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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
November 28, 2006 – 7:00 p.m.**

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Present:	Mayor	Joe L. Johnson
	Council Members	Richard Higginson, Barbara Holt, R. Fred Moss, John Pitt, Thomas Tolman
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim Coleman
	City Planner	Aric Jensen
	Recording Secretary	Ellen Call

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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.

Mayor Johnson called the meeting to order at 7:01 p.m., and welcomed staff, visitors, and Boy Scouts. Scout Alex Green led the pledge of allegiance to the flag, and Aric Jensen offered the prayer/thought.

Mayor Johnson announced that the Bountiful Performing Arts Center will be presenting “The Best Christmas Pageant Ever” through the month of December. This will be held in the City Council Chambers, and he invited the Council members and anyone else interested to come and see this production. He also announced that Tom Hardy’s mother had passed away on Monday, November 27, and he expressed his condolences to Tom and his family.

MINUTES OF OCTOBER 24, 2006 AND NOVEMBER 14, 2006 APPROVED

Minutes of City Council meetings held October 24, 2006, and November 14, 2006 were presented and Mayor Johnson asked for comments or corrections. There were none, and both sets of minutes were approved as written on a motion by Councilman Higginson, seconded by Councilwoman Holt. Voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt, and Tolman voting “aye”.

**EXPENDITURES AND EXPENSES APPROVED FOR
NOVEMBER 2-8, NOVEMBER 9-15, AND NOVEMBER 16-22**

Mayor Johnson presented the expense reports for November 2-8, 2006 (\$331,104.17), November 9-15, 2006 (\$807,737.28), and November 16-22, 2006 (\$938,327.76), and the October summary of expenditures and expenses in the amount of \$4,659,741.13 and invited questions or comments from the Council.

Councilman Higginson asked for an update on the joint-use gymnasium being constructed at the South Davis Recreation Center. Paul Rowland reported that the tile work in the restrooms

1 is now being completed, and the gym floor is about half done. It is anticipated that the junior
2 high will have access to the gym for classes starting January 15. He said that a Bountiful Eagle
3 logo will be painted in the center of the court.
4

5 Mr. Rowland also reported on the construction progress of the municipal building and
6 evidence building. He said that the garbage and snow plow trucks have been moved into the
7 municipal building, and although they are experiencing a few problems in the parks department
8 extension of the building, they have been able to move supplies in there. Construction on the
9 Water Department building is on schedule, and they anticipate it being completed by May.
10

11 Councilman Pitt made a motion to approve the expenditure reports as presented;
12 Councilman Higginson seconded the motion and voting was unanimous in favor, with
13 Councilmembers Higginson, Holt, Moss, Pitt, and Tolman voting "aye".
14

15 **PRESENTATION BY DAVIS COUNTY FLOOD CONTROL**

16 Mayor Johnson recognized Dannie McConkie who was in attendance, along with Tom
17 Smith, Davis County Public Works Director, and Robert Smith, their Operations Manager.
18

19 Mr. Smith explained that in 1970 all flood control channels were managed and
20 maintained by the cities, but because of situations created by overlapping responsibilities
21 resulting in lawsuits and other problems, the County Commission assigned 24 of these channels
22 to the District. Some have since been re-assigned back to the cities, and now there are 19 storm
23 channels under the jurisdiction of the Davis County Flood Control District. After the floods in
24 1983, a \$12 million bond was spent in improving those channels, mostly in the southern portion
25 of the county, but now many of them are deteriorating and in need of rebuilding or repair. They
26 have earmarked 106 projects to take care of the immediate needs, at a cost of \$50 million, and
27 the County Commissioners have recommended a tax increase of \$15/year on a \$171,000 home
28 for flood control.
29

30 Tom Smith then gave a slide presentation showing the deterioration of the flood control
31 system in Davis County and emphasized the critical need for improvements.
32

