1.
Those in Attendance

Minutes of the regular session of the City Council of West Bountiful City held on Tuesday, July 17, 2007, at West Bountiful City Hall, Davis County, Utah.

MEMBERS PRESENT: Mayor James Behunin, Debbie McKean, Jay R. Bangerter, Roy Johnson, Jeff Tingey, Don Lilyquist.

MEMBERS EXCUSED:

STAFF PRESENT: Wendell Wild (City Administrator), Beverly Haslam (City Recorder), Randy Lloyd (Police Chief), Lissa Thompson (Secretary).

VISITORS: Trevor McCleery, Ryan Wilkinson, Kason Perkes, Skyler Hawley, Braden Shields, Zach Oswald, Anthony Wardell, Mark McCleery, Eric Eastman, Scott Schultz, Dean Titensor, Bryon Dalrymple, Matthew Johnson, C.J. Hahn, Alan Malan, Kent Bond, James Bruhn.

2.
Called to Order

The City Council Meeting was called to order at 7:32 p.m. Mayor Behunin invited Bryon Dalrymple of Scout Troop 1039 to offer an invocation., and the Pledge of Allegiance was led by Scout Trevor McCleery.

3.
Accept Agenda

Mayor Behunin reviewed the agenda. Debbie McKean moved to accept the agenda as outlined. Jeff Tingey seconded the motion. Voting was unanimous in favor.

4.
Approval of Minutes of Previous Meeting

Debbie McKean moved to accept the minutes of June 19, 2007 as amended. Don Lilyquist seconded the motion. Voting was unanimous in favor.

5.
Public Comment

Eric Eastman appeared before the council with an article from *The American School Board Journal* entitled "Legal Traps for Unsuspecting School Board Members" and said it was also applicable to other bodies subject to the open meeting law. He advised the council to be careful in how it comes to consensus and gave a copy of the article to City Administrator Wendell Wild.

Zach Oswald, a member of Scout Troop 1039, voiced concern that only Bountiful City residents are allowed to use the dump at the end of Pages Lane and that West Bountiful residents have to drive to the burn plant in Layton. Mayor Behunin explained the burn plant does a good job. Mayor Joe Johnson of Bountiful, who was in attendance, said that the dump may only be viable for 30-50 more years and once the Legacy Highway is done, Bountiful will no longer be driving its garbage trucks on West Bountiful City streets. Mayor Behunin added that sometime in the future a transfer station would be built in South Davis County so city residents could take yard waste there to be trucked to Layton.

6.
Presentation of the South Davis Performing Arts Center by South Davis Community Leaders

Ron Russell, mayor of Centerville, addressed the council to explain background for a proposed South Davis Performing Arts Center. He pointed out that he and the other mayors in South Davis County, including Mayor Behunin, had already attended several meetings where this issue had been discussed. He stated that a feasibility study done by Lewis Young Roberts and Burningham was now completed and confirmed the project is viable.

He went on to say it had long been agreed that Davis County needed better arts facilities with one located in the north end of the county and one in the south end. In 2004 a RAP (recreation, arts and parks) Tax was voted on to fund those projects but it was rejected countywide. He attributed this to poor publicity, a lack of specific projects identified, and poor wording on the ballot. Since 2004 the law has been amended to say that a city or interlocal cooperative of cities can impose a RAP Tax of up to one-tenth of one percent.

Because all the cities in South Davis County would benefit from the SDPAC Project, he said he was encouraging West Bountiful to join with Centerville in promoting the tax; therefore, he was proposing that West Bountiful consider a resolution that authorizes placing the RAP Tax on the November ballot. He added that even if the city council ultimately decided not to participate, the project could still go ahead, perhaps on a smaller scale. Urging the council to study the report, he concluded by saying that, although the SDPAC would be operating with a deficit for a few years, he felt the pro forma was conservative.

Bountiful Mayor Johnson added his support for the RAP Tax, saying the Bountiful City Council had passed a resolution to let their citizens decide on the tax and he hoped West Bountiful would as well.

Discussion followed. When Council Member McKean asked who would be allowed to use the facility, she was told that was still to be defined. Although most of the stage time would be given to a resident theater company, when not in use other groups could utilize it; this is already happening at Rodgers Memorial Theater. She pointed out that the West Bountiful Arts Council was interested in a larger place to stage its activities. Mayor Johnson said a governing board was proposed to allow each city representation to help determine what would take place.

Council Member Roy Johnson wondered what the proposed timetable was to have the building up and running. Mayor Johnson replied that if authorized by the November election, construction could begin next year. Council Member Johnson also asked whether there would be additional costs because of the busy location. Mayor Johnson replied that because the overpass on Parrish Lane and other street improvements were already being made to accommodate Walmart traffic, he did not foresee the need for any further street improvements.

Bill Davies of Rodgers Memorial Theater said multiple conversations had been held with the school districts and they were supportive of student participation at the proposed Center.

Mayor Behunin stated the Rap Tax for the SDPAC would be on the upcoming August 7th council agenda.

7.
Billboard Re-location and RDA Request–
Armand Johansen for Johansen-Thackeray

Following up on the Reagan Sign billboard re-location discussed by the council on June 19, 2007, Armand Johansen reported that Mike and Sterling's Flooring America thought a perception problem would arise if the Reagan sign to be placed next to Flooring America went in at the proposed dimension. He said this situation should be resolved quickly to allow construction to move forward.

During the discussion which followed, City Administrator Wendell Wild read the city code, which showed the new sign could not be larger than 121 square feet.

Action Taken

Jeff Tingey made a motion to allow Johansen Thackery to move forward with construction and allow Reagan Sign to erect temporary signs until new signs are constructed, and to work in good faith with Mike & Sterling's Flooring America on their visibility concerns. Don Lilyquist seconded the motion. Following a brief discussion, voting was unanimous in favor.

John Thackery gave the council an update on progress at West Bountiful Commons. Johnansen Thackery feels the project has gone well; they are happy with the tenants, a good combination of businesses. Although, he said, there had been some problems with the participation agreement, they were in conversation with the city and hoped to come back to discuss the issue with the city council in thirty days.

City Administrator Wendell Wild asked him to submit a written proposal for the participation agreement as soon as possible to give the city an opportunity for review. Mayor Behunin reminded Mr. Thackery it was a matter to be entertained by the RDA board but a meeting could be scheduled any time after drafting and review had taken place.

Asked about restaurant tenants, Mr. Thackery responded that although the Olive Garden would not be coming, Texas Roadhouse and a combination Italian/Japanese restaurant would go in. He also said a multi-tenant pad would be constructed on the former Walton Brake site, and Lowe's should open prior to November 1st.

8.
Consider proposal to increase speed limit on 1100 West
from 25 mph to 30 mph

Police Chief Randy Lloyd reported on several speed surveys the city had carried out on 1100 West over a period of time. In looking at nearly 13,000 cars, the surveys showed most drivers were going close to the 25 mph speed limit with only 2.5% at 35 mph. He pointed out that some residents were worried that increasing the speed limit on 1100 West would encourage drivers to go faster, but a study done on 800 West, which has a 30 mph speed limit, showed similar results; statistics alone did not show speed would increase if speed limits were raised 5 mph. He added there was no speeding on 800 West by West Bountiful Elementary during busy times of the day, and for simplicity it would be easier if the city speed limits were the same.

Council Member McKean asked whether a previously considered 4-way stop at the corner of 400 North and 1100 West would be erected

before school began. City Administrator Wild responded that CRS Engineering was reviewing a number of issues surrounding the new Legacy Downs subdivision, so the stop sign was being postponed. Council Member Don Lilyquist said that studies show 4-way stops do not slow traffic down because motorists increase their speed afterward to make up for lost time. Chief Lloyd added that UDOT regulations state that stop signs are not to be used for speed reduction, and Mayor Behunin said speed reduction could be accomplished with street design.

Public Comment followed.

Helen Ungerman said she and her family had lived nearly 70 years on 1100 West, and traffic there, especially motorcycles, drove well over the speed limit, hampering her from leaving her driveway.

Kent Bond, another resident living on 1100 West, wanted to see consistency within the city, although he did not care what the actual speed limit was. He stated that if a 25 mph speed limit on 1100 West were kept, the city should make sure it was clearly posted

Mayor Behunin then polled council members, all of whom felt speed limit consistency was important. He said that the city had paid attention to traffic problems in West Bountiful, particularly in the last few months since the speed trailer had been purchased. Additional police officers had been hired and they were doing all they could to make the community safer; however, the city also had a responsibility to help motorists get where they needed to go.

Action Taken — Roy Johnson moved to increase the speed limit on 1100 West from 25 mph to 30 mph. Jeff Tingey seconded the motion. Voting was unanimous in favor.

9.
Consider Resolution #224-07: Adopting resolution establishing the Lakeside Golf Course Advisory Board

Mayor Behunin reminded the council of previous discussion on this issue. He noted that he had worked with Council Member McKean to describe the board's duties; this description will give direction to Lakeside Golf Course and provide needed oversight. In drafting the resolution, they had used information from other golf advisory boards in the state.

Discussion followed as council members reviewed copies of the resolution. Concerns centered on board membership, number of meetings, record-keeping, and dismissal of board members.

Action Taken — Don Lilyquist moved to table Item #7, Resolution #224-07: Adopting resolution establishing the Lakeside Golf Course Advisory Board, and rewrite the resolution. Roy Johnson seconded the motion. Voting was unanimous in favor.

10.
Discussion of overspending of 2006-2007 fiscal year budget.

Mayor Behunin reviewed the council's previous attempts at the close of a fiscal year to correct overspending. He stated that when departments exceed their budgets, re-drafting the budget is necessary; however, those departments need to avoid such overspending until they receive permission from the city council. In actuality state law prohibits cities from making additional charges to departmental

budgets if funds are not available. He called the council's attention to a memo he had given them in which he was proposing that the city adopt new fiscal procedures.

Discussion followed. Council Member Tingey pointed out while overspending needed to be addressed, departments should be allowed to move line items as long as they did not go over the total budget. He said department heads did need to be held accountable and he urged the council to pay close attention to monthly Financial Reports. Police Chief Lloyd stated that his department could work harder to avoid overspending if the department was given clear direction on what was expected.

City Financial Consultant Brian Passey responded that as this 2006-2007 fiscal year was ending, the city was not over budget for the year. He believed some procedures could be tightened and the council given more watchdog reports. He noted that July was a particularly difficult month to report on because the year-end report takes so much time to prepare.

City Administrator Wild stated that although many budgetary discussions are held with the council throughout the year, staff will work harder to be more open with the council.

11.
Financial Report

Without final figures being in, there was no Financial Report at this time. Mr. Passey said he would give the council something to review before the next council meeting.

12.
Police Report

Police Chief Lloyd called the council's attention to the Month's End Report for June and explained the statistics were about the same as previous months. He noted 273 traffic citations were issued and said court revenues were up at the end of the year. He also announced the department would be getting a new officer.

13.
Planning Commission Report

In the absence of a written report Wendell Wild gave an overview of the July 10th Planning and Zoning meeting. He said the Commission was reviewing the study CRS Consulting had done on raising the road in the Wasatch Meadows subdivision and what effect that would have on the development. Drainage is a major issue. The Commission also discussed accessory dwellings (mother-in-law dwellings). This information will be forwarded to the city council.

Mayor Behunin voiced concern that Legacy Downs might have a gated portion. Administrator Wild responded that was still being considered; ultimately the development's amenities are up to the Planning Commission for their review and recommendation before they are accepted and forwarded to the city council. He also reported that a Legacy Downs traffic study was completed and presented to the commission; this was to be forwarded to CRS. Mayor Behunin complimented Mr. Wild and city staff for the hard work they have put in on the project.

Craig Johnson, a West Bountiful resident, said he also was concerned with Legacy Downs. He pointed out that it is a 140-acre development with much of the land under a power line right-of-way. He felt plans for the development seem inconsistent with the zoning and that the Planning Commission ignores public comment. Mayor Behunin agreed that there appeared to be more lots than one-acre zoning

usually achieves; he concluded by saying the city council will have to make the final decision on land usage.

14.
City Administrator's Report.

City Recorder Beverly Haslam announced the names of twelve candidates who had filed to fill the three city council vacancies to be voted on in the September 11, 2007 Primary Election. They are George Biada, James Bruhn, Joseph Child, Brad Hansen, Troy D. Larsen, Alan Malan, Kenneth Romney, Cheryl Rae Searle, Valerie Shaw, Bonnie Sorensen, Jeff Tingey, and Roger Wray. A Meet the Candidate Night will be held a week before the Primary on either Aug 30th or September 6th.

City Administrator Wild informed the council about a memo he had received on the Rocky Mountain Pipeline. He explained that it will come into the city within an existing right of way along 1100 West. The first bore is to be completed mid-August. The pipeline will surface just north of 400 North, and the second bore will be in Holly property just south of 500 South. Rocky Mountain Pipeline has given a performance bond in case they are not able to complete the project on time. Mr. Wild also said the city has met with residents involved and the pipeline has agreed to follow noise guidelines. He ended his report by announcing the council needs a new secretary and asked council members to be looking for applicants.

15.
Mayor and City Council Reports.

Mayor Behunin announced that Council Member Jay R. Bangerter was moving from the city and thanked him for his dedicated service to the community; his resignation was effective immediately. To fill this vacancy the city council will accept applications until Friday August 3rd. The Mayor also said that because the city had tried unsuccessfully to hire a city engineer, they will have to use an outside engineering firm who will be in-house half time with regular hours. Council Member McKean suggested an RFP be sent out so the city would have a variety of engineering firms to choose from in addition to CRS, the current firm hired by the city. Mayor Behunin agreed that could be done.

Don Lilyquist reported that an Emergency Preparedness meeting would be held July 18th at 3:00 p.m.

Roy Johnson said that parked cars in the bike lanes on 1100 West and 660 West were creating a congestion problem.

Debbie McKean thanked council members for their participation in the recent Independence Day celebration activities.

16.
Adjournment

Jay R. Bangerter moved to adjourn the meeting. Jeff Tingey seconded the motion, and voting was unanimous in favor. The meeting adjourned at 10:06 p.m.

MAYOR JAMES BEHUNIN

BEVERLY HASLAM (CITY RECORDER)

LISSA THOMPSON (SECRETARY)