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Minutes of the Bountiful City Council Meeting City Council Chambers July 11, 2006 - 7:00 p.m.

Present: Mayor ProTempore: Barbara Holt
Council Members: Richard Higginson, 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
Recording Secretary: Nancy T. Lawrence
Excused: Mayor: Joe L. Johnson

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 ProTem Holt called the meeting to order at 7:00 p.m. and welcomed those in attendance. Chris Rapp, visiting Boy Scout, led the pledge of allegiance to the flag following which Councilman Pitt offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held June 20, 2006 were presented and unanimously approved as written on a motion made by Councilman Moss and seconded by Councilman Higginson.

EXPENDITURES AND EXPENSES APPROVED FOR TWO PERIODS IN JUNE, 2006

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: June 15-21, 2006 (\$421,974.27) and June 22-28, 2006 (\$1,318,141.66). Councilman Pitt made a motion to approve the reports as presented. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

PURCHASE OF GOLF CARTS APPROVED

Kent McComb, Golf Pro, reported that eleven (11) replacement golf carts were included in the budget and it is recommended by staff that these carts be purchased from Highland Golf Company who currently holds the State contract. The total cost, less trade-in of 11 current fleet carts, is \$30,386.00. \$31,300.00 was budgeted and the balance will be used toward the year's logo decals, number decals, tournament name plates, extra sand and seed bottles, and new Player Assistant windshield. Councilman Pitt motioned to approve the purchase of the electric golf carts

1 as recommended. Councilman Higginson seconded the motion and voting was unanimous with
2 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

3
4 **COUNCIL APPROVES PURCHASE OF VEHICLE**
5 **FOR POLICE DEPARTMENT**

6 Chief Rapp reviewed that the 2006/07 Police budget includes the purchase of a vehicle
7 which will be set up with police equipment, but will remain an unmarked car to be used by the
8 detective division. Young Chevrolet (State bid dealer) has agreed to take a trade-in vehicle and
9 provide a 2006 Chevrolet Impala for a net payment of \$23,342.00. The amount budgeted was
10 \$25,000.00. Councilman Higginson made a motion to approve the purchase of the police detective
11 vehicle from Young Chevrolet, as presented. Councilman Moss seconded the motion which
12 carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

13
14 **APPROVAL GIVEN TO PURCHASE NEW**
15 **AUTOMATED GARBAGE TRUCK**

16 Mr. Blowers reported that this year’s Sanitation department budget includes the purchase
17 of a new automated garbage truck, budgeted at \$192,400.00. It is the recommendation of staff to
18 purchase a 2007 Autocar/Heil, 7000Dura-pack, 33 yard automated side loader garbage truck from
19 A.G. Body at a cost of \$199,609.00. The increase over budget is due to the increase in body size
20 from a 28-yard to a 33-yard and an increase in steel prices. He noted that the larger body will
21 result in a savings in fuel and time and the increase can be covered within the Sanitation
22 department budget. He noted that there will not be a trade-in associated with this transaction, but
23 the truck being replaced will be used for backup and parts. Following a short discussion,
24 Councilman Moss made a motion to approve the purchase of the garbage truck, as recommended
25 by staff. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
26 Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

27
28 **PURCHASE OF NEW STREET SWEEPER APPROVED**

29 Mr. Blowers presented the staff recommendation to purchase a 2006 Elgin Whirlwind
30 vacuum street sweeper from AG Body. The state contract meets City specifications and the new
31 sweeper will replace a 1998 sweeper which will be traded in. The net cost for the new sweeper is
32 \$144,536.00; the budgeted amount was \$145,000.00. Councilman Tolman motioned to approve
33 the purchase as requested and Councilman Moss seconded the motion. Voting was unanimous
34 with Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

35
36 **PUBLIC HEARING TO CONSIDER ISSUANCE OF**
37 **BEER LICENSE - EL MATADOR RESTAURANT**

38 Mayor ProTem Holt reviewed the memo which had been prepared by Mr. Mahan, City
39 Attorney, regarding the request of the El Matador restaurant for a beer license for on-premise
40 consumption. The memo included variance provisions in City Code and findings in support of an
41 approval, as well as findings in support of a denial. A memo from the police chief indicated
42 support of the request, subject to the Council making an exception to Ordinance 2005-13, Sub-
43 section 6 which provides that establishments requesting on-premise consumption must be at least
44 600 feet from a public or private school, church, public library, public playground or park. The El
45 Matador is 412 feet from the library which is located across Main Street.

46 Artoosh Hasratian, owner of the El Matador, reported that he had checked with local police
47 departments to determine if there were problems associated with restaurants who have licenses for

1 on-site consumption and he stated that there were no incidents reported. He stated that he has
2 invested approximately \$3 million to relocate his restaurant on Main Street and is losing business
3 by not having on-site consumption. He reviewed that he personally monitors customers to assure
4 that there will not be any issues related to drinking, and noted that he is present at the business
5 during all hours of operation. Inasmuch as library patrons park on the east side of the building, he
6 indicated that he felt there was not an issue regarding the 600-foot restriction. With the added
7 expenses his business has experienced through relocation to this site, he cannot compete with other
8 local restaurants if he is restricted from selling beer on premises.

9
10 The public hearing was opened at 7:26 p.m. and the following citizens expressed concern
11 about issuance of the license, indicating that there is a safety issue for library patrons: Valerie
12 Mills, Anne Christensen, Rose Marie Murray, and Kent Beisinger. Frank Greenwood asked what
13 the pre-requisites were for granting a variance and requested that the Council base their decision
14 on the law, and not citizen life styles. Tom Spotter, Janet Wortley, Russ Naylor, and Rosanne
15 Uffins spoke in favor of the variance. The hearing was closed at 8:04 p.m.

16
17 Councilman Pitt noted that this is the first time the City has had a chance to bring a (beer)
18 license under consideration and the issue is whether or not issuance of the license will allow the
19 restaurant to have an impact on the business. Councilman Higginson noted that, according to Mr.
20 Hasratian's figures, less than 1 percent of his customers order beer, and that does not rise to the
21 level that would substantiate granting of a variance. Councilman Moss questioned the "magic" of
22 the 600 feet stipulation, noting that the issue is whether or not customers would be intoxicated or
23 not. Based on the fact that a potential threat to the community outweighs the potential loss of
24 business to the restaurant, Councilman Higginson made a motion to deny the request for a
25 variance. Councilman Tolman seconded the motion. Following continued discussion, the Mayor
26 ProTem called for the question and the motion carried by a majority with Councilpersons Holt,
27 Higginson and Tolman voting "aye" and Councilmen Moss and Pitt voting "nay".

28
29 **HEARING TO CONSIDER ZONE MAP AMENDMENT**
30 **FOR 785 SOUTH 100 EAST (Old Indoor Pool Building)**

31 Mr. Jensen reviewed that Bountiful City is the applicant for a zone map amendment for the
32 property at 785 South 100 East (old indoor swimming pool) from R-1-6.5 to PO. The pool and
33 related infrastructure have been in disuse since the mid-90's and are not salvageable. The building
34 shell, including the roof has received periodic maintenance and has some remaining life. The shell
35 could be rehabilitated and put into service as another use. The existing parking lot and other
36 exterior site improvements could also be rehabilitated and reused. The Davis County School
37 District has been contacted and has shown no interest in purchasing the site. The Planning
38 Commission recommended denial of the zone map amendment, based on the following reasons:

- 39 1. It is not consistent with the City's current policy to not rezone property east of 100
40 East from residential to a commercial or professional office type of zone.
- 41 2. A desire to see a development proposal for the property prior to or concurrently with
42 the petition to rezone.

43
44 A public hearing was opened at 8:24 p.m. and the following citizens spoke in opposition to
45 the re-zone: Janice McIlrath, Robert McArthur, and Thomas Potter. The hearing was closed at
46 8:44 p.m. Councilman Moss motioned that this matter be tabled to permit the Council to give
47 further consideration options available for the property and to better understand the reasons set

1 forth by the Planning Commission. Councilman Tolman seconded the motion and a time certain
2 was set for September 12, 2006. Voting on the motion was unanimous, with Councilpersons
3 Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

4
5 **CODALE ELECTRIC SUPPLY AWARDED BID -**
6 **POWER DEPARTMENT**

7 Mr. Michaelis reported that bids were sent to five vendors for 750 MCM 15kV EPR cable.
8 Two vendors responded and it is the recommendation of the Power Commission and staff to award
9 the bid to low bidder, Codale Electric Supply, in the amount of \$67,743.00. The 750 cable is to be
10 used to replenish inventory. Councilman Moss motioned to approve the bid from Codale,
11 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons
12 Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

13
14 **COUNCIL VOTES TO APPROVE UAMPS AMENDMENT TO THE**
15 **GOVERNMENT AND PUBLIC AFFAIRS PROJECT AGREEMENT**

16 Mr. Michaelis explained that the UAMPS Board has worked this past year on the question
17 of fairness of the current billing method for the Government Public Affairs Project within the
18 UAMPS organization. He reviewed the research addressing the allocation methods for GPA and
19 conclusions which were reached, as well as the proposed Agreement. It is the recommendation of
20 the GPA Project Committee that billing be based on an allocation methodology of 50% of costs
21 allocated per capita to each member of UAMPS and 50% of the cost allocated to each member
22 based on their megawatt hours billed by project. The Power Commission has reviewed this
23 proposed Agreement, and together with staff, recommend approval. Councilman Moss made a
24 motion to this effect, Councilman Pitt seconded the motion and voting was unanimous with
25 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

26
27 **PURCHASE OF NEW SOFTWARE APPROVED**
28 **FOR WATER DEPARTMENT**

29 Mr. Wilding reviewed that the software currently being used by the Water Department for
30 facilities management (City Works) has proven to be unsatisfactory in several areas and following
31 research of other software available, it is the recommendation of staff that a new software be
32 purchased and implemented. The total cost of the software package, including planning, data base
33 transfer, installation on City computers and training of personnel is \$22,000, of which \$3,000 has
34 been paid as a deposit out of FY 2005-06 funds. It is requested that the remaining \$19,000 be
35 appropriated to fund the remainder of this project from Account No. 51-5100-1641-0000.
36 Following a short discussion, Councilman Higginson made a motion to approve the purchase of
37 the new software for the Water Department, as presented. Councilman Tolman seconded the
38 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted
39 “aye”.

40
41 **PRELIMINARY AND FINAL SITE PLAN APPROVAL**
42 **GRANTED FOR UNIVERSITY OF UTAH CREDIT UNION**

43 Mr. Rowland presented the request of the University of Utah Credit Union for preliminary
44 and final site plan approval for a new credit union branch to be located in the Village on Main
45 development at 1535 North Main Street. The Planning Commission has reviewed the proposed
46 drawings and recommends preliminary and final approval. Councilman Higginson motioned that
47 preliminary and final site plan approval be granted (landscaping plan and building elevations) as

1 recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons
2 Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

3
4 **EASEMENT GRANTED TO QUESTAR GAS FOR**
5 **NEW GAS SERVICE AT SOUTH DAVIS RECREATION CENTER**

6 Mr. Rowland reviewed that the South Davis Recreation Center has progressed to the point
7 that the new natural gas service is ready to be installed and the amount and size of the gas-fired
8 equipment requires that a new 4" service be installed running from 400 North Street to the south
9 side of the Rec center under the new parking lot. Questar Gas Company is requesting a 20-ft.
10 wide easement to cover the installation of this new line across Bountiful City’s parking lot. It is
11 the recommendation of staff that the Council grant the easement. Councilman Higginson
12 motioned to approve granting of the easement, Councilman Moss seconded the motion and voting
13 was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

14
15 **APPROVAL GIVEN TO EXTEND FINAL SUBDIVISION**
16 **APPROVAL OF JORDAN WHITE SUBDIVISION**

17 Mr. Rowland reported that the City Council granted final approval of the Jordan White
18 Estates Subdivision on June 14, 2005. Due to a lot split involving a residential mortgage, it has
19 taken Mr. White more than 12 months to acquire the necessary signatures for the plat. He has now
20 acquired all of those signatures, paid the required fees, and is ready to record the plat – however,
21 the one-year approval period has expired. Mr. Rowland said it is the recommendation of staff that
22 the Council give a two-month extension to the final approval of Jordan White Estates Subdivision.
23 Councilman Moss made a motion to this effect, Councilman Higginson seconded the motion and
24 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

25
26 **APPROVAL GIVEN TO EXTEND CONTRACT FOR**
27 **SIDEWALK TRIP HAZARD ELIMINATION PROJECT**

28 Mr. Rowland reviewed that the trip hazard elimination program has been in effect for the
29 past five years and has proven to be very successful. Precision Concrete Cutting has offered to
30 extend their current contract for one year at an increase of 2.5%. Earlier this year a competing
31 firm offered to match the quality of Precision’s work; however, when a sample cut was done, it
32 produced an unacceptably poor result. Since that time, staff has not found another process or
33 company that can match Precision’s quality. It is the recommendation of staff to accept the unit
34 price of \$14.10 per in/ft. of cut and extend the contract of Precision Concrete Cutting for trip
35 hazard elimination with a total estimated cost of \$125,000.00. Councilman Higginson motioned to
36 approve the recommendation as presented, and Councilman Pitt seconded the motion. Voting was
37 unanimous with Councilpersons Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

38
39 **APPROVAL GIVEN TO PURCHASE VIDEO DETECTION**
40 **EQUIPMENT FOR TRAFFIC SIGNAL - 1600 N 200 W**

41 Mr. Rowland explained that as part of the reconstruction of 200 West Street, from 1600
42 North to 1000 North, new video detection equipment will be installed on the existing signal at
43 1600 North 200 West. Funds for these items have been budgeted in the reconstruction project and
44 it is recommended that authorization be given to purchase the equipment at a cost of \$17,824.80.
45 Councilman Pitt motioned to approve the purchase as requested, Councilman Tolman seconded the
46 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted
47 “aye”.

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COUNCIL COMMITTEE REPORTS

Councilman Pitt reported that the Farmer’s Market (between Main and 100 East north of the University of Utah Bountiful Campus) has grown in size and will be held again on Thursdays.

Councilman Higginson noted that the entire curb has been painted red in the area of 655 Medical Drive and he suggested that some parking be made available.

Councilman Tolman reported that he visited activities held in Chesterfield, our sister city in Idaho, on Saturday and anticipates a wonderful relationship with that community.

EXECUTIVE SESSION APPROVED

Councilman Higginson made a motion that an executive session immediately after this meeting be approved for the purpose of discussing pending litigation and the acquisition of real property. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

The meeting adjourned to executive session at 9:15 p.m.

Attendance at Executive Session

- Mayor ProTem Holt
- Councilmembers Higginson, 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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