City Council Minutes
August 21, 2007

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| Called to Order | The August 21, 2007 City Council meeting was called to order at 7:30 p.m. by Mayor Pro-tem Jeff Tingey. |
| Members Present: | Cheryl Searle, Debbie McKean, Jeff Tingey, and Don Lilyquist Roy Johnson and Mayor James Behunin were excused. |
| Staff Present: | Wendell W. Wild, city administrator, Beverly Haslam, city recorder, Chief Randy Lloyd, Jami Zigich, secretary and Matt Collier, engineer. |
| Visitors Present | Kent Bond, Craig Johnson, Mike Meredith, Jonathan Hard, Tom Freeman, Brad Hansen, James Bruhn, Alan Malan, Jim Miller, Gary Smith, Nathan Long, Bob Linnell, Denis Hopkinson, Kelly Enquist, Ron Stout, Roger Wray, Val Peterson, Scott Argyle, Sue Winegar. |
| Invocation/Thought | Cheryl Searle gave a thought and the invocation. Debbie McKean led the Pledge of Allegiance. |
| 1. Accept Agenda | Debbie McKean moved to accept the agenda with moving item 13 (Appointment of Golf Board Member) to number 4a on the agenda Cheryl Searle seconded the motion and all voted in favor. |
| 2. Approval of minutes | The minutes of August 7th were reviewed Don Lilyquist moved to approve the minutes of August 7th with noted changes. Cheryl Searle seconded the motion and voting was unanimous in favor. |
| 3. Public Comment | Nathan Long spoke to the council about the construction work being done on 1100 West and stated he felt citizens should be able to go to and from work with out the delays that have been caused by the construction workers. Mr. Long stated he also felt nothing was being done about the situation. James Bruhn presented Mayor Pro-tem Tingey and City staff a copy of water rights and asked if the City would insure that the turn outs were put at all residents that have water rights. Wendell Wild stated that all residents in that area had been informed by letter from the City to contact the City with those water right deeds. Wendell Wild explained to Mr. Bruhn that there was a plan in place to include those tur outs to all residence that have water rights.<br><br>Mike Meredith addressed the Council and spoke his opinion of having another internet/cable/phone company option available to citizens of West Bountiful. He supports ad would help where need to bring in the company Utopia |
| 4. Election Judges | Mayor Pro-tem Jeff Tingey read the names of the proposed election judges for the 2007 primary and general election as follows: Denise Denis, Arlen Mann, Lucile Eastman, Marcia Thomas, Cindy Blackburn, LaVerne Greaves with Nicole Nelson as an alternate. Cheryl Searle moved to approve the election judges as presented Debbie McKean seconded the motion and all voted in favor. (Motion carried) |

4a.
Appointment of
Golf Board Members

Debbie McKean led the discussion on the appointment of the Golf Board members and recommended as follows: Kent Bond as Chairman of the Board with Shawn Brock as Vice Chairman of the Board. Those newly appointed to the Board would be Pam Epperson Nichols, Jennifer Cottle and Val Peterson. Jennifer Cottle, Val Peterson and Shawn Brock will serve a four year term ad Kent Bond and Pam Nichols will remain on the board for two years in order to stager the seats of the board. Debbie McKean them moved to approve the Golf Board members as presented. Cheryl Searle seconded the motion and voting was unanimous in favor. (Motion carried)

5.
Mutual Aid Agreement
Culinary/Water Utilities

Wendell Wild explained to the council members that City Attorney Steve Doxey has reviewed the Mutual Aid Agreement document and feels comfortable entering into this agreement. The agreement would allow neighboring municipalities to aid each other in the event of a water/waste water resource emergency. In case of an emergency the City may need assistance in providing water/waste water services to affected residents within their communities. Don Lilyquist moved to approve the Mutual-aid Agreement for Culinary and Waste Water Utilities. Cheryl Searle seconded the motion and voting was all in favor. (Motion carried)

6.
Variance to Noise Ord.

Wendell W. Wild (city administrator) explained to the council members that R & O Construction is asking for a variance to the current Noise Ordinance #268-00 in order to do early morning concrete pours before the heat of the day. They are requesting to pour beginning at 1:00 a.m. on Aug. 31st Sept. 5, 6, 7, 10, and 11th. Council members asked that Bountiful City be notified of this variance and residents that may be affected by the noise be given notice as well. Mr. Wild stated that R & O Construction will make the necessary contacts.
Don Lilyquist moved to approve a variance to Ordinance #268-00 so the construction on the Lowe's building can move forward. Debbie McKean seconded the motion and voting was unanimous in favor. (Motion carried).

7.
Resolution #226-07

Council member Debbie McKean presented the newly outlined Resolution # 226-07 Promoting Child Appropriate Standards in West Bountiful City. Mrs. McKean explained that this resolution will help to keep inappropriate pictures and magazines in stores hidden from view of children. It was suggested that each outlet that may carry such material be sent a copy of the resolution to help them understand the city's stand on this issue. Debbie McKean moved to adopt Resolution #226-07. Cheryl Searle seconded the motion and voting was all in favor.
(Motion carried)

8.
Wasatch Meadows

Matt Collier of Caldwell Richards and Sorensen presented a memo addressed to Mayor James Behunin, Wendell Wild and the City Council. The memo addressed the grading and drainage plan as prepared by Hill & Argyle regarding Wasatch Meadows. This plan identifies critical elevations including the proposed finished floor, top back of curb, existing ground and sewer lateral elevations.

Pictures of homes where basements have been allowed as well as pictures of homes where basements have not been allowed . Pictures were included in the report. These pictures were presented by the developer to demonstrate what they are trying to accomplish by constructing basements.

There was a lengthy discussion on the possibility of allowing homes in Wasatch Meadows Subdivision to be built lower than the ordinance requires, which is 12" above top back of curb. Scott Argyle (Engineer for the project) stated this request has been made and granted in several other subdivisions in West Bountiful and the developers feel the homes will be more attractive and better suited to the home owner if going lower than the requirement is allowed.

Council members are fearful of the high water table that exists in West Bountiful and would not want the City to be held accountable for any water damage to the homes. The issue of the road being raised two feet was also discussed in length. Scott Argyle explained the drainage plan of the subdivision to the council. A Notice of Building Restrictions for Moss Farm Estates was presented for review by the council. This document states in part "the owners, their assigns and successors are responsible for any and all steps necessary to mitigate any ground water or surface water intrusion into the structure". The developers are willing to create such a document for Wastach Meadows.

Jim Miller spoke to the council, stating that he has been held up on the issuance of his building permit for Lot 13. Mr. Miller would like to move forward and stated the delay is costing him money.

There was continued discussion on the drainage plan for the subdivision and how the drainage will affect adjacent properties.

Motion

Motion was called for by Mayor Pro-tem Jeff Tingey. Don Lilyquist moved to table the developers request for the allowance of basements in Wasatch Meadows until a hold harmless statement could be presented for Wasatch Meadows. The motion included setting a time for a special meeting in order to review the proposed hold harmless agreement and move the request for basements along. The special meeting of the West Bountiful City Council was set for Tuesday August 28, 2007 at 7:00 p.m. Cheryl Searle seconded the motion and the motion passed unanimously. (Motion carried)

9.
500 West Water Line

Matt Collier (Caldwell Richards and Sorensen) addressed the council to explain the need to replace 360 feet of six inch water line along 500 West. Mr. Collier and Wendell Wild informed the council members of Department of Transportation's plan to re-surface 500 West. The existing water line in this specific area is old and undersized and is on the schedule to be replaced in the near future. However with UDOT's desire to overlay 500 West in the spring of 2008, it would be wise to do this project now and not have to tear up a newly paved road. It was also noted that it may be hard to get the permits needed from UDOT if the project is not done soon. Reynolds Brothers (contractors for the Lowes project) already have the permits necessary to work in 500 West. It was pointed out that three bids were received but Reynolds Brothers gave the most competitive bid for the job and they are already on site. The estimated total cost of the project is $62,124.50. This project was not budgeted for in this budget year but it is recommended that monies be appropriated from the Water Capital

Improvement Fund to complete the project.

Jeff Tingey expressed his concern at the cost of the project. Other Council members expressed the same concern and would like to see other bids, possibly from local contractors.

