THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING ON TUESDAY, MAY 19, 2015 IN THE CITY OFFICES AT 550 NORTH 800 WEST, THE WORKSESSION WILL BEGIN AT 6:00 PM, THE REGULAR MEETING WILL BEGIN AT APPROXIMATELY 7:30 PM

6:00 pm WORK SESSION

1. Discuss Budgets for FY 2015 and FY 2016

7:30 pm REGULAR MEETING

Invocation/Thought – James Bruhn
Pledge of Allegiance – Debbie McKean

1. Accept Agenda.
2. Public Comment (two minutes per person, or if a spokesperson has been asked to summarize comments for a group, five minutes will be allowed).
3. Davis County Commission - Receive Information From Citizens and Provide a Question and Answer Forum for Davis County Matters.
4. Bountiful Davis Arts Center Update.
5. Consider Request From Viewmont High School for Amplified Music at City Park on May 29.
7. Consider Issuing Decision for Appeal of Conditional Use Permit for Stringham Farm Subdivision Flag Lots.
8. Consider Approval of Pathway Pavement Project at Birnam Woods Park.
9. Discuss Justice Court Services.
11. Mayor/Council Reports.
13. Executive Session, pursuant to Utah Code 52-4-205(c), to discuss pending or reasonably imminent litigation, and (d) to discuss the purchase, exchange, or lease of real property.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on May 14, 2015.
May 4, 2015

West Bountiful City
550 N 800 W
West Bountiful, UT 84087

Dear Council Members,

I am the Business Officer at Viewmont High School. It is my responsibility to plan our end of year activity, the Spring Fling. This activity will take place on the 29th of May. Spring Fling usually contains fun games, sports, food, and amplified music. I understand that amplified music could be considered a disturbance to the community, but music is something the students at Viewmont quite enjoy. We were going to have our school’s Battle of the Bands winner perform for the students at Spring Fling, as well as have some of the student’s favorite songs played throughout the activity. We would not begin warming up for the Battle of the Band’s winner until approximately 11 am. They would perform for about an hour and a half, and then we would amplify appropriate song requests from our students until around 3:30 pm. Could it be possible for us to get permission to play our music for this activity? If you could get back to me at your convenience, I would gratefully appreciate it. Thank you again for your time.

Sincerely,

Keana Fawcett
S.B. Business Officer
A PROCLAMATION OF THE WEST BOUNTIFUL CITY COUNCIL DECLARING JUNE 10, 2015 AS ARBOR DAY IN WEST BOUNTIFUL CITY.

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs by moderating the temperature, produce oxygen and clean the air, and provide habitat for wildlife, and

WHEREAS, trees, properly planted and cared for, are a source of community environment that assist in mental and peaceful renewal, and

WHEREAS, having beautiful trees planted in our community is an important matter to our citizens.

NOW THEREFORE, I, Kenneth Romney, Mayor of West Bountiful City, on behalf of the City Council, do hereby proclaim June 10, 2015 as Arbor Day in West Bountiful City and urge all citizens to support efforts to protect our trees and woodlands, and further, we encourage all citizens to plant trees and promote the well being of present and future generations.

Dated this 19th day of May, 2015.

Mayor Kenneth Romney

Attest:

Cathy Brightwell (City Recorder)
BEFORE THE CITY COUNCIL OF WEST BOUNTIFUL CITY
STATE OF UTAH

In re: Wendell and Mary Wild, Applicants.

Findings and Decision on Appeal from Decision of Planning Commission Granting Conditional Use Permit

Wendell and Mary Wild have appealed the decision of the West Bountiful City Planning Commission (the “Planning Commission”) granting a conditional use permit with respect to the proposed subdivision of their property located at 735 West 1000 North, West Bountiful, Utah.

The West Bountiful City Council (the “Council”) heard oral argument on the appeal at its regularly scheduled meeting on May 5, 2015. Mr. Wild appeared on his own behalf; the City was represented by staff, including City Administrator Duane Huffman. No witnesses were sworn, but Chief Jeff Bassett and Fire Inspector Todd Smith of the South Davis Metro Fire Agency (the “Fire Agency”) and Denis Hopkinson and Alan Malan, members of the Planning Commission, provided verbal information. Mr. Wild presented oral argument. The Council has considered the Wilds’ original Conditional Use Permit Application and written notice of appeal, as well as written information from the Fire Agency and a memorandum submitted by City staff.

Having considered the submissions and argument of the parties, and the documents in the file, and being duly informed in this matter, the Council makes the following findings and renders the following decision.

Jurisdiction and Procedure

1. The Council finds the application is properly before the City Council in its capacity as the City’s appeal authority designated to hear appeals from the decisions of the City’s
land use authority—in this case the Planning Commission. See West Bountiful Municipal Code ("Municipal Code") § 17.08.120.B.

2. The Council accepts the written submissions of the parties as the record in this matter.

Background Facts

3. The Wild property (the “Property”) is located at 735 West 1000 North, West Bountiful, Utah. The Property is situated in the R-1-10 residential zoning district.

4. The Wilds propose to subdivide the Property into nine residential lots to be known as the Stringham Farm Subdivision (the “Subdivision”).

5. The proposed plat for the Subdivision provides for two flag lots (Lots 4 and 5) with street access through a lane over the two adjacent flag lot “staffs.” A copy of a relevant portion of the proposed plat showing the location of the flag lots, the adjacent Lots 3, 6 and 9, and the proposed public street through the Subdivision is attached as Exhibit A.

6. Flag lots are a conditional use in the R-1-10 residential zoning district under Section 17.24.030.F of the Municipal Code. The Wilds applied for a conditional use permit for the proposed flag lots in connection with their application for approval of the Subdivision.

7. The Planning Commission considered the Wilds’ application for conditional use permit at its March 24, 2015 meeting, and issued a conditional use permit dated March 30, 2015. The conditional use permit is the subject of the Wilds’ appeal.

Issue on Appeal

8. The sole issue on appeal is whether the Planning Commission erred in imposing certain conditions in connection with the issuance of the conditional use permit. Specifically, the issue is whether Condition Nos. 1, 3, 4, 5, and 8 relative to (a) illumination of address numbers for the flag lots, (b) the construction of the driveway accessing the flag lots, and (c) fencing of
the private lane, are reasonable in order to mitigate the anticipated detrimental effects of the flag lots. *See* Municipal Code § 17.60.040.A.

**Analysis**

9. The Wilds bear the burden of proving that the Planning Commission erred in rendering its decision on the Wilds’ application for conditional use permit. Municipal Code § 17.08.120.F; *Utah Code Ann.* § 10-9a-705.

10. The Council, as appeal authority, determines the correctness of the Planning Commission’s decision interpreting or applying the land use ordinance. The Council reviews *de novo* the evidence and arguments on appeal, without deference to any findings or conclusions of the Planning Commission. Municipal Code § 17.08.120.G; *Utah Code Ann.* § 10-9a-707.

11. The Wilds assert that the conditional use permit imposes unreasonable conditions with respect to (a) the illumination of address numbers; (b) the width and construction of the driveway accessing the flag lots; and (c) fencing along the driveway. These conditions are discussed *seriatim* below.

1. **ADDRESS NUMBERS.**

12. The Wilds challenge Condition No. 1 of the conditional use permit, which states: “Display contrasting and illuminated address numbers mounted on a durable material in a prominent and permanent location next to the staff driveway to help emergency responders locate the property.” They request that the numbers be allowed to be reflective rather than requiring power for illumination to be run from the back of the flag lots the entire length of the private lane. They also request that installation of the numbers be tied to issuance of a building permit rather than approval of the subdivision.

13. The Council believes the Wilds’ requests are reasonable. Members of the Fire Agency stated that the applicable Fire Code requires address numbers to be contrasting and
visible. It does not require illumination. Further, there is no need for the addresses to be in place until residences are built on the flag lots.

14. Accordingly, the Council reverses the Planning Commission’s decision with respect to Condition No. 1, and directs that Condition No. 1 be modified as set forth below.

2. DRIVEWAY.

15. Condition Nos. 2 through 5 impose requirements regarding the construction of a driveway from the street to approximately the north boundary of the flag lots. The Wilds challenge Condition Nos. 3 through 5 as unreasonable.

A. Driveway Width.

16. The Wilds contend that Condition No. 3’s requirement of a 26-foot wide driveway along the flag lot staffs is excessive since the Fire Agency requires only 20 feet of unobstructed access; moreover, that width could make the driveway appear confusingly like a continuation of the public street.

17. Mr. Wild submitted documents from the Fire Agency showing the need for fire lane access from the public street to a point 20 feet north of the terminus of the flag lot staffs (the “Fire Lane”). The Wilds do not challenge that requirement.

18. Council agrees with the Planning Commission that a 26-foot wide driveway is necessary for unobstructed access in the Fire Lane. The applicable Fire Code allows for a width of 20 feet if “No Parking” signs are placed and enforced on both sides of the Fire Lane. However, the Council finds that parking restrictions on a private lane are difficult and impractical to enforce. The Council will allow parking on one side of the Fire Lane, to be used according to a cross-access agreement between the owners of Lots 4 and 5. “No Parking” must be placed on the other side of the Fire Lane. No fence or other obstruction will be permitted within the driveway.
19. The Wilds request the Council to allow the driveway to be only 12 feet in width north of the Fire Lane (the “North Portion”). The Council agrees with the Planning Commission that access across the North Portion of Lots 4 and 5 is necessary for equipment to maintain the proposed storm drain box on Lot 9 of the Subdivision. However, the Council finds that 12 feet is too narrow to accommodate the maintenance equipment, and there is no practical way to avoid obstructions on the North Portion of the driveway unless the driveway width is increased. The Council concludes that the North Portion of the driveway should be at least 20 feet wide, tapering on both sides from the 26-foot width of the Fire Lane.

B. Timing of Construction.

20. With reference to Condition Nos. 4 and 5, the Wilds assert that the North Portion of the driveway need not be constructed until a building permit for Lot 4 or 5 is issued. The Council believes it would be difficult to fairly assess the costs of constructing the North Portion of the driveway—which transects Lots 4 and 5—between the property owners, who in all likelihood will build residences at different times. Accordingly, the Council finds that the entire length of the required driveway must be constructed along with the Subdivision improvements.

C. Pavement Design.

21. The Wilds propose to build the driveway according to a pavement design to be provided by a licensed geotechnical engineer, as allowed under Condition No. 5. The Planning Commission expressed concern that the pavement design must be sufficient for emergency and heavy maintenance equipment. The Council finds that whatever alternative pavement design is provided must be sufficient to accommodate a 75,000-pound vehicle in the Fire Lane and a 66,000-pound vehicle in the North Portion of the driveway.
3. FENCE.

22. Condition No. 8 requires a non-transparent fence to be maintained along the outside edges of the fire lane access. The Wilds request that construction of the fence be deferred so the affected property owners may determine the materials.

23. The Council finds that construction of the fence is not reasonably necessary to mitigate the anticipated detrimental effects of the flag lots. The owners of Lots 3 and 6 should decide whether they want a fence along the edge of the flag lot staffs and, if so, how and when it is to be constructed. Accordingly, the Council reverses Condition No. 8 as unnecessary.

Findings

24. The Council finds that the Wilds have satisfied their burden of proof in challenging Condition No. 1 requiring illumination of the address numbers for Lots 4 and 5.

