

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

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City Engineer
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CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING
AT 7:30 PM ON TUESDAY, JUNE 2, 2020 AT CITY HALL, 550 N 800 WEST**

***This meeting will be held both in-person and electronically via Zoom
(see participation info below)***

AGENDA:

7:30 pm Invocation/Thought – Mark Preece; Pledge of Allegiance – James Ahlstrom

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing – Fiscal Year 2020-2021 Budget.
4. Presentation Regarding Concept Plan for Woodhaven Expansion.
5. Request by Dennis Vest to Correct Property Lines on 1200 North.
6. Ordinance 425-20, an Ordinance Amending WBMC 17.32 For Medical Cannabis Pharmacy.
7. Ordinance 426-20, an Ordinance Amending WBMC 16.04 and 16.12 Regarding Restrictions for Flag Lots on Dead End Streets.
8. Ordinance 427-20, and Ordinance Amending WBMC 17.04 and 17.16 Uses in the Agricultural District, A-1.
9. Resolution 470-20, a Resolution Authorizing City Pick Up of Public Safety and Firefighter Employee Retirement Contributions.
10. Resolution 469-20, a Resolution Approving First Amended and Restated Interlocal Agreement of the Utah Risk Management Agency.
11. Minutes from May 19, 2020 City Council Meeting.
12. Public Works Report.
13. Administrative Report.
14. Mayor/Council Reports.
15. Closed 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 twenty-four hours 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 May 28, 2020.

Join Zoom Meeting:

<https://us02web.zoom.us/j/82279075540>

Meeting ID: **822 7907 5540**

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Meeting ID: 822 7907 5540

Find your local number: <https://us02web.zoom.us/u/kdxv05dSmc>

Minutes of the West Bountiful City Council meeting held on **Tuesday, June 2, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Bruhn, Mark Preece, and Rod Wood in-person. Council member James Ahlstrom via Zoom.

EXCUSED: Council member Kelly Enquist

STAFF: Duane Huffman (City Administrator) and Chief Todd Hixson in-person. Steve Doxey (City Attorney), Dallas Green (Golf Director), Cathy Brightwell (City Recorder) and Terri Hensley (Secretary) via Zoom.

VISITORS: Alan Malan, Gary Jacketta, Dennis Vest, Trent Williams, Cam Preston, and Mike McCabe in-person. Becky Ginos and Bill Goldberg via Zoom.

Mayor Romney announced that Council member Kelly Enquist's wife passed away today after surgery. Prayers and thoughts are with he and his family.

Mayor Romney called the meeting to order at 7:33 pm. Mark Preece gave an Invocation and the Pledge of Allegiance was led by James Ahlstrom.

1. Approve Agenda

MOTION: *James Bruhn made a motion to approve the agenda as written. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

No comments.

3. Public Hearing – Fiscal Year 2020-2021 Budget.

MOTION: *Mark Preece made a motion to open the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

Duane Huffman again reviewed the proposed fiscal year 2020-2021 budget and noted that it will be on the June 16 agenda for final consideration and adoption.

While the general fund had experienced years of growing stability, the economic impacts of the COVID-19 pandemic are expected to be severe as related to available revenues, especially related to sales taxes. City departments were asked to prepare budgets that deferred expenditures until the full impacts can be determined. There was discussion about sales tax projections which

were estimated to decrease by at least 25%. He explained that the March numbers, received the end of May, were up 13% which was much higher than expected. At least at the very beginning of the pandemic, a few of our retailers have done very well, but we are not sure what to expect once things calm down. He is not ready to recommend changing projections at this point.

Council member Wood asked how much had been added to the budget for sidewalk replacement as discussed in previous meetings. Mr. Huffman had difficulty finding the amount and responded that he will review previous meeting notes and update this budget category. There was also discussion about employee compensation. Annual step increases are included in the budget but are proposed to be delayed until January due to the current economic uncertainty, but Council can implement them any time. Council member Wood also suggested that the council consider some engineering money for the new public works west yard building.

Dennis Vest, West Bountiful resident, stated that he does not believe RAP tax funds should support the golf course. The money should be used for trails and parks, including a new park on the west side and trail extensions where people do not have to pay but can do things for free. Support for golf expenses should come from the general fund. He said he hates to see money directed to the golf course instead of necessary expenses at the park like sand replacement.

Mr. Huffman explained that for at least the last seven years, RAP (Recreation, Arts, and Parks) tax has only been used for golf capital projects, not operating expenses. The FY 20-21 budget includes \$31k for a new dumpster enclosure, range ball picker, tee renovation, and a utility maintenance vehicle. This amount is similar with the current year transfer of \$34k. RAP expenses are budgeted at \$207k and the fund brings in about \$220k per year.

Council member Ahlstrom commented that he believes a lot of people support using RAP funds for the golf course. The rules allow it, and it is smart because it is a revenue generating entity. He noted that the city commissioned a study several years ago that asked residents how they thought the RAP tax should be used. The responses were predominately in favor of golf course support. He supports the suggestions about expanding parks and trails on the west side but does not see this as an either/or situation; both can be done.

Council member Wood noted that use of the general fund is more restricted and could impact important city projects. The city has done a really good job managing the course and having it provides advantages to the community.

Mayor Romney added that the city has tried to be judicious about its use of RAP tax.

MOTION: *James Bruhn made a motion to close the public hearing. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

4. Presentation Regarding Concept Plan for Woodhaven Expansion.

The new owners of Woodhaven trailer park contacted the city regarding their desire to expand the use of the current property at 680 W 500 South. This request is complicated and has challenges as the park is currently divided by two zones (C-G and L-I), is a non-conforming use in both zones, it pre-dates the city's current code on mobile home parks, the current mobile home code is outdated, it is close to the HollyFrontier refinery, and the property's sole access is less than optimal.

Trent Williams and Cam Preston from Ensign Engineering, and Mike McCabe representing the Desola Group, owners of the property, were present to discuss their proposals for expansion.

Their preferred option increases the number of lots from 44 to 52. These new lots are proposed all the way to 500 South. Their back-up proposal is for 48 lots and commercial flex space on 500 South. Both proposals will include upgrades to the grounds, secured storage, amenities, and a playground. They are interested in feedback and suggestions on how to proceed.

Duane Huffman explained some of the difficulty dealing with two zones and nonconforming use. The city does not currently have a zone for a mobile home park and the history of this property is not clear. A rezone and development agreement may be the best solution to get on a clean slate. Duane also talked about the poor access in and out of the trailer park from 500 South. He noted that the city's general plan suggests this area may be a good location for higher density.

Mr. McCabe said he has no knowledge of Holly making contact about the property. He added that there are currently only two vacant slots and there is a lot of demand due to lack of moderate-income housing. The manager has a waiting list to get in.

Council member Bruhn said he would not want to open up the entire commercial zone for mobile homes but believes it is okay for this property.

Council member Ahlstrom said the proposals would improve the aesthetics of the property as some of the buildings are not in great condition.

Council member Preece said he is comfortable with the preferred proposal, and council member Wood suggested the council send it to the planning commission to look at it as its own zone rather than trying to accommodate existing zones.

Mayor Romney commented that it makes sense to set it off by itself. He asked staff to get with planning commission to work out regulations, clean up the multiple parcels and come up with a site plan and setbacks.

Mr. Huffman added that public works would like to have separate meters for each unit, and it will be important to be specific about landscaping and long-term funding for maintenance. He suggested that in addition to a new zone, the city's mobile home park ordinance be updated.

Mr. Williams thanked the council for considering their proposals and providing feedback. They will be happy to work with the planning commission.

5. Request by Dennis Vest to Correct Property Lines on 1200 North.

Mr. Vest discovered a discrepancy with the south property line of his property at 1405 W 1200 North and is asking the city to help resolve it. The property line and fence line are off on all the properties on 1200 North west of 1100 West running on the south side of the fence all the way to and including his property. He believes the difference is either a survey error or just simply because the property owners wanted to access the creek because there is no Weber water thus the only year around access to water was by this creek. Mr. Vest is planning to construct a fence and wants to make sure it matches the correct property line.

He said a small parcel is owned by Davis County and calls to them have not been returned, and other property owners have not been contacted.

Bill Goldberg, owner of property across the street from Mr. Vest, said there was an issue with one of his property lines and he and his neighbor ended up signing an agreement that recognized the fence line as the property line. Now he is concerned about the property line he shares with the city on the west side. He suggests getting everyone together to work out these discrepancies.

Duane Huffman recommended that the council reserve discussion on the issues for a closed session, as is normal when initially discussing the potential exchange of real property.

Steve Doxey will do some research and get back to the council with suggestions about how best to clean it up. Research will include investigating where the natural flow of the ditch was as water rights may be an issue.

6. Ordinance 425-20, an Ordinance Amending WBMC 17.32 for Medical Cannabis Pharmacy.

An application to change the city's land use code text was submitted by Wholesome Therapy on May 1, 2020. As part of the application, a request was made to add medical cannabis pharmacies as a permitted use in the C-G zone, other portions of the request have been withdrawn for now.

The planning commission discussed this item at their May 12th and May 26th meetings and held a public hearing at the May 26th meeting. Other than from the petitioner, no public comment was received.

The planning commission understood that, per state code, a medical cannabis pharmacy must be a permitted use in the C-G zone. They then undertook an analysis as to whether any time, place, or manner requirements consistent with state code would be appropriate for this zone in light of the petition filed by Wholesome Therapy. They ultimately voted 3-2 to move forward a positive recommendation on the petitioner's request with one addition: that medical cannabis pharmacies be limited to operating hours between 7 am and 10 pm, the minimum allowed by state law.

Mr. Huffman noted that staff is working on a much more comprehensive ordinance that will cover all aspects of the new cannabis law and how it will be handled in the city. An additional public hearing will be scheduled later in the month.

Council member Bruhn said he has been contacted by several residents who were not able to attend the hearing and are not interested in either a cannabis pharmacy or cultivation business in the city.

MOTION: *Rod Wood made a Motion to adopt Ordinance 425-20 as described above. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	James Bruhn – Aye
Kelly Enquist – Excused	Mark Preece – Aye
Rod Wood - Aye	

7. Ordinance 426-20, an Ordinance Amending WBMC 16.04 and 16.12 Regarding Restrictions for Flag Lots on Dead End Streets.

The planning commission has been discussing existing restrictions for flag lots on dead end streets for several months after a resident requested a flag lot be included as part of a subdivision he is proposing at 1390 W 1200 North. After discussion and review, planning commission determined that a dead-end street and cul-de-sac are similar. As the maximum length of a cul-de-sac is 400 feet, the same maximum length should be recognized when determining where the staff of a flag lot can begin on a dead-end street.

A public hearing was held on May 26; no comments were offered. The proposed changes are recommended for approval and have been reviewed by Mr. Doxey.

MOTION: *James Ahlstrom made a motion to Adopt Ordinance 426-20 as described above. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	James Bruhn – Aye
Kelly Enquist – Excused	Mark Preece – Aye
Rod Wood - Aye	

8. Ordinance 427-20, an Ordinance Amending WBMC 17.04 and 17.16 Uses in the Agricultural District, A-1.

For several months, the planning commission has been considering changes for permitted and conditional uses in the A-1 zone. The primary issue was to consider personal structures when there is no home on the property. Current zoning code refers only to accessory structures, but the concept of accessory structures is to be “on the same lot *with*, and of a nature customarily *incidental and subordinate to, the principal use or building.*”

The commission concluded that the best way to handle this issue was to define and include non-commercial structures as a permitted use. The definition clarifies that the structure cannot be used for commercial purposes or as a dwelling and requires a recorded agreement between the city and property owner that runs with the land.

During the review process, several other changes were determined to be appropriate in the list of conditional uses. These include removing natural resource extraction, clarifying that kennels are allowed only as a home occupation, and deleting a duplicate entry for Residential facilities for Elderly Persons.

A public hearing was held on May 26, 2020; no comments were offered.

MOTION: *James Ahlstrom made a motion to Adopt Ordinance 427-20 as described above. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	James Bruhn – Aye
Kelly Enquist – Excused	Mark Preece – Aye
Rod Wood - Aye	

9. Resolution 470-20, a Resolution Authorizing City Pick Up of Public Safety and Firefighter Employee Retirement Contributions.

Duane Huffman explained staff’s recommendation that the city pay the employee portion (2%) of the newly enhanced Tier II retirement system for the city’s police officers. Funding for this benefit pick-up was included in the tentative budget.

The legislature tried to improve the Tier II retirement system. He said he has talked to many other entities, and most are picking up this portion although several are concerned about how this might impact Tier II employees that are not in public safety.

