Mayor
James Behunin

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

West Bountiful City

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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 19, 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 – James Bruhn

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 Award of Contract to Wolff Excavating for 1000 North Waterline.
4. Consider Award of Early Construction items to Granite Construction for 400 North Waterline.
5. Consider Approval of Change Order Request by Kilgore Paving for 1100 West Overlay.
6. Well Rehabilitation Report – Ken Romney
7. Beautification Procedures – Debbie McKean
8. Council Training Session on the Sunshine Law
9. Police Report.
10. Financial Report.
11. Planning Commission Report
12. Administrative Report - Summary of Projects: 500 South Waterline Phase 1 – 500 South Waterline Project Phase 2 – Porter Lane Waterline.
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 5/15/09

5

Minutes of the regular session of the City Council of West Bountiful City and Public Hearing held on Tuesday, May 19, 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 Voordecker (Accountant), Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police), Nathalie Ellingson (secretary).

VISITORS: Sandra Smith, Alan Malan, Matt Collier, James Ahlstrom.

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:32 pm.

Invocation was given by Debbie McKean.

Pledge of Allegiance was let by James Bruhn.

1.
Accept Agenda

MOTION: Debbie McKean moved that Council approve the Agenda.

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

2.
Public Comment

No comments.

3.
Consider Award of Contract
To Wolff Excavating for
1000 North Waterline

Matt Collier distributed copies of the bids to Council. Bids were opened April 30, 2009. They started with local companies then branched out. Wolff Excavating is a company in Salt Lake City. They came in with the low bid of $289,548. Matt recommends awarding the contract to Wolff with a 15% contingency, for a total cost of $330,000. The inspection process was not included in the

bid report, but Matt informed Council that 20 hours per week is built into the CRS contract.

Ken Romney asked if Wolff plans to bring in imported fill. Matt said that is a requirement of CRS, and it should help with the settlement problem.

Mayor Behunin asked what Wolff was planning to do with the waste asphalt, since that portion of their bid was so much lower than the other bids. Matt would recommend they grind the asphalt to use for baseboards and trench fill, however he did not know if that was their plan.

MOTION: Debbie McKean moved that Council approve the bid for the 100 North Waterline and award it to Wolff Excavating for the amount of $289,548 with a contingency of 15% for a total of $330,000.

SECOND: Ken Romney seconded the motion.

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

4.
Consider Award of Early Construction Items to Granite Construction for 400 North Waterline

In a meeting two weeks ago, Council approved CRS to begin designs for the 400 North Waterline Project scheduled next spring. Since then, they learned that UDOT is planning to begin work the first of June on 500 West over the 400 North bridge. Granite Construction will be doing the work for UDOT. In order to avoid having to cut into the new road next spring for the new waterline, CRS proposes a betterment agreement with UDOT to include cutting and plugging the existing waterline and building a casing into the new road, so a new waterline can be run through the casing next spring.

UDOT is currently determining their cost to complete the waterline project, and several other bids are being sought. Matt does not expect the total cost to exceed $50,000. Granite Construction has said they would be able to do the work for $43,900 with a 12% contingency.

Debbie McKean expressed concern that UDOT is going to be working on 500 South and 400 North, and having both roads closed at the same time would cause severe traffic problems. Matt said they have required UDOT to coordinate their work so both roads are never closed at the same time, and the waterline project should not take more than a day. Debbie asked for a schedule in order to determine the route of the parade on June 27th.

Ken Romney asked if there would be adequate water service for the property where Café Alicia now stands, and if there will be a waterline for that section in the future . Matt said there would not

be a waterline there. He has checked with the fire marshall, and all fire hydrants will have sufficient pressure.

In order to have UDOT's contractors do the work for West Bountiful, a betterment agreement is necessary. Because UDOT's construction is beginning the first of June, there was not time to prepare a betterment agreement to bring before the Council at this meeting. Matt proposed that Council approve the successful bid and vote to allow the Mayor to sign the agreement once it has been completed so that work can go forward on time.

MOTION: Ken Romney moved to award the contract to the successful bidder and authorize Mayor Behunin to sign a betterment agreement for a sum of approximately $50,000.

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

5.
Consider Approval of a Change Order Request by Kilgore Paving for The 1100 West Overlay.

Council recently awarded the 1100 West Overlay to Kilgore Paving.

Matt presented a list of items to add to the project, along with proposed costs by Kilgore Paving:

- Ken Romney had recommended to include sufficient asphalt material to bridge the crack lines along the patches. The contractor has arrived at a figure of $9,000 for the necessary increase in asphalt.

