

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Debbie McKean  
Mark Preece

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 \*\***

## CITY COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A CITY COUNCIL MEETING ON **TUESDAY, JANUARY 7, 2014 AT 7:30 PM** – 550 NORTH 800 WEST, WEST BOUNTIFUL CITY.

Invocation/Thought by Invitation  
Pledge of Allegiance- Mark Preece

### **Agenda**

1. Swearing in of newly elected officials; Mayor Kenneth Romney, and council members Kelly Enquist and Mark Preece
2. Accept agenda.
3. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed
4. Community Council recognition of crossing guard, Marion Borschel
5. Consider approval of Resolution 322-14, a resolution appointing Corey Sweat as an alternate commissioner on the West Bountiful Planning Commission
6. Consider approval of Resolution 323-14, a resolution appointing Renate Allen and Andrea Schwed to the West Bountiful City Emergency Preparedness Advisory Committee
7. Consider approval of Resolution 324-14, a resolution approving the 2014 City Council meeting schedule
8. Consider approval of Resolution 325-14, a resolution appointing Heidi Voordeckers as the West Bountiful City Recorder and Mindi Tullis as West Bountiful City Treasurer
9. Discussion on complimentary golf policy
10. Consider approval of improvement deferral agreement for the property located at 321 N 2200 West
11. Engineer's Report
12. Administrative Report
13. Mayor/Council Reports
14. Approval of Minutes from the December 17, 2013 City Council meeting
15. Possible closed session for reasons described in Utah Code 52-4-205.
16. Possible action following closed session.
17. Adjourn

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Heidi Voordeckers, City Recorder, at (801) 292-4486. Any residents or property owners in West Bountiful City may request to offer a prayer or thought at the City Council Meetings. Please notify Heidi Voordeckers of this desire twenty-four (24) hours before the meeting.

This agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on January 2, 2014.

# WEST BOUNTIFUL CITY

RESOLUTION #322-14

## ***A RESOLUTION APPOINTING COREY SWEAT AS AN ALTERNATE ON THE WEST BOUNTIFUL PLANNING COMMISSION***

**WHEREAS**, Utah Code Annotated 10-9a-301 requires each municipality to establish a planning commission by Ordinance; and,

**WHEREAS**, Chapter 2.36, Planning Commission, of the West Bountiful Municipal Code requires that members of the planning commission shall be appointed by the mayor, with the advice and consent of the city council; and,

**WHEREAS**, Planning Commission members shall be appointed to four-year terms of office, except that members may be appointed to shorter terms when necessary to ensure staggered terms of office.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of West Bountiful City that it consents to the Mayor's appointment of the following individual and respective terms:

<u>Appointee</u>	<u>Office</u>	<u>Term Expires</u>
Corey Sweat	Planning Commission Alternate	Dec. 31, 2017

**EFFECTIVE DATE.** This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 7<sup>th</sup> day of January, 2014.

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Ken Romney, Mayor

Voting by the City Council:   Aye                      Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

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Heidi Voordeckers, City Recorder

**WEST BOUNTIFUL CITY**

RESOLUTION #323-14

***A RESOLUTION APPOINTING MEMBERS TO THE WEST BOUNTIFUL CITY  
EMERGENCY PREPAREDNESS ADVISORY COMMITTEE***

**WHEREAS**, the West Bountiful City Council established the Emergency Preparedness Advisory Committee by adoption of Ordinance #354-13; and,

**WHEREAS**, pursuant to the above referenced Ordinance, the Mayor shall appoint five (5) voting members, with the advice and consent of the City Council; and,

**WHEREAS**, the Mayor desires to appoint two (2) members to complete the committee appointments.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of West Bountiful City that it consents to the Mayor’s appointment of the following individuals and respective terms:

<u>Appointee</u>	<u>Term Expires</u>
Renate Allen	Dec. 31, 2016
Andrea Schwed	Dec. 31, 2016

**EFFECTIVE DATE.** This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 7<sup>th</sup> day of January, 2014.

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

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

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

# WEST BOUNTIFUL CITY

RESOLUTION #324-14

*A RESOLUTION OF THE WEST BOUNTIFUL CITY COUNCIL ESTABLISHING THE REGULAR CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2014*

**WHEREAS**, Utah Code Annotated 52-4-202 requires public bodies which hold regular meetings to provide notice annually of its meeting schedule; and

**WHEREAS**, the West Bountiful City Council is desirous of informing and inviting the public to its meetings; and

**WHEREAS**, all regular meetings will be held in the Council Chambers of the West Bountiful City Hall, located at 550 North, 800 West, West Bountiful, UT 84087 and commence at 7:30 pm unless otherwise noticed. If any meeting is cancelled or reschedule by the City Council, public notice shall be given of such new meeting date. Additional meetings at times other than those specified below may be noticed and held by the City Council as circumstances require.

