

Minutes of the West Bountiful City Council meeting held on Tuesday, December 15, 2015 at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Debbie McKean, and Mark Preece

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Todd Hixson (Police Chief), Paul Holden (Director of Golf), and Cathy Brightwell (City Recorder/Secretary)

VISITORS: Alan Malan, Andy Williams, Denis Hopkinson, Brad Frost, Norm Frost, Jeff Wilkinson, Kathy Wilkinson

Mayor Romney called the work session to order at 6:05 pm and welcomed visitors.

Discuss City Code Related to Planned Unit Developments (Section 17.68) and *The Cottages at Havenwood* PUD Request by Ovation Homes

Duane Huffman provided an overview of the PUD ordinance explaining that a PUD deviates from a standard subdivision by providing flexibility and efficiency in certain situations. He explained that a PUD must be approved as an ordinance so it is similar to a zone change. There is a presumption against approval with the applicant bearing sole responsibility to prove it is warranted.

There was discussion about the minimum standards required for a PUD, and categories for bonus density, and any bonus density granted must fit into the following specific categories - building & project design (0-5%); innovative site plan (0-5); substantial public benefit 0-10); and interior amenities and landscaping (0-5). There was also discussion about amenities that benefit the community as opposed to only the development.

Mr. Huffman summarized the staff memo regarding the proposal for The Cottages at Havenwood. Ovation Homes has requested a PUD designation for the 9.35 acre property commonly known as Pony Haven (690 W Pages Lane) to include 37 single level residential homes (as opposed to the 30 lots that would fit in a traditional development) requiring a bonus density of 24%, reducing the lot size and width of each lot below the minimum standard in the R-1-10 zone, and reducing front yard setbacks to 20 ft. and rear yard setbacks to 15 ft.

He then explained that the process of reviewing Ovation's request had to date included several meetings at the Planning Commission and a well-attended public hearing. The Commission ultimately recommended approval and identified several issues they recommend the Council to address in a final decision. Like any other legislative land use item, the Council can now approve, approve with changes, deny, or send back to Planning Commission for further work.

Brad Frost, the owner of Ovation Homes, spoke about the steps they have taken in the community to learn what residents want as part of the proposed development. He explained he is the owner of the property, even though Mike Strand has made some public statements that litigation is on-going. Their business plan is to offer active adult communities, which he has been

doing successfully for 16 years. His company conducted a study of West Bountiful showing a 60% loss of residents over 65 because they no longer desired to live in multi-level homes. Rather than restrict homeowners by age, for example 55 and older, Ovation prefers to place restrictions on the number of people living in the home based on the number of bedrooms; a max of three people can live in two bedroom homes, and four people can live in three bedroom homes.

He talked about their specific proposal which includes single level living, 1500 to 2700 sf homes with 2 and 3 car garages, public streets and sidewalks, landscaping (front & back) included in the sales price, and the HOA covers maintenance of the front yards (snow removal, weed control, and lawn care). He added that this type of development has less traffic impact than a standard subdivision because their clientele makes 4 trips for every 10 trips a standard family makes. He also pointed out they will have little to no impact to schools, and a large impact to the local golf course.

There was discussion about open space and amenities and where they should be located. In response to the idea that the City may not be interested in having a small park so close to the main City Park, Mr. Frost mentioned that in Farmington City his company paid something like an open space credit in lieu of open space in the development. There was also discussion about the value to storm water collection and control this development may have for the community.

Staff will put together a list of specific questions to be answered and additional information to be provided at later date. The Council would like to see examples of all home elevations, buildable site plans, entry sign options, addresses and locations of other developments, and details of the HOA and CC&Rs.

Mayor Romney called the regular meeting to order at 7:30 pm.

The Mayor began the meeting by presenting outgoing Council member Debbie McKean with a plaque and small tokens in recognition of her distinguished service on the Council. Her term will end on January 4th.

Invocation/thought – James Ahlstrom; Pledge of Allegiance – Debbie McKean

1. Accept Amended Agenda

MOTION: *James Ahlstrom moved to approve the agenda as amended. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

Jeff Wilkinson, 578 E 250 North, explained he and his wife visited with 22 homeowners near the Pony Haven property. Seventeen of these homeowners signed a document stating their preference for an Ovation-style home, even with 15 ft. rear setbacks and higher density. Others have not voiced objection to the project. All of the residents they spoke with love West Bountiful and recognize that as folks age often split entry homes may no longer make sense. He said he wants to live here for long time and welcomes the diversity of homes. He added that the U.S.

Census reports there will be a 31% drop in West Bountiful residents ages 55-60, 54% drop in residents ages 65-70, and a 78% drop for those 70-74 years of age.

Kathy Wilkinson, 578 E 250 North, talked about the document referenced by Mr. Wilkinson that the residents signed. She clarified they did not go door to door. Their contacts were pretty limited to those who live in the general area that would be affected and in each case was the result of conversation not just a request to sign the petition. Most said they have lost too many friends moving out of the City.

Angie Hawkes 1908 N 685 West, is tired of looking at the mess in Pony Haven and wants homes in there. She added there is no need for a new park as there is a beautiful park two blocks away. She stated she worked for a property management company that managed HOAs for Ivory Homes, and the condition of the properties was much better than surrounding neighborhoods.

Ron Littlefield, lives next to Pony Haven. He and his wife have been talking about selling and moving out of town into a more senior friendly home, and would prefer to stay here and move into an Ovation Home.

Scott Birmingham - 725 West, asked if the 15 ft. setback includes a covered patio. He was told that any structure, including a covered patio, could not be less than 15 ft. from the rear property line under the current proposal.

3. Public Hearing Regarding a Request to Vacate an Easement on the Property at 331 N 750 West.

MOTION: *James Ahlstrom moved to open the public hearing to receive public comments on the request to vacate an easement at 331 N 750 West. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

There were no public comments.

MOTION: *James Ahlstrom moved to close the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

4. Consider Resolution 375-15, A Resolution Vacating Portions of a Side and Rear Easement on The Property At 331 N 750 West.

Ben White summarized the request. This subdivision was built with easements on all sides of every lot. The only place to build a shed is the southwest corner so the property owner needs these easements vacated. Utilities are only on north side. Staff suggests vacating only 3 of the total 6 feet that cannot be built upon to provide options to help with drainage.

MOTION: *James Bruhn moved to approve Resolution 375-15, A Resolution vacating portions of a side and rear yard easement on the property at 331 N 750 West. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

5. Consider Resolution 376-15, A Resolution Adopting a Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management.

Duane Huffman explained the Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management is sponsored by the Utah Chapter of the American Public Works Association (APWA) and is intended to facilitate public works entities helping each other in case of emergencies. The agreement creates no obligation that West Bountiful request or respond to requests for help, but it does set procedures, including reimbursement responsibilities, if and when help occurs. He added that due to the agreement's design which is intended to be used across the state, it must be adopted or rejected as presented. He will provide a copy to EmPAC once it is adopted.

MOTION: *James Bruhn moved to approve Resolution 376-15, A Resolution Adopting a Mutual Aid Interlocal Agreement for Utah Public Works Emergency Management. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

6. Discussion and Possible Motion Regarding Council Member Attendance to the Rural Water Rally 2016 in Washington D.C.

Mayor Romney explained that last Spring West Bountiful won an award for having the best water in the State, and as a result the City's great water is going to the National Rural Water Association competition. The Rural Water Association of Utah (RWAU) will sponsor two city representatives to attend the conference (airfare, hotel, etc.) which includes a general education session, meetings with congressional representatives, and the national finals for best tasting water. As this is such a rare and unique opportunity, it may be beneficial for the City to have additional individuals participate. Based on an initial response from the City, RWAU has booked flights for 6 West Bountiful attendees (2 to be paid by RWAU and 4 to be paid by the City) and 5 spouses to be fully paid by employee/council member. If plans change, the City/employee/council member

will be responsible to pay \$450 per ticket and they will have a credit with Southwest Airlines for one year.

Duane Huffman referred to his memo in the meeting packet which estimates costs at approximately \$2000/per person for airfare, hotel, conference registration, local transportation, and meals for any additional attendees. He also went over budget options as this expense was not contemplated in the current budget.

Council member McKean expressed concern about the financial commitments made without discussions in previous meetings.

Mayor Romney explained that we were given very little notice and needed to provide numbers to RWAU so discount airfares could be purchased and security clearance process started, so he contacted the Council and there appeared to be a majority interested in allowing additional City representatives to attend.

There was discussion about the pros and cons of attending the conference.

While initially believing this would provide an opportunity to learn more about rural water issues and talk with congressional officials, Council members Ahlstrom and Enquist have since decided not to attend the conference and will reimburse the City for their tickets.

After further discussion, it was decided that Blake Anderson, Steve Maughan, Mayor Romney, and Council member Bruhn attend the conference to represent the City.

MOTION: James Ahlstrom moved to send Blake Anderson and Steve Maughan on behalf of RWAU, and Mayor Romney, and James Bruhn with the expenses taken from miscellaneous Water Department budget. Kelly Enquist seconded the Motion which PASSED with vote of 4-1 with Council member Debbie McKean voting in opposition.

7. Police Report

Chief Hixson referred to his monthly report and offered to answer questions. He said he received Lt. Hamilton's letter announcing her retirement effective July 1, 2016, which will have a big impact to the Police Department. He said at this point, he is anticipating one of the two sergeants will move up to the lieutenant position, and he would like to replace them on March 1. We may also need to replace the detective if that position moves up to Sergeant. There are a lot of potential changes to work out in the next few months.

8. Engineering/Planning Commission Report – Ben White.

The Pages Lane project went out to bid with a due date of January 12. He will plan to bring a bid award to the January 19th City Council meeting. He added that he plans to send the 500 South waterline project out to bid shortly.

Ben discussed the Planning Commission public hearing for Ovation homes. It was well attended with approximately 50% in favor and 50% having concerns. Concerns were primarily due to density and setbacks. He explained that it took 3 motions before it was passed, and then with a vote of 4-1. Council member Bruhn added that he has talked with several surrounding homeowners that have concerns.

Ben said the City has received a request from Ivory homes for a potential text change to the Blended Use Zone chapter of the Land Use Ordinance so that a large development near the Equestrian Center could have a higher base density. The request will be heard at next week's Planning Commission meeting.

9. Administrative Report.

Justice Court Services – Duane Huffman reported that discussions have continued with North Salt Lake to combine Justice Courts. After analyzing new methods in splitting revenues, large fluctuations in year-to-year caseloads have led staff towards a recommendation for the standard 50/50 split. This would make the arrangement nearly identical to the current arrangement with the County, but there remain serious concerns about the County's stability in regards to the Court. He added that the North Salt Lake Court is in session on Tuesday afternoons if anyone wants to go observe. North Salt Lake will give notice of their intent to expand jurisdiction, so transition could happen on July 1, 2016 if we decide to go forward. We will begin working on draft agreements.

Hiring new golf course superintendent – Mayor Romney, James Bruhn, Steve Maughan, Duane Huffman, and Paul Holden make up the initial selection committee and in a meeting last week, reduced the 27 applicants down to 10. They were encouraged with the level of candidates. Interviews will be held on December 21 and December 22.

Elf Tree – We had 82 Elves year and all have been taken, so we are suggesting to those who still want to give to provide gift cards.

We have been very pleased with snow plowing – the public works crew did a great job. Thanks also to Paul Holden and Chief Hixson for helping.

The City Christmas party will be held on Monday, December 21st at noon.

10. Council Reports.

James Ahlstrom –

No report.

Mark Preece –

Youth Council did a good job with Christmas on Onion St. Many reported that it went better this year than years past. Olaf was big hit.

He had a Sewer district handout, and said they will start construction in 6 months on the methane recapture project.

James Bruhn

He thanked Debbie for all of her work and years of service.

Debbie McKean-

The seasonal report from Mosquito Abatement shows the final count of deaths in the United States was six. In Davis County, West Bountiful had the most activity with positive pools, but no deaths. It was reported that West Bountiful ended up with ten no spray zones this year, primarily due to bees. There was discussion about how to handle no spray zones in the future. Can we prohibit them? Will they need to be requested each year? How does identification of

positive pools affect no spray zones? Debbie will check with Mosquito Abatement on these issues and report back to the Mayor.

Kelly Enquist-

He gave compliments to public works for their work during the recent storm. They were very responsive, and he was impressed with their patience.

He also commented that he has heard some comments from residents who are concerned with plans for a new basketball court in the proposed location due to noise and lights.

Mayor Romney-

He also thanked public works for doing an excellent job in this unusually heavy snow storm.

11. Approval of Minutes from the December 1, 2015 City Council Meeting.

MOTION: *James Ahlstrom moved to approve the minutes from the December 1, 2015 meeting. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

Mayor Romney called for a 5-minute break.

12. Possible Executive Session for the Purpose of Discussing Items as Allowed, Pursuant to Utah Code Annotated 52-4-205.

MOTION: *James Ahlstrom moved to go into Executive Session Pursuant to Utah Code Annotated 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual, in the police training room. James Bruhn seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

MOTION: *Kelly Enquist moved to adjourn the Executive Session at 10:15 pm. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

13. Adjourn

MOTION: *Debbie McKean moved to adjourn this meeting of the West Bountiful City Council at 10:20 p.m. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council on Tuesday, January 5, 2016.


Cathy Brightwell (City Recorder)

