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Minutes of the Bountiful City Council Meeting

City Council Chambers
January 23, 2007 - 7:02 p.m.

Present: Mayor ProTempore: Richard Higginson
Council Members: 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
Todd Christensen, Engineering
Clifford Michaelis, Power
Tom Ross, Police
Jerry Wilson, Parks
Recording Secretary: Nancy T. Lawrence
Excused: Mayor: Joe L. Johnson

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

Mayor Pro-tem Higginson called the meeting to order at 7:02 p.m. and welcomed those in attendance. Mitch Morris, visiting Boy Scout from Troop 1001, led the pledge of allegiance to the flag, following which Councilman Moss offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held December 12, 2006 and the regular meeting held January 9, 2007 were presented and approved unanimously on a motion made by Councilwoman Holt and seconded by Councilman Moss. Councilpersons Holt, Moss, Pitt and Tolman voted "aye". The Mayor Pro-tem did not vote during the meeting, with the exception of action taken on page 3 regarding the Findings and Conclusions related to the variance appeal.

EXPENDITURES AND EXPENSES APPROVED FOR THREE PERIODS

Mayor Pro-tem Higginson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with totals as noted: December 29, 2006 - January 3, 2007 (\$155,874.53); January 4 - 10, 2007 (\$773,238.72) and the Summary for December, 2006 (\$4,186,541.00). Following a short discussion, Councilman Pitt made a motion to approve the expenditure reports, as presented. Councilman Moss seconded the motion and Councilpersons Holt, Moss, Pitt and Tolman voted "aye".

GROUNDWATER MONITORING PROPOSAL APPROVED

Todd Christensen reviewed that one of the requirements to operate the sanitary landfill is that the City conduct ground water monitoring. The City retains a consultant who performs the work of obtaining the ground water samples and sending them to a lab for analysis and ERM Rocky Mountain, Inc. has provided these services for the past five years. ERM Rocky Mountain,

1 Inc. has submitted a proposal to provide their continued services at a 3% increase from last year.
2 Inasmuch as this is a reasonable offer and it is advantageous for the City to maintain consistency in
3 the sampling and testing process, it is the staff recommendation to extend the current contract with
4 ERM-Rocky Mountain at a cost of approximately \$17,300. (The proposal is based on time and
5 materials, assuming that the monitoring program required by the State remains the same as this
6 past year). Councilman Tolman made a motion to extend the contract as recommended.
7 Councilman Pitt seconded the motion and Councilpersons Holt, Moss, Pitt and Tolman voted
8 “aye”.

9
10 **BIDS APPROVED FOR POWER DEPARTMENT**

11 **Switch Cans.** Mr. Michaelis reported that bids were received for seven 15KV dead and
12 live front switchgear. The bids were reviewed by staff and it is the recommendation of staff and
13 the Power Commission to award the bid to HD Supply (low bidder) in the amount of \$109,670.00.
14 Councilman Moss motioned to award the switchgear bid, as recommended. Councilwoman Holt
15 seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt and Tolman
16 voted “aye”.

17
18 **Small Dump Truck.** Mr. Michaelis stated that this year’s budget included replacement of
19 a 1988 Ford small dump truck. Staff has researched the State bids and recommends purchase of a
20 2008 Ford from Ken Garff at the state bid price of \$22,847.77, and a ten foot dump body from
21 D&A Truck Equipment (\$7,545.00, including installation) for a total price of \$30,392.77. This
22 request is within budget. Councilman Pitt praised the mechanics and staff who have worked with
23 the 1988 Ford, noting that it is commendable that equipment which is that old is still being used.
24 He then motioned to approve the purchase of the new 2008 truck and dump body, as presented.
25 Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss,
26 Pitt and Tolman voted “aye”.

27
28 **Commercial Meters.** Mr. Michaelis reviewed that development of the Village on Main
29 Street (1600 North Main Street) was included in this year’s budget. However, that development is
30 behind schedule and will not be completed until after June 30, 2007. He said that staff and the
31 Power Commission discussed the option of re-assigning the monies budgeted for the Village on
32 Main Street (\$41,732.00) to completely saturate the third cycle with AMR commercial meters.
33 These meters were included in next year’s budget and the two projects could just be switched. By
34 ordering this quantity now, Riter Engineering (for which a blanket pricing has been established) is
35 offering a savings of five percent over their already competitive pricing. Staff and the Power
36 Commission recommend purchasing 124 Itron commercial meters from Riter Engineering for the
37 amount of \$41,376.00. Following a brief discussion, Councilman Moss motioned to approve
38 purchase of the Itron meters, as recommended. Councilwoman Holt seconded the motion and
39 voting was unanimous. Councilpersons Holt, Moss, Pitt and Tolman voted “aye”.

40
41 **VARIANCE APPEAL FINDINGS AND CONCLUSIONS ADOPTED -**
42 **2451 DEER RUN CIRCLE**

43 Mr. Mahan reviewed that the City Council conducted a hearing on January 9, 2007 for the
44 variance request of Peter Gordon for his residence at 2451 Deer Run Circle, Bountiful, Utah. In
45 compliance with statute, the City Attorney has prepared Findings of Fact and Conclusions of Law
46 related to this hearing and he presented them to the Council for adoption. He noted that the

1 Findings of Fact include a model of the home which was prepared by City staff as a part of the
2 record. Councilwoman Holt motioned to adopt the Findings of Fact and Conclusions of Law,
3 together with the model of the home, as recommended. Councilman Pitt seconded the motion and
4 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

5
6 **PRELIMINARY APPROVAL GRANTED TO AMERICAN DREAM**
7 **SUBDIVISION (ONE LOT) AT 1675 EAST MAPLE HILLS DRIVE**

8 Mr. Rowland presented the request of Darren Shemon for preliminary approval of the
9 American Dream Subdivision (one lot) at 1675 East Maple Hills Drive. He reviewed that
10 construction of a home on the pad requires the exchange of contiguous property around the City
11 reservoir and along the frontage of the property where the reservoir access is currently located.
12 The building pad and the reservoir will share a common access. He noted that typically the staff
13 does not bring an item before the Council until it has received final review from the Planning
14 Commission. However, in this instance, where the proposal includes a land swap with the City, it
15 was felt important to receive Council input prior to drafting the final plat.

16
17 He reported that this matter has been reviewed by the Planning Commission and comes to
18 the Council with a recommendation from that body and staff for preliminary plat approval, subject
19 to the following conditions:

- 20 1. All property be exchanged and recorded prior to the recording of the final
21 plat.
22 2. An easement be recorded to cover the location of the existing water and
23 overflow lines and the new access way.
24 3. A cross access agreement be worked out for the access to the building site,
25 the reservoir, and the cell tower site.
26 4. A lease agreement with the cell site owner be signed prior to recording of
27 the plat.
28 5. The single home allowed on the site must have minimal encroachment into
29 the unbuildable area.
30 6. The portion of Maple Hills Drive included as part of the property be
31 dedicated to the City as part of the plat.
32 7. No further division of the 7-acre lot be allowed with the restriction recorded
33 at the county recorders office.
34 8. Sidewalk along the north side of Maple Hills Drive be extended to the east
35 side of the new drive approach.
36

37 Following a brief discussion, Councilwoman Holt made a motion to grant preliminary plat
38 approval, as recommended. Councilman Tolman seconded the motion which carried unanimously.
39 Councilpersons Holt, Moss, Pitt and Tolman voted “aye”.

40
41 **MAYOR’S TRAINING ON OPEN MEETINGS LAW**

42 Mr. Mahan reported that under State law (Section 52-4-104) the Mayor is required to
43 “ensure that the members of the public body are provided with annual training of the requirements
44 of this chapter.” He then reviewed a Memorandum prepared in fulfillment of this duty of the
45 Mayor which summarized the Open Meetings law requirements. He also noted that a full copy of

1 the Open and Public Meetings Act had been provided to each councilmember. This item required
2 no action.

3
4 **CONSIDER PROCEDURE FOR FILLING COUNCIL VACANCY**

5 Councilman Pitt reported that he has accepted a full-time position as the president and
6 CEO of the Davis Chamber of Commerce and needs to resign from the Bountiful City Council to
7 avoid a conflict of interest. He said that this will be a “dream job” for him in that it combines all
8 previous activities of his professional career and will be an extension of service from Bountiful
9 City to all of Davis County. He thanked the Council, Mayor and staff for the positive working
10 relationship which he has enjoyed while serving as a councilman, and noted that he has been
11 pleased with the opportunities that he has had. Although this has been a difficult decision, he
12 stated that he is looking forward to his work at the Chamber and a continued positive relationship
13 with Bountiful City. He stated that he is hopeful that the process of selecting a new councilperson
14 will include recognition of the programs that he has worked to improve – the arts, recreation and
15 Youth Council. Mrs. Pitt also expressed appreciation for the wonderful opportunities which their
16 family has enjoyed through the City Council experience, and stated that she is proud to be a
17 Bountiful resident.

18
19 Mr. Hardy stated that the Mayor had requested him to express sincere appreciation to
20 Councilman Pitt (on behalf of the Mayor) for the opportunity of working with him. He praised
21 Councilman Pitt (representing the Mayor) for his involvement in his assignments and noted
22 specifically the important part he played in bringing the “Extreme Makeover” event to Bountiful
23 and the Gordon Harrison family. He stated that “week in and week out John Pitt was positive and
24 enthusiastic and we will miss him”. Councilwoman Holt, Councilman Moss, Councilman Tolman
25 and Mayor Pro-tem Higginson expressed their appreciation for the working relationship which
26 they have had with Councilman Pitt, and praised him for his hard work and dedication.

27
28 Mr. Mahan referred to a memo which he had prepared for the Council, in anticipation of a
29 vacancy on the Council, and noted that a new councilmember must be appointed within 30 days.
30 He reviewed the criteria for filling the vacancy and recommended that applications be received
31 until February 7, 2007 at 5:00 p.m. He reviewed the suggested procedure for screening the
32 applicants (in open meeting), with an executive session to follow in which the new councilperson
33 would be selected.

34
35 **COUNCIL COMMITTEE REPORTS**

36 Councilman Tolman asked about progress with tree trimming in the downtown area and
37 Mr. Wilson stated that Christmas lights must be taken down prior to doing the trimming. The staff
38 responded to miscellaneous questions from the Council, following which the meeting adjourned at
39 8:19 p.m. on a motion made and seconded by Councilmen Pitt and Moss, respectively. Voting was
40 unanimous with Councilpersons Holt, Moss, Pitt and Tolman voting “aye”.

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44 RICHARD HIGGINSON, Mayor ProTempore

1 KIM J. COLEMAN, City Recorder
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