

**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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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A SPECIAL MEETING  
AT 7:00 PM ON MONDAY, MARCH 26, 2018 AT CITY HALL, 550 N 800 WEST**

### **Work Session at 7:00 pm**

Presentation and discussion with Mr. Jeff Wilkinson regarding side yard setbacks and carports.

### **Regular Meeting at 7:30 pm**

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

1. Approve the Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Consider Final Plat for High Gate Estates Subdivision Between 1100 West and 1450 West south of Mill Creek Canal.
4. Consider First Amendment to the Development Agreement between Kinross Estates, LLC, The Thomas & Jeanette Williams Family Trust, and West Bountiful City.
5. Consider Award of 640 West Project to Staker Parson Company for \$268,507.
6. Consider Resolution 434-18, A Resolution Suspending Excavation Restrictions for Portions of 640 West.
7. Consider Resolution 430-18, A Resolution Approving the Conditional Sale Agreement with Yamaha Motor Finance Corporation and Authorizing the Execution and Delivery of Twenty Golf Cars.
8. Consider Arbor Day Proclamation for April 3, 2018
9. Police Report.
10. Public Works/Engineering Report.
11. Administrative Report.
12. Mayor/Council Reports.
13. Approve Minutes from the March 6, 2018 City Council Meeting.
14. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
15. Adjourn.

Those needing special accommodations for the meeting can contact Cathy Brightwell at 801-292-4486 24-hrs 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 March 22, 2018.*

Minutes of the West Bountiful City Council meeting held at 7:30 p.m. on **Monday, March 26, 2018** 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, Mark Preece, Andy Williams

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

**VISITORS:** Bill & Maren DeBoer, Jeff Wilkinson, Alan Malan, Dave Wilding, Michael Brodsky, Zachary Brodsky, Jay Gough, Todd Willey, Deby Marshall, Joe Child

Mayor Pro Tem Preece called the work session to order at 7:03 pm.

#### **Presentation and Discussion Regarding Side Yard Setbacks and Carports.**

Duane Huffman introduced Jeff Wilkinson who he explained asked for this meeting after receiving a notification from the city that the carport on his property did not comply with city code. He also introduced Bill & Maren DeBore, who received a similar notice.

Mr. Wilkinson began by stating that after reviewing Section 17.24 of the City Code, he fully acknowledges he is not in compliance. He referred to the letter he sent to the city after receiving the notice that includes pictures of his property and others around the city. He believes in many cases the properties with carports provide a more attractive alternative to keeping a third vehicle on the premise.

Mr. Wilkinson agreed that everyone needs to play by the same rules and suggested there may be more sensible middle ground. He offered the following ideas.

- A process for those previously in violation;
- Figure out a way to comply with fire code – one problem discussed was how challenging this could be as structures enable fire to move to adjacent homes unlike a garage that is built to different standards;
- Storm water - need a way to control water run-off (rain gutter);
- Allow structures with required landscaping on one side to avoid townhouse look;
- Define allowable wall surface;
- Address issues with sheds next.

Ben White commented that some of these issues cannot be changed as they are determined by fire code; anything less than five feet from the property line must be a solid fire-rated wall.

There was a discussion about enforcement and staff's attempt to ease into this citywide problem.

Mr. Huffman asked for input from Council as to whether there is interest in having planning commission take a look at the issue. Council member Ahlstrom would like them to and also research how setbacks have historically been set. He said he has always wondered about what how they are determined to be best suited for a zone. What are the guiding principles – best practices? Duane

responded that there is no magic number. Setbacks change the feel of the neighborhood and community and West Bountiful has always favored an open rural feel.

Council member Williams commented that even if we look at changes to the setbacks, we still have to deal with fire code which limits our flexibility.

Mayor Romney said he would like to see if any cities have closer setbacks than ours. He suggested Planning Commission do some research on this issue and provide their findings to Council.

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Mayor Romney called the regular meeting to order at 7:40 pm. Mark Preece gave an Invocation, and the Pledge of Allegiance was led by James Bruhn.

