

**Mayor**  
Kenneth Romney

## **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom

550 North 800 West  
West Bountiful, Utah 84087

**City Recorder**  
Cathy Brightwell

James Bruhn  
Kelly Enquist  
Mark Preece  
Rod Wood

Phone (801) 292-4486  
FAX (801) 292-6355  
[www.WBCity.org](http://www.WBCity.org)

**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, JANUARY 7, 2020 AT CITY HALL, 550 N 800 WEST**

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

1. Swearing in of Council Members James Ahlstrom, James Bruhn, and Rod Wood.
2. Approve the Agenda.
3. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Public Hearing Regarding a Request for Annexation of 5.14 Acres of Property Located at Approximately 1390 W 1200 North.
5. Annexation of 5.14 Acres of Property Located at Approximately 1390 W 1200 North.
6. Extension of Atwater Estates Subdivision Approval.
7. Ordinance 420-20, An Ordinance Amending WBMC 17.76 - Swimming Pools.
8. Minutes from the December 17, 2019 City Council Meeting.
9. Public Works/Engineering Report.
10. Administrative Report.
11. Mayor/Council Reports.
12. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. Adjourn.

Those needing special accommodations can 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 January 2, 2020.

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## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the West Bountiful City Council on Tuesday, January 7, 2020 at the City offices, 550 N 800 West, beginning at 7:30 p.m., or as soon thereafter as the agenda allows.

The purpose of the hearing is to receive public comment regarding a Request for Annexation into West Bountiful City for 5.14 acres of property located at approximately 1390 W 1200 North, West Bountiful, Utah.

The complete annexation petition is available for review at [www.WBCity.org](http://www.WBCity.org) under the Public Notice tab.

All interested parties are invited to participate in the hearing. Written comments may be submitted prior to the meeting.

Cathy Brightwell  
City Recorder



# ANNEXATION PETITION

**West Bountiful City**

Office of City Recorder  
550 N 800 W  
West Bountiful, UT 84087  
(801) 292-4486,  
www.wbcity.org

DATE: 10/18/19

PETITIONER/SPONSOR NAME: William Goldberg Kathryn Goldberg

PHONE: 801-209-2881 Email: abelgian@msn.com

ADDRESS: 855 West 400 North West Bountiful, Utah 84087

**LOCATION/SIZE OF PROPERTY TO BE ANNEXED:**

ANNEXATION 1390 W, 1200 N — 1388 W 1200 N

- ATTACH:**
- a) An accurate and recordable map/plat prepared by a licensed surveyor
  - b) Legal description of the property to be annexed

**Property Owner's Statement:**

The undersigned real property owners respectfully petition that the above described lands and territory in Davis County, Utah be immediately annexed to West Bountiful City. In support of this Petition, the petitioners respectfully declare and represent that they are a majority of the owners of the private real property located within the described territory and are owners of not less than one-third (1/3) in value of all said territory as shown by the last assessment rolls of Davis County, Utah, and that said territory lies contiguous to the corporate limits of West Bountiful City, a municipal corporation of Utah.

**PROPERTY OWNER(s):**

Name/Address: William Goldberg 855 W. 400 N. WB Signature: [Signature]

Name/Address: Kathryn Goldberg 855 W. 400 N WB Signature: [Signature]

Name/Address: Jess A. Kilpack 902 S 1050 W WORK CROSS Signature: [Signature]

Name/Address: [Signature] 902 S 1050 W Signature: [Signature]

**FOR OFFICIAL USE ONLY**

Date Received: Oct 22, 2019

Fees Paid: Pd

## NOTICE OF ANNEXATION PETITION

Notice is hereby given that a petition has been filed with West Bountiful City proposing annexation of an area to West Bountiful City. The City Council received notice of Certification of the Petition on November 20, 2019. The area proposed for annexation is described as follows:

*BEGINNING AT A POINT SOUTH 00°32'04" EAST 2185.96 FEET ALONG THE SECTION LINE TO AN EXTENSION OF THE NORTH LINE OF 1200 NORTH STREET AND SOUTH 89°36'30" WEST 2470.21 FEET ALONG SAID NORTH LINE AND ITS EXTENSION TO AN EXISTING FENCE LINE DESCRIBED IN A BOUNDARY LINE AGREEMENT RECORDED AS ENTRY #3151357, DAVIS COUNTY RECORDER'S OFFICE, FROM THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY UTAH, SAID POINT OF BEGINNING ALSO BEING NORTH 89°36'54" EAST 2497.98 FEET ALONG THE CENTER LINE OF 1200 NORTH STREET TO A MONUMENT AND NORTH 89°36'30" EAST 303.45 FEET ALONG SAID STREET CENTER LINE AND NORTH 00°23'30" WEST 30.00 FEET FROM THE CENTER LINE MONUMENT IN 1200 NORTH STREET THAT IS WEST OF THE LEGACY PARKWAY, AND RUNNING THENCE SOUTH 89°36'30" WEST 162.62 FEET ALONG SAID NORTH LINE TO THE QUARTER SECTION LINE; THENCE NORTH 0°37'03" WEST 862.83 FEET ALONG SAID QUARTER SECTION LINE TO THE SOUTHEASTERLY LINE OF THE LEGACY PARKWAY; THENCE NORTH 54°40'27" EAST 32.44 FEET ALONG SAID HIGHWAY LINE TO A RIGHT-OF-WAY MONUMENT; THENCE NORTHEASTERLY 297.43 FEET ALONG A TANGENT, 2274.61-FOOT-RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°29'31", CHORD BEARS NORTH 50°55'41" EAST 297.22 FEET TO THE SOUTH LINE OF 1400 NORTH STREET; THENCE NORTH 89°43'11" EAST 41.95 FEET ALONG SAID SOUTH LINE TO THE EXTENSION OF A FENCE LINE; THENCE ALONG THE EXISTING FENCE LINES AND THEIR EXTENSIONS THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 00°09'52" EAST 561.15 FEET TO A CORNER, BEING THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO ORLINA JOHNSON AND THE NORTH LINE DESCRIBED IN SAID BOUNDARY LINE AGREEMENT, 2) NORTH 88°09'12" WEST 0.30 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A BEND IN SAID FENCE, 3) SOUTH 89°05'20" WEST 128.25 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A CORNER, 4) SOUTH 00°02'13" WEST 504.78 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE NORTH LINE OF 1200 NORTH STREET AND TO THE POINT OF BEGINNING.*

*PARCEL CONTAINS 5.140 ACRES.*

A protest may be filed by property owners if it contains signatures of owners of real property located in the unincorporated area within ½ mile of the proposed annexation; covers at least 25% of the private land area located in the area to be annexed; and is equal in value to at least 15% of all real property located in the unincorporated area within ½ mile of the area proposed to be annexed.

West Bountiful City may grant the petition and annex the area described above unless by December 27, 2019 a written protest is received by the Davis County Boundary Commission at P.O. Box 618, 61 South Main St, Farmington, Utah 84025, and a copy of the protest provided to the West Bountiful City Recorder at [Recorder@WBCity.org](mailto:Recorder@WBCity.org). A public hearing will be held on January 7, 2020.

The complete annexation petition is available for inspection and copying at West Bountiful City offices, 550 N 800 West, West Bountiful. If granted, the area proposed for annexation will automatically be withdrawn from a local district providing law enforcement service.

*Cathy Brightwell, West Bountiful City Recorder*



# MEMORANDUM

**TO:** Mayor and City Council

**DATE:** January 2, 2020

**FROM:** Ben White, City Engineer

**RE:** Atwater Estates Subdivision – Approval Extension

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## HISTORY

The City Council granted a conditional approval for the Atwater Estates Subdivision on December 4, 2018. One of the conditions in the approval was that a title report with no objectional entries would be submitted, reviewed and approved by city staff.

Over the last thirteen months, the developer has (1) installed some of the required improvements. The completion of the improvements was stalled due to scheduling with Dominion Energy and Rocky Mountain Power to relocate existing utilities; (2) executed a bond agreement with the City; (3) been working with high pressure gas line company to define the terms of a previously recorded easement. Not unlike an easement the City recently reviewed for the Highgate subdivision, this easement encompassed the entire property without

## CODE REQUIREMENT

Paragraph 16.16.030 Final Plat (O) reads, *“Expiration of Final Approval. If the final plat is not recorded within twelve (12) months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six-month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six months. No extension will be granted if it is determined that it will be detrimental to the city. If any of the fees charged as a condition of subdivision approval have increased, the city may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting an extension.”*

## POSSIBLE MOTIONS

1. Extend the final plat approval for six additional months from the date which it was originally approved by the City Council with the findings that (a) The developer has executed a bond agreement with the city that permits up to eighteen (18) months for the construction of the improvements; (b) municipal code paragraph 16.16.030(O) is unclear when the final plat approval expires and the developer is still within the request period; or
2. Require the developer to submit a new application to planning commission for approval with the finding that per paragraph 16.16.030(O) the final plat approval has expired.

# MEMORANDUM



**TO: MAYOR AND CITY COUNCIL**

**DATE: JANUARY 2, 2020**

**FROM: BEN WHITE**

**RE: PRIVATE SWIMMING POOLS – WBMC 17.76**

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The City hired John Janson in 2018 to review our municipal code for compliance with current state and federal laws. As time permits, the Planning Commission has been addressing Mr. Janson's comments section by section. Following a public hearing on December 10<sup>th</sup>, the Planning Commission is recommending the attached changes to WBMC 17.76 - Private Swimming Pools.

Several additional changes, including removing the term *recreational facilities*, have been made following Mr. Doxey's review.

# WEST BOUNTIFUL CITY

ORDINANCE #420-20

## AN ORDINANCE AMENDING WBMC TITLE 17 TO ADDRESS REGULATIONS FOR SWIMMING POOLS

**WHEREAS**, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Land Use Ordinances; and

**WHEREAS**, the West Bountiful Planning Commission is reviewing the City’s Municipal Code for compliance with current federal and state laws, adding clarification, and updating where appropriate; and

**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on December 10, 2019, to consider appropriate modifications; and,

**WHEREAS**, the West Bountiful Planning Commission has recommended adoption of proposed amendments to WBMC 17.76 for swimming pools.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC CHAPTER 17.76 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A.**

This ordinance will become effective upon signing and posting.

Adopted this 7<sup>th</sup> day of January 2020.

By:

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Ken Romney, Mayor

| <u>Voting by the City Council:</u> | <u>Aye</u> | <u>Nay</u> |
|------------------------------------|------------|------------|
| Councilmember Ahlstrom             | _____      | _____      |
| Councilmember Bruhn                | _____      | _____      |
| Councilmember Enquist              | _____      | _____      |
| Councilmember Preece               | _____      | _____      |
| Councilmember Wood                 | _____      | _____      |

Attest:

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Cathy Brightwell, City Recorder

## SWIMMING POOLS

### 17.76 Swimming Pools and Recreational Facilities

#### 17.76.010 Definitions

#### 17.76.020 Private Pools And Use

#### 17.76.030 Semi-Private Pools And Use

#### 17.76.010 Definitions

As used in this chapter:

"**Private swimming pool**" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a single-family residence and available only to the family of the household and private guests.

"**Semi-private swimming pool**" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"**Swimming pool**" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet.

*Adopted by Ord. 374-15 on 11/18/2015*

#### 17.76.020 Private Swimming Pool Regulations And Use

- A. ~~Any private or semiprivate~~ swimming pools not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from all side and rear property lines.
- B. ~~Any~~ swimming pools shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when the pool is not in use by persons invited by the owner.
- A.C. Private swimming pools ~~will be permitted when they meet the necessary setback requirements. However, there must be not directly connection to the city's culinary water system or to the public sewer system of the city.~~

*Adopted by Ord. 374-15 on 11/18/2015*

#### 17.76.030 Semi-Private Pools And Use

~~The planning commission may permit, temporarily or permanently, the use of land in any zoning district for~~ Semi-private swimming pools ~~or recreational facilities may only be owned as part of a Home Owners Association (HOA) or similar non-profit entity,~~ provided that in all such cases the following conditions are met:

- A. The facilities are to be owned and maintained by the members, and a minimum of seventy-five (75) percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- B. The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, ~~when required by the planning commission,~~ of sufficient size to satisfy the needs of the area and still maintain a landscaped ~~area front yard of not less than thirty (30) feet and a landscaped side yard on both sides and rear of not less than ten (10) feet on all sides. Parking shall not be permitted in the front or street side yard setbacks.~~

