

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Mark Preece  
Andrew Williams

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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## CITY COUNCIL MEETING

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A  
REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 20, 2018  
AT CITY HALL, 550 N 800 WEST**

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

1. Approve the Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Public Hearing Regarding Vacating a Temporary Turnaround Easement at 2054 N 1000 W, Kinross Estates.
4. Consider 1<sup>st</sup> Amendment to Plat for Kinross Estates Subdivision.
5. Consider Plat Amendment for Mountain View Estates Subdivision.
6. Consider Plat Amendment for Onion Gardens Subdivision at 800 West and Pages Lane.
7. Consider Modification #3 to Highgate Estates Subdivision Final Plat.
8. Ratify Bond Agreement for Removal of Illegal Structure at 1035 W 600 North, dated October 25, 2018.
9. Consider Acceptance of Annexation Petition from Mike Cottle et al, for 1338 W 1200 North.
10. Public Works/Engineering Report.
11. Police Report.
12. Administrative Report.
13. Mayor/Council Reports.
14. Consider Approval of Minutes from the October 2, 2018 City Council Meeting.
15. Executive Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
16. Adjourn.

Those needing special accommodations can contact Cathy Brightwell at 801-292-4486 24-hrs prior to the meeting.

*This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on November 15, 2018.*

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2  
3 Minutes of the West Bountiful City Council meeting held at 7:32 p.m. on **Tuesday, November 20,**  
4 **2018** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

5  
6 Those in attendance:

7  
8 **MEMBERS:** Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn,  
9 Kelly Enquist, Mark Preece, and Andy Williams

10  
11 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Asst. Chief  
12 Erikson, Ben White (City Engineer), Cathy Brightwell (Recorder)

13  
14 **VISITORS:** Alan Malan, Gary Jacketta, Steve Sundstrom, Barry Gittleman, Gary Garza,  
15 Madi Garza, Hayley Pratt

16  
17 -----  
18  
19 Mayor Romney called the regular meeting to order at 7:30 pm. James Ahlstrom provided an  
20 invocation; Mark Preece led the Pledge of Allegiance.

21  
22 **1. Approve Agenda**

23  
24 **MOTION:** *James Bruhn made a Motion to approve the agenda as posted. Andy*  
25 *Williams seconded the Motion which PASSED by unanimous vote of all*  
26 *members present.*

27  
28 **2. Public Comment - Two minutes per person, or five minutes if speaking on behalf of a**  
29 **group.**

30  
31 Steve Sundstrom, resident, stated he was here about ten weeks ago asking for a modification  
32 to rear setbacks so he could build a covered patio. Under the current thirty-foot requirement, he would  
33 only be able to have a patio cover that is seven feet deep. At the city council's direction, the planning  
34 commission considered ways to grant his request but decided 3-2 to not proceed with a  
35 recommendation. Mr. Sundstrom is looking for some direction.

36 Mr. Huffman explained that the planning commission's action cannot be appealed because it  
37 is not a final decision by a land use authority. He added that by coincidence, there is a letter from the  
38 planning commission included in tonight's packet that explains their position. Mr. Huffman said that  
39 if the city council wants to consider a different option, they can ask the planning commission to hold  
40 a public hearing and then send back a formal positive or negative recommendation to city council.

41 There was then some discussion with Mr. Sundstrom about his situation and whether there is a  
42 difference between a deck floor and patio cover. He added that he reviewed other cities regulations  
43 and their setbacks are less than West Bountiful's.

44 Council member Ahlstrom commented that he continues to want a better understanding of  
45 why current setbacks were selected. Council member Williams believes there is a way to make this

46 work. Council member Enquist explained that the planning commission did not make their decision  
47 quickly but spent a lot of time on this issue.

