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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
December 9, 2008 - 7:00 p.m.**

6 Present: Mayor Pro Tempore: John Marc Knight
7 Council Members: Beth Holbrook, R. Fred Moss, Scott Myers
8 and Thomas Tolman
9 City Manager: Tom Hardy
10 City Attorney Russell Mahan
11 City Engineer: Paul Rowland
12 City Recorder: Kim J. Coleman
13 Admin. Services Dir.: Galen Rasmussen
14 Planning Director: Aric Jensen
15 Department Reps: Allen Johnson, Power
16 Tom Ross, Police
17 Recording Secretary Nancy Lawrence
18
19 Excused: Mayor: Joe L. Johnson
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 Pro-tem Knight called the meeting to order at 7:00 p.m, following which Michael
26 Gubler (visiting Boy Scout) led the pledge of allegiance to the flag and Councilman Myers
27 offered the prayer/thought.
28

29 **APPROVAL OF MINUTES**

30 Minutes of the City Council meeting held November 18, 2008 were presented and
31 unanimously approved as written on a motion made by Councilman Tolman and seconded by
32 Councilman Moss. Voting was unanimous with Councilpersons Holbrook, Moss, Myers and
33 Tolman voting "aye".
34

35 **EXPENDITURES AND EXPENSES APPROVED**

36 Mayor Pro-tem Knight presented the Report of Expenditures and Expenses Greater than
37 \$1,000 for the following periods, with respective totals: November 6-12, 2008 (\$589,997.10);
38 November 13-19, 2008 (\$319,995.54); and November 20-26, 2008 (\$1,453,571.55) . Following
39 a brief discussion, Councilman Myers made a motion to approve the expenditure reports, as
40 presented. Councilwoman Holbrook seconded the motion and voting was unanimous.
41 Councilpersons Holbrook, Moss, Myers and Tolman voted "aye".
42

43 **YOUTH COUNCIL REPORT**

44 Camie Knight reported that the Youth Council participated in the Light Parade this past
45 week and that it was a great success, as well as fun. The Youth Council will participate in the
46 upcoming Leadership Conference at Utah State University in March. Mayor Pro-tem Knight
47

1 noted that the Bountiful Youth Council will be competing for awards at the USU event and it is
2 anticipated that they will do well.
3

4 **RES. NO. 2008-10 APPROVED RE: EXECUTION OF**
5 **UAMPS AGREEMENT**

6 Mr. Johnson reviewed that the City and UAMPS (Utah Associated Municipal Power
7 Systems) currently have a Joint Action Agreement which has been in effect since 1980.
8 Although the Agreement has been modified several times, it has not been revised for several
9 years. He reviewed the revised Agreement and stated that the UAMPS Board has approved the
10 proposed changes and Mr. Mahan has also found them to be in order. It is the recommendation
11 of staff and the Power Commission that the Council authorize the execution of the Amended and
12 Restated Agreement for Joint and Cooperative Action. He responded to questions from the
13 Council, following which Councilman Moss made a motion to authorize the Mayor to sign the
14 resolution and that it be approved. Councilwoman Holbrook seconded the motion and voting
15 was unanimous. Councilpersons Holbrook, Moss, Myers and Tolman voted “aye”.
16

17 **ARNELL HEAPS REAPPOINTED TO SERVE**
18 **ON SOUTH DAVIS SEWER DISTRICT BOARD**

19 Mr. Hardy stated that it is the recommendation of Mayor Johnson that Arnell Heaps be
20 appointed to serve a fourth term on the South Davis Sewer District Board, commencing the first
21 Monday of January, 2009 and continuing for four years. He noted that Mr. Heaps has done a
22 great job serving on this Board and is willing to continue his service to the City. Councilman
23 Tolman made a motion to re-appoint Mr. Heaps, as recommended. Councilman Myers seconded
24 the motion and voting was unanimous with Councilpersons Holbrook, Moss, Myers and Tolman
25 voting “aye”.
26

27 **TOM RODGERS PRESENTS INFORMATION**
28 **ON SAFETY ISSUES RELATED TO FURNACE VENTS**

29 Mr. Tom Rodgers explained to the Council his past experience with improperly vented
30 houses which resulted in the near-death of a child from carbon monoxide poisoning. He
31 explained that the problem occurs in manufactured housing units which are regulated by HUD
32 (where municipal building inspectors do not inspect the interior of the units). The nature of the
33 problem is that the chimney vents which are used on these units are too short and there is cross-
34 over between the fresh air opening and the exhaust expelled from the furnace. This results in the
35 air which is returned to the home being contaminated with carbon monoxide. He stated that he
36 was desirous that this information become a matter of public record and he referred to three web
37 sites where more information could be obtained: *www.gasing america.com*; *www.gasing*
38 *Utah.com*, and *www.deadly fumes.US*.
39

