CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A CITY COUNCIL MEETING ON TUESDAY, OCTOBER 1, 2013 AT 7:30 PM– 550 NORTH 800 WEST, WEST BOUNTIFUL CITY.

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 summarize their comments, five minutes will be allowed.
3. Introduction and Swearing in of the West Bountiful Youth City Council
4. Consider request by Kristopher Jenkins for land use variance at 790 W 1000 N for exception to Land Use Ordinance 17.24.050 “Yard Regulations” regarding rear setback requirements in the R-1-10 District.
5. Consider request by Ryan Wilson for land use variance at 1894 N 800 W for exception to Land Use Ordinance 17.24.050 “Yard Regulations” regarding limits on the area of structures and accessory buildings in the rear yard and the distance requirements for main structures and accessory buildings.
6. Consider approval of Ordinance 354-13, an Ordinance establishing the West Bountiful Emergency Preparedness Advisory Committee
7. Consider approval of Resolution 316-13, a Resolution appointing members to the West Bountiful City Emergency Preparedness Advisory Committee
8. Consider approval of Resolution 317-13, a Resolution amending the Fall fees schedule at Lakeside Golf Course
9. Discussion on proposed changes to the West Bountiful Municipal Code, Sections 17.24.050, 17.20.050, and 17.16.050, Yard Regulations, regarding setbacks for decks.
10. Consider approval of tuition reimbursement agreements
11. Consider approval of Resolution 318-13, authorizing a Community Development Block Grant Agreement between West Bountiful City and Davis County for the 2013-14 Program Year
Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, October 1, 2013 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: Duane Huffman (City Administrator), Heidi Voordeekers (Finance Director/Recorder), Ben White (City Engineer), Cathy Brightwell (Deputy Recorder/Community Development), Steve Doxey (City Attorney), Steve Maughan (Public Works Director), Paul Holden (Director of Golf), Lieutenant Corie Hamilton, Nathalie Ellingson (Secretary).

VISITORS: Megan Nadauld, Trisha Davis, Alan Malan, Tonya Howard Boswell, Ammon Williams, Hunter Williams, James, Kathy and Alison Behunin, Lucy Jackson, Vern and Sharon Jackson, Ryan Wilson, Denis Hopkinson, Kelly Enquist, Shannan Wainwright, Brandee Nadauld, Cailey Lloyd, Karl Paget, Kris Jenkins, Taylor Sexton, Jake Maloy, Andrew Gerber, Roger Carroll, Laura Charchenko.

Called to Order: Mayor Kenneth Romney called this meeting to order at 7:34 pm

Invocation/Thought – James Bruhn gave an invocation.

Pledge of Allegiance led by Dave Tovey

1.
Accept Agenda

MOTION: Dave Tovey 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
3. Introduction and Swearing in of the West Bountiful Youth City Council.

Mayor Romney – The West Bountiful Youth Council provides a great opportunity for young people to learn about government and service. He introduced Tonya Boswell who is the Youth Council advisor. Dave Tovey is the council representative to the Youth Council.

Mayor Romney swore in Megan Nadauld as the Youth Council Mayor, after which Megan swore in Alison Behunin as Youth Council Mayor Pro Tem. She then swore in the remaining members of the Youth Council: Megan Paget, Secretary, Andrew Gerber, Web Administrator, Brooke Carroll, Publicity, Cailey Lloyd, Recorder, McKenzie Shields, Historian, Ethan Till, Treasurer, and remaining members Gavin Nadauld, Taylor Sexton, Jacob Maloy, Lucy Jackson, Hunter Williams, Ammon Williams, Maddie Davis, Jennah Prince, Carter Johnson, Kazley Gordon, Kadence Gordon, and Nathan Wainwright.