48 Mayor Romney asked staff to put this issue on the next meeting agenda for further discussion.  
49

50 **3. Public Hearing Regarding Vacating a Temporary Turnaround Easement at 2054 N 1000**  
51 **W, Kinross Estates.**

52 **MOTION:** *Andy Williams made a Motion to Open the Public Hearing. James Bruhn*  
53 *seconded the Motion which PASSED by unanimous vote of all present.*  
54

55 No comments were made.  
56

57 **MOTION:** *Kelly Enquist made a Motion to Close the Public Hearing. James Ahlstrom*  
58 *seconded the Motion which PASSED by unanimous vote of all present.*  
59  
60

61 **4. Consider 1<sup>st</sup> Amendment to Plat for Kinross Estates Subdivision.**  
62

63 Ben White explained there are several issues leading to this requested amendment. First, a  
64 temporary turnaround was put in place not knowing when the road would be extended to the south,  
65 but it is not needed because the road through to Mountain View Estates has been completed. Second,  
66 Tesoro Pipeline required a wider easement crossing Lots 1, 7, 8, 20, and 21 so the property owner is  
67 shifting Lots 1, 2, and 3 to have more ground, to have better buildable areas and meet the minimum  
68 lot size. Also, an error was made establishing the right of way boundary of 1100 West (west of Lot  
69 26) that needs to be corrected. Finally, Kinross is deeding 9134 square feet of Lot 26 to Mountain  
70 View Estates Lot 139 which benefits both developers and still leaves each lot above the minimum  
71 size.  
72

73 **MOTION:** *James Ahlstrom made a Motion to Approve the 1<sup>st</sup> Amendment to Plat for*  
74 *Kinross Estates Subdivision. Mark Preece seconded the Motion which*  
75 *PASSED.*  
76

77 The vote was recorded as follows:

78	James Ahlstrom – Aye	Mark Preece – Aye
79	James Bruhn – Aye	Andy Williams - Aye
80	Kelly Enquist – Aye	

81  
82  
83 **5. Consider Plat Amendment for Mountain View Estates Subdivision.**  
84

85 Ben White explained the owners of Mountain View Estates and Kinross Estates have agreed  
86 to modify plat boundaries such that Mountain View Estates Lot 139 will become larger. No new lots  
87 are created; each lot meets the minimum R-1-22 requirements; existing public utility easements are  
88 unaffected; and a new 10-foot utility easement is granted along the revised north and west property  
89 line of Lot 139. As these changes affect the boundary of the plat, a plat amendment is required.  
90

91           **MOTION:**    *Andy Williams made a Motion to Approve the Plat Amendment for Mountain*  
92                            *View Estates Subdivision. James Bruhn seconded the Motion which*  
93                            *PASSED by unanimous vote of all present.*  
94

95                            The vote was recorded as follows:

96                            James Ahlstrom – Aye	Mark Preece – Aye
97                            James Bruhn – Aye	Andy Williams - Aye
98                            Kelly Enquist – Aye	

100  
101    **6.        Consider Plat Amendment for Onion Gardens Subdivision at 800 West and Pages Lane.**  
102

103                            The property owners (Cris Hogan family) of current Lot 1 (proposed Lot 101) and the  
104 adjoining property to the north (proposed Lot 102) desire to adjust the lot line between the two  
105 properties causing a change to the boundary of the plat. No new lots are created with this amendment;  
106 each lot meets the minimum requirements for the R-1-10 zone; existing public utility easements are  
107 unaffected; and a ten-foot utility easement is granted across the front of Lot 102. There is an existing  
108 house on Lot 102 that was originally constructed in 1919. The house conforms to zoning  
109 requirements for side and rear setbacks but is nonconforming with front setback – 22 feet. Staff  
110 considers the building’s status as legal non-conforming because it was built prior to the city code’s  
111 adoption.

112                            State law provides a process where a land use authority may amend or vacate a subdivision  
113 plat. Staff has provided required written notice to affected entities which includes utility companies  
114 and quasi-governmental agencies.

115  
116            **MOTION:**    *James Ahlstrom made a Motion to Approve the Plat Amendment for Onion*  
117                            *Gardens Subdivision. James Bruhn seconded the Motion which PASSED by*  
118                            *unanimous vote of all present.*  
119

120                            The vote was recorded as follows:

121                            James Ahlstrom – Aye	Mark Preece – Aye
122                            James Bruhn – Aye	Andy Williams - Aye
123                            Kelly Enquist – Aye	

124  
125  
126    **7.        Consider Modification #3 to Highgate Estates Subdivision Final Plat.**  
127

128                            The Highgate plat has been previously approved by city council and the developer is  
129 diligently working to install the infrastructure at this time. Since the plat has not yet been recorded it  
130 is simpler to make any proposed adjustments now than after it is recorded. The following changes  
131 are being proposed which affect the boundary of the Highgate subdivision.

132                            The developer and Al Jones are requesting to realign the 1450 West street. The previously  
133 approved Highgate plat included a shift of 1450 West to the east to be further away from the Jones’  
134 house currently being constructed. The extra property between the proposed 1450 W street right of  
135 way and Millcreek Meadows Lot 14 has been sold to the owner of Lot 14 and removed from the plat.

136                            Bureau of Reclamation is requiring the development to provide storm drain detention prior to  
137 discharging into the A-1 drain. The detention basin is on Lot 23 with an easement in favor of the City

138 with the HOA responsible for the detention basin maintenance, which is now specified in the revised  
139 CCRs.

140 A condition of subdivision approval was for the developer to deed water rights to the city.  
141 The developer appears to have more than enough water right to meet their current obligation, but they  
142 also own an additional thirty acres of land not included in this subdivision. In an effort to deed the  
143 minimum amount required to the city and maintain ownership of the maximum amount of water, they  
144 have requested a Change Application from the State Engineer's office which takes time. The  
145 developer has requested to bond for the water right, similar to the recent McKean subdivision, as  
146 collateral until they can work it out.

147 Steve Doxey added that Holly Frontier has two easements and we do not have specific  
148 alignment.

149

150 **MOTION:** *James Bruhn made a Motion to Approve the Modifications to the Final Plat*  
151 *for Highgate Estates Subdivision subject to resolution of easement issues to*  
152 *the satisfaction of the city attorney. Andy Williams seconded the Motion*  
153 *which PASSED by unanimous vote of all present.*

154

155 The vote was recorded as follows:

156 James Ahlstrom – Aye	Mark Preece – Aye
157 James Bruhn – Aye	Andy Williams - Aye
158 Kelly Enquist – Aye	

159

160

161 **8. Ratify Bond Agreement for Removal of Illegal Structure at 1035 W 600 North, dated**  
162 **October 25, 2018**

163

164 Duane Huffman reviewed the circumstances around the illegal structure lien removal and  
165 bond agreement for the structure at 1035 W 600 North, and why staff was sympathetic due to certain  
166 timing issues. The buyer/seller had a contract on the house before the lien was place so it did not  
167 appear on the initial title report, but it did appear on the final report prior to closing. He added that  
168 this will be a difficult property that we will likely be working with in the future as several other  
169 structures – not related to this setback - appear to be illegal.

170

171 **MOTION:** *Andy Williams made a Motion to Ratify the Bond Agreement for Removal of*  
172 *Illegal Structure at 1035 W 600 N, dated October 25, 2018. Mark Preece*  
173 *seconded the Motion which PASSED by unanimous vote of all present.*

174

175

176 **9. Consider Acceptance of Annexation Petition from Mike Cottle, et al, for 1338 W 1200**  
177 **North.**

178

179 The Annexation Petition filed by Mike Cottle, et al, was filed on October 22, 2018 and mailed  
180 to affected entities and property owners located within 300 feet of the area proposed to be annexed.

181 State law requires the city council to accept or deny the Petition for further consideration. If  
182 accepted, the Petition will be Certified and published in the paper for three weeks prior to the city  
183 council holding a public hearing and make a final determination on the Request.

