

**Mayor**  
Kenneth Romney

## **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

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

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**  
Kris Nilsen

**Public Works Director**  
Steve Maughan

### **WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 1, 2022, AT THE CITY OFFICES**

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

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Presentation and Update on the I-15 Environmental Impact Study and Alternatives Stage – Farmington to Salt Lake City (Brandon Weston and Siobhan Locke)
4. Request to Rezone the Property at 1390 W 1200 North from A-1 to L-I or C-H (William Goldberg)
5. Public Hearing – West Bountiful Water Conservation Plan Update.
6. Resolution 528-22, A Resolution Adopting the January 2023 Update to the West Bountiful City Water Conservation Plan.
7. Ordinance 463-22, An Ordinance Amending WBMC 17.82 – Accessory Dwelling Units, to Include Non-residential Accessory Structures.
8. Meeting Minutes from October 18, 2022.
9. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
10. Mayor/Council Reports.
11. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
12. 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 October 28, 2022, by Cathy Brightwell, City Recorder.*

Minutes of the West Bountiful City Council meeting held on Tuesday, November 1, 2022, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

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

**STAFF:** Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Steve Maughan (Public Works Director), and Cathy Brightwell (City Recorder)

**PUBLIC:** Alan Malan, Richmond Thornley, Bill Goldberg, Tiffany Pocock, Katie Williams

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Mayor Romney called the regular meeting to order at 7:33 pm. Kelly Enquist provided a prayer, and Rod Wood led the Pledge of Allegiance.

**1. Approve the Agenda.**

**MOTION:** *Rod Wood made a Motion to approve the agenda as posted. James Ahlstrom seconded the Motion which PASSED unanimously.*

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

No public comment was offered.

**3. Presentation and Update on the I-15 Environmental Impact Study and Alternatives State – Farmington to Salt Lake City**

Tiffany Pocock, UDOT project manager for the I-15 Environmental Impact Study (EIS), described the project as a complete rebuild consisting of 17 miles from 400 South in Salt Lake City to the Highway 89 interchange in Farmington with a goal to improve quality of life on I-15, improve economy, and provide access to transit.

Ms. Pocock and Ms. Williams reviewed the process used in the comment phase and talked about the alternatives phase which will provide a comment period for several alternatives to be made public on November 10. Three open houses will be held including a local event at the South Davis Recreation Center on November 16, which can be accessed in person or virtually. UDOT will provide on-demand transit to get to the meetings and provide food and childcare for those attending.

Ms. Pocock offered to answer questions and thanked the city for participating in the project. She asked the city to help get the message out on its website and social media. She noted that they will be back next year in the fall with a proposed alternative.

Duane Huffman commented that staff was recently provided a preview of the options and was appreciative of UDOT listening to comments and suggestions.

**4. Request to Rezone the Property at 1390 W 1200 North by William Goldberg**

Duane Huffman summarized the request by Bill Goldberg to rezone his property at 1390 W 1200 North. He explained that Mr. Goldberg is seeking a rezone for commercial storage of vehicles/RVs and commercial vehicle restoration and claims the city's large industrial building (public works facility) has

opened the door to industrial and commercial uses and has de-valued his property for residential use. He would be supportive of any zone change that would allow him the uses he desires.

Mr. Huffman provided the following background:

- This property was annexed into West Bountiful upon request by Mr. Goldberg in 2019 and zoned by the city as A-1. There is no dwelling on the property.
- The requested annexation was due in part to the property owner's desire to build a new structure which was not permitted by the County. This also involved the city creating the new Non-Commercial Structure use.
- The new requested uses are not permitted in the A-1 zone.
- The Outdoor Vehicle Storage Overlay (OVSO) is permitted only in the B-U zone and limited to uses allowed in the underlying zone (A-1).
- General auto repair is a conditional use in the C-H zone.
- The city's public works facility is a public use which is conditional in the A-1 zone. The planning commission issued a conditional use permit for the building in March of this year.
- The city's General Plan designates this area for the preservation of agricultural and low-density residential uses. The Plan also states that "Commercial development will be concentrated along major transportation corridors."
- The properties to the north and east are currently in unincorporated Davis County. They are within the city's annexation plan, and their zoning within the city will be determined at the time of annexation. The General Plan currently envisions these properties as being zoned A-1.

