

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
Kris Nilsen

Public Works Director
Steve Maughan

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 19, 2023, AT THE CITY OFFICES

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

1. Approve Agenda.
2. Proclamation Designating September 17-23, 2023, as Constitution Week in West Bountiful.
3. Youth Council Swearing In – 2023-2024 Term.
4. Ordinance 476-23, An Ordinance Amending WBMC 17.04, 5.04, and 5.28 for Home Occupation Business Licenses.
5. Doug's Corner Subdivision – Requested Changes to Final Plat.
6. Resolution 541-23, A Resolution Adopting an Emergency Operations Plan for West Bountiful City and Appointing an Emergency Manager.
7. Mass Gathering Permit Discussion.
8. Expenditure Approvals.
9. Meeting Minutes from August 29, 2023.
10. Staff Reports–Police, Public Works, Engineering, Community Development, Administration.
11. Mayor/Council Reports.
12. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmnp), the city website (WBCity.org), posted at city hall, emailed to the Mayor and City Council, and provided to the Davis Journal on September 15, 2023, by Cathy Brightwell, City Recorder.

Minutes of the West Bountiful City Council meeting held on Tuesday, September 19, 2023, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

- MEMBERS:** Mayor Ken Romney, Council members James Ahlstrom (via zoom), James Bruhn (via zoom), Kelly Enquist, Mark Preece, and Rod Wood.
- STAFF:** Duane Huffman (City Administrator), Chief Brandon Erikson, Steve Doxey (City Attorney), Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), and Cathy Brightwell (City Recorder).
- PUBLIC:** Dennis Vest, Dell Butterfield, Doug Coons, Belinda Barking, Rachel & Callie Phillips, Kendra & Rebecca Johnson, Karen Petro, Richmond Thornley, Vanesa & Ashlyn Burnett, Dan McConkie, Aimee Hinojosa, Brandee, Breanna & Gaige Nadauld, Sally Tanner, Renate Allen, Judy Bailey, Bronwyn Evans, Makail Lunt, Melodi & Drew Farley, Ben Savage, Brooklyn, Jennifer & Johnny Yee, Noah & Kristin Peterson, Elsie Buck, Matt, Lanita & Ella Rodabough, Halling Family, Heather & Holly Day, Jenn Nielsen, Liz Hansen, Audrey Vest, Rebecca Wheelwright, Jocilyn & Peter May, Deby Marshall, Alan Malan, Richmond Thornley
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Mayor Romney called the regular meeting to order at 7:34 pm. Rod Wood provided an invocation; Mark Preece led the Pledge of Allegiance.

1. Approve the Agenda.

MOTION: *Mark Preece made a Motion to approve the agenda as presented. Rod Wood seconded the Motion which PASSED unanimously.*

2. Proclamation Designating September 17-23, 2023, as Constitution Week in West Bountiful.

Christine Schultz, representing Daughters of the American Revolution, provided a brief history of Constitution Week and thanked the city for its ongoing support in recognizing this important event.

MOTION: *Mark Preece Made a Motion to Adopt the Proclamation as Presented. Kelly Enquist seconded the Motion, which passed as shown below.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood - aye

3. Youth Council Swearing In – 2023-2024 Term

Mayor Romney introduced the members of the 2023-2024 Youth City Council. He gave the oath of Office to Youth Mayor, Callie Phillips. Mayor Phillips then conducted the Oath of Office for the remaining members of the Youth Council – Noah Peterson-Mayor Pro Tem, Holly Day-Recorder, Bo Bartholomew-Secretary/Communications, Drew Farley-Treasurer, Clairia Halling-Historian, Brynlee Bartholomew, Ashlyn Burnett, Andrea Halling, Peter May, Gaige Nadauld, Ella Rodabough, Brooklyn Yee.

3b. Public Comment

Dennis Vest, resident, stated that he appreciates the Council's interest in considering updates to 1200 North street, and would like to see some real construction done. Snowplows cannot currently pass on the narrow road, so there is a need to widen the asphalt. He suggested also adding a trail on the north side of the road which could be used by residents to access the Legacy Trail. As there is currently only one home on the north side, a trail would not be very intrusive. These changes will help handle future traffic expected from nearby development and more roads accessing 1200 North. He suggested RAP tax be used to help pay for the project.

Dan McConkie, resident, commended the planning commission for the time and detail they put into their review of the Home Occupation proposal. He believes it is a good balance to help residents while not impacting neighbors.

4. Ordinance 476-23, An Ordinance Amending WBMC 17.04, 5.04, and 5.28 for Home Occupation Business Licenses.

Cathy Brightwell provided a summary of the planning commission's recommended updates to the city's home occupation business license regulations. She explained that the commission attempted to eliminate conflicts between zoning and business license sections of the code by deleting the definition of home occupation in Title 17 (zoning code) and creating a new definition, more appropriately listed in the business license section. This definition allows home occupations to be operated in a dwelling or structure on a residential property by the resident of the property.