184

185           **MOTION:**   *James Ahlstrom made a Motion to Accept the Annexation Petition from*  
186   *Mike Cottle, et al. Mark Preece seconded the Motion which PASSED by*  
187   *unanimous vote of all present.*  
188

189  
190   **10.   Engineering Report (Ben White)**  
191

- 192       • The RFP for Architectural Services for the West Yard is out and several companies have  
193       called with questions.
- 194       • New Well – we hired CRS Engineering to help with the proposed new well.
- 195       • McKean Manors passed water testing and the first building permit has been issued. Kinross  
196       and Mountain View have also passed water testing.
- 197       • Public Works has the plows setup in case of storms this week.

198  
199  
200   **11.   Police Report (Asst. Chief Erekson)**  
201

- 202       • Detective Jacobson completed five years with West Bountiful on November 9.
- 203       • Tonight’s EmpAC meeting was cancelled as Chief Hixson and Jason Meservy were not  
204       available.
- 205       • Winter parking restrictions are in place and notices will be placed on vehicles as reminders.
- 206       • WBPd hosted the Citizen’s Academy graduation on November 15.

207  
208  
209   **12. Administrative Report (Duane Huffman)**  
210

- 211       • Auditors are expected at the December 4<sup>th</sup> city council meeting.
- 212       • City offices will be closed this Thursday and Friday for Thanksgiving.
- 213       • Recommending a closed meeting tonight to discuss property.

214  
215  
216   **8.   Mayor/Council Reports**  
217

218           Kelly Enquist represented the city, with Officer Van Wagoner, at the groundbreaking for the  
219   new Elementary school.

220  
221           Andy Williams – The YCC Halloween activities were a success. The Haunted Hall turned out  
222   better than expected, and a lot of kids came for trick or treating with Officer Cook. They are hoping  
223   to expand it next year. The youth council is now working on Christmas on Onion Street which will  
224   be December 3.

225  
226           James Bruhn asked Ben questions about Pages Lane construction.

227  
228           Mark Preece – no report.

229  
230           James Ahlstrom – no report  
231

232 Mayor Romney graduated from the Citizen’s Academy and said it was a good experience.  
233  
234

235 **9. Approve Minutes from the October 2, 2018 City Council Meeting.**  
236

237 A correction was made to Page 5 to reflect the correct vote on the motion.

238 **MOTION:** *James Bruhn made a Motion to approve the October 2, 2018 City Council*  
239 *meeting minutes as corrected. aw seconded the Motion which PASSED by*  
240 *unanimous vote of all members present.*  
241  
242

243 **10. Executive Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to**  
244 **Utah Code Annotated 52-4-205(1)(a).**  
245

246 **MOTION:** *Andy Williams made a Motion to go into Executive Session at 8:22 pm in the*  
247 *Police Training Room to Discuss strategy or sale of real property. Mark Preece seconded*  
248 *the Motion which PASSED.*  
249

250 The vote was recorded as follows:

251 James Ahlstrom – Aye	Mark Preece – Aye
252 James Bruhn – Aye	Andy Williams - Aye
253 Kelly Enquist – Aye	
254	

255 **MOTION:** *James Bruhn made a Motion to close the Executive Session. James Ahlstrom*  
256 *seconded the Motion which PASSED by unanimous vote of all members*  
257 *present.*  
258  
259

260 **11. Adjourn Meeting.**

261 **MOTION:** *James Bruhn made a Motion to adjourn this meeting of the West Bountiful*  
262 *City Council 8:40 pm. James Ahlstrom seconded the Motion which PASSED*  
263 *by unanimous vote of all members present.*  
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266 -----  
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268  
269 *The foregoing was approved by the West Bountiful City Council on December 4, 2018 by unanimous*  
270 *vote of all members present.*  
271  
272  
273  
274

275 \_\_\_\_\_  
Cathy Brightwell (City Recorder)