

1 Bountiful City Council
2 **Work Session**
3 Planning Conference Room
4 November 19, 2013, 6:00 p.m.
5

6 Present: Mayor Joe Johnson
7 Council Members Richard Higginson, Beth Holbrook, John Marc
8 Knight, Fred Moss, and Thomas Tolman
9 City Manager Gary Hill
10 City Attorney Russell Mahan
11 City Engineer Paul Rowland
12 City Recorder Kim Coleman
13 Planning/RDA Director Aric Jensen
14
15 Others Mayor-elect Randy Lewis
16 Council-elect Kendalyn Harris
17 John Pitt
18 Dept. Head Mark Slagowski
19 Asst. City Engineer Lloyd Cheney
20 Recording Secretary Ellen Call
21

22 Official Notice of this meeting had been given by posting a written notice of same and an
23 Agenda and amended agenda at the City Hall and providing copies to the following newspapers
24 of general circulation: Davis County Clipper, Standard Examiner, and on the Utah Public Notice
25 Website.
26

27 Mayor Johnson called the meeting to order at 6:03 p.m. and welcomed those present.
28 City Manager Gary Hill explained that this meeting is a follow-up of a discussion from a recent
29 Council meeting concerning a water rate increase.
30

31 Paul Rowland further explained that this study session is to review the need for, the use
32 of, and some of the impacts of the water rate increase that was approved as part of the 2013-2014
33 budget. Mark Slagowski said he had done an analysis of the City's 10-year water pipe
34 replacement plan of replacing one mile of pipe per year, taking into consideration water quality
35 issues, leak history, and water main size. The study indicated the need to accelerate the
36 replacement program.
37

38 In one area, Mr. Slagowski thought there was no need to replace the pipe, inasmuch as it
39 hadn't been too long since it had been done. However, after digging up a small area to check the
40 pipe, they found a section of ductile iron pipe which was severely deteriorated due to electrolysis
41 attacking the pipe. It is unknown where, in the City's 30-40 miles of existing pipe, this condition
42 might occur. He also showed a sample of existing cast iron pipe without a liner with a build-up
43 inside that can be dislodged at any time, creating a discolored and unhealthy supply of water.
44 This build-up also causes a friction which slows down the flow of water through the pipe. All of

1 these conditions emphasize the need to replace the old with a new type of pipe with cathodic
2 protection that will insure the integrity and quality of the system. Mr. Slagowski said that it is
3 not unusual to have five or more leaks per block in areas where the pipe has not yet been
4 replaced.

5
6 Councilman Moss voiced his concern that the rate increase would have a greater impact
7 on the residents without secondary water than on those who have it. He suggested lending the
8 Water Department \$2 million from the Capital Fund for the repair of the water tank and some
9 pipe upgrades. Or, another idea he suggested was that the City borrow the money and use the
10 water rate increase to pay off the bond. His observation was that the City has been willing to
11 assist other departments in time of need, and he feels that the Water Department should be dealt
12 with equally.

13
14 Mr. Rowland explained that the 37.5% increase applies to both the base rate and the
15 overage charges. This additional revenue is needed to allow the Water Department to maintain
16 its capital improvement plan as well as factoring in the O&M that continues to increase with
17 inflation. Mr. Slagowski noted that it is much more costly to supply water to those residents
18 above Davis Boulevard (\$500,000 per year) than to those below (\$90,000). The comparative
19 study that Mr. Rowland showed indicated that, with the rate increase, the average increase in cost
20 to the users would be \$11.16. Bills in the City that increased more than \$10 affected only about
21 17% of the users.

22
23 Also to be taken into consideration is the expense of street patching after a water line has
24 been replaced. Along with replacing an increased number of water lines per year, the Water
25 Department is also faced with an increased expense for street repairs.

