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Minutes of the
Bountiful City Council Meeting
City Council Chambers
April 26, 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
Admin. Services Dir.: Galen Rasmussen
Planning/RDA Director: Aric Jensen
Department Heads: Allen Johnson, Power
Tom Ross, Police
Jerry Wilson, Parks
Recording Secretary Nancy Lawrence

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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.

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Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Boy Scout (Elijah) led the pledge of allegiance to the flag. The Mayor then offered the prayer/thought.

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COUNCIL REPORTS

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Councilwoman Holbrook reported that the Summer Concert Series planned for this summer will commence on June 8 (after the Car Show), with “Dizzy Desoto” performing at 4:00 p.m. The following groups are also scheduled at the park at 7:30 p.m.: “Voodoo Orchestra”, June 24; Carmen Rasmussen, July 15; “Bountiful’s Got Talent”, July 29; “Bountiful Tribute Band”, August 12; and “Endless Summer”, August 26, 2011.

Councilman Tolman reported that there will be a ribbon cutting ceremony on April 28th at Zions Bank, Main Street celebrating the opening of their new building. Zion’s Bank has been in Bountiful since 1906. He provided a flyer to those in attendance which featured the “History on the Intersection of Main & Center Streets, Bountiful, Utah, 1906-2001”.

Mayor Johnson recognized Wendell Wilde, former City Manager and Councilman in West Bountiful who currently sits on the Bountiful Community Service Council. He thanked him for the tremendous job he has done in public service.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held April 12, 2011 were presented and Councilman Myers motioned for approval as amended. Councilwoman Holbrook seconded the

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

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3 **EXPENDITURES AND EXPENSES APPROVED**

4 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for
5 the following periods, with totals as noted: March 31 – April 6, 2011 (\$5,545,185.46); April 7-13,
6 2011 (\$558,783.61); and the Summary for the Month of March, 2011 totaling \$5,634,018.06.
7 Councilman Myers motioned to approve the reports, as presented, Councilman Knight seconded the
8 motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman
9 voted “aye”.

10
11 **YOUTH COUNCIL REPORT**

12 Krystal Hoffman, Youth Mayor, and Christopher Haslam, Youth City Manager, were in
13 attendance to report on recent activities and to introduce newly elected Youth Council members.
14 The annual Bunny Hop was held April 23rd and was a great success. Ms. Hoffman explained the
15 process of how new officers are chosen and introduced the group to those in attendance.
16 Applications are currently being accepted for Youth Council members for next year.

17
18 The Youth Council will be sponsoring the “Stomp on Main” the last week of June in
19 coordination with the Police Department.

20
21 **POWER DEPARTMENT REQUESTS APPROVED**

22 Switch Gear Bid for Power Plant Upgrade: Mr. Johnson presented the request of the Power
23 Department for new switchgear which will be needed for the upgrade of the Power Plant. Bids were
24 received from five vendors and it is the recommendation of staff and the Power Commission to
25 accept the low bid from Powell Electrical Systems in the amount of \$388,877, plus an option for
26 two electric ground test devices (\$13,406), totaling \$402,283.00. Councilman Moss motioned to
27 approve this bid, as presented. Councilman Tolman seconded the motion and voting was
28 unanimous. Councilmembers Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

29
30 Generator Step-up Transformer. Mr. Johnson explained that part of the power plant upgrade
31 is to replace the existing #1 generator Step-up Transformer in the Central Substation. Bids were
32 requested and it is the recommendation of the staff and Power Commission to award the bid to the
33 low bidder, Virginia Transformer Corp. (located in Pocatello, Idaho) in the amount of \$328,573.00.
34 Councilman Moss motioned to approve this recommendation, Councilman Knight seconded the
35 motion and voting was unanimous. Councilmembers Holbrook, Knight, Moss, Myers and Tolman
36 voted “aye”.

37
38 Change Orders for Dispatch and Shop Building. Mr. Johnson reported that as the
39 construction of the new Dispatch and Shop Building (power plant upgrade) has taken place, it has
40 been determined that two change orders are necessary. One of those is for Bountiful City to accept
41 responsibility for tax on the materials purchased, inasmuch as the City will not be doing the labor.
42 The total cost for this is \$53,913.00, including a 10% fee from Interwest Construction to cover their
43 costs in identifying tax costs. The second change order relates to the raised floor area of the
44 dispatch area and, following additional study, it has been determined that the original bids were
45 competitive and satisfactory. The additional cost for this Change Order is \$8,541.00. It is the
46 recommendation of staff and the Power Commission to approve these two Change Orders.

