

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 May 11, 2004 - 7:00 p.m.
5

6 Present: Mayor Pro Tempore: Barbara Holt
7 Council Members: Richard Higginson, R. Fred Moss, John S.
8 Pitt, and Thomas Tolman
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Paul Rowland
12 Admin. Services Director: Galen Rasmussen
13 City Recorder: Kim J. Coleman
14 Planning Director: Aric Jensen
15 Department Representatives: Clifford Michaelis, Power
16 George Sumner, Fire
17 David Wilding, Water and Sewer
18 Recording Secretary: Nancy T. Lawrence
19
20 Excused: Mayor: Joe L. Johnson
21

22 Official Notice of this meeting had been given by posting a written notice of same and an
23 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
24 Davis County Clipper, Deseret News, and Salt Lake Tribune.
25

26 Mayor ProTem Holt called the meeting to order at 7:00 p.m. and welcomed those in
27 attendance. She thanked those who participated in the Swearing-In ceremony of the Youth City
28 Council prior to this meeting and commented on the wonderful job that the Youth Council does on
29 behalf of the City. Richard Higginson, Jr., led the pledge of allegiance to the flag, following
30 which Councilman Tolman offered the prayer/thought.
31

32 **MINUTES OF APRIL 13, 2004 AND APRIL 21, 2004 APPROVED**

33 Minutes of the regular meeting of the City Council held April 13, 2004 were presented and
34 unanimously approved as written on a motion made by Councilman Moss and seconded by
35 Councilman Tolman . Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt,
36 and Tolman voting "Aye". Minutes of the regular meeting of the City Council held April 21, 2004
37 were then presented and unanimously approved as written on a motion made by Councilman
38 Higginson and seconded by Councilman Moss. Councilpersons Higginson, Holt, Moss, Pitt and
39 Tolman voted "Aye".
40

41 **WEEKLY EXPENDITURES APPROVED FOR**
42 **THREE APRIL 2004 PERIODS**

43 Mayor ProTem Holt presented the Weekly Expenditure and Expense Report for the
44 following periods: April 15-21, 2004 (\$193,965.72), April 22-28, 2004 (\$1,119,639.96), and the
45 Summary for the month of April totaling \$3,688,852.83. The staff responded to several questions,
46 following which Councilman Moss motioned to approve the reports as presented. Councilman
47 Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Moss,
48 Pitt, and Tolman voted "aye".
49

50
51 **KIM COLEMAN RECOGNIZED AS "RECORDER"**

1 **OF THE YEAR” - UTAH MUNICIPAL CLERKS ASSOCIATION**

2 Dana Pollard, representing the Utah Municipal Clerk’s Association, was in attendance to
3 recognize Kim Coleman as the “Recorder of the Year”. Mr. Coleman was selected for this honor
4 after being nominated by City Manager, Tom Hardy. Ms. Pollard read the letter of nomination
5 which briefly outlined the duties which Mr. Coleman performs on behalf of the City and, in
6 addition, praised him for being an outstanding individual whose integrity and work ethic is “of the
7 highest caliber”. Ms. Pollard presented Mr. Coleman with a plaque in recognition of this honor,
8 following which each of the Council expressed their appreciation for his efforts on behalf of the
9 City, as well as for his personable and helpful demeanor and for going “above and beyond” in all
10 that he does.

11
12 **KIRK CLEVERLY RECOGNIZED ON RETIREMENT,**
13 **POWER DEPARTMENT**

14 Mayor ProTem Holt recognized Kirk Cleverly on his retirement from the Power
15 Department after 35 years of service. Mr. Michaelis reviewed that Mr. Cleverly spent most of his
16 time with the Power Department in the metering department, serving as the metering supervisor
17 for the past twenty years. Mr. Cleverly was instrumental in establishing the metering
18 apprenticeship program and was instrumental in bringing the ITRON metering system into the
19 City. Mr. Michaelis noted that although Mr. Cleverly was short in stature, “there was not a taller
20 man in work ethic”, being the first to arrive and the last to leave and could always be counted on.
21 He expressed appreciation for Mr. Cleverly’s friendship and noted that he always looked out for
22 those persons who he supervised. Mr. Hardy expressed appreciation for Mr. Cleverly and
23 presented him with a gift certificate on behalf of the City, wishing him well on his retirement.
24 Mayor ProTem Holt also expressed appreciation to Kirk and wished him and his family well as he
25 retires.

