

**Mayor**  
Kenneth Romney

# WEST BOUNTIFUL CITY

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Debbie McKean  
Mark Preece

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355  
www.WBCity.org

**City Recorder**  
Cathy Brightwell

**City Engineer**  
Ben White

**Public Works Director**  
Steve Maughan

## CITY COUNCIL MEETING

THE WEST BOUNTIFUL CITY COUNCIL WILL ITS REGULAR MEETING ON  
TUESDAY, SEPTEMBER 16, 2014, BEGINNING AT 7:30 PM  
IN THE CITY OFFICES AT 550 NORTH 800 WEST.

***Invocation/Thought by Invitation***  
***Pledge of Allegiance – Kelly Enquist***

1. Accept Agenda.
2. Public Comment (two minutes per person) or if a spokesperson has been asked by a group to summarize their comments, five minutes will be allowed.
3. Swearing in of 2014-2015 Youth City Council.
4. Consider Resolution #349-14, A Resolution Consenting to the Davis County Animal Control's Trap, Neuter, and Return Pilot Program.
5. Consider awarding Birnam Woods Storm Drain Project to Triple J Concrete for \$25,000.
6. Consider Ordinance #366-14, An Ordinance Amending the West Bountiful City Land Use Ordinance to Reinstate Exception to Zoning Specific Height Restrictions.
7. Consider Resolution #350-14, A Resolution Adopting the Second Amendment to Development Agreement with Holly Refining & Marketing Company – Woods Cross LLC.
8. Discussion on options for addressing gaps in sidewalk improvements.
9. Police Report.
10. Engineering Report.
11. Administrative Report.
12. Mayor/Council Reports.
13. Approval of Minutes from the September 2, 2014 City Council Meeting.
14. Executive session, pursuant Utah Code 52-4-205 (c) to discuss pending or reasonably imminent litigation.
15. Adjourn.

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

*This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Clipper Publishing Company on September 12, 2014.*

# WEST BOUNTIFUL CITY

RESOLUTION #349-14

## ***A RESOLUTION CONSENTING TO THE DAVIS COUNTY ANIMAL CONTROL'S TRAP, NEUTER, RETURN (TNR) PILOT PROGRAM***

**WHEREAS**, Utah Code Annotated 11-46-301 et. seq., known as the Community Cat Act, allows for animal control officials to engage in programs where stray cats are returned to communities as "community cats;" and,

**WHEREAS**, Davis County Animal Control in conjunction with Best Friends Animal Society, has asked for permission to engage in a five-year pilot community cat program within West Bountiful City at no additional cost to the City; and,

**WHEREAS**, the West Bountiful City Council finds that a community cat program will serve residents by better controlling stray cat populations and limiting nuisance cats:

**NOW THEREFORE, BE IT RESOLVED** that the City Council of West Bountiful City agrees to the City's participation in Davis County Animal Control's Trap, Neuter, and Return (TNR) program to establish a community cat program in West Bountiful.

**EFFECTIVE DATE.** This resolution shall be effective immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 16<sup>th</sup> day of September, 2014.

---

Ken Romney, Mayor

Voting by the City Council: Aye                      Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

ATTEST:

---

Cathy Brightwell, City Recorder

# MEMORANDUM



**TO:** Mayor & Council  
**DATE:** September 11, 2014  
**FROM:** Ben White  
**RE:** Birnam Woods Storm Drainage Project

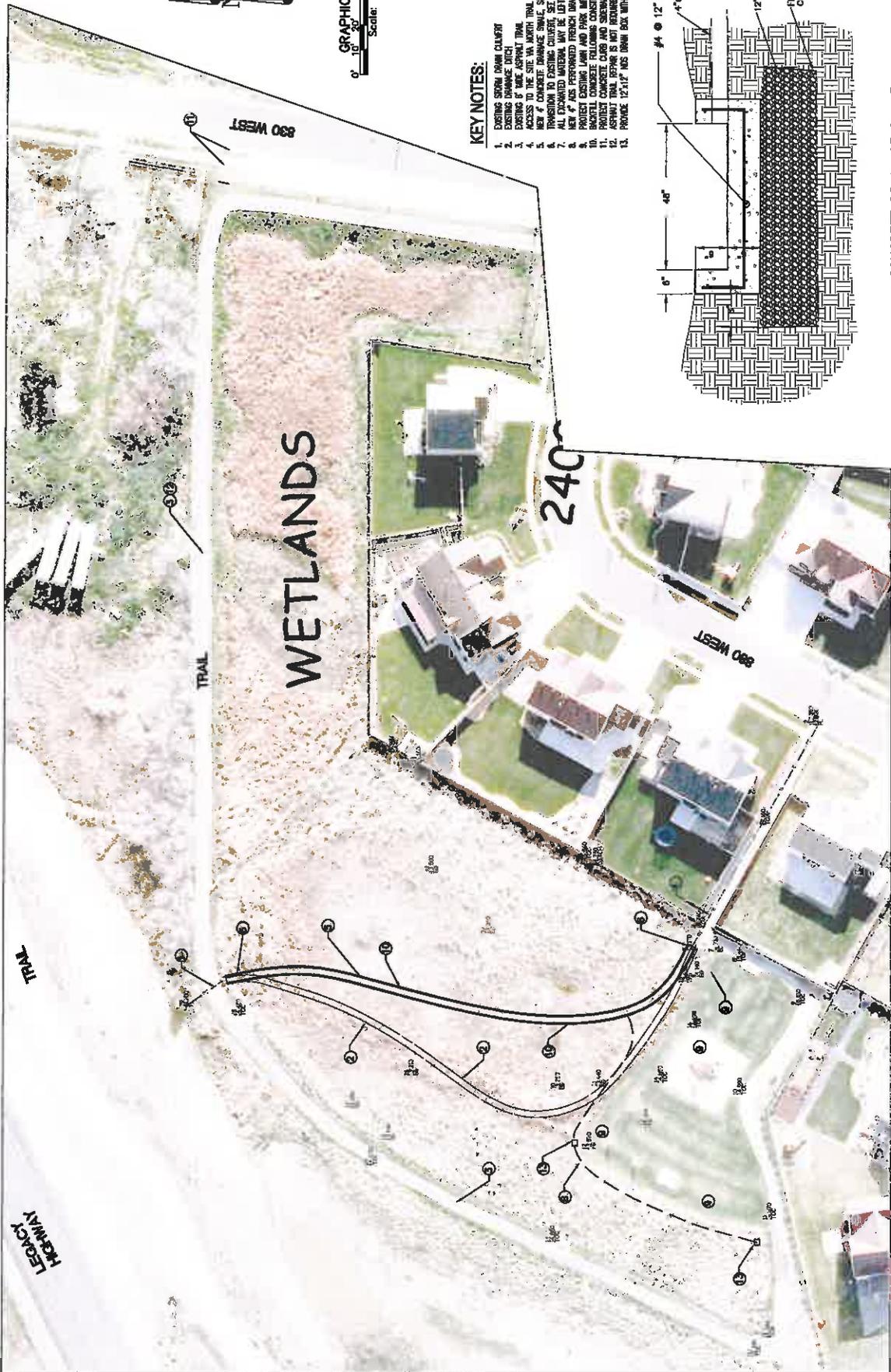
---

West Bountiful City received bids this week for proposed drainage improvements in the Birnam Woods Park. In short, the project includes constructing a 6" deep concrete channel through the area to contain the storm water. We have also been bringing fill into the area which will be graded to match the concrete elevation once it is constructed. The proposed project will not do much to dry out the grassed area that appears "spongy" at times; but it should eliminate the standing water which will allow Public Works to better maintain the area.

The City received bids from 7 contractors:

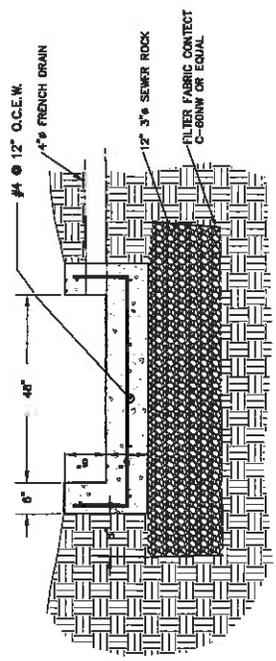
<u>Triple J Concrete</u>	<u>25,000.00</u>
<u>Jordan Valley Construction</u>	<u>36,610.00</u>
<u>Stapp Construction</u>	<u>40,775.00</u>
<u>MC Green</u>	<u>47,385.20</u>
<u>England Construction</u>	<u>48,430.00</u>
<u>JMR Construction</u>	<u>49,735.00</u>
<u>ZPSCO</u>	<u>69,778.91</u>

Triple J is the contractor who constructed the concrete path around the city park. This project is funded in this fiscal year budget for \$75,000. Keep in mind that even though the bid is only 33% of the budget, it is not the entire project. There is additional grading work that will need done and the asphalt trail needs reconstructed. **Staff is recommending this portion of project be awarded to Triple J Concrete for the amount of \$25,000.**



**KEY NOTES:**

1. EXISTING STORM DRAIN CHANNEL
2. EXISTING DRAINAGE DITCH
3. EXISTING 8" DIA ASPHALT TRAIL
4. ACCESS TO THE SITE VIA NORTH TRAIL
5. NEW 2" CONCRETE DRAINAGE SWALE, SEE CROSS SECTION ON SP-01
6. PROVISION TO EXISTING CHANNEL, SEE DETAIL ON SP-01
7. NEW 4" DIA PERFORATED FRENCH DRAIN, SEE DETAIL ON SP-01
8. NEW 4" DIA PERFORATED FRENCH DRAIN, SEE DETAIL ON SP-01
9. PROTECT EXISTING LAWN AND PARK IMPROVEMENTS
10. PROTECT CONCRETE FOLLOWING CONSTRUCTION
11. PROTECT CONCRETE CURB AND SIDEWALK
12. ASPHALT TRAIL BEFORE IS NOT DEMOLISHED
13. PROVIDE 12"x12" AND DRAIN BOX WITH GRATE



CONCRETE DRAINAGE SWALE  
N.T.S.

NO. DATE 1 8/28/12 REVISIONS ADD DRAIN BOX	DRAWN BY BSW FILE NAME SP-2 DATE 7-18-14	<b>WEST BOUNTIFUL CITY</b> 800 North 800 West West Bountiful, UT 84177 Office: 801.262.4488 F: 801.262.6365 <a href="http://westbci.org">westbci.org</a>		<b>BIRNAM WOODS PARK STORM DRAIN PROJECT</b>	<b>10-062 EXHIBIT</b>
<b>SITE PLAN EXHIBIT</b>					

**Notice of Award**

Date: September 11, 2014

Contract: Birnam Woods Park Storm Drainage Project

Owner: West Bountiful

Owner's Contract No.: 10-062

Bidder: Triple J Concrete LLC

Bidder's Address: P.O. Box 362 Willard, UT 84340

You are notified that your Bid dated September 4, 2014 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for *Birnam Woods Park Storm Drainage Project*.

The Contract Price of your Contract is Twenty-Five Thousand and 00 /100 Dollars (\$25,000).

3 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within 15 days of the date you receive this Notice of Award.

1. Deliver to the Owner 3 fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Deliver with the executed Contract Documents the certificates of insurance as specified in the Instructions to Bidders (Article 20), General Conditions (Article 5) and Supplementary Conditions (Paragraphs SC-5.04 and SC-5.06).

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner/Owner's Agent: West Bountiful City

Authorized Signature: \_\_\_\_\_

Printed Name: Kenneth Romney

Title: Mayor

# MEMORANDUM



**TO:** Planning Commission

**DATE:** July 3, 2014

**FROM:** Duane Huffman

**RE:** **Re-Instatement of Former Supplementary Regulations Related to Exceptions to Height Limitations**

---

It appears that during the process of dividing out what was then the “Supplemental Regulations” chapter of the land use ordinance, a long-standing provision related to exceptions on height limitations was inadvertently omitted from the commercial and industrial zones. This memo (a) reviews the background of how this section was omitted and (b) provides a recommendation that it be re-instated for the commercial and industrial zone.

## **Background**

### 1. History of the Section

In reviewing the West Bountiful City Ordinances, since at least 1965 an exception on zoning specific height restrictions has existed. This exception has existed in the “Supplemental Regulations” of the various codified versions of the City Ordinances.

#### *1965 Version (10-12-4B)*

“Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.”

#### *1981 Version (10-4-13), 1993 Version (9-14-10); 2001 Version (17.44.100)*

“Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of the City”

## 2. History of the Omission

In 2011 the West Bountiful City staff began working with the Planning Commission and the City Council to portion out sections of the “Supplemental Regulations” chapter to other specific chapters within the land use code. The memos and the minutes from the meetings make clear that the purpose of this action was to make the code more reader friendly, minimizing the number of chapters a reader would need to review to understand the regulations on any given issue.

The first ordinance to divvy out Chapter 17.44 was first discussed at the planning commission in April 11, 2011, and a public hearing was held on May 10, 2011. It appears from the minutes of that meeting and subsequent reports made at the City Council meetings, the discussion focused around side yards, fence heights and issues related to property length/width ratios. The City Council considered approved the ordinance at their June 21, 2011 meeting. The minutes from that meeting show a clear focus on the residential and agricultural zones.

The second ordinance to divvy out Chapter 17.44 was in 2012. Staff discovered that the 2011 ordinance did not in fact actually delete chapter 17.44, as had been intended. Further, at least one section from 17.44 had not been moved to any new chapter (it related to gas pumps). A public hearing was held on May 8, 2012, and the City Council adopted the ordinance to finally delete Chapter 14.44 at the meeting on June 5, 2012.

While in Chapter 17.44, the exception to height restrictions applied to all zones; however, throughout the processes in 2011 and 2012, this section was interested only into the zoning chapters for residential and agricultural uses. **At no point in the record of staff notes, Planning Commission minutes, City Council minutes, or public hearing notices was it stated that the purpose of these actions was to perform a substantive change by removing exceptions to height restrictions.**

### **Recommendation**

As the long-standing language related to exceptions to height limitations clearly had language related to commercial and industrial uses, and as the record provides no evidence that anyone involved or the noticed public were aware that this exception was being omitted from commercial and industrial uses, I respectfully recommend that the Planning Commission schedule a public hearing to consider a recommendation to the City Council on re-instating this exception for the commercial and industrial zones.

# WEST BOUNTIFUL CITY

## ORDINANCE #366-14

### ***AN ORDINANCE AMENDING THE WEST BOUNTIFUL CITY LAND USE ORDINANCE TO REINSTATE EXCEPTIONS TO ZONING SPECIFIC HEIGHT RESTRICTIONS***

**WHEREAS**, Utah Code Annotated § 10-9a, also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and,

**WHEREAS**, it appears that during the process making technical revisions to the land use ordinance in 2012, a long-standing provision related to exceptions on height limitations was inadvertently omitted from the commercial and industrial zones; and,

**WHEREAS**, the West Bountiful City Planning Commission held a public hearing on August 12, 2014 to consider a recommendation that the provision related to exceptions on height limitations be reinstated; and,

**WHEREAS**, following the public hearing, the West Bountiful Planning Commission unanimously voted to recommend to the City Council that the language in question be reinstated:

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT THE FOLLOWING LANGUAGE BE INSERTED INTO CHAPTERS “17.26.040 BLENDED USE DISTRICT”; “17.28.060 COMMERCIAL NEIGHBORHOOD DISTRICT”; “17.32.060 COMMERCIAL GENERAL DISTRICT”; “17.34.070 COMMERCIAL HIGHWAY DISTRICT”; “17.36.060 LIGHT INDUSTRIAL DISTRICT”; AND “17.40.060 INDUSTRIAL GENERAL DISTRICT” OF THE WEST BOUNTIFUL CITY CODE:***

*“17.XX.XXX Exceptions to Height Limitations*

*Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, nor shall*

*such increased height be in violation of any other ordinance or regulation of the City.”*

This ordinance will become effective upon signing and posting.

By:

---

Ken Romney, Mayor

Attest:

---

Cathy Brightwell, City Recorder

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember McKean	_____	_____
Councilmember Preece	_____	_____

## Second Amendment to Development Agreement

This Second Amendment to Development Agreement (this “**Amendment**”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between **HOLLY REFINING & MARKETING COMPANY – WOODS CROSS LLC**, a Delaware limited liability company (as successor in interest to Woods Cross Refining Company, L.L.C.) (“**HRM-WX**”), and **WEST BOUNTIFUL CITY**, a municipal corporation organized and existing under the laws of the State of Utah (the “**City**”). Each of HRM-WX and the City are sometimes referred to herein as a “**Party**” and collectively as the “**Parties.**”

### Recitals:

A. HRM-WX is the owner of certain real property located between 700 West Street and 1100 West Street and between 500 South Street and approximately 200 North, West Bountiful, Utah (the “**Refinery Property**”), upon which HRM-WX’s oil refinery is located (the “**Refinery**”).

B. On or about June 28, 2007, HRM-WX and the City entered into that certain Development Agreement (as amended by that certain First Amendment to Development Agreement, dated January 7, 2009, the “**Agreement**”), relating to, among other things, the City’s approval of HRM-WX’s modernization of the Refinery and environmental enhancements and control technologies.

C. HRM-WX has determined that the blend of the feed source for Refinery should include, in part, crude oil originating from the Uintah Basin in Utah, with a resulting adjustment to the systems and equipment to be installed in connection with the approved modernization of the Refinery.

D. HRM-WX has also determined that a previously approved cogeneration plant and east and west rail spurs no longer are a part of the modernization and the Parties desire to remove all references to the such improvements from the Agreement.

E. The City, acting pursuant to its authority under Utah Code Ann. §10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has determined that the adjusted systems and equipment fall within the general scope of the originally approved modernization and environmental projects for the Refinery, and, in the exercise of its legislative discretion, has elected to approve this Amendment in furtherance of HRM-WX’s vested rights with respect thereto.

### Amendment:

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants contained in the Agreement, as amended pursuant to this Amendment, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Definitions; Incorporation.** Capitalized terms used but not otherwise defined in this Amendment shall have the meanings ascribed to such terms in the Agreement. The Parties hereby acknowledge the accuracy of the foregoing Recitals and agree that the foregoing Recitals are hereby incorporated herein by reference and made a part of this Agreement.

**2. Adjusted Technical Descriptions of Projects: New Exhibit.** Exhibits B, C and D to the Agreement are hereby replaced in their entirety with Exhibits B, C and D attached to this Amendment. Exhibit I attached to this Amendment is hereby incorporated into the Agreement by this reference.

**3. Roadway Improvements.** The following is inserted as a new Section 1.10 to the Agreement:

1.10. 1100 West Improvements. HRM-WX agrees that it shall complete or cause the completion of the roadway improvements identified on Exhibit I attached hereto (i.e. the installation of curb, gutter and sidewalk along the east side of that portion of 1100 West Street that is adjacent to the Refinery Property) (the “**1100 West Improvements**”) pursuant to plans and specifications therefor consistent with the City’s generally applied street improvement standards for similar improvements. HRM-WX will use commercially reasonable efforts to complete or cause the completion of the 1100 West Improvements on or before \_\_\_\_\_, 20\_\_.

**4. Progress Reports.** The following is inserted as a new Section 2.8 to the Agreement:

2.8. Periodic Project Updates. HRM-WX will endeavor to keep the City generally informed as to the progress on any Projects identified on the Exhibits to the Agreement that are under active construction at the Refinery. Upon the City’s request from time to time, HRM-WX will provide updates to the City of active Projects on a monthly basis (or such other frequency as HRM-WX and the City may agree). Such updates shall identify construction activities planned to occur over the ensuing thirty (30) days and that will be readily visible from the fence line of the Refinery. For 2014, HRM-WX agrees to provide weekly updates to the City for any construction projects under active construction that are covered by this Agreement.

**5. 800 West Street Repairs.** The following is inserted as a new Section 3.7 to the Agreement:

3.7 If the number of crude oil deliveries by truck in any calendar year exceeds the number of such deliveries during [2014] (the “Threshold Number”), commencing with the immediately succeeding calendar year HRM-WX will reimburse the City, seventy-five percent (75%), up to a maximum of \$100,000 annually, of the City’s reasonably incurred out-of-pocket expenses in maintaining and repairing, in its present condition, that portion of 800 West Street that is immediately adjacent to the Refinery. Once such payments commence, if during any calendar year HRM-WX materially reduces its usage of 800 West Street for the delivery of crude oil by truck by reason of the use of a crude oil pipeline or other reasons, and the number of such deliveries is less than the Threshold Number, then the payment obligation set forth in this Section 3.7 for the next succeeding calendar year shall be zero. Except as expressly set forth in this Section, HRM-WX has no other obligation pertaining to the repair, maintenance or replacement of 800 West Street. HRM-WX commitment in this regard will continue for so long as HRM-WX owns the Refinery and utilizes 800 West Street for its principal means of ingress and egress for heavy truck traffic in and out of the Refinery.

**6. Miscellaneous.** This Amendment may be signed in any number of counterparts, all of which shall be one agreement. Facsimile or electronic signatures have the same force as original signatures. Except as expressly modified and amended hereby, all other terms and conditions of the Agreement shall continue in full force and effect and the parties hereby reinstate, ratify and confirm the terms of the Agreement as modified by this Amendment. In the event of a conflict between the terms and conditions of this Amendment and the Agreement, the terms and conditions of this Amendment shall govern. This Amendment shall inure to the benefit of and shall be binding on each of the parties hereto and their respective successors and/or assigns subject to any restriction on assignment set forth in the Agreement. The Parties (a) agree to take such actions as may be reasonably required to effectuate this Amendment and (b) ratify and confirm the Agreement as amended by this Amendment.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the date first written above.

**HRM-WX:**

**HOLLY REFINING & MARKETING COMPANY  
– WOODS CROSS LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY:**

**WEST BOUNTIFUL CITY**

\_\_\_\_\_  
Mayor Ken Romney

**ATTEST:**

\_\_\_\_\_  
Cathy Brightwell, City Recorder



**EXHIBIT B**  
**TO**  
**DEVELOPMENT AGREEMENT**

---

**Environmental Projects**

The “Environmental Projects” referred to in the foregoing Agreement are generally described as follows:

- *Gas Oil Hydrocracker (GHC)* – 15,000 barrels per day (bpd) gas oil hydrocracker.
- *NaSH Plant* – The NaSH plant unit takes off-gas product from the GHC and treats the gas with caustic to make a NaSH product. Two NaSH product tanks and one caustic tank will need to be constructed for this process.
- *Sour Water Stripper* – A unit processes the H<sub>2</sub>S rich water produced as part of the GHC processing. One new sour water tank will need to be constructed for the feedstock.
- *Sulfur Recovery Unit Revamp* – This is a revamp of the existing Sulfur Recovery Unit to process the change in feed streams quality and quantity. There will be no visible change in the appearance of this unit. New equipment will provide routing of current tail gas emissions to the FCC Scrubber for additional treatment.
- *Crude Unit Installation and Revamps/Desalter* – This modification will allow processing of black wax crudes and increase to production. This revamp will include the use of a parallel heat exchanger train. A new crude unit to be installed on the north area of the refinery. Appearance will be similar to the existing refinery, comprised of a new crude tower, associated pumps and exchangers, and a new heater. Plot size will be approximately 100 ft x 200 ft. The only item in excess of 100 ft in height is the heater stack.
- *SDA Unit Improvements*– This modification will provide flexibility to process increased quantities of black wax and Canadian crudes. This will increase the capacity of this unit. Two new tanks will be required as well as modification of three other tanks. The appearance of the existing SDA unit will not significantly change.
- *Wet Gas Scrubber* – This modification to the existing Fluid Catalyst Cracker (FCC) will “scrub” the flue gas from the FCC reducing overall emissions.
- *Control Room Modifications* – Modifications to the existing control are required for the distributive control systems for the new units. Modifications to the south side of the existing control room will be required at the time the original refinery office building is demolished. Expected appearance and height of the building to remain the same.

- *NO<sub>x</sub> Burners* – Installation of NO<sub>x</sub> burners in connection with the environmental controls required under HRM-WX's air quality permit. This equipment is internal to the heaters with no visible impact.
- *Hydrogen Plant*- Installation of a plant to generate hydrogen to be used in the sulfur removal processes. Plot space is currently estimated to be 100 ft x 400 ft, with heater heights in excess of 100 ft. Details of this equipment have not been developed at this time, but will appear similar to existing refinery operating equipment.
- *Electrical Infrastructure Upgrades*- Installation of necessary electrical facilities, systems and equipment as necessary to operate the new and existing facilities at the Refinery. This work includes, but is not limited to, a new substation on the northeast corner of the refinery, with high voltage power lines running overhead from this area, crossing 800 West near the crude unloading bays. Seven power poles to be installed with an approximate height of 60 feet, to provide required clearance over existing utilities along 800 West.
- *Related Improvements* – Installation of interconnecting piping, instrumentation and utilities as necessary to operate the new and existing facilities at the Refinery, including, but not limited to upgrades to fresh water treatment and waste water treatment systems and installation of a system to minimize gas flow to the refinery flares. The majority of this equipment will not be visible from the roadway. If a new flare is required, it will be constructed in the general area of the current flares and would be greater than 100 ft in height. Work around 800 West also includes installation of an underground pipe culvert to provide room for pipe, electricity cables and control wiring to the East Tank Farm. Location of this crossing will be just east of the existing crude unloading bays and the width will be approximately 20 feet.

**EXHIBIT C**  
**TO**  
**DEVELOPMENT AGREEMENT**

---

**Modernization Projects**

The “Modernization Projects” referred to in the foregoing Agreement are generally described as follows:

- *Railroad* – Various loading and unloading modifications, including but not limited to, installation of additional rail loading facilities for heavy oils and propane. New loading facilities will be located on both the east and west sides of the refinery. No equipment will be in excess of 100 ft in height.
- *Crude Unloading* – The capacity of the existing crude unloading facility will be expanded. Additional bays will be installed directly south of the existing truck unloading bays. Appearance will be similar to the existing equipment with the addition of a roof covering the bays. Roof height will be approximately 30 ft.
- *Related Improvements* – Installation of equipment, interconnecting piping, instrumentation and utilities as necessary to operate the new and existing facilities at the Refinery, including, but not limited to:
  - FCC Unit – For conversion of heavy fuel oils to gasoline and diesel motor fuels. Appearance of this equipment is similar to the existing refinery units. Plot space will be approximately 150 ft x 350 ft and will be located on the north side of the refinery. The FCC structure will be 150 feet in height with the associated scrubber height of 200 ft, which is the same height as the existing scrubber in the refinery.
  - Poly Unit – For conversion of LPG to gasoline motor fuel. Appearance is similar to existing refinery units with no equipment over 100 ft in height. Plot space will be approximately 100 ft x 200 ft, and will be located on the north side of the refinery.
  - Lubes Unit – For conversion of heavy fuel oils to lubricating oil. Required plot space will be approximately 150 ft x 400 ft, located on the north side of the refinery. Design is not finalized, but general appearance will be similar to the existing refinery units. There will be several vessels and heater stacks over 100 feet in height.

- Vacuum Unit – For removal of diesel and gas oils from reduced crude. Required plot space will be approximately 100 ft x 200 ft and will be located in the south part of the refinery, south and west of the old Office Building. It consists of one main tower and a process heater with heights greater than 100 ft. General appearance will be similar to existing refinery equipment.

**EXHIBIT D**  
**TO**  
**DEVELOPMENT AGREEMENT**

---

**Site Plan**



Development  
Agreement Sit Plan - 1



**EXHIBIT I**  
**TO**  
**DEVELOPMENT AGREEMENT**

---

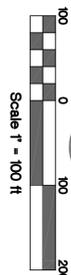
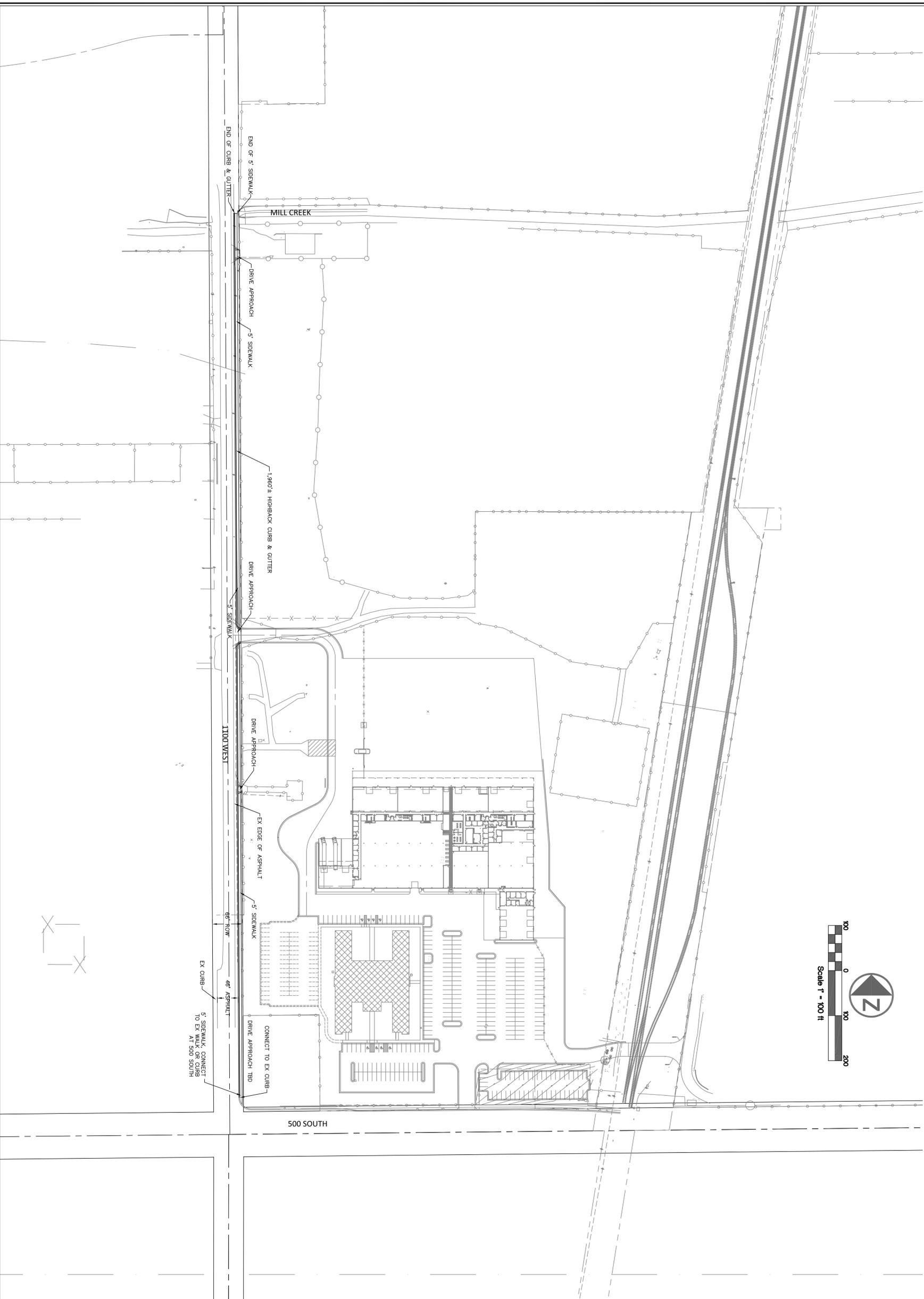
**1100 West Street Improvements**



11116 1100 W Curb  
1 (1).pdf

# HOLLY-FRONTIER

## 1100 WEST IMPROVEMENTS



**WILDING**  
ENGINEERING

14751 SOUTH HERITAGE CENTER WAY  
BLUFFDALE, UTAH 84065  
801.553.8112  
WWW.WILDINGENGINEERING.COM

DRAWING NOTES:

NO.	REVISION	DATE
1	ADDED 5' SIDEWALK ALONG 1100 WEST	5-20-14

**PROJECT INFORMATION**

**HOLLY-FRONTIER**

**1100 WEST IMPROVEMENTS**

**WEST BOUNTIFUL, UTAH**

DRAWN <b>MEC</b>	CHECKED	PROJECT # <b>11116</b>
DATE <b>5/20/14</b>	SCALE <b>1" = 100'</b>	SHEET <b>C101</b>

ENGINEER'S STAMP

G:\DATA\11116 Holly Oil Office Bld\DWG\11116 1100 W Curb.dwg  
PLOT DATE: May 20, 2014

# WEST BOUNTIFUL CITY

## RESOLUTION #350-14

### ***A RESOLUTION ADOPTING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH HOLLY REFINING & MARKETING COMPANY – WOODS CROSS LLC.***

**WHEREAS**, Holly Refining & Marketing – Woods Cross LLC (“HRM-WX”) is the owner of certain real property located between 700 West Street and 1100 West Street and between 500 South Street and approximately 200 North, West Bountiful, Utah, upon which HRM-WX’s oil refinery is located; and,

**WHEREAS**, On or about June 28, 2007, HRM-WX and the City entered into that certain Development Agreement (as amended by that certain First Amendment to Development Agreement, dated January 7, 2009, relating to, among other things, the City’s approval of HRM-WX’s modernization of the refinery and environmental enhancements and control technologies; and,

**WHEREAS**, HRM-WX has determined that the blend of the feed source for the refinery should include, in part, crude oil originating from the Uintah Basin in Utah, with a resulting adjustment to the systems and equipment to be installed in connection with the approved modernization of the refinery; and,

**WHEREAS**, HRM-WX has also determined that a previously approved cogeneration plant and east and west rail spurs no longer are a part of the modernization and the parties desire to remove all references to the such improvements from the Agreement; and,

**WHEREAS**, The City, acting pursuant to its authority under Utah Code Ann. §10-9-101, et seq., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has determined that the adjusted systems and equipment fall within the general scope of the originally approved modernization and environmental projects for the refinery, and, in the exercise of its legislative discretion, has elected to approve a second amendment to the Development Agreement in furtherance of HRM-WX’s vested rights with respect thereto:

**NOW THEREFORE, BE IT RESOLVED** that the City Council of West Bountiful City adopts Exhibit A as the Second Amendment to the 2009 Development Agreement with Holly Refining & Marketing – Woods Cross LLC.

This Resolution shall become effective immediately upon its passage and authorizes and directs the Mayor to execute and cause to be delivered the same.

Passed and approved by the City Council of West Bountiful City this 16<sup>th</sup> day of September, 2014.

---

Ken Romney, Mayor

Voting by the City Council:	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	___	___
Councilmember Bruhn	___	___
Councilmember Enquist	___	___
Councilmember McKean	___	___
Councilmember Preece	___	___

ATTEST:

---

Cathy Brightwell, Recorder

# MEMORANDUM



**TO:** Mayor & Council

**DATE:** Sept 12, 2014

**FROM:** Duane Huffman

**RE:** **Sidewalk Assistance Program**

---

At the August 8<sup>th</sup> City Council meeting, the Council briefly discussed concepts and methods for the City's participation in the installation of street-side improvements (curb, gutter, sidewalk) to fill in existing gaps throughout the community. This memo (1) provides details behind the City's current practices and (2) outlines options for the Council's consideration for expanding the City's current approach.

## Current Practices

The City has the following approaches for the installation of street-side improvements:

- City Code 12.04.020 requires that property owners participate in 50% of the costs for the replacement/repair of broken street-side improvements. However, staff is not aware of an instance of the City enforcing this provision.
- City Code 15.08.050 allows the City to require "curb, gutter, sidewalks, drainage culverts, and covered or fenced irrigation ditches" for any building that is to be "constructed or remodeled, or on [a property on] which a new use is to be established." This has generally been used to require street-side improvements (or deferral agreements) when a new home is constructed on a vacant lot, but not for remodels. The City has not participated in these costs.
- City Code 16.20.020 requires the installation of all street-side improvements (or deferral agreements) for any new subdivision. The City has not participated in these costs.
- Outside funding – Recently the City has been successful in obtaining outside funding to help with the installation or repair of street-side improvements, notably new improvements on 400 N and repairs on 800 W. In these cases, we have not asked residents to participate. There is some chance that we continue to receive additional funding, but it is not something we can count on to fill-in current gaps.
- Street Projects – In recent street improvements (700 W, 800 W, 900 W) the City has included a small amount of funding to repair existing street-side improvements.

- Repairs Budget – The City currently budgets \$14,000 a year from Class-C Roads funding for the repair of sidewalk. This funding is used to match a 50% resident split when they *request* to have broken sidewalk replaced, and the remaining amount is used to repair/replace trip hazards throughout the City.

Options for Additional City Participation

Based on the way development has occurred over the years, the City now has several gaps in street-side improvements. These gaps can cause problems with storm water flow, pedestrian safety, and the general appearance of neighborhoods. The challenges in filling the gaps generally revolve around policy questions of fairness and opportunity. The following table identifies options representing a spectrum of choices in dealing with the question of fairness. For the options having the City financially participate, I would recommend the special streets property tax as the source of potential funding, with \$15,000-\$20,000 annually being enough to make good progress.

	Description
Option A	<b>City Covers Costs and Picks Location</b> – The City would develop a Master Plan of areas needing improvements, and would budget a certain amount each year to work towards filling in the gaps.
Option B	<b>City Covers Cost and Allows Residents to Apply</b> – The City would budget a certain amount each year, and have eligible residents apply for the funding.
Option C	<b>City Participates When Matched Up Front with Resident Funds</b> – The City would provide a portion of the costs (50-70%) to encourage residents to fill in gaps in front of their properties.
Option D	<b>City Participates And Carries Matching Costs</b> – The City could be stricter about when improvements are required with re-models, but also provide matching funds and carry the resident’s portion of the cost over several years.
Option E	<b>City Carries Cost When Single Residents Are Required To Install</b> – In the rare instances when individuals are required to install the improvements in front of existing homes or when residents desire to install the improvements themselves, the City could carry the cost over several years without participating in those costs.

# *WEST BOUNTIFUL CITY POLICE DEPARTMENT*

550 North 800 West  
West Bountiful, Utah 84087  
Office 801- 292-4487/Fax 801 – 294-3590

Todd L. Hixson  
Chief of Police

Kenneth Romney  
Mayor

## West Bountiful City Council Report September, 2014

Statistics reported are for the month of August only; the other information reported is collected between council meetings reports.

### Reserve Officer Program

The hiring process did not provide us with candidates that we felt would be beneficial to the department.

### Alcohol Officer Program

We are completing the background of a candidate for the position of part time alcohol enforcement officer.

### Crossing Guards

The annual crossing guard training on August 21, 2014 was successful. The crossing guards are back at work and doing a great job.

### Personnel

We have been able to find another "On Call, Part Time" person to cover when Mischelle attends training or wishes to take vacation. This is an incredibly difficult position to find someone for. We want to welcome Crystal Isaacson. She is a resident of West Bountiful and will be a great new member to the team.

We are in the process of completing a background investigation on a potential new officer. It is anticipated everything will be completed by September 11, 2014 and we will be able to extend a full time job offer.

Gerald Newman's yearly anniversary with West Bountiful as a Crossing Guard was on August 23, 2014. He has worked for the city since 2006

Marion Borschel's yearly anniversary with West Bountiful as a Crossing Guard was on September 1, 2014. She has worked for the city since 1993.

Darrell Grieves yearly anniversary with West Bountiful as a Crossing Guard was on September 6, 2014. He has worked for the city since 2006.

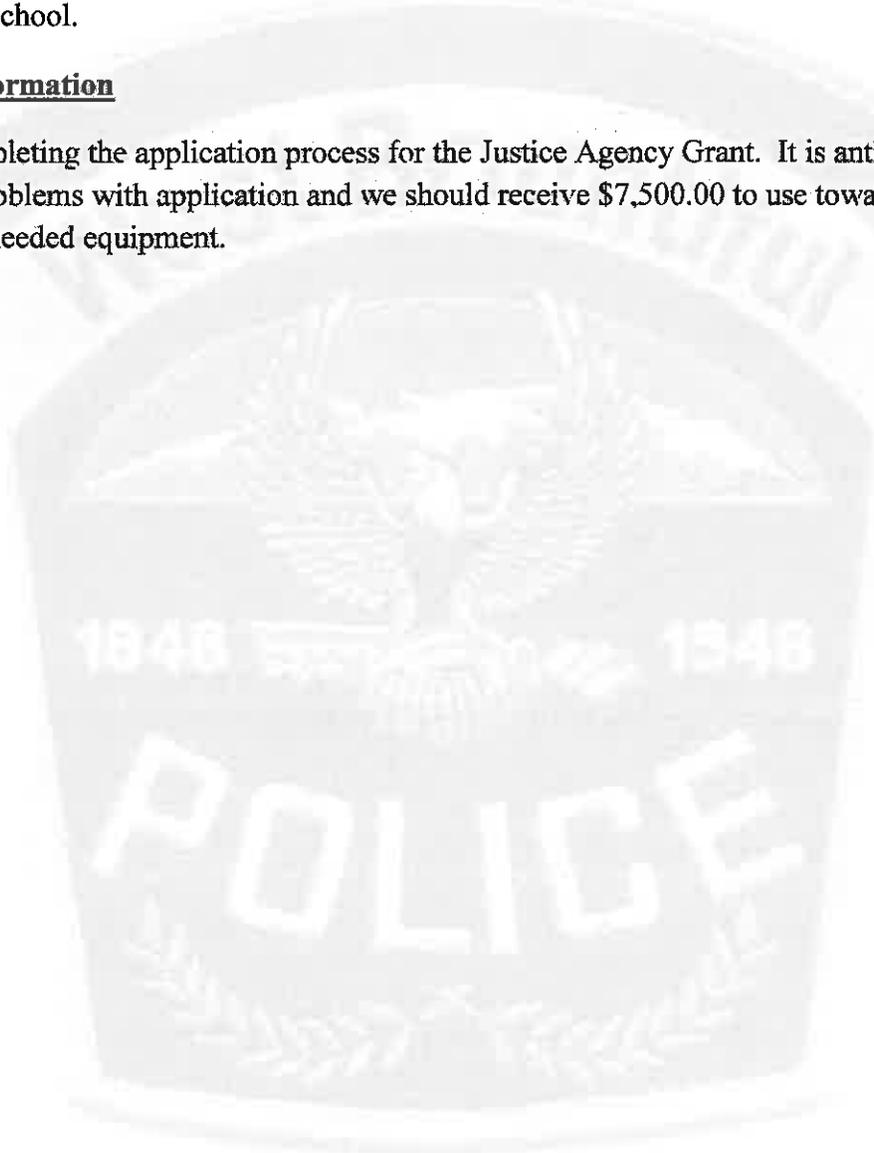
### EMPAC

EmPAC meeting is scheduled for September 17, 2014.

The South Davis Safety Fair is schedule for September 20, 2014. It will take place at Woods Cross High School.

### General Information

We are completing the application process for the Justice Agency Grant. It is anticipated there will be no problems with application and we should receive \$7,500.00 to use towards the purchase of needed equipment.





# West Bountiful Police Department

## Department Summary

8/1/2014 to 8/31/2014

---

<b>Arrests</b>	<b>11</b>	
Taken into Custody	11	100.0%
<b>Activities</b>	<b>1,059</b>	
Admin	153	14.4%
Assist	130	12.3%
Community Relations	3	0.3%
Deaths	1	0.1%
Investigation	33	3.1%
K-9	26	2.5%
Patrol	105	9.9%
Property	3	0.3%
Security	276	26.1%
Service Call	46	4.3%
Suspicious Activity	36	3.4%
Traffic	232	21.9%
Vehicle Accident	13	1.2%
<b>Shift Time and Percent Accounted</b>	<b>1265 hr. 16 min.</b>	<b>34.4%</b>
<b>Reports</b>	<b>232</b>	
CITATION REPORT	87	37.5%
INCIDENT REPORT	75	32.3%
OFFICER INFORMATION	64	26.3%
POLICE VEHICLE IMPOUND	6	3.9%

## Department Summary

<b>Crime Offenses</b>	<b>64</b>	
ANIMAL CONTROL	2	3.1%
ASSAULT	3	4.7%
BURGLARY	1	1.6%
CITY CODES	1	1.6%
DAMAGE PROPERTY	10	15.6%
DANGEROUS DRUGS	4	6.3%
DEATH/INJURY	1	1.6%
FAMILY OFFENSE	2	3.1%
FRAUD	1	1.6%
LIQUOR	1	1.6%
MISSING PERSONS	1	1.6%
PRIVACY VIOLATIONS	1	1.6%
PUBLIC PEACE	2	3.1%
STOLEN VEHICLE	1	1.6%
THEFT	4	6.3%
TRAFFIC OFFENSE	20	31.3%
WARRANT SERVICE	9	14.1%
<b>Accidents</b>	<b>11</b>	
<b>Citation Violations</b>	<b>129</b>	
Fix It	9	7.0%
Misdemeanor	9	7.0%
Not Applicable	1	0.8%
Traffic	81	62.8%
Warning	29	22.5%

1 Minutes of the West Bountiful City Council meeting held on **Tuesday, September 2, 2014** at West  
2 Bountiful City Hall, 550 N 800 West, Davis County, Utah.

3  
4 Those in attendance:

5  
6 **MEMBERS:** Mayor Kenneth Romney, Council members James Bruhn, Kelly Enquist,  
7 Debbie McKean, Mark Preece. Council member Ahlstrom participated by telephone.

8  
9 **STAFF:** Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White  
10 (City Engineer)

11  
12 **VISITORS:** Alan Malan, Ben Booth, Jeanette Booth, Tracy Roddom, Arlyn Bradshaw,  
13 Dave Powers

14  
15 Mayor Romney called the meeting to order at 7:35 pm. James Bruhn gave an Invocation, and the  
16 Pledge of Allegiance was led by Mark Preece.

17  
18 **1. Accept Agenda**

19  
20 **MOTION:** *Debbie McKean moved to approve the agenda as written. James Bruhn*  
21 *seconded the Motion which PASSED by unanimous vote of all members*  
22 *present.*

23  
24 **2. Public Comment**

25  
26 Ben Booth of 1918 N 800 West presented a letter to the Council addressed to his neighbor  
27 directly to the south (Ryan Wilson) regarding the construction of a new fence. Mr. Booth claims  
28 that the fence encroaches on to his property and that its construction has resulted in damages to his  
29 property. The Mayor asked staff to look into what can be done, specifically how this fence impacts  
30 the current building permit for the home being constructed on the same property. The Mayor also  
31 asked staff to keep him and the Council informed on the issue. He received permission from Mr. and  
32 Mrs. Booth to enter their property to review the situation.

33  
34 **3. Presentation on proposed trap, neuter, return (TNR) program for feral cats by Davis**  
35 **County Animal Control.**

36 Tracy Roddom, Assistant Director for Davis County Animal Care and Control introduced  
37 Arlyn Bradshaw, representing Best Friends Animal Society. Mr. Bradshaw explained that the Trap,  
38 Neuter, Return program worked within state code to control feral cat populations by releasing  
39 eligible community cats back into neighborhoods after they had been trapped, sterilized, and  
40 vaccinated. The goals of this program are to lower euthanasia and homeless pets. Sterilized cats do  
41 not cause many of the nuisances associated with feral cats, and actually help keep cat populations  
42 under control. Currently, about 54 cats are collected each year from West Bountiful. The City's  
43 ordinances would not need to be amended to implement this program, but as a matter of policy,  
44 Animal Control wants affirmative approval before beginning. Council member Bruhn asked where

45 the funding comes from for this program, and Mr. Bradshaw replied that Best Friends Animal  
46 Society supplies funding through the donations they collect. Council member McKean asked staff to  
47 bring back a resolution at the next meeting to consider providing approval for this program.

48 **4. Consider Awarding a Professional Services Agreement to Project Engineering**  
49 **Consultant, Ltd. (“PEC”) for Wetland Delineation Study**

50 Mr. White explained that he sent a solicitation out to every engineering firm on the Utah  
51 Department of Transportation’s list of approved engineers for these types of studies. Because this is  
52 a professional services agreement, the lowest cost is does not necessarily represent the best value to  
53 the City. Mr. White recommends PCE as their proposal included everything the City will need for  
54 the permitting process on the 1200 North storm drain project, and that the individual with PCE is the  
55 same individual who has successfully performed similar work for the City (Prospector Trail).

56 **MOTION:** *James Bruhn moved to award a Professional Services Agreement to*  
57 *PEC for the 1200 North Wetland Delineation Study. Debbie McKean*  
58 *seconded the Motion which PASSED by unanimous roll call vote of*  
59 *all members present.*

60 **5. Discussion on sidewalk options for potential Jessi’s Meadow’s special assessment area.**

61 Mr. Huffman introduced the discussion by reviewing that at the last meeting, the city began  
62 moving towards a process whereby the asphalt path within the Jessi’s Meadow subdivision would be  
63 replaced by sidewalk through a special assessment area, thereby removing the Home Owners  
64 Association from the responsibility of maintaining the path. Mr. Huffman then displayed satellite  
65 and Google “Street View” images of the subdivision to explain the difficulties in determining the  
66 width of the proposed sidewalk; the difficulties primarily related to how to integrate varying types of  
67 existing landscaping. Options reviewed included widths of 4 feet, 5 feet, and completely replacing  
68 the existing sidewalk with concrete (an average of 7 feet in width). Based on the complicated nature  
69 of landscaping, the consensus was to propose replacing the path’s full width with sidewalk. Council  
70 member Bruhn also suggested extending the sidewalk along the south side of Jessi’s Meadow Drive,  
71 thus removing the need for continued landscaping of that area. Finally, the financing costs should be  
72 built into the assessment, unless property owners “buy-out” their share of the costs prior to any  
73 financing. Staff will take these options to develop the estimated costs for the first official notice  
74 related to the assessment area.

75  
76 **6. Discussion on creation of district/special assessment area for fire/ambulance services**  
77

78 Mr. Huffman introduced this discussion by reviewing the memo included in the meeting’s  
79 packet. North Salt Lake City is currently pushing to transition the South Davis Metro Fire Agency  
80 from an inter-local agency to a district. This would allow the agency better ability to handle  
81 forthcoming shortfalls to cover debt service, as well removing each city’s payments to the agency

82 from the cities' annual budgets. In addition, having to receive approval from each city's governing  
83 body for any significant revenue increases has kept the agency's spending below service level needs.  
84 Mayor Romney also brought up the issue that the agency's current status makes borrowing under  
85 good terms very difficult. Concerns about creating a district include the idea that it would be too  
86 quick to generate revenue through taxes and Bountiful City's suspected opposition to the formation  
87 of a district may lead to a the creation of something that causes confusion in the future.

88 Dave Powers, Deputy Fire Chief, addressed the Council and stated that everything initially  
89 set up in 2004 was designed to be temporary to allow the entities involved time to create a district.  
90 That it has not happened has created messy situations. He also stated that creating a district may not  
91 provide everything needed to fix the agency's longstanding revenue issues, but it is evident that the  
92 current method is not working.

93 Mayor Romney likened the Fire Agency's funding situation to that of the City's previous  
94 experiences with the water system and road infrastructure. Needs have been deferred for many  
95 years, and the Agency is quickly approaching the point where they cannot provide the services being  
96 requested.

97 Council member Enquist asked Mr. Powers questions related to the number and location of  
98 fire stations in relation to refineries. Mr. Powers stated that West Bountiful was well served as it  
99 could draw resources from the stations that surround the City.

100 Mayor Romney asked the members how they generally felt on the issue of the creation of a  
101 district, stating that the Agency's current board may call for a formal vote soon. Council member  
102 Preece stated that in the past he had been opposed to the concept, but he feels that having the mayors  
103 serve as the governing board provides enough protection to make him now feel comfortable.  
104 Council member Ahlstrom stated that he believes it is probably the best option at this point. Council  
105 members McKean, Bruhn, and Enquist were also generally supportive of the idea.

106

## 107 **7. Engineering Report**

108

109 Ben White reported on the progress of the Bountiful City Water Connection and 800 W  
110 projects. He also reported that UDOT had finally addressed the bump on the 400 N overpass. The  
111 next meeting will likely include the consideration of awarding concrete work for the Birnam Woods  
112 storm drain project. Finally, he reported that a family on 400 N just south of the overpass may have  
113 interest in requesting the name of the road be changed to address the potential confusion of having  
114 three roads known as "400 N." The feeling from the Council was that everyone on the street would  
115 need to support the idea before the Council would consider the issue.

116

## 117 **8. Administrative Report**

118

119 Duane Huffman reported that the selected candidate had accepted the position as Finance  
120 Clerk, and that she (Patrice Twitchell) would be starting in two weeks time. He also reported that the  
121 City had issued a request for proposals for property and general liability insurance, and that there  
122 would need to be a special meeting next week to make an award. The Council's consensus was for  
123 Wednesday the 10<sup>th</sup> at 6pm.

124

## 125 **9. Mayor/Council Reports**

126

127 Kelly Enquist – Asked staff to report potential plans by developers on the bottom of 400  
128 N and on the dirt being left on the roads on 400 N and 1100 W – Ben White responded  
129 that we are working with all contractors on that issue.

130  
131 Debbie McKean – Reported that the newsletter had gone out, and encouraged everyone to  
132 support the Founders Day Concert on Friday evening the 12th.

133  
134 James Bruhn – Reported on ride-along’s he participated in with the police department. He  
135 attended a waste conference in Texas the previous week. There is a Wasatch Waste  
136 Management meeting on the 2nd.

137  
138 Mark Preece – Reported that the new Youth City Council will be presented at the next  
139 meeting.

140  
141 James Ahlstrom– No report.

142  
143 Mayor Romney – No report.

144  
145 **10. Approval of Minutes from the August 19, 2014 City Council Meeting.**

146  
147 Councilman Bruhn noted a needed correction on line 224 of the pending minutes,  
148 suggesting that “8.12.020 (22)” be corrected to read “8.12.020 (20)”.

149  
150 **MOTION:** *James Bruhn moved to approve the minutes from the August 19, 2014*  
151 *meeting as corrected. Mark Preece seconded the Motion which*  
152 *PASSED by unanimous vote of all members present.*

153  
154 **11. Executive session, pursuant Utah Code 52-4-205 205 (a) to discuss the character,**  
155 **professional competence, or physical or mental health of an individual.**

156  
157 **MOTION:** *James Bruhn moved to go in to Executive Session in the police training*  
158 *room to discuss the character, professional competence, or physical or*  
159 *mental health of an individual. Mark Preece seconded the Motion*  
160 *which PASSED, with Kelly Enquist dissenting.*

161  
162 **MOTION:** *James Bruhn moved to close the Executive Session at 10:52 p.m. Mark*  
163 *Preece seconded the Motion which PASSED by unanimous vote of all*  
164 *members present.*

165  
166 **12. Adjourn**

167  
168 **MOTION:** *Debbie McKean moved to adjourn this meeting of the West Bountiful*  
169 *City Council at 10:53 pm. James Bruhn seconded the Motion which*  
170 *PASSED by unanimous vote of all members present.*

171

172

173

174 *The foregoing was approved by the West Bountiful City Council by unanimous vote of all*  
175 *members present on Tuesday, September 16, 2014.*

176

177

178

179 \_\_\_\_\_  
CATHY BRIGHTWELL (CITY RECORDER)