4. Consider Request by Kristopher Jenkins for Land Use Variance at 790 W 1000 N for Exception to Land Use Ordinance 17.24.050 “Yard Regulations” Regarding Rear Setback Requirements in the R-1-10 District

Cathy Brightwell – The council members were provided the staff memo with Mr. Jenkins’ site plan attached. He has applied for a variance because he wants an addition to his home that will add 16 feet and extend five feet into the rear yard setback. He explained in his letter the need his family has for more room in the home and that there is a power line that crosses his yard preventing him from expanding his house in an alternate direction.

The staff reviewed Mr. Jenkins’ application and the code, and found that he has not produced sufficient evidence to suggest a variance is justified. This was communicated to Mr. Jenkins by letter, and he has come to the meeting to request a variance to allow him to construct in the rear yard setback.

James Ahlstrom asked why Agenda Items 4, 5 and 9 were not done together since all three cases regard setbacks. He suggested if they are prepared to allow extra space in setbacks for the construction of decks,
they need to keep in mind what is decided on other applications. He said he wanted to know the decision on Item 9 before he could decide on items 4 and 5. James Bruhn stated a deck is considered temporary and a home addition is considered permanent, and Mayor Romney stated they need to discuss each item in context. Duane Huffman responded that the staff used the variance criteria outlined in state statute to make the decision.

Mr. Jenkins addressed the council and reviewed his reasons as he had explained in his written request for appeal. If he built out from his house eleven feet or if he added to the front of his house instead, he would not be able to increase the size of the master bedroom. He pointed out that, having worked as a power planner, he knew it would be complicated to move the power line. He does not intend to sell the property and the addition will improve the appearance of the neighborhood and provide much needed space for his family. He said he had pictures if the council wanted to review them.

Mayor Romney asked if the power pole feeding the house was on the property line, to which Mr. Jenkins responded yes. The Mayor asked Ben if any other utilities ran through the yard and Ben said he did not think so. The Mayor suggested they could run the line down the pole and bury it, after which Mr. Jenkins could build farther east and avoid the setback problems in the rear yard. There was some discussion about changing the ordinance.

Steve Doxey – He understood that the Council was trying to find a solution that would work for all three variances to be discussed. In this case, they are left with the ordinance as it stands. The variance does not modify the ordinance; however changing the ordinance would loosen the criteria for all future construction. He repeated the findings of staff, stating that the hardship is not enough to justify a variance, and it is mostly self-imposed. However, he suggested to Mr. Jenkins that it would be possible for the council and staff to find a different way to accommodate him.

Debbie McKean suggested they should review the ordinance since it had not been reviewed since the 70s or early 80s.

MOTION: James Bruhn moved to deny Kristopher Jenkins’ request for a variance to Land Use Ordinance 17.24.050 “Yard Regulations” regarding rear setback requirements in the R-1-10 district based on the five criteria listed in the staff’s opinion, and to direct the staff to prepare a letter stating the findings that led up to their decision.

SECOND: Debbie McKean seconded the Motion.
PASSED: Voting by roll call was as follows:

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

5.
Consider Request by Ryan Wilson for
Land Use Variance at 1894 N 800 W
for Exception to Land Use Ordinance
17.24.050 “Yard Regulations” Regarding
Limits on the Area of Structures and
Accessory Buildings in the Rear Yard
and the Distance Requirements for
Main Structures and Accessory Buildings.

Cathy Brightwell – Mr. Wilson has a large garage on his property which was built in 1999. He wishes to build a home on the property which will exceed the percentage (25%) allowed for accessory structures in the rear yard. The staff has found that he has not presented evidence sufficient to show a variance is applicable. The hardship to the builder is self-imposed, in that he does not want to take down the garage. Mr. Wilson has come to the Council to request a variance to build his home as proposed.

Ben White added that when the building permit was granted for the garage, there was a note in the folder indicating a house could be 32 feet deep. The house proposed by Mr. Wilson would be 49 feet deep. There was discussion as to whether the ordinance had contained language regarding a 25% limit in 1999, and if it had changed. Mr. Wilson said he first learned about the 25% limit when he applied for the building permit for his house. Steve Doxey said whatever language was in the ordinance at the time is irrelevant; determination needs to be based on the circumstances that exist today. However, although the note in the file indicated a house had to be 32 feet deep, the ordinance states an accessory building cannot be larger than the house.