25. The Council finds that the Wilds have not met their burden of proving that Condition Nos. 3 and 5 are unreasonable with respect to the required width of the driveway, both the Fire Lane and the North Portion. The Council clarifies that the Fire Lane must be 26 feet wide and the North Portion must be 20 feet wide to allow for unobstructed access of emergency and storm drain maintenance equipment.

26. The Council also clarifies that the entire length of the driveway must be constructed at the time Subdivision improvements are installed.

27. The Council finds that the pavement design for the driveway must meet the requirements of Condition No. 5. If an alternative pavement design is allowed, it must be sufficient to accommodate a 75,000-pound emergency vehicle in the Fire Lane and a 66,000-pound maintenance vehicle in the North Portion of the driveway.

28. The Council finds that the Wilds have met their burden of proof with regard to Condition No. 8. The requirement of a fence along both sides of the flag lot staffs, to be
constructed at the time Subdivision improvements are installed, is unreasonable and not necessary to mitigate anticipated detrimental effects of the flag lots.

**Decision**

Based upon the foregoing findings, the Council affirms in part and reverses in part the Planning Commission’s decision. The Council authorizes and directs staff to prepare, and the Mayor to sign, a modified conditional use permit, which will supersede the conditional use permit dated March 30, 2015. All conditions of the modified permit will remain the same as in the original permit, except that Condition Nos. 1, 3, 4, 5, and 8 are hereby modified as follows:

1. Display contrasting and visible address numbers in accordance with applicable Fire Code requirements (the numbers may be of reflective materials rather than illuminated). The address number for each flag lot will be mounted on a durable material in a permanent location on the applicable side of the lane no more than three feet from the back of the sidewalk to help emergency responders locate the property. The address numbers may be installed after issuance of a building permit, but prior to occupancy.

3. Flag lots require a dedicated fire access road. The driveway over the flag lot staffs and twenty (20) feet beyond the north terminus of the staffs (collectively, the “Fire Lane”) must be at least twenty-six (26) feet wide to allow for parking along one side of the Fire Lane. “No Parking” signs must be installed on the other side of the Fire Lane. No fence or other obstruction will be allowed in the driveway.

4. The full width of the driveway must be constructed at the same time as the street and other public improvements, from the street to within five (5) feet of the storm drain box located on Lot 9. The portion of the driveway situated north of the Fire Lane must be a minimum of twenty (20) feet in width, tapered from the width of the driveway over the Fire Lane.

5. An eight (8) inch thick concrete driveway over eight (8) inch thick compacted base course is required to prevent public works vehicles and emergency responders from damaging the driveway. In lieu of the eight (8) inch thick concrete, a pavement design prepared by a licensed geotechnical engineer and approved by the city would be acceptable; provided, that any such alternative pavement design must be sufficient to accommodate a 75,000-pound vehicle in the Fire Lane, and a 66,000-pound vehicle in the portion of the driveway situated north of the Fire Lane.

8. [Deleted.]
Any party aggrieved by the Council’s decision is entitled to appeal to district court within thirty (30) days as provided in Utah Code Ann. § 10-9a-801.

DATED May 19, 2015.

WEST BOUNTIFUL CITY COUNCIL

__________________________________
Ken Romney, Mayor

Attest:

__________________________________
Cathy Brightwell, City Recorder
EXHIBIT A

Depiction of Flag Lots
ACCESS MUST BE PROVIDED TO STORM DRAIN BOX NEAR LOT 4, 5, AND 9 LOT CORNER VIA THE VEHICLE ACCESS ON LOTS 4 AND 5. IF FENCING IS INSTALLED A 12" WIDE GATE IS TO BE INSTALLED.

LOT 4
0.331 ACRES
14,433 SQ.FT.

LOT 3
0.241 ACRES
10,516 SQ.FT.

LOT 2
0.237 ACRES
10,332 SQ.FT.

LOT 7
0.739 ACRES
10,398 SQ.FT.

LOT 6
0.328 ACRES
14,291 SQ.FT.

LOT 5
0.333 ACRES
14,806 SQ.FT.

LOT 9
52,376 SQ.FT.
1.202 ACRES

STORM DRAIN TO BE INSTALLED WITHIN THE SHAPED AREA

EASEMENT RESTRICTION
TREES PROHIBITED IN THE SHAPED AREA

END OF FIRE LANE

N 00°26'48" W 660.14'
TO: Mayor & Council

DATE: May 14, 2015

FROM: Duane Huffman

RE: Birnam Woods Park Asphalt Path

The Birnam Woods Park includes a 9-foot wide asphalt path that begins on 830 W and ends on 2400 N (approx. 1,500 feet in total length). Based on the age of the park, the path was in need of maintenance prior to the recent drainage improvements; however, the use of the northern portion of the path as an access for heavy trucks/equipment for the 2014 improvements have caused the path to fail in several sections. Of the $75,000 budgeted for the drainage project, roughly $40,000 remains available. This memo summarizes broad options for how to repair the path for the Council’s consideration.

OPTION 1: Pulverize & Pave
This option would use special equipment to pulverize/grind down the current asphalt, grade the pulverized asphalt, and pave with 3” of new asphalt. Staff would recommend this treatment for approximately 90% of the path (12,000 sq.ft. of the path - see attached exhibit A).

This option would provide for the longest life of the current path design.

Kapp Construction has provided a change order to our current 725 W project to perform this work for $30,600. Alternatively, the City could choose to use a formal bidding process to award the work.

OPTION 2: Patch & Overlay
This option would cut and remove the sections of the path in failure, patch these sections, and perform a thin overlay over the entire path. See exhibit B for an example of the sections to be removed.

While we do not have any hard costs on this option, staff estimates its cost to also be in the $30K range.

OPTION 3: Gravel
If the Council feels that the use of the path does not necessitate pavement, the northern section of the path could be pulverized and left as a gravel trail.
This option would allow for flexibility in the future in case the use of the undeveloped portion of the park property changes, and would cost significantly less than options 1 and 2. However, it would require some on-going maintenance each year to make sure the path is properly graded.

**OPTION 4: Remove**

Similar to option 3, if the Council determines that the northern portion of the path is underused, it could consider removing the current path and not replacing it for now. We would need to seek further neighborhood and community input before moving forward with this option.
Post  of  Agenda -  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 May 8, 2015 per state statutory requirement.

Minutes of the Planning Commission meeting of West Bountiful City held on Tuesday, May 12, 2015, at West Bountiful City Hall, Davis County, Utah.

Those in Attendance:

MEMBERS PRESENT:  Chairman Denis Hopkinson, Vice Chairman Terry Turner, Alan Malan, Laura Charchenko, Mike Cottle and Corey Sweat (Alternate). Councilmember Kelly Enquist.

MEMBERS EXCUSED:

STAFF PRESENT:  Ben White (City Engineer), Cathy Brightwell (City Recorder), and Debbie McKean (Secretary)


The Planning Commission Meeting was called to order at 7:30 p.m. by Chairman Hopkinson. Alan Malan gave a prayer.

I.  Accept Agenda.

Chairman Denis Hopkinson reviewed the agenda. Mike Cottle moved to accept the agenda as presented. Terry Turner seconded the motion. Voting was unanimous in favor.

Business Discussed:

II. Public Hearing to Receive Comment Regarding the Tingey Two Lot Subdivision at Approximately 920 West Porter Lane

Included in the Commissioner packets was a memorandum dated May 7, 2015 from Ben White regarding Tingey Subdivision at 920 West Porter Lane with an attached site plan. The memorandum from Ben White included the following:
Tingey family owns 5 acres (A-1 Zone) just west of the Birnam Wood Subdivision they desire to divide into two parcels. Paul Tingey (property owner) who currently lives in Birnam Woods adjacent to this parcel will keep ownership of the east lot. The family has a buyer for the west 2.5 acre lot.

Points to consider for discussion that were recommended by staff in this memorandum were: 78’ wide gas easement that extends diagonally through the property, fire department may require an onsite fire hydrant as a condition of the building permit, depending on where the house is constructed, two accessory structures constructed on the property in recent years did not obtain a building permit from the city and appear to be encroaching on a gas line easement, the right of way line along Porter Lane needs to be established because from staff’s research Birnam Woods was not constructed in the correct location, and finally, curb, gutter and sidewalk are required unless waived or deferred by the City Council.

Ben White gave a brief explanation of the application for the two lot subdivision desired by the Tingey family at 920 West Porter Lane.

Chairman Hopkinson was concerned with the requirement of the property lines. Ben White responded that he is still working through information he received from a neighbor in regards to the property boundary/street right of way not being correct. He will do further investigation on the matter. He should hopefully have things worked out by the next scheduled meeting.

**ACTION TAKEN:**

Laura Charchenko moved to open the Public Hearing at 7:35 pm to receive comment regarding the Tingey two lot subdivision at approximately 920 West Porter Lane. Alan Malan seconded the motion and voting was unanimous in favor.

**PUBLIC COMMENT:**

Ted Tingey, son representing Martha Tingey, who is keeper of the trust. Property has been in the family for many years. It has been used as pasture and now they desire to sell a portion of it in order to care for their ailing mother who is the owner of the property. They hope to sell it as is and let the buyer do what they would like to do.

Paul Tingey, Ted’s cousin, took the stand and stated that they are just changing owners and not developing the property at this time. He noted that there is some discrepancy of property lines. He spoke to the fact that the property was in the county when the out buildings were built and he did not need a permit from the city for the sheds. Property was annexed into the city against his will. The sheds will not interfere with the property. He added that he worked with the gas company to make sure they were okay with the buildings.
ACTION TAKEN:

Terry Turner moved to close the Public Hearing at 7:45 pm. Mike Cottle seconded the motion and voting was unanimous in favor.

III. Consider Conditional Use Application from Mason Green to Build a Garage in the R-1-22 Zone at 1481 North 1050 West More Than One Story and Taller Than 20 Feet High.

Commissioner’s packet included a Conditional Use Permit Application from Mason Green with attached updated site plans.

This item was on the last meeting agenda and was tabled because applicant could not be present.

Chairman Hopkinson asked Chris Gillespie, representing Mason Green, to take the stand and introduce himself. Chairman Hopkinson invited staff to introduce the application. Chairman Hopkinson reviewed the proposal with the Commissioners. Chairman Hopkinson reported that he was unsuccessful in contacting the neighbor to the east of the property to notify them of the desired structure.

Chairman Hopkinson asked for the Commissioner’s questions/comments:

Alan Malan- Stated that he is okay with the Conditional Use permit for a second story with an increased height of 3 feet above regulation of code. The window located on the north side concerns him because it is intrusive to the neighbor and he also noted he would not want it to be turned into living space. He would like to see skylights as an alternative.

Laura Charchenko- Did not have a problem with the height or window to the north.

Terry Turner – Chairman Hopkinson updated him from last meeting as he was absent. Mr. Turner had no concerns.

Mike Cottle- Feels that the neighbor should be contacted in regards to the window that will overlook their property. Chairman Hopkinson noted that this would not be a condition to reject this application.

Corey Sweat feels that conditions are being too intrusive to the citizen and suggested tabling the item again until the neighbor could be contacted. Chairman Hopkinson responded that should not be a reason for tabling this item.

Chairman Hopkinson asked Ben White to speak to the application request. Mr. White counseled that they do not need to include in the conditions a firewall on the east side of the dwelling because it is part of the building permit requirements.
ACTION TAKEN:

Alan Malan moved to approve the conditional use permit for Mason Green at 1481 North 1050 West to allow a structure to be built with the following conditions: that the window facing to the north not be in the plans because of privacy to the neighbors and replace with sky lights if desired, and that the additional 3 foot height be granted. Terry Turner seconded the motion and some discussion took place regarding the window issue.

