

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
September 28, 2004**

6 Present: Mayor: Joe L. Johnson  
7 Council Members: Richard Higginson, Barbara Holt, R. Fred Moss,  
8 John S. Pitt and Thomas Tolman  
9 City Manager: Tom Hardy  
10 City Attorney: Russell Mahan  
11 City Prosecutor: J. C. Ynchausti  
12 City Engineer: Paul Rowland  
13 City Recorder: Kim J. Coleman  
14 Planning/RDA Director: Aric Jensen  
15 Department Representatives: Clifford Michaelis, Power  
16 Terry Thompson, Streets/Sanitation  
17 Blaine Porter, Fire  
18 Recording Secretary: Nancy T. Lawrence

20 Official Notice of this meeting had been given by posting a written notice of same and an  
21 Agenda at the City Hall and providing copies to the following newspapers of general circulation:  
22 Davis County Clipper, Deseret News, and Salt Lake Tribune.  
23

24 Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in  
25 attendance. Mr. Porter led the Pledge of Allegiance to the flag, following which Mr. Coleman  
26 offered the prayer/thought.  
27

28 **MINUTES APPROVED FOR SEPTEMBER 14, 2004**

29 Minutes of the City Council meeting held September 14, 2004 were presented and  
30 approved as written on a motion made and seconded by Councilpersons Higginson and Holt,  
31 respectively. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
32

33 **WEEKLY EXPENDITURES APPROVED FOR TWO PERIODS**

34 Mayor Johnson presented the Weekly Expenditure and Expense Report for the Period  
35 September 2-15, 2004 (\$1,010,676.96) and the Summary for August in the amount of  
36 \$4,537,962.94. The staff responded to questions from the Council, following which Councilman  
37 Tolman motioned for approval. Councilman Higginson seconded the motion and voting was  
38 unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
39

40 **PURCHASE OF GARBAGE TRUCK APPROVED**

41 Mr. Thompson explained that this year's budget includes \$40,000 to replace the 1988  
42 rear-loading garbage truck that is used for special pickups. Staff has not been able to find the  
43 truck they want (within budget) in the local area. RDK Truck Sales (in Florida), specializes in  
44 used garbage trucks and has a used 1995 Crain Carrier model priced at \$34,900, plus shipping  
45 (\$38,980 total cost). It is the recommendation of staff to purchase this truck. Following  
46 discussion, Councilman Tolman motioned to approve the purchase of the garbage truck, as

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

3  
4 **APPROVAL GIVEN TO POWER DEPARTMENT TO**  
5 **PURCHASE 750 MCM URD WIRE**

6 Mr. Michaelis reported that bids were opened on September 20, 2004 to purchase 20,000  
7 feet of 750 MCM URD wire. The wire will be used for budgeted projects (14,000 feet) and to  
8 replace inventory (6,000 feet). Three companies responded to the invitation to bid and it is  
9 recommended that the low bid from Western States Electric be approved at \$4.15 per ft, for a  
10 total of \$83,000. Councilman Moss motioned to award the bid to Western States Electric as  
11 recommended. Councilman Higginson seconded the motion and voting was unanimous.  
12 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

13  
14 **PLAY SPACE DESIGNS AWARDED BID FOR**  
15 **PLAYGROUND EQUIPMENT AT FIREFIGHTERS PARK**

16 Mark Franc reviewed that he and Jerry Wilson (Parks Department) have worked closely  
17 to determine which playground equipment would be the best for the new Firefighters Park.  
18 Several companies were considered and the two that were determined the best were asked to  
19 provide proposals. It is the recommendation of staff to award the contract to Play Space Designs  
20 (distributor for “Little Tikes” playground equipment). Inasmuch as this proposal is over budget  
21 by \$5,844, Play Space Designs indicated that by eliminating one of the three slides from their  
22 design, the proposal would be within the budgeted amount. This option was discussed, but it  
23 was felt that as part of an overall \$3.2 million project, the amount over budget was not  
24 significant when compared with the value of the slide for children’s play. Councilman Pitt made  
25 a motion to accept the proposal from Play Space Designs in the amount of \$45,844.00.  
26 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons  
27 Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

28  
29 **PRESENTATION BY SOUTH DAVIS SOCCER ASSOCIATION**

30 Richard Messenger, representing the South Davis Soccer Association, reviewed that one  
31 of the top soccer tournaments in the state for the past twenty years has been the Mayor’s Cup. In  
32 recognition of the support that has come to soccer through municipal government, Mr.  
33 Messenger presented each councilperson and the mayor with a shirt and a pin. Mr. Messenger  
34 reviewed the South Davis Soccer program, which starts with “Tiny Tots” and continues upward  
35 through competitive programs. There is also a league for special needs youth. Of the 4,600  
36 competition soccer players in the State, 2,000 live in Bountiful, a city well-known for its support  
37 of soccer.

38  
39 Mr. Messenger explained that there is an effort on the part of the soccer association to  
40 encourage cities to preserve green space which can be used for recreational purposes (soccer  
41 included) and he said that a major project in Salt Lake could use financial help. The mayor  
42 asked if soccer and football organizations are working together and he suggested that Neal  
43 Jenkins, Mike Nelson (representing football), Mr. Messenger and himself meet to discuss the  
44 common

1 needs of these two sports. Mr. Messenger indicated that he would contact the other individuals  
2 and set up a meeting.

3  
4 **RELEASE OF EASEMENT APPROVED AT**  
5 **657 SOUTH WOODLAND HILLS DR. - TAMMY MEYERS**

6 Mr. Rowland reported that Tammy Meyers has requested a release of easement for a 20-  
7 foot wide storm drain easement which bisects the west side of her lot. A new easement has  
8 already been recorded and a pipe no longer used has been moved. This action is only to release  
9 the old easement and is recommended by staff. Councilman Moss motioned to release the  
10 easement on the Meyer property, as recommended. Councilman Higginson seconded the motion  
11 and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted  
12 “aye”.

13  
14 **2004 CONCRETE CONTRACT REVISED TO**  
15 **REFLECT PRICE INCREASE**

16 Mr. Rowland explained that in June the Council approved JMR Construction’s bid for  
17 miscellaneous concrete work in the City. This summer has seen the most significant material  
18 price increases witnessed in recent years, particularly with concrete and steel. John Eggett of  
19 JMR Construction has requested a three percent increase in contract prices to help cover these  
20 additional costs. The staff has considered this request and is recommending that two percent is a  
21 more reasonable number and should only apply to those bid items which include construction of  
22 new concrete improvements. Following a short discussion, Councilwoman Holt made a motion  
23 to revise the concrete replacement contract to reflect the two percent increase in prices for  
24 materials for concrete construction. Councilman Tolman seconded this motion which carried  
25 unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

26  
27 **PRELIMINARY AND FINAL APPROVAL GIVEN**  
28 **FOR AMENDED SITE PLAN FOR NAPA AUTO PARTS**

29 Mr. Jensen reviewed that Jack Yoho, owner, is proposing to construct an additional  
30 building on an existing site that currently contains a NAPA Auto Parts store and several storage  
31 buildings. As soon as construction is completed, NAPA will relocate to the new building and the  
32 existing building will be leased out. Inasmuch as this is a significant modification to the existing  
33 site plan, the entire site will need to be brought into compliance for landscaping and parking.  
34 The staff and Power Commission have reviewed this request and recommend approval subject to  
35 the following conditions:

- 36 1. All accesses be approved by UDOT and the Bountiful City Engineer in  
37 writing.
- 38 2. A revised landscaping plan be provided with the requisite plantings.
- 39 3. A “combined lot” be created by combining the disparate parcels under one  
40 deed.
- 41 4. On-site detention be provided and/or increased storm drain fees be paid if  
42 found necessary by staff.
- 43 5. Any required bonds be posted and/or requisite fees be paid.

44  
45 Mr. Yoho was in attendance and said that he had no problem with the Planning

1 Commission request on landscaping and he explained that under the new contract with NAPA,  
2 he will be in charge of maintenance of the landscaping. He expressed concern about the storm  
3 drain fee, with the thought that he had paid this fee when the original site was developed. Mr.  
4 Rowland assured him that this could be researched and the City would not double charge for  
5 impact fees on the storm drain. Councilwoman Holt made a motion to grant preliminary and  
6 final amended site plan approval, as presented and recommended. Councilman Higginson  
7 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt  
8 and Tolman voted “aye”. Councilwoman Holt requested that either Mr. Rowland or Mr. Jensen  
9 report back to the Council on negotiations with UDOT regarding the driveway access. Mr.  
10 Rowland indicated that he will assist in this negotiation process.

11  
12 **ORDINANCE NO. 2004-16 ADOPTED RE: DOOR**  
13 **TO DOOR SOLICITATION LICENSING PROVISIONS**

14 Mr. Mahan explained that several cities are working together to develop a uniform  
15 ordinance on business licensing. In the interim, they recommend that we repeal sections in the  
16 current ordinance related to door-to-door solicitation. The Council expressed concern that the  
17 City would be vulnerable to problems with door-to-door selling and Mr. Mahan indicated that it  
18 is hoped that the new ordinance will be ready soon. Following a brief discussion, Councilman  
19 Higginson made a motion to approve Ord. No. 2004-16 entitled AN ORDINANCE REPEALING  
20 CERTAIN BUSINESS LICENSING PROVISIONS CONCERNING DOOR-TO-DOOR SOLICITATION.  
21 Councilwoman Holt seconded the motion. Voting was unanimous with Councilpersons  
22 Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

23  
24 **ORD. NO. 2004-17 RE: MINIATURE MOTORCYCLES**  
25 **ADOPTED**

26 Mr. Ynchausti reviewed that the proposed ordinance deals with two primary “scooter”  
27 issues. One is the stand-up motorized scooter, which is called a “motor assisted scooter” and is  
28 governed by Section 41-6-90.5 of the Utah State Code. The other item is the small motorized  
29 “pocket bike” which would be subject to the ordinance being proposed. The ordinance defines  
30 “low profile motorized vehicles” (including pocketbikes) and provides that it would be unlawful  
31 for any person to operate them on any street, sidewalk or other public property within the City  
32 limits.

33  
34 Discussion focused on regulation of riding motorized scooters and on the proposed  
35 ordinance. Mr. Ynchausti explained that the proposed ordinance is designed to serve the  
36 citizenry in a less truncated manner than is presently in place and he recommended that it be  
37 approved. It was noted that the pocket bikes do not have the safety features present on legally  
38 operated motorized vehicles, i.e., brake lights, turn signals, head lights, etc. Councilman Moss  
39 motioned to adopt Ordinance No. 2004-17 entitled, AN ORDINANCE PROHIBITING “POCKET” OR  
40 MINIATURE MOTORCYCLES OR OTHER LOW PROFILE MOTORIZED VEHICLES FROM BEING OPERATED  
41 ON STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY.” Councilwoman Holt seconded the  
42 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman  
43 voted “aye”.

44  
45 **ARNELL HEAPS RE-APPOINTED TO SOUTH DAVIS SEWER**

1 **DISTRICT BOARD OF TRUSTEES**

2 Mayor Johnson reviewed that Arnell Heaps has served as Bountiful City's representative  
3 on the South Davis Sewer District Board for the past several years and his term of office will  
4 expire the first of January, 2005. Dal Wayment, CEO for South Davis Sewer, indicated that Mr.  
5 Heaps has done an outstanding job in this assignment and he gives full support to re-appointing  
6 Mr. Heaps to this position. Mr. Heaps is willing to serve another term and it is recommended  
7 that he be re-appointed. Councilman Pitt made a motion to this effect, Councilman Higginson  
8 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt  
9 and Tolman voted "aye".

10  
11 **COUNCIL COMMITTEE REPORTS**

12 Mr. Jensen gave each council member a handout featuring design standards for the City,  
13 compiled from standards used by Salt Lake City, West Valley City, West Jordan, and Sandy.  
14 He said that the handout includes time-tested standards that have been used in the neighboring  
15 cities and which could be modeled in Bountiful.

16  
17 Mr. Hardy noted that Mark Franc recently represented the City to receive an award for  
18 the work which has been done at "Bountiful Lake" and he asked Mr. Franc for a brief report.  
19 Mr. Franc stated that it was an honor to represent the City and join Andrew Cushing (State  
20 Department of Wildlife Resources) to receive this award, which was presented by Gale Norton,  
21 Secretary of Interior. It was one of two projects across the nation that was recognized. Mr.  
22 Franc credited the valiant volunteer efforts of the many citizens who helped with this project.  
23 Bountiful was nominated for the award by the "Take Pride in Utah" organization.

24  
25 Councilman Tolman reported that he prepared a proposal to participate with the National  
26 League of Cities and Towns in an exhibit at the national convention the latter part of November  
27 and was accepted. Bountiful will have a 10' x 10' space to display information about the city.  
28 Promotional materials will include a small kiosk, pictures, a brochure etc., which give the history  
29 of the city, as well as present-day events and life-style. It is hoped that a trading pin can be  
30 available as well as Mindy Mint truffles from Cavanaugh's. The booth will also be on the NLC  
31 web site. He requested that the Council approve an expenditure of \$4,500 from the Council  
32 Contingency fund to assist with the costs of making the pins. This event is being co-sponsored  
33 by the Downtown Merchants Association. Following discussion, Councilwoman Holt made a  
34 motion to approve the \$4,500 expenditure as requested. Councilman Higginson seconded the  
35 motion and requested that Councilman Tolman check on the quantity price breaks for the pins,  
36 with the possibility that a larger order would give a better price. Voting on the motion was  
37 unanimous with Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting "aye".  
38

39 Councilman Pitt announced that Channel 17, the public cable channel sponsored by  
40 Davis County Chamber of Commerce, will start broadcasting in October. This will be an  
41 excellent resource for promoting city events. Mayor Johnson noted that the ribbon cutting  
42 ceremony will be held October 1<sup>st</sup> at 10:30 a.m. at the Davis Applied Technical College.  
43

44 Blaine Porter said that the Fire Department Open House will be held next Monday night  
45 from 7 - 10:00 p.m. and he invited everyone to come and tour the new building. This is held in

1 conjunction with Fire Prevention Week.  
2  
3

4 **EXECUTIVE SESSION SCHEDULED**

5 At 8:47 p.m., Councilman Higginson made a motion to adjourn to executive session for  
6 the purpose of discussing pending litigation. Councilman Moss seconded the motion which  
7 carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.  
8

9 **Attendance at Executive Session**

10 Mayor Johnson  
11 Councilpersons Higginson, Holt, Moss, Pitt and Tolman  
12 Mr. Hardy  
13 Mr. Mahan  
14 Mr. Rowland  
15  
16  
17  
18

19 JOE L. JOHNSON, Mayor  
20  
21  
22  
23

24 KIM J. COLEMAN, City Recorder  
25

26 \* \* \* \* \*  
27  
28  
29  
30  
31  
32  
33  
34