

**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, DECEMBER 4, 2018  
AT CITY HALL, 550 N 800 WEST**

*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. Public Hearing Regarding Potential Sale of .065 Acres Deeded as Street Right-of-Way at 167 N 1450 West.
4. Consider Resolution 445-18, A Resolution Authorizing the Sale of .065 Acres of Land at 167 N 1450 West.
5. Presentation of Fiscal Year 2018 Audited Financial Statements and Auditors Report.
6. Consider Final Plat Approval for Atwater (Grover) Estates 12-Lot Subdivision at 1811 N 800 West Consisting of 4.64 Acres.
7. Consider Resolution #444-18, A Resolution Adopting the 2018 Biennial Moderate-Income Housing Element Review Report.
8. Discuss and Consider Authorizing Letter of Support for a County-wide Local Option Sales Tax for Transportation.
9. Discuss Rear-yard Setbacks and Covered Patios in Residential Zones.
10. Discuss Implementation of Previously Recorded Extension for Off-site Improvements Agreement (Deferral Agreement) for 780 W 1600 N.
11. Public Works/Engineering Report.
12. Administrative Report.
13. Mayor/Council Reports.
14. Consider Approval of Minutes from the November 20, 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 29, 2018.*

Minutes of the West Bountiful City Council meeting held at 7:32 p.m. on **Tuesday, December 4, 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), Police Chief Todd Hixson, Ben White (City Engineer), Steve Maughan (Public Works Director), Cathy Brightwell (Recorder)

**VISITORS:** Alan Malan, Mike Cottle, Justin Atwater, Marcus Arbuckle, Janet Smith

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

**1. Approve Agenda**

**MOTION:** *James Bruhn made a Motion to approve the revised agenda, changing item 4 by deleting "Deeded as Street Right-of-Way" and replacing it with "of Land." 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.**

No Comments.

**3. Public Hearing Regarding Potential Sale of .065 Acres of Land at 167 N 1450 West.**

Duane Huffman explained that the homeowner to the west, Al Jones, deeded a portion of this property to the city with the intent of it becoming street right of way. The road has shifted slightly so the proposal is to give a portion back to him.

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

No public comments were made.

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

**4. Consider Resolution #445-18, A Resolution Authorizing the Sale of .065 Acres of Land at 167 N 1450 West.**

**MOTION:** *James Ahlstrom made a Motion to Approve Resolution #445-18 Authorizing the Sale of 0.065 Acres of Land at 167 N 1450 West. 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	

**5. Presentation of Fiscal Year 2018 Audited Financial Statements and Auditor’s Report.**

Marcus Arbuckle, representing Keddington & Christensen, CPAs, presented the FY 2018 audited financial statements and auditor’s report. He explained that general state compliance requirements were tested for the year ending June 30, 2018 and covered the following areas: Budgetary compliance, URS compliance, Open and Public Meetings Act, Impact fees, Fund balance, Restricted taxes, and Treasurer’s bond.

He stated that in their opinion, the City of West Bountiful complied, in all material respects, with the compliance requirements identified above for the audit year. They found no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards. Their analysis shows the city has continued to stabilize its financial position.

Mr. Arbuckle added that the results of the auditing procedures disclosed some instances of material weakness or noncompliance, described as follows, for which recommendations have been made:

- Financial Close and Reporting Process – During the audit, several significant audit adjustments were proposed to correct misstatements in the financial statements. Management is exploring adding additional expertise to provide the technical skills to remedy this issue.
- Public Treasurer’s Bond – The required bond was a little off in 2018. Recommend establishing policy and procedures to have bond reviewed each year to ensure compliance with state code. Management will ensure bond meets or exceeds the amount required.
- Impact Fees – New elements in the annual report are required by the State that include identifying impact fees by the year in which they were originally collected. Recommend establishing policy and procedures to have impact fees reviewed each year to ensure compliance with code requirements. Management will develop a new reporting form that meets requirements of new law.
- Fund Balance – Unassigned General Fund balance was 30% of total General Fund revenues for the year. Recommend establishing policy and procedures to ensure unassigned General Fund balance is reviewed each year to ensure it does not exceed maximum 25% as required in state code. Management will carefully budget revenues and expenditures to prevent excess fund balances in the future.

Mr. Arbuckle said other cities have similar results, and they can all be corrected without much difficulty. He said they had no difficulties performing the audit and did not find any incidence of fraud.

