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**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
September 27, 2011 - 7:00 p.m.**

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Present: Mayor:	Joe L. Johnson
Council Members:	Beth Holbrook, John Marc Knight, Fred Moss, Scott Myers, and Thomas Tolman
City Manager:	Tom Hardy
City Attorney:	Russell Mahan
City Engineer:	Paul Rowland
City Recorder:	Kim J. Coleman
Admin. Services Dir.:	Galen Rasmussen
City Treasurer:	Mark McRae
Planning/RDA Director:	Aric Jensen
Department Heads:	Allen Johnson, Power Tom Ross, Police Jerry Wilson, Parks
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 called the meeting to order at 7:35 p.m. following a meeting of the Redevelopment Agency. Eli Goodrich, visiting Boy Scout, led the pledge of allegiance to the flag. The prayer/thought was given by Councilman Myers.

**APPROVAL OF MINUTES**

Minutes of the regular City Council meeting held September 13, 2011, were presented and unanimously approved as written on a motion made by Councilwoman Holbrook and seconded by Councilman Knight. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

**COUNCIL REPORTS**

Councilwoman Holbrook reminded the group of the Bar J. Wrangler concert which will be held December 1, 2011 at 7:00 p.m. Woods Cross High School. Mayor Johnson thanked Mr. Wilson for his support of the summer concert in the park effort, noting that the parks looked great.

**YOUTH COUNCIL REPORT**

There was no report from the Youth Council.

**WEEKLY EXPENDITURES AND EXPENSES APPROVED**

Mayor Johnson presented the report for expenditures and expenses greater than \$1,000 for the following periods: September 1-7, 2011 (\$1,823,423.94) and September 8-14, 2011

1 (\$435,171.70). Following review, Councilman Knight made a motion to approve the two  
2 reports, as presented. Councilwoman Holbrook seconded the motion and voting was unanimous.  
3 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.  
4

5 **COMPREHENSIVE ANNUAL FINANCIAL REPORT REVIEWED**  
6 **AND APPROVED**

7 Mayor Johnson welcomed Gary Keddington (Jensen & Keddington, P.C.) and explained  
8 that Mr. Keddington would be reviewing the Comprehensive Annual Financial Report (CAFR)  
9 of the annual audit which has just been completed for the Fiscal Year ended June 30, 2011. Mr.  
10 Keddington noted that the audit was completed much earlier than usual this year, crediting the  
11 efficiencies of the Bountiful staff for their excellent assistance. He explained that the audit  
12 process includes doing a lot of sampling of transactions, and making observations and inquiries  
13 to make sure the transactions are in compliance with generally accepted accounting rules.  
14 Internal controls are also reviewed, but an opinion regarding controls is not included in the  
15 management letter. The audit revealed no disputes with management or material issues and a  
16 clean opinion was given for the financial statements.  
17

18 Mr. Keddington referred to the section “Management’s Discussion and Analysis” and  
19 encouraged the Council to read it. Mr. Keddington referenced the section covering Basic  
20 Financial Statements and commented on variances with the final budget. Mayor Johnson  
21 referred to the fact that the City has cash reserves, designated for specific purposes, and Mr.  
22 Keddington affirmed the wisdom of this practice. Mr. Keddington again expressed appreciation  
23 for the good, professional working relationship with the City staff and Mr. Hardy expressed  
24 appreciation to Mr. Coleman, Mr. Rasmussen, Mr. McRae, Mr. West and Mr. Hill, noting that  
25 they do a wonderful job. Councilwoman Holbrook motioned to approve the CAFR, as prepared  
26 and presented. Councilman Moss seconded the motion and voting was unanimous.  
27 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.  
28

29 **PRESENTATION BY EMMA DUGAL, BDAC**

30 Emma Dugal, Summerfest chairwoman, reported to the Council that Summerfest 2011  
31 had the largest attendance ever (estimated at 20,000), and she expressed deep appreciation to the  
32 Mayor and Council for the financial and in-kind support from the City. She recognized also the  
33 City staff that supported and helped in so many ways. This year’s Summerfest hosted six  
34 international groups with over 500 artists. She presented the Council with a letter of recognition  
35 and a plaque, and special recognition was given to Mr. Wilson and “Mayor Joe” for assisting in  
36 bringing Summerfest forward and “widening its footprint”.  
37

38 **APPROVAL GIVEN TO REQUESTS FROM POWER DEPARTMENT**

39 Allen Johnson presented the following five items which had been discussed by the Power  
40 Commission and come to the Council with a positive recommendation.  
41

42 Extend Contract with CVE to Complete 138kV Substation Phase 3 Construction. Cache  
43 Valley Electric has completed the Phase 1 and 2 portions of the 138kV substation upgrade for a  
44 total cost of \$509,583. Phase 3 will be started this fall (removal and replacement of the original  
45 102 breaker, disconnect switches, band by-pass switches; and new wire, insulators, and  
46 connectors on the 138kV side of the #1 transformer bay. CVE has given the City a proposal to

1 complete the Phase 3 work for a total of \$75,221. It is the recommendation of staff and the  
2 Power Commission to extend the present contract with CVE to include this proposal.  
3 Councilman Moss made a motion to this effect, Councilwoman Holbrook seconded the motion  
4 and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted  
5 “aye”.

6  
7 Purchase of Power Plant Emergency Generator. The upgrade of the Power Plant will  
8 include an emergency backup generator for the new dispatch building. Bids were requested and  
9 it is the recommendation of the Power Commission and staff to accept the low bid from Wheeler  
10 for a Caterpillar-manufactured generator in the amount of \$105,700. Councilman Moss  
11 motioned to accept this bid, as recommended. Councilman Myers seconded the motion which  
12 carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

13  
14 Approval of Annual Cost for SCADA License and Support. Mr. Johnson explained that a  
15 new Supervisory Control and Data Acquisition (SCADA) package was purchased in the fall of  
16 2007. The initial purchase price included the license and support for the first four years. The  
17 cost for the license and support will now be paid on an annual basis. It is the recommendation of  
18 staff and the Power Commission to approve the SCADA annual license and support from  
19 Survalent Technology in the amount of \$11,150. Councilman Moss motioned to approve this  
20 purchase, Councilwoman Holbrook seconded the motion and voting was unanimous.  
21 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

22  
23 Approval of Builders Risk Insurance Proposal. Mr. Johnson explained that our crews  
24 will be doing some of the work for the second phase of the power plant upgrade and there is a  
25 need to have insurance for both the builders risk (property) and to cover the initial start-up period  
26 for the turbines. A proposal has been received from Olympus Insurance Agency to provide the  
27 Builders Insurance and the additional Boiler and Machinery Insurance for the construction period  
28 and through the initial start-up period. It is the recommendation of staff and the Power  
29 Commission to accept the proposal for insurance in the amount of \$61,949. Councilman Moss  
30 made a motion to approve this proposal from Olympus Insurance, as presented. Councilman  
31 Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight,  
32 Moss, Myers and Tolman voted “aye”.

33  
34 Approval of Facilities Construction Agreement with Questar. Mr. Johnson reported that  
35 the Power Plant upgrade and the installation of the new turbines will require changes to the  
36 natural gas metering, to include a new (third) meter and three pressure regulators (one for each of  
37 the existing meters and a third for the new meter). Staff has been working with Questar and it is  
38 estimated that the removal of existing equipment and installation of the new meter set will be  
39 \$120,000. This matter was discussed by the Power Commission and staff and comes with a  
40 positive recommendation to the Council.

41  
42 Questar requires that the full estimated costs (\$120,000) be paid up front. The contract  
43 provides for the City to pay any additional expenses if the actual cost exceeds their estimate.  
44 Councilman Moss made a motion to recommend approval of the Facilities construction  
45 Agreement with Questar and to approve the payment of the estimated \$120,000 for materials and  
46 labor to install the natural gas metering. Councilman Knight seconded the motion and voting

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

2  
3 **COUNCIL VOTES NOT TO AMEND ORD. NO. 2007-04**  
4 **RE: PROPERTY AT 2084 ORCHARD DR.**

5 Mr. Jensen reviewed that the Council held a public hearing on June 28, 2011 to discuss a  
6 request from the owner of the commercial property at 2084 South Orchard Drive, Ann Bettinson,  
7 regarding that project. The proposal from the owner is to allow the construction of the remaining  
8 residential units (5 units) without beginning construction of the commercial portion of the  
9 property, as required by Ord. No. 2007-04.

10  
11 The general outcome of the public hearing was input from nearby residents that the  
12 residential units should not be allowed to be built without the commercial building, as a matter of  
13 principle. Secondly, some residents with the existing condominium development said they felt  
14 completion of the residential units should be approved. Staff’s opinion was to allow the last five  
15 residential units to be built prior to the construction of the commercial building due to the current  
16 surplus of commercial space in the area and the economic downturn which has resulted in sales  
17 prices of the residential units dropping to the point that there is little or no profit realized to  
18 subsidize the commercial building.

19  
20 Following the public hearing, the Council chose to continue deliberation on the proposal  
21 until tonight (9/27/2011) to accommodate travel arrangements needed by current property  
22 owners. Following lengthy discussion and study, it was the recommendation of staff and the  
23 Planning Commission to prepare an Ordinance that would amend Ordinance 2007-04 by  
24 removing the following language from Section 3(B), for the reasons previously given:

25  
26 Building permits shall not be issued for the last twenty-five percent  
27 (25%) of the residential units before the building permit for the commercial  
28 building has been issued and construction commenced.

29  
30 The Planning Commission recommendation also included the following new provisions:

31  
32 1. The section of retaining wall, landscaping, and grading along the northern property  
33 boundary that does not match the approved site plan shall be constructed as shown on the  
34 approved plans prior to the issuance of any building permit, except as may be necessary to  
35 construct these improvements.

36  
37 2. The section of 6’ high vinyl fence located along the north property boundary adjacent  
38 to the residential portion of the development shall be installed in conjunction with the required  
39 landscaping and retaining wall.

40  
41 3. Prior to final occupancy of any new residential unit, the sections of sidewalk and drive  
42 approach shown on the approved plans shall be replaced.

43  
44 4. Prior to final occupancy of any new residential unit, the remaining 2 inches of asphalt  
45 shall be installed on the upper section of driveway.

