Mayor
James Behunin

City Council
Roy O. Johnson
Don Lilyquist
Debbie McKean
Cheryl Searle
Jeff Tingey

West Bountiful City

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City Administrator
Wendell W. Wild

Recorder/Admin. Assist.
Beverly Haslam

Chief of Police
Randy W. Lloyd

CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT WEST BOUNTIFUL CITY WILL HOLD THE REGULARLY SCHEDULED CITY COUNCIL MEETING ON TUESDAY DEC. 18, 2007, 7:30 P.M. - 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AGENDA AS FOLLOWS:

Invocation/Thought (Limit 2 minutes please)
Pledge of Allegiance -Don Lilyquist

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. Annual Audit Report.
4. Report by Todd Jensen of the Legacy Team.
5. Review of 30 MPH Speed Limit on 1100 West.
6. Consider Holiday Street Parking Policy.
7. Police Report.
8. Financial Report.
9. City Administrator Report.
10. Mayor/City Council Reports.
11. Approval of minutes of previous meetings.

Adjournment

NOTE: One or more items on the agenda may be considered in a closed session if the content of the discussion meets the criteria described in Section 52-4-204 of the Utah State Code.

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify Beverly Haslam, City Recorder of West Bountiful City, twenty four (24) hours before the meeting.
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.

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Minutes of the regular session of the City Council of West Bountiful City held on Tuesday December 18, 2007 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, Roy O Johnson, Don Lilyquist, Debbie McKean, Cheryl Searle, Jeff Tingey

STAFF PRESENT: Beverly Haslam (City Recorder), Brian K Passey (City Finance Director), Miles Simonsen (Police Chief Pro-tem), Jeremy Adams (Police Officer), Mike Buchanan (Police Officer), Jami Zigich (Secretary)

STAFF EXCUSED: Wendell Wild (City Administrator), Randy Lloyd (Chief of Police)

VISITORS: Alan Malan, Kelly Enquist, Valerie Shaw, James Bruhn, Gary Keddington

Called to Order

The City Council Meeting was called to order at 7:30pm by Mayor James Behunin. The Mayor welcomed all and announced that outgoing Council members Roy Johnson and Don Lilyquist would be offering the Invocation and Pledge of Allegiance in that order.

1. Accept Agenda

Mayor Behunin reviewed the printed agenda and stated that item #3 Annual Audit Report would be moved to #11A due to the presenter having an earlier conflicting engagement. A second change to the printed agenda stated by Mr Behunin would be the deletion of item #4 Report by Todd Jensen of The Legacy Team this item being moved to the next scheduled meeting.

Council member Debbie McKean made motion to accept agenda as stated by Mayor Behunin.

Roy Johnson second the motion, vote was taken and the agenda was accepted.

2. Public Comment:

Mayor Behunin called for Public Comment reviewing the time frames outlined.

No citizens came forward to speak.

3. Annual Audit Report

Moved to Item 11A

4. Report by Todd Jensen of Legacy Team

Moved to next meeting agenda.

5. Review of 30MPH
Speed Limit on 1100 West

Mayor Behunin stated that agenda item #5 would be presented by Police Chief Pro-tem Miles Simonsen and that the floor would be turned over to him.

Mr Simonsen stood and stated that in giving the report he would be assisted by West Bountiful Police Officers Jeremy Adams and Mike Buchanan.

Approaching the white board in chambers Mr Simonsen visually showed council the area of 1100 West noting where the traffic survey had been conducted stating that Officer Jeremy Adams would now give report of the survey data. Miles Simonsen also confirmed that all in chambers had gotten printed survey data, council members and chamber guests indicated they had.

Officer Adams then stood and stated that this was a blind survey, set at 95 North 1100 West.

Mr Adams informed that the survey is telling us that the speed limit on 1100 West which is posted at 30mph is the correct speed. The 85% requirement which is depicted in the graph shows that most vehicles travel at or below the 30 mph zone. Out of 5086 vehicles 22 were between 40 mph and 50 mph. This equates to less than 2.3% of the total vehicles.

The range that had been set on the speed trailer was 10 to 95 mph over the posted speed limit which in this survey was a 30 mph zone. The traffic being surveyed both north and south bond and every vehicle that passes through the survey is counted and speed time recorded, was noted by Officer Adams.

In conclusion Officer Adams stated that the Blind Survey really does indicate that 30 mph zone which now exists on 1100 West does meet the 85% requirement and should remain at 30mph.

