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 August 4, 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

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. Discussion of sidewalk issues to provide direction to staff.
4. Update on Drainage issues related to UDOT
5. Update on 10th north Water Project
6. Update on DSB Canal design for rebuild and associated projects
7. Update on Legacy Trail Maintenance issues
8. Report on progress to establish CDA
9. Report on City Counsel finalization of Blended Use Ordinance.
10. Discussion of Part Time position to assist City Recorder
11. 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.
12. Planning Commission Report
13. Review and Approval of previous Minutes
14. 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) – 801.292.4486.

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 of this desire, twenty four (24) hours before the meeting.

Minutes of the special session of the City Council of West Bountiful City held on Tuesday, August 4, 2009 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor Pro Tem Cheryl Searle, James Bruhn, Valerie Shaw, Kenneth Romney, Debbie McKean. Mayor James Behunin was absent.

STAFF PRESENT: Craig Howe (City Administrator), Randy W. Lloyd (Police Chief), Ben White, (City Engineer), Nathalie Ellingson (secretary).

VISITORS: Mindi Tullis, Dave Tullis, Mark Preece, Wendy Greene, Alan Malan.

Called to Order:

Mayor Pro Tem Cheryl Searle of West Bountiful City called this session to order at 7:30 pm.

Thought was given by Ken Romney.

Pledge of Allegiance was led by Debbie McKean.

1.
Accept Agenda

Cheryl Searle suggested adding new agenda items as Item 2A, Employee of the Month for July, postponing Item 11, Closed Session, moving Planning Commission Report to Item 11 and a new item, City Administrator Report, as Item 12.

MOTION: Ken Romney moved to accept the agenda with the changes of adding Item 2A, eliminating Closed Session, and changing Item 11 to Planning Commission Report and Item 12 as City Administrator Report.

SECOND: Debbie seconded the Motion.

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

.

2.
Public Comment

Alan Malan, 772 West 1400 North, talked about the trailer park mailboxes on 800 West and one that goes into the new Heritage Pointe subdivision. He does not think they should be there because they are close enough to the street to be a safety issue and to block traffic when the mail truck is parked by them. Cheryl Searle asked if there was an ordinance, and Craig Howe said he would look it

up. Cheryl suggested this issue as an agenda item for the next meeting.

2a.
Employee of the Month

Craig Howe introduced Mindi Tulles as Employee of the Month for July. After the council adopted the new water rates, she worked on the billing system to accommodate the new rates. She audited each account to assure accurate readings. Also, she is the person citizens see first as they come into the office; the "face" of West Bountiful. Mindi was presented with a letter and gift certificate.

3.
Discussion of Sidewalk Issues
To provide direction to Staff

City Engineer Ben White presented a map to each council member showing points of reference in discussing sidewalk projects. He has put the sidewalks into three categories: broken sidewalks, subdivisions with no sidewalks, and spotty areas, where some residences have sidewalks and some do not. In considering where to put the effort and money first, he thought priority should be in providing safety for children going to school, people getting to UTA bus stops, and people getting to the parks and trailheads. He believes the first three projects should be 660 West (school and drainage issues), Pages Lane (bus route and park access) and 300 West.

There was discussion as to whether homeowners should contribute 50% to sidewalk installation where none exists, or whether the City should leave all the responsibility to the residents, considering a sidewalk would be required when building a new house. Debbie McKean said it would be difficult to get residents to participate if it is not a high priority for them, and it would be a large expense. It was suggested the City install sidewalks and then get paybacks from residents on utilities. Ken Romney suggested putting sidewalks on special improvements.

Cheryl Searle said the issue had been introduced over six months ago and it was one of her main concerns during budget planning. There is no money at the present time, so they need to start planning a budget now. Debbie McKean suggested government money might be available if ADA ramps were put in.

Chief Randy Lloyd expressed concern about the area of 400 North from 1000 West to 1100 West because it is unsafe for children going to school. Ben said there are several sidewalk projects that would be included in fully-funded future public works, one of which would be 400 North to 1100 West. Cheryl suggested the police department observe the area to determine the number of children who walk there.

Valerie Shaw suggested they be provided estimates for each individual project. Craig Howe reminded Council of a line item amount in the budget for sidewalks of $15,000. Debbie McKean asked Ben how much sidewalk that amount would provide for. He

said it would be about 700 feet, depending on what is already in place and what homeowners would contribute. Cheryl Searle suggested this issue be on the agendas for the next couple of meetings.

