

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
December 9, 2003 - 7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, John S. Pitt, Gordon Thomas, and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Administrative Director:	Galen Rasmussen
	Department Rep:	Clifford Michaelis, Power Alan West, Information Systems
	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.. He recognized Councilman-elect Richard Higginson and welcomed those in attendance. Councilman-elect Higginson offered the invocation, following which Mr. Mahan led the pledge of allegiance to the flag.

Mr. Hardy suggested that the Council meet next week (December 16th) in lieu of the regular meeting on December 23rd. The Council was in agreement and Mr. Hardy arranged for a meeting of the Public Safety/Finance Committee prior to the regular meeting.

Mayor Johnson noted that Councilman-elect Higginson will commence his term in January and he asked if he would be willing to serve on the Bountiful Community Service Council. Councilman-elect Higginson said "yes".

APPROVAL OF MINUTES DELAYED

Minutes of the regular City Council meeting held November 25, 2003 will be presented for approval at the next Council meeting.

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR PERIOD NOVEMBER 13-26, 2003**

Mayor Johnson presented the report of Expenditures and Expenses Greater than \$1,000 for the period November 13-26, 2003 in the amount of \$1,519,540.41. The staff responded to questions, following which Councilman Thomas made a motion to accept the expenditure report as presented. Councilman Pitt seconded the motion and voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

APPROVAL GIVEN TO PURCHASE ANNUAL

SOFTWARE MAINTENANCE PACKAGE - NEW WORLD SYSTEMS

Mr. West reviewed invoices received by Bountiful City from New World Systems for annual software maintenance and recommended that they be paid. He noted that the City has a current contract with New World Systems for annual maintenance of the software used by City Hall (\$44,800.00) and Public Safety (\$55,650.00), based on a fee of 15 percent of the list price for each software module the City has purchased. In response to questions from the Council, he said that this fee is a usual and customary charge in the computer software industry. He explained that the increase in cost for this service over last year's fee (\$96,000) is the result of additional software which has been purchased and a built-in increase to the contract. He said that the City has used New World Systems since 1992 and that they are a solid and progressive software development company which has provided the City with a valuable product and good support. Following discussion, Councilman Pitt made a motion to approve the maintenance contract with New World Systems for the period 12/01/03 to 11/30/04. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

APPROVAL GIVEN TO PURCHASE TWO TRUCKS - POWER DEPARTMENT

Mr. Michaelis reported that two older trucks in the Power Department fleet are being replaced and bids were requested for two new trucks. It is the recommendation of staff and the Power Commission that two Ford F350 service trucks be purchased from Butterfield Ford (low bidder) in the amount of \$26,602 each. He requested that the Council also approve one change for one truck – to include a crew cab at an additional cost of \$1,095.00, bringing the total cost for both trucks to \$54,299.00. This cost is for cab and chassis only. A request for the bodies of the trucks will be brought back at a later time. Councilman Moss motioned to approve the purchase of two trucks for the Power Department, as presented. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye". It was noted that the old trucks (being replaced) will go to the auction.

REPAIR CHARGES ON TRANSFORMER AT NORTHEAST SUBSTATION APPROVED - POWER DEPARTMENT

Mr. Michaelis reviewed that last summer there was a major failure with the load tap changer on the transformer at the Northeast Substation. Partial repair of the transformer last summer made it operable, but there were still some damages that needed to be repaired. Bids were requested from four companies to replace the existing load tap changer and a new Reinhauser mechanism and associated controls. It is the recommendation of staff and the Power Commission that approval be given to accept the bid from VTCU (in Pocatello, Idaho) in the amount of \$97,900.00. This was not a budgeted item and will need to be funded from the Emergency Equipment Reserve fund. Councilman Moss motioned to accept the bid from VTCU as explained. Councilman Tolman seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

APPROVAL GIVEN FOR REPAIR OF NO. 8 ENGINE - POWER DEPARTMENT

Mr. Michaelis reviewed that the No. 8 engine has sixteen cylinders (eight on each side) and is cooled by engine jacket water. A leak has developed in the exhaust manifold which leaks water from around the water jacket past the exhaust pipes. A temporary repair has been made, but it is

necessary to either rebuild the existing manifolds or replace them. Bids were sent to three companies for this repair. It is the recommendation of staff and the Power Commission to accept the low bid from Reed's Welding to rebuild the exhaust manifold for the sum of \$48,500.00. This is not a budgeted item and will need to be funded from the Emergency Equipment Reserve fund. Councilman Moss motioned to award the bid to Reed's Welding (from Spanish Fork) as recommended. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
JOE & BETTE EGGETT SUBDIVISION, PHASE 3**

Mr. Rowland presented the request of the developer for preliminary and final subdivision approval of the Joe and Bette Eggett Subdivision, Phase 3 which consists of one lot. He reported that the Planning Commission has reviewed this request and, together with staff, recommends that preliminary and final subdivision approval be granted, subject to the following conditions:

1. Payment of all fees
2. Submit a current title report
3. Correction of minor errors on the subdivision plat.

Councilwoman Holt made a motion to approve the subdivision, as presented. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**PUBLIC HEARING TO CONSIDER VACATING PORTION
OF CENTER STREET; ADOPTED BY ORD. NO. 2003-18**

Mr. Rowland explained that excess city property has been created as a result of reconstructing and realigning the curb and gutter and sidewalk on the bend of Center Street at 1250 East Street. The abutting property owners have agreed to accept this ground and will maintain it as part of their yard. However, in order to accomplish this, a public hearing is required.

At 7:36 p.m. the Mayor opened a public hearing to consider vacating the property as explained. No one was in attendance to speak on this issue.

Mr. Rowland indicated that it is the recommendation of staff that the Council approve the vacation of 1250 East Center Street as shown on a drawing of the subject property and that Ordinance No. 2003-18 entitled *An Ordinance vacating a portion of Center Street near 1250 East in Bountiful, Davis County, Utah* be adopted. Following a short discussion, Councilman Thomas made a motion to vacate the property as recommended and to adopt Ord. No. 2003-18. Councilman Tolman seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**COUNCIL APPROVES PARTICIPATION IN
DAVIS COUNTY CABLE CHANNEL 17 PROPOSAL**

Chris Dallin, Chamber of Commerce, narrated a computer presentation which illustrated the use and benefits of a community cable channel. He explained that the Chamber of Commerce and several city leaders have developed an organization to promote a community cable channel and that Councilman Pitt has been asked to serve on the Board of Directors of that organization.

The main objective of the channel is to provide information to citizens regarding emergencies, political and community events, voter education, promotion of community arts/holiday events, etc., and provide contact numbers and announcements from city and community leaders. He said there will not be any advertising on this channel; however, programs can have sponsors.

Mr. Hardy noted that the City presently has an agreement with ComCast for a 2-way use of their cable and that we should make certain that we do not jeopardize that agreement in any way. Based on the city's population, the cost for Bountiful to participate for one year would be \$7,500 (includes one Mayor's message and 45 slates/year). For an additional fee, other features could also be added. It is hoped that the first phase of this service will be developed and ready to use by April 1, 2004. Councilman Moss made a motion to approve a contribution of \$7,500 to the cable channel proposal for this year. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

COUNCIL VOTES TO PARTICIPATE IN FAMILY CONNECTION CENTER

Mr. Hardy reviewed that the Council received a request in their last meeting to participate in the Family Connection Center, and following a favorable discussion, it was decided to table action until this meeting so that Councilman Thomas could give his input. The requested contribution amount (\$1,019.27) would be funded from the Council Contingency Account.

Councilman Thomas spoke favorably about the benefits of bringing neighboring communities together in promoting emergency and disaster preparedness programs and improving safety (working with police departments in neighborhood watch efforts, etc.). He praised the work of Mrs. Judy Kjar over the past three years in attempting to solve community problems, particularly as they relate to the entire community and noted that Larry Burdett (United Way) has supported community based efforts. Following a short discussion, Councilman Tolman motioned to approve a contribution to the Davis County ABCD Program for a one-year test period in the amount of \$1,019.27 (based on population). Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

APPOINTMENTS MADE TO APPEALS BOARD

Mr. Mahan reviewed the function of the Appeals Board in resolving employee concerns and noted that it is composed of three elected employees and two council representatives. Mayor Johnson recommended that Councilman Moss and Councilwoman Holt serve on that board as the Council representatives. Councilman Pitt made a motion to this effect and Councilman Tolman seconded the motion. Voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

ORD. NO. 2003-19 ADOPTED RE: OVERNIGHT PARKING

Mr. Mahan reviewed Ordinance No. 2003-19 entitled *An Ordinance amending the Bountiful City Code to provide for a \$20.00 fine for overnight parking violations* and recommended that it be adopted in an effort to eliminate problems associated with snow removal. The ordinance enacted changes both to Title 10 (criminal code) and Title 13 (traffic code). Following discussion, Councilman Thomas motioned to adopt Ordinance No. 2003-19 as presented. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

COUNCIL COMMITTEE REPORTS

None

EXECUTIVE SESSION TO DISCUSS ACQUISITION OF REAL PROPERTY

At 8:55 p.m. the meeting adjourned to executive session for the purpose of discussing real property. The motion was made and seconded by Councilmen Tolman and Thomas, respectively. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

Attendance at Executive Session

Mayor Johnson

Councilpersons Holt, Moss, Pitt, Thomas and Tolman

Mr. Hardy

Mr. Mahan

Mr. Rowland

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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