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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
December 13, 2005 - 7:00 p.m.**

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

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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.

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Mayor Johnson called the meeting to order at 7:00 p.m., following which Alex Archuletta, visiting Boy Scout from Troop 218, led the pledge of allegiance to the flag. Councilman Pitt offered the prayer/thought.

MINUTES OF TWO MEETINGS APPROVED

Minutes of the regular City Council meetings held November 8, 2005 and November 22, 2005 were presented and unanimously approved as written on a motion made by Councilman Tolman and seconded by Councilman Moss. Voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt 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 November 17, 2005 - November 30, 2005 in the amount of \$1,431,496.34, and the Summary of Expenditures for October, 2005 totaling \$4,099,296.14 and the Summary of Expenditures for November, 2005 totaling \$3,345,900.63. The staff responded to questions following which Councilman Pitt motioned to approve the expenditure reports as presented and Councilwoman Holt seconded the motion. Voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt and Tolman voting "aye".

(Note: There was a question on the Expenditure and Expense report for the Period December 1-7, 2005 and approval of this report will be delayed to the next regular meeting.)

RECOGNITION OF RETIRING POLICEMAN - ROGER GREEN

Mayor Johnson reported that Sgt. Roger Green, Bountiful policeman for the past 31 years, will be retiring. Chief Rapp reviewed Sgt. Green's career, noting that he has never met anyone who doesn't like him. And, it was acknowledged that in the field of law enforcement, with difficult circumstances to deal with, this is an exceptional credit to Sgt. Green. Mr. Hardy

1 expressed appreciation for Sgt. Green's outstanding service to the City, stating that he represents
2 well the virtues and qualities sought after in law enforcement. He presented him with a token of
3 appreciation on behalf of the City and wished him well in future endeavors.
4

5 Sgt. Green acknowledged his family (who were in attendance) and expressed appreciation
6 for their support during his law enforcement career. He reviewed the commitment which he made
7 to serve in Bountiful as his part in helping to maintain the kind of community he wanted for his
8 family and he extended appreciation for the professionals and citizens that he had the opportunity
9 to work with.
10

11 **PURCHASE OF DIGITAL VIDEO SYSTEM APPROVED**
12 **FOR POLICE VEHICLES**

13 Chief Rapp presented a request to the City Council to purchase the infrastructure to allow
14 policemen to begin moving away from the current VHS format in-car video recording equipment
15 and replace it with digital format. He explained that the new system will permit the officers to
16 better use the limited space within the vehicles, as well as being able to eliminate the VHS tapes
17 which require a lot of storage space and are very cumbersome and time consuming to edit and
18 research when particular information is needed. This purchase was included in the current year
19 budget. A proposal from McIntosh Communications (a Motorola subsidiary) in the amount of
20 \$34,500 is recommended for approval. This will include four fully equipped vehicles along with
21 the computer (network server) to allow the department to add an additional six vehicles on the
22 server. Councilman Higginson made a motion to approve the purchase, as presented.
23 Councilwoman Holt seconded the motion and voting was unanimous. Councilmembers
24 Higginson, Holt, Moss, Pitt and Tolman voted "aye".
25

26 Chief Rapp showed a completed copy of the Emergency Handbook to the Council, noting
27 that it has been prepared for distribution in the City. Mayor Johnson praised the Police for their
28 assistance with this book and the Council discussed the need for each household in the City to
29 have the Emergency Handbook and discussion followed with ideas on how to get the books into
30 households. Councilman Pitt also recognized the Community Council and the IT department for
31 the assistance in getting the information on the Web page.
32

33 Chief Rapp reported on the physical fitness program which has been implemented into the
34 Bountiful Police Department and he stated that only three of 36 officers have not passed the
35 physical fitness test. These three individuals are working with trainers and he is confident that all
36 department members will meet the physical fitness requirements as of October, 2006.
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38 **PUBLIC HEARING TO CONSIDER REZONING APPLICATION:**
39 **RUSS NAYLOR REQUEST - 406 SO 100 EAST**

40 Mr. Johnson reported that Russ Naylor, representing the University of Utah Credit Union,
41 has submitted a request to amend the zoning ordinance to provide that the property located at 406
42 South 100 East be rezoned from R-1-6.5 to C-R. The property is approximately .3 acres and it is
43 the intent of the Credit Union to purchase it and use it (along with contiguous C-R property) to
44 build a credit union branch office. Mr. Johnson reviewed that the Planning Commission
45 considered this request and voted 6-0 to recommend denial to the City Council. Mr. Mahan
46 advised the Council that should they also deny the request, he has prepared Findings of Fact to
47 support the decision.