Duane Huffman said they could revise the part of the ordinance that addresses this situation without having as much impact as if they were to change the ordinances regarding setbacks. James Ahlstrom disagreed, stating they should not change ordinances because of one circumstance. He thought they should build more flexibility into the conditions. Dave Tovey said he understood having limits regarding setbacks because neighbors are affected, but he does not understand why anyone would care what was done within the property boundaries. Mayor Romney asked Ben if there was a runoff concern on the property. He did not see anything in
the ordinance regarding a hard surface to soft surface ratio requirement, but he is concerned a house on the property would not leave enough soft surface for drainage. There was discussion that granting a variance could be abused by future applicants, and a change in the ordinance could also be abused. Mr. Doxey stated the best way to avoid abuses would be to abide by the statutory requirements, and to not grant a variance in this case.

Mayor Romney stated he was in favor of looking at a possible change to the ordinance, but they should research why a 25% limit on the footprint of buildings was set originally. Debbie McKeen and Dave Tovey also expressed their opinions that the ordinance needed to be reviewed since the community has changed in the past 25 years. However, Debbie indicated she would not want Mr. Wilson to wait for an ordinance to change before he can build, because they could decide not to change anything. Duane suggested that staff work with Mr. Wilson to see if they can work out another solution.

MOTION: James Ahlstrom moved to deny Ryan Wilson’s request for a variance of Land Use Ordinance 17.24.050 “Yard Regulations” regarding limits on the area of structures and accessory buildings in the rear yard and the distance requirements for main structures and accessory buildings based on the five criteria listed in the staff’s opinion, and to direct the staff to prepare a letter stating the findings that led up to the decision.

SECOND: Dave Tovey seconded the Motion.

DISCUSSION: The council instructed Mr. Wilson to continue taking with staff as it is possible they can come up with an alternate solution.

PASSED: Voting by roll call was as follows:

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

6. Consider Approval of Ordinance 354-13, an Ordinance Establishing the West Bountiful Emergency Preparedness Advisory Committee.

MOTION: James Ahlstrom moved to approve Ordinance 354-13, establishing the West Bountiful Emergency Preparedness Advisory Committee.
SECOND: Mark Preece 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

7.
Consider Approval of Resolution
316-13, a Resolution Appointing
Members to the West Bountiful City
Emergency Preparedness Advisory
Committee.

According to the resolution, the appointed members are Ron Crandall,
Mark Larson, and Jason Meservy. They will serve until December 31,
2016. Two more members are needed for the committee.

MOTION: Mark Preece moved to approve Resolution 316-13, appointing
the above members to the West Bountiful City Emergency Preparedness
Advisory Committee.

SECOND: Debbie McKeen seconded the Motion.

PASSED: Voting was as follows:

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

8.
Consider Approval of Resolution 317-13,
a Resolution Amending the Fall Fee Schedule
at Lakeside Golf Course.

Paul Holden sent a memo to council which was included in their packets.
In it he explained that reducing fees for off season and times that are
historically slow would increase play and revenue at the golf course.
Duane Huffman commented that off-season was stated in the resolution as
being November 1 to February 29. He suggested striking that specific
language, so the director can determine off-season each year based on the
weather, water limits, course conditions, etc. Paul stated that he would
also like to change some regular fees to even dollar amounts to avoid having to get change from the bank every day.

MOTION: Debbie McKean moved to approve Resolution 317-13, amending the Fall Fee Schedule at Lakeside Golf Course.

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 McKean – Aye


Ben White – To summarize, this matter has been discussed by Planning Commission for many months, and opinions have varied. Some members of the commission and of the council said a conditional use permit should be required, and others saw a conditional use permit as unnecessary and puts a burden on the commission and the city staff. Two drafts were done, one for requiring a conditional use permit and one that does not require a conditional use permit. After Ben received the Planning Commission’s recommendations, he had it reviewed by the city’s legal counsel and modifications were made to condition 5.

James Bruhn said condition 5 was unclear as to what was meant by an additional fence. Ben stated the condition was intended to prohibit solid walls and railings from making a room but calling it a deck. The final modification to the condition added additional language about fences that was not discussed by Planning Commission. Duane Huffman suggested putting a picture in the ordinance illustrating what a deck should look like.

Dave Tovey asked if the Planning Commission discussed the setback limit relative to height. Ben said they did discuss height and developed a rating scale but in the end chose not to use it. The building code makes provisions for decks up to 30 inches off the ground.

Chairman Denis Hopkinson said the Planning Commission has had six meetings so far on this. A general contractor was building on two lots and he wanted bigger decks than what is allowed in the ordinance. Some of
the language referred to in the proposed ordinance did not come from the Planning Commission. He said three of the commissioners think the proper option is to require a conditional use permit allowing the commission to look at the property and determine the conditions to impose on a case by case basis. The commission reviewed ordinances in different cities. In the future there will be more building in smaller spaces so it would be too hard to make an overall definition. Mayor Romney also pointed out that lot sizes change with economic conditions. He is also concerned that granting conditional uses could be a sensitive issue. In his neighborhood, two residents had to take down their decks because of the ordinance, and other residents were denied decks.

The Mayor said a conditional use permit would need to have very stringent conditions so they might as well modify the ordinance. Dave Tovey was in favor of conditional use permits and was most concerned that conditions be applied that mitigate impact on neighboring properties. James Ahlstrom said there should be some fixed rigidity in setbacks where impact to neighbors is a factor, but otherwise he does not see the need of being so rigid on other standards. After several permits have been granted, the Planning Commission will begin to see a trend which will make it easier to grant permits. In the meantime they need flexibility in granting permits.

MOTION: Debbie McKean moved to extend the meeting for 45 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

Mayor Romney polled the council and most members were in favor of conditional use permits. He suggested the planning commission and staff take another look at the language discussed this evening and bring back their recommendation.

10. Consider Approval of Tuition Reimbursement Agreements.

Mayor Romney asked each member of council to comment briefly on whether they should go forward with the agreements presented this
evening or hold a work session for further discussion. This would go along with updating the City’s policies and procedures.

Debbie McKean said they did a study on this, and everyone was supportive of the concept. She was not opposed to the specific agreements but she would like a policy in place first, and discuss it as a budget item at a later time. James Bruhn was against the concept because he does not see it as a valid use of taxpayer dollars. Mark Preece was in favor of it because it is good for employee retention. James Ahlstrom said studies on employee turnover show financial impact that is not obvious. It is often not possible to pay good employees what they should be getting, but providing tuition is a good non-salary benefit for them. He said they should vote on the agreements and then work on the policy.

Debbie McKean suggested if they approve a tuition benefit on a year-to-year basis, they could do as other cities have done and include in the policy “contingent on sufficient funds available.” James Ahlstrom said they can include that and other key points in the agreement, and put them in a policy later. Dave Tovey said he is fine with it, but he likes the “contingent on available funds” language. He would want guidelines in the policy as to which employees would be offered this benefit. Education courses should be in line with job responsibilities.

Mayor Romney pointed out that for the police there is a lot of training required and Heidi’s position requires training. This makes them better employees, and the city is more efficient. Training money is already budgeted for police training. They have also talked about other fund sources.

MOTION: James Ahlstrom moved to approve the tuition reimbursement agreements.

SECOND: Mark Preece 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 – Nay

11.
Consider Approval of Resolution 318-13, Authorizing a Community Development Block Grant Agreement Between West Bountiful City and Davis County for the
2013-14 Program Year.

Ben White suggested using the grant money for sidewalks on Pages Lane and 1000 North. The staff is deciding whether to have city employees do the work or to hire a contractor. They should be able to get 1,000 feet of sidewalk from the grant.

MOTION: James Ahlstrom moved to approve Resolution 318-13 authorizing a Community Development Block Grant Agreement between West Bountiful and Davis County for the 2013-14 Program Year.

SECONDO: 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 McKeen – Aye


Denis Hopkinson – they worked on 17.24.050, paragraphs b and f. He wants to work on paragraph h regarding the issue of percentage and square footage. He asked council to fill their vacant alternate seat.

13. Engineer Report

Ben White –
- The construction season is coming to an end. Some monuments need to be put in on 400 North at 800 West, 900 West and 925 West. There will be barriers around them while the concrete dries.
- Concrete curb has been built on Pages Lane in front of the park. There are issues with the curb elevation which must be addressed prior to the placement of asphalt.
- UDOT is still planning a ramp in front of the school that is ADA compatible.
- UDOT has narrowed bidders for the I-15 project down to three contractors. The city should expect to see costs and a design in November or December.
- Ben met with the school district to discuss growth projection county wide. West Bountiful Elementary is on the top of the list to be rebuilt. New construction is still taking precedence over rebuilds. In 2016, the school district will be going after bonds for additional funding.
• The Planning Commission heard a rezoning request and recommended to deny. The applicant may want to come to the council. Ben will leave it to the Mayor's discretion whether to put him on the agenda.

• Fall cleanup starts this weekend.


Duane Huffman –

• The staff has been working on a policy for organized use of the recreation facilities by sports teams. A draft will be ready for the next meeting.

• The staff has identified problems and options for Birnam Woods Park, and Duane suggested scheduling a work meeting before the next council meeting. He suggests they hold it at 6:00 pm the same day as the meeting.

• Staff meetings are being held on Tuesdays now. The staff is considering removing the glass dividing the front counter of administrative offices from the public. There is a gate so they can lock up the area at night.

• Dave Tovey has withdrawn from this year’s election. His name is still on the paper ballots that are being sent out, but it will not be on the electronic ballots.

• At the previous meeting they discussed paying cash for a snowplow rather than financing the purchase. He requested clarification regarding how council would like to proceed with retro-fitting the dump truck in the meantime.

15. Mayor/Council Reports

Mayor Romney – nothing to report, but said the staff is doing a great job.

James Ahlstrom – feels every West Bountiful City staff position is filled with most excellent people.

Mark Preece – he, the Mayor and Duane met with Woods Cross City. They are going forward with their CDA and paying for the studies. They will keep West Bountiful in the loop.

James Bruhn – the golf event on Saturday went well. It was his first time on the golf course. Citizens have said they would like more youth programs at the golf course. At the waste management meeting in California, he looked at a vendor who could repair the dump truck.
Dave Tovey – the road west of 800 West and Porter Lane has a shoulder which narrows suddenly. Someone coming off the trail would be right at the edge of the road. Ben said he and Steve Maughan would look at it.

Debbie McKeen – a mosquito conference is planned at Bryce Canyon, but the canyon is closed due to the government shutdown. Newsletter articles are due October 15. She wants everything included through the first part of January. The arts council is asking for support of the city council at their concerts, which are the second Friday of each month. She will send out emails to them before each concert to remind them. She did a Tip-A-Cop because she was told someone was driving around every morning at 5:00 or 5:30 for the past two weeks making people uncomfortable.

16.
Approval of Minutes of the September 17, 2013 City Council Meeting.

Debbie suggested a change in the language on Page 8 Line 10.

MOTION: Dave Tovey moved to approve the September 17, 2013 city council meeting minutes with change.

SECOND: James Ahlstrom seconded the Motion.

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

17.
Possible Closed Meeting for Allowed Purposes Pursuant Utah Code Annotated 52-4-205.

Not necessary.

18.
Possible Action Following Closed Meeting

Not necessary.

19.
Adjourn – 10:56 pm
MOTION: James Bruhn moved to adjourn.

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)