West Bountiful City
City Council Meeting

Tuesday, September 18,2007

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

Called to Order: The September 18,2007 City Council Meeting was called to order at 7:30pm by Mayor James Behunin

Members Present: Mayor James Behunin,Cheryl Searle,Debbie McKean, Roy Johnson

Members Excused: Don Lilyquist and Jeff Tingey

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Staff Present: Wendell W. Wild, City Administrator, Beverly Haslam, City Recorder, Randy Lloyd, Police Chief, Jami Zigich,Secretary Steve Doxey, City Attorney

Visitors: Eric Eastman, Ken Romney, Troy Larsen, Valerie Shaw, Ed Smith, James Bruhn, Alan Malan, Craig Johnson, Roger Wray, Brent Anderson, Read Hellewell, Armand S Johansen, ~~Danny~~ Dewey Reagan, Jeff Lund

Invocation/Thought: Mayor James Behunin offered the invocation

Pledge of Allegiance: Roy Johnson led the Pledge of Allegiance

1.
Accept Agenda: The Mayor read the agenda items, Debbie McKean moved to accept the agenda, Roy Johnson seconded the motion and all voted in favor.

2.
Approval of Minutes: The minutes of the August 28, 2007 Special Meeting were reviewed, Roy Johnson moved to approve the minutes,Cheryl Searle seconded the motion and voting was unanimous in favor.

3.
Public Comment: James Bruhn spoke to the council of talking to many residents and has found a major concern with the ongoing work of the waterline,Mayor Behunin commented on the hefty price tag of the project, Wendell Wild commented that they are looking into the possibility of a low interest loan from the Division of Water Resources. Mr Bruhn said he would return the comments to the concerned citizens.

Mr Bruhn also thanked the council for doing well at a thankless job, and wanted the council to know they were appreciated by himself and many community members.

Mr Ed Smith ask for permission for the five minute comment time as he was representing his neighborhood, and had also come at the request of the mayor, time was granted

Ed Smith stated that this was a very timely meeting as he was there to make comment of the neighbors of the Holly Refinery,and wanted the council to take notice of the severe burn off that is taking place.

Mr Smith commented that the neighborhood concerns are,danger of living in the close proximity of the refinery, air quality issues back up power, property values in concern with the severe burn offs.

At the time of the meeting Holly Refinery was experiencing a large burn off caused by a power outage, initiated by a crane accident at the Smith Trucking site,as reported by Wendell Wild City Administrator.

Mr Smith reported talking with night supervisor of Holly who had told him they were in a very dangerous situation when without power. He became very passionate in stating he and his neighbors are very worried for their safety and have concern of how a major disaster would be handled.

Mayor Behunin thanked Mr Smith for representing those concerned. The Mayor stated that he and other Mayors had met and had spoken with the Division of Air Quality and with Luis Garrett of the County Health Department and all are working towards getting a mobile device to monitor the problem.

4.
Update on 500 South Waterline Replacement

Matt Collier of Caldwell, Richards, Sorenson, addressed the council that some significant obstacles have been identified along the 500 South portion of the Waterline project. He stated that these conflicts were not disclosed by the utility companies when requested for information during the design.

Mr. Collier informed the council that the utility conflicts have

changed the project sufficiently making it necessary to reevaluate the cost of this portion of the project.

The Council was told that Jon Nix of Nix Construction is willing to perform the work on a time and materials basis. To limit the city's risk Mr Nix along with Mr Collier have determined a fixed cost that will not exceed $112,497.52 with a 40 day extension.
Mr Collier explained to the council that in reality he expects the cost to be around $80,000.00.

Mr Collier further addressed the council stating that in addition, it will be necessary to construct temporary water services to 12 business/residents. Mr Collier explained that in an effort to save the city monies the City's Public Works had been contacted and said they could do this work for $15,909.70, which would be a significant savings. He added that it would require the city's crew to work overtime.

Council member Searle was concerned that the extra monies had not been proposed on the original order.

Debbie McKean commented that we had the monies and that she didn't see that the council had much choice but to amend the order. She inquired of Wendell Wild about the Public Works, if it were possible with their work load to take on the extra job

Wild commented that he didn't fill the city had much choice.

Councilman Roy Johnson made a motion to change the original order of the 500 South Waterline Replacement to include the maximum additional cost of $112,497.52 to Nix Construction and

also to include $15,909.70 additional cost going to the Public Works of the city, because of significant obstacles incurred during construction, the project budget will be amended. Debbie McKean second the motion. Motion was called to a vote and carried.

5.
Consider awarding bid for CDBG

Wendell Wild informed the council that in accordance with the Community Development Block Grant the city had received responses in the bidding process for the replacement or updating of storm windows, insulation, furnaces and overall weatherizing of homes.

Mr Wild stated that the lowest bid was entered by Cadence

Construction for $51,350.00 with a project finish date of mid November.

Debbie McKean inquired of Mr Wild how many homes would be involved. The response given was approximately 12 homes would be involved.

Debbie McKean made the motion to award Cadence Construction the bid to complete the Weatherizing/Home Improvement project of $51,350.00 as outlined by the CDBG.Cheryl Searle second the motion,Mayor Behunin brought motion to vote. Motion carries.

6.
Consider relocation of billboard signs in West Bountiful Commons

Armand Johansen came before the council to discuss the relocation of signs on the Lowe's construction site.

Mr Johansen expressed his appreciation of the council and apologized for any misunderstanding or miscommunication of the last time he appeared before the council and referenced his formal apology letter.

Mr Johnansen went on to explain the handout supplied to the council prior to council meeting and handed council members an updated packet of sign sizes and diagrams.

Discussion was ensued by Mr Johansen regarding the moving of the now existing Reagan signs located on the Kennedy property and those existing in the soon to be Lowe's parking lot.

Lengthy discussion between council members and Armand Johansen then proceeded to include issues of sign size, city ordinances regarding sign size,and how the situation of Mike and Sterling sign was being compensated.

Mr Johansen introduced ~~Danny~~ Dewey Reagan general president and manager of Reagan Signs. Mr Johansen assured the council that himself and Mr Reagan had worked diligently together with compromise on both sides to come up with the proposal before the council.

~~Danny~~ Dewey Reagan addressed the council first by stating his patriotism to the democracy of our country and thanks to the council.He reintereated Mr Johansen's and his commitment of coming to a final outcome of this issue that is suitable for all.

Mr. Reagan went on to bring issues before the council of his

monetary output, discussions with Mike and Sterling, size of the signs that are made within the industry, cost of signs and the amount of time it would take to recoup his investment.

Mayor James Behunin then asked for a motion to be made to table this issue for two weeks until a full council was present The motion was made by Roy Johnson. No second was made on the motion. Motion failed.

Discussion resumed on the billboard issue with Mayor Behunin asking city attorney Steve Doxey to address the council on the cities options.

Mr Doxey assured the council that they had plenty of options, he urged the council to look at the pros and cons of the total issue.

Armand Johansen opposed some of Mr Doxey's options and stated he did not understand the benefit of going back to ground zero with this issue.

Read Hellewell of Johansen Thackeray law firm representing Kirtland MckenzieDevelopers, stood to address the council, stating both parties involved in the issue had the best interest of everyone involved. He stated that he does not believe anyone has been twaddling, that both sides are anxious to come to a resolution on this issue.

Mayor Behunin then brought the discussion to a close, thanking everyone for the information given and that he felt the meeting needed to move forward.

Roy Johnson made a motion to table the issue of the signs in the West Bountiful Commons area for two weeks. Cheryl Searle second the motion. A vote was called,opposed by Debbie McKean. Motion passes.

7.
Canvass of Primary Election Votes

City Recorder Beverly Haslam brought before the council documentation of the votes of the primary election. Written documentation had previously been given to council members to view, and was also available at the time of council meeting.

The motion was made by Debbie McKean that the council accept the canvassing of the Primary Election votes of West Bountiful City. The motion was seconded by Roy Johnson, the motion carries by unanimous votes.

8.
Appointment of Justice Court Judge

Mayor Behunin gave an overview of how the appointment of the Justice Court Judge is accomplished. The Mayor went on to explain that it is time to give "the thumbs up or thumbs down" approval for Judge Joel Campbell. The mayor explained to council that he had asked Judge Campbell to address them this evening in regards to some issues that had been brought to the mayors attention.

Judge Joel Campbell then took the floor introducing himself and stating that he has enjoyed his 15 years as the acting judge for West Bountiful. The judge then went on to address several issues that the mayor had brought to his attention.

The Judge spoke of the issue of race, gender and age discrimination. The Judge opposes this accusation stating that he takes great reflection in entering a sentence, he considers past history, attitude of the accused, and what crime has been committed.

Another issue stated by the Judge was dislike of the Chief of Police or officers. The Judge stated that this might be a perception because of previous issues regarding the hiring or dismissing of the former police chiefs. It was also stated that it may seem like he dislikes the officers or chief because he can not have a casual friendly relationship with them because of his position as Judge.

Other issues talked about by Judge Campbellwere pleas in abiance, not wearing his robe,exparte communication about cases.

Mayor James Behunin thanked the Judge for his service and appreciation of his remarks. The mayor stated that with the input from the council he would decide how to proceed.

Judge Johnson then stated that he would fill very fortunate to be reappointed and that he would serve to the best of his ability.

9.
City Administrative Staffing Needs

Mayor Behunin stated that there are staffing needs that need to be met within the city. That some of the city staff are being stretched to their limits with the growth of the city.

Mayor Behunin went on to explain the appropriateness of a closed session to discuss the creation of an additional administrative staff position and individuals who might fill such a position.

The mayor went on to address Section52-4-204 of the State Code to request a closed session.

Debbie McKean made a motion to suspend the order of the day to go directly to reports before moving to closed session. Seconded by Cheryl Searle and voting was unanimous in favor.

10.
Police Report

Chief Randy Lloyd gave a brief review of the police activities and referred the council to the printed reports they had received.

In addition Chief Lloyd announced that the department had been successful in securing the grant monies to purchase a back up generator for the city offices.

11.
Financial Report

It was reported by memo from Brian Passey that the City's overall financial position continues to improve over this time last year. Sales tax lead the way in base growth.

12.
City Administrators Report

Wendell Wild city administrator reports that the qualifications for additional engineering help had been posted and that the city had twelve responses. Wild stated that the selection committee would be meeting to narrow those twelve down to a short list.

Mr Wild reported that the city is working closely with Holly Refinery on their request for three building permits to expand their

facility.

Wild commented on the need for the city offices to have a back up generator and that as stated by Chief Lloyd one has been secured threw grant monies.

In addition Wild informed the council that the Lowe's building is going well and that the target date for opening is November 20. The facility has a very strategic way of stocking, they use a convoy of trucks to bring in merchandise, this will happen about mid-October.

Wild said that all in all the Porter Lane waterline seems to be moving along.

A motion was made by Roy Johnson to extend the City Council meeting to 15 minutes after the hour. The motion was seconded by Debbie McKean. Voting incurred, motion passes.

13.
Council Reports

Roy Johnson commented on how well the Founders Day celebration went and suggested that next year that along with the 5K Run/Walk we incorporate a bike ride.

Debbie McKean reported that the newsletter is upcoming to please get in your information. The Farmers Market is struggling but ongoing. McKean also commented on the success of the Founders Day Celebration.

Cheryl Searle stated the need for additional members for the historical commission. inquired of the police chief regarding an upcoming emergency preparedness drill.

Chief Lloyd responded that plans are in progress, but that it is to be a more spontaneous drill so that it could be accessed where trouble spots would occur.

14.
Closed Session

Debbie McKean made a motion that the council move to close session citing Section 52-4-204 of the State Code. Cheryl Searle second the motion, motion carried.

Council returned from closed session.

15.
Adjournment

Roy Johnson moved that the September 18, 2007 City Council meeting be adjourned. Cheryl Searle second the motion and all voted in favor.

Meeting adjourned at 10:50 p. m.

Mayor James Behunin

Beverly Haslam
City Recorder

Jami Zigich
Secretary

WEST BOUNTIFUL CITY CORPORATE SEAL DAVIS COUNTY UTAH