

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

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West Bountiful, Utah 84087

City Recorder
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City Engineer
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD
ITS REGULAR MEETING AT 7:30 PM, ON TUESDAY,
FEBRUARY 21, 2017, AT 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 Ordinance 386-17, An Ordinance Amending the Zoning Map, and Annexing Certain Real Property and Extending the Corporate Limits of West Bountiful City.
4. Discuss Issues Related to Potential Cell Tower at Jessi's Meadow Park.
5. Consider Resolution 408-17, A Resolution Approving the Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and the City of West Bountiful for Animal Control Services.
6. Consider Ordinance 387-17, An Ordinance Amending the Government Records Access and Management Provisions of the West Bountiful Municipal Code.
7. Consider Ordinance 388-17, an Ordinance Modifying Timeframes for Recording Subdivisions.
8. Consider Ordinance 389-17, An Ordinance Amending WBMC Title 17 Related to Residential Setback and Fencing Regulations.
9. Consider Tentative Adoption of 1st Amendment to the Fiscal Year 2016/2017 Budget and Set Public Hearing.
10. Police Report.
11. Public Works/Engineer Report.
12. Administrative Report.
13. Mayor/Council Reports.
14. Approve Minutes from the February 7, 2017 Meeting.

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 February 16, 2017.

Minutes of the West Bountiful City Council meeting held on Wednesday, February 21, 2017 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), Steve Doxey (City Attorney), Police Chief Todd Hixson, Cathy Brightwell (City Recorder). Ben White (City Engineer), Steve Maughan (Public Works Director)

GUESTS: Alan Malan, Jason Meservy, Nicholas Higgins, Koa Nordfors, Cooper Pase, Ely Salmon, Isaac Ashby, Bryan VanHuizen, Mason Draper, Miles Murphy, Andy Mabey, Jeff Dunn, Gary Merrell, Rob Page, Rhonda Perkes, Carson Haslam

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

Representing Boy Scout Troop #290, Koa Nordfors led the troop in the Boy Scout Oath; Miles Murphy led the troop in the Boy Scout Law; and Isaac Ashby led the Pledge of Allegiance:

1. Accept Agenda.

MOTION: *James Bruhn Moved to Accept the Agenda as posted; Mark Preece 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).

Rhonda Perkes, representing Congressman Chris Stewart's office, extended thanks for local support and offered help with any issues the City may be pursuing. Congressman Stewart is on the Intelligence committee and has recently introduced a Judgment Fund Transparency bill regarding the funds for lawsuits against the federal government. She added that they recognize that city government is the closest to the people and offered support with any issues affecting constituents (Rhonda.perkes@mail.house.gov).

3. Consider Ordinance 386-17, An Ordinance Amending the Zoning Map, and Annexing Certain Real Property and Extending the Corporate Limits of West Bountiful City.

Ben White provided history of the request from Al and Candice Jones, at approximately 161 N 1450 West, which began last August. The planning commission held a public hearing in October

to provide a forum for affected parties to ask questions and obtain additional information. The neighboring Devereaux family considered annexing, but ultimately decided to wait, so this request is specifically for the Jones' 5 acre parcel. This property is south and west of the 1450 West and Millbridge intersection and is contiguous to the current city boundary.

In December, the City Council accepted the Annexation Petition, and did not receive any objections to the annexation during the public comment period following the Petition acceptance, and it meets the annexation requirements outlined in Utah Code Ann. 10-2-406.

MOTION: James Bruhn made a Motion to Adopt Ordinance 386-17 Amending the Zoning Map and Annexing Certain Real Property and Extending the Corporate Limits of West Bountiful City. Andy Williams 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. Discuss Issues Related to Potential Cell Tower at Jessi's Meadow Park.

Duane Huffman explained that the City was approached by a firm representing Verizon Wireless in late 2015 concerning the potential of locating a cell phone tower on city property off 1200 North. In order to better serve Legacy Parkway and surrounding areas, they were limited in location options based on City Code which requires them to locate first on city property, if possible, and difficulties with wetlands and high-voltage power lines.

Rather than the city owned property on 1200 North, staff is recommending the tower be located on the undeveloped Jessi's Meadow Park and be accessed through the city property commonly known as the west yard. This location meets Verizon's needs and will leave the remaining property open for future use and development.

Verizon wants a 100 foot tower, which is the limit under current Code. City staff learned that if the tower was increased to 120 foot, at least two additional carriers can be added eliminating the need to add more towers in the future and bringing more revenue to the City. Increasing the height requires an ordinance change and public hearing.

Staff would like Council input regarding location, height, and revenues before finalizing an agreement and proceeding with the ordinance change process with the planning commission.

There was discussion about the proximity to power lines and potential radio wave interference. Regarding access, staff proposes not to use the current access which is connected to a home and does not reach all the way to the tower. Verizon will build access on the southern boundary of our West Yard. Council member Ahlstrom suggested considering compensation for this access.

Jeff Dunn lives just east of the proposed tower and discussed several concerns. First, will there be blinking red lights on the tower? The base is proposed to be 2,500 sq. ft. which seems

large. Will there be flood lights on the building? He said one of the great things about this area currently is that it is dark and quiet nature. Will there be a generator and how often will it run? He would like to see the City limit noise as much as possible. He is also concerned about traffic to the building and understands they will need a service road; he would like to see the road done before Jessi's Meadow Rd is resurfaced. Is it possible to move the tower south of the creek which also seems to be higher and drier land? It would be less disruptive to neighboring homes and not block sunsets.

Staff will check on these issues and report back to Mr. Dunn and the City Council.

5. Consider Resolution 408-17, A Resolution Approving the Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and the City of West Bountiful for Animal Control Services.

Duane Huffman explained that in July 2016, the City adopted a new interlocal agreement for animal control services with Davis County which contemplated annual payment adjustments based on costs, city use, and capital needs. Despite the proposed cost increase, staff believes this is the best option for the City.

There was discussion on proposed costs and methods we use to keep prices down by involving our police department. West Bountiful has done a good job keeping our costs down especially as compared to surrounding cities.

MOTION: Andy Williams made a Motion to Adopt Resolution 408-17, Approving the Amendment to the 2016 Interlocal Cooperation Agreement Between Davis County and the City of West Bountiful for Animal Control. 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

6. Consider Ordinance 387-17, An Ordinance Amending the Government Records Access and Management Provisions of the West Bountiful Municipal Code.

Duane explained that recent changes to the State's records laws no longer permit legislative bodies to act as the appeal authority for appeals related to GRAMA requests. Rather, State law now requires that the appeal authority be either the chief administrative officer or a board comprised of residents. State law also added a requirement that appellants of the local appeal authority's decision be given the option of appealing a decision of the city's appeal authority to the state records committee or district court.

As West Bountiful receives very few GRAMA requests, staff does not recommend appointing a board and believes the option of having the city administrator hear appeals is preferable. Additionally, staff recommends clarifying that GRAMA requests be submitted on a standard city form, and that the city can require payment of past fees before processing a request, and payment in advance if the fees are expected to exceed \$50.

MOTION: *Mark Preece made a Motion to Adopt Resolution 387-17 Amending the Government Records Access and Management Provisions of WCMC 2.56.050 as Proposed. 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
Andy Williams – Aye

7. Consider Ordinance 388-17, An Ordinance Modifying Timeframes for Recording Subdivisions.

Ben White explained that Title 16 stipulates that a final plat approval is void if the plat is not recorded within six months of the approval date by the Council. The city has approved three small subdivisions in the last year and one has expired. Staff believes it makes better sense to extend the timeframes. He also noted that if changes are made, they need to be included in the Waiver for Small Subdivision Section to make it consistent.

Planning Commission held a public hearing with no opposition, and recommended that approval time frames for preliminary and final plats be twelve months with the possibility of a six month extension.

MOTION: *James Ahlstrom made a Motion to Modify Timeframes for Recording Subdivisions as Proposed. These changes will apply to any retrospective applications that have lapsed in the past year. 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

8. Consider Ordinance 389-17, An Ordinance Amending WBMC Title 17 Related to Residential Setback and Fencing Regulations.

Ben White explained that staff became aware of an inconsistency related to setbacks in the zoning code related specifically to corner lots. One section of the code identified two front yards on corner lots, which would require a thirty foot setback from each street. Another area of the Code required a thirty foot front setback and a twenty foot setback on the side yard facing the street.

Planning Commission held a public hearing on December 27, 2016, and spent a great deal of time discussing various scenarios. Their recommendation includes additional definitions, twenty foot side yard setbacks for all structures that require a building permit, an option for six foot privacy fencing in street side yards, and small structures are allowed in the twenty foot side yard as long as they are behind the house.

There was discussion about setbacks and fences especially on corner lots.

