

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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Kris Nilsen

Public Works Director
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**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A
JOINT MEETING WITH PLANNING COMMISSION ON
TUESDAY, AUGUST 18, 2020 BEGINNING AT 6:30PM,
AND A REGULAR MEETING AT 7:30 PM**

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

AGENDA:

6:30 pm Joint Meeting Work Session: City Council/Planning Commission

Brookside Estates Proposal – Between 1450 West and Legacy Parkway & 300 North and 1000 North
– Gardner-Plumb LLC & Equestrian Partners LLC

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

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Appointment of Brandon Erikson as West Bountiful Interim Chief of Police.
4. Public Hearing – Proposed Vacation of the Rear (East) Public Utility/Irrigation Easement at 1834 N 685 West for the Rosal's.
5. Ordinance 432-20 Vacating the Rear (East) Public Utility/Irrigation Easement at 1834 N 685 West.
6. Public Hearing – Proposed Vacation of the East Public Utility Easement and Reduction of Rear (North) Public Utility/Drainage Easement at 862 W Heritage Pointe Circle for the Heller's.
7. Ordinance 433-20 Vacating the East Public Utility Easement and Reducing from 10 ft to 5 ft the North Public Utility/Drainage Easement at 862 W Heritage Pointe Circle.
8. Change Order to Holbrook Asphalt for 2020 Seal Coat Project.
9. Minutes from August 4, 2020 City Council Meeting.
10. Police Report.
11. Public Works Report.
12. Community Development Report.
13. Administrative Report.
14. Mayor/Council Reports.
15. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
16. Adjourn.

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 August 14, 2020.

Join Zoom Meeting:

<https://us02web.zoom.us/j/81979336174>

Meeting ID: 819 7933 6174

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/kclW1Gscml>

Minutes of the West Bountiful City Council meeting held on **Tuesday, August 18, 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; Commissioners Mike Cottle, Corey Sweat, Laura Charchenko, Dennis Vest, Alan Malan, and Denis Hopkinson

STAFF: Duane Huffman-City Administrator, Steve Doxey-City Attorney (dropped off after work session), Asst. Chief Brandon Erekson, Steve Maughan-Public Works, Cathy Brightwell-City Recorder, and Kris Nilsen-City Engineer.

PUBLIC: Gary Jacketta, Blake Heller, Ken Melrose, Walt Plumb, Walter Plumb Jr, Spencer White, Jenny Rosal, Brad Wilson, Dell Butterfield, Amy Paget, Kayla Ford, Amber Brown

Mayor Romney called the joint work session to order at 6:34 pm.

- **Brookside Estates Proposal – Gardner Plumb LLC & Equestrian Partners, LLC**

Mayor Romney welcomed everyone and thanked them for participating in this joint work session over Zoom to hear a presentation regarding a development proposal on the west side.

Spencer White, on behalf of the Plumb's and Equestrian Partners, presented the recently submitted concept for the 127 acres they own on the west side. The Plumb's have been working on proposals for this property for a number of years. They believe an increase in density from the existing 1-acre zoning is a good fit for the property especially in light of how they view new statutes regarding moderate income housing.

A concept map was displayed showing their proposal for 508 homes on 127 acres ranging in size from quarter acre lots down to an area of undefined size homes intended for moderate income housing. Amenities include a clubhouse, pool, several pocket parks, off-street parking, and access to Legacy trail. Larger lots are proposed for the east side of the property with the smaller and moderate income multi-family housing areas placed along Legacy Parkway. They showed architectural examples of homes, and conceptual designs including open space, entry bridges over the creek, fencing, and lighting.

There was discussion about the Legacy Overlay (L-O) and Blended Use (B-U) zones for this area and how the underlying A-1 zone applies to the property. The applicants stated they do not believe the B-U zone was legally established, so they want to put their proposal through as part of the L-O zone.

Walt Plumb Sr. spoke at length regarding problems he sees with affordable housing in West Bountiful and the current zoning of the property. He acknowledged that they knew the property was zoned for minimum 1-acre lots when it was purchased but suggested that large estate lots were not ideal along a noisy freeway. He also noted that Plumb Gardner has developed some of the highest end projects in the state including Hidden Lakes in Bountiful and a 600 unit project in Lehi, which is also a farming community.

Mr. White said it was frustrating to spend money on the charette done a few years ago with Destination Homes.

Mayor Romney responded that the earlier charette process with Destination Homes was positive and resulted in three plans that were well received by the public, but no one ever came back with a proposal.

Brad Wilson, Destination homes, stated that they recommended the Plumb's not proceed with plans as they did not make a good use of the land.

Mayor Romney asked for comments from the planning commission. Chairman Hopkinson said he appreciates the opportunity to talk but outlined his concerns with the argument that the area isn't properly zoned. Regarding moderate income housing, he reminded participants that West Bountiful has some less expensive areas with homes in the \$250 - \$270 range and also a trailer park. He stated frustration after getting close with Destination Homes and having the process stop. He added that the city is aware of moderate income housing legislation and believes it has met the requirements.

The other commissioners agreed with Chairman Hopkinson and added that one of the reasons we have so few homes for sale is that residents love West Bountiful and do not want to leave. They also commented that higher density does not always mean affordable housing.

Mayor Romney asked for comments from council members. Kelly Enquist shared his frustration with the tone with which Mr. Plumb abrasively addressed the council and the commission. He added that he thought Destination Homes did a great job with the charette process.

Council member Wood said the owners knew the zoning of the property when they bought it and he is frustrated with claims that it must be developed so differently. He suggested they take another look and come back with something more reasonable.

Council member James Ahlstrom disclosed that the law firm he works for represents the Plumbs on other matters. He asked for more information about how the concept proposal got to 508 units which is so far beyond current zoning and anything discussed in the past.

Spencer White responded that they essentially had the target of 4 units per acre, and that resulted in the 508 number. He said their calculations show that West Bountiful is lacking 245 moderate income housing units per state law and this was their attempt to help the city meet the shortage in one of the few buildable areas remaining in the city large enough to accommodate that number.

Mr. Ahlstrom asked for more information and the source of the 245 unit shortfall claim, and he also asked why they think the B-U zone was not legal and if that is the case, why they believe it does not fall back to the A-1 zone. They responded that they believe the L-O zone applies which they believe includes options for higher density. Steve Doxey commented that the Legacy Overlay zone was intended to provide an opportunity for additional options over the underlying zone, but it does not mean the underlying zone goes away.

Councilman Ahlstrom commented he does not think that the developers' comments were intended to be taken negatively and he hopes we can work together. He was very impressed with the work of Destination Homes, and while not all public were happy with the final proposals, the positions had softened. It was frustrating that after all that work, we did not hear back until we received an aggressive letter claiming legal violations.

Walter Plumb Jr. agreed that we are all frustrated. Their intent was to provide West Bountiful an opportunity to meet what they see as the state statute regarding moderate income housing levels and to come up with a nice development that makes good use of the land. They still do not believe large estates should be built next to freeways. He clarified that they did not say large lots will not

sell because they will but they believe smaller more affordable lots are a better fit eight minutes from Salt Lake City. Large lots do not seem compatible with this property.

A question was asked about connecting to Redwood Rd on the south. Duane Huffman stated that the city does not object to a connection, but has always wanted a well-designed route to preserve existing neighborhood traffic patterns.

Mayor Romney noted that we need to move on to the regular meeting. He asked them to provide their calculations on moderate income housing that they believe show a deficit. He said ultimately, we need to work together to meet common goals while recognizing people have different opinions but want to get something acceptable.

Duane Huffman added that the city is in compliance with all recent moderate income housing legislation and is not aware of any quota required by the state.

Mr. Plumb thanked the council and planning commission for their time and said they will be in touch.

REGULAR MEETING:

Mayor Romney called the regular meeting to order at 7:53 p.m.

Mark Preece gave a Thought and the Pledge of Allegiance was led by James Ahlstrom.

1. Approve the Agenda.

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

2. Public Comment

Amy Paget, 600 W 1000 N, first, she thanked city officials for sticking up for West Bountiful in the previous discussion and not letting our small town be bullied into meeting quotas that may not exist.

Ms. Paget explained that the property next door to her (corner of 550 West and 1000 North) has been purchased and she is curious about the plans for the property. Four loads of dirt have been dumped on the property and she is concerned about drainage issues if the elevation is raised. She is also concerned about the safety of the corner, especially as a parent of young children. The issue has been discussed in previous city council meetings and according to the minutes of a 2015 meeting, sidewalk on the corner was to be a high priority issue and staff was asked to collect bids. It was not brought up again until 2016. She said her goal is to make sure it stays at the top of the list.

Duane Huffman addressed both issues. He confirmed that the city has been contacted by Doug Coons who wants to develop the corner property and plans to bring a proposal before the planning commission within the next month. Mr. Huffman also said that public improvements for the corner were included in last year's budget but was delayed due to the 800 West road project and the need to use that corner as a detour option during construction.

Amber Brown, 955 N 675 W, stated she is also concerned about that corner and wants to see something done as soon as possible.

Mayor Romney thanked them for their comments.

3. Appointment of Brandon Erikson as West Bountiful Interim Police Chief

Mayor Romney requested that the city council appoint Brandon Erikson as interim police chief. Brandon has been with the city for 8 years and has done a great job.

MOTION: *Rod Wood made a Motion to Appoint Brandon Erikson as West Bountiful Interim Chief of Police. Mark Preece seconded the Motion.*

The Motion PASSED with a vote as follows:

James Ahlstrom – aye
Kelly Enquist – aye
Rod Wood – aye

James Bruhn – aye
Mark Preece – aye

4. Public Hearing - Proposed Vacation of the East Public Utility/Irrigation Easement at 1834 N 685 W – Rosal

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

Cathy Brightwell explained that the Rosal's wish to build a shed in the northeast corner of their property at 1834 N 685 W but there is a conflict with the public utility/irrigation easement along the rear property line. They are requesting to vacate the ten-foot easement.

At the time Birnam Woods-Phase 2 subdivision was developed, the rear irrigation easement was planned to be abandoned by Weber Basin. Weber has confirmed their facilities have been removed and all other utilities have agreed to release the easement.

Required public notice has been completed and staff does not object to the Release.

MOTION: *Rod Wood made a Motion to close the public hearing. Mark Preece seconded the Motion which passed by unanimous vote of all members present.*

5. Ordinance 432-20 Vacating the East Public Utility/Irrigation Easement at 1834 N 685 West for the Rosal's

MOTION: *James Ahlstrom made a Motion to Vacate the East Public Utility/Irrigation Easement at 1834 N 685 West. Mark Preece seconded the Motion.*

The Motion PASSED with a vote as follows:

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

6. Public Hearing – Proposed Vacation of the East Public Utility Easement and Reduction of the North Public Utility Easement at 862 W Heritage Pointe Circle

MOTION: *Mark Preece made a Motion to open the public hearing. Rod Wood seconded the Motion which passed by unanimous vote of all members present.*

Cathy Brightwell explained that the Heller's recently purchased the property and wish to build a garage in the northeast corner for their RV but there is a conflict with the public utility/drainage easements. Staff does not object to the release of the east easement but prefers a portion of the north easement to be left intact as it is intended to handle surface drainage for upstream properties. Required public notice has been completed prior to tonight's public hearing.

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

7. **Ordinance 433-20 Vacating the East Public Utility Easement and Reducing the Rear Public Utility/Drainage Easement from Ten feet to Five feet at 862 W Heritage Pointe Circle for the Heller's.**

MOTION: *James Ahlstrom made a Motion to Vacate the East Public Utility Easement and Reduce from Ten Feet to Five Feet the North Public Utility/Drainage Easement at 862 W Heritage Pointe Circle. Kelly Enquist seconded the Motion.*

The Motion PASSED with a vote as follows:

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

8. **Change Order to Holbrook Asphalt for 2020 Seal Coat Project**

The council previously approved a contract for \$117,838 for the purchase and application of a high-density mineral bond on newly laid asphalt. Shortly after the award was made, the contractor notified the city that the unit amount listed in the city's paperwork did not match the mapped areas also provided by the city. The square yardage had been miscalculated in some of the subdivisions and public works staff has now recommended expanding the areas to include a portion of 1100 West and Porter Lane.

Of the change order total of \$27,299, \$20,915 will be covered by developers and approximately \$6,385 will be covered by the city.

MOTION: *James Ahlstrom made a Motion to Approve the Change Order for Holbrook Asphalt for the 2020 Seal Coat Project in the Amount of \$27,299. Rod Wood seconded the Motion.*

The Motion PASSED with a vote as follows:

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

9. **Approve Minutes from July 21, 2020 City Council Meeting.**

MOTION: *James Bruhn made a motion to approve the minutes from the July 21, 2020 meeting as presented. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

10. Police Report

- Brandon Erekson – the police department is adjusting to have Todd Hixson gone and is working to keep things moving forward. Work continues with our prosecutor on parking issues.

11. Public Works Report - Steve Maughan

- 800 West Update – Water system is done, and the contractor is finishing excavation and trying to get curbing done this week so they can pave next week before school starts, but not sure they will meet the deadline. If they cannot get it done on Monday, we have recommended they wait until Saturday when school is not in session. They are concerned about penalties, but we are more concerned about quality and not causing unnecessary inconvenience.
- Seal coat begins tomorrow in Ovation and Jessi's Meadow and residents have been notified. Once complete, roads will be re-stripped. Paving patchwork will be done throughout city
- Working on Birnam Woods detention pond, grading will allow us to better maintain the area.
- Tailgate subdivision preconstruction meeting today with Jack Williams. This small subdivision is south of Highgate and will require a slight extension of 1450 W. They plan to pave by year end.

12. Community Development Report

- Duane welcomed Kris Nilsen, our new city engineer to his first city council meeting as a staff member.
- Cathy Brightwell reported on several current activities.

13. Administrative Report – Duane Huffman

- School opens next week. He went over the current site plan and parking. The main entrance has been moved to 800 West; bus drop-off will come in from the 400 North entrance. Bowery should be done this fall. The south parking lot is mostly paved, and everyone is rushing to get it all done. The open house is tomorrow; both entrances will be open.
- Staff has been working to get things back to normal as best we can. Weekly staff notes are going again. Let us know if there is anything you would like to see.
- We have contacted UDOT requesting signs noting our prohibition on jake brakes on Legacy Parkway. The only portion of the highway that is in West Bountiful is not by any homes. Suggested reaching out to the county and other cities to adopt consistent ordinances to prohibit jake brakes on the entire length of the road. Several council members noted they have received complaints from residents regarding truck noise, jake brakes, horns. Mayor Romney noted that UDOT previously agreed to pay for the signs if all cities go together.

14. Mayor/Council Reports

Mayor Romney – no report.

James Ahlstrom – no report.

Kelly Enquist – Mosquito Abatement, as with all special districts, did not qualify to receive CARES funding. He asked how it was being handled elsewhere. Duane explained that the city has

received about \$160k in its first installment. The cities in south Davis County approached the local special districts to identify their financial needs. South Davis Sewer said they were doing fine, and the fire and rec districts said they could use some help, so agreements are being prepared and distributions proposed for each city council to approve. Mosquito Abatement is a county-wide district, so it was not included in our initial communication. He suggested council member Enquist have Mosquito Abatement management call him so he can share what has been done in our area. They could contact the county or all cities to see if they will contribute.

Rod Wood – Asked for an update on the well. He said he is frustrated that the contractor seems to be dragging their feet and he’s concerned we may run into delays with state approval. Duane explained that the contractor has run into problems with their electrical contractor. He and or Kris Nilsen will follow up with them.

James Bruhn – Asked for follow-up on the Dennis Vest property boundary alignment issue raised last month. Duane will talk with Steve Doxey as research will need to be done.

Mark Preece – No report

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

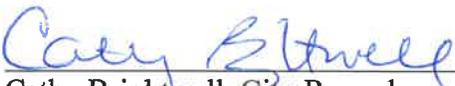
No closed session was held.

16. Adjourn

MOTION:

James Ahlstrom made a motion to approve the agenda. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, September 1, 2020.


Cathy Brightwell, City Recorder

