

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, Utah 84087

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City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, AUGUST 1, 2023, AT THE CITY OFFICES

Invocation/Thought –Ken Romney; Pledge of Allegiance – James Bruhn

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Doug's Corner Subdivision – Final Plat Approval.
4. Meeting Minutes from July 18, 2023.
5. Staff Reports–Police, Public Works, Engineering, Community Development, Administration.
6. Mayor/Council Reports.
7. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
8. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org), posted at city hall, emailed to the Mayor and City Council, and provided to the Davis Journal on July 28, 2023, by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Mayor and City Council

DATE: July 28, 2023

FROM: Kris Nilsen, City Engineer

RE: Doug's Corner Subdivision

Summary

Douglas Coons Construction, LLC applied for a three (3) lot subdivision located on the west side of 550 West street and the north side of 1000 North in November 2020. The planning commission approved the final plat, with conditions, on May 25, 2021.

The property is within the R-1-10 zone and consists of 0.694 acres. The lots each meet the required R-1-10 zoning requirements for size (10,000 sf) and frontage (85 ft.), as represented. The property to the north is two existing single-family residence lots (Turpin and Higgins), developed as part of Eastland Subdivision. The parcel to the west is an existing 0.44-acre single-family residence (Paget).

- Lot 1 will be vacant and available for new building permit as part of the subdivision.
- Lots 2 and 3 have existing structures on site, a single-family home that spans both lots and an accessory structure on Lot 3. Demolition of both structures by the contractor started in late May 2023. Once demolition is complete, the lots will be vacant and available for new building permits as part of the subdivision.
- See attached Exhibit "A" for a summary of the development design.

City Review

Remaining staff comments:

1. **Title Report** - Provide an updated Title Report
2. **Final Plat** - Remaining minor comments to be addressed prior to submitting mylar final plat.
3. **Construction Drawings** -
 - a. All Comments Have Been Addressed.
 - b. Note to Developer: Any approvals granted for this project by the city are not approvals for future development shown on the east of 550 north street.

Recommendation

Staff recommends approval of the Final Plat with the conditions below:

1. Remaining staff comments shall be addressed prior to submitting mylar final plat for signatures.
2. Address any comments from Davis County Recorder's office review of Final Plat.
3. Payment of Inspection fee and storm water impact fee.
4. Post the appropriate bonds (Improvement and Warranty).
5. Execute an Improvement Agreement with the City.
6. Deed the required water rights or pay water right fees to the City.

Exhibit “A”

Summary of Development Design

Utilities

- Lot 1, Lot 2 and Lot 3 utility services: new services for water, sewer and Irrigation shall be installed from existing main lines in 1000 N.
- Existing Irrigation meters located in the incorrect locations shall be removed per WBWCD standards.

Grading and Drainage

- Grading and drainage are designed to NOT flow onto the adjacent north or west properties.
- Drainage from the middle and front of the lots will flow to the fronting street.
- Drainage from the rear of the lots will flow to a private backlot Retention Pond.
- The backlot Retention Pond is sized to contain the rear yard area drainage from a 100 year storm event.
- The backlot Retention Pond will have a pump pit installed with a pump and discharge line to a new curb inlet box installed in the existing curb/gutter on the south side of 1000 North. The private system will only pump drainage to the curb in the case of severe runoff from precipitation and the retention pond becomes full.
- Lot 1 will be required to operate and maintain the retention pond, pump and discharge line.
 - A note on the Final plat requires that Lot 1 owner will be responsible for the operation and maintenance of the pond, pump and discharge line.
 - Lot 1 building permit will include the requirement of connecting the pump to the new home electricity service and the operation and maintenance of the pond, pump and discharge line.
- The developer is required to install all equipment, materials, structures, etc. for the retention pond, pump and discharge line.

Street, curb, and sidewalk

- Curb and sidewalk shall be installed on the development frontage on 1000 N and 550 W
- All cuts in existing asphalt shall be repaired to the city standard.

Clear zone Requirements for safe vehicle and pedestrian access at the bend connecting of 550 West and 1000 North

- Developers Engineer has provided calculations meeting AASHTO guidelines for Safe Stopping Site Distance (SSD).
 - A Clear Zone area is indicated on the Final Plat, located on the SW corner of the development (SW Corner of Lot 2).

Street Lighting

City standards call for streetlights to be placed at intersections and at a maximum spacing of 350 feet. An Existing streetlight is adjacent to the subdivision, located on the corner of 1000 N and 550 W. The distance from the existing streetlight to the north end of the subdivision on 550 W is 215

