

**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 Recorder**  
Cathy Brightwell

**City Engineer**  
Vacant

**Public Works Director**  
Steve Maughan

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A  
REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 7, 2020  
AT WEST BOUNTIFUL CITY HALL**

*Meeting will be held ONLY electronically via Zoom (see info below)*

**AGENDA:**

*7:30 pm Invocation/Thought – James Bruhn; Pledge of Allegiance – Kelly Enquist*

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing – Vacate South Easement at 937 Meadowlark Lane - Hardman.
4. Resolution 473-20, A Resolution Vacating South Easement to Accommodate a Garage at 937 Meadowlark Lane.
5. Public Hearing – Vacate Easements at 1141 W 400 North - Desert Harbor.
6. Resolution 474-20, A Resolution Vacating East and South Easements to Accommodate a Non-commercial Structure at 1141 W 400 N.
7. Request for Deferral of Public Improvement Requirement at 982 W Porter Lane by John James.
8. Request for Deferral of Public Improvement Requirement at 1388 W 1200 North by Bill Goldberg.
9. Ordinance 428-20, An Ordinance Re-Approving the Annexation of Property at 1388 W 1200 North.
10. Ordinance 429-20, An Ordinance (1) Addressing A Petition Filed Under UCA §10-9a-528, (2) Amending WBMC Title 17 Regarding Medical Cannabis Regulations, and (3) Amending the WBMC Zoning Map.
11. Ashby Acres Subdivision Final Plat.
12. Public Hearing – Vacate North Easement at 786 W 1300 N - Maughan.
13. Resolution 475-20, A Resolution Vacating a Portion of the North Easement to Accommodate a Garage Extension at 786 W 1300 North.
14. CARES Funding.
15. Award of 2020 Seal Coat Project.
16. Minutes from June 16, 2020 City Council Meeting.
17. Public Works Report.
18. Administrative Report.
19. Mayor/Council Reports.
20. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
21. Adjourn.

*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 July 2, 2020*

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 twenty-four hours prior to the meeting.

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/82171076079>

**Meeting ID: 821 7107 6079**

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Meeting ID: 821 7107 6079

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Minutes of the West Bountiful City Council meeting held on **Tuesday, July 7, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

This meeting was held via Zoom. Participants include:

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece and Rod Wood

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Police Chief Hixson, Patrice Twitchell (Finance Specialist), Cathy Brightwell (City Recorder) and Terri Hensley (Secretary)

**VISITORS:** Alan Malan, Terrance Wall, Chyanne Pope, Kevin & Merilee Thacker, Jamon Bell, AnJanette Broderick, Greg & Kim McKnight, Rick Hardman, Michael Christensen, Bruce Baird, Becky Ginos, Dennis Vest, Bill Goldberg

Mayor Romney called the meeting to order at 7:31 pm. James Bruhn offered a thought and the pledge of allegiance was led by Kelly Enquist.

**1. Approve Agenda**

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

**2. Public Comment**

Terry Wall – 1832 Olsen Way, stated that he chose to move here for the small town feel. He has asked the city to help with an ongoing problem he has with Mountain Shadows kennel located across the street from his home. The business was originally owned by Bonnie Olsen and when she died, was given to her daughter, Cheree Martin. The kennel operates a pomsky dog breeding business. Some kind of business was grandfathered when the property was annexed into the city years ago, but he believes the business has changed from grooming to kennel and boarding. The business was in a small building just north of the home Mrs. Olsen lived in and was recently moved to a larger building on the property and has grown to include about 21 dogs. Ms. Martin does not live on the property and is not a resident of the city.

Mr. Wall said he has had to deal with ongoing odors and barking. When he has tried to talk to Ms. Martin she has responded with vulgarity and threats. He said he is concerned for the animals. Early this morning he was awakened by a dog barking loudly that had been left in the dog run. A police officer was called to deal with the issue.

Mayor Romney thanked Mr. Wall for bringing the matter to the city's attention. Staff will talk with the city attorney and prosecutor to see how best to proceed. Mr. Huffman noted that these are complicated issues. The property has been tied up in legal proceedings for several years.

Council member Ahlstrom suggested the city contact the previous owner, Terry Olsen, to provide an opportunity to fix the problem prior to pursuing legal action.

Mr. Wall asked that he be kept informed of their progress.

**3. Public Hearing – Vacate South Easement at 937 Meadowlark Lane - Hardman.**

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

The Hardman's wish to build a garage in the southeast corner of their property at 937 Meadowlark Lane but there is a conflict with a public utility easement along the rear property line. Required public notice has been completed and the property owner has provided copies of written confirmation from all major utility companies that they will release their interest in the easement. Staff does not foresee negative impacts to the city by vacating these easements.

There was no public comment offered.

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

**4. Resolution 473-20, A Resolution Authorizing the Mayor to Execute the Vacation of the South Public Utility Easement Located at 937 Meadowlark Lane.**

**MOTION:** *James Ahlstrom made a Motion to adopt Resolution 473-20 releasing the rear public utility easement. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye  
Kelly Enquist – Aye  
Rod Wood - Aye

James Bruhn – Aye  
Mark Preece – Aye

**5. Public Hearing – Vacate Easements at 1141 W 400 North – Desert Harbor.**

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

The owners of Desert Harbor own approximately 1.5 acres at 1141 W 400 North. They wish to build a large family gathering building/garage in the southeast corner of the property but there is a conflict with the rear east and south public utility easements. The applicant also requested vacation of the rear west easement, but staff recommends holding that easement as it could be useful if property to south develops in the future. Required public notice has been completed and the property owner has provided copies of written confirmation from all major utility companies that they do not object to the proposed release of easements. Staff does not foresee negative impacts to the city by vacating these easements. A plat amendment has also been proposed to enlarge the property and will be considered at a future city council meeting.

Kevin Thacker, neighbor, commented that he is concerned about the property owner taking portions of surrounding properties, including Amy Jensen to the east, to increase the size of the lot.

Michael Christenson, on behalf of Desert Harbor, explained that historical property lines have not been clear as they do not match up with existing fences and tree lines. The rear portion of Ms. Jensen's property appeared to be part of the Desert Harbor property and when approached, Ms. Jensen stated she never believed the property was hers. This piece of land had been treated as part of the larger property now owned by Desert Harbor for more than twenty years. To clear up the issue, Desert Harbor settled by way of a process called Boundary by Acquiescence, released it from the deed of trust and offered to pay a settlement fee to Ms. Jensen. A judge entered an order and judgment stating boundary by acquiescence had occurred.

Mr. Huffman noted that the city became involved in the issue because Ms. Jensen's property was already nonconforming as to size and the boundary change further reduced the size of her property.

Kim McKnight lives across street and stated she believes this was a backdoor dirty deal to increase the size of the property. She does not want to have to look at a large building that is out of place in this area and she is concerned that the proposed party barn will cause traffic and parking issues.

Councilmember Wood commented that the surrounding area typically includes barns and other agricultural buildings. He asked how this building will fit in as it does not appear to be primarily agricultural in nature. Duane Huffman clarified that a recent ordinance was adopted by city council that allows non-commercial structures in the A-1 zone. These buildings are not required to be used for agricultural purposes and are restricted from commercial or residential use. Prior to building permit approval, owners of non-commercial structures are required to sign an agreement with the city confirming that neither commercial nor residential use will be conducted in the building. He added that the city does have a requirement that structures in the rear yard of a dwelling cannot cover more than 35 percent of the rear yard. If the owners plan to add a home to the property in the future, they will need to ensure that this proposed structure will not exceed the 35 percent size limit.

Mr. Wood asked about the size, location and use of the proposed building. Mr. Christensen said the building will be in the far southeast corner of the property which will include about forty feet of his property to the south as part of the plat amendment. It will include a large area for family gatherings on the east side to be used for holidays and other family events. The center and west portion will include some garages for recreational vehicles, tractors, hay storage, and animal stalls. The total size of building and garages is about 12k square feet. As far as parking concerns, Mr. Christensen said a circular driveway is planned in addition to an area by the garages that will accommodate parking and there will also be parking available on his personal property on 1100 West to the south. To give an equestrian feel, they are planning a gated rod iron fence with pillars around the property. He said they have done their best to set it back far away from the street.

Mr. Huffman clarified that the purpose of this hearing is to consider vacating the proposed easements. Councilmember Ahlstrom agreed and stated that this proceeding has nothing to do with the proposed building. We need to decide if there is a need to keep these easements.

Mrs. McKnight noted that she understands this is about the easements, but she is concerned that it is the first step to a second step that will result in the proposed party barn being approved. She does not believe it will fit in with the community and will set a precedent for future west side development. She is concerned about the cinder blocks on the property and what it will look like.

Chyanne Pope, another neighbor, shared her concerns about having such a large building close to her 1300 square foot home. She believes it is important that the building 'fit in.' Mr. Christensen said it will be a gorgeous building with pillars and rod iron fence that has an equestrian feel; the cinder blocks will be used to build the pillars.

Mayor Romney noted that there are a lot of large lots with large homes and buildings in the A-1 zone. The city cannot regulate what a property owner builds as long as it meets zoning requirements. We do not regulate the size or style of homes and buildings.

Councilmember Ahlstrom added that property rights are important and there may be homes and buildings that people do not like but as long as they comply with the city zoning regulations, property owners can do whatever they want. He gave the example of a pink house.

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

**6. Resolution 474-20, A Resolution Authorizing the Mayor to Execute the Vacation of the Rear Portions of the East and South Public Utility Easements Located at 1141 W 400 North.**

Mr. Huffman offered the option of tabling the issue tonight so that the council can consider the easement vacation in light of the proposed plat amendment at a future meeting. This will provide an opportunity to collect more information and deal with the multiple issues at one time. Mayor Romney agreed that is prudent to look at all issues together.

**MOTION:** *Rod Wood made a Motion to table this issue so additional information can be provided regarding the plat amendment and family gathering building planned for the property at 1141 W 400 North. 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
Rod Wood - Aye	

**7. Request for Deferral of Public Improvement Requirement at 982 W Porter Lane by John James.**

John James has applied for a building permit to build a single-family home. The installation of public improvements such as curb, gutter, and sidewalks may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled. Such improvements may be required as a condition of building permit approval. (WBM 15.08.050)

Mr. James has requested deferral of the required public improvements because there are currently no similar improvements adjacent to his property on the north side of the road. His property is at the far west end of the street and the nearest improvements on the north side of the street are over 800 ft. to the east. Mr. James states in his request that installing these improvements is cost prohibited at this time, but he is willing to consider proposals for future development. He also argues that the prior home did not have these improvements and he is merely replacing the home that was destroyed by fire. He adds that there is sufficient drainage currently without curb, gutter, or sidewalk because the lot slopes southwest.

There was discussion about a previous deferral granted to one of the neighboring properties two years ago. How will properties without deferral agreements be handled when the city wants to complete the improvements? Is it fair for some to pay and some not? Options would include calling the agreements due, the city paying full or partial costs, or establishing a special improvement district with a minimum of 51% property owner approval.

**MOTION:** *James Ahlstrom made a Motion to adopt a Deferral of Public Improvements Agreement for John James at 982 W Porter Lane. Rod Wood seconded the Motion which PASSED with a vote of 4-1.*

The vote was recorded as follows:

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

**8. Request for Deferral of Public Improvement Requirement at 1388 W 1200 North by William Goldberg.**

William Goldberg has applied for a two-lot subdivision at the above address. The approval of all subdivisions, regardless of size, require the installation of public improvements including curb, gutter, sidewalk, and secondary water to meet the City's design standards. The city council may waive, modify, or delay the construction of all or part of the required improvements upon making specific findings supporting its decision. (WBMC 16.20.020)

Mr. Goldberg has requested deferral of the required improvements because there are currently no similar improvements anywhere on 1200 North. As design of the improvements is a costly part of preparing a subdivision plat, he would like a decision from the city council before proceeding with his subdivision so that he does not incur an unnecessary expense.

The West Bountiful public works west yard will eventually be built next to this property. There was discussion about 1200 North and when it might be appropriate to improve the street.

