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**Minutes of the
BOUNTIFUL CITY COUNCIL
July 8, 2014 – 6:04 p.m.**

Present: Mayor: Randy C. Lewis
Council Members: Kendalyn Harris, John Marc Knight, John Pitt, Richard
Higginson, Beth Holbrook
City Manager: Gary Hill
Assist. City Manager: Galen Rasmussen
City Attorney: Russell Mahan
City Engineer: Paul Rowland
Assist. Engineer: Lloyd Cheney
Department Director's & Personnel:
Mark Slagowski, Water
Gary Blowers, Streets
Allen Johnson, Power
Tom Ross, Police
Recording Secretary: Nikki Dandurand
Excused: City Planner: Chad Wilkinson
City Recorder: Kim Coleman
Parks Director Brock Hill

Official Notice of the Regular 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, Standard Examiner, and on the Utah Public Notice Website.

Work Session – 6:04-6:57
Planning Commission Room

Mayor Lewis called the meeting to order and welcomed all those in attendance.

RAP TAX ELECTION TIMING DISCUSSION – MR. GARY HILL

Mr. Hill stated that the timing for putting this item on the fall ballot would be beneficial to the City because it would be difficult to move forward on any of the projects until funding is assured. The RAP tax does not expire until 2016, but in order to continue it without a lapse, it would need to be presented to the public on the ballot in 2014. Mr. Hill suggested at the next City Council meeting to approve a resolution to continue the process. Councilman Higginson stated that Farmington and Clearfield have already approved their decision to keep the tax. Mayor Lewis concluded that there should be no problem moving forward and Mr. Hill agreed to bring this item back on the agenda for the July 22, 2014 meeting.

SIDEWALK CAFÉ ORDINANCE DISCUSSION – MR. RUSSELL MAHAN

Mr. Mahan opened the discussion with the positive benefits of sidewalk café eating, such as its popularity and inviting atmosphere to the public. Councilwoman Holbrook asked if there have been requests from the public for this type of dining. Mr. Mahan responded that several restaurants have inquired about it and the discussion tonight is to formalize how we, the City, would like the

1 ordinance to read and the details included. Council members Holbrook, Higginson and Knight
2 proceeded to discuss the \$2 million dollar insurance policy that was recommended for participating
3 merchants. Councilwoman Holbrook inquired about the no additional lighting/music that is
4 suggested. She added that lights and music create ambiance and value. Other Council members
5 made additional comments about using lights, the loudness of the music, etc. Mr. Mahan reiterated
6 that this should be a low maintenance ordinance. Mayor Lewis inquired about additional trash that
7 could accumulate outside. Could businesses provide their own trash cans, possible have City empty
8 large bins nightly? Mr. Mahan also asked Council members about the minimum frontage clearance
9 required for pedestrian walking and what types of furniture would be allowed, possibly even low-
10 profile fences. Council members continued the discussion of removable furniture in good condition,
11 umbrellas, and menu boards, but not to have lengthy stipulations, so that business owners would
12 reject the whole idea. Councilman Knight did mention that ambiguous rules make it unenforceable.
13 Mayor Lewis reinforced the idea that we want the businesses to know we are working for them and
14 not to make it hard for them. Mr. Mahan concluded that he will prepare an ordinance and circulate it
15 for comments. Mr. Gary Hill also added that there have been growing requests for food carts and that
16 could be incorporated into this ordinance. Councilman Pitt added that the tone from the City should
17 be encouraging and to let it flow outwards to other businesses. Mayor Lewis agreed and thanked Mr.
18 Mahan for his help on this matter.
19

20 **DAVIS COUNTY COMMISSIONERS**

21 Louenda H. Downs, Commission Chair, P. Bret Millburn, Commissioner Vice-Chair and John
22 Petroff, Jr., Commissioner were in attendance and took the last 15 minutes of the Work Session to
23 answer questions and talk about issues present in Davis County and Bountiful City. Commissioner
24 Downs stated they have been attending City Council meetings within each City for the past 8 years to
25 talk with the Mayors, Council and to see how the cities are running. Each Commissioner took a few
26 moments to explain their platforms and their areas of concern within the County. The UTA
27 connector project was reviewed as it was just approved by the City. Items also discussed were the
28 RDA tax, libraries, the ten dollar fee assessed on vehicle registration and the new Legacy Event
29 Center.
30