4.
Update on Drainage Issues
Related to UDOT

Ben White said he plans for UDOT to be present at the next council meeting. They have been notified and are on the agenda, but they have not yet confirmed. He showed some pictures of conditions along the Legacy Trail and the highway. There was a picture of a recently-dug ditch, but they believe that was not done by UDOT, but by a private owner. Another picture showed the north side of 1200 North, which is not designated as wetland, but where there are big puddles of standing water that isn't draining out.

5.
Update on 1000 North
Water Project

Ben White - They are about halfway through construction. The project slowed down a bit because last Wednesday they broke a gas line and evacuated a few neighbors. They should finish the main line by next week, then they will disinfect the line and begin cutting through side streets. Residents will be out of water a few at a time, and they will be notified door-to-door. A picture of the 800 West waterline showed two storm drain lines and a Questar line. The picture demonstrated why work on existing lines is much more complicated and takes longer than on new lines. Another picture showed some water about to go into a new pipe, which happens if the pumps are not kept going overnight. Water in the pipes would introduce bacteria, requiring cleaning, and putting a delay on the project.

Ken Romney is concerned with safety when holes contain water and there are no barricades or flashers. Ben stated he requires the holes to be closed up as soon as possible, not only because of safety issues, but because a hole will cause surrounding curbs and gutters to settle.

Ben said he would have a better idea of completion dates in two weeks, and would present them at the next meeting.

6.
Update on DSB Canal Design
For Rebuild and Associated
Projects.

Ben stated that Davis County is working on five projects on DSB. The County and Centerville City are heading the projects, but Ben is keeping in communication with them on behalf of West Bountiful City. They are trying to upgrade as far east as Centerville and out to the lake. The fifth project is to replace the

canal from the terminus up to 600 West. Work will begin this fall, and be completed in spring after the high flow. This work is good for the City because the larger capacity of the canal will result in less flooding and will change designations of FEMA flood plains. Debbie suggested putting this information in the newsletter, but Ben suggested waiting until he has more details from Centerville City.

Craig Howe said the County has asked the cities to share in funding 25% of the projects. Craig told them he would look at the dollars and approach council, but he made no promises. Valerie Shaw asked if the project would go forward even if the City did not fund, and Craig said the 5th phase is already going forward. The County will have more need of funding as they get close to I-15. Craig said the City has applied for CBDG grants, but they are difficult to get because of the median income of the City.

Cheryl asked Ben to update the council in future meetings as the beginning of the projects approach, and to make up a calendar for the different phases to help with planning the funding.

7.
Update on Legacy Trail Maintenance Issues.

Craig Howe has invited the other city managers to a meeting on August 11th. He has provided them with photos and a draft proposal which includes draining. He does not recommend the cities accept the agreement as it stands. One of the pictures shows three to six inches of water, and another shows big puddles under the overpass. These may be engineering issues, not just maintenance. UDOT has been considering these problems for months. He has been talking with UDOT about building up low areas since last September.

Valerie Shaw suggested this should be put into newspaper articles, because citizens agreed tax dollars would be used to create the trail. UDOT is not doing their part in maintenance, and the trails are not as UDOT presented they would be. Also, UDOT is not taking care of the major non-maintenance problems.

Valerie Shaw asked if West Bountiful had any obligation to sign off on the agreement if the other cities did so. Craig said no, pointing out that the other cities do not have the problems with flooding that West Bountiful has. Valerie wanted an understanding with the visitors from UDOT at the next meeting that the City does not want to repeat past discussions; they want specific assessments and timelines.

It was suggested that legislators be invited to the August 11th meeting. Alan Malan reminded Council that the flooding under the overpass had been brought up at an open house with UDOT, at which time they promised to handle it. Chief Lloyd mentioned they had said they mowed the weeds along the trail twice, but that has not happened.

Craig also would like city managers to determine a way to have the trail appear the same all the way from north to south. It was suggested that Valerie attend the August 11th meeting.

8.
Report on Progress to
Establish CDA

Craig Howe reported that the staff met with Jason Burningham and Cody Deeter regarding the CDA for the southwest project and provided them with a general map of the area. They are looking at specific uses adopted by the blended use ordinance, divided by the A1 Canal. They are working on roads and parking lots, and then doing tax calculations. They have had many discussions with the County and anticipate an interlocal agreement with the County. A certain amount of infrastructure is needed for light manufacturing, especially to provide water. They are looking at additional tank storage, the well is almost back on line, and they are anticipating a second well. The cities are working together to keep the area unified and looking nice.

9.
Report on City Council
Finalization of Blended
Use Ordinance

Craig Howe – Michael Eggett has provided council members a memorandum and is in contact with Steve Doxey, who has committed to have the final changes to council by Thursday or Friday of this week. He is not anticipating any substantive changes.

10.
Discussion of Part Time
Position to Assist
City Recorder

Craig Howe – Beverly Haslam is on vacation to Poland until August 13th. It has been necessary to answer interrogatories and produce documents for current litigation. To meet the current need, they have had Debbie McKean filling in for Bev. For the long-term, Craig has been considering how to provide for someone to step into the position when Bev retires.

Cheryl Searle asked about the time frame as to when Bev considered retiring, and about the budget.

Craig stated he has no time frame at present. He does not think Bev will consider retirement until she can transfer her position to someone with the ability to take over. Craig mentioned that during budgeting, in considering the engineering position, they transferred additional money that is not currently being used. There is also a prepaid workers compensation expense on the books that will not be needed. Between these two sources, there is $20,000 to $30,000. However, these funds may be needed to cover legal expenses.

Council members expressed concern regarding openness. Valerie Shaw expressed concern that, although what Debbie is doing now is temporary, if it becomes permanent, there is a conflict of interest and it was not previously approved by the Council.

Craig clarified that Debbie is merely helping to prepare documents for trial. She will not serve as deputy recorder. Once the

paperwork is done, her position will go away. At that point, they will look for an assistant recorder.

Ken Romney asked if Debbie's time was being billed to legal fees. Craig replied they were being charged to administration, but they are keeping track of the legal time of Debbie, Mike, and Craig for possible recovery.

Council members Valerie Shaw and Ken Romney both expressed concern as to transparency and openness, referring to the fact that council was not informed of any decision to have Debbie fill the temporary position. Craig responded that they were filling an immediate need – he called Debbie the day before Bev left.

Cheryl Searle expressed concern about possible problems with objectivity and reiterated the importance of bringing hiring decisions before council to avoid blurring of lines. She is concerned because Debbie is doing work on the lawsuit, and she is also involved with the planning commission. There will be a conflict of interest should the council become the legal authority on the case. Debbie pointed out she would not be on the council at that time.

11.
Planning Commission Report

Mr. Shupe came in with a small lot subdivision at the end of Millbrook Way and wants to divide one piece of property into two. The commission would not approve it. It will be coming up before council later. They are updating the sign ordinance.

Cheryl Searle stated she wants some discussion while working on the ordinances, rather than waiting until public meetings. Craig stated the commission's experience with public hearings is that they have gotten a lot of input which can significantly change what has been proposed.

Debbie McKean remarked that she tries to have the minutes from the planning commission meetings as informative to the council as possible. James Ahlstrom stated Mike tries to get the minutes out to the council as soon as possible, and also mentioned they are welcome to attend the meetings.

12.
City Administrator Report

Craig passed out information to council regarding status of the current litigation. Additionally, they have received additional requests regarding bus stops, thinking they can dovetail that issue into another paving project. There is no good solution without a curb and gutter, but they will try to do something. They allocated $44,000 to fix the road north of Pages Lane on 1100 North. They have had an estimate that comes in quite a bit below that amount. Ben is going to provide materials and will address the bus stop issue.

Craig is hoping to get project calendars coordinated for better communication.

There was a workers compensation accident – Ray Bradfield was on a ladder getting into the loft in the shop and the ladder slipped. He has been off work since then; however, his injuries were less severe than they thought at first, and he should be back to work soon. They are getting bids for a new staircase, but it will take most of the budget for buildings and grounds.

Ken Romney asked if there was any formal information on the appeal to Mike's decision against Mannheim. Craig stated they are trying to exhaust administrative remedies.

Debbie McKean – newsletter articles are due August 15th. A movie in the park will be next Friday. There will be pre-entertainment at 8:00 p.m. and the movie will begin at 9:00 p.m. Lucille Eastman has not been formally asked to be chair of the arts council and Debbie asked that it be on the agenda of the next meeting. Musical rehearsals are underway, and performances will be September 10th, 11th and 12th in the LDS stake center. They have a wide variety of people participating.

Ken Romney – the golf committee had a meeting and discussed, among other things, improving the appearance of the driving range. Public works is going along well. He mentioned the police department's focus on speeding. Chief Lloyd said they are splitting shifts within the county and have given a lot of citations.

Valerie Shaw said the transportation meeting was rescheduled.

13.
Approval of minutes of previous meetings.

MOTION: Ken Romney moved to accept the minutes of the meeting held July 21, 2009, with change made by Valerie Shaw.

SECOND: James Bruhn seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Debbie McKean – abstained because she was absent from July 21st meeting.

15.
Adjournment
9:30 p.m.

MOTION: James Bruhn moved to adjourn the meeting.

SECOND: Ken Romney seconded the motion..

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

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)