

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 December 11, 2007 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Richard Higginson, Barbara Holt, R. Fred
8 Moss, Scott Myers and Tom Tolman
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Paul Rowland
12 Admin. Services Director: Galen Rasmussen
13 City Recorder: Kim J. Coleman
14 Planning Director: Aric Jensen
15 Department Repre: Allen Johnson, Power
16 Tom Ross, Police
17 Councilmembers Elect: Beth Holbrook
18 John Marc Knight
19 Recording Secretary: Nancy T. Lawrence
20

21 Official Notice of this meeting had been given by posting a written notice of same and an
22 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
23 Davis County Clipper, Deseret News, and Salt Lake Tribune.
24

25 Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance.
26 He specifically recognized the family of Councilwoman Holt, in attendance for her final meeting in
27 office. Councilwoman Holt introduced her family and thanked them for the gift of time which they
28 have given her as she performed her council responsibilities. Anthony Ariotti, visiting Boy Scout,
29 led the pledge of allegiance to the flag and Councilman Higginson offered the prayer/thought.
30

31 **APPROVAL OF MINUTES**

32 Minutes of the regular City Council meetings held November 13, 2007 and November 27,
33 2007 were presented and unanimously approved as written on a motion made by Councilman
34 Myers and seconded by Councilwoman Holt. Councilpersons Higginson, Holt, Myers, Moss and
35 Tolman voted "aye".
36

37 **EXPENDITURES AND EXPENSES APPROVED**

38 Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for
39 the following periods, with respective totals: Summary for the Month of November, 2007
40 (\$3,478,333.89), November 8-21, 2007 (\$657,930.46) and November 22-28, 2007 totaling
41 \$1,480,726.46. The staff responded to questions, following which the reports were unanimously
42 approved on a motion made by Councilman Higginson and seconded by Councilman Moss.
43 Councilpersons Higginson, Holt, Moss, Myers and Tolman voted "aye".
44

45 **COMPREHENSIVE ANNUAL FINANCIAL REPORT**
46 **FOR 2006-07 APPROVED**

47 Gary Keddington, partner with Jensen/Keddington CPA firm, presented the Comprehensive
48 Annual Financial Report for 2006-07 for approval by the Council. He praised the finance
49 department of the City for their support of the audit process and stated that the financial records of

1 Bountiful City are the best accounting records that his firm sees while doing governmental audits.
2 As a resident of Bountiful, Mr. Keddington noted that he is personally involved with this audit and
3 appreciates the work of the City financial staff. He explained that not all transactions are tested,
4 but a sampling process is used. However, an effort is made to look at transactions which are
5 difficult to record. In addition to accuracy in recording, the State also requires that the auditors test
6 compliance with State mandated controls, including timeliness of deposits, advertising public
7 meetings and whether departments met their budgets. He reported that the City received a clean
8 opinion and that transactions were handled in accordance with standard accounting rules. He
9 called attention to the management discussion and analysis, the section of financial statements, and
10 the comparison of general fund revenues and expenditures and their variances. He noted that all
11 departmental expenditures were within budget.

12
13 The compliance audit revealed sales tax that was owed the City by the State and procedures
14 have been put in place to collect this money and track it more closely. The method of tracking
15 inventory at the Water Department was reviewed and an improved tracking system was set up. He
16 reviewed several minor areas where controls could be accomplished in a more timely manner and
17 then responded to questions from the Council. Following discussion, Councilman Moss made a
18 motion to approve the 2006-07 Comprehensive Annual Financial Report as presented and
19 reviewed. Councilman Higginson seconded the motion and voting was unanimous.
20 Councilpersons Higginson, Holt, Moss, Myers and Tolman voted "aye".

