

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

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

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City Recorder
Cathy Brightwell

City Engineer
Ben White

Public Works Director
Steve Maughan

CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS REGULAR MEETING AT
7:30 PM ON TUESDAY, MAY 7, 2019 AT CITY HALL, 550 N 800 WEST**

Invocation/Thought – Kelly Enquist; Pledge of Allegiance – James Ahlstrom

1. Approve the Agenda.
2. Recognition of Blake Anderson for Twenty Years' Service with West Bountiful City.
3. Introduce and Conduct Oath of Office for Police Officer Brennan Halliday.
4. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
5. Discussion Regarding Park Strip Trees at 789 W 1950 North.
6. Consider Request to Defer or Release the Responsibility to Construct Public Improvements at 560 W 1636 North as a Condition of a Building Permit
7. Consider Authorization of Application for Permanent Change of Water (Blackgate Investments).
8. Report on Youth City Council of 2018-2019 Term – Youth Mayor Maddie Stokes, Paul Maloy
9. Consider Resolution 451-19, A Resolution Appointing Michelle Hardman as YCC Advisor
10. Consider Resolution 452-19, A Resolution Adopting Changes to YCC Bylaws
11. Consider Ordinance 415-19, An Ordinance Modifying WBMC Title 17 to Comply with Federal and State Law Requiring Necessary and Reasonable Accommodation for Persons With a Disability
12. Consider Expense Approval for Rehabilitation of Stone Creek Well for \$33,932.
13. Consider Proclamation Declaring May 10, 2019 as Arbor Day in West Bountiful.
14. Presentation of Tentative Fiscal Year 2019-2020 Budget.
15. Consider Tentative Adoption and Setting Public Hearing for Fiscal Year 2019-2020 Budget.
16. Consider Approval of Minutes from the April 16, 2019 City Council Meeting.
17. Public Works/Engineering Report.
18. Mayor/Council Reports.
19. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
20. Adjourn.

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 24-hrs 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 May 2, 2019.

Minutes of the West Bountiful City Council meeting held on **Tuesday, May 7, 2019** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members, James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Andy Williams

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Todd Hixson (Chief of Police), Ben White (City Engineer), Steve Maughan (Public Works Director), Cathy Brightwell (City Recorder), Dallas Green (Director of Golf)

VISITORS: Alan Malan, Dan Broderick, Dennis Vest, Robert Luke, Ryan & Tyson Wood, Brennan Halliday, Ann Huston, Ciara Keller, Jennifer Alvarado, Rick Nott, Connor Halliday, Blake & Laura Lee Anderson

Mayor Romney called the regular meeting to order at 7:30 pm. Boy Scouts Tyson and Ryan Wood from Troop 280 gave the Scout Oath and led the Pledge of Allegiance.

1. Approve Agenda

MOTION: *James Bruhn made a Motion to approve the agenda as presented. Andy Williams seconded the Motion which PASSED by unanimous vote of all members present.*

2. Recognition of Blake Anderson for Twenty Years' Service with West Bountiful City.

Mayor Romney introduced Blake Anderson to recognize his twenty-year anniversary of employment with the City. Steve Maughan, public works director, presented an appreciation plaque and read a letter to Blake highlighting his accomplishments over the years.

3. Introduce and Conduct Oath of Office for Police Officer Brennan Halliday.

Mayor Romney introduced and welcomed Officer Brennan Halliday who recently graduated from the Police Academy and is just beginning his second week at West Bountiful. Mayor Romney gave him the Oath of Office.

4. Public Comment – two minutes per person, or five minutes if speaking on behalf of a group.

No comments.

5. Discussion Regarding Park Strip Trees at 789 W 1950 North.

Duane Huffman summarized the issue of recently planted catalpa trees in the park strip that fronts both sides of the corner at 789 W 1950 North, owned by Mr. Robert Luke. The city contacted Mr. Luke in late 2018 and in early 2019 regarding concerns with nine new Catalpa trees planted in the park strip. The City adopted an official tree planting list in 2009, pursuant to W BMC 12.20.080, that designates which species may be planted in park strips. All species of catalpa trees are listed as banned in any park strip.

After visiting the residence, sending multiple letters, and meeting with Mr. Luke, he was ultimately given formal notice on March 27th that if the trees were not removed by May 1st, the city would remove the trees and bill the owner for the cost.

In a letter received by the city on April 29, Mr. Luke stated that the new trees are Catalpa *Umbrella* trees which were developed for park strips so they should not be on the banned list. He said he had no idea they would cause this much trouble; his intent was to improve the look of the corner with these trees unlike his neighbors who have placed concrete in their park strips. Included with his letter were pictures of nicely trimmed Catalpa trees and a letter from a Horticulture Agent from USU Extension (Weber & Morgan County) that supported his claim that this particular variety of Catalpa should work well in park strips. A second letter was provided from an Asst. Professor of Horticulture at the Davis County office of USU Extension stating that if properly maintained Umbrella Catalpa trees can be very small. Their root zone is fairly small and non-aggressive which is ideal when dealing with small spaces and sidewalks but there is concern that the dense canopy can block visibility. He said he has not found any city in the area that bans these trees and provided a copy of Bountiful City's tree list that allows Catalpa Umbrella trees.

There was discussion about the existing Catalpa trees in Mr. Luke's front home in the park strip and his lack of maintenance of the trees over the years. They overhang the road and sidewalk and have caused damage to the sidewalk and curbing. Mr. Luke said he does not know what kind of Catalpas are in his front park strip, but they have been there for forty years. He plans to trim them and take better care of them going forward. He explained that the trees he purchased are different than a regular catalpa; they are very small and the roots travel down rather than out especially with a drip irrigation system which he plans to install. The branches are intended to be trimmed all the way down every fall to keep the tree small. He also found an arborist who will trim the existing ones and make them pretty.

Mr. Luke explained that he plans to trim both the existing and new trees every year, so they do not get out of hand and he offered to fix the lifting sidewalk.

Council member Ahlstrom noted that the tree list clearly identified the nine new trees were prohibited at the time they were planted. He said he appreciates the tone of Mr. Luke's letter and supporting documentation, but the city is tasked with enforcing ordinances. Whether or not Mr. Luke knew about or read the City's Tree List, it was still in effect. He suggested that this might be better handled as a request to change the tree list so that certain species of Catalpas are allowed. Mr. Luke agreed.

Council member Williams commented that the city needs to look at both the existing trees and new trees. It is not clear that the existing trees and sidewalk can be fixed, and we need to make it safe. Mr. Luke again said he would be willing to fix the sidewalk.

Mayor Romney asked staff to review specific species of Catalpa trees, contact other agencies, and come back with a recommendation. Council member Enquist asked that if possible, staff include examples of this specific tree at different ages to help them make a decision.

Duane Huffman said they will research new species of Catalpas and present a recommendation at the next meeting. He added that the overhanging branches on the existing trees need to be trimmed as soon as possible.

6. Consider Request to Defer or Release the Responsibility to Construct Public Improvements at 1636 N 560 West as a Condition of a Building Permit.

Ben White explained that Mr. Ken Clyde is requesting a release or deferral of the responsibility to construct public improvements in conjunction with a building permit application for his property at 1636 N 560 West. They are planning to demolish the existing house and construct a new, larger home on the same property which under WBMC 15.08.50 requires installation of public improvements. The Clyde's are aware of the requirement but as there is no curb or sidewalk on any other part of 560 West and as a cul-de-sac is not a safety issue for pedestrians, they request that the city council release, grant a deferment, or waive the requirement.

WBMC 16.20.020 grants the city council authority to defer the construction of required improvements when it "finds compelling reasons why the city's interests are better served by deferring the construction." The code does not address the council's authority to release the owner from the responsibility of improvements.

