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Minutes of the Bountiful City Council Meeting City Council Chambers June 6, 2006 - 7:01 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 Director: Galen Rasmussen
Planning/RDA Dir.: Aric Jensen
Department Reps: Gary Blowers, Streets/Sanitation
Neal Jenkins, Parks/Recreation
Clifford Michaelis, Power
Paul Rapp, Police
David Wilding, Water/Sewer
Administrative Intern: Malinda Okerlund
Recording Secretary: Nancy T. Lawrence

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 7:01 p.m. and welcomed those in attendance. Councilwoman Holt led the pledge of allegiance to the flag following which Councilman Pitt offered the prayer/thought.

APPROVAL OF MINUTES POSTPONED

Minutes of the regular City Council meeting held May 23, 2006 will be presented for approval at a future meeting.

EXPENDITURES AND EXPENSES APPROVED FOR THREE PERIODS IN MAY, 2006

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: May 11-17, 2006 (\$375,632.68), May 18-24, 2006 (\$175,808.85), and May 25-31, 2006 (\$1,361,199.48). Following a brief discussion, Councilman Moss made a motion to approve the three reports as presented. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

RICHARD BLISS RECOGNIZED ON RETIREMENT

Chief Rapp recognized Richard Bliss, retiring from the Police Department with 22 years of service including time as a detective, in the Narcotics Task Force, and a high school resource officer. He praised Mr. Bliss for the outstanding service he provided for Bountiful residents and noted that there will be a Retirement Open House in his honor next Tuesday. Mr. Hardy commented that Mr. Bliss did a particularly outstanding job as resource officer at Viewmont High School and expressed the hope that he would continue to be affiliated with the Police Department as a Reserve Officer. Mayor Johnson congratulated Mr. Bliss and presented him with a gift

1 certificate on behalf of the elected officials and citizens. At the invitation of the Mayor, Mr. Bliss
2 expressed appreciation for the opportunities he has had with Bountiful City Police and for the
3 support from the City staff, elected officials and City residents. His wife, Colleen, also expressed
4 appreciation for their association with the City.

5
6 **ORD. NO. 2006-03 ADOPTED RE: RE-ZONING**
7 **OF 1260 NORTH 200 WEST**

8 Mr. Mahan reviewed that in the last City Council meeting the request for a zone change at
9 1198, 1220 and 1260 North on 200 West was discussed and with consensus from the Council, the
10 staff was directed to prepare an ordinance to create a zone change. He reviewed Ordinance No.
11 2006-03 entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING MAP TO CHANGE THE
12 ZONE OF THE PROPERTIES LOCATED AT 1198, 1220 AND 1260 NORTH ON 200 WEST IN BOUNTIFUL,
13 UTAH, FROM R-1-6.5 (SINGLE-FAMILY RESIDENTIAL) TO R-3-13 (MULTI-FAMILY RESIDENTIAL).
14 Councilmen Pitt and Higginson expressed concern that a restriction for development is being
15 placed on one of those properties, and not all three. Mr. Mahan explained that two of the
16 properties, by virtue of their size, are properly limited per the existing Code. Councilwoman Holt
17 made a motion to adopt Ord. No. 2006-03, as presented. Councilman Higginson seconded the
18 motion and voting was by a majority. Councilpersons Higginson, Holt, Moss and Tolman voted
19 “aye” and Councilman Pitt voted “nay”.

20
21 **BEER LICENSE AND LOCAL CONSENT FOR LIQUOR**
22 **LICENSE APPROVED FOR LA FRONTERA RESTAURANT**

23 Mr. Hardy presented the request of La Frontera Restaurant, 370 West 500 South, for a beer
24 license and approval for a Local Consent permit to obtain a liquor license. He noted that the
25 restaurant which formerly occupied this building (Christopher’s) had both of these licenses and the
26 background check for this request substantiates a favorable recommendation from staff.
27 Councilman Pitt motioned to approve the beer license and Local Consent permit as requested.
28 Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson,
29 Holt, Moss, Pitt and Tolman voted “aye”.

