

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

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

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

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 21, 2020
AT WEST BOUNTIFUL CITY HALL**

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

AGENDA:

7:30 pm Invocation/Thought – Kelly Enquist; Pledge of Allegiance – Rod Wood

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Ordinance 430-20 Vacating East and South Easements to Accommodate a Non-commercial Structure at 1141 W 400 North.
4. Plat Amendment for Christensen Subdivision at 1141 W 400 North.
5. Goldberg Subdivision Final Plat.
6. Ordinance 431-20 Approving Disconnection of Approximately Two Acres of Real Property from West Bountiful City.
7. West Bountiful Inspirational Rock Project.
8. Minutes from July 7, 2020 and July 13, 2020 City Council Meetings.
9. Public Works Report.
10. Police Report.
11. Administrative Report.
12. Mayor/Council Reports.
13. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
14. 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 17, 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/81228953460>

Meeting ID: **812 2895 3460**

One tap mobile

+12532158782,,81228953460# US (Tacoma)

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Dial by your location

+1 253 215 8782 US (Tacoma)

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Meeting ID: 812 2895 3460

Find your local number: <https://us02web.zoom.us/j/81228953460>

Minutes of the West Bountiful City Council meeting held on **Tuesday, July 21, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

All participants were on Zoom. Those in attendance:

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), Dallas Green (Golf Director), Chief Todd Hixson, Steve Maughan (Public Works), Cathy Brightwell (City Recorder), and Terri Hensley (Secretary).

PUBLIC: Alan Malan, Bill Goldberg, Dennis Vest, Michael Christensen, Greg & Kim McKnight, Ron Hales, Chyanne Pope, Kevin Thacker

Mayor Romney called the meeting to order at 7:34 pm. Kelly Enquist gave a Thought and the Pledge of Allegiance was led by Rod Wood.

1. Approve the Agenda.

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

2. Public Comment

There was no public comment.

3. Ordinance 430-20 Vacating East and South Easements to Accommodate a Non-commercial Structure at 1141 W 400 North.

The owners of Desert Harbor own approximately 1.5 acres at 1141 W 400 North. They wish to build a large family gathering building that includes storage and garage space and covered animal space on the southeast corner of the property but there but there is a conflict with the rear south and east 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, a public hearing held, and the property owner has provided copies of written confirmation from all major utility companies that they do not object to the release of the easements. Staff does not foresee negative impacts to the city by vacating these easements.

A request to amend the Skiddy plat is also on the agenda but listed as a separate item because it requires separate action. As the two requests go hand in hand, they will be discussed together as reflected below.

The Skiddy plat amendment creates the Christensen Subdivision. No new lots are created and both proposed lots meet the requirements of the A-1 zone. Lot 2 of the Skiddy Subdivision is

changed to Lot 101 of the Christensen Subdivision which is enlarged by including the entirety of parcel 06-032-0144 and 0.25 acres from the property located at 321 N 1100 West. The remaining property at 321 N 1100 West becomes Lot 102 of the Christensen Subdivision. The final size of Lot 101 would be 1.86 acres and the final size of Lot 102 would be 2.194 acres. This amendment will create a slightly irregular shaped lot with one lot making an indentation 39 feet deep and 281 feet wide into the second lot.

There was discussion about the regulations surrounding a plat amendment and easement vacation. The city council may vacate easements and amend plats if good cause exists and neither the public interest nor any person will be materially injured. It is up to the applicant to prove good cause.

Council member James Ahlstrom clarified that the easements and plat amendment are the focus of tonight's discussion. All other details such as the type of building that will eventually be proposed for the property is not what is being decided tonight.

With regard to the 0.1 acres of land acquired by acquiescence from 341 N 1100 West, Steve Doxey stated the Christensen's had provided all necessary documentation and he was satisfied that it aligned with all regulations and city ordinances.

Neither frontage on 400 North nor 1100 West have public improvements but both properties have engaged in deferral agreements which can be called due at any time. These deferrals include secondary water as well as curb, gutter, and sidewalk improvements.

Discussion included the proposed lot shape and whether WBMC 16.12.060.A applies. While the resulting shape of the lot is irregular, it does not appear to be created solely to provide necessary square footage for zoning purposes. There was also discussion about the change in driveway shape that is now circular and provides better access and parking options. The owner does not intend to build a home on the property, but it appears there is sufficient space on the lot for a future dwelling. It appears their request results in no material harm and they have provided good cause.

MOTION: *James Ahlstrom made a Motion to Adopt Ordinance 430-20 vacating the east and south easements of Lot 2 of Skiddy Subdivision. James Bruhn seconded the Motion.*

Following the Motion and prior to the vote, Mayor Romney gave the public an opportunity to make comments. Kevin Thacker inquired about the acquisition of Amy Jensen's property and questioned why Desert Harbor paid her for the property if it was found to be their property from the beginning. He said he would expect the same treatment if he attempted to acquire a neighbor's property. He also stated a concern that the property is owned by a company rather than individuals. Mayor Romney explained the process of the original acquiescence and the difference between the situations, he also noted that many properties in the city are owned by LLCs and Trusts.

Kim McKnight is concerned that the property is being used for family storage units and asked when a home will be built on the property. It was explained that there is no restriction to store personal property on private property and there are many barns and storage buildings in the area currently used for storage. It was also stated that as part of the building permit process, Desert Harbor will be required to sign an agreement that will be recorded on the property stating that the building will not be used for residential or commercial purposes.

The Motion PASSED with a vote of 4-1 recorded as follows:

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

4. Plat Amendment for Christensen Subdivision at 1141 W 400 North.

See discussion above.

MOTION: *James Ahlstrom made a Motion to approve the requested Plat Amendment for Desert Harbor creating the Christensen Subdivision. 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	

After the vote, Rod Wood commented that with multiple buildings in the city being used for storage, it may be difficult to regulate non-commercial structures and perhaps the ordinance should be given another look down the road.

5. Goldberg Subdivision Final Plat

William Goldberg recently annexed property into West Bountiful City and has applied for a 2-lot subdivision at 1388 W 1200 N which includes a flag lot. The property is within the A-1 zone and consists of 5.05 acres. Each of the two lots meet the required A-1 zoning requirements for size and frontage.

The planning commission granted a conditional use permit for the flag lot (Lot 1), and the South Davis Fire Marshall has determined a turnaround is not required until such time as a dwelling is constructed on Lot 1, which is currently not planned. South Davis Sewer District has given verbal authorization to connect a new sewer lateral for Lot 2 to the existing sewer line.

The planning commission has recommended approval of the subdivision with the following conditions.

1. Title report to be reviewed by the city attorney with no objectionable entries.
2. Annexation Certificate from the Lt. Governor's office.
3. Require a reflective address sign be placed on 1200 North for Lot 1 to designate the second driveway.

MOTION: *Rod Wood made a Motion to Approve the Final Plat for the Goldberg Subdivision with the conditions recommended by planning commission. 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	

6. Ordinance 431-20 Approving Disconnection of Approximately Two Acres of Real Property from West Bountiful City.

The Smith family filed a formal petition to disconnect the property at 1818 W 400 South (parcel 06-030-0047) from West Bountiful City which was annexed into West Bountiful in 1999 as part of a larger parcel owned by Security Investment LTD. It appears that in 2008 a judge granted the Smith family quiet title to the property in question, separating it from the larger Security Investment LTD property which is in Davis County.

The purpose of the disconnection is that the Petitioners' desire that the property be under the same jurisdiction as their adjacent larger parcel. Mr. Huffman commented that Davis County never responded to the notice of disconnection. A public hearing was held on May 19, 2020 and no one spoke against the Petition.

Mr. Huffman stated that if the property is disconnected, it does not mean it is not part of West Bountiful's annexation policy or that the city does not want the property within the city boundaries, but rather to make it easier for the owner to deal with their property as part of one jurisdiction.

MOTION: *Rod Wood made a Motion to approve Ordinance 431-20 Approving the Disconnection of Approximately Two Acres of Real Property from West Bountiful City. James Ahlstrom 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. West Bountiful Inspirational Rock Project.

The West Bountiful City Arts Council has been working to identify ways to serve the city in these unusual times of COVID-19 and the various impact it has had on our community. There is a tremendous resource in our local trail system which is currently experiencing an increase in usage by many of our citizens and others from nearby communities.

The Arts Council would like to place small painted rocks with uplifting messages along the Prospector Rail Trail and encourage members of the community to join in. This has been done in other cities with great success and benefit to the local community. They recommend producing and placing signs at each main entry point of the trail that would be similar in size to the existing dog waste station signs. The Arts Council would take care of the design and cover the cost for printing from their budget but would like the city to help with installation. They believe it is important to include signage (vs just leaving the rocks) to show all who come on the trail that this is a city-sponsored activity. The signage will also clearly state the expectations of those who choose to participate.

The sign would read something like: *West Bountiful Rocks! Please join the West Bountiful City Arts Council as we spread kindness along our city trails. – Leave a decorated rock (or as many as you would like) along the trail. – Please leave others' rocks for all to enjoy – Please keep your messages positive, uplifting, and appropriate for all ages. Kindness is contagious! Thank you for helping to make West Bountiful City a better place.*

There were several points of discussion around this project. One, could there be a better location in the city than the walking trails? Perhaps trailheads would be better suited so as not to clutter the walking trail. From examples in other cities it appeared the rock displays were in more

confined locations. Two, once we invite the public to add rocks with their own messages, how do we regulate what those messages are and what size rocks are used? Will they remain in place or will people/children be tempted to throw them? Councilmember Preece suggested using local artists rather than having the public contribute as it will be difficult to monitor content. And three, what will be involved with the maintenance of the rock displays (spraying, mowing, plowing, etc.)?

There was agreement that the concept is great for our city and creativity should not be stifled but we need to work through these issues. The Mayor will follow up with the Arts Council.

8. Minutes from July 7, 2020 and July 13, 2020 City Council Meetings.

MOTION: *James Ahlstrom made a motion to approve the minutes from the July 7, 2020 and July 13, 2020 meetings as presented. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

9. Public Works Report - Steve Maughan

- With COVID-19 there has been additional pressure on our parks and other aspects of our jobs. He gave kudos to his crew for the outstanding way they have handled these additional responsibilities.
- 800 West construction. The north end is nearing completion and they are cleaning up landscaping. Water lines are being tested on the south end between 1000 N and 400 N. Excavation to prepare for asphalt is expected next week if water testing passes.
- There was an accident on the far south end when a resident attempted to get out of the construction area and backed her vehicle into an open trench. No one was hurt.

10. Police Report – Chief Todd Hixson

- The Shell gas station on 500 South was robbed again, suspect is in custody.
- The 7-11 robbery investigation is finally closed, all 3 suspects are in custody. This was a huge undertaking with cooperation from many agencies, special kudos to Brandon Erekson and Chris Jacobsen.
- A person was reported choking in a restaurant and our officer responded and did Heimlich to remove the blockage likely saving his life.
- Office staff is still working from home. There are two separate patrol shifts so that they are isolated from each other in the event someone tests positive for COVID.

11. Administrative Report – Duane Huffman

- Regarding the accident on 800 West, clarified that the contractor is responsible for controlling traffic and posting signs. Will work with contractors to ensure they are taking appropriate safety measures.
- Still working with the School district on an agreement. They claim to be opening on time, currently August 25, even if the grounds are not ready.
- RFP for pickleball courts will go out soon. Lighting options will be requested.
- Paperwork has been submitted for our funding from the CARES Act.
- Received sales tax report, will provide an update next week.

12. Mayor/Council Reports

Mayor Romney – no report

James Ahlstrom – no report

Kelly Enquist – Mosquito foggers are still working; no reports of Zika virus.

Rod Wood – no report

James Bruhn – no report

Mark Preece – provided an update on South Davis Sewer situation with state compliance and North Salt Lake City’s odor violations. They have been in compliance for seven months but will still likely incur fines.

13. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205(a), Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual.

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. The city council meeting will adjourn upon adjournment of the executive session. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

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

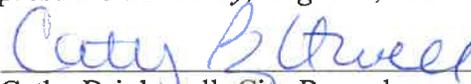
James Bruhn – Aye
Mark Preece - Aye

MOTION: *James Ahlstrom made a motion to adjourn the executive session at 9:42 pm. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

14. Adjourn

MOTION: *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful City Council at 9:42 pm. Mark Preece 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, August 4, 2020.


Cathy Brightwell, City Recorder



WEST BOUNTIFUL CITY

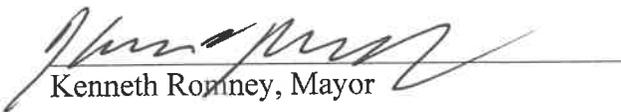
**Statement Regarding Closed Meeting of City Council
July 21, 2020**

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

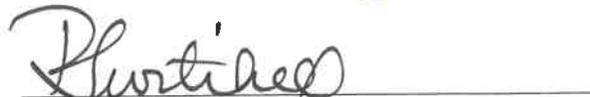
I, Ken Romney, hereby affirm as follows:

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 21, 2020.
3. Upon motion and a unanimous vote, the City Council closed the regular zoom meeting and moved public participants into the zoom waiting 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 adjourned its open meeting.

DATED this 23rd day of July 2020.


Kenneth Romney, Mayor

SUBSCRIBED AND SWORN TO before me this 23rd day of July, 2020.


Patrice Twitchell,
Notary Public