**1. Approve Agenda**

**MOTION:** *James Bruhn made a Motion to approve the agenda as presented. James Ahlstrom 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 comment.

**3. Consider Final Plat for High Gate Estates Subdivision Between 1100 West and 1450 West South of the Mill Creek Canal.**

Ben White explained that Onion Patch Securities is requesting final plat approval for a residential subdivision consisting of 27 1-acre lots and one half-acre commercial parcel on land they own between 1100 West and 1450 West south of the Mill Creek canal. This is not a PUD. At its January 9, 2018 meeting, planning commission recommended approval.

Ben went over subdivision details.

1. Entry Road. A unique feature is an 800-foot long entry road from 1100 West before the first house. A typical road right of way is fifty feet wide, but the land parcel is 110 feet wide. It is recommended that the extra width be included in street right-of-way and the landscaping be maintained by the H.O.A. It is also recommended that a six-foot wide sidewalk on only one side of the road be built rather than a four-foot sidewalk on both sides. This will give a more park-like feel. An entry landscape island is also proposed at the 1100 West intersection and is proposed to be maintained by the H.O.A.
2. 1450 West Access/Additional Land. There is "extra" property (approximately .25 acre) on the east side of the proposed 1450 West extension just west of the westerly most Mill Creek Meadows lot. The developer would like to keep this extra land as a parcel and not street right-of-way. Having the land as a parcel and not street right-of-way simplifies the ability to deed to property or change the use in the future. Staff does not believe that city code allows for a remnant parcel. It can either be included as right-of-way or combined with a usable lot in the adjacent subdivision.

3. Storm Drain construction. An existing storm drain culvert under 1100 West collects storm water from the east side of 1100 West and has historically discharged into a ditch on the developer's property. The developer does not believe he should be burdened with the cost to construct a storm drain pipe for storm water that was created outside his property boundary. The developer is requesting the city participate with the storm drain construction cost for a storm drain pipe in the 850-foot long access road off 1100 West. The request is for \$56,700.
4. Mill Creek canal is included in the subdivision along much of the norther border by way of an easement. Each lot owner along the canal will own a portion of the creek.
5. In return for other contributions by the developer, Davis County Public Works has agreed to allow a direct storm water discharge into the canal.
6. The developer owns a large parcel of land west of this development. The South Davis Sewer District has agreed to extend a sewer main due west and connect to an existing sewer main coming from Woods Cross. This sewer line will benefit future development as well as eliminate the need for a sewer lift station.
7. 1450 West will extend to the southern boundary with a temporary vehicle turnaround.
8. There is a 0.5 acre parcel (Lot A) at the south end of 1450 W in the B-U zone that is approved for commercial use.
9. The developer will construct 1450 West the full street width including curb and sidewalk on both sides of the road, except for the area between Lot A and Lot 25 where the developer does not own adjoining property – this section includes only street and curb (not sidewalk). The future developer of that area will need to deed land for and construct the sidewalk.
10. A HollyFrontier wastewater drain line runs through the development. The Sewer District and HollyFrontier are discussing intercepting and rerouting the flow in 1100 West which may result in the line being abandoned in the future. If it is abandoned prior to street construction, staff recommends it be removed through proposed street right-of-way.
11. Jack Williams owns the property to the south of the development and has expressed a desire for street access. The development will provide access to the Williams property at 1450 W and at the east end of Lot 14 where the right-of-way aligns with the south property boundary. While he appreciates the access, he is frustrated with development potential on his long narrow property.
12. Lot 26 is a legal lot with frontage on Wellington Ave. An access easement is provided along the north Lot 27 lot line in case the owner of Lot 26 does not want to construct a bridge across the canal.
13. Lot 6 contains property on the north side of the canal that will be difficult to access. A future request seems likely to modify this plat and the Mill Creek Meadows plat to transfer this land.
14. CCRs include the provision that the H.O.A. maintain the landscaping and sidewalks not fronting lots (entry ways) and that changes cannot be made without City approval.

Dave Wilding, engineer for High Gate, answered questions from council. Regarding #2, the parcel at the north end of 1450 W, he said they are in the process of negotiating the sale of the property to the adjacent owner. Ben believes it needs to be deeded to the neighbor before the plat is recorded, otherwise it is street right of way. Regarding #3, storm drain off 1100 West, Mr. Wilding said that currently water drains into the ditch, but Holly intends to move the culvert down to the entrance; it is technically city water. Initially they planned their first catch basin where homes begin but now they need to pipe from 1100 West and will be asking for a reduction in storm water impact fees. This was unplanned and will run about \$56k for pipe plus multiple catch basins. He believes it is fair to compensate them the full amount +/- \$60k. It was a hardship we didn't create.

Mr. Huffman explained that the city has a process for waivers of storm drain impact fees. Council could approve the piping tonight and the developer could come back later with a request to waive the storm drain impact fees.

There was discussion about secondary water. The developer will bring it from Millbridge Lane down 1100 West under the canal to their development and loop back to 1450 West.

Mr. Wilding explained that the Sewer district has indicated Holly's waste water line goes through a sewer manhole on 1100 West and they may intercept it there and redirect it. There was discussion about removal of the line once abandoned and that it is better to remove now than after homes are built. It is Holly's option to vacate easement. Mr. White stated that he wants the portion of Holly's abandoned waste water line in city right-of-way (Bellcourt Cir.) removed for safety reasons as it contains hazardous material.

**MOTION:** *James Ahlstrom made a motion to approve High Gate Estates subdivision final plat, adopting recommendations listed in numbered items above except as reflected below.*

*#1 - Include the extra width off 1100 West in street right-of-way with a six-foot-wide sidewalk along only one side of this section of road. An entry landscape island can be built and landscaping will be maintained by the H.O.A. for the island and the extra street right-of-way.*

*#2 - The additional parcel on the north east end of 1450 W will be included as right-of-way unless sold prior to recording of plat.*

*#3 - Developer will not be compensated for piping the storm drain including the portion along the 800-foot entry road.*

*#10 - The Holly waste water line will be removed from city right-of-way if abandoned prior to completing construction.*

*James Bruhn seconded the Motion which PASSED 5-0.*

The vote was recorded as follows:

James Ahlstrom – Aye

James Bruhn – Aye

Kelly Enquist – Aye

Mark Preece – Aye

Andy Williams - Aye

4. **Consider First Amendment to the Development Agreement Between Kinross Estates, LLC., The Thomas & Jeanette Williams Family Trust, and West Bountiful City.**

Duane Huffman explained there are four requests included in this proposed amendment. Two are clean-up and two were discovered after the PUD had been approved.

- 1) Secondary Water – Excavation restriction waiver. Kinross will need to bring secondary water north from Pages Lane probably in the southbound travel lane on west side of 1100 West. We do not like cuts in new roads but also do not like using culinary water for irrigation so staff recommends a road cut waiver
- 2) Building materials – Paragraph 2.2(B) of the CCRs list masonry board, stone and brick as the approved exterior materials, but omitted stucco. The amendment will permit stucco to be used for up to 40% on the front elevation of a house.
- 3) Porter Lane Building Permits. There are four proposed lots with street frontage on Porter Lane. Paragraph 6.d(2) requires the street surface for the entire subdivision to be constructed prior to issuing a house building permit. The requested amendment is to allow three model homes to be built on lots with Porter Lane frontage while the remaining subdivision streets and utilities are being constructed.
- 4) Drainage plan. The approved drainage plan includes a pipe entering the detention basin through developed lots. The revised drainage plan keeps the pipe in city streets which public works prefers.

Regarding the secondary water issue, Mr. Brodksy stated they were expecting to bring water from Birnam Woods on Pages Lane and was surprised to learn the pipes were not large enough to support his new development. The cost to bring secondary water from Pages Lane is expected to cost approximately \$200k. It is likely they will be back with a request for late-comers agreement when the property to the south is developed.

**MOTION:** *James Ahlstrom made a motion to approve the First Amendment to the Development Agreement Between Kinross Estates, LLC., The Thomas & Jeanette Williams Family Trust, and West Bountiful City. All parties execute including 4 in memo. Andy Williams seconded the Motion which PASSED 5-0.*

The vote was recorded as follows:

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

**5. Consider Award of 640 West Project to Staker Parson Company for \$268,507.**

**MOTION:** *Andy Williams made a Motion to Award the 640 West Project to Staker Parson Company for \$268,507. Kelly Enquist 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 Resolution 434-18, A Resolution Suspending Excavation Restrictions for Portions of 640 West.**

Mr. Huffman explained this Resolution is not limited to the current property owner - Child's. It could apply to any commercial development on either side of the street. If the Child's decide to request a rezone to residential, a new waiver would be required.

**MOTION:** *Andy Williams made a motion to adopt Resolution 434-18 suspending excavation restrictions for portions of 640 West within West Bountiful. 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

**7. Consider Resolution 430-18, A Resolution Approving the Conditional Sale Agreement with Yamaha Motor Finance Corporation and Authorizing the Execution and Delivery of Twenty Golf Cars.**

This Resolution replaces twenty-2014 golf cars for 20-2018 golf cars. Staff researched other options and feels this is the best option for the city.

**MOTION:** *James Ahlstrom made a motion to adopt Resolution 430-18 approving the conditional sale agreement with Yamaha Motor Finance Corporation and Authorizing the Execution and Delivery of Twenty golf cars. 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 Arbor Day Proclamation for April 3, 2018.**

**MOTION:** *James Bruhn made a motion to adopt a Proclamation making April 3, 2018 Arbor Day for West Bountiful. 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. Police Report.**

Assistant Chief Erikson

- Officer Flint is doing great and coming off FTO.
- Officer Kassie Cook has started FTO and is doing well.
- Chief Hixson's Active Shooter training was video recorded and will be presented to all Davis County teachers for use in their classrooms.

**10. Engineering/Public Works Report**

Steve Maughan

- 1950 North Pump station is coming along but has been a slow go.
- Holly is installing storm drain on 1100 West.
- Spring clean-up at City Park will continue through Saturday.

Ben White –

- Developer #2 is looking at the property south of Kinross Estates on 1100 West. They will need a waiver of the moratorium on secondary water before moving forward.

**11. Administrative**

Duane Huffman

- Received the property agreement from Sewer District; will be on a future city council agenda.
- Will need to cancel November 6 City council meeting for the general election. Can reschedule if necessary.
- Met with school district about the new Elementary school. Their big items are 400 N access and 800 W access and traffic flow. They are not governed by our land use regulations. The issue of the city's bower still needs to be addressed.

- A 6pm budget worksession is planned for next week's city council meeting.

**12. Mayor/Council Reports**

James Ahlstrom – Nothing to report

Mark Preece – Everything is going well at the south Sewer plant with the new algae system. Talked about possible upcoming legislation and the possible need to raise rates.

James Bruhn – Nothing to report.

Andy Williams – Youth Council is having their Easter Egg Scramble this week and we need to advertise for the next term.

Kelly Enquist – Mosquito Abatement is hiring seasonal employees at \$18/hour. Trying to get mosquito education out to the schools; 129 of 130 elementary schools have signed up– only one remaining is West Bountiful.

Mayor Romney – there will be a closed session on April 3 to discuss a personnel issue.

**13. Approval of Minutes from the March 6, 2018 City Council Meetings.**

**MOTION:** *James Ahlstrom made a Motion to approve the March 6, 2018 city council minutes as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

**14. Adjourn Meeting.**

**MOTION:** *James Ahlstrom made a Motion to adjourn this meeting of the West Bountiful City Council at 9:35 pm. 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 by unanimous vote of all members present on Tuesday, April 17, 2018.*

  
Cathy Brightwell (City Recorder)

