

1 Minutes of the  
2 Bountiful City Council Meeting  
3 City Council Chambers  
4 January 12, 2010 - 7:00 p.m.  
5

6 Present: Mayor: Joe L. Johnson  
7 Council Members: Beth Holbrook, John Marc Knight, R. Fred  
8 Moss, Scott Myers and Thomas Tolman  
9 City Manager: Tom Hardy  
10 City Attorney Russell Mahan  
11 City Engineer: Paul Rowland (Arrived 7:30 p.m.)  
12 City Recorder: Kim J. Coleman  
13 City Treasurer: Mark McRae  
14 Planning Director: Aric Jensen  
15 Department Reps: Gary Blowers, Street  
16 Allen Johnson, Power  
17 Tom Ross, Police  
18 Recording Secretary Nancy Lawrence  
19

20 Official Notice of this meeting had been given by posting a written notice of same and an  
21 Agenda at the City Hall and providing copies to the following newspapers of general circulation:  
22 Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice  
23 Website.  
24

25 Mayor Johnson called the meeting to order at 7:00 p.m, following which Councilwoman  
26 Holbrook led the pledge of allegiance to the flag. Councilman Knight offered the  
27 prayer/thought.  
28

29 **APPROVAL OF MINUTES**

30 Minutes of the City Council meeting held December 8, 2009 were presented and  
31 unanimously approved. Councilman Moss motioned for approval, Councilwoman Holbrook  
32 seconded the motion and Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted  
33 "aye".  
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35 **EXPENDITURES AND EXPENSES APPROVED**

36 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000  
37 for the following periods, with respective totals: November 19 - December 2, 2009  
38 (\$1,119,303.22); Summary of November, 2009 (\$3,084,063.29); December 3 - 9, 2009  
39 (\$607,873.69); December 10-16, 2009 (\$176,270.02); December 17-23, 2009 (\$1,210,620.91);  
40 and December 24-30, 2009 (\$224,223.40). Following a brief discussion, Councilman Myers  
41 motioned to approve the Expenditure Reports, as presented. Councilman Knight seconded the  
42 motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman  
43 voted "aye".  
44

45 **YOUTH COUNCIL REPORT**

46 Annie Leishman, Youth Volunteer Service Council, was in attendance and reported on  
47 activities that the Youth Council has participated in this year, including graffiti clean up,

1 Summerfest, Handcart Days, the Exchange Club breakfast with Santa, and the Christmas light  
2 parade. Recently the Youth Council met with State Representative Sheryl Allen who briefed  
3 them on issues that Utah will be facing this upcoming session and bills that will be considered.  
4 Future Youth Council activities planned are the Day with the Legislature in two weeks and the  
5 Youth Council conference at Utah State in March.

6  
7 Councilman Knight reviewed that the Bountiful Youth Council took third place in the  
8 State at the Utah State conference last year and it is their goal to take first place this year. Mayor  
9 Johnson commented on the very successful breakout session they conducted at the most recent  
10 Utah League of Cities and Towns conference, and that they have been invited to present at next  
11 year's ULCT conference.

12  
13 **OPEN HOUSE AND PUBLIC COMMENTS – DEER SURVEY**

14 Mayor Johnson reviewed that in response to queries from residents of Bountiful regarding  
15 the "urban deer" issues, the Division of Wildlife Resources (DWR) was contacted and a survey  
16 was sent to all City residents, and a substantial number of surveys were returned.  
17 Representatives from DWR were in attendance to share the results of the survey and define  
18 possible solutions, if in fact, it is determined that there is a problem.

19  
20 Arlo Wing, Randy Wood and Ron Hodson (DWR), a representative from the State  
21 Attorney General's office, and Scott McFarland, Area Biologist were introduced, and Mr. Wood  
22 presented a PowerPoint. It is estimated that there are between 250 and 350 deer that reside in  
23 City limits. He reviewed the number of calls that DWR has received (for the past four years)  
24 regarding deer complaints, and stated that the City and DWR will need to work together to  
25 develop a management plan. He gave the pros and cons of the following options for dealing with  
26 the deer: (1) No action; (2) Sharpshooter; (3) Urban Archery; (4) Trap and kill; (5) Trap and  
27 translocate; (6) Supplemental feeding; (7) Fertility control; and (8) Management agreement.  
28 Elements involved in the scoping process are damage mitigation and barriers to mitigation. He  
29 also noted that if a management strategy is involved, it will necessitate legislation by the City and  
30 Wildlife Board changes of policy.

31  
32 Mr. Hardy reported that approximately 3,600 surveys were returned. In addition to the  
33 surveys, several hundred e-mails were received, numerous phone calls, and many personal  
34 conversations took place between citizens and elected officials. The survey provided for  
35 "Comments" and the compilation of the comments was 30 pages long. In general, 40 percent of  
36 those who responded to the survey felt there are too many deer and a problem exists. Sixty  
37 percent felt that things were OK as is. Mr. Hardy and the Mayor expressed appreciation for the  
38 citizen input.

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40 At 7:35 p.m. the Mayor opened the meeting to public comment. Thirty-seven individuals  
41 spoke to the issue, with comments as follows:

- 42  
43 •If we don't do something, the problems will increase  
44 •Herd of deer damage shrubs and vegetables year-round; leave deer droppings  
45 •Citizens should be able to protect vegetation; children's safety is threatened  
46 •Deer have reached point of being dangerous; DWR should do something; if costs are

- 1 involved, create a fund that citizens can contribute to.
- 2 •We love the deer; we moved into their area; we need to mitigate with higher fences, deer  
3 resistant plants; do not want my tax dollars to be used to kill deer.
- 4 •Deer destroy vegetation – even lawn; hop onto patio
- 5 •9 acres of property – deer are way out of control; only 15 blooms from 280 rose bushes,  
6 etc.; need normality and safety.
- 7 •If homes go higher up the mountain, where do the deer go? Killing is not the way to go;  
8 we need to adapt to the deer the way they have adapted to us; look for long-term  
9 solutions.
- 10 •Used to like deer; of 600 bulbs planted in 1996, there are no tulips this year; had a deer  
11 run into side of car; issues are different than they used to be; no natural predators;  
12 three times as many deer as there were six years ago; wonderful ambience but  
13 something needs to be done.
- 14 •I adore the deer; make eye to eye contact with them; could they be fed higher on the hill  
15 to coax them out of the City?
- 16 •Like the deer; would be concerned about urban hunters. Educate people – deer hate the  
17 smell of soap.
- 18 •Traffic problem with deer; concerned about cougars coming into the City after the deer.  
19 Need to be controlled.
- 20 •Love the deer; do something like change fences
- 21 •Enjoy the deer; put up barriers to protect personal property/vegetation
- 22 •In support of deer – do things to mitigate problems
- 23 •Deer are not our biggest problem; try to mitigate controversial issues
- 24 •90 percent of the State is open to deer – Do we need to cater to them and open up the  
25 Other 10 percent? City/DWR need to determine facts/limitations associated with  
26 management; something needs to be done or problem will get out of hand.
- 27 •Educate – don't eradicate
- 28 •Deer have right to life; educate people
- 29 •Do a cost/benefit analysis; adopt less drastic approach (extended fences); educate people
- 30 •Change fence ordinance to allow higher fences
- 31 •Highlight of my day is seeing deer; that's the reason I moved here
- 32 •Concerned about bobcats and cougars coming after the deer; love deer; would be glad to  
33 help trap for transplant
- 34 •Love the deer; I plant garden for the deer; we are in their habitat
- 35 •Don't want a bounty hunter in my yard; encourage drivers to be more careful; would be  
36 glad to help if needed
- 37 •I am a sportsman – love deer, but something needs to be done
- 38 •Let property owners help City come up with solutions for their own property
- 39 •Would hate to see 7 ½' fences; City should contact other cities/towns to see how they  
40 have handled these problems; concerned about cougars
- 41 •Dogs were attacked by deer; deer are “urban rats”; DWR should manage them
- 42 •Enjoy deer; educate citizens on defensive measures; there must be mutual solutions to  
43 benefit all
- 44 •Appreciate animals; all people's feelings should be considered; willing to donate help  
45 with problem
- 46 •My tax dollars should not be spent to eradicate deer; we are not the only species on the  
47 earth and should quit thinking so