40 Mr. Rowland confirmed that local authorities cannot address the interior problems of
41 HUD homes. He said that a simple solution would be to move the air intake 12 to 14 feet away
42 from the furnace exhaust chimney and to increase the height of the chimney. It was also noted
43 that when victims are treated by the medical community, the carbon monoxide poisoning
44 symptoms can be mis-diagnosed as flu.
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2 **COUNCIL ACCEPTS AUDIT REPORT - JENSEN AND**
3 **KEDDINGTON, AUDITORS**

4 Gary Keddington, partner in Jensen and Keddington, LLC, presented the Comprehensive
5 Annual Financial Report to the City Council for the audit of the 2007-08 fiscal year. He noted
6 that the firm does not work for management, but for the Council, in auditing the financial
7 management of the City. He explained that the audit consisted of (1) looking at internal controls;
8 (2) a sampling of transactions and trying to determine where risks are; (3) compliance issues with
9 laws and regulations set forth by local, state and national entities; (4) cash receipts,
10 disbursements, and payroll; and (5) adjustments to financial statements and possible areas of
11 fraud. He reported that there were not any material mis-statements and the three immaterial
12 issues were all corrected. He noted that in a city the size of Bountiful, as many as 40 corrections
13 have been needed in other city audits, and that Bountiful's records are "the best we ever see". He
14 also noted that there were no disagreements with management while doing the audit. He praised
15 the financial accounting team – Ralph Hill, Galen Rasmussen and Kim Coleman – noting that
16 not many cities have the capability of producing the immaculate report which was done.
17

18 Mr. Keddington referred to the auditors opinion, that all information was presented in
19 conformance with generally accepted accounting standards, and noted that the City received the
20 prestigious award "Certificate of Achievement for Excellence in Financial Reporting". (Mr.
21 Hardy noted that this is the 28th year in a row that the City has earned this honor).
22

23 In response to a request from Councilman Tolman, Mr. Hardy reported on the financial
24 position of the City as it relates to the economic down-turn of the country. He stated that, to
25 date, the City is down in revenue as a result of a drop in sales tax; however, the reserve funds
26 which have been created will help in offsetting any shortfalls. The City has very little debt,
27 revenues and expenses are balanced, and "we live within our means". Councilman Moss made a
28 motion to accept the CAFR as presented by Mr. Keddington for the fiscal year ended June 30,
29 2008, noting that the audit of the Redevelopment Agency was included in that audit.
30 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons
31 Holbrook, Moss, Myers, and Tolman voted "aye".
32

33 **DISCUSSION RE: RES. NO. 2008-11: CREATION OF GSL LEGACY**
34 **PARKWAY SCENIC BYWAY CORRIDOR MANAGEMENT PLAN**

35 Mr. Jensen reviewed a proposed resolution which would support the creation of the Great
36 Salt Lake Legacy Parkway Scenic Byway Corridor Management Plan. He said that the trails and
37 other facilities which were added to the highway project will qualify for grant monies if the area
38 is designated as a National Scenic Byway and the purpose of this resolution is to seek National
39 filing status. Councilman Moss noted that when the Legacy highway was originally planned, it
40 was not as a parkway and he does not see the limitations which have been put on the Parkway as
41 advantageous to the Davis County commuters (speed limit, no trucks, and limited lanes until
42 2020). He expressed concern that participation in a national scenic parkway project might impair
43 the process of making changes to the transportation lanes in 2020. Following discussion, it was
44 the consensus of the group to not take any action, and Mayor Pro-tem Knight tabled the matter
45 for further discussion.

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3 **PUBLIC HEARING TO CONSIDER METES AND BOUNDS**
4 **SUBDIVISION - 2773 SOUTH MAIN STREET**

5 Mr. Rowland reviewed the request of Mike MacDonald for preliminary and final
6 approval of a metes and bounds subdivision for the property at 2773 South Main Street. The
7 property is the existing Lincoln Mercury dealership building and a former automotive body shop
8 that is currently used as storage for the adjacent Mazda dealership. At one time they were on
9 individual parcels, but then were combined. It is now the desire of the owner to subdivide them
10 back into their previous form so that the Lincoln Mercury dealership can be sold. He reviewed
11 the State law which allows a city to approve a metes and bounds subdivision and stated that this
12 request complies with the law. It is the recommendation of staff and the Planning Commission
13 to approve this request.
14

15 At 8:10 p.m. a public hearing was opened to receive comments. There were no
16 comments, the hearing was closed, and Councilwoman Holbrook made a motion to approve the
17 metes and bounds subdivision, as requested and presented. Councilman Myers seconded the
18 motion which carried unanimously. Councilpersons Holbrook, Moss, Myers and Tolman voted
19 “aye”.
20

21 **PUBLIC HEARING RE: EXTENSION OF THE SUNSET**
22 **PROVISION - ORD. NO. 2008-12**

23 Mr. Jensen reviewed that Randy Lewis, applicant, has submitted a request for approval of
24 Ordinance 2008-12, which would amend Ordinance 2007-17, by extending the sunset provisions
25 an additional year. Ord. No. 2007-17 was adopted by the Council on November 27, 2007 for the
26 purpose of rezoning a parcel of land located at approximately 1600 East Skyline Drive from R-F
27 to R-3, giving the developer the opportunity to develop 3 lots instead of one. One of the
28 provisions of the ordinance was that final subdivision plat approval must be given within one
29 calendar year from the date of approval of the ordinance. The applicant has not yet met that
30 requirement and is requesting an extension of the sunset provisions previously granted. This
31 request was considered by the Planning Commission on November 18th and it is their
32 recommendation to deny it. Staff recommends approval.
33

34 The Mayor Pro-tem opened the public hearing at 8:21 p.m. and Ron Spratling
35 (representing the developer) explained that following the approval in November, 2007, several
36 economic downturns have prevented the developer from being able to proceed with the project.
37 In light of these issues, he requested that the sunset provisions be extended. Gale Barnett, Jeff
38 Novak, Peter Ruplinger, Blake Densley and Larry Jenkins spoke in opposition to granting the
39 extension, noting that the challenging development conditions which were present in the past still
40 exist, and would only be more conflicting in difficult economic times. The public hearing was
41 closed at 8:45 p.m. and Council discussion followed. Mr. Hardy reviewed that this property was
42 originally intended to be the last phase of the Eagle Ridge development and he pointed out the
43 benefits to the City if it were developed: (1) extension of Sunset Drive; (2) extension of public
44 utilities (water and sewer) to the Forest Service property and gun range; (3) hard-surfacing the
45 existing dirt road; (4) enhanced firefighting access; (5) enhanced erosion control. Discussion

1 continued and Councilwoman Holbrook noted that it seems to be in the best interest of the City if
2 improvements can be financed by private developers, as opposed to the City. Councilman Moss
3 made a motion to approve the two-year extension for the development with adoption of Ord. No.
4 2008-12 entitled AN ORDINANCE AMENDING BOUNTIFUL CITY ORDINANCE 2007-17, WHICH
5 AMENDED THE BOUNTIFUL CITY ZONING MAP TO CHANGE THE ZONE DESIGNATION OF THE
6 PROPERTY LOCATED AT APPROXIMATELY 1600 EAST SKYLINE DRIVE IN BOUNTIFUL, UTAH, FROM
7 R-F (RESIDENTIAL FOOTHILL) TO R-3 (RESIDENTIAL SINGLE FAMILY). Councilman Myers
8 seconded the motion which failed to carry. Councilmen Moss and Myers voted “aye” and
9 Councilpersons Knight, Holbrook and Tolman voted “nay”.

10
11 Councilwoman Holbrook suggested that the problem be approached by removing the
12 sunset clause. However, following discussion, Mr. Hardy and Mr. Mahan recommended that the
13 better way to proceed would be for the applicant to come back with another application when
14 economic conditions are favorable.

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16 **AMENDED SITE PLAN FOR COLONIAL SQUARE APPROVED**

17 Mr. Jensen presented the request of the Colonial Square Business Owners Association for
18 sign plan review. He noted that other proposed modifications to the common areas of the
19 commercial site located at 500 West and 2600 South were previously approved and more time
20 was needed for the sign plan. He stated that the sign plan request has been before the Planning
21 Commission and comes to the Council with a positive recommendation, with the condition that
22 no sign shall be located within a clear view area, and that the exact position of the signs shall be
23 determined by City staff at the time a sign permit is issued. Signs will be limited to certain
24 businesses on a first-come first-served basis. Councilman Myers motioned to grant approval to
25 the proposed amended site plan, as presented and with the stipulations stated by Mr. Jensen.
26 Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook,
27 Moss, Myers and Tolman voted “aye”.

28
29 **RELEASE OF EASEMENT APPROVED AT SILVER**
30 **CREEK CENTER, 500 N 500 W**

31 Mr. Rowland reviewed that the Power Department holds a blanket power utility easement
32 covering most of the proposed Silver Creek Center property. With the proposed new use of this
33 property, the developers have requested release of those easements. When the new site plan is
34 finalized, public utility easements will be included in the correct locations to serve the several
35 building pads on the site. It is the recommendation of staff that the Council grant the release of
36 this easement. Councilwoman Holbrook made a motion to this effect, Councilman Tolman
37 seconded the motion and voting was by a majority. Councilpersons Holbrook, Moss, and
38 Tolman voted “aye”. Councilman Myers abstained (conflict of interest).

39
40 **COUNCIL COMMITTEE REPORTS**

41 Councilman Tolman reported that the “Breakfast with Santa” was very successful and
42 many families were helped as a result.

43
44 Mayor Pro-tem Knight stated that he felt the Light Parade was extremely successful and
45 the favorable weather and ending at the Recreation Center added to the success.

