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**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
May 23, 2006 - 7:13 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
	City Recorder:	Kim J. Coleman
	Planning/RDA Dir.:	Aric Jensen
	Department Reps:	Gary Blowers, Streets/Sanitation Neal Jenkins, Parks/Recreation Lloyd Cheney, Engineering Chuck Goode, Parks/Recreation
	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 7:13 p.m., following a joint meeting with the Planning Commission, the Swearing In Ceremony for the Youth City Council, and an RDA meeting. The Joint Session with the City Council and the Planning Commission was held in the basement training room of City Hall, convening at 4:41 p.m. and adjourning at 7:07 p.m. The purpose of that meeting was to review proposed revisions to the Zoning Code, and extensive discussion occurred in this regard. No formal action was proposed nor taken during that study session. Travis Baetz, visiting Boy Scout from Troop 3522, led the pledge of allegiance to the flag. Mr. Jensen offered the prayer/thought.

**MINUTES APPROVED FOR TWO MEETINGS**

Minutes of the regular City Council meetings held April 25, 2006 and May 9, 2006 were presented and approved with a correction to the April 25<sup>th</sup> minutes. Councilman Higginson made the motion to approve, Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

**EXPENDITURES AND EXPENSES APPROVED FOR  
PERIOD MAY 4 - 10, 2006**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the period May 4 - 10, 2006 in the amount of \$317,789.31. Councilman Moss motioned to approve these expenditures, Councilman Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

NOTE: *The business of the Council was not conducted per the order listed on the Agenda.*

**PRESENTATION ON SKATEBOARD PARKS - MALINDA OKERLUND**

Malinda Okerlund, Administrative Intern, presented the results of a study which she

1 recently completed regarding skateboard parks. The purpose of the study was to determine the  
2 impact of skateboard parks on their surroundings, and to determine how other communities have  
3 handled placement of the parks. Ms. Okerlund narrated a Powerpoint presentation which showed  
4 views of ten skateboard parks along the Wasatch Front, and provided a comparison of their size,  
5 location, and characteristics. The skateboard structures included in her presentation were  
6 composed of various materials and constructed in a variety of designs. Most skateboard parks are  
7 found in large park complexes with baseball diamonds and soccer fields nearby. One park was in  
8 a residential area. Ms. Okerlund interviewed skaters to determine the type of course they would  
9 prefer and she reported on the time of day the parks were used.

10  
11 Ms. Okerlund reviewed that Bountiful's current design plan (28,000 square feet) would be  
12 one of the largest in the state and she noted that it is the general feeling of those interviewed that  
13 the park will attract skateboarders from along the Wasatch Front and even from other states. Most  
14 skateboarders range in age from six years old to their mid-twenties.

15  
16 Ms. Okerlund responded to questions from the Council, following which the Mayor took  
17 comments from citizens in attendance. Diane North, Brenda Mills, Jack Balling, Chuck Peters,  
18 Jeff Barlow, Suzanne Grandstaff, Teresa Althouse, Joyce Reese, Karen Peters and Duane Mills,  
19 residents in close proximity to the proposed skateboard location, expressed concern about the  
20 negative impact that would be created by the skateboard park on their residential property.

21  
22 Mr. Hardy reviewed that three years ago the City went through a long process of looking  
23 for sites for a proposed skateboard park and a series of public meetings were held. The proposed  
24 location of the skateboard park in the original plan was later changed to accommodate an  
25 agreement made between the Recreation District and the Davis School District for common use of  
26 gymnasium facilities. He said that a final decision has not been made on the site that is being  
27 looked at tonight and that nothing will be done for a year in regard to the skateboard park. He  
28 thanked the residents for their comments and stated that other cities have been contacted with the  
29 possibility of constructing a regional skateboard park. In the meantime, he suggested that citizen  
30 representatives stay in contact with the City so that residents will be apprised of when further  
31 discussion of this matter will take place.

32  
33 **PUBLIC HEARING TO CONSIDER ZONE MAP AMENDMENT FOR**  
34 **PROPERTIES AT 1198 NO, 1220 NO., AND 1260 NO. 200 WEST**

35 Mr. Jensen reviewed that Eric Beard, applicant, is requesting a zone map amendment for  
36 several parcels of land located at approximately 1260 North 200 West in Bountiful. At this time  
37 the applicant is only acquiring one parcel; however, the three parcels are essentially surrounded by  
38 Viewmont High and existing multi-family zoning, and staff feels that it would be inappropriate to  
39 rezone just the larger parcel without considering the impact on the two other properties. The  
40 request was considered by the Planning Commission and the unanimous vote was to recommend  
41 denial of the proposed zone map amendment from R-1-6.5 to R-3-13 with the following findings:

- 42  
43 1. That the increased density will negatively impact traffic conditions in the area.  
44 2. That the location next to the driveway leading out from Viewmont High presents a  
45 safety hazard.  
46 3. That the applicants did not adequately show that the change in zoning is necessary, is  
47 in the interest of the public, and is in harmony with the purpose and objectives of the

1 zoning ordinance.

2  
3 At 8:21 p.m. Mayor Johnson opened a public hearing to consider this request. Tiffany  
4 Twitchell Smith and Shawna Rice (representing property owner Richard Lemon), spoke in  
5 opposition to the request. Eric Beard, applicant, indicated that he would be willing to commit to a  
6 development plan and he reviewed his proposed project, which he represented would bring  
7 permanent residents. Ken Hansen stated that he would prefer for the property to be used for  
8 additional parking for the high school. Shane O'Toole spoke in favor of the smaller units to be  
9 used by permanent residents and Robert McArthur suggested developing as a PUD. The hearing  
10 concluded at 8:47 p.m.

11  
12 The Council responded to issues raised by citizens, and Councilwoman Holt (who was not  
13 present at the Planning Commission discussion) pointed out that this request is not spot zoning and  
14 she feels it would be a good project for the property. She made a motion to approve the rezone  
15 request, which includes three separate parcels. Councilman Tolman seconded the motion.  
16 Councilman Pitt expressed concern that three parcels are being considered in the rezone, but only  
17 one is being looked at in terms of the project being proposed. Mr. Hardy pointed out that size  
18 limitations would require that the other two lots be limited to either single family or combined for  
19 one duplex. The motion carried by a majority with Councilwoman Holt, Councilman Moss and  
20 Councilman Tolman voting "aye". Councilman Pitt voted "nay" and Councilman Higginson  
21 abstained.

22  
23 **TURF EQUIPMENT AWARDED BID FOR HEAVY**  
24 **DUTY 4-WHEEL TURF TRUCK**

25 Mr. Goode reviewed that three vendors responded to a call for bids for a heavy duty 4-  
26 wheel turf truck. It is the recommendation of staff to award the bid to low bidder, Turf Equipment  
27 Company, for a Toro 4300 4-wheel drive diesel in the amount of \$21,975.00. The bid is within the  
28 budget estimate. Councilman Pitt made a motion to approve this purchase, Councilman Moss  
29 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and  
30 Tolman voted "aye".

31  
32 **BUILDING LEASE WITH JEEP POSSE APPROVED**

33 Mr. Hardy reviewed that two weeks ago the Council considered the proposed lease with the  
34 Jeep Posse for use of the building and parking lot located at 245 West 1050 South (former  
35 Bountiful City Water Department). Several changes and modifications were discussed and  
36 recommended by the Council and these changes have been incorporated into the lease. Mr. Hardy  
37 reviewed the areas which had been modified and stated that it now meets the intent of the  
38 Council's previous discussion. Councilman Moss motioned to approve the lease, as presented.  
39 Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Higginson,  
40 Holt, Moss, Pitt, and Tolman voted "aye".

41  
42 **LOCAL CONSENT FOR LIQUOR LICENSE APPROVED**  
43 **FOR RESTAURANT AT 95 EAST 500 SOUTH (FORMER CARMACK'S BUILDING)**

44 Mr. Mahan presented the request of Aimee Sterling and Earl Moesinger for local consent  
45 for a liquor license. The State will be the grantor of the liquor license, based on the local consent.  
46 Citizens in attendance questioned that this action was appropriate inasmuch as a moratorium is in  
47 place for the subject property. However, it was clarified that the moratorium applies only to

1 changes in land use, and this project is not a change of use. Councilman Pitt made a motion to  
2 grant approval for the local consent request. Councilman Tolman seconded the motion and voting  
3 was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

4  
5 **PUBLIC HEARING RE: COMPREHENSIVE REVISION**  
6 **OF ZONING CODE**

7 Mayor Johnson reviewed that the City Council and Planning Commission met earlier today  
8 in a study session (at 4:30 p.m.) for the purpose of reviewing the proposed revisions to the zoning  
9 code. In compliance with State Code, a public hearing is required prior to changes in this code  
10 and the hearing was officially opened at 9:12 p.m. Mont Mickelson stated that he was concerned  
11 about the “commercial creep” up 500 South (east of Main Street) and he said that the residents of  
12 Brentwood Circle are particularly vulnerable.

13  
14 Marv Blosch thanked the staff for the work which has been done in attempting to improve  
15 the zoning code. Sophia Kapsanevas, 535 So Brentwood Circle, stated that she moved to  
16 Bountiful to enjoy a more friendly urban environment, has done considerable remodeling to her  
17 home, and does not want businesses moving next to her. Robert McArthur, 485 South 100 East,  
18 stated that he built his home at this location to help in anchoring the residential community and  
19 would be concerned if businesses encroached into the neighborhood. Robert Billings, 551 South  
20 100 East, stated that the Council should recognize the feelings of the residents of the area, and not  
21 developers. John Blosch (347 W 3500 South) asked about the timetable for the proposed change  
22 in the historic district. Mr. Hardy responded to a concern about public notice of the proposed  
23 changes.

24  
25 The hearing was closed at 9:38 p.m. and it was noted that the comments which have been  
26 made in the public hearing should be recognized. Mr. Mahan was designated as the contact person  
27 for citizens who would like to make additional comments. Based on citizen input, the proposed  
28 revisions will be refined to reflect the public comments and the matter will be placed on the  
29 Agenda at a meeting in the near future.

30  
31 **CONSIDER ADOPTION OF RESOLUTION NO. 2006-01 APPROVING**  
32 **ACTION BY THE MUNICIPAL BUILDING AUTHORITY**

33 Mr. Mahan noted that a communications tower was constructed, adjacent to the City’s  
34 public safety building, on a portion of the property originally pledged as collateral for the  
35 \$3,685,000 Municipal Building Authority (MBA) Lease Revenue Bonds, Series 1996. This is a  
36 technical violation of the pledge, but Zions Bank (the bond owner) has agreed to simply amend the  
37 documents to remove the area of the tower from the pledge and to allow an easement across the  
38 collateral ground to get to the tower. To accomplish this, approval must be given by both the City  
39 Council and the MBA. Councilman Higginson made a motion to approve the “Written  
40 Application for Partial Reconveyance and Grant of Easement”. Councilman Tolman seconded the  
41 motion. Voting was unanimous with Councilmembers Higginson, Holt, Moss, Pitt and Tolman  
42 voting “aye”. Councilman Higginson then made a motion to adopt Resolution 2006-01 as  
43 presented, which approved the adoption by the MBA of a partial reconveyance and a grant of  
44 easement on ground originally pledged as collateral for the bonds noted previously. Councilman  
45 Moss seconded the motion, and voting was unanimous with Councilmembers Higginson, Holt,  
46 Moss, Pitt and Tolman voting “aye”. Councilman Moss then made a motion to approve the written  
47 minutes relative to this portion of the Council meeting (see appended pages) and to authorize the

1 Mayor to execute any necessary documents. Councilman Tolman seconded the motion. Voting  
2 was unanimous with Councilmembers Higginson, Holt, Moss, Pitt and Tolman voting “aye”.

3  
4 The Council adjourned at this time (9:45 p.m.) For a brief break, and then reconvened at  
5 9:55 p.m. At that time, the Mayor noted that Mr. Scott Garner had been waiting to address one of  
6 the items scheduled near the end of the agenda. So, the meeting again varied from the order listed  
7 on the agenda.

8  
9 **APPROVAL GRANTED TO MULTI-FAMILY SITE PLAN,**  
10 **592 NORTH MAIN STREET - SCOTT GARNER, APPLICANT**

11 Mr. Jensen reviewed that Scott Garner has requested approval of a multi-family site plan  
12 for an existing lot at 600 North Main Street. The property is currently zoned R-3-13; however, the  
13 maximum density is 9 units per acre because it is less than 1 acre in size. The City Engineer has  
14 recommended that the address be changed to 592 North Main Street, as 600 North is a street  
15 address. This matter has been considered by the Planning Commission and comes to the Council  
16 with a recommendation for approval, subject to the following conditions:

- 17 1. That the applicant provide a complete landscape plan to be reviewed and approved by  
18 staff.
- 19 2. That a basement be permitted as an option as long as there are no additional bedrooms  
20 and a deed restriction is recorded to this effect.
- 21 3. That the technical aspects of the site plan be revised according to the  
22 recommendations of the City Engineer.
- 23 4. That at least 50 percent of the structure’s facade be in brick or stone as required by  
24 ordinance.
- 25 5. That the applicant provide additional architectural enhancements, especially to the  
26 west side of the building, to the satisfaction of staff.

27 Following a short discussion, Councilman Moss made a motion to approve the site plan,  
28 with the conditions as presented. Councilwoman Holt seconded the motion which carried by a  
29 majority. Councilman Higginson abstained and Councilpersons Holt, Moss, Pitt, and Tolman  
30 voted “aye”.

31  
32 **BILL AND JANET WORTLEY RECOGNIZED**

33 Bill and Janet Wortley were in attendance and the Mayor recognized them for the strong  
34 support they have been to the downtown area. The Wortley’s are trying to find a new tenant for  
35 their business property and were in attendance to express appreciation to the City Council for their  
36 support. Councilman Tolman reviewed that the Wortley’s have been a catalyst for other  
37 merchants in the downtown and historic movements and he expressed appreciation on behalf of the  
38 City. Councilman Pitt and Mr. Jensen also expressed thanks for the Wortley’s efforts.

39  
40 The Council adjourned at this time (10:07 p.m.) to reconvene as the Board of the Municipal  
41 Building Authority of the City of Bountiful.

42  
43 **CONSIDERATION FOR ADOPTION OF MUNICIPAL BUILDING AUTHORITY**  
44 **RESOLUTION 2006-01 APPROVING ACTION BY THE MUNICIPAL BUILDING**  
45 **AUTHORITY**

46 Mr. Mahan noted that public notice had been given for this meeting, and he requested that  
47 the Board consider adoption of a Resolution approving the adoption by the Municipal Building

1 Authority of the City of Bountiful, Utah of a Resolution authorizing (1) the release of a portion of  
2 the property that was originally pledged as collateral for the Authority's \$3,685,000 Lease  
3 Revenue Bonds, Series 1996 and (2) granting an access easement over and across a portion of the  
4 property that was originally pledged as collateral for said bonds; approving the execution and  
5 delivery of certain release documents to accomplish said release and grant of easement;  
6 authorizing and taking of all other actions necessary to the consummation of the transaction  
7 contemplated by the Resolution; and related matters. Mr. Moss made a motion to approve the  
8 First Supplemental Indenture of Trust, the Grant of Access Easement, the written minutes relative  
9 to this portion of the meeting, and Municipal Building Authority Resolution No. 2006-01, and to  
10 authorize the Chair to execute any necessary documents. Mr. Pitt seconded the motion and voting  
11 was unanimous. Board members Higginson, Holt, Moss, Pitt and Tolman voted "aye". The  
12 meeting of the Municipal Building Authority adjourned at 10:09 p.m. on a motion made by  
13 Boardmember Moss and seconded by Boardmember Pitt. Voting was unanimous with  
14 Boardmembers Higginson, Holt, Moss, Pitt and Tolman voting "aye".  
15

16 The City Council meeting reconvened at 10:09 p.m.  
17

18 **RES. NO. 2006-02 ADOPTED RE: INTERLOCAL AGREEMENT**  
19 **CREATING SOUTH DAVIS METRO FIRE AGENCY**

20 Mr. Hardy reviewed that the Board of Directors of the South Davis Metro Fire Agency met  
21 last week and discussed the need for the terms of the interlocal agreement to be modified to  
22 provide for a 25-year term (instead of five). This became a critical factor when financing was  
23 requested on a 20-year loan being requested by an organization with a five-year life. It is the  
24 recommendation of staff to approve the proposed resolution which extends the term of the  
25 agreement to facilitate long-term financing of new fire stations. Councilman Tolman made a  
26 motion to approve Resolution No. 2006-02 and the termination agreement as presented.  
27 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons  
28 Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
29

30 **PROPERTY CROSSING LICENSE AGREEMENT WITH**  
31 **VALLEY PAINT, 950 WEST, APPROVED**

32 Mr. Mahan explained that the City owns a strip of land on 950 West near 750 South in  
33 Woods Cross which is used for power poles and wire. Valley Paint owns the property on both  
34 sides of this strip, and would like to hard surface the City land and be able to drive across it to get  
35 between their properties. An agreement has been prepared which provides that the City property is  
36 not to be used for storage or be incorporated into the Valley Paint operation. The right to cross is a  
37 convenience for Valley Paint and the City has the right to revoke the agreement at will.  
38 Councilman Moss made a motion to approve the Agreement, as explained. Councilwoman Holt  
39 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and  
40 Tolman voted "aye".  
41

42 **M.C. GREEN AND SONS, INC. AWARDED ANNUAL**  
43 **CONCRETE BID**

44 Mr. Rowland reviewed that the bid opening for the annual concrete repair/construction  
45 contracts was discussed in the previous City Council meeting. Only two contractors had  
46 responded and one had not provided a bid bond, as required in the bid documents. Based on an  
47 estimate of unit prices, it is the recommendation of staff to award the contract to M.C. Green and