- 1 •Use birth control for the deer or other non-lethal alternatives to limit herd growth
- 2 •Those who have the problem should be the ones to assist with funding the solutions; put
- 3 issue on the ballot
- 4 •“Farmers and Hunters’ organization offered to pick up, process and distribute deer meat
- 5 to food banks if killing was an option.
- 6 •Deer have been out of control for the past 10 years; need to reduce numbers – not
- 7 eradicate; implement a quick kill permit
- 8 •Changing ordinance regarding fences might create safety issues.
- 9

10 At 9:10 p.m. Mayor Johnson closed the public hearing and thanked those who had given  
11 input. He referred the matter to staff for continued study and he called for a short recess. At 9:25  
12 p.m. the Council reconvened into regular session on a motion made by Councilman Knight and  
13 seconded by Councilwoman Holbrook.

#### 14 **APPROVE ANNUAL MEETING SCHEDULE FOR 2010**

15 Mayor Johnson presented the proposed annual meeting schedule for the City Council and  
16 Redevelopment Agency for 2010. Regular Council meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup>  
17 Tuesdays of each month, beginning at 7:00 p.m., unless otherwise advertised. The RDA will  
18 meet at 6:45 p.m. as needed, prior to City Council meetings, unless otherwise advertised. In  
19 addition to the regular meetings, the City Council may meet in special session, as needed,  
20 pursuant to proper notice. Councilman Tolman made a motion to adopt the meeting schedule as  
21 presented. Councilman Moss seconded the motion and voting was unanimous with  
22 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voting “aye”.  
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#### 25 **JED PITCHER RE-APPOINTED TO POWER COMMISSION**

26 Mayor Johnson reviewed that Jed Pitcher’s term of service on the Power Commission  
27 expires on January 15, and Mr. Pitcher has accepted the invitation to continue in that capacity for  
28 another four-year term. He has served on the Power Commission for nearly 12 years and has  
29 been a valuable part of that leadership team. The Mayor and Mr. Allen Johnson recommended  
30 that Mr. Pitcher be re-appointed. Councilman Moss made a motion to this effect, Councilman  
31 Myers seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,  
32 Moss, Myers and Tolman voted “aye”.  
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#### 34 **CITY RECORDER AND CITY TREASURER RE-APPOINTED**

35 Mr. Hardy reviewed that State law requires that the City Recorder and City Treasurer be  
36 re-appointed every four years as a new mayor is elected. He said that he recommends the re-  
37 appointment of Kim J. Coleman as City Recorder and Mark McRae as City Treasurer. He  
38 expressed appreciation for all that they do, including the additional record keeping for the  
39 Recreation Center. Councilman Tolman made a motion to re-appoint Mr. Coleman and Mr.  
40 McRae, as recommended. Councilman Knight seconded the motion and voting was unanimous.  
41 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.  
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#### 43 **FEDERAL HIGHWAY GRANT APPROVED - MOTORCYCLES** 44 **FOR TRAFFIC ENFORCEMENT**

45 Chief Ross presented a request to the Council for the purchase of two police package  
46 Harley Davidson motorcycles and related equipment. Funding for the purchase has been

