

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
Dell Butterfield
Kelly Enquist
Jenn Nielsen
Mark Preece

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City Recorder
Remington Whiting

City Engineer
Kris Nilsen

Public Works Director
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THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 3RD, 2024, AT THE CITY OFFICES

Invocation/Thought – Dell Butterfield; Pledge of Allegiance – James Ahlstrom

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Public Hearing – Proposed Residential Rear Yard Setback Code Change.
4. Public Hearing – Proposed Airport Overlay Zone.
5. Ordinance 496-24 – An Ordinance Enacting Title 17.45 of West Bountiful City Code Adopting an Airport Overlay Zone.
6. Consider Suspension of Excavation Restriction for DelNoble Subdivision - 1130 N 800 W.
7. Resolution 561-24 – A Resolution Re-Appointing Council Member Mark Preece to the South Davis Sewer District Board of Trustees.
8. Resolution 562-24 – A Resolution Approving an Interlocal Agreement Between West Bountiful City and Weber Basin Water Conservancy District for the 660 West Roadway Project – 400 North to 1000 North Project.
9. Discuss Potential Code Enforcement Tools.
10. Meeting Minutes from November 19th, 2024.
11. Staff Reports–Police, Public Works, Engineering, Community Development, Admin.
12. Mayor/Council Reports.
13. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
14. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmnl), the city website (WBCity.org), posted at city hall, and emailed to the Mayor and City Council on November 27th, 2024.

Minutes of the West Bountiful City Council meeting held on **Tuesday, December 3rd, 2024**, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, Dell Butterfield, Kelly Enquist, Jenn Nielsen, Mark Preece

STAFF Duane Huffman (City Administrator), Steve Doxey (City Attorney), Brandon Erikson (Chief of Police), Steve Maughan (Public Works Director), Kris Nilsen (City Engineer), and Remington Whiting (City Recorder)

PUBLIC: Alan Malan, James Bruhn, Corey Sweat, Buster Hafen, Paula Hafen, Dean Chadwick, Julie Chadwick, Staci Schilling, Dustin Schilling, Ken Clyde, Lorri Flake, Mandy Mortensen, Jodi Hugoe, Lee Hugoe, Peggy Neagle, Jeff Neagle, Sarah Neagle, Ashley Green, Simon Mortensen, Meghan Heller, Cheri Harris

EXCUSED:

Mayor Romney called the meeting to order at 7:33 pm. Dell Butterfield gave an Invocation, and the Pledge of Allegiance was led by James Ahlstrom.

1. Approve Agenda

MOTION: *Mark Preece made a motion to approve the agenda. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

No Comment.

3. Public Hearing – Proposed Residential Rear Yard Setback Code Change.

Mr. Huffman explained that Dustin and Staci Schilling submitted a text change application to change current setback regulations in the R-1-10 zone. The application requested to amend the current regulation of 30' down to 20' along 30% of the rear property line, while the remaining 70% maintained a 30' setback requirement. After discussion within the planning commission, they voted to forward a negative recommendation of the original application, but provided a positive recommendation to amend current rear yard setback regulations in the R-1-10 from 30' to 20' along the entire rear property line. A document was sent to council members containing the opinion of 3 planning commissioners on the recommendation.

MOTION: *Kelly Enquist made a motion to open the Public Hearing on Proposed Residential Rear Yard Setback Code Change. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

Dustin and Stacey Schilling – 850 W Heritage Circle – The Schillings explained that they had applied for a code change so they could build a 3-car garage, but the current regulations would not allow them to build further back into the rear yard setback. They said that they would be content with either the planning commission's recommendation or their original application. They pointed out that Centerville and Woods Cross currently have 20' rear yard setbacks for 10,000 sq ft lots.

Julie Chadwick – 841 W Heritage Circle – Ms. Chadwick pointed out that there was not very much land left in the R-1-10 zone to develop. She expressed her support for the idea of changing the setback regulations.

Corey Sweat – 1078 W 600 N – Mr. Sweat shared that the current setback regulation gives a specific community and a rural feel. He said that just because other cities are doing it, doesn't mean that the city's regulations should be changed. He also expressed some concern over a regulation change contradicting with other the current codes, like those governing covered patios. He ended by sharing his opinion that if setback regulations were reduced, it could make way for higher density.