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At 7:36 p.m. Mayor Johnson opened the public hearing. Russ Naylor, architect, explained that he felt the Credit Union office would provide a good buffer between residential and commercial zones. He pointed out that the operation would not create a lot of traffic and the hours would be 8 to 5, leaving the neighborhood quiet in the evenings and on weekends (as opposed to a fast-food establishment or convenience store). Mark Elwood, owner of the subject property indicated that they have looked for the right use for this location, which the credit union seems to be. Annette Noble (135 E 400 S), Virginia Dobbin (427 S 100 E), Bob Wallace (341 E. 200 S.), and Carol Rawlins (341 E 200 S) spoke in opposition to the zone change, with concern about losing the residential status of the neighborhood, commercial creep and problems associated with additional traffic. Ken Avert (listing agent) indicated that he has been approached by others who would like to use the portion of the property currently zoned commercial for a small restaurant or a quick food establishment. The hearing concluded at 8:00 p.m.

Councilwoman Holt pointed out that inasmuch as two of the properties could already be used for a small fast-food business and the sentiment of the neighborhood is against the proposed change, the appropriate thing to do is deny the request. Following discussion, she made a motion to deny the request and to adopt the Findings of Fact as prepared by Mr. Mahan. Councilman Higginson seconded the motion which carried by a majority. Councilman Moss voted “nay”.

PURCHASE OF NEW METER SERVICE TRUCK APPROVED - POWER DEPARTMENT

Mr. Michaelis reported that this year’s Power Department budget included replacement of Unit #5014, a service van used by the metering department. Bids have been received from four vendors and it is recommended that the low bid (\$21,116.00) from Ken Garff (State bid) be approved for the purchase of two (2) Ford F150 pickup trucks. This request is within budget. Councilman Moss motioned to approve the purchase of the two trucks, as presented. Councilman Tolman seconded the motion and voting was unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

MUTUAL AID AGREEMENT WITH UAMPS APPROVED

Mr. Michaelis reported that the Utah Associated Municipal Power Systems (UAMPS) Board approved the form of a mutual aid agreement which provides members the ability to share resources (such as personnel and equipment) during outage and emergency periods. Although the City has participated in mutual aid in the past, a formal agreement has not been in place and it is the recommendation of staff and the Power Commission to adopt this Agreement. He noted that the Power Commission requested that a section be placed under section 5, Indemnification, that would protect all members from gross negligence of others. The indemnification issue was briefly discussed, following which Councilman Moss made a motion to approve the proposed Mutual Aid Agreement, with the addition of the indemnification section. Councilman Pitt seconded the motion and voting was unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

UAMPS AGREEMENT APPROVED – FIRST AMENDMENT TO AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION

Mr. Michaelis explained that at the present time, only equity members (original cities that formed UAMPS) can serve on the UAMPS Board of Directors. It is recommended by the UAMPS

1 board, the Power Commission and staff, that the UAMPS AMENDED AND RESTATED
2 AGREEMENT FOR JOINT AND COOPERATIVE ACTION be amended to provide for non-
3 equity members to be nominated for election to the Board of Directors of UAMPS. This
4 Agreement has already been approved by UAMPS. Councilman Moss motioned to approve the
5 amendment as presented and recommended by Mr. Michaelis. Councilwoman Holt seconded the
6 motion and voting was unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman
7 voted "aye".

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9 **2006-08 POWER RESOURCE PRESENTATION**
10 **AND APPROVAL OF IPP CALL BACK - POWER DEPARTMENT**

11 Mr. Michaelis narrated a Powerpoint presentation related to power resources for the period
12 2006-08 and a recommendation for the Intermountain Power Project (IPP) Call Back. He
13 reviewed typical loads for a summer day and explained how the loads are covered with firm and
14 non-firm resources. One of the resources owned by the City is IPP and the City has the option to
15 sell this resource to another power provider, or, with appropriate notice, use the power. It is the
16 recommendation of the Power Commission and staff that 14 MW of IPP power be contracted for
17 summer of 2006, with an additional 9 hours for High Load Hours; and that 14 MW be called back
18 for the summer of 2007, with 6 MW being called back for winter of 2006-07. All of this resource
19 would flow through the UAMPS pool. Following discussion, Councilman Moss made a motion to
20 accept this recommendation, Councilman Higginson seconded the motion and voting was
21 unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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23 **FINAL ACCEPTANCE GRANTED TO CLUBHOUSE COURT**
24 **SUBDIVISION - RON HALE, DEVELOPER**

