

**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
December 10, 2002 - 7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, J. Gordon Thomas and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Admin. Services Director:	Galen Rasmussen
	City Recorder:	Kim J. Coleman
	City Treasurer:	Mark McRae
	Planning/RDA Dir.:	Blaine Gehring
	Department Reps:	Neil Jenkins, Parks and Recreation Clifford Michaelis, Power Alan West, Information Systems
	Recording Secretary:	Nancy T. Lawrence
Absent:	Councilman:	John Pitt (participated in public hearing via teleconference)

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 Mr. Rowland offered the invocation. Councilman Thomas led the pledge of allegiance to the flag.

**MINUTES OF NOVEMBER 12, 2002 AND NOVEMBER 26, 2002 APPROVED**

Minutes of the regular City Council meetings held November 12, 2002 and November 26, 2002 were presented and approved as written. Councilman Thomas motioned for approval, Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**EXPENDITURES AND EXPENSES APPROVED FOR  
THREE NOVEMBER PERIODS**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods: November 14-20, 2002 (\$541,846.35); November 21-27, 2002 (\$1,049,605.17); and the Summary of Expenditures and Expenses for November, 2002 (\$3,554,455.47). The staff responded to questions and Councilman Thomas motioned for approval of all three reports. Councilman Moss seconded the motion which carried unanimously. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**ANNUAL SOFTWARE MAINTENANCE AGREEMENT APPROVED**

Mr. West explained that the City currently has a contract with New World Systems for maintenance of the software used in City Hall (financial management, payroll, utility billing, business licensing, etc.) and Public Safety (police and fire dispatch, photo imaging, records, E-911 interface, etc.). The annual maintenance fee (15% of the list price for each software module used) provides regular software updates and enhancements and is considered a usual and customary charge in the computer software industry. The total amount of this annual service is \$90,960.00.

Following discussion, Councilwoman Holt motioned to approve the Agreement with New World Systems, as explained. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**PUBLIC HEARING TO CONSIDER REZONING REQUEST -  
RICHARD SHIPLEY PROPERTY, 620 SO 200 WEST**

At 7: 15 p.m. the Mayor opened the public hearing to consider the rezoning of property at 620 South 200 West and 220 through 310 West 650 South from C-G and R-3-13 to R-3-25 (Richard Shipley, applicant). He explained that Councilman Pitt (absent from tonight’s meeting) would be joining the Council for the public hearing via a teleconference and the connection with Councilman Pitt was established.

John Lingard (representing Richard Shipley) explained that his purpose was to discuss the proposed preliminary site plan so that the public would be aware of the owners’ plans for the property. The initial plan featured 168 units (24/acre). After receiving input from City staff and citizens who attended the hearing of the Planning Commission, the site plan was revised to 148 units (21.1/acre), with two 4-plexes on the west side as a buffer between the single family homes and the apartment complex. He noted that the development would provide an attractive front on 200 West street (entrance to the complex) and the entire area would be uniformly landscaped, which should have a positive effect on existing property value.

The Mayor opened the meeting for public input and Larry Rigby pointed out that the tax revenue from the apartment complex and the fact that 112 new households would be in walking distance of retail stores would help to compensate for taxes lost from the former commercial occupant of the ground, Anderson Lumber. The following individuals spoke against the proposed rezone request, citing concerns regarding decrease in property values, increased traffic, effect on the nearby elementary school population, the nature of the buffer between the four-plexes and the neighboring single family homes, the loss of commercial-zoned property to multi-family (which presently has a high vacancy rate), and the potential for a more transient population resulting in an increase in crime: Jim Redmond (275 West 750 South), Keith Mayo (265 West 750 South), Carol Barlow (909 South 350 West), Celia Knowles (765 South 300 West), Larry Murdock (702 Emerald Hills Drive), Jim Maynard (853 South 350 West), Marianne Savanovich (741 South 350 West), Gary Lowe (735 South 300 West), Curtis Knutsen (728 South 300 West), Eric Duffin (288 West 650 South), Marie Jorgensen (252 West 750 South), Jared Sommer (794 South 300 West), Joanie Stokes (Chateau Apartments) . For the record, Mayor Johnson reported that he received a letter from Cory and Michelle Hanks (276 West 750 South) stating their opposition to the proposed re-zone request. The hearing concluded at 8:10 p.m.