26
27 **PURCHASE OF MODULAR FURNITURE APPROVED**
28 **FOR NEW FIRE STATION NO. 1**

29 Chief Sumner reported on the progress of construction of the new Fire Station No. 1 and
30 requested approval to purchase modular furniture (built in to the offices). He said that bids were
31 requested from four vendors and it is the recommendation of staff and the architect to approve the
32 lowest responsive bid from Henriksen/Butler in the total amount of \$38,604.21 (six open work
33 stations, and a reception area for three offices). This company provided modular furniture for City
34 Hall and for the Police Department also. He said that \$72,000 has been appropriated for office
35 furnishings and this will be a good portion of that allocation. Following a short discussion,
36 Councilman Pitt made a motion to approve the purchase of the office furnishings, as presented, in
37 the amount of \$38,604.21. Councilman Tolman seconded the motion and voting was unanimous
38 with Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

39
40 **PRESENTATION BY UTA - UPDATE ON COMMUTER RAIL PROJECT**

41 Liz Yuresiles, Kyle Keahey, and Li Boccia (representatives from Parsons Transportation
42 Group) and Brandon Bott (UTA) were in attendance to make a presentation on the status of the
43 commuter rail project. Ms. Yuresiles said that the commuter rail is designed to connect Payson
44 and Brigham City, with the first phase being a 44-mile stretch between Weber County and Salt
45 Lake City, including nine stations. The first major milestone which has been accomplished is draft
46 of the Environmental Impact Statement, completed in 16 months compared with a normal time of
47 18 - 24 months. A web site has been established (www.rideuta.com) which will be helpful in

1 responding to public comments. The preliminary design work is in progress now and it is hoped
2 that the funding agreement will be in place by Winter of 2004-05, allowing for continuance of the
3 final design. Initial ridership is estimated at 12,000.

4
5 **RESOLUTION ADOPTED RE: BOUNTIFUL FORT**
6 **HISTORIC DISTRICT**

7 Darwin Anderson, Chairman of the Bountiful Historical Commission, was in attendance
8 and reviewed the proposed Resolution which would establish the Bountiful Fort Historic District
9 (the area known as Plat A – 400 North to 500 South and 200 West to 400 East). Following
10 establishment of this District, the Commission will move on to other plans, including opening
11 activities for the museum on May 15, 2004.

12
13 Councilman Moss asked if adoption of this resolution would bear any significance on
14 historical buildings and influence property rights in any way. Mr. Mahan explained that this
15 resolution would not affect property rights; however, the Council could be made aware of
16 significant circumstances and be able to consider options if preservation were desired.
17 Councilman Higginson motioned to adopt Resolution No. 2004-05 as presented. Councilman
18 Tolman seconded the motion and voting was unanimous with Councilpersons Higginson, Holt,
19 Moss, Pitt and Tolman voting “Aye”.

20
21 **ORD. NO. 2004-07 ADOPTED RE: TELECOMMUNICATIONS TAX**

22 Mr. Hardy reviewed that in the past US West had a monopoly on telecommunications in
23 our community and a 6 percent franchise tax was included in customer billings to be paid to the
24 City. Inasmuch as there are now nine companies providing telecommunication services in our
25 community (wireless and wired) an ordinance has been established which will provide for a
26 municipal telecommunications license tax up to four percent of gross receipts of all
27 telecommunications service providers. Based on a review by the Utah League of Cities and
28 Towns, it is the recommendation of staff to adopt Ordinance No. 2004-07 entitled AN
29 ORDINANCE ESTABLISHING A FOUR PER CENT TAX ON THE GROSS RECEIPTS OF
30 TELECOMMUNICATIONS SERVICE PROVIDERS EFFECTIVE JULY 1, 2004. Councilman
31 Tolman made a motion to this effect, Councilman Higginson seconded the motion and voting was
32 unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “Aye”.

33
34 **INTERLOCAL AGREEMENT WITH UTAH STATE TAX**
35 **COMMISSION APPROVED - TELECOMMUNICATIONS TAX**

36 Having adopted the ordinance which established the four percent tax on the gross receipts
37 of telecommunications service providers, Mr. Mahan explained that cities who wish to impose this
38 tax must also sign an interlocal agreement with the Utah State Tax Commission for the purpose of
39 ensuring “that the Municipal Telecommunications License Tax is appropriately imposed and
40 collected”. Councilman Pitt motioned to approve said agreement, Councilman Tolman seconded
41 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman
42 voted “Aye”.

43
44 **CONTRACT TO BUILD SAND STORAGE BUILDING**
45 **APPROVED - THOMAS LUND CONSTRUCTION**

46 Mr. Franc reviewed that there is a need to protect the sand which is stored at the golf
47 course and it is proposed that a two-bay garage be constructed. Proposals were sent to ten

1 contractors and two formal bids were received (varying from \$14,520 to \$37,899). Inasmuch as
2 there was such a big price variation, additional quotations were solicited and it was determined
3 that there have been volatile conditions on the construction industry. Upon the recommendation of
4 staff, Councilman Pitt motioned that the bid for the sand storage shed be awarded to Thomas Lund
5 Construction (low bidder) in the amount of \$14,520.00, with a *not to exceed* figure of \$18,000, the
6 amount budgeted. Councilman Tolman seconded the motion which carried unanimously.
7 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "Aye".

8
9 **APPROVAL GRANTED FOR CONSTRUCTION OF**
10 **MILL STREET STORM DRAIN - 200 E TO MILL CREEK**

11 Mr. Rowland reported that bids were received from five contractors for the installation of a
12 450-ft. long, 15-inch diameter storm drain from the corner at the bottom of Mill Street through the
13 church parking lot to Mill Creek. The low bid came in slightly lower than budget and it is the staff
14 recommendation to accept that bid from Wolff Excavating in the amount of \$32,947.00, using the
15 unit prices in their proposal. Councilman Moss motioned to approve this bid as recommended,
16 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
17 Higginson, Holt, Moss, Pitt and Tolman voted "Aye".

18
19 **BID AWARDED FOR 3100 SO ORCHARD DRIVE TRAFFIC**
20 **SIGNAL RECONSTRUCTION AND LEFT-TURN LIGHTS**
21 **AT 500 SO 400 EAST**

22 Mr. Rowland reported that bids were opened on May 4th for the replacement of the traffic
23 signal at 3100 South and Orchard Drive and the installation of left turn lights on east and west
24 bound 500 South at 400 East. Also included in the bid package is the installation of signal heads
25 to facilitate left turn movements at 500 South east and west bound at 400 East. It is the
26 recommendation of staff to accept the bid from Gilbert and Sons, Inc. for the above work in the
27 amount of \$58,485.00, using the unit prices proposed. Councilman Higginson motioned to award
28 the bid to Gilbert and Sons, Inc. as recommended. Councilman Tolman seconded the motion and
29 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "Aye".

30
31 **BID AWARDED TO DWIGHT PETERSON & SONS**
32 **EXCAVATING FOR WATER LINE RECONSTRUCTION**

33 Mr. Rowland reported that bids were opened for the installation of water mains and service
34 laterals at various locations throughout the city, including four replacement projects that are part of
35 the street capital program. He reviewed the projects and their locations and noted that there will
36 also be individual developments that will need water line construction. Four contractors submitted
37 bids and it is the recommendation of staff to accept the low bid from Dwight Peterson and Sons
38 Excavating in the amount of \$385,741.65, using the unit prices. Councilman Tolman motioned to
39 accept this bid, Councilman Pitt seconded the motion and voting was unanimous. Councilpersons
40 Higginson, Holt, Moss, Pitt and Tolman voted "Aye".

41
42 **PRELIMINARY AND FINAL SITE PLAN GRANTED TO**
43 **LDS CHURCH BUILDING - 3300 SO 800 WEST**

44 Mr. Rowland presented the site plan for the proposed LDS warehouse at approximately
45 3300 South 800 West. He reviewed concerns which have been resolved regarding access, utility
46 installation and landscaping. A fourth concern, the requirement of 40 percent non-impervious
47 surface, has not been resolved. If the 40 percent requirement is met, there will not be enough

1 parking to accommodate a building with overlapping congregation schedules. It is the
2 recommendation of staff that the 40 percent non-impervious surface requirement be changed for
3 institutional uses (churches, public buildings, private schools, etc.). He said that while this change
4 is being considered, the applicant would like to move forward with a site plan meeting current
5 standards, which could be amended to include additional parking if the proposed ordinance
6 succeeds.

7
8 It is the recommendation of staff that the City grant preliminary and final site plan approval
9 for the proposed warehouse at 3300 South 800 West, with the following conditions:

- 10
11 1) Any outstanding engineering and/or site plan issues be corrected to staff's
12 satisfaction.
13 2) Any outstanding fees be paid.
14

15 Councilman Higginson motioned to grant preliminary and final site plan approval, as
16 recommended. Councilman Moss seconded the motion which carried unanimously.
17 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "Aye".
18

19 **BEER LICENSE APPROVED FOR SMITH'S MARKETPLACE**

20 Mr. Jensen reported that the Fred Meyer store has been in the process of switching to
21 Smith's Market Place for the past few months and part of the process requires that they resubmit
22 for a license to sell beer. Based on the fact that the Fred Meyer store has successfully held a
23 license for several years and both entities are owned by the same parent company, it is the
24 recommendation of staff that the application for a license to sell beer for the Smith's Market Place
25 (555 South 200 West) be approved. Councilman Tolman made a motion to this effect,
26 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
27 Higginson, Holt, Moss, Pitt and Tolman voted "Aye".
28

29 **TENTATIVE 2004-05 BUDGET ADOPTED**

30 Mr. Hardy presented the Tentative Budget for the City of Bountiful for the fiscal year July
31 1, 2004 to June 30, 2005. The budget is down 10 percent from last, totaling \$48,424,745.00 prior
32 to intra-City revenue and transfers, with a net budget of \$43,447,233.00. He reviewed major
33 factors which have affected the budget, with power costs being a significant factor. He noted that
34 changes in the water budget reflect an increase in pumping costs (again tied to Power). The
35 budget includes a two percent COLA for permanent employees. An increase in employee medical
36 insurance will be split between the City and the employee. He noted that the budget has been
37 thoroughly reviewed in each budget sub-committee and asked if there were any questions. It was
38 noted that the budget will be discussed again in the May 25th meeting and presented for adoption
39 following a public hearing on June 8, 2004.
40

41 Mayor ProTem Holt expressed appreciation to Mr. Hardy, the financial staff, and the
42 department heads for putting this budget together and for taking the time to assist the Council in
43 reviewing it. Councilman Pitt made a motion to adopt the Tentative 2004-05 budget as presented.
44 Councilman Moss seconded the motion and voting was unanimous with Councilpersons
45 Higginson, Holt, Moss, Pitt and Tolman voting "Aye".
46

47 **PUBLIC HEARING SET TO RE-OPEN 2003-04 BUDGET**

1 As per ordinance requirement, Councilman Moss made a motion to Re-Open the 2003-04
2 Budget for the purpose of making transfers on June 8, 2004 at 7:15 p.m. Councilman Higginson
3 seconded the motion which carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt and
4 Tolman voted "Aye".

5
6 **PUBLIC HEARING SET TO ADOPT 2004-05 BUDGET**

7 Councilman Higginson made a motion to set a public hearing date of June 8, 2004 at 7:45
8 p.m. to consider adoption of the 2004-05 Budget. Councilman Pitt seconded the motion and
9 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "Aye".

10
11
12 **COUNCIL COMMITTEE REPORTS**

13 Councilman Tolman reminded the Council of the ribbon cutting ceremony on Saturday at
14 9:00 a.m. for the Historical Committee's temporary building.

15
16 **EXECUTIVE SESSION SCHEDULED**

17 At the request of the Mayor ProTem, Councilman Higginson made a motion to adjourn
18 from the open meeting at 8:55 p.m. and to reconvene in executive session for the purpose of
19 discussing pending litigation and the acquisition of real property. Councilman Tolman seconded
20 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman
21 voted "Aye".

22
23 **Attendance at Executive Session:**

- 24 Mayor ProTem Holt
- 25 Councilpersons Higginson, Moss, Pitt and Tolman
- 26 Mr. Hardy
- 27 Mr. Mahan
- 28 Mr. Rowland

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32
33 BARBARA HOLT, Mayor Pro Tempore

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36
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38 KIM J. COLEMAN, City Recorder

39 * * * * *