

**RDA Chairman**  
Kenneth Romney

**Executive Director**

**RDA Secretary**  
Heidi Voordeckers

## **West Bountiful City Redevelopment Agency**

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**RDA Board**  
James Ahlstrom  
James Bruhn  
Debbie McKean  
Mark Preece  
Dave Tovey

### **NOTICE OF WEST BOUNTIFUL REDEVELOPMENT AGENCY MEETING**

NOTICE IS HEREBY GIVEN THAT WEST BOUNTIFUL WILL HOLD A REDEVELOPMENT AGENCY (RDA) MEETING ON TUESDAY, DECEMBER 3, 2013 AT 7:30 PM, AT THE WEST BOUNTIFUL CITY HALL, 550 NORTH 800 WEST, WEST BOUNTIFUL, UT

#### **AGENDA AS FOLLOWS:**

1. Appoint Executive Director of the West Bountiful City Redevelopment Agency – Duane Huffman
2. Presentation of Annual West Bountiful Redevelopment Agency Report – Lewis, Young, Robertson, & Burningham.
3. Approval of minutes from the June 18, 2013 meeting.
4. Adjourn to City Council Meeting.

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

\*\* I certify that this agenda has been posted and delivered to the Redevelopment Agency Board and sent to the Clipper Publishing Company on November 26, 2013.

# RDA REPORT

## REDEVELOPMENT AGENCY OF WEST BOUNTIFUL CITY, UTAH



OCTOBER 15, 2013

  
**LEWIS YOUNG  
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## Introduction

Lewis Young Robertson & Burningham, Inc (“LYRB”) has been retained by the West Bountiful City Redevelopment Agency (the “Agency”) to assist with the management of the Agency’s three project areas (West Bountiful Commons, Gateway, and 500 South). LYRB has compiled the various creation and related documents associated with the three project areas, created annual and multi-year budgets, and created a proprietary Excel-based software package to manage the Agency’s RDAs in the future.

The purpose of this report, in part, is to fulfill the requirements of Utah Code section 17C-1-603 – Agency Report. As new reporting requirements were adopted in legislation and became effective in 2011, this report facilitates the RDA’s compliance with the new code, providing the data necessary to fulfill these new reporting requirements. This section of Utah Code mandates that the Agency provide an annual report to the county auditor, the State Tax Commission, the State Board of Education, as well as each of the taxing entities that levy a tax on property from which the Agency collects tax increment. The taxing entities involved in the various project areas of the West Bountiful City RDA, to which this report is being provided, are summarized in the table below.

RDA Taxing Entities	
Duane Huffman	West Bountiful City
Heidi Voordeckers	West Bountiful City
Jonathan Lee	Davis County
Steve Rawlings	Davis County
Bryan Bowles	Davis School District
Gary Hill	Bountiful City
John Miller	South Davis Recreation District
Gary Hatch	Davis County Mosquito Abatement District
Dal Wayment	South Davis Sewer District
Tage Flint	Weber Basin Water Conservancy District
Cathy Dudley	Utah State Board of Education
Twila Affleck	Utah State Board of Education
Barry Conover	Utah State Tax Commission

This annual report is for informational purposes and is intended to provide an overview of each Project Area that lies within the boundaries of the RDA, including descriptions of each Project Area, significant activities, project timelines, actual and estimated tax increment collections, and any other information pertinent to the taxing entities.

Provided in this report is an overview of the West Bountiful Gateway Project Area, the 500 South Project Area, and the Commons Project Area, including a summaries of the current and projected budgets and identification of certain concerns/needs.

## General Overview of All Project Areas

Overview			
RDA Project Area	2013 Property Tax Increment	2013 Sales Tax Increment	Expiration Date
Gateway Project Area	\$290,456	\$0	2017
500 South Project Area	\$71,106	\$0	2022
Commons Project Area	\$211,575	\$305,447	2033
Total	\$573,137	\$305,447	

LYRB has updated the Project Area Budget for each project area which includes a multi-year projection of revenues and expenditures based upon current market conditions and the specifications outlined in the documents as briefly described above related to sources and uses of tax increment. The combined budget for all three project areas estimates that the

areas will generate approximately \$879k in 2013 and a total of \$7.5m over the remaining life of the Project Areas. Over the remaining years of the RDAs, \$6.1m will be used for payments to the Developer or for other Redevelopment Activities, \$1.0m will be contributed to a low to moderate income housing plan, and \$345k will be retained by the Agency to administer the Project Areas.

Table 1.1: Combined Project Area Budget

PROJECT AREA BUDGET 2013		
REVENUES	2013 TOTALS	REMAINING LIFE OF PROJECT
Property Tax Increment		
Gateway	\$290,456	\$1,286,307
500 South	71,106	661,465
The Commons	211,575	4,443,079
Sales Tax Increment		
The Commons	305,447	1,096,862
Total Revenue	\$878,584	\$7,487,713
EXPENDITURES	2013 TOTALS	REMAINING LIFE OF PROJECT
EDA Administration @ 5-7%		
Gateway	\$20,332	\$90,041
500 South	3,555	33,073
The Commons	10,579	222,154
Development Incentive Payments		
Gateway	270,124	1,196,265
The Commons	506,444	4,312,805
Other		
500 South – Redevelopment Activities	67,551	628,392
The Commons – Low to Mod Income Housing	0	1,004,982
Total Expenditures	\$878,584	\$7,487,713

## Section 1: Overview of the Gateway Project Area

Overview	
Creation Year	1989
Initial Year of Tax Increment	1995
Expiration of Project Area	2017
Project Area Acreage	28
Project Area Purpose	Commercial Development
2013 Tax Increment	\$290,456

The Gateway Project Area was created in November 1989 and is governed by the (a) “West Bountiful Gateway Neighborhood Development Plan” dated November 10, 1989; (b) “Bountiful Gateway Neighborhood Development Plan” dated November 10, 1989; (c) the “Off-Site Improvements Agreement (West Bountiful Gateway Neighborhood Development Project)” dated December

21, 1990; and (d) the “Agreement for Disposition of Land for Private Development (A.D.L.)” dated December 21, 1990 by and between the Redevelopment Agency of West Bountiful City and Northgate Associates (the “Developer”). These documents define the duration and use of property tax generated within the Project Area as well as conditions and obligations by the Agency and the Developer. It is the understanding of LYRB that the new owner, Chasebrook Company, has vested rights in the ADL as the new owner.

The original purpose of the Gateway Project Area was to incentivize the development of commercial property in West Bountiful, which would create jobs and increase property and sales tax revenue to the taxing entities. The Gateway Project Area includes approximately 28 acres located between approximately 25 South and 500 South and between I-15 and 500 West. A map of the Project Area is included as Exhibit A. The initial base year value of the Project Area was \$315,493.

### Sources of Funds

#### Property Tax

2013 SOURCES OF FUNDS	
Property Tax Increment	\$290,456
Sales Tax Increment	0
Total Sources of Funds	\$290,456

The Gateway Project Area began to receive property tax increment beginning with the taxes collected in 1994 and remitted to the agency in 1995 and will continue for 23 years through and including taxes collected in 2016 and paid to the Agency in 2017. The Agency has received tax increment revenue every year beginning in 1995 with a tax increment level beginning

at 100% and ratcheting downward to the current level of 70% as shown in the schedule below. The Agency will receive this 70% until 2013 after which the level will decline to 60% until 2017.

1995 – 1998:	100%
1999 – 2003:	80%
2004 – 2008:	75%
2009 – 2013:	70%
2014 – 2017:	60%

Of the total increment received after applying the respective haircut, the Agency has and will continue to pay 93% of the increment to the Developer after retaining 7% for Agency Administration per the creation documents described above.<sup>1</sup> LYRB was unable to locate any information that alluded to any incentive payment cap to the Developer and, therefore, the constraint related to this Project Area is the expiration date of 2017.

Total property tax increment collected by the Agency in 2013, calculated at the haircut level of 70% as outlined above, was \$290,456.

### Sales Tax

Although no sales tax generation will be shared with the Developer, the “Joint Agreement” dated January 2, 1990 among West Bountiful Redevelopment Agency, Bountiful Redevelopment Agency, West Bountiful City, and Bountiful City describes the division of sales taxes generated within the Project Area to be allocated 65% to West Bountiful and 35% to Bountiful City.

### Uses of Funds

2013 USES OF FUNDS	
RDA Administration	\$20,332
Development Activities	270,124
<b>Total Uses of Funds</b>	<b>\$290,456</b>

Provided that all terms and conditions have been met by the Developer, the Agency intends to use 7% of tax increment funds for RDA administration and the remainder to reimburse the Developer for the costs incurred in the development of the Project Area. No documentation has been discovered that contemplates any other uses of tax increment than those previously

specified above.

The total amount to be used for RDA administration for 2013 is \$20,332, with \$270,124 being paid to the Developer for reimbursement of construction costs.

### Development Obligations and Incentives

2013 Developer Reimbursement	
Tax Increment to Developer	\$270,124

The Developer had specific construction obligations related to the two phases of development within the Project Area as specified in the Schedule of Performance attached to the A.D.L. It is the understanding of LYRB that these requirements, which

ended in 2004, have been met although no specific document to that effect has been found or reviewed by LYRB. No determination has been made as to whether or not there is a cap on the amount of increment to be paid to the Developer.

LYRB would like to note that the Gateway Project Area was purchased by Chasebrook Company, who took over for Northgate Associates as the developer in the Project Area in 2011. Chasebrook Company has expressed an interest in providing for various aesthetic improvements to the storefronts

<sup>1</sup> ADL Attachment 5 – Agency’s 3.02 Undertaking; Section 4. Percentage and Length of Time for Receipt of Tax Increment

of the buildings it owns in the Project Area. The Developer has also provided indications of a broader master plan that will include major renovations in the coming years, contributing to the sustainability of the Project Area.

## Project Area Reporting and Accountability

### Relative Growth in Assessed Value

The total assessed value in the Project Area decreased from \$29,052,223 in 2011 to \$28,726,676 in 2012, a slight loss of value of 1.1%. The total assessed value in the Project Area has increased from \$23,397,739 in 2004 to the current level of \$28,726,676; an overall increase of 22.8% over this period of time. This translates to an average annual growth rate of 2.6%.

LYRB is using 2004 values for the comparisons because this is the first year for which reliable data is available for comparison purposes. It is important to note that while the Project Area has experienced an average annual growth rate of only 2.6% since 2004, much larger growth rates have been experienced going back to the early years of the Project Area. Over the life of the RDA, going back to the base year of 1993, total assessed value has increased from \$315,493 to the current level of \$28,726,676. This reflects an overall increase in value of 9,005% and an average annual growth rate of 26.8%.

In comparison, the total assessed value of all property within West Bountiful City, less RDA Project Areas, has increased from \$390,960,385 in 2011 to \$409,853,664 in 2012, an annual rise in value of 4.8%. Over the life of the Project Area, the total assessed value for all property within West Bountiful City, less RDA Project Areas, has increased from \$208,768,228 in 2004 to \$409,853,664 in 2012. This works out to an overall increase of 96.3% and an average annual growth rate of 8.8%.

Table 2.1: Gateway Project Area Growth in Assessed Value

GROWTH IN ASSESSED VALUE	CURRENT YEAR	PRIOR YEAR	GROWTH RATE	AAGR
<b>ASSESSED VALUES IN PROJECT AREA</b>				
Annual Growth in Project Area (2012 vs. 2011)	\$28,726,676	\$29,052,223	-1.1%	-1.1%
Project Area Life Growth in Project Area (2012 vs. 2004)	\$28,726,676	\$23,397,739	22.8%	2.6%
Project Area Life Growth Since Base Year (2012 vs. 1993)	\$28,726,676	\$315,493	9,005%	26.8%
<b>ASSESSED VALUES IN WEST BOUNTIFUL CITY</b>				
Annual Growth in West Bountiful City (2012 vs. 2011)	\$409,853,664	\$390,960,385	4.8%	4.8%
Project Area Life Growth in West Bountiful City (2012 vs. 2004)	\$409,853,664	\$208,768,228	96.3%	8.8%

## Benefits Derived by Participating Taxing Entities

### BENEFITS TO TAXING ENTITIES

- \*Increased Property Tax Revenues

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- \*Increased Sales Tax Revenues

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- \* Job Creation

Currently, the participating taxing entities are experiencing a benefit in the form of increased property tax and sales tax revenues resulting from the development of retail business in the Project Area.

The most significant benefit to the taxing entities will be realized when the life of the Project Area expires in tax year 2016. At that point the Agency will no longer receive tax increment and the taxing entities will receive property tax income based on the full assessed value in the Project Area.

The taxing entities have also benefited from the Project Area as commercial development has increased sales tax revenues, as well as created jobs.

## Forecasted Project Area Budget Update

LYRB has updated the Project Area Budget which includes a multi-year projection of revenues and expenditures based upon current market conditions and the specifications outlined in the documents as briefly described above related to sources and uses of tax increment. LYRB projects that the Project Area will generate approximately \$1.3m over the remaining 5 year life of the Project Area. \$1.2m will be paid to the Developer and \$90k will be retained by the Agency to administer the Project Area. The multi-year budget attached to this document and summarized below displays revenue in the fiscal year received rather than the calendar year collected.

Table 2.2: Gateway Project Area Budget

PROJECT AREA BUDGET 2013 - 2017		
REVENUES	TOTALS	NPV @ 5.00%
Property Tax Increment	\$1,286,307	\$1,117,395
Total Revenue	\$1,286,307	\$1,117,395
EXPENDITURES	TOTALS	NPV @ 5.00%
RDA Administration	\$90,041	\$78,218
Development Activities	1,196,265	1,039,177
Total Expenditures	\$1,286,307	\$1,117,395

## Other Issues

LYRB has not identified any major areas of concern with the Gateway Project Area and believes that, according to the records reviewed, all parties are meeting their respective obligations related to this



Project Area. LYRB recommends that the Agency continue to work with the Developer on attempts to revitalize the project area through updated infrastructure, building facades, and other improvements to the theatres and shops to more fully maximize the value of the project to the City and its citizens.

## Project Area Multi-Year Budget

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The following four sheets represent the FY 2013, FY 2014, FY 2015, and abbreviated multi-year budget from 2005 to 2017.

# WEST BOUNTIFUL GATEWAY

2013 Annual Budget

October 15, 2013



2013
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<b>Tax Year</b>	<b>2012</b>
<b>Payment Year</b>	<b>2013</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 1,209
West Bountiful (58) Values	18,875,871
Bountiful (3) Values	9,849,596
<b>Total Assesed Value:</b>	<b>\$ 28,726,676</b>
<b>West Bountiful (57) Base Year Value (1993)</b>	<b>\$ -</b>
<b>West Bountiful (58) Base Year Value (1993)</b>	<b>(385,738)</b>
<b>Bountiful (3) Base Year Values (1993)</b>	<b>70,245</b>
<b>Total Base Year Value:</b>	<b>\$ (315,493)</b>
West Bountiful (57) Incremental Value	\$ 1,209
West Bountiful (58) Incremental Value	19,261,609
Bountiful (3) Incremental Value	9,779,351
<b>Total Incremental Value</b>	<b>\$ 29,042,169</b>

<b>Tax Rate:</b>	
Total West Bountiful (57) Combined Rate <sup>1</sup>	1.4445%
Total West Bountiful (58) Combined Rate <sup>1</sup>	1.4576%
Total Bountiful (3) Combined Rate	1.3719%

<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment	\$ 17
West Bountiful (58) Increment	280,757
Bountiful (3) Increment	134,163
<b>Total Tax Increment</b>	<b>\$ 414,938</b>

<b>Percent of Tax Increment for Project</b>	<b>70%</b>
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<b>TAX INCREMENT REVENUES TO RDA</b>	
Tax Increment to RDA	\$ 290,456
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 290,456</b>

<b>EXPENDITURES</b>	
RDA Administration @ 7%	\$ 20,332
Developer Payment	270,124
Low to Moderate Income Housing @ 20%	-
<b>Total Uses</b>	<b>\$ 290,456</b>

# WEST BOUNTIFUL GATEWAY

2014 Annual Budget

October 15, 2013



2014
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<b>Tax Year</b>	<b>2013</b>
<b>Payment Year</b>	<b>2014</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 1,209
West Bountiful (58) Values	18,875,871
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<b>Total Assesed Value:</b>	<b>\$ 28,726,676</b>
<b>West Bountiful (57) Base Year Value (1993)</b>	<b>\$ -</b>
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<b>Total Tax Increment</b>	<b>\$ 414,938</b>

<b>Percent of Tax Increment for Project</b>	<b>60%</b>
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<b>TAX INCREMENT REVENUES TO RDA</b>	
Tax Increment to RDA	\$ 248,963
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 248,963</b>

<b>EXPENDITURES</b>	
RDA Administration @ 7%	\$ 17,427
Developer Payment	231,535
Low to Moderate Income Housing @ 20%	-
<b>Total Uses</b>	<b>\$ 248,963</b>

# WEST BOUNTIFUL GATEWAY

2015 Annual Budget

October 15, 2013



2015
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<b>Tax Year</b>	<b>2014</b>
<b>Payment Year</b>	<b>2015</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 1,209
West Bountiful (58) Values	18,875,871
Bountiful (3) Values	9,849,596
<b>Total Assesed Value:</b>	<b>\$ 28,726,676</b>
<b>West Bountiful (57) Base Year Value (1993)</b>	<b>\$ -</b>
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Bountiful (3) Incremental Value	9,779,351
<b>Total Incremental Value</b>	<b>\$ 29,042,169</b>

<b>Tax Rate:</b>	
Total West Bountiful (57) Combined Rate <sup>1</sup>	1.4445%
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<b>EXPENDITURES</b>	
RDA Administration @ 7%	\$ 17,427
Developer Payment	231,535
Low to Moderate Income Housing @ 20%	-
<b>Total Uses</b>	<b>\$ 248,963</b>

# WEST BOUNTIFUL GATEWAY

Ongoing Budget  
Multi-Year Project Area Budget Projections  
October 15, 2013

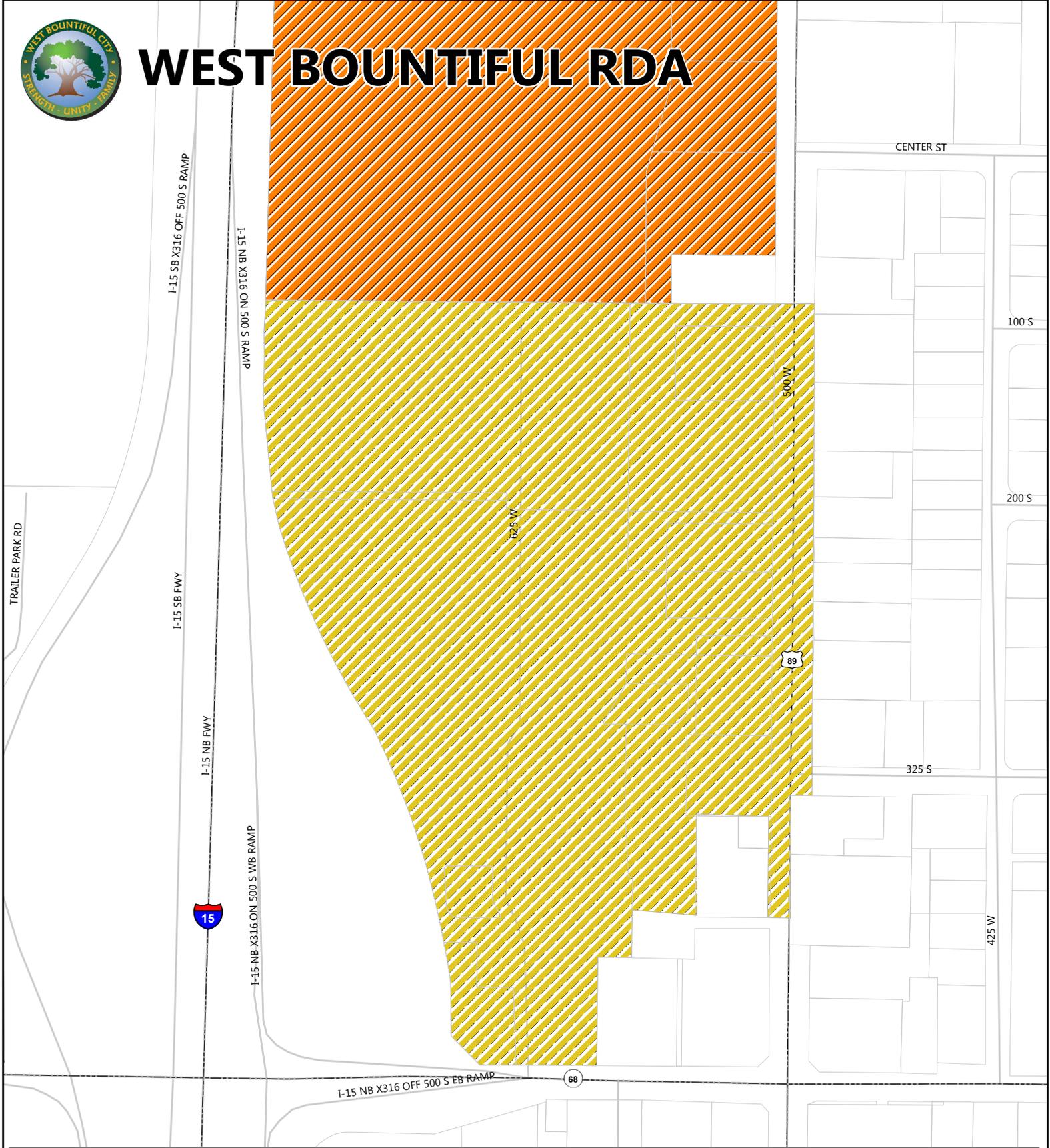


Tax Year Payment Year	<===== HISTORIC PROJECTED =====>														TOTALS	NPV at 5%
	2004 2005	2005 2006	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017			
<b>REVENUES</b>																
<b>TAXABLE VALUATION:</b>																
West Bountiful (57) Values	\$ 110	\$ 8,880	\$ 8,678	\$ 4,075	\$ 4,230	\$ -	\$ -	\$ 1,391	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	
West Bountiful (58) Values	15,646,725	16,367,752	16,265,042	18,475,311	22,234,100	20,159,133	21,233,707	19,100,217	18,875,871	18,875,871	18,875,871	18,875,871	18,875,871	18,875,871	18,875,871	
Bountiful (3) Values	7,750,904	7,738,912	7,696,654	8,432,360	10,105,388	10,128,125	10,716,719	9,950,615	9,849,596	9,849,596	9,849,596	9,849,596	9,849,596	9,849,596	9,849,596	
<b>Total Assesed Value:</b>	<b>\$ 23,397,739</b>	<b>\$ 24,115,544</b>	<b>\$ 23,970,374</b>	<b>\$ 26,911,746</b>	<b>\$ 32,343,718</b>	<b>\$ 30,287,258</b>	<b>\$ 31,950,426</b>	<b>\$ 29,052,223</b>	<b>\$ 28,726,676</b>							
<b>West Bountiful (57) Base Year Value (1993)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>West Bountiful (58) Base Year Value (1993)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	<b>(385,738)</b>	
<b>Bountiful (3) Base Year Values (1993)</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	<b>70,245</b>	
<b>Total Base Year Value:</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	<b>\$ (315,493)</b>	
West Bountiful (57) Incremental Value	\$ 110	\$ 8,880	\$ 8,678	\$ 4,075	\$ 4,230	\$ -	\$ -	\$ 1,391	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	\$ 1,209	
West Bountiful (58) Incremental Value	16,032,463	16,753,490	16,650,780	18,861,049	22,619,838	20,544,871	21,619,445	19,485,955	19,261,609	19,261,609	19,261,609	19,261,609	19,261,609	19,261,609	19,261,609	
Bountiful (3) Incremental Value	7,680,659	7,668,667	7,626,409	8,362,115	10,035,143	10,057,880	10,646,474	9,880,370	9,779,351	9,779,351	9,779,351	9,779,351	9,779,351	9,779,351	9,779,351	
<b>Total Incremental Value</b>	<b>\$ 23,713,232</b>	<b>\$ 24,431,037</b>	<b>\$ 24,285,867</b>	<b>\$ 27,227,239</b>	<b>\$ 32,659,211</b>	<b>\$ 30,602,751</b>	<b>\$ 32,265,919</b>	<b>\$ 29,367,716</b>	<b>\$ 29,042,169</b>							
<b>Tax Rate:</b>																
Total West Bountiful (57) Combined Rate <sup>1</sup>	1.2333%	1.2690%	1.1992%	1.2191%	1.1429%	1.1885%	1.2800%	1.4690%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	
Total West Bountiful (58) Combined Rate <sup>1</sup>	1.2486%	1.2837%	1.2131%	1.2306%	1.1539%	1.1998%	1.2922%	1.4820%	1.4576%	1.4576%	1.4576%	1.4576%	1.4576%	1.4576%	1.4576%	
Total Bountiful (3) Combined Rate	1.2242%	1.2549%	1.1750%	1.1761%	1.0985%	1.1562%	1.2593%	1.3916%	1.3719%	1.3719%	1.3719%	1.3719%	1.3719%	1.3719%	1.3719%	
<b>TAX INCREMENT REVENUES</b>																
West Bountiful (57) Increment	\$ 1	\$ 113	\$ 104	\$ 50	\$ 48	\$ -	\$ -	\$ 20	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17	\$ 424
West Bountiful (58) Increment	200,181	215,065	201,991	232,104	261,010	246,497	279,366	288,782	280,757	280,757	280,757	280,757	280,757	280,757	280,757	3,328,783
Bountiful (3) Increment	94,027	96,234	89,610	98,347	110,236	116,289	134,071	137,495	134,163	134,163	134,163	134,163	134,163	134,163	134,163	1,547,124
<b>Total Tax Increment</b>	<b>\$ 294,209</b>	<b>\$ 311,411</b>	<b>\$ 291,705</b>	<b>\$ 330,501</b>	<b>\$ 371,295</b>	<b>\$ 362,787</b>	<b>\$ 413,438</b>	<b>\$ 426,298</b>	<b>\$ 414,938</b>	<b>\$ 4,876,330</b>						
<b>Percent of Tax Increment for Project</b>																
	75%	75%	75%	75%	70%	70%	70%	70%	70%	70%	60%	60%	60%	60%	60%	
<b>TAX INCREMENT REVENUES TO RDA</b>																
Tax Increment to RDA	\$ 220,657	\$ 233,559	\$ 218,779	\$ 247,875	\$ 259,906	\$ 253,951	\$ 289,406	\$ 298,408	\$ 290,456	\$ 248,963	\$ 248,963	\$ 248,963	\$ 248,963	\$ 248,963	\$ 248,963	\$ 3,308,848
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 220,657</b>	<b>\$ 233,559</b>	<b>\$ 218,779</b>	<b>\$ 247,875</b>	<b>\$ 259,906</b>	<b>\$ 253,951</b>	<b>\$ 289,406</b>	<b>\$ 298,408</b>	<b>\$ 290,456</b>	<b>\$ 248,963</b>	<b>\$ 2,372,004</b>					
<b>EXPENDITURES</b>																
RDA Administration @ 7%	\$ 15,446	\$ 16,349	\$ 15,315	\$ 17,351	\$ 18,193	\$ 17,777	\$ 20,258	\$ 20,889	\$ 20,332	\$ 17,427	\$ 17,427	\$ 17,427	\$ 17,427	\$ 17,427	\$ 17,427	\$ 231,619
Developer Payment	205,211	217,209	203,464	230,524	241,713	236,174	269,148	277,520	270,124	231,535	231,535	231,535	231,535	231,535	231,535	3,077,228
Low to Moderate Income Housing @ 20%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Uses</b>	<b>\$ 220,657</b>	<b>\$ 233,559</b>	<b>\$ 218,779</b>	<b>\$ 247,875</b>	<b>\$ 259,906</b>	<b>\$ 253,951</b>	<b>\$ 289,406</b>	<b>\$ 298,408</b>	<b>\$ 290,456</b>	<b>\$ 248,963</b>	<b>\$ 3,308,848</b>					

Assumptions	
Moderate Income Housing Rate	
RDA Admin Rate	7.00%
Bountiful Northgate Associates Rate	93.00%



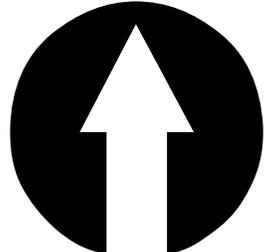
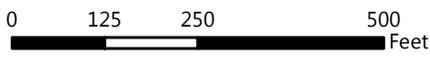
# WEST BOUNTIFUL RDA



-  DAVIS COUNTY PARCEL BOUNDARIES
-  500 SOUTH RDA PROJECT AREA
-  COMMONS PROJECT AREA
-  GATEWAY PROJECT AREA
-  ROADS

LEWIS & YOUNG  
ROBERTSON & BURNINGHAM, INC.

## EXHIBIT A



## Section 2: Overview of the 500 South Project Area

Overview	
Creation Year	1993
Initial Year of Tax Increment	1998
Expiration of Project Area	2022
Project Area Acreage	44
Project Area Purpose	Commercial Development
2013 Tax Increment	\$71,106

The 500 South Project Area was created in January 1993 and is governed by the “Redevelopment Plan for the 500 South Street Redevelopment Project Area” signed and dated January 14, 1993. The Project Area is a joint venture between the West Bountiful City Redevelopment Agency and the Woods Cross City Redevelopment Agency. Woods Cross City is the lead agency for this Project Area.

Although this Project Area is a joint venture, the current management and operations practically treat this as two separate project areas. The only meaningful interaction with Woods Cross on this RDA is that Woods Cross receives the full tax increment and remits the West Bountiful portion to West Bountiful based solely on the incremental tax value in West Bountiful. If other joint planning, management, or collective uses of funds in the Project Area was originally envisioned, that is no longer occurring as a practical matter nor is there any binding documentation requiring such.

The purpose of this Project Area is to incentivize the development of commercial property in West Bountiful City, which will create jobs and increase property tax revenue to the taxing entities. The Project Area includes approximately 44 acres, located at 500 South and between approximately 700 West and 1100 West. A map of the Project Area is included as Exhibit B.

The property in the Project Area has recently been rezoned from C-G (general commercial) to C-H (highway commercial) which allows for uses such as light industrial and highway retail.

### Sources of Funds

#### Property Tax

2013 SOURCES OF FUNDS	
Property Tax Increment	\$71,106
Total Sources of Funds	\$71,106

The Project Area is intended to draw property tax increment beginning with the taxes collected in 1997 and remitted to the agency in 1998 and continue for 25 years through and including taxes collected in 2021 and paid to the Agency in 2022. The Agency has and will receive tax increment based upon the value in the

West Bountiful portion of the Project Area in accordance with the tax increment levels outlined in the schedule below. Property taxes are the sole source of revenue for the Project Area.



1998 – 2002:	100%
2003 – 2007:	80%
2008 – 2012:	75%
2013 – 2017:	70%
2018 – 2022:	60%

Total property tax increment collected by the Agency in 2013, calculated at the haircut level of 70% as outlined above, was \$71,106.

## Uses of Funds

2013 USES OF FUNDS	
RDA Administration	\$3,555
Development Activities	67,551
Total Uses of Funds	\$71,106

The Agency does not have any formal agreements with any third parties on the use of tax increment funds. The Agency has the ability to utilize the funds in any way that is congruent with State Code and the Redevelopment Plan. LYRB has assumed that the Agency will charge a 5% administration fee which is in line with administration fees charged in the Agency's

other project areas. The Agency is entitled to retain the remaining amounts of tax increment for each Project Area Budget Year in order to reimburse the Agency and/or City for associated costs related to public infrastructure and reimbursement to the general fund for loan proceeds lent to the Agency to administer and create the Project Area.

The total amount to be used for RDA administration in this Project Area for 2013 is \$3,555, with \$67,551 being retained by the Agency.

## Project Area Reporting and Accountability

### Relative Growth in Assessed Value

The total assessed value in the Project Area decreased from \$9,952,647 in 2011 to \$9,710,968 in 2012, a reduction in value of 2.4%. The total assessed value in the Project Area has increased from \$7,636,005 in 2004 to the current level of \$9,710,968; an overall increase of 27.7% over this period of time. This translates to an average annual growth rate of 3.1%.

LYRB is using 2004 values for the comparisons because this is the first year for which reliable data is available for comparison purposes. It is important to note that while the Project Area has experienced an average annual growth rate of only 3.1% since 2004, much larger growth rates have been experienced going back to the early years of the Project Area. Over the life of the RDA going back to the base year of 1992, total assessed value has increased from \$2,678,766 in 1992 to the current level of \$9,710,968. This reflects an overall increase in value of 263% and an average annual growth rate of 6.7%.

In comparison, the total assessed value of all property within West Bountiful City, less RDA Project Areas, increased from \$390,960,385 in 2011 to \$409,853,664 in 2012, an annual rise in value of 4.8%. Over the life of the Project Area, the total assessed value for all property within West Bountiful City,

less RDA Project Areas, has increased from \$208,768,228 in 2004 to \$409,853,664 in 2012. This works out to an overall increase of 96.3% and an average annual growth rate of 8.8%.

Table 3.1: 500 South Project Area Growth in Assessed Value

GROWTH IN ASSESSED VALUE	CURRENT YEAR	PRIOR YEAR	GROWTH RATE	AAGR
<b>ASSESSED VALUES IN PROJECT AREA</b>				
Annual Growth in Project Area (2012 vs. 2011)	\$9,710,968	\$9,952,647	-2.4%	-2.4%
Project Area Life Growth in Project Area (2012 vs. 2004)	\$9,710,968	\$7,636,005	27.7%	3.1%
Project Area Life Growth Since Base Year (2012 vs. 1992)	\$9,710,968	\$2,678,766	263%	6.7%
<b>ASSESSED VALUES IN WEST BOUNTIFUL CITY</b>				
Annual Growth in West Bountiful City (2012 vs. 2011)	\$409,853,664	\$390,960,385	4.8%	4.8%
Project Area Life Growth in West Bountiful City (2012 vs. 2004)	\$409,853,664	\$208,768,228	96.3%	8.8%

The relatively low growth rate of assessed values in recent years in the 500 South Project Area when compared to the City as a whole can be partially explained by the fact that one parcel, 06:039:0029, was reclassified as FAA Greenbelt in 2011. Because FAA Greenbelt property can be assessed and taxed based upon its productive capability instead of the prevailing market value, the assessed value of this parcel dropped from \$1,141,320 in 2010 to \$203 in 2011. The dramatic decrease in value of this one parcel significantly affected the total assessed value in the Project Area as, in prior years, this parcel represented as much as 10% of the total assessed value in the Project Area.

## Benefits Derived by Participating Taxing Entities

BENEFITS TO TAXING ENTITIES
*Increased Property Tax Revenues
*Increased Sales Tax Revenues
*Job Creation

Currently, the participating taxing entities are experiencing a benefit in the form of increased property tax revenues resulting from the development of retail business in the Project Area.

The most significant benefit to the taxing entities will be realized when the life of the Project Area expires in tax year 2021. At that point the Agency will no longer receive tax increment and the taxing entities will receive property tax income based on the full assessed value in the Project area.

The taxing entities have also benefited from the Project Area as commercial development has created jobs and increased sales tax revenues.

## Forecasted Project Area Budget Update

LYRB has updated the Project Area Budget which includes a multi-year projection of revenues and expenditures based upon current market conditions and the specifications outlined in the documents as briefly described above related to sources and uses of tax increment. LYRB projects that the Project Area will generate approximately \$661k over the remaining 10 years of the Project Area. The Agency will use approximately \$33k for administration of the Project Area and approximately \$628k to be used toward redevelopment projects.

Table 3.2: 500 South Project Area Budget

PROJECT AREA BUDGET 2013 – 2022		
REVENUES	TOTALS	NPV @ 5.00%
Property Tax Increment	\$661,465	\$515,337
Total Revenue	\$661,465	\$515,337
EXPENDITURES	TOTALS	NPV @ 5.00%
RDA Administration	\$33,073	\$25,767
Development Activities	628,392	489,570
Total Expenditures	\$661,465	\$515,337

## Other Issues

LYRB has not identified any major areas of concern with the 500 South Project Area and believes that, according to the records reviewed, all parties are meeting their respective obligations related to this Project Area.

## Project Area Multi-Year Budget

The following four sheets represent the FY 2013, FY 2014, FY 2015, and abbreviated multi-year budget from 2005 to 2022.