MOTION: Mark Preece made a Motion to Amend WBMC Title 17 Related to Residential Setback and Fencing Regulations as Proposed. 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
Andy Williams – Aye

9. Consider Tentative Adoption of 1st Amendment to the Fiscal Year 2016/2017 Budget and Set Public Hearing.

Duane Huffman presented the proposed 1st Amendment to the FY 2016/2017 budget. He explained there were several items to clean up and the recent settlement agreement was a good reason to do so now. In addition to the settlement and associated legal fees, some of the changes include a compensation consultant, PUD consultant, and rolling over previous year project/funding for street seal coats. There was discussion about whether to continue to transfer funds into a West Yard fund or use the money towards the settlement. Mr. Huffman recommended using it for the settlement for now and taking another look at year end.

The process to amend is to tentatively approve these budget changes and follow up with a public hearing which can be set for the next meeting on March 7.

MOTION: James Ahlstrom made a Motion to Tentatively Adopt the 1st Amendment to the FY 2017 Budget and Set a Public Hearing for March 7, 2017. Andy Williams 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

10. Police Report.

Chief Hixson reviewed his monthly report. Officer Scheese continues to do well on field training after two months, and will soon begin the “ghosting” phase.

He discussed the EmPAC meeting and a Flagger’s class that will be offered the end of March which will provide helpful training to our CERT members.

WBPD has officially been recognized (34th in the Country) for its work with the NECMEC (Missing and Exploited Children) Project.

11. Public Works/Engineering Report.

Ben White –

- Planning Commission held a public hearing on the request from Hamlet Homes to rezone from 1 acre to ½ acre the property at Porter Lane and 1100 West. They tabled the issue to get more information.

Steve Maughan –

- Working on winter maintenance of equipment, rebuilding pumps, new carburetors, etc. Equipment is in really good shape now.
- Patching pot holes with cold mix; will saw-cut big holes with permanent patch when weather permits.
- Canyon pipeline (Questar) is working throughout city pot-holing– they’re still trying to determine alignment for the pipeline; we are watching them closely.
- Cleaning and exercising water valves.
- Have had isolated flooding issues on private property. City involvement has been to help out residents, not because we have a problem with our system. City storm drain system is handling current flow well.
- Will be meeting with Bishop Butterfield from Millbridge (at his request) regarding mitigation for potential flooding.
- Council member Preece asked about striping issues on 800 W. Steve responded that the roads were striped late in the year and the conditions were not good, but he feels it should have stood up better. He has let the contractor know we’re unsatisfied with the work. Council member Preece also reported concerns of residents on 660 West especially with additional traffic from the Centerville apartments. It’s too dark, and we

may need to look at lighting. Ben White commented that we may see some development on east side this year.

- Mayor Romney asked how we are doing on water leaks. Steve responded that we have not had any main line breaks for awhile, only lateral breaks; we're in good shape.

12. Administrative/Finance Report.

- McAlister's Deli is holding a VIP day this Friday and everyone is invited. The grand opening is on Monday.
- We would like to schedule a work session on March 21 to discuss the FY2018 budget.

13. Mayor/Council Reports.

Kelly Enquist was elected as the executive vice president for Mosquito Abatement. He attended the American Mosquito conference in San Diego which was a good, informative conference. Gary Hatch received numerous accolades from the national group.

Andy Williams thanked Council member Bruhn for covering the planning commission meeting for him when he was ill. Youth Council will be putting together Pantry Packs at its next meeting.

James Bruhn – Good concert Friday night; important that we support this monthly event. Wasatch Integrated is still trying to figure out what to do with HAFB and their decision to produce their own steam.

Mark Preece – Sewer Board continues to work on bond issue related to the Methane Recovery Project. Bonds will be backed by Sewer district even though ½ paid for privately so the district carries significant risk. There was a split vote by the board on the issue, but there are so many revenue streams tied to the project that the majority was comfortable with it.

James Ahlstrom – Golf course fence looks amazing – adds value to surrounding properties. Shout out to Cathy for good job on difficult minutes. What's the status on development in front of At Home? Duane responded that he and Mayor met with the developer but nothing has happened yet.

Mayor Romney – Fire district is working on budget and capital improvements. The Mayor stated that even without a station, we have shortest response time of any city in the District.

Council of Governments (COG) wants to get UDOT to move forward with the West Legacy Corridor.

14. Approve Minutes from the February 7, 2016, City Council Meeting.

MOTION: *James Ahlstrom Moved to Approve the Minutes of the February 7, 2016 meeting as presented. James Bruhn seconded the Motion which PASSED by Unanimous Vote of All Members Present.*

15. Adjourn.

MOTION: *James Ahlstrom moved to adjourn this meeting of the West Bountiful City Council at 9:12 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, March 7, 2017.


Cathy Brightwell (City Recorder)