**NOW THEREFORE**, be it resolved by the City Council of West Bountiful, Utah that its regular meeting schedule for 2014 is set as follows:

**Regular City Council Meetings: 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays of each month at 7:30pm**

**EFFECTIVE DATE.** This resolution shall be effective immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 7<sup>th</sup> day of January, 2014.

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

Voting by the City Council: Aye                      Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

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

# WEST BOUNTIFUL CITY

RESOLUTION #325-14

*A RESOLUTION OF THE WEST BOUNTIFUL CITY COUNCIL RE-APPOINTING THE CITY RECORDER AND CITY TREASURER FOLLOWING THE 2013 MUNICIPAL ELECTION*

**WHEREAS**, Utah Code Annotated 10-3-916 provides that on or before the first Monday in February following a Municipal Election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to each of the offices of City Recorder and City Treasurer .below may be noticed and held by the City Council as circumstances require.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of West Bountiful City that it consents to the Mayor's re-appointment of the following individuals to the following offices:

<u>Appointee</u>	<u>Office</u>
Heidi Voordeckers	City Recorder
Mindi Tullis	City Treasurer

**EFFECTIVE DATE.** This resolution shall be effective immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 7<sup>th</sup> day of January, 2014.

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

Voting by the City Council:   Aye                      Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

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

# MEMORANDUM



**TO: Mayor & Council**

**DATE: January 2, 2014**

**FROM: Duane Huffman and Paul Holden**

**RE: Complimentary Golf Policy**

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The practice of offering complimentary golf privileges to employees and elected officials can be an effective method to retain quality part-time staff and a low cost way to boost morale and offer appreciation. Moreover, the golf course can at times barter golf privileges for goods and services at terms favorable to the City. However, these practices have been troubled by poor recordkeeping, inconsistency, and confusion.

In effort to update and clarify complimentary golf policies, this memo seeks Council's discussion and input. Once input has been received, staff will draft policies for review and adoption. The following sections (A) provide information on some policies at neighboring courses and (B) highlight areas or ideas staff is considering as part of changes to policies.

## Review of Employee Privileges at Neighboring Courses

- Eaglewood, North Salt Lake - City employees may play free of charge during non-busy times but must pay cart fee.
- Bountiful Ridge, Bountiful - City employees may play free of charge during non-busy times but must pay cart fee.
- Davis Park, Davis County - County employees pay half of current rate, and golf course employees play for free.
- Murray Parkway, Murray- City employees pay senior rate, golf course employees play for free.
- St. George Courses- (Dixie Red Hills, Sunbrook, Southgate, and St. George Golf Club) City employees may play free of charge during non-busy times but must pay cart fee.

## Policies Currently Under Consideration by Staff

1. For record keeping and verification purposes, require a signature in a designated binder by any employee or elected official each time complimentary golf is used.
2. Allow full-time employees and elected officials complimentary golf/cart at will without tee-times (can't take a round from a paying customer)
3. Set a ratio for hours worked/golf privileges for part-time employees. For example, each ten hours worked equate to a 9-hole complimentary round.
4. Discontinue practice of providing complimentary golf to volunteers at golf course.

5. Allow Mayor, City Administrator, and Golf Course Director to provide complimentary golf for city-business purposes or to better the interests of the City/Golf Course (Davis County Mayors' meetings, dissatisfied customers, etc). These rounds would also be tracked.
6. Allow Golf Course Director to barter under certain circumstances (invoices provided, smart cards used, CA approval over certain amounts, etc)

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** January 2, 2014

**FROM:** Ben White

**RE:** Improvement Deferral Agreement for 321 N 1100 West

---

The Christensen family is proposing to construct a home at 321 N 1100 West Street. This is a 134' wide by 792' deep property. The attached map shows the property highlighted in yellow. Areas where there is existing (or soon to be existing) curb along 1100 West Street are highlighted in red.

The Christensen family would prefer to defer the construction on curb and sidewalk along the frontage of their property until such time as curb is placed in front of the neighboring properties.



WHEN RECORDED, RETURN TO:

West Bountiful City Corporation  
550 North 800 West  
West Bountiful, Utah 84087

## EXTENSION FOR OFF-SITE IMPROVEMENTS AGREEMENT

This Extension for Off-Site Improvements Agreement (“*Agreement*”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between WEST BOUNTIFUL CITY, a Utah municipal corporation (the “*City*”); and HYLANDR LLC, a Utah Limited Liability Company (collectively, “*Owners*”).

### RECITALS

A. Owners have applied to the City for approval of a residential subdivision known as Onion Street Gardens Subdivision on property owned by Owners located at 321 North 1100 West, West Bountiful, Utah, and more particularly described in the attached Exhibit A (the “*Property*”).

B. The City is willing to grant approval of the building permit, subject to the completion of certain off-site improvements, namely, curb, gutter, asphalt road extension and sidewalk along the Property’s frontage on 1100 West Street, West Bountiful, Utah (collectively, the “*Improvements*”).

C. The City is willing to grant an extension of time for completing the Improvements according to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants set forth below, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **EXTENSION OF TIME.** The City hereby grants the Owners, their successors and assigns an extension of time to complete the Improvements until 120 days after the City, in its sole discretion, determines the Improvements must be installed and makes a written request therefor to the Owners, or ten years from the date of this Agreement, whichever occurs first. The Owners will construct and install the Improvements subject to the City’s inspection and approval and all applicable ordinances, standards, and regulations at no cost to the City; and will warrant the Improvements for a period of one year after the City’s approval of the installation.

2. **CITY’S OPTION TO COMPLETE IMPROVEMENTS.** If for any reason the Owners do not complete the Improvements within the time allowed under this Agreement, the City is hereby authorized to construct and install the Improvements at the sole expense of the Owners, and to charge the Owners, jointly and severally, with the cost of such construction and installation. Such charge will constitute a lien against the Property.

3. **SECURITY FOR COMPLETION OF IMPROVEMENTS.** Before the Owners commence construction of the Improvements, the Owners will make a cash deposit with

the City equal to one hundred twenty percent (120%) of the total cost of the Improvements to be completed by the Owner, as estimated by the City. The deposit will be refunded in accordance with the West Bountiful Municipal Code after satisfactory completion of the warranty period provided in Section 1.

**4. COVENANTS RUN WITH THE LAND.** The covenants contained in this Agreement shall be construed as covenants with respect to real property and shall run with the land. Such covenants shall be binding upon the Owners' heirs, agents, successors in interest, and assigns.

**5. APPROVAL OF SPECIAL IMPROVEMENT DISTRICT.** If a special improvement district for any of the Improvements is ever proposed to be created, neither of the parties will protest the creation of the district.

**6. MISCELLANEOUS PROVISIONS.**

**a. Entire Agreement; Modification; Waiver.** This Agreement constitutes the entire agreement and understanding of the parties with respect to its subject matter, and supersedes all previous or contemporaneous representations or agreements of the parties in that regard. No modification of this Agreement shall be valid or binding unless made in writing and signed by both parties. Any waiver of any provision of this Agreement shall be in writing and shall be signed by the party waiving the provision.

**b. Severability.** The provisions of this Agreement are severable, and the invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the remaining provisions.

**c. No Third-Party Beneficiaries.** This Agreement is made for the exclusive benefit of the parties and their respective heirs, successors, and assigns. No other person or entity shall have any interest under this Agreement or be classified as a third-party beneficiary to this Agreement.

**d. Attorney Fees.** In the event the City is required to take any action to enforce its rights under this Agreement, the City shall be entitled to recover from the Owners its costs, including reasonable attorney fees, whether incurred in litigation or otherwise.

**e. Reserved Powers.** Nothing in this Agreement will limit the City's future exercise of its police power to complete the Improvements before the time allowed in this Agreement if the City, in its sole discretion, deems it necessary for the health, welfare, and safety of its residents. In such event, the City will charge the Owners for the cost of construction and installation of the Improvements.