# WEST BOUNTIFUL 500 South

2013 Annual Budget

October 15, 2013



2013
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<b>Tax Year</b>	<b>2012</b>
<b>Payment Year</b>	<b>2013</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 9,710,968
<b>West Bountiful (57) Base Year Value (1992)</b>	<b>\$ (2,678,766)</b>
<b>West Bountiful (57) Incremental Value</b>	<b>\$ 7,032,202</b>

<b>Tax Rate:</b>	
Total West Bountiful (57) Combined Rate	1.4445%
<b>Total Tax Rate:</b>	<b>1.4445%</b>

<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment	101,580
<b>Total Tax Increment</b>	<b>\$ 101,580</b>

<b>Percent of Tax Increment for Project</b>	<b>70%</b>
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<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment to RDA	\$ 71,106
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 71,106</b>

<b>EXPENDITURES</b>	
Administration Fee @ 5%	\$ 3,555
Redevelopment Activities	67,551
<b>Total Uses</b>	<b>\$ 71,106</b>



# WEST BOUNTIFUL 500 South

2014 Annual Budget

October 15, 2013



2014
------

<b>Tax Year</b>	<b>2013</b>
<b>Payment Year</b>	<b>2014</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 9,710,968
<b>West Bountiful (57) Base Year Value (1992)</b>	<b>\$ (2,678,766)</b>
<b>West Bountiful (57) Incremental Value</b>	<b>\$ 7,032,202</b>

<b>Tax Rate:</b>	
Total West Bountiful (57) Combined Rate	1.4445%
<b>Total Tax Rate:</b>	<b>1.4445%</b>

<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment	101,580
<b>Total Tax Increment</b>	<b>\$ 101,580</b>

<b>Percent of Tax Increment for Project</b>	<b>70%</b>
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<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment to RDA	\$ 71,106
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 71,106</b>

<b>EXPENDITURES</b>	
Administration Fee @ 5%	\$ 3,555
Redevelopment Activities	67,551
<b>Total Uses</b>	<b>\$ 71,106</b>



# WEST BOUNTIFUL 500 South

2015 Annual Budget

October 15, 2013



2015
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<b>Tax Year</b>	<b>2014</b>
<b>Payment Year</b>	<b>2015</b>

<b>REVENUES</b>	
<b>TAXABLE VALUATION:</b>	
West Bountiful (57) Values	\$ 9,710,968
<b>West Bountiful (57) Base Year Value (1992)</b>	<b>\$ (2,678,766)</b>
<b>West Bountiful (57) Incremental Value</b>	<b>\$ 7,032,202</b>

<b>Tax Rate:</b>	
Total West Bountiful (57) Combined Rate	1.4445%
<b>Total Tax Rate:</b>	<b>1.4445%</b>

<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment	101,580
<b>Total Tax Increment</b>	<b>\$ 101,580</b>

<b>Percent of Tax Increment for Project</b>	<b>70%</b>
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<b>TAX INCREMENT REVENUES</b>	
West Bountiful (57) Increment to RDA	\$ 71,106
<b>Total Tax Increment Revenue to RDA</b>	<b>\$ 71,106</b>

<b>EXPENDITURES</b>	
Administration Fee @ 5%	\$ 3,555
Redevelopment Activities	67,551
<b>Total Uses</b>	<b>\$ 71,106</b>



# WEST BOUNTIFUL 500 South RDA

Ongoing Budget  
Multi-Year Project Area Budget Projections  
October 15, 2013



Tax Year Payment Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	TOTALS	NPV at 5%
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022		
<==== HISTORIC    PROJECTED    =====>																				
<b>REVENUES</b>																				
<b>TAXABLE VALUATION:</b>																				
West Bountiful (57) Values	\$ 7,636,005	\$ 7,111,081	\$ 7,537,460	\$ 7,551,211	\$ 12,399,321	\$ 11,967,305	\$ 11,608,334	\$ 9,952,647	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	\$ 9,710,968	
<b>West Bountiful (57) Base Year Value (1992)</b>	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	\$ (2,678,766)	
<b>West Bountiful (57) Incremental Value</b>	\$ 4,957,239	\$ 4,432,315	\$ 4,858,694	\$ 4,872,445	\$ 9,720,555	\$ 9,288,539	\$ 8,929,568	\$ 7,273,881	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	\$ 7,032,202	
<b>Tax Rate:</b>																				
Total West Bountiful (57) Combined Rate	1.2333%	1.2690%	1.1993%	1.2191%	1.1176%	1.1885%	1.2800%	1.4690%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4728%	
<b>Total Tax Rate:</b>	1.2333%	1.2690%	1.1993%	1.2191%	1.1176%	1.1885%	1.2800%	1.4690%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4445%	1.4728%	
<b>TAX INCREMENT REVENUES</b>																				
West Bountiful (57) Increment	\$ 61,138	\$ 56,246	\$ 58,270	\$ 59,400	\$ 108,637	\$ 110,394	\$ 114,298	\$ 106,853	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 103,570	1,693,029
<b>Total Tax Increment</b>	\$ 61,138	\$ 56,246	\$ 58,270	\$ 59,400	\$ 108,637	\$ 110,394	\$ 114,298	\$ 106,853	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 101,580	\$ 103,570	\$ 1,693,029
<b>Percent of Tax Increment for Project</b>	80%	80%	80%	75%	75%	75%	75%	75%	70%	70%	70%	70%	70%	70%	60%	60%	60%	60%	60%	
<b>TAX INCREMENT REVENUES TO RDA</b>																				
West Bountiful (57) Increment to RDA	\$ 48,910	\$ 44,997	\$ 46,616	\$ 44,550	\$ 81,478	\$ 82,796	\$ 85,724	\$ 80,140	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 62,142	1,176,676
<b>Total Tax Increment Revenue to RDA</b>	\$ 48,910	\$ 44,997	\$ 46,616	\$ 44,550	\$ 81,478	\$ 82,796	\$ 85,724	\$ 80,140	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 62,142	\$ 1,176,676
<b>EXPENDITURES</b>																				
Administration Fee @ 5 %	\$ 2,446	\$ 2,250	\$ 2,331	\$ 2,227	\$ 4,074	\$ 4,140	\$ 4,286	\$ 4,007	\$ 3,555	\$ 3,555	\$ 3,555	\$ 3,555	\$ 3,555	\$ 3,047	\$ 3,047	\$ 3,047	\$ 3,047	\$ 3,047	\$ 3,107	58,834
Redevelopment Activities	46,465	42,747	44,285	42,322	77,404	78,656	81,438	76,133	67,551	67,551	67,551	67,551	67,551	57,901	57,901	57,901	57,901	57,901	59,035	1,117,842
<b>Total Uses</b>	\$ 48,910	\$ 44,997	\$ 46,616	\$ 44,550	\$ 81,478	\$ 82,796	\$ 85,724	\$ 80,140	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 71,106	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 60,948	\$ 62,142	\$ 1,176,676
<b>Assumptions</b>																				
Administration Fee	5.00%																			
Redevelopment Activities	95.00%																			



## Section 3: Overview of The Commons Project Area

Overview	
Creation Year	2004
Initial Sales Tax Increment Year	2006
Initial Property Tax Increment Year	2009
Expiration of Project Area	2033
Project Area Acreage	35.8 Acres
Project Area Purpose	Commercial Development
2013 Property Tax Increment	\$211,575
2013 Sales Tax Increment	\$305,447
Total 2013 Tax Increment	\$517,022

The Commons Project Area was created in March 2004 and is governed by the “Official Redevelopment Plan for the West Bountiful Commons Redevelopment Project Area” as well as the “Participation Agreement By and Among West Bountiful City, The West Bountiful City Redevelopment Agency, and Johansen-Thackeray Commercial Real Estate Services, L.C.” along with the 1st Amendment to said Development Agreement. These documents define the duration and use of property and sales tax generated within the Project Area as well as conditions and obligations by the

Agency and the Developer.

The purpose of this Project Area is to incentivize the development of commercial property, including a large retail sales facility, small to mid-size retail sales facilities, and open pads for restaurants or other commercial facilities in West Bountiful City. This development will create jobs and increase property and sales tax revenue to the taxing entities. The Project Area includes 35.8 acres located between approximately 25 South and 400 North and between I-15 and 500 West. A map of the Project Area is included as Exhibit C.

### Sources of Funds

#### Property Tax

2013 SOURCES OF FUNDS	
Property Tax Increment	\$211,575
Sales Tax Increment	305,447
Total Sources of Funds	\$517,022

The Project Area is intended to draw property tax increment beginning with the taxes collected in 2008 and remitted to the agency in 2009 and continue for 25 years through and including taxes collected in 2032 and paid to the Agency in 2033. The Agency has and will receive 50% of property tax increment above the base year value throughout the life of the Project Area, with

the remainder flowing to the other taxing entities.

Total property tax increment collected by the Agency in 2013, calculated at the haircut level of 50% as outlined above, was \$211,575.

### Sales Tax

The Development Agreement stipulates that the City will divert a portion of the sales taxes generated in the Project Area based upon the phase and timing of the development according to the following schedule:

Phase I Development:	Bountiful City	14%
	West Bountiful City	43%
	Agency	43%

Phase II and III Development:	Bountiful City	14%
	West Bountiful City	50%
	Agency	36%

The Development Agreement stipulates that sales taxes will be disbursed to the various entities upon the first taking of sales tax increment which began in Jan 2006 and will extend for 10 years or until December 2016. The Sales Tax Sharing Agreement with Bountiful City runs for 50 years, or per the statute of limitations. Otherwise it implies that the Bountiful City portion ends in December 2016 along with the Agency portion.

Total sales tax increment collected by the Agency in 2013, calculated according to the schedule outlined above, was \$305,447.

### Uses of Funds

2013 USES OF FUNDS	
RDA Administration	\$10,579
Developer Payment	506,443
Total Uses of Funds	\$517,022

Provided that all terms and conditions have been met by the Developer, the Agency intends to use 5% of tax increment funds for RDA administration and the remainder to reimburse the Developer for the costs incurred in the development of the Project Area. No documentation has been discovered that contemplates any other uses of tax increment than those previously

specified above.

The total amount to be used for RDA administration for 2013 is \$10,579, with \$506,443 being paid to the Developer for reimbursement of construction costs.

## Development Obligations and Incentives

### 2013 Developer Reimbursement

Property Tax Increment to Developer	\$200,996
Sales Tax Increment to Developer	305,447
Total Tax Increment to Developer	\$506,443

The Developer has the obligation to construct certain amounts of improved space prior to receiving specified capped amounts of tax increment (both sales and property tax) per phase for a total of \$10,800,000. The Developer also has the option of qualifying for a completion bonus which would add an additional opportunity to earn \$2,000,000 in sales tax revenue. The capped amounts per phase are as follows:

Phase I Development:	\$6,200,000
Phase II Development:	\$1,500,000
Phase III Development:	\$3,100,000
Total Capped Incentive	\$10,800,000

Capped amounts per phase are not currently being tracked due to the fact that these caps are not likely to be reached during the life of the RDA based on current projections. LYRB will continue to monitor projections and, if necessary, will work with the County to more accurately reflect which parcels belong to each Phase of Development as outlined in the Development Agreement in order to track the capped amounts per phase.

### 2013 Development Incentive

Previously Pd to Developer	\$2,456,592
2013 Annual Pd to Developer	506,443
Total Pd to Developer	\$2,963,036

The Developer has currently met all obligations necessary to begin the flow of tax increment. For 2013, the Developer will receive a total reimbursement of \$506,443, with \$200,996 coming from Property Tax Increment and \$305,447 coming from Sales Tax Increment. To date, the Developer has received a total reimbursement of \$2,963,036 from tax increment.

## Other Uses of Tax Increment

The Agency is also required to contribute certain portions of increment to implement the City's low to moderate income housing plan. The Project Area Plan envisions that the Agency will dedicate the last five-years of property tax increment (minus administration fee) to the City's low to moderate income housing plan.

## Project Area Reporting and Accountability

### Comparison of Forecasted and Actual Tax Increment

The original multi-year budget forecasted tax increment of \$646,362 in 2013. The actual tax increment received in 2013 is \$506,443, which is 78% of the originally forecasted amount. This reduced amount of actual increment received by the Agency likely stems from a sluggish economy pushing down sales tax revenues, as well as the fact that the original budget used a lower base year value in the calculation of property tax increment.

The original multi-year budget forecasted a total tax increment for the years 2009-2013 of \$3,228,370. The actual tax increment received by the Agency in this period is \$2,519,650, a realization of 78% of original projections.

Table 4.1: Commons Project Area Forecasted vs. Actual Tax Increment

Forecasted vs. Actual Tax Increment	Forecasted	Actual	%
ASSESSED VALUES IN PROJECT AREA			
Property Tax Increment – FY 2013	\$646,362	\$506,443	78%
Property Tax Increment – FY 2009 - 2013	\$3,228,370	\$2,519,650	78%

### Relative Growth in Assessed Value

The total assessed value in the Project Area decreased from \$47,504,426 in 2011 to \$43,814,199 in 2012, a reduction in value of 7.8%. The total assessed value in the Project Area has increased from \$14,445,750 in 2002, the base year of the RDA, to the current level of \$43,814,199; an overall increase of 203.3% over the life of the Project Area. This translates to an average annual growth rate of 11.7%.

In comparison, the total assessed value of all property within West Bountiful City, less RDA Project Areas, has increased from \$390,960,385 in 2011 to \$409,853,664 in 2012, an annual rise in value of 4.8%. Over the life of the Project Area, the total assessed value for all property within West Bountiful City, less RDA Project Areas, has increased from \$224,230,797 in 2002 to \$409,853,664 in 2012. This works out to an overall increase of 82.8% and an average annual growth rate of 6.2%.

Table 4.2: Commons Project Area Growth in Assessed Value

GROWTH IN ASSESSED VALUE	CURRENT YEAR	PRIOR YEAR	GROWTH RATE	AAGR
<b>ASSESSED VALUES IN PROJECT AREA</b>				
Annual Growth in Project Area (2012 vs. 2011)	\$43,814,199	\$47,504,426	-7.8%	-7.8%
Project Area Life Growth in Project Area (2012 vs. 2002)	\$43,814,199	\$14,445,750	203.3%	11.7%
<b>ASSESSED VALUES IN WEST BOUNTIFUL CITY</b>				
Annual Growth in West Bountiful City (2012 vs. 2011)	\$409,853,664	\$390,960,385	4.8%	4.8%
Project Area Life Growth in West Bountiful City (2012 vs. 2002)	\$409,853,664	\$224,230,797	82.8%	6.2%

## Benefits Derived by Participating Taxing Entities

### BENEFITS TO TAXING ENTITIES

\*Increased Property Tax Revenues

\*Increased Sales Tax Revenues

\*Job Creation

Currently, the participating taxing entities are experiencing a benefit in the form of increased property tax and sales tax revenues resulting from the development of retail business in the Project Area.

The most significant benefit to the taxing entities will be realized when the life of the Project Area expires in tax year 2032. At that point the Agency will no longer receive tax increment and the taxing entities will receive property tax income based on the full assessed value in the Project area.

The taxing entities have also benefited as commercial development has created jobs in the Project Area.

## Project Area Budget Update

LYRB has updated the Project Area Budget which includes a multi-year projection of revenues and expenditures based upon current market conditions and the specifications outlined in the documents as briefly described above related to sources and uses of tax increment. LYRB projects that the Project Area will generate approximately \$10.6m in property tax increment over the 25-year life, of which 50%, or \$5.3m, will be revenue to the Agency. LYRB projects that the total sales tax generated in the Project Area for the ten-year period will be \$6.5m of which approximately \$2.7 will be passed on to the Agency. The total Project Area budgeted revenue is estimated at \$8.0m.

The Agency will utilize 5% of the property tax increment to administer the district which equates to approximately \$265k. Contributions to the City's low to moderate income housing plan will equate to approximately \$1.0m to be contributed in years 20 to 25. The remainder of the increment, \$6.8m, will be (and some has been) paid to the Developer according to the Development Agreement.

Table 4.3: Commons Project Area Budget

PROJECT AREA BUDGET 2013 – 2033		
REVENUES	TOTALS	NPV @ 5.00%
Property Tax Increment	\$5,302,436	\$2,229,915
Sales Tax Increment	2,737,065	1,742,273
Total Revenue	\$8,039,501	\$3,972,189
EXPENDITURES	TOTALS	NPV @ 5.00%
RDA Administration @ 5%	\$265,122	\$111,496
Johansen-Thackeray Payment (Property Tax)	4,032,332	1,873,681
Johansen-Thackeray Payment (Sales Tax)	2,737,065	1,742,273
Low to Moderate Income Housing @ 20%	1,004,982	244,738
Total Expenditures	\$8,039,501	\$3,972,189

Based upon these conservative projections, LYRB does not believe the Developer will reach the capped amount of \$10,800,000 by the end of the Project Area.

## Other Issues

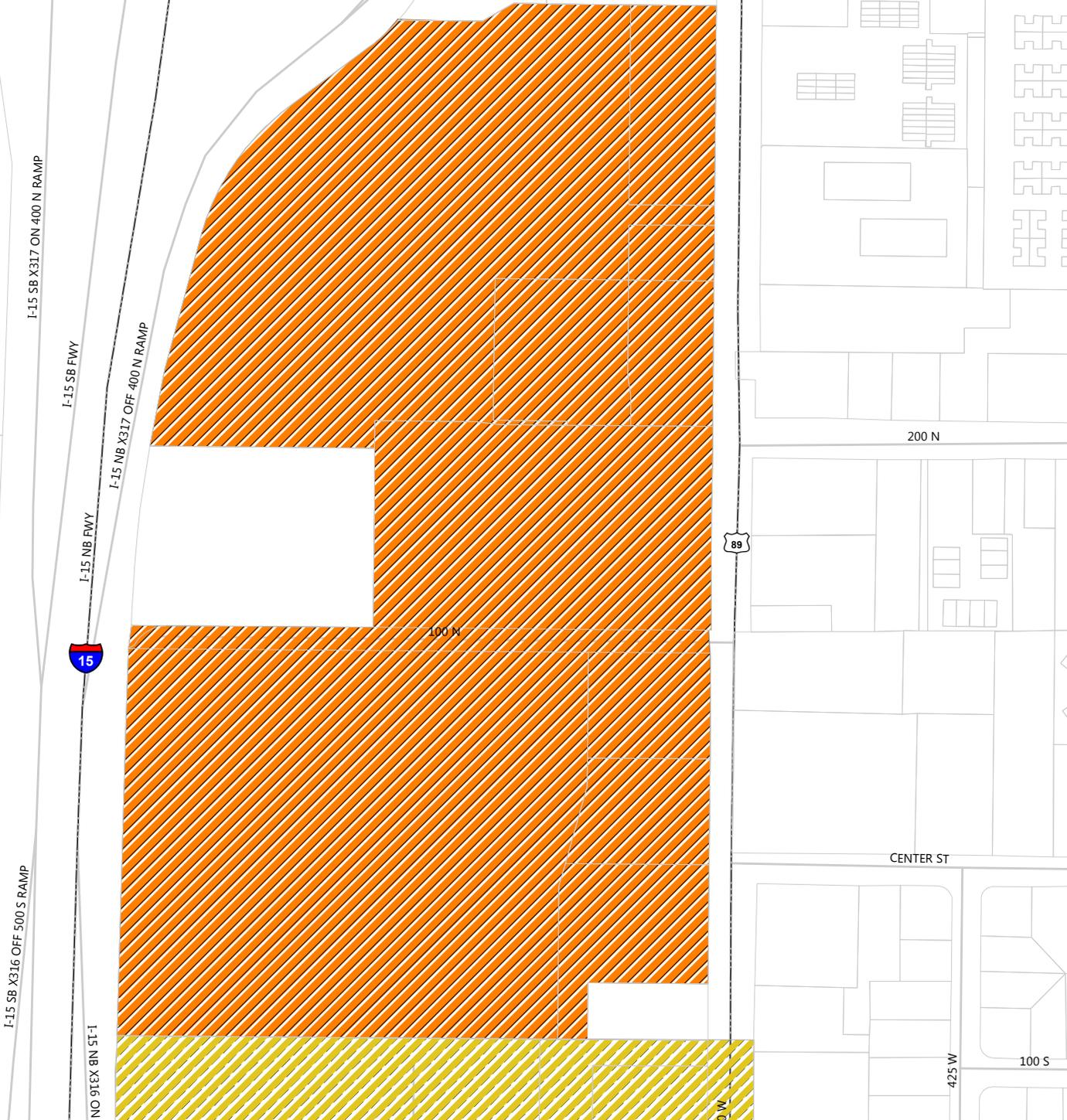
LYRB has not identified any major areas of concern with the Commons Project Area and believes that, according to the records reviewed, all parties are meeting their respective obligations related to this Project Area.

## Project Area Multi-Year Budget

The following four sheets represent the FY 2013, FY 2014, FY 2015, and full multi-year budgets.



