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

Phone (801) 292-4486
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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 WILLHOLD THE REGULARLY SCHEDULED CITY COUNCIL MEETING ON TUESDAY May 5, 2009 AT 7:30 P.M. – 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AMENDED 05/04/09

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. Announcement of Employee of the Month.
4. 7:45 (Or as soon thereafter as the agenda will allows) Public Hearing to receive input on the purpose or Distributing the Joint Justice Assistance Grant Funds.
5. Consider approval of Interlocal Agreement between Bountiful City, Centerville City, Clearfield City, Clinton City, Davis County, Kaysville City, Layton City, North Salt Lake City, Syracuse City, West Bountiful City, and Woods Cross City – Justice Assistance Grant Funds
6. Consider Caldwell Richards &Sorensen Engineering Services Proposal for 400 North Waterline Project.
7. Consider Reagan Outdoor Advertising Building Permit Application appeal and Challenge to Ordinance #309-09-Temporary Restrictions Regarding Land Use Applications in Connection with Off-Premise Signs.
8. Consider approval of Resolution 248-09 - Code of Ethics Act
9. Approval of Davis County/West Bountiful Justice Court Agreement.
10. Consider approval of West Bountiful/UDOT Betterment Agreement (500 South/Refinery Wall).
11. Adopt 2009-2010 Tentative Budget.
12. Police Report.
13. Financial Report.
14. Planning Commission Report
15. Administrative Report.
16. Mayor/Council Reports.
17. Approval of minutes of previous meetings.
18. Closed Session – 1. To discuss the character, professional competence, or physical or mental health of an individual. 2. Strategy session to discuss pending or reasonably imminent litigation.
19. Consider approval of Resolution 249-09 – Issuance of complaint against Manheim and associated companies and property owners for violation of zoning moratorium and ordinances.
20. 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 5/1/09 - Amended agenda sent 05-05-05 – 9:25 a.m.

Minutes of the regular session of the City Council of West Bountiful City and Public Hearing held on Tuesday, May 5, 2009 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 (Accountant), Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police), Nathalie Ellingson (secretary).

VISITORS: Kent Bond, Kelly Enquist, Wendy Green, Ricky and Brooke Miller, Jason Meservy, Sandra Smith, Mike Smith, Alan Malan and Rick Hymas

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:35 pm.

Invocation was given by Ken Romney.

Pledge of Allegiance was let by Debbie McKean.

1.
Accept Agenda

Reagan Signs requested that Item #7 on the Agenda be postponed

MOTION: Debbie McKean moved that Council approve the Agenda, tabling Item #7.

SECOND: Valerie Shaw seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

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2.
Public Comment

Kent Bond – After the council meeting and public hearing held and the negative reactions from several citizens, he wanted to thank the Mayor and Council, the police and the administration for all the good work they do.

Rick Hymas – A proposal is before City Council to take legal action against Mannheim Utah for alleged zoning violations. Mr. Hymas is representing Mannheim, and was asked by his clients to present a few facts. Mannheim had been storing cars on the property, and when West Bountiful annexed the northern part of the property in 1999, they zoned it as light industrial knowing cars were being stored on the property. In 2008, Mannheim spoke with

Mr. Hepworth, who owns property just north of Mannheim, about leasing his property for car storage. They met with Mayor Behunin and Craig Howe in October 2008 to explain their plans. The first notice they had that they were violating the ordinance was in November 2008. They sent three letter to the City in January, February and March, outlining their interpretation of the ordinance, to which they have received no response. In April, they negotiated the lease with Hepworth. They sent a letter dated April 29th to Mr. Eggett again outlining their views and asking for his interpretation of the ordinance. They are still waiting for a response. They have now learned they are violating the moratorium, which they feel was improperly enacted due to lack of notice to Mannheim, and which they feel goes beyond what is permitted by statute. They are prepared to defend themselves in a legal action, but they would prefer to come to an agreement with the City in order to maintain their property in the way they have for the past ten years.

Kelly Lundquist – He wanted to address Item #9 in the agenda, which he thought would include public comment. He was unaware that West Bountiful was closing its court, and felt that there should have been more public involvement in the decision. He is concerned about the impact on revenues, and the fact that the contract with the current justice of the peace still has 2 ½ years to run.

3.
Announcement of
Employee of the Month

Craig Howe presented the award to Rocky Miller of the Public Services Staff. He has put in many additional hours, even until early morning, and once when he was sick, in order to fix several water leaks recently. He is a go-to person for the city parks.

Debbie McKean would like to see that record of commendations are in the history drawer.

4.
Public Hearing to receive
input on the purpose of distributing
The Joint Justice Assistance
Grant Funds

A provision of the grant requires that the proposed purpose be brought up in a public hearing.

MOTION: Debbie moved to go to Public Hearing.

SECOND: Cheryl Searle seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

Chief Randy Lloyd – The federal government has provided Davis County with $330,000 to spread among its cities. Almost $13,000 (minus $636 administrative fees, for a net of $12,720) will go to West Bountiful. The Police Department has opted to buy four laptops, and two bicycles including equipment for officers to use to patrol the Legacy Parkway and other trails.

Questions from the public included:

- Will this impact the hours for patrol cars? Yes, but they will be gaining in areas where there are no patrols now.
- Has there been crime on the trail yet? Chief Lloyd responded there has been vandalism in the tunnel.

5.
Consider approval of Interlocal Agreement between Bountiful City, Centerville City, Clearfield City, Clinton City, Davis County, Kaysville City, Layton City, North Salt Lake City, Syracuse City, West Bountiful City and Woods Cross City – Justice Assistance Grant Funds

MOTION: Ken Romney moved to approve the Interlocal Agreement for the Joint Justice Assistance Grant Funds.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

6.
Consider Caldwell Richards & Sorensen Engineering Services Proposal for 400 North Waterline Project.

Craig Howe – they are continuing to fund the project from the Water Fund. They always anticipated they would be using an outside engineering service, which is covered by the Water Bond. He recommends to move forward with CRS's proposal. UDOT is planning to do some work on 400 North and the pipes need to be fixed before that work begins.

MOTION: Jim Bruhn moved to accept the Caldwell Richards & Sorensen Engineering Services Proposal for the 400 North Waterline Project.

SECOND: Cheryl Searle seconded the Motion.

DISCUSSION: Debbie McKean asked about using the bidding process. Craig responded that CRS has been used as the city engineers for some time and there have been no performance issues. The bidding process is not necessary because CRS is already our contracted engineering firm and the budget is not exceeded. Debbie suggested that requests for proposals be issued for future water bond projects. The new City Engineer will be responsible for evaluating proposals, especially regarding design. Debbie suggested holding up other projects until a City Engineer is on staff.

PASSED: With the provision that requests for proposals be issued for future projects, and other projects be held up until a City Engineer is on staff, voting was as follows:

Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

7.
Consider Reagan Outdoor Advertising Building Permit Application Appeal and Challenge to Ordinance #309-09 – Temporary Restrictions Regarding Land Use Applications in Connection with Off-Premise Signs.

At the request of Reagan Signs, this Item has been tabled.

8.
Consider approval of Resolution 248-09 – Code of Ethics Act

Craig Howe discussed adopting a code of ethics that follows the state's Code of Ethics. The policy has been distributed to employees and written forms received indicate they are willing to abide by the policies. However, the Code of Ethics was never formally adopted in a previous meeting. They will be part of the Employee Policies.

MOTION: Cheryl Searle moved to adopt Resolution 248-09 – Code of Ethics Act.

SECOND: Jim Bruhn seconded the Motion.

PASSED: Voting was as follows:

Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

9.
Approval of Davis County/West Bountiful Justice Court Agreement

Craig Howe presented the background: Council members Ken Romney and Debbie McKean were assigned to perform research regarding the possible results of a change in court services. They researched financial and other ramifications with county auditors and commissioner. Presently, the West Bountiful Justice Court is only in session on Wednesday afternoons. Also, there are times when the judge is not available at that time, so there can be no court held. People are having to wait longer than the required two weeks to address their citations. The County has greater resources with two full-time judges, clerks and an administrator. People can appear in court any day of the week. The cities of Farmington, Kaysville, and West Point have moved to the County, and results have been all positive.