Jeff Naegle – 944 W 1950 N – Mr. Neagle expressed the idea that there were very few lots still left to develop, meaning this code would not affect very many homes.

Buster Hafen – 1263 Millbridge Lane – Mr. Hafen agreed that there was very little land that still could be developed in the R-1-10 zone. He expressed that he didn't think that many people would tear down their houses just to be able to build 20ft near the property line.

James Bruhn – 1084 W 1600 N – Mr. Bruhn explained that over the years different people had asked to amend current setback regulations, but the council never changed them. He shared his opinion that the current setbacks exist for a reason.

Cheri Harris – 838 W Heritage Circle – Ms. Harris disagreed with the notion that setbacks are for privacy. She said that 10' won't make that much of a difference when it comes to seeing through windows.

MOTION: *James Ahlstrom made a motion to close the Public Hearing on Proposed Residential Rear Yard Setback Code Change. Dell Butterfield seconded the Motion which PASSED by unanimous vote of all members present.*

Mayor Romney stated that such a proposed change should be better notified across the entire city, and the council agreed that more community discussion should take place prior to a big change. The council discussed the idea of changing the setback requirement, but wanted to ensure that the proper research was conducted before making the decision. Steve Doxey also reminded the council consistency with the general plan should be considered. The idea of

considering the recommendation or the original application was discussed. Duane was asked to return with further research and report on this issue, with options for how to proceed.

4. Public Hearing – Proposed Airport Overlay Zone.

In 2023, the Utah State Legislature passed HB 206, establishing airport land use requirements. These requirements are for land located within an airport influence area which is defined as land within 5,000 feet of an airport runway. A small area within West Bountiful city limits is within 5,000 feet of the Sky Park Airport runway. The planning commission held a public hearing on 11/26/2024 to receive public comment regarding the proposed overlay zone, and then forwarded a positive recommendation to the city council. The council discussed that the proposed zone would put height restrictions and would require the city to notify owners of potential noise.

MOTION: *Mark Preece made a motion to open the Public Hearing on Proposed Airport Overlay Zone. Jenn Nielsen seconded the Motion which PASSED by unanimous vote of all members present.*

No comment.

MOTION: *Mark Preece made a motion to close the Public Hearing on Proposed Airport Overlay Zone. Dell Butterfield seconded the Motion which PASSED by unanimous vote of all members present.*

5. Ordinance 496-24 – An Ordinance Enacting Title 17.45 of West Bountiful City Code Adopting an Airport Overlay Zone.

MOTION: *Kelly Enquist made a motion to approve 496-24 – An Ordinance 496-24 Enacting Title 17.45 of West Bountiful City Code Adopting an Airport Overlay Zone. Jenn Nielsen seconded the Motion which PASSED.*

The vote was recorded as follows:

Dell Butterfield – Aye

Kelly Enquist – Aye

Mark Preece – Aye

Jenn Nielsen– Aye

Council member Ahlstrom stepped out of the meeting during this discussion and vote.

6. Consider Suspension of Excavation Restriction for DelNoble Subdivision - 1130 N 800 W.

Kris explained that city places a 5-year moratorium on street excavations after a road project, and this moratorium is still in place for the portions of 800 W that were reconstructed in 2020. He then went on to say that Mr. Ted Bubert of 1128 N 800 W had received preliminary plat

approval for the Delnoble Subdivision from the planning commission, and new service laterals for gas, irrigation water, and sewer are needed. He then referenced WBMC 12.08.040, which authorizes the council to suspend such restrictions in certain circumstances, including “to permit the installation of service laterals, the need for which could not have been reasonably anticipated.” Duane suggested adding a requirement that the project be done in the spring when hot mix is available so that temporary patches could be avoided. The possibility of Mr. Bubert developing the remaining parts of the land was also discussed by the council.

MOTION: *James Ahlstrom made a motion to approve the Suspension of Excavation Restriction for the Delnoble Subdivision as the need could not have been anticipated, and lifts the restriction per the conditions found in the staff memo and adding a third condition that would not allow cutting until hot-mix asphalt is available. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

7. Resolution 561-24 – A Resolution Re-Appointing Council Member Mark Preece to the South Davis Sewer District Board of Trustees.

MOTION: *James Ahlstrom made a motion to approve Resolution 561-24 – A Resolution Re-Appointing Council Member Mark Preece to the South Davis Sewer District Board of Trustees. Kelly Enquist seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye	Dell Butterfield – Aye
Kelly Enquist – Aye	Jenn Nielsen– Aye
Mark Preece – Aye	

8. Resolution 562-24 – A Resolution Approving an Interlocal Agreement Between West Bountiful City and Weber Basin Water Conservancy District for the 660 West Roadway Project – 400 North to 1000 North Project.

Duane explained that the city currently plans to replace the culinary water system and rebuild the road on 660 W from 400 N to 1000 N beginning in early 2025. As part of the project, Weber Basin wants to install an additional main line for irrigation water to service the properties along the project. Rather than trying to coordinate between a city contractor and a district contractor, the city staff has requested that Weber Basin’s work be done under the city’s contract.

MOTION: *Mark Preece made a motion to approve Resolution 561-24 – A Resolution Approving an Interlocal Agreement Between West Bountiful City and Weber Basin Water Conservancy District for the 660 West Roadway Project – 400 North to 1000 North Project. James Ahlstrom seconded the Motion which PASSED.*

The vote was recorded as follows:

James Ahlstrom – Aye

Dell Butterfield – Aye

Kelly Enquist – Aye

Jenn Nielsen– Aye

Mark Preece – Aye

9. Discuss Potential Code Enforcement Tools.

Duane explained that after reviewing the city's current code, staff and legal counsel believe additional clarification and tools would be beneficial to protecting the health and safety of the community. He discussed the idea of moving the nuisance enforcement under a more general area of the city code, adding specific provisions about assessing inspection, abatement and administration costs and penalties, and including clearer reference to Utah Code as to incorporate any procedures and penalties available under that chapter in the city's ordinance. Steve Doxey also recommended adding a hearing officer to the code enforcement process.

10. Meeting Minutes from November 19th, 2024.

MOTION: *James Ahlstrom made a motion to approve the minutes from November 19th, 2024. Dell Butterfield seconded the motion which PASSED by unanimous vote of all members present.*

11. Staff Reports

Police – Brandon Erikson

- Nothing to report

Public Works – Steve Maughan

- Working on Ditch Cleaning.
- Blue Staked 660 West, and the public works department will start identifying what utilities will need to be moved for the project.

Engineering – Kris Nilsen:

- Continues to work on 1100 W and 660 W project designs.

Public Administration/Community Development– Duane Huffman

- Met with the owners of the former Smith property to discuss several issues, including proposing that they look into coordinating with Ivory Homes.
- Financial Audit is almost complete.

12. Mayor/Council Reports

James Ahlstrom –

- Discussed a personal interaction with a police department.

Dell Butterfield –

- The South Davis Rec Center board meeting was canceled but will meet again on the 14th of December.
- Planning Commission - there has been some great discussions regarding the front yard fence regulations.

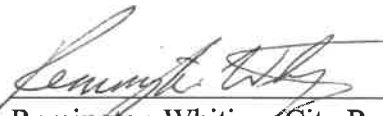
Kelly Enquist –

- 231 • Had some interaction with residents on 660 W, and they voiced their opinions to him
232 regarding the road project.
233 Jenn Nielsen –
234 • Christmas on Onion Street will take place this weekend on the 7th of December.
235 Mark Preece –
236 • Sewer District project is underway.
237 • Went with a private placement bonds for the first round of funding for the South Davis Sewer
238 District.
239 Mayor Romney –
240 • Confirmed that Holly and SDMF had been contacted for the Santa Parade.
241 • Residents have complained about an odor from the refinery. He asked residents to call him
242 when they smell it.

243
244 **13. Adjourn**
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246 **MOTION:** *James Ahlstrom made a motion to adjourn the meeting of the West*
247 *Bountiful City Council. Jenn Nielsen seconded the motion which PASSED*
248 *by unanimous vote of all members present.*
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254 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all members*
255 *present on December 17th, 2024.*
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259 Remington Whiting, City Recorder