

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Debbie McKean  
Mark Preece  
Dave Tovey

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
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**Finance Director**  
Heidi Voordeckers

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## 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
10. Planning Commission Report
11. Engineer's Report
12. Police Report
13. Finance Report
14. Administrative Report
15. Mayor/Council Reports
16. Approval of Minutes from the December 3<sup>rd</sup> 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 from 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.

1 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, December  
2 17, 2013 at West Bountiful City Hall, Davis County, Utah.  
3

4 Those in Attendance

5 MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Bruhn,  
6 Dave Tovey, Debbie McKean. Mayor Romney was excused and James  
7 Ahlstrom was expected later.  
8

9 STAFF PRESENT: Duane Huffman (City Administrator), Heidi  
10 Voordeckers (Finance Director/Recorder), Ben White (City Engineer),  
11 Steve Doxey (City Attorney), Steve Maughan (Public Works Director),  
12 Chief Todd Hixson, Nathalie Ellingson (secretary).  
13

14 VISITORS: Alan Malan, Rob Page, Carter Page, Kelly Enquist, Derek  
15 Anderson.  
16

17 Called to Order:

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

19 Invocation/Thought – Mark Preece gave a thought regarding gratitude.  
20 Pledge of Allegiance was led by James Bruhn.  
21

22 1. Accept Agenda

24 **MOTION: James Bruhn moved to accept the agenda. Debbie**  
25 **McKean seconded the Motion which passed by unanimous vote of all**  
26 **members present.**  
27

28 2. Public Comment

29  
30 Kelly Enquist – As a citizen of West Bountiful, he wanted to thank Dave  
31 Tovey for his service on the City Council.  
32

33 3. Presentation of the FY 2013 Audit Report – Tim Rees  
34

35 Each council member was provided a copy of the Audit Report done by  
36 Karren, Hendrix, Stagg, Allen & Company. Mr. Rees addressed the  
37 council, explaining that the auditors have looked at financial matters and  
38 have issued an opinion. Mr. Rees remarked on the general health of each  
39 fund, mentioning specifically impacts from the unsuccessful well project  
40 in the Water Fund and the upcoming termination of the bond in the Golf  
41 Fund. He stated that the auditors looked at all applicable federal and state  
42 laws concerning city finances and found no material or significant  
43 violations. Mr. Rees commended the administration staff, especially Heidi  
44 Voordeckers.  
45

1 Duane Huffman pointed out that on Page 41 of the audit the General Fund  
2 balance at year end shows \$1,047,077. This amount includes accounts  
3 receivable, such as the \$400,000 owed to the general fund from the golf  
4 course. Therefore, the \$1,047,077 is not all available to spend. He also  
5 pointed out that each area within the General Fund came in under the final  
6 budget figures.  
7

- 8 4. Consider Approval of a Lot line Adjustment for the Property Located at 1084 West 1600 North  
9

10 Ben White – James Bruhn’s family owns two parcels at the above address.  
11 They want to sell part of the property, and the parcels are not the same  
12 size. They would like to move the lot line to make the parcels equal. Ben  
13 stated this change meets all code requirements. James Bruhn stated that  
14 he could have had the adjustment made without the vote of city council,  
15 but since he is a member it needed to be brought forward that he is the  
16 owner of the property. He also disclosed that he has a financial interest in  
17 this action.  
18

19 **MOTION: Debbie McKean moved to approve a lot line adjustment**  
20 **to the property located at 1084 West 1600 North. Dave Tovey**  
21 **seconded the Motion which PASSED.**  
22

23 Voting was as follows:

24 Mark Preece – Aye  
25 James Bruhn – Abstained  
26 Dave Tovey – Aye  
27 Debbie McKean – Aye  
28

- 29 5. Consider Approval of Resolution 321-13, a Resolution Setting the Regular Business Hours for  
30 the City Office.  
31

32 Duane Huffman – A proposal for increasing the hours the city offices are  
33 open to the public was brought forward by the staff, for the reasons listed  
34 in the memo provided in the council packets. The proposal is to open at  
35 7:30 am Monday through Friday, remain open during the lunch hour, and  
36 close early on Fridays, which are typically slow. This schedule change  
37 can be covered with existing staff.  
38

39 **MOTION: James Bruhn moved to approve Resolution 321-13, setting**  
40 **regular business hours for the city offices. Debbie McKean seconded**  
41 **the Motion which PASSED.**  
42

43 Voting by roll call was as follows:

44 Mark Preece – Aye  
45 James Bruhn – Aye  
46 Dave Tovey – Aye

Debbie McKean – Aye

6. Consider Adjustment to Police Vehicle Plan.

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 Voordeckers 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.

1 Duane Huffman remarked that cities are required to be reasonable and that  
2 any required improvements must be connected in both scope and value to  
3 the new development. James Ahlstrom pointed out that the ordinance  
4 could be better in providing what is reasonable. He believes there should  
5 be curb and gutter in industrial and commercial zones, not just for  
6 aesthetic reasons, but to take care of drainage. Mark Preece also pointed  
7 out that a curb and gutter would prevent damage to the roads caused by  
8 trucks because the asphalt can push against the concrete.  
9

10 Staff will continue to work on this issue, and will speak with Holly Oil  
11 about their willingness to participate in future improvements to 800 West.  
12

13 9. Presentation from Davis County Mosquito Abatement District – Gary Hatch  
14

15 Gary Hatch had not arrived at this point in the meeting.  
16

17 **MOTION: James Bruhn moved to float Item 9 until Mr. Hatch**  
18 **arrives. James Ahlstrom seconded the Motion which PASSED by**  
19 **unanimous vote of all members present.**  
20

21 10. Planning Commission Report  
22

24 Ben White – Steve Doxey gave a presentation to the Planning  
25 Commission regarding retail tobacco specialty stores. He explained how  
26 the 2012 Utah state law defines electronic cigarettes as tobacco products,  
27 and regulates where a tobacco shop can be located in relation to homes,  
28 churches, schools, etc. Cities can regulate pursuant to the state law or they  
29 can have a stricter law. Staff had researched electronic cigarettes and  
30 other than claims that they could be used as a method to quit smoking,  
31 which was disputed in several studies, they found no positive reports about  
32 their impact on cities but several concerns about the impact on health of  
33 such products, including that they were marketed toward youth. Most of  
34 the commissioners wanted to prohibit the shops rather than set restrictions.  
35 The city can prohibit any such shop in West Bountiful while e-cigarettes  
36 can be purchased in convenience stores that are excluded from the state's  
37 retail tobacco specialty store regulations. Mr. Doxey recommended that  
38 the Planning Commission draft an ordinance that follows the city's desires  
39 and protects adolescents. A public hearing will be held on January 28,  
40 2014.

41 Setbacks, percentage of back yard area of accessory buildings, and deck  
42 heights were also discussed. They are trying to design an ordinance that  
43 has clear and direct language. Deck heights remain the same but some  
44 want to increase the percentage of area for accessory buildings, and they  
45 want to increase setbacks in A1 to allow higher houses and barns. A  
46 public hearing will be held on January 28, 2014.

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*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 mosquitos. 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 mosquitos 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.

1  
2 In regards to health reasons, Debbie pointed out people are usually in bed  
3 when the district sprays. Gary said causes of asthma are so varied and it is  
4 hard to pin the cause as mosquito spray. When council asked if they could  
5 require a doctor's note regarding health reasons, he said West Bountiful  
6 could require that. West Bountiful has the highest population of  
7 mosquitos and the most no-spray areas of the cities in the district.

8  
9 James Bruhn asked how they are treating the golf course. Mr. Hatch said  
10 Lakeside staff had been treating the course with their own sprayer, but if  
11 the district was requested to spray at the golf course there would be no  
12 problem with that. He concluded the discussion by stating that the  
13 certified letters will go out in February, and they intend to include a  
14 synopsis of the bee study and a risk analysis regarding West Nile Virus  
15 risks as opposed to problems caused by pesticides. Utah has generally  
16 been aggressive with spraying and West Nile cases have been few.

17 11. Engineer's Report

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

21  
22 12. Police Report

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24 Chief Todd Hixson –

- 25 • Reserve Officer Program – Officer White is working on Tuesdays  
26 for the reserve officer field training.
- 27 • Alcohol Officer Program – Officer Neff is field training for the  
28 program. He is a nationally known interdiction officer and has  
29 been sent on a lot of training trips by the state.
- 30 • Crossing Guards – The crossing guards have been very reliable.
- 31 • Personnel – Officer Matt Robbins is fitting in very well with the  
32 police department. Officer Christopher Jacobson is well into his  
33 training. Both officers have great attitudes. The sergeant testing  
34 was completed and Officer Erekson accepted the promotion, which  
35 took place on November 30.
- 36 • The second EMPAC meeting was held on November 13. Three  
37 people are interested in the board positions that are open. The  
38 applications will be sent to the mayor.
- 39 • The CERT trailer has strobe lights, the interior is painted and the  
40 floor is sealed.
- 41 • The exercise equipment for sale was put on KSL.com but they  
42 received no calls. They will put in another ad around New Years.  
43 Currently, neither city officials nor employees are eligible to  
44 purchase the equipment.
- 45 • Vehicles – The vehicles he ordered have come in, and attached to  
46 the city council notes was a proposed Vehicle Use Policy. A

1 motion by city council is not required but he wants their opinions  
2 and input. The change to policy set a radius of 15 miles for  
3 officers to drive their assigned vehicles home. For over 15 miles,  
4 there will charge of \$.28 a mile. This is patterned after a lot of  
5 other cities' vehicle use policies. It is better for the city to let the  
6 officers drive the police cars home because they can respond to  
7 emergencies more quickly. Dave Tovey asked if this will put them  
8 over miles on the leases. Chief Hixson said each lease is different  
9 but he has looked to see approximately how much the mileage  
10 overages would be. He would have the officers who live farther  
11 away use the vehicles owned by the department. As things change  
12 they will shift the cars they are using. The council members said  
13 they all agreed with the policy. Officers will be responsible for the  
14 maintenance and care of their vehicles. The department has a  
15 budget for repairs but the repairs must be done while the officer is  
16 off-duty. The policy stated the cars had to have at least 1/4 tank of  
17 gas, but Chief Hixson is changing that to 1/2 tank.  
18

19 13. Finance Report  
20

21 Heidi Voordeckers – The City is currently carrying a loss for the year  
22 because of the projects that were completed in the late summer. Funds to  
23 cover these projects will be transferred as part of the fiscal year-end  
24 adjustments. Heidi pointed out that the year-to-date non-departmental  
25 budget is tracking higher than last year due to an outstanding  
26 unemployment claim and the new contract for computer network services.  
27

28 14. Administrative Report  
29

30 Duane Huffman – The staff party last Friday was great. Staffing levels  
31 will be light during the holidays. Duane requested a closed meeting this  
32 evening to discuss litigation and sale and purchase of property. This was  
33 Nathalie Ellingson's last meeting for taking the minutes and he presented  
34 her a card from the council and the staff and thanked her for her help the  
35 past few years.  
36

37 15. Mayor/Council Reports  
38

39 James Ahlstrom – Asked Steve Maughan what was happening at the  
40 corner by the school, and Steve answered UDOT is making ramps to  
41 comply with the Americans with Disabilities Act. James heard from some  
42 residents that they had received a letter regarding violations on their  
43 property. He knows the people and he thinks a conversation would have  
44 been enough. They would have liked to have been talked to about the  
45 problem before they were issued a letter.  
46

1  
2 Mark Preece – The sewer board met last week. They worked on their  
3 budget, which will be posted online.

4 James Bruhn – Attended a Waste Management meeting. There was a  
5 partial outage at a facility, and Hill AFB is asking to do a ten year contract  
6 again. He thanked Dave Tovey for his service.  
7

8 Dave Tovey – Enjoyed the time he has spent on the Council and Planning  
9 Commission. It has been a great learning experience, and he enjoys the  
10 people he has gotten to know. He loves living in West Bountiful and  
11 plans to serve in the city again in the future. Over the past couple of  
12 months he has had comments from people about how well the council has  
13 worked together the last couple of years. A lot of things have been done.  
14 He is happy for Kelly joining the council.  
15

16 Debbie McKean – Newsletter articles are coming due. She thanked the  
17 staff for the Christmas Party, and she thanked Dave for his service.  
18

19 16. Approval of Minutes From the December 3 City Council Meeting  
20

21 **MOTION: James Bruhn moved to approve the minutes of the**  
22 **December 3, 2013 City Council meeting. James Ahlstrom seconded**  
23 **the Motion which PASSED by unanimous vote of all members**  
24 **present.**  
25

26 17. Closed Session  
27

28 **MOTION: James Ahlstrom moved to approve going into a closed**  
29 **session in the police line-up room for reasons described in Utah Code**  
30 **52-4-205(c), hold a strategy session to discuss pending or reasonably**  
31 **imminent litigation, and (d), hold a strategy session to discuss the**  
32 **purchase, exchange, or lease of real property where public discussion**  
33 **of the transaction would disclose the appraisal or estimated value of**  
34 **the property under consideration or prevent the public body from**  
35 **completing the transaction. Dave Tovey seconded the Motion which**  
36 **PASSED.**  
37

38 Voting by roll call was as follows:

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

1                                   **MOTION: James Bruhn moved to adjourn the closed session and**  
2                                   **return to the council meeting. Dave Tovey seconded the Motion which**  
3                                   **PASSED by unanimous vote of all members present.**  
4

5 18.     Possible Action Following Closed Meeting  
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7                                   None.  
8

9 19.     Adjourn at 10:48 pm  
10

11                                   **MOTION: Dave Tovey moved to adjourn City Council meeting;**  
12                                   **Debbie McKean seconded the Motion which PASSED by unanimous**  
13                                   **vote of all members present.**  
14

15  
16                                   -----  
17  
18     *The foregoing was approved by the West Bountiful City Council on Tuesday, December 17, 2014 by*  
19     *unanimous vote of all members present.*  
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24     HEIDI VOORDECKERS (CITY RECORDER)  
25



**WEST BOUNTIFUL CITY**  
**Statement Regarding Closed Meeting of City Council**  
**December 17, 2013**

STATE OF UTAH                    )  
  : ss.  
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.



  
\_\_\_\_\_  
Notary Public