

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Mark Preece  
Rodney Wood

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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Kris Nilsen

**Public Works Director**  
Steve Maughan

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS  
REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 21, 2021  
AT THE CITY OFFICES, 550 N 800 WEST**

**AGENDA:**

*Invocation/Thought – Kelly Enquist; Pledge of Allegiance – Rod Wood*

1. Approve Agenda.
2. Proclamation Designating September 17 through September 23 as U.S. Constitution Week.
3. Swearing in of 2021-2022 West Bountiful Youth City Council.
4. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
5. Proposal to Purchase Portion of Birnam Woods Park Property – Kellen Frey.
6. Resolution 503-21, A Resolution Implementing 2021 Lawn Watering Restrictions.
7. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.
8. Ordinance 447-21, An Ordinance Creating a New Section, WBMC 17.42, Housing in Certain Commercial Areas Overlay.
9. Meeting Minutes from September 7, 2021.
10. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
11. Mayor/Council Reports.
12. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. Adjourn.

*This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on September 17, 2021.*

Minutes of the West Bountiful City Council meeting held on Tuesday, September 21, 2021, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

**MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood

**STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Brandon Erikson, Kris Nilsen (City Engineer), Cathy Brightwell (City Recorder)

**PUBLIC:** Alan Malan, Christine Schultz, Ella Rodabough and Rodabough family, Belenda Barking, Patton family, Sally Tanner, Kim & Pat McReynolds, Judy Balling, Kellen Frey, Cyndi Banks, Shauri & Chris Kagie, Farley family, Bartholomew family, Packer girls, Wood family, Buck family, Peterson family

Mayor Romney called the regular meeting to order at 7:30 pm. Kelly Enquist provided an invocation, and the Pledge of Allegiance was led by Rod Wood.

**1. Approve the Agenda.**

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

**2. Proclamation Designating September 17 through September 23, 2021, as U.S. Constitution Week.**

September 17, 2021, marks the 234<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. The Sego Lily Chapter of the Daughters of the American Revolution, represented by Christine Shultz, introduced members and explained the history of Constitution Week declared by President Eisenhower which runs from September 17 through September 23. Mayor Romney joined them to sign the 2021 Proclamation.

**3. Swearing In of 2021-2022 West Bountiful Youth City Council.**

Mayor Romney introduced Nicole Wood as the Youth City Council Mayor and had her recite the Oath of Office. He then called up each member of the new council and Youth Mayor Wood gave them the Oath of Office. The 2021-2022 Youth City Council consists of the following: Nicole Wood-Mayor, Elsie Buck-Mayor Pro Tem, Becca Marsden-Secretary, Sara Patton-Recorder, Tyson Wood-Historian, Ryan Wood-Treasurer, Bo Bartholomew, Cooper Buck, Cosette Curtis, Drew Farley, Clair Halling, Clara Kagie, Jack Kagie, Spencer Lewis, Becca Parker, Lindsey Packer, Daniel Peterson, Noah Peterson, Ella Rodabough

**4. Public Comment**

No comments.

**5. Proposal to Purchase Portion of Birnam Woods Park Property – Kellen Frey**

Duane Huffman explained that the city has leased land adjacent to the Birnam Woods park to Kellen Frey and Mike Sowby since 2014. They have used the property for grazing horses and goats and are currently halfway through the fifteen year lease. The terms of the lease include \$1/year payment, permanent fencing along the western boundary, maintenance of the property, and an early termination clause allowing 90 days' written notice by either party.

Kellen Frey is requesting to purchase the property or changes to the current lease. Mr. Frey is interested in further improving the land by bringing in additional fill and doing some grading to create a riding arena. Because of the additional investment required, he would like to purchase the land, or alternatively, he is requesting an amendment to the current lease to extend the notification period for cancellation. He proposes a 1-year notification period and also proposes to extend the current lease for another 15 years.