30
31 **PUBLIC HEARING TO RE-OPEN 2005-06 BUDGET**

32 Mayor Johnson noted that a lot of work has been done on both the budget for the coming
33 year and making certain that the current year’s budget will remain in balance. Mr. Rasmussen
34 reviewed changes to the Enterprise Funds, the Capital Funds, and the Internal Service Funds where
35 revenues and expenses needed to be adjusted to reflect year-end balances accurately. Following
36 the adjustments, the 2005-06 budget remains balanced.

37
38 At 7:21 the Mayor opened the public hearing to consider re-opening the 2005-06 budget to
39 make the necessary adjustments. Jim Huffner, 1538 Charlene Drive, expressed concern about the
40 excessive Cash/Cash Equivalent balances at the end of the year, based on the financial statements
41 available on the web site. Mr. Hardy noted that a more clear picture would be to subtract liabilities
42 from the cash account balances to achieve net assets. He also noted that unearned revenue and
43 customer and developer deposits are included in the cash account balances which give a distorted
44 view of the actual net cash amount. There were no other comments and the public hearing was

45
46 closed at 7:30 p.m. It was noted that official action to approve re-opening the current year budget
47 will be in the regular City Council meeting on June 20th.

1
2 **PUBLIC HEARING TO CONSIDER 2006-07 BUDGET**

3 Mr. Hardy presented the proposed 2006-07 Fiscal Year Budget in preparation for the
4 public hearing. He stated that the budget is balanced with regard to revenues and expenses at
5 \$65,481,464.00. He explained that due to a large number of capital improvements which are
6 included in the FY 06-07 budget, over \$12,000,000 of the money needed to balance the budget is
7 coming from reserves that the City has built up in anticipation of these projects. He first explained
8 where the revenue to operate the City comes from, with 48 percent from user fees, 18 percent
9 reserves, 18 percent taxes, 3 percent interest, 1 percent leases, and 12 percent “Other”, including
10 reserves associated with landfill closing costs (to be used at a future date), and funds received from
11 the State in conjunction with construction of the Legacy Highway.
12

13 Sixty-one percent of the City’s expenditures is for Operation and Maintenance, 29 percent
14 of the money will be spent on capital improvements, 1 percent will be placed in reserve accounts,
15 and 9 percent will be allocated to “Other” funds, including capital, power, and the golf course. He
16 pointed out that Bountiful has the lowest tax rate in the State of Utah (in comparison with the 30
17 largest cities) and credited this success to the transfer of revenue from the Power Department to
18 the General Fund. He made a comparison of expenditures for the General Fund between the
19 current year and proposed 2006-07 budget, pointing out an overall increase of only one percent.
20 He noted that there are no proposed increases in property taxes or utility fees and user charges
21 with the exception of a \$1 increase in the nine-hole golf course rate.
22

23 The budget includes an increase of five new positions – three in the police department to
24 cover consolidated dispatch (with off-setting revenues from North Salt Lake and Woods Cross),
25 and two additional full-time positions in the Water Department.
26

27 At 8:23 p.m. the Mayor opened the public hearing to consider the 2006-07 budget. Ron
28 Mortensen (Utah Taxpayers Association) expressed appreciation to the elected officials and staff
29 for the time and effort they have put into the budget process. He then expressed concern that
30 transfers are made from excess revenue in the Power Department to the General Fund, and
31 suggested that it would be better for senior citizens (those on fixed incomes) to have the necessary
32 revenue generated by a property tax increase. He also questioned the “large” reserves and
33 suggested that a reduction in power rates would serve the needs of the senior community.
34 Councilman Moss reviewed the fluctuation in power costs over the past few years and the boon it
35 was to have reserves to offset the unanticipated high costs.
36

37 John King, 537 E 1700 S, spoke in favor of lowering power rates for homeowners, with a
38 higher rate for renters. Marshall Kelly, 3164 S Bountiful Blvd, thanked Mr. Hardy for his
39 thorough review of the budget and defended the policy of transferring Power Department revenue
40 to the General Fund as being comparable to citizen-owners receiving profits as shareholders. The
41 public hearing concluded at 8:50 p.m.
42

43 At the request of Councilman Pitt, Mr. Hardy explained the function of the reserve
44 accounts, noting that it places the City in the position of “pay-as-you-go” for capital
45 improvements, thus negating the need for tax increases or issuing bonds and, thereby eliminating
46 payments of interest on borrowed money. He explained that the City has a ten-year capital
47 improvement plan which provides for maintenance and upgrades on the infra-structure. He also

1 noted that Bountiful City operates by State law with regard to fund accounts and the balance of
2 those funds meets State guidelines. This budget will be adopted in the June 20th meeting.
3

4 **CONSIDER REVISED SITE PLAN - SOUTH DAVIS**
5 **RECREATION CENTER**

6 Mr. Rowland reviewed the revised site plan for the South Davis Recreation Center,
7 pointing out that it includes 65 additional parking stalls. The current plan does not provide enough
8 space for the detention facility and this plan will improve the size of the detention basin, providing
9 the capacity necessary for handling run-off water. Councilwoman Holt asked how this matter will
10 be handled in conjunction with the South Davis Recreation Board. Mr. Hardy stated that the
11 City's lease with the Recreation District will need to be amended to include the additional property
12 and a change order for the additional costs. Councilwoman Holt motioned to approve the revised
13 site plan and proceed with the necessary changes with the Recreation Board. Councilman Tolman
14 seconded the motion.
15

16 Mayor Johnson noted that this plan eliminates the proposed skateboard park and he stated
17 that approval of this site plan, prior to designating an alternative site for the skateboard park,
18 basically shuts out a substantial group of contributing citizens in our community. He stated that he
19 feels an obligation to that group of young people who may have a little different lifestyle and that
20 the Council should be wise enough to join hands and bring them along with us – not lock them out.
21 He stated that “we owe it to ourselves to keep a commitment we made to that group”. Councilman
22 Pitt shared similar thoughts and suggested that the site presently being considered for parking
23 could be a favorable skateboard park if it were designed smaller and included landscaping,
24 fencing, and other mediating factors. Councilman Higginson stated that he would prefer to keep
25 the existing site available until there are other options. The Mayor called for the vote on the
26 motion and it carried by a majority with Councilwoman Holt and Councilmen Moss and Tolman
27 voting “aye”. Councilmen Higginson and Pitt voted “nay”.
28

29 **DISCUSSION RE: PROPOSED LAND USE ORDINANCE**

30 Mr. Jensen reviewed that the Planning Commission and City Council met in a joint session
31 on May 23, 2006 to discuss proposed changes to the land use ordinance. One unresolved
32 discussion item related to density in the Residential Foothill overlay zone and Mr. Jensen
33 presented three alternatives for resolution of this discussion. He suggested that the Council
34 discuss these alternatives and that the matter be returned to the Planning Commission for their
35 consideration and recommendation. Councilman Moss stated that he would like the ordinance to
36 be flexible, with density being determined by a combination of the percentage of roads at 12%
37 slope, those that need an exception to 15% slope, minimum lot size and buildable area of 5,000
38 square feet, the 100-foot frontage width, 25-foot setbacks, and elimination of slope calculations
39 that restrict lots with average slope of 30% or more to at least 5 acres. Councilwoman Holt
40 concurred, noting that each lot is different, and they may be able to cluster several buildable lots in
41 one area that would otherwise be unbuildable based on the 5-acre restriction. Councilman
42 Higginson requested that the current multi-family densities of 13, 16 and 25 be changed to 13, 18
43 and 25, which would result in no down zoning, but provide a more evenly distributed variation.
44
45

46 Mayor Johnson asked if the issue of independent living facilities had been addressed in this
47 zone change, and Mr. Jensen indicated that this will be handled in the future along with design

1 standards for the downtown zone. Mr. Jensen stated that he is planning to do a review of the
2 master plan, starting in January, 2007. Discussion followed regarding the fact that most of the
3 developable land which is available in Bountiful will present challenges, and exceptions might
4 have to be granted. However, there must be some kind of a standard from which to launch each
5 decision. No official action was taken on this item which was returned to staff for further
6 revision.

7
8 **DISCUSSION RE: BOUNTIFUL PERFORMING ART CENTER**

9 Councilman Pitt reviewed that the Bountiful Performing Art Center was informed on
10 Thursday that the Black Box Theater must be closed due to violations of the fire code. This
11 created a serious problem for BPAC inasmuch as they were producing a show at the time and the
12 group worked a considerable amount of time to re-construct the set to permit an outdoor
13 performance. He noted that there is a significant decision to be made regarding the fire code
14 upgrades that are needed, with an estimated \$25,000 minimum investment required. Phil Wright,
15 BPAC, stated that it is the desire of this organization to continue with performances and he
16 encouraged support from the Council. Arley Curtz, associated with the BDAC, noted other capital
17 improvements that are needed for the city-owned building, and he expressed a hope that the
18 Council would consider upgrades to this building in the 2006-07 budget.

19
20 Mayor Johnson suggested that the staff look at the contract with the arts groups and make a
21 decision as to how to resolve this matter. Mr. Hardy said that if funding was appropriated for
22 improvements in the coming year, it would come from the Council Contingency Fund. Mayor
23 Johnson requested that Mr. Hardy review this matter with staff and bring a proposal back to the
24 Council for consideration.

25
26 **COUNCIL APPROVES REPLACEMENT OF WELL PUMPS**
27 **AT CALDER #2 AND UPPER MUELLER PARK WELLS**

28 Mr. Wilding reviewed that the Calder No. 2 and Upper Mueller Park wells need to have the
29 pumps replaced to make their operation more efficient and tailored to system needs. Proposals
30 have been received to remove the old pumps, clean and video inspect the wells, and furnish and
31 install new pumps. It is the recommendation of staff that the following proposals be accepted: for
32 the Calder No. 2 well, Nickerson Company in the amount of \$39,556.75; and for the Upper
33 Mueller Park well, Water Well Services (Dewey Petersen), at an estimate of \$44,170.00. Both
34 proposals are within budget. He said he is anxious to start the work as soon as possible.
35 Councilman Higginson made a motion to accept the two proposals as presented, Councilman
36 Tolman seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss,
37 Pitt and Tolman voted "aye".

38
39 **CONTRACT WITH ASPLUNDH TREE COMPANY**
40 **RENEWED - POWER DEPARTMENT**

41 Mr. Michaelis reviewed that the Power Department included funds in the budget to be used
42 for outside crews to trim trees from the power lines. Asplundh Tree Expert Company has agreed
43 to extend their current 2006 price schedule through July, 2007 at a cost/per/hour of \$110.55. It is
44 the recommendation of staff and the Power Commission that this contract be renewed. Following
45 a brief discussion, Councilman Moss motioned to approve the extension of the Asplundh contract,
46 as presented. Councilman Higginson seconded the motion and voting was unanimous.
47 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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COUNCIL COMMITTEE REPORTS

Councilman Tolman reported that it is the goal of the Bountiful Historical Preservation Commission to place plaques in and around town designating various sites and areas of historical significance. He explained that he is bringing it to the Council at this time because the first plaque which has been planned is for the area between 100 North west of Main Street to 100 West, which was the area where the Rampton family lived and worked for many years. Inasmuch as this family has been affiliated with two State Governors (Calvin Rampton and Charles Mabey), and has contributed significantly to Bountiful, it is proposed that a plaque recognize the family. The Rampton family is having a large reunion on June 24th, and it is proposed that a plaque be installed on the northwest corner of the Wight House prior to that reunion. Mayor Johnson questioned that individuals and families should be singled out for recognition, recognizing that all citizens have contributed to the present state of the City. Councilman Pitt noted that there is a viable need to recognize prominent individuals/events in recognition of the City’s history, and the other Councilmembers suggested that there be additional time to review the signs/plaques which are being proposed. Councilman Higginson suggested that the plaque for the Wight House, recognizing the Rampton family, be approved as proposed, and that the process/policy of historical recognition be reviewed at a later time. The Council concurred with this suggestion.

The meeting adjourned to executive session at 10:20 p.m. for the purpose of discussing pending litigation and property acquisition. Councilman Higginson made the motion to adjourn, Councilman Pitt seconded the motion and voting was unanimous with Councilpersons Higginson, Holt, Mott, Pitt and Tolman voting “aye”.

Attendance at Executive Session

- Mayor Johnson
- Councilpersons Higginson, Holt, Moss, Pitt and Tolman
- Mr. Hardy
- Mr. Mahan
- Mr. Rowland
- Mr. Jensen

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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