1 provided through a Federal Highway Safety grant. The grant committee has approved Bountiful  
2 to spend up to \$35,770.00 for two motorcycles equipped with two radar units. The rest of the  
3 necessary equipment will be purchased utilizing a portion of the JAG grant received earlier in  
4 2009. In response to questions from the Council, Chief Ross explained that the motorcycles  
5 would be helpful at public events, parades, etc. and since they are more visible, they are used as a  
6 deterrent for traffic control. They are particularly useful for traffic control at intersections where  
7 they can more effectively go after violators. Additional training will be required and will be  
8 phased in over the next few years until six officers have been trained. The Chief said he does not  
9 see the department having more than two motorcycles. Councilwoman Holbrook made a motion  
10 to approve using the grant funds for the motorcycles, as presented. Councilman Tolman  
11 seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss,  
12 Myers and Tolman voted “aye”.

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14 **ORD. NO. 2010-01 ADOPTED RE: ISSUANCE OF CLUB LIQUOR LICENSES**

15 Mr. Mahan reviewed Ordinance No. 2010-01, entitled AN ORDINANCE AMENDING THE  
16 BOUNTIFUL CITY CODE TO PROHIBIT THE ISSUANCE OF ALL CLUB LIQUOR LICENSES WITHIN THE  
17 CITY LIMITS. Restaurant liquor licenses can still be issued, upon approval. They require that  
18 70% of the revenue from the business must be from the sale of food and no more than 30 percent  
19 of sales from alcohol. Club liquor licenses permit greater than 30 percent of revenue to be from  
20 alcohol sales. Following discussion of the types of restaurants that would be allowed/denied  
21 liquor licenses, Councilman Knight made a motion to adopt Ord. No. 2010-01, as presented.  
22 Councilman Myers seconded the motion which carried unanimously. Councilpersons Holbrook,  
23 Knight, Moss, Myers and Tolman voted “aye”.

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25 **FINAL ACCEPTANCE GRANTED TO TEMPLE RIDGE SBDVN.**

26 Mr. Rowland reviewed that the developers of Temple Ridge Subdivision have completed  
27 all of the site improvements as required by the City. It is the recommendation of staff to grant  
28 final acceptance to Temple Ridge Subdivision, and approve release of the remaining 10 percent  
29 of the Bond. The City will now take over the responsibility of maintenance and upkeep of the  
30 City streets and release the developers of any further obligations. Councilwoman Holbrook made  
31 a motion to grant final acceptance to Temple Ridge Subdivision, as recommended. Councilman  
32 Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,  
33 Moss, Myers and Tolman voted “aye”.

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35 **PRELIMINARY AND FINAL PLAT APPROVAL GRANTED FOR**  
36 **PROFESSIONAL BUILDING CONDOS (MACKAY DENTAL OFFICE)**

37 Mr. Rowland presented the request of Bill Smith for preliminary and final approval of the  
38 280 North 200 West Professional Building Condominiums plat, which encompasses the recently  
39 completed Mackay dental office building. The Planning Commission has reviewed the proposed  
40 condo plat and recommend that it be approved, subject to the following conditions:

- 41 1) Submit the signed, final/corrected mylar sheet(s) ready for utility signatures.
- 42 2) Submit a current title report.
- 43 3) Payment of the Checking fee - \$200 and the Recording fee - \$80.

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45 Based on the recommendation of staff and the Planning Commission, Councilwoman Holbrook  
46 made a motion to grant preliminary and final plat approval to the Mackay dental office

1 condominium building. Councilman Myers seconded the motion and voting was unanimous.  
2 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.  
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4 **COUNCIL COMMITTEE REPORTS**

5         None  
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7           The meeting adjourned at 9:47 p.m. on a motion made by Councilwoman Holbrook and  
8 seconded by Councilman Tolman. Voting was unanimous with Councilpersons Holbrook,  
9 Knight, Moss, Myers and Tolman voting “aye”.  
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JOE L. JOHNSON, Mayor  
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KIM J. COLEMAN, City Recorder  
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