Mr. Huffman commented on each of the areas raised in the report. 1) Internal controls are mostly related to more formal accounting practices. He agreed we need to improve but on a day to day basis we are doing well. He said for the past twenty years the city has relied on auditors to help close out our books; so, he may propose having a CPA to help us in the future. 2) We did the math wrong in calculating the treasurer's bond. 3) Impact fee requirements changed, and we will get the reporting fixed. 4) Fund balance – the difference between what we collected and what we budgeted in property tax was off because of when the county remitted taxes, which seems to be different every year.

Overall, he said we are on better financial footing than ever before. Even the golf course covered its operating expenses although we transferred some funds for capital projects.

As there were no questions from council members, Mayor Romney thanked Mr. Arbuckle and commented that it is nice we have some money to stay on schedule for needed capital projects.

**6. Consider Final Plat for Atwater Estates 12-lot Subdivision at 1811 N 800 West Consisting of 4.64 Acres.**

Ben White described the 12-lot subdivision currently known as the Grover Family Property. It is located within the R-1-10 zone and consists of 12 lots that all meet the minimum size and width for the zone. The planning commission spent a lot of time on street lights and mailboxes and will be working on guidelines for the post office regarding where the city would like them to go in subdivision developments.

Mr. White explained that when the city rebuilt 800 West, stubs for water/sewer were put in with the expectation of future development; about half of the stubs will be used. There was discussion about the gas easement on the west edge of the development which is not as intrusive as it is in developments farther to the south as it is partially in the area behind these lots.

Below is a summary of points of interest. The items 4-12 need to be addressed prior to recording the final plat.

1. There are two existing street lights with one additional proposed street light at the Grover Court corner.
2. The Planning Commission recommended the group mailbox be located on the easterly lot corner of Lots 7 and 8.
3. Staff has a complete set of construction drawings and a geotechnical report for the development available for review.
4. Drainage for the subdivision will discharge into the DSB canal without detention. Davis County has given a tentative approval, but final approval is still pending. **A flood control permit issued by Davis County Public Works is required.**
5. The construction of the two cul-de-sacs will necessitate cutting into 800 West for utility service. Permission to cut into 800 West was previously granted during a June city council meeting. **The excavation permit fee for the road cut will need to be paid prior to excavating in the existing asphalt.**
6. **The development is required to reimburse the city for the service laterals used which were previously installed with the hope of minimizing 800 West street cuts when the property developed.**

7. **The construction drawings need to be revised to correct a drainage issue on the two cul-de-sac entries and other minor improvement drawing corrections.**
8. **Water rights will need to be deeded to the city.**
9. **Title report review by the city attorney with no objectional entries.**
10. **Payment of impact and inspection fees.**
11. **Post appropriate improvement bonds**
12. **Design approval by Weber Basin, South Davis Sewer and Davis County Public Works.**

Mr. Atwater, the developer, was asked when construction will begin and responded it would be as soon as the snow melts.

**MOTION:** *James Ahlstrom made a Motion to Approve the Final Plat for Atwater Subdivision subject to the satisfactory completion of items 4-12 in the staff report listed above. Andy Williams seconded the Motion which PASSED by unanimous vote of all present.*

7. **Consider Resolution # 444-18, A Resolution Adopting the 2018 Biennial Moderate-Income Housing Element Review Report.**

State law requires that every two years municipalities conduct a review of the moderate-income housing plan element in their general plan, and report on its findings. Once approved, the draft report will be submitted to the Housing and Community Development Division of Workforce Services (HCDD) and posted on the city website as required.

Based on the data provided by the U.S. Census Bureau, the 1, 3, and 5-year estimates of the American Community Survey, and the Utah Affordable Housing Forecast Tool from HCDD, West Bountiful appears to have adequate moderate-income housing. These results consider Woodhaven trailer park, the age and size of homes, and that many residents have lived in their homes for a long time so do not have a mortgage – making them affordable, among other factors.

The report on page 9 includes questions from the U.S. Department of Housing and Urban Development's "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers," which is perplexing because they are not related to law, but rather best practices of federal agencies that look at housing.

Mr. Huffman reviewed some of the steps West Bountiful has taken to meet its moderate-income housing plans which include allowing flag lots, planned unit developments, and accessory dwelling units. There was some discussion about the current restrictions not allowing multi-family dwellings and the minimum lot size of 10k square feet. He noted that no one has asked for multi-family housing which the general plan contemplates in certain corridors, such as 500 West and 500 South.

Mr. Huffman noted that the city's responsibilities do not end with the biennial report. State law requires cities and counties to include a five-year moderate-income housing element in the comprehensive general plan and update it every two years, which must be completed by mid-summer 2019. He added there are many different groups working on these issues right now addressing them from different perspectives.

**MOTION:** *Andy Williams made a Motion to Approve the 2018 Biennial Moderate-Income Housing Report. James Bruhn seconded the Motion which PASSED by unanimous vote of all present.*

**8. Discuss and Consider Authorizing Letter of Support for a County-wide Local Option Sales Tax for Transportation.**

Duane Huffman shared the handout from Wasatch Front Regional Council regarding the 3<sup>rd</sup> Quarter Local Option Sales Tax for Transportation.

There are currently four “local option” transportation sales taxes authorized by state code. These options are referred to as “quarters” (meaning quarters of a percent not calendar quarters). Davis County has imposed the first, second and fourth quarters. The third quarter is available for imposition by the county.

The third quarter is a tool for local governments to receive funding for regionally prioritized transportation needs in their communities, including projects identified in the Regional Transportation Plan – the Wasatch Choice 2050, and Utah’s Unified Transportation Plan. It is expected that imposing the third quarter sales tax would total approximately \$12.6M annually countywide and the county commission has until June 30, 2022 to impose it.

Mr. Huffman explained that the funds go into a county-wide pot, and is ultimately administered by the county commission, with the advice of the Council of Governments (made up of the mayors in the county).

Mayor Romney said nothing requires the council to take any action. It is likely that the county commission, with its two new commissioners, will take some direction from cities. He asked the council for their thoughts.

There was discussion on the issue. Is city support important? If we don’t support it, will the city be left out in the cold? Should we join other cities’ efforts to show consensus?

Mayor Romney said inaction does not mean opposition. He believes the county will try to be fair in how the money is distributed.

There was agreement to hold off for now and do more homework with contacts with the county.

**9. Discuss Rear-yard Setbacks and Covered Patios in Residential Zones.**

Duane Huffman reviewed the history and purpose of rear yard setbacks. His research indicates that rear setbacks were likely first related to sanitation and waste disposal, then to ensure that the use of a property does not infringe on the rights and neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, to serve as filtration areas for storm water run-off, and to create an open or rural aesthetic although rural “feel” may come more from front and side yard setbacks. He was unable to find any science behind the actual numbers; cities and neighborhoods decide on the lengths based on their own goals related to privacy, open space, neighborhood characteristics, etc.

There was discussion about rear setbacks of neighboring cities. Comparing similar zones West Bountiful is 30 ft., Bountiful – 20 ft., Centerville – 20 ft., North Salt Lake – 25 ft., Woods Cross – 30 ft.

Mr. Huffman explained that the city’s code on rear yard setbacks allows an attached covered deck to encroach 10-ft. into a 30-ft. setback with a conditional use permit if it meets certain criteria. There was discussion about the differences, if any, between deck floors and patio covers.

Based on a resident’s desire for an attached covered patio that would encroach into the 30 ft. rear setback, the planning commission recently reviewed the issue at city council’s request and a majority believed no changes to code should be made based on their concerns with potential intrusions on neighboring properties and the slippery slope of setback exceptions.

If the council decides additional consideration is warranted, Mr. Huffman provided 3 possible options: 1) Provide covered patios the same allowances currently codified for decks, with an additional height limitation; 2) Allow any portion of a main structure to follow the deck model, with an additional height restriction; 3) Consider amending all rear yard setbacks to 25 ft. or 20 ft.

Several council members supported option 1 stating there is minimal intrusion to neighbors, and it is inconsistent to treat decks and patio roofs differently. The planning commission will be asked to reconsider the issue, hold a public hearing, and make a recommendation on how best to make regulations for decks and patio roofs consistent.

**10. Discuss Implementation of Previously Recorded Extension for Off-site Improvements Agreement (Deferral Agreement) for 780 W 1600 North.**

Duane Huffman explained that for several years the city council has allowed developers, by recorded deferral agreement, to delay the installation of curb, gutters, sidewalk, etc., for small subdivisions to prevent creating islands of improvements on otherwise unimproved streets.

A recently requested building permit for a vacant lot on 800 W just north of Pages Lane justifies requiring the property owners for both the vacant lot and the adjacent lot to complete the required improvements now that they will connect to improvements installed by the city since the original subdivision occurred.

No action is needed; staff is bringing this to the council's attention for discussion purposes due to it being the first time the city may be exercising its rights in a deferral agreement.

There was discussion and agreement that the city treated them fairly when they asked for the deferral, now it is fair to require the improvements.

**11. Public Works/Engineering Report**

Steve Maughan-

- Highgate is continuing to build their roads. Have talked with them about weather issues but they are still hoping to put curb in if the weather stays dry. They were working on waterline tie-ins and found an unmarked 10 in. petroleum line on 1100 West.
- Pages Ln project is wrapping up odds and ends and once fencing is finished, they will wrap up for the season and come back next year to complete punch-list items and the overlay.
- Mtn View Estates – working on three waterline tie-ins; they still want to get curb and gutter in this year. We have been dealing with them daily on the mud situation on 1100 West.
- Pot-holing Jessi's Meadow in design preparation for next year's construction.
- Replacing a broken slide at city park.
- Computer room air conditioner needs to be replaced and has been ordered.
- Crew is out working a main line water break tonight at 700 N 1050 West.
- The International plow is in shop with electrical and hydraulic issues.
- Back-up generator has been repaired.

Ben White-

- Next week planning commission will consider final plat for the Ferlin 2-lot subdivision on Porter Lane west of Birnam Woods.
- Received six proposals for concept designs for the west yard. There was discussion about establishing a review committee – Council members Williams, Enquist, and Bruhn indicated they would like to be on the review committee; Mr. Huffman explained it was more appropriate to limit council participation to two.

- Our well is down for few months so beginning next week we will draw water from our connection with Bountiful as we're almost out of our allotment from Weber Basin.
- Test well on 400 North - expect to put it out to bid in February with drilling in May. Total process will be about 1 ½ to 2 years.

## 12. Administrative Report (Duane Huffman)

Met today with North Salt Lake, Woods Cross, and Bountiful regarding library services in South Davis County and the future of the South Branch in Bountiful. If anyone has ideas or knows anyone that wants to provide input, please let Duane know. Ideas at the meeting included a large regional library with kiosks/mobile story time located around the area with the goal of bringing library services out to the cities rather than building/maintaining separate buildings.

Also, is there a need to focus more on senior services? Several of the cities have popular senior activities that we may want to consider in the future. Diverging demographics – aging in place vs Ovation type adult living - may necessitate a change in the type of activities. For example, if a new clubhouse is built at the golf course, it could be a multi-use building that could include senior uses.

## 13. Mayor/Council Reports

Kelly Enquist – Asked if we could contact UDOT for the lights to be replaced on the Pages Lane underpass east of the railroad tracks. He also talked about neighbors west of city park concerned about security lighting at night. Mr. Huffman responded that the issue of adding light at the park was discussed at the staff meeting this morning. He asked the council to let him know if they are interested in security lighting only around the playgrounds or if they prefer full lighting including light posts around the walking path.

Council member Enquist also asked about the café at the golf course. Duane said an RFP for a concessionaire is due December 21. Mr. Ahlstrom mentioned he spoke with the previous concessionaire who said he had a few problems in the past including freezer issues and needed a mop sink. Should we think about readjusting the pay structure? There was discussion about the difficulty of finding someone who could do a good job and make it work and the problems with getting large tournaments due to limited restaurant space.

James Ahlstrom – How much would it cost to extend the golf course building north and east to make a larger restaurant? Ben White said he will pull out old ideas/budgets.

Andy Williams – Youth Council did a great job with Christmas on Onion St. There were a lot of people enjoying the activities while they waited to see Santa. They have good agenda ideas for upcoming meetings and want to focus on how to make the world better.

James Bruhn – no report.

Mark Preece – no report.

**14. Consider Approval of Minutes from the November 20, 2018 City Council Meeting.**

**MOTION:** *James Ahlstrom made a Motion to approve the November 20, 2018 City Council meeting minutes as presented. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

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

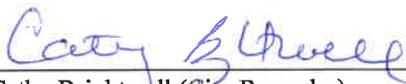
Executive Session was not necessary.

**16. Adjourn Meeting.**

**MOTION:** *James Bruhn made a Motion to adjourn this meeting of the West Bountiful City Council 9:45 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 on December 18, 2018 by unanimous vote of all members present.*

  
Cathy Brightwell (City Recorder)