26
27 Mr. Rowland said he anticipates that with the rate increase that was received, the
28 Department would get \$1.1 million per year more than they were getting prior to the increase.
29 This should be sufficient to allow them to continue working on the water system throughout the
30 year.

31
32 Gary Hill said that the main reason for the increase is to replace the main lines. Where it
33 makes sense to consider a loan is for large capital projects such as the treatment plant or
34 reservoir, which projects are scheduled in about three years. He suggested that this be discussed
35 during the budget process next year.

36
37 The Work Session adjourned at 6:59 p.m.
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Regular City Council Meeting – Council Chambers
7:00 p.m.

Present:	Mayor	Joe Johnson
	Council Members	Richard Higginson, Beth Holbrook, John Marc Knight, Fred Moss, and Thomas Tolman
	City Manager	Gary Hill
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim Coleman
	Planning/RDA Director	Aric Jensen
	Mayor-elect	Randy Lewis
	Council Members-elect	Kendalyn Harris and John Pitt
		Mark Slagowski, Water
	Recording Secretary	Ellen Call

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, Standard Examiner, and on the Utah Public Notice Website.

Mayor Johnson called the meeting to order at 7:05 p.m. and welcomed visiting Boy Scouts, Youth Council, staff, and others in attendance. Boy Scout Ethan James Williams led the pledge of allegiance to the flag. At the invitation of Mayor Johnson, Councilman Moss read the Gettysburg Address, in recognition of the 150th anniversary of delivery by President Abraham Lincoln. Mayor-elect Randy Lewis offered the prayer/thought. Councilman Higginson noted that three members of the City Council had at one time served in the military, and he thanked them, and anyone in the audience who has served, for their service.

MINUTES APPROVED FOR OCTOBER 22, 2013 MEETINGS

Mayor Johnson presented the City Council minutes of October 22, 2013 for approval. Councilman Higginson moved to approve the minutes of the regular City Council meeting, as well as the Public Safety and Finance Committee meeting held on that day. Councilman Knight seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.

COUNCIL REPORTS

Councilwoman Holbrook reported that tickets for the Bar J Wranglers concert to be held on December 7, 2013, are now available.

YOUTH COUNCIL REPORT

Councilman Knight introduced two members of the Youth Council: Parliamentarian Andrew Eyring and Viewmont Representative Kim Bradley. They reported that recent activities included the annual Pumpkin Patch and a visit to the shooting range. They are also preparing to

1 assist with the Bar J Wrangler concert on December 7. In January, they will attend the Local
2 Officials' Day at the Legislature in Salt Lake City.

3
4 **BUDGET REPORTS APPROVED FOR EXPENDITURES PAID**
5 **ON OCTOBER 14, 21, 28, AND NOVEMBER 4, 2013**

6 Mayor Johnson presented the Expenditure Reports for invoices paid the following dates,
7 with totals as indicated: October 14, 2013 (\$354,620.67), October 21, 2013 (\$283,971.99),
8 October 28, 2013 (\$1,056,426.93), and November 4, 2013 (\$543,741.25). Councilman Knight
9 made a motion to approve the expenditure reports as presented. Councilman Higginson
10 seconded the motion, and voting was unanimous in favor, with
11 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting "aye".

12
13 **RECOGNITION OF RETIRING**
14 **CITY EMPLOYEE, CONNIE FEIL**

15 Aric Jensen introduced Connie Feil, who has worked for the City for 27 years and has
16 recently retired. He commended her for being a dependable employee and for the positive
17 attitude and loyalty which she has shown during the ten years he has been associated with her.
18 Connie said that working for the City has been a great experience, beginning in the Utility
19 Department and finishing up the last 19 years in the Planning Department doing business
20 licensing. She expressed her appreciation for the security that City employment has provided for
21 her and her family.

