Mayor
Kenneth Romney

City Council
John Baza
George Biada
James Bruhn
Mark Preece
Valerie Shaw

West Bountiful City

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City Administrator
Craig Howe

City Engineer
Ben White

City Recorder / Auditor
Heidi Voordeckers

City Treasurer
Mindi Tullis

Chief of Police
Randy W. Lloyd

**** AMENDED ****

CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT WEST BOUNTIUFL CITY WILL HOLD THE REGULARLY SCHEDULED CITY COUNCIL MEETING ON TUESDAY, FEBRUARY 2, 2010 AND 7:30 PM – 550 NORTH 800 WEST, WEST BOUNTIFUL CITY

AGENDA AS FOLLOWS:

Invocation/Thought by Invitation
Pledge of Allegiance -

1. Accept Agenda
2. Public Comment (Two minutes per person) or if a spokesperson has been asked by a group to summaries their comments, five minutes will be allowed.
3. Report from Lynn Keddington (Holly Refinery) regarding blast zones
4. Consider approval of Ordinance 316-10, amending Chapter 17.32 "General Commercial District, CG" of the Municipal Code
5. Consider approval of Ordinance 315-10, amending the West Bountiful Municipal Code to Include Chapter 17.30, "Legacy Overlay District, LO" with its respective language and amending the West Bountiful City Zoning Map to Include the Zoning Area
6. Consider amendment of Current 401(k) in lieu Employee Benefit Plan
7. Consider adoption of Resolution 255-10 – Establishing Fee Schedule for Lakeside Golf Course
8. Consider award for Test Well for New Culinary Well
9. Consider adoption of Resolution 256-10 – Adjusting the Monthly Culinary Water Service Rates
10. Consider adoption of Resolution 257-10 – Supporting Hill Air Force Base in the F-35 Basing
11. Planning Commission Report
12. Administrative Report
13. Mayor/Council Reports
14. Approval of Minutes from Previous Meeting
15. Employee of the Month – Officer Jeremy Brown
16. Consider Appointment of Steve Schmidt to the Planning Commission
17. Consider New Web Site Service Contract for Lakeside Golf Course
18. Adjournment

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Heidi Voordeckers (City Recorder) at (801) 292-4486

Any residents or property owner in West Bountiful City may request to offer a prayer or thought at the City Council Meetings. Please notify Heidi Voordeckers, City Recorder of West Bountiful City, of this desire twenty four (24) hours before the meeting.

** I certify that this agenda has been posted and delivered to the City Council and sent to the Clipper Publishing Company on January 27, 2010

Minutes of the meeting of the City Council of West Bountiful City held on Tuesday, February 2, 2010 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor Kenneth Romney, George Biada, John Baza, James Bruhn, Valerie Shaw, Mark Preece.

STAFF PRESENT: Craig Howe (City Administrator), Heidi Voordeckers (City Recorder), Ben White (City Engineer), Michael Eggett (Planning and Zoning), Randy Lloyd (Chief of Police), Nathalie Ellingson (secretary).

VISITORS: Alan Malan, Sandi Smith, DeVan Pack, Terry Olsen, Steve Schmidt, Louise Schmidt, Kelly Enquist, Bill Bown, Tris Bown, Tanner Hooper, Dennis Hooper, Jason Meservy, Robert and Carolyn Cox, James Ahlstrom.
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Called to Order:

Mayor Kenneth Romney of West Bountiful City called this meeting to order at 7:37 pm.

Invocation/Thought: Valerie Shaw gave a thought.

Pledge of Allegiance was led by James Bruhn.

1.
Accept Agenda

MOTION: James Bruhn moved to accept the Agenda as written, but moving Items 15, 16 and 17 to follow Item 2.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

2.
Public Comment

Robert Cox – since the public hearing on January 28, 2010, he recalled an incident in West Texas 20 years ago wherein they had a similar problem of leaking along a natural gas line. In order to fix it, they ran plastic pipe through the inside of the metal pipe, which contained 95% of the leakage. $150/foot is high, and if this could be done, it would save the City money.

Tristina Bown – passed out Help the People of Haiti flyers explaining a project by the West Bountiful 1st Ward Young Women.

They are collecting items to put into hygiene kits. Flyers will be placed in the foyer of the West Bountiful City Hall.

15.
Employee of the Month for January – Officer Jeremy Brown

Chief Randy Lloyd had written a citation which Craig read as he presented Jeremy Brown the Employee of the Month award. He has been an exemplary employee since July 2008; he has a good work ethic, treats people fairly, and has a desire to learn. He went to phlebotomy school so he would be able to draw blood on arrests, and he has learned how to write a search warrant. Because he was able to write a search warrant on the spot, he was responsible for a search where they found heroin, syringes, etc.

16.
Consider Appointment of Steve Schmidt to the Planning Commission

When George Biada was seated on City Council, it left a vacancy on the Planning Commission. Mayor Romney recommended Steve Schmidt for that position.

MOTION: George Biada moved to appoint Steve Schmidt to the Planning Commission.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

17.
Consider New Website Service Contract for Lakeside Golf Course

Mike Bicker presented a proposal from a new website provider for the golf course. It is a national company and the cost is cheaper in the long run. It would pay for itself by providing tee times and capability of e-commerce, which could provide more revenue. The contract is for two years. It is not binding after that.

MOTION: Valerie Shaw moved to approve a new website service contract for Lakeside Golf Course.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

3.
Report from Lynn Keddington
(Holly Refinery) regarding
Blast Zone.

The first part of Lynn's presentation was in response to the Council's request that they get quarterly updates of current projects at Holly. This update included information regarding a sour water stripper which started up in January, two additional rail spots to load caustic soda and ash; a gas/oil hydrocracker; contracting out for a wet gas scrubber which will be installed in 2012; and replacing the old propane flare with a shorter air-assisted flare. They replaced the SRGP compressor with a more reliable compressor in November which has reduced flares. They will need a new permit modification due to new EPA regulations for removal of benzene from gasoline. The project will be $18 million and must be completed by the end of 2011.

In August 2008, RRR/Schirmer conducted a facility siting study to assess the risk associated with vapor cloud explosions for workers occupying building on the Holly site. They were asked by Holly to do a follow-up study to assess the potential impact of those same vapor cloud explosions on the general public, particularly for those inside homes adjacent to Holly, as well as those outside. The results of this study are of particular interest because of the explosion that occurred at Silver Eagle refinery in Woods Cross.

The study compared various psi pressures and what the damage would be on each one. The report of the findings is available on Holly Oil's website. Basically, they found that an explosion would cause minor cosmetic damage to homes, and although windows might break, they were unlikely to shatter. For someone outdoors, there is little likelihood of ruptured eardrums or lung damage.

Damage to buildings inside the refinery would be greater, so they are building a metal building around the current laboratory. There will be no windows or skylights. They are considering either moving the main office across the street on 500 South, or surrounding it with metal. The cost would be approximately the same.

They were not able to study every possible event, but those most likely based on experience. They cannot compare possible events at Holly to that of the Silver Eagle refinery explosion until that report is completed.

James Bruhn asked if the new sound wall on 500 South had a wind rating. Lynn said it was designed only as a sound wall, not a pressure barrier. It was not there when the study was done.

There were three questions from the public. First, Louise Schmidt asked if gases would be emitted from a power surge, and what the impact would be on animals, particularly horses. Lynn said that gases would most likely immediately combust. He assumes the effect on animals would be the same as on humans. The study didn't deal with chemical releases; it was mostly seismic.

Second, Kelly Enquist asked, in referring to the high pressure sulphur units, if the process was the same as that at Silver Eagle. Lynn stated theirs is similar, and there is always a potential of an

incident, but they take all precautions they can. Holly production is higher than Silver Eagle.

Third, Craig Thompson wanted Lynn aware that since the study in 2008, new standards were recently published

Mayor Romney stated that after the Silver Eagle report is released, the City will study all the reports and consider them in their zoning plans.

4.
Consider approval of Ordinance 316-10, amending Chapter 17.32 "General Commercial District, C-G" of the Municipal Code

Michael Eggett presented background. Bill and Tristina Bown's renter, Mr. Wood, asked for permission to put in an auto body shop which would be outside the boundary in the zoning. Mike had originally not approved it, but the Bowns brought it before the Planning and Zoning Commission, a public hearing was held, and the Commission voted unanimously to make modification in zoning to permit the auto body facility. Research done by staff was provided to Council.

In 2002, the ordinance had been changed to keep auto body shops out of the C-G zone because of concerns regarding enforcement and aesthetics. The staff is concerned about enforcement and suggested the amendment not be approved at this time. James pointed out that the amendment would apply to the entire C-G zone, not just one part of it. It would not be possible to allow a shop in one area and not in another area. Different conditions could be applied according to the locations of the shops, but enforcing those conditions would be a problem because West Bountiful has only one enforcer. George Biada suggested they impose fees in order to enforce conditions. This would have to be done across the board and would require some study.

MOTION: James Bruhn moved to deny the Planning Commission's recommendation to approve Ordinance 316-10 amending Chapter 17.32.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Nay
James Bruhn – Aye
George Biada – Nay
John Baza – Aye

5.
Consider approval of Ordinance 315-10, amending the West Bountiful Municipal Code to include Chapter 17.30, "Legacy Overlay District, L-O" with its respective language and amending the West Bountiful

City Zoning Map to include the Zoning Area.

Michael Eggett – the next step after implementing the Blended Use Zone in June was to review the Legacy Overlay. They want to develop certain points of interest to comply with the scenic highway vision, and also keep the rural equestrian atmosphere. After a public hearing, the Commission decided to move the overlay east, expanding the eastern edge rather than the western edge.

Valerie Shaw expressed concern the adjacent landowners were not notified before the change was made. Michael stated small lot subdivisions were excluded and any current structures in place would not be affected by the ordinance.

James Ahlstrom added that if they comply with the Legacy vision, they can pursue federal funding. Part of the land on the east side is owned by the power company, which is good land for trails, etc..

MOTION: George Biada moved to include Chapter 17.30 with its respective language and amend the West Bountiful City Zoning Map to include the Zoning area.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Abstain
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

Mayor Romney asked the Planning Commission to notify landowners in the future before establishing plans.

6.
Consider amendment of Current 401(k) in lieu Employee Benefit Plan

Craig Howe – for the past few years it has been the practice of the City to offer employee benefits at a specific dollar amount. If an employee opted for insurance that costs more than that amount, the employee would pay the difference. If the employee opted for insurance that cost less than that amount or no insurance, the excess funds were put into a 401(k) for that employee. In an effort to save costs, the City Administration has decided to discontinue the practice. The downside is that a few employees chose to work at West Bountiful because of the 401(k) in lieu. However, the practice had never had the approval of the Council, and the Council is looking at other compensations such as 401(k) matching or evaluating pay scales.

MOTION: George Biada moved to take the suggestion of staff and eliminate contributions to 401(k) based on waiving insurance, effective March 1, 2010.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

7.
Consider adoption of Resolution 255-10 – Establishing Fee Schedule for Lakeside Golf Course.

George Biada had met with the golf board when fees were discussed. Some of the fees have not been raised for three years which puts the golf course lower than other golf courses. Raising fees would enable the golf course to be self-sustaining. The resident special will be a large bucket of range balls for $5.00.

MOTION: George moved to approve Resolution 255-10.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

8.
Consider award for Test Well for New Culinary Well
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Ben White – when the City began to consider drilling a new well, they hired a geophysicist who recommended drilling a 1,000 foot deep test well. They took bids beginning January 27th, and the low bidder was Mike Zimmerman Well Drilling. Their bid was $2,000 below the original estimate of $77,500. They will be using the rotary method to drill. They were able to bid lower than the other companies because they were the only local company. The award would be for $74,850 with a $12,000 contingency (15%), for a total of $86,000.

MOTION: John Baza moved to accept recommendation of staff to award to Zimmerman at the amount of $74,850.

SECOND: George Biada seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye

George Biada – Aye
John Baza – Aye

9.
Consider adoption of
Resolution 256-10 –
Adjusting the Monthly Culinary
Water Service Rates

A public hearing was held January 28, 2010, with just under 100 citizens present. Because of citizens' concerns, the Council did not feel they were ready to take action. George stated he and James would be attending a Public Works meeting where they would get a complete overview of the water system. He suggested the additional information could help in the decision.

In response to the suggestions from many residents at the hearing that money be moved from other funds to the water fund, Craig explained that city accounting does not allow for moving funds in that manner. Also, he pointed out that a rate of $63.00 per month was the lowest of three options that included capital improvements.

Valerie pointed out a factor that was not brought up at the public hearing that West Bountiful differs from other surrounding cities in that the lots are large and it costs more to supply water when the homes are farther apart.

10:10 pm

MOTION: James Bruhn moved to extend meeting until the end of the agenda.

SECOND: George Biada seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

Another difference is that the other cities are experiencing more development and are still collecting impact fees. Mayor Romney suggested they might appoint a special committee to go through the records of the water fund for the past 10 years to determine if there are any funds that need to be paid back to the water fund.

MOTION: James Bruhn moved to table Item 9 – Consider adoption of Resolution 256-10 until further research and study.

SECOND: Mark Preece seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

Citizens are invited to the budget work sessions that are coming up. Notifications will be posted.

10.
Consider adoption of
Resolution 257-10 –
Supporting Hill Air Force Base
in the F-35 Basing.

Mayor Romney attended a meeting of the Council of Governments where Hill Air Force Base announced they are phasing out the F-16 and vying for the F-35. Basing the F-35 would mean money for the base and employment. They asked the cities to pass a resolution supporting the action by Hill Air Force Base.

MOTION: George moved to adopt Resolution 257-10.

SECOND: John Baza seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

11.
Planning Commission Report

James Bruhn sat for Valerie at the last meeting. A small subdivision approval will come up in the next Council meeting. He recommended changing the deadline for submission of items for the Council's meeting binders to Wednesday so there is time to add the Planning Commission minutes.

12.
Administrative Report

Residents on Porter Lane were offered an amnesty on water connection fees and Craig said he wants to end the amnesty effective June 1, 2010. That may encourage more of the residents to get connected before that date.

13.
Mayor/Council Reports

James attended a Wasatch Integrated meeting and will present information at the next Council meeting.

17.
Approval of Minutes of
Previous Meeting

James Bruhn pointed out two errors in the minutes for the Council meeting January 19, 2010.

MOTION: Valerie Shaw moved to approve minutes for the Work Session and the City Council Meeting on January 19, 2010, as amended.

SECOND: George Biada seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

18.
Adjournment
10:45 pm

MOTION: Valerie Shaw moved to adjourn the City Council Meeting.

SECOND: George Biada seconded the Motion.

PASSED: Voting was as follows:
Mark Preece – Aye
Valerie Shaw – Aye
James Bruhn – Aye
George Biada – Aye
John Baza – Aye

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH

MAYOR KENNETH ROMNEY

HEIDI VOORDECKERS (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)