

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Minutes of the Joint Meeting  
With Davis County Commission  
and the  
Regular Bountiful City Council Meeting  
City Council Chambers  
September 14, 2010 - 6:00 p.m.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

|          |                       |   |
|----------|-----------------------|---|
| Present: | Mayor:                | Joe L. Johnson  |
|          | Council Members:      | Beth Holbrook, John Marc Knight, Fred Moss, Scott Myers (ar. 6:48 p.m.) and Thomas Tolman |
|          | County Commissioners: | Louenda Downs, Bret Millburn, John Petroff  |
|          | City Manager:         | Tom Hardy   |
|          | City Attorney:        | Russell Mahan   |
|          | City Recorder:        | Kim J. Coleman  |
|          | Planning Director:    | Aric Jensen   |
|          | Department Heads:     | Allen Johnson, Power (arrived 7:00 p.m.)<br>Tom Ross, Police (arrived 7:00 p.m.)          |
|          | Recording Secretary   | Nancy Lawrence  |

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice Website.

Mayor Johnson welcomed those in attendance and introduced Commissioners Louenda Downs, Bret Millburn, and John Petroff. Mr. Hardy thanked the Commissioners for meeting with the Council and thanked them for the following County services which are provided to Bountiful residents: Animal Control, the Housing Authority, and paramedics. Mayor Johnson referred to the Metro Fire Agency which has been created with cooperation with the County, the successful relationship that prevailed in projects done following the floods of 1983, the services of the Senior Citizen Center and Library and the creation of the new Recreation Center facilities. He also expressed appreciation for the congenial relationship with the Burn Plant. In general, Mayor Johnson stated that he values the relationship we have with Davis County and is grateful that we can knock on their doors, that they are involved and care about our community. Chief Ross also expressed appreciation for the good working relationship that exists between the County Attorney's office and law enforcement.

Commissioner Millburn referred to the "Spice" issue which concerns the entire county and he stated that this needs to be handled at the legislative level. He was appreciative of the work done by the south end police chiefs regarding drug and gang issues. Commissioner Downs said that Bountiful is "starring" in the County as a municipality and she expressed optimism that by working together (cities and county), much can be accomplished. A problem with dust and vandalism caused by dirt bikes in the area of the "B" was mentioned and possible solutions were discussed.

1 Commissioner Petroff, who is over public works and the golf course, stated that bids are  
2 more favorable than anticipated and we are able to accomplish some notable capital projects.  
3 There is an effort on the part of the Commissioners to encourage employment opportunities in  
4 Davis County, hoping that we can retain our residents who currently go to Ogden and Salt Lake  
5 counties.

6  
7 Mayor Johnson expressed concern about the 500 South traffic problem which has been  
8 exacerbated by the Legacy Parkway. He said that Bountiful needs a diverging diamond ramp  
9 system on I-15 and asked for the support of the Commission on this matter. Funding sources for  
10 the Family Connection Center were also discussed and support of the Commission was sought.  
11 Councilman Tolman pointed out a financial need for the proposed museum; however,  
12 Commissioner Downs noted that with 10 cities, it would be difficult for the County to assist each  
13 with funding.

14  
15 As a closing matter, Commissioner Millburn reported that the County anticipates starting  
16 a mental health court specifically for citizens with mental health issues. The discussion with the  
17 Commissioners ended at 6:59 p.m. The Commissioners were excused and the Council took a  
18 short recess.

19  
20 The regular City Council meeting came to order at 7:06 p.m. Ethan Groen, Boy Scout  
21 from Troop 549, led the pledge of allegiance to the flag. Mr. Jensen offered the prayer and  
22 Mayor Johnson, in recognition of Constitution Week, shared some thoughts on the Constitution  
23 and he also administered a quiz to the audience.

24  
25 **APPROVAL OF MINUTES**

26 Minutes of the City Council meeting held August 24, 2010 were presented and  
27 Councilwoman Holbrook motioned for approval. Councilman Tolman seconded the motion and  
28 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

29  
30 **EXPENDITURES AND EXPENSES APPROVED**

31 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000  
32 for the periods August 12-25, 2010 (\$2,451,887.80); August 26- September 1, 2010  
33 (\$447,008.60) and the monthly summaries for July, 2010 (\$3,941,088.64); and August, 2010  
34 (\$4,177,327.79). Councilman Myers motioned to approve the expense reports, Councilman  
35 Knight seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,  
36 Moss, Myers and Tolman voted “aye”.

37  
38 **YOUTH COUNCIL REPORT**

39 Listed on the Agenda, but no representative present.

40  
41 **REPORT ON SUMMERFEST - EMMA DUGAL**

42 Emma Dugal (Executive Directive of the Art Center) and Jean Madsen (Board of  
43 Directors) were in attendance and Ms. Dugal reported that Summerfest 2010 was a wonderful  
44 event for the whole community – thanks to Bountiful City. Among other things, Summerfest  
45 featured seven international groups, 60 artist booths, ethnic food booths, a children’s art show

1 and the Taste of the Town. She praised the community for stepping up to be host families and  
2 stated that approximately 15,000 people participated.  
3

4 The Art Center is now getting ready for the LaConte Stewart festival which will feature  
5 30 original works by Mr. Stewart and workshops taught by Lester B. Lee. She also noted that  
6 she and Mayor Johnson will be going to China in October to the second IOB World Youth  
7 Conference in Nanjing. Mrs. Madsen also expressed appreciation to the City for all of their  
8 assistance and to Councilwoman Holbrook for serving on their board.  
9

10 **2010 BIENNIAL MODERATE INCOME HOUSING REPORT**

11 Mr. Jensen reviewed that Utah Code requires that the legislative body of each  
12 municipality prepare a report regarding the status and implementation of its adopted Moderate  
13 Income Housing Plan. He then reviewed the report he had prepared, which affirms that there are  
14 more than sufficient units in the City based on market prices. However, because of the current  
15 economy, people are not buying those housing units. There are 229 new multi-family units  
16 which have been constructed since 2005. Also, the changes to the Ordinance which has allowed  
17 for upgrades to older, existing housing stock and non-conforming duplexes, has encouraged the  
18 preservation of existing, affordable units. He said that this report will be updated when the next  
19 census is completed. Councilwoman Holbrook made a motion to accept the staff housing report,  
20 Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook,  
21 Knight, Moss, Myers and Tolman voted “aye”.  
22

23 **CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN**  
24 **FINANCIAL REPORTING AWARDED**

25 Mr. Hardy reported that Bountiful City has again been awarded the Certificate of  
26 Achievement for Excellence in Financial Reporting, an award which recognizes the highest  
27 standards of disclosure for governmental accounting. The award is presented by the  
28 Governmental Finance Officers Association and this is the 29<sup>th</sup> year in a row that Bountiful has  
29 received it. Mr. Hardy congratulated Mr. Coleman (City Recorder) and Ralph Hill (Assistant  
30 Recorder) for their efforts, after which he presented the recognition plaque to the Mayor.  
31

32 **BEER LICENSE APPROVED FOR BOUNTIFUL FAST MART**

33 Mr. Hardy presented the request of 5<sup>th</sup> South Bountiful Inc., dba Bountiful Fast Mart, 280  
34 West 500 South (submitted by Asghar Ali) for a Class A beer license. He noted that this request  
35 has been reviewed by staff and comes to the Council with a recommendation for approval.  
36 Councilman Moss made a motion to approve the application, as recommended. Councilman  
37 Myers seconded the motion and voting was unanimous with Councilpersons Holbrook, Knight,  
38 Moss, Myers and Tolman voting “aye”.  
39

40 **ORD. NO. 2010-10 ADOPTED RE: ZONE MAP AMENDMENT**

41 Mr. Jensen presented the request of Bart Malan (authorized agent for property owner  
42 Geraldine Johnson) for a zone change amendment. He said that the Planning Commission held a  
43 public hearing and sends it to the Council with a positive recommendation. Councilman Myers  
44 made a motion to adopt Ordinance No. 2010-10 entitled AN ORDINANCE AMENDING THE

1 BOUNTIFUL CITY ZONING MAP TO CHANGE THE ZONE DESIGNATION OF THE PROPERTY LOCATED  
2 AT 757 WEST 3200 SOUTH, BOUNTIFUL, UTAH FROM R-4 (RESIDENTIAL SINGLE FAMILY) TO C-G  
3 (GENERAL COMMERCIAL). Councilwoman Holbrook seconded the motion which carried  
4 unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.  
5

