

The agenda for this meeting was posted on the State of Utah Public Notice website and the West Bountiful City website, and sent to Clipper Publishing Company on January 15, 2014 per state statutory requirement.

Minutes of the West Bountiful City Council meeting held on **Tuesday, January 20 , 2015** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

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

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Todd Hixson (Police Chief), Paul Holden (Golf Director), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder/ Secretary)

VISITORS: Alan Malan, Fire Chief Jeff Bassett, Clint and Christy Straatman, Jason Meservy, Luke Sowby, Zachary Staples, Zane Romero, Jaden Jensen, Kyler Turner, Cayden Wooton, Derek Jensen,

Mayor Romney called the meeting to order at 7:32 pm. Troop 219 – Zach Staples gave the Scout Pledge, Cayden Wooton recited the Scout Oath, and Jaden Jensen led the Pledge of Allegiance.

1. Accept Agenda

Mayor Romney announced the city attorney is on his way and would like to hold item 3 until he arrives.

MOTION: *Debbie McKean moved to approve the agenda holding item 3 until Mr. Doxey arrives. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

No comment.

3. Consider Approval of a Setback Variance for Property at 688 W 400 N.

Mark Preece recused himself explaining the applicant is his nephew. Ben White summarized issue.

Steve Doxey arrived.

Clint and Christy Straatman own the home in question. Mr. Straatman distributed pictures showing the limited distance to the garage on east side of the home, the narrow side yard and the

window in the rear that prevents them from bringing in the addition any further. He explained the home was built 125 years ago before building restrictions were in place.

Council members Enquist, McKean and Bruhn stated that, if possible, their preference would be to grant the Straatman request; the property is already non-conforming and is not encroaching on the neighbor's home.

Duane Huffman explained that the Council wears different hats. One is legislative which consists of passing ordinances, etc.; the second is Administrative, making sure requirements are met; and the third is Quasi Judicial which consists of considering things like variances. Decisions must be based on state law. Steve Doxey stated that when state law is examined, it is clear that several of the criteria have been met, but not all. He added that in his judgment the variance should not be granted. There was discussion about what options might exist so that the Straatman's could build their addition. Mr. Doxey explained that if the Council wants to change the setback requirements, they certainly have the discretion to do so.

Council member Ahlstrom concurred. He said the variance criteria are difficult to meet, and in this case the request does not qualify. He added that he believes strongly in property rights and hates to see this denied when we're only talking about missing the setback requirement by inches, and agreed that the Council should probably re-visit the setback requirements.

Mayor Romney summarized the discussion stating there is concern about granting the variance, but it is possible to modify the ordinance to give the City discretion to act in similar situations, like adding a trigger whereby a conditional use permit can be used.

Duane Huffman explained that if they want to change the ordinance, it must first go to planning commission and a public hearing must be held. He suggested they look at Section 17.56.030 – Nonconforming Uses rather than changing the setback requirements in specific zones.

Mr. Straatman said this is a very unique situation and if it looks like there is a way to make it work by changing the Ordinance, they are okay waiting a month and a half if that's what it takes.

MOTION: *Debbie McKean moved to deny the Straatmans' request for a variance based upon the following findings:*

- 1. The applicants have not shown that literal enforcement of the setback ordinance would cause them unreasonable hardship in the manner required by the variance statute and ordinance. Any such hardship is self-imposed or economic;*
- 2. The applicants have not demonstrated special circumstances attached to their property that deprive the property of privileges granted to other properties in the same zoning district; and*
- 3. The applicants have not established that granting the variance is essential to the enjoyment of a substantial property right enjoyed by other property in the same zoning district.*

Kelly Enquist seconded the Motion which PASSED.

The vote was recorded as follows:

James Ahlstrom – Aye – by phone
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Recused

4. Consider Approval of Ordinance 368-15, An Ordinance Implementing Snow Removal Requirements.

Duane Huffman explained that following the discussion at the last meeting regarding snow removal, staff found that the Ordinance believed to be in effect did not exist. New language has been drafted in the sidewalk/streets section of the Code, with the penalty for noncompliance an infraction, which is the least severe penalty.

MOTION: *Debbie McKean moved to approve Resolution 368-15, An Ordinance Implementing Snow Removal Requirements. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

5. Discuss 2015 Construction Projects.

725 West is going to bid next week and should be presented to City Council in February.

Pages Lane project includes the replacement of the water main, service laterals, valves and fire hydrants; mill the entire asphalt surface and a new asphalt overlay; new curb and gutter on both sides of the road where it is not currently. We will proceed with sidewalk on the south side, and talk about the north side later. This project will not be constructed this budget year due to the timing of UDOT's reconstruction of the 400 North overpass. The budget shortfall from what is currently planned is over \$100k. Questar may want to replace gas lines while our project is underway.

800 W/Porter Lane storm drain project includes the installation of 425 feet of 36" pipe to cover the ditch and increase capacity under the Prospector Trail. We will have to tear out existing curb to replace the storm drain. This project will go to bid next week.

1100 W storm drain will not go to bid this fiscal year. This project still needs to be better defined and potholing completed. We also cannot shut off irrigation tail water, so it is more efficient to construct during the non-irrigation season. We should be able to bid mid-summer with construction in the fall.

1200 N storm drain project includes the installation of a new storm drain along the north side of the City's property on 1200 North. The wetlands were mapped along our storm drain alignment and not cover the entire property. Wetlands studies are considered accurate and viable for a finite time period. Over time, any area may become wetlands and the opposite is also true. This project will be half funded by UDOT. The funding source for the City's portion of the project has not been identified. The total cost of the project is expected to be approximately \$240k. The City's portion would be \$115k. Other planned projects will spend the storm impact fee fund. Staff believes this is a priority project. Funding options will be discussed at the upcoming Retreat.

