

Work Session
September 4, 2012
7:00 pm

Those present: Mayor Kenneth Romney, Council members James Ahlstrom, Mark Preece, James Bruhn, Dave Tovey, Debbie McKean; Craig Howe (City Administrator), Heidi Voordeckers (Recorder/Auditor), Cathy Brightwell (Deputy Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Nathalie Ellingson (secretary)

Visitors: Alan Malan, Terry Turner, Kelly Enquist, Laura Charchenko

Called to order: 7:10 pm

1. Open and Public Meetings Training Pursuant to Utah Code Annotated 52-4-104.

Copies of Title 52-4, Open and Public Meetings Act, were distributed to council. Steve Doxey – The main purpose of this act is to ensure that the business of government entities within the State of Utah is conducted openly. Some changes to 52-4-102, Public Policy, went into effect September 1, 2012, but none of them affect West Bountiful.

There was discussion regarding one-on-one meetings between city council members, which are not considered inappropriate, nor are un-noticed chance meetings that constitute a quorum. The statute also allows for electronic communications, but it should not be used to circumvent the public meetings act or the public discussion process. Council members should not text each other in a public meeting.

Closed meetings are held only if a quorum is present, with a quorum consisting of the mayor and at least two council members. The closed meeting may be held as long as no decisions are being voted on. The members must approve the closed session and state the purpose for the meeting as it is allowed per state code as part of the record of the public portion of the meeting. A closed meeting is the appropriate place to discuss the mental health of an individual, strategy of litigation and the purchase or lease of property, as well as other clearly defined topics that would be compromised if discussed in the open. A closed session ends with a roll call vote. Issues cannot be voted on in a closed meeting, and interviews should not take place.

2. Discussion on Proposed Changes to Title 17 of the West Bountiful Municipal Code, Related to Farm Animal Regulations in Residential Zones.

Mayor Romney – He reviewed the history of the animal ordinance. The first ordinance was done in 1965. In 1985, the ordinance was changed to include subdivision lots slightly less than 1/2 acre. In 2001, the point system was added to the ordinance. In 2004, when Jessie's Meadows was built, the 1-acre minimum was removed, and criteria to issue conditional use permits was added. The February 2012 version of the ordinance was much more liberal than previous versions; however, there were still some issues brought forward by the public. Additional changes were recommended, and a draft dated August 21, 2012 was presented to the council and the public for a final public hearing.

This work meeting is an opportunity for the council to take into consideration the issues brought up at the August 21st Public Hearing.

After much discussion, the following is a summary of what was concluded in the work session.

- The language is deleted stating that conditional use permits will reduce points by half for all animals.
- Medium animals are now 10 points with a conditional use permit. A large animal will remain 25 points with a conditional use permit. Pygmy animals are not eligible for a further point reduction.
- The language "in its totality" in B.3.b regarding leased property will be added.
- Setbacks will remain the same – barns, stables, corrals etc., will be a minimum of 75 feet from neighboring dwellings. Regarding corrals and pastures, definitions were considered from various dictionaries. As a general rule, a pasture will have some form of vegetation for grazing; if there is no separate enclosure within a pasture, the pasture will be considered a corral.

A comment was made that setbacks are important and should be the primary consideration in granting a conditional use permit. A 1/2-acre lot with an irregular shape could be denied a conditional use permit if there is not enough setback.

Additionally, it was decided that dependent offspring will be defined as any animal less than 9 months of age. An adoptive animal under 9 months of age can be kept with a conditional use permit, and will not carry any points. The language regarding farm animals in the conditional use permit section of the code will be added to the farm animal ordinance. Also, a requirement will be added stating that the staff will notify neighbors of conditional use applications.

3. Discussion and Update on Well Production

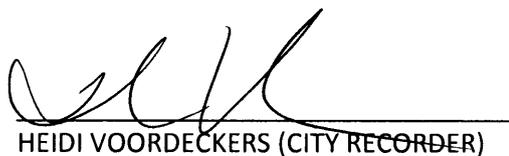
Work on the well has stopped because the contractor concluded there was no water. The test well was done at the best site, and it went down 100 feet. Results indicated there would be water if they drilled the well at that site. Mayor Romney has seen two reports done by the geohydrologist on the test well, and he is waiting for a report on the well. He said he will also get copies of the contracts with the contractors for the council members to review. James Ahlstrom was particularly interested in seeing if there was any negligence. Mayor Romney said he wants to have one or two independent studies done, but it was suggested they have an attorney review the contracts to make sure the studies would be worth the cost. However, James Ahlstrom stated they should go ahead with the studies and discuss them in a closed session. The studies should show if there is a possibility of salvaging the well. In the meantime, Ben is looking at alternate sources of water. When the council has definitive answers, they will make them public.

4. Staff and Mayor Reports and Updates on City Business, as Necessary

At Pages Lane Meadows, the public right of way dead ends, and a bubble was created as a turnaround. Now they are extending the road, and have discovered nothing was set up as to who will fix the bubble. The council decided it would be best to keep the bubble with sidewalks and handicapped ramps extending into the bubble on each side. The easements on the property sides of the sidewalk could be released to the owners and it would be their responsibility to maintain. If they choose to take up the asphalt, they must agree to put in curb and gutter. Also, the homeowners will be responsible for keeping the sidewalk shoveled. Homeowners in the area of the bubble will be informed as plans are discussed.

5. Adjourn 9:55 pm


MAYOR KENNETH ROMNEY


HEIDI VOORDECKERS (CITY RECORDER)



NATHALIE ELLINGSON (SECRETARY)