21
22 **COUNCIL APPROVES POWER DEPARTMENT RESOURCE**

23 **PLAN**

24 _____ Mr. Johnson reviewed that the Power Department has an opportunity to raise or lower the
25 allocation of power from IPP and that this decision needs to be made prior to December 18th. He
26 reviewed the process of purchasing power (high load hours, low load hours and flat resources) and
27 then gave an update of current resources being used. Due to cutbacks in other resources, it is the
28 recommendation of staff to contract with IPP for 14 MW of power for summer 2008, (plus an
29 additional 10 MW of high load hours power to cover the summer peaks from another resource), 8
30 MW of IPP for winter 2008-09, and 18 MW of IPP for summer 2009. Following discussion,
31 Councilman Moss made a motion to approve this recommendation and Councilwoman Holt
32 seconded the motion. Voting was unanimous with Councilpersons Higginson, Holt, Moss, Myers
33 and Tolman voting "aye".

34
35 **APPROVAL GIVEN TO PURCHASE RADIO READ**

36 **METERS - POWER DEPARTMENT**

37 _____ Mr. Johnson reported that a plan was put in place in 1999 to have all electric meters in the
38 City read via a remote system as of this time next year, and meters were scheduled for purchase to
39 accomplish this goal. He explained that since that time the Village on Main Street development
40 has created a need for additional meters. A total of 150 additional meters (commercial and
41 residential) will be needed for this project and it is recommended that they be purchased from Riter
42 Engineering (a single source supplier for the State) at a cost of \$23,522.00. This amount is within
43 budget. Councilman Moss made a motion to approve the purchase of meters from Riter
44 Engineering, as proposed. Councilman Myers seconded the motion and voting was unanimous.
45 Councilpersons Higginson, Holt, Moss, Myers and Tolman voted "aye".
46

1 **SWITCH REPLACEMENT APPROVED FOR**
2 **NORTHWEST SUBSTATION**

3 _____ Mr. Johnson reviewed that a group operated air break switch in the Northwest Substation
4 failed last July causing a total system outage. Because of the nature of this failure and the fact that
5 there are six sets of these switches within this substation, it is recommended that the switches
6 (which are about 30 years old) be replaced. Bids were requested and it is the recommendation of
7 staff and the Power Commission to approve the bid from Riter Engineering in the amount of
8 \$35,328.00. He noted that this is the second low bid; however, the low bid is for a Morpac switch
9 which has proven non-reliable in the past. He stated that this is not a budgeted item, but that it can
10 be funded from the Emergency Equipment Fund at the end of the year if other funds are not
11 available from the operating funds. Councilman Moss made a motion to approve this purchase.
12 Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson,
13 Holt, Moss, Myers and Tolman voted "aye".
14

15 **COUNCIL APPROVES ENGINEERING BID FOR**
16 **TRANSMISSION LINE REBUILD**

17 Mr. Johnson reviewed that the Power Department plans to rebuild a section of the 46 kV
18 transmission line (Phase VIII) in the fall of 2008. In the recent past, the Power Department has
19 received limited support from an engineering firm in Billings, Montana. It is felt that the needs of
20 the Department can be better met by using a local firm and therefore, the Department sent out
21 requests for proposals. Two of three companies responded and it is the recommendation of the
22 Power Commission and staff to award the engineering services for Phase VIII to Electrical
23 Consultants, Inc. in the amount of \$34,546.00. The engineering for Phase VIII was not included in
24 the 2007-08 budget, but in order to complete the project in the fall of 2008, it is necessary to
25 complete the design and order materials in this budget year. To offset this expense, other projects
26 will be delayed. Councilman Moss made a motion to approve the low bid from Electrical
27 Consultants, Inc. as presented. Councilman Higginson seconded the motion which carried
28 unanimously. Councilpersons Higginson, Holt, Moss, Myers, and Tolman voted "aye".
29

