

Minutes of the West Bountiful City Council meeting held on **Tuesday, May 20, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Heidi Voordeckers (Finance Director/Recorder), Ben White (City Engineer), Chief Todd Hixson, Steve Maughan (Public Works Director), Cathy Brightwell (Deputy Recorder/Secretary)

VISITORS: Alan Malan, Corey Sweat, Denis Hopkinson, Angel Christensen, Kathi Barlow, Eric Eastman, Lucile Eastman, Paul Maloy, Melanie Vest, Kelsie Taylor, Kaye Parrish, Dustin Vodopich

Mayor Romney called the meeting to order at 6:35 pm. The Invocation and the Pledge of Allegiance will be moved to follow the executive session.

1. Accept Agenda

MOTION: *James Ahlstrom moved to approve the agenda with a change to move items 9 and 10 to follow item 4. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

2. Executive session, pursuant Utah Code 52-4-205 (c), to discuss pending or reasonably imminent litigation and (d), to hold a strategy session to discuss the purchase, exchange, or lease of real property.

MOTION: *James Bruhn moved to go into Executive Session at 6:38 p.m. in the police training room to discuss pending or reasonably imminent litigation and to hold a strategy session to discuss the purchase, exchange, or lease of real property, and to discuss the character, professional competence, or physical or mental health of an individual. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

MOTION: *James Bruhn moved to close the Executive Session at 7:30 p.m. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

Those involved in the executive session returned to council chambers to resume the regularly scheduled meeting. James Ahlstrom gave an Invocation, and Mark Preece led the Pledge of Allegiance.

3. 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

Denis Hopkinson, 1172 N 800 W, is here to weigh in on Retail Tobacco Specialty businesses. He does not believe anyone is paying attention to what is going into this product. He said he understands that cannabis oil, which is a more potent form of marijuana, has now reached our school system and is being used in e-cigarettes. He said his company/industry tests for it and employees' kids are telling them it is being introduced in local Junior high schools, such as Farmington and Mueller Park. He is concerned that if it is allowed and later becomes a problem, it will be grandfathered if we ever try to limit it in the future. These types of businesses will bring potential harm to our children. He recommends we not allow it in West Bountiful.

4. Recognition of West Bountiful's 2014 Mother of the Year, Citizen of the Year, and Youth of the Year

Mayor Romney recognized Angel Christensen as West Bountiful's 2014 Mother of the Year. He described a nice luncheon celebration they attended last week sponsored by the Clipper. Mrs. Christensen accepted the award with her family.

Mayor Romney recognized Megan Nadauld, the current Youth City Council Mayor, as West Bountiful's 2014 Youth Citizen of the year.

The Citizen of the Year for 2014 is Mike Leger; he is not available this evening and will be recognized at the next meeting.

9. Consider approval of Ordinance 360-14, an ordinance establishing the West Bountiful City Arts Council

Duane explained the proposed Ordinance formalizes the long existing Arts Council and gives a range of membership from six to twelve, allowing for flexibility based on the numbers of interested community members. They have managed a budget for many years and that will continue. Council member McKean added that RAP tax has been used for funding. Colleen Maloy reported that they have been functioning for 7 years. Mayor Romney agreed and added that they have been functioning extremely well and this Ordinance will not affect the way they continue to operate – it only formalizes the group.

MOTION: *Kelly Enquist moved to adopt Ordinance 360-14, establishing the West Bountiful City Arts Council. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

10. Consider approval of Resolution 338-14, a resolution appointing members to the West Bountiful City Arts Council

Council member McKean had questions about how the different term lengths were assigned. Duane explained that each term runs for four years and because they will expire on a staggered basis he randomly assigned them to each member, but emphasized that members can and will be reappointed so the expiration date should not be a problem. Council member Enquist asked if everyone on the list knew they were on the list. Lucile Eastman confirmed that they did and added that no one else wants to be on the Council; current members serve because they love it.

MOTION: *James Bruhn moved to approve Resolution 338-14 appointing members to the West Bountiful City Arts Council. Debbie McKean seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

5. Public hearing for the purpose of receiving public comment regarding a request to vacate a portion of a rear yard public utility easement on the property located at 836 N. Vintage Circle (7:35 p.m., or as soon thereafter as agenda allows)

MOTION: *James Bruhn moved to open the public hearing. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

Ben White summarized his memo, explaining that the Vodopich's have requested to vacate a portion of their rear easement so they can build a swimming pool. He said the homeowner has received written confirmation from utility companies that they have no buried utilities in the easement, and staff does not foresee a high probable need for the easement in the future. Council

member Ahlstrom asked if there will be an impact to other neighbors. Ben responded that no impact is expected because the easement to south has already been partially vacated.