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

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**WEST BOUNTIFUL CITY**

\_\_\_\_\_  
Kenneth Romney, Mayor

ATTEST:

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

**OWNERS:**

HYLANDR LLC

\_\_\_\_\_  
Manager

**ACKNOWLEDGMENTS**

STATE OF UTAH     )  
                              : ss  
County of Davis     )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Kenneth Romney and Heidi Voordeckers, the signers of the foregoing instrument, personally appeared before me and duly acknowledged to me that they executed the same as the duly authorized mayor and city recorder, respectively, of West Bountiful City.

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

STATE OF UTAH     )  
                              : ss  
COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me \_\_\_\_\_, who, being duly sworn, did acknowledge that he is the manager of Hylandr LLC, the Property Owner named in the foregoing Agreement, and that he signed the Agreement as duly authorized by a resolution of its members and acknowledged to me that the LLC executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

## EXHIBIT A

### *Legal Description of the Property*

Parcel # 06-034-0154

Consisting of real property located at 321 North 1100 West, West Bountiful, Davis County, State of Utah, more particularly described as follows:

BEGINNING AT A POINT ON THE WEST LINE OF 1100 WEST STREET, SAID POINT LIES SOUTH 00°16'24" EAST 451.29 FEET ALONG THE MONUMENT LINE & SOUTH 89°43'36" WEST 33.00 FEET FROM A MONUMENT IN THE INTERSECTION OF 400 NORTH STREET & 1100 WEST STREET, SAID POINT ALSO GIVEN AS WEST 18.8 RODS & SOUTH 68.6 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 23-T2N-R1W, SLB&M; & RUNNING THENCE SOUTH 89°43'07" WEST 792.00 FEET ALONG A FENCE LINE; THENCE NORTH 00°16'24" WEST 134.57 FEET; THENCE NORTH 89°43'36" EAST 792.00 FEET ALONG A LINE DETERMINED IN A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY# 652774 BOOK 961 PAGE 245 TO SAID WEST LINE OF 1100 WEST STREET; THENCE SOUTH 00°16'24" EAST 134.46 FEET ALONG SAID WEST (LINE) TO THE POINT OF BEGINNING. CONTAINS. 2.446 ACRES

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

3  
4 Those in Attendance

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

8  
9 STAFF PRESENT: Duane Huffman (City Administrator), Heidi  
10 Voordeckers (Finance Director/Recorder), Ben White (City Engineer),  
11 Steve Doxey (City Attorney), Steve Maughan (Public Works Director),  
12 Chief Todd Hixson, Nathalie Ellingson (secretary).

13  
14 VISITORS: Alan Malan, Rob Page, Carter Page, Kelly Enquist, Derek  
15 Anderson.

16  
17 Called to Order: Mayor Pro Tem Preece called this meeting to order at 7:31 pm.

18  
19 Invocation/Thought – Mark Preece gave a thought regarding gratitude.

20 Pledge of Allegiance was led by James Bruhn.

21  
22 1.  
23 Accept Agenda

24  
25 **MOTION: James Bruhn moved to accept the agenda. Debbie**  
26 **McKean seconded the Motion.**

27  
28 The Motion passed by unanimous vote of all members present.

29  
30 2.  
31 Public Comment

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

35  
36 3.  
37 Presentation of the FY 2013  
38 Audit Report – Tim Rees

39  
40 Each council member was provided a copy of the Audit Report done by  
41 Karren, Hendrix, Stagg, Allen & Company. Mr. Rees addressed the  
42 council, explaining that the auditors have looked at financial matters and  
43 have issued an opinion. Mr. Rees remarked on the general health of each  
44 fund, mentioning specifically impacts from the unsuccessful well project  
45 in the Water Fund and the upcoming termination of the bond in the Golf  
46 Fund. He stated that the auditors looked at all applicable federal and state

1 laws concerning city finances and found no material or significant  
2 violations. Mr. Rees commended the administration staff, especially Heidi  
3 Voordeckers.  
4

5 Duane Huffman pointed out that on Page 41 of the audit the General Fund  
6 balance at year end shows \$1,047,077. This amount includes accounts  
7 receivable, such as the \$400,000 owed to the general fund from the golf  
8 course. Therefore, the \$1,047,077 is not all available to spend. He also  
9 pointed out that each area within the General Fund came in under the final  
10 budget figures.  
11

12 4.  
13 Consider Approval of a Lot line  
14 Adjustment for the Property Located  
15 at 1084 West 1600 North  
16

