

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)

+13462487799,,81228953460# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

Meeting ID: 812 2895 3460

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

MEMORANDUM



TO: Mayor and City Council

DATE: July 17, 2020

FROM: Staff

RE: **Request to Vacate the Rear Utility Easements at 1141 W 400 North & Amend Skiddy Subdivision Plat to Create the Christensen Subdivision**

The city has received the following applications from Desert Harbor LLC:

1. Vacate public utility easements at 1141 W 400 N - Lot 2 of the Skiddy Subdivision (this was discussed at the July 7th city council meeting).
2. Amend the Skiddy Subdivision plat to create the Christensen Subdivision. The amendment would enact the following:
 - a. Lot 2 of the current Skiddy Subdivision would become Lot 101 of the new Christensen subdivision (portions of subdivision that are amended are renamed to avoid confusion in the future).
 - b. Lot 101 would be enlarged by 0.1 acres by adding the entirety of parcel 06-032- 0144 to the east. This parcel was once considered part of the property located at 341 N 1100 W. This property was acquired by acquiescence, as confirmed by a judgment of the Second District Court.
 - c. Lot 101 would be enlarged by adding 0.25 acres from the property located at 321 N 1100 W. The remaining property at 321 N 1100 W would become Lot 102 of the Christensen Subdivision.
 - d. Lot 101's final size would be 1.866 acres (compared to the 1.509 acres of the original Skiddy Lot 2).
 - e. Lot 102's final size would be 2.194 acres (compared to the 2.446 acres of the property currently at 321 N 1100 W).

Staff Analysis

Utah Code Ann. §§ 10-9a-609 and 609.5 govern the process and criteria for vacating public easements and amending subdivision plats.

Easement Vacation

To vacate an easement, the state code reads (emphasis added): "The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that: (a) good cause exists for the vacation; and (b) neither the public interest nor any person will be materially injured by the vacation."

Staff believes that it is up to the applicant to prove good cause for the vacation. In the past, the council has not required much to meet this threshold; nonetheless, it remains a legislative decision, and the council has discretion. As far as the public interest or any person being materially injured, staff would make the following points:

1. Staff has previously recommended retaining the western easement (that runs north/south), as this could be useful if the land to the south is developed in the future.
2. No affected entity (utility companies) has objected to the vacation.
3. A public hearing was held on July 7, at which three neighboring property owners expressed concern that the vacation could lead to the construction of a large building on the property, which they believe would negatively affect the area.

Subdivision Amendment

To amend a subdivision, the state code reads (emphasis added): The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that: (a) there is good cause for the vacation or amendment; and (b) no public street or municipal utility easement has been vacated or amended (hence the reason for the previously discussed easement vacation request).

Again, staff believes that it is up to the applicant to prove good cause for the plat amendment. And again, the council has discretion to determine whether there is good cause. Staff submits the following points for consideration:

1. No new lots/parcels are created with this amendment.
2. Lots 101 and 102 meet the minimum requirements for the A-1 zone.
3. The 0.1 acres of land acquired by acquiescence from 341 N 1100 W (Amy Jensen) appears to have been obtained by following proper legal procedures. The Amy Jensen property was non-conforming as to size prior to this action and will remain so.
4. The council should consider whether the new jog in Lot 102 will make property in the area more difficult to subdivide per city standards in the future. For example, city code provides: "Lots shall not contain peculiarly shaped elongations which would be unusable for normal purposes solely to provide necessary square footage." WBMC § 16.12.060.A.
5. At the July 7 city council meeting, there was much discussion regarding a potential non-commercial structure on Lot 101. While staff understands that this amendment may facilitate the construction of such a structure, a non-commercial structure is not dependent on this amendment. Staff recommends that the council focus on the lots themselves and leave potential structures (as they may come and go) to the land use code and building code requirements. Nevertheless, it is up to the applicant to show the council "good cause" for the amendment, and the council may consider potential building footprints as part of this discussion.
6. The applicant is reluctant to provide site plans showing future structures that they don't plan to build (like a home at the front of the property).

Conclusion

If the council finds good cause and no material harm, it may vacate the easements as enacted by Ordinance 430-20.

If Ordinance 430-20 is adopted, and the council finds good cause, it may adopt a motion approving the plat amendment known as the Christensen Subdivision.

Narrative

This Subdivision plat was requested by Nelson Christensen Hollingworth & Williams to create 2 Lots.

This Survey retraces and honors a 2016 Great Basin Engineering Record of Survey.

A line between Centerline monuments found marking the Centerline of 400 North Street at 800 West and 1100 West Streets was assigned the bearing of South 89°54'05" West as the Basis of Bearings to retrace and honor the previous Survey.

Property Corners were placed as shown hereon.

Christensen Subdivision

Amending Lot 2, Skiddy Subdivision together with parcels of land located in the Northeast Quarter of Section 23, T2N, R1W, SLB&M, U.S. Survey West Bountiful City, Davis County, Utah



Scale: 1" = 40'



Surveyor's Certificate

I, Bruce D. Pimper, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 362256, as prescribed by the Laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots together with easements, hereafter to be known as

Christensen Subdivision

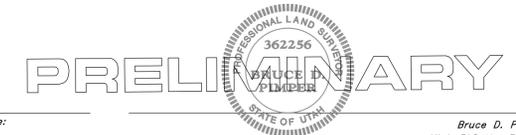
and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Description

Amending Lot 2, Skiddy Subdivision together with more land located in the Northeast Quarter of Section 23, T2N, R1W, SLB&M, U.S. Survey, in Davis County, Utah:

Beginning at a the Northwest Corner of Lot 1 of Skiddy Subdivision on the South line of 400 North Street as it exists at 33.00 foot half-width, located 284.36 feet South 89°50'54" West and 33.00 feet South 0°16'24" East from a Brass Cap Centerline monument found marking the intersection of 400 North and 1100 West Streets, said monument being 2705.57 feet South 89°54'05" West along the centerline of 400 North Street to a Brass Cap Centerline monument found marking the intersection of 400 North and 800 West Streets; and running thence South 0°16'24" East 174.43 feet along the West line of said Lot 1 to the Southwest corner thereof; thence North 89°43'36" East 71.36 feet along the South line of said Lot 1; thence South 0°16'24" East 110.00 feet along a line monumented on the ground by an existing Boundary Line Agreement recorded as Entry No. 652274 in Book 961, at Page 245 of Davis County Records; thence North 89°43'36" East 180.00 feet to the West line of 1100 West Street as it exists at 33.00 foot half-width; thence South 0°16'24" East 134.46 feet along said West line; thence South 89°43'07" West 792.00 feet; thence North 0°16'24" West 134.57 feet; thence North 89°43'36" 307.59 feet; thence North 89°43'36" East 307.59 feet; thence North 0°16'24" West 134.93 feet; thence North 89°50'38" East 25.90 feet; thence North 0°16'24" West 150.00 feet to said South line of 400 North Street; thence North 89°50'54" East 207.15 feet along said South line to the point of beginning.

Contains 176,845 sq. ft. or 4.056 acres 2 Lots



Date:

Bruce D. Pimper
Utah PLS No. 362256

Owner's Dedication and Consent to Record

Know all men by these presents that I, the undersigned owner of the hereon described tract of land, hereby vacate an existing subdivision Lot, and hereby set apart and subdivide the same into 2 lots as shown on this plat and name said plat

Christensen Subdivision

The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof I have hereunto set my hand This _____ Day of _____ AD, 20____

Nelson Christensen Hollingworth & Williams

by: Michael F. Christensen
Its:

Acknowledgment

State of _____ } ss
County of _____

On this _____ day of _____, 2019 personally appeared before me, Michael F. Christensen the signer of the foregoing Instrument, who duly acknowledged to me that he is the _____ of Nelson Christensen Hollingworth & Williams, and is authorized to execute the foregoing Dedication in its behalf and that he executed it in such capacity.

Notary Public Full Name: _____

Commission Number: _____

My Commission Expires: _____

A Notary Public Commissioned in Utah

(If above information is provided, no stamp required per Utah Code, Title 46, Chapter 1, Section 16)

_____ A Notary Public

Christensen Subdivision

Amending Lot 2, Skiddy Subdivision together with parcels of land located in the Northeast Quarter of Section 23, T2N, R1W, SLB&M, U.S. Survey West Bountiful City, Davis County, Utah

Davis County Recorder

Entry No. _____ Fee Paid _____

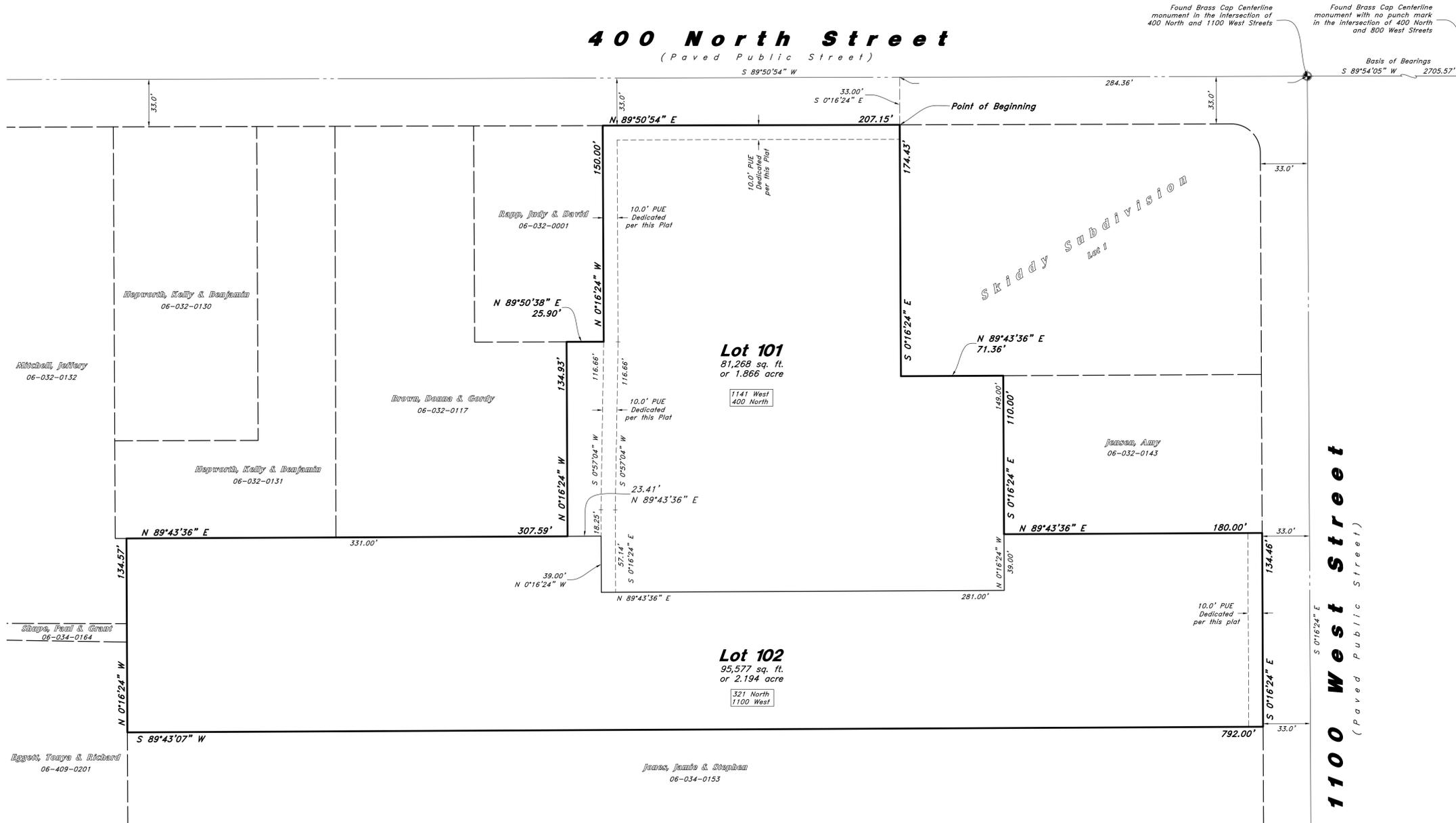
Filed for Record and Recorded this _____ Day of _____, 2019 at _____

In Book _____ at Page _____ of Official Records.

County Recorder: _____

400 North Street

(Paved Public Street)



Legend

- Control Line
- Property Line
- - - Easement Line
- - - Adjoiner Line
- ⊙ Centerline Monument
- Set Rebar & Cap stamped AWA
- △ Set Nail & Washer stamped AWA
- Set scribe mark in concrete

Recommended for Approval

Approved this _____ Day of _____ A.D., 20____.

West Bountiful City Attorney

Recommended for Approval

Approved this _____ Day of _____ A.D., 20____.

West Bountiful City Engineer

Recommended for Approval

Approved this _____ Day of _____ A.D., 20____.
by the Planning Commission of West Bountiful City

Chairman, Planning Commission

West Bountiful City Council

Presented to the City Council of West Bountiful, Utah this _____ Day of _____ A.D., 20____. At which time this subdivision was approved and accepted.

Attest: City Recorder

Mayor



ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801.521.8229 - andersonwahlen.com

WEST BOUNTIFUL CITY

ORDINANCE #430-20

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXECUTE THE VACATION OF THE REAR PORTIONS OF THE EAST AND SOUTH PUBLIC UTILITY EASEMENTS LOCATED AT 1141 W 400 NORTH

WHEREAS, West Bountiful City has been petitioned by the owner of the above-mentioned property to vacate the rear portions of the east and south public utility easements on their property; and

WHEREAS, a public notice was published in the June 26, 2020 Davis Clipper Newspaper, letters sent to neighboring property owners and affected entities, posted on state and city websites and on the property; and

WHEREAS, releases have been received from all major public utility agencies; and

WHEREAS, a public hearing was held on July 7, 2020 to receive public comment concerning the vacation of the easement.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful City as follows:

The West Bountiful City Council, having heard all arguments for and against the release of the utility easements, approves the release and hereby authorizes the City Mayor to execute the RELEASE OF EASEMENT for the property located at 1141 W 400 North.

This ordinance shall become effective upon signing and posting.

ADOPTED this 21st day of July 2020.

Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Council member Ahlstrom	_____	_____
Council member Bruhn	_____	_____
Council member Enquist	_____	_____
Council member Preece	_____	_____
Council member Wood	_____	_____

ATTEST:

Cathy Brightwell, Recorder

MEMORANDUM



TO: Mayor & City Council

DATE: July 17, 2020

FROM: Staff

RE: 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 North.

Below is summary of points of interest.

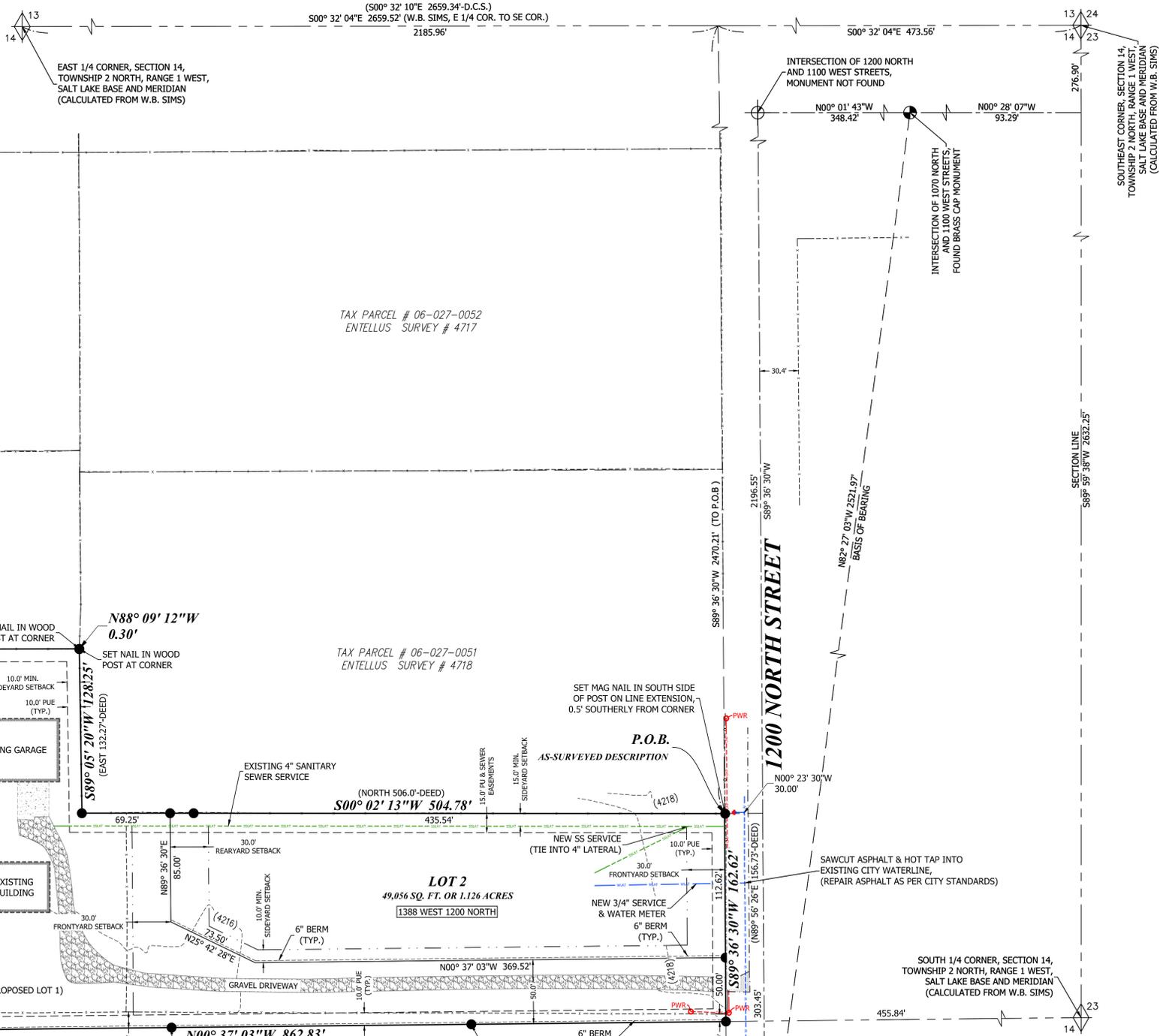
- The property is within the A-1 zone and consists of 5.05 acres.
- Each of the two lots meet the required A-1 zoning requirements for size and frontage.
- One of the two lots is a flag lot. At its meeting on July 14, 2020, the planning commission granted a conditional use permit for the flag lot with the condition that an address sign with reflective numbers be placed at the end of the driveway for Lot 1. The driveway of the flag lot is 399 feet long and 50 feet wide.
- A deferral of public improvements was granted by the city council on July 7, 2020. The deferral includes curb, gutter, sidewalk, and secondary water.
- South Metro Fire Marshal has completed a preliminary review of the plat. Determination for fire apparatus turnaround is not required until a home is proposed for Lot 1.
- South Davis Sewer District has given verbal authorization to connect a new sewer lateral for Lot 2 to the existing sewer lateral for Lot 1. At the time that connection is made, SDSD will require a shared lateral agreement to be signed and recorded on the property.

The planning commission reviewed the final plat for the subdivision and recommend approval by city council with the following conditions.

1. Items to be completed prior to recording the plat include:
 - a. Title report review by the city attorney with no objectional entries.
 - b. Annexation Certificate from the Lt. Governor's office.

GOLDBERG SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, WEST BOUNTIFUL, DAVIS COUNTY, UTAH
PRELIMINARY PLAT, JULY, 2020



LEGEND	
PROPERTY LINE	---
NEW LOT LINE	---
ADJACENT PROPERTY	---
ROAD CENTERLINE	---
SECTION LINE	---
TIE TO MONUMENT	---
EASEMENT LINE	---
SETBACK LINE	---
EDGE OF PAVEMENT	---
WIRE FENCE LINE	---
CHAIN LINK FENCE LINE	---
RECORD CALLS	()
SET 5/8" REBAR WITH "ENTELLUS" CAP, AT CORNER (UNLESS OTHERWISE NOTED)	●
FOUND PROPERTY MARKER (AS NOTED)	○

- NOTES**
- EXISTING CULINARY WATER TO LOT 1 IS A WELL. NEW CULINARY WATER SERVICE FOR LOT 2 WILL BE PROVIDED BY THE CITY WATER LINE IN 1200 NORTH STREET.
 - A COMPREHENSIVE GRADING & DRAINAGE PLAN WILL BE CREATED AS PART OF INDIVIDUAL LOT DEVELOPMENT & PERMITTING PROCESSES.
 - EXISTING NATURAL DRAINAGE OF STORM RUNOFF IS SOUTHERLY TO THE STREET. NATURAL DRAINAGE SHALL BE MAINTAINED.
 - OWNERS WILL BUILD & MAINTAIN A 6" BERM ON THE DOWNHILL SIDE OF EACH LOT TO ELIMINATE STORM WATER RUNOFF ONTO NEIGHBORING PROPERTIES.
 - VEHICULAR ACCESS TO/FROM 1400 NORTH STREET IS RESTRICTED

DEED DESCRIPTION
FROM A WARRANTY DEED RECORDED AS ENTRY #2833739, DAVIS COUNTY RECORDER

BEGINNING ON THE SOUTH LINE OF A RIGHT OF WAY AT A POINT 1072.50 FEET SOUTH AND 2634.50 FEET WEST AND SOUTH 0°37'03" EAST 204.32 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°37'03" EAST 862.74 FEET, MORE OR LESS, ALONG SAID WEST LINE TO NORTH LINE OF A ROAD; THENCE NORTH 89°56'26" EAST 156.73 FEET ALONG SAID NORTH LINE TO A POINT SOUTH OF A POINT 2475.52 FEET WEST AND 1643.50 FEET SOUTH FROM SAID NORTHEAST CORNER OF SOUTHEAST QUARTER; THENCE NORTH 506 FEET TO SAID POINT; THENCE WEST 93.98 FEET; THENCE NORTH 395 FEET, MORE OR LESS, TO A POINT ON A 2,274.61 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 36.84 FEET, MORE OR LESS, ALONG SAID CURVE; THENCE SOUTH 54°40'27" WEST 32.44 FEET TO THE POINT OF BEGINNING.

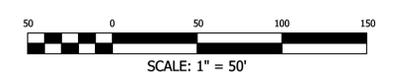
ALSO: BEGINNING AT A POINT 1072.5 FEET SOUTH AND 2337.50 FEET WEST, MORE OR LESS, FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE WEST 38.39 FEET; TO THE SOUTHEASTERLY LINE OF PROPERTY DEEDED IN BOOK 2780 PAGE 163, 165; THENCE ALONG SAID LINE AND ARC OF A 2274.61 FOOT RADIUS CURVE TO THE RIGHT 259.82 FEET, MORE OR LESS, THENCE SOUTH 395 FEET, MORE OR LESS, THENCE EAST 235.5 FEET TO THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO ORLINA JOHNSON; THENCE NORTH 561 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

(NOTE: THIS DESCRIPTION IS A REMAINDER DESCRIPTION PREPARED DUE TO THE UTAH DEPARTMENT OF TRANSPORTATION'S ACQUISITION OF A PORTION OF THE PROPERTY FOR THE LEGACY PARKWAY RIGHT OF WAY, AS SHOWN IN ENTRY #1651120 AND ENTRY #1651121, DAVIS COUNTY RECORDER)

COMPOSITE DESCRIPTION

BEGINNING AT A POINT SOUTH 00°32'04" EAST 2185.96 FEET ALONG THE SECTION LINE TO AN EXTENSION OF THE NORTH LINE OF 1200 NORTH STREET AND SOUTH 89°36'30" WEST 2470.21 FEET ALONG SAID NORTH LINE AND ITS EXTENSION TO AN EXISTING FENCE LINE DESCRIBED IN A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY #3151357, DAVIS COUNTY RECORDER'S OFFICE, FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY UTAH, SAID POINT OF BEGINNING ALSO BEING NORTH 89°36'30" EAST 2497.98 FEET ALONG THE CENTER LINE OF 1200 NORTH STREET TO A MONUMENT AND NORTH 89°36'30" EAST 303.45 FEET ALONG SAID STREET CENTER LINE AND NORTH 00°23'30" WEST 30.00 FEET FROM THE CENTER LINE MONUMENT IN 1200 NORTH STREET THAT IS WEST OF THE LEGACY PARKWAY, AND RUNNING THENCE SOUTH 89°36'30" WEST 162.62 FEET ALONG SAID NORTH LINE TO THE QUARTER SECTION LINE; THENCE NORTH 0°37'03" WEST 862.83 FEET ALONG SAID QUARTER SECTION LINE TO THE SOUTHEASTERLY LINE OF THE LEGACY PARKWAY; THENCE NORTH 54°40'27" EAST 32.44 FEET ALONG SAID HIGHWAY LINE TO A RIGHT-OF-WAY MONUMENT; THENCE NORTHEASTERLY 297.43 FEET ALONG A TANGENT, 2274.61-FOOT-RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°29'31", CHORD BEARS NORTH 50°55'41" EAST 297.22 FEET TO THE SOUTH LINE OF 1400 NORTH STREET; THENCE NORTH 89°43'11" EAST 41.95 FEET ALONG SAID SOUTH LINE TO THE EXTENSION OF A FENCE LINE; THENCE ALONG THE EXISTING FENCE LINES AND THEIR EXTENSIONS THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 00°09'52" EAST 561.15 FEET TO A CORNER, BEING THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO ORLINA JOHNSON AND THE NORTH LINE DESCRIBED IN SAID BOUNDARY LINE AGREEMENT, 2) NORTH 88°09'12" WEST 0.30 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A BEND IN SAID FENCE, 3) SOUTH 89°05'20" WEST 128.25 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A CORNER, 4) SOUTH 00°02'13" WEST 504.78 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE NORTH LINE OF 1200 NORTH STREET AND TO THE POINT OF BEGINNING.

WHOLE PARCEL CONTAINS 5.140 ACRES.



1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

BILL GOLDBERG

1400 WEST 1200 NORTH
TAX PARCEL #06-027-0108
LOCATED IN THE SE 1/4 OF SECTION 14, T. 2 N., R. 1 W., S.L.B.&M.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UT-14

DRAWN:	07/06/2020
DEW:	07/06/2020
APPROVED:	1783001
JRC:	PLAT 1783001.dwg
PROJECT:	

PRELIM.

C250

WEST BOUNTIFUL CITY

ORDINANCE #431-20

AN ORDINANCE APPROVING DISCONNECTION OF APPROXIMATELY TWO ACRES OF REAL PROPERTY FROM WEST BOUNTIFUL CITY

WHEREAS, Ludean A. Smith, as Trustee of The Smith Family Revocable Trust created under Trust Agreement dated March 10, 2000; Mack G. Smith and Carolyn Smith, as Trustees of The Mack G. and Carolyn Smith Revocable Trust created under Trust Agreement dated September 4, 1998; J. Lynn Smith, as Trustee of the J. Lynn Smith Living Trust, as amended and restated on November 8, 2017; and Cindy S. Hatch, an individual (collectively, “**Petitioners**”), filed a Petition for Disconnection (the “**Petition**”) from West Bountiful City of approximately 2.027 acres of real property owned by Petitioners;

WHEREAS, the area proposed for disconnection (the “**Property**”) is identified by the Davis County Assessor as Parcel ID No. 06-030-0047, with a street address of 1818 West 400 South, West Bountiful, Utah 84087, and is more particularly described in the attached **Exhibit A** and depicted in the attached **Exhibit B**;

WHEREAS, following statutory notice, the West Bountiful City Council held a public hearing on the Petition;

WHEREAS, at the hearing, Petitioners’ representative spoke in favor of the Petition, expressing Petitioners’ desire that the Property be under the same jurisdiction as an adjacent larger parcel of real property owned by Petitioners; no one spoke against the Petition;

WHEREAS, the City deems it desirable to cooperate with Petitioners in the development of their real property, including the Property, and Petitioners have expressed a willingness to cooperate with the City in that regard; and

WHEREAS, the City Council, having considered Petitioners’ request for disconnection, is willing to grant the Petition in accordance with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL CITY, AS FOLLOWS:

1. The City hereby approves disconnection of the Property from the City.
2. The Mayor is hereby authorized and directed to prepare, file, and submit all documents, and take all other actions required of the City Council under *Utah Code Ann.* § 10-5-507, to carry out the purposes of that statute and this ordinance.

This ordinance will become effective upon signing and posting.

ADOPTED this 21st day of July, 2020.

By:

Kenneth Romney, *Mayor*

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

Attest:

Cathy Brightwell, *City Recorder*

West Bountiful Rocks!

Making West Bountiful a Better Place
Arts Council Trail Proposal



Prospector Rail Trail Rock Garden

Inspiration

Outside of St. George Utah lies the Aspiration Trail (see page 4 for images) which has become increasingly popular for families and children. The most exciting feature of the Aspiration Trail is the numerous painted rocks along the path with positive, uplifting messages for all to enjoy.

Some initial painted rocks were scattered along the trail by a local family who wanted to add joy to the lives of those who hiked the trail. Since then the number of painted rocks has steadily increased as many people walk the path with the specific purpose of adding their personal inspirational messages to the trail.

See <https://www.onlyinyourstate.com/utah/aspiration-trail-ut/> for more information.

Opportunity

As members of the West Bountiful City Arts Council, we have been working together to identify ways to serve the city, especially since the monthly concerts have been cancelled for the foreseeable future.

We know that the members of West Bountiful City, like many around the world, are experiencing a difficult time dealing with the global pandemic and its associated challenges. Many citizens are struggling with their mental health, feeling lonely, and experiencing various stages of depression as they are largely confined to their homes.

We also know that we have 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.

Proposal

After learning of the positive influence the Aspiration Trail and other similar trails around the country have had on those who walk along their paths, we feel the citizens of West Bountiful and all those who visit the city trail system could likewise benefit from a similar experience here.

To get the process started, the West Bountiful City Arts Council, would like to sponsor a similar effort along the Prospector Rail Trail by working with the City of West Bountiful to produce and place signs along the Prospector Rail Trail at each main entry point of the trail. If this activity proves successful, we would also like to identify other places within the city limits to place inspirational rocks in the future - perhaps at other trail heads or along the West Bountiful portion of the Legacy Trail.

The proposed signs would be similar in size to the signs at each of the dog waste stations but would be in a color scheme matching our Arts Council logo which is red, white and black. We are happy to take care of the design and cover the cost for printing with the Arts Council budget if the city will help with installation.

The sign could say 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.

Conclusion

We believe that it is important to include signage for this project as it will clearly show all those 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.

Based on the experience from other locations, we believe that this is a very low-cost and low-risk way to bring joy to the citizens of West Bountiful. Other than the initial cost to produce and install the signs, there should be very little required of the city, but the return on the investment will be very positive. Upon approval and with a vendor recommendation from the City, the Arts Council will fund the production of the signs, if the City will take care of the installation. Once the signs are installed, the Arts Council will start placing rocks.

When the new Youth City Council is chosen and sworn in, we would like to invite them to participate in the painting and placement of additional rocks along the trail.

As always, we are happy to accept feedback and make any necessary adjustments to our proposal.

Sincerely,
West Bountiful City Arts Council

Aspiration Trail Photos:



PENDING - NOT YET APPROVED

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.*

52
53 The Hardman's wish to build a garage in the southeast corner of their property at 937 Meadowlark
54 Lane but there is a conflict with a public utility easement along the rear property line. Required public
55 notice has been completed and the property owner has provided copies of written confirmation from all
56 major utility companies that they will release their interest in the easement. Staff does not foresee negative
57 impacts to the city by vacating these easements.

58
59 There was no public comment offered.

60
61 **MOTION:** *Kelly Enquist made a motion to close the public hearing. Rod Wood seconded the*
62 *Motion which PASSED by unanimous vote of all members present.*

63
64 **4. Resolution 473-20, A Resolution Authorizing the Mayor to Execute the Vacation of the South**
65 **Public Utility Easement Located at 937 Meadowlark Lane.**

66
67 **MOTION:** *James Ahlstrom made a Motion to adopt Resolution 473-20 releasing the rear*
68 *public utility easement. Rod Wood seconded the Motion which PASSED.*

69
70 The vote was recorded as follows:

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

74
75 **5. Public Hearing – Vacate Easements at 1141 W 400 North – Desert Harbor.**

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

78
79 The owners of Desert Harbor own approximately 1.5 acres at 1141 W 400 North. They wish to
80 build a large family gathering building/garage in the southeast corner of the property but there is a conflict
81 with the rear east and south public utility easements. The applicant also requested vacation of the rear west
82 easement, but staff recommends holding that easement as it could be useful if property to south develops in
83 the future. Required public notice has been completed and the property owner has provided copies of
84 written confirmation from all major utility companies that they do not object to the proposed release of
85 easements. Staff does not foresee negative impacts to the city by vacating these easements. A plat
86 amendment has also been proposed to enlarge the property and will be considered at a future city council
87 meeting.

88
89 Kevin Thacker, neighbor, commented that he is concerned about the property owner taking portions
90 of surrounding properties, including Amy Jensen to the east, to increase the size of the lot.

91
92 Michael Christenson, on behalf of Desert Harbor, explained that historical property lines have not
93 been clear as they do not match up with existing fences and tree lines. The rear portion of Ms. Jensen's
94 property appeared to be part of the Desert Harbor property and when approached, Ms. Jensen stated she never
95 believed the property was hers. This piece of land had been treated as part of the larger property now owned
96 by Desert Harbor for more than twenty years. To clear up the issue, Desert Harbor settled by way of a process
97 called Boundary by Acquiescence, released it from the deed of trust and offered to pay a settlement fee to Ms.
98 Jensen. A judge entered an order and judgment stating boundary by acquiescence had occurred.

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

102 Kim McKnight lives across street and stated she believes this was a backdoor dirty deal to increase
103 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
104 and she is concerned that the proposed party barn will cause traffic and parking issues.
105

106 Councilmember Wood commented that the surrounding area typically includes barns and other
107 agricultural buildings. He asked how this building will fit in as it does not appear to be primarily agricultural
108 in nature. Duane Huffman clarified that a recent ordinance was adopted by city council that allows non-
109 commercial structures in the A-1 zone. These buildings are not required to be used for agricultural purposes
110 and are restricted from commercial or residential use. Prior to building permit approval, owners of non-
111 commercial structures are required to sign an agreement with the city confirming that neither commercial nor
112 residential use will be conducted in the building. He added that the city does have a requirement that
113 structures in the rear yard of a dwelling cannot cover more than 35 percent of the rear yard. If the owners plan
114 to add a home to the property in the future, they will need to ensure that this proposed structure will not
115 exceed the 35 percent size limit.
116

117 Mr. Wood asked about the size, location and use of the proposed building. Mr. Christensen said the
118 building will be in the far southeast corner of the property which will include about forty feet of his property
119 to the south as part of the plat amendment. It will include a large area for family gatherings on the east side to
120 be used for holidays and other family events. The center and west portion will include some garages for
121 recreational vehicles, tractors, hay storage, and animal stalls. The total size of building and garages is about
122 12k square feet. As far as parking concerns, Mr. Christensen said a circular driveway is planned in addition to
123 an area by the garages that will accommodate parking and there will also be parking available on his personal
124 property on 1100 West to the south. To give an equestrian feel, they are planning a gated rod iron fence with
125 pillars around the property. He said they have done their best to set it back far away from the street.
126

127 Mr. Huffman clarified that the purpose of this hearing is to consider vacating the proposed easements.
128 Councilmember Ahlstrom agreed and stated that this proceeding has nothing to do with the proposed
129 building. We need to decide if there is a need to keep these easements.
130

131 Mrs. McKnight noted that she understands this is about the easements, but she is concerned that it is
132 the first step to a second step that will result in the proposed party barn being approved. She does not believe
133 it will fit in with the community and will set a precedent for future west side development. She is concerned
134 about the cinder blocks on the property and what it will look like.
135

136 Chyanne Pope, another neighbor, shared her concerns about having such a large building close to her
137 1300 square foot home. She believes it is important that the building ‘fit in.’ Mr. Christensen said it will be a
138 gorgeous building with pillars and rod iron fence that has an equestrian feel; the cinder blocks will be used to
139 build the pillars.
140

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

144 Councilmember Ahlstrom added that property rights are important and there may be homes and
145 buildings that people do not like but as long as they comply with the city zoning regulations, property owners
146 can do whatever they want. He gave the example of a pink house.
147

148 **MOTION:** *Rod Wood made a motion to close the public hearing. James Ahlstrom seconded*
149 *the Motion which PASSED by unanimous vote of all members present.*
150

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

153
154 Mr. Huffman offered the option of tabling the issue tonight so that the council can consider the
155 easement vacation in light of the proposed plat amendment at a future meeting. This will provide an
156 opportunity to collect more information and deal with the multiple issues at one time. Mayor Romney agreed
157 that is prudent to look at all issues together.

158
159 **MOTION:** *Rod Wood made a Motion to table this issue so additional information can be*
160 *provided regarding the plat amendment and family gathering building planned for*
161 *the property at 1141 W 400 North. Mark Preece seconded the Motion which*
162 *PASSED.*

163
164 The vote was recorded as follows:
165 James Ahlstrom – Aye James Bruhn – Aye
166 Kelly Enquist – Aye Mark Preece – Aye
167 Rod Wood - Aye

168
169 **7. Request for Deferral of Public Improvement Requirement at 982 W Porter Lane by John**
170 **James.**

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

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

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

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

190
191 The vote was recorded as follows:
192 James Ahlstrom – Aye James Bruhn – Nay
193 Kelly Enquist – Aye Mark Preece – Aye
194 Rod Wood - Aye

195
196 **8. Request for Deferral of Public Improvement Requirement at 1388 W 1200 North by William**
197 **Goldberg.**

198
199 William Goldberg has applied for a two-lot subdivision at the above address. The approval of all
200 subdivisions, regardless of size, require the installation of public improvements including curb, gutter,
201 sidewalk, and secondary water to meet the City's design standards. The city council may waive, modify, or

202 delay the construction of all or part of the required improvements upon making specific findings supporting
203 its decision. (WBMC 16.20.020)

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

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

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

213
214 The vote was recorded as follows:

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

218

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

221

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

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

230

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

234

235 The vote was recorded as follows:

236 James Ahlstrom – Aye	James Bruhn – Aye
237 Kelly Enquist – Aye	Mark Preece – Aye
238 Rod Wood – Aye	

239

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

243

244 Duane Huffman summarized the history of this issue over the past several months. An application to
245 change the city’s land use code text was submitted by Wholesome Therapy on May 1, 2020. As part of the
246 application, Wholesome Therapy invoked the timeline requirements related to petitions involving cannabis
247 production establishments as found in UCA § 10-9a-528(3)(b).

248 Subsequently, Wholesome Therapy withdrew in part their petition, leaving only the request for
249 language related to medical cannabis pharmacies. The city council acted on this request, adopting Ordinance
250 425-20 on June 2nd based on state law that requires Medical Cannabis Pharmacies to be allowed in

251 Commercial zones. Wholesome Therapy re-submitted the full petition on June 3, 2020 which proposed
252 Cannabis Production Establishments as a permitted use to the A-1 and L-I zones, and as a conditional use in
253 the C-G zone.

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

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

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

269
270 Bruce Baird, representing Wholesome Therapy, addressed the council. He stated that he and his
271 clients tried multiple times to talk to the owners of the adjacent commercial property before the pharmacy was
272 determined to be allowed. Their objections at that time, in his opinion, were primarily about the pharmacy.
273 Subsequently, Wholesome Co has made dozens of efforts to talk to and educate them about the proposed
274 production business in an effort to address their concerns. These efforts have been unsuccessful. He believes
275 there was resentment about the pharmacy going in without their knowledge.

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

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

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

292 Councilmember Wood commented that his research shows a distinction between industrial hemp and
293 medical marijuana based in part on the oil percentages in each. Utah State University is researching how to
294 grow medical marijuana to make it stronger. He does not think that cannabis cultivation and processing
295 should be allowed in commercial zones.

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

298 Mayor Romney recalled that the legislature initially was not going to allow companies to sell, grow,
299 and process. He asked why it changed. Mr. Baird responded that the legislature decided it did not make sense
300 to force companies to limit their business. There were no legitimate reasons to keep them separate and in fact,

301 they found good reasons that vertical integration improved efficiency, cost, and security, although separate
302 licenses are required for each. Wholesome Therapy currently has licenses for pharmacy and cultivation and
303 has applied for a processing license.

304
305 **MOTION:** *James Ahlstrom made a Motion to adopt Ordinance 429-20 in the Form*
306 *Recommended by Planning Commission with the Following Modification.*
307 *Cannabis Production Establishments and Medical Cannabis Pharmacies will not*
308 *be Allowed in the L-I Zone. Rod Wood seconded the Motion which PASSED.*

309
310 The vote was recorded as follows:

311 James Ahlstrom – Aye James Bruhn – Aye
312 Kelly Enquist – Aye Mark Preece – Aye
313 Rod Wood - Aye
314

315 **11. Ashby Acres Subdivision Final Plat.**

316
317 *Prior to discussion, Councilmember Bruhn disclosed a conflict of interest as he is the applicant/owner for*
318 *this agenda item.*

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

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

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

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

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

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

344 **MOTION:** *James Ahlstrom made a Motion to Approve the Final Plat for Ashby Acres*
345 *Subdivision with Mr. White's Proposal, described above, to Run a Rear Yard Drain*
346 *between Lots 4 and 5, and an Underground Drain Along the East Property Line*
347 *South to Pages Lane with a Backflow Valve to Tie into the Existing Drainage Box.*

348 *Other Alternatives, acceptable to Mr. White, can be Considered. Mark Preece*
349 *seconded the Motion which PASSED with a 3-2 vote.*

350
351 The vote was recorded as follows:

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

355
356 Councilmember Bruhn suggested that while crews are working on the 1100 West public
357 improvements for his subdivision, the city consider partnering with him to put in curb, gutter, and sidewalk on
358 the one remaining property without public improvements.

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

360
361 **MOTION:** *Kelly Enquist made a Motion to Open the Public Hearing. Mark Preece Seconded*
362 *the Motion which PASSED by Unanimous Vote of all Members Present.*

363
364 The Maughan’s wish to extend an existing garage in the northeast corner of their property at 786 W
365 1300 North but there is a conflict with public utility easement along the rear property line. Required public
366 notice has been completed and the property owner has provided copies of written confirmation from all
367 major utility companies that they do not object to the release. Staff does not foresee negative impacts to the
368 city by vacating these easements.

369
370 **MOTION:** *Kelly Enquist made a Motion to Close the Public Hearing. Mark Preece seconded*
371 *the Motion which PASSED by unanimous vote of all members present.*

372
373 **13. Resolution 475-20, A Resolution Authorizing the Mayor to Execute the Vacation of the South**
374 **Public Utility Easement Located at 786 W 1300 North.**

375
376 **MOTION:** *James Ahlstrom made a Motion to Adopt Resolution 475-20 Releasing the Ten-foot*
377 *Rear and Seven-foot East Side Easements. Rod Wood seconded the Motion which*
378 *PASSED.*

379
380 The vote was recorded as follows:

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

384
385 **14. CARES Funding.**

386 The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provided \$562 million
387 to the State of Utah for local governments. Ultimately, cities are set to receive \$107,296,608, divided out by
388 population - roughly \$87 per capita. Counties will also receive \$87 per capita. School districts are part of a
389 separate funding source, but special districts are dependent on cities/counties for any share of the funding.
390 The state plans to distribute the funding in three separate allocations. The first allocation is available now,
391 and we don’t know when the others will become available.

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

395 West Bountiful has created a special account number to track all eligible expenses. So far, the city has
396 spent \$9,870. This has been for personal protective equipment, cleaning supplies, equipment needed for

397 telecommuting, a glass barrier for the front desk, and equipment for internet meetings. Staff has estimated that
398 through 2020 up to an additional \$160k may be needed for city expenses. This is based on estimates of
399 personal protective equipment, cleaning supplies, cleaning contracts for vehicles and buildings, equipment for
400 remote workstations, touchless faucets/toilets in restrooms, touchless entrance doors at city facilities, and
401 signage.

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

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

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

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

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

419

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

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

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

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

431
432 **MOTION:** *James Ahlstrom made a Motion to Award the 2020 Seal Coat Project to Holbrook*
433 *Asphalt for \$117,838. Rod Wood seconded the Motion which PASSED by*
434 *unanimous vote of all members present.*
435

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

437
438 **MOTION:** *James Ahlstrom made a Motion to Approve the Minutes from the June 16, 2020*
439 *meeting as presented. Mark Preece Seconded the Motion which PASSED by*
440 *unanimous vote of all members present.*
441

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

- 443 • 800 W Project – Pages Lane to 1000 North has been paved and contractors are working to finish
444 up landscaping. The south portion of the project (1000 N – 400 N) is underway and we expect it

445 to move a little faster than the north portion. The asphalt has been milled off. The deadline for
446 completion is the middle of August.

- 447
448 **18. Administrative/Finance Report – Duane Huffman**
449
- 450 • Still trying to work with the school district on a written agreement to deal with our joint issues.
 - 451 • Met with owners of Woodhaven Mobile Home park about their proposed expansion. They are
452 preparing a proposed agreement and ordinance for our review.
 - 453 • The planned seal coat project will close out the Cottages at Havenwood subdivision and we will
454 return any money that is left over. At this point, expenses will include Steve Doxey’s time but not
455 any other staff time.

456 **19. Mayor/Council Reports**
457

458 Mayor Romney –

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

464
465 James Ahlstrom –

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

467
468 Mark Preece –

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

474
475 James Bruhn –

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

485
486 Rod Wood –

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

488
489 Kelly Enquist

- 490 • Fireworks were very nice and brought a lot of people from out of town.
- 491
492

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

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

502
503 The vote was recorded as follows:

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

507
508 16. Adjourn

509
510
511 -----
512
513 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on*
514 *Tuesday, July 21, 2020.*

515
516
517 _____
518 Cathy Brightwell, City Recorder