Councilwoman Holt stated that she had voted against the rezone request at the Planning Commission hearing and she motioned to uphold the Planning Commission recommendation to deny the request. Her motion was based on the following three points: (1) combining two different zoning areas into one; (2) the issue is about down-zoning (not the proposed development) and a concern about losing commercial property to multi-family; (3) the higher density which would accompany the rezone would negatively impact the neighboring single family homes. Councilman Thomas seconded the motion. Councilman Pitt (via teleconference) stated that, after hearing the concerns from the residents of the area, he would support the neighbors in their opposition. Councilman Moss indicated that it is a difficult process to find balance between what is good for

the entire City as opposed to the neighborhood, but would favor the motion. Councilman Tolman expressed concern about the negative impact the rezone would have on the existing residential neighborhood and he voted in favor of the motion. The motion carried unanimously with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting “aye”.

**PRELIMINARY AND FINAL CONDO APPROVAL GRANTED FOR PEBBLEWOOD CONDOMINIUMS-- KIM DUNN, OWNER**

Mr. Rowland reported that the Planning Commission reviewed the request of Kim Dunn for preliminary and final condominium approval for Pebblewood Condominiums at 680 South Orchard Drive and sends a positive recommendation to the City Council, subject to the following conditions:

1. Corrections to the condo plat as per City Engineer and submission of a complete mylar plat. (Mr. Rowland stated that this has already been done).
2. Payment of fees as follows:
  - a. Checking Fee 7 units at \$100/unit \$700.00
  - b. Recording Fee \$40/sheet x 3 sheets 120.00

Based on the recommendation of the staff and Planning Commission, Councilman Thomas motioned for preliminary and final condo approval as recommended for Pebblewood Condominiums. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**FINAL SUBDIVISION APPROVAL GRANTED TO RENAISSANCE TOWNE CENTRE - COMMERCIAL MIXED-USE PUD, PHASE 1**

Mr. Rowland reported that the developer of the Renaissance Towne Centre has now completed the subdivision plat for the first phase and is requesting final subdivision approval for the mixed-use planned unit development. (The site plan was granted final approval November 12, 2002). After reviewing the plat for Phase 1, the Planning Commission unanimously recommends final subdivision approval, with the understanding that construction will begin in the area to serve the Surgical Center, based on the following conditions:

1. Make minor corrections to the planned unit development plat.
2. Provide Bountiful City a temporary construction easement over the entire property, to hold until the planned unit development plat is recorded.
3. Payment of fees and posting of a development bond as determined in the bond letter.
4. All construction by permit and designed to the requirements of the IBC 2000 Edition.
5. Sign a Development Agreement with the City.
6. The Developer pay all of the City’s match portion of any Federal construction grant for the construction of a Round-about at 1500 South and Main and donate the necessary property to accommodate its construction as part of the fee and bond letter.

Mayor Johnson noted that if the Federal money is not approved for the round-about project, the City will have \$38,700 (paid by the Developer) and will negotiate back with the developer. Following discussion, Councilwoman Holt motioned to grant final subdivision approval as recommended by staff and the Planning Commission. Councilman Moss seconded the motion

which carried unanimously with Councilpersons Holt, Moss, Thomas and Tolman voting “aye”.

**RES. NO. 2002-11 ADOPTED RE: FAMILY-FRIENDLY ENVIRONMENT  
IN BOUNTIFUL**

Mayor Johnson reviewed that JoAnn Hamilton made a presentation to the Council on November 26, 2002 requesting the Council’s support of a Resolution which promotes a community standard that reflects and encourages a wholesome environment for children and families. There was concern by the Council regarding some of the terminology in the proposed resolution and, in keeping with a desire to be supportive of the effort, the resolution was amended. The Mayor then presented the amended resolution, entitled **A Resolution Promoting a Child-Appropriate Standard in Bountiful City, No. 2002-11**. Councilman Thomas motioned to adopt Res. No. 2002-11 as presented. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**VCBO ARCHITECTURAL FIRM AWARDED CONTRACT  
FOR MASTER PLANNING SERVICES - NEW RECREATION CENTER**

Mr. Hardy reported that twelve architectural firms submitted proposals for master planning services for the new recreation center. Four firms were selected to be interviewed by a selection committee and it is the recommendation of staff to engage the services of VCBO (Brent Tippetts, project foreman) to provide master planning services. The selection committee was composed of Neal Jenkins, Paul Rowland, Tom Hardy, Mayor Johnson, and two representatives from the Davis School District. The decision was based on the following criteria:

1. Lowest fee
2. Timetable consistent with tentative development plan
3. More experience with both recreation centers and ice sheets
4. Wealth of experience with gymnasiums (used by Davis School District to provide a proto-type for local school gyms)

Mr. Hardy reviewed that the Mayor and City Council will actively participate in development of the master plan. Councilman Moss motioned to award the contract for master planning services to VCBO architectural firm, as recommended. Councilman Thomas seconded the motion. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**APPROVAL GRANTED TO PURCHASE EQUIPMENT -  
WATER DEPARTMENT**

Mr. Rowland reported that, in response to the vote of the people, it is now time to start purchasing the equipment required for the City’s fluoridation project. The equipment for all of the installations combined is estimated to cost \$111,539.44, including approximately \$35,000 which has already been included as part of the contract for the construction of the 100 East and Shop Well houses (previously discussed by the Council). Components will be purchased over the next 30 to 60 days as they are required. Mr. Rowland explained one change order necessary for the well houses presently under construction as it relates to installing emergency generators at the site to cover possible power interruptions. He requested approval to purchase and install transfer switches at a cost of \$5,511.22/site, or a total of \$11,022.44. It is the recommendation of staff that the Council approve and authorize this proposed Change Order and purchase of the fluoridation equipment. Councilman Tolman made a motion to this effect, Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted

“aye”.

**COUNCIL ADOPTS RES. NO. 2002-12 ADOPTING TAX INCREMENT AGREEMENT WITH BOUNTIFUL REDEVELOPMENT AGENCY**

Mr. Hardy reviewed that the Bountiful Redevelopment Agency met prior to this meeting and sent a recommendation to the City Council to adopt Resolution No. 2002-12, entitled “**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOUNTIFUL, UTAH APPROVING THE AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF BOUNTIFUL CITY AND THE CITY OF BOUNTIFUL FOR PAYMENT OF TAX INCREMENT FOR PARKING FACILITIES LEASE PAYMENTS.**” Councilman Tolman motioned to approve Res. No. 2002-12 as recommended. Councilman Moss seconded the motion and it carried unanimously. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**REVIEW OF LEGISLATIVE ITEMS TO BE RESCHEDULED**

Mr. Hardy explained that the Governor has called a special session of the legislature on December 18<sup>th</sup> – conflicting with the scheduled dinner meeting between the Council and our legislative delegation. Following a brief discussion regarding concerns that will be addressed by the legislature, it was decided to table this review item and reschedule the Council’s dinner meeting with the legislative delegation until the first or second week of January.

**PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT AND COMPLIANCE REPORTS - JENSEN & KEDDINGTON, INDEPENDENT AUDITORS**

Gary Keddington, Jensen and Keddington, P.C., presented the Comprehensive Annual Financial Report (CAFR) and related compliance reports for the fiscal year ended June 30, 2002. The auditors reported that the City of Bountiful complied, in all material respects, with the general compliance requirements as set forth by the State of Utah. Mr. Keddington reviewed Reportable Conditions and one immaterial instance of noncompliance, and noted that their recommendations have been implemented by the staff. Mr. Keddington then reviewed highlights of the CAFR which included introductory, financial and statistical information.

Mayor Johnson thanked Mr. Keddington for the cooperative work between the City and the auditing firm, following which Councilman Moss motioned that the City accept the financial reports as submitted by the independent auditors. Councilman Thomas seconded the motion which carried unanimously. Councilpersons Holt, Moss, Thomas, and Tolman voted “aye”. Mr. Hardy acknowledged the professional and comprehensive audit which was done by Jensen and Keddington. He also expressed appreciation to Mr. Rasmussen, Mr. Coleman, Ralph Hill and Mr. McRae for their cooperation with the auditors and the dedication with which they perform their duties.

**COUNCIL COMMITTEE REPORTS**

Mr. Moss referred to the financial information packet which is given to the Council each week and noted that it requires two days of staff time to prepare this information. He suggested, that, in an effort to relieve the staff of this added work load, the total expenditure list be presented to the Council to provide the information required for Council approval. Mr. Hardy noted that this

change will be made after the first of the year.

Councilman Thomas reported that the Bountiful Community Service Council has been reorganized and these are the new officers: Ron Gardner, Chairman; Cindy Johnson, Vice Chairman, and Don Woodward, Secretary.

The meeting adjourned at 9:50 p.m. on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Voting was unanimous with Councilpersons Holt, Moss, Thomas and Tolman voting "aye".

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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