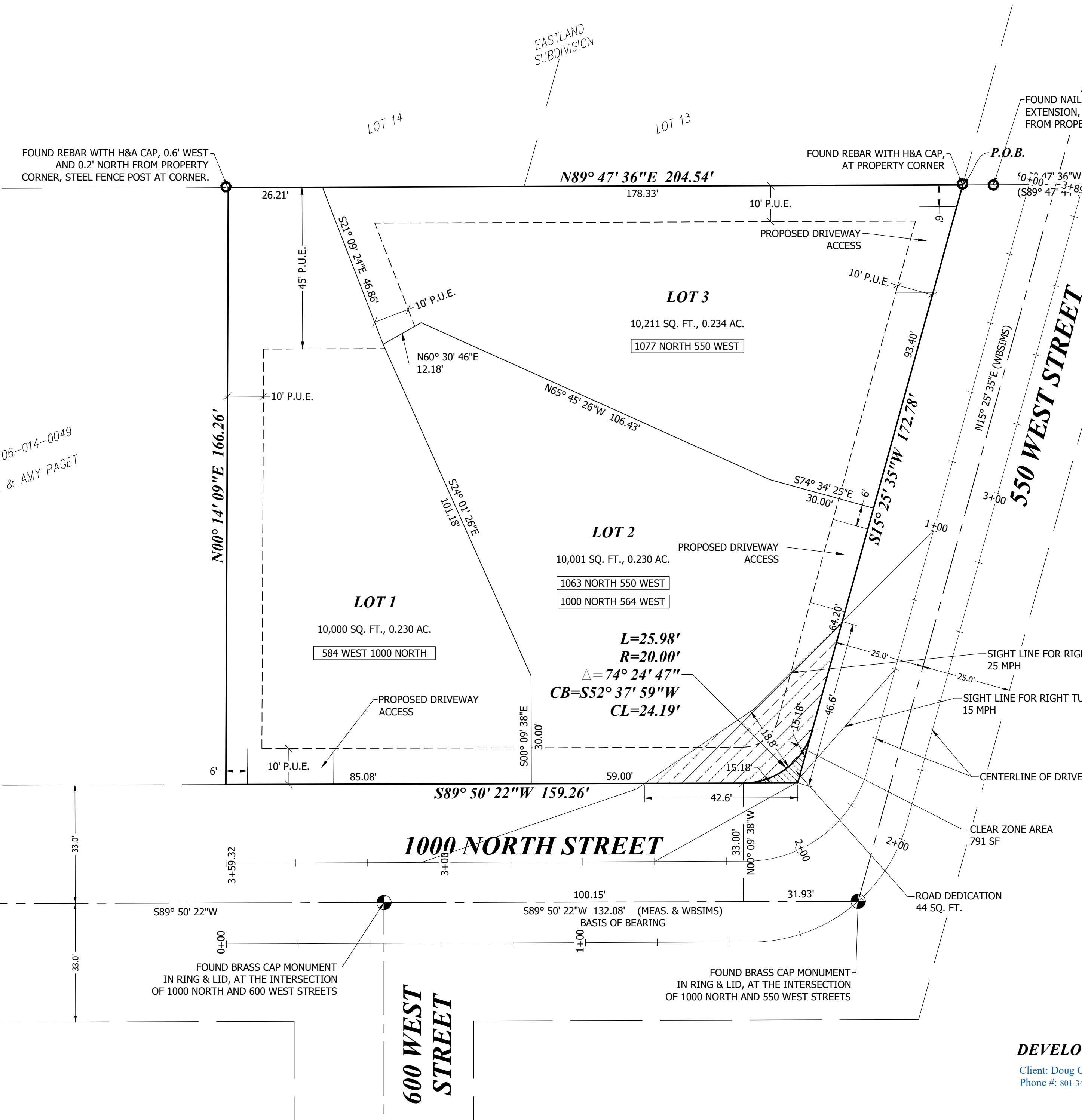
feet and 175 feet to the west end on 1000 N. No additional streetlights were recommended by the Planning Commission.

Geotechnical Study

Staff has not recommended a separate geotechnical report for this project. Most of the infrastructure required in the street is already constructed and all street cuts for laterals will be repaired to City Standard. Also, there has been no indication on site that soil conditions vary from what has been observed at adjacent developed properties, where soil conditions allowed for typical construction for structural fill depths under footings and streets.

Existing Structures

There are two accessory structures, these structures shall be removed as part of construction of subdivision improvements and shall be included in the improvement bond and agreement.

[illegible]