Roll Call Vote was taken:

Laura Charchenko- Aye
Terry Turner- Nay
Alan Malan- Nay
Mike Cottle- Nay
Denis Hopkinson – Nay

Motion failed.

Further discussion took place regarding the window issue.

ACTION TAKEN:

Alan Malan moved to approve the conditional use permit for Mason Green’s at 1481 North 1050 West to allow a structure to be built that is two stories high and 3 ft above the city regulation with the following conditions: that privacy glass or translucent glass be used on the north facing window and that said window be fixed and non-opening. Mike Cottle seconded and a roll call vote was taken.

Roll Call Vote was taken:

Laura Charchenko- Nay
Terry Turner- Aye
Alan Malan- Aye
Mike Cottle- Aye
Denis Hopkinson – Nay

Vote passed 3 to 2.

IV. Discuss Tingey Subdivision Application At Approximately 920 West Porter Lane.
Chairman Hopkinson noted the issues that were pointed out by staff regarding this application. Some discussion took place regarding the noted issues in particular about the applicant’s desire to defer curb, gutter and sidewalk.

Ted Tingey addressed the Commission noting that the property is merely being sold and the plans for that property are yet to be known and should be left up to the buyer of the property. He feels he should not have to be mandated to do things with a property that he will not have anything to do with.

Chairman Hopkinson responded that they are still the developer of the property and they need to adhere to the subdivision standards that West Bountiful imposes. He explained some of the reasoning behind the standards that have been set for curb, gutter and sidewalk.

Staff will work with Ted Tingey on the next steps to bring the application back for consideration.

V. Staff Report

Ben White reported:

- Pile driving on 400 North at night is complete. Pile driving is now being done during the day.
- Last week Ben White received an email from UDOT regarding a project that would replace the asphalt on 400 North from 800 West to Main Street with cement. City Council is sending a note to UDOT expressing their disapproval of the project.
- 500 South is on its final schedule and will be done in about 1 month.
- UTA is updating their tracks and you will see some flaggers at work but the roadway is not closed. May have to go around some barriers/fencing.
- New playground equipment is scheduled to be installed this summer.
- Carr Printing has closed/moved and interest has been expressed to put in indoor storage units, which does not currently meet the zoning.
- New Owner of Shopko has signed up for utilities.
- Owners of Gateway are working on some designs and permits.
- Stringham Farm appeal was heard by City Council last week. Three of ten conditions were appealed. City Council upheld the width of the concrete, signage without lights were approved, and fencing will go with the property owners.

Cathy Brightwell reported:

- A class is being held in June on grandfathering. It is on a Tuesday and will be a full day. City will pay for the class fee for any who would like to attend. Cathy will get them more details through email.
- Municipal Elections this year. The Primary election, if needed, will be August 11th and the General Election will be held in November on a City Council night. Both meetings will need to be canceled.
VI. Approval of Minutes for March 24, 2015

ACTION TAKEN:
Laura Charchenko moved to approve of the minutes dated April 28, 2015 as presented. Alan Malan seconded the motion and voting was unanimous in favor among those members present.

VII. Adjournment

ACTION TAKEN:
Laura Charchenko moved to adjourn the regular session of the Planning Commission meeting at 9:00 pm. Alan Malan seconded the motion. Voting was unanimous in favor.

The foregoing was approved by the West Bountiful City Planning Commission on May 26, 2015, by unanimous vote of all members present.

_______________________________
Cathy Brightwell - City Recorder
Minutes of the West Bountiful City Council meeting held on **Tuesday, May 5, 2015** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

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

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Todd Hixson, Ben White (Engineer), Paul Holden (Golf Director), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder/Secretary), Patrice Twitchell (Finance Clerk)

**VISITORS:** Alan Malan, Beth Holbrook, Josh Cochran, Richard Hamik, TJ Atwood, Rod Wood, Ken Rasmussen, Reece Dedrille, Ben Moon, Caleb Hoggan, Taylor Thomas, Denis Hopkinson, Gary Jacketta, Todd Smith, Dave Powers, Jeff Bassett, Wendell Wild

Mayor Romney called the work session meeting to order at 6:15 pm.

1. **Discuss Budget for FY 2016.**

Duane Huffman reviewed the budget process to date and described each proposed increase in the current draft of the Funds not yet covered. Highlights and items for follow-up are listed below.

**Jessi’s Meadow Assessment Fund**

*Revenue* - This is a new Fund resulting from the discontinuance of the Jessi’s Meadow homeowner’s association and the associated transfer of funds to the City. There is approximately $11k in revenue and beginning next year similar annual amounts will be collected.

*Expenses* – $5k maintenance expense has been put in as a placeholder until we determine what the actual expense will be. There was discussion about who will do the lawn maintenance and because the bids came in similar to the in-house expense, we will contract the work out.

**Streets Impact Fee Fund** – Plan to use $40k development impact fees plus the $110k fund balance to pay for the Pages Lane project.

**Storm Drain Impact Fee Fund** – This fund has been combined with the Storm Water Utility Fund that should have been together before.

**Police Facility Impact Fees Fund** – $2k debt service on police station in city hall building.

**Park Impact Fees Fund** – Capital outlay for trail rest room FY15 and Park improvements FY16.

**Capital Improvement Fund** – As this fund is not specific to any currently planned project, intent is to zero it out.
Streets Capital Improvement Fund – Had $238k in balance, and will collect $212k. Plan to spend $125k for 725 West, $475k for 660 West and Pages Lane. Plow, tractor, and 1-ton truck will also come out for $75.5k.

RDA Fund will be adopted separately.

Revenue is collected from tax increments in the Redevelopment Area.

Expenses come from 3 employees (City Administrator, Police Chief, Finance Clerk) allocated to the RDA, including a percentage of their salaries and associated expenses. The travel expense line item is a portion of the vehicle allowance for the Mayor. Professional fees go to LYRB for annual reports. Meeting stipends for attendance at RDA meetings have been coming out of General Fund, but should move to RDA.

RAP Fund –

FY15
- The $100k for trail restroom – moved to Park Impacts Fund;
- Transfer to fund annual amount for Arts Council added;
- Budgeted $50k for trail netting, but trees are only $30k;
- Budgeting error – Park equipment (gator) purchased was to come completely out of this fund rather than split with the General Fund;
- Birnam Woods park drainage was supposed to come out of RAP so will also transfer;
- Added funds to cover the overlay of Legacy Trail,
- Will need to add funds to cover electrical issues at snack shack.

FY16
- 200k for Park Improvements;
- Transfer to General fund for Arts Council;
- Would have approximately $200k left in fund balance.

There was discussion about the need to move the West Yard and potentially the Public Works Shop in the future. Steve Maughan commented that it would be nice to have the Shop and the Yard together for convenience of equipment and supplies, e.g., salt, etc., and that the current Yard location is not ideal. He would like to see a larger Shop so the equipment, including snow plows, can all be kept inside. Council member McKean noted that there has been discussion in the past about moving public works and using their existing location for arts and community events, so that RAP funding could potentially be used to help with the project. It was suggested that a capital projects fund could be created to begin saving money for it.

There was additional discussion about other potential projects including replacing the roof on the bowery behind city hall, and improvements at Charnell Park.

Water Fund

Revenues - Impact fees of $80k are expected, and have been correctly posted unlike storm water.

We are also expecting a 1% increase in water sales.

Expenses – there was discussion about how employees’ salaries are split between the funds. Public works employees’ salaries are allocated based on the amount of time they spend on water as well as Ben White and Mindi Tullis. Public works splits their time out on their timesheets each pay period based on how many actual hours they spend on water, which is very cumbersome. This
exercise was initially set up to analyze hours but may not be necessary any longer. Council members agreed that after 5-6 years, it is probably not necessary to continue.

- There was question as to what is included in the Miscellaneous Expense line. Staff will double check and report back;
- Capital outlay-Equipment includes new tools, Hydrant Saver for $9.5k, Confined Space Blower for $2.5k, and Water Incubator for $1.9k. Discussed replacement of old hydrants throughout the city. They cost about $4500 each. We have been setting aside money to replace them so they are all working now, although a couple may not shut off.
- Capital Projects – Pages Lane and 660 West.
- Capital Outlay-Equipment includes a new 1-ton truck to be split with General Fund ($25k each).
- We plugged in $1m as a placeholder for a new well.
- 500 South waterline replacement project needs to be added. Holly agreed to pay for a portion of it as part of agreement - $500K for a new source of water and $500K to replace waterline on 500 South.

Total for Water Fund this year $ 3.3m.

Solid Waste Fund

Rates were raised last year because we had not been covering cost. Now we are projected to collect $371k at the end of FY15. We do not expect any increase in tipping costs, although dumpster costs will go up for our clean-ups. At the end of FY16, we are projected to be $35k in the black.

There was discussion about options including moving some to the west yard project fund, decreasing rates or implementing new clean-up options like picking up old tires.

Storm Drain Utility Fund

Revenues – We originally projected that we would collect $125k but will likely only get $97k.

Expenses – We increased the time allocation for one employee.
- $1,000 for trailer maintenance;
- Capital Outlay projects include $100k for 1100 West and $120k for 1200 North projects. These estimates are old so we may need to check inflation and possibly increase amounts.

Special Capital Project Funds

- 900 West - $53k expenses.
- 800 West – budgeted $740k, costs were $674.
- 725 West – estimates are the same as budgeted figures this year.
- Pages Lane – budgeted $500k last year but the project was not done because of UDOT closing 400 North. We have included it in this year’s budget but may have delays again due to UDOT. We are projecting $800k, but may need to check inflation costs.
- 660 West projected at $600k.
- Birnam Woods project moved to RAP.
- 1100 West storm drain belongs in the Storm Water Fund.
Duane Huffman discussed a handout describing Golf Fund Loan Options.

Option A - 1 year, 2 fund plan. The General fund pays off Solid Waste and the RAP Fund pays off Water Fund. This is the most aggressive option.

Option B - 2 year, General Fund plan. The FY16 General Fund pays off the total Solid Waste amount and makes one year payment for water. In FY17, the General Fund pays off the remaining Water balance.

Option C - 2 year, 2 fund plan. The General Fund pays half of Solid Waste in FY16 and half in FY17. The RAP Fund pays half of water in FY16 and half in FY17.

There were no immediate questions so Mayor Romney asked the Council to review the options and be prepared for further discussion at the next meeting.

The Work session adjourned to the Regular City Council meeting at 7:22 pm.

Boy Scout Eli Moon gave the Boy Scout Pledge, and Caleb Hoggan led the Pledge of Allegiance

1. Accept Agenda

MOTION: Debbie McKean moved to approve the agenda as posted. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

2. Public Comment – None

3. Consider Award to of Waste Collection Services.

Mayor Romney invited the four Waste Collection respondents to give a short presentation.

Ace Disposal – Phil Martin, explained that the company is local and family owned. The founder still works and his son is the general manager. Their customer service center is in West Valley with a 24/7 answer policy. He noted that they have a new regional center in Clearfield making it convenient to serve West Bountiful from either location. He added that they take great pride in being a green company and he described their fleet. Regarding employees, he said they use E-verify, and randomly drug test. He said they recognize the importance of making the change as transparent as possible, so they will keep the same schedule as currently used.

Waste Management – Beth Holbrook began by distributing a general handout about her company. She said as the current provider, it is very important to them to continue serving West Bountiful. Waste Management believes in investing in the community and she reminded Council that they provided the blue carts up front when recycling began and let the city paid them back after recycling started. She noted that they have enhanced their customer service by adding a local person,
Jenny Reynolds, to handling local consumer service issues. She gave some history of their level of service and described their fleet explaining that maintenance and safety are huge priorities for them. She also pointed out they use E-verify and provide good training for their employees.

Republic – TJ Atwood, operations manager for the Ogden division, explained that he handles the territory from North Salt Lake to Tremonton. His company currently has eight municipalities and services 26k homes. He stated safety is their number one priority and described their fleet and maintenance schedule. He talked about the great reviews they get for customer service because they believe they are not in the waste business, but in the customer service business. They provide local customer service and focus on follow-up.

Robinson - Josh Cochran explained that their company started in 1989 and is locally owned and operated. They serve nine municipalities and Hill Air Force base. He claimed that what sets them apart from competitors is their service level. He noted that they have been awarded contracts even when not the lowest bid because of their highly rated customer service. He said they view themselves as an extension of the city and work hard to see that customers have no complaints.

Mayor Romney commented that all the companies were good and the City couldn’t go wrong with any of them. He asked for council member comments.

Council member Ahlstrom asked each company if the bond requirement was lower, would their prices have been lower. They all responded affirmatively. He added that he had concerns about comparing proposals that were not “apples to apples.”

Council members agreed the companies were all high quality companies offering similar services so price becomes more important.

**MOTION:** James Bruhn moved to Award the City’s Waste Collection Services to Ace Disposal. Mark Preece seconded the Motion.

Discussion on the Motion followed regarding the requested bond level, whether the lower bond proposal from Ace was sufficient, and whether it was appropriate to deviate from the RFP.

Voting on the Motion was recorded as follows:

- James Ahlstrom Nay
- Mark Preece Aye
- James Bruhn Aye
- Debbie McKean Nay
- Kelly Enquist Aye


Mayor Romney explained that the City Council is the Appeal Authority for the conditional use permit issued by the Planning Commission on March 24, 2015 granting flag lots for this subdivision with certain Conditions. The appeal constitutes a “de novo” review so no deference must be given to the earlier findings or conclusions, rather the Council will take a fresh look at the issues raised in the appeal which include lighting, driveway, and fencing. The remaining issues listed in the Wild’s letter
were not part of the conditional use approval and should be considered at a later time. He also shared that updated information was received from the South Davis Metro Fire Agency today.

Duane Huffman reviewed the history of the case which began when the Wilds applied for a conditional use permit for flag lots at their property located at 735 W 1000 North in conjunction with a subdivision application for the same property that was filed in February. He discussed the Council’s options and noted that a final written decision will be prepared by Mr. Doxey and approved at a later meeting.

The Mayor invited Wendell Wild to the podium to make comments supporting his claims. Regarding the driveway, he addressed Condition 3 that the driveway be at least twenty-six (26) feet wide to allow for parking on a dedicated fire access road, Condition 4 that the full width of the driveway must be constructed at the same time as the street and other public improvements for the entire length of the flag lot, and Condition 5 that the driveway must consist of eight inch thick concrete over eight inch thick compacted base course material to prevent public works vehicles and emergency responders from damaging the private driveway.

Mr. Wild argued that a driveway width of 20 feet is adequate and meets fire code. He believes the size of the lots will provide adequate parking areas for Lots 4 and 5 so parking will not be necessary along the driveway and he suggests “no parking” signs be installed.

There was discussion about the likelihood of residents and guests parking along the driveway regardless of signage especially with little to no available parking on the cul-de-sac, and questions about who would be responsible to enforce the parking restrictions.

Mr. Wild then addressed the thickness of concrete. He is concerned with the eight inch fill and concrete requirements and does not believe they are necessary for fire trucks and storm drain vacuum trucks. He distributed a letter from M.C. Green & Sons dated March 24, 2015, and a letter from AGEC, dated April 6, 2015 that talked about road depth options. He asked about how far the fire lane continues up the driveway. He wondered if with sufficient road base, the extended portion needs to be concrete. He said he does not dispute the fire lane extending twenty feet beyond the north sides of Lots 3 and 6, but would like the remainder of the driveway to the storm drain box to be asphalt or other materials that meet the requirements for a 66k pound truck.

Lighting – Condition 1 - Mr. Wild argues it is not necessary to have an address sign at the entrance of the lane with illuminated house numbers. He believes reflective, contrasting house numbers are sufficient.

Fence – Condition 8 - Mr. Wild is not opposed to fencing but is concerned that a future homeowner may want a different type of fence, and is not sure how to decide the type and color when the fence is supposed to go in at the time of development. He proposes waiting for the owner to select the fence, and in response to a question, responded that he would be fine to have the developer bond for it.

Ken Rasmussen, a neighbor to the subdivision inquired why a fence is required. Duane Huffman showed him a diagram explaining where the fence has been proposed.
The Council discussed the items raised by Mr. Wild as described below.

1. Address/ Numbers – Representatives from the fire department were asked about illuminated address numbers. They responded that the Fire Code requires premises to have reflective, contrasting numbers 6” high, visible from the street; anything beyond that is up to the City Council. There was discussion about difficulty finding the homes on lots 4 and 5 in the dark especially in medical emergencies when there is no other way to locate the home.

   There was consensus to construct one sign on each side of the driveway, no more than three feet from the back of the sidewalk. Address numbers must comply with the fire code.

2. Driveway – There was discussion about how thick the driveway needs to be in the area beyond the 113 foot fire lane. With eight inches of gravel base, most thought that asphalt would be ok in this space, unless an engineered design is provided to support something different.

   There was much discussion about the width of the driveway. Steve Maughan responded to questions that a storm drain vacuum truck needs a minimum of fourteen feet, but that assumes no vehicles are parked around it.

   There was consensus to require a twenty-six foot wide driveway for the full length of the fire lane, then drop back to twenty feet tapered with a clean transition, hard base all the way, centered between the two properties. The fire lane will be built with eight inches of concrete over eight inches of course fill material. The driveway beyond the fire lane may be built with asphalt over eight inches of gravel base. This requirement can change if the City agrees to a recommendation from a licensed geotechnical engineer that accommodates a 75k pound fire truck in the fire lane and 66k pound storm drain vacuum truck in the portion of the driveway north of the fire lane. The driveway will be installed with the subdivision. A cross-access and maintenance agreement will be recorded to identify where parking is allowed and to prohibit fences within the driveway.

   Ben White asked that that these requirements be recorded on the plat in case a homeowner wants to make changes later. They need the requirements to be clear.

3. Fence along the driveway – After discussion, there was consensus that a fence along the driveway between lots 3 and 6 is not required.

MOTION:  

James Ahlstrom moved to have the City Attorney prepare findings of fact and conclusions of law consistent with the consensuses reached tonight. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.
Council thanked the Planning Commission for doing a good job anticipating and considering all the issues. There was discussion about flag lots in general and the need to begin work on an ordinance to address generic flag lot requirements.

_The meeting recessed for a 5 minute comfort break._

5. **Budget Officer Filing of Fiscal Year 2015/2016 Tentative Budget.**

Duane Huffman explained that as the City’s Budget officer he is required to present a tentative budget to the Council. Once adopted, the tentative budget becomes the draft used to develop a final budget and requires a public hearing.

**MOTION:** _James Bruhn moved to adopt the FY2015-2016 Tentative budget and set a public hearing for June 2, 2015. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present._

6. **Review Proposed Amendments to the Fiscal Year 2015/2016 Budget.**

Mayor Romney pointed out an error in the description above - that the proposed amendments were to the 2014/2015 Budget, not the 2015/2016 Budget. Mr. Huffman explained that the amendments need to be adopted after a public hearing is held and the specific amendments will be discussed at a work session prior to the hearing.

**MOTION:** _Debbie McKean moved to set a public hearing for June 2, 2015 to adopt proposed amendments to the Fiscal Year 2014/2015 budget. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present._

7. **Engineering/Planning Commission Report.**

Planning Commission granted a conditional use permit last week for an 8 foot fence to be built on the north side of a LDS Church parking lot/driveway to match a similar fence approved several years ago. They also considered a conditional use permit for an accessory building higher than 20 feet in Jessi’s Meadow but tabled it as the applicant was not available to answer questions. At their next meeting, they will discuss a 2 lot subdivision proposal just west of Birnam Woods on Porter Lane. The application has some issues to be resolved.

Ben White also announced that a CDBG grant for $30k was approved to complete the portions of sidewalk on the west side of 800 West that were not completed with last year’s grant. It is not clear whether the improvements can be completed this year or next year.

He added that he recently got word that UDOT is preparing to go to bid on improvements to 400 N, from 800 W to Main St, next year that will include replacing the asphalt with concrete. The
Council discussed asking UDOT not to do it next year because city has been disrupted enough with 400 North closures.

- The 725 West water line is completely done, the road has been excavated, and we expect it to be paved within 2 weeks.
- The Porter Lane storm drain project is still underway, and the construction of the new restroom at the golf course has been started.

8. Mayor/Council Reports.

**Mayor Romney** – Received a complaint regarding pile driving.

- He reminded the Council that state law allows the Council to remove a person from the meeting by 2/3 vote for disorderly conduct, not that there has been any need for something like that recently.
- He noted that the budget process has gone well so far, and asked the Council to review the golf course loan options so we can lay out timetable.
- He asked staff to get us options on RAP tax ballot language so we can get it ready.
- Finally, he noted that the Council will talk about local sales tax option for transportation in the future.

**James Ahlstrom** – He inquired about the request from Mr. Thackeray to address the Council.

- Mr. Huffman responded that he is tentatively on the agenda for June 2.

**Mark Preece** - No report.

**James Bruhn** reported that Wasatch Integrated will be some raising fees. It should not impact the City except for dumpsters. The incinerator is down. They have been nursing it along but needed to wait to fix it until Hill AFB signed their proposal so they would have money. Everything is going to the landfill until can be rebuilt – it is very expensive to fix.

- He has noticed several street lights are out around the city, including in Olsen Farms. What is the best way to get them fixed? Chief Hixson noted that the night officer will make a list of all the lights out.

**Debbie McKean** – Thanks to Council member Preece we had a quick turnaround getting the summer newsletter printed; it will go in the mail tomorrow. Friday’s Arts Council event is the Youth concert spotlighting the city’s talented musicians. It is always very good, and the Arts Council would appreciate city council’s support by attending the event. At the Arts Council meeting on Thursday, we will continue to prepare for the July 4th celebration. She gave each council member an assignment for that Saturday’s activities, and reminded them they are responsible to make arrangements for their own cars in the parade. She also discussed council shirts for the event and they decided to go with the great discount Paul Holden’s was able to get through Nike, all in the same color.

**Kelly Enquist** is on a committee of south Davis County cities addressing a catastrophic fire plan for the area and asked Chief Bassett to summarize the project. Chief Bassett explained that the state does not fund expenses incurred as part of catastrophic fires and gave an example of high cost resulting from helicopters being called in to address emergencies. He believes there is a chance that legislation will be adopted next year to help in these situations but cities may only be eligible to
receive funding if they have a community protection fire plan in place, so we want to make sure we are eligible.

9. Approval of Minutes from the April 21, 2015 City Council Meeting.

MOTION: James Bruhn moved to approve the minutes from the April 21, 2015 meeting as presented. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.

17. Adjourn

MOTION: James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 10:57pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, May 19, 2015.

Cathy Brightwell (City Recorder)