

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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**WEST BOUNTIFUL CITY COUNCIL WILL HOLD
A REGULAR MEETING AT 7:30 PM ON
TUESDAY, MAY 3, 2022, AT THE CITY OFFICES**

**Online Participation Available: <https://us02web.zoom.us/j/89517620091>
Zoom Meeting ID: 895 1762 0091**

Invocation/Thought – By Mark Preece; Pledge of Allegiance – By James Ahlstrom

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if speaking on behalf of a group.
3. Resolution 515-22, A Resolution Implementing 2022 Watering Restrictions.
4. Application to Amend Land Use Code to Add “Places of Worship and Primary Schools” to Various Zones or to Change Definition of Quasi-Public Uses – Mr. Paul Tanner.
5. Ordinance 453-22, An Ordinance Adopting Water Efficient Landscape Standards.
6. Yard Regulations for Non-Commercial Structures – Buildable Space.
7. Award Financial Audit Services for Fiscal Year 2021/2022 to Christensen, Palmer & Ambrose.
8. West Bountiful Police Department K9 Proposal.
9. Presentation of Fiscal Year 2022/2023 Tentative Budget for All City Funds.
10. Meeting Minutes from April 19, 2022.
11. Staff Reports – Police, Public Works, Engineering/Community Development.
12. Mayor/Council Reports.
13. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
14. 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 April 29, 2022, by Cathy Brightwell, City Recorder.

Minutes of the West Bountiful City Council meeting held on Tuesday, May 3, 2022, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom (via Zoom), James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), Chief Erikson, Dallas Green (Golf Director), Josh Virostko (Golf Superintendent) via zoom, and Cathy Brightwell (City Recorder)

PUBLIC: Corey Sweat, Richmond Thornley, Kim & Debbie McKean, Paul Tanner, Dennis Vest, Doug Foster

Mayor Romney called the regular meeting to order at 7:30 pm. Mark Preece offered a prayer and James Ahlstrom led the Pledge of Allegiance.

1. Approve the Agenda.

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

2. Public Comment – Two Minutes Per Person, or Five Minutes if Speaking on Behalf of a Group.

Debbie McKean gave an update on the July 4th celebration. It's a big project this year because everything will be done on one day. She reminded council members to get their parade entries in and to let her know if they need a car. A variety of throwable candy will be provided and she can order more if members want to pay. The city will also provide signage if needed.

Corey Sweat commented that there are several items on the agenda tonight that the planning commission spent a lot of time on, and he encouraged them to look closely at the recommendations.

3. Resolution 515-22, A Resolution Implementing 2022 Watering Restrictions.

Weber Basin Water Conservancy District (WBWCD) has historically provided about 80% of the city's drinking water and provides secondary irrigation water to many properties throughout the city which significantly lessens the demand on city water for outdoor uses. Due to the ongoing drought, WBWCD has reduced outdoor irrigation contracts by 60%, which includes Lakeside Golf Course and other city properties such as City Park and City Hall, and drinking water contracts are being reduced by 10% plus a portion estimated on outdoor use bring the city's reduction to about 20%.

WBWCD implemented drought restrictions for their secondary water customers that include limiting outdoor watering to one day/week for non-metered users and implementing a tiered fine schedule. Their employees will enforce the restrictions.

Duane Huffman presented the options related to the use of city drinking water during these extreme drought conditions for each of the three categories, and a resolution and declaration that would enact the final decisions.

There was discussion about the importance to protect the city's culinary water. After the restrictions adopted last year, residents may be more inclined to make up the difference with culinary water. There is concern about limiting water for vegetable gardens, so an exclusion has been proposed.

Council member Ahlstrom raised a concern that non-metered customers are being penalized more than metered customers by limiting watering to one day a week. He doesn't oppose the volume restriction but believes they are limiting good options by restricting to one day a week. He suggested allowing culinary water to be used to make up the difference between the two services. In the alternative, the city should change the proposed watering restriction so that the total allowed minutes are weekly rather than once a week which is more reasonable.

Duane Huffman agreed that it would be an easy change to make for the city's restrictions, but it will not change WBWCD's watering restrictions that apply to the majority of West Bountiful residents. WBWCD says that half an inch of water per week will keep turf alive.

Mr. Huffman noted that the city's biggest concern is with residents using culinary water for irrigation. Cross-connections can present serious health concerns if backflow is not handled properly. We would need to inspect each connection to make sure it was done correctly. It is a bad idea that could have serious consequences. He added that the culinary water system, including impact fees and pricing models, were not designed for large portions of the city to use culinary water for outdoor use.

For golf course connections, there was discussion that these properties need to be metered. A timeline should be established for them to get shares, although it may take more than one year to arrange for meters. In the meantime, they should be held to WBWCD watering restrictions.

MOTION: *Rod Wood Made a Motion to Adopt Resolution 515-22 as Modified so that that Total Watering Times are Weekly Rather Than One Day a Week and to Re-evaluate after a Few Months. James Bruhn Seconded the Motion.*

James Ahlstrom Suggested an Amendment to Authorize the Mayor to Meet with or send a Letter to WBWCD to Discuss the Concerns About Once-A-week Watering. James Bruhn Seconded the Amendment. Roll-call vote was unanimous in Favor as Reflected Below.

James Ahlstrom – aye	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood - aye	

4. **Application to Amend Land Use Code to Add “Places of Worship and Primary Schools” to Various Zones or to Change Definition of Quasi-Public Uses – Mr. Paul Tanner.**

In February, the Tanners applied for a conditional use permit to operate a private school as a quasi-public used in the R-1-10 zone. This request was denied based on the interpretation that private schools are not a quasi-public used under West Bountiful Municipal Code. The Tanners appealed this decision, and the original denial was upheld.

The Tanners submitted a request for text change in conjunction with their appeal, and when the appeal concluded, re-submitted a formal application for the change. Mr. Tanner has stated that he is currently looking for property in the city's A-1 zone that would be suitable for a small private school.

The planning commission reviewed the application and listened to arguments from the applicant. The commission expressed an openness to having a private school in the city; however, they raised concerns about changing uses and definitions that apply zone-wide in most of the city's zones. They suggested the applicant come back with a suitable location and expressed a willingness to find a solution on a property-specific basis. Following the public hearing on April 26, 2022, the Commission voted (4-1) to recommend a denial of the application.

Duane Huffman provided several options for the council to consider as there may be reasons the city wants to consider having private schools in the city.

1. Deny the application;
2. Have staff make changes to the proposed ordinance and bring it back for consideration; or
3. Refer it back to planning commission with additional direction on areas to review for code changes such as creating a new zone or overlay on property-specific basis or establish specific parameters for private schools.

There was discussion about the options. Mayor Romney noted that he city could set up an overlay similar to the recently created housing-in-commercial-zones overlay. If changes are needed, an overlay may be the better solution because it does not dedicate a larger area than needed and can have specific parameters tied to the use. He asked council members their thoughts. Most council members did not believe a change is necessary at this time.

Council member Preece said he does not object to having a private school in the city but was concerned about traffic.

There was discussion that an overlay zone could be used to accommodate a better location.

Mr. Tanner commented that he filed the application because he felt the language was ambiguous. His request was that the city would define public/quasi-public uses and institutions as other cities have done to make it clear what the terms mean and avoid similar problems in the future. He added that he still does not understand why public and private schools cannot be in same zone.

Mr. Huffman agreed that the city should define the terms.

MOTION: *Mark Preece made a motion to deny the request and ask Planning Commission to explore where private schools might be allowed in the city including defining public/quasi-public and/or creating an overlay zone specific to this use. Rod Wood seconded the motion which passed as reflected below.*

James Ahlstrom – aye James Bruhn – aye
Kelly Enquist – aye Mark Preece – aye
Rod Wood - aye

5. Ordinance 453-22, An Ordinance Adopting Water Efficient Landscape Standards

Duane Huffman provided background on the proposed ordinance. The initial catalyst for these code changes was to allow property owners to qualify for the “Flip Your Strip” rebate program offered by Weber Basin Water Conservancy District (WBWCD); however, the real goal of the changes is the long-term conservation of water far beyond park strips.

The “Flip Your Strip” rebate program offers property owners a rebate of \$1.25 per square foot to convert a turf park strip to a more water- efficient area. Eligibility for the program requires property owners to be in a city that has modified ordinances to meet water efficient requirements.

There was discussion about how the proposed standards extend beyond what is necessary to deal with park strips. Even though the focus is target to new construction, the regulations will significantly change the look of yards in the future. Examples were given of properties in the city that have replaced turf with rocks and other materials and the need to maintain them to prevent weeds.

Corey Sweat commented that the planning commission was not excited about the strict standards provided by Weber Basin, and they made several changes to improve them including limiting restrictions to front yards.

There was concern by several members that the requirements in the proposal go too far to justify the small amount residents will receive for “Flip Your Strip” and suggested the city adopt more reasonable water-wise guidelines to new home builders.

MOTION: *Rod Wood Made a Motion to Not Adopt the Ordinance as Presented and to Refer Back to Planning Commission to Make Changes That Will Better Fit the Landscape Goals of West Bountiful, not Considering the Standards for Flip Your Strip. Mark Preece Seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye James Bruhn – aye
Kelly Enquist – aye Mark Preece – aye
Rod Wood - aye

6. Yard Regulation for Non-commercial Structures – Buildable Space.

Duane Huffman provided a summary of the issue. The city council asked the planning commission to consider amending the city’s land use code to require properties with Non-Commercial Structures to retain space for a future primary structure. There is a concern that vacant land is expected to become extremely scarce in the future with a high demand for in-fill and a question as to the importance to plan for these needs by ensuring that future dwelling could be constructed on lots that currently only consist of a non-commercial structure.

The planning commission considered the request and specific proposals for buildable footprints on a lot when a building permit for a non-commercial structure is submitted. They also held a public hearing on the proposal. They voted unanimously to leave the current non-commercial structure language as is. They believe it is not the city's responsibility to tell people what they want on their property if it doesn't negatively impact neighbors.

Council member Bruhn said he believes it is important to have this requirement. It is residential property so there needs to be space for a house especially for future owners who were not involved in the initial building.

There was discussion about property rights and whether such a requirement goes beyond the city's responsibility. A suggestion was made to consider limiting the size or changing setbacks to match those of a primary dwelling rather than an accessory structure.

Corey Sweat and Dennis Vest provided the reasoning behind the planning commission's decision and the belief that property owners should be able to make their own decisions about what they build on their property, and that the agricultural zone should not be limited to houses.

Duane noted that when these requests come in, staff explains the impacts and future limitations to the property owner. He added that if we want to say a buildable space is required, we must define what that space is.

MOTION: *Rod Wood made a Motion to Accept the Recommended by the Planning Commission. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

Mayor Romney asked if the city should consider establishing a minimum footprint home size? There was consensus to ask planning commission to consider the issue.

7. Award Financial Audit Services for Fiscal Year 2021/2022 to Christensen, Palmer & Ambrose.

MOTION: *Kelly Enquist Made a Motion to Award Financial Audit Services for Fiscal Year 2021/2022 to Christensen, Palmer & Ambrose. James Bruhn Seconded the Motion which PASSED by unanimous vote of all members present.*

8. West Bountiful Police Department K9 Proposal.

Police Chief Erikson summarized the proposal to revive the K9 program. In the two years the program was in place, we had 300 calls.

Regarding budget, the intention is to do it primarily through donations and grants. If we were to start from ground zero the dog alone could cost up to \$15,000, but Sgt. Smith has a dog (named Goose) donated from Salt Lake City and is an experienced handler. The dog is dual purpose trained – tracking, apprehension, area searches, building clearance, narcotics, etc. The Department is asking for

permission to go out to seek donations, and there is quite a bit of grant money available for these types of things.

Mayor Romney added that we get a lot of mutual aid from Bountiful and other cities, and this gives us something to offer in return, especially as a smaller agency. Centerville and Woods Cross currently have K9 programs.

MOTION: *Mark Preece made a Motion to Move Forward to Implement a K9 Program in West Bountiful. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

A short break was taken at 10:25 pm.

9. Presentation of Fiscal Year 2022/2023 Tentative Budget for All City Funds.

Duane Huffman presented the FY 2023 Tentative Budget and summarized the highlights.

General Fund: Revenues - \$5,798,000, Expenditures - \$6,098,800 = (\$300,800). Unassigned fund balance - \$1,601,716 = diff of \$7,600.

- More inflationary pressure than in the past.
- Sales tax is not growing as much as neighboring cities, but proposed 6% is a very conservative number.
- Propose using all ARPA money towards the public works west yard.
- Pay scale increase: – Admin - 7% (includes elected officials), Public Works – 3%, Police - 1.5%, Council member Wood questioned the need for the city council increase. It was explained that it is better to hold pace and not fall behind.
- New community development position.
- Carpet for city hall
- Public works trucks are ordered but will arrive next year.
- Seal coat - looking at roads to include.
- Centerpoint Theater - last year we made a contribution to Centerpoint Theatre and received another request this year for \$20k, which will support recarpeting. *Will discuss later.*

RAP: Charnell Park

- Park top dressing
- Zip line surface
- Spinner surfacing
- Parking lot maintenance
- 1810/1890 Loop
- Cabin is badly deteriorated and we need to figure out what to do with it. Will have the building inspector check it out.
- Parking lighting around the park – no \$ yet
- Trail connection - 975 W at golf course is \$123k. Did not include because not convinced the benefits outweighs the cost.

Lakeside Golf Course: Ending Cash = \$680,812, Revenue/(Expenses) = (\$107,300)

- Golf course piping the ditch at the end of 975 W but not adding a trail will help with golf course maintenance - \$47k
- Cart path (new-repaired), \$12k. Mayor Romney said that cart paths are the #1 deficiency on the course and affects how people see the course. He recommends around \$150k to take care of the problems. Dallas Green, Director of Golf, agreed it is a big problem. Staff will get look into it and get back with a number.
- Tee leveling - removed
- Irrigation system insurance is - \$9k over 5 years
- Carpet for club house - \$11k
- Parking lot \$10k
- Mowers have been ordered - \$150k

Capital Projects: Roads \$507,484, Roads Impact \$135,740

- New sidewalks
- Group 3 small projects: 1810/1890 Loop, East Porter, 560 W cul-de-sac. Includes water but smaller project for roads that allows us to save for a larger project next year.

Current fiscal year budget amendments will be presented at the next meeting and a public hearing on the FY 2023 budget will be held on June 7, 2022.

MOTION: *Kelly Enquist made a Motion to Accept the Tentative Budget and Set a Public Hearing for June 7. James Bruhn Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

10. Meeting Minutes from April 19, 2022.

MOTION: *James Bruhn made a Motion to Approve the Meeting Minutes from April 19, 2022, as Presented. Mark Preece Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

11. Staff Reports

Police – Brandon Erikson

- Our new officer, Wil Harris, started this week and is attending driver's training.
- The shared detective office has been set up with help from Steve's team.
- Received a notice of recall for 2020-2022 SUV's which makes up most of our fleet. The recall is due to the transmission slipping out of Park.
- April stats: 379 calls for service, 160 traffic stops with 36 citations given, 11 traffic accidents, 3 DUIs, 2 sex offenses, 2 assaults, 6 drug offenses, and 2 fraud cases.

Public Works – Steve Maughan

- 600 West road construction update – water line is being installed starting from Porter Land and moving south. Project is going well.
- Started pumping Stone Creek well because we are still having fluoride pump issues with the new well. It is producing 200 gal/min.
- Public works facility is moving along.

Engineering

- Letter of Intent for Davis County grant money for 1100 West road widening (200 N to 400 N) was submitted last week.
- Doug's Corner subdivision should be ready for the next meeting.
- Still working on removal of 1000 N power poles.

Community Development

- No report.

Administration

- No report.

12. Mayor / Council Reports

James Ahlstrom – Elsie Buck will be the Youth Council Mayor for the 2022-2023 term which begins in June. Rick Rose made a presentation to YCC on Race Relations which was well received.

James Bruhn – Things at Wasatch Integrated are going well. A large Mac truck was ordered months ago, and we just got notice that the order was canceled.

Kelly Enquist – A resident request regarding pickleball – hours should match construction noise ordinance with play not beginning before 7am (currently 6 am). Request per diem updates. Attended ULCT spring conference in St. George with Council member Bruhn.

Mark Preece – Sewer District had too big a compressor, they got a new smaller one then it burned up within a month, so they lost 3 weeks of gas. Working with Wasatch Integrated on a study about whether we can use their food stuffs.

Rod Wood – no comment.

Mayor Romney – no comment

13. Adjourn.

MOTION: *James Bruhn made a Motion to Adjourn the Meeting. Rod Wood Seconded the Motion which PASSED by Unanimous Vote of all Members Present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, May 17, 2022.

Cathy Brightwell
Cathy Brightwell City Recorder

