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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
September 27, 2005 - 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 Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Admin. Services Dir.:	Galen Rasmussen
	Department Rep:	Clifford Michaelis, Power
	Recording Secretary:	Nancy T. Lawrence
Excused:	City Manager:	Tom Hardy
	Planning/RDA Dir.:	Aric Jensen

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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 Tyler Hall, visiting Boy Scout from Troop 580, led the pledge of allegiance to the flag. Councilman Higginson offered the prayer/thought.

MINUTES OF THREE MEETINGS APPROVED

Minutes of the regular City Council meetings held August 30, 2005 and September 6, 2005 and of the special meeting held September 13, 2005 were presented and unanimously approved as written on a motion made by Councilman Tolman and seconded by Councilman Higginson. Voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt, and Tolman voting "aye".

EXPENDITURES AND EXPENSES APPROVED

PERIOD SEPTEMBER 1 - 21, 2005 AND SUMMARY OF AUGUST, 2005

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the period September 1-21, 2005 in the amount of \$1,176,288.12, and the Summary of Expenditures for August, 2005 totaling \$4,182,977.16. The staff responded to questions and Councilman Tolman encouraged the department heads to be conservative with fuel as much as possible. Councilman Pitt motioned to approve the expenditures as presented. Councilman Higginson seconded the motion and voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt, and Tolman voting "aye".

PRESENTATION OF AWARD TO KEITH BARTON -

Mayor Johnson reviewed that Keith Barton was recently recognized at the Annual UAMPS Conference in Jackson Hole as the "Appointed Official of the Year". At the time, Mr. Barton was fulfilling a missionary assignment in Hawaii and was unable to attend the conference and accept the award. At the invitation of the Mayor, Mr. Michaelis presented this award to Mr. Barton, recognizing that he was a great supporter of the Bountiful City Light and Power System throughout his City service, which included City Council (assigned to the Power Commission) and as a Power Commissioner. He served on the Power Commission a total of 16 ½ years, and was

1 chairman for 12 ½ of those years. Mr. Michaelis reviewed the major accomplishments of the
2 BCL&P during this time frame and expressed appreciation for Mr. Barton's dedication and
3 capable leadership. Bountiful grew from a peak of 34 megawatts in 1988 to 73 megawatts at the
4 time Mr. Barton completed his service. Mr. Barton stated that he thoroughly enjoyed his time of
5 service to the City, and noted the excellent management demonstrated within City management
6 and the Power Department. Councilman Pitt mentioned that Mr. Barton should also be recognized
7 for his successful efforts as a Main Street businessman.

8
9 **SINGLE EVENT PERMIT APPROVED FOR**
10 **ST. OLAF'S PARISH**

11 Mayor Johnson reviewed that St. Olaf's Church has requested approval for a Single Event
12 permit to serve alcohol for Friday and Saturday, November 4 and 5, 2005, from 6:00 p.m. to 1:00
13 a.m. St. Olaf's has submitted this request on a semi-annual basis for many years and the permit
14 has been approved in the past with no negative consequences. The request comes to the Council
15 this evening with a positive recommendation from the Chief of Police. Councilman Pitt motioned
16 to approve the Single Event permit, Councilman Tolman seconded the motion and voting was
17 unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

18
19 **BID FOR ECHO KV LINE WORK AWARDED**
20 **TO TPC CONSTRUCTION, INC.**

21 Mr. Michaelis reported that Bountiful City Light and Power (BCL&P) experienced an
22 insulator failure on the Echo 46 kV line, located near the city of Henefer, Utah, in July. As a result
23 of this failure, a range fire occurred which also damaged two power poles. Proposed repairs
24 include replacing the two damaged poles, replacing the pole hardware, suspension insulators, and
25 one span of phase conductor. It is also proposed that the existing cross arms on the damaged
26 structures be replaced due to their age. Bids were received from three vendors and it is the
27 recommendation of the Power Commission and staff that the bid be awarded to TPC Construction,
28 Inc. (low bidder) in the amount of \$16,950. He noted that this was not included in the budget and
29 will be funded from the Emergency Equipment Fund. BCL&P will be providing the poles,
30 insulators, and phase conductor. Councilman Moss made a motion to support the recommendation
31 of the staff and award the bid to TPC Construction as presented. Councilman Higginson seconded
32 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman
33 voted "aye".

34
35 **APPROVAL GIVEN TO OVERHAUL**
36 **UNIT #5030 - POWER DEPARTMENT**

37 Mr. Michaelis reported that this year's budget includes a complete overhaul of Unit #5030,
38 a 1988 International truck and digger derrick. An estimate for this work has been received from
39 the manufacturer, Terex Utilities, in the amount of \$47,270.45. Mr. Michaelis emphasized that
40 this is an estimate and could vary 10 percent higher or lower. He also noted that the overhaul will
41 not include the engine, inasmuch as there only about 30,000 miles on the engine. It is anticipated
42 that by overhauling the unit, it will provide another ten years of service and the replacement cost
43 would be near \$200,000.00. Councilman Moss motioned to approve the overhaul of Unit #5030,
44 as presented. Councilman Higginson seconded the motion and voting was unanimous.
45 Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

46
47 **EXTENSION OF PLAT APPROVAL GRANTED TO**

1 **COONS SUBDIVISION, 1275 NO 400 EAST**

2 Mr. Rowland reviewed that final approval was given to the 2-lot Coons Subdivision at
3 1275 North 400 East on September 14, 2004. It has taken just over the one year allowed to clear
4 several hurdles and Mr. Coon is now ready to record his development. Mr. Rowland emphasized
5 that nothing has changed during the past 12 months and the request for the extension
6 (recommended by staff) is for the purpose of getting the plat recorded. Councilwoman Holt
7 motioned to grant a six-month extension for the purpose of recording the Coons Subdivision plat.
8 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
9 Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

10
11 **FINAL COMMERCIAL SITE PLAN APPROVED**
12 **FOR COMMON CENTS CARWASH - 412 NO 500 W**

13 Mr. Rowland reviewed that the Common Cents gas station/convenience store has submitted
14 a request for final commercial site plan approval to include a car wash as part of their business.
15 This request has been reviewed thoroughly by the staff and Planning Commission and comes to
16 the Council with a positive recommendation, subject to the following conditions:

- 17 1. The storm water oil/sand separator shall connect to the sanitary sewer, and
18 shall not connect to the storm water system. (This condition was in response to an
19 error in the drawings).
- 20 2. Pay the water impact fee of \$2,658.00.
- 21 3. Relocate overhead power line and provide easement as per Bountiful City
22 Power.
- 23 4. Provide 7-foot wide PUE along 400 North frontage and along the north
24 property line.
- 25 5. Pay sewer impact fee to South Davis Sewer.
- 26 6. Obtain necessary permit from UDOT to perform work in 400 North Street.
- 27 7. Make minor revisions as shown on City Engineer's redlines.
- 28 8. Make modifications to car wash layout as requested by the Planning
29 Director (moving building over 5 feet as discussed in Planning Commission)
- 30 9. Submit detailed landscape plans and signed letter from adjacent property
31 owner authorizing the shared driveway.

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33 Following discussion of the landscape requirements and approvals required by UDOT,
34 Councilwoman Holt made a motion to grant final approval, subject to the nine conditions above.
35 Councilman Tolman seconded the motion which carried unanimously. Councilpersons Higginson,
36 Holt, Moss, Pitt, and Tolman voted "aye".

37
38 In an effort to assist the developer, Councilman Higginson requested that the City work
39 with Mr. Dave Badham to the extent possible to eliminate the requirement for a privacy fence on
40 the east side of the car wash development as it relates to the proposed commercial development
41 east of Mr Badham's project.

