CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM, ON TUESDAY, NOVEMBER 1, 2016, AT THE CITY HALL, 550 N 800 WEST

Invocation/Thought – Andy Williams; Pledge of Allegiance – Kelly Enquist

1. Accept Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Consider Request for Water Impact Fee Waiver/Adjustment from Russell Baker
4. Consider Resolution 397-16, A Resolution Adopting An Active Transportation Plan for West Bountiful City.
7. Mayor/Council Reports.
8. Approve Minutes from the October 11, 2016, City Council Meeting.
9. Closed Session for the Purpose of Discussing Items Allowed, Pursuant to Utah Code Annotated 52-4-205.
10. Adjourn.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486 twenty-four hours prior to the meeting.

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 October 27, 2016.
MEMORANDUM

TO: Mayor and City Council

DATE: October 27, 2016

FROM: Staff

RE: Request for Impact Fee Adjustment – Russell Baker

Mr. Russell Baker is interested in connecting his existing home located at 1308 N 550 West to the municipal water system, and is requesting a cash reduction in the impact fee by way of exchanging water rights of equal value (request letter attached). This memo will provide brief background on the subject and review the three issues brought forward by MR. Baker in his request.

Background

- The City’s current water impact of $5,804 for a 3/4” connection was established in 2008 after the completion of a capital facilities plan and an impact fee analysis. The fees are intended to have new development activity pay its proportionate share of the costs to public facility improvements.
- City Code 3.22.060 allows the City to consider a fee waiver for development activity it “determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such development activity may be attributable to tax-supported agencies, low income housing, or facilities of a temporary nature”.
- Mr. Baker’s home has been served by a private well since 1966.
- Mr. Baker proposes that his water rights can currently be estimated between $2,500-$3,500.

Issue #1 – New Development

Impact fees are only required for development activity within the City. The Code defines development activity as:

“Any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity includes residential and commercial uses that involve connection to the City’s water system or utilization of the City’s storm water, parks and recreation, or public safety systems.” WBM C 3.22.020

Mr. Baker suggests that his home is not new construction or new development as one reason for the proposed waiver and exchange in value. However, his case would be considered a residential
use that connects to the City’s water system as listed above. Just as with a new home in a new subdivision, his connection increases the overall demand on the system. A specific example of the new demand is that state code requires that for every residential connection to the water system the city must store at a specified volume of water in a water tank and provide the specified source (well capacity or other type of source) flow rate.

**Issue #2 – Financial Hardship**
The City Code does not address how to handle waivers or adjustments based on financial hardship. If this is something the Council is interested in, staff recommends that standards be developed to fairly establish what constitutes a hardship, such as having an income at a certain level of federal poverty guidelines.

**Issue #3 - Exchange in Value**
As referenced, the Code does allow the City to waive or adjust the fee based on benefits to the community. For example, if a developer up-sizes a water line at the city’s request, the value of the difference between the needed size and the larger size can be credited against the impact fees. In this case, the question is whether the proposed exchange of water rights constitutes a sufficient public benefit. To this question, staff has two points for the Council’s consideration:

a) The City’s subdivision code requires that developers pay impact fees and dedicate their existing water rights or purchase sufficient rights for the new demand. Because Mr. Baker’s situation is not a subdivision, this section of the Code does not directly apply, but the principle is the same, and the City may want to consider amending the Code so that it is consistent for all new or upgraded connections.

b) The City experiences costs in transferring private water rights. In this case, the application fees and staff time will likely meet or exceed the listed value of the rights.

For these reasons, staff cannot recommend the exchange as proposed as a sufficient public benefit to adjust the impact fees. However, one option that may be available to Mr. Baker would be to sell his shares on the private market and use the proceeds towards his impact fees.

**Conclusion**
Mr. Baker is requesting an adjustment in his water impact fees for a new connection based primarily on a proposed exchange for his water rights. The City Council may decide whether this proposal is of sufficient public benefit. In doing so, it should carefully consider how other development is treated and the effect of this decision on other homes in the City that may wish to connect to the municipal water system.
October 19, 2016

Mr. Duane Huffman, City Manager  
City of West Bountiful  
550 North 800 West  
West Bountiful, UT 84087  
dhuff@wbcity.org  

RE: 1308 North 550 West  

Dear Duane,  

I appreciate your time and the opportunity to meet with you yesterday. As we discussed in our meeting, I have been considering connecting our home to the city water service. We currently have a deep-water well and water rights. We have been working with Mayor Romney who has been very helpful. The Mayor and I have been discussing connecting the house and reducing the connection fees in exchange for our water rights. This exchange would be reasonable and fair to both the city and to us.