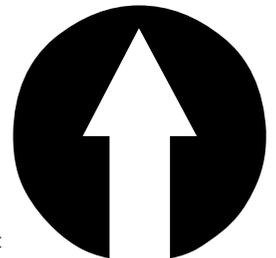
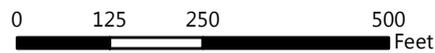
# WEST BOUNTIFUL RDA



-  DAVIS COUNTY PARCEL BOUNDARIES
-  500 SOUTH RDA PROJECT AREA
-  COMMONS PROJECT AREA
-  GATEWAY PROJECT AREA
-  ROADS

LEWIS & YOUNG  
ROBERTSON & BURNINGHAM, INC.

## EXHIBIT C



# WEST BOUNTIFUL COMMONS

2013 Annual Budget

October 15, 2013



2013
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Tax Year	2012
Payment Year	2013

REVENUES	
<b>TAXABLE VALUATION:</b>	
West Bountiful Property Value	\$ 36,687,789
Bountiful Property Value	7,126,410
<b>Total Assesed Value:</b>	<b>\$ 43,814,199</b>
<b>West Bountiful Base Year Value (2003)</b>	<b>\$ (13,065,086)</b>
<b>Bountiful Base Year Value (2003)</b>	<b>\$ (1,380,664)</b>
<b>West Bountiful Incremental Assesed Value</b>	<b>\$ 23,622,703</b>
<b>Bountiful Incremental Assesed Value</b>	<b>\$ 5,745,746</b>

Tax Rate:	
Total West Bountiful Combined Rate	1.4576%
Total Bountiful Combined Rate	1.3719%

PROPERTY TAX INCREMENT REVENUES	
	\$ 0
West Bountiful City	\$ 344,325
Bountiful City	78,826
<b>Total Property Tax Increment</b>	<b>\$ 423,150</b>

Percent of Tax Increment for Project	50%
--------------------------------------	-----

PROPERTY TAX INCREMENT REVENUE TO RDA	
	\$ 0
Tax Increment to RDA	\$ 211,575
<b>Total Property Tax Increment Revenue to RDA</b>	<b>\$ 211,575</b>

SALES TAX ANALYSIS	
	Yr. 8
Phase I:	
West Bountiful City @ 43%	\$ 259,090
West Bountiful RDA @ 43%	259,090
Bountiful City @ 14%	84,355
<b>Total Incremental Sales Taxes (Phase I)</b>	<b>\$ 602,535</b>
Phase II&III:	
West Bountiful City @ 50%	\$ 64,385
West Bountiful RDA @ 36%	46,357
Bountiful City @ 14%	18,028
<b>Total Incremental Sales Taxes (Phase II&amp;III)</b>	<b>\$ 128,770</b>
Completion Incentive:	
West Bountiful City @ 64.5%	\$ -
West Bountiful RDA @ 21.5%	-
Bountiful City @ 14%	-
<b>Total Incremental Sales Taxes (Phase III)</b>	<b>\$ -</b>
Grand Total Incremental Sales Taxes	
West Bountiful City	\$ 323,475
West Bountiful RDA	305,447
Bountiful City	102,383
<b>Total Incremental Sales Taxes</b>	<b>\$ 731,305</b>

TOTAL REVENUE TO RDA	
Property Tax Increment	\$ 211,575
Sales Tax Increment	305,447
<b>Total Revenue</b>	<b>\$ 517,022</b>

EXPENDITURES	
RDA Administration @ 5%	\$ 10,579
Johansen-Thackeray (Property Tax)	200,996
Johansen-Thackeray (Sales Tax)	305,447
Low to Moderate Income Housing @ 20%	
<b>Total Uses</b>	<b>\$ 517,022</b>

# WEST BOUNTIFUL COMMONS

2014 Annual Budget

October 15, 2013



2014

Tax Year 2013  
Payment Year 2014

REVENUES	
<b>TAXABLE VALUATION:</b>	
West Bountiful Property Value	\$ 36,687,789
Bountiful Property Value	7,126,410
<b>Total Assesed Value:</b>	<b>\$ 43,814,199</b>
<b>West Bountiful Base Year Value (2003)</b>	<b>\$ (13,065,086)</b>
<b>Bountiful Base Year Value (2003)</b>	<b>\$ (1,380,664)</b>
<b>West Bountiful Incremental Assesed Value</b>	<b>\$ 23,622,703</b>
<b>Bountiful Incremental Assesed Value</b>	<b>\$ 5,745,746</b>

Tax Rate:	
Total West Bountiful Combined Rate	1.4576%
Total Bountiful Combined Rate	1.3719%

PROPERTY TAX INCREMENT REVENUES	
West Bountiful City	\$ 344,325
Bountiful City	78,826
<b>Total Property Tax Increment</b>	<b>\$ 423,150</b>

Percent of Tax Increment for Project 50%

PROPERTY TAX INCREMENT REVENUE TO RDA	
Tax Increment to RDA	\$ 211,575
<b>Total Property Tax Increment Revenue to RDA</b>	<b>\$ 211,575</b>

SALES TAX ANALYSIS	
	<b>Yr. 9</b>
Phase I:	
West Bountiful City @ 43%	\$ 264,272
West Bountiful RDA @ 43%	264,272
Bountiful City @ 14%	86,042
<b>Total Incremental Sales Taxes (Phase I)</b>	<b>\$ 614,586</b>
Phase II&III:	
West Bountiful City @ 50%	\$ 65,673
West Bountiful RDA @ 36%	47,284
Bountiful City @ 14%	18,388
<b>Total Incremental Sales Taxes (Phase II&amp;III)</b>	<b>\$ 131,345</b>
Completion Incentive:	
West Bountiful City @ 64.5%	\$ -
West Bountiful RDA @ 21.5%	-
Bountiful City @ 14%	-
<b>Total Incremental Sales Taxes (Phase III)</b>	<b>\$ -</b>
Grand Total Incremental Sales Taxes	
West Bountiful City	\$ 329,945
West Bountiful RDA	311,556
Bountiful City	104,430
<b>Total Incremental Sales Taxes</b>	<b>\$ 745,931</b>

TOTAL REVENUE TO RDA	
Property Tax Increment	\$ 211,575
Sales Tax Increment	311,556
<b>Total Revenue</b>	<b>\$ 523,131</b>

EXPENDITURES	
RDA Administration @ 5%	\$ 10,579
Johansen-Thackeray (Property Tax)	200,996
Johansen-Thackeray (Sales Tax)	311,556
Low to Moderate Income Housing @ 20%	
<b>Total Uses</b>	<b>\$ 523,131</b>

# WEST BOUNTIFUL COMMONS

2015 Annual Budget

October 15, 2013



2015

Tax Year 2014  
Payment Year 2015

REVENUES	
<b>TAXABLE VALUATION:</b>	
West Bountiful Property Value	\$ 36,687,789
Bountiful Property Value	7,126,410
<b>Total Assesed Value:</b>	<b>\$ 43,814,199</b>
<b>West Bountiful Base Year Value (2003)</b>	<b>\$ (13,065,086)</b>
<b>Bountiful Base Year Value (2003)</b>	<b>\$ (1,380,664)</b>
<b>West Bountiful Incremental Assesed Value</b>	<b>\$ 23,622,703</b>
<b>Bountiful Incremental Assesed Value</b>	<b>\$ 5,745,746</b>

Tax Rate:	
Total West Bountiful Combined Rate	1.4576%
Total Bountiful Combined Rate	1.3719%

PROPERTY TAX INCREMENT REVENUES	
West Bountiful City	\$ 344,325
Bountiful City	78,826
<b>Total Property Tax Increment</b>	<b>\$ 423,150</b>

Percent of Tax Increment for Project 50%

PROPERTY TAX INCREMENT REVENUE TO RDA	
Tax Increment to RDA	\$ 211,575
<b>Total Property Tax Increment Revenue to RDA</b>	<b>\$ 211,575</b>

SALES TAX ANALYSIS	
	Yr. 10
Phase I:	
West Bountiful City @ 43%	\$ 269,557
West Bountiful RDA @ 43%	269,557
Bountiful City @ 14%	87,763
<b>Total Incremental Sales Taxes (Phase I)</b>	<b>\$ 626,878</b>
Phase II&III:	
West Bountiful City @ 50%	\$ 66,986
West Bountiful RDA @ 36%	48,230
Bountiful City @ 14%	18,756
<b>Total Incremental Sales Taxes (Phase II&amp;III)</b>	<b>\$ 133,972</b>
Completion Incentive:	
West Bountiful City @ 64.5%	\$ -
West Bountiful RDA @ 21.5%	-
Bountiful City @ 14%	-
<b>Total Incremental Sales Taxes (Phase III)</b>	<b>\$ -</b>
Grand Total Incremental Sales Taxes	
West Bountiful City	\$ 336,543
West Bountiful RDA	317,787
Bountiful City	106,519
<b>Total Incremental Sales Taxes</b>	<b>\$ 760,850</b>

TOTAL REVENUE TO RDA	
Property Tax Increment	\$ 211,575
Sales Tax Increment	317,787
<b>Total Revenue</b>	<b>\$ 529,363</b>

EXPENDITURES	
RDA Administration @ 5%	\$ 10,579
Johansen-Thackeray (Property Tax)	200,996
Johansen-Thackeray (Sales Tax)	317,787
Low to Moderate Income Housing @ 20%	
<b>Total Uses</b>	<b>\$ 529,363</b>



# PENDING

1  
2 Minutes for  
3 West Bountiful  
4 Redevelopment Agency Meeting  
5 June 18, 2013  
6  
7  
8

9 Those present: Mayor Pro Tem Mark Preece, James Bruhn, Dave Tovey, Debbie McKean, Heidi  
10 Voordeckers, Ben White, Chief Todd Hixson  
11 Meeting called to order by Mayor Pro Tem Mark Preece.  
12

13 1. Consider Approval of Resolution R123-13, a Resolution Adopting the West Bountiful  
14 RDA Fiscal Year 2013-2014 Budget and Certified Tax Rate of .001946.  
15 Heidi Voordeckers – the Redevelopment Agency is a separate entity with a board comprised of  
16 City Council members and they need their own resolution regarding the tax rate. Money comes  
17 in once a year in April, and then goes to the developers for the Commons and Gateway RDAs.  
18 The city gets a portion for administrative fees.  
19

20 Motion: James Bruhn moved to approve Resolution R123.13 adopting the West Bountiful RDA  
21 fiscal year 2013-2014 budget and certified tax rate of .001946.

22 Second: Debbie McKean seconded the motion

23 Passed: Voting by roll call was as follows:

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

29 2. Adjourn RDA and City Council meeting – 9:25 pm.

30 Motion: James Bruhn moved to adjourn the RDA and city council meetings

31 Second: Debbie McKean seconded the motion.

32 Passed: Voting was as follows:

33 Mark Preece – Aye  
34 James Bruhn – Aye  
35 Dave Tovey – Aye  
36 Debbie McKean – Aye  
37  
38  
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# PENDING

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Mayor Ken Romney

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Heidi Voordeckers, City Recorder

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Nathalie Ellingson, Secretary

**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  
FAX (801) 292-6355  
www.WBCity.org

**Finance Director**  
Heidi Voordeckers

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

**\*\* amended 12/02/2013\*\***  
**CITY COUNCIL MEETING**

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A CITY COUNCIL MEETING ON **TUESDAY, DECEMBER 3, 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. Consider approval of Ordinance 356-13, enacting a temporary land use regulation to prohibit the operation of retail tobacco specialty businesses
4. Discussion of Golf Course Items:
  - a. Selection of Lakeside Golf Course Logo
  - b. Discussion of Golf Course concession services
  - c. Discussion of Golf Course Needs Assessment
5. Discussion of the 2014 schedule of capital improvements
6. Presentation by Davis County Mosquito Abatement District
7. Planning Commission Report
8. Engineer's Report
9. Administrative Report
10. Mayor/Council Reports
11. Approval of Minutes from the October 15<sup>th</sup> City Council meeting, the November 5<sup>th</sup> Special City Council meeting, the November 12<sup>th</sup> Joint Work Session, and November 19<sup>th</sup> City Council meeting
12. 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.

# MEMORANDUM



**TO: Mayor and Council**

**DATE: December 2, 2013**

**FROM: Duane Huffman**

**RE: Moratorium on Retail Tobacco Specialty Businesses**

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This memo briefly discusses a proposed moratorium on retail tobacco specialty businesses.

## Background

Retail tobacco specialty businesses are defined in U.C.A 10-8-41.6 as a business wherein the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment. Tobacco products include cigarettes, cigars, electronic cigarettes, chewing tobacco, nicotine gum, etc. By state code, these businesses must be located at least 600 feet from a similar business, 600 feet from a residential or agricultural zone, and 1,000 feet from a community center (school, child care, arcade, park, church...). If such a business is located within a city, it must receive a special business license. See enclosed copy of U.C.A 10-8-41.6 for more information.

## West Bountiful City

As U.C.A 10-8-41.6 was adopted just last year, the West Bountiful City Code does not include specific provisions for retail tobacco specialty businesses. To comply with the state law, the only feasible zones where such a business could be located are the C-H, C-G, I-G, and L-I zones. Within these zones, the C-G and C-H zones are the only to allow similar retail businesses (liquor), and these two zones also contain language that could be read to suggest that such a business could be eligible for a conditional use permit as it could be considered to be a retail business similar to those currently allowed with a conditional use permits.

## Moratorium

State law allows for temporary land use ordinances which cities may use to call a "time-out" when a use is proposed that their current ordinances do not contemplate. As retail tobacco specialty businesses are not contemplated within our current ordinances, state law has singled them out as potentially needing more regulation, and we have identified potential negative impacts (potential sale of items commonly associated with drug use, the potential burden on police services, and the potential impact on the health and safety of the community's youth [see enclosed bulletin from Health Department]), it may be prudent to install the moratorium until these issues can be studied.

Another option would be to allow the Planning Commission to handle any potential negative impacts through the use of a conditional use permit.

**10-8-41.6. Regulation of retail tobacco specialty business.**

(1) As used in this section:

(a) "Community location" means:

(i) a public or private kindergarten, elementary, middle, junior high, or high school;

(ii) a licensed child-care facility or preschool;

(iii) a trade or technical school;

(iv) a church;

(v) a public library;

(vi) a public playground;

(vii) a public park;

(viii) a youth center or other space used primarily for youth oriented activities;

(ix) a public recreational facility; or

(x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in which:

(i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

(ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

(iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

(i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

(ii) a tobacco product as defined in Section 59-14-102, including:

(A) chewing tobacco; or

(B) any substitute for a tobacco product, including flavoring or additives to tobacco; and

(iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the municipality as a retail tobacco specialty business.

(5) (a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

(i) 1,000 feet of a community location;

(ii) 600 feet of another retail tobacco specialty business; or

(iii) 600 feet from property used or zoned for:

(A) agriculture use; or

(B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.

(6) (a) Nothing in this section:

(i) requires a municipality to issue a business license to a retail tobacco specialty business; or

(ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

(i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

(ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

(iii) under other provisions of state law or local ordinance.

(7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

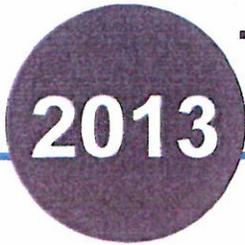
(i) the business license is renewed continuously without relapse or permanent revocation;

(ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;

(iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and

(iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

Enacted by Chapter 154, 2012 General Session



# Tobacco Prevention Update

Davis County Health Department Community Health Division Fall 2013

## Prevention Highlights

The Utah Department of Health, Tobacco Prevention and Control Program recently released their 13th Annual Report. The report describes significant improvement in tobacco related risk across Utah, but indicates concern over the growth of alternative tobacco or nicotine products. Continued commitment to reduce the burden of tobacco use in Utah through effective tobacco prevention and cessation interventions is needed.

Tobacco Use in Davis County		Tobacco Use in Utah	
Adult Smoking	7.5%	Adult Smoking	10.2%
Youth Smoking	4.4%	Youth Smoking	5.2%
E-cigarette Experimentation Grades 8,10,12*	13.7%	E-cigarette Experimentation Grades 8,10,12*	12.2%

To view the 13th Annual Tobacco Prevention and Control report online, go to [www.tobaccofreeutah.org](http://www.tobaccofreeutah.org) and click on the "FY2013 Annual Report" link.

## Electronic Cigarettes are the Preferred Tobacco Product Among Children in Utah

Recent data from the Centers for Disease Control (CDC) shows that from 2011 to 2012 twice as many children began regular use of electronic cigarettes. Use among children in Utah has actually tripled during the same period. Many of these children are children who would not otherwise have begun using a nicotine product. They were not smokers or users of chew, snuff, or any other tobacco product, but they are now regular users of e-cigarettes or personal vapors.

"The increased use of e-cigarettes by teens is deeply troubling," said CDC Director Tom Frieden, M.D., M.P.H. "Nicotine is a highly addictive drug. Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes." <sup>2</sup>

E-cigarettes do contain toxins and carcinogens and the long term effects are yet to be known. E-cigarettes do in fact produce physiological effects similar to use of nicotine from other sources like cigarettes, smokeless tobacco. These health effects include increased heart rate, increased blood pressure, and tightening of the airway. The e-juice contains ingredients that when inhaled can irritate airways and may lead to allergic reactions.

<sup>1</sup>Prevention Needs Assessment Aug 2013

<sup>2</sup>CDC. National Youth Tobacco Survey. Atlanta, GA: US Department of Health and Human Services, CDC; 2013. Available at [http://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts](http://www.cdc.gov/tobacco/data_statistics/surveys/nyts).

For more information about the materials in this newsletter please contact:  
Davis County Health Department, Community Health Division  
22 South State Street, Clearfield, UT 84015 801-525-5072



# Utah Law & Electronic Cigarettes

The Utah Indoor Clean Air Act (UICAA) prohibits the use of electronic cigarettes in the same locations that lighted or heated tobacco products are not allowed to be used.



Laws also state it is unlawful for a person to sell these products to anyone under the age of 19 or for anyone under the age of 19 to be in possession of these items.

## 90 Tobacco Retailers Recognized for Compliance

The following Davis County retailers have been awarded certificates of recognition for not selling tobacco products to underage buyers for twenty-five, twenty, fifteen, ten, five and one years.

Kaysville City was pleased to have a retailer in compliance for 15 years. The DCHD was invited to a city council meeting to present the store owners with a certificate and to express gratitude for their continued efforts to stay in compliance.

25  
Years

Layton: Main Street Service Center

20  
Years

Sunset: Saigon Market

15  
Years

Kaysville: 7-Eleven on Main

10  
Years

Bountiful: Rite Aid

Bountiful: Smith's Marketplace, Tesoro (Main)

Centerville: Top Stop

Clearfield: Maverik (709 State), Maverik (300N), Winegar's, Super Stop Texaco

Farmington: Smith's Fuel Center

Kaysville: RB's, Walgreens

Layton: Anwar's, Maverik (Gordon), Rite Aid, 7-Eleven (Main), Smith's Fuel Center, Wal-Mart Neighborhood Market

North Salt Lake: Top Stop, Winegar's

Syracuse: Walgreens, Smith's Food & Drug, Maverik

West Bountiful: Chevron, Super Stop Texaco

Woods Cross: 7-Eleven

5  
Years

1  
Year

Go to [www.daviscountyutah.gov/health](http://www.daviscountyutah.gov/health) & click on the "news release" link

**WEST BOUNTIFUL CITY**  
**ORDINANCE No. 356-13**

**AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING  
LAND USE APPLICATIONS IN CONNECTION WITH RETAIL TOBACCO  
SPECIALTY BUSINESSES.**

**WHEREAS**, the City is in the process of studying the impacts of retail tobacco specialty businesses, as defined in *Utah Code Ann.* § 10-8-41.6, as amended, on the public safety, health, and welfare; the general desirability of retail tobacco specialty businesses in various locations within the City limits; and any restrictions that may promote the public safety, health, and welfare with respect to retail tobacco specialty businesses (collectively, the ***“Retail Tobacco Specialty Business Study”***);

**WHEREAS**, the City’s Retail Tobacco Specialty Business Study will focus on good land use principles, including public safety, health, and welfare; economic development; and conformity with the West Bountiful City General Plan;

**WHEREAS**, the City’s Retail Tobacco Specialty Business Study will specifically address the impacts of existing and contemplated uses as well as measures for mitigating such impacts;

**WHEREAS**, the impacts to be studied include the potential of the sale of items commonly associated with drug use, the potential burden on police services, the potential impact on the health and safety of the community’s youth, and other potential harmful impacts;

**WHEREAS**, the City also will study the compatibility of retail tobacco specialty businesses near other uses in light of *Utah Code Ann.* § 10-8-41.6;

**WHEREAS**, the City’s Retail Tobacco Specialty Business Study will be conducted in partnership with property owners, business owners, residents, and members of the Planning Commission and City Council;

**WHEREAS**, applicable state statutes allow the City’s legislative body to establish by ordinance temporary land use regulations regarding zoning amendments, conditional use permits, building permits, and other land use matters; and

**WHEREAS**, final public hearings and meetings of the Planning Commission and City Council must be held prior to formal adoption of any plan or measures to be submitted as a result of the City’s Retail Tobacco Specialty Business Study.

**NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST  
BOUNTIFUL CITY, UTAH, AS FOLLOWS:**

**(1) *Finding of Countervailing Interest.*** Pursuant to *Utah Code Ann.* § 10-9a-504(1)(a), the City Council expressly finds that restricting land use applications and development activities with respect to retail tobacco specialty businesses, as provided in this

Ordinance, while the City completes its Retail Tobacco Specialty Business Study is in the best interest of the City. The Study is necessary to address the impacts and potential impacts of retail tobacco specialty business development activities within the City limits, including the potential sale of items commonly associated with drug use, the potential burden on police services, the potential impact on the health and safety of the community's youth, and other potential harmful impacts; as well as measures for mitigating such impacts. This constitutes a compelling, countervailing public interest sufficient to justify a six-month prohibition on land use applications and development activities as specified in this Ordinance.

(2) ***Balancing of Public versus Private Interests.*** The City Council finds further that any harm to private interests from the temporary land use regulations is *de minimis*, and is outweighed by the City's interests in receiving, reviewing, and adopting the recommendations of the Retail Tobacco Specialty Business Study. The City Council finds that no retail tobacco specialty business development or other proposed land use, the completed application, plans, and fees for which were not submitted prior to 4:30 p.m. on November 21, 2013, in full compliance with existing zoning regulations, has any right to be prosecuted under existing regulations. Further, any land use application submitted prior to 4:30 p.m. on November 21, 2013, that the City has disapproved due to incompleteness, inaccuracies, or non-compliance is specifically determined to have no vested right to be prosecuted under existing regulations. The City will not accept any re-submittal of these disapproved applications during the period of prohibition under this Ordinance.

(3) ***Temporary Regulations.*** Temporary zoning and building regulations are hereby adopted, as follows:

(A) No application for any conditional use permit, building permit or any other land use permit will be accepted or issued for any new operation, construction, reconstruction, or alteration of any Retail Tobacco Specialty Business.

(B) No operation, construction, reconstruction, alteration, or other development activity with respect to an retail tobacco specialty business will be permitted, except as otherwise allowed by applicable state law, including Utah Code Ann. § 10-9a-513.

(C) These temporary regulations will expire six months from the date of adoption of this Ordinance, unless repealed earlier by action of the City Council.

(4) ***Relief from Temporary Regulations.***

(A) A property owner, lessee, or occupant may petition the Planning Commission for relief from these temporary regulations. Such petition must be in writing and contain the following information:

(i) Scope of relief desired;

(ii) Explanation of why the relief is necessary; and

(iii) Explanation of work to be performed.

(B) The Planning Commission may grant relief from the temporary regulations under the following conditions:

(i) The relief sought is to protect the structural integrity of a building;

(ii) The relief sought does not affect the potential recommendations of the City's Retail Tobacco Specialty Business Study;

(iii) The relief sought is for minor interior changes to existing structures or buildings;

(iv) The relief sought is to enable the repair of electrical, plumbing, or similar systems;

(v) The relief sought is to remedy a violation of safety codes or environmental regulations for which a land use or building permit application is required (no relief being necessary if the remedy would not otherwise require a land use or building permit application); or

(vi) The relief sought is for the placement of temporary signs, making of temporary repairs, hosting special events, or for temporary public signage.

(C) The Planning Commission's decision on a petition submitted under this Ordinance may be appealed to the City Council in the same manner and following the same procedures as an appeal from a decision of the Planning Commission on a conditional use permit application.

(5) ***Effective Date.*** This Ordinance shall become effective upon adoption and signature.

*[The remainder of this page is intentionally left blank.]*

ADOPTED this \_\_\_\_\_ day of December, 2013.

By:

\_\_\_\_\_  
Ken Romney, Mayor

*Attest:*

\_\_\_\_\_  
Heidi Voordeckers, City Recorder

Voting by the City Council:   Aye                      Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____
Councilmember Tovey	_____	_____



LAKESIDE

GOLF COURSE

at West Bountiful



LAKESSIDE



GOLF COURSE

# MEMORANDUM



**TO: Mayor & Council**

**DATE: December 2, 2013**

**FROM: Duane Huffman, Steve Maughan, & Paul Holden**

**RE: Golf Course Concessions RFP**

---

It was clear at the November 19<sup>th</sup> City Council meeting that the Council's preferred direction for concessions at Lakeside for the 2014 season is to explore contracting out with a food vendor. The purpose of this memo is to briefly outline a proposed process to have a vendor in place by February of 2014.

## Step 1: Development of Request for Proposals

Based on the results of previous RFPs for concession services at Lakeside, staff is currently completely re-working the document. The goals of the document are as follows:

1. With a short and easily understandable document, create excitement among potential vendors about the opportunity.
2. Emphasize that a successful proposal must clearly show how the key elements (vendor availability, food pricing, quality of food, tournament services, communications, etc.) will be provided throughout the season.

## Step 2: Advertisement

Staff's intent is to have the RFP ready for advertisement the week of December 16<sup>th</sup>, with the final proposals due January 17<sup>th</sup>.

In addition, during the week of January 6<sup>th</sup> there will be a vendor registration or mandatory walk-through. Among other benefits, this will serve as notice to the city as to the number and quality of potential vendors early enough in the process that other options can still be explored if it appears the contracting out will not be viable.

## Step 3: Review & Award

The initial review of proposals will be set for the week of January 21<sup>st</sup>. A preliminary review committee made up by the Golf Director, Public Works Director, Finance Director, and City Administrator will organize proposals, seek additional information as needed, and prepare a recommendation for the Council.

The intent is that the full Council will be ready for a final review and awarding of a contract at the meeting on February 4<sup>th</sup>.

# MEMORANDUM



**TO:** Mayor & City Council

**DATE:** December 2, 2013

**FROM:** Duane Huffman, Steve Maughan, & Paul Holden

**RE:** Golf Course Needs Assessment

---

With the remaining bonds paid off and new leadership in place, the City's Lakeside Golf Course is entering a new era of opportunity and success. The purpose of this memo is to very briefly review staff's assessment of remaining needs the course has in order to reach the goals of having the course (1) generate revenue for the City, (2) provide a valuable recreation option to residents and the region, and (3) serve as a community gathering place and open space. The needs are classified as immediate, short-term, and long-term.

Immediate (To Be Addressed with Current Funding or as Part of FY 15 Budget Development)

1. **Concession Services:** The current plan is to seek a concessions vendor to improve the quality of service. An RFP will be issued in the next few weeks, with a contract to be awarded in February. The long-term goal is to bring the operation and profits in-house.
2. **Club House Restroom Re-Model:** The current restrooms reflect very poorly on the course and the City. Staff intends to use around \$3K from the current budget to replace sink counters, paint, address light fixtures, etc. These small improvements will make a drastic difference in appearance.
3. **Café Re-Model:** The City made significant improvements to the pro-shop side of the club house earlier this year. The small changes were received extremely well by patrons, improving the overall perception of the course. Staff now intends use around \$2K from the current budget to perform similar improvements on the café side, including painting, hood maintenance, new ceiling fans, wall TVs, etc.
4. **Staffing:** In order to provide the types of services that generate the highest level of revenue (tournaments and league programs) we will need to arrange staffing to serve in these areas. Staff believes that we can use seasonal employees to do this for the coming season, with the intent to discuss an additional full-time staff as part of the FY 15 Budget development process.



5. **Carts:** A course of our size and level needs a minimum of 60 operational carts to be able to have tournaments and to cover normal play during high-traffic days (both of which we hope to have more

of). We currently have 50 total operational carts, with 45 being a likely number as to what would be available during any given day during the summer due to repairs. Below is a summary of what we have:

- 20 city-owned 2008 carts (these are currently all operational, but during the season it is common for 4-5 to be out at a time)
- 10 leased 2009 carts (lease ends 6/30/14)
- 10 leased 2010 carts (lease ends 6/30/15)
- 10 leased 2012 carts (lease ends 6/30/17)
- 11 city owned carts from '98,'99, '00; four of which are used by staff and seven that are non-operational
- Current total lease payments total \$20K yearly, and revenue from carts is around \$180K yearly
- With five years being a standard life of a cart before the maintenance and dependability become liabilities, it is past time to consider what to do with the 20 city-owned 2008 carts

Option #1 to address our shortage and our aging city-owned carts would be to trade in the 20 operational and 7 non-operational carts as part of a new lease for 30 additional leased carts. This would bring our total to 60 and significantly improve (1) our ability to host tournaments, (2) the quality and dependability of cart use, and (3) the perception among players that Lakeside is a good mid-range course. This could be arranged so that there is no impact to the current year's budget, but payments for FY 15 would increase by \$12,429.

Option #2 would be to keep 10 of the city owned 2008 carts, trading in the remaining 17 carts in return for 20 new carts on lease. This would bring our total to 60, and we would manage the carts so that the 10 older city-owned carts would be the last ones to be used. Again, this could be arranged to not impact the current budget, but would increase costs by \$9,860 for FY 15.

Option #3 would be to wait and explore solutions as part of the FY 15 budget development process. This would likely mean that the problems remain unaddressed for the upcoming season.

6. **Golf Programming (Junior League, etc):** Staff sees a vibrant Junior League as a critical element of the course's success and place within the community. There is currently sufficient seed money (\$1,000) in this year's budget to begin this program for this up-coming season.

#### Short-term and Long-term

This memo will not go into detail on these needs, but we want to provide the list and receive any input the Council has:

#### **Short-term (FY 15 Budget Discussions)**

7. Free Golf Policies (before next season)
8. Inter-fund Loan Repayment
9. Staffing
10. Marketing
11. Safety Nets
12. Outdoor Restroom
13. Point of Sale System
14. Cart Paths

15. Fencing

#### **Long-term**

16. Club House HVAC
17. Club House Plumbing
18. Club House Façade
19. Cart Staging
20. Ball Machine/Shed
21. Cart Barn

# PENDING

1 **West Bountiful City**

**November 26, 2013**

2 **Planning Commission**

3

4 **Posting of Agenda** - The agenda for this meeting was posted on the State of Utah Public Notice  
5 website and the West Bountiful City website, and sent to Clipper Publishing Company on  
6 November 21, 2013 per state statutory requirement.

7 **Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday,**  
8 **November 26, 2013, at West Bountiful City Hall, Davis County, Utah.**

9

10 **Those in Attendance:**

11

12 **MEMBERS PRESENT:** Vice Chairman Terry Turner, Alan  
13 Malan, Mike Cottle, and Laura Charchenko.

14

15 **MEMBERS/STAFF EXCUSED:** Chairman Denis Hopkinson

16

17 **STAFF PRESENT:** Ben White (City Engineer), Cathy  
18 Brightwell (Deputy Recorder) and Debbie McKean (Secretary).

19

20 **VISITORS:** Cory Sweat.

21

22 The Planning Commission Meeting was called to order at 7:30 p.m. by Vice Chairman. Mike  
23 Cottle offered a prayer.

24 **I. Accept Agenda**

25 Vice Chairman Turner reviewed the agenda. Laura Charchenko moved to accept the agenda as  
26 presented. Alan Malan seconded the motion. Voting was unanimous in favor among members  
27 present.

28 **Business Discussed:**

29 **II. Discuss Title 17 - yard regulations including setbacks, decks, area restrictions and yard**  
30 **obstructions; area and frontage regulation; and height regulations in residential zones.**

31

32 Commissioner's packets included a zoning comparison worksheet, aerial views of different lots  
33 with sizable construction in backyard area, and images taken by Ben White of properties as  
34 examples.

## PENDING

35 Ben White discussed the following properties:

36 Larry Eggett - 400 North 975 West - only 15 % of rear yard is accessory building with lots of  
37 hard surface.

38 Bangerter - 640 West 1500 North - 29% of the rear yard is accessory building and is the largest  
39 percentage in our city.

40 There are 2 homes in Millbridge that are 25% of rear yard.

41 The property with the existing garage on 800 West would be 34% if a home is built 10 feet from  
42 existing structure.

43 He noted that lower buildings cause a perception to be less than those buildings that are higher.

44 Some discussion took place.

45 Cathy Brightwell prepared a comparison worksheet of zones and cities that best match what we  
46 in West Bountiful have. Most are pretty comparable to West Bountiful. She noted some of the  
47 similarities and differences between the cities. Some have different % and requirements for  
48 different zones unlike West Bountiful which is typically the same straight across the board. It  
49 may be hard to come up with some recommendations based on the comparisons, but the intent of  
50 the worksheet is to help assist the Commission in making recommendations to the City Council  
51 in the future. She noted that no other city has any requirements or restrictions for decks except  
52 Syracuse.

53

54 **The Commission reviewed each of the requirements and recommended changes or no**  
55 **changes as follow:**

56

57 **Lot Width @ Setback- RECOMMENDATION** - Keep at 85 % was the consensus of the  
58 Commission. No suggested changes.

59

60 **Lot Depth to Width Ratio-** Helps to illuminate long skinny, deep lots and reduce possibilities  
61 for flag lots. Staff sees this issue quite frequently and is a very real issue they deal with almost  
62 daily. Ben White noted that it would be easier not to have it and give the property owner the  
63 right to do as he would like on his property. He also suggested that they could require a  
64 conditional use permit to evaluate each situation. One example in our city would be the Miller  
65 home on 800 West that is about 85 feet wide and 600 ft deep and backs up to many backyards.

66 • Alan Malan does not see a need for this since our city is almost built out. He mentioned  
67 that other options could be considered like 5 to 1. Alan feels that there is not a problem  
68 having a situation like Miller's home.

69 • Mike Cottle, Laura Charchenko and Terry Turner agreed that 3 to 1 is not necessary. Pros  
70 and cons do not outweigh each other in Mr. Turner's opinion.

71 **RECOMMENDATION** on this issue was to not have the requirement in the ordinance at  
72 all.

73

## PENDING

74 **Issue of % accessory buildings to rear yard as discussed among Commission was as**  
75 **follows:**

- 76 • Terry Turner stated that to him it is all about aesthetics. As long as it can't be seen, he's  
77 ok with it. He appreciated the aerial views and it helped him to come to a different  
78 conclusion than he would have otherwise.
- 79 • Alan Malan would like to see the % move to 50% and does not see it as a problem. He  
80 would rather see things stored in buildings and not in open land. He noted that 45%  
81 would be okay as was with the majority of the City Council during the work session. He  
82 wants to let people have the option to do more with their property. He stated that the  
83 rural feel would be kept being able to build bigger barn like structures.
- 84 • Cathy Brightwell asked if they wanted to entertain the % of the whole property as several  
85 other cities had done instead of limiting it to rear yards. Alan Malan liked keeping it in  
86 the rear.
- 87 • Mike Cottle can go either way but feels that the property owner needs to have the right  
88 and ability to do what they will on their property, within reason.
- 89 • Laura Charchenko was concerned with the storm drain issues and felt that there should be  
90 some provisions put into place to protect neighbors from water drainage. She likes the  
91 35-40 % range but would also entertain the higher 50% if regulations were put into place  
92 for drainage issues.

93

94 **RECOMMENDATION** is to increase to 35% with a Conditional Use permit required to go  
95 above that number so conditions could be in place to protect neighbors' properties.

96

97 **Setbacks for main and accessory front, rear, side and corner lots were discussed together.**  
98 Cathy pointed out that the first number is the minimum and the second the total.

- 99 • Laura Charchenko likes the setbacks as they are.
- 100 • Alan Malan likes the setbacks as they are, but would like a tight Conditional Use permit  
101 in place for special conditions that may arise.
- 102 • Terry Turner likes the setbacks as they are.
- 103 • Mike Cottle likes the setbacks as they are.

104

105 **RECOMMENDATION** is to keep setbacks as they exist in the current ordinance but entertain  
106 some thoughts on special conditions for a conditional use permit.

107

### 108 **Height - Main Structure**

109 Mike Cottle feels 35 feet is adequate but would like setbacks to increase for additional height but  
110 limited to A1.

## PENDING

111 Laura Charchenko – liked 35-40’ in A-1 Zone with 1 foot additional setback for each foot of  
112 height increased.

113 Alan Malan likes it as is in smaller zones, but would make some accommodations for the A-1  
114 zone. He feels the accessory building could be as tall as the main structure up to 40’.

115 Terry Turner- likes the 35 foot regulation with the exception of A-1 zone which could be  
116 increased as mentioned by other commissioners.

117

### 118 **Height for Accessory Structures Structures**

119 Some discussion took place regarding the difference between main and accessory buildings and  
120 some scenarios.

121 Consensus was to leave R1-10 and R1-22 the same. Change A-1 zone that accessory building  
122 can be 40 feet as well as main structure at 40 feet with additional height requiring a greater  
123 setback.

124 • Laura Charchenko would like some stipulation put on A-1 zone to add footage from front  
125 to back like the side to side setback regulations. She referred to the minutes from the  
126 work session regarding Councilmember Tovey and Mayor Romney’s comments.

127 • Terry Turner would consider Commissioner Charchenko’s recommendation.

128 • Mike Cottle agreed that the front and sides should be adjusted as well for the 1 ft to 1 ft  
129 height regulation. Back yard would not be included.

130 • Alan Malan agrees with the other commissioners concerning increasing height with  
131 setback 1 for 1 on side and front yard setbacks.

132

133 **RECOMMENDATION** increase main and accessory structure heights to 40’ in the A1 zone.  
134 Setbacks will be increased 1’ on each side and on front setback for every foot above 35’ for the  
135 main structure only. No setback adjustment necessary for accessory buildings

136

### 137 **Distance Accessory from Main Structure**

138 After some discussion among the Commission to keep the requirement at 10 feet, Alan Malan  
139 suggested it be changed to 8 ft. Laura Charchenko was okay with that if staff would check with  
140 the Fire Chief about their recommendation. Staff will check with Fire chief and building code  
141 and get back to them. Further discussion pending until information is collected and reported. No  
142 recommendation made at this point.

143

### 144 **III. Consider setting a public hearing on January 14, 2014 for item #2.**

145 There was discussion about when they would be ready for a public hearing. Ben White  
146 suggested this item be tabled until next meeting because it would not affect the hearing being set  
147 in January. Next meeting will be soon enough to set this hearing.

148

## **PENDING**

149 **ACTION TAKEN:**

150

151 **Laura Charcheko moved to table agenda item # 3 until next meeting. Alan Malan**  
152 **seconded the motion and voting was unanimous in favor among members present.**

153

154 **IV. Staff Report:**

- 155       • Alice Acres is moving forward quickly and is close to complying with all the  
156       requirements. Next time will be the last time Commission will review this item. Mr.  
157       White struggles with the drainage issue that the property has. Some suggestions were  
158       given by Commission and Cory Sweat.
- 159       • Doc Shupe and neighbors are trying to work out issues related to property lines that may  
160       bring an application for a subdivision to the Commission sooner than later.
- 161       • Olsen Farms 7 – no further information.
- 162       • Holly Corp - Air quality permit was approved by the State giving a green light to their  
163       expansion. Some things will be coming to us sooner and some as late as next year.  
164       Should consider whether to require curb and gutter on Holly property along the section of  
165       800 West. Footprint is staying the same.
- 166       • Cathy Brightwell spoke of the public notice regarding a special tobacco business request  
167       to sell e-cigarettes. We will investigate the issue before making any decisions placing a 6  
168       month moratorium on things until a study can be done. City Council will begin the  
169       discussion and send it back to the Commission because it is a land use issue.
- 170       • Senator Lee/staff will be in our small conference room from 10:00 a.m.- until noon on  
171       Tuesday, December 3<sup>rd</sup> to answer questions and share issues.

172

173 **V. Approval of Minutes of November 12 meeting minutes and review of November 12,**  
174 **2013 Joint work session minutes.**

175

176 **ACTION TAKEN:**

177 **Mike Cottle moved to approve of the minutes dated November 12, 2013 as presented.**  
178 **Laura Charchenko seconded the motion and voting was unanimous in favor among those**  
179 **members present.**

180

181 **Reviewed the minutes for the November 12, 2013 Joint Work Session. Suggested changes**

- 182       • **Alan Malan wanted Mark Preece to add his comment about being okay with the**  
183       **45% of the rear yard percentage, if he so desired.**

184

**PENDING**

185

186 **VI. Adjournment**

187

188 **ACTION TAKEN:**

189 **Laura Charchenko moved to adjourn the regular session of the Planning Commission**  
190 **meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting**  
191 **adjourned at 9:10 p.m.**

192

193

194

195 \_\_\_\_\_  
**TERRY TURNER/VICE CHAIRMAN**

\_\_\_\_\_ **HEIDI VOORDECKERS/CITY RECORDER**

196

197

198

199 \_\_\_\_\_  
**DEBBIE MCKEAN /SECRETARY**

200

201

202

## Capital Projects

	Projects	Improvements	Potential Funding Sources
	<b>2014 (Calendar)</b>		
1.	800W 1600N-1950N	Street, Water Line (no curb)	Street Impact / Property Tax / Water Rate
2.	800W 2200N-2320N	Street, some Water, some curb	Street Impact / Property Tax / Water Rate
3.	900W 1600N-South	Street, Water Line, some curb	Property Tax / Water Rate
4.	Seal Coat	Various areas	GF
5.	800W CDGB	Sidewalk	CDGB Grant
6.	Porter Lane Storm Drain	Storm Drain	Storm Drain Impact / GF
	<b>2015 (Calendar)</b>		
7.	725W 1100N-1550N	Street, Water Line	Property Tax / Water Rate
8.	Pages 550W-800W	Street, Water Line	Street & Water Impact / Property / Rate
9.	Street Overlay	Various Areas	GF
	<b>OTHER</b>		
10.	Bountiful City Water Connection		Water Impact
11.	Porter Ln. Storm Drain		Storm Impact
12.	Birnam Woods Drainage		G. F
13.	Trail/Golf Restrooms		Park Impact
14.	Park Play Equipment		RAP
15.	Park Volleyball Upgrade		RAP
16.	500 S Water Line through Bountiful		Rate/Impact
17.	660W 400N-1000N		Property/ Rate
18.	West Yard/Salt		Water/GF

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Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, October 15, 2013 at West Bountiful City Hall, Davis County, Utah.

Those in attendance:

MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Ahlstrom, James Bruhn, Dave Tovey, Debbie McKean. Mayor Kenneth Romney was going to be late.

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, Jan Carbone.

Called to Order: Mayor Pro Tem Mark Preece called this meeting to order at 7:31 pm

Invocation/Thought – Dave Tovey gave an invocation.  
Pledge of Allegiance led by Debbie McKean

Mayor Romney arrived at 7:33 pm.

1.  
Accept Agenda

The Mayor proposed to move Item 9 to 2a.

MOTION: James Bruhn moved to accept the agenda with proposed change.

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

1 2.  
2 Public Comment

3  
4 Darin Palmer is the account administrator for the Utah Local Governments  
5 Trust. They released a member equity distribution and West Bountiful, as  
6 part of the pool, received part of the equity. Mr. Palmer presented a check  
7 just over \$9,000.00.  
8

9 2a.  
10 Draft Athletic Field Policy

11  
12 This item was moved to 2a so it could be discussed while Rocky Miller  
13 from the Public Works department was present. Duane Huffman had  
14 provided council members with a draft Athletic Field Policy. The issue of  
15 random use of the park by organized teams came up during a council  
16 report in a previous meeting. The city has an agreement only with the  
17 West Bountiful baseball league. Staff was asked to draft a policy that  
18 would establish a simple and productive way for teams (lacrosse, soccer,  
19 etc.) to get approval and reserve times to use the park. He based the  
20 policy draft on North Salt Lake's athletic field policy.  
21

22 The first section of the policy provides an overview of the reason for the  
23 policy. The second section outlines rules and procedures, including areas  
24 available for use. It then sets up deadlines for making reservations so staff  
25 can handle multiple uses in one day and deal with two entities requesting  
26 use of the field at the same time. Debbie McKean pointed out they need to  
27 make sure areas are available for casual use, and there was some  
28 discussion about whether the volleyball court should be available to  
29 reserve. It was meant for casual play but Rocky said there have been  
30 volleyball tournaments that went over several Saturdays.  
31

32 The third section was on application instructions. Duane asked the council  
33 to look closely at liability issues. There was discussion that many entities  
34 won't have insurance unless they are part of an organized league, and  
35 requiring insurance would be an imposition. Duane said he would  
36 encourage all teams to get coverage even if for one day. Another option  
37 would be to charge an extra fee to mitigate damage and risk. He said he  
38 will check with other cities on this issue. The remaining sections listed  
39 limitations of use, notices and agreements required, scheduling priorities  
40 (West Bountiful-sponsored programs have first priority, non-resident  
41 programs have last, etc.), and fees. The fees section has not been drafted  
42 yet.  
43

44 The council advised Duane the policy so far is what they requested, but  
45 they are concerned about having too many restrictions. Debbie McKean

1 suggested they have a work session to go over each item. Dave Tovey  
 2 said only certain portions of the park should be available to reserve.  
 3 Duane suggested they discuss if they want to have a Saturday and Sunday  
 4 restriction; maybe adopt a different fee schedule for those days. He wants  
 5 members of the staff to be able to drop by when a league is playing to  
 6 check on things. The council said the staff was going in the right direction  
 7 and they should continue working with Steve Doxey on the agreement.  
 8

9 3.  
 10 Consider Approval of 2013  
 11 Municipal General Election  
 12 Judges for West Bountiful City.

13  
 14 MOTION: Debbie McKean moved to approve the general election poll  
 15 workers pursuant Utah code Section 20A-5-602(c).  
 16

17 SECOND: Dave Tovey seconded the Motion.  
 18

19 PASSED: Voting was as follows:  
 20 James Ahlstrom – Aye  
 21 Mark Preece – Aye  
 22 James Bruhn – Aye  
 23 Dave Tovey – Aye  
 24 Debbie McKean – Aye  
 25

26 MOTION: Debbie McKean moved to amend the agenda moving Item 6 to  
 27 3a.  
 28

29 SECOND: James Bruhn seconded the Motion.  
 30

31 PASSED: Voting was as follows:  
 32 James Ahlstrom – Aye  
 33 Mark Preece – Aye  
 34 James Bruhn – Aye  
 35 Dave Tovey – Aye  
 36 Debbie McKean – Aye  
 37

38 3a.  
 39 Consider Appeal of Storm Drain  
 40 Impact Fees Imposed on the  
 41 Carbone Subdivision  
 42

43 Ben White – The Carbone’s came to the city a year ago with a request to subdivide, creating a flag lot.  
 44 They are now applying for the building permit and are requesting a waiver of the storm drain impact fee.  
 45 They presented a letter to the city engineer explaining that their building would have no impact on storm

1 drains because of the slope of the property. Included in the council members' packets was a copy of the  
 2 ordinance identifying the policy for assessing impact fees. The fee structure was not designed to take  
 3 each property's specific impact into consideration but was established as an across the board average. It  
 4 was pointed out if this waiver request was approved, the city would open itself to many requests for  
 5 waivers based on the size and unique characteristics of each home.

6  
 7 MOTION: James Bruhn moved to deny the appeal of storm drain impact  
 8 fees imposed on the Carbone Subdivision.

9  
 10 SECOND: Debbie McKean seconded the Motion.

11  
 12 DISCUSSION: James Ahlstrom asked Steve Doxey his opinion, and Mr.  
 13 Doxey said he agrees with Ben's analysis.

14  
 15 PASSED: Voting by roll call was as follows:  
 16 James Ahlstrom – Nay  
 17 Mark Preece – Aye  
 18 James Bruhn – Aye  
 19 Dave Tovey – Nay  
 20 Debbie McKean – Aye

21  
 22 4.  
 23 Consider Approval of Findings  
 24 and Decisions on Applicant's  
 25 Request for a Variance and  
 26 Authorize Mayor Romney's  
 27 Signature on Document –  
 28 *Jenkins, 790 West 1000 North.*

29  
 30 There was some discussion regarding the 30 foot setback requirement in  
 31 the ordinance. James Ahlstrom suggested they have a range for  
 32 conditional use permits. The council does not know the rationale of why  
 33 the standards were set in the first place, and the Planning Commission is  
 34 looking at the ordinance for possible changes. Mayor Romney said he  
 35 likes the 30 foot limit because it keeps the rural feel to the community.

36  
 37 MOTION: James Ahlstrom moved to approve the findings and decisions  
 38 on the Jenkins's request for a variance and authorize Mayor Romney's  
 39 signature on the document.

40  
 41 SECOND: Debbie McKean seconded the Motion.

42  
 43 PASSED: Voting was as follows:  
 44 James Ahlstrom – Aye  
 45 Mark Preece – Aye

1 James Bruhn – Aye  
 2 Dave Tovey – Aye  
 3 Debbie McKean – Aye  
 4

5 5.  
 6 Consider Approval of Findings  
 7 and Decisions on Applicant’s  
 8 Request for a Variance and  
 9 Authorize Mayor Romney’s  
 10 Signature of Document –  
 11 *Wilson, 1804 North 800 West.*  
 12

13  
 14 MOTION: Dave Tovey moved to approve the findings and decisions on  
 15 the Wilson’s request for a variance and authorize Mayor Romney’s  
 16 signature of the document.  
 17

18 SECOND: Mark Preece seconded the Motion.  
 19

20 PASSED: Voting was as follows:  
 21 James Ahlstrom – Aye  
 22 Mark Preece – Aye  
 23 James Bruhn – Aye  
 24 Dave Tovey – Aye  
 25 Debbie McKean – Aye  
 26

27 6.  
 28 Moved to 3a.  
 29

30 7.  
 31 Consider Approval of Resolution 319-13,  
 32 a Resolution to Vacate a Public Utility  
 33 Easement Located at Approximately  
 34 600 East 600 North, Bountiful, Utah.  
 35

36  
 37 Ben White – the property was purchased from the LDS Church so the city  
 38 could put a water tank there. There was no access from a road so the  
 39 church gave them an access easement. The easement is no longer needed  
 40 because Bountiful City is putting in a new road, and Bountiful is asking  
 41 West Bountiful to vacate the easement to provide more area on which to  
 42 build.  
 43

PENDING

MOTION: James Bruhn moved to approve Resolution 319-13 to vacate a public utility easement located at approximately 600 East 600 North, Bountiful, Utah.

SECOND: Debbie McKean seconded the Motion.

DISCUSSION: James Ahlstrom asked why the city was giving away the property and Ben said they hadn't paid anything to the church for it. Mayor Romney thought they should have a conversation about the value of the property and find out details on what is going to be done with the land. They should also consider that they are talking about buying water from Bountiful and the stub-in would be on the property. Debbie suggested they table the approval and gather more information.

DENIED: Voting by roll call was as follows:

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

8. Consider Proposed Amendment to the FY 2014 Budget and Set Date for Public Hearing.

Heidi Voordeckers – a memorandum was provided to council explaining the background of the budget items being proposed (snowplow, golf course irrigation, tuition reimbursement). One item not mentioned in the memo is an additional \$23,000 approved for fencing and signage at the golf course entrance. Debbie McKean suggested a work session regarding tuition reimbursement. A public hearing will be held November 19 during the regular council meeting. This motion was to tentatively adopt the amendments. They will be considered for final approval following the public hearing.

MOTION: Dave Tovey moved to approve the proposed amendments to the FY 2014 Budget and set a date for the public hearing on November 19 at 7:35.

SECOND: Debbie McKean 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 – Aye

9.  
Moved to 2a.

10.  
Planning Commission Report

Duane Huffman distributed copies of a conditional use permit for the Jensens. Their prior violations were dropped. At council’s request, the commission discussed ordinance language regarding decks, 25% for accessory structures, fire escapes, arboretums, etc. They are actually looking at all the land use ordinances except animals.

11.  
Engineer Report

Ben White –

- He received two subdivision applications. One is the Hepworth piece at the corner of 400 North and 1100 West, which would be seven lots. All lots would front on 400 North. The other subdivision is in Olsen Farms with eight lots at 1100 West and Pages Lane. They will need to address an issue with lot size – they are three times depth to width.
- He will attend a meeting with the Wasatch Front Regional Council, UDOT, and Bountiful City regarding the I-15 project.
- He has a firm date with the railroad to shut down Pages Lane next week. They will be fixing the sidewalks, curb and asphalt by the tracks.
- He is working on designs for next year’s projects. He will be talking with residents on 800 West, 900 West and 725 West about the projects planned on those streets.

12.  
Police Report

Chief Hixson– He has been busy filling reserve officer openings -- Christopher Jacobsen, a West Bountiful resident, and Gregory White have been hired as reserve officers. This is the first job in law enforcement for both of them. The crossing guards are doing well. The personnel have been very busy with several investigations, including one with the US Attorney’s Office and one involving multiple states. The JAG grant is completed and the department will be doing some more tech upgrading. There were thirty-seven applicants for the officer position, and the pool has been narrowed down to thirteen.

1 13.  
2 Finance Report – September 2013  
3

4 Heidi – 25% of the fiscal year is past. Sales tax was 8% ahead of last  
5 September, which is counting July’s receipts. Fluctuations in sales tax  
6 have been state wide. Building permits are up. Heidi is still working with  
7 auditors. She’ll be working on the written final audit report the next  
8 couple of weeks.  
9

10 14.  
11 Administrative Report.  
12

13 Duane Huffman –

- 14 • He wants to hold an official RDA meeting on November 19 so that
- 15 board members can be updated and the annual report reviewed. He
- 16 suggested 7:00 pm just before the regular council meeting.
- 17 • He is working on a redraft of the personnel policy. He
- 18 recommends taking out the auxiliary policies; those which have no
- 19 legal ramifications.
- 20 • Early voting will start next Wednesday and the information is
- 21 posted on the website, Facebook and Twitter.
- 22 • He visited the bridge on the 17<sup>th</sup> hole at the golf course, which is a
- 23 safety risk. He asked Steve Maughan to put on some extra
- 24 plywood to strengthen it. They are thinking of putting a path there
- 25 instead of the bridge but grass has to be better established there
- 26 first.
- 27 • He asked for a brief closed session to discuss pending litigation.  
28

29 15.  
30 Mayor/Council Reports  
31

32 Debbie McKean– newsletter items were due today and she got most of  
33 them. Dec 9 is Christmas on Onion St. She attended the Mosquito  
34 Abatement Conference at Bryce Canyon. Mosquito Abatement received  
35 some money from the Utah Local Government Trust also. As trustees,  
36 they should take employee safety training. She forwarded information to  
37 Duane. At the conference they had a good session on passing the torch –  
38 stimulating youth to participate. She suggested inviting youth council  
39 members to their board meetings.  
40

41 Dave Tovey– The youth council is getting ready for Christmas on Onion  
42 Street. They are reviewing some of the feedback from last year. Debbie  
43 recommended he communicate with Arts Council on where to arrange the  
44 choir.  
45

PENDING

1 James Bruhn – Members of the men’s golf league are upset they cannot  
 2 use their winnings for green fees or a next round, etc. No Parking signs on  
 3 400 North west of the trail need to be pulled and salvaged. The City ran  
 4 services into a vacant lot on 1100 West and 300 North for a new home.  
 5 The owner put the combined parcels for tax purposes but the properties  
 6 were not changed.

7  
 8 Mark Preece– He attended the emergency preparedness advisory  
 9 committee meeting. They have a trailer and will fix it up at the city shop.  
 10 Looking for two more members.

11  
 12 James Ahlstrom – He asked about the vacant seat on the Planning  
 13 Commission, and Mayor Romney said they have a couple of applicants.  
 14 The house on Pages Lane past 900 West (just before the Ranches  
 15 subdivision) has a garage that looks like an ordinance violation. James  
 16 Bruhn said they are building another garage in the back yard.

17  
 18 Mayor Romney– Asked Debbie if there is anything else needed on the  
 19 Knighton home. Duane said they will inspect the curb and gutter but the  
 20 volunteer groups did a good job. The golf course needs some golf cart  
 21 crossing lines.

22  
 23 16.  
 24 Approval of Minutes of the  
 25 October 1, 2013 City Council  
 26 Meeting.

27  
 28 James Ahlstrom requested a change in language on Page 11.

29  
 30 MOTION: James Bruhn moved to approve the minutes of the October 1,  
 31 2013 City Council meeting.

32  
 33 SECOND: Dave Tovey seconded the Motion.

34  
 35 PASSED: Voting was as follows:  
 36 James Ahlstrom – Aye  
 37 Mark Preece – Aye  
 38 James Bruhn – Aye  
 39 Dave Tovey – Aye  
 40 Debbie McKean – Aye

41  
 42 10:00 pm

43  
 44 MOTION: Mark Preece moved to extend the meeting until 10:15 pm.  
 45

1 SECOND: James Bruhn seconded the Motion.

2  
3 PASSED: Voting was as follows:  
4 James Ahlstrom – Aye  
5 Mark Preece – Aye  
6 James Bruhn – Aye  
7 Dave Tovey – Aye  
8 Debbie McKean – Aye  
9

10 17.  
11 Possible Closed Meeting for Allowed  
12 Purposes Pursuant Utah Code Annotated  
13 52-4-205.  
14

15 MOTION: Mark Preece moved to hold a strategy session to discuss  
16 pending or reasonably imminent litigation in the police lineup room.  
17

18 SECOND: James Bruhn seconded the Motion.

19  
20 PASSED: Voting by roll call was as follows:  
21 James Ahlstrom – Aye  
22 Mark Preece – Aye  
23 James Bruhn – Aye  
24 Dave Tovey – Aye  
25 Debbie McKean – Aye  
26

27 MOTION: James Ahlstrom moved to end the closed session.  
28

29 SECOND: Dave Tovey seconded the Motion.  
30

31 PASSED: Voting was as follows:  
32 James Ahlstrom – Aye  
33 Mark Preece – Aye  
34 James Bruhn – Aye  
35 Dave Tovey – Aye  
36 Debbie McKean – Aye  
37

38 18.  
39 Possible Action Following Closed Meeting  
40

41 Not necessary.  
42

43 19.  
44 Adjourn – 10:20 pm.  
45

**PENDING**

MOTION: James Bruhn moved to adjourn.

SECOND: James Ahlstrom 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)

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1 Minutes of the Meeting of the City Council of West Bountiful held on Tuesday, November 5,  
2 2013 at West Bountiful City Hall, Davis County, Utah.

3  
4 Those in Attendance

5 MEMBERS PRESENT: Mayor Kenneth Romney, James Ahlstrom, Mark  
6 Preece, James Bruhn, Dave Tovey, Debbie McKean.

7  
8 STAFF PRESENT: Duane Huffman (City Administrator), Ben White  
9 (City Engineer), Cathy Brightwell (Deputy Recorder/Secretary).

10  
11 VISITORS: Kelly Enquist, Alan Malan, Terry Olsen and wife

12  
13 Called to Order: Mayor Kenneth Romney called this meeting to order at 8:00 pm

14  
15 1.  
16 Accept Agenda

17  
18 MOTION: Dave Tovey moved to accept the agenda.

19  
20 SECOND: James Bruhn seconded the Motion.

21  
22 PASSED: Voting was as follows:  
23 James Ahlstrom – Aye  
24 Mark Preece – Aye  
25 James Bruhn – Aye  
26 Dave Tovey – Aye  
27 Debbie McKean – Aye

28  
29 2.  
30 Discussion on potential 400 North/500 West intersection expansion.

31  
32 Ben White introduced Ben Wuthrich, the coordinator for transportation  
33 improvement with Wasatch Front Regional Council. Mr. Wuthrich  
34 explained that the project at the intersection of 400 North and 500 West is  
35 being moved up on the schedule from 2018 to 2014. He commented that  
36 Ben White has been very involved and does a great job for the City.

37  
38 The Project involves two streets that are both state facilities and are  
39 located in two different cities. An additional turn lane will be installed on  
40 400 North turning south onto 500 West, and another on 500 West turning  
41 east onto 400 North. The project schedule would have completed this  
42 work after the completion of the I-15 project. There are currently problems  
43 with controllers and poles that require them to be replaced now. Also, 400  
44 North will be temporarily shut down during parts of the I-15 project.  
45 There is a project budget of \$1.2 M with 6.7% match split between  
46 Bountiful and West Bountiful. By combining this project with UDOT's

1 signal monies and I-15 construction traffic control, there are potentially  
2 significant cost savings to all parties.  
3

4 The approved proposal and schedule included inflated costs for 2018  
5 construction. There are financial benefits here as well by moving the  
6 project forward. The State will pay for the signal and poles. They  
7 recognize it is their facilities and their plans for I-15, and expanding the  
8 capacity of the intersection during I-15 construction minimizes the impact  
9 to affected parties. Each City will be responsible for approximately \$37K  
10 – 40K.  
11

12 There is a Transportation meeting on November 21 where this project will  
13 be discussed and, if approved, funding will be moved forward on the  
14 schedule. West Bountiful will need to maintain their commitment to the  
15 project in order to keep it moving forward.  
16

17 Councilman Ahlstrom asked if \$37K-\$40K is the worst case or could it go  
18 higher? Mr. Wuthrich responded that it is not likely to increase. Mr.  
19 Huffman suggested that if the cost of acquisitions balloons the City's  
20 portion could increase. Mr. Wuthrich responded that there is a fairly large  
21 contingency fund by moving the project up so they are not expecting  
22 increases to the amounts each City will pay. UDOT will manage the  
23 acquisitions but an appraiser will be used to keep prices in check.  
24

25 Councilmember McKean asked if the money can come from street impact  
26 fees. Duane Huffman responded that it could but the City would need to  
27 amend its Capital Facilities Plan to include the project. There is  
28 approximately \$500K in the street impact fund with approximately \$200K  
29 in immediately scheduled projects.  
30

31 Mr. Huffman stated that the project obviously needs to be done but we  
32 need to consider if it serves the needs of West Bountiful residents enough.  
33 There was discussion that even though the majority of vehicles using the  
34 intersection are not West Bountiful residents, there is a benefit because it  
35 provides better access to City shopping facilities like Costco.  
36

37 Councilmember McKean asked Mr. Wuthrich to consider adding chirping  
38 for the handicapped when new signals are installed. He said he would  
39 look into it.  
40

41 Mayor Romney asked the Council what their thoughts were on the project  
42 and the City's commitment to pay its share. A straw poll showed all six  
43 members in favor of proceeding.  
44

45 Mayor Romney then asked about the status and plans for the I-15 project.  
46 Ben explained that bids should be received by Thanksgiving then the three

1 designs will be reviewed without knowing who submitted them or what  
2 the proposed dollar amount would be. By mid December we should know  
3 who will do the project and what the design will be.  
4

5 3.

6 Closed meeting pursuant to Utah Code Annotated 52-4-204(3), discussion of the character, professional  
7 competence, or physical or mental health of an individual.  
8

9 Adjourn to Closed Meeting  
10 8:33 pm  
11

12 MOTION: James Ahlstrom moved to go to a closed session in the police  
13 training room for the purpose of discussing the character, professional  
14 competence, or physical or mental health of an individual, pursuant to  
15 Utah Code Annotated 52-4-205.  
16

17 SECOND: Dave Tovey seconded the Motion.  
18

19 PASSED: Voting by roll call was as follows:

20 James Ahlstrom – Aye  
21 Mark Preece – Aye  
22 James Bruhn – Aye  
23 Dave Tovey – Aye  
24 Debbie McKean – Aye  
25

26 Return to City Council Meeting  
27 9:52 pm  
28

29 MOTION: Debbie McKean moved to adjourn the closed meeting and  
30 return to City Council meeting.  
31

32 SECOND: Mark Preece seconded the Motion.  
33

34 PASSED: Voting was as follows:

35 James Ahlstrom – Aye  
36 Mark Preece – Aye  
37 James Bruhn – Aye  
38 Dave Tovey – Aye  
39 Debbie McKean – Aye  
40

41 4.

42 Possible Action following closed meeting  
43

44 No action needed.  
45

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5.  
Adjourn – 9:55 pm

MOTION: James Bruhn moved to adjourn.

SECOND: James Ahlstrom 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)

\_\_\_\_\_  
CATHY BRIGHTWELL (SECRETARY)

# PENDING

## Joint Work Session – City Council and Planning Commission

November 12, 2013

6:00 pm

Present: Mayor Kenneth Romney, City Council Members Mark Preece, Debbie McKean, James Bruhn, Dave Tovey, James Ahlstrom (by phone), Planning Commission Chairman Denis Hopkinson, Commissioners Alan Malan, Mike Cottle, Laura Charchenko, Terry Turner, Deputy Recorder Cathy Brightwell, City Engineer Ben White, City Administrator Duane Huffman, Secretary Nathalie Ellingson.

Visitors: Corey Sweat, Council Member Elect Kelly Enquist.

### **Discussion of Title 17 – yard regulations including setbacks, decks, area restrictions and yard obstructions, area and frontage regulations, and height regulations in residential zones.**

Requests for certain land use variances have come before council, and during discussions, it has become apparent the language in applicable ordinances may need modification. The Mayor and City Council asked the Planning Commission to look at possible changes to ordinances regarding the above issues, and the Planning Commission proposed holding a joint work session to discuss their proposals.

Denis Hopkinson – Everyone at the table received a copy of the applicable ordinances along with a chart listing specific items to be discussed.

Denis read 17.24.050, paragraph (H) which stated buildings in a rear yard could not have a footprint of more than 25% of the rear yard, and paragraph (J) which stated restrictions on building feature exceptions. There were some questions asked as to the original reasons for the language. Denis asked if limitations in paragraph (J) were put there for safety reasons, and if the council wants the language tightened, thinned out, or to remain in the ordinance at all. Also, addressing architecture and landscaping in the same paragraph is confusing. Ben White commented that the language in (J) was a combination of several topics in one paragraph and had come from the Supplemental Language Section of the Code which was eliminated previously.

Regarding the 25% restriction in (H), Debbie McKean said there is an accessory structure on 400 North that appears to be taking up more than 1/4 of the yard and it does not look bad. She said the 25% restriction, as well as other restrictions, are unnecessary. If some are necessary, they should decide which ones. Denis said lot sizes vary, and they need higher restrictions for the smaller lots so they don't get cluttered. Debbie said without outbuildings, people leave things outside which looks more cluttered.

Mayor Romney said most people live in West Bountiful because they like the rural and open feeling. Interestingly, those comments come from people who live on smaller lots, but they like being able to walk from their homes to open areas, and they like that there are no businesses close to their homes. Corey Sweat said he owns a home in South Foxboro where setbacks are 25 feet in the front yards and much smaller than West Bountiful's in the side yards. The houses look like blocks. He said people moved to West Bountiful because of the larger setbacks and open feel. Denis said at public hearings he will press for more comments in this regard.

James Ahlstrom said he does not equate setbacks to a rural feel. He wants a more flexible ordinance; he prefers not to get in the way of property rights. He agreed with comments made by Debbie and Dave

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Tovey that ordinances need to have solid reasons behind them. He also didn't think the ordinances are cohesive.

James Bruhn disagreed, saying once you start changing required measurements people will push to the edge. He doesn't think there is enough undeveloped acreage left in the City to justify changing requirements; they should finish the few lots left with current numbers and then move forward from there. His property has a vacant lot next to it, and he wants to think the same rules would apply to the new builders as applied to him. He would not know what to expect if the restrictions were loosened.

Mayor Romney said they have to be very careful with conditional use because it is hard to stop people from doing things unless conditions are very clear.

Duane Huffman suggested investigating best practices regarding setbacks; talk to someone with a planning degree or compare ordinances in other cities.

Denis Hopkinson – When the Planning Commission is tasked with reforming ordinance language, they try to make it simple and clear. When conditional use permits are granted, the conditional use must be enforceable. Most conditional uses applied for are for home occupations and businesses. But when a conditional use will modify a residential footprint, the Planning Commission can mitigate using Section 17.60, but enforcement is more difficult. The city staff and the Mayor are expected to tell people to cease and desist and then the issue goes to court. They must be careful of language that moves them into needing to issue conditional use permits unless the Mayor and Council is prepared to back them up.

Decks. Mayor Romney said he had no problem with a deck extending into a yard. In several cities, a deck can cover a whole back yard if it is not too high. His concern is where to go with a deck 20 feet high.

Mayor Romney asked if anyone had any problem with 20 foot high decks, and Alan Malan said he would like to see a condition stating the deck cannot be higher than the top floor of the dwelling.

Duane said there are no best practices on decks, so the city just needs to do what is reasonable.

Denis said that over time homes will be knocked down and new homes built, so they need an ordinance in plain language for future building.

Building height. The Mayor asked if anyone had an issue regarding height of structures or accessory structures.

Ben White explained that in any zone, the regulation for a main structure is 35 feet. The measurement is from the tallest point on the roof to the lowest adjacent finished grade. A height limit of 35 feet is standard in different communities, but measurements are done differently. The Mayor went on to explain that an accessory structure in A-1 can be 35 feet. In R1-10 and R1-22, the limit is 20 feet although Ben said a property owner can come to the Planning Commission and ask for something taller with a conditional use.

James Bruhn said zones A1 and R1-22 should allow taller accessory buildings. He thinks main structures could go to 45 feet. Dave said a 45 foot home needs a bigger front setback and the Mayor said they need to look at the ratio of height compared to setbacks.

Denis said this makes good sense in the A-1 zone, because pieces of the city will be developed into five acre pieces. Both homes and accessory buildings could be taller. The Mayor said they need to be

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committed with keeping the A-1 zone in the west part of the city. However, he said that more than likely in the future a city council may want to divide the land into smaller lots, due to economic benefit and the current trend.

Corner lots. Mayor Romney - The city has had a tendency to change ordinances once or twice for corner lots. The question is should they give leeway if setbacks are maintained in another direction, especially where they have to have more room on the side of corner lots. In the lot that came up for a variance, the city allowed land to be subdivided and a home was to be built. Now the owners are back to say their home is too small. Adding to the house will decrease setbacks in the rear.

Dave said if a corner lot is the side yard of another lot the rear yard expectation may not be the same; a few feet are added to one side, the rear yard may be the neighbor's side yard and could be smaller. A corner side yard needs a 20 foot setback. So the question is do they lower the setback requirement in the first home's back yard? Duane said a side yard may not always be a side yard if a home is replaced with a new home. Ben said that, in addition, in a new subdivision the corner lot could be developed first.

They talked about how various corner homes are situated, and some seem too close. Denis said this goes back to the deck ordinance. If the main living level is the second floor or even the third floor and that is where the deck comes out, they would need to see if the view looks down into a neighbor's back yard. The Mayor said for this reason they need a height limit on decks and Laura Charchenko said there even needs to be a height limit in the A-1 zone.

25% footprint and the 3 to 1 depth to width ratio. Mayor Romney asked if they should investigate the origin of those numbers and should they grant conditional use permits to increase the footprint, possibly to 50%?

There were several comments that 25% is too restrictive. Alan suggested they allow 45% and the higher percentage would still be open ground. Denis said the 25% is there to keep open space. Duane asked what conditions would make a property seem less crowded and Ben said height restrictions.

Denis stated a building on a property could mitigate an eyesore. One property in the city needs a house on it because the lot looks bad. Neighbors would prefer a house with limited open space to the way it looks now. If conditional uses were allowed, they could change the setbacks and apply conditions pursuant to 17.60.070, Conditional Use, Paragraph c, to mitigate closeness.

Mayor Romney asked the staff to look at ratios in other cities. He asked whether, if they did away with the 3 to 1, it would create a problem and there was a brief discussion in that regard.

The work session ended at 7:25 pm.

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MAYOR KENNETH ROMNEY

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HEIDI VOORDECKERS (CITY RECORDER)

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NATHALIE ELLINGSON (SECRETARY)

1  
2  
3 Minutes of the Meeting of the City Council of West Bountiful City held on Tuesday, November  
4 19, 2013 at West Bountiful City Hall, Davis County, Utah.

5  
6 Those in attendance:

7  
8 MEMBERS PRESENT: Mayor Pro Tem Mark Preece, James Ahlstrom,  
9 James Bruhn, Debbie McKean. Mayor Kenneth Romney was not present.  
10 Dave Tovey arrived later.

11  
12 STAFF PRESENT: Duane Huffman (City Administrator), Heidi  
13 Voordeckers (Finance Director/Recorder), Ben White (City Engineer),  
14 Steve Doxey (City Attorney), Lt. Corie Hamilton, Nathalie Ellingson  
15 (Secretary). Cathy Brightwell, Todd Hixson and Steve Maughan were  
16 excused.

17  
18 VISITORS: Kelly Enquist, Brandee Nadauld, Gary Jacketta, Corey  
19 Sweat, Ron Halos, Lloyd Selleneit, Conrad Jenson.

20  
21 Called to Order: Mayor Pro Tem Mark Preece called this meeting to order at 7:31 pm

22  
23 Invocation/Thought – James Bruhn gave an invocation.  
24 Pledge of Allegiance led by Debbie McKean

25  
26 1.  
27 Accept Agenda

28  
29 MOTION: Debbie McKean moved to approve the agenda, switching  
30 Items 3 and 4 with Items 5 and 6.

31  
32 SECOND: James Ahlstrom seconded the Motion.

33  
34 PASSED: Voting was as follows:  
35 James Ahlstrom – Aye  
36 Mark Preece – Aye  
37 James Bruhn – Aye  
38 Debbie McKean – Aye

39  
40 2.  
41 Public Comment

42  
43 Brandee Nadauld, 1544 North 1100 West – She has had no Weber water  
44 on her property. They were told when a subdivision went in behind their  
45 property they would be hooked up to Weber water. When the subdivision

1 went in, they were told to wait until another subdivision opened. She has  
2 been paying for water rights. Ben White explained that when Olson  
3 Farms was built, there was no Weber water on 1100 West. A line was  
4 only brought as far as the subdivision, and then run to the Frank Chase  
5 property. Weber Water District said they did not bring water down 1100  
6 West because the homes were built one at a time and they were not  
7 required to put in infrastructure. They said the city would have to pay to  
8 put in a line. Brandee asked if they could have water run from the  
9 subdivision behind them, and Weber said no. She has three neighbors  
10 who also cannot get Weber water. It would be expensive for the city to  
11 tear up the street to run a line to those four houses. James Ahlstrom asked  
12 Brandee for an opportunity to talk to Olson Farms and get the people  
13 together on running lines to the four houses. Ben said Weber would only  
14 run new lines when their lines are full to capacity, which could be five  
15 years from now or longer. Brandee said it has been 20 years since they  
16 were promised a hookup.

17  
18 Dave Tovey arrived.

19  
20 5.  
21 Canvass of Votes for the  
22 West Bountiful City 2013  
23 Municipal General Election

24  
25 Heidi Voordeckers – Once the votes are accepted, she will send them to  
26 the governor’s office. A roll call vote is required for approval then they  
27 all need to sign the canvass report.

28  
29 MOTION: James Ahlstrom moved to accept the canvass of votes.

30  
31 SECOND: James Bruhn seconded the Motion.

32  
33 PASSED: Voting by roll call was as follows:

34 James Ahlstrom – Aye  
35 Mark Preece – Aye  
36 James Bruhn – Aye  
37 Dave Tovey – Aye  
38 Debbie McKean – Aye  
39

40 6.  
41 Consider Approval of Resolution 319-13,  
42 to Vacate a Public Utility Easement Located  
43 at Approximately 600 East 600 North,  
44 Bountiful, Utah.  
45

1 MOTION: James Ahlstrom moved to approve Resolution 319-13,  
2 vacating a public utility easement located at approximately 600 East 600  
3 North, Bountiful, Utah.  
4

5 SECOND: Debbie McKean seconded the Motion.  
6

7 PASSED: Voting by roll call was as follows:

8 James Ahlstrom – Aye

9 Mark Preece – Aye

10 James Bruhn – Aye

11 Dave Tovey – Aye

12 Debbie McKean – Aye  
13

14 3.  
15 Budget Public Hearing  
16

17 MOTION: Debbie McKean moved to open the public hearing, 7:48 pm.  
18

19 SECOND: Dave Tovey seconded the Motion.  
20

21 PASSED: Voting was as follows:

22 James Ahlstrom – Aye

23 Mark Preece – Aye

24 James Bruhn – Aye

25 Dave Tovey – Aye

26 Debbie McKean – Aye  
27

28 Heidi Voordeckers went over the changes since the budget was last  
29 presented. The CDGB grant for sidewalk replacement was approved and  
30 the money needed to be put in the budget so they can go forward on the  
31 projects in the spring. The police department received the JAG grant  
32 money, which also needed to be recognized in the budget. In addition, the  
33 budget was modified to include work related to the golf course parking lot  
34 that had been approved in the June 18th City Council meeting, as well as  
35 personnel changes in the police department. Increased expenditures  
36 previously discussed were for a snow plow replacement and outfitting the  
37 dump truck with snow removal equipment, tuition reimbursement, the golf  
38 course irrigation project, and golf cart repairs and replacements.  
39

40 Comments:

41 Kelly Enquist stated he was in agreement with the expenditures except for  
42 tuition reimbursement. That is a benefit that usually increases or  
43 decreases depending on the financial stability of the employer. Other  
44 benefits have been taken away from employees due to the economy which  
45 should be put back before they give tuition reimbursement. Citizens he

1 has spoken to do not think this item should be passed at this time. Policies  
2 and procedures need to be developed first and then the item can go into the  
3 budget next year. He is uncomfortable with some of the wording in the  
4 contract referring to an agreement with Heidi Voordeckers that she would  
5 become assistant city administrator upon completion of her program. He  
6 felt the position should be open to the public. (The agreement was  
7 reviewed by legal counsel and previously approved in an open meeting.)  
8

9 Corey Sweat, 1078 West 600 North – He agreed with the changes except  
10 the tuition reimbursement agreement. He had not seen a copy of the  
11 contract, but his understanding from Kelly made him uncomfortable with  
12 it.  
13

14 Jaren Conk, 1766 North 600 West – He said the city is setting a precedent  
15 in offering tuition reimbursement, and they are already taking \$2,000 out  
16 of the general fund for the police department, while West Bountiful still  
17 has the highest water rate in the state.  
18

19 MOTION: Debbie McKean moved to close the public hearing.  
20

21 SECOND: Dave Tovey seconded the Motion.  
22

23 PASSED: Voting was as follows:

24 James Ahlstrom – Aye

25 Mark Preece – Aye

26 James Bruhn – Aye

27 Dave Tovey – Aye

28 Debbie McKean - Aye  
29

30 4.  
31 Consider Approval of Resolution 320-13,  
32 to Open and Amend the Fiscal Year 2014 Budget.  
33

34 Debbie McKean suggested tabling this item in order to work through the  
35 comments they received during the public hearing. It was then suggested  
36 that the budget amendment could be approved with exception to the  
37 tuition reimbursement, which was the point of public concern. James  
38 Ahlstrom explained that regarding Heidi Voordecker's tuition, she had  
39 already been offered the assistant city administrator position, but she felt  
40 she needed her degree first. He recognized that there would have been  
41 better understanding if the public had been in on the discussions, but such  
42 discussions regarding personnel may be done in closed sessions; that is the  
43 rule for all cities. He said employee turnover costs far exceed the cost of  
44 this benefit. In order to get this benefit, an employee must commit to at

1 least four years of service or they must pay the money back. He felt they  
2 might discuss how the benefit should be budgeted, but the concept is solid.

3  
4 Dave Tovey said additional schooling for employees benefits the city.  
5 They could develop policies and procedures first in order to set guiding  
6 principles, but a future council could change those policies anyway.

7  
8 James Bruhn stated to the public that not all council members were  
9 unanimous in including tuition reimbursement as a benefit. He personally  
10 feels the same as many citizens regarding other expenses. The council  
11 was asked if they had asked their constituents for their opinions. Dave  
12 Tovey and James Ahlstrom stated they had received positive comments.

13  
14 Debbie McKean said she is not opposed to the concept of tuition  
15 reimbursement, but she thought there had not been enough discussion, and  
16 the amount budgeted surprised her as that had not been discussed before.  
17 She also stated to the public that the council will be addressing the water  
18 rate issue in the near future. (James Ahlstrom remarked that the water rate  
19 issue should not be part of this discussion because it is a different fund.)  
20

21 MOTION: James Ahlstrom moved to vote on this item later in the  
22 evening, after the golf course discussion, as Item 9(a).

23  
24 SECOND: Debbie McKean seconded the Motion.

25  
26 DISCUSSION: Regarding the comment that the tuition reimbursement  
27 contract was not available to the public, it was pointed out by staff that the  
28 contract was posted on the web site.

29  
30 PASSED: Voting was as follows:  
31 James Ahlstrom – Aye  
32 Mark Preece – Aye  
33 James Bruhn – Nay  
34 Dave Tovey – Aye  
35 Debbie McKean – Aye  
36

37 7.  
38 Consider Approval of Ordinance 355-13,  
39 Modifying Chapter 9.24 WEAPONS of  
40 the West Bountiful Municipal Code.

41  
42 Detective Hamilton – Airsoft weapons have not been previously allowed  
43 to be fired in the city limits. This amendment will allow for their use  
44 under certain circumstances. The police department had few concerns  
45 regarding the danger of these weapons; they can be fired close to homes.

1 Anyone underage has to have written permission from parents. Duane  
2 explained that a citizen, Lloyd Selleneit, wanted to use airsoft weapons to  
3 teach his family members the proper use of guns.  
4

5 Mr. Selleneit addressed the council, explaining that, as a former legislator,  
6 he has knowledge of Utah's right to bear arms amendment and he  
7 sponsored the legislation for castle laws, (a person can protect his property  
8 and not be prosecuted). Since laws in Utah allow liberal use of firearms,  
9 he thought it was important that gun owners use their weapons properly  
10 and safely. In teaching members of his family, he is more comfortable  
11 using airsoft guns.  
12

13 Duane explained that the City prosecutor saw Mr. Selleneit's request as an  
14 opportunity to clean up the ordinance and make sure it covers all relevant  
15 issues. Steve Doxey made the changes but he had a question regarding the  
16 penalty. Violation of a firearms ordinance should be a Class B  
17 misdemeanor. If airsoft gun rules are broken inside a home, it would be  
18 an infraction. A discussion ensued regarding penalties, the definition of  
19 airsoft guns, and the difference between airsoft guns and BB guns.  
20

21 It was suggested they table the issue and form a committee of citizens and  
22 city employees to go over the definitions of all weapons, including airsoft  
23 guns. Mr. Selleneit thanked Duane and Chief Hixson for their cooperation  
24 in discussing this issue with him. He offered to advise the citizens'  
25 committee because of his expertise and background.  
26

27 MOTION: James Ahlstrom moved to table approval of Ordinance 355-13  
28 and proposed that Mayor Romney and the city administrator appoint  
29 members to a citizens' committee to review the ordinance.  
30

31 SECOND: James Bruhn seconded the Motion.  
32

33 PASSED: Voting was as follows:

34 James Ahlstrom – Aye

35 Mark Preece – Aye

36 James Bruhn – Aye

37 Dave Tovey – Aye

38 Debbie McKean - Aye  
39

40 8.

41 Consider Request for Site Plan  
42 Amendment, HollyFrontier  
43

44 Ben White – In 2011, Lynn Keddington stated at a city council meeting  
45 that the gate on 1100West would only be open for emergencies or for

1 access to the tanks. Now that the new warehouse and office are there, the  
2 road is being used again because it provides easier and safer access to the  
3 freeway than making U-turns on 500 South. Ben thought this issue should  
4 be brought to the council since traffic will be affected as well as the  
5 condition of the road. The point where the road goes onto 1100 West is in  
6 a residential zone so there could be a land use issue.  
7

8 Conrad Jensen – When the office building and warehouse were built at the  
9 1100 West 500 South corner of the plant, traffic was meant to enter and  
10 exit the facility from 500 South. However, vehicles wishing to head East  
11 on 500 South cannot make the turn because there is a concrete median.  
12 They either turn right, do a U-turn in the intersection at 1100 West, and  
13 then go east toward the freeway, or they turn right on 1100 West, go down  
14 to 400 North and access the freeway from there, which creates more traffic  
15 through the residential zone and in front of the grade school. The refinery  
16 is requesting the use of the 1100 West exit (which is now gated) so that  
17 vehicles can turn left on to 1100 West, then turn left at the light on to 500  
18 South and proceed toward the freeway. They wanted to bring the request  
19 to city council since the original plan had been approved by the council.  
20 Mr. Jensen stated that a change is not necessary, but they thought it would  
21 be better for traffic if trucks did not do the U-turn.  
22

23 James Bruhn said he thought opening the road was a good idea, and if the  
24 road on 1100 West began showing extra wear and tear at that point, they  
25 could talk with Holly again. Dave Tovey asked if the road could be  
26 moved closer to 500 South so it is not in a residential zone, but that would  
27 put the road too close to the intersection, making the two left turns  
28 difficult. Ben pointed out that the road is used mostly by panel and  
29 delivery trucks, and there is still a weight/height and hazardous material  
30 restriction on 1100 West.  
31

32 MOTION: James Bruhn moved to grant city staff authority to approve  
33 Holly Frontier's site plan change request if all other criteria is met.  
34

35 SECOND: Debbie McKean seconded the Motion.  
36

37 PASSED: Voting was as follows:

38 James Ahlstrom – Aye

39 Mark Preece – Aye

40 James Bruhn – Aye

41 Dave Tovey – Aye

42 Debbie McKean – Aye  
43  
44  
45

1 9.  
2 Discussion on Golf Course Café  
3 Concession Services  
4

5 Paul Holden was present for this discussion.

6 Duane Huffman – He wanted this discussion so he could get some  
7 direction from the council as to whether they should get a contract or go  
8 in-house for concessions next year at the golf course. Mark Preece said he  
9 had talked with Paul previously about using Carmacks. They have been  
10 doing the concessions at Eaglewood for ten years, and their name is  
11 familiar to the community. James Ahlstrom said when they had a  
12 concession employee, they made a mistake in trying to make the  
13 concession operation profitable, and ended up losing a good employee.  
14 Duane said it is important they make a profit, and cost would be  
15 considered in the RFP, but other elements are important to all aspects in  
16 making the golf course profitable. James Bruhn said they should try to get  
17 Stephanie back and that in-house is best because they have more control  
18 over the operation of the café. Paul said contracting out would be better  
19 until they finish getting the golf course in shape. Duane said he would  
20 concentrate on developing an RFP for council’s approval and then get bids  
21 from outside vendors.  
22

23 9b.  
24 Consider Approval of Resolution 320-13,  
25 to Open and Amend the Fiscal Year 2014 Budget.  
26

27 James Ahlstrom – The four expenditure items addressed in the amended  
28 budget were already discussed and approved by the council. Duane  
29 pointed out the amendments were discussed but not approved; the  
30 amendments were open for changes until they are approved this evening.  
31 The tuition reimbursement does not affect the bottom line. Funds were  
32 moved from the administrative department to the police department and to  
33 personnel for the tuition reimbursement. Heidi’s tuition was already  
34 covered by saving on other line items in the administrative budget. James  
35 Ahlstrom said if they do not approve the tuition reimbursement part of the  
36 amendments, they will be going back on a contract with the employees.  
37 The purpose of the public hearing was not to decide whether to fund the  
38 items, but where the funds should come from. Debbie McKean requested  
39 when making these changes, if the staff would make up a clear plan about  
40 the changes, showing where the money is coming from and what projects  
41 are going to be done and not done.  
42

43 MOTION: James Ahlstrom moved to approve Resolution 320-13,  
44 opening and amending the Fiscal Year 2014 Budget.  
45

1 SECOND: Dave Tovey seconded the Motion.  
2

3 PASSED: Voting by roll call was as follows:

4 James Ahlstrom – Aye

5 Mark Preece – Aye

6 James Bruhn – Nay

7 Dave Tovey – Aye

8 Debbie McKean – Nay  
9

10 10.

11 Planning Commission Report  
12

13 Ben White – Discussion from the November 12 joint work session  
14 continued. It was brought up that the largest back yard building was 30%  
15 of the back yard. They also discussed two subdivisions, the first of which  
16 is seven lots at the NE corner of 400 South and 1100 West. They will be  
17 required to put in a curb and gutter, but that will leave some houses on  
18 1100 West without a curb and gutter. This will probably be brought to  
19 council at some point. There will also be an issue regarding the sewer  
20 lines and how 400 North will be repaired after the lines are put in. The  
21 second subdivision at the NW corner of Pages Lane and 1100 West is  
22 eight lots and came before council a while ago. There was concern  
23 regarding gas lines and a maintenance station. James Bruhn said Denis  
24 Hopkinson is working with the builder, who will be putting a concrete  
25 wall around the station. Ben said a question will be coming up as to the  
26 use of open land in the subdivision close to Legacy which is unsuitable for  
27 building.  
28

29 11.

30 Engineer Report  
31

32 Ben White –

- 33 • Concrete work on curbs and gutters is starting tomorrow using  
34 money left on the books from bonds that had been held until some  
35 landscaping was finished. Meetings with homeowners on 900  
36 West and 800 West have been scheduled to review next year's  
37 construction projects.
- 38 • He has a draft agreement back from Bountiful City regarding  
39 buying their water and he is working on modifications. The terms  
40 seem reasonable but the numbers have not been decided upon. It is  
41 critical to complete the agreement soon because the motor in the  
42 old well has seized up.
- 43 • A company has been hired to do a well siting study and he will  
44 have reports for council by the second meeting in December. He

1 will also have information about the I-15 project and the FEMA  
2 flood plain study.  
3

4 12.  
5 Police Report  
6

7 Detective Corie Hamilton – The council was provided with the statistics  
8 from October only. The next report will be for October and November.  
9 Officer Gregory White has begun his field training. Officer Neff has  
10 begun field training with alcohol enforcement. He comes from the  
11 highway patrol. Field training takes from two to four weeks. Officer  
12 Matthew Robbins finished his field training and is now working on his  
13 own. He is very public relations oriented. Officer Christopher Jacobson is  
14 in his third week of field training. He is a resident of West Bountiful. The  
15 sergeant testing material has been sent out to the applicants, Officer Ellery  
16 and Detective Ereksen. The testing process will begin tomorrow at 8:00  
17 am. The first emergency preparedness meeting was held October 9, and  
18 the next meeting will be November 13. Lastly, there are two pieces of  
19 exercise equipment that need to be sold, and the chief asked if they could  
20 be put on KSL.com again.  
21

22 13.  
23 Finance Report – October 2013  
24

25 10:00 pm

MOTION: Debbie McKean moved to extend the meeting to 10:15 pm.

26  
27 SECOND: James Ahlstrom seconded the Motion.  
28

29 PASSED: Voting was as follows:

30 James Ahlstrom – Aye  
31 Mark Preece – Aye  
32 James Bruhn – Aye  
33 Dave Tovey – Aye  
34 Debbie McKean – Aye  
35

36 Heidi Voordeckers – This is an awkward time of the year when reviewing  
37 the bottom line because annual property tax receipts are not in yet. They  
38 are 34% through the fiscal year, and the expenses are on target. The report  
39 lists projects which are already completed, with fund transfers approved  
40 and scheduled for the end of the fiscal year. One item to note is that  
41 \$33,000 came in from the insurance claim on the snow plow, which is  
42 reflected under miscellaneous revenue. The golf course revenues are  
43 falling behind from last year, but Paul is working with the point-of-sale  
44 people to get better statistics.  
45

1 14.  
2 Administrative Report.

3  
4 Duane Huffman –

- 5 • The staff has completed their review of the staff policy manual.  
6 They will make their changes and highlight them for review by all  
7 employees. He is creating a new draft because redlining the  
8 current policy would be very confusing. When the draft is  
9 finished, it will come to the council for review, along with an  
10 itemized listing of the changes.
- 11 • For the December 3 meeting he will have the audit presentation,  
12 the RFP plan for the food concession, the golf cart proposal, and  
13 the construction schedule for next year. The packets are usually  
14 ready by Thursday but this Thursday is Thanksgiving and Friday is  
15 a day off. He asked council if they wanted to postpone the meeting  
16 until the next week and only have one meeting in December.  
17 Council responded that the meeting could be held on the 3rd as  
18 planned if the packets are available online on Wednesday and  
19 delivered to them on the 2nd.  
20

21 15.  
22 Mayor/Council Reports

23  
24 Debbie McKean – Newsletter items are due December 15th. Christmas on  
25 Onion Street is December 9th, with Santa there from 5:00 to 7:00 pm.  
26 They are not planning to turn the lights on that night; they will just have  
27 Steve Maughan get them turned on whenever he is ready. She attended  
28 the mosquito abatement meeting. Utah has had seven West Nile virus  
29 cases, which is the lowest in the US. South Dakota had 147, and they do  
30 not spray for mosquitos. Gary Hatch has asked to attend the December  
31 3rd meeting to explain the no-spray zones. They are also noticing for a  
32 proposed tax increase.

33 Dave Tovey – The youth council are preparing for Christmas on Onion  
34 Street, and the Elf Tree already has 60 names.

35 James Bruhn – He attended a Wasatch Integrated budget and committee  
36 meeting. The landfill is running well. They are trying to get new  
37 contracts with HAFB. They have lost revenue because the flow control  
38 came off, but they have handled it.

39 Mark Preece – He attended the Utah Association of Special Districts  
40 meeting. The sewer district is doing well. The EmPac group had a  
41 meeting this week. He was unable to attend but knows that the meeting  
42 went well. They have their trailer up at 800 West 59 North. They are  
43 getting it ready. Chief Hixson said there are several people interested in  
44 being members.

1 James Ahlstrom – He asked about the incentive-based program at the golf  
2 course that was promised when Paul was hired. Duane said he and Paul  
3 have been working on it.  
4

5  
6 16.  
7 Approval of Minutes of the  
8 October 15, 2013 City Council  
9 Work Session and Meeting.

10  
11 James Bruhn said there was a discrepancy on the voting regarding the  
12 Carbone item. Duane asked to table the approval until they have listened  
13 to the recording.  
14

15 MOTION: James Bruhn moved to approve the minutes of the October 1,  
16 2013 work session.

17  
18 SECOND: Debbie McKean seconded the Motion.

19  
20 PASSED: Voting was as follows:  
21 James Ahlstrom – Aye  
22 Mark Preece – Aye  
23 James Bruhn – Aye  
24 Dave Tovey – Aye  
25 Debbie McKean – Aye  
26

27  
28 17.  
29 Possible Closed Meeting for Allowed  
30 Purposes Pursuant Utah Code Annotated  
31 52-4-205.

32  
33 Not necessary.  
34

35 18.  
36 Possible Action Following Closed Meeting

37  
38 Not necessary.  
39  
40

1 19.  
2 Adjourn – 10:19 pm.

3  
4 MOTION: James Ahlstrom moved to adjourn.

5  
6 SECOND: Debbie McKean seconded the Motion.

7  
8 PASSED: Voting was as follows:  
9 James Ahlstrom – Aye  
10 Mark Preece – Aye  
11 James Bruhn – Aye  
12 Dave Tovey – Aye  
13 Debbie McKean – Aye  
14  
15  
16  
17

18  
19 \_\_\_\_\_  
MAYOR KENNETH ROMNEY

\_\_\_\_\_

HEIDI VOORDECKERS (CITY RECORDER)

20  
21  
22 \_\_\_\_\_  
23 NATHALIE ELLINGSON (SECRETARY)