Mayor
James Behunin

City Council
James Bruhn
Debbie McKean
Kenneth Romney
Cheryl Searle
Valerie Shaw

West Bountiful City

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City Administrator
Craig Howe

City Recorder
Beverly Haslam

Chief of Police
Randy W. Lloyd

CITY COUNCIL AGENDA

NOTICE IS HERBY GIVEN THAT WEST BOUNTIFUL CITY WILLHOLD A SPECIAL CITY COUNCIL MEETING ON TUESDAY JUNE 30, 2009 AT 7:30 P.M. – 550 NORTH 800 WEST, WEST BOUNTIFUL, UTAH.

AGENDA AS FOLLOWS

Invocation/Thought (Limit 2 minutes please)

Pledge of Allegiance – Valerie Shaw

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. 7:45 (Or as soon thereafter as the agenda will allows) Public Hearing to receive input on opening and amending the 2008-2009 Budget.
4. Consider adoption of the 2008-2009 Amended Budget.
5. Resolution #251-09 Adopting the 2009-2010 Certified Tax Rate.
6. Reagan Advertising appeal -- Findings and Decision on Appeal From Decision of West Bountiful City Zoning Administrator.
7. Discussion and consider adoption of Ordinance #312-09 Blended Use (B-U) Zone (Tabled from last meeting).
8. Consider adoption of Ordinance #311-09 Boundary Adjustment between West Bountiful and Centerville.
9. Planning Commission Report
10. Administrative Report.
11. Mayor/Council Reports.
12. Approval of minutes of previous meeting.
13. Adjournment

According to the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should contact Beverly Haslam (City Recorder) – 292-4486.

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 .

**I certify that this agenda has been posted, delivered to the City Council and sent to Clipper Publishing Company on 6/26/09

Minutes of the special session of the City Council of West Bountiful City and Public Hearing held on Tuesday, June 30, 2009 at West Bountiful City Hall, Davis County, Utah

Those in Attendance

MEMBERS PRESENT: Mayor James Behunin, Debbie McKean, James Bruhn, Cheryl Searle, Valerie Shaw, Kenneth Romney

STAFF PRESENT: Heidi Voordeckers (Accountant), Beverly Haslam (City Recorder), Randy W. Lloyd (Chief of Police), Nathalie Ellingson (secretary). Craig Howe, City Administrator, was absent.

VISITORS: Sandi Smith, Kelli Adams, Nick Boris, Rick Hymas, John Hepworth, Mary Hepworth, Alan Malan, Scott Wennerholm, George Biada, James Ahlstrom, Morgan Philpot, and Kathy Behunin.

Called to Order:

Mayor James Behunin of West Bountiful City called this session to order at 7:32 pm.

Invocation was given by Mayor Behunin.

Pledge of Allegiance was let by Valerie Shaw.

1.
Accept Agenda

MOTION: Debbie McKean moved that Council approve the Agenda as posted.

SECOND: James Bruhn seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

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2.
Public Comment

Nick Boris spoke regarding the efforts to resolve the dispute between West Bountiful City and Mannheim. Their issues are that the City keeps having new moratoriums, and there was only one that Mannheim was aware of before it happened. The Hepworth family is losing $20,000 per month in income due to the blended use moratorium. They realize that growth is necessary, but feel that cutting out existing operations is not logical. They have a new proposal out but they don't think anything can be approved with the new zoning. They feel that Mannheim and Hepworths are being targeted with the new ordinance. Scott Smith and the

Devereaux' will not annex with the new zoning. He asked to speak individually with council members.

John Hepworth reviewed negotiations between Mannheim and Security Investments regarding the Hepworth property, and between Mannheim, the Hepworths, and West Bountiful City, over the past ten years. Mannheim has wanted to lease part of the Hepworth property, and a year ago, they negotiated an agreement. They knew the auto auction had approached the City with their plans for expansion, and they anticipated no problems. They cannot go forward under the new ordinance, and he believes that owners of neighboring properties which are part of the blended use zone are concerned about their ability to sell properties if they are part of West Bountiful. They object to the City trying to use the blended use plan on properties that are not part of the City.

3.
7:45 (or as soon thereafter as the agenda allows) Public Hearing to receive input on opening and amending the 2008-2009 Budget.

Mayor Behunin requested this agenda item because they had come across some departments that were overextended from the budget. Council members were provided with a memorandum detailing the General Fund Budget with final projected outcome for 2009. Included were several substantial payables related to the Mannheim litigation. Heidi Voordeckers recommended a transfer from the capital improvement fund be increased to $277,000 from $260,000. The legal expenses were more than the Mayor had planned on addressing in the meeting and he suggested postponing the matter, and in the coming weeks they put together a process for undergoing new projects wherein council members would monitor the budget of a project and get monthly updates of billings. They would begin by looking into the legal expenditures.

Ken Romney asked if the budget can be amended after a certain time. Mayor Behunin said that passing the budget does not mean they have to pay everything. The City has the resources to pay the expenses, but some of those can be paid by the litigants.

Heidi ran down the list of items, not including the legal fees, that needed to be adjusted. She mentioned that Craig Howe, who is absent from this meeting, has not had a chance to review the legal bills.

MOTION: Ken Romney moved to open the public hearing.

SECOND: Valerie Shaw seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

The Mayor asked for any public comment regarding the budget. No comments were forthcoming.

MOTION: Ken Romney moved to close the public hearing.

SECOND: Valerie Shaw seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

4.
Consider adoption of the 2008-2009 Amended Budget

MOTION: Debbie McKean moved to open and amend the 2008-2009 budget and include changes for property tax revenue, sales tax revenue, court salary wages, and all other adjustments needed in keeping with the balanced budget that was approved June 16, 2009, and that they review attorney fees and special council before they expend that budget.

SECOND: Cheryl Searle seconded the motion.

DISCUSSION: Valerie Shaw stated she did not see any point in further discussion, and felt that Craig Howe should review and make the final decisions regarding payment. Debbie McKean stated there was a principle involved, that council should be notified before such expenditures take place. Cheryl Searle agreed that Craig Howe could make the decision, but that Council should not tolerate expenses not getting prior approval from them. Debbie McKean suggested approving the fees, and deducting fees from next year's budget. They could open the 2009-2010 budget and decrease it by that amount. It was agreed there should be a special committee to oversee expenses on projects, but it was not necessary to have that part of the motion. The Mayor has already instructed the City's staff to provide monthly reports to Council.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Nay
James Bruhn – Nay
Cheryl Searle – Aye
Debbie McKean – Aye

5.
Resolution #251-09 Adopting
the 2009-2010 Certified Tax Rate

Heidi Voordeckers reported that they have a new rate 9% higher than last year, but last year's rate was 12% lower. This was so that they would only see increases from new development. Mayor Behunin said it may need to adjust upward at some point in the future due to inflation as property tax goes up.

Ken Romney verified with Heidi that overall property taxes remain the same for residents for this year. Heidi stated there may be an increase in revenue, but that increase would not be seen by the City, but by the county, school districts, etc.

MOTION: Valerie Shaw moved to approve Resolution #251-09, a Resolution adopting the 2009-2010 fiscal year certified tax.

SECOND: Ken Romney seconded the Motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

6.
Reagan Advertising appeal – Findings and Decision on Appeal from Decision Of West Bountiful City Zoning Manager

A proposed response put together from informal meetings was provided to Council. Mayor Behunin stated the City supports the decision of the Zoning Manager, Mike Eggett. Reagan is being given 60 days to comply. Mayor asked for any comments from Council, and stated that Council needs to formally approve the decision.

MOTION: Debbie McKean moved to affirm Findings and Decision on Appeal from Decision of the City's zoning manager, to affirm the Decision as correct, and to also reject the Moratorium Challenge.

SECOND: Ken Romney seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Aye

Departure from Agenda

Mayor Behunin asked for a departure from the agenda to introduce to Council the new City Engineer, Ben White. Mr. White then made some comments, stating that he had lived in West Bountiful for a period of time, he had been in business for himself for two and a half years, but sees a position with West Bountiful as a good opportunity. He is excited for the chance to solve problems, and recognizes the accountability that comes with the position.

7.
Discuss and consider adoption of Ordinance #312-09 Blended Use (B-U) Zone (tabled from last meeting)

In a memorandum provided the Council, Mike Eggett suggested the following revisions to the Ordinance: language in 17.26.030 B.1 regarding limits to projects in the northern section of the zone and a transition description specifying blending within 300 feet of the A1, specific language in 17.26.040 A.4 regarding landscaping requirements, exemption language regarding construction of single family dwellings within zone, as well as residential subdivision development (17.26.060 A), and revision of the Technical Review Committee language for better clarity, inclusion of notice requirements for Conceptual Review and Preliminary Review before the Planning Commission, and a general revision of grammar and mechanics within the document.

Mayor Behunin introduced the question as to what the limit should be for A1 subdivisions. After a certain size, they should have trails and other amenities, which would happen with formal approval processes. Debbie McKean invited members of the Planning Commission who were present to speak on the revisions. James Ahlstrom suggested a small lot subdivision waiver for five quarter-acre lots. Regular subdivisions would be 10 one-acre units or greater. He believes it is a better for homeowners to have the A1 ordinance all the way down to the canal. Mayor Behunin said economics are not there to do traditional A1, and permitted use would end up hodge-podge. Ken Romney mentioned his concern is that a property owner could do an A1 subdivision now, but tomorrow he may not be able to. Economically, blended use is wise, but it takes away the decision of the property owner. There is little formula as to what can be required. Mike responded that is why they came up with the "certain size" language. Ken prefers the language in the original draft, but is not opposed to "30 acre". James Bruhn said he would not want to see 30-acre subdivisions come in that are not required to blend. Valerie Shaw thought 30 acre lots is too many. The mayor said that council is free to waive any step of the approval process. The final consensus was for five lots.

There was discussion regarding notification. The ordinance reads that property owners within 500 feet of a proposed project should be notified, but due to size of properties, it was suggested the notification should be increased to 2,000 feet. There was discussion as to what meetings should be noticed. It was resolved that notice should go out on the first and last meeting of the planning commission and the city council.

MOTION: James Bruhn moved to adopt Ordinance 312-09, an ordinance amending the West Bountiful Municipal Code to include Chapter 17.26 Blended Use, B-U Zone with its respective language and amending the West Bountiful City zoning map to include the Blended Use Zoning Area, including the following amendments: 1726-060, subsection A to read 50 lots instead of 30; modification of 17.26-060, and F-G, 3 to read 2000 feet instead of 500 feet of proposed project for conceptual review and final review.

SECOND: Debbie McKean seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Nay
Valerie Shaw – Nay
James Bruhn – Aye
Cheryl Searle – Abstained
Debbie McKean – Aye

8.
Consider adoption of
Ordinance #311-09
Boundary Adjustment between
West Bountiful and Centerville

Mike Eggett showed a survey map to Council showing the boundary change. Centerville adopted the change on June 16, and they have 30 days from June 16 to take the change to the Lt. Governor's office.

MOTION: Ken Romney moved to adopt Ordinance #311-9, an ordinance approving the adjustment of a portion of the existing common boundary line between Centerville City and West Bountiful City.

SECOND: James Bruhn seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Absent

9.
Planning Commission Report

Covered in previous items

10.
Administrative Report

Postponed due to absence of Craig Howe

11.
Mayor/Council Reports

Ken Romney – made reference to new city engineer; golf course inspection was positive.

Valerie Shaw – she is on a new Davis County Transportation Committee which will address better connecting routes county-wide.

Cheryl Searle – the Davis County Commission is working on the Antelope Island Bike Ride to be held July 16. The Valley View Golf Course Amateur Championship will be held this week.

James Bruhn – there are lighting issues with the restrooms at the park. He felt the park should have been spruced up a little before the celebration the previous weekend, but thought things went very

well. Several council members mentioned the enthusiasm of the citizens.

Mayor Behunin – a flag-raising ceremony will be held Saturday, July 4, where the state senator will give a speech. There is a new recycling center in Layton at the waste disposal site. There is a possibility of county-wide recycling. Green waste is the biggest problem. The Recreation Center is doing very well. Revenues are higher than expected. One of the July 24th events will be a 3 on 3 basketball tournament for city staffs of the area cities. Valerie Shaw suggested the Rec Center should offer more programs for children during the summer; for example, a summer sports activity for three weeks or a month. Mayor Behunin said he would talk about it – they could possibly use RAP tax. Mayor Behunin also verified that staff meeting minutes were being provided to council.

12.
Approval of minutes of
Previous meetings

June 2, 2009 and June 16, 2009 Meetings

MOTION: Ken Romney moved to approve minutes for meetings held June 2, 2009 and June 16, 2009, with comments marked.

SECOND: Valerie Shaw seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Absent

15.
Adjournment
9:26 p.m.

MOTION: James Bruhn moved to adjourn meeting of June 30, 2009.

SECOND: Ken Romney seconded the motion.

PASSED: Voting was as follows:
Ken Romney – Aye
Valerie Shaw – Aye
James Bruhn – Aye
Cheryl Searle – Aye
Debbie McKean – Absent

MAYOR JAMES BENNION

BEVERLY HASLAM (CITY RECORDER)

NATHALIE ELLINGSON (SECRETARY)

SEAL
DAVIS COUNTY UTAH