

**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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Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## **CITY COUNCIL MEETING - AMENDED**

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A  
REGULAR MEETING AT 7:30 PM, ON TUESDAY,  
NOVEMBER 21, 2017, AT CITY HALL, 550 N 800 WEST**

*Invocation/Thought – Mark Preece; Pledge of Allegiance – James Bruhn*

1. Accept Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Canvass of Votes for the West Bountiful 2017 Municipal General Election.
4. Consider Request for Correction of Water Bill for Kathy Lovoi.
5. Consider Request for Correction of Water Bill for the Cox Family.
6. Consider Request from Brian Olsen for a Variance to Build an Accessory Structure on his Property at 733 N 900 West.
7. Consider Final Plat Approval for The Manors at McKean Meadows at 1065 N 800 West.
8. Consider Ordinance #396-17, An Ordinance Removing all but Lot 1 of The Manors at McKean Meadows Subdivision, 1065 N 800 West, from the Historic Overlay District.
9. Consider Authorization of Rocky Mountain Power Easement.
10. Consider Authorization of UDOT Cooperative Agreement for Pages Lane Bike Lanes.
11. Consider Authorization of UDOT Cooperative Agreement for Pages Lane Pedestrian Access.
12. Consider Ordinance #397-17, An Ordinance Amending the West Bountiful Municipal Nuisance Code related to appeal authority.
13. *Consider Adoption of Arbor Day Proclamation.*
14. Public Works/Engineering Report.
15. Police Report.
16. Administrative/Finance Report.
17. Mayor/Council Reports.
18. Approve Minutes from the October 17 and October 26, 2017 City Council Meetings.
19. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205.
20. 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 November 16, 2017.*

**Minutes of the West Bountiful City Council meeting held on Tuesday, November 21, 2017 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.**

Those in attendance:

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

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Police Sergeant Wilkinson, Cathy Brightwell (City Recorder), Ben White (City Engineer), Steve Maughan (Public Works Director), Paul Holden (Director of Golf)

**GUESTS:** Alan Malan, Gary Jacketta, Eric Eastman, Craig Jacobsen, Chris Jensen, Mason Erickson, Toby Winget, Josh Huggins

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

Boy scouts from Troop 1039 opened the meeting. Mason Erickson recited the Scout Oath, Toby Winget recited the Scout Law, and Josh Huggins led the Pledge of Allegiance.

**1. Accept Agenda.**

**MOTION:** *Mark Preece Moved to Accept the Agenda; 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).**

Eric Eastman, resident, said he appreciates the opportunity to speak; many cities do not allow open public comment. He talked about the election results and the remarkable turnout. He hopes that means that the public is aware of what is going on even if they do not attend meetings. He asked the council to make sure they are prepared so the best decisions can be made.

Chris Jensen, resident, asked if the city was planning to band together with other cities to fight against allowing large trucks on Legacy Highway. Mayor Romney responded that there is a group beginning to have conversations about the issue, but as a council, we have not discussed it or made a decision yet. He explained that the restriction on large trucks will automatically sunset unless the legislature takes action to stop it.

**3. Canvass Votes for the West Bountiful 2017 Municipal General Election.**

The mayor and council make up the board of municipal canvassers for the city and are required to canvass the election returns and certify the election results.

The final count of votes from the municipal general election held on November 7, 2017 was as follows. For mayor, Kenneth Romney was elected with 995 votes; Brady Tracy received 191 votes. For city council, Mark Preece and Kelly Enquist were elected with 614 votes and 745 votes respectively; Heather Gardner received 521 votes and Alan Malan received 346 votes.

**MOTION:** *James Ahlstrom made a motion to accept the canvass of votes and certify the Election. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

**4. Consider Request for Correction of Water Bill for Kathy Lovoi.**

Ms. Kathy Lovoi submitted a request for the council to consider a correction to her recent water bill due to a broken water pipe on her property at 831 W. Pages Lane. Her recent water bills show that there was a significant increase in August and September compared to her regular water bills. She states that her lack of experience with water lines and error in judgement were the main reasons she did not take action sooner and asks that the city forgive a portion of the excessive water bill.

Mr. Huffman provided a rough estimate of the cost to the City to purchase the water lost in this leak as \$184.38.

There was discussion about problems created by the city when forgiving amounts that are no fault of the city. There were questions about ways the bills might be flagged when amounts are excessive.

**MOTION:** *James Ahlstrom made a motion to forgive \$131.27, the overage amount that exceeds the estimated cost of the water, with the option to spread payments out over a period of time not to exceed one year. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**5. Consider Request for Correction of Water Bill for the Cox Family.**

The Cox family inherited land at 1298 W 1200 North from their grandfather when he passed away. They do not occupy the property and did not know there was city water run to the back of the property until they went out and found a lot of water from a broken pipe. They immediately capped it off when they found it so it won't happen again.

A request has been submitted to consider a reduction to their recent water bill due to the broken water pipe. They acknowledge the water usage is their responsibility but request that at least

a portion of the bill be forgiven. Based on the property's standard usage, it appears that the amount of water associated with the water line break was about 338,400 gallons and charges of \$843.96 above normal payments.

**MOTION:** *Kelly Enquist made a Motion to forgive \$632.46, the overage amount that exceeds the estimated cost of the water, plus any similar additional amounts not yet billed in November, with the option to spread payments out over a period of time not to exceed one year. James Ahlstrom seconded the Motion which passed by unanimous vote of all members present.*

**6. Consider Request from Brian Olsen for a Variance to Build an Accessory Structure on his Property at 733 N 900 West.**

Brian Olsen applied for a variance for his property at 733 N 900 West to allow the construction of a 420-square foot carport that is one foot away from his home but connected at the roof line and three feet off the property line without being fire rated, which conflicts with West Bountiful Municipal Code.

Duane Huffman explained the standards for obtaining a variance under state law are very high and listed the specific criteria to be met. He added that if the applicant fails to prove all five requirements, the variance must be denied, and any decision needs to be writing.

Staff's analysis after reviewing each standard is that Mr. Olsen has not presented evidence sufficient to suggest a variance is justified.

There was discussion about the specifics of Mr. Olsen's request and how granting a variance impacts the entire city. In addition to normal setback standards, this property is in the historic district which carries more restrictions.

Mr. Olsen said he believed the setback requirements applied only to closed structures, not to open structures such as a boat shelter. It has been a learning curve but they are \$1,200 into the construction. He said they have lived here for five years and love West Bountiful. He provided pictures of properties in the area that have similar non-compliant structures and asked why his situation is different and why we are not going after the other residents. Mayor Romney responded that we do track and address illegal structures. In some cases, we have put notices on their deeds which can make properties difficult to sell.

Council member Ahlstrom added that using other non-compliant structures as an argument does not get them where they want to be. Given the law, they cannot grant the variance but he appreciates someone that tries to work with the city to meet requirements and suggested he talk with Mr. Huffman to see if any changes can be made to the law.

Mrs. Olsen asked what their options are. She said it doesn't seem fair that there appear to be many non-compliant properties within one mile of them. Their structure looks good and was built well. What would be the consequences if they completed the building? Mr. Huffman responded that

the structure would be red-tagged which prohibits any contractor from working on it. Additionally, a notice would be put on the deed making the home difficult to sell.

**MOTION:** *James Ahlstrom made a Motion to direct staff to prepare a written decision denying the variance finding that insufficient evidence was presented to meet the requirements. 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

**7. Consider Final Plat Approval for The Manors at McKean Meadows at 1065 N 800 West.**

*Council member Ahlstrom disclosed he is on an interest list for purchasing a lot in this proposed subdivision, which will not affect his vote.*

Ben White provided a summary of the 5.3 acre thirteen-lot subdivision at approximately 1100 North and 800 West, which has a positive recommendation from planning commission.

All 13 lots conform to the R-1-10 zoning requirements; the length of the dead-end street is within Code limits; a turnaround bubble is provided; and water, sewer, storm drain, and secondary water utilities are consistent with standard design practices and utility agency requirements. The sidewalk on 800 West will match the historic district with five-foot park strip and sidewalk.

There was discussion about a proposed path to Prospector Rail Trail. Mr. Huffman explained that trail connections are highly valued in the community as will be shown in the parks master plan. Phil Holland, the developer, said he understands the value to residents, and although there is no financial value to him, he is indifferent. He estimates it will cost approximately \$4,600 to build a trail to the back of lot. A fence requirement was not included in the planning commission's recommendation. Mr. Huffman proposed having the developer provide the easement as shown on the plat, but have the city reimburse the developer for the construction of the cement path.

Drainage will meet earlier council requests and includes money to the city to complete the golf course portion.

**MOTION:** *Andy Williams Moved to Approve the final plat for The Manors at McKean Meadows with the city reimbursing the developer for the construction of the path to the Rail Trail property and pending the following conditions are met: 1) Provide a title report with no objectionable entries; 2) Payment of Inspection fee and storm water impact fee; 3) Post the appropriate improvement bonds; 4) Execute an Improvement Agreement with the City;*

***5) Water rights will be deeded to the city pursuant to the November 15, 2017 letter from Phil Holland, and the city will pay the cost to abandon the well; and 6) Minor clarifications on engineering drawings per city staff; 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

**8. Consider Ordinance #396-17, An Ordinance Removing all but Lot 1 of The Manors at McKean Meadows Subdivision, 1065 N 800 West, from the Historic Overlay District.**

Ben White explained that the Manors at McKean Meadows is currently included in the Historic Overlay District which is a zoning subsection to the R-1-10 zone. Homes built in this District are required to comply with specific historic architectural requirements. The developer has requested that the property, except for Lot 1, be removed from the Historic District. They support the city's desire to preserve the historic character of the homes that front 800 West and are proposing to leave Lot 1 in the District.

Following a public hearing by the planning commission where no opposition was presented, they recommend the property be rezoned as requested by the developer. There was discussion about the existing historic district and how some parts of it came to be included.

**MOTION:** *James Bruhn made a motion to remove all but Lot 1 from the historic overlay district. 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

**9. Consider Request from Ovation Homes to Suspend Excavation Restriction on Pages Lane for Cottages at Havenwood Power Supply Potholing.**

Duane Huffman explained that the developers of the Cottages at Havenwood have requested a suspension of the excavation restriction to the newly constructed Pages Lane road. In order to bore

under the road to supply the new subdivision with power, contractors need to pothole (create 10" diameter holes) to check for existing utilities. They state that at the time of the Pages Lane construction they could not have reasonably known that an underground power supply crossing the road would be needed. They also provided a letter from Rocky Mountain Power ("RMP") stating that the best source for power comes underground from south of Pages Lane.

Mr. Huffman proposed two options for consideration, 1) require the developer to use the existing overhead power lines crossing Pages Lane, or 2) allow an underground bore and allow no more than four potholes, requiring that the potholes be repaired as directed. Staff recommends option 2 which is consistent with the city's policy to limit new services from overhead power lines.

There was discussion about the pros and cons of each option.

Craig Jacobsen, representing the developer, thanked the council for considering this request on short notice. He said they have talked with RMP and while they can probably make it work from the overhead lines, they won't know for sure and their preference, as well as RMP's is to go underground.

**MOTION:** *Kelly Enquist made a motion to approve Option #2 allowing a maximum of four potholes of 10" diameter, and repair of the holes requires each hole to be vacuumed out, filled with flowable fill, tacked, filled with 6" of new asphalt, and crack sealed. Andy Williams seconded the Motion which passed with unanimous vote of all members present.*

**10. Consider Authorization of Rocky Mountain Power Easement.**

Duane Huffman reviewed the request by Rocky Mountain Power and Verizon for an easement associated with the cell tower on city-owned land known as Jessi's Meadow Park so they can provide power to the cell tower leased to Verizon by the City. The proposed easement will include only underground equipment and will hug the property line so as not to interfere with any future use of the land.

**MOTION:** *James Bruhn made a motion to approve the Cell Tower Easement for Rocky Mountain Power. Kelly Enquist seconded the Motion which passed by unanimous vote of all members present.*

**11. Consider Authorization of UDOT Cooperative Agreement for Pages Lane Bike Lanes.**

*Council member Bruhn disclosed he is a property owner on Pages Lane impacted by the projected associated with the agreement.*

Ben White described two separate grant applications that were submitted for funding assistance to construct bike lanes and pedestrian sidewalks along Pages Lane from 800 West to 1100 West. These monies are for drainage improvements such as drive approaches, driveway connections and landscaping repair necessitated by the project. The combined grant total is for \$510,000 with a city match of \$100,000.

There was discussion about a requirement to complete the work by December 2018 or be subject to forfeiture of the entire grant. Since the grant is a reimbursement agreement, the city must first complete the entire project before we are eligible to submit a request for the grant money. Mr. White said he has no concern with the timetable.

Ben added that staff continues to pursue other funding sources for the project. One source will be a \$40,000 contribution by Dominion Energy. This is the equivalent amount of money they would spend on an asphalt overlay related to their recent gas line work on Pages Lane. Staff would rather place an asphalt overlay over the entire road next year rather than parts of the road in two different years. This money can also be used toward the City's \$100,000 match.

**MOTION:** *Andy Williams made a motion to authorize a UDOT Cooperative Agreement for Pages Lane Bike Lanes. Mark Preece seconded the Motion which passed by unanimous vote of all members present.*

**12. Consider Authorization of UDOT Cooperative Agreement for Pages Lane Pedestrian Access.**

**MOTION:** *James Ahlstrom made a Motion to authorize a UDOT Cooperative Agreement for Pages Lane Pedestrian Access. Mark Preece seconded the Motion which passed by unanimous vote of all members present.*

**13. Consider Ordinance #397-17, An Ordinance Amending the West Bountiful Municipal Nuisance Code related to appeal authority.**

Duane Huffman explained that the current city nuisance code only has provisions for a legally trained individual appointed by the mayor to act as hearing officer on nuisance citation appeals. While having a 3rd party handle appeals makes sense, he recognizes that based on the number and level of appeals received, it is more practical for the city council to have the option of handling these appeals. The proposed amendment still includes the option of having an individual appointed as a hearing officer if at any point the council finds it beneficial to do so.