17 Ben White – James Bruhn’s family owns two parcels at the above address.  
18 They want to sell part of the property, and the parcels are not the same  
19 size. They would like to move the lot line to make the parcels equal. Ben  
20 stated this change meets all code requirements. James Bruhn stated that  
21 he could have had the adjustment made without the vote of city council,  
22 but since he is a member it needed to be brought forward that he is the  
23 owner of the property. He also disclosed that he has a financial interest in  
24 this action.  
25

26 **MOTION: Debbie McKean moved to approve a lot line adjustment**  
27 **to the property located at 1084 West 1600 North. Dave Tovey**  
28 **seconded the Motion.**  
29

30 PASSED: Voting was as follows:

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

36 5.  
37 Consider Approval of Resolution 321-13,  
38 a Resolution Setting the Regular Business  
39 Hours for the City Office.  
40

41 Duane Huffman – A proposal for increasing the hours the city offices are  
42 open to the public was brought forward by the staff, for the reasons listed  
43 in the memo provided in the council packets. The proposal is to open at  
44 7:30 am Monday through Friday, remain open during the lunch hour, and  
45 close early on Fridays, which are typically slow. This schedule change  
46 can be covered with existing staff.

1  
2 **MOTION: James Bruhn moved to approve Resolution 321-13, setting**  
3 **regular business hours for the city offices. Debbie McKean seconded**  
4 **the Motion.**

5  
6 PASSED: Voting by roll call was as follows:

7 Mark Preece – Aye

8 James Bruhn – Aye

9 Dave Tovey – Aye

10 Debbie McKean – Aye

11  
12 6.  
13 Consider Adjustment to Police  
14 Vehicle Plan.

15  
16 Chief Hixson – A memo was provided in the council packets which  
17 included a proposal for police department vehicles. The first item shown  
18 was the original plan as budgeted. At the time the plan was first  
19 presented, an exact quote as to the percentage of increase of lease costs  
20 was not available. A 2% increase was budgeted but the actual increase is  
21 4%. This put them \$1,249.52 over budget.

22  
23 *James Ahlstrom arrived at 7:54.*

24  
25 The proposal showed how the unbudgeted increase can be somewhat  
26 offset by adjusting how the vehicles are outfitted and equipped, and  
27 included a plan to buy the 2008 Dodge Charger that is currently on lease,  
28 and trade-in the unmarked car currently used by the Lieutenant.

29  
30 The total impact of the change in lease prices and the proposal to purchase  
31 and trade-in the other vehicles is \$12,000. Of this amount, \$9642.38  
32 would come from unclaimed monies from investigations that are referred  
33 to as Incorporated Funds, as the law allows them to be incorporated for  
34 public use after specific legal processes. The additional \$2,357.62 would  
35 be absorbed in the current year's police budget.

36  
37 Debbie McKean expressed concern with the plan to use the Incorporated  
38 Funds until all of the legal requirements have been met. Duane Huffman  
39 stated that all of the notice requirements have been met, and the intent  
40 would be to adopt the final required resolution concurrently with the next  
41 amendment to the Budget. Chief Hixson stated he wanted to move  
42 forward as soon as possible because the current leases are overdue and the  
43 vehicles are running over the allowed mileage.  
44

1 Dave Tovey asked Heidi Voordeckers and Steve Doxey if they had any  
2 issues. They indicated they did not foresee any reason the funds would  
3 not be available.  
4

5 **MOTION: James Ahlstrom moved to approve the requested trade in**  
6 **of the Ford Explorer and purchase of the Dodge Charger as proposed.**  
7 **James Bruhn seconded the Motion.**  
8

9 PASSED: Voting was as follows:

10 James Ahlstrom – Aye

11 Mark Preece – Aye

12 James Bruhn – Aye

13 Dave Tovey – Aye

14 Debbie McKean – Nay  
15

16 *The meeting was briefly interrupted so the city and the council could*  
17 *present a plaque to Dave Tovey for his service on the city council, and*  
18 *present flowers for his wife, who was present with their children.*  
19

20 7.  
21 Discussion and Review of Ordinances  
22 (15.08.020) and Practices Related to the  
23 Construction of Finished Floor Elevations  
24 Below Street Grade (Basements).  
25

26 Ben White – Title 15 of the city code forbids the construction of  
27 basements in new homes without special city approval. Ben has had a  
28 landowner approach him with a request to build a home with a below  
29 grade level basement, but he wants the discussion today to be more  
30 general. Below grade levels with varying depths have been recently  
31 approved in certain areas of the city. The code reads that the city engineer  
32 and city council approve these requests. However, if the city engineer and  
33 council are both deciding bodies an appeal of the city engineer's decision  
34 cannot be brought to city council since they are also an approving body.  
35

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

1 8.  
2 Discussion and Review of Ordinances  
3 (15.08.050) and Practices Related to  
4 Public Infrastructure Improvements and  
5 Industrial Building Permits.  
6

7 Ben White – This discussion is specifically concerning potential future  
8 improvements at Holly Oil. It is obvious where requirements for  
9 infrastructure improvements apply in a residential zone. However,  
10 building improvements are proposed on refinery property where some  
11 areas have sidewalks and some areas do not. The requirement for public  
12 improvements along the entire frontage of a property as a condition of a  
13 building permit is challenging when parcels associated with the refinery  
14 are so large. Some areas such as where the substation is proposed are  
15 easier to define. Ben also said this area does not fit the impact fee mold,  
16 so there is a question as to how the impact fees would be assessed. It was  
17 suggested more trucks on the roads would impact the city.  
18

19 Duane Huffman remarked that cities are required to be reasonable and that  
20 any required improvements must be connected in both scope and value to  
21 the new development. James Ahlstrom pointed out that the ordinance  
22 could be better in providing what is reasonable. He believes there should  
23 be curb and gutter in industrial and commercial zones, not just for  
24 aesthetic reasons, but to take care of drainage. Mark Preece also pointed  
25 out that a curb and gutter would prevent damage to the roads caused by  
26 trucks because the asphalt can push against the concrete.  
27

28 Staff will continue to work on this issue, and will speak with Holly Oil  
29 about their willingness to participate in future improvements to 800 West.  
30

31 9.  
32 Presentation from Davis County  
33 Mosquito Abatement District – Gary Hatch  
34

35 Gary Hatch had not arrived at this point in the meeting.  
36

37 **MOTION: James Bruhn moved to float Item 9 until Mr. Hatch**  
38 **arrives. James Ahlstrom seconded the Motion.**  
39

40 The Motion passed by unanimous vote of all members present.  
41

42 10.  
43 Planning Commission Report  
44

45 Ben White – Steve Doxey gave a presentation to the Planning  
46 Commission regarding retail tobacco specialty stores. He explained how

1 the 2012 Utah state law defines electronic cigarettes as tobacco products,  
2 and regulates where a tobacco shop can be located in relation to homes,  
3 churches, schools, etc. Cities can regulate pursuant to the state law or they  
4 can have a stricter law. Staff had researched electronic cigarettes and  
5 other than claims that they could be used as a method to quit smoking,  
6 which was disputed in several studies, they found no positive reports about  
7 their impact on cities but several concerns about the impact on health of  
8 such products, including that they were marketed toward youth. Most of  
9 the commissioners wanted to prohibit the shops rather than set restrictions.  
10 The city can prohibit any such shop in West Bountiful while e-cigarettes  
11 can be purchased in convenience stores that are excluded from the state's  
12 retail tobacco specialty store regulations. Mr. Doxey recommended that  
13 the Planning Commission draft an ordinance that follows the city's desires  
14 and protects adolescents. A public hearing will be held on January 28,  
15 2014.

16  
17 Setbacks, percentage of back yard area of accessory buildings, and deck  
18 heights were also discussed. They are trying to design an ordinance that  
19 has clear and direct language. Deck heights remain the same but some  
20 want to increase the percentage of area for accessory buildings, and they  
21 want to increase setbacks in A1 to allow higher houses and barns. A  
22 public hearing will be held on January 28, 2014.

23  
24 *Gary Hatch arrived at this point and the council proceeded with Item 9,*  
25 *Presentation from Davis County*

26  
27 Mosquito Abatement District.

28  
29 Gary Hatch is the manager of the Mosquito Abatement district. They had  
30 an active summer because the heat produced a lot of mosquitos. They did  
31 a lot of spraying in the north area of the county and Farmington Bay.  
32 They have a contracted plane they share with Salt Lake City. Bike crews  
33 did 5,000 miles in treating catch basins. They are currently servicing all  
34 ponds in the county. There were 3,000 cases of West Nile Virus  
35 nationwide and Utah had only five cases. Ninety thousand mosquitoes  
36 were tested in Davis County and the only instance of the virus was in  
37 some chickens in West Point.

