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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
June 8, 2004 - 7:00 p.m.**

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Present: Mayor: Joe L. Johnson
Council Members: Richard Higginson, Barbara Holt, R. Fred Moss, John S. Pitt, and Thomas Tolman
City Manager: Tom Hardy
City Attorney: Russell Mahan
City Engineer: Paul Rowland
Admin. Services Dir.: Galen Rasmussen
Planning Director: Aric Jensen
Department Representatives: Mark Franc, Engineering
Clifford Michaelis, Power
Terry Thompson, Streets
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. and welcomed those in attendance. Councilman Moss led the pledge of allegiance to the flag, following which Councilman Higginson offered the prayer/thought.

MINUTES OF MAY 11, 2004 AND MAY 25, 2004 TO BE APPROVED AT A LATER DATE

Minutes of the regular meetings of the City Council held May 11, 2004 and May 25, 2004 will be presented at a future meeting for approval.

WEEKLY EXPENDITURES APPROVED FOR PERIODS MAY 13 - 19, 2004 AND MAY 20-26, 2004

Mayor Johnson referred to the Weekly Expenditure and Expense Report for the Periods May 13 - 19, 2004 (totaling \$537,466.13) and May 20 - 26, 2004 in the amount of \$1,474,006.56 and called for discussion. Staff responded to several questions, following which Councilman Higginson motioned to approve both reports as presented. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

BOUNTIFUL COMMUNITY SERVICE COUNCIL RECOGNIZES RON GARDNER, PAST CHAIRMAN

Mayor Johnson recognized Ron Gardner, past chairman of the Bountiful Community Service Council, who will soon be assuming duties as an LDS mission president in Argentina. The Mayor reviewed the accomplishments of the Community Council under Mr. Gardner's leadership, including implementation of the ABCD program and development of the web site. Mr. Gardner was presented a plaque and letter of appreciation signed by the Mayor. Mr. Gardner expressed appreciation for this opportunity to serve the community where he has lived for over 30 years and then introduced his wife and daughters who were in attendance.

EXPENDITURES FOR STREET DEPARTMENT APPROVED

Green Waste Grinding. Mr. Thompson reported that bids were received from two vendors for grinding the green waste at the landfill. It is the recommendation of staff to accept the low bid from Bob’s Tree Service in the amount of \$23,250.00. This bid is based on 9,000 cubic yards @ \$250/hour. Councilman Higginson motioned to approve the bid as recommended. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “Aye”.

Household Hazardous Waste Event. Mr. Thompson reported that the Household Hazardous Waste Event has been scheduled for October 16, 2004 in conjunction with fall cleanup week, October 11-15, 2004. He said this is the 12th time the City has sponsored the waste collection event and he recommended that Onyx Environmental Service (who holds the State contract) be selected to provide this service. Discussion focused on the possibility of citizens being able to drop off waste materials other than on a designated day. Mr. Thompson said that the possibility of spills and sorting of the various components would make this undesirable. Councilman Tolman motioned to approve the contract with Onyx to collect and dispose of the household hazardous waste at an amount not to exceed the budgeted amount of \$36,000.00. Councilman Moss seconded the motion which carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “Aye”.

Road Salt. Mr. Thompson reported that Broken Arrow has offered to extend last year’s contract at \$14.90/ton, which is lower than last year’s price of \$15.39/ton. The amount budgeted for road salt is \$270,000.00 and this past year we used 17,000 tons. Staff recommends extending the contract as presented. Councilman Pitt motioned to extend the contract with Broken Arrow, Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “Aye”.

APPROVAL GIVEN FOR EMERGENCY REPLACEMENT OF TRAFFIC SIGNAL SYSTEM - 1800 SO ORCHARD DR.

Mr. Michaelis reported that on April 20, 2004 a flat bed roofing truck lost its brakes going westbound on 1800 South at Orchard Drive and destroyed the north west pole and much of the traffic signal system at that location. Emergency work (totaling \$27,380.49) was done – without authorization – to get the traffic signal system operational as soon as possible. He recommended that approval be given for the following expenditures:

Wasatch Electric	Signal heads, up-pole, wire & labor	\$11,973.64
UDOT	Eagle Cabinet	6,473.99
UDOT	Econolite Controller	1,399.99
Bountiful Power	Labor, materials, & equipment	<u>7,532.87</u>
	TOTAL	<u>\$27,380.49</u>

The Power Department is in the process of billing these costs to Building Specialties (owner of the vehicle which caused the damage). Councilman Moss made a motion to approve the expenditures as listed above. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “Aye”.

PUBLIC HEARING TO RE-OPEN 2003-04 BUDGET

1 At 7:15 p.m. the Mayor opened the public hearing to consider re-opening the 2003-04
2 budget for the purpose of amending that budget. Mr. Hardy reviewed the proposed amendments to
3 the budget, which included General and Capital Projects Funds, the Debt Service Fund, four
4 enterprise funds (Water, Light and Power, Cemetery and Recreation) and the Internal Service fund.
5 He noted that these items have previously been discussed and will be officially approved by
6 adoption of an ordinance on June 15, 2004. There were no comments from the public. Following
7 a short discussion by the staff and Council, the hearing was closed.

8
9 **PUBLIC HEARING TO CONSIDER 2004-05 BUDGET**

10 Mr. Hardy presented the proposed 2004-05 Fiscal Year Budget, totaling \$48,424,745.00 (a
11 *decrease* of \$6,028,000, or 11%, from the 2003-04 budget). This decrease is primarily attributable
12 to a decrease in large capital projects in the upcoming fiscal year (with the new fire station and the
13 1800 South project included in the 2003-04 budget). He noted that the proposed budget does not
14 include any increases in property tax, sales tax, franchise taxes, business license fees, building
15 permit fees, refuse collection fees, landfill charges, or recreation fees. It also does not include any
16 increases in golf course fees, storm water fees, or any other general fees and charges. It does
17 include a 10% increase in power rates and water rates, attributable to an increase in the cost of
18 power resources which are purchased by the City.

19
20 The proposed budget includes the addition of one full-time police officer and one full-time
21 storm water employee, which will increase the current staffing level of the City from 185 to 187
22 full-time employees. It also contains a 2% cost-of-living adjustment for all full-time personnel, as
23 well as merit adjustments for those employees who are eligible (approximately 20%). Medical
24 insurance costs will increase approximately 10% and this cost will be split between the City and
25 the employees.

26
27 Mr. Hardy noted that the budget does not include the proposed Recreation Center, which
28 will be voted on in August. If the Recreation District is approved, there will need to be
29 amendments to the budget to accommodate Bountiful's participation in this District. The Fire
30 Department is budgeted at its current level. If a proposed South Davis Metro Fire District is
31 formed, it will necessitate budget amendments. Mr. Hardy also pointed out that there are not
32 expenditures for the Sewer Fund, inasmuch as it was transferred to the South Davis Sewer District
33 in January 2004.

34
35 Mr. Hardy stated that, although citizens are often concerned about taxes, the City receives
36 only a very small portion of sales tax, property tax, and gasoline taxes. The State receives 73% of
37 sales tax, the City receives 15%, the UTA receives 8%, and Davis County gets 4%. The Federal
38 government receives \$.19 of \$.245/gallon gasoline tax and the remainder (\$.055) is split between
39 the State (at 75%) and the Counties and cities. The City receives 10% of property tax revenue.
40 Bountiful's property tax rate ranks fourth lowest of all cities in Davis County and it is the lowest
41 of cities similar in size in the State. Mr. Hardy explained the differences between the General and
42 Capital funds and the Enterprise funds and reviewed the status of the Debt Service and Internal
43 Service funds.

44
45 Mayor Johnson called for public comments and Charmane Halverson expressed concern
46 regarding the tennis program. She specifically noted that maintenance of the courts is not
47 adequate and she suggested that the timing of teams and leagues should be changed to provide a

1 more friendly time for public play. Following a brief discussion, Councilman Pitt indicated that he
2 would review these matters. The hearing on the budget concluded at 8:26 p.m. The budget will be
3 presented for approval at the June 15th meeting of the City Council.
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5 **ORD. NO. 2004-08 ADOPTED RE: PARADE ROUTE**

6 Mr. Mahan presented Ordinance No. 2004-08 entitled AN ORDINANCE AMENDING
7 THE PARADE ORDINANCE TO PERMIT THE SAVING OF SPACE ALONG A PARADE
8 ROUTE TO 7:00 A.M. and indicated that the intent of the ordinance is to reduce the problems that
9 go along with the reserved space (i.e., blocking of public ways, interfering with watering by
10 property owners, conflict among some citizens, etc.). Councilman Pitt noted that originally the
11 time set for space saving restrictions was 10:00 a.m. on the day of the parade. The proposed
12 ordinance moves this time to 7:00 a.m. on parade days and Councilman Pitt stated that he thought
13 there would still be public problems in this regard. Following a short discussion, Councilman
14 Moss voted to adopt Ordinance No. 2004-08 as presented. Councilwoman Holt seconded the
15 motion and voting was by a majority. Councilpersons Higginson, Holt, Moss and Tolman voted
16 "Aye". Councilman Pitt voted "Nay".
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18 **FINAL APPROVAL GRANTED FOR HIDDEN HOLLOW AT HIDDEN**
19 **LAKES PUD SUBDIVISION PLAT**

