**Mayor**
James Behunin

**City Council**
James Bruhn
Debbie McKean
Kenneth Romney
Cheryl Searle
Valerie Shaw

# West Bountiful City

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West Bountiful, Utah 84087

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**City Administrator**
Craig Howe

**City Recorder**
Beverly Haslam

**Chief of Police**
Randy W. Lloyd

## CITY COUNCIL AGENDA

NOTICE IS HERBY GIVEN THAT WEST BOUNTIFUL CITY WILL HOLD THE REGULARLY SCHEDULED CITY COUNCIL MEETING ON TUESDAY MARCH 3, 2009 AT 7:30 P.M. – 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AGENDA AS FOLLOWS

Invocation/Thought (Limit 2 minutes please)

Pledge of Allegiance – Valerie Shaw

1. Accept Agenda
2. Public Comment (Two minutes per person) or if a spokesperson who has been asked by a group to summarize their comments, five minutes will be allowed).
3. Consider amendment to Ordinance #307-09 – Amendment to An Ordinance Establishing Temporary Restrictions Regarding Land Use Applications in Portions of the Agricultural (A-1) and Light Industrial (L-I) Zoning Districts.
4. Employee of Month Award
5. GSBS Architect Presentation Parks/Trails.
6. Neil Paget – Request for variance for basement addition.
7. Discussion regarding Chapter 17.48 of the West Bountiful City Code as recommended by the Planning Commission.
8. Consider motion to set public hearing for code revision.
9. Consider approval of contractor's bid for 500 South Waterline Project. – Geneva Rock
10. Consider recommendation /approval for Golf Concession Contract
11. Planning Commission Report .
12. Chief of Police Report – Police Policy/Procedural Manual.
13. Administrative Report
14. Mayor/Council Reports.
15. Approval of minutes of previous meeting. (Feb. 3rd and Feb 17th).
16. Closed Session to discuss the character, professional competence, or physical or mental health of an individual.
17. Adjournment

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Beverly Haslam (City Recorder) – 292-4486.

Any resident or property owner in West Bountiful City may request to offer a prayer or thought at the City Council meetings. Please notify Beverly Haslam, City Recorder of West Bountiful City of this desire, twenty four (24) hours before the meeting .

**I certify that this agenda has been posted, delivered to the City Council and sent to Clipper Publishing Company on 02/27/09

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Minutes of the regular session of the City Council of West Bountiful City held on Tuesday March 3, at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, Debbie McKean, James Bruhn, Cheryl Searle, Valerie Shaw, Kenneth Romney

STAFF PRESENT: Craig Howe (City Administrator), Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police), Nathalie Ellingson (secretary)

VISITORS: Alan Malan, Wendy Green, George Biada, Neil Paget, Wes Paget, Denis Hopkinson, Bruce Jorgensen, Peter Beeton, Patrick Malone, and Matt Collier.

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:31 pm.

Invocation by Mayor Behunin, and Pledge of Allegiance led by Valerie.

1.
Accept Agenda

Mayor Behunin presented the printed agenda.

MOTION: Debbie McKean moved to accept agenda as printed

SECOND: Valerie Shaw seconded the motion.

PASSES: Motion passes in favor unanimously

2.
Public Comment:

No comments at this time.

3.
7:40pm
Consider amendment to
Ordinance #307-09

AMENDMENT TO AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING LAND USE APPLICATIONS IN PORTIONS OF THE AGRICULTURAL (A-1) AND LIGHT INDUSTRIAL (L-1) ZONING DISTRICTS

City Administrator Craig Howe presented Attorney Patrick Malone of Chatman & Cutler who has been retained for land use environment issues.

After review, Mr. Malone proposed changes in Section (2) and Section (4)(C) of the Ordinance to expand development restrictions in Study

Area. The original restrictions focused on building permits and rezoning. Section (6) makes the Ordinance in effect as of January 6, 2008 and will expire on July 6, 2009.

Ken Romney asked if there were any requirements for a public hearing, and Mr. Malone indicated there were none.

MOTION: Ken Romney moved that Council approve proposed Amendment to Ordinance #307-09 establishing temporary restrictions regarding land use applications in portions of the agricultural (A-1 and light industrial (L-1) zoning districts.

SECOND: Debbie McKean seconded the motion.

PASSES: Voting by roll call was unanimously in favor.