Motion

Cheryl Searle moved to table the 500 West Water Line replacement issue until more bids could be received, specifically from local contractors. If the council receives these bids, they will attempt to approve the replacement of the water line at the special meeting on Tuesday August 28, 2007 Don Lilyquist seconded the motion and voting was unanimous in favor. (Motion carried)

10.
General Plan Ordinance

Wendell Wild (city administrator) explained to the council members that the General Plan was adopted on June 5th 2008 but it was not adopted by ordinance. According to state code the General Plan must be set by an ordinance. Debbie McKean moved to adopt Ordinance #298-07 adopting the General Plan of West Bountiful City. Don Lilyquist seconded motion and voting was all in favor. (Motion carried)

11.
Resolution 227-07

Bob Linell, acting as spokesman for the ballot measure to increase sales and use tax by one quarter cent was present and addressed the council concerning the proposal. Mr. Linell explained there are critically needed transportation projects in Davis County and requested the council consider adopting Resolution #227-07 allowing the tax increase to be placed on the November 2007 ballot. I should be noted that this action allows the tax increase to become part of the ballot for the November election so the citizens may vote for or against the proposal. There was some discussion on the last paragraph of the document which states : "the council encourages voters to vote in favor of the allot measure when they cast ballots on Nov. 6th". Council members were not comfortable with this statement and asked that the paragraph be deleted from the document.

Motion

Debbie McKean moved to table the passage of Resolution #227-07, A Resolution encouraging support of a ballot measure increasing the sales and use tax by one-quarter cent to fund critically needed local transportation project, until the last paragraph is re-written. Cheryl Searle seconded the motion and all voted in favor. (Motion carried).

12.
Greenhouse Circle Sub.

Mike Youngberg approached the council to receive final approval for Greenhouse Circle Subdivision (400 North approx. 750 West). Mr. Youngberg stated that he now has approval from UDOT regarding the right-of-way issue adjacent to this proposed subdivision. Mr. Youngberg was also requested to enter into an agreement with Mr. Wes Argyle relative to the drainage from the subdivison. Mr. Youngberg has worked to resolve these issues and is now seeking the final approval. Council members expressed their concern that Mr. Argyle had not signed the agreement letter. Mr. Youngberg then stated that Mr. Argyle had written the agreement letter. There was continued discussion about the agreement letter as well as the close proximity of the entrance to the new subdivision in relation to the intersection at the bottom of the overpass. Don Lilyquist moved to give final approval to Mr. Youngberg for Greenhouse Circle Subdivision with the stipulation that permits will not be issued for the development until the letter presented is signed by Wes Argyle. Debbie McKean seconded the motion and all voted in favor.
(Motion carried).

13.
See 4a

14.
Police Report

Chief Randy Lloyd gave a brief review of the police activity for the month of July. Chief Lloyd explained that all is going well in the department and he will be conducting interviews for a new officer In the coming weeks.

15.
Financial Report

Wendell Wild reported that the Financial Report for July is pretty well self explanatory and stated he feels everything looks in order.

16.
Planning Commission

Debbie McKean questioned the minutes of the Planning Commission meeting held Aug.14, 2007. She stated the minutes did seem to be complete. Council woman McKean was informed that the minutes included in the binder for this meeting are simply notes from the last meeting and not the finished minutes. Finished minutes are forth coming.

17.
City Adm. Report

Wendell Wild reported that the RFQ for Engineers has been sent out to several engineering firms and we will wait to see the response to those. Mr. Wild informed the council members of the new South Davis Metro Fire open house to be held on Sat. Auagust 25th At 10:00 a.m.

18.
Council Reports

Don Lilyquist stated there will be an emergency preparedness meeting on Wednesday August 22, at 7:00 p.m.
Debbie McKean asked that all Newsletter information be turned in immediately. The Newsletter will go out the first of September. She also reported that the Farmers Market will be held on Wednesdays at the park for the remainder of the summer.

19.
Adjournment

Don Lilyquist moved to adjourn the August 21, 2007 City Council meeting. Debbie McKean seconded the motion and all voted in favor.

Meeting adjourned at 9:45 p.m.

Mayor James Behunin

Secretary

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH