it is safe to drink. Steve said he
21 would look into it. There have been no youth courts recently, since no
22 cases have come up. When the court was needed they had trouble getting
23 judges, so they should get judges ready in case something comes up.

24
25
26 18.
27 Closed Meeting, if Necessary,
28 for Reasons Allowed by State Law

29 Not necessary.

30
31 19.
32 Possible Action Following
33 Closed Meeting,

34
35
36 Not necessary.

37
38 20.
39 Adjourn
40 10:30 pm

41
42 MOTION: James Ahlstrom moved to adjourn City Council meeting.

43
44 SECOND: Dave Tovey seconded the Motion.

45
46 PASSED: Voting was as follows:
47 James Ahlstrom – Aye
48 Mark Preece – Aye
49 James Bruhn – Aye
50 Dave Tovey – Aye
51 Debbie McKean – Aye

52
53
54
55 MAYOR KENNETH ROMNEY HEIDI VOORDECKERS (CITY RECORDER)



56
57
58
59 NATHALIE ELLINGSON (SECRETARY)
60
61