31 **Regular Meeting – 7:02 p.m.** 32 **City Council Chambers**

33 Mayor Lewis called the meeting to order at 7:02 p.m. and welcomed those in attendance.
34 Daniel Fowlers, Boy Scout, led the Pledge of Allegiance and Pastor Pless of First Southern Baptist
35 Church, offered a prayer.
36

37 **APPROVAL OF MINUTES**

38 Minutes of the May 27, 2014 City Council Meeting with final revisions and the June 24, 2014
39 minutes were approved. Councilman Pitt made a motion to approve and Councilwoman Harris
40 seconded the motion. Voting was unanimous with Councilpersons Harris, Holbrook, Knight,
41 Higginson and Pitt voting “aye”.
42

43 **COUNCIL REPORTS**

44 Councilwoman Holbrook spoke of her appreciation and thanks for the Air Force Brass Band
45 that performed at the Concert in the Park last week, and Mr. Brock Hill and the Parks Department for
46 their support and help with the concert. There are two more concerts in July and at each event the

1 Food Bank is there to collect donations. Councilman Pitt stated that Farmer’s Market continues to be
2 every Thursday, in the downtown area. Councilwoman Harris inquired if the well is ready for public
3 use yet? Mr. Paul Rowland responded that it should be operational by the end of next week.
4 Councilman Higginson asked if the quantity that is pumped out is the deciding factor for readiness of
5 the well. Mr. Rowland responded that large amounts of water are pumped out, but the quality of the
6 water is equally important. Councilwoman Harris then introduced the Bountiful City Youth Council
7 representatives that were in attendance, Sarah and Melanie.

8
9 **YOUTH COUNCIL REPORT**

10 The young women mentioned above, took turns reporting that STOMP on Main was a lot of
11 fun and great success. The Car Show/Coats for Kids had a great turn out and the Youth Council had
12 many volunteers to help. They have a float in the upcoming Handcart Days Parade and are in the
13 process of getting T-shirts made for the Youth Council members. Mayor Lewis stated that he drove
14 by the STOMP and was excited to see so many there. The girls agreed it was a great time.

15
16 **EXPENDITURE APPROVALS FOR TWO PERIODS IN JUNE**

17 Mayor Lewis presented the Reports for Expenditures and Expenses for June 19, 2014
18 (\$168,632.68) and June 26, 2014 (\$456,406.97). Councilwoman Harris inquired about the “utility
19 billing services” expense in the June 19, 2014 report. Mr. Galen Rasmussen responded that it is an
20 advance paid invoice, approximately three times a year, to use their services for mailing/stuffing
21 inserts in the City’s utility bills to residents. Councilman Higginson motioned to approve June 19
22 and 26, 2014 reports, as presented. Councilwoman Holbrook seconded the motion. Voting was
23 unanimous with Councilpersons Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

24
25 **KEITH BEAL RETIREMENT**

26 Bountiful Chief of Police, Tom Ross recognized Keith Beal on his retirement from the Police
27 Department and congratulated him on his great work in the community. He was an outstanding
28 officer. Mr. Beal and his wife stated they were very blessed to work in Bountiful and will miss it.
29 Mayor Lewis thanked Mr. Beal for his outstanding service to the families in Bountiful.

30
31 **Mayor Lewis recognized County Commissioner Vice-Chair, Brett Milburn in the audience**

32
33 **CONSIDER APPROVAL OF THE PURCHASE OF 13 GOLF CARTS IN THE AMOUNT OF**
34 **\$40,278 FROM HIGHLAND GOLF COMPANY – MR. KENT MCCOMB**

35 Mr. McComb is requesting the purchase of 13 new golf carts utilizing the state contract, from
36 Highland Golf Company to replace 13 of our older carts in the fleet. There are sufficient funds in the
37 budget and any additional funds will be used towards parts, logo’s, decals, etc. Councilman
38 Higginson asked if patrons are allowed to bring their own carts to the course. Mr. McComb replied
39 that only for medical reasons are they allowed. The resident must also supply a doctor’s note, are
40 charged half a rental cart fee and the cart is inspected upon entrance to the course. Councilwoman
41 Harris asked why is it better to have our own fleet than allow residents to bring their own. Mr.
42 McComb said that some carts are not golf specific, the weight of the cart could be in question and it
43 is better to have our own fleet on the course if there are any problems. Councilman Pitt asked what is
44 considered a medical need. Mr. McComb stated that some carts are specialized for the handicapped.
45 Councilman Higginson made a motion to approve the request to buy 13 golf carts from Highland
46 Golf Course, Councilwoman Holbrook seconded the motion. Voting was unanimous with