He said that the city has not had any formal citations up to this time, but may have some in near future.

**MOTION:** *Andy Williams Moved to approve Ordinance 397-17, An Ordinance Amending the West Bountiful Nuisance Ordinance related to appeal authority. 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

**14. Consider Adoption of Arbor Day Proclamation.**

**MOTION:** *James Ahlstrom Moved to Adopt the Arbor Day Proclamation for 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

**15. Public Works/ Engineering Report.**

Ben White –

- Plans to put the Pages Lane project out to bid December/January with 12 weeks to complete the project. This will not be nearly as intrusive as Page's 2016 project.
- Planning Commission tabled consideration of Hamlet Homes' PUD request at 1100 W and Pages Lane.
- Ovation poured their first two footings and plan to move pretty aggressively. We are working with Geotech engineers taking samples as they put in footings; they are going pretty deep.

Steve Maughan -

- Ovation has a lot of work going on. Utility conduits are in for all utilities. They still need to move dirt and weather permitting they can bring it out on Pages Lane.
- Dominion is still doing clean-up and finishing up landscaping. There are some additional areas they need to grade and compact on Pages Lane.

- There was a main line water break on 800 West at about 200 North. It was a 12” cast iron line that was sheared clean. Pipe is brittle with three breaks in the last three months.
- Installed the new school flashing light. It is solar powered and has been programmed out two years.
- Stringham Farm path – the fence has been cut, concrete on church portion has been poured, our side is gravel now. There are some elevation issues.

**16. Police Report.**

- Brian Flint, new officer, starting in December immediately after he graduates from POST.

**17. Administrative/Financial Report.**

Duane Huffman

- Finance - we reviewed the draft by our new auditors and was pleased with their report. They provided some ideas for improvement but overall, they were pleased with how we are doing things. They will make their presentation to council in December.
- The fire board adopted a change to member assessments which will affect West Bountiful. As personal property is no longer counted towards new growth for property taxes we will no longer be punished for changes in values. The administrative committee is working well.
- Verizon lease has been executed, with the \$10k signing amount received.
- PEHP returned approximately \$10k in unneeded premiums for long term disability.
- The Sewer Board agreed to sell property on 1200 North to the city, and we will move forward with the process to vacate property on the west side (1200 North). Public hearings to vacate the street will be held in December.

**18. Mayor/Council Reports.**

James Ahlstrom – recently became aware of a flooding issue in Lowe’s parking lot and asked what causes it and what can be done. Steve Maughan has talked with Lowe’s and suggested they discuss the issue with property owner, Thackeray, to see if they can correct the drainage.

Mark Preece – the Sewer Board agreed to sell the land requested by the City at a good price. He added that the South plant in North Salt Lake has a lot of activity as they create algae to sell. They have received an offer from a group that wants to buy from here rather than China, 80,000 pounds/day. They should be online in a year.

James Bruhn – asked if we have talked with UDOT about installing the bus stop at 800 West and Pages Lane that was relocated during the Pages Lane construction. Ben White will bring it up to them after consideration of our pending grants.

Andy Williams – youth council is working hard on Christmas on Onion Street and will continue revamping their bylaws after the first of the year.

Kelly Enquist – surrounding cities have complained about issues with trains honking through the area. He also heard reports of thunder noises from Holly and asked if there was a way for them to time their bird cannons so that animal owners could prepare their animals.

Mayor Romney – thanked staff for their good work with grants, recent fire board decisions, and sewer district purchase.

**19. Approve Minutes from the October 17 and October 26, 2017 City Council Meetings.**

**MOTION:** *James Ahlstrom Moved to Accept the October 17 and October 26, 2017 Minutes as Presented. Kelly Enquist seconded the Motion which PASSED by Unanimous Vote of All Members Present.*

**20. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205.**

No Executive Session was held.

**21. Adjourn.**

**MOTION:** *Mark Preece Moved to Adjourn this Meeting of the West Bountiful City Council at 9:45 p.m. Andy Williams seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

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*The foregoing was approved by the West Bountiful City Council on Tuesday, December 5, 2017.*

Cathy Brightwell  
Cathy Brightwell (City Recorder)