30 **PUBLIC HEARING TO CONSIDER ISSUANCE OF**
31 **BEER LICENSE FOR EL MATADOR RESTAURANT**

32 Mr. Jensen reviewed that the El Matador Restaurant has requested a beer license for their
33 establishment at 606 South Main. The issue at hand is whether or not a variance should be granted
34 inasmuch as this restaurant is within 600 feet of a public library. It was noted that if the restaurant
35 had been located on the west side of the property (instead of the east), it would have met the State
36 requirements for issuance of the license. Mr. Jensen noted that in July of 2006 the owner (Artoosh
37 Hasratian) received a variance from the State, but was denied a variance from the City on a 3-2
38 vote. This time, the applicant is applying to the City first. If the Council grants the variance, then
39 the owner would need to also apply for and receive a variance from the State as required by Code.
40 It is the recommendation of staff that the variance be approved, based on the fact that there is
41 minimal pedestrian traffic across Main Street at this address and the alcohol compliance record of
42 the El Matador was impeccable at its former location in West Bountiful.
43

44 Mayor Johnson opened the public hearing at 8:24 p.m. and invited citizens in attendance to
45 speak. The following individuals spoke in opposition to granting the variance based on issues of
46 safety for children, moral integrity of the community, relationship between community problems

1 and the use of alcohol, and general community orientation issues: Linda Reeves (1903 East Ridge
2 Hollow Drive), James Nielsen (3228 Plum Tree Lane), Bonnie Pitman (1075 East Center St.),
3 Laura Bunker (1919 South 800 E), Becky Barnett (233 E 2450 S), Ron Mortensen (583 E Chelsea
4 Drive), Valerie Mills (3289 S 525 W), Ann Marie Oborn (987 Millstream Way).

5
6 Tracey Hare (1491 N Plumset Cir) and Becky Burubi, employees of the El Matador, spoke
7 in favor of the variance, noting the vigilance of the owner in complying with the State and City
8 regulations and the fact that some customers prefer beer as their meal beverage. Others speaking
9 favorably for the variance were Russ Evans (1269 S 425 W) who stated that the El Matador faces
10 unfavorable competition if beer is not sold; John Holt (720 South 650 East) who recognized that
11 when Mr. Hasratian re-located to Bountiful, it was with the understanding that his business would
12 operate the same as it previously did (with a beer license) and he worked with the City staff in the
13 site plan of his development to create an aesthetically pleasing development (building near the
14 street with parking on the side and in the rear). If the building had been placed on the west side of
15 the property, it would be in excess of 600 feet from the public library and this would be a mute
16 issue. Cal Gibbs (2930 South Oakwood) noted that citizens can purchase beer from the Maverick
17 station nearby and that doesn't "change the City", and he stated that it is important for a business to
18 be competitive and that Mr. Hasratian would totally enforce the restrictions of the beer license.
19 Barbara Riddle, an administrator with the Davis County Visitor Bureau, stressed the importance of
20 allowing a business to be competitive. She noted that alcohol restrictions in Davis County give a
21 perception of restaurants being inhospitable. Mr. Hasratian reaffirmed that he is a resident
22 manager who monitors the business closely and he needs the beer license in order to compete with
23 other area restaurants. The public hearing concluded at 9:10 p.m. and the Mayor turned time to the
24 Council. Councilman Higginson made a motion to deny the request for issuance of the beer
25 license. This motion died for lack of a second.

26
27 In response to a question from Councilman Myers, Mr. Hasratian indicated that it was not
28 until he was three weeks from opening at the new location that he became aware of the problem
29 with getting a beer license. A lengthy discussion followed and Councilwoman Holt noted that she
30 voted against the request the first time it came before the Council. However, following a lot of
31 thinking, looking, and watching she stated that reasonableness needs to come into play. She
32 reviewed that the beer licensing process is a very strict one which is monitored by both the City
33 and State. Councilman Myers stated that he does not use alcohol; however, since the City attracted
34 Mr. Hasratian to locate in Bountiful, the Council should stand by their word in helping this
35 business be successful. He then made a motion to approve the application for a beer license.
36 Councilman Moss seconded the motion which carried by a majority. Councilpersons Higginson
37 voted "nay"; Councilpersons Holt, Moss, Myers and Tolman voted "aye".