1 Sons, Inc., in the amount of \$557,725.00. Mr. Rowland noted that this company has been the  
2 contractor for the City for many projects, including last year's concrete contract, and they are very  
3 reputable. (He also noted that they have agreed to sub-contract this work out to the other bidder,  
4 JMR Construction). Councilman Moss made a motion to award the concrete contract to M.C.  
5 Green and Sons, Inc., as recommended. Councilwoman Holt seconded the motion which carried  
6 unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
7

8 **RELEASE OF EASEMENT APPROVED FOR**  
9 **350 NORTH 700 EAST – ECKMAN SUBDIVISION**

10 Mr. Rowland reviewed that the City has an easement which permits access to the  
11 decommissioned Eckman reservoir. It is not a regular public utility easement, rather it is only  
12 there to cover the water main . All of the water sources have been disconnected from the Eckman  
13 reservoir which was taken out of service, never to return, because it is at the wrong elevation. The  
14 easement runs through a lot with an existing house and the potential buyer is anxious to have the  
15 easement removed in case he wishes to replace or add to the existing house. It is the  
16 recommendation of staff that the easement be released, on the condition that the owner sign the  
17 Easement Release Agreement as outlined. Councilman Higginson made a motion to this effect,  
18 Councilman Moss seconded the motion and voting was unanimous. Councilpersons Higginson,  
19 Holt, Moss, Pitt and Tolman voted "aye".  
20

21 **COUNCIL APPROVES GUARANTEED MAXIMUM PRICE**  
22 **CONTRACT FOR NEW WATER DEPARTMENT BUILDING PROJECT**

23 Mr. Cheney reviewed that Hogan and Associates conducted a bid opening for the  
24 construction of the new Water Department building, Street Department garage, Parks Department  
25 addition, and the new Police evidence building. The City staff has worked closely with Hogan to  
26 establish the Guaranteed Maximum Price (GMP) for these projects and this figure has been  
27 reduced by approximately \$210,000 from the initial estimate. Value engineering items are being  
28 researched which may result in additional savings which, if realized, will be placed into the  
29 contingency line item (about 5.9% - \$4,000), to be returned to the City at the conclusion of the  
30 project. A report of the costs for each project was given to each councilmember and briefly  
31 reviewed by Mr. Cheney, following which he said it is the recommendation of staff that the City  
32 Council accept the Guaranteed Maximum Price proposal from Hogan and Associates for  
33 \$5,790,000.00 and enter into a contract to complete the work.  
34

35 Mr. Rowland verified that the City has had a good history of working with Hogan. Mr.  
36 Cheney said it is hoped that the Street Department improvements can be completed by the  
37 beginning of winter, the Police and Parks department projects should be completed by the end of  
38 the year, and the Water Department will not be completed for about one year. Councilman Pitt  
39 motioned to approve the GMP with Hogan and Associates, as presented. Councilwoman Holt  
40 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and  
41 Tolman voted "aye".  
42

43 **PRELIMINARY AND FINAL APPROVAL GRANTED TO**  
44 **PLAT L, BOUNTIFUL CITY CEMETERY**

45 Mr. Rowland reviewed that each addition to the City's cemetery requires a plat map be  
46 prepared, reviewed and recorded with the Bountiful City Recorder prior to selling new burial plots.  
47 (This differs from regular subdivisions in that these plats are not recorded at the Davis County

1 Recorders office). It is the recommendation of staff and the Planning Commission that  
2 preliminary and final approval of Plat L of the Bountiful City Cemetery be approved, with the  
3 condition that all of the trees that were supposed to be planted in earlier phases shall be planted  
4 prior to December 01, 2006. Councilwoman Holt made a motion to grant approval as  
5 recommended. Councilman Moss seconded the motion and voting was unanimous.  
6 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
7

8 **REVIEW 2006-07 BUDGET**

9 Mr. Hardy asked if there were any issues related to the 2006-07 budget which needed  
10 discussion. He pointed out that the public hearing for the 2006-07 budget will be in two weeks  
11 and that he will make a budget presentation at that time.  
12

13 **COUNCIL COMMITTEE REPORTS**

14 Mr. Rowland reported that the projected completion date for finalization of the Recreation  
15 Center is December 24, 2006 – three weeks later than anticipated. Councilman Higginson asked  
16 about the conduits being placed at 400 North Street and Mr. Rowland explained that fiber optics  
17 are being installed for use with the traffic semaphore.  
18

19 The meeting adjourned at 10:37 p.m. on a motion made by Councilman Higginson and  
20 seconded by Councilwoman Holt. Voting was unanimous with Councilpersons Higginson, Holt,  
21 Moss, Pitt and Tolman voting "aye".  
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26 JOE L. JOHNSON, Mayor  
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31 KIM J. COLEMAN, City Recorder  
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