33 Mr. Smith and Commissioner McConkie answered questions asked by the Council:
34 – A tax increase is suggested to rectify the problems in as little time as possible.
35 – The temporary property tax increase imposed in 1983 was used to repay the \$12
36 million bond obtained for flood repairs and to continue maintenance on the existing channels.
37 – Tom Hardy explained that, in the late 1990's, the 1/4¢ sales tax that had been imposed
38 was removed. The \$3-per-household storm control assessment is federally mandated for local
39 flood control cleanup and maintenance.
40 – The County is working on wetland preservation by defining channels for runoff.
41

42 Commissioner McConkie expressed his endorsement to the proposed tax increase, which
43 will be used for funding the operation of the jail, for aging services, and for flood control. He
44 invited everyone to attend the County Commission's budget hearing on December 13 where
45 funding of these County services will be decided.

1 There was a lengthy discussion regarding the jail system and the need for additional
2 programs after incarceration, after which Mayor Johnson thanked Commissioner McConkie and
3 Tom and Robert Smith for their presentation.
4

5 **UPDATE ON MOSQUITO ABATEMENT DISTRICT**

6 Mayor Johnson thanked Duane Gardner for representing Bountiful on the Mosquito
7 Abatement District Board and for his past service on the Planning Commission. Mr. Gardner
8 explained that he is one of 16 Trustees who make up the District board. He then introduced
9 Gary Hatch, District Manager, who gave a slide show following the progress of the West Nile
10 Virus during the year. He reported that the virus was first detected in Utah in June and that it
11 ultimately was reported in 20 of 29 counties. He explained their process of surveillance and
12 testing and how they deal with the mosquito problem in an attempt to control the virus. There
13 were ten human cases of West Nile Virus reported in Davis County during the year. The District
14 sprays for mosquitos with both ground and aerial applications during the months of May through
15 September, covering over 97,000 acres by air, mainly in the wetlands area, and 382,000 acres by
16 ground, averaging about 17,000 acres a week with four trucks which operate six nights a week.
17

18 **PROPOSED SKATEBOARD PARK DISCUSSED**

19 Mayor Johnson announced that a public hearing had not been scheduled to discuss the
20 skateboard park issue; however, he invited those present to address the Council if they have new
21 ideas to present, and opened the meeting for public comment at 8:05 p.m.
22

23 **Shae McGill**, expressed his thanks to the Council for listening. He said he had
24 researched existing skateboard parks with regard to criteria used in site selection, problems, and
25 what they would do differently. He also searched the internet and contacted the Tony Hawk
26 Foundation, and he reviewed his findings with the Council:

- 27 – Park needs to be highly visible
- 28 – There should be sufficient traffic to provide oversight
- 29 – Tolman Park does not provide visibility
- 30 – Needs to be centrally located and have available transportation
- 31 – Should be close to commercial venues, restrooms, phones,
- 32 – Should have supervision
- 33 – Should not be in a residential area, but if it is, the public should be involved
34 completely in the process and be in agreement with the location
- 35

36 Mr. McGill said they have collected over 300 signatures in opposition to the Tolman
37 Park location, and he refuted several assumptions:

- 38 – These are bad kids – Bountiful needs a skate park. It should be a good park, and his
39 group supports it.
- 40 – This skate park will attract only locals – The proposed large bowl will attract outsiders
41 to the park as well.
- 42 – Could increase problems at Tolman Park – A secluded site that is not supervised
43 opens the door not only for the skaters, but they could become the prey of other deviants.
44

45 Mayor Johnson thanked Mr. McGill for representing his group (Citizens for a Successful

1 Skateboard Park) and presenting their findings. Councilman Higginson reviewed the negative
2 comments which have been circulating, attributed to this organization, and voiced his opposition
3 and rebuttal to them.
4

5 **Wallace Wright, 1148 Briggs Drive**, said he believes a skate park would be an asset for
6 the kids, although it would be somewhat exclusive for that particular neighborhood because of
7 the remote location. He would prefer it to be down in the valley in an area that would be
8 accessible to public transportation – preferably in the recreation center area. A high-quality park
9 is a good investment which would give the youth an opportunity to exercise their bodies as well
10 as their athletic abilities.
11