Mr. White noted that staff does not have a recommendation, but there is a drainage issue that exists on the current road so the solution to that issue will be dependent on whether or not curb is installed.

Mr. Dan Broderick spoke on behalf of the Clydes. He said they are not opposed to putting in the improvements they just want to do what makes sense.

There was discussion of the issue. Council member Ahlstrom is concerned that even though this is in a cul-de-sac and there are no current plans to improve the road, it connects with existing sidewalk on Pages Lane and he is struggling to come up with a compelling reason to defer it. While he has reluctantly agreed to deferrals in the past, there may not be reason in this case to wait.

Council member Bruhn agrees that with all the work that has been done on Pages Lane, it makes sense to continue the sidewalk around the corner.

Council members Enquist and Williams prefer to wait until we know what work needs to be done on the road to fix the drainage issue and are ready to do something with the entire street. It's a short rural street and the residents may not want sidewalk. Mr. Huffman responded that the city standard is curb, gutter, sidewalk.

Mayor Romney asked what street work would be required to fix the drainage issues if we make them install the improvements. Mr. White responded that he is not sure what street work would be required. The four-inch water line will need to be replaced in the next 10-12 years. The road is flat, and the asphalt is not graded properly so an additional catch basin will need to be constructed whether curb is installed or not.

Mr. Huffman said it may make sense to wait until we can get more information on the impact to the road. He also questioned the city's willingness to call deferrals due in the future. Regardless of the decision tonight, the building permit should not be delayed.

Mayor Romney offered four options for consideration – release the responsibility, defer it, deny the request, or deny it and research the impact.

MOTION: *James Ahlstrom made a motion to deny the deferral and require standard improvements. When all design work for drainage issues is done, the council may consider contributing to necessary road work that causes exorbitant cost*

to resident. If something changes after a design is complete, then we can reconsider. James Bruhn seconded the Motion which PASSED.

The vote was recorded as follows:

James Ahlstrom – Aye

Mark Preece – Aye

James Bruhn – Aye

Andy Williams – Nay

Kelly Enquist – Nay

7. Consider Authorization of Application for Permanent Change of Water (Blackgate Investments)

The city council previously approved the Highgate subdivision with the stipulation that the developer deed enough quantity of water to the City to satisfy the water right requirement. The developer owns a water right that will more than meet the requirements for this development, however, they also own additional land which will continue to benefit from the use of water in the future.

An Application for Permanent Change of Water will convert some of their water rights from an irrigation use to a municipal use. If the request is approved by the State Engineer as presented, the developer can then deed the water right to the City to satisfy the requirement and keep remaining rights for their other land. The City's signature is required on the application because the water use is being converted to municipal use and moved to our well. If something changes, we will have to come back with another request.

MOTION: *James Ahlstrom made a Motion to Authorize the Mayor to Sign the Application for Permanent Change of Water for Blackgate Investments. Mark Preece seconded the Motion which PASSED with a vote of 5-0.*

8. Report on Youth City Council 2018-2019 Term – Youth Mayor Maddie Stokes, Advisor Paul Maloy

Youth Mayor Maddie Stokes reviewed the activities of the 2018-2019 Youth City Council which included participation in Coats for Kids, 4th of July Celebration, Christmas on Onion Street, Halloween Haunted Hall (which for its first year was quite a success with good attendance and reviews), and the Easter Egg Scramble. In addition, they adopted a new motto, "Stay Strong" and designed a new logo.

At the annual retreat in Logan last fall, Paul Maloy challenged them to find something they are passionate about and try something new. They decided to take a stand for suicide awareness and came up with a program called Pillows & Blankets. Pillows and Blankets is meant as a place where all young people can relax, de-stress, vent, and feel welcome. This initiative is intended to let the youth of the City know that the YCC is here for them. They held two events designed to welcome and support youth of all ages in our community and intend to make it an on-going activity.

Additionally, they began using a social media app to communicate within the group between meetings; out of 18 members, average attendance was about 14.

Paul Maloy, completing his first term as advisor, said he was very proud of these kids and impressed with how much they got done. He has some suggestions to improve communication via social media and make the YCC more valuable in this upcoming term.

Council member Williams added that it was a great group and Paul did a great job teaching them how to run meetings, create and adopt resolutions, and create initiatives. It was a great year!

9. Consider Resolution 451-19, A Resolution Appointing Michelle Hardman as YCC Advisor.

MOTION: *James Bruhn made a Motion to Adopt Resolution 451-19 Appointing Michelle Hardman as a Youth City Council Youth Advisor. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

10. Consider Resolution 452-19, A Resolution Adopting Changes to YCC Bylaws.

Paul Maloy and Maddie Stokes explained that the Youth Council felt like there was an issue with a few of the youth that were not living up to their commitment regarding attendance. They have proposed some changes to the Bylaws to clarify and simplify the process for removing members due to lack of attendance. They will also emphasize the importance of attending meetings as they begin the application interview process for the new term. If there are still problems, they may take another look in the future.

There was discussion about consequences for those not meeting the attendance criteria and whether the Youth Mayor and Advisor could remove someone from the YCC. Duane Huffman noted that because they are appointed by the Mayor and City Council they should probably be formally removed in the same manner. If members do not want to go before city council, they have the option to resign.

MOTION: *James Ahlstrom made a Motion to Adopt Resolution 452-19 Adopting Changes to the YCC Bylaws adding language provided by Mr. Doxey that formal dismissal be made by City Council. Andy Williams seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

11. Consider Ordinance 415-19, An Ordinance Modifying WBMC Title 17 to Comply with Federal and State Law Requiring Necessary and Reasonable Accommodation for Persons with a Disability.

Duane Huffman explained that the proposed Ordinance introduces a re-drafting of the city's land use code in relation to accommodations for persons with disabilities. He asked a consultant to provide a review of current language as a proactive effort, not the result of any current or reasonably

pending applications. This proposal creates a process for those with disabilities to follow using an experienced hearing officer, similar to a variance.

Planning Commission reviewed several drafts, held a public hearing, and recommended this ordinance for approval.

MOTION: *Andy Williams made a Motion to Adopt Ordinance 415-19 Modifying WBMC Title 17 to Comply with Federal and State Law Regarding Accommodations for Persons with Disabilities. Mark Preece seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye

Mark Preece – Aye

James Bruhn – Aye

Andy Williams – Aye

Kelly Enquist – Aye

12. Consider Expense Approval for Rehabilitation of Stone Creek Well for \$33,932.

The Stone Creek well is currently out of service. We have a quote from the contractor on site that performed the initial investigative work and staff believes that competitive bidding in this case would be counterproductive. Staff believes the proposed rehabilitation will bring the well back into operation until a new well can be brought on-line.

MOTION: *James Ahlstrom made a Motion to Approve Rehabilitation of Stone Creek Well for \$33,932. Kelly Enquist seconded the Motion which PASSED. 5-0.*

13. Consider Proclamation Declaring May 10, 2019 as Arbor Day in West Bountiful.

MOTION: *James Ahlstrom made a Motion to Declare May 10, 2019 as Arbor Day in West Bountiful. Mark Preece seconded the Motion which PASSED 5-0.*

14. Presentation of Tentative Fiscal Year 2019-2020 Budget.

Duane Huffman provided a summary of the tentative budget and reviewed significant changes from the previous meeting. Overall, the city's finances are healthy and stable. The FY 2020 tentative budget is designed to make strategic investments with available funds while retaining the flexibility to pull back spending when required by fluctuations in future year revenues.