1. "P.U.E." DENOTES A PUBLIC UTILITY EASEMENT. ALL P.U.E.'S SHOWN ARE 10.0' WIDE ALONG FRONTAGES AND 10.0' ALONG REAR AND SIDE YARDS UNLESS OTHERWISE NOTED.
2. THE STATE PLANE BEARING ALONG THE BASIS OF BEARING IS NORTH 89°51'47" WEST (D.C.S.), CALCULATED USING NAD 1983 STATE PLANE COORDINATES IN THE UTAH NORTH ZONE.
3. LOT 2 IS A LOT ON THE BEND OF A THROUGH STREET AND NOT A CORNER LOT. BUILDING SETBACKS ALONG THE STREET RIGHT-OF-WAY SHALL CONFORM TO THE ROADWAY SETBACKS ON THE EASTERLY AND SOUTHERLY SIDES OF THE LOT. THE FUTURE DRIVEWAY FOR LOT 2 SHALL BE LOCATED NEAR THE FAR NORTHEAST CORNER OF THE LOT WITH AT LEAST 6' OF SPACE BETWEEN THE NORTH EDGE OF THE DRIVEWAY AND THE NORTH PROPERTY LINE. ONLY ONE ACCESS IS ALLOWED
4. THE FUTURE DRIVEWAY ACCESS OF LOT 1 SHALL BE LOCATED NEAR THE WEST END OF THE PROPERTY, AND AT LEAST 6' AWAY FROM THE WESTERN PROPERTY LINE. ONLY ONE ACCESS IS ALLOWED.
5. THE FUTURE DRIVEWAY ACCESS OF LOT 3 SHALL BE LOCATED NEAR THE NORTH END OF THE PROPERTY, AND AT LEAST 6' AWAY FROM THE NORTHERN PROPERTY LINE. ONLY ONE ACCESS IS ALLOWED.
6. NO DRIVEWAYS SHALL BE PERMITTED ALONG THE RADIUS (THE BEND) OF THE STREET.
7. THE OWNER OF LOT 1 SHALL CONNECT THE ELECTRICAL SUPPLY FROM THE RESIDENCE TO THE DRAINAGE SYSTEM ON LOT 1 AS PER BUILDING CODE AND SHALL MAINTAIN AND REPAIR THE ELECTRICAL CONNECTION AND PAY ALL ELECTRICAL BILLING UTILITY PAYMENTS TO KEEP THE DRAINAGE SYSTEM, COLLECTION AND PUMPING OF DRAINAGE TO THE STREET OPERATIONAL AND READY FOR USE.
- TURN
8. THE OWNER OF LOT 1, HEREON, SHALL BE RESPONSIBLE DURING THE TIME THEY OWN THE LOT FOR ALL COSTS TO MAINTAIN, REPAIR AND OPERATE DRAINAGE SYSTEM, SUMP PUMP, PUMP, DRAIN LINE, ELECTRICAL CONNECTION, ETC.; AND TO KEEP THE DRAINAGE SYSTEM, COLLECTION AND PUMPING OF DRAINAGE TO THE STORM DRAIN INLET IN THE STREET OPERATIONAL AND READY FOR USE.
- NE
9. THE SUBDIVISION DEVELOPER AS INDICATED IN THE OWNERS DEDICATION, DOUGLAS COONS CONSTRUCTION LLC, SHALL PURCHASE AND INSTALL ALL DRAINAGE SYSTEM IMPROVEMENTS ON LOT 1, INCLUDING ELECTRICAL UNDERGROUND CONDUIT, ELECTRICAL SUPPLY WIRE, SUMP PUMP, PUMP, DRAIN LINE, DRAIN LINE CONNECTION TO CURB, ETC.; AND SHALL MAKE THE DRAIN SYSTEM FUNCTIONAL AS PART OF THE CONSTRUCTION OF DOUG'S CORNER SUBDIVISION AS SHOWN ON THE SUBDIVISION CONSTRUCTION DRAWINGS.
10. THE CLEAR ZONE AREA IS DEFINED AS 791 SF ALONG THE SE CORNER OF THE SUBDIVISION. THE CLEAR ZONE AREA CANNOT CONTAIN ANY PERMANENT OR TEMPORARY OBJECTS GREATER THEN 2' IN HEIGHT. THIS INCLUDES BUT IS NOT LIMITED TO STRUCTURES, VEHICLES, STORAGE, AND LANDSCAPING.
11. THE PROPERTY OWNERS OF LOT 1 NEED TO BE INFORMED OF THE CCR'S FOR THE SUBDIVISION AND THAT THEY WILL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE RETENTION AREAS, PUMP, DISCHARGE PIPE, THE PUMP BOX, AND ALL OTHER COMPONENTS OF THE SYSTEM. OWNERS ARE RESPONSIBLE FOR THE COSTS OR EXPENSES TO REPAIR OR REPLACE THE PSDS, MAINTENANCE OF THE PUMP BY EXERCISING IT TWICE PER YEAR, ALL UTILITY EXPENSES TO RUN THE SYSTEM DURING A STORM EVENT, AND CONNECTING IT TO A PERMANENT AND PROTECTED ELECTRICAL SUPPLY, SUCH AS SERVICE FROM A HOUSE OR OTHER STRUCTURE.

Client: Doug Coons
Phone #: 801-347-2921

I, JEREMIAH R. CUNNINGHAM, A PROFESSIONAL LAND SURVEYOR, CERTIFY THAT I HOLD CERTIFICATE NO. 9182497 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, THAT AN ACCURATE SURVEY OF THE PROPERTY DESCRIBED HEREON HAS BEEN COMPLETED, IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, AND THAT I HAVE VERIFIED ALL EASES, INTERESTS, AND ENCUMBRANCES THAT MAY AFFECT THE PROPERTY, HAVE PLACED MONUMENTS ON THE GROUND, AS REPRESENTED ON THIS PLAT, AND THAT THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED HEREWITTH SHALL BE SUBDIVIDED INTO LOTS HEREAFTER TO BE KNOWN AS DOUG'S CORNER SUBDIVISION.

JEREMIAH R. CUNNINGHAM, P.L.S. UT #9182497

PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF 550 WEST STREET, SAID POINT IS THE SOUTHEAST CORNER OF EASTLAND SUBDIVISION, SAID CORNER IS SOUTH 89°47'36" WEST 942.98 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SAID SECTION 24, AND RUNNING THENCE SOUTH 15°25'35" WEST 172.78 FEET TO THE NORTHERLY LINE OF 1000 NORTH STREET; THENCE SOUTH 89°50'22" WEST 159.26 FEET ALONG SAID NORTHERLY LINE; THENCE NORTH 01°14'09" EAST 166.26 FEET TO THE SOUTHERLY LINE OF SAID EASTLAND SUBDIVISION; THENCE NORTH 89°47'36" EAST 204.54 FEET ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF SAID 550 WEST STREET AND TO THE POINT OF BEGINNING.

CONTAINING 0.695 ACRES.

KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HEREAFTER TO BE KNOWN AS DOUG'S CORNER SUBDIVISION , DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AND PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREET, PARCELS, AND PUBLIC UTILITY EASEMENTS WHICH WILL INTERFERE WITH DEDICATED PUBLIC USE.

SIGNED THIS _____ DAY OF _____, 20____

DOUGLAS B. COONS
DOUGLAS COONS CONSTRUCTION LLC

ON THE _____ DAY OF _____, 20____ THERE PERSONALLY
APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DOUGLAS B. COONS, WHO
BEING BY ME DULY SWORN DID SAY THAT HE IS/THE _____ OF
DOUGLAS COONS CONSTRUCTION LLC, AND THAT SAID INSTRUMENT WAS SIGNED IN
BEHALF OF SAID L.L.C. BY A RESOLUTION OF ITS MEMBERS AND ACKNOWLEDGED TO
ME THAT SAID L.L.C. EXECUTED THE SAME.