38  
39 Residents who keep bees are concerned about the effect of the pesticide on  
40 them, so the mosquito district did a bee study. They bought five beehives  
41 on which to test products and exposure to the products resulted in a very  
42 low mortality rate. Their findings will be reported to the bee association.

43  
44 Next was a discussion of no spray zones in West Bountiful. The district's  
45 policy has been if someone calls who owns a beehive or states that they  
46 have health concerns, a 300 foot area around their house will not be

1 sprayed. The reason for setting the buffer at 300 feet is because their  
2 equipment is calibrated to spray in 300-foot swaths. If West Nile is  
3 detected, the no-spray zone is limited to their property without the 300  
4 foot buffer. Certified letters have been sent out every two years asking  
5 residents if they want to continue the no-spray, and if so they are required  
6 to sign the letter and send it back in order to remain in the no-spray zone.  
7 The letters will now be sent every year.  
8

9 Debbie McKean asked if West Bountiful could have different no-spray  
10 rules. Mr. Hatch said they have the same policies for all the cities, but he  
11 understood that West Bountiful has a high abundance of mosquitos  
12 compared to the other cities, and a large number of no spray zones. James  
13 Ahlstrom said with such large no-spray zones, some properties in spray  
14 zones don't get sprayed and the residents have no recourse. The council  
15 pointed out that when the district has received no-spray requests, they  
16 have not verified the reasons given for the requests. Some requests could  
17 be for ideological reasons. Mr. Hatch said most of the requests in West  
18 Bountiful are because of beehives. Only about one-third is for health  
19 reasons, usually asthma. He was asked if they advise beekeepers of the  
20 bee study results, and he said the label on their product says it will kill  
21 bees. The bees will die if they are directly exposed to the spray but they  
22 are not affected if they are in the beehive.  
23

24 In regards to health reasons, Debbie pointed out people are usually in bed  
25 when the district sprays. Gary said causes of asthma are so varied and it is  
26 hard to pin the cause as mosquito spray. When council asked if they could  
27 require a doctor's note regarding health reasons, he said West Bountiful  
28 could require that. West Bountiful has the highest population of  
29 mosquitos and the most no-spray areas of the cities in the district.  
30

31 James Bruhn asked how they are treating the golf course. Mr. Hatch said  
32 Lakeside staff had been treating the course with their own sprayer, but if  
33 the district was requested to spray at the golf course there would be no  
34 problem with that. He concluded the discussion by stating that the  
35 certified letters will go out in February, and they intend to include a  
36 synopsis of the bee study and a risk analysis regarding West Nile Virus  
37 risks as opposed to problems caused by pesticides. Utah has generally  
38 been aggressive with spraying and West Nile cases have been few.  
39

40 11.  
41 Engineer's Report  
42

43 Ben White had planned to present updates on I-15, but he did not receive  
44 an update from UDOT.  
45

46 12.

1 Police Report

2  
3 Chief Todd Hixson –

- 4 • Reserve Officer Program – Officer White is working on Tuesdays  
5 for the reserve officer field training.
- 6 • Alcohol Officer Program – Officer Neff is field training for the  
7 program. He is a nationally known interdiction officer and has  
8 been sent on a lot of training trips by the state.
- 9 • Crossing Guards – The crossing guards have been very reliable.
- 10 • Personnel – Officer Matt Robbins is fitting in very well with the  
11 police department. Officer Christopher Jacobson is well into his  
12 training. Both officers have great attitudes. The sergeant testing  
13 was completed and Officer Erikson accepted the promotion, which  
14 took place on November 30.
- 15 • The second EMPAC meeting was held on November 13. Three  
16 people are interested in the board positions that are open. The  
17 applications will be sent to the mayor.
- 18 • The CERT trailer has strobe lights, the interior is painted and the  
19 floor is sealed.
- 20 • The exercise equipment for sale was put on KSL.com but they  
21 received no calls. They will put in another ad around New Years.  
22 Currently, neither city officials nor employees are eligible to  
23 purchase the equipment.
- 24 • Vehicles – The vehicles he ordered have come in, and attached to  
25 the city council notes was a proposed Vehicle Use Policy. A  
26 motion by city council is not required but he wants their opinions  
27 and input. The change to policy set a radius of 15 miles for  
28 officers to drive their assigned vehicles home. For over 15 miles,  
29 there will charge of \$.28 a mile. This is patterned after a lot of  
30 other cities' vehicle use policies. It is better for the city to let the  
31 officers drive the police cars home because they can respond to  
32 emergencies more quickly. Dave Tovey asked if this will put them  
33 over miles on the leases. Chief Hixson said each lease is different  
34 but he has looked to see approximately how much the mileage  
35 overages would be. He would have the officers who live farther  
36 away use the vehicles owned by the department. As things change  
37 they will shift the cars they are using. The council members said  
38 they all agreed with the policy. Officers will be responsible for the  
39 maintenance and care of their vehicles. The department has a  
40 budget for repairs but the repairs must be done while the officer is  
41 off-duty. The policy stated the cars had to have at least 1/4 tank of  
42 gas, but Chief Hixson is changing that to 1/2 tank.

