

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
June 11, 2002 -7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, John S. Pitt, J. Gordon Thomas and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Dir. of Admin. Services	Galen Rasmussen
	City Recorder:	Kim J. Coleman
	City Treasurer:	Mark McRae
	Department Reps:	Steve Gray, Police Clifford Michaelis, Power Jerry Wilson, Parks
	Recording Secretary:	Nancy T. 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.

Mayor Johnson called the meeting to order at 7:00 p.m., following which Councilman Moss offered the invocation and Councilwoman Holt led the pledge of allegiance to the flag. Mayor Johnson reported that he received letters from citizens expressing appreciation for the Council's support of the PROS program and for the manner in which the cemetery is maintained.

MINUTES APPROVED FOR THREE MEETINGS

The Mayor presented the minutes of the Joint Meeting of the City Council and Power Commission held April 30, 2002. These minutes were unanimously approved as amended on a motion made by Councilman Moss and seconded by Councilman Tolman. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

Minutes of the regular City Council meeting held May 14, 2002 were presented and unanimously approved as written on a motion made by Councilman Pitt and seconded by Councilman Tolman. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

Minutes of the regular City Council meeting held May 28, 2002 were presented and approved as amended on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voting "aye".

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR TWO PERIODS**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods: May 23 - June 5, 2002 (\$1,302,963.11) and Summary of May 2002 in the amount of \$3,458,651.08. The staff responded to questions, following which Councilman Thomas made a motion to approve both expenditure reports and also the Comparison of Y.T.D.

Percentages, May, 2002. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**PRESENTATION OF FREEDOM SHRINE BY
BOUNTIFUL EXCHANGE CLUB - HONORING
FORMER MAYOR JOHN R. CUSHING**

Ron Barlow, representing the Bountiful Exchange Club, explained that one of the main functions of the Exchange Club is to promote patriotism and recognize significant events in American history. He stated that a Freedom Shrine is being presented to the City as a means of honoring and recognizing former Mayor John R. Cushing. The Freedom Shrine will be placed in the Public Safety Building. Among other documents, it includes George Washington's first Inaugural Address, Lincoln's Gettysburg Address, a letter naming Dwight Eisenhower as Commander in Chief, and Jefferson's rough draft of the Declaration of Independence. Mayor Cushing was recognized as a charter member of the Bountiful Exchange Club, having served as its third president, and for his service to the City as a councilman and mayor. Mr. Barlow presented a plaque to Mayor Cushing and photos were taken to be included with the Freedom Shrine.

**REPORT ON SOUTH DAVIS SEWER IMPROVEMENT
DISTRICT - ARNELL HEAPS**

Arnell Heaps, Bountiful's appointed representative on the South Davis Sewer Improvement District (District) Board, gave a report on the District, commencing with a brief history of the formation of the District in 1959 and the capital improvements which have been constructed since that time. The existing north and south plants were recently modernized and enlarged at a cost of \$13,178,000.00. It is projected that the current facilities will provide the service needed through the year 2007, barring no new regulations or limitations on discharge quality. Expansion of the facilities to accommodate growth beyond 2007 are pending, subject to the outcome of the Legacy Highway project. If the Legacy Highway is constructed as proposed, the Sewer District will construct a new line parallel to the highway on the east side, with one tunnel running under the highway and feeding into the Great Salt Lake. The Sewer District will also install a line for re-use water which can be used to spray road dust and support new landscaping. Implementation of a new GIS system is also planned.

Mr. Heaps reported that the auditors found no discrepancies with the accounting practices and financial records for 2001. Major revenue to the District comes from user fees (32 percent), property tax (28 percent), impact fees (18 percent) and special treatment charges (7 percent). There is \$7,107,000 in debt service, which has been used for the recent plant expansion (north and south plants). Due to the unfavorable difference between interest earned and paid on bonds, the 5 percent bonds were recently paid off with a \$2,000,000 draw from Cash. Mr. Heaps said that the philosophy of the Sewer District Board is to use debt only for plant expansion and he indicated that there is not an apparent need for rate increases in the near future. He concluded by complimenting Dal Wayment for his excellent job as manager of the Sewer District.

**APPROVAL GIVEN TO PURCHASE NEW
DISPATCH CONSOLE - POLICE DEPT.**

Lt. Gray reported that the Police Department has budgeted \$18,000 for the purchase of a dispatch console and related hardware. It is recommended that the bid be awarded to low bidder, MacIntosh Communications. He noted that two additional consoles are included in the 2002-03 budget (one from the Police budget and one from the Fire Department budget). When these purchases are made, all of the consoles will have been updated with serviceable equipment. In

response to a question from Councilwoman Holt, Lt. Gray estimated that the service life of the consoles will be about seven years. Councilman Thomas motioned to approve the request by the Police Department, as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**RATE SCHEDULES AND ELECTRICAL SERVICE
POLICIES APPROVED FOR 2002-03 FISCAL YEAR**

Mr. Michaelis reported that the Power Commission and staff have prepared and reviewed the proposed rate schedules and electrical service policies for the 2002-03 fiscal year and are recommending that the Council approve same. He noted that there is *no increase in rates*. The proposed increase in fees (such as a connection fee or installation of a temporary service) is to bring them up to cover actual costs. Changes to the policies include clarification and simplification of existing policies. The rate schedules and electric service policies were included in a handout presented to each council member. A short discussion followed, with the staff responding to questions from the Council. Councilman Moss then motioned to approve the Proposed Electric Rate Schedules and Electric Service Policies for the year 2002-03, as presented. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**PUBLIC HEARING TO RE-OPEN 2001-02
FISCAL YEAR BUDGET**

Mayor Johnson opened the Public Hearing to re-open the 2001-02 Fiscal Year Budget at 7:51 p.m. Mr. Hardy reviewed that the purpose of opening the budget is to make adjustments on a few over-runs, excess revenues, and to make changes requested by the auditors. He noted that in the past the City has not booked accrued compensatory salary and benefit costs as a liability. However, the auditors have requested that this be done. He then reviewed the proposed budget amendments in the General and Capital Projects Funds which included the following: additional expense for road salt (\$60,000) additional vehicle maintenance and building costs for the Police Department (\$11,000), additional costs in the telephone system/fiber optic project (\$12,000); transfer to Debt Service Fund for advance payoff of Road Bond (\$321,000), expenses budgeted in FY 2001 for completion of Lewis Park but not billed and paid until FY 2002 (\$143,000) and transfer to Liability Insurance Fund (\$852,000) to reinforce the fund balance.

In the Enterprise Funds, revenues were increased and expenses recognized in the amount of \$4,044,000 to cover additional power resource costs that could not be offset by resale of power, and the golf course incurred an additional \$20,000 in costs for the pump station. The Internal Service Fund recognized a contribution of \$100,000 to cover insurance premiums in excess of the budget (\$25,000) and additional claims expenses (\$74,000), as well as \$1,000 booked for compensatory time.

Mayor Johnson called for input from those in attendance. There was none and the hearing was closed at 8:03 p.m. The Mayor noted that no action is required on this matter this evening, and that it will be brought back for Council action next week.

**PUBLIC HEARING TO CONSIDER 2002-03 FISCAL
YEAR BUDGET**

At 8:04 p.m. Mayor Johnson opened the Public Hearing to consider the proposed 2002-03

Fiscal Year Budget, totaling \$47,325,666.00, a decrease from last year's budget by approximately 2 percent. The budget is balanced with regard to revenues and expenses; however, it includes a net transfer of \$852,116 out of the City's reserve funds to pay for needed capital expenditures to continue to upgrade and modernize the infrastructure of the city. The budget does not include any increases in the number of permanent or part-time employees. A 2 percent cost-of-living-adjustment is included for all full-time personnel, in addition to merit increases for the approximate 20 percent of the employees who are eligible. The proposed budget does not include any increases in taxes, fees, or user charges. The water rates, sewer rates, electric rates, garbage rates, and storm water rates will remain the same as the year 2001-02. Taxes and utility rates continue to be among the lowest in the state, with citizens receiving a high-quality service at a very competitive price.

Mr. Hardy reviewed revenue sources, the majority of which are user fees and charges (62%), with taxes providing 22% of the total budget and reserve funds and contributions from other funds each providing 5% of the total revenue. The largest single expense is the operations of the city (73%), with capital projects accounting for 19%. The remainder of the budget is contributions to reserves or to other funds. Mr. Hardy then reviewed proposed revenues and expenses for the governmental funds (general, capital, and debt service), explaining that these are the funds which do not have a user charge, but are financed principally through taxes. The total amount of these funds is \$15,251,865.00. The Enterprise Funds, the business operations of the City, account for \$31,466,405.00 of the budget and are financed principally through user fees. The Light and Power Fund accounts for \$20,877,000, or approximately 2/3, of Enterprise Fund activity. Each Enterprise Fund is balanced between revenue and expenses. A third set of funds known as Internal Service Funds accounts for \$604,396.00. Revenue comes through user fees and interest and the majority of the expenses are operating. Funds in this category are: Computer Maintenance, Liability Insurance, and Worker's Compensation.