No comments were received from the public.

MOTION: *James Bruhn moved to close the public hearing. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

6. Consider approval of Resolution 337-14, a resolution vacating a portion of a rear yard public utility easement on the property located at 836 N. Vintage Circle

No discussion.

MOTION: *James Bruhn moved to vacate a portion of a rear yard public utility easement on the property located at 836 N. Vintage Circle. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

7. Consider approval of Ordinance 357-14, an ordinance regulating retail tobacco specialty businesses in West Bountiful

Duane began by thanking Steve Doxey for helping to draft this ordinance. He explained that to carve out e-cigarettes from regulations prohibiting Retail Tobacco Specialty Businesses (RTSBs) staff drafted the ordinance by following the formats used in state code in defining RTSBs. In the draft, E-cigarette stores are defined as businesses in which the sale of e-cigarettes and accessories accounts for more than 35% of the total annual gross receipts. They also made language explicit that the e-cigarette businesses are still under state code regulations. Duane added that initially we thought these businesses would only fit in the Commercial General (CG) zone, and more specifically in the south end of the Gateway shopping center, but found that they also fit in some areas of the Commercial Highway (CH) zone, across from Holly Refinery. This determination is made by using the distance restrictions listed in the state regulations.

Duane also reviewed the staff memo accompanying the draft. The memo addressed issues such as whether E-cigarette stores should be a permitted or conditional use and how signage could be regulated.

The Council discussed how close e-cigarette stores could be to each other, residential, and community locations. Council member Bruhn asked if the number of stores would be limited by population. Duane explained he didn't think it was necessary because of the limited areas they fit based on state distance requirements.

Council member Ahlstrom agreed that the CH zone may be a better place to have them. He added that personally he does not want to see these businesses in the Gateway; his only concern was that we have a real location for them. Debbie McKean reported she had polled over 100 people, and only two did not care about having this type of business next to the Dollar Store.

Duane asked if the Council still wanted to carve out e-cigarette stores from RTSBs if they are only allowed in the CH zone. Council member Ahlstrom said he believes they should still be separate, especially based on the concerns Chief Hixson raised about other products that are offered in smoke shops.

Discussion followed about whether conditional use permits should be required. Duane offered that based on the state's limited location regulations and the proposed sign language, it may not be necessary to require conditional use permits, but one area the planning commission might consider is limiting hours of operation, or it could be added to the Ordinance.

Debbie thanked planning commission for their hard work in researching this issue and making their recommendation.

MOTION: *James Ahlstrom moved to adopt Ordinance 357-14, with the following modifications: Retail tobacco specialty businesses are prohibited in all zones; retail e-cigarette specialty businesses are conditional uses in the CH, LI, and IG zones, and e-cigarette stores are prohibited in all other zones. Debbie McKean offered a friendly amendment to also prohibit e-cigarette stores in the LI zone. James Ahlstrom agreed to her friendly amendment. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

Council member Ahlstrom addressed the Council and audience. He admitted he was rude to Council member McKean at the previous meeting and wanted to publicly apologize. He declared he is committed to be more patient and to learn to disagree without being disagreeable.

8. Report from council member McKean on ULCT Spring Conference

Council member McKean mentioned several topics covered at the ULCT Spring conference, including a Veteran's monument in Sandy. She asked the Council to support a donation of \$500 to the monument on behalf of the City. Everyone agreed that it is a good cause and would be a good donation to make. The donation will be addressed in the next budget amendment.

11. Consider approval of Betterment Agreement between West Bountiful City and UDOT for Project F-I15-7(301)313, I-15; South Davis County Operational Upgrades

Ben explained that last fall the city entered into an agreement with UDOT to replace the water line under 400 North from the reception center east of I-15 to 660 West Street west of I-15,

and 500 South from west of I-15 to 400 feet east of 500 West. We expected the cost for both to be close to \$1M but it came in at \$710k. The City receives a great value by partnering with UDOT on projects such as this because the City only pays for the water line construction and not traffic control or asphalt repair.