Mr. Frey said he has lived here for fourteen years, and his family has enjoyed the use of the land. In the event the city is willing to entertain a sale, Mr. Frey said he is interested in this option because of the additional investment required to make the land more usable for horses. It would allow him to make more permanent upgrades such as building a barn, adding irrigation, grading the property, adding more drainage, building a riding arena, and creating more usable equestrian space. He would like to either purchase or change the lease to add additional protections.

Mr. Frey said an appraisal has not been done on the property and its value is difficult to assess due to its uniqueness but based on discussions he has had with a couple appraisers, he estimates the current leased property value to be in the \$40,000 to \$60,000 range due to limited use and access, but he would be willing to pay up to \$80,000 or whatever a formal appraised value is assessed at. He added that if the city is interested in selling the entire parcel, including the park, he would be willing to look at paying more, and he has no issues with applying conditions that the property remain as an equestrian use.

Mr. Huffman noted that it is difficult to determine fair market value as there are likely no comparable properties. The property was dedicated as open space on the Birnam Woods subdivision plat. He added that any strategy discussions should be held by council in closed session.

There was discussion about the improvements, the park, ongoing maintenance costs if the city takes it back, and whether it should be split into several different parcels. The Park is difficult to get to and does not get a lot of use. The fence that was installed along Legacy trail is not the one originally agreed to, although it was approved by city council prior to installation. There were also questions about what benefit the city will get by extending the lease or selling. There is not a lot of vacant land left so the city needs to think hard about selling.

Mayor Romney directed staff to look into legal procedures regarding changing a dedicated open space parcel, subdividing the property, selling without an accurate appraisal and any other issues that apply. When information has been compiled, the council will meet in closed session to discuss. He said there does not appear to be a rush so we can wait to review more information from staff.

**6. Resolution 503-21, A Resolution Implementing 2021 Lawn Watering Restrictions.**

Duane Huffman presented Resolution 503-21 which implements 2021 lawn watering restrictions. He explained that Weber Basin irrigation water was shut off yesterday, September 20. There are concerns that residents may attempt to water their lawns with culinary water resulting in, 1) cross connections that could contaminate our water system, and 2) unnecessary use of water that should be conserved for the future. He noted that surrounding cities have or will also institute restrictions for using culinary water for irrigation.

Mr. Huffman asked about timeframes. Does the council prefer to begin the restrictions now, wait until October 1, or do nothing? After discussion, the council supported the proposal and decided to make October 1<sup>st</sup> the effective date so the city could notify residents.

There was discussion about how best to get the word out. It is important to educate the public about the seriousness of the drought. Information will be included in the newsletter, social media posts, on the marquee, and flyers distributed by the youth city council. Code Red could also be used to share information.

The enforcement of the restrictions will be through education.

**MOTION:** *Rod Wood made a Motion to Approve Resolution 503-21 With Restrictions Beginning October 1. James Ahlstrom seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye  
Kelly Enquist – aye  
Rod Wood - aye

James Bruhn – aye  
Mark Preece – aye

**7. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.**

A redline proposal incorporating comments from the last meeting was reviewed. Cathy Brightwell pointed out a clarification that the setbacks for front yard fences were intended to be applied to the front property line only; earlier language could have been interpreted to include side yard property lines.

**MOTION:** *James Ahlstrom made a Motion to Approve Ordinance 446-21 as presented. Kelly Enquist seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye  
Kelly Enquist – aye  
Rod Wood - aye

James Bruhn – aye  
Mark Preece – aye

**8. Ordinance 447-21, An Ordinance Creating a New Section, WBMC 17.42, Housing in Certain Commercial Areas Overlay.**

The planning commission recommended a proposal that introduces a framework to consider high density flexible housing types as an overlay in the C-G and C-H zones along 500 South and 500 West. The proposal opens the door for a greater mix of uses in commercial locations that can provide more services and transportation options. After months of working with staff and contract planners, the proposed draft lays out the process, guidelines, and requirements for developers to propose housing options in these zones. The draft overlay zone does not make residential uses permitted or conditional but opens the door to a legislative process that would be at the discretion of the city and subject to a development agreement.

