Mayor
James Behunin

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

West Bountiful City

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

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 17, 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 – Ken Romney

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. Kevin Murray – Environmental Report.
4. Motion to accept bid for Well rehabilitation.
5. Consider bid award for 1100 West Overlay
6. Review of Beautification Ordinance.
7. Consider motion to set public hearing on Beautification Ordinance.
8. Consider adoption of Resolution #247-09 A RESOLUTION OF THE WEST BOUNTIFUL CITY COUNCIL INITIATING PROCEEDINGS TO ADJSUT THE COMMON BOUNDARY LINES BETWEEN WEST BOUNTIFUL CITY AND CENTERVILLE CITY AND PROVIDING FOR A PUBLIC HEARING THEREON.
9. Consider Adoption of Ordinance #309-09 – AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING LAND USE APPLICATIONS IN CONNECTION WITH OFF-PREMISE SIGNS.
10. 2008-2009 Budget Discussion/Set public hearing to open and amend 2008-2009 Budget.
11. 2009-2010 Budget Discussion.
12. Financial Report.
13. Police Report.
14. Planning Commission Report .
15. Administrative Report – West Bountiful RDA Management Service – Schedule Budget Work Session – Salary Survey.
16. Mayor/Council Reports.
17. Approval of minutes of previous meeting. (March 3rd).
18. 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 03/13/09.

Minutes of the regular session of the City Council of West Bountiful City held on Tuesday March 17, 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), Heidi Vordecker, Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police), Nathalie Ellingson (secretary)

VISITORS: Jason Meservy, Ed Swanke, Alan Malan, Denis Hopkinson, Matt Collier, Doug Burgin, Casey Burgin, Lauren Biada, George Biada, Terry Olsen

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:34 pm.

Invocation by Ken Romney and Pledge of Allegiance led by Boy Scout Casey Burgin.

1.
Accept Agenda

Mayor Behunin presented the printed agenda.

MOTION: James Behunin moved to accept agenda as printed.

SECOND: Ken Romney seconded the motion

PASSES: Motion passed in favor unanimously.

2.
Public Comment

Mayor Behunin opened the floor for public comment.

Lauren Biada, mayor pro tem of the Youth Council, was invited by Council Member Debbie McKean to comment on a leadership conference which was held in Logan, Utah. Seven out of the eighteen members attended and they met with twenty-five other youth councils. She thanked the City Council for their support.

+

3.
7:40 pm
Kevin Murray
Environmental Report

Kevin Murray, environmental counsel. He has done an analysis of citizens' rights in an agreement with Consolidated Energy Services ("CES") and Holly Oil. The major issue involves the cogen facility planned by CES which was to be fueled with pet coke. This is not permitted under the agreement. CES did not want to withdraw their permit to have a cogen facility until they had a chance to explore other fuel options. A small-letter agreement gives the City the right to enjoin Consolidated Energy if they do use pet coke.

Kevin is reviewing Holly's permit to determine City rights regarding catalysts being released from Holly Oil.

The EPA has agreed to brief the City regarding their ground water investigation findings. Kevin proposed April 7th for a public meeting.

The environmental council recommends the City adopt its own municipal ordinances regarding environmental regulations based on ordinances in other cities. These ordinances would be city-wide, not limited to the refinery.

James Bruhn asked if CES still has the option to come in with other fuel sources, do they have approval from the EPA. Kevin indicated the matter is under review. The permit would need to be revised regarding cleaner fuel sources. The City Council would have the opportunity to consider the issues before anything is signed.

Debbie Bruhn mentioned April 7th is during Spring Break when many people would be out of town. It was determined to reschedule the meeting for April 21st if all parties are amenable.

Ken Romney asked about options regarding the odors from the refinery, as this is the biggest complaint from citizens. Kevin will review what can be written into an ordinance. James Bruhn asked if existing businesses would be exempt from any new ordinances and Kevin indicated he would write something in that would prevent any such exemptions.