12 **Gordon Raymond, 134 West 1500 North**, said Bountiful needs a skate park, and he
13 favors putting it in Tolman Park, which is a public place and is for the use of the people.
14

15 **Tad Miya, 1904 South Davis Blvd.**, has been a life-long resident of Bountiful and
16 appreciates all that the Council has done for the city. He is a skateboarder with long hair and
17 holes in his jeans, has been skateboarding for six years, and for the past 2½ years has been
18 employed by a skate shop in Bountiful. He participated in the first planning discussion which
19 the City had in 2001, and said he feels a great need for a skate park. He put his trust in the
20 Council to make the right decision for the kids in the city – to build a skate park that is public
21 and easily accessible where kids can skate legally and safely.
22

23 **Lindsay Benson (and husband Doug), 1415 East 250 North**, a teacher at Bountiful
24 Junior High, had a petition signed by 100 students who want a skate park. Swimming pools,
25 fields, and baseball diamonds are provided for those who want to participate in those types of
26 sports, but nothing is provided for skaters. Doug said he has been skateboarding for 15 years. In
27 the past 2½ years he has been skating twice a week in the bowl at the Layton park, and has never
28 seen a problem. It is his opinion that Bountiful needs the biggest and best skate park that they
29 can provide.
30

31 **Jennifer Brown, 1422 Vineyard Drive**, has three small children and is against putting
32 the skate park at Tolman Park. She is opposed to the increased traffic because of the
33 playgrounds in the vicinity where small children play, and she feels a skate park and playground
34 should not be in close proximity. She does favor a skate park, but thinks it should be in a
35 central, easily accessible location for the majority of the population closer to downtown.
36

37 **Dale Okerlund, 1178 East Briggs**, is not opposed to city recreational facilities, but feels
38 the character of a city park in a neighborhood would be fundamentally changed by the addition
39 of a skate park. He values Tolman Park as it is now, and is not in favor of changing the nature of
40 the park as it now exists.
41

42 **Heidi Salazar, 22 West 200 North**, is a skateboarder, as are her husband and her four-
43 year-old, and she is of the opinion that the skateboard park should be placed in the park in
44 conjunction with the recreation center. She would like the Council to reconsider the

1 arrangement and go back to the original plan.

2 **Greg Mortensen, 404 West 3200 South**, asked the Council to reconsider their decision
3 to build a skateboard park inasmuch as taxpayer funds are being used. He has participated in
4 sports in several different countries, and in each instance he was expected to pay for the use of
5 the facility. He feels that providing for special interest groups is not appropriate. He suggested
6 that those who wish to use the skate park could raise funds to have it built and maintain it.

7
8 **Keaton McDonald, North Salt Lake**, is an avid skateboarder. He feels like the facility
9 is a positive and is needed, and he would like to see it by the recreation center because it would
10 be close to food, water, transportation, and a skate shop. He said that it would be used every
11 day, would bring good business to the community, and is a good value for taxpayer money.

12
13 **Dave Mickelson, Vineyard Drive**, voiced his concern about the liability of an
14 unsupervised skateboard park. He supports recreational opportunities for the youth, and is a
15 former skateboarder. He pointed out that Tolman Park at one time had a structure which
16 presented some danger to the residents of the area and to the children, so it was removed and
17 replaced with a safer structure. He asked that the Council consider the liability that would be
18 associated with an unsupervised facility. He said that Tolman Park is not the area to localize the
19 type of environment generated by a skateboard park.

20
21 **Zack Arnold, 6th North**, agreed that Tolman is not a good area for a skateboard park
22 because it is not large enough. It would not provide the space needed to accommodate BMX
23 bikers and rollerbladers.

