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 JULY 21, 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. Mike Bicker proposal for Patriot Day Activities.
4. Review of Utah Division of Air Quality's intent to amend Holly Oil's Consent Decree.
5. Report on Trinity Steel's actions to address air quality concerns.
6. Presentation on Recycling Options – Nathan Rich, Executive Director, Wasatch Integrated Waste Management District.
7. Consider placing question on November Ballot regarding Recycling.
8. Police Report.
9. Financial Report.
10. Planning Commission Report.
11. Review and approval of agreement regarding Denver & Rio Grande Western Railroad Trail
12. Administrative Report – Audit Report, TEC Meeting Report, CDA Report.
13. Mayor/Council Reports.
14. Approval of minutes of previous meeting.
15. Closed Session – a. Strategy session to discuss pending or reasonably imminent litigation.
    b. Discuss the character, professional competence or physical or mental health of an individual.
16. 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 7/17/09

Minutes of the special session of the City Council of West Bountiful City held on Tuesday, July 21, 2009 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

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

VISITORS: Alan Malan, Terry Mitchell Nani, Sandi Smith, Nathan Rich, Teresa Thomas, Paco Gutierrez, Mike Bickle, Dave Freestone, Mike Astin, Lynn Keddington, Denis Hopkinson.

Called to Order:

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

Thought was given by Valerie Shaw.

Pledge of Allegiance was let by Ken Romney.

1.
Accept Agenda

Mayor Behunin suggested moving Agenda Item 6 to Item 3 to give Mike Becker, who was on Item 3, time to arrive..

MOTION: Ken Romney moved to accept the agenda with the change of moving Item 6 to Item 3..

SECOND: Valerie Shaw seconded the Motion.

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

.

2.
Public Comment

Terry Mitchell Nani gave each council member a copy of a proposal to have a place in West Bountiful for dogs to exercise off-leash. There is presently no such place in Davis County. The proposal contains facts, figures and budget items. He also enclosed a copy of a petition if that would be necessary. Mayor Behunin said that the city planner, Mike Eggett, would contact him. Valerie Shaw asked for a model of an existing dog park, and he said his favorite is Tanner Park in Salt Lake City, which is located at 23rd East off of I-80. Valerie suggested he speak about

this issue on the county level. Mr. Nani also mentioned he is running for city council.

6.
Presentation on Recycling Options –
Nathan Rich, Executive Director,
Wasatch Integrated Waste
Management District

Mayor Behunin introduced Nathan Rich and mentioned that the Waste Management District had commissioned a survey to help the city understand their options.

Nathan Rich – West Bountiful is a member of Wasatch Integrated Waste Management District ("District"), which covers Davis and Morgan counties. They operate the Davis County Landfill, the Waste Energy Facility, and other operations. He gave some information to council members, which is also available on the District's website.

125,000 tons of waste goes through the burn plant per year, and steam from the operation is shipped to provide 17% of Hill Air Force Base's total energy requirements. They handle 10,000 tons per year through their green waste facility and produce mulch products. They recycle 30,000 tons of steel per year. They also recycle hazardous waste and carpet padding. In all, 50% of waste is diverted from the landfill. The average recycle rate in Utah is 5%. Salt Lake County's recycle rate is 10 to 15%. Davis County recycles 50% of household garbage, which costs cities about $5.25 per can per household. Even so, many people like curbside recycling. The EPA has done studies that determine there are environmental benefits to recycling, and the District is not opposed to further recycling options.

The city needs to understand the costs that come with curbside recycling. Standard cost is $3 to $5 per month per household for every-other-week pickup. Mayor Behunin expressed a concern that the city could purchase all the cans and then find they cannot get a decent price based on a down market for recycled products. Nathan said that it is most cost-effective to have curbside recycling be mandatory, if the city decides to go ahead with it. Programs that are optional for citizens end up with higher costs. Centerville offered an opt-out option for existing residents and got 83% participation. The opt-out option is not offered to new residents. The cheapest option is still to use landfills, and there is plenty of land.

Nathan mentioned they have resolved air quality issues at the burn plant. Grass clippings are difficult to process through the burn plant, but they can be turned into nitrogen at the landfill. A green waste recycling program is being piloted in Fruit Heights. Nathan distributed a description of the program to the council members. Residents would be provided a green waste can in addition to their garbage can, at a $2.00 lower cost. The green waste can is used for regular garbage during the winter months.

Valerie Shaw asked for information regarding the survey that was done. Nathan did not have the results with him, but they are available on their website. The survey was District-wide, and the samples from each city were very small. Residents were generally

satisfied with their garbage service, and many did not understand or were not aware about how the waste energy facility diverts waste away from the landfills. 75 to 80% of District residents believe recycling is important to very important.

Another option is to have drop-off bins for recycling, but it is very inefficient. However, the District is planning a facility where items can be sorted and baled at the site.

Mayor Behunin took an informal survey of residents present at the meeting. Seven were in favor of curbside recycling, three were in favor of green waste recycling, and four were in favor of no recycling. If the choice were either curbside or a drop-off station within five miles, five were in favor of the curbside option and eight were in favor of a drop-off station.

3.
Mike Bicker proposal for Patriot Day activities.

Thousands of golf courses across the nation are doing a Patriot Golf Day during Labor Day weekend. They use it to raise money for scholarships for families of veterans who have been killed or disabled. There will be financial impact on the golf course, but they will receive great press. His proposal is they offer two free games to members of the armed forces and veterans. Statistically, out of 300 rounds of golf, 100 would be free. Mayor Behunin asked council to informally approve, which they did. Mike wants to try another free golf day on Veterans Day. He would ask the city to donate a $1.00 per round of golf on these days. He would like to ask Boy Scouts to put a few flags in front of the golf course while they are putting up the flags in the neighborhoods.

4..
Review of Utah Division of Air Quality's intent to amend Holly Oil's Consent Decree

Craig Howe met with the Division of Air Quality ("DAQ") to get a better idea of what the intent to amend means. Holly Oil is under a Consent Decree, the purpose of which is to increase efficiencies with the goal of reducing harmful emissions. The current item before the DAQ indicates a couple of items will allow increased emissions. Specifically, two burners have higher emissions than is allowed in the Consent Decree. When levels were initially set, they were set based on engineering models rather than specific monitoring. When the monitoring began, they found actual emissions from the burners were higher than estimated. The DAQ says actual emissions will not increase, they will only increase in the document, due to inaccuracies in the original document.

The time frame for public comment has been extended by 45 days, which makes them due September 9, 2009. The DAQ is scheduling a public hearing, and are hoping for 300 people to hear their presentation.

Mayor Behunin asked if any results were back from Kevin Murray, to which Craig replied not yet. The plan now should be to see what comes back from the engineering firm who is reviewing the documentation and modeling.

Mike Astin from Holly Oil was present to answer questions. He said the state is not trying to amend the Consent Decree. They have requested an amendment to an approval order. The first approval order was made in September 2008. Air permits are modified during each change, and incorporate initial requirements from the Consent Decree. Their first request asked for an emergency generator with minimal emissions. The DAQ did not act on that request timely, so when the requirement for the next amendment came, they had to submit for a permit they had not received yet to incorporate two heaters with ultra-low NOx burners. These heaters are cutting-edge with no history. The DAQ required they put in the burners, do a performance test, then get the permit modified to meet the results of that test. Based on the test, they submitted a new level in December. Now they are submitting the Intent to Approve. The increase in NOx is not an increase in emissions, but an increase in what they are permitted.

Mayor Behunin then verified with Mike that overall emissions have been going down. Mayor Behunin asked if there was any third-party documentation. Mike responded they are required to submit reports to the DAQ yearly, and he will provide the mayor with a copy of the most recent report. This will help in addressing the concerns of the citizens.

Valerie Shaw commented she hopes for more open communication between citizens and Holly Oil. At the previous meeting, people attended from all over the county because they read an item in the paper, and then the city seems to know nothing. Mike stated he did not know the filings would cause so much concern in the communities. They do have a care line, (which can be reached at 299-6647), but they have not received calls regarding this issue. Lynn Keddington offered that Holly Oil will try to make the city aware of changes they are planning to make.

Mayor Behunin asked if they can address the problem with odors. The odors are not hazardous and therefore are not regulated by the DAQ, but neighbors express concern to the city regarding them. Mike indicated Holly Oil has not been getting direct complaints regarding odors.

5.
Report on Trinity Steel's actions to address air quality concerns.

Some members of the City Council were invited to tour the Trinity Steel Plant. Although the Trinity Steel Plant is not within the boundaries of West Bountiful, they impact the city. Mayor Behunin, Ken Romney, Cheryl Searle, Debbie McKean, and Craig Howe were invited on a tour of the plant. Craig summarized the visit. Trinity Steel is not typically open to public relations activities. The city's first encounter with them was when they visited the city last November. The city asked at that time if Trinity would hold an open house, but they did not agree. As an

alternative, they invited council members to tour the plant. The environmental council was excluded.

On the tour, they received information as to Trinity's production of guardrails for highways. They were shown through each building. Since, over the years, there has been an orange tinge to everything in the vicinity of the plant, the council members looked for hints of orange within the plant, but there was not much discoloration. They were told the orange is from rust because of high pressure steam. Craig showed a picture of a discolored fencepost in the vicinity. There was a white fence adjacent to the property that is quite new and does not yet show any discoloration, but they will watch to see if any occurs over time.

During the process, metal comes in on rolls, is pressed into shapes, sulphuric acid is used to remove residue, then it goes through a soldering process, then is dipped in galvanizing material in another vat, then in a water vat. The temperatures are extremely high, and high quantities of steam is released when the steel is dipped in the water.

Trinity has alleviated some of the air quality problems by stabilizing the acid in the galvanizing vat and drawing harmful particles through a capture hood. This hood is capturing tiny particles of iron which they said caused the orange discoloration. They have also installed taller stacks. They did not see any air monitoring equipment anywhere at the plant. They noticed two stacks are rusty and the newer tall stack is getting rusty at the bottom.

Craig invited Trinity to give a presentation to the public, but they indicated they would need to clear it with their management. Paco Guttierez suggested Trinity should be responsible for cleaning up some of the orange staining in the neighborhood.

Centerville City had also sent two representatives on the same tour, and Craig thought it would be a good idea for council to ask them their impressions of the visit.

6.
Moved to 3.

7.
Consider placing question
on November ballot regarding
Recycling

Mayor Behunin stated to council they should not act without public input, and suggests putting something on the ballot in November. It would be nothing binding, just a question for the voters. There was discussion as to whether just one question would be enough, and other options for gathering information were discussed.

8.
Police Report

Chief Randy Lloyd referred to the report included in the council meeting materials. The officers of West Bountiful have shown a high presence in speed, seat belt and DUI enforcement. They are

still waiting for the grants, and it may be September or October before they get the computers and the bicycles. Mayor Behunin mentioned about changing the speed limit where there used to be a frontage road, but now is a subdivision, and there are a lot of kids. Valerie Shaw mentioned a large tree which limits visibility where that street enters 400 North.

9.
Financial Report

Heidi Voordeckers presented the financial statement for the month of June, which shows they are on target with everything as they expected, with the exception of the overspending which has been addressed in previous meetings. They have underspent on the scheduled transfers in and out of funds. Heidi has spent a lot of time getting the budget out to different agencies.

Council had no questions regarding specific line items.

10.
Planning Commission Report

The sign ordinance is coming up for consideration. They have scheduled a public hearing for Tuesday, July 28th. It will come before the council shortly thereafter. Mike Eggett will try to get it to the council for their review before the next meeting.

11.
Review and approval of
Agreement regarding Denver &
Rio Grande Western Railroad Trail

Craig Howe reviewed the Agreement with UTA, which now has the right of way, and the city has been working back and forth with them. All design work on the trail is done. They are waiting for the Agreement document and one other item. There was some negotiation that took place regarding liability for injury or death, and maintenance. UTA wanted the city to do full maintenance, but Craig said they would only do it to a reasonable level, since UTA had done no maintenance for years.

MOTION: Valerie Shaw moved to approve the Agreement Regarding the Development and Operation of a Rails to Trails Project on the UTA-Owned Denver & Rio Grande Western Railroad Corridor.

SECOND: James Bruhn seconded the motion.

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

12.
Administrative Report

Audit Report – TEC Meeting Report – DCA Report
The audit has begun. They have begun work on the Community Development Agency, putting together a land use map. They also

pulled together some good reporting which has already been shared with the council regarding projects of the RDA.

13.
Mayor/Council Reports

Ken Romney asked if there was any update on the water meters. Craig said the water meters are installed. They ran the first set of bills from them in July and they have the first month of tiered calculations. The Porter Lane project is nearly complete; all the piping is in. They are doing the final testing and one homeowner is already hooked up. They are in the process of doing 10th North and are on the second phase of 5th South. Craig mentioned regarding the bad area on 1100 West north of Pages Lane that they have a bid from Kilgore Paving that is within budget, and the area will be patched up shortly.

Valerie notified Craig of almost rearending city truck because the trailer had broken tail lights and no blinker.

James Bruhn had spoken with the resident with the water on Porter Lane, and he was very pleased. Residents in that area have been contracting for garbage pickup, and they will now be billed from the city. The city will send them a notice to that effect.

Mayor Behunin reported on attending a recreation board meeting. The finances are very good for the rec facility, and membership continues to increase.

14.
Approval of minutes of previous meetings.

MOTION: Ken Romney moved to approve the minutes from meetings of June 30, 2009 and July 14, 2009

SECOND: Valerie Shaw seconded the motion.

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

15.
Closed Session

a. Strategy session to discuss pending or reasonably imminent litigation.
b. Discuss the character, professional competence or physical or mental health of an individual.

MOTION: James Bruhn moved to go to closed session for strategy of litigation..

SECOND: Ken Romney seconded the motion..

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye

James Bruhn – Aye
Cheryl Searle – absent
Debbie McKean – absent

MOTION: James Bruhn moved to adjourn closed session.

SECOND: Ken Romney seconded the motion.

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

16.
Adjournment
10:00 p.m.

MOTION: Ken Romney moved to adjourn meeting.

SECOND: James Bruhn seconded the motion.

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

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)