Pro-tem Police Chief Miles Simonsen then stood and stated the police department would further their report with data accumulated at 600 North 1100 West, this information would be reported by Officer Buchanan.

Officer Buchanan stood and addressed the council stating that the data complied at 1100 West and 600 North indicated that out of 9772 vehicles 107 were between 40 mph and 52 mph. This equates to 9.1% of the total vehicles. In this instance the police department can deploy officers to target the time of day that these vehicles are exceeding the limit during the morning and afternoon traffic.

Buchanan went on to state the blind survey really does indicate that the 30 mph zone which now exists on 1100 West does meet the 85% requirement and as such requires it remain at 30 mph. To reduce the speed limit would invite court challenges which the 80% supports since these surveys are a matter of public record concluded Officer Buchanan.

Pro-tem Police Chief Miles Simonsen returned to the floor asking if the council had questions.

Mayor James Behunin indicated a number of concerns, most importantly stated by the mayor were the safety concerns of the street indicated. The street does not have curb and gutter or sidewalk and that it is often used as a bike and horse trail. The Mayor asked of Mr Simonsen what is the best plan to cap the speed limit in this area? The mayor asked a second question of the criteria of the 85% requirement.

Pro-tem Chief Simonsen stated that the 85% requirement is a benchmark set by the state statue. Mr Simonsen went on to state that his best advice for the safety issues stated would be to the engineering of the street design to slow traffic.

Incoming Council member Ken Romney stated from chamber floor his concerns that the 85% seemed pretty easy to change just by the number of cars changing their speed, indicating that everyone started driving 5 mph over, the 85% would be 35 mph, then 5 miles over the 85% would then be 40 mph, asking how would it stop.

Council member Debbie McKean indicated that the stop sign in the area has definitely helped.

Jeff Tingey of council indicated that as the Legacy Highway opened the traffic should lower on that street.

Roy Johnson stated that he didn't believe the opening of the highway would help week-end traffic.

Incoming council member Valerie Shaw voiced a huge safety concern of the school bus stop that is located on the east side of 1100 West and asked if the speed was monitored during the time periods of the school bus stops, indicating that it had been her personal experience that the speed limit was often violated.

Officer Jeremy Adams stated that as a police department they will enforce and support what ever the council wants them to, that they were just presenting the data that had been collected and the data that had been collected certainly helped them know when the best time to monitor and patrol the area.

Pro-tem Chief Simonsen stated that the police department would definitely make a stronger effort to monitor during the school bus loading and unloading times.

Mayor Behunin then brought the agenda item to a close thanking the police department for their report and information, and indicated that street design issues should be looked at.

6. Consider Holiday Street Parking Policy

Mayor James Behunin advised council to read the Holiday Street Parking Policy as indicated in council binders, drawing their attention to the exceptions indicated. The mayor went on to state that if approved the new policy and exceptions would be available to the public on the city's web site.

Council member Debbie McKean indicated that she had done her homework and that as stated,in prior meetings neighboring cities do have similar holiday policies.

Pro-tem Police Chief Miles Simonsen indicated that the city would

have the police departments support with the new policy stating that the policy seemed very fair, although concern had been raised for plow drivers.

Council member Jeff Tingey stated being a former plow driver he can say with assurity that it will be a double edge sword for the city because they are liable either way and that if it snows in the middle of the night citizens are not going to move their vehicles off the street.

Mayor James Behunin asked for a motion on the new Holiday Street Parking Policy.

Debbie McKean made motion that the Winter Parking Ordinance of West Bountiful City stay in tack as written and that in addition the council accept the Holiday Street Parking Policy with exceptions indicated, to be posted on the web.

Council member Jeff Tingey second the motion.

Mayor Behunin called for a vote, motion passes.

7. Police Report

Mayor Behunin turned the meeting to Pro-tem Chief of Police Miles Simonsen for a summary of the months police report.

Miles Simonsen indicated to council that the report was printed and in their binders stating that retail theft and shoplifting calls were up, along with vehicle burglary calls and fraud cases.

Mr Simonsen went on to state that the department had been very busy assisting citizens with keys locked in their vehicles. Mr Simonsen further stated that a very large fraud case, suspected of about $200,000 had been turned over to the FBI.

Concluding his report Mr Simonsen alerted the council that another officer would now be in attendance at court proceedings to help with the mag-a-monitor the cost of the additional officer would be financed by the court.

8. Financial Report

Moving forward with the agenda Mayor Behunin turned the meeting to Brian Passey City Finance Director.

Mr Passey referred council to the printed report in council binders, drawing councils attention to current year property taxes meeting expectations, and the fines and forfeitures issue. Passey encouraged council to look at the Administrative area of the report, drawing attention to the non-departmental area with issue of the credit in the telephone cell area. Passey concluded his report with concerns of the Golf Course Fund but that this is the off season and that expectations are up in this area.

Debbie McKean of council asked Mr Passey to further explain the cell phone credit issue.

Mr Passey turning to City Recorder Beverly Haslam to better explain the issue.

Beverly Haslam stated that the city found that the cell phone company

being used had overcharged the city on the rate agreement and the city had facilitated with the phone company to give the City a credit, that is what is indicated in Mr Passeys report.

Mr Passey asked if there were further questions, there were none indicated.

Brian Passey City Finance Director then brought councils attention to the Annual Audited Financial Report included in binders and asked that they read and study this document before budgeting sessions. Mr Passey indicated that pages 3-10 were especially informative and that page 16 would be vital during the budgeting sessions, the rest of the report being back up information.

Mr Passey again asking council for questions there were none.

9. City Administrator Report

Mayor James Behunin indicated there would be no City Administrator Report due to Mr Wild attending to a family death, condolences were given.

The mayor then indicated that Mr Gary Keddington had entered chambers and if there were no objections he would like to turn the floor to Mr Keddington for the fiscal year end report.

11A.
Annual Audit Report

Agenda then moved directly to the Annual Audit Report

Mayor James Behunin welcomed Mr Gary Keddington of Jensen and Keddington P.C. for the annual Audit Report.

Mr Keddington stood to address council confirming that all members had received a copy of the printed report because he would be referring to it. All members indicating that they had received a copy.

Mr Keddington explained the preamiters and expectations of his firm to the city were addressed in pages 1-4. Mr Keddington said that he urged council members to read thru those preamiters because some audit rules had changed.

Gary Keddington indicated that the areas of significant deficiencies that he should bring before the council were as follows:
- material misstatement in the financial statements
- segregation of duties - golf course sales
- fee calculations
- segregation of duties - justice court
- segregation of duties- golf course

Mr Keddington indicated that in the area of State Legal Compliance Immaterial Instances of Non-Compliance - one issue found, being:
- Justice Court Surcharge Remittance

In conclusion Mr Keddington stated that in the area of Expenditures in Excess of Budget only one was indicated that being Public Safety/Fire

Mr Keddington asked questions or statements of council.

Council member Cheryl Searle voiced concern that no changes could be made to budgets or policies without the approval of the council.

Debbie McKean stated that she agreed that all issues needed to be looked at and resolved with the help of the city council.

Mr Keddington, Mayor Behunin and all council members agreed to this statement.

Mayor Behunin thanked Mr Keddington for his findings and report and assured that the council would look closely at the concerns and go about the procedure of resolving outstanding issues.

10.
Mayor/City Council Reports

Mayor Behunin then resumed the approved agenda - stating that speaking with council prior to meeting there would be no reports, but that he would like to take a point of privilege to recognize the great contribution of the out going council members and express his gratitude, along with council, city staff and the city of West Bountiful for their service.

Outgoing members included, Roy O Johnson, Don Lilyquist and Jeff Tingey. These members were presented with an engraved clock as a token of appreciation for their great service and contribution.

Outgoing members Mr Johnson, Mr Lilyquist and Mr Tingey thanked and expressed gratitude for being allowed to serve the citizens of West Bountiful.

Mayor Behunin then stated that he needed to call a 10 minute closed session for a litigation issue being brought against the city. The mayor indicated he would like council members, new council members, Brian Passey and Beverly Haslam to join for the short session

Debbie McKean made motion to adjourn to the closed session as requested by Mayor James Behunuin

Cheryl Searle seconded, voting was in favor.

11.
Approval of Minutes

Before adjourning to the closed session Don Lilyquist of council moved to table the approving of the minutes due to the time.

Jeff Tingey second, approval of minutes were tabled once again.

Council and those invited to attend closed session adjourned at 9pm

Adjournment

Upon re-entering chambers from closed session at 9:15pm, Jeff Tingey made motion to adjourn this session of the West Bountiful City Council Meeting.

Don Lilyquist second the motion. Voting all in favor.

Adjourn at 9:20pm

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

JAMI ZIGICH (SECRETARY)