

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 September 28, 2010 - 7:00 p.m.
5

6 Present: Mayor Pro Tempore Beth Holbrook
7 Council Members: John Marc Knight, Fred Moss, Scott Myers
8 and Thomas Tolman
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Paul Rowland
12 Admin. Services Director: Galen Rasmussen
13 Department Heads: Allen Johnson, Power
14 Tom Ross, Police
15 Recording Secretary Nancy Lawrence
16
17 Excused: Mayor: Joe L. Johnson
18

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

24 Mayor Pro-tem Holbrook welcomed those in attendance and asked Jeremy Ruhr, Boy
25 Scout from Troop 300, to lead the pledge of allegiance to the flag. Councilman Moss gave the
26 prayer/thought.
27

28 **APPROVAL OF MINUTES**

29 Minutes of the City Council meeting held September 14, 2010 were presented and
30 Councilman Knight motioned for approval, as amended. Councilman Myers seconded the
31 motion and Councilmen Knight, Moss, Myers and Tolman voted "aye".
32

33 **EXPENDITURES AND EXPENSES APPROVED**

34 Mayor Pro-tem Holbrook presented the Report of Expenditures and Expenses Greater
35 than \$1,000 for the period September 2 - 8, 2010 in the amount of \$195,482.84. Councilman
36 Tolman motioned to approve the report, Councilman Moss seconded the motion and voting was
37 unanimous. Councilmen Knight, Moss, Myers and Tolman voted "aye".
38

39 **YOUTH COUNCIL REPORT**

40 Youth Council members Jaslyn Brinkerhoff (Web Master and City Planner) and Caitlyn
41 Clifford (Photographer and Publicity Recorder) were in attendance to update the Council on past
42 and future Youth Council activities. Jaslyn reported that they attended the Utah League of Cities
43 and Towns convention and conducted a session on how Youth Councils function. This past
44 Saturday they assisted with the 5k Run sponsored by Community That Cares. Upcoming events
45 include the Pumpkin Patch on October 30th from 1 - 4 p.m. at North Canyon Park.

1
2 Councilman Knight praised the Youth Council for the great job they did at the ULC&T,
3 noting that it was a very interactive session.
4

5 **REPORT ON EMERGENCY PREPAREDNESS FAIR**

6 Mayor Pro-tem Holbrook recognized Richard Watson, Rolayne Collins, and Gary
7 Johnson, Community Service Council Members and thanked them for the tremendous job they
8 have done with the Concert in the Park series, and the Emergency Preparedness Fair. Ms.
9 Collins and Mr. Johnson thanked City officials for their great support and expressed appreciation
10 for the opportunity to be involved. It was noted that the Bar J Wrangler Concert will be
11 sponsored by the BCSC again this year and will be held December 1 and 2, 2010.
12

13 **PUBLIC HEARING TO CONSIDER ADOPTING ORD. NO. 2010-11**

14 Mr. Mahan reviewed proposed changes to the appeal process for land use decisions, as
15 written in Ordinance 2010-11, entitled “AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 14, THE
16 *BOUNTIFUL CITY LAND USE ORDINANCE*. He said it is the recommendation of staff, the Planning
17 Commission and the Utah League of Cities and Towns that the ordinance be adopted. This
18 ordinance will establish an administrative law judge as the appeal authority for all administrative
19 and quasi-judicial actions, but not legislative actions.
20

21 Mayor Pro-tem Holbrook opened the Public Hearing at 7:21 p.m. to receive input. There
22 was none and the hearing was closed. Following a brief discussion by the Council, Councilman
23 Knight made a motion to adopt Ordinance No. 2010-11, as written. Councilman Moss seconded
24 the motion and voting was unanimous. Councilmen Knight, Moss, Myers and Tolman voted
25 “aye”.
26

27 **ENGINEERING SERVICES APPROVED FOR POWER**
28 **PLANT UPGRADE - ICPE, INC.**

29 Mr. Allen Johnson reported that Requests for Proposals were sent out for the engineering
30 services for the Power Plant upgrade and eight proposals were submitted. Following a thorough
31 review process by the Power Commission and staff, it is the recommendation that the proposal
32 from ICPE, Inc., located in Midvale, Utah, be approved. The proposal is a Not-to-Exceed in the
33 amount of \$1,686,700. ICPE, Inc. has recently designed two Solar Turbine generator projects
34 for Kennecott and it is believed they have the ability to provide the required services and to meet
35 the proposed project deadlines. Councilman Moss stressed the importance of being able to rely
36 on the personnel involved (experience and background). It was also noted that the funding for
37 this project is favorable. He then made a motion to approve the engineering services from ICPE,
38 not-to-exceed \$1,686,700, subject to working out a mutually acceptable contract. Councilman
39 Myers seconded the motion and voting was unanimous. Councilmen Knight, Moss, Myers and
40 Tolman voted “aye”.
41

42 **NON-CONFORMING USE APPEAL DENIED - NIELSEN CONSTRUCTION**

43 Mr. Mahan reviewed that Nielsen Construction Company applied for a Non-Conforming
44 Use Status for the operation of their business at 2484, 2496 and 2508 South Davis Blvd. The

1 application was initially reviewed by the City Planning Director and denied. An Appeal was
2 filed with the Bountiful City Council and heard on August 24, 2010 when the Council convened
3 as an Appeals Board. Following discussion, the matter was taken under advisement.
4

5 Mr. Mahan then presented the Findings of Fact and Conclusions of Law. Councilman
6 Moss made a motion to deny the recognition of a legal nonconforming use, to give five years
7 from this date for all nonconforming uses to cease, and to adopt the Findings of Fact and
8 Conclusions of Law, as presented. Councilman Myers seconded the motion and voting was
9 unanimous. Councilmen Knight, Moss, Myers and Tolman voted "aye".
10

11 **PRELIMINARY AND FINAL COMMERCIAL SITE PLAN**

12 **APPROVED FOR KENTSON CAR COMPANY, KENT SULSER, APPLICANT**

13 Mr. Rowland presented the request of Kent Sulser for preliminary and final commercial
14 site plan review of the Kentson Auto Property located at 2476 South 500 West. He reviewed the
15 manner in which this business will operate and stated that it is the recommendation of staff and
16 the Planning Commission that preliminary and final commercial site plan approval be granted,
17 subject to the following conditions:
18

- 19 1. The applicant provide written permission from the adjacent property owner and
20 record a drainage easement prior to the issuance of a building permit.
- 21 2. All additional redline corrections be made prior to the issuance of a building
22 permit.
- 23 3.

24 (Mr. Rowland noted that his office has already been given the documents required in Item No. 1)
25 Councilman Myers made a motion to grant preliminary and final commercial site plan approval
26 for Kentson Car Company at 2476 south 500 West. Councilman Tolman seconded the motion
27 and voting was unanimous. Councilmen Knight, Moss, Myers and Tolman voted "aye".
28

29 **JOHN MARC KNIGHT AND DAVE BADHAM RE-APPOINTED**

30 Mr. Hardy reported that the terms of John Marc Knight and Dave Badham on the
31 Administrative Committee have expired. He recommended that each gentleman be re-appointed
32 to the Administrative Committee for another four-year term. Councilman Moss made a motion
33 to this effect, Councilman Myers seconded the motion and voting was unanimous. Councilmen
34 Knight, Moss, Myers and Tolman voted "aye".
35

36 **COUNCIL COMMITTEE REPORTS**

37 Mr. Rowland reported that the County has a project which will increase the capacity of
38 Barton Creek as it crosses under the freeway (approximately 1000 North 500 West). This project
39 will necessitate closure of the off-ramp from I-15 to 500 West which will be in effect from
40 October 1 - 3, 2010.
41

42 Mr. Hardy reported that one of the BCL&P employees was recently injured and he
43 updated the Council on the nature of the accident and the employee's condition. He also reported
44 an employee injury in the Sanitation department.