1 Councilpersons Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

2
3 **CONSIDER APPROVAL OF TWO UDOT SUPPLEMENTAL AGREEMENTS WITH**
4 **RESPECT TO THE I-15 PROJECT UTILITIES – MR. ALLEN JOHNSON**

5 Mr. Johnson stated that along with the I-15 project, there are two supplemental agreements
6 that need to be approved for work to continue in the 5th South area (\$82,443) and the 2600th South
7 (\$10,218) area. This work will be done by our agencies, but reimbursable from UDOT. Councilman
8 Pitt asked if there is an additional plan for surplus needs, if the costs don’t hold. Mr. Johnson
9 answered there is a contingency plan and these are solely cost only agreements. Mayor Lewis added
10 that UDOT has been communicating well with all the cities and individual departments.
11 Councilwoman Harris made a motion to approve the supplemental agreements, Councilman
12 Higginson seconded the motion. Voting was unanimous with Councilpersons Harris, Holbrook,
13 Knight, Higginson and Pitt voting “aye”.

14
15 **CONSIDER APPROVAL OF THE PURCHASE OF FOUR DODGE CHARGERS IN THE**
16 **AMOUNT OF \$105,676 – CHIEF TOM ROSS**

17 Chief Ross is requesting the approval to purchase four Dodge Chargers from Salt Lake Valley
18 Dodge, using the state bid contract. The dealership had these vehicles in stock and the City can take
19 ownership of them immediately. There are four cars currently being used that will be traded in or
20 replaced later in the year. Councilman Knight asked if the Charger is the next police car of the
21 “future.” Chief Ross responded that the Charger has been the cheaper vehicle to outfit and performs
22 just as well as others. The Interceptor is a good option, but too expensive to consider at this time.
23 Mayor Lewis inquired if the police upgrade package comes with the protective glass. Chief Ross
24 replied no, but the vehicles being purchased have a good performance package and are very similar to
25 those on the streets. Councilman Knight made a motion to approve the vehicle purchase for four
26 Dodge Chargers, Councilwoman Holbrook seconded the motion. Voting was unanimous with
27 Councilpersons Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

28
29 **CONSIDER APPROVAL OF CONTRACT WITH SVCI IN AN AMOUNT NOT-TO-**
30 **EXCEED \$65,000 TO OUTFIT THE MOBILE SWAT/COMMAND VEHICLE - CHIEF TOM**
31 **ROSS**

32 Chief Ross stated that in the last year’s fiscal budget, the chassis/box was purchased for a new
33 SWAT/Command vehicle for the Police Department. At this time, the Police Department is
34 requesting funds to outfit the vehicle. The money being requested (\$40,000.00) is available in the
35 Fiscal Year 2015 budget, plus additional funds saved from the purchase/trade in of the new police
36 cars (approx. \$25,000.00). SVCI is a sole source provider and a local company. Currently, all
37 necessary repairs and parts are shipped out of the state. City Manager, Gary Hill, did make note that
38 this is a not-to-exceed amount and it is possible that Chief Ross could make additional requests for
39 further items. Councilman Knight made a motion to approve this item and Councilman Pitt seconded
40 the motion. Voting was unanimous with Councilpersons Harris, Holbrook, Knight, Higginson and
41 Pitt voting “aye”.

42
43 **PUBLIC HEARING-CONSIDER APPROVAL OF ORDINANCE 2014-11 TO AMEND THE**
44 **ZONING OF A PROPERTY LOCATED AT APPROXIMATELY 4001 SOUTH BOUNTIFUL**
45 **BLVD. FROM R-2/R-F TO R-3/R-F-PDO (PLANNED DEVELOPMENT OVERLAY) – MR.**
46 **PAUL ROWLAND**

1 Mr. Rowland stated that Mr. Ron Marshall is requesting a zone change for two home owners,
2 for a total of 6.1 acres. In 2011, the lower portion was rezoned to R-3, and just recently into a split
3 zone. The property owners are requesting a private development to include the 6.1 acres.
4

5 **PUBLIC HEARING**

6 Open: 7:55 p.m.

7 Closed 7:55 p.m.
8

9 Councilwoman Holbrook made a motion to adopt Ordinance 2014-11, Councilman Higginson
10 seconded the motion. Voting was unanimous with Councilpersons Harris, Holbrook, Knight,
11 Higginson and Pitt voting “aye”.
12

13 **CONSIDER A PRELIMINARY SUBDIVISION APPROVAL FOR A 5-LOT PUD FOR 4001**
14 **BOUNTIFUL BLVD., RON MARSHALL, APPLICANT – MR. PAUL ROWLAND**

15 Mr. Marshall is requesting preliminary approval for a 5 lot subdivision. Mr. Rowland stated
16 there will be a cul-de-sac entrance, storm water run-off, and utilities are available except sanitary
17 sewer. The impact on Bountiful Blvd will be insignificant. The Planning Commission has
18 recommended this approval pending red line corrections, vacate lot 1, provide bonding and to
19 establish HOA covenants required to provide maintenance on the Boulevard (lot 4). Councilman
20 Higginson made a motion for the preliminary approval, Councilwoman Holbrook seconded the
21 motion. Voting was unanimous with Councilpersons Harris, Holbrook, Knight, Higginson and Pitt
22 voting “aye”.
23

24 **PUBLIC HEARING – CONSIDER APPROVAL OF ORDINANCE 2014-12 ALLOWING 120’**
25 **FLAG POLE IN COMMERCIAL LOCATIONS – MR. RUSSELL MAHAN**

26 Mr. Mahan stated that this is a technical correction to the ordinance, as there was a
27 miscommunication on the height of the pole in question (Toyota dealership). The pole measures at
28 120 feet, not 80 feet. This approval clarifies the correction from 80 feet to 120 feet.
29

30 **PUBLIC HEARING**

31 Opened: 8:02 p.m.

32 Closed: 8:02 p.m.
33

34 Councilwoman Harris asked if there was an issue with having a second flag on the pole. She
35 added that we should not be telling companies what to fly. Obviously the American flag should be
36 first, but other than that, we are over-regulating. Councilman Knight said there should be concern
37 over what flags are flown. That’s why there are rules. It is a large pole to fly flags and we should be
38 cautious to grant approval if we don’t know the content of the flag. Councilman Higginson added
39 that in the Planning Commission meeting, there was just one flag allowed. The whole spirit of the
40 flag poles is to make it competitive with other businesses. If there is a way to regulate the second
41 flag, or limit it to the brand of the dealership, that would work. Mayor Lewis agreed with
42 Councilwoman Holbrook that the Toyota flag has been there the longest, but the challenge is
43 location. This issue needs to be looked at closer. Councilman Pitt inquired if this ordinance is
44 strictly the American flag, or can it include the state or City flag? Councilman Knight said that when
45 they approved the blinking sign ordinance, they had an acceptable solution, as does this ordinance.
46 There needs to be caution in making changes. Mayor Lewis agreed and re-stated the purpose of this

1 ordinance is strictly the height, so the other topics are postponed for later discussion. Mr. Mahan
2 agreed. Councilman Pitt inquired that with the additional items to be discussed, content vs. structure,
3 should that go to the Planning Commission? Mr. Mahan said yes. Councilman Higginson made a
4 motion for the ordinance, Councilwoman Holbrook seconded the motion. Voting was unanimous
5 with Councilpersons Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

6
7 **CONSIDER APPROVAL OF SMITH HYATT ARCHITECTS OF BOUNTIFUL TO**
8 **OVERSEE THE BDAC REMODEL – MR. PAUL ROWLAND**

9 Mr. Rowland said there were two architect firms that went on the walk through of the
10 Bountiful Davis Arts Center (BDAC). Both firms submitted proposals which were equally qualified.
11 Mr. Rowland is asking for the approval to use Smith Hyatt Architects of Bountiful. Councilwoman
12 Holbrook made a motion for the approval, Councilman Pitt seconded the motion. Voting was
13 unanimous with Councilpersons Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

14
15 **CONSIDER APPROVAL OF A THREE-YEAR CONTRACT FOR FIREWORKS WITH**
16 **VORTEX PRODUCTIONS IN THE AMOUNT OF \$20,000 PER YEAR – MR. PAUL**
17 **ROWLAND**

18 Mr. Rowland explained that normally this is a line item in the budget and gets approval far in
19 advance. Councilwoman Harris asked if this has gone out to bid, and would it be best to do so? Mr.
20 Rowland stated that this is an extension of a previous contract because it was ordered a long time ago.
21 The firework shows are very different from each other and Vortex has always had a higher quality
22 show. Mr. Mahan added that this is a service contract, so there is not the requirement to take bids.
23 Mr. Gary Hill also stated that the fireworks have already been ordered, this extension would be nice
24 to approve, and at the end of the contract we can re-bid. Additionally, there would be no price
25 increase in the next three years. Councilman Knight made a motion for the approval, Councilman
26 Higginson seconded the motion. Voting was unanimous with Councilpersons Harris, Holbrook,
27 Knight, Higginson and Pitt voting “aye”.