There was discussion about how specific or flexible the requirements should be, especially regarding landscaping and parking. A good balance will result in proposals from developers that are attractive to the city but may not meet all of the specific requirements. It may be better to list suggestions or expectations rather than strict requirements and work through the details during the development agreement negotiations.

Staff was directed to review the draft and propose changes as discussed above.

**9. Minutes from September 7, 2021, City Council Meeting.**

**MOTION:** *James Ahlstrom made a Motion to approve the meeting minutes from September 7, 2021, as presented. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

**10. Staff Reports**

**Police – Brandon Erikson**

- Implementation of the new record and dispatch system is delayed until other entities move forward. Fatpot will continue until the transition can be completed.
- Officers participated in a PT test today and all passed. Two employees were unable to take the test but will in the future.
- Sergeant interviews are scheduled for this week. We received two applications from outside of the city. One is retired from Salt Lake County, and one retired from West Jordan. In addition, we have two eligible internal candidates.
- DARE America approved the design for car wrapping so it should be completed soon.

**Engineering – Kris Nilsen**

- Well - still waiting on block for the building.
- Working on annual storm water reports.
- FEMA has proposed to remove flood plains in many west side areas due to Legacy Parkway. There is a 90-day comment period.
- Pickleball shade structures are in and very durable. A final walkthrough will be scheduled.

**Community Development – Cathy Brightwell**

- Three property owners on 1450 West have agreed to join in a Petition to Annex. The Putnam's, Demas's, and Wilson's. The Wilson property is 0.5 acre which does not meet the 1 acre minimum for the A-1 zone. They want to build a barn which is not allowed for a non-conforming property, although the planning commission can grant an exception. The next step is for the county to send out notices of the Intent to Annex.
- South Davis Sewer District requested a Conditional Use Permit for a portion of leased property for processing and mixing topsoil. A conditional use does not apply in this situation, so the planning commission is considering adding a landscape-type use in the AS zone to accommodate the request.

**Administrative Report – Duane Huffman**

- Christmas on Onion St – the Youth Council is seeking direction as they begin to plan the event. With Covid number still running high, is it a good idea to pack the room? Have kids sit on Santa's lap? They also wanted input on possibly changing the event from the first Monday in December to a Saturday morning or afternoon following Santa's tour of the city. Council members shared their preference to hold the event outside. It could be at the park or the school. They did not object to moving the event to a Saturday.
- Duane will be attending the City Management conference in Portland on October 5 so will not be at the next meeting.

**11. Mayor / Council Reports**

Kelly Enquist – He asked about the open area along 1100 West in Kinross Estates. It is overgrown with weeds. Duane said it is owned by the Johnson's who also own a home adjacent to the property. They are required to maintain the land.

James Bruhn – The in-person concert by Mike Murphy was great, but poorly attended. The October event will be Cowboy Poetry.

James Ahlstrom – YCC has a meeting on Thursday to discuss Christmas on Onion Street and their annual retreat. They have selected November 12-13 for the retreat.

Mark Preece – South Davis Sewer District is going through the Truth-in-Taxation process to cover the costs of the renovation project to get nutrient levels down. Costs have risen. Engineering is going into the north plant for the project. They are burning more gas and a lot more food waste is coming in.

Rod Wood – no report

Mayor Romney – South Davis Rec board is still looking into expansion for an additional facility. They have been asked by some to build a pickle ball complex with 24-28 courts.

**12. Closed Session Pursuant to UCA § 52-4-205.**

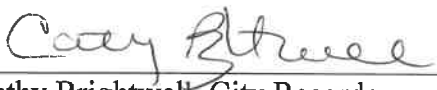
No closed session was needed.

13. Adjourn.

**MOTION:** *James Bruhn made a Motion to adjourn the meeting. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

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*The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, October 5, 2021.*

  
Cathy Brightwell, City Recorder

