

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

# Minutes of the Bountiful City Council Meeting

City Council Chambers  
March 27, 2007 - 7:00 p.m.

Present: Mayor: Joe L. Johnson  
Council Members: Richard Higginson, Barbara Holt, Scott Myers, R. Fred Moss and Thomas Tolman  
City Manager: Tom Hardy  
City Attorney: Russell Mahan (arrived at 7:40 p.m.)  
City Engineer: Paul Rowland  
City Treasurer: Mark McRae  
Admin. Services Director: Galen Rasmussen  
Planning/RDA Dir.: Aric Jensen  
Department Reps: Chuck Goode, Golf Course  
Clifford Michaelis, Power  
Tom Ross, Police  
Alan West, Information Systems  
Jerry Wilson, Parks  
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 7:00 p.m. and welcomed those in attendance. Gabe Stout, visiting Boy Scout, led the pledge of allegiance to the flag. The prayer/thought was given by Alan West.

## **APPROVAL OF MINUTES**

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

## **EXPENDITURES AND EXPENSES APPROVED FOR FOUR PERIODS (FEBRUARY AND MARCH)**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with totals as noted: February 22-28, 2007 (\$1,114,956.77); Summary for the Month of February, 2007 (\$3,394,042.83); March 1-7, 2007 (\$260,002.36); March 8-14, 2007 (\$904,120.39). Staff responded to questions, following which Councilman Tolman motioned to approve the four reports, Councilman Moss seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Myers and Tolman voted "aye".

## **AGREEMENT WITH BOUNTIFUL HISTORICAL FOUNDATION FOR NEW HISTORICAL MUSEUM APPROVED**

Mr. Hardy reviewed the proposed agreement for use of City property and City funds to construct a historical museum. This agreement would provide for a 50-year renewable lease between the City of Bountiful and the Bountiful Historical Commission for the property immediately east of the existing Bountiful Davis Art Center. The Historical Foundation would

1 agree to raise \$750,000 for a \$1.5 million building (to be accomplished in six-month increments)  
2 by no later than July 1, 2009 and the City would provide an equal match. Following discussion, it  
3 was suggested that the Historical Foundation be required to show “substantial” progress toward  
4 the funding time line, or the City could terminate the agreement at its sole option. The Historical  
5 Foundation will be responsible for all costs associated with the design, engineering, architectural  
6 and contracting for the project, and the City will have no on-going responsibility for operation and  
7 maintenance associated with the museum. Dean Collinwood, Chairman of the Historical  
8 Commission, was in attendance and expressed support of the proposed agreement. Following  
9 discussion, Councilman Higginson motioned to approve the proposed agreement and Councilman  
10 Myers seconded the motion which carried unanimously. Councilpersons Higginson, Holt, Moss,  
11 Myers and Tolman voted “aye”.

12  
13 **PURCHASE OF MOWERS APPROVED FOR GOLF COURSE**

14 Mr. Goode reviewed that this year’s budget included replacement of a ten-year-old  
15 fairway mower and two tee mowers (both six years old). Bids were opened on March 12, 2007  
16 and it is the recommendation of staff to approve the bid from Turf Equipment Company for a  
17 fairway mower in the amount of \$36,600.00, which includes an option of rear roller brushes at a  
18 cost of \$1,440.00 and a trade-in allowance of \$5,000.00. Councilman Moss motioned to approve  
19 this bid as recommended. Councilman Higginson seconded the motion and voting was unanimous.  
20 Councilpersons Higginson, Holt, Moss, Myers and Tolman voted “aye”.

21  
22 Mr. Goode reported that invitations to bid for two greens/tee mowers were sent to four  
23 vendors. It is the staff recommendation to award the bid to low bidder, Rocky Mountain Turf, in  
24 the amount of \$17,993 each, plus one set of groomers (\$4,990.00) and less the trade-in of  
25 \$4,000.00 with a net total of \$31,986.00. Councilman Moss made a motion this effect,  
26 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons  
27 Higginson, Holt, Moss, Myers and Tolman voted “aye”.

28  
29 **EXTENSION OF CONTRACT WITH ASPLUNDH**  
30 **APPROVED FOR TREE TRIMMING SERVICES**

31 Mr. Michaelis reviewed that this year’s budget included \$195,547 for outside tree trimming  
32 crews to help in clearing power lines. Another \$54,064.00 was approved by the Council for a  
33 second outside tree trimming crew for thirteen weeks. The Power Department is now requesting  
34 an additional \$36,000 to allow for the Asplundh crew to continue working through June 30, 2007.  
35 He noted that the reliability of the distribution system is greatly increased when trees are trimmed,  
36 thus helping to accomplish one of the goals of the Power department. Councilman Higginson  
37 motioned to approve the additional expenditure of \$36,000, as presented. Councilman Moss  
38 seconded the motion which carried unanimously. Councilpersons Higginson, Holt, Moss, Myers  
39 and Tolman voted “aye”.

40  
41 **REPAIRS AT ECHO HYDRO PLANT APPROVED**

42 Mr. Michaelis informed the Council that water was discovered inside the Echo Hydro plant  
43 on February 21, 2007 (to a depth of 14 feet) with water coming into the building through a toilet.  
44 The source of the water was a leak under the building in the 24-inch diameter water line which  
45 exits the valve bay and passes under the turbine deck before exiting under the building to serve the  
46 Echo Irrigation Company and Henefer Upper Ditch Irrigation Company. Repair of the water

1 damage is estimated at \$70,015.92. Due to the critical need to have this resource on line going in  
2 to the summer season, repairs of the generation facilities have already been started. Included in  
3 the \$70,000 are two de-watering wells needed to lower the water table and make repair of the  
4 damaged water line possible. The Power Commission and staff are recommending that approval  
5 be given for Mike Zimmerman Well Service to install two 12-inch diameter wells, at a cost of  
6 \$11,738.00 (included in the total \$70,015.92 estimate). Once the water table is lowered, it is  
7 hoped that the line can be repaired by a welder internally. Councilman Moss noted that the  
8 “responsible party” (Water Users, City, etc.) has not yet been determined and there is still a  
9 question on the appropriate insurance settlement.

10  
11 Councilman Higginson made a motion to approve the purchase of the two de-watering  
12 wells from Zimmerman, as explained. Councilwoman Holt seconded the motion which carried by  
13 a majority. Councilpersons Higginson Holt, Myers and Tolman voted “aye”. Councilman Moss  
14 excused himself from discussion on the motion due to conflict of interest and he abstained from  
15 voting.

16  
17 **PRESENTATION BY JOHN PITT, DAVIS CHAMBER OF COMMERCE**

18 John Pitt, representing the Davis Chamber of Commerce, expressed appreciation for the  
19 opportunity to meet with the Council and make them aware of benefits derived from the Chamber.  
20 He said that the goals of the Chamber include (1) opportunity for businesses in the County to  
21 network, and (2) provide a link between education, charities, businesses and government, with the  
22 development of Davis Cable Channel 17 being a significant project in this effort. He reviewed  
23 activities that are planned for the coming year (designed to strengthen businesses and the  
24 communities in general) and he encouraged the City’s support. Discussion followed regarding the  
25 potential uses of the cable channel and it was suggested that the Chamber web site be referenced  
26 (www.davis chamberofcommerce.com) in the City newsletter.

27  
28 **PUBLIC HEARING TO DISCUSS AMENDMENTS**  
29 **TO LAND USE ORDINANCE RE: SIGNS**

30 Mayor Johnson called on Mr. Jensen to review the proposed Draft of the text amendments  
31 to Title 14 Chapter 19 (sign ordinance). He summarized five options for Council consideration,  
32 including the amendment recommended by the Planning Commission, three variations of the  
33 Planning Commission’s recommendation, and the last option, an amendment to the definition of  
34 *Electronic Readerboard* and *Electronic Message Center*. The general nature of the text changes  
35 relate to electronic reader boards and message centers, static messages versus  
36 moving/scrolling/flashing messages, the visual impact of sign spacing and existing business  
37 development patterns, the difference between color and monochromatic images, and the difference  
38 between properties in different zones.

39  
40 **ORD. NO. 2007-01 RE: SIGN ORDINANCE ADOPTED**

41 Following Mr. Jensen’s review of the proposed text changes to the sign ordinance, the  
42 Mayor opened the meeting at 8:03 p.m. for comments from the public. There were none and the  
43 public hearing was closed. Councilman Higginson said that he was most pleased with the  
44 Planning Commission recommendation to allow the electronic reader boards and other  
45 moving/scrolling/flashing messages to the Heavy Commercial zone only, restricting them in all  
46 other zones. Following a brief exchange, he made a motion to approve Option 1, as given in

1 Ordinance No. 2007-01, entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY LAND USE  
2 ORDINANCE, TITLE 14, CHAPTERS 3, AND 19. Councilwoman Holt seconded the motion and voting  
3 was unanimous. Councilpersons Higginson, Holt, Myers, Moss and Tolman voted “aye”.

4  
5 **COUNCIL ACCEPTS BID FROM CHASE BANK FOR**  
6 **BANKING SERVICES - UP TO FIVE YEARS WITH ANNUAL REVIEW**

7 Mr. Rasmussen explained that the City has used the banking services of Key Bank since  
8 1999. Due to the length of time since the last review and the potential for new services and better  
9 pricing, Requests for Proposals were sent to seven local commercial banking firms. Six banks  
10 responded and were rated by staff according to responsiveness, financial strength and capacity,  
11 availability and quality of services, fees and interest earning, and optional services, resulting in a  
12 projected net benefit. It is the recommendation of staff to accept the proposal from Chase Bank  
13 whose rating was 100/100. Mr. McRae (City Treasurer) noted that all the bids were excellent and  
14 the change was not initiated because of dissatisfaction with the services being provided. Instead, it  
15 has been City policy to give local banks an opportunity to have the business of the City.  
16 Councilman Moss made a motion to accept the proposal from Chase Bank, as recommended.  
17 Councilman Higginson seconded the motion and voting was unanimous. Councilpersons  
18 Higginson, Holt, Myers, Moss and Tolman voted “aye”.

19  
20 **COUNCIL ACCEPTS BID FOR WIRELESS**  
21 **CONSULTANT SERVICES**

22 Mr. Rasmussen reviewed that RFP’s were requested from 12 firms believed to have the  
23 expertise necessary to serve as a wireless consultant to the City. Four responses were received and  
24 it is the recommendation of staff to accept the proposal from Columbia Telecommunications  
25 Corporation at a fixed price of \$39,500. The proposals were evaluated based on (1) firm speciality  
26 in evaluation and implementation of wireless applications; (2) diverse background of professional  
27 backgrounds, (3) longest committed study time frame; (4) Lowest fees for additional work after  
28 the study is completed; and (5) basic fee. In response to Council questions, Mr. Rasmussen stated  
29 that the report back to the Council from Columbia Telecommunications should help in determining  
30 whether or not the City should proceed with wireless services and how to go about implementing  
31 this service, how much it will cost, etc. Councilman Higginson made a motion to approve the  
32 contract with Columbia, as presented. Councilman Myers seconded the motion and voting was  
33 unanimous. Councilpersons Higginson, Holt, Myers, Moss and Tolman voted “aye”.

34  
35 **BEER LICENSE APPROVED FOR RESTAURANT AT**  
36 **305 NO MAIN STREET (FORMER Café 305 SITE)**

37 Mr. Jensen presented the request of Aimee Sterling and Fred Moesinger for a beer license  
38 at the new restaurant which they will be opening at 305 North Main. Inasmuch as issuance of a  
39 beer license is contingent, among other things, upon its proximity to a public school and Bountiful  
40 Jr. High is located at the north end of Main Street, the distance between the proposed restaurant  
41 and the school was measured. The statute requires a minimum of 600 feet from any entrance of  
42 the restaurant to the school. It is 650 feet from the restaurant to the school and thus, this request  
43 meets this qualification. Based on this fact and a review of the license application by the police  
44 department, it is the staff recommendation to approve the beer license request. Councilwoman  
45 Holt made a motion to this effect, Councilman Higginson seconded the motion and voting was  
46 unanimous. Councilpersons Higginson, Holt, Myers, Moss and Tolman voted “aye”.

1 **SINGLE EVENT PERMIT APPROVED FOR**  
2 **ST. OLAF’S CATHOLIC CHURCH**

3 Mr. Hardy presented the request of St. Olaf’s Catholic Church for the issuance of a single-  
4 event permit for the purpose of sale, storage and consumption of liquor on the premises, for May  
5 19, 2007 from 6:00 p.m. to 1:00 a.m. It was noted that this request has been approved many times  
6 in the past with no negative consequence and Councilman Moss made a motion to approve the  
7 request. Councilman Tolman seconded the motion which carried unanimously. Councilpersons  
8 Higginson, Holt, Myers, Moss and Tolman voted “aye”.

9  
10 **PURCHASE OF VIDEO DETECTION EQUIPMENT APPROVED**  
11 **FOR SIGNAL AT 2200 SO ORCHARD DRIVE**

12 Mr. Rowland reviewed that the loop detectors at 2200 South and Orchard Drive have  
13 occasionally failed in the past several months. The only way to fix the loop detectors is to dig up  
14 the street and replace them, causing an additional expense of street repair. For this reason, the City  
15 has adopted a program to convert all of the signals to video detection which can be maintained  
16 without disturbing the street. This year’s budget includes an allocation for these conversions and  
17 \$20,000 remains in this account. It is proposed by staff to approve the purchase of one set of video  
18 detection equipment from Econolite Control Products for \$20,584.60. The amount over \$20,000  
19 (\$584.00) is also within the budget by postponing another project. Councilman Tolman made a  
20 motion to approve this purchase, and Councilman Higginson seconded the motion. Voting was  
21 unanimous with Councilpersons Higginson, Holt, Myers, Moss and Tolman voting “aye”.

22  
23 **FINAL MULTI-FAMILY SITE PLAN APPROVED**  
24 **FOR DEVELOPMENT AT 2773 SO 625 WEST**

25 Mr. Jensen presented the request of Steven Davis for final site plan approval for a 4-unit,  
26 multi-family development at 2773 South 625 West. The Planning Commission has reviewed this  
27 request, and together with staff, recommend final site plan approval with the following conditions:

- 28 1. The final building plans submitted for construction shall have at least 50% of the building  
29 exterior in brick, stone, or similar material.  
30 2. Submit a detailed landscape plan showing the location of trees and shrub beds.  
31 3. Pay and bond for all utilities and improvements as required for all condominium subdivisions.  
32 4. Adjust outer driveway edge and show rear porches as indicated on redlines.

33  
34 Councilman Myers motioned to grant final site plan approval, as recommended. Councilman  
35 Higginson seconded the motion and voting was unanimous. Councilpersons Higginson, Holt,  
36 Myers, Moss and Tolman voted “aye”.

37  
38 **FINAL SITE PLAN GRANTED APPROVAL FOR CLIPPER**  
39 **BUILDING SITE AND ADJACENT PARCELS AT 78 - 144 SOUTH MAIN STREET**

40 Mr. Jensen presented the request of Security Investment, LLC for final site plan approval  
41 for a mixed use project on the northwest and southwest corners of Main Street and 100 South. He  
42 complimented the developer on the project and indicated that it will serve as a benchmark for other  
43 changes in the downtown area. The staff and Planning Commission have reviewed this project and  
44 recommend final site plan approval (properties at 78, 84, 96, 108, 140, and 144 South Main Street)  
45 with the condition that the redlined changes to the plans be made to the satisfaction of the City  
46 Engineer and City Planner. Councilman Higginson made a motion to grant final site plan  
47 approval, as recommended. Councilman Tolman seconded the motion and voting was unanimous.  
48 Councilpersons Higginson, Holt, Myers, Moss and Tolman voted “aye”. John and Mary Stahle  
49 Hepworth (developers) were in attendance and recognized for this very “classy” development.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**COUNCIL APPROVES ISSUANCE OF AN ORDER TO SHOW CAUSE - ORCHARD CONOCO BEER LICENSE**

Mr. Mahan reviewed that for the past nineteen years Bountiful City has had a program to enforce the Bountiful City Code as it relates to the sale of alcoholic beverages to minors. B & E Robertson and Sons, Inc., d.b.a. Orchard Conoco (2065 South Orchard Drive) have failed the last three consecutive compliance checks and he recommended that they be issued an Order to Show Cause to appear before the Council to explain why their license should not be suspended or revoked.

Mr. Hardy explained that the compliance check is conducted quarterly for all businesses that sell alcohol to determine if sales are being made to minors. Merchants are advised of this program at the time their license is issued and are strongly encouraged to be in compliance. Councilman Higginson made a motion to issue the Order to Show Cause for Orchard Conoco to appear before the Council on April 10, 2007 at 7:00 p.m., as recommended. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Myers, Moss and Tolman voted "aye".

**COUNCIL COMMITTEE REPORTS**

Councilman Tolman reported that the Traffic Safety Committee met with individuals at Colonial Square to discuss striping and related safety issues. Inasmuch as they are in the process of changing their parking lot, this matter was tabled. He also reported that the "Slow Down Campaign" will have more emphasis on crosswalks.

**EXECUTIVE SESSION CANCELLED**

Mr. Hardy noted that the Executive Session listed on the Agenda is no longer needed and the meeting adjourned at 8:48 p.m. on a motion made by Councilman Tolman and seconded by Councilman Higginson. Voting was unanimous with Councilpersons Higginson, Holt, Myers, Moss and Tolman voting "aye".

\_\_\_\_\_  
JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

\* \* \* \* \*