

Minutes of the West Bountiful City Council meeting held on Tuesday, January 5, 2016 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Andrew Williams

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Lt. Corie Hamilton, Steve Maughan (Public Works Director), Paul Holden (Director of Golf), and Cathy Brightwell (City Recorder/Secretary)

VISITORS: Alan Malan, Brad Frost, Maria Huffman, Shelly Bruhn, Bob Bruhn, Vonda Bruhn, Jeff Wilkinson, Sarah Williams, Ammon Williams, Hunter Williams, Tyson Williams, Mikayla Williams, Ron Littlefield, Lanita Rodabough, Rick George

Mayor Romney called the regular meeting to order at 7:30 pm.

Invocation/thought – Kelly Enquist; Pledge of Allegiance – James Ahlstrom

1. Swearing in of Newly Elected Officials – Council members James Ahlstrom, James Bruhn, and Andrew Williams.

Mayor Romney issued the Oath of Office to council members elected in the 2015 municipal election: James Ahlstrom, James Bruhn, and Andrew Williams.

2. Accept Amended Agenda.

Mayor Romney clarified that executive session scheduled for the end of the meeting will also include a discussion related to the possible sale or purchase of property.

MOTION: *James Ahlstrom moved to approve the agenda as amended. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

3. Public Comment.

There were no public comments.

4. Consider Approval of Resolution 377-16, A Resolution Appointing Cathy Brightwell as the West Bountiful City Recorder and Mindi Tullis and the West Bountiful City Treasurer.

MOTION: *Andy Williams moved to approve Resolution 377-16, A Resolution Re-appointing Cathy Brightwell as City Recorder and Mindi Tullis as City Treasurer. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Aye
Andrew Williams - Aye

5. **Consider Resolution 378-16, A Resolution Appointing Kelly Enquist to the Mosquito Abatement District Board of Trustees, and Appointing Andrew Williams as a City Council Liaison to the Planning Commission.**

MOTION: *Mark Preece moved to approve Resolution 378-16, A Resolution authorizing Mayor Romney to appoint Kelly Enquist to the Mosquito Abatement District Board of Trustees, and Appoint Andrew Williams as a City Council Liaison to the Planning Commission. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Aye
Andrew Williams - Aye

6. **Consider Agreement with Matthew L. Nebeker, Attorney at Law, LLC, to Provide Criminal Legal Services to Indigent Persons Charged With Crimes In West Bountiful City.**

Duane Huffman explained that any costs associated with a public defender have previously been covered by Davis County as part of our agreement for justice court services. The County notified the City that it will no longer cover costs of indigent defense once the contract ends December 31, 2015. Given the short notice provided by the County, city staff contacted the public defender who has handled the City's cases on behalf of the County, and has negotiated an agreement to represent qualified indigent individuals with West Bountiful cases heard in Justice Court. It is designed such that it can be terminated with relative ease when the City is in a better position to issue an RFP.

MOTION: *Mark Preece moved to adopt the Agreement with Matthew Nebeker to provide criminal legal services to indigent persons charged with crimes in*

West Bountiful City. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.

7. Discuss Ovation Home's PUD Proposal for The Cottages at Havenwood.

Duane Huffman provided a summary of Ovation Homes' request for a Planned Unit Development (PUD) and the review activities that have taken place to date.

He explained that the approval of a PUD project is at the discretion of the City. A PUD project would be approved by ordinance. A Development Agreement which includes all the requirements and concessions of the PUD would be drafted and approved prior to the beginning of the subdivision process as a way to bridge the process gap between an ordinance and final plat approval. He explained that if the Council moves forward with the approval process, it will still need to go back to planning commission for approval/recommendation of the subdivision preliminary and final plat and then back to city council for final approval.

Mayor Romney asked for input from council members. There was discussion that while it appears at least three members support the concept of the project and believe it fills a need in the community, it is important to get value from the benefits that justify the density changes. The financial contribution the developer has suggested is probably not enough to offset the benefit of not providing open space. Precedent is a concern. Council member Bruhn commented that he has a hard time applying the PUD ordinance to this particular property and gave examples of setback reductions, RV parking, and prominent garages. There is also concern about drainage issues, and how this proposal compares to a regular subdivision.

Mayor Romney suggested a joint work session with planning commission to discuss what detail should be included in a proposal, a list of benefits and associated value, and how the proposed benefits fit into the categories of the ordinance for determination of bonus density.