It has been suggested by the city that our water rights are worth $2,500.00. The Mayor asked me to contact a well driller, which I did. In fact I contacted two well-known well service contractors. They indicated that our water shares are worth $3,000.00 to $3,500.00. One of the contractors said “we are in a five year drought, your water shares are priceless”

The city needs all the water shares we can get in order to meet the needs of our growing city. I am asking for a reduction in the water connection assessment fees based on the following:

1. The home was built in 1966. It is not new construction or new development.
2. The full assessment of $5,800.00 will create a financial hardship.
3. The city will be receiving equal value in new additional water shares to meet future needs.

We are suggesting that the city reduce the connection fee $3,000.00. This is the middle point of the values suggested by the city and the well contractors. We will turnover our water shares to the city and pay the balance of the connection fee of $2,800.00. We believe this offer is fair to both parties and beneficial to the city in the long run.

Thank you for your time and consideration in this matter.

Respectfully,

[Signature]

Russell D. Baker
MEMORANDUM

TO: Mayor and City Council

DATE: October 27, 2016

FROM: Ben White

RE: Active Transportation Plan

City staff is currently exploring funding opportunities that require the City to have an Active Transportation Plan. Active Transportation refers to any form of human powered transportation such walking, cycling or skating. Active transportation is being touted in today's society as a means to improve health, reduce obesity, provide recreational opportunities, and improve air quality. The proposed plan is intended to be a guiding document when considering future transportation projects within the City and to satisfy the funding requirement on future grant applications.
WEST BOUNTIFUL CITY

RESOLUTION #397-16

A RESOLUTION ADOPTING AN ACTIVE TRANSPORATION PLAN

WHEREAS, the United States has experienced demographic shifts in recent decades that have directly and indirectly impacted housing, employment and transportation patterns along with other evolving social trends; and

WHEREAS, these social trends affecting transportation include increased demand for more walkable communities and shifts toward environmentally friendly transportation modes such as public transportation and bicycles, and,

WHEREAS, the public infrastructure necessary for bicyclists, pedestrian and equestrian users are the principal improvements contemplated by the City when addressing active transportation needs.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City that a West Bountiful Active Transportation Plan be adopted as shown as Exhibit A.

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

Passed and approved by the City Council of West Bountiful City this 1st day of November, 2016.

Ken Romney, Mayor

Voting by the City Council: Aye Nay

Councilmember Ahlstrom  ____  ____
Councilmember Bruhn  ____  ____
Councilmember Enquist  ____  ____
Councilmember Williams  ____  ____
Councilmember Preece  ____  ____

ATTEST:

Cathy Brightwell, City Recorder
ACTIVE TRANSPORTATION PLAN

November 1, 2016

West Bountiful City
550 North 800 West
West Bountiful, Utah 84087
(801) 292-4486
1.0 General

The United States has experienced demographic shifts in recent decades. These shifts have directly and indirectly impacted housing, employment and transportation patterns along with other evolving social trends. These social trends affecting transportation include increased demand for more walkable communities and shifts toward environmentally friendly transportation modes such as public transportation and bicycles.

Active Transportation refers to any form of human-powered transportation such as walking or biking. It is often used in connection with multi-modal forms of transportation such as walking or biking in connection with public transportation. The public infrastructure necessary for bicyclists, pedestrian and equestrian users are the principal improvements contemplated by the City when addressing active transportation needs.

1.1 General Plan

The City’s General Plan includes the following active transportation goals:

- Create connected bicycle and pedestrian facilities on major routes accessing the commuter rail station in Woods Cross;
- Examine areas with high pedestrian volumes, and evaluate the need and possibility for added crosswalks or other types of pedestrian crossing treatments;
- Prioritize completion of missing sidewalk sections by identifying heavily used school routes, recreational paths, and transit access routes;
- Ensure that pedestrian facilities accommodate the needs of people of all physical abilities.

The goals included in the General Plan remain. However, the construction of the Legacy and Prospector Rail Trail, and the shifting demographic mentioned above, highlight the need for better pedestrian and bicycle access beyond the goals noted in the General Plan.

1.2 Benefits of Active Transportation

The Davis County Health Department and other governmental and quasi-governmental agencies have been promoting the following benefits of engaging in active transportation.

- Provides a fun and safe physical activity for families;
- Provides options that are accessible and affordable for all users;
- Lowers obesity rates and increases overall health by increasing physical activity;
- Provides for cleaner air than utilizing motorized transportation;
- Reduces traffic congestion.
2.0 Existing Infrastructure

2.1 Pedestrian Sidewalks

It is the City's general policy that all newly constructed streets provide pedestrian sidewalks on both sides of the street. The sidewalk is typically concrete and separated from motorized vehicles by a park strip and concrete curb. Unique circumstances have resulted in deviations from the standard such as no park strip or a wider walk only on one side rather than a sidewalk on each side.

The majority of the City's street system includes sidewalk on at least one side of the street. In recent years, the City has constructed sidewalk on significant portions of 400 North, 800 West and Pages Lane. The City has also provided annual funding to upgrade existing aged and failing sidewalks and to construct sidewalk in "gap" areas.

2.2 Off-Street Multi-Use Facilities (Trails)

Since 2006, the Legacy Trail, Prospector Trail (D&RG R/R right of way) and the Onion Parkway (DSB Canal right of way) have been constructed. All three trails contain asphalt surfaces for bicycles, pedestrians and other users. The Legacy trail has become a very popular commuter and recreational route due to its limited interaction with motor vehicles and its connection to other trails. In 2016, it is now possible to ride a bicycle from Brigham City to Provo on asphalt trails that are separated from motor vehicle streets.

The Legacy and Onion Parkway trails allow for equestrian use but the Prospector Trail does not.

2.3 On-Street Multi-Use Facilities

Portions of 800 West and 1100 West have been constructed without curb or sidewalk. In these areas the asphalt street surface has been widened beyond what would be required for motorized vehicles to create a multi-use lane. The multi-use lane accommodates pedestrian, bicycles and equestrian uses. On-street multi-use facilities are anticipated to be limited to 800 West and 1100 West.

2.4 On-Street Share the Road and Bike Lanes

The number of commuter and avid recreational bicycle riders is increasing along with the necessity for safer bicycle facilities. The majority of the city's collector street right of ways are at least sixty-six feet wide. These streets are wide enough to accommodate vehicular traffic, on-street parking and either dedicated bike lanes or "share the road" widened travel lanes. Pages Lane between 800 West and I-15 is an example where street reconstruction has allowed for the creation of dedicated bike lanes. The reconstruction of 400 North between 800 West and 1100 West created travel lanes wide enough for a shared vehicle and bicycle lane together with on-street parking.
3.0 Master Plan

Figure 1 identifies the City’s collector streets, trails, existing and proposed on street bike facilities.

3.1 Pedestrian Sidewalks

The City will continue to require new development to construct pedestrian facilities as part of new construction. The City is also committed to replacing aged and damaged sidewalks city wide as funds will allow. A recently adopted sidewalk ordinance provides guidelines regarding who is responsible to bear the cost burden for damaged sidewalk.

3.2 Trails

The City recognizes the value of bicycle and pedestrian facilities which are physically removed from motorized vehicles. The City expects that when property abutting the Legacy Trail develops, additional trail connections to be constructed. Other trail corridors such as the Rocky Mountain Power overhead electrical lines and the Mill Creek alignment are also valuable options.

3.3 On-Street Share the Road and Bike Lanes

The construction of on-street bicycle facilities is a priority for the City along their collector roadways. Dedicated bike lanes will be constructed where road widths will accommodate. Share the Road signs, striping and decals will be placed in other places.
Minutes of the West Bountiful City Council meeting held on Wednesday, October 11, 2016 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

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

STAFF: Duane Huffman (City Administrator) and Steve Doxey (City Attorney), Police Chief Todd Hixson, Paul Holden (Director of Golf), Ben White (City Engineer), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder)

VISITORS: John Janson, Eric Eastman, Stephanie Ivie

6:00 pm Joint Work session with Planning Commission to Discuss Planned Unit Development Moratorium.

Mayor Romney called the worksession to order at 6:05 pm. He welcomed everyone and said he is looking forward to gaining more knowledge about planned unit developments. He introduced John Janson who has been hired to help us through this process.

Mr. Janson summarized his background. He intends to review PUD theory, lead a values exercise, list issues and problems with PUDs, and then he will write up notes for a future meeting. Ultimately proposals will be developed to improve PUDs and to attain the community desires. A property owner/developer meeting for input will likely be held in the future.

The intent of a PUD is typically to add flexibility to defined standards; provide a means of dealing with difficult properties; minimize impacts on adjacent properties by thinking through transitions; in some cases to allow more density and "creativity;" and to deal with preserving open space.

In dealing with processing options a city must first decide a basic question – do you want to be able to say no? If so, conditional use permits (CUPs) are not the way to go as there is a presumption of approval, with conditions to mitigate any expected issues. Other options include a CUP with a development agreement (this is what most cities do); an overlay zone, but must decide what the trigger will be; or a rezone, likely with a development agreement.

Mayor Romney described several areas in the city where PUDs are attractive in order to address large properties with power lines, gas lines, etc., and then there are also some that only want to use it to increase density. How do we balance it? Most of our open space is A-1 which developers want to modify to get more lots. How do we get the right triggers in so we can be proactive – not reactive? Discussion followed.

Mr. Janson asked members to write down answers to some questions to help determine what the community values.

1. Time machine—when you look back in 20 years, what is the one thing that you want to have happened in the City?
2. What feature of West Bountiful makes you want to stay forever (not people)?
3. What makes West Bountiful different from other small towns?
4. What do you wish there was more of?
5. What do you wish there was less of?
6. What are the biggest issues facing the City?

He shared some of the responses but will provide a more detailed bubble diagram next week.

1. Consensus was development at 500 South & Legacy highway; others mentioned rural feel and getting rid of power lines
2. Quiet rural feel of town
3. Proximity to larger cities, clear distinction between residence and business areas
4. More open space, trails, parks. Road repairs, moderate income housing, mosquito abatement
5. Less traffic in town, unmaintained land, junky yards, road construction

There was discussion about the differences and similarities in existing PUDS within the City (Charnell and Jessi’s Meadow). He asked the group what they liked and didn’t like about each one. Is there a policy/directive that you see as a result of looking at these PUDs that we should not overlook going forward? There was also discussion about Millbridge Estates which is like a PUD and collects and HOA fee, except they are all one acre lots. It is a very attractive development.

There was more discussion about the main issues the City wants to see with a PUD. What do we hope to achieve with increased flexibility? Is a trail system plan important? Is clustering okay as long as it comes with open spaces? What are the trade-offs?

The existing ordinance has formulas for a density bonus but it did not seem to work very well with most recent application; it was difficult to apply even though the intent was consistency. Those that were involved in creating the current ordinance said the thinking behind it was to provide a way to prove the project design brings benefits to the community, innovative site design, and bring in other amenities.

There was discussion about the large undeveloped land on the west side that will end up being developed and they will want more density. How can we ensure the needs and values of the community are met if we take away density bonus calculations?

Mr. Janson committed to email a summary of the discussion to city council members and planning commissioners. The next steps will be to draft PUD revisions for comment, hold a property owner/developer meeting, schedule a hearing with the planning commission on text changes, and then to the city council.

Regular Meeting

Mayor Romney called the meeting to order at 7:39 pm

Invocation/Thought – James Bruhn offered a thought; Andy Williams led the Pledge of Allegiance.
1. Accept Agenda.

MOTION: Andy Williams moved to Accept the Agenda As Proposed. James Bruhn Seconded the Motion which PASSED by Unanimous Vote of all Members Present.

2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).

No public comments were offered.

3. Consider Resolution 396-16, A Resolution Consenting to Various Assignments of Council Members.

MOTION: James Bruhn made a Motion to Adopt Resolution 396-16 as described above. 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
- Andy Williams - Aye

4. Police Report. (Chief Hixson)

- No Shave November began a little early. We are partnering with other agencies this year with 2/3 of the donations going to underprivileged children and 1/3 going to the Officer Memorial fund.
- Our reserve office, Chamberlin Neff has resigned.
- Kudos to Sgt. Wilkinson for his excellent handling of a recent event.
- Of the 14 officers interviewed for our open position, the top 3 will be called back for Chief’s interview next Monday.
- New vehicles are being outfitted for police use.
- Radar trailer was placed at 856 W Porter Ln. from September 15 until September 22. A total of 9025 vehicles traveled past the trailer, in both directions, with the average speed of 23.63 mph.
5. Public Works Report. (Steve Maughan)

- Porter Lane drainage ditch – Mayor, council member Bruhn, Ben and Duane visited the Porter Lane ditch. Best solution appears to be to increase maintenance as it is too flat to do much else at this point. Public Works will try to keep cleaner.
- Pages Lane update – By Monday we are hoping to have manholes and valves collared. We have worked with the contractor to develop a punch list to finish things up. It’s been a long struggle but looks good and residents seem happy. Striping will go from 800 West east to Main Street.
- 500 South water project is going well. We are completely out of 500 South and moving to the water tank. There is a lot of detail work yet to be done around and to the tank.
- Fall clean-up runs October 15-22; we had a busy day on Saturday filling 3 dumpsters.
- Sidewalk replacement is done for the fall; we have used all the budgeted money. There is some backfilling to be done on Friday and then residents can get back in their driveways.
- We have marked out the soft spots on 700 West we would like to fix this year; there were more than expected. We need to get the road repaired before snow plowing. We will try to do as much as we can in-house.
- In response to a question from council member Bruhn, Steve explained that the restriping of 1100 W striping did not move the center line as far to the east as expected and we will shift it over more next time we stripe.

6. Engineering Report (Ben White)

- Questar has plans to replace high pressure gas lines through city which will include a fair amount of construction and affect 1450 West, 400 North, Jessi’s Meadow, 2 holes on the golf course, Porter Lane and 640 West. They want to change alignment of the gas lines to run in our streets right of way. Duane Huffman reminded Council that the City adopted a new pipeline ordinance a few years ago that requires Questar them to make application before they begin construction and allows the City to receive fair compensation for the use of a right-of-way by a transmission line.
- In response to questions, Ben provided an update on the UDOT 400 N project.


- Finance Report - Overall things look good. Sales tax continues to grow, building permits are down but remain on budget, and Class C Road funding is still being delayed but we should receive it in a few weeks. Cities will not get what we thought but going forward we should receive our fair share of the new gas tax. We will need a budget amendment to deal with chip seal as it was budgeted for last year but rolled over into this year.
• Christmas on Onion Street – Arts Council asked if Council wants the elementary school choir to sing. Council responded yes as long as they are outside and start no earlier than 7 pm.

• Field work portion of audit is underway. If any council members have questions or are interested in talking to them, they would be more than happy to oblige.

• Duane suggested a looking into developing a recreation master plan using a process similar to those used for General Plans. Would probably hire consultant to help us go through the process to identify needs and what we want to see in future and to make sure we’re prioritizing correctly and have a methodical plan to move forward. Council member Ahlstrom agreed that we need a well thought out plan and the process should include community involvement. Duane will research and bring back ideas at a future meeting.

8. Mayor/Council Reports.

James Ahlstrom – nothing to report.

Mark Preece – YCC retreat is at the end of month at Country Inn & Suites. They have begun planning for Christmas on Onion Street.

He went to Greeley, CO to visit a methane recovery facility with the Sewer District. It is a little different than the local Sewer Board’s primarily because it is a for-profit business but was very interesting to see how they handle garbage.

James Bruhn – Wasatch Integrated is holding an open house tonight to show how the trammel is working and talk about more equipment costs to separate garbage. Due to conflicts with city council meetings, they will schedule another open house for those who were unable to attend. The new plans are for a $10M project so they want to educate and get feedback.

The sale of the landfill is a done deal.

Andy Williams – He will be attending the YCC retreat on October 28 at the Country Inn & Suites.

Planning Commission is still looking at fencing issues in an attempt to balance safety issues on corner properties with home owner property rights, and he encouraged the Council to drive around and look at fences throughout the city. At this point, it is not likely they will recommen a lot of changes from the current practice. They also held a public hearing on the annexation request for 1450 West; several neighbors attended to get more information and will let us know if they want to join in.
Kelly Enquist attended the mosquito convention and talked about some great stories they heard. Mosquito Abatement has finished spraying for the year.

Mayor Romney reported that the South Davis Recreation board is going through the budgeting process. They are looking at tax levies; one pays the Bond and one goes to capital improvements and operations. There are some issues that need to be addressed with the current facility so the board will start working on projections for future costs/income (rates have never been increased since the Rec Center opened).

Fire board is trying to determine the best way to fund the department moving forward – completely through a property tax or through a mix with assessments to the members.

9. Approve Minutes from the September 20, 2016, City Council Meetings.

MOTION: James Ahlstrom Moved to Approve the Minutes from the September 20, 2016 City Council Meetings. Andy Williams seconded the Motion which PASSED by Unanimous Vote of All Members Present.

10. 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).

MOTION: James Ahlstrom Moved to go into Executive Closed Session at 8:55 in the Police Training Room to discuss character. 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
Andy Williams - Aye

MOTION: James Ahlstrom moved to close the executive session at 9:58 pm. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.

11. Adjourn.

MOTION: James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 10:00 p.m. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.
The foregoing was approved by the West Bountiful City Council on Tuesday, November 1, 2016.

Cathy Brightwell (City Recorder)