38
39 The Council recessed for 10 minutes at 9:27 p.m.

40
41 **ORD. NO. 2007-18 ADOPTED RE: RAP TAX**

42 Mr. Hardy reviewed that the City is authorized to impose a local sales and use tax to fund
43 recreational and cultural facilities and organizations in the City or within a geographic area outside
44 the City pursuant to an interlocal agreement. Councilman Higginson asked how much would be
45 generated by Bountiful and Mr. Hardy stated approximately \$380,000 per year for eight years.
46 When this tax proposal was placed on the ballot, it carried with 51 percent in favor and 49 percent
47 opposed. Discussion followed regarding the use of this revenue for a performing arts facility in the

1 South Davis area and where it would be located. Centerville City has committed \$6 million from
2 RDA funds over the next 15 years; however, the RAP tax is only authorized for 8 years and would
3 need to come back for re-authorization. It was confirmed that the new theatre would NOT be for
4 Rodgers Memorial, but would be a South Davis Performing Art Center, operated via an interlocal
5 agreement. Councilman Higginson stated that he would like to see the Interlocal Agreement before
6 implementing the tax. Mr. Hardy explained that you cannot start collecting the tax for 90 days
7 after the ordinance is implemented and the 8-year window starts to run. It is important to get the
8 funding stream going as quickly as possible. Councilman Higginson pointed out that the City will
9 have the authority to opt out in the future and Mr. Mahan clarified that State law requires an
10 Interlocal Agreement prior to spending money outside City limits. Councilman Tolman made a
11 motion to approve Ordinance No. 2007-18 entitled AN ORDINANCE IMPOSING A ONE-TENTH OF ONE
12 PERCENT (0.10%) LOCAL SALES AND USE TAX (RAP TAX) ON TAXABLE TRANSACTIONS WITHIN
13 BOUNTIFUL CITY TO FUND A PERFORMING ARTS CENTER AND OTHER RECREATIONAL AND
14 CULTURAL FACILITIES AND ORGANIZATIONS, AND ADOPTING PROVISIONS FOR THE IMPOSITION,
15 COLLECTION AND DISTRIBUTION OF THIS TAX.” Councilwoman Holt seconded the motion and
16 voting was unanimous. Councilpersons Higginson, Holt, Moss, Myers and Tolman voted “aye”.
17

18 **APPROVAL GIVEN FOR SUBLEASE OF POLICE**
19 **TOWER FOR TELECOMMUNICATIONS SITE**

20 Mr. Mahan presented the request from TerreStar to connect to the communications tower at
21 the police building to provide telecommunications service. He stated that other companies have
22 leased space on this tower and that this request has been reviewed by the Police Department and
23 would not interfere with police radio use. Councilman Higginson made a motion that the lease be
24 approved, subject to entering into an agreement with the City. Councilman Myers seconded the
25 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Myers and Tolman
26 voted “aye”.
27

28 **POLICIES AND PROCEDURES MANUAL AMENDMENTS**
29 **ADOPTED via RESOLUTION NO. 2007-08**

30 Mr. Mahan reviewed that several changes are proposed to the Policies and Procedures
31 Manual and he briefly reviewed those matters and recommended that they be approved via
32 adoption of Resolution No. 2007-08 entitled A RESOLUTION AMENDING THE BOUNTIFUL CITY
33 PERSONNEL POLICIES AND PROCEDURES MANUAL TO ELIMINATE REFERENCES TO THE FIRE AND
34 SEWER DEPARTMENTS, AMENDING THE MILITARY LEAVE AND WORKPLACE SMOKING POLICIES,
35 AND MAKING OTHER MISCELLANEOUS AMENDMENTS. Following a short discussion, Councilman
36 Higginson made a motion to adopt Resolution No 2007-08. Councilman Moss seconded the
37 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Myers, and Tolman
38 voted “aye”.
39

40 **GOLF COURSE IRRIGATION POND RECONSTRUCTION**
41 **PROJECT APPROVED**

42 Mr. Rowland reviewed that this year’s golf course budget includes \$200,000 for
43 reconstruction of the pond. It is the recommendation of staff that the Council accept the proposal
44 from Rainy Day Water, Inc. in the amount of \$35,067.00 to do the pond lining, and the proposal of
45 Intermountain Gunite (\$134,228.00, est.) to construct the concrete walls. He reviewed other work
46 that will be done by contracts (where Council approval is not required) and noted that the City
47 Streets and Water department will be able to assist with the project also. Councilman Higginson
48 made a motion to approve the proposals from Rainy Day Water, Inc. and Intermountain Gunite as

1 presented. Councilwoman Holt seconded the motion and voting was unanimous in the affirmative.
2 Councilpersons Higginson, Holt, Moss, Myers and Tolman voted “aye”.

3
4 **PRELIMINARY AND FINAL AMENDED SITE PLAN**
5 **APPROVED FOR RILEY COURT, 517 SO 100 EAST AND 524 SO 200 EAST**

6 Mr. Jensen reviewed the request of Marv Blosch for preliminary and final amended site
7 plan approval for Riley Court, 517 South 100 East and 524 South 200 East. He stated that this
8 request for the conversion of the Riley Court Apartments to the Riley Court Independent Living
9 Center has been reviewed by the Planning Commission and staff and comes with a positive
10 recommendation, subject to the following conditions:

- 11 1. The project architect resolve the issue of split levels and elevator access to the
12 common areas.
- 13 2. That parking be provided as shown, including the 4 new stalls adjacent to the existing
14 tri-plex located on 200 East.
- 15 3. The property owner shall consolidate all of the parcels of land associated with the
16 Riley Court development (including the 4-plex and the 4 homes located on 500 South
17 that were recently zoned PO-N) into one parcel of land by deed, and that it be recorded
18 at the Davis County Recorder’s office prior to receiving any type of development
19 permit from the City.

20
21 Based on the recommendation, Councilwoman Holt made a motion to grant preliminary and final
22 amended site plan approval with the conditions listed. Councilman Higginson seconded the
23 motion which carried unanimously. Councilpersons Higginson, Holt, Moss, Myers and Tolman
24 voted “aye”.

25
26 **COUNCIL APPROVES 10-YEAR CAPITAL IMPROVEMENTS PLAN**

27 Based on the discussions held during the budget process, Mr. Hardy recommended that the
28 10-year Capital Improvements Plan for the next 10 years be adopted in the amount of \$72 million.
29 Councilman Higginson made a motion to approve the 10-year Capital Improvements Plan,
30 Councilman Moss seconded the motion and voting was unanimous. Councilpersons Higginson,
31 Holt, Moss, Myers and Tolman voted “aye”.

32
33 **COUNCIL COMMITTEE REPORTS**

34 _____ The Family Connection Center breakfast activity with Santa was reported as a success with
35 good participation from the community.

36
37 Councilman Moss noted that it has been a privilege to sit next to Councilwoman Holt for
38 the past six years (of her 20 years as a councilwoman). Mayor Johnson praised Councilwoman
39 Holt and Councilman Higginson for their diligence in preparing themselves well on all issues and
40 expressed appreciation for their wisdom, and indicated his respect for their opinion. Councilman
41 Tolman also expressed appreciation for the opportunity to serve with both councilpersons.

42
43 **EXECUTIVE SESSION APPROVED**

44 At 10:07 p.m. Mayor Johnson requested that the Council adjourn to executive session to
45 consider pending litigation and the sale and/or acquisition of real property. Councilman Moss
46