28
29 **CONSIDER APPROVAL OF A FRANCHISE AGREEMENT WITH SYRINGA, A**
30 **TELECOMMUNICATIONS PROVIDER – MR. RUSSELL MAHAN**

31 Mr. Mahan stated that the City has always worked with telecommunications providers to lay
32 lines through public rights-of-way. Syringa representative, Mr. Wilson approached the podium and
33 explained that there is a franchise tax on personal cell phone bills to help pay for this. Also, if any
34 particular cell phone company (i.e. Sprint) uses the lines, they assess a franchise fee to their
35 customers. There are many franchise agreements throughout the City. Councilman Higginson made
36 a motion for the approval of the franchise agreement, Councilman Knight seconded the motion.
37 Voting was unanimous with Councilpersons Harris, Knight, Holbrook, Higginson and Pitt voting
38 “aye”.

39
40 **CONSIDER APPROVAL OF ORDINANCE 2014-13, AMENDING THE CITY CODE**
41 **CONCERNING THE BUSINESS LICENSE SUPERVISOR – MR. RUSSELL MAHAN**

42 Mr. Mahan stated this is only to clarify the ordinance previously appointed to an
43 Administrative Law Judge for appeals. This ordinance clarifies that the Licensing Supervisor may
44 deny, modify, suspend or revoke a business license, but takes the words referencing an appeal to the
45 “City Council” out of the ordinance. Councilman Higginson made a motion for the approval,
46 Councilman Knight seconded the motion. Voting was unanimous with Councilpersons Harris,

1 Holbrook, Knight, Higginson and Pitt voting “aye”.

2
3 **CONSIDER APPROVAL OF ORDINANCE 2014-14 PUTTING A SECOND SIX-MONTH**
4 **MORATORIUM ON AGE-RESTRICTED, ASSISTED LIVING AND CONVALESCENT**
5 **HOUSING IN BOUNTIFUL – MR. RUSSELL MAHAN**

6 Mr. Mahan is asking for a six-month moratorium on this ordinance as the City Planner has not
7 had sufficient time to review this ordinance. Councilman Pitt asked if this affects anyone applying
8 for residency currently. Mr. Mahan replied that this was grandfathered into the ordinance and there is
9 no one specific in question, only inquiries. Councilman Higginson made a motion for the approval,
10 Councilman Knight seconded the motion. Voting was unanimous with Councilpersons Harris,
11 Holbrook, Knight, Higginson and Pitt voting “aye”.

12
13 **CONSIDER APPROVAL OF RESOLUTION 2014-11 ADOPTING THE 2014 ADJUSTED**
14 **CERTIFIED PROPERTY TAX RATE – MR. GALEN RASMUSSEN**

15 Mr. Rasmussen stated that about a month ago, this item was passed as part of the budget
16 process. Shortly after it passed, the County needed to re-set the rate as it would benefit the city (see
17 Resolution 2014-09). The new rate is .000946. Councilwoman Holbrook made a motion for the
18 approval, Councilman Higginson seconded the motion. Voting was unanimous with Councilpersons
19 Harris, Holbrook, Knight, Higginson and Pitt voting “aye”.

20
21 Councilman Knight made a motion to adjourn the regular City Council meeting and move to a
22 closed session for the purpose of discussing the acquisition or sale of real property, pending litigation
23 and/or to discuss the character and competency of an individual(s) (Utah Code § 52-4-205).
24 Councilwoman Holbrook seconded the motion. Council members Harris, Holbrook, Higginson,
25 Knight and Pitt voted “aye.” The meeting was adjourned at 8:42 p.m. to move into Closed Session
26 held in the City Hall Planning Commission Room.

27
28 Closed Session started at 8:47 p.m. and ended at approximately 9:35 p.m.

29
30 Attendance at Closed Session:

31 Mayor Lewis

32 Council members Higginson, Holbrook, Knight, Pitt and Harris

33 City Manager, Gary Hill

34 City Attorney, Rusty Mahan