8. Discuss Snow Plowing the City's Trails.

Duane Huffman explained that staff is looking for overall direction regarding plowing the City's trails -- Prospector trail, Onion Parkway trail, and City Park trail. He said historically, it has not been done due to limited resources. Resident feedback includes some who prefer natural conditions that can be used for cross country skiing, etc., and some want it cleared so they can walk. There was discussion about liability issues and the importance to be consistent-- once the City starts this job, it needs to be done consistently and professionally.

Equipment needed includes a sander for the pick-up truck (\$7k), and outfitting the utility vehicle with a blade and bucket (\$3k). This equipment could also be used to plow the 400 North overpass and the sidewalk in front of City Park. The cost of the equipment can come from the RAP tax, and ongoing supplies from the snow plowing budget, although a budget amendment will be necessary.

Mayor Romney asked for a straw poll from Council. All were in favor of purchasing equipment to plow the City's trails. Staff will move forward with preparations, and the item will be included in an upcoming budget amendment proposal.

9. Engineering/Planning Commission Report – Ben White.

The bid opening for the Pages Lane Project is scheduled for next Tuesday, January 12 at 2pm, so we expect to have a recommendation for Award of Bid at the next meeting.

At the last planning commission meeting, Ivory Homes came in with a request to make changes to the Blended Use (B-U) zone. They are hoping to modify the residential component of the zone so they can have more density. While no specific plans have been provided, they expect to have some 1 acre lots, some ½ acre lots, and a small area of homes similar to the Ovation Homes proposal at Pony Haven. Council member Ahlstrom commented that he is ok with lots less than 1-acre on this property. Council member Williams added that based on input he has received from residents, the City will get a lot of push back if lots smaller than 1 acre are allowed.

10. Administrative Report.

Duane Huffman asked if there was a desire to hold a strategy meeting as we have done the last few years. As it has been helpful in the past, there was a consensus to schedule a meeting in the next few weeks.

11. Council Reports.

James Ahlstrom –
No report

Mark Preece –
No report.

James Bruhn -
No report.

Andrew Williams -
He is happy to be here.

Kelly Enquist-
Commented that a helicopter was at the water break tonight, and KSL had it on the news.

Mayor Romney-
No report.

12. Approval of Minutes from the December 15, 2015 City Council Meeting.

MOTION: *Mark Preece moved to approve the minutes from the December 15, 2015 meeting. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

13. **Possible Executive Session for the Purpose of Discussing the Character, Professional Competence, or Physical or Mental Health of an Individual, Pursuant to Utah Code Annotated 52-4-205(1)(a), and 52-4-205(1)(d) to discuss the purchase, exchange, or lease of real property.**

MOTION: *Kelly Enquist moved to go into Executive Session Pursuant to Utah Code Annotated 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual; and 52-4-205(1)(d) to discuss the purchase, exchange, or lease of real property, in the police training room at 9:10pm. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Aye
Andrew Williams - Aye

MOTION: *James Ahlstrom moved to adjourn the Executive Session at 9:50 pm. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

After the executive session, Mr. Huffman extended the Engineer's report to update the Council on the current sidewalk repair project. He explained that a low bidder was awarded a small piece of work, even though he had little experience, to see how they would do. The work performed was inadequate, so the City separated the arrangement with him. Where driveways were disturbed, staff has placed asphalt, and the work will be completed as soon as weather permits. We will have the second lowest bidder, whom we have worked with in the past, complete the work.

14. **Adjourn**

MOTION: *Andy Williams moved to adjourn this meeting of the West Bountiful City Council at 9:58 p.m. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council on Tuesday, January 19, 2016.


Cathy Brightwell (City Recorder)



WEST BOUNTIFUL CITY

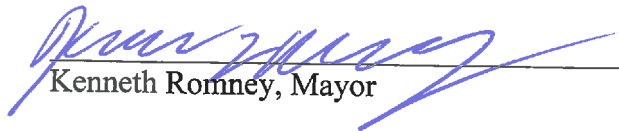
**Statement Regarding Closed Meeting of City Council
January 5, 2016**

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

I, Ken Romney, hereby affirm as follows:

1. I am the Mayor of West Bountiful City, and make the following averments based on personal knowledge.
2. I presided at a duly noticed meeting of the West Bountiful City Council on January 5, 2016.
3. Upon motion and a unanimous vote, the City Council closed the regular meeting and moved the meeting to the police training room for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual, pursuant *Utah Code Ann. § 52-4-205(1)(a)*
4. Upon conclusion of that discussion, the Council resumed its open meeting.

DATED this 5th day of January, 2016.


Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 5 day of January, 2016.


Patrice Twitchell, Notary Public