Prospector Trail Fence is out to bid now. A decision needs to be made on whether we go with 10' or 12' high fencing. It is currently budgeted from RAP tax, but it also qualifies for park impact fees.

Trail/Golf course restrooms – An architect is working on the design. Water and power will come from the golf course maintenance building and will be installed by city staff. We need to begin soon if we want it ready for golf season. It is expected to cost approximately \$100k to build the building. Council Member McKean is very concerned about public intrusion onto the golf course from the trail. There was discussion about options in light of her concern and the police department's concern about the building being isolated. A time for a site visit will be scheduled to go look at the area. Mayor Romney believes the proposed site is a good location that is very visible and away from golf balls. Duane Huffman asked if the Council was comfortable with staff beginning to lay utility lines to avoid delays.

Mayor Romney asked the Council for their thoughts. Council member Preece is in favor of doing it right away. Council member Bruhn agrees. Council member McKean prefers to wait for more information, but agreed that laying utility lines would be okay as the rest of the project could be put on hold if needed. Council member Enquist is not in favor of building the restrooms due to funding issues. Council member Ahlstrom would like to see it done now, especially because we have the money to do it. Based on the poll, Staff has the green light to begin preparations for laying utilities. Duane will get more budget information for the next meeting.

Park play equipment will be discussed in more detail at the next worksession. We will talk about big picture items, for example, do we want two play areas, etc.? There was discussion about whether it had been approved last year and Duane Huffman confirmed it was not in the FY 2105 budget. He added that money is available, but it was not included in the budget. Council member Bruhn suggested getting a community group together of different ages to give us ideas about what they would like to see in the Park.

Ben White concluded the 2015 Construction Projects discussion and asked if there is anything else Council would like to see done. Council member McKean replied that this is a lot to bite off, and she believes the City is proceeding at a good pace.

Steve Doxey left meeting. Mayor Romney thanked him for all the work he did on the variance.

6. Police Report.

Chief Hixson reported on new officers, Eric Braegger, a part-time alcohol officer, Quintin Grillone and Mark Zollinger, two new patrol officers. They are great additions to the department. He added that the department's K-9 program has been suspended indefinitely. It was very valuable to the department but we are unable to sustain it with current staffing issues.

The Chief reported on trips to New York City that he, Sgt. Erekson, Officer Wilkinson, and Officer Jacobson made to attend the funerals of the slain New York officers, Ramos and Liu. He said it was a very humbling experience, and a letter was sent to Jet Blue thanking them for providing the free transportation.

Chief Hixson has been named President of Davis County Law Enforcement Administrator's Association (DCLEAA).

He also reported that the department is being audited by the Bureau of Criminal Identification. This is standard protocol, done every three years to ensure agencies are not abusing or incorrectly using the information from the BCI database.

7. Planning Commission/Engineering Report

Ben White reported that the planning commission has been working to clarify the base density definition and a public hearing will be held next week. He said he believes the new language cleans it up and is easy to understand. It will come to city council at the next meeting.

He said boring continues under 400 North and I-15 to lay our new water line. He added that he got fencing costs back from UDOT for the overpass. The original plan was to use 1" PVC-coated chain link. Centerville is doing rod iron which is attractive for not a large cost difference. He reminded council that UDOT is not replacing the fence of the railroad tracks and the City would be responsible for the entire cost if we chose to replace it. If we use rod iron, we would be responsible to maintain it; UDOT will maintain the chain link fencing if the city selects that material. In response to the question, Ben said he thought the 1" PVC coated chain link fencing was \$15k more than 2" galvanized fence. Ben explained that 0.75% of the total cost of the structure is dedicated for aesthetics, which covers 1" PVC coated chain link; we can use whatever is left toward the 500 South off ramp. There was discussion about the pros and cons of 1" versus 2" chain link, and galvanized versus PVC coated.

8. Finance/Administrative Report

Duane Huffman presented the Finance report. He said he researched items of question from the last meeting. Revenues are higher than budgeted, and expenses are lower. The golf course is doing better than last year, due in part to the long fall season. There was discussion of certain line items in the report.

Duane said we are in the process of drafting an RFP for waste collection and will have it ready for review soon.

Shopko has announced it intends to close in April. The re-development of the Wingers and Burger King site has been delayed due to a requirement that certain other tenants have to buy-off on the proposal.

Duane added that he is working on putting together a Retreat, and asked for available dates, and locations. It was determined that it will be held at the golf course.

9. Mayor/Council Reports

James Ahlstrom – no report

Mark Preece – no report

James Bruhn reported that at the last Wasatch Integrated meeting they contemplated raising fees; the last increase was in 1995. For the most part the increase won't impact cities except for bi-annual clean-ups. They are planning to put in a new waste energy facility to remove green waste. There was discussion about adding green cans but once the new facility is in place, they will be able to handle loads containing both normal garbage and green waste so the cans will not be necessary.

Debbie McKean is working on the newsletter.

Kelly Enquist - no report

Mayor Romney commented that in general, construction costs are going up. He also reported that the cities involved in the current I-15 project have decided to use earth tone colors for the work on the overpasses.

10. Approval of Minutes from the January 6, 2015 City Council Meeting.

MOTION: *Debbie McKean moved to approve the minutes from the January 6, 2015 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

11. Adjourn

MOTION: *James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 9:38 pm. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, February 3, 2015.


Cathy Brightwell (City Recorder)