4.
7:50pm
Employee of the Month Award

Chief of Police Randy Lloyd presented Detective Corie Hamilton for Employee of the Month for January for her work leading to the closing of several drug-related cases. Randy Lloyd also presented Officer Jesse Whitear as Employee of the Month for February for his work with Detective Hamilton on the above-related cases, as well as his performing nine DUI arrests during the month, and in recovering a stolen vehicle in the process of one of those arrests. Mayor Behunin presented each employee with a Texas Roadhouse gift certificate and coupons.

5.
7:55pm
GSBS Architect Presentation Parks/Trails

Debbie McKean introduced Bruce Jorgensen and Peter Beeton from GSPS, a landscape architecture company which has been in business for 30 years. They showed Council a presentation they had prepared for a public works project in Springville a few months ago. The project was to update some existing parks and develop new parks, for a total of 18 parks. The plan was put on a website that can be viewed by city officials and other interested parties. The plans can be updated as the work progresses. The viewer can move around within the website to see each park, and each location includes concept, design, print sheet, timeline, etc. Similar projects have been done in Brigham City and South Weber.

Debbie McKean indicated the website can be changed and updated more easily than a book. The community can see how tax dollars are spent, and it can be useful in inviting donations of money and service projects, as well. Donations for various projects could be noted on the plan as they occur.

Bruce indicated the plan could include opinion surveys.

Ken Romney asked, if a similar plan was developed for West Bountiful, would there be some kind of phasing, to which Debbie indicated there would be.

Valerie Shaw asked what the budget would be, and Craig Howe

indicated he will know when the RAP tax comes in. Cheryl Searle asked the cost of the Brigham City project, to which the answer was about $10,000. Mayor Behunin indicated the South Weber project would be more comparable to what a West Bountiful project would be. Peter estimated it would be about $8,000. The matter will be revisited during budget planning in the next month or two.

6.
8:10
Neil Paget:
Request for variance for basement addition

Neil Paget is working on an addition to the Alder home at 1201 North 600 West, which includes an expansion of the basement. Matt Collier of Caldwell, Richards, Sorensen, Planning Engineers, has studied the property and found that he can recommend approving the project, based on the fact that the home is nine years old and has had no flooding in that period, and it is on higher ground. He would recommend requiring a waiver be signed releasing the city from liability should flooding occur in the future.

James Bruhn indicated that just two streets over, no basements are allowed. Neil indicated there is a significant drop in elevation in those two blocks. Cheryl Searle indicated that the nine years the house has stood have been relatively dry years. Ken Romney wanted to know how many neighbors at a similar elevation have basements. Neil responded four to the south of the Alder home and Matt said two to the north.

There was discussion as to whether the city should require the installation of a sump pump. Matt said he normally requires a pump for a new basement, but does not feel one would be necessary for the Alder home because of the lack of previous problems.

Craig Howe indicated the best protection for the city would be the liability waiver, and have the waiver attached to the property, to be transferred with the deed when the property changes hands.

MOTION: Debbie McKean moved to accept application of Neil Paget to expand the basement on the Alder home at 1201 North 600 West with the requirement to have a waiver recorded on the deed before permit is issued.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed wth majority vote, one dissenting vote by Ken Romney

7.
8:20pm
Discussion regarding Chapter 17.48 of the West Bountiful City Code as recommended by the Planning Commission

George Biada from the Planning Commission of West Bountiful proposed a moratorium prohibiting building or issuing building permits for off-site signs pending a review and amendment of Chapter 17.48 of the Municipal Code. A copy of the Code with 17.48.050 and 17.48.100(F) highlighted were distributed to Council. George feels these paragraphs do not adequately protect the City's interests. Because

this is a land-use Ordinance, a pubic hearing is required, and the Planning Commission proposed a hearing date of April 7, 2009. Debbie McKean expressed concern that this was Spring break, and many people would be out of town; however, the Commission feels timeliness is an issue.

8.
Consider motion to set public hearing for code revision

.MOTION: Debbie McKean moves that Council schedule a public hearing for consideration of setting a moratorium for off-premise signs, for April 7, 2009 at 7:45 or soon thereafter as time permits.

SECOND: James Bruhn seconded the motion.

PASSES: The motion passed in favor unanimously.

9.
8:30 pm
Consider approval of contractor's bid for 500 South Waterline Project-Geneva Rock

Matt Collier had opened bidding for the first phase of the waterline project which runs from 950 West just east of the Union Pacific tracks. Geneva Rock came in with a bid of $191,678, which is 15% lower than the expected $205,000. UDOT is waiting for the City to approve the bid before they do so. Since the city will not need inspectors as well, that will cut costs. Debbie McKean expressed concern about adding a 15% contingency for any possible additional expenses, because once funds are approved, communications could break down between Council and the contractors. Craig Howe is planning to meet with Matt each Monday morning and he will receive updates at that time. Matt said although a bid was presented, the City agrees to pay the actual work. Matt mentioned that since the current bid is well below projected cost, the total project is within budget all the way to the freeway. Ken Romney wanted to know the total cost for the City. Craig said it will show up as part of the budget for the water bond.

Denis Hopkinson asked if it is a "draw and approval" process. Matt said that UDOT will approve the work orders, but where it concerns the City, Matt will get the order and approve it. Ken Romney suggested that they put together some plan of oversight in addition to what UDOT is doing. Matt said that Public Works personnel are the inspectors. Normally Matt would make written reports as the project proceeds, but with UDOT he would not have as much involvement. He said the point of joining with UDOT is to save costs, not needing to have dual inspectors, crews, etc. Ken indicated that Public Works might learn from the process of seeing how UDOT works.

MOTION: James Bruhn moved that they accept a contract with Geneva Rock for $191,678 with a 15% contingency for the first phase of the Waterline Project which runs from 950 West east of the Union Pacific tracks.

SECOND: Cheryl Searle seconded the motion.

PASSES: Motion passed in favor unanimously.

10.
8:45pm
Consider recommendation/ approval for Golf Concession Contract

Craig Howe said there were three applicants for a concession at the golf course this year. Stephanie Smith is the applicant suggested by the committee to award the contract to. She was very involved with the concession last year. Debbie McKean was on the committee that made the decision. She indicated that one of the other applicants was projecting a larger-scaled operation than the City had in mind, and another applicant would have overseen the operation without much actual participation. Stephanie is committed to succeed. She talked about having uniforms for a more professional look and a spirit of warmth. She is redoing the tables and chairs. The question was asked about her involvement with The Sunshine Café, and she is not an owner.

Craig is making some changes to the agreement to include a code of conduct and ethics that will provide a dress code and a new termination clause. The present rent is $850 per month with the option for a 5% increase. The rent will be put in a revolving fund to pay for capital improvements to the golf course.

MOTION: Ken Romney moved to approve the award of the concession contract to Stephanie Smith

SECOND: James Bruhn seconded the motion

PASSES: Motion passed in favor unanimously.

11.
8:55
Planning Commission Report

Denis Hopkinson - A moratorium for build-out in the Southwest quadrant is coming to a close. A hearing is scheduled March 24 to discuss changes to the general plan of development, and another hearing will be scheduled after the zoning is laid out for the quadrant before the window closes. Denis indicated development of the southwest quadrant is a good opportunity to provide a new gateway to the City, and the Commission is working with Woods Cross City to move both city entrances away from the refinery. Woods Cross is ina good position to acquire revenue for development on their side of 500 South. The Commission is asking Council for feedback from citizens in the area. Most of the property in the southwest quadrant belongs to nine parties, and the Commission will have discussions with them. They want to get ordinances and zoning in place before companies begin to buy the land.

12.
9:10
Chief of Police Report- Police Policy/ Procedural Manual

Chief of Police Randy Lloyd: The police department contracted with Lexpro to develop a new policies/procedures manual. Lexpro specializes in manuals that conform with federal, state, and local laws and statutes, and they have developed manuals for other departments in

Utah. Randy provided each council member with a disk containing the proposed West Bountiful Police Department manual. He asked that they review the manual for approval before he has Lexpro make the hard copies. He also presented the option of an on-line manual to be maintained by Lexpro. It would cost $1,000 per year, and would allow for frequent updates.

Cheryl Searle asked how the hard copy manuals would be updated. Randy said the manuals are in three-ring binders, and Lexpro would send the changes out in sections to be put in the binders. Debbie McKean indicated the last major update was done nine years ago. Randy indicated the current manual is in bits and pieces from changes over the years.

Mayor Behunin agreed to schedule a motion to approve the manual in the meeting on the fifth Tuesday of March, which will give council members time to review their copies of the manual.

13.
9:20
Administrative Report

Craig Howe: Jayson Burningham of Lewis, Young, Robertson and Burningham prepared estimates that will be included in the next meeting packets. Craig wants to address two items: first, current RDAs, on which he can help for a couple of years, and second, his involvement with the Woods Cross CDA. He has been involved in 20 CDAs in the state.

Craig wants to update the employee policies and procedures manual. He will present portions of the manual for Council's review as they are completed. The manual has not been updated since 2001.

Michael Eggett mentioned a memorandum issued to Clarence Newman regarding cleaning up of his property.

The Economic Development Cooperative of Utah had their first meeting today, which Mide attended, and will then meet once a month. They will endeavor to bring new business into the County, and will post "shovel-ready" projects.

Mike included a calendar showing upcoming public hearings which he wants to post on the website. Debbie McKean wanted a tentative schedule of public hearings posted in the newsletter. Mike wants to stick close to the schedule, but would include "proposed, subject to change" when posting the hearings on the website.

14.
9:30
Mayor/Council Reports

Council member Debbie McKean is going next week to a Youth City Council conference in Logan, Utah. She reports the beautification committee is going strong. She described the upcoming concert which will feature past mayor Jim Childs.

James Bruhn had nothing to report.

Cheryl Searle questioned Craig Howe as to an email on the sidewalk policy. Craig wants to do an inventory of all the sidewalks and curb-and-gutters in the City in order to prioritize the repairs and upgrades. Mayor Behunin suggested going after grants that are available for the

sidewalk upgrade, such as one for making the sidewalks wheelchair-accessible.

There was a question regarding status of the Porter Lane water project. Craig is in the bidding process right now. The bids are posted in the Davis County Clipper.

Valerie Shaw asked if there are any plans for another trails committee meeting. Craig is expecting an email this week. Mayor Behunin stated he wants to move forward on the Denver Rio Grande project.

Discussion was had regarding the City sending flowers to the bereaved families in the area and Craig indicated the City could send something to them.

Mayor Behunin asked if there is a budget line item provided for attendance to the Utah League conference in St. George so he can know how many to send and make the reservations. Craig will provide budget information in the next meeting.

The legal issues discussed in previous meetings have been resolved, and the Court move is going forward.

Mayor Behunin: Consolidated Energy Services ("CES") has been planning to build a cogenerating plant next to Holly Oil. They had been planning to import coke petroleum product to burn, rather than using natural gas and heavy oils from the refinery as had been agreed upon. Mayor Behunin learned of CES's plan to bring in coke petroleum because CES sought approval from the Division of Air Quality before they consulted with West Bountiful City. Mayor Behunin has been working with the state legislature on a law prohibiting cogen plants that use petroleum-based products. After the bill was presented, it was clear to CES that pet coke would not be approved. CES had wanted to use their West Bountiful operation as a sample of their commitment to be environmentally advanced. The Mayor indicated their operation would result in 1% increase in emissions in the county, as well as bringing in six carloads of coke per day. The Mayor made it clear to CES that it was not going to happen. CES has agreed to come up with a way to use less-impactful natural gas and residuals from the refinery, and will work on meeting new standards. They have committed to coming to West Bountiful before seeking approval of Air Quality in the future. Attorney Kevin Murray has drafted a letter agreement with CES. The letter will appear on the internet for review.

15.
Approval of minutes of previous meetings (Feb. 3rd and 17th)

Minutes from the meeting held February 3, 2009 were presented for approval.

MOTION: Debbie McKean moved to approve the minutes of the Council Meeting of February 3, 2009.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

Minutes from the meeting held February 17, 2009 were presented for approval.

MOTION: James Bruhn proposed change on Page 6 of 7,

indicating that Debbie McKean proposed the motion to go to closed session, and Cheryl seconded the motion, then moved to approve minutes from the Council Meeting held February 17, 2009, with the change.

SECOND: Valerie Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

16.

Closed Session

No closed session held.

17.
9:55
Adjournment

MOTION: Ken Romney moved to adjourn the meeting of March 3, 2009.

SECOND: Cheryl Searle seconded the motion.

PASSES: Motion passed in favor unanimously.

9:55 Meeting Adjourned

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)