43  
44 13.

45 Finance Report

46

1 Heidi Voordeckers – The City is currently carrying a loss for the year  
2 because of the projects that were completed in the late summer. Funds to  
3 cover these projects will be transferred as part of the fiscal year-end  
4 adjustments. Heidi pointed out that the year-to-date non-departmental  
5 budget is tracking higher than last year due to an outstanding  
6 unemployment claim and the new contract for computer network services.  
7

8 14.  
9 Administrative Report

10  
11 Duane Huffman – The staff party last Friday was great. Staffing levels  
12 will be light during the holidays. Duane requested a closed meeting this  
13 evening to discuss litigation and sale and purchase of property. This was  
14 Nathalie Ellingson’s last meeting for taking the minutes and he presented  
15 her a card from the council and the staff and thanked her for her help the  
16 past few years.  
17

18 15.  
19 Mayor/Council Reports

20  
21 James Ahlstrom – Asked Steve Maughan what was happening at the  
22 corner by the school, and Steve answered UDOT is making ramps to  
23 comply with the Americans with Disabilities Act. James heard from some  
24 residents that they had received a letter regarding violations on their  
25 property. He knows the people and he thinks a conversation would have  
26 been enough. They would have liked to have been talked to about the  
27 problem before they were issued a letter.  
28

29 Mark Preece – The sewer board met last week. They worked on their  
30 budget, which will be posted online.  
31

32 James Bruhn – Attended a Waste Management meeting. There was a  
33 partial outage at a facility, and Hill AFB is asking to do a ten year contract  
34 again. He thanked Dave Tovey for his service.  
35

36 Dave Tovey – Enjoyed the time he has spent on the Council and Planning  
37 Commission. It has been a great learning experience, and he enjoys the  
38 people he has gotten to know. He loves living in West Bountiful and  
39 plans to serve in the city again in the future. Over the past couple of  
40 months he has had comments from people about how well the council has  
41 worked together the last couple of years. A lot of things have been done.  
42 He is happy for Kelly joining the council.  
43

44 Debbie McKean – Newsletter articles are coming due. She thanked the  
45 staff for the Christmas Party, and she thanked Dave for his service.  
46

1 16.  
2 Approval of Minutes From the  
3 December 3 City Council Meeting  
4

**MOTION: James Bruhn moved to approve the minutes of the  
December 3, 2013 City Council meeting. James Ahlstrom seconded  
the Motion.**

The Motion passed by unanimous vote of all members present.

11 17.  
12 Closed Session  
13

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

PASSED: Voting by roll call was as follows:

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

**MOTION: James Bruhn moved to adjourn the closed session and  
return to the council meeting. Dave Tovey seconded the Motion.**

The Motion passed by unanimous vote of all members present.

35 18.  
36 Possible Action Following  
37 Closed Meeting  
38

None.

41 19.  
42 Adjourn  
43 10:48 pm  
44

**MOTION: Dave Tovey moved to adjourn City Council meeting;  
Debbie McKean seconded the Motion.**

The Motion passed by unanimous vote of all members present.

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\_\_\_\_\_  
MAYOR PRO TEM MARK PREECE

\_\_\_\_\_  
HEIDI VOORDECKERS (CITY RECORDER)

\_\_\_\_\_  
NATHALIE ELLINGSON (SECRETARY)