42
43 **CONTRACT FOR STORM DRAIN CLEANING/VIDEO**
44 **INSPECTION APPROVED - TWIN D, INC.**

45 Mr. Rowland reported that money spent in the past to monitor and clean the storm drain
46 system has resulted in better performance of the system, and a cost savings due to less plugging
47 incidents. It is the recommendation of staff to have the storm drain inspected by a video system

1 for the purpose of identifying areas that need to be cleaned, and then having the cleaning done.
2 Twin “D”, Inc. has performed the service in the past and it is the recommendation of staff to award
3 a contract to this same company for the 2005-06 budget year in the amount of \$50,000.00. with
4 unit prices as given to the Council (basically a 7 percent increase above the past year).
5 Councilman Higginson motioned to approve the proposal of Twin “D”, Inc. as presented.
6 Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Higginson,
7 Holt, Moss, Pitt, and Tolman voted “aye”.

8
9 **ORD. NO. 2005-13 APPROVED RE: ESTABLISHING GROUNDS**
10 **FOR VARIANCE FROM BEER SALES DISTANCE LIMITATIONS,**
11 **IN CONFORMITY WITH STATE LAW**

12 Mr. Mahan explained that restaurants that sell beer for consumption on the premises need
13 two licenses, one from the City and one from the State. In its licensing laws the State has
14 established a prohibition of on-premise beer consumption within 600 pedestrian feet, or 200 “crow
15 flies” feet, of a school, church library or park. The City has adopted these requirements as part of
16 its code.

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18 The State also has a variance provision to waive this requirement, which the City has not
19 adopted. For a variance to be granted, State Law requires that a public hearing be held after notice
20 to surrounding property owners, that the local authority consent to the variance, and that the
21 Liquor Control Commission make a finding that the variance would not be detrimental to the
22 public health, peace, safety and welfare of the community. The question before the Council is
23 whether or not to adopt a variance provision, as set forth in Ord. No. 2005-13. The Council
24 discussed the issue of the proposed El Matador restaurant as it relates to this issue. Said restaurant
25 (presently under construction) is within 600 feet of the library. Mr. Mahan reported that a hearing
26 was held by the State regarding the request for a variance by El Matador and no one appeared,
27 except Artoosh Hasratian, owner. However, the City cannot approve a local consent form unless
28 the City Code is amended to provide for a variance procedure. Mr. Hasratian noted that beer is
29 only served when food is ordered.

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31 Following a lengthy discussion, Councilman Higginson made a motion to approve Ord.
32 No. 2005-13 entitled AN ORDINANCE AMENDING THE BEER LICENSE LAWS OF THE CITY TO
33 ESTABLISH GROUNDS FOR VARIANCE FROM DISTANCE LIMITATIONS. Councilwoman Holt seconded
34 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman
35 voted “aye”.
36 Councilman Higginson then motioned that the Council grant consent to issuance of the State beer
37 license for the El Matador. Councilwoman Holt seconded this motion which carried unanimously.
38 Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “aye”. Mr. Hasratian has not yet
39 applied for the City variance, and thus no consideration was given regarding a City variance.

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41 **COUNCIL COMMITTEE REPORTS**

42 At the invitation of the Mayor, Mr. Rowland reported that asphalt costs have gone up from
43 \$21/ton to \$24/ton. Concrete has increased in cost 25 percent over last year and dramatic gasoline
44 prices are affecting all City budgets. The increase in fuel costs has also impacted power costs.

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46 Councilman Higginson asked if consideration has or could be given to eliminating pole
47 signs and requiring ground (monument) signs. Following discussion, he requested that the City

1 Attorney provide a draft addressing this issue.

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3 Mr. Mahan updated the council on two employees who are presently serving in an active
4 duty status with the military. Councilwoman Holt requested that their families be made aware of
5 the City’s support of active duty requirements.

6 Councilman Tolman reported that a blueprint map of Bountiful dating back to 1929 was
7 found this past week

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9 The meeting adjourned at 8:32 p.m. on a motion made by Councilman Tolman and
10 seconded by Councilman Higginson. Voting was unanimous, with Councilpersons Higginson,
11 Holt, Moss, Pitt, and Tolman voting “aye”.

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JOE L. JOHNSON, Mayor

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KIM J. COLEMAN, City Recorder

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