Mr. Hardy used a PowerPoint presentation to explain how property taxes are calculated and then the breakdown of that tax for use by the City. He noted that the taxes collected on a \$170,000 home total \$1,088.81, and of this total, the City receives 10% or \$111.73. Bountiful's tax rate is fourth lowest in Davis County and is the lowest when compared with major Utah cities. He also reviewed sales tax and gasoline tax rates and the return to the City. He noted that while Bountiful has higher-than average income, the lack of retail opportunities makes Bountiful a sales tax deficient community and consideration should be given to increasing the retail base in Bountiful. He expressed appreciation to the Mayor and Council for the time and effort they have taken to review the budget and to City staff members, particularly Galen Rasmussen, who have worked tirelessly to bring the budget to this point. He also expressed appreciation to the citizens of Bountiful for their care, concern, and commitment to the community.

At 8:32 p.m. Mayor Johnson called for comments from the audience. Sherman Fuller commented that it is not easy to provide a balanced budget in a weak economic environment. He commended the Mayor and Council for their commitment to exercise fiscal restraints and, as a citizen, he stated that he heartily recommends approval of the budget. The public hearing was closed at 8:35 p.m. The Mayor and each of the Council members expressed appreciation to Mr. Hardy and the staff for their dedication and ability to put this budget together without passing rate and fee increases on to citizens. This matter will be on the Agenda next week for action.

RES. NO. 2002-02 ADOPTED RE: FEES FOR SERVICES UNDER GRAMA ACT

Mr. Mahan explained that under State law known as GRAMA (the Government Records Access and Management Act) citizens have a right, subject to certain limitations, to review and request copies of documents held by the City. He noted that copies of minutes, maps, etc. are frequently requested and provided to citizens at the cost of the document (e.g., \$3.00/map, \$.05/photo copy, etc.). A request has been received which is extremely broad in scope and will require a great deal of staff time to comply with. In order to charge fees sufficient to compensate for the staff time spent, the Council must, under GRAMA, adopt a formal fee policy. He recommended that Resolution No. 2002-02, entitled A RESOLUTION ESTABLISHING FEES UNDER THE UTAH GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, be adopted. Councilwoman Holt motioned to adopt Res. No. 2002-02 as recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

OMNIBUS ORD. NO. 2002-09 ADOPTED RE: SEVERAL MATTERS

Mr. Mahan reviewed Ordinance No. 2002-09 entitled, AN ORDINANCE AMENDING THE BOUNTIFUL CITY CODE TO ADOPT THE INTERNATIONAL BUILDING CODE AND OTHER CONSTRUCTION CODES AND TO MAKE MINOR TECHNICAL REVISIONS OF PARKING, PARADE, BEER LICENSE AND UTILITY PROVISIONS, and recommended that it be adopted. He responded to questions from the Council, following which Councilman Pitt motioned that Ord. No. 2002-09 be adopted. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

RES. NO. 2002-03 ADOPTED RE: PARENTAL LEAVE AND SICK LEAVE

Mr. Mahan reviewed that the City has traditionally provided sick leave for its employees and for many years, this included pregnancy leave for women. Anti-discrimination provisions required that pregnancy leave be expanded to the husband as well, and the terminology was changed to "parental" leave for both men and women. This is not required by either state or federal law, and the City could have a policy of no parental leave. In the 1990's, federal law implemented the Family Medical Leave Act, which allowed people to take up to 12 weeks off from work for pregnancy and birth. FMLA leave can be either paid or unpaid, depending on company/City policies.

The City has had an unintentional ambiguity in the interface between parental leave and FMLA leave and Res. No. 2002-03, entitled A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL RELATING TO PARENTAL LEAVE AND SICK LEAVE, is intended to more specifically define the acceptable use of parental and sick leave. Mr. Mahan recommended that this resolution be adopted. Councilman Moss motioned to adopt Res. No. 2002-03 as recommended. Councilman Thomas seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

COUNCIL COMMITTEE REPORTS

Mayor Johnson reviewed that the Council and staff will have a field trip at 5:00 p.m. next week (June 18th) prior to the regular meeting at 7:00 p.m.

The meeting adjourned at 9:05 p.m. on a motion made by Councilwoman Holt and

seconded by Councilman Thomas. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

KIM J. COLEMAN, City Recorder
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JOE L. JOHNSON, Mayor