25 Mr. Rowland reported that the developer of Clubhouse Court Subdivision (Ron Hale) has
26 completed all of the site improvements as required by the City and it is the recommendation of
27 staff that final acceptance be granted and that the remaining 10 percent of the Bond be released.
28 Councilman Tolman made a motion to this effect, Councilman Pitt seconded the motion and voting
29 was unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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31 **ORD. NO. 2005-15 ADOPTED RE: INTERNATIONAL BUILDING CODES**

32 Mr. Mahan reviewed Ordinance No. 2005-15 entitled AN ORDINANCE AMENDING THE
33 BOUNTIFUL CITY CODE TO ADOPT THE INTERNATIONAL BUILDING CODE AND OTHER CONSTRUCTION
34 CODES and recommended that it be adopted. Mr. Rowland explained that it is much the same as
35 the Code for the previous year, but has been reviewed by the Code Committee and minor revisions
36 have been made. Councilman Pitt motioned to adopt Ord. No. 2005-15, as recommended.
37 Councilman Higginson seconded the motion and voting was unanimous. Councilmembers
38 Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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40 **ORD. NO. 2005-16 ADOPTED RE: AMENDMENT OF BEER LICENSE**
41 **LAWS**

42 Prior to discussion of the proposed ordinance, Mr. Hardy reported that Allison Polson,
43 PTA president from Millcreek Junior High, had submitted a petition to the City with 110
44 signatures, requesting that the Council not make changes to the existing City laws with regard to
45 the sale of beer. Mayor Johnson expressed appreciation for the input of residents on this issue and
46 John Sturgis, 410 E Center, noted that of equal or greater concern to the safety of students who
47 use the crosswalk on Main Street across from the library is that it is very close to the area where

1 emergency vehicles are coming and going from the Police Department. Mr. Mahan reviewed
2 Ordinance No. 2005-16 entitled AN ORDINANCE AMENDING THE BEER LICENSE LAWS OF THE CITY
3 TO REQUIRE A PUBLIC HEARING WHEN CONSIDERING A VARIANCE FROM DISTANCE LIMITATIONS ON
4 RESTAURANT BEER LICENSES, noting that changes were printed in red. He noted that the changes
5 are required by State law and it is the discretion of the Council to adopt them or not. Councilman
6 Moss made a motion to adopt Ordinance No. 2005-16, as presented. Councilman Pitt seconded the
7 motion and voting was unanimous. Councilmembers Higginson, Holt, Moss, Pitt and Tolman
8 voted "aye".

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10 **COUNCIL COMMITTEE REPORTS**

11 Councilman Tolman reported that Les Foy's book on the history of Bountiful has been re-
12 printed. Councilman Pitt noted that the Bountiful Performing Art Center will be doing "Merry
13 Christmas, George Bailey" as the season performance. Mayor Johnson said that Okland
14 Construction has a DVD on the Bountiful "Extreme Makeover" project and asked who would like
15 copies. Councilman Tolman reported that Bountiful's downtown district has been accepted on the
16 National Historic Register.

17
18 Mr. Hardy noted that inasmuch as all elected officials who need to be sworn in are
19 incumbents, that it would be appropriate for this to take place at the first regular meeting of the
20 year (rather than on the first Monday or Tuesday). He recommended that the swearing in
21 ceremony be on January 10th at 7:00 p.m. and the Council concurred.

22
23 **EXECUTIVE SESSION APPROVED**

24 At the request of the Mayor, Councilman Higginson motioned for adjournment to
25 executive session at 10:00 p.m. for the purpose of discussing pending litigation. Councilman
26 Moss seconded the motion and voting was unanimous. Councilmembers Higginson, Holt, Moss,
27 Pitt and Tolman voted "aye".

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29 **Attendance at Executive Session**

30 Mayor Johnson
31 Councilpersons Higginson, Holt, Moss, Pitt and Tolman
32 Mr. Hardy
33 Mr. Mahan

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38 _____ JOE L. JOHNSON, Mayor

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43 KIM J. COLEMAN, City Recorder

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