4.
7:50 pm
Motion to accept bid for
Well rehabilitation

Matt Collier from Caldwell Richards Sorensen, Planning Engineers ("CRS") has investigated the problems with the Stone Creek Well and is recommending rehabilitation. He has received bids from two companies to perform the work; the company with the low bid is Widdison Turbine Services. The cost will be $133,000 which includes a 25% contingency. The projected costs arrived at by CRS exceeded both bids, so $133,000 is well below the expected cost. The city will be supplying the chemicals required, and sampling processes and engineering processes will also be separate from the contracted work. The bid is not solid as it may be necessary to repeat some of the treatment processes.

Cheryl Searle asked if the project was approved, what public work will be put aside? Matt responded that they are using water bond money to pay for it. Bids for other projects have come in low so there is extra money to cover this project.

Debbie McKean noted that regulations provide there be three bids. Matt responded that the regulation for three bids can be side-stepped when time is an issue. Advertising for bids would have taken up to two months so they approached two contractors who have done work for them in the past. It was suggested that a short list of contractors be developed for future projects.

MOTION: Debbie McKean moved to approve a contract with Widdison Turbine Services for the Stone Creek Well Rehabilitation Project for $104,490, and to include $2,400 already expended and a contingency fee of $26,110, for a total planning budget of $133,000.

SECOND: Cheryl Searle seconded the motion.

PASSES: Motion passed in favor unanimously.

5.
8:05 pm
Consider bid award for
1100 West Overlay

The engineering group studied the condition of the road surface on 1100 West from 400 North to 500 South in 2006 or 2007 and recommended the overlay method to improve the road. Matt presented the bid results from three contractors, and he recommends the contract be awarded to the low bidder, Kilgore Paving, for $125,627.50 plus a 10% contingency of $12,562.50, for a total of $138,190.00.

James Bruhn asked whether the trenches that exist have settled enough to pave over them. Matt responded that they have been settling for two years, and the overlay method of paving will keep them firm.

Mayor Behunin asked if they are specifying an asphalt mix. Matt

responded they are recommending an AC 4 mix and a two-inch depth.. The engineering group will test the project as it progresses.

Debbie McKean asked if it was possible to hold the water company responsible for the repair since they caused the original damage to the road. Matt responded they fixed the problem as much as they could and their warranty period is past.

Valerie Shaw asked what guarantees can we have from Kilgore. Matt responded a two-year warranty is built into the contract.

Ken Romney commented that the settling happened initially because the road was not compacted properly. Some areas will continue to settle. Valerie Shaw asked if more money should be spent on the road. Matt responded that the new surfacing would prolong the life of the road. The group could conduct frequent tests as the work progresses, such as making sure the seams are sealed properly. It was discussed that hiring an employee to monitor the project would be worth the expenditure.

Mayor Behunin asked for public comment. Ed Swanke mentioned the quality of the concrete to be used around the manhole covers. In the past he has seen home improvement quality being used.

MOTION: James Bruhn moved that Council award the 1100 West Overlay Project to Kilgore Paving for $125,627.50 plus a 10% contingency of $12,562.50 for a total of $138,190.00.

SECOND: Debbie McKean seconded the motion.

PASSES: Motion passed in favor unanimously.

6.
8:20 pm
Review of
Beautification Ordinance

Ed Swanke of the City Beautification Committee presented the results of two or three meetings held by the committee and they are proposing a set of ordinances that can be instated without having to hire an attorney. They have looked at ordinances from other in Utah. Ed presented Council with copies of the ordinances from Payson since Payson compares well with West Bountiful in its rural flavor. A list of proposed changes to Payson's ordinances to conform to West Bountiful were also included for review by the Council. Ed was going to see of Payson could put them in a disk format.

James Bruhn proposed that a "knock and talk" approach could result in confrontational situations, and maybe sending a letter is a better approach to begin with. Ed indicated that the group would only go out at a set time, such as 9:00 am to noon on Saturdays, for example, and if the person becomes confrontational, they would walk away. The Mayor indicated that many people in the past have found letters too cold and impersonal. James suggested identification tags or badges for the committee members to wear when they approach homeowners. Craig Howe indicated he has a kit he can use to make the badges.