**MOTION:** *Kelly Enquist made a Motion to Approve the Deferral of Public Utility Improvements Required as part of a Subdivision. Mark Preece seconded the Motion which PASSED with a vote of 4-1.*

The vote was recorded as follows:

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

**9. Ordinance 428-20, An Ordinance Re-approving the Annexation of Property at 1388 W 1200 North.**

The city council approved William Goldberg's Petition to Annex his property at 1390 W 1200 North earlier this year which included adopting Ordinance 421-20. The process to complete the annexation required a local entity plat of the property signed by the county surveyor to be provided to the lieutenant governor's office within 60 days of adoption of the municipal ordinance. Due to various circumstances, the local entity plat was not received from Mr. Goldberg until early June and then approved by the county mid-June which was beyond the deadline.

To complete the annexation of this property a new ordinance must be signed so the date falls within the 60-day window. A duplicate ordinance, Ordinance 428-20 is recommended for adoption.

**MOTION:** *James Ahlstrom made a Motion to adopt Ordinance 428-20 Re-approving the Annexation of Property at 1388 W 1200 North. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**10. Ordinance 429-20, An Ordinance (1) Addressing a Petition Filed Under UCA 10-9a-528, (2) Amending WBMC Title 17 Regarding Medical Cannabis Regulations, and (3) Amending the WBMC Zoning Map.**

Duane Huffman summarized the history of this issue over the past several months. 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, Wholesome Therapy invoked the timeline requirements related to petitions involving cannabis production establishments as found in UCA § 10-9a-528(3)(b).

Subsequently, Wholesome Therapy withdrew in part their petition, leaving only the request for language related to medical cannabis pharmacies. The city council acted on this request, adopting Ordinance 425-20 on June 2<sup>nd</sup> based on state law that requires Medical Cannabis Pharmacies to be allowed in Commercial zones. Wholesome Therapy re-submitted the full petition on June 3, 2020 which proposed Cannabis Production Establishments as a permitted use to the A-1 and L-I-zones, and as a conditional use in the C-G zone.

The applicant stated as justification for its proposal that the change is intended to make possible a cannabis production establishment at 580 W 100 N (Carr Printing building) to complement the medical cannabis pharmacy at the same location. The applicant could then cultivate, process, and retail the product all on-site.

Following several months of discussion and two public hearings, the planning commission made the following recommendations:

1. Deny the request for land use text changes for the remaining items in the petition filed by Wholesome Therapy.
2. Change the zone for parcel 06-039-0128 (Carr Building) from the Commercial-General District (C-G) to the Commercial-Highway District (C-H).
3. Adopt a comprehensive ordinance addressing medical cannabis land uses throughout the city. The new ordinance clarifies that the A-1 zone is primarily residential; creates an Agricultural Special (A-S) zone on the west side of Legacy Parkway; allows Cannabis Production Establishments as a Permitted Use in the I-G zone and a Conditional Use in the L-I zone, and prohibits them in Commercial zones.

Bruce Baird, representing Wholesome Therapy, addressed the council. He stated that he and his clients tried multiple times to talk to the owners of the adjacent commercial property before the pharmacy was determined to be allowed. Their objections at that time, in his opinion, were primarily about the pharmacy. Subsequently, Wholesome Co has made dozens of efforts to talk to and educate them about the proposed production business in an effort to address their concerns. These efforts have been unsuccessful. He believes there was resentment about the pharmacy going in without their knowledge.

Mr. Baird said they have done everything the city has asked them to do and provided a lot of information. Two different uses are being proposed. 1) Cultivation which is ultra-high tech grows cannabis to prepare for processing. There have been some concerns raised about odor and waste. He said they cannot guarantee 100% that there will be no odors from the cultivation, but it is not likely to be noticeable to the outside world. There will be a very small amount of waste material which will be shredded and disposed of per state law. 2) Processing, similar to the compounding in regular pharmacies, manufactures a cannabis product in preparation to sell to a medical cannabis pharmacy. Neither of these are visible to the public. He said their company is one of few that are vertically integrated and that the State supports vertical integration for security, record keeping, etc.

Mr. Baird encouraged the Council to allow both types of business but at a minimum, processing and rezoning the Carr Printing building to Commercial Highway. He noted that if cultivation and processing are not approved today, they will need to move on quickly to be able to have the product they need to open the pharmacy as scheduled for the end of July.

Duane Huffman explained that the definition of cannabis production facility includes cultivation, processing, and testing. If the Council decides to allow only one of these elements, the definition will need to be modified.

Councilmember Wood commented that his research shows a distinction between industrial hemp and medical marijuana based in part on the oil percentages in each. Utah State University is researching how to

grow medical marijuana to make it stronger. He does not think that cannabis cultivation and processing should be allowed in commercial zones.

Mr. Baird stated there is a statutory distinction between cannabis/marijuana and hemp. There is no difficulty telling them apart even though there is some confusion from the public.

Mayor Romney recalled that the legislature initially was not going to allow companies to sell, grow, and process. He asked why it changed. Mr. Baird responded that the legislature decided it did not make sense to force companies to limit their business. There were no legitimate reasons to keep them separate and in fact, they found good reasons that vertical integration improved efficiency, cost, and security, although separate licenses are required for each. Wholesome Therapy currently has licenses for pharmacy and cultivation and has applied for a processing license.

**MOTION:** *James Ahlstrom made a Motion to adopt Ordinance 429-20 in the Form Recommended by Planning Commission with the Following Modification. Cannabis Production Establishments and Medical Cannabis Pharmacies will not be Allowed in the L-I Zone. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye

James Bruhn – Aye

Kelly Enquist – Aye

Mark Preece – Aye

Rod Wood - Aye

#### 11. Ashby Acres Subdivision Final Plat.

*Prior to discussion, Councilmember Bruhn disclosed a conflict of interest as he is the applicant/owner for this agenda item.*

James and Shelly Bruhn have applied for an 8-lot subdivision on the northeast corner of 1100 West and Pages Lane. The property is within the R-1-22 zone and consists of 4.62 acres. The eight lots meet the required R-1-22 zoning requirements for size and frontage. Will-serve letters have been received from the major utility companies. The planning commission recommended approval of the final plat subject to several miscellaneous clarifications being added to the plat and a drainage plan to be accepted by the city engineer.

Ben White described his drainage concerns. A proposed drainage pipe was removed from the plans as it would conflict with underground gas lines. In his opinion, an acceptable option is to run a rear yard drain between lots 4 and 5 to connect to an existing storm drain box in Pages Lane (with a backflow valve). This pipeline should be enough to pick up drainage from lots east of lot 7 as well as the east and southeast portion of lot 7. The drainage easement on north side of the property would stay in place.

James Bruhn explained that he does not agree with Mr. White's proposal. He has always wanted to run drainage along the north property line to match the adjacent Olsen Farms storm drain. It has worked well for twelve years, with no problems. The ground is very flat. He noted that the elevation for Olsen Farms is higher than his subdivision and there are no plans to raise the level of the new lots. Olsen Farms has a ten-foot drainage easement and he is proposing the same resulting in a twenty-foot drainage easement to easily maintain any future flow.

There was discussion about other alternatives including piping only behind lot 7. Mr. White said he is concerned because of the proximity of a home and any future buildings on lot 7 to the drainage ditch. He expects the ditch to be 3-4 ft. lower than any proposed house finish floor elevation.

There was discussion about the storm drain on Pages Lane and how far east the line backs up during heavy rains. Mr. Bruhn said it has blown off manhole covers in front of his home and slightly to the east. This is the reason the backflow valve is recommended.

Councilmember Wood asked that a note be added to the plat so future owners know they are responsible for storm drain maintenance.

**MOTION:** *James Ahlstrom made a Motion to Approve the Final Plat for Ashby Acres Subdivision with Mr. White's Proposal, described above, to Run a Rear Yard Drain between Lots 4 and 5, and an Underground Drain Along the East Property Line South to Pages Lane with a Backflow Valve to Tie into the Existing Drainage Box. Other Alternatives, acceptable to Mr. White, can be Considered. Mark Preece seconded the Motion which PASSED with a 3-2 vote.*

The vote was recorded as follows:

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

Councilmember Bruhn suggested that while crews are working on the 1100 West public improvements for his subdivision, the city consider partnering with him to put in curb, gutter, and sidewalk on the one remaining property without public improvements.

**12. Public Hearing – Vacate North Easement at 786 W 1300 North - Maughan.**

**MOTION:** *Kelly Enquist made a Motion to Open the Public Hearing. Mark Preece Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

The Maughan's wish to extend an existing garage in the northeast corner of their property at 786 W 1300 North but there is a conflict with public utility easement along the rear property line. Required public notice has been completed and the property owner has provided copies of written confirmation from all major utility companies that they do not object to the release. Staff does not foresee negative impacts to the city by vacating these easements.

**MOTION:** *Kelly Enquist made a Motion to Close the Public Hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

**13. Resolution 475-20, A Resolution Authorizing the Mayor to Execute the Vacation of the South Public Utility Easement Located at 786 W 1300 North.**

**MOTION:** *James Ahlstrom made a Motion to Adopt Resolution 475-20 Releasing the Ten-foot Rear and Seven-foot East Side Easements. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

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

**14. CARES Funding.**

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provided \$562 million to the State of Utah for local governments. Ultimately, cities are set to receive \$107,296,608, divided out by population - roughly \$87 per capita. Counties will also receive \$87 per capita. School districts are part of a separate funding source, but special districts are dependent on cities/counties for any share of the funding.

The state plans to distribute the funding in three separate allocations. The first allocation is available now, and we don't know when the others will become available.

For West Bountiful City, this means a total of \$508,994 may be available, with \$169,665 available now. Davis County will have a total of around \$31,185,400. The money may only be used for eligible expenses as defined by the US Treasury Department and must be carefully tracked.

West Bountiful has created a special account number to track all eligible expenses. So far, the city has spent \$9,870. This has been for personal protective equipment, cleaning supplies, equipment needed for telecommuting, a glass barrier for the front desk, and equipment for internet meetings. Staff has estimated that through 2020 up to an additional \$160k may be needed for city expenses. This is based on estimates of personal protective equipment, cleaning supplies, cleaning contracts for vehicles and buildings, equipment for remote workstations, touchless faucets/toilets in restrooms, touchless entrance doors at city facilities, and signage.

Additionally, staff is exploring what it would take to provide free WiFi to the public at city areas such as the Park. This is an eligible expense as it is considered a lifeline broadband project, providing internet for school/work for residents that may not have access in their homes. The city could also develop programs designed to help residents or businesses affected by the pandemic.

Duane explained that special districts are dependent on cities and counties for any share of CARES funding. Davis County has made no mention of any intent to share funding with special districts but the five cities in south Davis County have researched the Special Districts' expenses and recommend providing some money to help offset their costs that could otherwise be passed on to city residents. For West Bountiful, staff recommends setting aside \$20k for this purpose.

Mr. Huffman also discussed a county program that provides business grants for which the county has asked each city to contribute 50% of their first allocation payment. This would be \$84,832 for West Bountiful. The council's consensus was to hold off participating for now.

There was also discussion about a program to help West Bountiful residents who have been affected by providing a utility grant for those with proof that they have been impacted. Administration of the program may be difficult but the cost to hire someone to manage the program may be an eligible expense.

Mr. Huffman asked for approval to get going on orders for PPE and physical improvements. Anything over \$10k will come back for approval per the City's procurement requirements.

**15. Award of 2020 Seal Coat Project.**

Asphalt sealers have proven to be a cost-effective means to extend the life of asphalt streets. The city has identified a high-density mineral bond (HDMA) as the product that provides the best value to seal coat our streets. It has proven itself to provide a better seal than the traditional slurries and is well liked by the public. It also carries a better warranty than other seal coat products on the market. We typically only seal coat streets with new or nearly new asphalt.

Bids were requested and Holbrook Asphalt submitted the only bid. The proposed unit prices are in line with staff's expectations. Approximately \$50,000 of the \$117,838 bid will be paid by developers leaving the city's portion at \$67,838.

Staff has discussed bringing this work in house, but it is not feasible at this point and does not come with a warranty.

**MOTION:** *James Ahlstrom made a Motion to Award the 2020 Seal Coat Project to Holbrook Asphalt for \$117,838. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

16. **Approval of Minutes from the June 16, 2020 City Council Meeting.**

**MOTION:** *James Ahlstrom made a Motion to Approve the Minutes from the June 16, 2020 meeting as presented. Mark Preece Seconded the Motion which PASSED by unanimous vote of all members present.*

17. **Public Works Report – Steve Maughan**

- 800 W Project – Pages Lane to 1000 North has been paved and contractors are working to finish up landscaping. The south portion of the project (1000 N – 400 N) is underway and we expect it to move a little faster than the north portion. The asphalt has been milled off. The deadline for completion is the middle of August.

18. **Administrative/Finance Report – Duane Huffman**

- Still trying to work with the school district on a written agreement to deal with our joint issues.
- Met with owners of Woodhaven Mobile Home park about their proposed expansion. They are preparing a proposed agreement and ordinance for our review.
- The planned seal coat project will close out the Cottages at Havenwood subdivision and we will return any money that is left over. At this point, expenses will include Steve Doxey's time but not any other staff time.

19. **Mayor/Council Reports**

Mayor Romney –

- Fireworks were great and the public reaction was very positive.
- Air Parade was canceled due to liability issues and sponsoring costs.
- COVID cases are growing in the city and the county. The age segment that is highest and growing fastest is 15-24 years of age. This group is spreading it and it is impossible to do contact tracing because they have been around so many places.

James Ahlstrom –

- Loved the fireworks show; many he talked with liked it better at the golf course than at the Park.

Mark Preece –

- South Sewer District plant has been above acceptable levels of ammonia for long time and the state has issued fines. Working to figure out how to get levels down. They have cleaned everything out and the numbers have gone down steadily; hopeful it will last. Mercury levels are still high. Taking on more food stuffs and still working on North Salt Lake water issues.
- Fireworks were not as high in the air as expected.

James Bruhn –

- Wasatch Integrated has the recycling facility up and running. A test batch has been sent to the digester; excited it is up and running.
- Arts Council wants to video some programs and is looking for someone to help them out. Recommendations? Several names were suggested: Ben Parker, Emily Holmgren, Denis Hopkinson. Duane said that equipment could be an eligible CARES expense. The Arts Council also suggested painting rocks with uplifting messages and placing them along the Prospector trail. The rocks would be fist-size to cantaloupe-size. Councilmember Ahlstrom suggested larger rocks to discourage them being thrown. Duane asked to speak to Councilmember Bruhn about the idea after the meeting.

Rod Wood –

- Fireworks were great! He asked for an update on the well.

Kelly Enquist

- Fireworks were very nice and brought a lot of people from out of town.

**15. Executive Session, For the Purpose of Discussing Items Allowed Pursuant Utah Code 52-4-205 (1)(a) and (c).**

**MOTION:** *James Ahlstrom made a Motion to move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual; and to discuss pending or reasonably imminent litigation. All participants on the Zoom call will be disconnected except for city council, Steve Doxey and Duane Huffman. The regular city council meeting will adjourn upon adjournment of the executive session. Rod Wood seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye

James Bruhn – Aye

Kelly Enquist – Aye

Mark Preece – Aye

Rod Wood - Aye

**16. Adjourn**

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*The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, July 21, 2020.*

  
Cathy Brightwell, City Recorder



**WEST BOUNTIFUL CITY**

**Statement Regarding Closed Meeting of City Council  
July 7, 2020**

STATE OF UTAH )  
                          : ss.  
COUNTY OF DAVIS)

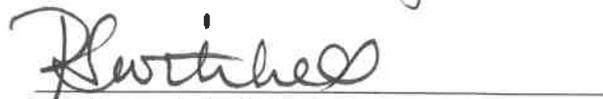
I, Ken Romney, hereby affirm as follows:

1. I am the Mayor of West Bountiful City, and make the following averments based on personal knowledge.
2. I presided at a duly noticed meeting of the West Bountiful City Council on July 7, 2020.
3. Upon motion and a unanimous vote, the City Council closed the regular meeting and moved the meeting to the police training room for the purpose of discussing the character, professional competence, or physical or mental health of an individual, pursuant *Utah Code Ann.* § 52-4-205(1)(a)
4. Upon conclusion of that discussion, the Council resumed its open meeting.

DATED this 13th day of July 2020.

  
Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of July, 2020.

  
Patrice Twitchell,  
Notary Public

