

Minutes of the West Bountiful City Council meeting held on **Tuesday, September 16, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Chief Hixson, Cathy Brightwell (City Recorder), Steve Maughan (Public Works Director)

VISITORS: Alan Malan, Corey Sweat, Conrad Jensen, Scott Strong, Brooke Strong, Amy Parker, Madison Parker, Ben Parker, Roger Henriksen, Brandee Nadauld, Nancy Keele, Dan Davis family, Zane Till, incoming Youth City Council (Alison Behunin, Ethan Till, Lucy Holmgren, Gavin Nadauld, Anna Parker, Taylor Sexton, Madison Parker, Steven Nordfors, Madelyn Davis, Garrett Nadauld, Brooke Strong, Dallas Guymon, Joe Holmgren, Michelle VanHuizen, Kolton Munden, Justin Wood, Austin Gerber, Paige Crandall, Ellie Jensen, Cadence Gordon)

Mayor Romney called the meeting to order at 7:30 pm. Mark Preece offered a thought, and the Pledge of Allegiance was led by Kelly Enquist.

1. Accept Agenda

MOTION: *Debbie McKean moved to approve the agenda swapping items 2 and 3. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment

No comment

3. Appointment and Swearing in of 2014-2015 Youth City Council.

MOTION: *James Ahlstrom moved to consent to the Mayor's appointment of Alison Behunin as the Youth City Council Mayor. Debbie McKean seconded the Motion which PASSED by unanimous vote of all members present.*

Mayor Romney swore in new Youth City Council Mayor, Alison Behunin.

MOTION: *Debbie McKean moved to consent to the Mayor's appointment of the new members of the 2014-2015 Youth City Council as follows. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

Youth Mayor Behunin swore in the 2014-2015 Youth Council.

Alison Behunin	Mayor
Ethan Till	Mayor Pro Tem
Lucy Holmgren	Secretary
Gavin Nadauld	Treasurer
Anna Parker	Recorder
Taylor Sexton	Head of Publicity
Madison Parker	Historian
Steven Nordfors	Web Administrator
Madelyn Davis	General Member of the council
Garret Nadauld	General Member of the council
Brooke Strong	General Member of the council
Dallas Guymon	General Member of the council
Joe Holmgren	General Member of the council
Michelle Van Huizen	General Member of the council
Kolton Munden	General Member of the council
Justin Wood	General Member of the council
Austin Gerber	General Member of the council
Paige Crandall	General Member of the council
Ellie Jensen	General Member of the council
Cadence Gordon	General Member of the council

4. Consider Resolution #349-14, A Resolution Consenting to the Davis County Animal Control's Trap, Neuter, and Return Pilot Program for cats

MOTION: *James Ahlstrom moved to adopt Resolution #349-14 consenting to the Davis County Animal Control's Trap, Neuter, and Return Pilot Program, limited to cats. Debbie McKean seconded the Motion which PASSED by unanimous roll call vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

5. Consider awarding Birnam Woods Storm Drain Project to Triple J Concrete for \$25,000.

The Council reviewed a memorandum from Ben White regarding bids received from seven companies for proposed drainage improvements in the Birnam Woods Park with a recommendation to award this portion of the project to Triple J Concrete for \$25,000. Steve Maughan would like more time to work on elevations and grading before the concrete drainage channel is built. Mayor Romney suggested the award could be made tonight; Council could give him the authority to award it when we are ready to begin; or table it for 3 weeks to see where we are at that time. Steve

explained they have brought in a lot of dirt and would like to grade it so the concrete ditch will be a foot below native soil. He added that bids are typically good for 45 days so the bid amount won't change in the 3-4 weeks it will take to complete the grading.

There was discussion about how the concrete ditch is expected to help dry out the area. Ben explained that as the ground gets wetter, vegetation grows and makes it more difficult for water to drain. This ditch will provide a better way to contain the water and reduce the amount of standing water which will allow Public Works to better maintain the area.

There was also discussion about the need to reconstruct the asphalt trail in the Spring when the project is complete.

MOTION: *James Ahlstrom moved to give Mayor Romney authority to award the Birnam Woods Storm Drain Project to Triple J Concrete for \$25,000. Mark Preece seconded the Motion which PASSED by unanimous roll call vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

6. Consider Ordinance #366-14, An Ordinance Amending the West Bountiful City Land Use Ordinance to Reinstate Exceptions to Zoning Specific Height Restrictions.

Duane Huffman reviewed the history of the issue explaining 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 likely inadvertently omitted from the commercial and industrial zones. Planning Commission held a public hearing on August 12, 2014, after which they voted to recommend to the City Council that the language in question be reinstated.

MOTION: *James Bruhn moved to adopt Ordinance #366-14 amending the West Bountiful City Land Use Ordinance to Reinstate Exceptions to Zoning Specific Height Restrictions. Debbie McKean seconded the Motion which PASSED by unanimous roll call vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

7. Consider Resolution #350-14, A Resolution Adopting the Second Amendment to Development Agreement with Holly Refining & Marketing Company – Woods Cross LLC.

In 2007, the City entered into a development agreement with Holly Refinery which was amended in 2009 with clarification of the building permit process. Now some of Holly's earlier plans have changed as the refinery has moved toward refining black wax crude. The proposed 2nd amendment updates their projects and provides better descriptions of what they are and what they will do. For example, the 2nd amendment includes better communication (Section 4), i.e., progress reports; installing curb, gutter, sidewalk on 1100 West (Section 3); and a commitment regarding upkeep and repair of 800 West (Section 5).

Holly made a presentation describing its current expansion plans for the next four years, and explaining they have changed the type of crude they are using which has required changes in processing; they are now using black wax crude from Uintah Basin.

There was discussion about how threshold numbers would be tracked for truck traffic. Conrad Jenson responded they will average 43/45 trucks per day and could double or go up to 120/day -- which is more than it has been in the past five years but not as much as it used to be. Mayor Romney commented that he met with Conrad today and has a tentative agreement to change the funding trigger to 95% of the truck baseline established in 2014. This funding is for on-going maintenance repairs, not repairs needed from damage during expansion construction.

Council member McKean asked about the concept of implementing a toll/charge per truck. Mr. Jenson responded that he was not sure how a toll could be developed. Council member Ahlstrom suggested that the process had moved too far to entertain concepts so different than what was included in the proposed amendment.

Steve Doxey said he has a few areas that should be addressed further and apologized for not having specific language ready, especially regarding Section 5 of the agreement. Council member Ahlstrom recommended that the Council could approve the amendment tonight contingent on Mr. Doxey's final review of the details.

James Ahlstrom thanked Holly for being a good community partner.

James Ahlstrom reminded all present that he has on file a disclosed a potential conflict of interest because his firm represents Holly, but stated his participation does not give preferential treatment to Holly.

MOTION: *James Ahlstrom moved to adopt Resolution #350-14 adopting the Second Amendment to Development Agreement with Holly Refining & Marketing Company – Woods Cross LLC, with the following revisions: (1) Section 3 - that 1100 West road improvements will be done within twelve months of notice from City of utility clearances. (2) Section 5 - the threshold will be 95% of 2014 truck traffic, and add some language that there is not anticipated to be additional outgoing traffic. (3) Section 5 - change last sentence in the paragraph to clarify that future owners are bound by this Agreement; it runs with the land. (4) Section 5 – language that states 800 West will be the principal means of ingress and egress may be unnecessary due to the threshold language, and include a requirement that 800 West will be returned to its preconstruction condition in 2013.*

Debbie McKean seconded the Motion which PASSED by unanimous roll call vote of all members present.

The vote was recorded as follows:

James Ahlstrom – Aye
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Aye
Mark Preece – Aye

Kelly Enquist asked Mr. Jenson to update the Council on the status of the berm. Mr. Jenson reported that following the neighborhood meeting, they talked with all the residents and owners and the consensus was that they did not want to see anything above the fence line. Holly has agreed to grade the back side of the berm out and save as many trees as possible. He also explained that following the additional soil testing, a few areas showed some level of potential contamination so that soil has been removed. When asked about timing to get the work done, he responded that they are working to get a big tractor to do the grading and want to get it done this year.

8. Discussion on options for addressing gaps in sidewalk improvements.

Duane Huffman reviewed previous discussions regarding the City's participation in the installation of street side improvements such as curb, gutter and sidewalk and how to fill in existing gaps throughout the community. He described the current process explaining it has worked fairly well with vacant lots but has not worked well with existing homes.

Mr. Huffman then reviewed several options presented in his memorandum. Option A (City covers costs and picks location), Option B (City covers cost and allows residents to apply), Option C (City participates when matched up front with resident funds), and Option D (City participates and carries matching costs). It was determined that the Options were all good tools in the right situation.

Discussion followed about updating the Master Plan for next year's budget planning process. Staff was asked to put together a list of areas of need and a proposal to allocate on year to year basis. Then situations like the Horrock's could be brought to Council on a case by case basis

When asked specifically about the Horrock's, Duane explained the problem is not just curb, gutter, and sidewalk because a lot of asphalt work will be necessary to re-grade the road. The curb, gutter, and sidewalk could be around \$10k but the total project could go as high as \$40k which is not in the City budget.

To move forward, Staff will draft an agreement for the Horrock's, and bring forward a preliminary budget amendment proposal to complete the entire project.

9. Police Report

Chief Hixson went over his September report discussing personnel additions including Crystal Isaacson, a new part-time on-call police secretary, Angela Breeze, a new full-time police officer, and a potential new alcohol officer. He also said the Justice Agency Grant was approved for \$7,500 to be used towards the purchase of needed equipment.

10. Engineering Report

Updates – the Bountiful City connection should be complete the middle of next week. 800 West is due to pave early next week depending on weather. He said they have found several surprises during road construction, for example, they found a well in middle of road, and a full set of front porch steps. He added that the final water connections have been made for Alice Acres subdivision.

11. Administrative Report

Duane Huffman reported that Patrice Twitchell, the new finance clerk, started yesterday. He is impressed with her attitude and abilities.

12. Mayor/Council Reports

James Ahlstrom had no report.

Mark Preece reported that the new Youth City Council is in place and they are a good crew. Christmas on Onion Street will be held on December 1st. They will also have fifteen members help staff the Safety fair at Woods Cross High School this Saturday.

James Bruhn attended several of the Utah League of Cities and Town's classes at their conference last week.

Debbie McKean reported that the Founders day celebration last week was great. She added that the Arts council has found a piano keyboard they want to purchase because of complaints about the condition of the existing piano. She is looking in to the potential of using left over funds from unexpended amounts from previous budgets.

Kelly Enquist reported that he attended the Utah League of Cities and Towns conference and it was very good.

Mayor Romney reported the Fire Board is still working on possibilities to become a District. City Managers will be getting together to discuss how to cover a \$31,500 shortfall.

13. Approval of Minutes from the September 2, 2014 City Council Meeting.

Council member McKean made a correction to the minutes.

MOTION: *Kelly Enquist moved to approve the minutes from the September 2, 2014 meeting as corrected. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

14. Executive session, pursuant Utah Code 52-4-205 (c) to discuss pending or reasonably imminent litigation.

It was decided an Executive session was not needed.

15. Adjourn

MOTION: *Debbie McKean moved to adjourn this meeting of the West Bountiful City Council at 10:00 pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, October 7, 2014.

Cathy Brightwell
CATHY BRIGHTWELL (CITY RECORDER)