Valerie Shaw asked about including a noise ordinance because people have complained about noise coming from the refinery.

Ed pointed out that the ordinance would not solve all the problems immediately, but it is a beginning, and more than is in place at the present time.

It was agreed that because of the dramatic changes, a public hearing is necessary. Debbie McKean will post an announcement in the newsletter, and a copy of the Payson ordinances will be posted on the website.

7.
8:20 pm
Consider Motion to
Set Public Hearing on
Beautification Ordinance

MOTION: Debbie McKean moved that a public hearing be scheduled regarding the beautification ordinances, for April 21st at 8:00 pm or soon thereafter as time permits.

SECOND: Cheryl Searle seconded the motion.

DISCUSSION: The Beautification Committee can go forward with their visits to property owners regarding clean-up before the public hearing.

PASSES: Motion passed in favor unanimously.

Proposed recess.

MOTION: Ken Romney moved for a five minute recess.

SECOND: Valerie Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

8:45 pm
Recess

8:50 pm
Meeting reconvenes.

8.
Consider adoption of
Resolution #247-09

A RESOLUTION OF THE WEST BOUNTIFUL CITY COUNCIL INITIATING PROCEEDINGS TO ADJUST THE COMMON BOUNDARY LINES BETWEEN WEST BOUNTIFUL CITY AND CENTERVILLE CITY AND PROVIDING FOR A PUBLIC HEARING THEREON.

Michael Eggett presented the resolution, a copy of which were provided to Council. An area of Centerville which shares a common boundary with West Bountiful is being considered for annexation by West Bountiful. Public notice is necessary regarding boundary changes.

Debbie McKean proposed a change in the wording "City Administrator" in Section 3 of the resolution.

James Bruhn mentioned that some portions of the land are privately owned. Michael indicated his department would notify the owners. UDOT is entitled to notice as well. Zoning would be maintained similar to Burnham Woods.

MOTION: Debbie McKean moved to adopt Resolution #247-09 of the West Bountiful Council initiating proceedings to adjust the common boundary lines between West Bountiful City and Centerville City and provide for a public hearing thereon.

SECOND: Valerie Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

9.
8:55 pm
Consider adoption of
Ordinance #309-09

AN ORDINANCE ESTABLISHING TEMPORARY RESTRICTIONS REGARDING LAND USE APPLICATIONS IN CONNECTION WITH OFF-PREMISE SIGNS.

State statutes allow the Council to put temporary restrictions in place while the City conducts its Off-Premise Sign Study if there is found to be countervailing interest. A public hearing was set for April 7th in regards to the Ordinance, but Michael Eggett proposed that, because of the public safety and welfare language, the Council waive the requirement of a public hearing and go forward in adopting the Ordinance.

MOTION: Kenneth Romney moved to adopt Ordinance #309-09 establishing temporary restrictions regarding land use applications in connection with off-premise signs.

SECOND: James Bruhn seconded the motion.

PASSES: After polling of Council members, motion passed in favor unanimously.

10
8:45 pm
2008-2009 Budget Discussion/
Set public hearing to open
and amend 2008-2009 Budget

Heidi Vordecker presented a financial memo to council reviewing the current status of the budget in order to prepare for the 2009-

2010 fiscal year. City Administration proposed inviting Council to a budget work session on March 31st to review further, set a budget calendar, and set a list of priorities for next year's spending. Several proposed changes to the current budget were outlined in the memo.

An open budget will be presented on March 31st, and issues can be addressed. Some of the issues raised by Council are as follows:

- Not enough cuts in expenditures.
- Expenditures on the road projects if they are to be done properly
- Park impact fees fund is higher than projected cost – Craig explained that some expenses have already been incurred, and possibility of using $300,000 in trails fund for parks.
- Replacing a fence dividing Jessi's Meadow and the golf course.
- Storm drain issues

Craig Howe went into some detail regarding the storm drain issue. Four areas are of special concern: Pony Haven, 1200 West, the south end of Pages Lane, and the Golden West subdivision. In Golden West, each resident paid $3,000 and the problem was not solved. A solution could cost as much as $200,000, but perhaps less because many residents have their own equipment. On 1200 North, the ground water needs to be redirected.

Valerie Shaw raised the question as to whether UDOT should absorb some of the drainage costs since much of the problem was created from the Legacy project. Cheryl Searle asked if UDOT could be violating Corp of Engineer codes. Craig indicated they are trying to stay away from some of the issues for that reason. The best approach would be to engineer a solution, then take it to UDOT.

One way to involve UDOT would be to deduct some of the mitigating costs from the cost of the land the City is acquiring from UDOT along Legacy Highway.

Craig Howe asked that Council prepare suggestions regarding the flooding/storm drain issues before the budget meeting.

It was proposed that a budget meeting be set for March 31st. Materials would be ready for review by Council by the Wednesday before. Mayor Behunin suggested the meeting begin at 6:00 pm wherein dinner would be supplied and they could work for an hour, then a formal meeting would begin at 7:30 pm.

MOTION: Cheryl Searle moved that a public hearing be set for March 31st at 7:45 pm or soon thereafter as time permits to open and amend the 2008-2009 budget.

SECOND: Valerie Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

10:00 pm
Proposal to extend meeting

MOTION: Debbie McKean moved that the meeting be extended until 10:15 pm.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

11.
2009-2010 Budget Discussion

Will be addressed at budget open March 31st.

12.
Financial Report

As previously discussed in Item 10 of the agenda.

13.
10:00 pm
Police Report

Chief of Police Randy Lloyd: Since the first of the year, there have been 18 DUI arrests. Randy proposed that a $12,000 JAG grant be used for equipment. The criteria is not out yet on a COPS grant.

Randy will be attending a meeting in the next week or so. The force is one officer short due to a motorcycle accident, but the officer should be back soon. In an item for the budget open, there was an estimate of $7,000, but actual was a little over $10,000. Randy would like to purchase one car camera.

14.
10:05 pm
Planning Commission Report

Dennis Hopkinson: The Planning Commission will be meeting with the League of Cities on March 27th for some training. The Commission is working with Woods Cross City to blend together the two zones between the 500 South interchange and Legacy. Two public hearings to amend a general plan has been noticed to all property owners in the zone. The first public hearing is set for March 24th and will present the general plan, and the second hearing is for the property owners.

15.
10:10 pm
Administrative Report

Craig Howe: A liability form for Youth Group activities has been created by Steve Doxey. Craig is having Jayson Burningham prepare information for the budget meeting in regards to transfer of a funding loan to the RDA. He is working up professional services agreements with Jayson to help with RDA and help set up a CDA. Jayson has already been retained by Woods Cross City for their CDA. Craig proposed an RDA meeting on March 31st, as well.

Debbie McKean asked the status on the courts. Craig indicated Jerry Hess is drawing up an agreement. There are no major issues; City will use their own prosecutor and they are not asking to assimilate staff.

16.
10:15 pm
Mayor/Council Report

Debbie McKean needs newsletter articles in by Thursday

Debbie McKean: An Easter egg hunt is generally scheduled the Saturday before Easter, bug she will be out of town that day. She suggested the hunt could be held two Saturdays before, or someone could volunteer to do the hunt in her absence. She will have the final information in the newsletter.

Valerie Shaw: She was not able to attend the Trails Meeting, and asked Craig Howe to summarize. He said they are ready to bid, they are looking for an 8 foot trail which could perhaps be extended to 10 feet, depending on costs. There will not be an equestrian trail.

17.
10:20
Approval of previous minutes

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

MOTION: Cheryl Searle moved to approve the minutes of the Council Meeting of March 3, 2009, with changes noted by Debbie McKean in Items 8 and 9.

SECOND: Debbie McKean seconded the motion.

PASSES: Motion passed in favor unanimously.

16.
10:22
Adjournment

MOTION: Cheryl Searle moved to adjourn the meeting of March 17, 2009.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

16.
10:22
Adjournment

MOTION: Cheryl Searle moved to adjourn the meeting of March 17, 2009.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH