CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 20, 2018 AT CITY HALL, 550 N 800 WEST

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

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Consider 1st Amendment to Plat for Kinross Estates Subdivision.
5. Consider Plat Amendment for Mountain View Estates Subdivision.
6. Consider Plat Amendment for Onion Gardens Subdivision at 800 West and Pages Lane.
7. Consider Modification #3 to Highgate Estates Subdivision Final Plat.
9. Consider Acceptance of Annexation Petition from Mike Cottle et al, for 1338 W 1200 North.
13. Mayor/Council Reports.
14. Consider Approval of Minutes from the October 2, 2018 City Council Meeting.
15. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.

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 November 15, 2018.
Minutes of the West Bountiful City Council meeting held at 7:32 p.m. on Tuesday, November 20, 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), Asst. Chief Erekson, Ben White (City Engineer), Cathy Brightwell (Recorder)

VISITORS: Alan Malan, Gary Jacketta, Steve Sundstrom, Barry Gittleman, Gary Garza, Madi Garza, Hayley Pratt

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

1. Approve Agenda

MOTION: James Bruhn made a Motion to approve the agenda as posted. Andy Williams 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.

Steve Sundstrom, resident, stated he was here about ten weeks ago asking for a modification to rear setbacks so he could build a covered patio. Under the current thirty-foot requirement, he would only be able to have a patio cover that is seven feet deep. At the city council’s direction, the planning commission considered ways to grant his request but decided 3-2 to not proceed with a recommendation. Mr. Sundstrom is looking for some direction.

Mr. Huffman explained that the planning commission’s action cannot be appealed because it is not a final decision by a land use authority. He added that by coincidence, there is a letter from the planning commission included in tonight’s packet that explains their position. Mr. Huffman said that if the city council wants to consider a different option, they can ask the planning commission to hold a public hearing and then send back a formal positive or negative recommendation to city council.

There was then some discussion with Mr. Sundstrom about his situation and whether there is a difference between a deck floor and patio cover. He added that he reviewed other cities regulations and their setbacks are less than West Bountiful’s.

Council member Ahlstrom commented that he continues to want a better understanding of why current setbacks were selected. Council member Williams believes there is a way to make this
work. Council member Enquist explained that the planning commission did not make their decision quickly but spent a lot of time on this issue.

Mayor Romney asked staff to put this issue on the next meeting agenda for further discussion.


MOTION: Andy Williams made a Motion to Open the Public Hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all present.

No comments were made.

MOTION: Kelly Enquist made a Motion to Close the Public Hearing. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all present.

4. Consider 1st Amendment to Plat for Kinross Estates Subdivision.

Ben White explained there are several issues leading to this requested amendment. First, a temporary turnaround was put in place not knowing when the road would be extended to the south, but it is not needed because the road through to Mountain View Estates has been completed. Second, Tesoro Pipeline required a wider easement crossing Lots 1, 7, 8, 20, and 21 so the property owner is shifting Lots 1, 2, and 3 to have more ground, to have better buildable areas and meet the minimum lot size. Also, an error was made establishing the right of way boundary of 1100 West (west of Lot 26) that needs to be corrected. Finally, Kinross is deeding 9134 square feet of Lot 26 to Mountain View Estates Lot 139 which benefits both developers and still leaves each lot above the minimum size.

MOTION: James Ahlstrom made a Motion to Approve the 1st Amendment to Plat for Kinross Estates Subdivision. 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

5. Consider Plat Amendment for Mountain View Estates Subdivision.

Ben White explained the owners of Mountain View Estates and Kinross Estates have agreed to modify plat boundaries such that Mountain View Estates Lot 139 will become larger. No new lots are created; each lot meets the minimum R-1-22 requirements; existing public utility easements are unaffected; and a new 10-foot utility easement is granted along the revised north and west property line of Lot 139. As these changes affect the boundary of the plat, a plat amendment is required.
MOTION: Andy Williams made a Motion to Approve the Plat Amendment for Mountain View Estates Subdivision. James Bruhn seconded the Motion which PASSED by unanimous vote of all present.

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye

Mark Preece – Aye
Andy Williams - Aye

6. Consider Plat Amendment for Onion Gardens Subdivision at 800 West and Pages Lane.

The property owners (Cris Hogan family) of current Lot 1 (proposed Lot 101) and the adjoining property to the north (proposed Lot 102) desire to adjust the lot line between the two properties causing a change to the boundary of the plat. No new lots are created with this amendment; each lot meets the minimum requirements for the R-1-10 zone; existing public utility easements are unaffected; and a ten-foot utility easement is granted across the front of Lot 102. There is an existing house on Lot 102 that was originally constructed in 1919. The house conforms to zoning requirements for side and rear setbacks but is nonconforming with front setback – 22 feet. Staff considers the building’s status as legal non-conforming because it was built prior to the city code’s adoption.

State law provides a process where a land use authority may amend or vacate a subdivision plat. Staff has provided required written notice to affected entities which includes utility companies and quasi-governmental agencies.

MOTION: James Ahlstrom made a Motion to Approve the Plat Amendment for Onion Gardens Subdivision. James Bruhn seconded the Motion which PASSED by unanimous vote of all present.

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye

Mark Preece – Aye
Andy Williams - Aye

7. Consider Modification #3 to Highgate Estates Subdivision Final Plat.

The Highgate plat has been previously approved by city council and the developer is diligently working to install the infrastructure at this time. Since the plat has not yet been recorded it is simpler to make any proposed adjustments now than after it is recorded. The following changes are being proposed which affect the boundary of the Highgate subdivision.

The developer and Al Jones are requesting to realign the 1450 West street. The previously approved Highgate plat included a shift of 1450 West to the east to be further away from the Jones’ house currently being constructed. The extra property between the proposed 1450 W street right of way and Millcreek Meadows Lot 14 has been sold to the owner of Lot 14 and removed from the plat.

Bureau of Reclamation is requiring the development to provide storm drain detention prior to discharging into the A-1 drain. The detention basin is on Lot 23 with an easement in favor of the City
with the HOA responsible for the detention basin maintenance, which is now specified in the revised
CCRs.

A condition of subdivision approval was for the developer to deed water rights to the city.
The developer appears to have more than enough water right to meet their current obligation, but they
also own an additional thirty acres of land not included in this subdivision. In an effort to deed the
minimum amount required to the city and maintain ownership of the maximum amount of water, they
have requested a Change Application from the State Engineer’s office which takes time. The
developer has requested to bond for the water right, similar to the recent McKean subdivision, as
collateral until they can work it out.

Steve Doxey added that Holly Frontier has two easements and we do not have specific
alignment.

**MOTION:** James Bruhn made a Motion to Approve the Modifications to the Final Plat
for Highgate Estates Subdivision subject to resolution of easement issues to
the satisfaction of the city attorney. Andy Williams seconded the Motion
which PASSED by unanimous vote of all present.

The vote was recorded as follows:

- James Ahstrom - Aye
- James Bruhn - Aye
- Kelly Enquist - Aye
- Mark Preece - Aye
- Andy Williams - Aye

8. Ratify Bond Agreement for Removal of Illegal Structure at 1035 W 600 North, dated
   October 25, 2018

Duane Huffman reviewed the circumstances around the illegal structure lien removal and
bond agreement for the structure at 1035 W 600 North, and why staff was sympathetic due to certain
timing issues. The buyer/seller had a contract on the house before the lien was place so it did not
appear on the initial title report, but it did appear on the final report prior to closing. He added that
this will be a difficult property that we will likely be working with in the future as several other
structures - not related to this setback - appear to be illegal.

**MOTION:** Andy Williams made a Motion to Ratify the Bond Agreement for Removal of
Illegal Structure at 1035 W 600 N, dated October 25, 2018. Mark Preece
seconded the Motion which PASSED by unanimous vote of all present.

9. Consider Acceptance of Annexation Petition from Mike Cottle, et al, for 1338 W 1200
   North.

The Annexation Petition filed by Mike Cottle, et al, was filed on October 22, 2018 and mailed
to affected entities and property owners located within 300 feet of the area proposed to be annexed.

State law requires the city council to accept or deny the Petition for further consideration. If
accepted, the Petition will be Certified and published in the paper for three weeks prior to the city
council holding a public hearing and make a final determination on the Request.
MOTION:  *James Ahlstrom made a Motion to Accept the Annexation Petition from Mike Cottle, et al.  Mark Preece seconded the Motion which PASSED by unanimous vote of all present.*

10.  Engineering Report (Ben White)

- The RFP for Architectural Services for the West Yard is out and several companies have called with questions.
- New Well – we hired CRS Engineering to help with the proposed new well.
- McKean Manors passed water testing and the first building permit has been issued. Kinross and Mountain View have also passed water testing.
- Public Works has the plows setup in case of storms this week.


- Detective Jacobson completed five years with West Bountiful on November 9.
- Tonight’s EmPAC meeting was cancelled as Chief Hixson and Jason Meservy were not available.
- Winter parking restrictions are in place and notices will be placed on vehicles as reminders.
- WBPD hosted the Citizen’s Academy graduation on November 15.

12.  Administrative Report (Duane Huffman)

- Auditors are expected at the December 4th city council meeting.
- City offices will be closed this Thursday and Friday for Thanksgiving.
- Recommending a closed meeting tonight to discuss property.

8.  Mayor/Council Reports

   Kelly Enquist represented the city, with Officer Van Wagoner, at the groundbreaking for the new Elementary school.

   Andy Williams – The YCC Halloween activities were a success.  The Haunted Hall turned out better than expected, and a lot of kids came for trick or treating with Officer Cook. They are hoping to expand it next year. The youth council is now working on Christmas on Onion Street which will be December 3.

   James Bruhn asked Ben questions about Pages Lane construction.

   Mark Preece – no report.

   James Ahlstrom – no report
9. Approve Minutes from the October 2, 2018 City Council Meeting.

A correction was made to Page 5 to reflect the correct vote on the motion.

MOTION: James Bruhn made a Motion to approve the October 2, 2018 City Council meeting minutes as corrected. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.

10. Executive Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to Utah Code Annotated 52-4-205(1)(a).

MOTION: Andy Williams made a Motion to go into Executive Session at 8:22 pm in the Police Training Room to Discuss strategy or sale of real property. Mark Preece seconded the Motion which PASSED.

The vote was recorded as follows:
James Ahlstrom – Aye    Mark Preece – Aye
James Bruhn – Aye       Andy Williams - Aye
Kelly Enquist – Aye

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

11. Adjourn Meeting.

MOTION: James Bruhn made a Motion to adjourn this meeting of the West Bountiful City Council 8:40 pm. 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 December 4, 2018 by unanimous vote of all members present.

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Cathy Brightwell (City Recorder)