

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

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

550 North 800 West
West Bountiful, Utah 84087

City Recorder
Cathy Brightwell

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City Engineer
Ben White

Public Works Director
Steve Maughan

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.
3. Public Hearing Regarding Vacating a Temporary Turnaround Easement at 2054 N 1000 W, Kinross Estates.
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.
8. Ratify Bond Agreement for Removal of Illegal Structure at 1035 W 600 North, dated October 25, 2018.
9. Consider Acceptance of Annexation Petition from Mike Cottle et al, for 1338 W 1200 North.
10. Public Works/Engineering Report.
11. Police Report.
12. Administrative Report.
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.
16. 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 November 15, 2018.

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3 Minutes of the West Bountiful City Council meeting held at 7:32 p.m. on **Tuesday, November 20,**
4 **2018** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

5
6 Those in attendance:

7
8 **MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn,
9 Kelly Enquist, Mark Preece, and Andy Williams

10
11 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Asst. Chief
12 Erikson, Ben White (City Engineer), Cathy Brightwell (Recorder)

13
14 **VISITORS:** Alan Malan, Gary Jacketta, Steve Sundstrom, Barry Gittleman, Gary Garza,
15 Madi Garza, Hayley Pratt

16
17 -----
18
19 Mayor Romney called the regular meeting to order at 7:30 pm. James Ahlstrom provided an
20 invocation; Mark Preece led the Pledge of Allegiance.

21
22 **1. Approve Agenda**

23
24 **MOTION:** *James Bruhn made a Motion to approve the agenda as posted. Andy*
25 *Williams seconded the Motion which PASSED by unanimous vote of all*
26 *members present.*

27
28 **2. Public Comment - Two minutes per person, or five minutes if speaking on behalf of a**
29 **group.**

30
31 Steve Sundstrom, resident, stated he was here about ten weeks ago asking for a modification
32 to rear setbacks so he could build a covered patio. Under the current thirty-foot requirement, he would
33 only be able to have a patio cover that is seven feet deep. At the city council's direction, the planning
34 commission considered ways to grant his request but decided 3-2 to not proceed with a
35 recommendation. Mr. Sundstrom is looking for some direction.

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

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

44 Council member Ahlstrom commented that he continues to want a better understanding of
45 why current setbacks were selected. Council member Williams believes there is a way to make this

46 work. Council member Enquist explained that the planning commission did not make their decision
47 quickly but spent a lot of time on this issue.

48 Mayor Romney asked staff to put this issue on the next meeting agenda for further discussion.
49

50 **3. Public Hearing Regarding Vacating a Temporary Turnaround Easement at 2054 N 1000**
51 **W, Kinross Estates.**

52 **MOTION:** *Andy Williams made a Motion to Open the Public Hearing. James Bruhn*
53 *seconded the Motion which PASSED by unanimous vote of all present.*
54

55 No comments were made.
56

57 **MOTION:** *Kelly Enquist made a Motion to Close the Public Hearing. James Ahlstrom*
58 *seconded the Motion which PASSED by unanimous vote of all present.*
59
60

61 **4. Consider 1st Amendment to Plat for Kinross Estates Subdivision.**
62

63 Ben White explained there are several issues leading to this requested amendment. First, a
64 temporary turnaround was put in place not knowing when the road would be extended to the south,
65 but it is not needed because the road through to Mountain View Estates has been completed. Second,
66 Tesoro Pipeline required a wider easement crossing Lots 1, 7, 8, 20, and 21 so the property owner is
67 shifting Lots 1, 2, and 3 to have more ground, to have better buildable areas and meet the minimum
68 lot size. Also, an error was made establishing the right of way boundary of 1100 West (west of Lot
69 26) that needs to be corrected. Finally, Kinross is deeding 9134 square feet of Lot 26 to Mountain
70 View Estates Lot 139 which benefits both developers and still leaves each lot above the minimum
71 size.
72

73 **MOTION:** *James Ahlstrom made a Motion to Approve the 1st Amendment to Plat for*
74 *Kinross Estates Subdivision. Mark Preece seconded the Motion which*
75 *PASSED.*
76

77 The vote was recorded as follows:

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

81
82
83 **5. Consider Plat Amendment for Mountain View Estates Subdivision.**
84

85 Ben White explained the owners of Mountain View Estates and Kinross Estates have agreed
86 to modify plat boundaries such that Mountain View Estates Lot 139 will become larger. No new lots
87 are created; each lot meets the minimum R-1-22 requirements; existing public utility easements are
88 unaffected; and a new 10-foot utility easement is granted along the revised north and west property
89 line of Lot 139. As these changes affect the boundary of the plat, a plat amendment is required.
90

138 with the HOA responsible for the detention basin maintenance, which is now specified in the revised
139 CCRs.

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

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

149

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

154

155 The vote was recorded as follows:

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

159

160

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

163

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

170

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

174

175

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

178

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

181 State law requires the city council to accept or deny the Petition for further consideration. If
182 accepted, the Petition will be Certified and published in the paper for three weeks prior to the city
183 council holding a public hearing and make a final determination on the Request.

184

185 **MOTION:** *James Ahlstrom made a Motion to Accept the Annexation Petition from*
186 *Mike Cottle, et al. Mark Preece seconded the Motion which PASSED by*
187 *unanimous vote of all present.*
188

189

190 **10. Engineering Report (Ben White)**

191

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

198

199

200 **11. Police Report (Asst. Chief Erekson)**

201

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

207

208

209 **12. Administrative Report (Duane Huffman)**

210

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

214

215

216 **8. Mayor/Council Reports**

217

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

220

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

225

226 James Bruhn asked Ben questions about Pages Lane construction.

227

228 Mark Preece – no report.

229

230 James Ahlstrom – no report

231

232 Mayor Romney graduated from the Citizen's Academy and said it was a good experience.
233
234

235 **9. Approve Minutes from the October 2, 2018 City Council Meeting.**
236

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

238 **MOTION:** *James Bruhn made a Motion to approve the October 2, 2018 City Council*
239 *meeting minutes as corrected. aw seconded the Motion which PASSED by*
240 *unanimous vote of all members present.*
241
242

243 **10. Executive Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to**
244 **Utah Code Annotated 52-4-205(1)(a).**
245

246 **MOTION:** *Andy Williams made a Motion to go into Executive Session at 8:22 pm in the*
247 *Police Training Room to Discuss strategy or sale of real property. Mark Preece seconded*
248 *the Motion which PASSED.*
249

250 The vote was recorded as follows:

251 James Ahlstrom – Aye	Mark Preece – Aye
252 James Bruhn – Aye	Andy Williams - Aye
253 Kelly Enquist – Aye	
254	

255 **MOTION:** *James Bruhn made a Motion to close the Executive Session. James Ahlstrom*
256 *seconded the Motion which PASSED by unanimous vote of all members*
257 *present.*
258
259

260 **11. Adjourn Meeting.**

261 **MOTION:** *James Bruhn made a Motion to adjourn this meeting of the West Bountiful*
262 *City Council 8:40 pm. James Ahlstrom seconded the Motion which PASSED*
263 *by unanimous vote of all members present.*
264
265

266 -----

267
268
269 *The foregoing was approved by the West Bountiful City Council on December 4, 2018 by unanimous*
270 *vote of all members present.*
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272
273
274

275 _____
Cathy Brightwell (City Recorder)