

Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, July 17, 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 Voordeckers (City Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Chief Todd Hixson, Cathy Brightwell (Deputy Recorder), Nathalie Ellingson (secretary).

VISITORS: Kelly Enquist, Terry Olsen, Alan Malan, Steve Maughan, Jason Burningham.

Called to Order: Mayor Romney called this meeting to order at 7:30 pm.

Invocation/Thought – Invocation by Mark Preece.
Pledge of Allegiance led by James Bruhn.

1.
Accept Agenda

Request to delete the word “overlay” from Item #8.

MOTION: Debbie McKean moved to accept the agenda with change.

SECOND: Dave Tovey 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

Shelly Murphy – 984 West 700 North – She was told that the closed portion of 400 North would remain closed for six months, and that she would be fined \$600 or more if she drove on it. She asked why she has seen no work going on. When work was being done on 1100 West, the road was never closed, and she suggested that at least one lane be open on 400 North. Mayor Romney stated that the road was initially torn up so the city could work on the water line, and they were able to keep part of the road open. Road work was scheduled to begin immediately after, but there has been a holdup with UDOT’s contractor. The primary reason for keeping the road closed in the meantime was to keep the dust down. They have sprayed a solution on the road meant for keeping the dust down, but it will wear off quickly when driven over. The contract has now been approved by UDOT and work is scheduled to begin July 25, 2012 with a completion date of October 15, 2012. Ms. Murphy provided council and staff with her written complaint.

Christine Harker – 1008 West 600 North – Her neighbors think that she is trying to get rid of animals in West Bountiful, when she is merely asking that the ordinance be enforced. She has made many complaints regarding her neighbors who keep goats and horses, and she has never felt the city stood up for her. She doesn’t think the current Ordinance works. Over the

1 years the animal ordinance has not been enforced and she felt conditional
2 use permits just take away from the city's duty to enforce the ordinance.
3 She asked if the City checks conditions on a property before they approve
4 a permit to make sure the applicants are being truthful. She objects to the
5 points being lowered for pygmy goats because goats reproduce frequently
6 and the babies can stay on the property for six months each time. That
7 would frequently put her neighbors out of compliance. She also claimed
8 that goats have a strong smell.

11 Kent Harker – 1008 West 600 North – They have lived in West Bountiful
12 for nearly 25 years and moved here so they could have animals even
13 though their neighbors probably think they don't like animals. He is
14 concerned with setbacks defined in the animal ordinance. If a corral must
15 be 75 feet from a neighboring dwelling, then his neighbors are out of
16 compliance on that issue as well as with other issues. As the council and
17 planning commission look through the ordinance again, he suggested they
18 clearly define a corral and a pasture. He also asked that the ordinance be
19 workable and enforceable and consideration be given to those who have
20 animals and those who do not so we can all be good neighbors.

21 Jeri Palmer – 1030 West 600 North – Addressed the gross violations of the
22 animal ordinance committed by her next door neighbors; complaints she
23 has in common with the Harkers. She has tried for seven years to work
24 with her neighbors but they have refused to listen to the complaints. She
25 has put her complaints in written form and provided each council member
26 with a copy, but she wanted to express herself vocally as well.

28 Brad Jensen – 1018 West 600 North – He had applied for a conditional use
29 permit because permits had been issued in his neighborhood in the past,
30 but his application was denied. All the lots in his neighborhood were
31 designed for two horses. The person he bought his home from had 2
32 horses for 25 years on the property. Regarding setbacks, he keeps his
33 horses in a pasture, not a corral. Even though there is no grass it's where
34 the horses are fed which is how a pasture is defined. He has moved his
35 goats to graze in a neighbor's yard to keep some weeds down. He hopes
36 the ordinance can be fixed so that he is in compliance with his goats and
37 horses. Other animal owners in the city feel the same way.

38
39 3.
40 Employee of the Month

41
42 Craig Howe presented Verla Jones as the Employee of the Month for June.
43 She has worked at the golf course for twelve years. Many changes in
44 leadership have taken place recently, and Verla has had to learn new
45 operating systems and procedures. She has been a steady presence amid
46 all the changes.

47
48 4.
49 Employee of the Year

50
51 Chief Todd Hixson presented Sergeant Corie Hamilton as the Employee of
52 the Fiscal Year 2012. He listed some of the cases she has been involved
53 in. Because of her help, his transition into the West Bountiful Police
54 Department was smooth and easy. She is very sincere in dealing with the
55 public. She has genuine empathy and has developed it in others on the
56 force. Mayor Romney thanked her for dealing with all the changes in the
57 department and for performing well in spite of family tragedies. She was
58 presented with a plaque.