Proposed changes include:

- Budget transfer up to an additional \$800k in FY 19 to the Capital Improvements Fund to meet the 25% General Fund balance threshold.
- Repair damaged Chambers dais chairs and tabletops.
- Stipends for city committees of \$25/person/meeting for Arts Council, EmPAC and Youth Council advisors. Council member Bruhn clarified that the request from the Arts council was not for ongoing stipends for group members but flexibility to allow payment to volunteers like the July 4th parade chair. It was recommended to leave it as is for now and fine-tune it for the final budget.
- Insurance tele-health for employees; also applies to city council members.

- Employee Assistance program for employees.

With the above changes, the current fund balance is projected to be 24% at the end of FY 19 and FY 20.

15. Consider Tentative Adoption and Setting Public Hearing for Fiscal Year 2019-2020 Budget.

MOTION: *James Bruhn made a Motion to Tentatively Adopt the Budget for Fiscal Year 2019-2020 and Set a Public Hearing. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

16. Consider Approval of Minutes from the April 16, 2019 City Council Meeting.

MOTION: *Andy Williams made a Motion to Approve the Minutes from the April 16, 2019 City Council Meeting. Kelly Enquist seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

17. Public Works/Engineering Report.

Ben White:

- Working on a new well on 400 North. A new person at UDOT has been assigned to the project which has caused some delays, but we expect it to start moving.
- We met with Destination Homes regarding the Plum property on the west side. They are not quite ready to move forward.
- Planning commission is still working on updates to the general plan. New housing requirements imposed by the legislation will be the most difficult. Most other sections are complete or nearly complete.
- Planning Commission is also considering a request to rezone a portion of the Sewer district property west of Legacy Parkway from A-1 Residential to Light Industrial. As a government entity they can operate in any zone, but they are leasing some ground to Canyon Pipeline for staging which is not an allowed use in a residential zone.

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Steve Maughan:

- Jessi's Meadow road construction is underway
- Mtn View Estates finished curb/gutter and is pushing hard to get paving done on 1100 W.
- The 1100 W trench is scheduled to be paved on May 14.
- Twin D is jet washing storm drains.
- Security lighting is being installed at the Park.

- The men's restroom was vandalized the Park. Partition panels and doors will need to be replaced and graffiti cleaned up.
- Arbor day – Holly will again donate trees to the parks and the golf course.
- Kaeden and Dennis have both now received their Grade 4 Water certification.
- Park is being aerated and top dressed so we can now over-seed.

Council member Bruhn commented that he noticed some damage to a small section of the playground equipment at the Park and suggested we keep extra parts in stock.

Duane Huffman:

- Candidate filing period will be held the first week of June between 8am – 5pm.

18. Mayor/Council Reports.

James Ahlstrom – He will be out of town for the next meeting.

Mark Preece – South Davis Sewer district is still working to figure out the algae problem in their North Salt Lake plant. The food part of the anerobic digester is going well.

James Bruhn – Wasatch Integrated's new transfer station is underway – weather has slowed them down.

Andy Williams – Attended ULCT conference and was very pleased with it.

Kelly Enquist – Attended ULCT and thought it was a good conference.

Mayor Romney – no report

19. Executive Session for the Purpose of Discussion Items as Allowed Pursuant to UCA 52-4-205(1)(a), (d), (f). A property, personnel, security measures

MOTION: *James Ahlstrom made a Motion to Move into Executive Session in the Police Training Room at 9:35 pm for the purpose of discussing three issues – (1) the character, professional competence, or physical or mental health of an individual, (2) the purchase, exchange, or lease of real property, and (3) deployment of security personnel, devices, or systems. Mark Preece Seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Mark Preece – Aye
James Bruhn – Aye	Andy Williams – Aye
Kelly Enquist – Aye	

MOTION: *Andy Williams made a Motion to close the Executive Session at 11:00 pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

20. Adjourn.

MOTION: *Andy Williams made a Motion to Adjourn this meeting of the City Council at 11:03 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 June 4, 2019 by unanimous vote of all members present.


Cathy Brightwell (City Recorder)