- C. The ~~pool area to be developed into a recreational~~ area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. ~~A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet, the fence across the front of the property to be constructed no nearer to the front property line than the required front setback.~~
- E. Electrical.

a.—~~1. Overhead Conductor Clearances. No overhead electrical conductors are permitted. The following parts of swimming pools shall not be placed under existing service drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:~~

b.—~~Swimming pool and the area extending ten (10) feet horizontally from the inside of the walls of the pool;~~

c.—~~Diving structures; or~~

d.—~~a. Observation stands, towers and platforms.~~

2. Underground Conductor Clearances.

a. Distribution Lines Over Six Hundred (600) Volts. There shall be a minimum ten (10) feet horizontal separation between the closest edge of pool and lines distributing over six hundred (600) volts of electricity.

b. Service Lines Under Six Hundred (600) Volts. There shall be a minimum five feet horizontal separation between the closest edge of the pool and service lines carrying fewer than six hundred (600) volts of electricity.

F. Under no condition can any charge be made for the use of any of the facilities in the recreational area ~~unless specifically authorized by the planning commission.~~ Notwithstanding, the owners shall share the cost of the facility's operations and maintenance.

G. ~~Under no condition shall any type of retail or business facilities, including vending machines~~ Unless approved as part of the Planned Unit Development, no retail or business facilities shall be permitted in the recreational area, except those specifically approved by the planning commission.

H. Club houses or any type of night-time indoor facilities will not be permitted in connection with such recreational and swimming pool facilities except as specifically approved as part of the ~~Pplanned Uunit Ddevelopment.~~

~~I. Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the planning commission. In addition, a detailed outline showing how the area is to be financed and maintained shall be submitted. The planning commission may require a bond by the owners to guarantee compliance with the conditions upon which the area is approved. Failure to comply with any of these conditions shall render null and void the commission's authorization of the facility.~~

~~J.I. The planning commission shall notify owners of all abutting properties, and present the proposal at a public meeting, after which the commission shall recommend approval or disapproval of the application.~~

~~The planning commission will have the authority to place whatever additional conditions or restrictions, including a bond, which it may deem necessary to protect the character of the district and to insure the proper development and maintenance of such a recreational area. These conditions may include requiring that plans be approved which set forth the disposition or re-use of the property if the recreational area is abandoned by the developers or is not maintained in the manner agreed upon.~~

**PENDING – NOT YET APPROVED**

Minutes of the West Bountiful City Council meeting held on **Tuesday, December 17, 2019**, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

Those in attendance:

**MEMBERS:** Mayor Ken 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 (Police Chief), Steve Maughan (Public Works Director), Dallas Green (Director of Golf), Josh Virostko (Golf Superintendent), and Cathy Brightwell (Recorder)

**VISITORS:** Alan Malan, Chelsea Virostko

Mayor Romney called the regular meeting to order at 7:30 pm. Andy Williams offered a prayer and Kelly Enquist led the Pledge of Allegiance.

**1. Approve Agenda**

**MOTION:** *James Ahlstrom made a Motion to approve the agenda as modified by tabling item #5. James Bruhn seconded the Motion which PASSED by a unanimous vote of all members present.*

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

No comment.

**3. Recognition of Andrew Williams – City Council.**

Mayor Romney recognized Council member Andrew Williams with a plaque for his four years of service, and thanked him for his contribution and service to the City including his role of supporting Youth City Council.

**4. Recognition of Josh Virostko as Superintendent of the Year.**

Duane Huffman recognized Josh Virostko as Lakeside's Superintendent and his recent award as Superintendent of the Year by the Golf Course Superintendent Association of America. Mr. Huffman shared many of Josh's accomplishments.

Josh thanked the city and Dallas Green, Director of Golf, for the support he has received. He said he has worked at nine golf courses in four states and this is one of the best and most supportive teams he has been a part of.

5. **Ordinance 420-19, An Ordinance Modifying WBMC 17.76 – Swimming Pools.**

This item was tabled.

6. **Resolution 460-19, A Resolution Re-appointing James Bruhn to the Wasatch Integrated Waste Management District Administrative Control Board.**

**MOTION:** *James Ahlstrom made a Motion to Approve Resolution 460-19 as described above. 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  |                     |

7. **Resolution 461-19, A Resolution Re-appointing Alan Malan, Laura Charchenko and Mike Cottle to the Planning Commission, and Re-appointing Debbie McKean to the Arts Council.**

**MOTION:** *James Ahlstrom made a Motion to Approve Resolution 461-19 as described above.. 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  |                     |

8. **Minutes from the December 3, 2019 City Council Meetings.**

**MOTION:** *James Bruhn made a Motion to Approve the Minutes from December 3, 2019 as presented. Mark Preece seconded the Motion which PASSED by a unanimous vote of all members present.*

9. **Police Report.**

Chief Hixson

- Crossing guards continue to do a great job and the city is fortunate for these reliable employees.
- All three new reserve officers are doing great.
- Chris Jacobsen is celebrating his 6-year anniversary with the city and Spencer Scheese is celebrating his 3-year anniversary.
- Interview panel of Todd, Duane and Mischelle interviewed three applicants for the part-time administrative assistant position. They were all impressive. Based on the applicants skills and availability, Chief is considering hiring two employees, whose time will not exceed the proposed hours for the approved single position. One will handle

community relations and the other front office support and eventual code enforcement support. The council supported the proposal.

**10. Public Works Report.**

Steve Maughan:

- Still busy with a few contactors trying to finish up projects. 1100 sidewalk is mostly complete; landscape will be finished in the spring.
- Contractor hit a gas line this morning in Atwater Estates. Dominion is working today and tomorrow to repair and reinstall gas lines.
- 400 N at 1450 W is closed tonight for irrigation lines – tie in should be complete this week.
- We have filled about 50 pot holes around town.

**11. Administrative Report.**

Duane Huffman:

- A public hearing will be held at the next city council meeting on a pending annexation request for Goldberg's on 1200 North. The properties involved have land use issues that will need to be addressed.
- Met with reps from the AAU Pickleball association today. They are recommending a large regional facility with many courts rather than smaller ones like currently planned. They explained that when there are only a few courts it is more difficult for people to play because they need to arrange for someone to play with. Larger complexes tend to be more successful as more people are available for pick-up games. They have talked with other local cities and Duane also suggested they talk with South Davis Rec District. They are looking for a local location and Bountiful is considering purchasing the recently closed Washington Elementary school. Duane also suggested they consider including soccer fields at a location like the 1100 West Holly property where both sports could be played.
- Reminder that the city Christmas party is this Friday. We will close the office at noon.

**12. Mayor/Council Reports.**

Mayor Romney –

A new shadow box has been placed in the lobby to hold information on historic homes and an adobe brick from an old local home. The shadow box was an Eagle scout project by the grandson of Rex Jackson.

James Ahlstrom – Tristina Bown is interested in applying for planning commission next time there is an opening.

Mark Preece – South Davis Sewer District – they are scrubbing gas and once Dominion completes necessary testing, they should be able to begin selling right after the first of the year. They still plan to move the alge project from the south plant in North Salt Lake to the West Bountiful plant.

He asked Steve to check with Ace about garbage pick-up coming early – around 6:30 am which in some cases is before cans are out in his area. Our service agreement

states that collection time begins at 7am. Duane mentioned that a new RFP is scheduled for 2020.

James Bruhn –

Wasatch Integrated is progressing with its new facility and hopes to be operational by mid summer. They will be available for school tours.

Andy Williams –

Youth Council is on a break until next year.

He shared his appreciation for the the time spent on city council and the things he's learned about city government, and was grateful for an amazing staff.

Kelly Enquist –

Saturday was a memorial for a local WWII soldier, Robert Hatch, whose remains were recently located and returned home. Shawna Knighton played a big role in putting together the event that included flags along Main St, law enforcement and fire department participation. It was a very impressive memorial.

He also thanked Council member Williams for his time on the Council and the work he has done with Youth Council.

**13. Executive Session for the Purpose of Discussion Items as Allowed Pursuant to UCA 52-4-205.**

No closed session was needed.

**14. Adjourn.**

**MOTION:** *James Ahlstrom made a Motion to Adjourn this meeting of the City Council. Andy Williams seconded the Motion which PASSED by a unanimous vote of all members present.*

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The foregoing was approved by the West Bountiful City Council on January 7, 2019, by a unanimous vote of all members present.

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Cathy Brightwell (City Recorder)