MOTION: *Mark Preece moved to approve the Betterment Agreement between West Bountiful City and UDOT for project F-I15-7(301)313, I-15; South Davis County Operational Upgrades. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

12. Discussion of possible ordinance related to the disposal of real property

Duane reported that state code establishes basic notice and public comment provisions related to the sale, donation, or trade of a “significant parcel of real property” by a city, but requires that before disposing of real property cities first define by ordinance what constitutes a parcel of real property, and set notice requirements. Duane’s memo lists items for consideration and makes several recommendations. Following discussion, Council agreed they like the recommendations of defining any piece of real property as a significant parcel and mimicking land use notice requirements. Duane will draft an Ordinance for consideration at the next meeting.

13. Discussion on possible FY 2014 budget amendments

Heidi Voordeckers explained that as FY 2014 ends, additional budget amendments are proposed to recognize the various projects that are in process throughout the City. She summarized the projects listed in her memo, and added an increase to the contributions budget from \$500 to \$1000 as discussed previously in the meeting. A public hearing will be scheduled for June 3 to address these issues if Council agrees.

MOTION: *James Ahlstrom moved to hold a public hearing on possible FY 2014 budget amendments on June 3, 2014. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

14. Planning Commission

Ben White reported there was no planning commission meeting last week, so he talked about the meeting held on April 22, at which Olsen Ranches subdivision was approved and two Conditional Use Permits were granted. One for a business that dismantles motorcycles and ATVs and sells their parts via the internet, and one for a deck that protrudes into the rear setback . At next

week's meeting, planning commission will consider a one lot subdivision for the Hopkinson family, a conditional use permit for a salon, and discuss requests for reception centers on 800 West.

Ben added that the Carbone's on 400 North have made inquiries about modifying their address. Having three 400 North streets is confusing so they would like to name their driveway and use it as their new address. The Council did not appear interested in changing the street name for the southern portion of 400 North.

15. Public Works report

Steve Maughan reported the following items. The CDBG sidewalks are complete on 800 West; 900 feet of sidewalk was replaced and/or added and it looks great.

Park irrigation is going good with the upgrade on the north end almost complete. We are operating the sprinklers without filters now and it is an improvement; once new filters are in place, it will make a big difference in maintenance.

The 900 West water line was finished two weeks ago; all homes are tied in. The road rebuild is going exceptionally well; finish grade tomorrow and Thursday with asphalt being placed on Friday. We've received many positive comments from residents.

800 West construction may start next week. They will begin at the canal and it will be necessary to close the road for 3-4 days so they can bore the new water line under the canal. After that, the road will have daily closures but will be open early mornings and evenings. This will be a 6-8 week project.

Steve added that as part of the 900 West project, a 6 inch line that runs up the south side of Pages Lane between 900 W and 800 W was cut and capped. This created a dead end line that is slated to be abandoned next year, but Staff now feels it makes sense to do it now as part of the 800 West project. Staff wants to add piping through the Pages Lane intersection to eliminate the 6" dead end pipe as we have favorable unit pricing for the work already. Council member Bruhn asked about the recently constructed PVC water pipe on the north side of Pages Lane and if we were going to connect the homes that are now connected to the dead end 6" pipe to the new PVC pipe? The response was yes they will be connected to the new pipe. Mayor Romney inquired about the schedule. Ben White replied that traffic on Pages Lane will increase as I-15 construction continues. Corey Sweat added that he has heard complaints about speeding on 600 West and with road closures on 800 West, these problems are likely to increase. The police department will be asked to monitor the street more closely.

In speaking of the 800 West project, Duane added that there are several undeveloped lots on 800 West where we have contacted owners to see if they are interested in stubbing utilities. Only one is interested. Staff estimates that it would be about \$1500 for each stub. Based on the recent experience with Alice Acres subdivision, staff recommends that the City install the laterals to the undeveloped properties now. The City will recoup the money when lots are developed. We would only install the services that affect the asphalt street. Council agreed this was a good idea.

Kelly Enquist asked about cleaning the graffiti under 400 North. Steve said he talked with the railroad and they don't have time to get to it but they will allow the City to get inside the gate to clean it. Mr. Enquist then reported that he saw someone who could have been painting graffiti under the Pages Lane overpass. He called dispatch and they insisted it was highway patrol's jurisdiction. He said he tried to explain that they should contact West Bountiful or Bountiful but had difficulty getting the information through to dispatch. Council member Enquist also reported the Bowery lights are burned out, the volley ball light is blown out, and the parking lot lights are not working.

Steve asked council members to call him during the week as they see problems so he can get to it faster.

James Ahlstrom reported that he saw a steady stream of water midway on 700 West gushing during the night. He's not sure if it is a broken sprinkler head but asked Steve to check it out.

16. Police Report

The police report was tabled. Duane Huffman will bring up the dispatch issue raised by Council member Enquist to Chief Hixson.

17. Finance Report – April 2014

Heidi provided the budget summary and detail reports for April. She reported that sales tax continues to outpace prior years, with April at a 2.75% increase.

Duane and Heidi met with the county and discussed the new methods of appraising properties. The County will re-set values to eliminate arbitrariness with individual appraisers. They anticipate most values will change and expect a significant number of appeals.

Council member Bruhn asked if between the tentative and new budget, we included money for curb, gutter and sidewalk projects that may come up during the year. Ben White responded that we have a standing offer that the city will split the cost for anybody that wants to improve their curb, gutter or sidewalk.

18. Administrative Report

Duane Huffman offered a gentle request that the council let staff know of questions/issues prior to council meetings so that staff can be ready to provide the best available information.

The neighborhood meeting with Holly will be held Wednesday at 8 pm. Duane plans to facilitate. Even though only the residents and property owners on the northeast corner of Holly's property have been personally invited, the meeting will be open to the public meeting so all can attend. Council member Enquist said he attended an informal meeting with residents over the weekend and put together questions that have been provided to Holly for the meeting.

19. Mayor/Council Reports

James Ahlstrom has noticed a lot of dandelions at golf course and doesn't understand why. The Mayor has talked to Marcus about it.

He suggested it would be nice if we could have a program that deals with beautification especially in light of all the weed complaints we get. An award could be given for cleaning up properties. Debbie McKean said they used to have a similar program. Suggestions were made that residents could nominate their neighbors and it shouldn't be limited to improvement, but should also be for those that consistently maintain nice yards. The Mayor likes the idea. We can include it in the newsletter, and in the winter give an award for Christmas lights, etc.

Council member Enquist added that he appreciates what Duane has done regarding disposal of real property issue with his global outside the box thinking and how we address a lot of current issues.

Debbie McKean reported the newsletter will go out the first week in June. Parade entries are coming in. She also reported that mosquito spray requests can be made by going to www.davismosquito.org making it very easy to do now.

Kelly Enquist reported that Sunday was the big Shriners event at the Park with about 600 motorcycles there. It brought in about \$20k to the Shriners. He said they wanted to pay tribute and there was no flag on the pole because he had previously taken down a flag in ill repair. He then talked about correct size of flags based on the size of the pole. Steve said he will take care of it.

Council member Enquist also asked about the bumps on the 400 N overpass, the rocks in front of the Knighton property on Pages Lane, and several loose ends at the park.

James Bruhn asked if the monument sign welcoming motorists to West Bountiful on 500 West can be painted so the letters stand out. As it is now, there is no contrast making the sign difficult to read. Steve will look into it.

Mark Preece had nothing to report at this meeting.

Mayor Romney – The golf course 17 tee is seeded, as well as the south and far north portion of the roadway. Everything will be seeded in the next 2 weeks. James Ahlstrom asked about the cart barn. He said it is unsightly now that the trees have been removed. He was told it is on the list to be remodeled. Steve Maughan added that the bridge at #17 will come out in about a month when the grass is growing good. The Mayor stated we need to begin advertising for the long drive to be held July 17-19 with 2 tournaments. He added that the Café seems to be doing well. James Ahlstrom said he went to get dinner there and they were closed. James Bruhn added that he also has had comments from non-golfers that no one was there when residents went to eat. Duane responded that they are supposed to be there when the course is open, but if they don't have any customers for two hours they can leave, with permission from the Pro shop. He will follow up with Paul.

20. Consider approval of Minutes from the May 6, 2014 City Council Meeting.

MOTION: *James Bruhn moved to approve the minutes from the May 6, 2014 meeting as presented. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

21. Adjourn

MOTION: *James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 9:50 pm Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, May 20, 2014.



HEIDI VOORDECKERS (CITY-RECORDER)