Before the move could be made, permission was needed from the State of Utah Administrative Office of Courts. Permission was granted for the move to occur July 1, 2009, The County Commissioners approved the move the morning of May 5th.

All justice courts have been asked to move their records to a state-wide system, and the county is already on the system. West Bountiful will save having to purchase and convert to the new system. West Bountiful's court clerk is preparing to retire and will not need to be replaced. The police department will be less impacted because they will not have to provide two bailiffs and a secretary. The city will retain its prosecutor and will finish paying out the contract with the justice.

The court has cost the City nearly 85% of its revenue to keep it going. With the county court, there will be a 50-50 split in costs.

The court system is not considered a service for West Bountiful citizens, because most people appearing in court are not local citizens.

Public notice was not required for the decision as it was considered a budget decision, however, there could have been more information made available to the public.

As far as the July 1st date, there is not a strict delineation. The city can complete most cases by the end of June, but some of the long-term cases can be moved to the county court early.

Mayor Behunin asked for public comment.

Kelly Lundquist – he has heard more in this meeting than previously. Kent Bond – it sounds like a good move that will save money for the city. Sandy Smith – it may not be required to have a public hearing, but the council represents

the public and should provide the public more information. However, she believes the city is making a wise move.

MOTION: Debbie McKean moved to approve the Davis County/WestBountiful Interlocal Cooperation Agreement for Justice Court Services.

SECOND: Cheryl Searle seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

10.
Consider approval of West Bountiful/
UDOT Betterment Agreement
(500 South/Refinery Wall)

Craig Howe – the City is working with UDOT on the reconstruction of 500 South. Part of that agreement involves rebuilding the road, installing water lines and storm drains, and landscaping along the road to enhance image. The proposed wall, which will be on the north side of 500 South along the Holly Oil property, will be of precast tri-colored cement 10 feet high. UDOT asked that the city provide an agreement that certifies a passthrough of $65,000 from Holly Oil. Discussions with Lynn Keddington and Charles Mace from UDOT regarding funding resulted in an agreement wherein UDOT will match with $95,000. Some of this is part of the $400,000 federal funding which is going into the 500 South project. As part of their agreement with us, the city will forward the $65,000 from Holly Oil to UDOT. The agreement was going to be emailed to Craig but had not been received as of the meeting; however, Craig has Lynn's assurance.

MOTION: Valerie Shaw moved to approve the West Bountiful/UDOT Betterment Agreement.

SECOND: Debbie McKean seconded the agreement.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

11.
Adopt 2009-2010 Tentative Budget

Mayor Behunin addressed the public, explaining that they are not approving the actual budget, but putting out a tentative budget for public review which has been crafted to date in a series of budget work meetings. There are still some adjustments to be made. The current document is posted on the city website.

Craig Howe gave an overview, explaining that in the budget work meetings, they have gone over the tentative budget and have received good input. Some highlights are that in the General Fund, funds must equal expenses. Enterprise funds, such as the water lines and storm drain systems, may retain a profit which can be reinvested. The goal is to have these funds stand on their own. Regarding transfers at the bottom of page 6, they want to transfer $70,000 from the state so enough can be accumulated for larger projects in 2011. The redevelopment fund is at $326, but was much higher. The golf fund came from the General Fund, Most golf courses are not self-sustaining. The golf fund was brought down from $130,000 to $64,000. Some money is left on the bond, which has lasted several years.

This year, the consumer pricing index for March was under 0, so there will be no cost of living increases for employees. He has committed to doing a salary survey this year. West Bountiful's salaries lag behind other cities about 6 to 17 percent. The tentative budget allows these to be brought closer to range.

MOTION: Debbie McKean moved to approve the tentative budget with changes proposed in work session held before council meeting.

SECOND: Jim Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

12.
Police Report

As per the report included in previous meeting materials, the officers are doing well with DUI arrests. The grant money will provide for the purchase of new cameras in the fall. South Davis Metro Fire and five other fire departments received a large command post from Holly Oil. It includes three dispatch consoles. Debbie McKean proposed the command center be available for the parade on June 27th and at the park so people can go through it. She also proposed pictures of it go in the newsletter. The police department continues to apply for grants.

13.
Financial Report

Heidi Vordecker brought attention to the summary page for the month of March. The final report of property tax is still short. The property tax filing deadline was changed from January to May, so the report should show a recovery in June. Court salaries were going over-budget. A review of documents from last year showed the judge's salary had not been included. New equipment has been purchased, backhoes, etc. There are no plans to spend the $70,000 as yet. The cash flow is $120,000 ahead. For the rest of the year, golf receipts should fund the city. There will be more information for the City Council at the next meeting for the month of April.

14.
Planning Commission Report

Mike Eggett was not present for the meeting. Craig reported that they are getting the mixed-used ordinances ready to bring to council to give them time for review. He invites the public to attend the planning commission meetings which are held every second and fourth Tuesdays of each month. They are within the moratorium.

15.
Administrative Report

Craig Howe – nothing further to add.

16.
Mayor/Council Reports

- Jim Bruhn – has spoken with scout troops regarding bus stops
- Debbie McKean – a community council meeting is coming up. Ms. Fletcher, vice principal at West Bountiful Elementary, is now principal. Ms. White is retiring. She will let council know of dates for open houses. Newsletter articles are due May 15th. She wants to get information out regarding activities for June and July. The theme of the parade is Our Heritage Past and Present. She expressed thanks to Steph for the helpful meeting packets.
- James Bruhn – expressed appreciation for the very readable budget.
- Cheryl Searle – thanked staff for timely emails and information. She proposed an item for the newsletter regarding plans for sidewalk improvement so citizens will know sidewalk problems are being addressed. She inquired on the status of the Porter Lane water project – Craig is waiting for citizens to sign off on quit claim deeds. They are in the process of bidding out the project. There are some design problems due to gas lines. Ron Foster has low bid. Cheryl commented the new command center is a great benefit.
- Mayor Behunin – proposed planning an emergency drill for September. He asked Valerie Shaw and Debbie McKean to identify priorities on which to

spend the RAP tax. Debbie indicated they have begun the process.

- Valerie Shaw expressed appreciation for the minutes from the weekly meetings. She proposed an article in the newsletter regarding water projects and roads because many people are concerned about conditions. Debbie asked Craig to put together an administrator's article regarding these projects.
- Ken Romney – planned to discuss the well but addressed it in the budget meeting already.

17.
Approval of minutes of previous Meetings.

Minutes from City Council Meeting held April 7, 2009:

MOTION: Jim Bruhn moved to accept the minutes from the April 7th meeting.

SECOND: Cheryl seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

Minutes from the City Council meeting held April 21, 2009.

MOTION: Cheryl moved to approve the April 21st minutes with changes to be forwarded to Bev Haslam.

SECOND: Jim Bruhn seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

18.
Closed Session

1. To discuss the character, professional competence, or physical or mental health of an individual; 2. Strategy session to discuss pending or reasonably imminent litigation.

MOTION: Valerie Shaw moved to adjourn for closed session.

SECOND: Debbie McKean seconded the Motion.

PASSED: Voting was as follows:

Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

MOTION: Debbie McKean moved to adjourn the closed session.

SECOND: Valerie Shaw seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

Reopen City Council Meeting

MOTION: Cheryl moved the reopen the City Council Meeting.

SECOND: Debbie McKean seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

19.
Consider approval of Resolution 249-09 – Issuance of complaint against Mannheim and associated companies and property owners for violation of zoning moratorium and ordinances.

MOTION: Valerie Shaw moved to adopt Resolution 249-09 – Issuance of complaint against Mannheim and associated companies and property owners for violation of zoning moratorium and ordinances.

SECOND: James Bruhn seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Debbie McKean – Aye
Cheryl Searle – declared conflict of interest and abstained from voting.

20.
Adjournment
10:15 p.m.

MOTION: Ken Romney moved to adjourn the City Council Meeting.

SECOND: James Bruhn seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH

NATHALIE ELLINGSON (SECRETARY)