

**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**  
Kris Nielsen

**Public Works Director**  
Steve Maughan

## THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, OCTOBER 20, 2020

*Mayor Romney has determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor's determination and order in this regard is available at [www.wbcity.org](http://www.wbcity.org)*

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

AGENDA: Invocation/Thought – Rod Wood; Pledge of Allegiance – Mark Preece

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Ordinance 436-20, An Ordinance Amending the West Bountiful City Zoning Map to Remove the Property at 862 W Heritage Pointe Circle from the Historical Overlay District.
4. Ordinance 431-20 (corrected), An Ordinance Approving the Disconnection of Approximately Two Acres of Real Property from West Bountiful City.
5. Presentation on Beautification Initiative.
6. Minutes from October 6, 2020.
7. Staff Reports – Police, Public Works, Community Development, Administration
8. Mayor/Council Reports.
9. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
10. 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 October 16, 2020.*

### Join Zoom Meeting:

<https://us02web.zoom.us/j/89619454815>

Meeting ID: **896 1945 4815**

One tap mobile

+13462487799,,89619454815# US (Houston)

+14086380968,,89619454815# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

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Minutes of the West Bountiful City Council meeting held on **Tuesday, October 20, 2020** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

***Mayor Romney has determined that due to the current COVID-19 pandemic and the physical distancing required to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present at the meetings. That risk can be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of the Mayor' determination and order in this regard is available at [www.wbcity.org](http://www.wbcity.org).***

*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), Steve Maughan, (Public Works), Chief Brandon Erekson, Cathy Brightwell (City Recorder), Kris Nilsen (City Engineer) and Terri Hensley (Secretary).

**PUBLIC:** Alan Malan, Dennis Vest, Blake Heller

Mayor Romney called the meeting to order at 7:31 pm. Rod Wood gave an Invocation, and the Pledge of Allegiance was led by Mark Preece.

**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**

There was no public comment.

**3. Ordinance 436-20, An Ordinance Amending the West Bountiful City Zoning Map to Remove the Property at 862 W Heritage Pointe Circle from the Historical Overlay District.**

On September 16, 2020, Blake Heller submitted a request to remove his property from the Historical Overlay District or have the entire Heritage Pointe subdivision's design standards dissolved. He desires to build a detached garage on the property but due to the design standards, he has not been successful in obtaining satisfactory approval from the historical review board.

The planning commission discussed the request at its September 29 meeting and scheduled a public hearing for October 13. At the hearing, approximately ten residents testified in favor of the request. The primary supporting comments included 1) the Historical Overlay regulations are no longer

necessary as the subdivision is pretty much built out; 2) the regulations have been implemented inconsistently and unfairly; and 3) the regulations have caused unnecessary stress, time and cost to the homeowners.

Following the hearing, Mr. Doxey explained that the city can allow Mr. Heller's property to be removed and/or remove the entire subdivision from the Historical Overlay District but the CCR's will still be in effect.

There was conversation on the following points and options:

1. Remove only the Heller Property. Move forward with removing only the Heller property from the Historical Overlay District. The benefit of this is Mr. Heller has already had significant costs associated with the delay, both financial and personal. The downside is the city would not be resolving the entire core issue, but rather a small portion. Since other property owners have made the same request, is it better to look at the big picture holistically rather than continuing to examine each request as they arise?
2. Remove the entire Heritage Pointe Subdivision. Move forward with removing the entire Heritage Pointe subdivision from the Historic Overlay District. According to Mr. Heller and testimony given at the hearing, there is overwhelming support with the residents for this option. This course of action may benefit from additional notification to all Heritage Pointe residents.
3. Modify the Historical Overlay Code. Retain but modify the Historical Overlay Code to remove the strict design and building regulations for this District currently enforced by the city's historical architectural review board. The city has been acting in the capacity similar to that of a Homeowners Association. This option removes the city from that role.
4. Eliminate Historical Overlay Code entirely.
5. Modify the General Plan to align with decisions above. The General Plan has numerous references to the Historical District. It is important to look at how any changes the city makes will align with our General Plan.

There was interest in gathering more information from Heritage Pointe property owners prior to making a final decision.

**MOTION:** *James Bruhn made a Motion to Adopt Ordinance 436-20 Amending the West Bountiful City Zoning Map to Remove the Property at 862 W Heritage Pointe Circle from the Historical Overlay District and to work diligently to remove the entire Heritage Pointe Subdivision from the Historical Overlay District. Rod Wood seconded the Motion. Following discussion, Mr. Wood rescinded his second and Kelly Enquist seconded the Motion.*

The Motion FAILED 3 to 2 with a vote as follows:

James Ahlstrom – nay      James Bruhn – aye

Kelly Enquist – aye      Mark Preece – nay  
Rod Wood – nay

**MOTION:** *James Ahlstrom made a Motion to table the issue and invite Heritage Pointe subdivision property owners to the next available council meeting to discuss removing the subdivision from the district prior to a final vote. 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

**4. Ordinance 431-20 (corrected), An Ordinance Approving the Disconnection of Approximately Two Acres of Real Property from West Bountiful City.**

The City Council has already adopted Ordinance #431-20 on July 21, 2020, approving the disconnection of the Property at 1818 West 400 South. However, the legal description in the original Ordinance and local entity plat provided was incorrect.

This Ordinance is intended to correct Ordinance #431-20 to provide the correct legal description and depiction of the Property. It does not alter the original decision in any way.

**MOTION:** *James Ahlstrom made a Motion to Approve Ordinance 431-20 (corrected), An Ordinance Approving the Disconnection of Approximately Two Acres of Real Property from West Bountiful City. 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

**5. Presentation on Beautification Initiative**

Like many communities, the city has historically struggled to address nuisance issues such as vegetation blocking sidewalks, debris that harbor rodents or present a fire danger, and other nuisances that threaten the health and safety of neighborhoods. Our challenges include mixed community sentiment, limitations on workforce, and cumbersome enforcement options.

In January of 2020, part-time administrative staffing was added to both assist the police department and eventually to increase the city's ability to address beautification issues. While the current pandemic slowed this process, the city is ready to move forward with this initiative.

The proposal can be summarized as follows:

1. Terri Hensley will serve in the role of Beautification Specialist.
2. The approach will be:
  - a. Friendly – communication with residents will be primarily over the phone or in-person. We will limit the use of a letter as much as possible.
  - b. Consistent – rather than relying on threats, this approach will focus on consistent follow-ups until issues are resolved. New software (iWorQ) originally acquired to manage building permits and work orders will also increase our ability to register and track cases.
3. The roll-out of this initiative will have a relatively small focus while we test its ability to be effective. We will start with trees/bushes that are blocking public ways. Once we work out any bugs and experience success, we will expand to other items like junk in front yards.
4. Cases will be initiated both by complaint and staff observation. We will systematically survey the city to identify cases where public ways are obstructed. This will help resolve issues of fairness in the city's approach.

This proposal was well received by the Mayor and City Council and will move forward as outlined above.

## 6. Minutes from October 6, 2020.

**MOTION:** *James Ahlstrom made a Motion to Approve the Minutes from October 6, 2020. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

## 7. Staff Reports

### Police – Brandon Erektion

- An incident occurred today that resulted in two arrests, significant amount of stolen property and ID's, and approximately thirty-five victims. It will take multiple days just to get all evidence processed.
- There are several legislative changes that have gone into effect recently. One change was that DCSF will no longer have a case worker to accompany us as we go to a home. Also, if a concealed carry permit is denied, it is now up to the local law enforcement to investigate.
- We made a full-time job offer to our top candidate today for the vacant officer position. He will begin on December 5 following his academy graduation.
- Sgt. Wilkinson and Sgt. Adams have both applied for Assistant Police Chief. We are very close to wrapping up the process and will make the final recommendation shortly.

### Public Works – Steve Maughan

- Our major project this summer, 800 West, is mostly complete with only a few final touches to wrap up.

- We are working with the school district to finalize the back parking lot behind city hall.
- We are preparing for the winter season.

**Community Development – Cathy Brightwell**

- Wholesome Direct, a subsidiary of WholesomeCo Cannabis, has applied to provide a delivery courier service for home delivery of cannabis products ordered and paid for online. There are a number of safeguards in place including two drivers, merchandise is contained in a locked box and they will not be carrying any cash. They do have the appropriate state license for this service. Cathy will send the information to Chief Erekson to follow up so the police department has a full understanding of the process.
- Santorini Grill has completed their final inspection and is scheduled to open November 9.
- A new business, Five Below, is a discount store aimed towards young teens. They have been very successful in other locations. They will be going in to the property that was formally Barnes and Noble once the Halloween store closes for the season.
- Olive Garden has had a slight delay as they decided to enlarge their curbside pickup area. The exact opening day is not yet confirmed. It is expected they will be open by Christmas.

**Administrative Report – Duane Huffman**

- The Division of Drinking Water has approved our design for the well. The city is finalizing details to bid out the project.
- We will be meeting with the School District to discuss the city expectations for the shared parking lot behind the City Hall building.
- Duane asked if he could move forward with the experimentation proposal for contract planners to help with projects. He was given to go ahead.
- Our next meeting is scheduled for November 3, which is election night. Duane will let the City Council know if there are items that require attention right away. If so, the meeting will be bumped to 8 pm to follow closing of the polls. If not, The November 3 meeting will be canceled and the next meeting will be November 17.

**8. Mayor/Council Reports**

Mayor Romney – Our Covid-19 numbers were trending up in West Bountiful but are now going back down. We currently have the lowest current active cases in South Davis County. Lakeview Hospital is not yet concerned about bed capacity. With the new transmission index implemented by the Governor last week Davis County is currently in the Moderate category but is expected to move to High later this week.

James Ahlstrom – Kim and Pat McReynolds have agreed to serve as co-city advisors for the West Bountiful Youth City Council. We are lucky to have them.

Kelly Enquist – no report

Rod Wood – Very glad the well has now been approved.

James Bruhn – Asked about the height of the crown on 800 West and the curbing behind City Hall suggesting both may be too high. Steve Maughan explained he is aware of the issues and working on them.

Mark Preece – The Sewer District held a special meeting last week to discussion raising property taxes to facilitate improvements mandated by the state.

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

No closed session.

**10. Adjourn**

**MOTION:** *Mark Preece made a motion to adjourn this meeting of the West Bountiful City Council at 9:30 pm. James Ahlstrom seconded the Motion 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, November 3, 2020.*

  
Cathy Brightwell, City Recorder

