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:

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 $119,639 plus set a project budget
7. Consider appeal of planning commission decision to deny farm animal conditional use proceed, Brad Jenson
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
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 Voordecker, 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 Meeting. Please notify Heidi Voordecker, 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.
Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, May 15, 2012 at West Bountiful City Hall, Davis County, Utah

Those in Attendance
MEMBERS PRESENT: Mayor Kenneth Romney, James Ahlstrom, Mark Precece, James Bruhn, Dave Tovey, Debbie McKeen.

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordeekers (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Chief Todd Hixson, Cathy Brightwell, Steve Maughan (Public Works Director), and Nathalie Ellingson (secretary).

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

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

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

Pledge of Allegiance led by Dave Tovey.

1. Accept Agenda

MOTION: Debbie McKeen moved to accept the Agenda.

SECOND: James Bruhn seconded the Motion.

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

2. Public Comment

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

3. Consider Approval of Proclamation

Designating May 17, 2012 as West Bountiful City Arbor Day

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

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

4. Tree City USA Recognition for
West Bountiful City – Scott Zeidler

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

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

5. Update form Golf Course
Advisory Committee – Scott Strong

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

6. Consider Notice of Award for
DSB Trail Construction to
Kilgore Paving $119,839 Plus
Set a Project Budget.

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

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

SECOND: James Ahlstrom seconded the Motion.
PASSED: Voting was as follows:

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

7.
Consider Appeal of Planning Commission
Decision to Deny Farm Animal Conditional
Use Permit – Brad Jenson

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

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

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

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

Mr. Barber then stated the point system is good but since a lot of citizens have more animals than allowed, they should add the standard of mitigating detrimental effects to the conditions in granting all conditional use permits. The city should have a base point system and then approve conditional use permits without point limits. If the citizen does not
mitigate detrimental effects at any time, their permit can be revoked.
James Bruhn mentioned that even if areas are kept clean, liquid waste
saturates the ground and causes smells, and this is worse when animals are
in too small of an area.

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

8.
Consider Approval of Ordinance 343-12,
an Ordinance Amending Chapter 17.08.120,
17.08.030 and 17.12.030 of the
West Bountiful Municipal Code to
Clarify Appeal and Variance Language.

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

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

SECOND: James Bruhn seconded the Motion.

PASSED: Voting by roll call was as follows:

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

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

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

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

SECOND: Dave Tovey 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. Consider Amendments to
   Chapter 17.60, Conditional Use
   of the West Bountiful Municipal Code

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

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

SECOND: James Bruhn seconded the Motion

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

11. Consider Recommendation to Amend
   the West Bountiful Municipal Code to
   Allow for a New Appointed Position –
   Deputy Recorder.

Craig Howe – The recorder position has been combined with the finance
position for the past few years due to the limited budget, and that position
has increased in scope over time. A deputy recorder would be an
appointed position, would be part time, and would have little impact on
the budget. The deputy recorder would be able to officiate at public
meetings if necessary, and assist in other duties of the City Recorder.
Craig asked the council for guidance in the wording of the amendment. The state statute allows for a deputy recorder, and it was suggested they follow that wording.

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

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

Planning Commission Report

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

Engineers Report

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

Police Report

Chief Todd Hixson –
- A story came out on Vader in the April 12, 2012 Davis County Clipper.
- Detective Smith passed SWAT school successfully.
- April 8th through April 14th was Telecommunications Week. The police department expressed their appreciation of the Bountiful Dispatch Center and gave each dispatcher a “I heart WB” t-shirt.
- For the Great Shake Out, the department checked over their radios. Their greatest concern is being able to communicate with other departments in the area in the midst of a disaster.
- Chief Hixson and Miscelle Robinson attended a social media training, and have now set up Facebook and Twitter. This will enable them to provide useful information to the West Bountiful citizens.
- Chief Hixson met with the city prosecutors about the department’s investigation skills and report writing. They said they have noticed
an improvement in the quality of the investigations and the officers’ ability to write well when preparing their reports. Sgt Hamilton and Sgt Rasmussen have taken time to train the officers in these areas and have been successful.

15. Finance Report

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

10:00 pm

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

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Precece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye

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

16. Administrative Report

Craig Howe –

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

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

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
James Ahlstrom – Aye
Mark Precece – Aye
James Bruhn – Aye
Dave Tovey – Aye
Debbie McKean – Aye
17. Mayor/Council Reports

Debbie McKeen – the newsletter has gone out.

Dave Tovey – nothing to report.

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

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

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

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

18. Closed Meeting, if Necessary, for Reasons Allowed by State Law

Not necessary.

19. Possible Action Following Closed Meeting

Not necessary.

20. Adjourn 10:30 pm

MOTION: James Ahlstrom moved to adjourn City Council meeting.

SECOND: Dave Tovey seconded the Motion.

PASSED: Voting was as follows:

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

[Signatures]

MAYOR KENNETH ROMNEY
HEIDI VOORDECKERS (CITY RECORDER)
NATHALIE ELLINGSON (SECRETARY)