59
60 5.
61 Recognition of CERT Participants

1
2 Terry Olsen is the director of the West Bountiful Emergency Services,
3 which prepares the city and its residents for a possible catastrophic
4 situation. He introduced Ron Crandall as the manager of the Community
5 Emergency Response Team ("CERT"), and he introduced the CERT
6 trainer. The CERT group finished training a short time ago, and Terry and
7 Ron handed certificates out to all the CERT members present at the
8 meeting.

9
10
11 6. Consider Approval of Financial
12 Services Agreement with LYRB.
13

14 Craig Howe – The city has been using the services of Lewis Young
15 Robertson & Burningham ("LYRB") frequently in regard to financial
16 matters. They have been proactive in providing counsel; most recently
17 introducing the possibility of refunding bonds. They have good
18 connections in financial and legal areas. The previous agreement with
19 them had lapsed, and he was bringing a new one to council. He
20 introduced Jason Burningham, who explained that the regulatory agencies
21 Securities and Exchange Commission and FINMA can use the financial
22 agreement to make sure the company and the city are in compliance. The
23 contract can be terminated at will by the city with 30 days notice. Mr.
24 Burningham explained the fees. All fees are contingent to transactions
25 being successfully completed. He stated there may be a fee from a rating
26 agency when they market the bonds.
27

28 Steve Doxey had a couple of questions and wanted to review it further
29 before it was approved. James Ahlstrom also wanted to discuss a point
30 with Mr. Doxey before approving. Mayor Romney asked for a motion to
31 either table or approve the item.

32
33 MOTION: Dave Tovey moved to approve the Financial Services
34 Agreement with LYRB subject to review.
35

36 SECOND: James Bruhn seconded the Motion.
37

38 PASSED: Voting was as follows:

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

45 7.
46 Discussion on Authorizing the
47 Issuance and Sale of Not More
48 Than \$2,200,000 Aggregate
49 Principal Amount of Sales Tax
50 Revenue Refunding Bonds,
51 Series 2012, and Related Matters.
52

53 Jason Burningham – In 2004, the city issued bonds to contract for the
54 municipal building at a favorable rate. The bonds are structured with
55 interest rates that increase over time, which offsets risk to investors. The
56 bonds began at 4.5%, and at present, the rate would be lower, which could
57 save the city \$215,000 over the next twenty years. They have two options.
58 The first is to do a public offering, using the underwriter that buys the
59 bonds from the city and sells shares to purchasers, usually financial
60 institutions. This allows a broad access to the municipal marketplace.
61 The second option is to do a direct placement in which they have one to

1 three investors, no underwriting or municipal rating would be necessary,
2 and there would be more flexibility in calling in the bonds early. A couple
3 of parties are interested in investing if they choose the second option. Mr.
4 Burningham said that with the current market, a public offering would be
5 most advantageous.
6

7 He would like to have a resolution ready to present to council for approval
8 at the August 7th meeting. He recommended a super parameters
9 resolution, in which a document designates a pricing committee to act
10 without having to bring another resolution to City Council. Approval of a
11 super parameter would serve as a notice of intent, and they would be able
12 to act a minimum of 35 days after approval. This allows a 30 day
13 requirement and a few extra days in case of contestability.
14

15 Mr. Burningham was asked the difference in savings with each option. He
16 stated a private offering would be lucrative and they have an investor
17 interested who has already offered a rate. Although the public offering
18 rate is not as certain, he figures there will still be substantial savings from
19 a public offering as long as interest does not go up 10 to 12 basis points.
20

21 The committee should be comprised of the mayor, two council members,
22 the city administrator and the city recorder. A minimum of three are
23 required to make a decision to act, and must include at least two legislative
24 officials. The City Council would determine what parameters need to be
25 met in order for the committee to act: maximum dollar amount, how long
26 offering should run, how much savings is required. Mr. Burningham
27 suggested they be ready to close the transaction in October, whether they
28 go with a public or a private offering. The super parameters resolution
29 will be prepared to meet the above requirements and brought to the August
30 7 City Council meeting for approval.

