

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
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City Engineer
Ben White

Public Works Director
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CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD
A REGULAR MEETING AT 7:30 PM
ON TUESDAY, JUNE 19, 2018 AT CITY HALL, 550 N 800 WEST**

Invocation/Thought – James Ahlstrom; Pledge of Allegiance – Mark Preece

1. Approve the Agenda.
2. Consider Appeal by Vaughn Nelson of Staff's Letter of Determination Regarding Carport at 1050 W 700 N.
3. Consider Resolution 438-18 Enacting the 2nd Amendments to the Fiscal Year 2017-2018 Budget.
4. Consider Resolution 439-18 Adopting the Fiscal Year 2018-2019 Budget and Certified Tax Rate.
5. Consider Resolution 440-18 Reaffirming Culinary Water Rates and Amending Consolidated Fee Schedule.
6. Consider Resolution 441-18, A Resolution Appointing Teresa Romney as a Youth Council Advisor.
7. Consider Ordinance 408-18 Adopting Changes to WBMC 17.68.150 Establishing a Process for Amendments to Development Agreements for Planned Unit Developments.
8. Discuss allowing dogs at city parks.
9. Police Report
10. Public Works/Engineering Report.
11. Administrative Report.
12. Mayor/Council Reports.
13. Consider Approval of Minutes from the May 15, 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 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 June 14, 2018.

Minutes of the West Bountiful City Council meeting held at 7:30 p.m. on **Tuesday, June 19, 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, and Andy Williams

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

VISITORS: Alan Malan, Vaughn Nelson, Nateijie Hamilton, Brittany Nelson

Mayor Romney called the regular meeting to order at 7:30 pm. James Ahlstrom provided an invocation; the Pledge of Allegiance was led by Mark Preece.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda correcting the date of the minutes to be approved in item 13 to June 5. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

2. Consider Appeal by Vaughn Nelson of Staff's Letter of Determination Regarding Carport at 1050 W 700 North.

Council member Williams disclosed that the Nelson's are family friends/neighbors.

Duane Huffman reviewed the land use appeal process. He explained that city council acts as the appeal board basing their findings on state and city land use codes. The review is to be "de novo" which gives no deference to the land use body's previous findings; everything will be considered as if it were new. The council can take evidence – testimony, affidavit, photos, etc., and must issue a written decision which affirms or reverses (in whole or in part) the earlier decision with or without conditions.

Mr. Nelson was invited to the podium where he stated that the issue started when he wanted to build an addition on his house and found that his existing carport, which he also wants to enclose as a garage, was in violation of current zoning code. While there is no concrete proof of what happened forty years ago, based on statements from a neighbor that lived there when the home was built and a contractor who examined the structure, he believes the carport was built in conjunction with the house. The Nelson's are the fourth owners of the home.

Mr. Nelson claimed that a recent home appraisal shows an estimated 1463 square foot footprint of the house including the carport, which approximately matches the dimensions (1404 square feet) of the 1976 building permit. He argued that if it was built with the original permit as he

believes and was out of compliance, it should have been caught at that time. Mr. Nelson claimed that no neighbors object to the carport and are appalled that this is happening.

Mr. Huffman said the setback numbers on the building permit comply with code, but the home was not built to match the permit. It's not clear how they did inspections in 1976, but it appears to be very different from today's process.

Council members Preece and Enquist commented that their homes were built in the same timeframe and inspections were minimal; in some cases, they were drive by inspections or done by the public works department without even using measuring tape.

Ben White said he thinks the carport was probably built with the house but was likely initially planned to be smaller. In that case, the inspector may not have measured to catch the change. Building officials' primary responsibility is to inspect to building code, with zoning issues often being secondary. Bottom line is that the house is out of compliance, so his hands are tied.

Council member Ahlstrom said he believes there is enough evidence to show that the city did not do a good enough job inspecting the property and he is hard pressed to force on the homeowner something that may have been city error. So long as he does not add to the encroachment he should be able to keep it.

Council member Enquist commented that the difference between this situation and the city's current review of illegal structures is that most were added after the fact. This was done at time of the initial build.

There was discussion about how to fix problems found after an inspector makes mistakes. In any case, no addition to the footprint should be allowed to the illegal portion.

Mr. Doxey was directed to draft a decision for review and consideration that finds that the homeowner should not be punished for the encroachment, including allowing the current carport to be enclosed.

Council member Bruhn told Mr. White that he appreciates the way he enforces the city code. Everything he did was right – it was just an unfortunate situation.

3. Consider Resolution 438-18 Enacting the 2nd Amendments to the Fiscal Year 2017-2018 Budget.

Mr. Huffman reviewed the changes as discussed at prior meetings, as well as final recommendations.

MOTION: *James Bruhn made a Motion to Enact the 2nd Amendment to the Fiscal Year 2017-2018 Budget. Kelly Enquist seconded the Motion which PASSED unanimously.*

The vote was recorded as follows:

James Ahlstrom – Aye

James Bruhn – Aye

Kelly Enquist – Aye

Mark Preece – Aye

Andy Williams - Aye

4. Consider Resolution 439-18 Adopting the Fiscal Year 2018-2019 Budget.

Duane Huffman explained that this Resolution sets the budget for FY 19, adopts the County Auditor's Certified Tax Rate; increases the city's pay scale by 1.5% for inflation; sets the city council salary at \$6,800 per year; and sets the mayor's salary at \$12,500 per year.

Council member Williams commented that even though easily justifiable he is not in favor of the city council salary increase but will not oppose it.

MOTION: *Mark Preece made a Motion to Enact the Fiscal Year 2018-2019 Budget. James Bruhn seconded the Motion which PASSED unanimously.*

The vote was recorded as follows:

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

5. Consider Resolution 440-18 Reaffirming Culinary Water Rates and Amending Consolidated Fee Schedule.

Duane Huffman reviewed the Resolution which keeps water rates as they are prior to the sunset on June 30; first 8,000 gallons - \$22 operations; \$18 debt service; \$10 capital improvement = \$50 per month. He explained the rates will sunset in two years (2020) instead of four years unless action is taken. He added that staff continues to study existing commercial rates and high use rate options.

Regarding amendments to the fee schedule, he pointed out changes to building permits for solar improvements – setting a specific rate based on historical averages; changing water right allocation per dwelling unit to \$1070; correcting water use rates for construction that were not decreased in the fee schedule when residential rates were reduced several years even though we have been charging the lower rates; and eliminating the rate for home occupation business licenses based on legislative changes and earlier decisions of the council.

MOTION: *Andy Williams made a Motion Reaffirming Culinary Water Rates, establishing a two-year sunset, and Amending the Consolidated Fee Schedule. Kelly Enquist seconded the Motion which PASSED unanimously.*

The vote was recorded as follows:

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

6. Consider Resolution 441-18 Appointing Teresa Romney as a Youth Council Advisor.

MOTION: *James Bruhn made a Motion to Accept the Mayor's Appointment of Teresa Romney as a Youth Council Advisor. Andy Williams seconded the Motion which PASSED unanimously.*

The vote was recorded as follows:

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

7. Consider Ordinance 408-18 Adopting Changes to WBMC 17.68.150 Establishing a Process for Amendments to Development Agreements for Planned Unit Developments.

The city recently updated its Planned Unit Development (PUD) code to better define the purpose, process, and scope of PUD overlay zones. As part of the update, municipal code 17.68.150.C requires modifications to an approved PUD to follow the procedures outlined in the PUD ordinance. However, the code failed to specify whether amendments should follow the same process as initial adoption or some other undefined process.

To eliminate confusion moving forward, the planning commission undertook to define a process for amending fundamental portions of approved PUDs. Following a public hearing, the planning commission made a positive recommendation to amend city code as follows: *All deviations from the executed Development Agreement require the approval of the City Council. Any change that increases project density, reduces any lot size or required setback, alters an amenity, or otherwise alters requirements in Title 16 or Title 17 requires a recommendation by the Planning Commission, after a public hearing prior to City Council consideration.*

This confirms that changes to a PUD that alter land use code should follow the same process as all other land use text or zone changes (public hearing, planning commission recommendation, and final council approval), while more administrative changes to the development agreement are appropriate to have a quicker amendment path.

MOTION: *Andy Williams made a Motion to Adopt Changes to WBMC 17.68.150 Establishing a Process for Amendments to Development Agreements for PUDs. Mark Preece seconded the Motion which PASSED unanimously.*

The vote was recorded as follows:

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

8. Discuss Allowing Dogs at City Park.

Council member Enquist requested this agenda item. He said he gets many requests to allow dogs at city parks and has visited other cities where they have made allowances. Council member

Ahlstrom agrees and believes the trend is to be more accommodating to animals. Council member Williams believes the public is becoming more responsible with their pets.

Council member Preece disagrees. His grandson is afraid of animals and won't go to the park when animals are there. Council member Bruhn said he is not thrilled with the idea. Mayor Romney said if there is a change, he believes we should make accommodations for people who do not want dogs. He shared that he went to the Park and talked to a lot of people – 2/3 were in favor of allowing dogs, 1/3 were against. All of them agreed that dogs should always be on a leash and it must be enforced.

There was discussion about different options. The city could create a park that allows dogs while other city parks do not or create a separate area within the park for animals or allow them only during certain hours. Whatever is done, it was agreed that plenty of dog clean-up stations would need to be installed, preferably close to garbage cans. The initial cost could be covered with available RAP funds, but long term on-going costs of bags and staff time will go to the General Fund.

There was also discussion about enforcement of leash and waste laws. Mr. Huffman asked Steve Maughan if they have noticed more problems on the city trails where dogs are currently allowed. Steve said they occasionally find dog waste and dogs are not always on leash, but it has not been a big problem.

Mayor Romney said this is something the public cares a lot about. He asked staff to put together a proposal that includes costs and resources. It should be set up for a trial period, so we can see how it goes, and include language in the Ordinance that the city can reverse course if needed.

9. Police Report.

Chief Hixson went over his previously distributed monthly report. Officer Kassie Cook has completed her field training and working on her own. Officer Van Wagoner has completed three years with WBPB and was promoted to Police Officer II, and Detective Jacobsen just received his college bachelor's degree.

On June 26, the city's first annual physical fitness test will be conducted.

10. Public Works/Engineering Report –

Ben White

- Pages Lane project will start in a couple weeks, preconstruction meeting is next week.
- Highgate subdivision will probably be starting soon. They have another request to combine two lots.
- Hamlet should be recording the Kinross plat in a couple days. Model homes may start soon.
- Mountain View Estates – final plat should be ready in July.
- Working on new concession building at the Park.

Steve Maughan

- Road closure on 2200 N as Dominion completes road repairs. Street overlays on 830 W and 400 N below 1100 W will be done by end of July

- Large dead tree north of the playground has been removed at the Park. Looking at removing dead trees on the south side of the overpass on 400 North. We may end up doing those ourselves as UDOT likely won't remove them.

11. Administrative Report - Duane Huffman

- Met with school district regarding the elementary school rebuild. They showed us their current design. They were able to purchase an additional 1.5 acres east of the existing school which gives them more room to build the new school while the existing one is still in use. The new playground will be next to the existing bowery; there will be more parking; and they are considering options to reconfigure 400 North access. The contract was awarded to Ascent Construction. They will begin next year and open for the 2020 school year.
- Code enforcement activity – issued administrative citation to Doug Coons for the old Knighton home at 1450 N and 800 W. He has until July 2 to clean up the property and until August 2 to remove the old home. Working on similar citations for Terry Nilson and the Chase properties. Code enforcement is time consuming; putting proposal together for part-time code enforcement officer to work 10-15 hours/week.
- Now that budget is done, will begin to work on updates to personnel policies.
- Due to July 4th holiday, the next city council meeting is July 17.

12. Mayor/Council Reports

Kelly Enquist - Mosquito Abatement - They are busy with daily spraying. They purchased a drone and had a minor mishap; they follow national NTSB guidelines for flying. Several employees will attend flight school to learn how to fly it.

James Bruhn – Wasatch Integrated board will start looking into bonding for new facility; leaning towards putting in full sorting equipment.

Mark Preece –Sewer District board meeting is next week.

James Ahlstrom – Still interested in pickleball for the city. Discussed a few possible locations and would like more information on cost.

Andy Williams – Youth Council participated in a great service event, Coats for Kids, and worked hard. First meeting of the new term last week went very well. The officers sat on dais in city council seats with general membership in the audience. Paul Maloy spent time teaching them how to make motions, etc. There has been good participation with 19 of 20 at the meeting and 15 of 20 at the service event. They decided to hold one meeting in July then will discuss future summer meetings. They are preparing a trailer to ride on in the parade.

Mayor Romney asked staff look at feasibility of putting a couple crosswalks on 1100 W and provide some options.

13. Approve Minutes from the June 5, 2018 City Council Meetings.

MOTION: *James Ahlstrom made a Motion to approve the June 5, 2018 City Council meeting minutes. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

14. Executive Session for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205(c), strategy sessions to discuss pending or reasonably imminent litigation.

MOTION: *Andy Williams made a Motion to go into Executive Session at 9:35 pm in the Police Training Room to discuss reasonably imminent litigation. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

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

MOTION: *James Ahlstrom made a Motion to close the Executive Session. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

15. Adjourn Meeting.

MOTION: *James Bruhn made a Motion to adjourn this meeting of the West Bountiful City Council at 9:55pm. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council on July 17, 2018 by unanimous vote of all members present.


Cathy Brightwell (City Recorder)