24
25 **Lloyd Allen, 3rd South**, appreciated the fact that the public was able to comment, but he
26 felt that this meeting would not satisfy the need of a public hearing. He views Tolman Park as a
27 neighborhood park as opposed to a community center. He feels that a neighborhood park should
28 service the neighborhood around it, and is not designed as a draw to bring the whole community
29 in. Therefore, Tolman is not the appropriate place for a skateboard park. He also voiced his
30 opinion that tax dollars should be used to serve the community and to provide essential
31 governmental functions, but they should be used carefully when serving a very small sector of
32 the community.

33
34 **Dave Kitchen, 5th North and 12th East**, a father of six, was skating at the ice rink on the
35 day the original recreation center opened. His family utilizes the recreation center a great deal,
36 and he pointed out that they pay an admission fee and they also have supervision. He feels a
37 skateboard park would be a boon to the community if it had supervision and admission. It would
38 not have to be expensive, but would satisfy a lot of the concerns if it were joined to the
39 recreation center with similar regulations.

40
41 **Mark Green, 1214 East Briggs Drive**, said he appreciates the efforts of the Council, but
42 he is still undecided as to whether or not he favors having a skateboard park at Tolman Park. He
43 invited the Council to educate him and his neighbors more regarding the issue so they might
44 make a more rational decision.

1
2 **Kent Barton, 1357 East Pheasant Ridge Circle**, questioned why the proposed park
3 should be all-inclusive. He suggested breaking up the skateboard park components and placing
4 one feature in each of the several parks in the city.
5

6 **Holly Keddington, Vineyard Drive**, expressed her concern with the noise issue. She
7 feels that the activity at a skate park would go on all day long, as contrasted with the short-term
8 activity on the existing baseball field. Also, if the skateboard park were to be as attractive and
9 nice as the new recreation center, it would attract too many people and destroy the safety and
10 peacefulness of their quiet neighborhood park
11

12 **Isaac Raymond, 134 West 1000 North**, is a skateboarder and would like to see the
13 skateboard park placed next to the recreation center. Tolman Park is too far away.
14

15 **Barry Nielsen, 1375 East, a block above Tolman Park**, is in favor of a skateboard park
16 if it is in the right location. His concern is zoning, the basic purpose of which is to protect
17 certain neighborhoods and preserve their integrity. Tolman Park is in a residential zone and is
18 not a good location.
19

20 **Ryan Salazar, 22 West 200 North**, stated he has an interest in this matter inasmuch as
21 he is a long-time Bountiful resident, a 20-year skateboarder, a Bountiful business owner (partner
22 in a skateboard shop on 500 West), and he has an interest in the youth. He stated it is his
23 understanding that a skateboard park has been approved, and he appreciates the opportunity for
24 public comment, both pro and con. He would like to have a committee of skateboarders to be
25 involved and work toward getting a park, and is willing to donate his time and space for
26 planning. He feels the community needs to come together and decide what is good and get it
27 built. He also is of the opinion that the recreation center area is a good location.
28

29 **Clory Duerden Greenburg, 349 North 1225 East**, stated the Tolman Park site is in her
30 backyard. She pointed out that there is a deer trail there. Noise is also a concern, and the
31 location is a secluded place which invites trash, etc. She is in favor of a skateboard park, but not
32 at Tolman.
33

34 **Greg Oakes, 330 North 1300 East**, stressed the importance of good communications
35 between citizens and administration in the planning process. He referred to our freedom to speak
36 out on issues, and how our founding fathers studied and looked at issues regarding how to create
37 a government that works, with checks and balances. He admonished the Council to look at the
38 places that have successful skate parks, to study the issue carefully, and to make their decision
39 on “what works.”
40

41 Mayor Johnson closed the public comment session at 9:20 p.m., and summarized the
42 discussion:

- 43 – we want a skateboard park – but “not in my neighborhood”
- 44 – it has some merit, but “not in my neighborhood”

1 – find another place

2 He pointed out that the reason the people were in attendance tonight is because it involves their
3 neighborhood. They did not attend any of the earlier planning meetings. He assured them that
4 the City Council and staff have studied the issue in detail and have held many public hearings
5 regarding it. If anyone feels that they have been uninformed, it is not the fault of the city.
6 Agendas have been posted, the *Clipper* has covered it, and the Council has traveled to other
7 parks and has thoroughly analyzed the design, location, and all aspects of skateboard parks. No
8 one attended the budget hearings, where funding a park was approved. He stated his hope that at
9 the end of the meeting everyone would leave without animosity and with the understanding that
10 the decision made will be supported by all, both pro and con. He then invited discussion from
11 the Council.

12
13 Councilman Pitt thanked the Mayor and Council for their patience the last five years
14 while this issue has been under discussion. He said he has received only one letter opposing the
15 skateboard park – all others were in favor, but the basic question was “where”. In his opinion,
16 the recreation center location was a better spot than Tolman Park, but the Council voted against
17 it. He said that when the idea of a skateboard park was first discussed, there were about 7-8 of
18 them in the area, which were visited by the Council. There are now 43 cities in Utah with
19 skateboard parks, some in neighborhoods, some in parks, and some in wide-open areas. None
20 are supervised.

21
22 Councilman Pitt said he felt it is his responsibility as Chairman of the Parks and
23 Recreation Committee to seek out opportunities to serve the public with good recreation. The
24 City Council has toured potential sites and money has been set aside to fund a park. He pointed
25 out that decisions made do not always have unanimous support, but the Council has been able to
26 compromise in order to satisfy the needs and concerns and make the solution palatable. Now
27 that the recreation center option is gone, he is willing to back up the recommendation that the
28 Tolman Park is the best workable option left. He described his vision of the park as one that is
29 not built on a grand scale, but is modest in size and features, yet will satisfy the needs of the
30 skateboarders.

31
32 He explained that the main reasons for moving it from the downtown area were that it
33 was very close to homes, it would have been wide open, and the Council wanted it away from
34 the freeway and downtown areas where it would draw more outsiders. Also, the Tolman site
35 already has landscaping and trees that can be added to make it attractive, and it is clearly visible
36 from the rest of the park. He feels it will add to the over-all appeal of the park.

37
38 Councilman Pitt continued with his suggestions for the park: There would be no
39 supervision, but there would be a fence and no lighting, and it would be temporarily closed down
40 if excessive noise or graffiti should become a problem. He pointed out that it is necessary to
41 work with property already owned by the City. He offered his suggestion that the Council
42 proceed with the idea of how they can make the Tolman Park area work, how they can honor the
43 concerns of the neighbors, how to mitigate or minimize the concerns, and yet provide a
44 skateboard park that will be attractive and enjoyable to the skaters in Bountiful. He proposed
45 that they proceed with a plan to put a neighborhood skateboard park in the Tolman Park in a

1 location that is now occupied by trees. He also proposed the formation of a neighborhood
2 committee to help plan the project.

3
4 Mayor Johnson said that the Council had listened to the same arguments from the group
5 on 200 West who opposed putting the skateboard park near the recreation center, and as a result
6 the City Council agreed to move it. He feels that the residents in the Tolman Park area deserve
7 the same consideration. Councilman Pitt argued that the opposition does not need to be ignored
8 entirely, but an attempt should be made to mitigate the concerns in order to make the project
9 workable and thereby satisfy the community, skaters, and neighborhood directly involved. He
10 pointed out that not one of the 43 cities in Utah that have skateboard parks received unanimous
11 approval, as that is an almost impossible goal to attain. Their success came through
12 compromise.

13
14 Councilman Pitt repeated his motion to proceed with the plan to put the skateboard park
15 in Tolman Park with a citizen committee to help gain approval. Councilman Higginson
16 seconded the motion. Councilmembers Pitt and Higginson voted aye, and Councilmembers
17 Holt, Moss, and Tolman voted nay. The skateboard park will not be built in Tolman Park.

18
19 **RELEASE OF EASEMENT GRANTED FOR LOT 201,**
20 **TEMPLE RIDGE SUBDIVISION PHASE 2**

21 Paul Rowland explained that a boundary line adjustment between two lots has created the
22 need for a release of easement between Lots 6 and 201, Temple Ridge Subdivision Phase 2. The
23 Release of Easement has been signed by the affected utilities, and it is recommended that the
24 City Council accept the release. Councilman Higginson made a motion to grant the release,
25 seconded by Councilman Moss, and voting was unanimous with Councilmembers Higginson,
26 Holt, Moss, Pitt, and Tolman voting in favor.

27
28 **INFORMATION ON INTERMOUNTAIN POWER PROJECT**
29 **UNIT #3 AND FUTURE POWER DISCUSSION**

30 Mayor Johnson proposed that this agenda item be continued to next week when the City
31 Council meets jointly with the Power Commission.

32
33 At 9:45 p.m. the Council broke for a brief recess, then reassembled at 10:08 p.m.

34
35 **EMPLOYEE POLICY ON CONVERSION OF VACATION AND**
36 **SICK LEAVE APPROVED BY RESOLUTION 2006-05**

37 Tom Hardy reported that a ruling from the Utah Retirement System on a technical issue
38 in our policy necessitated a change to bring the policy into conformity with the Utah Retirement
39 System regulations on sick and vacation leave buy-back. Our current policy allows the
40 employee to take it either in cash or a 401(k) contribution. It is proposed that the 401(k) option
41 be taken out of the policy. Councilmember Holt made a motion to approve Resolution 2006-05,
42 A RESOLUTION AMENDING SECTION 312, LEAVES OF ABSENCE, OF THE PERSONNEL POLICIES AND PROCEDURES
43 MANUAL FOR THE CITY OF BOUNTIFUL, CONCERNING CONVERSION OF VACATION AND SICK LEAVE TO SALARY.
44 Councilman Moss seconded the motion, and voting was unanimous with Councilmembers
45 Higginson, Holt, Moss, Pitt, and Tolman voting in favor.

1
2 **CREATIVE COMMUNITIES GRANT FROM**
3 **UTAH ARTS COUNCIL**

4 Councilman Pitt explained that the Utah Arts Council is offering a matching grant up to
5 \$16,000 per community for those who set aside money for economic development through the
6 arts. The Arts Center is asking Bountiful City to contribute \$6,000 to help them reach their goal
7 of raising the \$16,000 necessary to receive the matching grant. The grant money will be used to
8 replace the stage which is used for Summerfest, Handcart Days, and by many other
9 organizations. The Art Center is asking Bountiful City to write a letter, indicating that they are
10 willing to contribute \$6,000 toward this specific program. Councilman Pitt made a motion to
11 take this money from the contingency fund and help the Art Center qualify for the matching
12 grant. It was understood that the \$6,000 will be paid only if the Art Center is successful in
13 raising the other \$10,000. Councilmember Holt seconded the motion, and voting was unanimous
14 in favor, with Councilmembers Higginson, Holt, Moss, Pitt, and Tolman voting aye.
15

16 **COUNCIL COMMITTEE REPORTS**

17 Councilman Tolman reminded the Council that the annual breakfast with Santa at the
18 Wight House will be on December 9, to raise funds for the Family Connection Center. Mayor
19 Johnson also noted that the Electric Light Parade will be on Saturday at 6 o'clock, and he
20 encouraged everyone to attend.
21

22 Councilman Higginson reported that the Community Service Council will be doing
23 another series of emergency preparedness training classes, beginning February 17, 2007.
24

25 Meeting adjourned by unanimous vote at 10:22 p.m. on a motion by Councilman
26 Higginson, seconded by Councilmember Holt. Executive session was canceled.
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31 JOE L. JOHNSON, Mayor
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36 KIM J. COLEMAN, City Recorder
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