- 31
32 8.
33 Consider Approval of Ordinance
34 348-12, an Ordinance Amending
35 Chapter 2.44, Historic Preservation
36 Commission, and Adding Section
37 17.24.110, Historic District, to the
38 West Bountiful Municipal Code.
39

40 Cathy Brightwell – Suggestions were made by council regarding this
41 ordinance at the last meeting. The staff has incorporated those suggestions
42 and has made the appeal language consistent with the appeal language
43 recently approved in other ordinances. An architect review fee needs to be
44 charged and that would be determined in a separate resolution along with
45 other city fees, and the language in this ordinance can simply refer to the
46 fee as per the fee table.
47

48 There was some discussion as to how best to enforce historic design
49 requirements as a house is being built or renovated. Alan Malan
50 suggested they use the building inspector to enforce the ordinance. While
51 a building inspector is only concerned with structure and building code, he
52 could report design violations to the city. Ben White explained that if our
53 code directs the inspector to look for approved design discrepancies, the
54 remedies could include not returning the construction bond, issuing a stop
55 work order, or withholding occupancy. . The ordinance needs to be
56 specific as to what remedy or remedies would be used.
57

58 10:00 pm
59

60 MOTION: Dave Tovey moved to extend the meeting until 10:30 pm
61

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

9
10
11 Cathy referred to the first page where they removed the word “overlay” in
12 describing the historic area and explained they now wanted to leave it in.
13 There was some discussion as to whether all homes on a future subdivided
14 property should comply or only the front-facing homes along 800 West.
15 The description in the ordinance was based on the national historic register
16 language and needs to be clarified to avoid confusion as existing
17 properties are subdivided.

18 MOTION: James Ahlstrom moved to approve Ordinance 348-12
19 amending Chapter 2.44 and adding Section 17.24.110, accepting all
20 changes except replace the description on Page 1 of 17.24.110 with
21 language consistent with current zoning map that all of the property is
22 historic, and adding clear building inspector requirements.
23

24 SECOND: Mark Preece seconded the Motion:
25

26 PASSED: Voting by roll call was as follows:
27 James Ahlstrom – Aye
28 Mark Preece – Aye
29 James Bruhn – Nay
30 Dave Tovey – Aye
31 Debbie McKean – Nay

32
33 9.
34 Discussion on Recommended
35 Changes to the Farm Animal
36 Ordinance and Set Date for
37 Public Hearing.
38

39 Cathy Brightwell – The Planning Commission held a public hearing on
40 July 10th. They were directed to come up with points for conditional use
41 permits regarding medium animals. They made several other changes
42 including, with a conditional use permit large animals were changed from
43 25 to 20 points, and medium animals are half of their regular points. They
44 changed the setback requirement to 50 feet from a neighboring dwelling
45 for large animals and 30 feet for medium animals, including pygmies.
46 They changed setbacks for pigs from 200 ft. to 100 ft. There was
47 discussion about how to distinguish between a corral and a pasture. Ben
48 White stated a corral is usually defined as a fenced-in area with no grass,
49 and a pasture has grass. So far these definitions have worked well.
50

51 James Ahlstrom did not agree with changing the setbacks. When he was
52 on the Planning Commission, they discussed this ordinance and held
53 several public hearings for over a year, and there were never any
54 comments regarding setbacks. He stated the city needs to enforce the
55 regulations especially since the ordinance is more favorable to animal
56 owners than ever before.
57

58 Mark Preece does not agree with changing large animals from 25 to 20,
59 nor does he agree with reducing points on pygmy goats.
60

1 James Bruhn sees no reason to change setbacks, especially for pigs. All
2 rules were set in place for a reason, and those rules were in place when the
3 properties were purchased. He thinks 1/2 acre should be the minimum for
4 one horse.

5
6 Dave Tovey thought they should approve the minor changes and then let
7 the ordinance run for a year. He would like the ordinance left the way it is
8 except to reduce points on medium animals. He likes the conditional use
9 permits allowing people a chance to have more animals. He noted that
10 other cities are more liberal. He trusts that the Planning Commission is
11 looking at ways that property owners can mitigate the causes of
12 complaints from neighbors.

13
14 Debbie McKean wants more definitions. She feels neighbors can be a
15 nuisance or not, and setbacks would not matter. She wants the
16 commission to give extra consideration to responsible owners and to make
17 sure complaints are valid.

18
19 Mayor Romney agrees that the setbacks should remain as they were and
20 75 feet is reasonable. However, there are times, especially in winter, when
21 even 75 feet is too close. Inadequate enforcement has always been an
22 issue. He wants to keep the conditional use provision since it is a good
23 way to make adjustments for particular circumstances. They should not
24 change the ordinance every time there is a disagreement. He asked
25 council if they need a public hearing. They thought it was necessary due
26 to past involvement of citizens in the discussions and to make sure
27 everyone knows about it so we're not asked to change it again. Craig
28 Howe said they are considering a mailing to make sure all residents are
29 informed of the hearing.

30
31 11:00 pm

32
33 MOTION: James Ahlstrom moved to extend the meeting until 11:45 pm.

34
35 SECOND: Dave Tovey seconded the Motion.

36
37 PASSED: Voting was as follows:
38 James Ahlstrom – Aye
39 Mark Preece – Aye
40 James Bruhn – Aye
41 Dave Tovey – Aye
42 Debbie McKean – Aye
43

44 MOTION: James Ahlstrom moved to set a public hearing regarding the
45 animal ordinance on August 21, 2012 at 7:45 pm.

46
47 SECOND: Mark Preece seconded the Motion.

48
49 PASSED: Voting was as follows:
50 James Ahlstrom – Aye
51 Mark Preece – Aye
52 James Bruhn – Aye
53 Dave Tovey – Aye
54 Debbie McKean – Aye
55

56 10.
57 Engineer Report
58

59 Ben White –

- 60 • The 400 North construction was begun by UDOT's contractor,
61 Geneva Rock.

- Well development will commence next week.
- The public works washout facility is out for bid and a notice of award is expected to be presented for approval at the next city council meeting.
- The DSB trail was sealed and work is being done on the fencing.

11.
Planning Commission Report

Nothing to report besides the work done on the animal ordinance.

12.
Police Report

On June 21st, an officer chased some motorcycles that did not stop until they had left the city. The officer alerted other jurisdictions. The motorcycles went through seven cities and then crashed. On June 23rd, a man was arrested for attempted murder for stabbing his 13 year old nephew while the boy slept. The nephew is expected to make a full recovery. They assisted in capturing an attempted murder suspect from the northern part of the county when he ended up in Bountiful. Vader has been busy this month putting on public demonstrations and participating in law enforcement activities.

13.
Finance Report

Heidi Voordeckers – She is waiting for some receipts coming in August before she closes out the year. The golf course is in very good shape, being \$24,000 ahead as of now. Last year's entries showed a \$6,000 loss due to bonds but still much better than in the past.

14.
Administrative Report.

Craig Howe –

- Craig, Cathy, and Steve Maughan went to a meeting with Holly Oil where they had “Refining 101.”
- They are at the end of the lease of the copier. They have been looking at replacements, and there will be a couple of demo machines brought in. They are looking at whether to lease or purchase in order to keep within the same budget.
- There will be a public hearing August 7th regarding impact fees to the fire district. The city managers are trying to get legislation done to get the fire district to be their own taxing entity.

15.
Approval of Minutes From the
June 19, 2012 RAP Tax Work
Meeting and June 19, 2012
City Council Meeting.

Changes suggested were to correct a typographical error on Page 3 Line 19 of the RAP meeting minutes and an incorrect statement on Page 3 of City Council Minutes Line 29, with addition of language to the next line.

MOTION: James Ahlstrom moved to approve both minutes with noted changes.

1 SECOND: James Bruhn 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

9
10
11 16. Mayor/Council Reports
12

13 James Ahlstrom – A golf committee meeting will be held Friday at 11:30
14 pm.
15

16 Mark Preece – The City Youth Council did a great job with the parade.
17 He did not make it to the DUED meeting.
18

19 Mayor Romney – He thanked the parade committee and the police on their
20 emergency display.
21

22 James Bruhn – He asked Steve Maughan to tell his people that the park
23 never looked better. They had the largest turnout ever for Independence
24 Day.
25

26 Dave Tovey – The Youth City Council is accepting applications for new
27 members now.
28

29 Debbie McKean – They have begun having finance committee meetings
30 with the auditors once a month. There will be a Parks and Trails meeting
31 soon.
32

33 17. Closed Meeting
34 11:35 pm
35

36 MOTION: James Bruhn moved to go into a closed session for purpose of
37 discussing purchase or exchange of real property.
38

39 SECOND: Dave Tovey seconded the Motion.
40

41 PASSED: Voting was as follows:
42 James Ahlstrom – Aye
43 Mark Preece – Aye
44 James Bruhn – Aye
45 Dave Tovey – Aye
46 Debbie McKean – Aye
47

48 12:05 am
49

50 MOTION: Mark Preece moved to adjourn the closed session.
51

52 SECOND: James Ahlstrom seconded the Motion.
53

54 PASSED: Voting was as follows:
55 James Ahlstrom – Aye
56 Mark Preece – Aye
57 James Bruhn – Aye
58 Dave Tovey – Aye
59 Debbie McKean – Aye
60

61 18.

1 Action Following Closed Meeting

2

3

None.

4

5

19.

6

Adjourn (12:07 am)

7

8

MOTION: Mark Preece moved to adjourn.

SECOND: James Ahlstrom seconded the Motion.

PASSED: Voting was as follows:

11

12

James Ahlstrom – Aye

13

Mark Preece – Aye

14

James Bruhn – Aye

15

Dave Tovey – Aye

16

Debbie McKean – Aye

17

18

19

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21

MAYOR KENNETH ROMNEY

HEIDI VORDECKERS (CITY RECORDER)

23

24

25

26

27

28



NATHALIE ELLINGSON (SECRETARY)