1 Councilman Moss made a motion to approve the two change orders, in the amount of \$62,454.00.
2 Councilman Myers seconded the motion which carried unanimously. Councilmembers Holbrook,
3 Knight, Moss, Myers and Tolman voted “aye”.

4
5 Engineering Services for 138 Substation. Mr. Johnson said it is time to move forward with
6 the engineering of the new protection and control package for the 138 substation upgrade and the
7 new physical connection to the transformer structures. The Protection and Control portion of this
8 project will need to be coordinated and approved by Rocky Mountain Power. Some of this work
9 must also meet the new North American Electric Reliability Corporation (NERC) requirements.
10 Electrical Consultants Inc. (ECI) will assist with the engineering services needed for this work, and
11 submitted a proposal for the work totaling \$64,715.20. It is the recommendation of staff and the
12 Power Commission to approve this proposal. Councilman Moss motioned to approve the proposal
13 from ECI as presented. Councilwoman Holbrook seconded the motion and voting was unanimous.
14 Councilmembers Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

15
16 Additional Work by Cache Valley Electric at 138 Substation. Mr. Johnson explained that
17 when Centerville City issued the Conditional Use Permit for our 138 substation expansion, they
18 required the installation of a decorative rock face on the berm areas on the south and west sides of
19 the substation expansion. This work was not included in the original bid package, but we would
20 like to extend the Cache Valley Electric contract to include it so we will have a finished project
21 when they leave. He said it will be much easier and safer to complete this work now before the
22 substation expansion is energized. He reviewed the components of the work to be done, totaling
23 \$75,799.00 and stated that it is the recommendation of staff and the Power Commission to approve
24 this additional work. Councilman Moss motioned to approve the items as presented,
25 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilmembers
26 Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

27
28 Distribution Transformers to Replenish Inventory. Mr. Johnson explained that the inventory
29 of pad mounted transformers is running low and new transformers also need to be purchased for the
30 power plant upgrade. Bids were sent to three vendors and it is the recommendation of staff and the
31 Power Commission that the low bid from H.D. Utilities for 26 General Electric transformers in the
32 sum of \$79,321.00 be approved. Councilman Moss motioned to approve this recommendation,
33 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilmembers
34 Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

35
36 **RES. NO. 2011-01 ADOPTED RE: CITY’S SICK LEAVE POLICY**

37 Mr. Mahan explained that action that the City Council took two years ago related to health
38 retirement for employees retiring on July 1, 2012, or afterward. This action provided for HRA to be
39 funded by 50% of the employee’s accrued sick leave up to a certain maximum. As a matter of
40 housekeeping, another policy permitting retirees to sell 20% of their accumulated sick leave up to
41 288 hours needs to be repealed. He said it was never intended by the City that a retiring employee
42 could BOTH sell 20% of his sick leave AND use another 50% to fund an HRA. He then reviewed
43 Resolution No. 2011-01 entitled A RESOLUTION AMENDING THE BOUNTIFUL POLICIES AND
44 PROCEDURES MANUAL CONCERNING SICK LEAVE BUYOUT UPON RETIREMENT. It is the
45 recommendation of staff that this Resolution be adopted. Councilwoman Holbrook motioned to
46

1 approve Res. No. 2011-01, Councilman Myers seconded the motion and voting was unanimous.
2 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

3
4 **RES. NO. 2011-02 ADOPTED RE: INTERLOCAL AGREEMENT**
5 **ON STORM WATER MANAGEMENT**

6 Todd Christensen, Staff Engineer, reviewed that in 2003 the City entered into an interlocal
7 agreement with other cities in Davis County to fulfill storm water regulations. The 2003 Interlocal
8 Agreement has now expired.

9
10 The City has revised the Storm Water Management Program and inasmuch as an important
11 element of the Program is the ability to take advantage of opportunities of working with nearby
12 jurisdictions, it becomes prudent to enter into another interlocal agreement and he briefly reviewed
13 the proposed 2011 Interlocal Agreement, as referenced in Resolution No. 2011-02 entitled A
14 RESOLUTION APPROVING THE 2011 INTERLOCAL COOPERATION AGREEMENT BETWEEN
15 DAVIS COUNTY CITIES AND DAVIS COUNTY FOR UPDES GENERAL PERMIT. Councilman
16 Knight made a motion to adopt Res. No. 2011-02, as presented. Councilman Moss seconded the
17 motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman
18 voted “aye”.

19
20 **COUNCIL APPROVES CONTRACT TO REPLACE**
21 **ADA RAMP AT STOKER SCHOOL**

22 Mr. Rowland explained that the existing wood framed ADA ramp, located on the east side
23 of Stoker School, has reached the end of its safe useful life and proposals have been requested to
24 replace the ramp. It is the recommendation of staff to award the contract to Construction Plus (from
25 Sandy) in the amount of \$14,850.00. The new ramp will have a steel frame. Councilwoman
26 Holbrook made a motion to award the contract for the Stoker School ADA ramp to Construction
27 Plus, as recommended. Councilman Tolman seconded the motion and voting was unanimous.
28 Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

29
30 **ANNUAL CONCRETE CONTRACT AWARDED TO BOWEN CONSTRUCTION**

31 Mr. Rowland reported that proposals for the annual concrete repair contract were opened last
32 week and it is the staff recommendation to award the contract to low bidder, Bowen Construction,
33 in the amount of \$474,729.50. He noted that proposals were solicited from contractors who were
34 prequalified earlier this year and of the nine contacted, only four contractors submitted proposals.
35 The total bid amount is based on unit prices. Following a short discussion of the projects
36 anticipated for completion this summer, Councilman Tolman made a motion to award the concrete
37 contract to Bowen Construction, as recommended, based on unit prices. Councilwoman Holbrook
38 seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers
39 and Tolman voted “aye”. Mr. Rowland recognized the work that Lloyd Cheney, assistant engineer,
40 had done in preparation for the concrete work to be completed this summer.

41
42 **ORD. NO. 2011-02 ADOPTED RE: REZONING PROPERTY**
43 **IN VAL VERDA AREA – DOMESTIC FARM ANIMALS**

44 Mr. Jensen reviewed that residents in the Val Verda area have met with the Planning
45 Commission and City Council regarding their desire to have the ordinance amended to allow for
46 domestic farm animals on their property. He referred to a map which showed the current zoning,

1 with properties desiring to keep animals outlined in red (as permitted by the proposed ordinance).
2 He presented Ordinance No. 2011-02, entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY
3 ZONING MAP TO CHANGE THE ZONE DESIGNATION OF VARIOUS PROPERTIES IN THE VAL VERDA AREA
4 FROM R-3 AND R-4 (RESIDENTIAL SINGLE-FAMILY) TO R-1 (RESIDENTIAL SINGLE-FAMILY WITH
5 DOMESTIC FARM ANIMALS) and recommended that it be adopted. Councilwoman Holbrook
6 motioned to adopt the ordinance, Councilman Moss seconded the motion and voting was
7 unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted “aye”.

8
9 **MISCELLANEOUS**

10 Mr. Hardy reviewed previous discussion with Brian Knowlton and his requests for RDA
11 assistance on the downtown project on the Hepworth property. He suggested Mr. Knowlton be
12 contacted and the specifics of the loan request and the City’s position be clarified. The Mayor
13 thanked Mr. Hardy for his counsel on the matter and requested that Mr. Knowlton be contacted.

14
15 **CLOSED SESSION TO DISCUSS PENDING LITIGATION**

16 At 8:09 p.m. Councilman Moss made a motion to close the public meeting and re-convene
17 into Closed Session for the purpose of discussing pending litigation. Councilwoman Holbrook
18 seconded the motion and voting was unanimous. Councilmembers Holbrook, Knight, Moss, Myers
19 and Tolman voted “aye”.

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21 **Attendance at Executive Session**

- 22 Mayor Johnson
- 23 Councilmembers Holbrook, Knight, Moss, Myers and Tolman
- 24 Mr. Hardy
- 25 Mr. Mahan
- 26 Mr. Rowland

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31 JOE L. JOHNSON, Mayor

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35 KIM J. COLEMAN, City Recorder

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