There was discussion about new sections for conditional and prohibited uses. Permitted conditional uses include businesses like daycare, pre-school, auto repair, welding/machine shops, contractors, personal services (e.g., salons, estheticians), group instructional services such as music, yoga, swimming, and sports, and other similar occupations.

Council members had questions about why certain occupations were included and there was discussion about different ways to write the regulations, such as form-based code that lists specifications rather than specific lists of occupations. In response to questions, Chairman Malan provided some explanations and reasoning behind the decisions they made.

It was recommended that a joint meeting between the planning commission and city council be scheduled as soon as possible so that a more detailed discussion can be held on these issues. Council members thanked the planning commission for their thorough research and hard work on this issue.

MOTION: *Rod Wood moved to table Ordinance 476-23 so that a Joint Meeting with the Planning Commission Can Be Scheduled. James Ahlstrom seconded the Motion which passed as shown below.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood – aye

5. Doug's Corner Subdivision – Requested Changes to Final Plat.

Kris Nilsen summarized the request by Doug Coons for changes to his Doug's Corner subdivision final plat. The 0.694 acre three-lot subdivision located at the northwest corner of 550 West and 1000 South was approved by the city council on August 1, 2023, subject to completion of the outstanding items listed in the

staff memo. Following this approval, Mr. Coons requested a review by the city engineer of three items required by the Council on the final plat. Staff determined that these changes require city council approval.

1. Discharge Storm Water Line. The original design included a 1-inch diameter private discharge line that would take water from the development south across 1000 North into a city storm line. The developer now requests that the water be discharged into the curb on the north side of 1000 North.

Discussion – the storm drainpipe in the south side of 1000 North runs full during most storm events so new connections should be limited because the pipe is already at capacity. Placing a small discharge pipe to the south side of the street will require an additional asphalt cut for the trench across the full width of 1000 North street. Street cuts degrade the structural integrity of the street and should be avoided where possible. The frequency and amount of water from this pipe should not negatively affect the community by going directly into the curbside gutter.

There are some problems with pumps in the city that pump during freezing temperatures and cause problems with drainage from ice buildup in the gutter. This pump will only run during large storm events and/or melts and the drainage will not freeze at those times. The pump will only run in rare cases when the retention pond exceeds the designed top of water elevation. Notes on the final plat already require the owner of Lot 1 to maintain the pump and discharge line. Kris said we can add to the note on the plat that the pump and discharge line serve only the back yard surface drainage.

Mr. Coons added that another option to the discharge line being located in the face of the north curb is to install a pop-up drain on Lot 1 near the back of the sidewalk.

2. Driveway Approaches. The approved final plat included restricted access for driveway approaches to Lot 1 and Lot 3. The developer is requesting these restrictions be removed.

Discussion – the original restrictions were put in place based on the uniqueness of the lots to protect the safety of vehicles driving along the road and those exiting the properties. We now know where the clear view zone is, so these lots do not need additional restrictions and staff are comfortable with removal of driveway notes on the plat.

There was discussion about street parking, especially on Lot 2. Can we red curb it? It was determined that this is a parking and public safety issue, not a plat issue. The speed limit is 25mph and slows to 15 mph on the large bend. Mr. Coons provided pictures to show how the restrictions limit the size of houses that can be built. He is concerned about the shape of the lots and how it restricts 3 car garages and driveways. He stated that if zoning is put on the plat it is hard to change. Kris responded that it was intentionally put on the plat so it can't be changed. There was council consensus to remove plat language only for the driveway approach for Lot 3.

3. Corner Lot. The original final plat considered Lot 2 to not be a corner lot because of the bend between 1000 North and 550 West which would mean a 30-foot front yard setback along both 550 West and 1000 North. The developer is asking that Lot 2 be considered a corner lot and therefore be allowed to have a 20-foot side yard setback along 1000 North. Staff is comfortable with this proposed change.

Jenn Nielsen, resident, commented that this property is in her neighborhood, and she applauds keeping access to Lot 3 where it is. She noted that it is not realistic to expect drivers to maintain 15mph approaching

and around the corner. She added that the city should require restrictions on tree planting at the frontage of these properties. Mr. Huffman responded that the city's clear view regulations will apply.

MOTION: *Rod Wood Moved to Reapprove Doug's Corner Subdivision with the following changes: 1) Construction design to allow pipe to terminate to curb, 2) Remove Lot 3 driveway restriction from the Plat, and 3) Lot 2 will be Considered a Corner Lot with a 20-ft Side Yard Setback, and all outstanding staff conditions. Mark Preece seconded the Motion, which passed as shown below.*

James Ahlstrom – aye

James Bruhn – nay

Kelly Enquist – aye

Mark Preece – aye

Rod Wood - aye

6. Resolution 541-23, A Resolution Adopting an Emergency Operations Plan for West Bountiful City and Appointing an Emergency Manager.

Chief Erikson reviewed a new tentative Emergency Operations Plan (EOP). Utah Code requires each city to have an EOP and it has been many years since West Bountiful's Plan has been updated. A regularly updated EOP is required to maintain the police department's current accreditation process. State Code also requires each city to designate an emergency manager for keeping the EOP up-to-date and coordinating with other emergency managers.

Jason Meservy is recommended as the city's Emergency Manager. He has served the city in emergency management over the years as EmPAC director and CERT manager. Officer Jory Moran will assist Jason by handling the administrative aspects of the EOP.

Renate Allen - CERT manager, commented that having an updated EOP is important and is needed to get grants, etc. She said it was discussed at an EmPAC meeting, but members have not had an opportunity to review the plan prior to its presentation tonight. She said she just received a copy and upon a quick review, has found mistakes, such as lists of businesses and radio frequencies. Ms. Allen asked that she and Jason have an opportunity to finish their review of the Plan before the council approves the draft.

Duane Huffman suggested the Resolution be adopted tonight and that modifications and corrections can be made as necessary. Mr. Doxey agreed that the Resolution can be adopted so that it does not need Council approval for minor updates and corrections; but it would need Council approval for appointments.

MOTION: *Kelly Enquist moved to Approve Resolution 541-23 Adopting an Emergency Operations Plan and Appointing Jason Meservy as an Emergency Manager. Mark Preece Seconded the Motion Which Passed as Shown Below.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood - aye

7. Mass Gathering Permit Discussion.

Duane Huffman introduced a discussion based on draft language for a new permit related to large events within the city. These events are a vital part of building community and city staff believe that well planned events should be encouraged and facilitated, while also protecting public infrastructure and the health, safety,

and welfare of the public. The number of events on city and private property has increased causing a need for some form of regulations.

Mr. Doxey prepared a draft proposal using the framework adopted by other cities to get the discussion going. What should and should not be restricted or prohibited? Should races through the city need approval so we know why roads are closed? Should requests be approved by the city council or staff?

There was discussion that the issue is public safety, not regulation. The intent is to protect the community not to protect the city. If permits are required, they must apply equally to all; they cannot be content based.

Following discussion, Duane asked council members to send him their thoughts so a new draft can be prepared for future review.

8. Expenditure Approvals.

Duane Huffman presented two budgeted expenditures over \$10,000 for requiring city council approval.

1. \$16,870 for 250 new garbage and recycle cans to be used for new homes, to replace broken cans, and to provide additional household cans as requested. FY24 Budget amount = \$20,000.
2. \$90,868 for a Wheeler CAT Compact Track Loader (skid steer) to assist in many street, park, and water projects, providing mobility and versatility in digging and moving materials in an efficient manner. FY24 Budget includes \$90,900 split between the General Fund, RAP Fund, and Water Fund.

MOTION: Rod Wood Made a Motion to Approve the Expenditures as Presented. Mark Preece Seconded the Motion which PASSED Unanimously.

9. Meeting Minutes from August 29, 2023.

MOTION: Mark Preece Made a Motion to Approve the Meeting Minutes from August 29, 2023, as presented. Kelly Enquist Seconded the Motion which PASSED Unanimously.

10. Staff Reports

Chief Erikson – The Spillman records system conversion is scheduled to happen on October 10. The new radar trailer is working well; it is lighter and easier to move around.

Steve Maughan – the 1810 N/1890 N water project is nearing completion. Everything is hooked up, but there is still a little paving and landscape to be completed. Fall clean-up will be held on October 12-14 at the new PW facility.

Kris Nilsen – working on the preliminary design of 660 W for the 2024 road project.

Cathy Brightwell – Meet the Candidates night is scheduled for Monday, October 16 beginning at 7pm.

Duane Huffman – After two rounds of interviews for the Community Development Specialist, we made an offer, which was accepted, to Addison Jenkins. He will begin next Tuesday, September 26.

11. Council Reports:

Kelly Enquist – Mosquito Abatement has been spraying a lot. They have a full nighttime staff. There are half a dozen West Nile pools in the area, compared to Colorado with over 600 pools.

James Bruhn – No report.

James Ahlstrom – We still need recommendations for YCC advisor and should consider compensating them a little something to cover the time they spend with the kids.

Mark Preece – South Davis Sewer board meeting is this week.

Rod Wood – Suggested we start planning the city Christmas party.

Mayor Romney – Working with staff to come up with options to pipe the 975 West ditch. They will work on a proposal which we expect to be in the \$20-25K range.

12. Adjourn -

MOTION: Mark Preece Made a Motion to Adjourn the Meeting. Kelly Enquist Seconded the Motion which PASSED Unanimously.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, October 3, 2023.


Cathy Brightwell, City Recorder