22
23 Councilwoman Holbrook stated that she has been associated with Connie for the past six
24 years while working on the Planning Commission, and Connie has only missed taking minutes at
25 three of their meetings during that time. Councilwoman Holbrook thanked her for her loyalty
26 and dependability. Mayor Johnson gave Connie a gift certificate in recognition of her service,
27 and Mr. Jensen presented her with a bouquet of flowers.

28
29 **CANVASS VOTES FOR THE 2013**
30 **BOUNTIFUL CITY MUNICIPAL ELECTION**

31 Mr. Coleman reported that, in compliance with State law, the final vote tally has been
32 completed and the election returns are ready to be adopted. He stated that the "canvass" did not
33 change the outcome as reported on election night, and that there was a total of 5,380 voters who
34 voted out of the 25,706 registered voters (20.93%). He asked that the City Council accept and
35 approve the official results, which elected Randy Lewis as Mayor, and Kendalyn Harris and John
36 Pitt as Council Members for a four-year term beginning January 6, 2014.

37 Councilman Moss made a motion to accept and approve the official canvass as presented,
38 seconded by Councilman Higginson. Councilman Higginson and Councilman Tolman each
39 thanked the outgoing Council members and Mayor Johnson for their service. Mayor Johnson
40 expressed his thanks to those who were willing to sacrifice their time and resources to run for
41 office. Voting was unanimous in favor. Councilpersons Higginson, Holbrook, Knight, Moss,
42 and Tolman voted "aye".

1 **PRELIMINARY AND FINAL APPROVAL GRANTED FOR**
2 **JOHN CLYDE AND JOUKJE ZYSLING BARLOW SUBDIVISION**

3 Mr. Rowland stated that an application has been received from Terry Orchard, requesting
4 approval to divide the property at 1305 South Main Street, which is not currently located in a
5 subdivision, into a two-lot subdivision. The utilities are already in, and the single home which
6 straddles the new boundary between the proposed lots will be demolished. The proposal has
7 received a favorable recommendation from the Planning Commission. Councilwoman Holbrook
8 made a motion to grant preliminary and final approval for the John Clyde and Joukje Zysling
9 Barlow Subdivision as requested, with the condition that they provide a current title report and
10 pay the required fees. Councilman Higginson seconded the motion and voting was unanimous.
11 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.

12
13 **BEER LICENSE APPROVED FOR 280 WEST FOOD MART, INC.**
14 **AT 280 WEST 500 SOUTH**

15 Aric Jensen presented a request from Kahlid Suteeh and Raghad Safan for a new beer
16 license for the convenience store at 280 West 500 South. A background check has been made by
17 the Police Department and the application was reviewed by the City Attorney, and they find the
18 applicants to be in good standing. It is the recommendation of staff to approve the request.
19 Councilman Higginson made a motion to approve the beer license, seconded by Councilwoman
20 Holbrook. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.

21
22 **PRELIMINARY AND FINAL APPROVAL GIVEN TO STREET**
23 **DEDICATION PLAT FOR 550 NORTH 600 EAST AND**
24 **CONVEYANCE OF REMNANT PARCEL**

25 Mr. Rowland explained that improvements to the roadway that connects the stub ends of
26 550 North and 600 East streets have been completed, and it is now ready to be dedicated as a
27 public street. This has been reviewed by the Planning Commission and given a favorable
28 recommendation for preliminary and final approval.

29
30 The property for the road was purchased by the City with funds from Gary Wright, the
31 developer of the adjacent subdivision. After the completion of the road, a remnant parcel
32 remains from the property. This is not a legal building lot and it has no development rights
33 unless it is incorporated into an adjoining entitled building lot. This remainder parcel can now
34 be transferred to Mr. Wright with those conditions.

35
36 Councilwoman Holbrook made a motion to grant preliminary and final approval of the
37 550 North 600 East Street Dedication Plat, and to approve the conveyance of title to the
38 remainder parcel to Mr. Gary Wright, with the condition that it is not a building lot. Councilman
39 Higginson seconded the motion, and voting was unanimous with Councilpersons Higginson,
40 Holbrook, Knight, Moss, and Tolman voting “aye”.

41
42 **RELEASE OF EASEMENT GRANTED AT**
43 **1861 RIDGEHOLLOW DRIVE**

44 Mr. Rowland presented a release of easement request from property owners Dave Detton

1 and Alan Hess at 1861 East Ridgehollow Drive. He explained that the lot has been divided and
2 the parts added to the two adjoining lots, leaving the easement stranded in the middle of one of
3 the resulting properties. All of the utilities have signed the release, and it is now recommended
4 that it be given approval. Councilman Higginson moved to give approval to the release of
5 easement, seconded by Councilwoman Holbrook, and voting was unanimous with
6 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting “aye”.

7
8 **PRELIMINARY AND FINAL COMMERCIAL SITE PLAN APPROVED**
9 **FOR CORNER BAKERY CAFÉ AND AMENDED SITE PLAN APPROVED FOR**
10 **FORMER FRESH MARKET PROPERTY AT 155 WEST 500 SOUTH**

11 Aric Jensen explained that the owners of the property at 155 West 500 South would like
12 to build a freestanding restaurant structure immediately adjacent to 500 South between the
13 existing commercial building on the property and the fast food building on the corner of 200
14 West and 500 South. The Planning Commission has reviewed the request and gave a favorable
15 recommendation. Councilwoman Holbrook made a motion to give preliminary and final site
16 plan approval for the restaurant construction, conditioned on making any redline corrections to
17 the plan and payment of any required fees. Councilman Higginson seconded the motion and
18 voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted
19 “aye”.

20
21 **ORDINANCE 2013-08 APPROVED, ESTABLISHING PUBLIC**
22 **NUISANCE AND OTHER ENFORCEMENT PROCEDURES**

23 Mr. Mahan introduced proposed Ordinance 2013-08, AN ORDINANCE ADOPTING THE
24 PUBLIC NUISANCE ABATEMENT ORDINANCE, PROVIDING FOR THE REGULATION AND ABATEMENT
25 OF (I) THE GROWTH AND SPREAD OF INJURIOUS AND NOXIOUS WEEDS; (II) GARBAGE AND REFUSE;
26 (III) PUBLIC NUISANCES; AND (IV) ILLEGAL OBJECTS OR STRUCTURES.

27
28 Mr. Mahan explained that the proposed ordinance utilizes the new power granted by the
29 Utah Legislature. It defines what constitutes a public nuisance, appoints a municipal inspector to
30 investigate the property, and adopts the procedures outlined in the State Code for abatement and
31 collection of costs. He further explained that this allows the City to remedy a problem and get
32 reimbursed, instead of filing criminal charges or a civil lawsuit.

33
34 A brief discussion followed. Councilman Moss voiced his concern that it would be
35 difficult to equitably enforce the ordinance, in that one citizen’s public nuisance might be
36 targeted while another’s would be completely overlooked. He recognized the fact that most of
37 the public nuisance issues have been cited because of a citizen complaint, but feels that this new
38 ordinance will allow an inspector to arbitrarily go about the City citing those he deems in
39 violation. Councilman Higginson pointed out from Mr. Mahan’s staff report that “The authority
40 needs to be used cautiously and only where appropriate under individual circumstances.”

41
42 Councilman Higginson moved to adopt Ordinance 2013-08 as presented, and
43 Councilman Knight seconded the motion which passed by majority vote, with Councilpersons
44 Higginson, Holbrook, Knight, and Tolman voting “aye”. Councilman Moss voted “nay”.

