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 WILLHOLD THE REGULARLY SCHEDULED CITY COUNCIL MEETING ON TUESDAY APRIL 7, 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 – Debbie McKean

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. Appoint Leslie Leger to Arts Council.
4. Consider Planning Commission Recommendation for approval of McQuiston Subdivision Plat Amendment, specifically Lot 4 of the Subdivision.
5. Consider Planning Commission Recommendation for Approval of Greenhouse Circle Subdivision.
6. Consider approval of Ordinance #310-09 Amendment to the West Bountiful City General Plan to Include Zoning Designations "Mixed Use" Zone and "Legacy Gateway" Overlay, and to Amend the Proposed Future Land Use Map to Represent New Zoning Designations.
7. Discussion and bid award for Porter Lane Water Project.
8. Consider approval of Police Policy/ Procedures.
9. Adopt 2008-2009 Amended Budget.
10. Discussion of drainage problems along Legacy Parkway – Matt Collier, Cory Pope
11. Planning & Zoning Report
12. City Administrator's Report.
13. Mayor/Council Reports.
14. Approval of minutes of previous meeting.
15. 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 04/03/09

West Bountiful City
City Council Meeting **April 7, 2009**

Minutes of the regular session of the City Council of West Bountiful City held on Tuesday April 7, at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, Debbie McKean, James Bruhn,Valerie Shaw.

MEMBERS EXCUSED: Ken Romney and Cheryl Searle.

STAFF PRESENT: Craig Howe (City Administrator), Heidi Vordecker (Accountant), Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police); Casandra Ricks (Secretary)

VISITORS: Wendy Green, Matt Collier, Alan Malan, Scott Winnerholm, Cory Pope, Dennis Hopkinson, Rick Hymas, Mike Youngberg, Michael Eggett (Planning/Ordinance), Blake Anderson (Public Works).

Called to Order:

Mayor Behunin of West Bountiful City called this session of a City Council Meeting to order at 7:30 pm.

1. Accept Agenda: Mayor Behunin presented the agenda as posted and recommended a change to the agenda.

MOTION: Debbie McKean moved to accept agenda with the change to move item #10 to #3a..

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

Mayor Behunin excused Cheryl Searle and Ken Romney for being on vacation.

Invocation Given by Val Shaw

Pledge of Allegiance Mayor Behunin invited Leo Bernard, a scout, to lead the Pledge of Allegiance.

2. Public Comment

Mayor Behunin opened the meeting to the public for comment. Two minutes for individuals or five minutes for group representation.

Linda Lindquist addressed the council stating that she has been riding UTA for 24 years. She noted that on Monday the route was changed causing her to have to work with her employer to be able to continue to use the bus system. Her main concern was the conditions in which riders have when being dropped off and picked up. She explained that bus riders must walk through potholes, mud and snow. Slides were shown depicting the area she was referring to. Mrs. Lindquist requested that the city pave asphalt or concrete be the bus stop area in order to create better conditions for those using the service added.

Debbie McKean asked if a bus pad by the bus stop would be sufficient and Mrs. Lindquist answered to the affirmative. Mayor Behunin took note of her request and assured her that the council would consider her request.

3. Arts Council Appointment

Debbie McKean introduced Leslie Leger to the Council and recommended that she be appointed to the Arts Council.

MOTION: Debbie moved that Leslie Leger be appointed to the Arts Council.

SECOND: Val Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

3a. Drainage problems along Legacy Parkway

This was formerly agenda item #10. Matt Collier and Cory Pope addressed the council regarding the drainage problems along Legacy Parkway. A discussion follows.

Matt Collier showed slides while he explained the drainage problems the city is experiencing due to the Legacy Highway development. Mr. Collier reported that east of the Legacy Highway on 1200 North has serious drainage problems, that the water is worse now then it has every been, and that he believed Legacy Highway seems to be the cause of that problem. In the area on 1200 North, East of Legacy Highway there is several feet of standing water. West of the Legacy in that area also has some standing water.

Matt Collier explained that the East side of the Legacy is acting as a detention pond.

Mayor Behunin questioned if there was water pooling on the trail as well. Matt Collier reported that there was and that UDOT had put in a temporary fix to drain across trail instead of the roadway.

Val Shaw noted that standing water is causing a problem with bug such as mosquitoes which is creating unfavorable circumstances for people to enjoy the trail.

Matt Collier reported that there are three possible solutions:
1. Dredge existing ditch and grade to drain to Millcreek.
2. Create detention basin/wetland.
3. Install new pipe across legacy.

Matt notes that working with UDOT will be critical regardless of the chosen solution. He noted that UDOT is willing to fix some problems if they created them are in the process of investigating the reasons for the excessive standing water.

Cory Pope from UDOT took the stand to answer questions from the council regarding this situation. Mr. Pope admitted that Legacy was a big project and they are still working out problems from it's development. He also mentioned that there are other grading issues resulting in problems along the trailway that they are currently investigating. He told the council that they would add this area to their list. The process may need to wait a while to see

if the water will settle. He mentioned his concern with dealing with wetland property and wanted to make sure what restrictions if any would be on that land.

Val Shaw that she had the impression that UDOT was done and not would not take responsibility for miscalculations of engineering. She noted that she does not think the city should have to spend our money for a problem that is not our responsibility but created by UDOT. Val Shaw inquired if property owners had contacted UDOT and expressed concern about this problem. Mr. Pope responded that they have not received any complaints that he knows of to date.

Discussion concluded with UDOT having the responsibility to look into the situation that is being created and then reporting back to the council their findings.

4. Consider Planning Commission Recommendation for approval of McQuiston Subdivision Plat Amendment, specifically Lot 4 of the McQuiston Subdivision.

Mr. Eggett reported that Mr. Youngberg has provided signatures to amend the Plat in the McQuiston Subdivision/Lot 4 . Mike Youngberg noted that the piece of land that he thought would be part of his subdivision will now be registered in the McQuiston Subdivision.

MOTION: James Bruhn moved that to accept the amendment to Lot 4 of the McQuiston Subdivision.

SECOND: Debbie McKean seconded the motion.

PASSES: Motion passed in favor unanimously.

5. Consider Planning Commission Recommendation for Approval of Greenhouse Circle Subdivision.

Weber basin water has been authorized, the pipe is ready to go into subdivision. There is no problem with right of way being removed.

MOTION: James Bruhn moved to grant final Approval to Mike Youngberg/Greenhouse Circle Subdivision.

SECOND: Val Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

6. Consider approval of Ordinance #310-09 Amendment to the West Bountiful City General Plan to Include Zoning Designations "Mixed Use" Zone and "Legacy Gateway" Overlap, and to amend the Proposed Future Land Use Map to Represent New Zoning Designations.

Michael Eggett reported that there was a public hearing held on March 24, 2009. He noted that notice was given to property owners within 600 feet of zoning and overlay and many people responded and commented on the proposed ordinance. After discussion, the Planning Commission reviewed and made some changes to Ordinance #310-09 Mixed Used zoning ordinance presented before them.

Dennis Hopkinson addressed the council explaining the reason for creating the ordinance and reviewing some the language therein. He noted some of the definitions and changes in the proposed ordinance. He commented that he appreciated all the good comments from all land owners and public in attendance at the public hearing held.

Dennis Hopkinson noted that this process has caused landowners, neighbors, business owners to come forth and give their vision for the area. He describe the area being considered in this Mixed Use/Overlay Zoning. He informed the council that the vote was not unanimous with 3-2 vote from the Planning Commission.

Val Shaw inquired why the ordinance presented to us prior to this meeting is so different from what was in the council packet. Craig Howe noted that legal reviewed it and Mike Eggett made some changes in regards to their recommendation
Val Shaw expressed that she was not comfortable to take action without having the time to review the new document. After a short discussion. Valerie Shaw moved to table this item to next meeting.

Dennis Hopkinson explained that there are 3 levels of land use authority. What they received today was the broad scope. The nuts and bolts will be developed later.

Rick Hymus, a lawyer for Mannheim, explained his client's concerns with the passing of the ordinance.

Rick Hymus continued that the Hepworth property to North presently zoned for light industrial with the intent to sell/lease to Mannheim to store vehicles, which they are doing now. He is opposed to any zoning that would take that use away from their business. He expressed their concerns regarding the new mixed zone and not knowing the particulars and how they will affect their company. He noted that they don't know if they need to object to this ordinance or if they will be allowed to continue to do what they have for the past 19 years.

MOTION: Val Shaw moved to table this item for two weeks.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

7. Discussion and bid award for Porter Lane Water Project

Matt Collier reported that the Porter Lane Water Project had been re-bid. The bid opening was Friday, April 3. Ron Foster submitted the low bid of $220,697.50 which was reviewed by council and accepted after some discussion regarding the quality of work and references received about the Ron Foster Construction Company. It was suggested that a 15% contingency be added to the bid amount of $220,697.50.

Matt Collier expressed his concerns that it's prudent to have an inspector on-site to make sure things are being done correctly.

Matt Collier suggested that since the bid came in so low, that they use some of the money saved to hire an onsite engineer to montior things on a full-time basis.

Debbie McKean questioned references regarding Ron Foster Construction and whether or not it was responsible to go with the lowest bidder rather than a more well known company to our area. Mr. Collier reported that he inquired and obtained references on Ron Foster and felt confident that he was a responsible party to do the project.

It was also noted by Mr. Collier that West Bountiful City has a policy that requires us to award bids to the lowest responsible bidder.

Matt reported to the council that one condition of approval that was explained in the bidding process was that they can do the project for the price that was bid without change order unless material changes price.

Mayor Behunin sees the Council as most effective by following th policy. It's hard to change direction after we ask for bids. Mayor suggested that if we are concerned that the lowest bid is a problem based on past problems, maybe we need to look to changing policy,

There was discussion on the accountability of CRS by using them as the site inspectors.

James Bruhn pointed out that we hire CRS to accept accountability. Matt Collier responded that they get a job by doing great work. He noted that if we make problem, we own it.

MOTION: James Bruhn motion award contract to Ron Foster for $256,100 with a 15 % contingency added and that we have CRS provide a part time on site inspector to oversee the project is done properly.

SECOND: Val Shaw seconded the motion.

PASSES: Motion passed in favor unanimously.

#8
Consider approval of
Police Policy/Procedures

Chief Randy Lloyd stated that the wording in the document could Be changed to meet the needs of West Bountiful Police Department.

Lexipole provides the document in disc form as well as manual form and we will receive five of each.

Mayor Behunin inquired as to the policy on pursuit and use of force. Chief Lloyd explained they do follow policy and if the policy needs to be changed they could change the wording in the document and send it back to Lexipole to be edited and published and make sure the wording is legally sound.

Chief Lloyd explained that by putting $2,000.00 in the budget, they could receive yearly updates and e-mails. However the updates and e-mail entitlements have not been purchased at this time.

11. Planning and Zoning Report

Nothing was discussed.

12. City Administrator's Report

Craig Howe reported that the Employee of month for March, 2009 is Blake Anderson and thanked Blake for his dedication and willingness to always cheerfully take on tasks some of which are quite unpleasant. Mr Howe explained that Blake braves bad weather to provide residence with water in homes and has been willing to take on increased responsibility that has been requested of him. In appreciation, Blake Anderson received a gift certificate to Texas Roadhouse.

Mr. Howe reported that they will be working on next year's budget to present to council and they should have the first document to review by April 15th.

13. Mayor/Council Reports

Debbie McKean reported that the Newsletter has been mailed out and had a few minor changes in it.

Val Shaw commented that it made her proud to hear the news on KSL that West Bountiful Easter Egg Hunt was cancelled due to budget restrictions.

Mayor Behunin noted that progress is being made in regards to EPA tests of groundwater and informed the council of a public information meeting being held on Wednesday, April 8th and Thursday, April 16th at 7:00 at City Hall. He reported that the city now has two 30 yd capacity dumpsters that will be available for neighborhoods to request for cleanup at a minimal fee and thanked the Beautification Committee for the efforts to provide those. He reported that the city clean up will be held April 18-25th at the City Park.

He informed the council that on April 25th West Bountiful residents can enjoy the facilities of the South Davis Recreation Center free of charge.

14. Approval of Minutes of previous meeting

MOTION: Debbie McKean motions to table the approval of minutes.

SECOND: James Bruhn seconded the motion.

PASSES: Motion passed in favor unanimously.

15. Adjournment:

MOTION: James Bruhn motions to adjourn the meeting at 10:25 p.m.

SECOND: Debbie McKean seconded the motion.

PASSES: Motion passed in favor unanimously.

Mayor James Behunin

Bev Haslam (Recorder)