- They will sawcut sections of failing asphalt, put in a patch, and then the overlay for $9,000.

- The contractor can also install a land drain of perforated pipe along 200 West to collect water and send it down the storm drains at a cost of $5,000.

- As part of the EPA's work on the ground water in the area, they are planning to pump water through a treatment facility at the corner of 1100 West. They need one sewer line and one water line for the project but they would not be installing them for 6 months. It is recommended that the City stub out the utility connections to avoid cutting in to the new road. The EPA is under budgetary constraints which prevent them from funding this work at the present time, so they would reimburse the City at the time they complete their connections. The cost to the City at this time would be $12,000.

These items total $35,000. The contingency for the project is $12,562.50, so additional funds of $22,437.50 are being requested.

Craig Howe recommends using money rolled over from next year's budget rather than using surplus bond.

MOTION: James Bruhn moved to accept the 1100 West Overlay Project Change Order of Kilgore Paving at $22,437.50

SECOND: Ken Romney seconded the Motion.

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

6.
Well Rehabilitation Report –
Ken Romney

Ken Romney reported on the progress and findings of the well rehabilitation. They are finishing with the acid washing, and then they will do some flow tests and determine the size of the pump needed. They found there was some structural damage to the casings. Interstitial space between the outer and inner casings was filled with silica sand, which has worked its way inside due to some structural damage in the casing. The well was originally drilled to 600 feet but was filled to 420 feet due to the sand infiltration. They tried to remove some screens which were allowing the well to clog, but the structure is too sensitive.

Much of the plugging up of the well is caused by bacteria which would not collect if there is a variable speed pump running 24/7. The cost will be between $20,000 and $40,000.

Matt pointed out that by cleaning the well, the flow will improve, but there were problems discovered they did not know about, and he recommends looking towards building a new well. The well will continue to operate but it cannot be determined for how long. It needs to last until 2013 when the next bond is planned.

Craig point out that if the City has to pull into the Weber Basin allotment, that would be much more expensive. It is prudent to draw more water from the well in case there is a major fire or spill which could cause them to go into the Weber Basin allotment.. He recommends dropping the pump to 200 feet where there is good flow. He recommends pumping 24/7 from October forward.

Ken says they will come back with a report to the Council once they have flow tests. At this time, they are within the scope of work authorized, but another $50,000 may be needed. They are not making it an action item, but they should do so before it is necessary.

7.
Beautification Procedures –
Debbie McKean

Included in the packet is documentation the Beautification Committee is using in notifying people who are in violation of the present nuisance code. These were developed when the committee

was under the previous chair. The present chair suggested a "knock-and-talk" approach. They have not found this method to work as well as the first method. The committee kept a spreadsheet that documented the positive responses to the letters. People were responding with their own plans to take care of their property. The letter was more informative of the ordinance. The second notice was called a "courtesy notice" in case they missed the first letter. After that, a citation is issued. They have only had to issue citations only twice in the past. Thank you notes have been sent out once residents are in compliance.

This procedure will also work under the new beautification ordinance.

Debbie McKean commented it was originally thought an advantage of the second method would be that with the personal approach, they could give suggestions while speaking with the residents. One disadvantage is that presently there are members of the committee willing to spend the time to go around the city, but that may not always be the case.

Ken Romney commented he thought the second method worked but that residents felt they were being watched.

James Bruhn commented the first method was used only if neighbors complained. With the knock-and-talk, it appears people are out looking for problems.

Brent Day – commented more people would clean up if they had a dump. Debbie mentioned that as of September, the Bountiful dump accepts green waste from West Bountiful residents. Mayor Behunin mentioned the dumpsters that the City can provide, however they are not free.

Ken Romney said the first method is best, and in addition the residents could be referred to the committee for suggestions. It was suggested from the public that the names of the committee members could be listed on the website.

8.
Council Training Session on the Sunshine Law

State law requires talking about the Sunshine Law once a year. A version was distributed to Council members in the binders. When in closed session, they can only discuss the subject for which the session is held. If there is ever a challenge, a judge can listen to tapes of the session. Anyone, besides counsel, can be invited to a closed session as long as they have information or knowledge pertinent to the issue. However, those persons must be dismissed as soon as the portion of the meeting for which their knowledge is pertinent is over.

9.
Police Report

The month-end report for April was provided to Council. Chief Randy Lloyd highlighted the performance of Detective Hamilton regarding investigation of some fraud and mail thefts that have

taken place in West Bountiful and other communities from Springville to Brigham City.

He thought the stats for DUIs should have been higher, as he was sure they had more than four.