MOTION: *Mark Preece made a motion to Adopt Resolution 470-20 as described above. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	James Bruhn – Aye
Kelly Enquist – Excused	Mark Preece – Aye
Rod Wood - Aye	

10. Resolution 469-20, A Resolution Approving the First Amended and Restated Interlocal Agreement of the Utah Risk Management Agency.

Duane Huffman reviewed the proposed First Amended and Restated Interlocal Agreement of the Utah Risk Management Agency. It includes miscellaneous clean-up of this thirty-five-year-old document, such as name, bonding requirements for board members, etc. Nothing in the agreement changes our relationship. Mr. Doxey has reviewed the agreement and is fine with it.

MOTION: *James Ahlstrom made a motion to Adopt Resolution 469-20 as described above. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	James Bruhn – Aye
Kelly Enquist – Excused	Mark Preece – Aye
Rod Wood - Aye	

11. Approval of Minutes from the May 19, 2020 City Council Meeting.

MOTION: *Mark Preece made a motion to approve the minutes from the May 19, 2020 meeting as presented. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

12. Engineering/Public Works Report

Duane Huffman –

- 800 West construction – Met with contractor today to express frustration with final water connections on the northern portion not being completed in a timely manner. A new construction team is in place on the south end installing water lines which is good. Paving is scheduled for June 24 on the north end. Clean-up is underway on the north portion.
- Atwater Estates is finishing up public improvements. There has been an internal struggle dealing with the existing house on the property primarily regarding grading. The city is trying to facilitate a solution between the property owners.

12. Administrative/Finance Report

Duane Huffman –

- We advertised for the vacant engineer position and have received 5-6 applications.
- ULCT thinks the state may begin to distribute pandemic funds as early as this week. First installments will go to hard expenditures, and then will look at other qualifying expenses. Some funding could eventually go to business development for those impacted. City council will be very involved.

13. Mayor/Council Reports

James Ahlstrom – no report

Mark Preece – South Davis Sewer district is still working on food waste processing and adjusting nutrient levels but lost funding when North Salt Lake issued a citation due to the odors from the south plant. They have been able to obtain other funding through the state. An engineering firm that specializes in odor retention was hired. They have spent about \$300k on air scrubbers, etc., but still working to find a solution. Plans for upgrades to both plants are still in the works but have been put on the back burner.

James Bruhn – Wasatch Integrated Waste Management's transfer station is working well, and they continue to work on building a recycling center.

Rod Wood – Asked if the city police department was involved in the recent Salt Lake City protests. Chief Hixson responded that our officers were not involved. The north end SWAT team was called upon along with Davis County sheriff medics, the remaining agencies were on standby. He noted that we have doubled up units, having two officers in each car to deal with possible safety problems. He expects the protests will continue for a while and there is a good likelihood that we may have to be involved at some point. He added that Davis County is looking at establishing a public order committee.

Chief added that agencies in Davis County have been asked to handle all security for the services for the Ogden officer killed last week. It has been a lot of work filling shifts during a very challenging and stressful time. On a positive note, these bad events bring out good as well; our community is making an extra effort to be kind. People are making it a point to say nice things to us and taking a proactive approach to support us. Always makes us feel good to hear these kinds of things especially with everything on the news.

Mayor Romney – Meets regularly with health department regarding COVID. West Bountiful does not have any active cases. The number of state cases are up which was expected as the risk level changed. He asked the health department to consider preparing a letter to residents warning that even though things are opening up we all still need to be very careful. Unemployment numbers are going down. We need the economy to get going again but we need to be vigilant as we interact with families and public. High risk people need to be careful and stay away from people including at church and other public places especially as things open back up.

Duane Huffman added that it is very important to encourage those with any symptoms to get tested, otherwise the virus will continue to be passed around. Testing is widely available now.

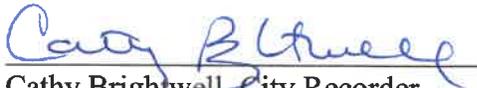
15. Executive Session, For the Purpose of Discussing Items Allowed Pursuant Utah Code 52-4-205.

No executive session was held

16. **Adjourn**

MOTION: *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful City Council at 9:36 pm. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, June 16, 2020.


Cathy Brightwell, City Recorder

