

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Andrew Williams

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
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM, ON TUESDAY, FEBRUARY 16, 2016 IN THE CITY OFFICES AT 550 N 800 WEST.

Invocation/Thought –James Bruhn; Pledge of Allegiance – Andy Williams

1. Accept Agenda.
2. Public Comment (two minutes per person, or five minutes if speaking on behalf of a group).
3. Consider Resolution 382-16, A Resolution Authorizing the Mayor's Appointment of Charles Kettenring to The Emergency Preparedness Advisory Committee.
4. Consider Resolution 383-16, A Resolution Authorizing the Mayor's Re-Appointment of Alan Malan, Laura Charchenko, and Mike Cottle to the Planning Commission.
5. Discuss and Consider Request for Planned Unit Development by Capital Reef Management/Ovation Homes) for property at 690 W Pages Lane.
6. Discuss First Estimates of Fiscal Year 2016/2017 Budget.
7. Open Meeting Training.
8. Engineering/Public Works Report.
9. Police Report.
10. Administrative Report.
11. Mayor/Council Reports.
12. Approve Minutes from the February 2, 2016 City Council Meeting.
13. Possible Executive Session for the Purpose of Discussing Items Allowed, Pursuant to Utah Code Annotated 52-4-205.
14. Adjourn.

Individuals needing special accommodations during the meeting should contact Cathy Brightwell at (801)292-4486 twenty-four hours prior to the meeting.

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 February 11, 2016.

Minutes of the West Bountiful City Council meeting held on Tuesday, February 16, 2016 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, Mark Preece, and Andrew Williams

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Chief Hixson, Steve Maughan (Public Works Director), Paul Holden (Director of Golf), Patrice Twitchell (Finance Clerk) and Cathy Brightwell (City Recorder/Secretary)

VISITORS: Alan Malan, Brad Frost, Craig Jacobson, Eric Eastman, Gary Jacketta, Enoch Huffman, Jonathan Scott, Jeff & Kathy Wilkinson, Karen Hermansen, Ron Littlefield, Joan Littlefield, Angie Evans, Doug Parrish

Mayor Romney called the regular meeting to order at 7:33 pm.

Invocation/thought – James Bruhn; Pledge of Allegiance – Andy Williams

1. Accept Agenda.

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

2. Public Comment.

Mayor Romney explained to the audience that anyone wishing to make a comment in favor or against agenda item 5 – Cottages at Havenwood development by Ovation Homes, should speak now as comments will not be allowed later in the meeting.

Kathy Wilkinson, 578 W 2050 N, stated that she wants to make sure the voices from residents who signed the earlier petition are heard. The petition represents 35 families in favor of the development. She said she understands there are technical issues to be worked out but wants the City to remember the reasons residents want the development: single level homes and improved drainage. She added that she has been to several Ovation Homes developments and they are great and well built. Many people in the City want this project and she believes it is a great way to diversify.

Eric Eastman, 620 W 1950 N, cited Section 17.68.010 of the P.U.D. Ordinance that says in the Purpose section, “*there will be a presumption against approval of land development as a P.U.D. The applicant bears the sole responsibility and burden of establishing that the alternative development is preferable to a traditional development.*” He said he does not believe the developer has met the

requirements of the Ordinance and should not be approved. He added that if they are denied he does not believe they will be leaving the City in a hole because there are some very good local developers who can do a good job to build nice homes on the property. He recommends they deny the project.

Angie Evans, 699 W 1950 N, stated that she lives next to Pony Haven. They have loved having the horses and fields next to them but understand that change happens. She said she fully supports Brad Frost and his project and is looking forward to the development.

Joan Littlefield, 706 W 1950 N, stated that she wonders if the City Council is trying to get as much as possible out of the developer. She said her neighborhood has been there over 35 years and there are still homes unfinished and yards not put in. By having a P.U.D., those things will be taken care of. Her neighborhood is one of most run down in the city. She has talked with neighbors and they don't care if the development goes in. She believes it will be a benefit to the City.

Jeff Wilkinson, 578 W 2050 N, compared the situation to Karl Malone and Larry Miller. He said it was a good thing Larry Miller did not let Karl go when he asked for more money. Paying him more ended up being a win/win for everyone. He said this is a simple issue – the City can come to agreement with Ovation or settle for a lesser alternative. He urged the Council to make this happen.

Alan Malan, 772 W 1400 N, said he agrees with Mr. Eastman. Just because of the way a project is marketed does not necessarily mean it is a public benefit. If there is any question, a tie goes against the proposal. He also referenced other P.U.D. ordinance requirements that he does not believe the developer meets. He recommends that the Council follow the Ordinance when making a decision.

3. Consider Resolution 382-16, A Resolution Authorizing the Mayor's Appointment of Charles Kettenring to the Emergency Preparedness Advisory Committee.

Mayor Romney described Mr. Kettenring as a long standing member of the community. He was a Lt. Colonel in the military and spoke at the flag raising ceremony last year.

MOTION: *Mark Preece moved to approve Resolution 382-16, A Resolution Authorizing the Mayor's Appointment of Charles Kettenring to the Emergency Preparedness Advisory Committee. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Aye
Andrew Williams - Aye

4. Consider Resolution 383-16, A Resolution Authorizing the Mayor's Re-Appointment of Alan Malan, Laura Charchenko, and Mike Cottle to the Planning Commission.

MOTION: *James Ahlstrom moved to approve Resolution 383-16, A Resolution Authorizing the Mayor's Re-Appointment of Alan Malan, Laura Charchenko, and Mike Cottle to the Planning Commission. James Bruhn seconded the Motion which passed.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Aye
Andrew Williams - Aye

5. Discuss and Consider Request for Planned Unit Development by Capital Reef Management/Ovation Homes for property at 690 W Pages Lane.

Duane Huffman referred to his February 11, 2016 memo which summarizes the recent request for a Planned Unit Development by Ovation Homes and addresses points from the February 10, 2016 letter from Mr. Brad Frost of Capital Reef Management/Ovation Homes. He also discussed a list developed by staff of details that could be included in a development agreement and CCRs.

Brad Frost passed out a handout with two options for proposed language for Motions and what would potentially be included in a development agreement. He stated that he is still happy to be here and is trying to create win/win situations. He discussed his position about why his numbers are so different from city staff's numbers, claiming his numbers are on the cost of amenities and it appears staff's numbers are based on value of the amenities. He explained they made an effort to take a reasonable approach to determining the cost of the proposed amenities and the open space and came up with a best and final offer of \$164,880.

Mr. Frost was asked to clarify what storm water, pump station, and separate drainage is included in the proposed \$40,000 of the \$164,880 figure. He responded that there has been some confusion and frustration, on both sides, about what would be required with a normal subdivision and what would be considered upgrades. Ben White commented that regardless of whether we are considering a regular subdivision or a PUD, the storm drain layout will be the same. There is only 0.5% slope so rear yards will not properly drain without a rear yard drainage system. Also, since the property is lower than the DSB canal, a pump station to discharge the storm water will be needed. Mr. White offered two scenarios. The first would be to upgrade the existing pump station and add necessary piping. The second option would be to build a new pump station on the development; however, no engineering has been done at this point so we cannot make a decision as to which scenario is best.

Mr. Frost mentioned that part of his figure came from previous staff ideas that included a special improvement district. Mr. Huffman clarified that the concept of a special improvement district was included in previous memos outlining various enhancement options. Such a district could include the installation of a land drain system with a perforated pipe and a separate pump. However, Mr. Huffman stated that just having the land developed will make a significant impact on the homes to the West, and improvements may not be necessary. Mayor Romney responded that they have to justify getting to 37-39 lots, and he thought these enhancements would be one way to help get there.

Mr. Frost said it is hard to know what the costs will be because they have not gotten into specifics yet. The idea was to have a general amount and the City could decide where it would be best suited. Basic subdivision specific improvements were not included in the \$164,880 figure.

Just to be clear, Mr. Frost was asked to confirm that Ovation Homes would take care of any standard storm drain requirements within the subdivision and the \$50,000 is purely for enhancements. He responded that was the case.

There was discussion about possible disagreements when working out the details of the development agreement but there was a commitment to work together.

Mayor Romney asked for questions or comments from council.

Council member Enquist had no questions.

Council member Williams said his questions had been answered. He added that he and Council member Ahlstrom visited several Ovation properties and was impressed with their product. He believes the comments from the community and overwhelming support need to carry a lot of weight.

Council member Bruhn stated he has talked with residents around the development. He said the majority are in favor of having a small park with a playground and parking. Without it, he does not see how we can call this a PUD, and he does not think the Ordinance lets the City take payment in lieu of amenities. He added that the residents he spoke with, including some that signed the petition, are still concerned about the 15 ft. rear setbacks and drainage issues. Overall, he still has concerns about how this proposal fits with the PUD Ordinance.

Council member Preece is not in favor of a pocket park. There is one by his home and no one uses it. He asked who would manage the park if it was required. Mr. Frost said that if it is a public park, they would deed it to the City. If it is used only by their residents, they would keep it simple with sod, a gazebo, and table or benches and the HOA would maintain it. Mr. Preece said he believes a park is not an efficient use of open space in this specific area and is not concerned with having 39 lots. He stated the bottom line is that he is in favor of the development.

Council member Ahlstrom agreed with Council member Williams' assessment of the Ovation developments they visited. He was impressed with the quality and he did not sense any appreciable difference with reduced setbacks. He said he is a fan of the Project. He said he has a little discomfort with how far apart the numbers are. He wants it to be fair and is frustrated that there appears to be no flexibility from Ovation.

Mr. Frost responded that their first proposal was \$20,000 and they have come up to \$165,000. He said they have been meeting with staff for a long time, and the time value of money is an issue; they just cannot go any higher.

Mr. Huffman reminded them that a PUD has to be approved by Ordinance so no approval can be made at this meeting. If the Council's intent is to move forward, it would be helpful to have the necessary details flushed out so that they can be properly incorporated in a future ordinance and development agreement.

MOTION: *James Bruhn moved to deny the request for a P.U.D. by Ovation Homes. Kelly Enquist seconded the Motion.*

Discussion: Kelly Enquist stated that he does not believe the Application meets P.U.D. requirements and he does not like the idea of taking money from the developer in lieu of constructing amenities.

The Motion failed; votes were recorded as follows:

James Ahlstrom – Nay
James Bruhn - Aye
Kelly Enquist – Aye
Mark Preece – Nay
Andrew Williams - Nay

MOTION: *James Ahlstrom moved to direct staff to put together an ordinance/development agreement where the P.U.D. could be approved. The ordinance/development agreement should: (1) state Ovation Homes be granted sufficient density bonus pursuant to West Bountiful City Ordinances Sections 17.68.110 and 17.68.120 to develop its proposed 39 lots; (2) state that Ovation will make a payment in lieu of certain amenities of \$164,880, with the clarification that of that amount \$50,000 is identified for storm water enhancements but can be used at the discretion of the City for other purposes, and the remaining \$114,880 will be used at the City's discretion for community amenities; (3) be consistent with this decision to include minimum setbacks and a requirement that no changes will be made to CCRs without City approval; and (4) include all other issues as included in Ovation's proposal with the understanding that the city will not dictate lot-specific criteria beyond the minimum standards. Mark Preece seconded the Motion.*

Discussion: Council member Ahlstrom asked Steve Doxey if he has concerns with the City receiving money from the developer in lieu of amenities. Mr. Doxey responded that he believes it could fall under the "reasonable contribution" language mentioned in the P.U.D ordinance.

The Motion passed; votes were recorded as follows:

James Ahlstrom – Aye
James Bruhn - Nay
Kelly Enquist – Nay
Mark Preece – Aye
Andrew Williams - Aye

A 10 minute comfort break was taken.

6. Discuss First Estimates of Fiscal Year 2016/2017 Budget.

Duane Huffman presented a high level review of projections for next year's budget, including fund balance history in the General Fund. The estimated fund balance in the General Fund for the current fiscal year is \$1.3 M with an available fund balance of \$888k. The State Auditor's office sent a letter saying the City is carrying too much fund balance. The intent of State law is that cities do not

carry high fund balances while continuing the same level of tax collection. Mr. Huffman provided 4 options to correct the problem -- collect less, spend more, transfer to future capital project, or write off golf course loan of \$465k, however even after writing off the loan the City would still be over the 25% level. There was discussion about the golf course loans and which loans would be left. Duane explained that there is loan amounts of \$449k to the general fund, \$306k to the RAP Tax fund, \$558k to the Capital Fund, \$193 to the Water Fund (which is to be paid this year), and \$200k to the Solid Waste Fund which is scheduled to be paid next year.

Mr. Huffman then reviewed projections for the next fiscal year. Property taxes are on target (down \$300k last year, up \$300 this year), and sales tax is below projections. The Commons has been growing approximately 4%; other areas have not. The new At Home store may help, but it won't make up the current difference. The sales tax sharing decision will make an impact. Other taxes include \$160k in transportation tax, and the City expects \$30k in class C from the new gas tax passed last year.

Expenses have been projected using standard growth to come up with an estimate. Project monies from the current year have been stripped out, e.g., Welcome to West Bountiful signs, etc. Overall the General Fund looks healthy.

Mayor Romney commented that we should be aggressive in getting the golf issue resolved. Could we include it in a budget amendment for the current year? Mr. Huffman responded we could.

Mr. Huffman said staff is putting together budget proposals in March, and the process will reach the Council level in April.

7. Open Meeting Training

Cathy Brightwell provided annual open meeting training to the Council. After the training, Mayor Romney commented that he is pleased with how smoothly things are running due in large part to having good staff and better communication than in the past.

8. Engineering/Public Works Report.

Steve Maughan reported that construction on the Pages Lane project has begun. The equipment on site is Weber Basin and Bountiful Irrigation. The City Contractor will begin later in week.

The 1200 North storm drain project is still having mud delays; they are moving forward as best they can.

Benches have been installed at the Park by the volleyball courts and new playground.

Bids for the new basket ball court are due on February 23, so expect spring construction.

Sidewalks will be replaced in the north end of town as weather permits. Trip hazards up to 1.5 inches have been cut.

The Rural Water Assn trip to Washington D.C. was good – we learned a lot, but didn't win the water competition.

9. Police Report.

Chief Hixson reviewed his February Council Report.

- Final testing for Sergeant was completed today. Detective Wilkinson came out on top. The job will be offered to him effective on March 1.
- Background checks on new voluntary reserve officer and part time alcohol officer has been completed and excited for them to start.
- Discussed several recent cases and commended officers for good investigative work.

10. Administrative Report.

Duane Huffman reported that we have not had a great response to our advertised golf assistant superintendent position so we have extended the application review another week and are exploring ways to get better applicants.

11. Mayor/Council Reports.

James Ahlstrom – No report.

Mark Preece – No report.

James Bruhn – A ribbon cutting is scheduled for 3/14/2016 for the new Pioneer Adult Rehabilitation Center (PARC) thrift store collocated with the Davis Landfill Recycling Center, PARC & SAVE. He said he was surprised at the quality of goods for sale, and believes this will be a good endeavor for Wasatch Integrated.

He added that the Executive Director of the Rural Water Assn. sent a letter thanking the City for being a part of the State contingent at the National Rural Water Assn. meeting in Washington, D.C. including meetings with Senators Hatch and Lee, and Representatives Stewart, Chaffetz, Bishop, and Love and/or their staffs.

Andrew Williams – No Report.

Kelly Enquist reported on his Mosquito Abatement meeting. They have filed for a permit with the FAA to fly unmanned aircraft (UAV's) with infrared to see where the wetlands are. They can then mark GPS coordinates which will help with access issues. They also discussed West Nile Virus issues and reported that West Bountiful had the majority of reported cases with 5 straight weeks of positive readings at City Park last year.

Mayor Romney reported that the Youth Council held a fundraiser and made Pantry Packs for needy children. With community donations and a big donation from the Elks Lodge, they were able to make Packs containing over 800 meals.

12. Approval of Minutes from the February 2, 2016 City Council Meeting.

MOTION: *James Ahlstrom moved to approve the minutes from the February 2, 2016 meeting. Andrew Williams seconded the Motion which PASSED by unanimous vote of all members present.*

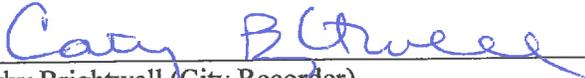
11. **Possible Executive Session for the Purpose of Discussing the Character, Professional Competence, or Physical or Mental Health of an Individual, Pursuant to Utah Code Annotated 52-4-205(1)(a), and 52-4-205(1)(d) to discuss the purchase, exchange, or lease of real property.**

No Executive Session was held.

12. **Adjourn**

MOTION: *James Bruhn moved to adjourn this meeting of the West Bountiful City Council at 10:50 p.m. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council on Tuesday, March 1, 2016.


Cathy Brightwell (City Recorder)

