

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, AUGUST 4, 2020

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

AGENDA:

7:30 pm Invocation/Thought – Rod Wood; Pledge of Allegiance – Mark Preece

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Appointment of Kristoffer Nilsen as West Bountiful City Engineer.
4. Minutes from July 21, 2020 City Council Meeting.
5. Public Works Report.
6. Administrative Report.
7. Mayor/Council Reports.
8. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
9. 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 31, 2020

Join Zoom Meeting:

<https://us02web.zoom.us/j/81127633457>

Meeting ID: **811 2763 3457**

One tap mobile

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PENDING - NOT YET APPROVED

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.

48 The Skiddy plat amendment creates the Christensen Subdivision. No new lots are created and
49 both proposed lots meet the requirements of the A-1 zone. Lot 2 of the Skiddy Subdivision is
50 changed to Lot 101 of the Christensen Subdivision which is enlarged by including the entirety of
51 parcel 06-032-0144 and 0.25 acres from the property located at 321 N 1100 West. The remaining
52 property at 321 N 1100 West becomes Lot 102 of the Christensen Subdivision. The final size of Lot
53 101 would be 1.86 acres and the final size of Lot 102 would be 2.194 acres. This amendment will
54 create a slightly irregular shaped lot with one lot making an indentation 39 feet deep and 281 feet
55 wide into the second lot.

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

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

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

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

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

75

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

79

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

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

93

94

95 The Motion PASSED with a vote of 4-1 recorded as follows:
96 James Ahlstrom – Aye James Bruhn – Aye
97 Kelly Enquist – Aye Mark Preece – Aye
98 Rod Wood – Nay
99

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

101
102 See discussion above.

103
104 **MOTION:** *James Ahlstrom made a Motion to approve the requested Plat Amendment*
105 *for Desert Harbor creating the Christensen Subdivision. James Bruhn*
106 *seconded the Motion which PASSED.*

107
108 The vote was recorded as follows:
109 James Ahlstrom – Aye James Bruhn – Aye
110 Kelly Enquist – Aye Mark Preece – Aye
111 Rod Wood – Aye
112

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

116 **5. Goldberg Subdivision Final Plat**

117 William Goldberg recently annexed property into West Bountiful City and has applied for a
118 2-lot subdivision at 1388 W 1200 N which includes a flag lot. The property is within the A-1 zone
119 and consists of 5.05 acres. Each of the two lots meet the required A-1 zoning requirements for size
120 and frontage.

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

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

- 127 1. Title report to be reviewed by the city attorney with no objectionable entries.
128 2. Annexation Certificate from the Lt. Governor's office.
129 3. Require a reflective address sign be placed on 1200 North for Lot 1 to designate the
130 second driveway.
131

132 **MOTION:** *Rod Wood made a Motion to Approve the Final Plat for the Goldberg*
133 *Subdivision with the conditions recommended by planning commission.*
134 *Mark Preece seconded the Motion which PASSED.*

135
136 The vote was recorded as follows:
137 James Ahlstrom – Aye James Bruhn – Aye
138 Kelly Enquist – Aye Mark Preece – Aye

139 Rod Wood – Aye

140

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

143

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

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

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

157

158 **MOTION: Rod Wood made a Motion to approve Ordinance 431-20 Approving the**
159 **Disconnection of Approximately Two Acres of Real Property from West**
160 **Bountiful City. James Ahlstrom seconded the Motion which PASSED.**

161

162 The vote was recorded as follows:

163 James Ahlstrom – Aye James Bruhn – Aye

164 Kelly Enquist – Aye Mark Preece – Aye

165 Rod Wood – Aye

166

167 **7. West Bountiful Inspirational Rock Project.**

168

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

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

182 The sign would read something like: *West Bountiful Rocks! Please join the West Bountiful*
183 *City Arts Council as we spread kindness along our city trails. – Leave a decorated rock (or as many*
184 *as you would like) along the trail. – Please leave others' rocks for all to enjoy – Please keep your*

185 *messages positive, uplifting, and appropriate for all ages. Kindness is contagious! Thank you for*
186 *helping to make West Bountiful City a better place.*

187 There were several points of discussion around this project. One, could there be a better
188 location in the city than the walking trails? Perhaps trailheads would be better suited so as not to
189 clutter the walking trail. From examples in other cities it appeared the rock displays were in more
190 confined locations. Two, once we invite the public to add rocks with their own messages, how do we
191 regulate what those messages are and what size rocks are used? Will they remain in place or will
192 people/children be tempted to throw them? Councilmember Preece suggested using local artists
193 rather than having the public contribute as it will be difficult to monitor content. And three, what
194 will be involved with the maintenance of the rock displays (spraying, mowing, plowing, etc.)?

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

197

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

199

200 **MOTION:** *James Ahlstrom made a motion to approve the minutes from the July 7,*
201 *2020 and July 13, 2020 meetings as presented. Mark Preece seconded the*
202 *Motion which PASSED by unanimous vote of all members present.*

203

204 **9. Public Works Report - Steve Maughan**

205 • With COVID-19 there has been additional pressure on our parks and other aspects of our
206 jobs. He gave kudos to his crew for the outstanding way they have handled these additional
207 responsibilities.

208 • 800 West construction. The north end is nearing completion and they are cleaning up
209 landscaping. Water lines are being tested on the south end between 1000 N and 400 N.
210 Excavation to prepare for asphalt is expected next week if water testing passes.

211 • There was an accident on the far south end when a resident attempted to get out of the
212 construction area and backed her vehicle into an open trench. No one was hurt.

213

214 **10. Police Report – Chief Todd Hixson**

215 • The Shell gas station on 500 South was robbed again, suspect is in custody.

216 • The 7-11 robbery investigation is finally closed, all 3 suspects are in custody. This was a
217 huge undertaking with cooperation from many agencies, special kudos to Brandon Erekson
218 and Chris Jacobsen.

219 • A person was reported choking in a restaurant and our officer responded and did Heimlich
220 to remove the blockage likely saving his life.

221 • Office staff is still working from home. There are two separate patrol shifts so that they are
222 isolated from each other in the event someone tests positive for COVID.

223

224 **11. Administrative Report – Duane Huffman**

225 • Regarding the accident on 800 West, clarified that the contractor is responsible for
226 controlling traffic and posting signs. Will work with contractors to ensure they are taking
227 appropriate safety measures.

- 228 • Still working with the School district on an agreement. They claim to be opening on time,
229 currently August 25, even if the grounds are not ready.
230 • RFP for pickleball courts will go out soon. Lighting options will be requested.
231 • Paperwork has been submitted for our funding from the CARES Act.
232 • Received sales tax report, will provide an update next week.

233

234 **12. Mayor/Council Reports**

235

236 Mayor Romney – no report

237

238 James Ahlstrom – no report

239

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

241

242 Rod Wood – no report

243

244 James Bruhn – no report

245

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

249

250 **13. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-**
251 **205(a), Discussion of the Character, Professional Competence, or Physical or Mental**
252 **Health of an Individual.**

253

254 **MOTION:** *James Ahlstrom made a Motion to move into Executive Session for the*
255 *purpose of discussing the character, professional competence, or physical or*
256 *mental health of an individual. The city council meeting will adjourn upon*
257 *adjournment of the executive session. Mark Preece seconded the Motion*
258 *which PASSED.*

259

260 The vote was recorded as follows:

261

 James Ahlstrom - Aye

 James Bruhn – Aye

262

 Kelly Enquist – Aye

 Mark Preece - Aye

263

 Rod Wood – Aye

264

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

268

269 **14. Adjourn**

270

271 **MOTION:** *James Ahlstrom made a motion to adjourn this meeting of the West*
272 *Bountiful City Council at 9:42 pm. Mark Preece seconded the Motion*
273 *which PASSED by unanimous vote of all members present.*

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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