6 **RES. NO. 2010-09 ADOPTED RE: SALE OF ELECTRIC REVENUE BONDS**

7 Mr. Hardy reviewed that in order to proceed with funding for the expansion of the City’s  
8 power generation facility (a \$25 million project) located at 198 South 200 West, there are several  
9 actions which need to be taken. The City is planning to bond for \$16.5 million in electric  
10 revenue bonds, and pay for the balance of the project out of City funds. This will also necessitate  
11 a rate increase of 5 percent to pay for the bond issue annually for a period of twenty years. He  
12 reviewed the City’s current power resources and noted that the plant expansion will provide a  
13 resource to cover the high power curve without having to purchase higher cost short-term power.  
14

15 He reviewed Resolution No. 2010-09 entitled “A RESOLUTION AUTHORIZING THE  
16 ISSUANCE AND SALE OF NOT MORE THAN \$16,500,000 AGGREGATE PRINCIPAL AMOUNT OF  
17 ELECTRIC REVENUE BONDS, SERIES 2010, OF THE CITY OF BOUNTIFUL, UTAH; FIXING THE  
18 MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE SERIES 2010 BONDS, THE MAXIMUM NUMBER  
19 OF YEARS OVER WHICH THE SERIES 2010 BONDS MAY MATURE, THE MAXIMUM INTEREST RATE  
20 WHICH THE SERIES 2010 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH  
21 THE SERIES 2010 BONDS MAY BE SOLD; PROVIDING FOR A NOTICE OF PUBLIC HEARING AND  
22 SERIES 2010 BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND  
23 RELATED MATTERS and recommended that it be approved. The Resolution includes a provision  
24 for a public hearing to be held October 12, 2010 to receive input from the public and comes with  
25 a positive recommendation from the Power Commission and staff.  
26

27 Councilman Moss reviewed that this option has been considered for a number of years  
28 and the timing at the present is favorable with respect to availability of equipment, reduction in  
29 emissions, long-term power contracts that are ending, favorable interest rates and favorable bid  
30 proposals. He then made a motion to adopt Res. No. 2010-09. The motion was seconded by  
31 Councilman Knight and passed unanimously with Councilpersons Holbrook, Knight, Moss,  
32 Myers and Tolman voting “aye”.  
33

34 **RESOLUTION NO. 2010-10 ADOPTED RE: AMENDING ELECTRICAL RATES**

35 In conjunction with bonding to finance the expansion of the Light and Power Plant at 198  
36 South 200 West, electric rates need to be increased by five percent, effective December 1, 2010  
37 (for usage). The actual impact on the customer will be in the January 2011 bill. He introduced  
38 Jason Burningham, bond agent. Mr. Burningham reviewed that stimulus monies were offered for  
39 which Bountiful applied and received which give the advantage of an interest rebate from the  
40 Federal government, resulting in a capital cost of less than 3 percent. The savings generated  
41 through this program will save the City approximately \$1.2 million over the life of the bond  
42 issue. He then reviewed the time schedule for the bonding process and stated that bond proceeds  
43 should be delivered by November 4, 2010. He praised Mr. Hardy, Mr. Johnson and the staff for  
44 their alertness in acquiring stimulus monies. Councilman Moss made a motion to adopt  
45 Resolution No. 2010-10 entitled “A RESOLUTION AMENDING ELECTRIC SERVICE RATES CHARGED  
46 BY BOUNTIFUL CITY LIGHT & POWER”. Councilwoman Holbrook seconded the motion and

1 voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted  
2 “aye”.

3  
4 **RATE STABILIZATION ACCOUNT APPROVED**

5 Mr. Hardy explained that when there is a loss of significant customers and/or revenues, it  
6 results in a large capital expense which is not planned for. The City has maintained “reserve”  
7 accounts to cover capital expenditures in the past. However, it is recommended by our financial  
8 agents that the City also have a Rate Stabilization Account to cover unanticipated revenue losses.  
9 He explained that monies in this account, if used, would then be replenished. He presented  
10 Resolution No. 2010-11 entitled A RESOLUTION ESTABLISHING A RATE STABILIZATION ACCOUNT  
11 FOR THE CITY’S LIGHT AND POWER FUND; SETTING A TARGET AMOUNT FOR SAID RATE  
12 STABILIZATION ACCOUNT; PROVIDING A POLICY FRAMEWORK FOR UTILIZATION AND  
13 MAINTENANCE OF THE RATE STABILIZATION ACCOUNT, AND RELATED MATTERS and stated that it  
14 is the recommendation of staff that this resolution be adopted. Councilman Moss motioned to  
15 adopt Resolution No. 2010-11, Councilman Knight seconded the motion and voting was  
16 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

17  
18 **COUNCIL VOTES TO FORGIVE LOAN TO LIGHT AND POWER FUND**

19 Mr. Hardy reviewed that there was a large deficit in the Light and Power fund following  
20 the energy crisis in 2001. Reserve accounts were used to offset increased electric metered sales  
21 costs, but in an effort to not create a burden on the users of the utility, the City loaned the Light  
22 and Power Fund \$3 million. Less than \$1 million has been repaid. It is recommended that the  
23 City Council authorize forgiveness of the balance for the Light and Power fund, resulting in a  
24 “no debt” position. Following discussion, Councilman Moss made a motion to forgive the Light  
25 and Power fund for the balance of money borrowed for the purpose of a more favorable bond  
26 rating, resulting in an overall savings to the City. Councilwoman Holbrook seconded the motion  
27 which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted  
28 “aye”.

29  
30 **CONSIDER AGREEMENT WITH DIVISION OF WILDLIFE RESOURCES -**  
31 **MANAGEMENT OF URBAN DEER POPULATION**

32 This item was on the Agenda, but postponed to a future meeting.

33  
34 **RES, NO, 2010-12 ADOPTED RE: BOUNTIFUL CITY CAPITAL**  
35 **IMPROVEMENT PLAN**

36 Mr. Hardy reviewed that a Capital Improvement Plan has been established for fiscal years  
37 2011-2020 for the purpose of giving a “road map” of capital projects that need to be done. He  
38 noted that about half of the dollar amount for the projects is in the Light and Power fund. He  
39 presented Resolution No. 2010-12 entitled A RESOLUTION ADOPTING A BOUNTIFUL CITY  
40 CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2011 THROUGH 2020 and recommended that it  
41 be adopted. Councilwoman Holbrook motioned to adopt Resolution No. 2010-12, Councilman  
42 Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,  
43 Moss, Myers and Tolman voted “aye”.

1 Having just completed a significant amount of official business related to the Light and  
2 Power Department, Mr. Hardy expressed appreciation to Allen Johnson, Brent Thomas, Jay  
3 Christensen and Alan Farnes (all of whom were in attendance) for the outstanding job that they  
4 are doing. The Mayor noted that the City receives a lot of compliments for the work of the  
5 Power Department and that our citizens recognize the great work being done. He also noted that  
6 when he was in Washington, the Bountiful Light and Power Department was recognized by  
7 Representative Rob Bishop. Councilman Moss "echoed" these remarks.  
8

9 **APPROVAL GIVEN TO PURCHASE SINGLE BUCKET LINE TRUCK**

10 Mr. Johnson stated that the budget includes replacement of a 1996 International single  
11 man lift truck which is used to maintain street lights and the overhead distribution system. The  
12 practice of purchasing "slightly used" demo line trucks over the past few years has proven  
13 successful and he recommended that a demo truck be purchased from Terex Utilities at a quoted  
14 price of \$100,362 The truck is available immediately. The budgeted amount was \$135,000,  
15 which results in a significant savings. This comes to the Council was a positive recommendation  
16 from the Power Commission and staff. Councilman Moss motioned to approve the purchase of a  
17 2010 Ford F550 with 8,600 miles, equipped with a Terex 42-ft. Man Lift in the amount of  
18 \$100,362.00. Councilwoman Holbrook seconded the motion and voting was unanimous.  
19 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".  
20

21 **COUNCIL COMMITTEE REPORTS**

22 Mayor Johnson took opportunity to officially present a Resolution Tribute to Mr. Hardy,  
23 recognizing him as an outstanding City Manager, as prepared and submitted by his colleagues in  
24 the Utah League of Cities and Towns.  
25

26 At 8:26 p.m. Councilman Tolman made a motion to adjourn to Executive Session to  
27 consider quasi-judicial matter. Councilman Moss seconded the motion and voting was  
28 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".  
29

30 **Those Attending Executive Session**

- 31 Mayor Johnson
- 32 Councilpersons Holbrook, Knight, Moss, Myers and Tolman
- 33 Mr. Hardy
- 34 Mr. Mahan
- 35 Mr. Rowland

36  
37  
38  
39 \_\_\_\_\_  
40 JOE L. JOHNSON, Mayor

41  
42  
43 \_\_\_\_\_  
44 KIM J. COLEMAN, City Recorder

45 \* \* \* \* \*