CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A
CITY COUNCIL MEETING ON TUESDAY, DECEMBER 17, 2013 AT 7:30 PM – 550 NORTH
800 WEST, WEST BOUNTIFUL CITY.

Invocation/Thought by Invitation
Pledge of Allegiance- James Ahlstrom

Agenda
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. Presentation of the FY 2013 Audit Report – Tim Rees
4. Consider approval of a lot line adjustment for the property located at 1084 W 1600 N
5. Consider approval of Resolution 321-13, a resolution setting the regular business hours for the
   City Office.
6. Consider adjustment to police vehicle plan.
7. Discussion and review of ordinances (15.08.020) and practices related to the construction of
   finished floor elevations below street grade (basements)
8. Discussion and review of ordinances (15.08.050) and practices related to public infrastructure
   improvements and industrial building permits.
9. Presentation from Davis County Mosquito Abatement District – Gary Hatch
11. Engineer’s Report
12. Police Report
13. Finance Report
15. Mayor/Council Reports
16. Approval of Minutes from the December 3rd City Council meeting
17. Closed session for reasons described in Utah Code 52-4-205(c) hold a strategy session to
   discuss pending or reasonably imminent litigation, and (d) hold a strategy session to discuss
   the purchase, exchange, or lease of real property where public discussion of the transaction
would disclose the appraisal or estimated value of the property under consideration or prevent
the public body form completing the transaction.

18. Possible action following closed session.

19. 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, 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 of this desire twenty-four
(24) hours before the meeting.

This agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on
December 12, 2013.
Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, December 17, 2013 at West Bountiful City Hall, Davis County, Utah.

Those in Attendance

MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Bruhn, Dave Tovey, Debbie McKean. Mayor Romney was excused and James Ahlstrom was expected later.

STAFF PRESENT: Duane Huffman (City Administrator), Heidi Voordeckers (Finance Director/ Recorder), Ben White (City Engineer), Steve Doxey (City Attorney), Steve Maughan (Public Works Director), Chief Todd Hixson, Nathalie Ellingson (secretary).

VISITORS: Alan Malan, Rob Page, Carter Page, Kelly Enquist, Derek Anderson.

Called to Order:

Mayor Pro Tem Preece called this meeting to order at 7:31 pm.

Invocation/Thought – Mark Preece gave a thought regarding gratitude.
Pledge of Allegiance was led by James Bruhn.

1. Accept Agenda

MOTION: James Bruhn moved to accept the agenda. Debbie McKean seconded the Motion which passed by unanimous vote of all members present.

2. Public Comment

Kelly Enquist – As a citizen of West Bountiful, he wanted to thank Dave Tovey for his service on the City Council.

3. Presentation of the FY 2013 Audit Report – Tim Rees

Each council member was provided a copy of the Audit Report done by Karren, Hendrix, Stagg, Allen & Company. Mr. Rees addressed the council, explaining that the auditors have looked at financial matters and have issued an opinion. Mr. Rees remarked on the general health of each fund, mentioning specifically impacts from the unsuccessful well project in the Water Fund and the upcoming termination of the bond in the Golf Fund. He stated that the auditors looked at all applicable federal and state laws concerning city finances and found no material or significant violations. Mr. Rees commended the administration staff, especially Heidi Voordeckers.
Duane Huffman pointed out that on Page 41 of the audit the General Fund balance at year end shows $1,047,077. This amount includes accounts receivable, such as the $400,000 owed to the general fund from the golf course. Therefore, the $1,047,077 is not all available to spend. He also pointed out that each area within the General Fund came in under the final budget figures.

4. Consider Approval of a Lot line Adjustment for the Property Located at 1084 West 1600 North

Ben White – James Bruhn’s family owns two parcels at the above address. They want to sell part of the property, and the parcels are not the same size. They would like to move the lot line to make the parcels equal. Ben stated this change meets all code requirements. James Bruhn stated that he could have had the adjustment made without the vote of city council, but since he is a member it needed to be brought forward that he is the owner of the property. He also disclosed that he has a financial interest in this action.

MOTION: Debbie McKean moved to approve a lot line adjustment to the property located at 1084 West 1600 North. Dave Tovey seconded the Motion which PASSED.

Voting was as follows:
Mark Preece – Aye
James Bruhn – Abstained
Dave Tovey – Aye
Debbie McKean – Aye

5. Consider Approval of Resolution 321-13, a Resolution Setting the Regular Business Hours for the City Office.

Duane Huffman – A proposal for increasing the hours the city offices are open to the public was brought forward by the staff, for the reasons listed in the memo provided in the council packets. The proposal is to open at 7:30 am Monday through Friday, remain open during the lunch hour, and close early on Fridays, which are typically slow. This schedule change can be covered with existing staff.

MOTION: James Bruhn moved to approve Resolution 321-13, setting regular business hours for the city offices. Debbie McKean seconded the Motion which PASSED.

Voting by roll call was as follows:
Mark Preece – Aye
James Bruhn – Aye
Dave Tovey – Aye

Chief Hixson – A memo was provided in the council packets which included a proposal for police department vehicles. The first item shown was the original plan as budgeted. At the time the plan was first presented, an exact quote as to the percentage of increase of lease costs was not available. A 2% increase was budgeted but the actual increase is 4%. This put them $1,249.52 over budget.

*James Ahlstrom arrived at 7:54.*

The proposal showed how the unbudgeted increase can be somewhat offset by adjusting how the vehicles are outfitted and equipped, and included a plan to buy the 2008 Dodge Charger that is currently on lease, and trade-in the unmarked car currently used by the Lieutenant.

The total impact of the change in lease prices and the proposal to purchase and trade-in the other vehicles is $12,000. Of this amount, $9642.38 would come from unclaimed monies from investigations that are referred to as Incorporated Funds, as the law allows them to be incorporated for public use after specific legal processes. The additional $2,357.62 would be absorbed in the current year’s police budget.

Debbie McKean expressed concern with the plan to use the Incorporated Funds until all of the legal requirements have been met. Duane Huffman stated that all of the notice requirements have been met, and the intent would be to adopt the final required resolution concurrently with the next amendment to the Budget. Chief Hixson stated he wanted to move forward as soon as possible because the current leases are overdue and the vehicles are running over the allowed mileage.

Dave Tovey asked Heidi Voordecker and Steve Doxey if they had any issues. They indicated they did not foresee any reason the funds would not be available.

**MOTION:** James Ahlstrom moved to approve the requested trade in of the Ford Explorer and purchase of the Dodge Charger as proposed. James Bruhn seconded the Motion which PASSED.

Voting was as follows:

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

The meeting was briefly interrupted so the city and the council could present a plaque to Dave Tovey for his service on the city council, and present flowers for his wife, who was present with their children.

7. Discussion and Review of Ordinances (15.08.020) and Practices Related to the Construction of Finished Floor Elevations Below Street Grade (Basements).

Ben White – Title 15 of the city code forbids the construction of basements in new homes without special city approval. Ben has had a landowner approach him with a request to build a home with a below grade level basement, but he wants the discussion today to be more general. Below grade levels with varying depths have been recently approved in certain areas of the city. The code reads that the city engineer and city council approve these requests. However, if the city engineer and council are both deciding bodies an appeal of the city engineer’s decision cannot be brought to city council since they are also an approving body.

The city should establish criteria for when exceptions would be granted. For example, should they have a groundwater monitoring period and how long should it be? James Ahlstrom suggested that Ben should make the decision and have appeals go to council. Steve Doxey said that would be good procedurally because it will keep the appeal from going to district court. Ben said he will work up a recommendation for future changes to the ordinance, and in the meantime will develop general policies for review criteria. Some of the criteria would include requirements that drainage not affect neighbors; no windows or doors would be constructed in a way that could be impacted by surface water intrusion; and a land drain and sump pump be installed.

8. Discussion and Review of Ordinances (15.08.050) and Practices Related to Public Infrastructure Improvements and Industrial Building Permits.

Ben White – This discussion is specifically concerning potential future improvements at Holly Oil. It is obvious where requirements for infrastructure improvements apply in a residential zone. However, building improvements are proposed on refinery property where some areas have sidewalks and some areas do not. The requirement for public improvements along the entire frontage of a property as a condition of a building permit is challenging when parcels associated with the refinery are so large. Some areas such as where the substation is proposed are easier to define. Ben also said this area does not fit the impact fee mold, so there is a question as to how the impact fees would be assessed. It was suggested more trucks on the roads would impact the city.
Duane Huffman remarked that cities are required to be reasonable and that any required improvements must be connected in both scope and value to the new development. James Ahlstrom pointed out that the ordinance could be better in providing what is reasonable. He believes there should be curb and gutter in industrial and commercial zones, not just for aesthetic reasons, but to take care of drainage. Mark Preece also pointed out that a curb and gutter would prevent damage to the roads caused by trucks because the asphalt can push against the concrete.

Staff will continue to work on this issue, and will speak with Holly Oil about their willingness to participate in future improvements to 800 West.

9. Presentation from Davis County Mosquito Abatement District – Gary Hatch

Gary Hatch had not arrived at this point in the meeting.

MOTION: James Bruhn moved to float Item 9 until Mr. Hatch arrives. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.


Ben White – Steve Doxey gave a presentation to the Planning Commission regarding retail tobacco specialty stores. He explained how the 2012 Utah state law defines electronic cigarettes as tobacco products, and regulates where a tobacco shop can be located in relation to homes, churches, schools, etc. Cities can regulate pursuant to the state law or they can have a stricter law. Staff had researched electronic cigarettes and other than claims that they could be used as a method to quit smoking, which was disputed in several studies, they found no positive reports about their impact on cities but several concerns about the impact on health of such products, including that they were marketed toward youth. Most of the commissioners wanted to prohibit the shops rather than set restrictions. The city can prohibit any such shop in West Bountiful while e-cigarettes can be purchased in convenience stores that are excluded from the state’s retail tobacco specialty store regulations. Mr. Doxey recommended that the Planning Commission draft an ordinance that follows the city’s desires and protects adolescents. A public hearing will be held on January 28, 2014.

Setbacks, percentage of back yard area of accessory buildings, and deck heights were also discussed. They are trying to design an ordinance that has clear and direct language. Deck heights remain the same but some want to increase the percentage of area for accessory buildings, and they want to increase setbacks in A1 to allow higher houses and barns. A public hearing will be held on January 28, 2014.
Gary Hatch arrived at this point and the council proceeded with Item 9, Presentation from Davis County

Mosquito Abatement District.
Gary Hatch is the manager of the Mosquito Abatement district. They had an active summer because the heat produced a lot of mosquitoes. They did a lot of spraying in the north area of the county and Farmington Bay. They have a contracted plane they share with Salt Lake City. Bike crews did 5,000 miles in treating catch basins. They are currently servicing all ponds in the county. There were 3,000 cases of West Nile Virus nationwide and Utah had only five cases. Ninety thousand mosquitoes were tested in Davis County and the only instance of the virus was in some chickens in West Point.

Residents who keep bees are concerned about the effect of the pesticide on them, so the mosquito district did a bee study. They bought five beehives on which to test products and exposure to the products resulted in a very low mortality rate. Their findings will be reported to the bee association.

Next was a discussion of no spray zones in West Bountiful. The district’s policy has been if someone calls who owns a beehive or states that they have health concerns, a 300 foot area around their house will not be sprayed. The reason for setting the buffer at 300 feet is because their equipment is calibrated to spray in 300-foot swaths. If West Nile is detected, the no-spray zone is limited to their property without the 300 foot buffer. Certified letters have been sent out every two years asking residents if they want to continue the no-spray, and if so they are required to sign the letter and send it back in order to remain in the no-spray zone. The letters will now be sent every year.

Debbie McKean asked if West Bountiful could have different no-spray rules. Mr. Hatch said they have the same policies for all the cities, but he understood that West Bountiful has a high abundance of mosquitoes compared to the other cities, and a large number of no spray zones. James Ahlstrom said with such large no-spray zones, some properties in spray zones don’t get sprayed and the residents have no recourse. The council pointed out that when the district has received no-spray requests, they have not verified the reasons given for the requests. Some requests could be for ideological reasons. Mr. Hatch said most of the requests in West Bountiful are because of beehives. Only about one-third is for health reasons, usually asthma. He was asked if they advise beekeepers of the bee study results, and he said the label on their product says it will kill bees. The bees will die if they are directly exposed to the spray but they are not affected if they are in the beehive.
In regards to health reasons, Debbie pointed out people are usually in bed when the district sprays. Gary said causes of asthma are so varied and it is hard to pin the cause as mosquito spray. When council asked if they could require a doctor’s note regarding health reasons, he said West Bountiful could require that. West Bountiful has the highest population of mosquitoes and the most no-spray areas of the cities in the district.

James Bruhn asked how they are treating the golf course. Mr. Hatch said Lakeside staff had been treating the course with their own sprayer, but if the district was requested to spray at the golf course there would be no problem with that. He concluded the discussion by stating that the certified letters will go out in February, and they intend to include a synopsis of the bee study and a risk analysis regarding West Nile Virus risks as opposed to problems caused by pesticides. Utah has generally been aggressive with spraying and West Nile cases have been few.

Ben White had planned to present updates on I-15, but he did not receive an update from UDOT.

Chief Todd Hixson –
- Reserve Officer Program – Officer White is working on Tuesdays for the reserve officer field training.
- Alcohol Officer Program – Officer Neff is field training for the program. He is a nationally known interdiction officer and has been sent on a lot of training trips by the state.
- Crossing Guards – The crossing guards have been very reliable.
- Personnel – Officer Matt Robbins is fitting in very well with the police department. Officer Christopher Jacobson is well into his training. Both officers have great attitudes. The sergeant testing was completed and Officer Ereksen accepted the promotion, which took place on November 30.
- The second EMPAC meeting was held on November 13. Three people are interested in the board positions that are open. The applications will be sent to the mayor.
- The CERT trailer has strobe lights, the interior is painted and the floor is sealed.
- The exercise equipment for sale was put on KSL.com but they received no calls. They will put in another ad around New Year’s. Currently, neither city officials nor employees are eligible to purchase the equipment.
- Vehicles – The vehicles he ordered have come in, and attached to the city council notes was a proposed Vehicle Use Policy. A
motion by city council is not required but he wants their opinions and input. The change to policy set a radius of 15 miles for officers to drive their assigned vehicles home. For over 15 miles, there will charge of $0.28 a mile. This is patterned after a lot of other cities' vehicle use policies. It is better for the city to let the officers drive the police cars home because they can respond to emergencies more quickly. Dave Tovey asked if this will put them over miles on the leases. Chief Hixson said each lease is different but he has looked to see approximately how much the mileage overages would be. He would have the officers who live farther away use the vehicles owned by the department. As things change they will shift the cars they are using. The council members said they all agreed with the policy. Officers will be responsible for the maintenance and care of their vehicles. The department has a budget for repairs but the repairs must be done while the officer is off-duty. The policy stated the cars had to have at least 1/4 tank of gas, but Chief Hixson is changing that to 1/2 tank.

13. Finance Report

Heidi Voordeekers – The City is currently carrying a loss for the year because of the projects that were completed in the late summer. Funds to cover these projects will be transferred as part of the fiscal year-end adjustments. Heidi pointed out that the year-to-date non-departmental budget is tracking higher than last year due to an outstanding unemployment claim and the new contract for computer network services.


Duane Huffman – The staff party last Friday was great. Staffing levels will be light during the holidays. Duane requested a closed meeting this evening to discuss litigation and sale and purchase of property. This was Nathalie Ellingson’s last meeting for taking the minutes and he presented her a card from the council and the staff and thanked her for her help the past few years.

15. Mayor/Council Reports

James Ahlstrom – Asked Steve Maughan what was happening at the corner by the school, and Steve answered UDOT is making ramps to comply with the Americans with Disabilities Act. James heard from some residents that they had received a letter regarding violations on their property. He knows the people and he thinks a conversation would have been enough. They would have liked to have been talked to about the problem before they were issued a letter.
Mark Preece – The sewer board met last week. They worked on their budget, which will be posted online.

James Bruhn – Attended a Waste Management meeting. There was a partial outage at a facility, and Hill AFB is asking to do a ten year contract again. He thanked Dave Tovey for his service.

Dave Tovey – Enjoyed the time he has spent on the Council and Planning Commission. It has been a great learning experience, and he enjoys the people he has gotten to know. He loves living in West Bountiful and plans to serve in the city again in the future. Over the past couple of months he has had comments from people about how well the council has worked together the last couple of years. A lot of things have been done. He is happy for Kelly joining the council.

Debbie McKean – Newsletter articles are coming due. She thanked the staff for the Christmas Party, and she thanked Dave for his service.

16. Approval of Minutes From the December 3 City Council Meeting

MOTION: James Bruhn moved to approve the minutes of the December 3, 2013 City Council meeting. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.

17. Closed Session

MOTION: James Ahlstrom moved to approve going into a closed session in the police line-up room for reasons described in Utah Code 52-4-205(c), hold a strategy session to discuss pending or reasonably imminent litigation, and (d), hold a strategy session to discuss the purchase, exchange, or lease of real property where public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction. Dave Tovey seconded the Motion which PASSED.

Voting by roll call was as follows:
   James Ahlstrom – Aye
   Mark Preece – Aye
   James Bruhn – Aye
   Dave Tovey – Aye
   Debbie McKean – Ay
MOTION: James Bruhn moved to adjourn the closed session and return to the council meeting. Dave Tovey seconded the Motion which PASSED by unanimous vote of all members present.

18. Possible Action Following Closed Meeting

None.

19. Adjourn at 10:48 pm

MOTION: Dave Tovey moved to adjourn City Council meeting; Debbie McKeen seconded the Motion which PASSED by unanimous vote of all members present.

The foregoing was approved by the West Bountiful City Council on Tuesday, December 17, 2014 by unanimous vote of all members present.

HEIDI VOORDECKERS (CITY RECORDER)
WEST BOUNTIFUL CITY
Statement Regarding Closed Meeting of City Council
December 17, 2013

STATE OF UTAH
COUNTY OF DAVIS

I, Kenneth Romney, hereby affirm as follows:

1. I am the mayor of West Bountiful City, and make the following averments based on personal knowledge.

2. I presided at a duly noticed meeting of the West Bountiful City Council on December 17, 2013.

3. Upon motion and a unanimous vote, the City Council closed the meeting and moved the meeting to the police line-up room for the purpose of holding a strategy session to discuss pending or reasonably imminent litigation, and to discuss the purchase, exchange, or lease of real property pursuant Utah Code Ann. § 52-4-205(1)(c) and (d).

4. Upon conclusion of that discussion, the Council resumed its open meeting.

DATED this 24 day of April, 2014.

Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 24 day of April, 2014.

Mischele Robinson, Notary Public