20 Mr. Jensen presented the request of the developers of Hidden Hollow at Hidden Lakes
21 PUD for final subdivision plat approval. He noted that this project had already received final
22 approval from the Council; however, the developer did not record the final plat. Before recording,
23 he would like to combine existing lots 703 and 704 together to make a larger lot 703. Since the
24 plat is reduced by one lot and there are no other facets of the plat that are being changed, it is the
25 recommendation of staff and the Planning Commission to grant final approval, subject to the
26 following conditions:

- 27 1. All previously required conditions for this project be met.
- 28 2. After the plat is recorded, the applicant may not amend the plat to include any
29 additional lots, i.e., more than the 10 currently being proposed, unless the proposal
30 meets current City Ordinances.

31 Councilwoman Holt motioned to grant final subdivision approval as recommended. Councilman
32 Moss seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss,
33 Pitt, and Tolman voted "Aye".
34

35 **PUBLIC HEARING TO CONSIDER ORD. NO. 2004-09;**
36 **IMPERVIOUS SURFACE STANDARDS IN RES. ZONES,**
37 **CHANGES TO LANDSCAPING, AND FENCE HEIGHTS**

38 Mr. Jensen reported that over the past few months, the Planning Commission has discussed
39 various changes to the Zoning Ordinance. This proposed ordinance amendment addresses three
40 different items of discussion: changes to the impervious surface standards in residential zones,
41 changes to the landscaping ordinance, and changes to fence heights around sports courts and
42 related uses. He reviewed each of these issues and presented the rationale of staff and the
43 Planning Commission in arriving at the proposed amendments. It was noted that consensus has
44 not been reached regarding the fence issues and this matter will be referred back to the Planning
45 Commission. Based on this background, he recommended that Ordinance No. 2004-09 entitled
46 AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE TO (1)
47 CHANGE THE IMPERVIOUS SURFACE STANDARD FOR INSTITUTIONAL USES IN

1 RESIDENTIAL ZONES, AND (2) CHANGE THE LANDSCAPING STANDARDS FOR
2 PROJECTS REQUIRING SITE PLAN REVIEW be adopted. Mayor Johnson called for input
3 from the public; there was none. Following a short discussion by the Council, Councilman Pitt
4 motioned to adopt Ord. No. 2004-09 as recommended. Councilwoman Holt seconded the motion
5 and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted
6 “Aye”.

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8 **MORGAN PAVEMENT MAINTENANCE**
9 **AWARDED SLURRY SEAL CONTRACT**

10 Mr. Franc reported that bids were opened on June 1, 2004 for the slurry seal surface
11 treatment on City streets for the 2004-05 budget year. Four contractors responded and it is the
12 recommendation of staff to accept the lowest responsive bid from Morgan pavement Maintenance
13 in the amount of \$89,050.00 (based on unit prices of \$0.65/sq. yd.). Mr. Franc clarified that the
14 recommendation was based on the fact that although Intermountain Slurry Seal presented a lower
15 bid (\$88,450.00), when this company did work for the City in 1999 there were a significant
16 number of citizen complaints and the Street Department had to perform substantial clean-up of
17 gutters and driveways. Brett Holme from Intermountain Slurry Seal was in attendance and
18 expressed concern that the bid from his company was not recommended. He noted that they are
19 the largest contractor for this type of work and they have made changes in personnel and practices
20 since 1999. He requested that the City not hold performance from 1999 against Intermountain.
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22 Mr. Mahan clarified that on this project Morgan is recommended based on the criteria for
23 determining the “lowest responsive responsible bidder”, as defined by Ordinance No. 2004-06.
24 Discussion followed regarding the reputation of a company and to what extent the City should go
25 to give a bidder a second chance. Mayor Johnson indicated that he favored using Morgan
26 Pavement since they have a clean record with the City. Councilman Moss made a motion to
27 accept the bid from Morgan Pavement Maintenance. Councilman Higginson seconded the motion
28 and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted
29 “Aye”.

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31 **COUNCIL COMMITTEE REPORTS**

32 Following several brief comments regarding Council Committees, the meeting adjourned
33 to Executive Session at 9:02 p.m. on a motion made by Councilman Higginson and seconded by
34 Councilwoman Holt. Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt and
35 Tolman voting “Aye”.

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37 **Attendance at Executive Session**

38 Mayor Johnson
39 Councilpersons Higginson, Holt, Moss, Pitt and Tolman
40 Tom Hardy
41 Rusty Mahan
42 Paul Rowland
43 Mark Franc
44 Aric Jensen
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JOE L. JOHNSON, Mayor

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KIM J. COLEMAN, City Recorder

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