

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
December 11, 2001 -7:00 p.m.**

Present:	Mayor:	John R. Cushing
	Council Members:	Samuel Fowler, Barbara Holt, Alan Johnson, John S. Pitt and J. Gordon Thomas
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim Coleman
	Planning/RDA Director:	Blaine Gehring
	Department Representatives:	Steve Gray, Police Alan West, Information Systems
Visitors:	Recording Secretary:	Nancy T. Lawrence
	Mayor-elect:	Joe Johnson
	Councilmen-elect:	R. Fred Moss Tom Tolman

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 Cushing called the meeting to order at 7:00 p.m. following which Councilman Pitt led the pledge of allegiance to the flag. The invocation was offered by Councilman Fowler.

Minutes of the regular meeting of the City Council held November 27, 2001 were presented and unanimously approved as written on a motion made by Councilman Thomas and seconded by Councilman Johnson. Councilpersons Holt, Johnson, Pitt and Thomas voted "aye". Councilman Fowler was not present at the subject meeting and abstained from voting.

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR PERIOD NOVEMBER 15 - DECEMBER 6, 2001**

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000 for the Period November 15 to December 6, 2001 in the amount of \$2,193,042.05 and the Summary for November, 2001 totaling \$3,809,139.12. The staff responded to questions, following which the expenditures were unanimously approved on a motion made by Councilman Johnson and seconded by Councilwoman Holt. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

**PRESENTATION BY ENVISION UTAH -
TRANSPORTATION/ORIENTED DEVELOPMENT**

Christine Collins, representative from Envision Utah, explained that an effort is being made to inform community leaders about transit-oriented development (TOD) and then to develop a region-wide guidebook (a model ordinance) which can be used as cities and urban

areas develop. She gave examples of TOD and distinguished between commuter rail and light rail and clarified that light rail is the transportation mode which is impacted by and related to city planning. A series of workshops will be held, composed of community representatives, to develop the proposed models. She encouraged Bountiful leaders to be involved and supportive of this process.

SOFTWARE MAINTENANCE AGREEMENT APPROVED WITH NEW WORLD SYSTEMS

Mr. West explained that the annual maintenance agreement for City-owned software has been based on the minimum value of the cost of software. Additional software has been purchased for use by City Hall and the Public Safety departments this past year bringing the total maintenance cost from \$67,000 last year to \$81,810.00 this year (\$35,820.00 for City Hall and \$45,810.00 for Public Safety). He reported that the City has used software from New World Systems since 1992 and feel that they are a solid and progressive software development company. It is the recommendation of staff to approve payment of the software maintenance agreement, as presented. Following a brief discussion, Councilman Pitt made a motion to approve the Agreement as recommended. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

APPROVAL GIVEN TO PURCHASE FOUR REPLACEMENT VEHICLES FOR POLICE DEPARTMENT

Lt. Gray reported that this year's Police budget includes replacement of three patrol vehicles and one detective vehicle. He reviewed the service history of vehicles used in the past and recommended that four Chevrolet Impala's be purchased (three police package and one regular for use by the detectives). The total cost for the four vehicles would be \$76,920.57, a savings of \$7,154.43 over the projected budget. Councilman Thomas asked if the V-6 engine would be adequate and Lt. Gray affirmed that it will provide the necessary performance for city streets. Councilman Johnson made a motion to approve the purchase of the four replacement vehicles on the State bid, as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

SEWER MAINTENANCE CONTRACT WITH TWIN "D" APPROVED

Mr. Rowland reviewed that it is necessary for the Sewer Department to contract for sewer maintenance services (video inspection, related jet cleaning and miscellaneous items) and Twin "D" Inc. has provided this service since 1995. He said that they provide the most professional service of this type in the area and recommended that the contract with them be extended for the next budget year, with a slight increase to recognize new equipment and capabilities which their service has incorporated. It is the recommendation of staff to extend the contract through June 30, 2002 at a price of \$0.645/ft. (an increase of 5.7% over fiscal year 2001). The budget includes \$55,000, which will allow cleaning and inspection of at least 66,000 feet, plus miscellaneous call outs and repairs. Following discussion, Councilman Pitt made a motion to approve extension of the contract with Twin "D" for evaluative work on the sewer lines for an amount not to exceed \$55,000, with a minimum contract of \$42,570.00. Councilman Fowler seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

VOICE STREAM ANTENNA LEASE RENEWED

Mr. Mahan reviewed that a telecommunications antenna used by Voice Stream is located at the Upper Williams reservoir and has been there for the last five years. It is now time for the lease with Voice Stream to be renewed for an additional five-year term. He recommended that the Council give approval to this renewal. The staff responded to questions from the Council regarding the size and use of the antenna, following which Councilman Thomas made a motion to renew the lease with Voice Stream at a rate of \$604/month for the next year and an increase of 4 percent per year thereafter, pursuant to the terms of the lease. Councilman Fowler seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

**FINAL ACCEPTANCE GRANTED TO
SUMMERWOOD, PHASE 3**

Mr. Rowland reported that Summerwood Subdivision, Phase 3, has been completed and all of the site improvements are installed as required by Bountiful City. He noted that a problem with the water meters has been taken care of. He recommended release of the remaining 10 percent of the bond, with the City taking over the responsibility of maintenance and up-keep of the City streets, and that the developers (Ron Marshall and partners) be released of any further obligations. Councilman Thomas made a motion to this effect, Councilman Johnson seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

**OUTDOOR DISPLAY OF MERCHANDISE
DISCUSSED; TABLED FOR CONTINUED STUDY**

Mayor Cushing referred to a memo from the City staff to the Mayor and Council regarding outdoor display of merchandise as a sales technique. He noted that it is the recommendation of staff that the Council continue the policy of not allowing the commercial use of the public right of way, including the outdoor display of merchandise, due to a number of factors (defined in the memo and including, but not limited to possible liability on the part of the City, potential damage to City property, and consistency of policy throughout the City).

Councilman Pitt recognized the legal issues being addressed by the staff, but expressed concern about providing support to City businesses. He suggested that a "happy medium" might be reached between the needs of the businessmen and the legal concerns of the City and suggested that the issue receive further study. He suggested that the merchants be allowed to use the park strip on Main Street between 400 North and 500 South, conditional on the sidewalk not being blocked and being contained within the frontage of the business. It was also suggested that outdoor displays could be limited to certain months, seasons, events, etc. Councilman Pitt made a motion to table this matter, that further study be made and that it be brought back to the Council on January 8th for action. Mayor Cushing suggested that this time schedule might rush the newly elected officials and he recommended that the staff and council review legal concerns and bring the issue back to a future meeting for action.

**FINAL CONDO APPROVAL GRANTED TO STERLING
PLAZA OFFICE COMPLEX - 1350 NORTH MAIN ST.**

Mr. Rowland reported that the final condo plan for the proposed new office development of Sterling Brimley was reviewed by the Planning Commission and staff and it is their recommendation that final and preliminary approval be granted, subject to the following conditions:

1. Provide a current title report as required by ordinance.
2. Payment of the fees as outlined on the fee letter (total fees of \$1,320.00).

Councilman Thomas made a motion to grant preliminary and final condo approval, as recommended, for the Sterling Plaza Office Complex. Councilman Johnson seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

ORD. NO. 2001-17 APPROVED

Mr. Mahan reviewed that the Council previously discussed the designated play area in the Val Vista subdivision and the staff was directed to prepare an ordinance which would deed that property to contiguous owners. He recommended approval of Ordinance No. 2001-17, entitled AN ORDINANCE VACATING LOT 26 OF BLOCK 6 FROM VAL VISTA SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE PURPOSE OF BEING DIVIDED AMONG ADJACENT PROPERTY OWNERS. Councilman Thomas motioned to approve Ord. No. 2001-17 as presented. Councilman Fowler seconded the motion. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

COMMITTEE REPORTS

Councilwoman Holt noted that this will be the last City Council meeting of Mayor Cushing and she expressed appreciation for his example, his service, and the good memories which have been generated. She also expressed appreciation to Councilman Fowler and Councilman Johnson and stated that it has been a pleasure to work with them. Mayor Cushing acknowledged that the past 10 years have gone by quickly and he stated that it has been a great pleasure to be associated with such high quality professional people.

The meeting adjourned to executive session at 8:17 p.m. for the purpose of discussing the disposition of real property and pending litigation. This action was taken on a motion made by Councilman Fowler and seconded by Councilman Johnson. Councilpersons Fowler, Holt, Johnson, Pitt and Thomas voted "aye".

Attendance at Executive Session:

Mayor Cushing
Councilmembers Fowler, Holt, Johnson, Pitt, and Thomas
Mayor-elect Johnson
Councilmen-elect Moss and Tolman
Mr. Hardy
Mr. Mahan
Mr. Rowland

(C.C. minutes December 11, 2001)

JOHN R. CUSHING, Mayor

KIM COLEMAN, City Recorder

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