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
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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 SEPTEMBER 1, 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 – Cheryl Searle

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. Presentation of Marine Corps League Donation to DARE Program (5 Min,).
4. Report by DeVan Pack regarding mosquito abatement and the discovery West Nile Virus. (5 Min.)
5. Davis School District – Presentation regarding new School Bond issue (15 Min).
6. Consider approval of Travis Shupe Small Subdivision (5 Min.).
7. Consider approval for proposed amendments to Municipal Code 17.48 Signs (15 Min.)
8. Discussion on industrial residue and other airborne nuisances (10 Min.).
9. Discussion regarding the drafting of a City ordinance pertaining to odors, dust, etc. (15 Min.)
10. Engineer's Report (10 Min.).
11. Consider Change Order regarding 1000 North road reconstruction (10 Min.)
12. Consider award for reconstruction of 1100 West (north of Pages Lane (5 Min.).
13. Consideration of a new project for a new City Well. (10 Min.)
14. Planning Commission Report. (5 Min.).
15. Administrative Report (5 Min.).
16. Mayor/Council Reports (10 Min.).
17. Approval of minutes of previous meeting.
18. Closed Session – Strategy session to discuss pending or reasonably imminent litigation (20 Min.).
19. 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 August 28, 2009.

Minutes of the special session of the City Council of West Bountiful City held on Tuesday, September 1, 2009 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

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

STAFF PRESENT: Craig Howe (City Administrator), Randy W. Lloyd (Police Chief), Ben White, (City Engineer), Michael Eggett (Planning Commission), Beverly Haslam (Recorder), Nathalie Ellingson (secretary).

VISITORS: Alan Malan, Kent Bond, Sandi Smith, Teresa Thomas, Renate Allen, Brian Wall, George Biada, Paco Gutierrez, DaVan Pack, Tony Olson, James Ahlstrom, Denis Hopkinson, Travis Shupe, Wendy Green, Shelley Banks.

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:34 pm.

Invocation was given by James Bruhn.

Pledge of Allegiance was led by Mayor Behunin.

1.
Accept Agenda

MOTION: James Bruhn moved to accept the September 1, 2009 Agenda as written.

SECOND: Ken Romney seconded the Motion.

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

2.
Public Comment

Kent Bond wanted to thank Wendy Green from the Standard Examiner regarding the cartoon, and he passed out copies.

George Biada, resident of Jesse's Meadows, spoke regarding the lawsuit the City is involved in, and wanted Council to know he feels that ordinances should be adhered to and enforced, and the City should do what they need to do to make this happen. He felt negotiations would be wrong in this circumstance.

Terry Olson, resident of Pages Lane, had a water line problem at his place, he contacted Blake, and Blake's people came after hours. He wanted to thank them for their response.

3.
Presentation of Marine Corps League Donation to D.A.R.E. Program

John Serotsi of the Marine Corps League presented $500 to the City for the D.A.R.E. Program. The D.A.R.E. Officer Brian Wall was there to accept the check.

4.
Report by DeVan Pack Regarding Mosquito Abatement And the Discovery of West Nile Virus

The Mosquito Abatement District sets out traps on Monday of each week, and the contents of the traps are collected on Tuesdays for testing. Two and one half weeks ago a trap at the park tested positive for West Nile virus. Only one mosquito out of 500 would make the test positive, so they did not know the extent of the virus. When they learned there was to be Movie in the Park that Friday night, they contacted Council Member Debbie McKean. Residents were notified they should use repellant when they attended the event. Spraying was done on Friday, Saturday and Monday, and the following Tuesday test was negative, as was the test the week after.

Question from Debbie McKean – Someone in the area has an undiagnosed illness that could possibly be West Nile virus, and asked if a test had been ordered recently, to which DeVan responded no. The Abatement District would have been notified if such a test had been ordered.

5.
Davis School District – Presentation regarding new School Bond Issue

Paul Waite, Assistant Superintendent, addressed the Council asking for permission for a general obligations bond. Building needs are growing; there are 1,000 more students than last year, and the student population is expected to increase by that amount again each year. There are 312 portable classrooms in use and they are considering boundary adjustments. New buildings are the final consideration. Several new schools are needed in the county, as well as a special education school. For West Bountiful Elementary, classroom renovations are planned, as well as relocating the entrance. Mayor Behunin asked to see plans for this as soon as possible.

Due to Truth in Bonding legislation, the District is required to say there will be an increase in taxes. In the last several bond issues, the tax rates have remained flat, and the District is committed to their promise of no tax increase.

A Dan Jones survey showed that 77% of voters would support the upcoming bond.

Mayor Behunin asked if a CDA tax increment could benefit the school. Mr. Waite said the school board would have to make that decision.

6.
Consider Approval of
Travis Shupe Subdivision

Mike Eggett – The Planning Commission is recommending that Council approve a subdivision proposed by Travis Shupe at 210 North Fairwind Circle (1320 West), subject to some stipulations presented by the City Engineer, and producing a copy of a signed quit claim document from Questar, due to an issue regarding an easement. Related documents were provided to Council for their review.

MOTION: Valerie Shaw moved to approve Travis Shupe's small subdivision.

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 – Aye

7.
Consider approval for
Proposed Amendments to
Municipal Code 17:48 Signs

Mike Eggett – the moratorium lapses September 17, 2009 and there is no City Council meeting scheduled for September 15, 2009. The Planning Commission fully endorses the ordinance as it is currently written.

Steve Doxey discussed a change in wording of Section 17.48.070, subsection AA, from "Any sign that appeals to or advertises for sexually-oriented businesses" to "Any sign that appeals to or advertises a sexually-oriented business".

MOTION: Ken Romney moved to approve West Bountiful City Ordinance 314-09, an ordinance amending Chapter 17.48, addressing sign prohibitions within West Bountiful City, as written with changes proposed by Steve Doxey in Section 17.48.070.AA.

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 – Aye

8.
Discussion on Industrial Residue
And Other Airborne Nuisances

Craig Howe – The City has been active in seeking options. They have taken significant input from residents, invited the EPA to address plumes and air quality, talked with Holly Oil and Trinity Steel. There are still issues with Holly, but Holly has responded regarding some tanks that were leaking, and they have provided a telephone number that citizens can call to report odor issues (801-560-5511). Trinity Steel allowed them to tour their plant to see improvements, and the City is conducting an independent "orange" test. They invited the Division of Air Quality to review their processes in collecting data. They learned that in the DAQ Charter, the pollution permitted far exceeds current output. A concern was that the DAQ has no ability to monitor the air locally. They only measure the entire basin. West Bountiful has budgeted for their own mobile monitoring devices. The units have not yet arrived, but once put to use they will account for air flows and currents, night or day, at different bench altitudes. The resulting data will be taken to the DAQ.

The City Administration asked Council for authorization to begin an environmental project which would involve monitoring for a period of time, perhaps six months, at which time they would put together a plan, with the possibility of funds needed to move forward from that point.

The Mayor suggested a study involving occurrences of asthma among residents.

Ken Romney recommended keeping lines of communication open with Holly Oil, and sharing results with them on an ongoing basis.

Locations of testing will not be made public.

Denis Hopkinson remarked that the DAQ's higher permitted levels being due to faulty equipment could be "smoke and mirrors", and the City needs to watch for any increases the DAQ may approve in the future.

MOTION: James Bruhn moved to authorize City Administration to create a plan to begin monitoring, using funds already budgeted for air monitors.

SECOND: Debbie McKean seconded the motion.

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

9.
Discussion regarding the
Drafting of a City Ordinance
Pertaining to Odors, Dust, Etc.

Tabled.

10.
Engineer's Report

Ben White – Water lines are all installed on 1000 North, and have passed the bacteria and pressure tests. Beginning tomorrow morning, water service will be shut down house by house, which will be completed the Tuesday after Labor Day. Residents have been notified via flyers on their doors, the West Bountiful Office marquee, and the website.

350 feet of 1100 West north of Pages Lane needs to be repaved, and bids are open.

Regarding Legacy drainage, a draft of a memorandum with photographs to take back to UDOT was provided to the Council. Agreements are going back and forth among the communities and UDOT.

700 West is in poor condition. Two inches of asphalt were laid in the '70s, with no overlays since. The water line is cast iron. Ben would want to replace the water line at the same time he rebuilds the street. Funds for the water line would come from the water bond, and he would need $350,000 to do the street.

There are 22,000 feet of street for which he recommends a slurry seal for a cost of $126,000, which will preserve the streets for 10 years.

11.
Consider Change Order
Regarding 1000 North
Road Construction

Ben White - $50,000 was allotted to resurface the road over the water line trench. Additional work needs to be done because of the condition of the rest of the road. Ben went to the contractor for a price on redoing the whole road, which came to $110,000 in addition to the $50,000, for a total of $160,000, plus contingency.

There was a discussion as to where the money should be pulled from. Ben recommended taking all the money from the impact fund, because there is a limit by which that money needs to be used, and city administration would like to preserve the water fund.

MOTION: James Bruhn moved to direct Ben White to work with the contractor on a change order to totally rebuild 1000 North as part of the project, directing Staff to take money out of impact fees.

SECOND: Cheryl Searle seconded the motion.

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

12.
Consider Award for
Reconstruction of 1100 West
(north of Pages Lane)

Ben White opened bidding for 350 feet of street replacement. The low bid was slightly under budget; $40,894 to remove asphalt and build up to specifications. Ben recommends awarding the contract to Staker Paving for $44,000, allowing for additional work with the same contractor in order to save time, as the end of the season is nearing.

James Bruhn asked if this work would include bus stop pads. Ben said there would be bus stop pads on Pages Lane, 800 West intersection, and halfway towards the park.

MOTION: Ken Romney moved to award reconstruction of 1100 West north of Pages Lane to Staker Paving for $44,000 for that project and miscellaneous paving at the City Engineer's discretion, using impact fees.

SECOND: Debbie McKean seconded the motion.

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

13.
Consideration of a New
Project for a new City Well

Craig Howe – the current well is pumping now, but he wants permission to aggressively pursue getting a new well. A new well is needed so that the City does not go over their Weber Basin allotment, and also to provide enough water for new business development coming to the City. For this meeting, he was asking approval to begin test drilling at a site he has already chosen. He did not want the location made public yet. He needs to choose a geohydrologist to do the test.

$120,000 was allocated for the well rehabilitation but it was not all used. They have also saved money on the water lines. This leaves enough to cover a test drill.

Council decided further discussion was needed regarding the property purchase before a vote could be taken. It was proposed they discuss this in the closed session.

cities themselves. Craig and Mi
of Cities and Towns meeting on
Cheryl Searle asked to attend, a
with Centerville is complete on
been recorded. There will be a
the cities to incorporate all the p
CDA.

ble voting on Item 13 until
scuss the location of the

Becky Guiness was introduced
Clipper. Shane has retired.

e motion.

Bev Haslam reported on the ele
taking place. Meet the Candida
p.m. The primary election is Se
have results by 9:30 p.m. She a
must bring valid IDs to the poll

16.
Mayor/Council Reports.

Valerie Shaw asked Chief Rand
issued on 1000 North for drivin
Lloyd said they were watching
was an occasion when a car dro

ny questions, and there were

James Bruhn suggested they ev
in the future; closed portions as

Cheryl Searle asked if they wer
cross the street. Ben said it was
him to get with the school to se
be.

h other city managers
th UDOT. The cities wish to
then another between the
gett are attending a League
mber 9th. James Bruhn and
nnexation of the boundary
Bountiful's part, and has
ng Thursday at 3:00 p.m. with
ties on the west side into a

new correspondent from the

West Bountiful
City Council Meeting

calendar. Early elections are
September 2, 2009 at 7:00
per 15, 2009. They hope to
hat voters be reminded they

MOTION: Valerie Shaw move
after the Item 18 Closed Sessio
property.

SECOND: James Bruhn secon

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

d about citations that were
e closed portion. Chief
sed portion because there
r someone's grass.

how contractors do the roads
ed to partial lanes.

14.
Planning Commission Report

ping where school children
restriped. The Mayor asked
e they wanted the crossing to

James Ahlstrom asked if there v
none from the Council.

15.
Administration Report

Craig Howe is continuing to wo
regarding the interlocal agreeme
draft a new agreement for UDO

Debbie McKean reminded Council about Founders Day which starts with a 5K run on Thursday, September 10, 2009. The trail celebration will be separate from Founders Day. Debbie is asking the school to have a Name the Trail contest, then they will have a ceremony at the end of school on Friday when they will announce the winner and present a bicycle. The bicycle will be donated by Mark Kennedy at Saturday Cycle.

Mayor Behunin asked for a schedule of when the youth city council, the trails committee, the beautification committee, and the arts council will meet.

Mayor Behunin announced Josh Chidester is going to do a survey about recycling for his Eagle Scout project. He will have the results for the next meeting.

17.
Approval of Minutes of Previous Meeting

MOTION: Debbie McKean moved to approve the minutes of the City Council meeting held August 18, 2009, with a correction on Page 8.

SECOND: Ken Romney seconded the Motion.

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

18.
Closed Session

Strategy session to discuss pending or reasonably imminent litigation and the purchase proposed in Item 13 of this agenda.

MOTION: Ken Romney moved to go to closed session to discuss imminent litigation and Item 8 purchase of property for the well.

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 – Aye

Cheryl excused herself from the meeting at this point to avoid conflict of interest.

MOTION: Debbie McKean moved to close closed session.

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 – Absent

MOTION: Valerie Shaw moved to authorize the City Engineer to entertain a bid from a geohydrologist to drill a test well.

SECOND: Ken Romney seconded the Motion.

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

19.
Adjournment
11:05 p.m.

MOTION: Ken moved to adjourn the council meeting.

SECOND: Debbie McKean seconded the motion.

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

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH