

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 Nilsen

Public Works Director
Steve Maughan

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 17, 2020

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

Mayor Romney has determined that due to the COVID-19 pandemic and the physical distancing needed to prevent the spread of infection, public meetings present a substantial risk to the health and safety of those who may be present. 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 is available at www.wbcity.org

AGENDA: Invocation/Thought – James Ahlstrom; Pledge of Allegiance – James Bruhn

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing – Vacate/Reduce Public Utility/Drainage Easements for the Gillett's at 759 W 1450 N.
4. Ordinance 436-20, Vacate/Reduce South & West Public Utility Easements at 759 W 1450 North.
5. Public Hearing – Vacate Public Utility/Drainage Easement for MVE-239 Subdivision - CANCELED.
6. Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West.
7. Award 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00.
8. Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank.
9. 2020 Moderate Income Housing Report.
10. Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board.
11. Minutes from November 3, 2020.
12. Staff Reports – Police, Public Works, Community Development/Engineering, Administration
13. Mayor/Council Reports.
14. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
15. 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 November 13, 2020.

Join Zoom Meeting:

<https://us02web.zoom.us/j/87200552762>

Meeting ID: **872 0055 2762**

One tap mobile +14086380968,,87200552762# US (San Jose) +16699006833,,87200552762# US (San Jose)

Dial by your location:

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Minutes of the West Bountiful City Council meeting held on **Tuesday, November 17, 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.

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 Erikson, Cathy Brightwell (City Recorder), Kris Nilsen (City Engineer), and Terri Hensley (Secretary).

PUBLIC: Alan Malan, Gary Jacketta, Carson Gillett, Mark and Grey Garza.

Mayor Romney called the meeting to order at 7:32 pm. James Ahlstrom gave an Invocation and the Pledge of Allegiance was led by James Bruhn.

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. However, Steve Doxey expressed his thanks for the kindness he received after the passing of his mother. He commented how grateful he is for the friendships he has made while serving West Bountiful for the past 22 years. Alan Malan offered his condolences to Steve Doxey.

3. Public Hearing – Vacate/Reduce Public Utility/Drainage Easements for the Gillett's at 759 W 1450 North.

The purpose of the hearing is to receive public comment regarding requested changes to the south and west public utility and drainage easements on the property located at 759 W 1450 North. The south portion of the west easement is proposed to be reduced from 7 feet to 3 feet and the south easement reduced from 10 feet to 6 feet.

Cathy Brightwell explained that the request stemmed from the Gillett's desire to build a garage in the southwest corner of their property. She added that the south easement contains a rear yard drain which will need to be moved a few feet to the south. Steve Maughan and Kris Nilsen have provided the necessary information to Mr. Gillett, a licensed plumber, so he can make the appropriate changes.

MOTION: *James Bruhn made a motion to open the public hearing. Rod Wood seconded the Motion which PASSED by unanimous vote of all members Present.*

Alan Malan stated his property shares a border with the subject property and he is in favor the proposed change. He added that there are phone and internet facilities in the south easement.

MOTION: *Kelly Enquist made a motion to close the public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present*

4. Ordinance 436-20, Vacate/Reduce South & West Public Utility Easements at 759 W 1450 North.

The Gillett's have requested the city reduce the south portion of the west easement from 7 feet to 3 feet, and to reduce the rear (south) easement from 10 feet to 6 feet so a garage can be built on the property. Releases have been received from all major public utility agencies.

MOTION: *Rod Wood made a Motion to Approve Ordinance 436-20 to Vacate/Reduce South and West Public Utility Easements at 759 W 1450 North subject to review by legal counsel. James Ahlstrom 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. Public Hearing – Vacate Public Utility/Drainage Easement for MVE-239 Subdivision - CANCELED.

6. Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West.

Day Lay One, LLC, and DEV Group, LLC, the owners of Lot 139 in Mountain View Estates and the old Lot 36 in Kinross Estates, have requested to combine plat boundaries to form a new property designated as MVE-239. As this adjustment affects the boundaries of both plats, a plat amendment is required. There are no new lots being created, simply combining two lots into one. Staff is recommending approval of the MVE-239 Plat Amendment.

Rod Wood disclosed a conflict of interest as he is purchasing this property on December 7th and would prefer to abstain from voting.

MOTION: *James Ahlstrom made a Motion to Approve the Plat Amendment for MVE-239 Subdivision at 2015 N 1000 West. James Bruhn 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 – abstain

7. Award 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00.

In conjunction with the rebuild of the West Bountiful Elementary School, the city worked with the Davis School District to arrange and design available city land for pickle ball courts just to the south of the City Hall building and in front of the new school. It was agreed that West Bountiful City will pay for the court construction.

After the city advertised and solicited proposals, two sealed bids were received. After careful review of both bids, the city Engineer, Kris Nilsen recommends awarding the project to Parkin Tennis Courts. Duane Huffman noted that the bid package included several items that may not ultimately be needed, and staff expects final costs to come in lower than this amount.

Council member Ahlstrom asked how long the construction period for this project would take. Kris Nilsen said it will likely take approximately six weeks, with a two to three week curing time for post tension concrete. Steve Maughan added that even if concrete work is completed early in the year, the weather still needs to be at least 70 to 80 degrees and dry to be able to add final surface material. This could alter the total time to complete the project.

Mayor Romney shared he has been contacted by neighbors bordering the property with concerns about the type of lighting to be used along with the hours the lights will be on. There was discussion about ensuring the city installs lights that can have a targeted light stream so as not to illuminate neighbors' property. Also, the city will utilize a timer mechanism so lights will not be on past a specified time in the evenings.

MOTION: *James Ahlstrom made a Motion to Award the 2020 Pickle Ball Project to Parkin Tennis Courts for up to \$206,866.00. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

8. Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank.

The city's water tank near 400 N is bordered on the south by Stone Creek. Based on deeds, the city has always claimed the land to the creek and has fenced it. However, there have been conflicting property descriptions related to properties south of the creek.

Recently, neighboring property owners Mr. and Mrs. Noakes commissioned a survey of the land. They would like to stop paying property taxes on land claimed by West Bountiful City and have proposed to record a new quit claim deed to clean-up the issue. To prevent property owners from

off-loading problematic land parcels to cities, the City Council must consent before a quit claim deed will be recognized.

MOTION: *Rod Wood made a motion to Approve Resolution 486-20 Authorizing the Mayor to Execute a Quit Claim Deed Accepting Land at 400 N Water Tank. James Bruhn 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. 2020 Moderate Income Housing Report.

Duane Huffman summarized the Moderate Income Housing report as is required by SB-34. He explained the report must contain the progress we are making toward the goals in the general plan which includes:

- The city's plan to protect current low income housing;
- The city's plan to eliminate or maintain the elimination of impact fees for ADU's;
- The city's plan to research options to create an employee housing assistance program.

The city has made good progress on the above items with some having more focus than others during this difficult year.

Council member Wood recommended that the city pay close attention to what the legislature does with SB-34 as we move forward. Mr. Huffman said he has been on several on the topic and that housing is a top tier issue in the next legislative session.

Council member Ahlstrom asked for clarification about whether there is a mandated goal or quota as part of SB-34. Mr. Huffman confirmed there is none at this time.

MOTION: *James Ahlstrom made a motion recognizing the Moderate Income Housing report and its compliance with legislative requirements. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

10. Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board.

Council Member Preece has served as a capable and conscientious representative for the interests of West Bountiful City on the South Davis Sewer Board since January of 2013. His current term expires in January of 2021. This Resolution will re-appoint him for a second term commencing January 2021 through December 2025.

MOTION: *James Ahlstrom made a motion to Approve Resolution 487-20 Recommending Re-Appointment of Mark Preece to South Davis Sewer District Board. James Bruhn 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

11. Minutes from November 3, 2020.

MOTION: *Kelly Enquist made a motion to approve the Minutes from November 3, 2020. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

12. Staff Reports

Police – Brandon Erikson

- Chief Erikson is reviewing the Wholesome Direct's business license application for home delivery of medical marijuana and has some concerns around their operational and delivery plans. He will review his concerns with Cathy Brightwell and Steve Doxey to clarify the specifics outlined in these plans.

Public Works – Steve Maughan

- Reconstruction of the back parking lot is expected to be completed by Thanksgiving.
- Stop signs that were blown down during the windstorm have been replaced.
- New holiday banners will be put up this week.

Community Development / Engineering – Cathy Brightwell

- Doug Coons filed a subdivision application for the west side of his property located at 1000 N 550 W. Staff is also reviewing the Beverly Estates subdivision located at Pages Lane and Olsen Way. Staff has had some contact with representatives of the Equestrian Partners as they work on their proposal.
- The Davis Clipper announced that after 129 years in business the December 4th publication will be its last. The Salt Lake Tribune and Deseret News will be going to weekly publications in January. These changes impact public notice requirements so ULCT will work with legislature on updating outdated laws.

Administrative Report – Duane Huffman

- CARES funding – the city's total disbursement of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds was \$490,322. This is slightly less than originally expected as the state changed the formula of the final disbursements to help offset communities disproportionately affected by the pandemic. The money may only be used for eligible expenses through December 30, 2020 and must be carefully tracked. The state is requiring funds not spent by November 30th to be returned to the State unless an extension is requested. We have carefully planned and tracked internal expenditures from the pandemic, under obligation to the state to designate expenditures by the end of November and spend by the end of December. With that in mind, staff proposes the final disposition of funds be designated as follows: 1) Interlocal agreements \$54,535, 2) UTOPIA, \$101,000, (city park is expected to be online next week), and 3) Public Safety payroll 334,796.89.

- Water rates – Duane has arranged to work with business students from the School of Business at a local university to help review water rates. They will assist the city to update our current water rates model, our infrastructure model and modeling large business users to ensure they are paying their proportional share. This gets more complex as we start looking at our tiered rates. This project begins in January so the city council will be seeing a request from staff for extension of current within the next couple of meetings. Council member Wood asked if Holly Refinery was one of our larger uses of water in the city. Mr. Huffman explained while they certainly can be, they also have their own water source. It is the green houses on the system that really use a significant amount of culinary water.
- COVID-19 – with the COVID-19 numbers escalating, and the new health orders in place, we are now requiring the of wearing masks at all time indoors and out with very limited exceptions. The city has also put on hold all city building rentals such as renting city hall for family Christmas parties. These changes will continue to be evaluated as the COVID situation unfolds.

13. Mayor / Council Reports

Mayor Romney – The city will not be doing its annual Elf Tree this year because of limited staff resources. We are recommending participation in the Bountiful Food Pantry’s Sub-For-Santa program instead as they assist families in need in a variety of ways. Duane Huffman will send a link for the Bountiful Food Pantry to the City Council so they can pass along to those who are asking.

Fire Chief Jeff Bassett has now retired and the interim Fire Chief, Dane Stone, has been appointed to the position. He lives in North Salt Lake and has been with the Fire Department for 27 years.

We are averaging sixteen to twenty COVID-19 cases in West Bountiful per week which is currently the lowest in the county.

James Ahlstrom – Youth City Council is working on Christmas on Onion St. They are making adjustments due to COVID-19 and the focus will be on the Santa parade. They require several trucks and a portable sound system so they can incorporate Christmas music. In the past, Todd Hixson’s sound system has been used for city events. Duane Huffman said the city can purchase a new portable sound system that can be used at a variety of city functions and will look into the best option.

Council member Ahlstrom suggested adding green space, pickle ball courts, covered picnic tables or other outdoor amenities employees could benefit from at the new public works west yard. This would also allow funding from RAP tax. Council member Wood asked about park needs on the west side of the city. Mr. Huffman stated we do have a study that shows we need an additional park on the west side and the expectation is that it will be tied to west side development. He said while it makes sense to add some green space, he believes a pickle ball court is best suited to be combined with a larger park rather than a stand-alone space. Staff will look at options for this at the west yard area.

James Bruhn – All is going very well at Wasatch Integrated.

Kelly Enquist – Work is slowing down at Mosquito Abatement. Salt Lake Mosquito Abatement and Davis County Mosquito Abatement work together on aerial spraying as it is far more cost efficient.

They made a proposal that a Bell helicopter be purchased for this use (\$1.9 million) to do our own spraying rather than use a contractor. A vote with 15 out of the 16 city representatives involved said no to this proposal so we will continue contract spraying.

Mark Preece – no report

Rod Wood – Asked if there were any updates on the public works building. Duane Huffman said staff is working to finalize financial statements and while there is not an update for tonight, one will be provided soon.

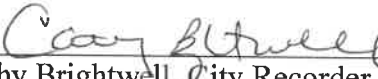
14. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205(a), Discussion of the Character, Professional Competence, or Physical or Mental Health of an Individual. Performance of individuals and exchange of property.

No closed session.

15. Adjourn

MOTION: *James Ahlstrom made a motion to adjourn this meeting of the West Bountiful City Council at 8:52 pm. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

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


Cathy Brightwell, City Recorder