Randy addressed a problem the department has been having regarding the reluctance of local merchants to actively stop shoplifting. It is the policy that store employees not take any action against suspected shoplifters. This will attract an element of crime that is not welcome in West Bountiful.

Debbie McKean suggested inviting the merchants to a meeting to discuss with them the problems that can arise when shoplifting is not prevented or stopped.

10.
Financial Report

Heidi Voordecker referred to the financial memo for Council. The summary shows revenues are on target. They are a bit under, but they expect a big collection June 10th. Spending is at 78%. Non-departmental spending was highlighted because it is at 94%.

Mayor Behunin proposed a public hearing on the tentative budget at the next meeting, then they should adopt it after that.

Ken Romney asked if cases are going to the new court yet. Craig Howe said old cases are finishing up and new cases are going to the county court now. Ken said a month-by-month report of account would be interesting.

11.
Planning Commission Report –
James Ahlstrom

The mixed use ordinance is in its final stages of completion. A public hearing will be held at the next meeting and then a new map should be approved at that meeting or the next one. The Legacy Gateway ordinance should be coming up after that.

Ken Romney asked if single family dwellings will be in the mixed use zone. James's response was that they want to avoid high-density apartments. Some of the properties suitable for single family dwellings are being carved out of the mixed use zone..

12.
Administrative Report –
Summary of Projects

Craig Howe:

The D&RG Trail has been bid out.

Four homes have been proposed in the past few months to be brought before the Historic Commission.

An arrangement has been made with Trinity Oil to tour their plant for officials and the public.

In response to the City's directive to Holly Oil regarding their commitment to landscaping, they have provided Craig with a short list. One of these is to cover one of the tanks which is a major source of odor. Craig will be attending a meeting June 16th. Regarding Holly's inspection process, it is working so far. Holly applied for a new compressor for which their inspectors did not approve the connections. The connections were fixed. Their inspectors and the City's engineers have made the same suggestions.

They are working with GSBS regarding their software in including historical homes which are on the National Register. The cost would be $85 per home. The City would provide content and pictures. Total cost came to about $1,000.

The budget is ready for a public hearing in the next council meeting.

Matt Collier provided an update on the water projects in his previous presentation. On 500 South they are installing a water line from the east side of the tracks to the intersection and they are installing a storm drain. They expect to be finished by the end of the month. They have yet to bid on the next phase further east, which they expect to do sometime in August. The Porter Lane construction begins the day after this meeting. CRS's budget provides for two weeks of inspection. The inspections were not built in, and a change order may be presented at a future meeting.

The grant for window tinting was submitted too late.

13.
Mayor/Council Reports

Debbie McKean – the newsletter is sent in. It is ten pages, but there is a lot of good information. They may need to look at putting out a newsletter more often. The Mayor suggested pursuing advertising for the newsletter. Plans for the parade are going well. Johnny DeWaal will be the grand marshall. She asked if the council wanted to ride in one vehicle or separately. Consensus was to ride in separate vehicles. The tables in the bowery have slivers and she has talked with Blake about getting a bid for aluminum tables. The cost would be considered a maintenance item, rather than an improvement.

James Bruhn – regarding the mixed use zone, they are debating whether to exclude any drive-through businesses, including restaurants, banks, dry cleaners, etc.

Craig Howe reported on parks. There was a motorcycle gathering of about 900+ cyclists. They left the park in good condition.

Cheryl Searle has planned an earthquake drill for October 16th. She attended a ribbon cutting for the new mobile command center.

Valerie Shaw is waiting for a schedule of meetings for the trails committee. Mayor Behunin asked if a RAP tax needs to be included in the budget. Craig responded the funds have been set up and it can be addressed in the middle of the year.

Ken Romney – CRS has already addressed inspections. He has concern with safety issues on the new trail and hole 2 of the golf course.

Mayor Behunin – provided Council with Wasatch Integrated Waste Management Preliminary General Public Survey Results done by Dan Jones. This is regarding curbside recycling. Any of the negative responses had to do with cost.

14.
Approval of minutes of
Previous meetings

May 5, 2009 Budget Work Meeting

MOTION: Debbie McKean moved to approve the minutes from the Budget Work Meeting held May 5, 2009.

SECOND: Ken Romney seconded the motion.

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

May 5, 2009 City Council Meeting

MOTION: Ken Romney moved to approve the minutes from the City Council Meeting held May 5, 2009, with a change to line 7 on page 5 regarding requirements for bid process and providing resolution number on page 7 line 33.

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

15.
Adjournment
9:50 p.m.

MOTION: Ken Romney moved to adjourn meeting of May 19, 2009.

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

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH