

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

# Minutes of the Bountiful City Council Meeting City Council Chambers November 8, 2005 - 7:00 p.m.

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

Present:	Mayor:	Joe L. Johnson
	Council Members:	Richard Higginson, Barbara Holt, R. Fred Moss and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim J. Coleman
	Admin. Services Dir.:	Galen Rasmussen
	Planning/RDA Dir:	Aric Jensen
	Department Rep:	Clifford Michaelis, Power
	Recording Secretary:	Nancy T. Lawrence
Excused:	Councilman:	John Pitt

45  
46  
47  
48  
49  
50

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., following which Anthony Mills, visiting Boy Scout, led the pledge of allegiance to the flag. Councilman Higginson offered the prayer/thought.

### **MINUTES OF TWO MEETINGS APPROVED**

Minutes of the regular City Council meetings held September 27, 2005 and October 11, 2005 were presented and unanimously approved as written on a motion made by Councilman Higginson and seconded by Councilwoman Holt. Voting was unanimous with Councilmembers Higginson, Holt, Moss and Tolman voting "aye".

### **EXPENDITURES AND EXPENSES APPROVED PERIOD OCTOBER 6 - NOVEMBER 2, 2005 AND THE SUMMARY OF SEPTEMBER, 2005**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the period October 6, 2005 - November 2, 2005 in the amount of \$2,230,145.71, and the Summary of Expenditures for September, 2005 totaling \$4,072,226.24. The staff responded to questions following which Councilman Moss motioned to approve the expenditures and Councilman Higginson seconded the motion. Voting was unanimous with Councilmembers Higginson, Holt, Moss and Tolman voting "aye".

### **PURCHASE OF POWER DEPARTMENT SERVICE TRUCK APPROVED**

Mr. Michaelis reported that the Power Department included in this year's budget a replacement truck for a 1992 GMC service truck. Bids were received from four vendors and it is the recommendation of staff and the Power Commission that approval be given to purchase a 2006 Chevrolet from Young Automotive at the State bid price of \$27,856.29 (low bid). The budgeted

1 amount was \$48,000, which also includes a service body. It is anticipated that the complete unit  
2 will come in at \$40,000. Councilman Moss made a motion to approve the truck purchase as  
3 presented. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons  
4 Higginson, Holt, Moss and Tolman voted “aye”.

5  
6 **AUDIT REPORT FOR 2004-05 BUDGET YEAR APPROVED**

7 Gary Keddington, representing Jensen and Keddington, P.C., presented the Comprehensive  
8 Annual Financial Report for the Fiscal Year Ended June 30, 2005. He explained that the audit did  
9 not include a complete review of all financial transactions, but was comprised of many samples  
10 and tests which checked whether or not the City was in compliance with State laws and regulations  
11 governing financial matters. Internal controls were also checked to determine their effectiveness  
12 related to cash disbursements, receipts and payroll, etc. He noted that as a firm, they are expected  
13 to audit correctly and are periodically checked by other professionals.

14  
15 Mr. Keddington referred to the “Management’s Discussion and Analysis” section of the  
16 audit report, pages 3 - 12, and recommended that the Council review this section to become more  
17 familiar with differences between this year’s and last year’s financial activities. The audit report,  
18 also included the financial statements, supplemental notes and a statistical section. Mr.  
19 Keddington praised the City staff for their efficiency and expressed appreciation for their  
20 cooperation in providing the information required for the audit. He noted that there was one small  
21 area of non-compliance, where a sample test revealed that a purchase of gasoline costing more  
22 than \$10,000 was made without prior Council approval – a violation of the City purchasing policy.  
23 He recommended that management consider amending City policy. Mr. Keddington indicated that  
24 the City is in very good shape, noting particularly that most cities have much more debt and less  
25 reserves.

26  
27 Mayor Johnson thanked Mr. Keddington and his firm for their services and complimented  
28 the staff for the records which were provided for the audit. Councilwoman Holt made a motion to  
29 accept the Audit Report as presented. Councilman Tolman seconded the motion and voting was  
30 unanimous.

31  
32 **PRESENTATION BY VALERIE MILLS RE: ORDINANCE**  
33 **NO. 2005-13, RELATED TO BEER LICENSE VARIANCE LAWS**

34 Mayor Johnson welcomed Valerie Mills who gave a presentation to the Council regarding  
35 amended beer license variance laws. Ms. Mills stated that she felt laws currently in place are not  
36 strict enough to prohibit or deter anyone with alcohol problems from causing possible injury or  
37 death to themselves or to others and the thrust of her presentation was to not relax current laws,  
38 but, if changes were to be made, that the laws be more restrictive.

39  
40 Ms. Mills quoted many reliable resources regarding the negative affects of alcohol and  
41 drugs and specifically focused on the fact that studies have shown that even one beer impairs an  
42 individual to a certain extent. She requested that the Council re-consider any decisions which  
43 would permit alcohol to be sold for consumption in the vicinity of the library where young people  
44 regularly use a crosswalk in mid-afternoon, with consideration of potential traffic accidents. She  
45 also noted that “family” restaurants should be discouraged from selling alcoholic beverages  
46 because the adult who is drinking alcohol is a negative role model for children and youth. She  
47 pointed out that this contradicts the message which local PTA’s are attempting to share with youth,

1 that drugs and alcohol are harmful and should be avoided. She requested that the Council rescind  
2 the action which was taken in the last meeting when an amendment provided that variances could  
3 be sought regarding issuance of beer licenses.  
4

5 Mayor Johnson thanked Ms. Mills for her presentation and noted that he and the Council  
6 share many of the same concerns. He said that her presentation would be taken under advisement  
7 and studied by the Council for possible action at a future meeting. Councilman Higginson pointed  
8 out that no variances have been granted to this time, but only that the ordinance was amended to  
9 provide an opportunity for an individual to ask for a variance.  
10

11 **ORD. NO. 2005-14 RE: MIXED-USE RESIDENTIAL**  
12 **ZONE AMENDMENT ADOPTED**

13 Mr. Jensen explained that the original zoning ordinance for Mixed Use Residential areas  
14 specifically prohibits fast-food restaurants, with the rationale that additional traffic be discouraged  
15 and in support of pedestrian uses. The proposed Village on Main Street (southwest corner of Main  
16 Street and Pages Lane) has been designed to accommodate a fast-food restaurant on the site and  
17 the developer is requesting that an Arctic Circle restaurant be placed on one of the pads. After a  
18 thorough review, the Planning Commission feels that this is an appropriate use at this site and,  
19 together with staff, sends a favorable recommendation for the Council to adopt Ordinance No.  
20 2005-14 entitled AN ORDINANCE AMENDING THE ORDINANCE NO. 2005-06 TO PERMIT CERTAIN  
21 USES IN THE MIXED-USE - RESIDENTIAL ZONE AT THE SOUTHWEST CORNER OF MAIN STREET AND  
22 PAGES LANE. Following discussion, the City Attorney provided an amended text for the proposed  
23 ordinance in Section 1 (“...underlining as it concerns fast food restaurants is repealed and that use  
24 is fully ...”) and Councilman Higginson motioned to adopt the ordinance, as revised.  
25 Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson,  
26 Holt, Moss and Tolman voted “aye”.  
27

28 **COUNCIL COMMITTEE REPORTS**

29 Councilman Tolman reported that the celebration at Stoker School was a great success with  
30 approximately 150 people attending. One of the highlights of the evening was the presence of  
31 former Governor Rampton (now 92 years old). A new publication, “The History of Stoker  
32 School” was also available for purchase.  
33

34 Councilman Tolman also noted that the chairman of the Historical Commission, Darwin  
35 Anderson, has been given an emeritus status due to health conditions. Dean Collinwood, who has  
36 served on the Commission for one year, will serve as the new chairman. As a matter of interest,  
37 Mr. Collinwood’s grandfather was the first custodian at Stoker School. Councilman Tolman  
38 thanked the Mayor and Council for their support.  
39

40 Councilman Higginson reported that the Community Service Council just completed a  
41 successful Emergency Preparedness training session with approximately 130 persons attending.  
42 All of the City will be trained after one more training session in January.  
43

44 Mayor Johnson said that Canyon Anderson (of the Community Service Council) was  
45 recently recognized as an outstanding volunteer by the United Neighbors Group.  
46  
47

1 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

2 The meeting adjourned to Executive Session (for the purpose of discussing pending  
3 litigation) at 8:14 p.m. This action was taken on a motion made and seconded by Councilmen  
4 Tolman and Higginson, respectively. Councilpersons Higginson, Holt, Moss and Tolman voted  
5 “Aye”.

6

7 **Attendance at Executive Session**

8 Mayor Johnson  
9 Councilpersons Higginson, Holt, Moss and Tolman  
10 Mr. Hardy  
11 Mr. Mahan

12

13

14

15

16

JOE L. JOHNSON, Mayor

17

18

19

20

21

KIM J. COLEMAN, City Recorder

22

23

\* \* \* \* \*