1 **TELECOMMUNICATIONS LEASE WITH VERIZON**
2 **RENEWED AT 1802 EAST MUELLER PARK ROAD**

3 Mr. Mahan stated that Verizon has had a lease with the City since 1998 for an antenna on
4 a telecommunications tower at 1802 East Mueller Park Road. It has been renewed every five
5 years since then, and is due for another renewal. Councilman Higginson made a motion to
6 approve the renewal of the lease to Verizon for an additional five years, seconded by
7 Councilman Tolman. Voting was unanimous, with Councilpersons Higginson, Holbrook,
8 Knight, Moss, and Tolman voting “aye”.
9

10 **RECYCLING FEES DECREASED BY**
11 **APPROVAL OF RESOLUTION 2013-12**

12 Mr. Mahan reported that since the recycling program was instituted in 2008, the service
13 has been provided by Waste Management on a five-year contract. Following a recent re-bidding
14 process, the contract was awarded to Ace Recycling & Disposal at a lower rate, which was in
15 part made possible by the conversion of collection trucks from diesel to natural gas. The cost per
16 customer per month has been reduced from \$3.25 to \$2.50, effective January 1, 2014.
17

18 Councilwoman Holbrook made a motion to approve Resolution 2013-12, A RESOLUTION
19 DECREASING FEES FOR THE CITYWIDE RECYCLING PROGRAM AS A PART OF BOUNTIFUL CITY’S
20 GARBAGE COLLECTION SERVICES. Councilman Higginson seconded the motion which passed
21 unanimously, with Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting
22 “aye”.
23

24 **STAFF AND COUNCIL CALENDARING ITEMS**

25 Councilman Knight reminded everyone of the Bar J Wranglers concert to be held
26 December 7, 2013.
27

28 At 8:04 p.m., the Council temporarily adjourned to an RDA meeting on a motion by
29 Councilman Higginson, seconded by Councilwoman Holbrook. Councilpersons Higginson,
30 Holbrook, Knight, Moss, and Tolman voted “aye”.
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32 The Council re-convened at 8:21 p.m. on a motion by Councilman Higginson, seconded
33 by Councilman Moss, with a unanimous vote by Councilpersons Higginson, Holbrook, Knight,
34 Moss, and Tolman voting “aye”.
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36 **CLOSED MEETING**

37 A motion was made by Councilman Moss, seconded by Councilman Higginson, to move
38 to closed meeting to discuss the purchase, exchange or lease of real property, and to discuss the
39 character and professional competence of an individual. The closed session was announced to be
40 in the Planning Conference room. Voting was unanimous, with Councilpersons Higginson,
41 Holbrook, Knight, Moss, and Tolman voting “aye”. The meeting adjourned at 8:21 p.m.
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44 **See next page for Record of Attendance at Closed Meeting**

1 **Attendance at closed meeting**

2 Mayor Joe Johnson

3 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman

4 Mayor-elect Randy Lewis

5 Councilpersons-elect Harris and Pitt

6 City Manager Gary Hill

7 City Attorney Russell Mahan

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36 See Next Page for Affidavit of Closed Meeting

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**Affidavit of the Closed Meeting of the
Bountiful City Council
Tuesday, November 19, 2013**

A closed meeting of the Bountiful City Council was held on Tuesday, November 19, 2013, following the open City Council meeting, in the Planning Commission conference room at City Hall in Bountiful, Utah. The meeting was attended by Mayor Joe Johnson and Council members John Marc Knight, Beth Holbrook, Tom Tolman, Richard Higginson and Fred Moss. It was also attended by Mayor-elect Randy Lewis, Council member-elect Kendalyn Harris, Council member-elect John Pitt, City Manager Gary Hill and City Attorney Russell Mahan.

A portion of the closed meeting was to discuss strategies in acquiring real property, which portion was recorded. Following that, the closed meeting continued for the sole purpose of discussing the character and professional competence of individuals, as described under Subsection 52-4-205(1)(a) of the Utah Code.

Dated this 20th day of November, 2013.


Mayor Joe Johnson

State of Utah)
)
County of Davis)

The foregoing Affidavit was signed before me by Joe Johnson this 20th day of November, 2013.




Notary Public

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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