NOTARY PUBLIC: _____

RESIDENCE: _____

MY COMMISSION EXPIRES: _____

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF _____
COUNTY RECORDER: _____
BY: _____
DEPUTY _____



CITY ENGINEER

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____.

WEST BOUNTIFUL CITY ENGINEER

PLANNING COMMISSION

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____, BY THE PLANNING COMMISSION OF WEST BOUNTIFUL CITY.

CHAIRMAN

CITY ATTORNEY

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____.

WEST BOUNTIFUL CITY ATTORNEY

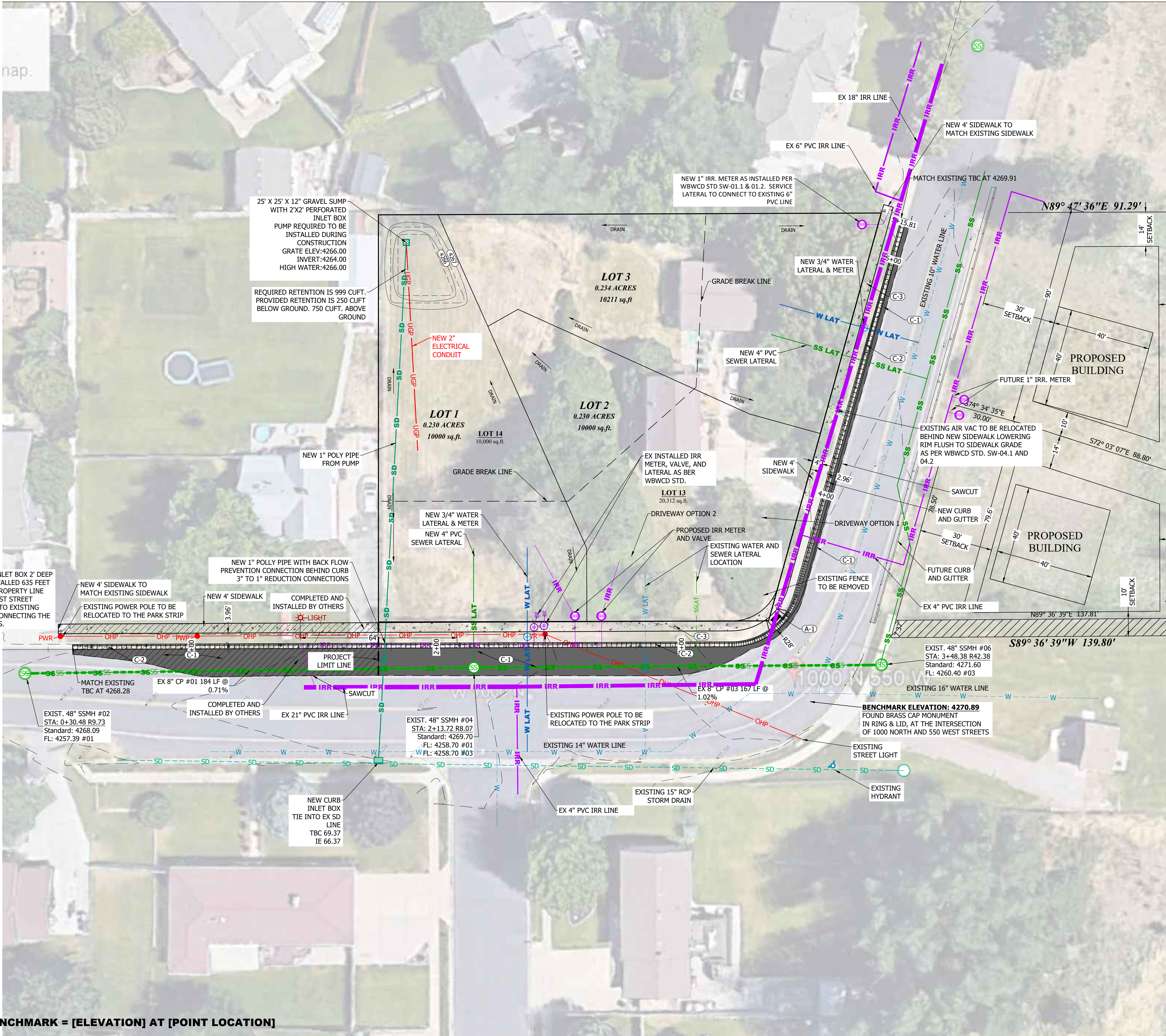
WEST BOUNTIFUL CITY COUNCIL

PRESENTED TO THE CITY COUNCIL OF WEST BOUNTIFUL CITY,
UTAH, THIS _____ DAY OF _____, 20_____, AT
WHICH TIME THIS PROJECT WAS APPROVED AND ACCEPTED.

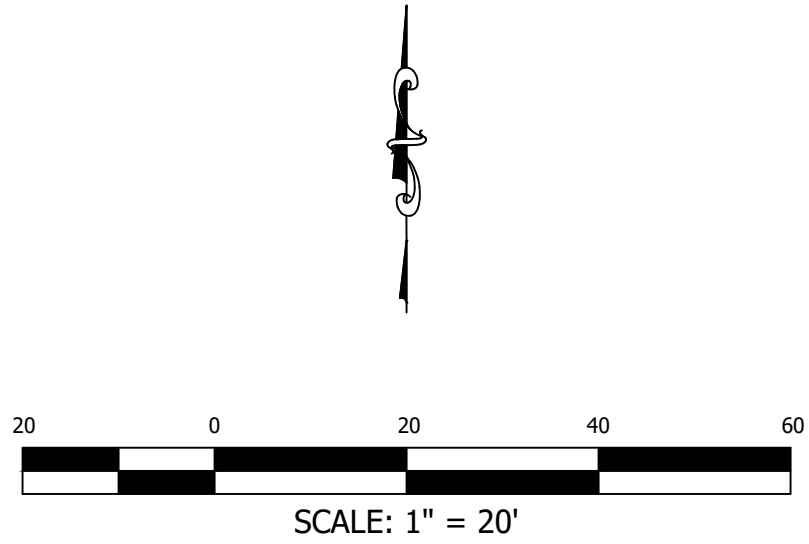
CITY RECORDER ATTEST: _____

MAYOR: _____

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF _____
COUNTY RECORDER: _____
BY: _____
DEPUTY _____



SITE BENCHMARK = [ELEVATION] AT [POINT LOCATION]



NOTE:
SECONDARY WATER HAS BEEN ALLOCATED TO PARCELS BASED ON AN ANTICIPATED TURF AREA OF 37% OF THE GROSS PARCEL SIZE OR 4,000 SQUARE FEET, (WHICHEVER IS LESS) AND AN ANTICIPATED LOW WATER USE LANDSCAPE AREA OF 15% OF THE GROSS PARCEL SIZE OR 1,650 SQUARE FEET, (WHICHEVER IS LESS). TURF IS NOT PERMITTED IN PARK STRIPS, PARKING BARRIERS, OR AREAS LESS THAN 8 FEET IN WIDTH. LARGER TOTAL LANDSCAPE AREAS, HIGHER PERCENTAGE TURF AREAS, INEFFICIENT DESIGN OF IRRIGATION SYSTEM, OR INEFFICIENT OPERATION OF IRRIGATION SYSTEM MAY RESULT IN HOMEOWNER INCURRING ADDITIONAL BILLING CHARGES AND/OR SECONDARY WATER SERVICE BEING SHUT OFF.

DRAINAGE CALCULATIONS

Area Analysis

Area	sq.ft.	Acres	C
Building	0	0.00	0.85
Improvements	2,622	0.06	0.90
Landscape	10,490	0.24	0.15
Total	13,112	0.30	0.30

100 Year Retention Analysis

NOAA Precipitation Frequency Data Server
Latitude: 40.8997° Longitude: -111.8948°
Allowable Runoff: 0.00 cfs/acre

Time (min.)	I in./hr	Runoff ft³	Allowable Runoff ft³	Storage ft³
5	6.760	183	0	0
10	5.140	278	0	278
15	4.250	345	0	345
30	2.860	465	0	465
60	1.770	575	0	575
120	1.010	657	0	657
180	0.695	678	0	678
360	0.375	731	0	731
720	0.224	874	0	874
1440	0.128	999	0	999

Required Retention: 999

ACCESSIBLE AREA CONSTRAINTS

ALL ACCESSIBLE AREAS ARE TO MAINTAIN THE FOLLOWING MAXIMUM SLOPES AND TOLERANCES:

ACCESSIBLE PARKING:
MAXIMUM SLOPE OF 1:48 (2%) THROUGHOUT.

ACCESSIBLE ROUTE:
MINIMUM WIDTH OF 48". MAXIMUM SLOPE OF 1:20 (5%) ALONG THE ROUTE, MAXIMUM CROSS-SLOPE OF 1:48 (2%).

ACCESS ROUTE TURNAROUNDS:
A CLEAR 60" TURNING DIAMETER. MAXIMUM SLOPE OF 1:48 (2%) IN ANY DIRECTION.

LEVEL LANDING / EXTERIOR DOOR LANDING:
MINIMUM SIZE OF 60"x60". MAXIMUM SLOPE OF 1:48 (2%) IN ANY DIRECTION.

ACCESSIBLE EGRESS TO PUBLIC WAY:
MAXIMUM SLOPE OF 1:20 (5%) ALONG THE ROUTE, MAXIMUM CROSS-SLOPE OF 1:48 (2%).

ADA ACCESS RAMPS:
MAXIMUM SLOPE OF 1:12 (8.33%), WITH A MAXIMUM CROSS-SLOPE OF 2%. THE TRANSITION BETWEEN ASPHALT AND CONCRETE IS NOT TO EXCEED 1/2" VERTICAL (1/4" IF BEVELED).

1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com

Entellus
REGISTERED PROFESSIONAL ENGINEER
No. 189586
SCOTT T. ARGYLE
STATE OF UTAH

DOUG'S CORNER SUBDIVISION

LOCATED IN THE NE 1/4 OF SECTION 24, T.2N., R.1W., S.1.B.&M.
WEST BOUNTIFUL CITY, DAVIS COUNTY, UTAH

REV #	DATE	COMMENT

DRAWN: CWF
APPROVED: STA
PROJECT #: 1906001
SET-1906001 23-05-11.dwg

C500
GRADING & UTILITY PLAN

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on Tuesday, July 18, 2023, at West Bountiful City Hall, 550 N 800 West, West Bountiful, Davis County, Utah.

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

STAFF: Chief Brandon Erikson, Steve Maughan (Public Works Director), Steve Doxey (City Attorney), and Cathy Brightwell (City Recorder).

EXCUSED: Duane Huffman (City Administrator), Kris Nilsen (City Engineer)

PUBLIC: Deby Marshall, Alan Malan, Jenn Nielsen, Dennis Vest, Renate Allen, Kassie Salmon, Aimee & Adan Hinojosa, Dannie McConkie, Dell Butterfield, Jeremy & Katy Broderick, Ann Marie Thurgood, Estelle & DaNae Sadorus, Ben Savage

Mayor Romney called the regular meeting to order at 7:35 pm. James Ahlstrom provided an invocation; Mayor Romney led the Pledge of Allegiance.

1. Approve the Agenda.

MOTION: *Mark Preece made a Motion to approve the agenda as presented. Rod Wood seconded the Motion which PASSED unanimously.*

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

Aimee Hinojosa, resident, stated she was presenting comments now to make sure she would have an opportunity rather than waiting until the decision on appeal is voted on (agenda item 4). She said when the appeal was heard at the last meeting, she did not prepare a statement because she was familiar with the arguments presented in Mr. Hammond's written appeal. When he presented new information at the meeting she did not feel like she had an opportunity to address the new issues. She suggested that if everyone had known about some of the new arguments, they would have been better prepared to address them, including the city attorney representing the planning commission. The conflicts in the city code were never brought up prior to the hearing.

Mrs. Hinojosa explained that before they filed their application, they met with city staff to go over applicable regulations and the inconsistency in the zoning code never came up. She added that she was disappointed that no one was allowed to speak during the hearing even though they had been told they could at the beginning of the meeting. She also stated that from the beginning false complaints were submitted to the city, especially from someone who had been harassing their family for a long time. There was even a report of the person who had been instigating the problems flying drones over their property to try to take pictures of things so they could complain to the city. The ongoing harassment has resulted in feelings of discrimination.

Renate Allen, resident, commented that she has not had any problems with the business. The people she is aware of that have been complaining do not even live in the neighborhood. She added that two other businesses have been operating on their street for years with vehicles driving in and out all day long and no one has complained. She said it appears the Hinojosa's are being discriminated against.

Adan Hinojosa said he tried hard to do everything by the book and jumped through a lot of hoops, including making adjustments to his business model. Even so, he is the only business being attacked; all others are allowed to continue even without permits. He feels like he is being discriminated against.

Ann Marie Thurgood, 807 N 975 West, offered comments on burying the golf course ditch adjacent to her property. She said she has heard that it's been approved and is asking the city to get it done as quickly as possible. Her fence keeps falling down and she needs to get it replaced to protect her family but can't do it until the ditch is piped.

Council member Ahlstrom commented that several proposed projects have been discussed as part of the budget process, but he does not believe it is currently in the version that will be presented for approval in August. He suggested Ms. Thurgood check with Duane Huffman, the city administrator, when he returns next week. The final budget will not be approved until mid-August.

There was discussion about past efforts to address the ditch and build a trail that would connect to the Prospector trail. Mayor Romney indicated they will look at it again before the budget hearing on August 15.

Estelle Sadoris, resident on 975 West across the street from Ms. Thurgood, suggested that if the ditch cannot be piped, it would help a lot if it could at least be cleaned out. It is a nuisance weed patch and is a mess. He said he has a sump pump that goes into the ditch and is hopeful that when it's piped, his pump can be tied in. He also asked for the status of the proposed walking path. He is concerned that if a path is built, people will park at the end of the street blocking their driveways which are on the north side of their properties. He said they would love to see the ditch piped and landscaped but are not excited about the path. James Ahlstrom commented that the majority of the city council has not been convinced a path is necessary, given the cost, when people can go a couple blocks to access the trail. Mayor Romney said the city would look into cleaning out the ditch.

3. Founders & Constitution Month Presentation – Dalane England, Freedom's Light Foundation Chair.

Dalane England, Freedom Light Foundation Chair, thanked the council for the opportunity to share information on Constitution month. In May, the Governor signed HB-179 making September Constitution month. She said federal law requires teachers to teach about the constitution but there isn't enough information or any curriculum from which to teach. To help the teachers out, Freedom's Light Foundation started sixteen years ago by putting together a program that includes stories about many of our founding fathers and mothers who did extraordinary things. She said only original source documents are used, so we have stories from the people themselves. There are also artisans to show how they lived, an actual working replica of a printing press and other items that allow students to see how people worked and lived. There is also an area set up as Ellis Island where people can go through the process of immigrants coming into America, and a place to take a test about the constitution. In total there are 45 different booths. This is a great opportunity for the younger generation to learn about our past. The event will be held at Bountiful Park on September 14-16. She said they would love to have the city's support and help getting the word out. They also need volunteers.

Mayor Romney thanked her for the information and said we will put it out on our social media, marquee, and website.

4. Decision on Appeal of Approval of Conditional Use Permit for Auto Italia Repairs.

Mayor Romney explained the process they went through to come to a decision on Craig Hammond's appeal of Auto Italia Repair's conditional use permit. They met a couple times with their independent attorney to discuss the issues and have come to a decision which was made available to the parties earlier today.

The Mayor read the conclusion of the decision, "*We reverse the Planning Commission's approval of a business license and conditional use in the R-1-10 zone for the reasons stated herein, specifically, that an accessory structure is prohibited in a home occupation, the proposed business is not consistent with the general plan, zoning ordinance, and the R-1-10 zone. Furthermore, the conditions imposed would not reasonably mitigate the negative impacts of the business on the neighborhood, zone, and general health, safety, and welfare of the City. Accordingly, we reverse.*"

Mayor Romney provided an opportunity for council members to make comments.

Council member Enquist commented that he was in every planning commission meeting where the issues were discussed as well as the city council deliberations and was surprised when the code conflicts were identified. He thought the planning commission did a good job coming up with conditions for the business.

Council member Bruhn added that he was very disappointed in the city's ordinances and wants the conflicts to be fixed as soon as possible. He stated that he does not agree with the council's recommended decision.

Council member Ahlstrom said he felt the decision was in the best interests of the city. When the conflicts in different sections of the Code were found, the council, acting as Land Use Appeal Authority, had little choice but to issue the decision as presented. He also addressed rumors about providing assistance to the appellant in preparing his arguments and adamantly denied any help or communication about the decision with Mr. Hammond.

Aimee and Adan Hinojosa were given an opportunity to make comments. She questioned why the council chose one code over another when the conflict was found, and why the council did not think the planning commission's conditions would solve any negative impacts. Aimee said their business is not harming any neighbors and in fact many are customers. She said they pay sales taxes and the majority of their clientele live in West Bountiful. They were surprised to hear about the conflicting codes and agreed that they should be fixed but argued that their business was already approved, and they are complying with the conditions so they should be allowed to continue. They went out of their way to follow the rules and go through all the necessary approvals, unlike dozens of other businesses operating illegally in the city. She blamed the vendetta against her family as the reason they are where they are. If the numerous fake complaints had not come into the city, she doesn't believe there would have been an appeal. She said it feels like they are being discriminated against.

James Ahlstrom said it was a difficult decision. Whether it was caused by a vendetta or not has nothing to do with the decision reached by the council. It was a fair, rational decision based on what our ordinances say. As far as why one section of code was applied over another, the more restrictive provision applies, which is how the decision was written. He said he was sorry it will hurt Auto Italia's business. He has had work done on his vehicles over the years by Adan and has found him to be gracious and graceful and a good mechanic. He has nothing personal against him, but in their quasi-judicial role, the council's responsibility is to follow the law including zoning ordinances, which has nothing to do with public comments or opinions. He added that Mr. Hammond's comments are part of the record regardless of whether they were provided in writing beforehand. He agreed that there are probably businesses in the city operating in conflict with ordinances, but stated we can only address the case before us. This decision has nothing to do with what others are doing.

122 Renate Allen asked if she goes around the city and makes a list of all the businesses not complying, will the
123 council shut them down or allow them to continue? Mayor Romney responded that if information is provided
124 the city will investigate and take appropriate action.

125 Council member Wood said he is concerned about claims of discrimination. He wants the code fixed so we
126 don't have this happen again and suggests the planning commission make sure the uses that do not fit in
127 residential areas are clearly prohibited. He said we were bound by state law to act as judges to interpret the
128 law, which was difficult. He commended the Hinojosa's for jumping through the necessary hoops to try to
129 license their business honestly. He pointed out that zoning is one of the toughest things the council must deal
130 with.

131 Mayor Romney explained that this decision by the land use appeal authority exhausts any future appeal
132 opportunities with city, but the applicant can go to district court to appeal this decision if they choose.

133 **MOTION:** *Mayor Romney called for a roll call vote by the Land Use Authority on the draft*
134 *decision. The decision was approved with a 3-2 vote as reflected below:*

135 <i>James Ahlstrom – aye</i>	<i>James Bruhn – nay</i>
136 <i>Kelly Enquist – nay</i>	<i>Mark Preece – aye</i>
137 <i>Rod Wood – aye</i>	
138	

139 Mayor Romney asked the planning commission to immediately begin a review of the zoning and business
140 license regulations and recommend updates to the code to eliminate conflicts.

141 Rod Wood thanked the planning commission and staff for doing a good job with a difficult situation. Going
142 forward he wants to make sure there is something simple for people to look at, so they know what is and is
143 not allowed.

144 In response to comments from the audience about wanting to participate in changing the code, Council
145 member Ahlstrom explained the process which likely includes a couple meetings of the planning commission
146 to discuss options and then a public hearing where people can share their views. Following the hearing, a
147 recommendation will come to the city council for final approval. He added that the planning commission did
148 a great job and commended them for painstakingly working to come up with a comprehensive list of
149 conditions.

150 **5. Ordinance 473-23, An Ordinance Amending Height Regulations for Accessory Structures in**
151 **Residential Zones.**

152 Cathy Brightwell explained that Jeremy Broderick requested this code text change so he could build an
153 accessory structure that would allow a 14-foot garage door for his RV, which is a common need for people
154 wanting an accessory structure. The proposal maintains the current height restrictions but adds a second
155 measurement to determine setbacks. When plans are reviewed, a measurement will be required of the total
156 height of the building and another measurement of the height of the wall. Applying both of these
157 measurements to the updated height chart listed in each residential zone determines the side setback.

158 Examples were given of how different types and angles of roof lines affect the measurement. In some cases,
159 the side setback can be reduced but the overall height does not change.

160 **MOTION:** *James Bruhn Made a Motion to Approve Ordinance 473-23 updating the way height*
161 *and setbacks of residential accessory structures are measured. Rod Wood seconded the*
162 *Motion which PASSED unanimously as reflected below.*

163 *James Ahlstrom – aye* *James Bruhn – aye*
164 *Kelly Enquist – aye* *Mark Preece – aye*
165 *Rod Wood – aye*
166

167 **6. Resolution 539-23, A Resolution Authorizing the Execution of the Interlocal Cooperation**
168 **Agreement with Centerville City for the Multi-Jurisdictional Centerville Flex Project by Stokes**
169 **Stevenson Located at Approximately 1250 W (Child Lane) 200 South, Centerville.**

170 Mayor Romney explained that developer Stokes Stevenson is building an office warehouse project on the
171 city's northeast boundary that is adjacent to the Syro Steel area. The project has three buildings located on
172 property partially located within Centerville (11.64 acres) and partially within West Bountiful (5.64 acres).
173 To assist the developer and create clarity for the future, Centerville and West Bountiful desire to enter into an
174 interlocal agreement addressing multi-jurisdictional regulations and services.

175 Steve Doxey reviewed revisions made to the original agreement that clarify the long term intent.

176 **MOTION:** *James Bruhn made a Motion to Approve Resolution 539-23 Adopting the Interlocal*
177 *Agreement with Centerville for the Stokes Stevenson Project as amended. Rod Wood*
178 *seconded the Motion which PASSED as reflected below.*

179 *James Ahlstrom – aye* *James Bruhn – aye*
180 *Kelly Enquist – aye* *Mark Preece – aye*
181 *Rod Wood – aye*

182 **7. Strip Call Options for Series 2021 Revenue Bonds for the Public Works Facility.**

183 Mayor Romney explained that the city bonded for money to build the new public works facility which
184 included a one-time option to pay down the principal. The bond was for \$6 million and we are getting the
185 project done for \$5.2 million, after also using federal stimulus money. The issue is whether to pay it down or
186 use the balance for other expenses related to the public works facility. A reason to consider using the money
187 is that the PTIF interest rates are currently around 4-5%, (clarified by Jason Nielsen to be at 5.1%), and the
188 bond is at 1.8%. This is cheap money that could be used for something like resurfacing 1200 North. He asked
189 council members for their thoughts.

190 Rod Wood agreed that it is unlikely we would ever find money this cheap again and it is a great way to fix
191 1200 North especially with more traffic expected in the future.

192 James Bruhn stated that he would rather pay the bond down and save over \$1 million. We still have \$2
193 million in capital improvements fund that can be used for other projects. This money is restricted to costs
194 associated with the public works building so if we use it, we would be creating something to spend it on.

195 James Ahlstrom said that since we have access to cheap money it's probably better to use it for a need related
196 to the new facility, especially if it is estimated to cost \$650k to upgrade 1200 North. Existing capital
197 improvements money will be needed for the 660 West project.

198 Mark Preece agreed that we have money set aside, but it can be used on other projects. He thinks it is smarter
199 to use this low interest money to fix 1200 North.

200 **MOTION:** *James Ahlstrom made a Motion to Decline to Exercise the Strip Call. Mark Preece*
201 *seconded the Motion which PASSED as reflected below.*

202 *James Ahlstrom – aye* *James Bruhn – nay*
203 *Kelly Enquist – nay* *Mark Preece – aye*
204 *Rod Wood – aye*
205

206 **8. Meeting Minutes from June 20, 2023, and July 10, 2023.**

207 ***MOTION: James Ahlstrom Made a Motion to Approve the Meeting Minutes from June 20, 2023,***
208 ***and July 10, 2023, as presented. Rod Wood Seconded the Motion which PASSED***
209 ***Unanimously.***
210

211 **11. Staff Reports**

212 Police – Chief Erikson

- 213 • No report
214

215 Public Works – Steve Maughan

- 216 • Public Works facility - Computers are being installed and once that is done we can start moving,
217 probably within the next couple of weeks.
218 • The water project is going slowly. New pipe is in the ground, and we will begin testing.
219 • Google Fiber is trying to get cleaned up and out of the city. We are currently reviewing their work before
220 closing out the permits. Council member Bruhn said he has been talking to them weekly and they still
221 haven't fixed the issue in his yard. Steve will talk with the construction manager about it tomorrow.
222

223 Community Development – Cathy Brightwell

- 224 • The Ivory Phase 1 final plat was finally recorded and building permits for two additional lots have been
225 issued.
226

227 **12. Mayor / Council Reports**

228 Kelly Enquist – Mosquito Abatement did a good job spraying for July 4th so there were no issues at the park
229 during the celebration. He added that he received a lot of compliments on our fireworks display. The new
230 company we used did a great job and the show was unique.

231 James Bruhn – The person who has been planning and managing the July 4th park activities has told us she
232 will not be able to do it again. She has put her heart and soul into it for 23 years and will be greatly missed.
233 We need to immediately start planning who will handle the events next year.

234 The Arts council appreciation dinner will be on August 3 here at city hall. City council members and all July
235 4th volunteers will be invited.

236 James Ahlstrom – July 4th was a good event. The dunk tank was quite an experience and a good fundraiser
237 for the Youth Council (\$115). They will take the next month off and then begin planning their fall retreat.

238 Mark Preece – The 4th of July events were great and the parade was well organized. He said he received a lot
239 of compliments from residents.

240 Rod Wood – We had a meeting with the I-15 UDOT team. Surrounding cities had representatives and he was
241 pleased to see local business owners in attendance to address access issues into the Gateway Shopping
242 Center on 500 South. Rep. Ward was also there and seemed to be listening to our concerns. UDOT said they

243 couldn't make any decisions at this point but had done some research on similar issues and thought there
244 might be some workable options. It was a good discussion getting our points across.

245 Mayor Romney – no report.

246 **13. Closed Session pursuant to *Utah Code Ann. § 52-4-205*, if needed.**

247 No closed session was needed.

248 **14. Adjourn.**

249 **MOTION: James Ahlstrom made a Motion to Adjourn the Meeting. Kelly Enquist Seconded**
250 **the Motion which PASSED Unanimously.**

251

252 -----

253

254 The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present
255 on Tuesday, August 1, 2023.

256

257

Cathy Brightwell, City Recorder