The planning commission reviewed the site plan and other documents provided by Mr. Goldberg. They discussed the potential effects of zoning this property differently than the current surrounding properties, the impact of adding the OVSO to the C-H zone especially along 500 South, and possible changes in use on the subject property in the future when ownership changes. They also noted that public facilities are generally spread through many zones so the city's public works facility should not be the sole determinant for the zoning of adjacent properties. After a public hearing with no comments offered by the public other than the applicant, the planning commission voted unanimously to recommend denial of the proposed zone change and text change.

Bill Goldberg provided oral comments. He said he has owned the property since 1972 and has never changed the use. He believes the current zoning for this property is out of line. Agricultural does not fit as nothing will grow due to the soil being in a salt bed. Residential use was ok before the city's building was constructed but now reduces the desirability for home construction. Having a 1000 ft fence and block wall along the driveway has reduced the value of the property. He said he pays \$4200/yr. in property taxes with no income possible to defer the costs. He wants to be able to collect rent for the proposed commercial and industrial uses.

There was discussion on the request. The city does not currently have one zone that allows for both vehicle storage and vehicle restoration/repairs. The neighboring properties within the city are zoned A-1 and consist of residential and equestrian uses. The surrounding county properties are zoned agricultural. At the time of his annexation, Mr. Goldberg was aware of the zoning and even signed a non-commercial structure agreement when he built his shop agreeing not to conduct business on the property. The public works facility was already planned at that time.

Duane went over the options. A text change has not been drafted so the council can table or deny the request or provide direction to staff on language they want to review.

**MOTION:** *James Ahlstrom made a Motion to Deny Mr. Goldberg's Request. The uses were known to the applicant when the property was annexed, and nothing has changed to cause a rezone or text change. The city will look into additional mitigation efforts to minimize negative impacts to Mr. Goldberg's property. James Bruhn seconded the Motion which PASSED as reflected below.*

*James Ahlstrom – aye*

*James Bruhn – aye*

*Kelly Enquist – aye*

*Mark Preece – aye*

*Rod Wood – aye*

**5. Public Hearing – West Bountiful Conservation Plan Update.**

Kris Nilsen described the city's Water Conservation Plan (WCP) updates. A WCP is essential to successful water system management and providing adequate water for future needs. The efficient use of water in systems and communities today increases our drought resiliency, mitigates supply challenges, reduces expensive infrastructure costs, and creates an opportunity for sustainable growth.

As a city with more than 500 connections, West Bountiful is required to update its plan every 5 years. The city's WCP was last updated for the year 2017. The proposed draft includes updates required by the Utah Division of Drinking Water and satisfies the requirements of the Water Conservation Plan Act (UCA 73-10-32).

Duane Huffman added that the city's goals include xeriscape options. Grass was removed in several city areas this year and there are plans to add more areas next year. In 2014 there was water loss of 223.6 % which has now been reduced to 9.6%.

**MOTION:** *Mark Preece Made a Motion to Open the Public Hearing. Rod Wood Seconded the Motion which PASSED unanimously.*

Alan Malan commented that a lot of work went into this project and Kris Nilsen deserves kudos.

**MOTION:** *Mark Preece made a Motion to close the public hearing. James Bruhn seconded the Motion which PASSED unanimously.*

**6. Resolution 528-22, A Resolution Adopting the January 2023 Update to the West Bountiful Water Conservation Plan.**

Mayor Romney thanked Kris for his hard work on this project.

**MOTION:** *Rod Wood made a Motion to approve Resolution 528-22 Adopting the January 2023 Update to the West Bountiful Water Conservation Plan. 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*

**7. Ordinance 463-22, An Ordinance Amending WBMC 17.82 – Accessory Dwelling Units, to Include Non-residential Accessory Structures.**

Duane Huffman explained that the city has encountered situations where building permits for accessory structures include elements such as bathroom and/or cooking facilities or appear designed for overnight accommodations. These elements themselves are not prohibited in accessory structures, but their inclusion makes the possibility of an illegal ADU much higher. There are also situations where an

accessory structure has been approved without bathrooms and/or cooking facilities and later added without the city's knowledge. In many situations involving illegal detached ADUs, the owner claims they did not know detached ADUs were prohibited.

Staff is proposing a Non-Residential Accessory Structure Agreement to be required when a building permit is issued for accessory structures. This agreement will be recorded on the property to confirm that current owners understand the rules for ADUs, and future owners are aware of the restrictions. This recordation is not a lien but a way to share information about the property. No fees will be assessed for the Agreement.

The planning commission held a public hearing on October 25 and has made a positive recommendation for approval of the proposal. They also stated that they intend to begin a new review of detached ADUs. They understand this has been included in legislative discussions for moderate income housing and would like to take a proactive approach to finding something that works for West Bountiful.

***MOTION: Rod Wood made a Motion to approve Ordinance 463-22. Kelly Enquist seconded the Motion which PASSED as reflected below.***

*James Ahlstrom – aye*

*James Bruhn – aye*

*Kelly Enquist – aye*

*Mark Preece – aye*

*Rod Wood – aye*

#### **8. Meeting Minutes from October 18, 2022.**

***MOTION: Kelly Enquist Made a Motion to Adopt the Meeting Minutes from October 18, 2022, as corrected. James Bruhn Seconded the Motion which PASSED Unanimously.***

#### **7. Staff Reports**

##### Police – Chief Erikson not available

- Mayor Romney explained that Chief Erikson is not available due to a police situation in the city. He added that he received word that the current situation has been peacefully resolved.
- The Halloween event at the park went well and may grow in the future.
- A conditional offer, subject to background checks, was made to one of the secretary applicants.

##### Public Works – Steve Maughan

- Google Fiber has brought in a lot of crews to install conduit taking a lot of staff time to monitor.
- Ivory is really pushing to complete 400 North improvements so they can pave this year. They brought in two water crews to help complete the project and have almost completed the storm drain and irrigation line.
- The parks department winterized the two smaller restrooms but will wait a little longer on the one at the large park bowery.

##### Engineering – Kris Nilsen

- Working with Ivory on finishing up their subdivision requirements so the plat can be recorded.
- Working on an updated grant submittal for 1100 West sidewalks as requested by WFR.

##### Community Development – Cathy Brightwell

- Ichiro Ramen House plans to open next Friday, November 11 at the Commons.

- Christmas on Onion Street has been confirmed for Saturday, December 10 at city park. Activities and games will run from 2-4 pm and include performances from the West Bountiful Elementary school choir and Bountiful Junior High Madrigals. The Santa parade will begin at 5 pm from city hall.

Administration - Duane Huffman

- We recently discovered that sales tax revenues from Ramblin Roads restaurant were going to Bountiful. We are working to get the money back.
- The city holiday dinner party will be held Thursday, December 8 at Joy Luck beginning at 6 pm.

**8. Mayor / Council Reports**

Rod Wood – no report

Mark Preece – The sewer district has completed renovations of the south plant. Engineering for the north plant has cost \$4M; it will be about a year before they can begin. Dal Wayment is the district superintendent until the first of the year, then Matt Meyers will become superintendent. Lanese Hendrickson will be the assistant superintendent. The district is reviewing salaries related to inflation, etc. They are also talking about selling the green gas portion of the south plant but will wait to see what engineers can come up with.

James Ahlstrom – Youth Council retreat was successful. They went to Get Air, then the Layton Sizzler for training and lunch, then to an Escape room. They're working on plans for Christmas on Onion Street. He noted that it's a good bunch of kids.

James Bruhn – What is the status of the Elf tree and will the Youth Council be handling it this year? Duane said the YCC has not handled the Elf tree during his time with the city, and the city lost the staff member that previously ran the program, so at this point we need to look into new plans.

Arts Council is working on upcoming concerts. Susie Carter will hold her annual Christmas concert next Friday.

Wasatch Integrated – the price of recyclables is way down, so they had to drop a shift to deal with economy issues.

Kelly Enquist – no report.

Mayor Romney – no report.

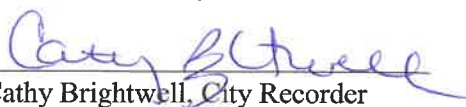
**9. Closed Session, if needed**

No closed session needed.

**10. Adjourn.**

**MOTION: James Bruhn made a Motion to Adjourn the Meeting at 9 pm. Kelly Enquist Seconded the Motion which PASSED Unanimously.**

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The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, December 6, 2022.

  
Cathy Brightwell, City Recorder

