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**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
December 14, 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
	City Recorder:	Kim J. Coleman
	Admin. Services Director:	Galen Rasmussen
	Planning/RDA Director:	Aric Jensen
	Department Representatives:	Clifford Michaelis, Power George Sumner, Fire Alan West, Information Systems Mgt.
	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. Brandon Barfuss led the pledge of allegiance to the flag, following which Mr. Rasmussen offered the prayer/thought.

**CITY COUNCIL MINUTES APPROVED**

Minutes of the City Council meeting held November 23, 2004 were presented and approved as written. The motion was made by Councilman Tolman and seconded by Councilman Higginson. Voting was by a majority with Councilmen Higginson, Moss, Pitt, and Tolman voting “aye” and Councilwoman Holt abstaining due to her absence from the subject meeting.

**EXPENDITURES APPROVED FOR TWO PERIODS**

Mayor Johnson presented the Weekly Expenditure and Expense Report for the Period November 11, 2004 - December 1, 2004 in the amount of \$1,863,383.69 and the Summary for the month of November, 2004 totaling \$3,261,788.84. Following a brief discussion period, these reports were unanimously approved on a motion made by Councilman Pitt and seconded by Councilwoman Holt. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman voted “aye”.

**RETIREMENT OF FIRE DEPARTMENT EMPLOYEES  
RECOGNIZED**

Mayor Johnson reviewed that the Bountiful Fire Department will soon become a part of the new South Davis Metro Fire Agency. He stated that the City can be very grateful for the long rich history of dedicated service provided by Bountiful Fire Department, and that the decision to combine the South Davis Fire Department and the Bountiful Fire Department was the right one for this period of time. He recognized two Bountiful firemen, Mike Barfuss and Robert Stell, who will

1 retire as Bountiful employees, but noted that both will be working full time as the new metro  
2 agency takes over.

3  
4 Mr. Barfuss reviewed the changes which have taken place since he started with the  
5 Department, noting that he has attended training meetings every Wednesday night since March 8,  
6 1973. He expressed appreciation for the opportunity to work with the other firemen and other City  
7 employees, for the support of City leaders and his family, and to Mr. Hardy for always believing in  
8 him.

9  
10 Mr. Stell stated that he was influenced to become a fireman since watching TV as a child  
11 and he expressed appreciation to all those he worked with over the years. He has worked full-time  
12 with the Fire Department for the past 23 years and noted that many changes have taken place  
13 during that time. He expressed appreciation for the support of those he worked with and City  
14 leaders and noted that he would always be a Bountiful firefighter in his heart.

15  
16 Chief Sumner recognized the outstanding qualities of both men and reviewed their major  
17 contributions to the Bountiful Fire Department over the years, with Mr. Barfuss being the first Fire  
18 Marshall and Mr. Stell specializing in the medical programs associated with the Fire Department.  
19 He stated that he looks forward to working with both individuals in the new South Davis Metro  
20 Fire Agency. Mayor Johnson presented a gift certificate to Mr. Stell and Mr. Barfuss as a token of  
21 appreciation on the part of the City and wished them well as they move to the new department.

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23 **EXPENDITURE FOR ANNUAL SOFTWARE MAINTENANCE APPROVED**

24 Mr. West reviewed that the City has a current contract with New World Systems for  
25 software maintenance on the City Hall and Public Safety computer systems and it is recommended  
26 that a new maintenance agreement be approved for 2005. The contract calls for a fee of 15% of  
27 the list price for each software module which the City has purchased and New World Systems then  
28 provides regular software updates and enhancements, as well as maintenance. It is the  
29 recommendation of staff that this contract be approved in the amount of \$103,675.00 (City Hall =  
30 \$48,000 and Public Safety = \$55,675). After a short discussion, Councilwoman Holt made a  
31 motion to approve the software maintenance costs as presented. Councilman Moss seconded the  
32 motion and voting was unanimous. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman  
33 voted "aye".

34  
35 **EXPENDITURES FOR POWER DEPARTMENT APPROVED**

36 **Bid Award for Transformers.** Mr. Michaelis reported that vendors were invited to bid  
37 for single phase and three phase transformers and five bids were received. It is the  
38 recommendation of staff to approve the bids based on an evaluation of "total ownership cost"  
39 which reflects purchase price compared to losses accumulated over 25 years. The following bids  
40 were recommended by staff and the Power Commission for approval by the Council:

41 Codale Electric		
42	58 Single Phase and three phase pad-mounted transformers	\$105,271.00
43 Western States Electric		
44	40 single phase, overhead, pole-mounted transformers	<u>30,000.00</u>
45	TOTAL	\$135,271.00

46  
47 In response to a question from the Council, Mr. Michaelis explained that these transformers will be

1 for new construction projects and inventory emergency backup. Councilman Moss made a motion  
2 to approve these bids, as presented. Councilman Higginson seconded the motion and voting was  
3 unanimous. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman voted “aye”.

4  
5 **Additional Money for Tree Trimming.** Mr. Michaelis explained that Asphlund Tree  
6 Service has been contracted by the City to assist with tree trimming, with the amount not to exceed  
7 the budgeted amount of \$197,862.00. It is the recommendation of staff and the Power  
8 Commission that an additional \$40,000 be approved for additional tree trimming. This money was  
9 planned for the purchase of a wire trailer. However, it is felt at this time that the additional tree  
10 trimming is a priority which will enhance the reliability of our system. Asphlund has agreed to do  
11 the additional work at the original hourly bid rate and this will permit keeping one contracted crew  
12 until February 11, 2005. Following discussion, Councilman Moss made a motion to approve the  
13 additional \$40,000 expenditure for tree trimming. Councilwoman Holt seconded the motion which  
14 carried unanimously. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman voted “aye”.

15  
16 **Vehicle Replacement.** Mr. Michaelis reported that this year’s budget includes the  
17 replacement of Unit No. 38, a 1988 Chevrolet van which is used in the service area. Two vehicles  
18 were located in the 2005 Utah State bids, and it is recommended by staff and the Power  
19 Commission that a 2005 Ford F-350 4x4 Super cab be approved in the amount of \$28,851.00. It  
20 is also recommended that a service body be purchased from AG Body (at the same price and same  
21 specifications as one ordered in April – \$12,320.00). The total cost of the vehicle and service  
22 body, \$41,171.00, is within the \$45,000 budgeted. Councilman Moss motioned to approve the  
23 truck purchase as presented. Councilman Higginson seconded the motion and voting was  
24 unanimous. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman voted “aye”.

25  
26 **BOUNTIFUL CITY AND SOUTH DAVIS METRO FIRE AGENCY**  
27 **AGREEMENT APPROVED**

28 Mr. Hardy explained that with the advent of the new Metro Fire Agency, there is a need to  
29 define an effective way to manage and maintain titled vehicles and real estate owned by the City,  
30 but which will be used by the Agency. He presented the *Agreement on Conveyance, Maintenance*  
31 *and Return of Titled Vehicles and Real Estate* and explained that there will be a conditional  
32 conveyance of City-owned property to the Agency and any liability associated with these assets  
33 (used by the Agency) will go to the Agency which will also be responsible for maintenance.  
34 However, the Agency would re-convey title at any time upon the request of the City. In addition  
35 to bearing the risk of loss, the Agency must keep all vehicles and premises fully insured and  
36 provide responsible ownership maintenance. The Agreement has been reviewed and approved by  
37 legal counsel and by the Metro Fire Agency. Following discussion, Councilman Higginson made  
38 a motion to approve the Agreement as presented. Councilman Tolman seconded the motion which  
39 carried unanimously. Councilpersons Holt, Higginson, Moss, Pitt, and Tolman voted “aye”.

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41 **RELEASE OF EASEMENT APPROVED AT 402 HIDDEN LAKE DRIVE**

42 Mr. Rowland reported that the owner of Lot 301 at 402 East Hidden Lake Drive has  
43 purchased the adjacent lot (Summerwood Phase 1, Lot 107) and is desirous of adding on to his  
44 home, which will involve building over the property line, and has requested a release of easement.  
45 The easement does not presently contain any utilities and none of the utility companies serving the  
46 area see a need to maintain the easement for future use. It is the recommendation of staff to  
47 approve the Release of Easement. Councilman Pitt made a motion to this effect, Councilwoman

1 Holt seconded the motion and voting was unanimous. Councilpersons Holt, Higginson, Moss, Pitt,  
2 and Tolman voted “aye”.

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4 **PUBLIC HEARING TO CONSIDER ZONE CHANGE -**  
5 **225 WEST 400 NORTH AND 383 NORTH 200 WEST**

6 At 7:50 p.m. Mayor Johnson opened the public hearing to consider the request of Dan  
7 George for a zone map amendment for two parcels of property located at 225 West 400 North and  
8 383 North 200 West. The current zone designation is R-3-13, and the proposed designation is C-G  
9 General Commercial. Mr. Jensen said this request was reviewed by the Planning Commission and  
10 Planning staff and approval was recommended based on the high traffic volume on contiguous  
11 arterial streets, similar uses and the C-G designation on neighboring properties along 200 West,  
12 and the fact that it would not be considered spot zoning.

13  
14 Nairn Higginson (391 North 300 West) expressed concern that it was, in fact, spot zoning  
15 and would open the door for properties west of this property to also ask for the zone change. He  
16 recommended that the integrity of the residential neighborhood be protected from the C-G zone  
17 intrusion. David McMillan (338 North 300 West) shared this same concern and also noted that the  
18 large lots west of Main Street between 400 North and 500 South are being divided and developed  
19 with multi-family units, thus eroding the single family residential qualities.

20  
21 Dan and Shelley George, applicants, explained their proposed use of the property. They  
22 presently have a business site on 500 South which includes a chiropractic office and a small retail  
23 store for health food. They are losing this location and are desirous of re-locating in Bountiful.  
24 They indicated a desire to create a development that would complement the neighborhood and not  
25 create problems for the residential community.

26  
27 At 8:10 p.m. the Mayor closed the hearing and the Council discussed the matter.  
28 Councilwoman Holt asked if the Council could legally prevent the “creeping process” from taking  
29 place with contiguous properties along 400 North being denied the possibility of re-zoning to  
30 commercial. Mr. Mahan indicated that although the law is sometimes uncertain, some cities have  
31 put conditions on re-zoning. Councilman Pitt suggested that if the business were faced on 200  
32 West and access from 400 North was restricted, the 400 North exposure would appear similar to  
33 residential. The front of the building and drive access on 200 West would be in harmony with  
34 contiguous commercial property. It was agreed that the property is currently unsightly and the  
35 development would be an asset to the neighboring properties.

36  
37 Following a lengthy discussion, Councilwoman Holt made a motion to approve the re-zone  
38 request with the condition that the project being proposed must be used primarily as a professional  
39 office with a small commercial business included, comprising no more than a certain percentage of  
40 the total project. Following deliberation, it was suggested that the professional office be no less  
41 than 60 percent of the total square footage, leaving 40 percent for the retail portion. She also  
42 attached the condition that the project must face east (onto 200 West Street), with the principle  
43 access off of 200 West. Councilman Moss indicated that he would prefer to see the zone changed  
44 to Professional Office, not C-G. Councilman Pitt seconded the motion which carried by a  
45 majority. Councilpersons Holt, Higginson, Pitt and Tolman voted “aye” and Councilman Moss  
46 abstained.

1 Councilwoman Holt then made a motion to adopt Ordinance No. 2004-21 entitled *An*  
2 *Ordinance amending the Bountiful City Zoning Map to change the zone of the properties located*  
3 *at 225 West 400 north and at 383 North 200 West in Bountiful, Utah, from R-3-13 to General*  
4 *Commercial (CG), subject to Section 2 being amended to reflect the conditions stated in the*  
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1 preceding paragraph of these minutes. Councilman Higginson seconded this motion which carried  
2 unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

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4 **INDEPENDENT AUDIT REPORT FOR 2003-04 BUDGET YEAR**

5 Gary Keddington, partner in the Jensen and Keddington firm, presented the report of the  
6 independent audit which was conducted by his firm for the 2003-04 budget year. He noted that he  
7 appreciated the opportunity to do the audit for Bountiful City, due to his vested interest as a City  
8 resident. He noted that it is the responsibility of the audit to review the financial statements to  
9 determine if they are accurate. He explained that not all transactions are looked at, but an effort  
10 was made to test different scopes and make sure that big things were done correctly. Mr.  
11 Keddington reviewed three areas where improvements could be made (recording of invoices  
12 associated with the Renaissance Center in May and June; small amounts of receivables and  
13 revenues not represented on the financial statements (specifically, receivables at the cemetery and  
14 the associated billing procedure) and a need to implement a control between the person who sends  
15 bills and receives money at the cemetery. The audit was given a clean opinion.

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17 Mr. Keddington praised the City for their financial prudence and recordkeeping and  
18 thanked the staff for the opportunity to work with them. The Mayor encouraged the Council to  
19 read and review the Audit Report, following which Councilman Higginson made a motion to  
20 approve the audit. Councilman Moss seconded the motion and voting was unanimous.  
21 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

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23 **BEER LICENSE APPROVED FOR ANDY’S MILK DEPOT -**  
24 **NEW MANAGEMENT**

25 Mr. Mahan reviewed that Andy’s Milk Depot has had a beer license in the past. However,  
26 inasmuch as the business now has new management, there is a requirement for the beer license to  
27 be approved for that new owner. Based on a recommendation from staff, Councilman Moss made  
28 a motion to approve the beer license for Andy’s Milk Depot. Councilman Higginson seconded the  
29 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted  
30 “aye”.

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32 **COUNCIL COMMITTEE REPORTS**

33 Councilman Tolman reported on the National League of Cities and Towns convention,  
34 stating that Bountiful had a “fantastic booth” and that he heard a lot of good comments regarding  
35 the Bountiful presentation. The pins which were used will be re-done and candy that was not used  
36 will be sold at the Wortley’s business and the proceeds will go back into the Downtown Merchants  
37 funds.

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39 The meeting adjourned at 9:15 p.m. on a motion made by Councilman Moss and seconded  
40 by Councilman Pitt. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

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44 JOE L. JOHNSON, Mayor

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47 KIM J. COLEMAN, City Recorder

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