

1 Minutes of the regular meeting of the City Council held  
2 November 2, 1988 at 7:00 p.m. in the Council Chambers of the City  
3 Hall, Bountiful, Utah.

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5 Present: Mayor: Dean S. Stahle  
6 Council Members: C. Harold Shafter, Barbara Holt,  
7 Phyllis C. Southwick, Bob  
8 Gramoll, and H. Keith Barton  
9 City Manager: Tom Hardy  
10 City Engineer: Jack P. Balling  
11 City Prosecutor: Russell E. Mahan  
12 City Recorder: Arden F. Jenson  
13 Dep. Recorder: Lois Hoskins  
14 Planning Director: Jon Reed Boothe  
15 Rec. Secretary: Nancy T. Lawrence  
16 Dept. Heads: Larry Higgins, Police  
17 Cliff Michaelis, Power  
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19 Mayor Stahle called the meeting to order and then led the  
20 pledge of allegiance to the flag. The invocation was offered by  
21 Mr. Boothe.  
22

23 Official Notice of this meeting had been given by posting a  
24 written notice of same and an Agenda at the City Hall and providing  
25 copies to the following newspapers of general circulation: Deseret  
26 News, Davis County Clipper, and Salt Lake Tribune.  
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28 Minutes of the regular meeting of the City Council held October  
29 26, 1988 were presented and unanimously approved on a motion made  
30 by Councilman Barton and seconded by Councilman Shafter.  
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32 **EXPENDITURES APPROVED FOR PERIOD**  
33 **OCTOBER 20-27, 1988**

34 Mr. Jenson presented the Expenditure and Expense Report for the  
35 Period October 20-27, 1988 in the amount of \$445,909.90. Following  
36 a brief discussion, the expenditures were unanimously approved on  
37 a motion made by Councilman Gramoll and seconded by Councilman  
38 Shafter.  
39

40 **DISCUSSION RE: SIGHT DISTANCE COMPLIANCE - PLANTER**  
41 **BOXES IN DOWNTOWN AREA**

42 Mr. Hardy reviewed that the Council took a field trip last week  
43 to Main Street to look at the planter boxes as they relate to a  
44 possible violation of the ordinance regulating sight distance at  
45 intersections. He said that one box is in violation of the  
46 ordinance (east side of the street at 100 South) with a 16-inch  
47 portion of the box being 4 inches higher than allowed. He said that  
48 the violation is minimal and if it were a private situation, the  
49 City would not move to prosecute. The Council discussed the matter  
50 and concurred that inasmuch as there is "substantial compliance" and  
51 due to changes in street grades which resulted as the project was  
52 underway, the box would be left as is. It was emphasized, however,  
53 that private citizens should be extended the same leniency.  
54 Councilwoman Holt asked whose responsibility it is to make sure that  
55 the materials planted in the boxes does not obstruct vision and Mr.  
56 Hardy said that this is under the jurisdiction of the Parks and  
57 Recreation Department. Councilman Shafter emphasized that the City  
58 has attempted to comply with the ordinance; however, due to problems

1 with elevations in the construction of Main Street, the one planter  
2 box ended up being too high on one corner.

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4 **ELECTRICAL SERVICE AGREEMENT WITH UP&L**  
5 **APPROVED FOR NEWLY ANNEXED AREAS**

6 Mr. Hardy referred to a letter from Utah Power and Light  
7 regarding Bountiful's take over of the power service in two newly  
8 annexed areas. UP&L has proposed to sell the system in the two  
9 areas, plus other related costs, for \$336,426.18. They also have  
10 required Bountiful to assist in the cost of construction of a  
11 transmission line to serve an "island" area created by the annexa-  
12 tion. Bountiful's cost on the transmission line is \$26,858.00,  
13 resulting in a total cost of \$363,284.18. Councilman Shafter  
14 recommended that Bountiful's payment on the transmission line be  
15 well-documented for future reference, should this area ever be  
16 presented for annexation to make sure that we wouldn't have to bear  
17 that cost twice. Mr. Michaelis expressed appreciation for the  
18 individuals that he worked with at UP&L in getting this matter  
19 settled. Councilman Barton made the motion that the proposal from  
20 UP&L to sell their system in the newly annexed areas, plus construct  
21 a new line, as presented above be approved. Councilman Shafter  
22 seconded the motion and voting was unanimous. Councilman Barton  
23 also expressed appreciation to Mr. Michaelis and Mr. Hardy for the  
24 time and effort which they have put in on resolving this matter.

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26 **BOUNTIFUL JAYCEES OFFER ASSISTANCE TO**  
27 **CITY FOR CHRISTMAS LIGHT TURN-ON**

28 Connie Ellis, representing the Bountiful Jaycees, reported that  
29 they have begun work on the Christmas parade which will be held  
30 December 3rd at 10:00 a.m. and she requested that permission be  
31 given to hang the banner over Main Street advertising the parade.  
32 In response to a question from Ms. Ellis, Mayor Stahle said that the  
33 downtown Christmas lights will be turned on the evening of November  
34 19th and Ms. Ellis offered the assistance of the Jaycees for this  
35 event also.

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37 **POLICY FOR USE OF STREET LIGHT**  
38 **POLES (DOWNTOWN) ADOPTED**

39 Mr. Hardy referred to a set of five policy statements which he  
40 had prepared and included in the Council packet regarding the use  
41 of the street light poles in the downtown area (200 South to 100  
42 North) and requested input from the Council as to whether or not  
43 they accurately represent the previous discussion of the Council.  
44 Several comments were made and Councilman Barton made the motion  
45 that the last sentence of No. 1 be deleted and that the staff be  
46 given the responsibility to determine the types of materials which  
47 will be used. Councilwoman Holt seconded the motion and added that  
48 a statement requiring "quality material" should be included.  
49 Councilman Gramoll noted that the type of material would be  
50 contingent on the length of time it will be used and he suggested  
51 that the Policy Statement No. 1 be left as drafted. The motion  
52 carried by a majority with Councilman Gramoll voting nay.

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1 Councilman Barton then made a second motion that the policy  
2 statements as presented and discussed be adopted. Councilwoman  
3 Southwick seconded the motion and voting was unanimous.

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5 **COUNCILWOMAN HOLT PRESENTS "CLEAN\_UP" ITEMS**

6 Councilwoman Holt said that there were three areas of concern  
7 to her which she wished to address and she presented the following  
8 items:

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10 (1) A request to the legal department that a written statement  
11 be given to the Council regarding the ordinance regulating amusement  
12 devices. She asked that clarification be made as to the legality  
13 or illegality of the ordinance as it now stands and she suggested  
14 that the ordinance might be amended to differentiate between  
15 establishments which cater to minors and those that are adult only.

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17 (2) Does a policy exist which defines where Agenda items are  
18 acted on? Specifically--if a field trip prior to the formal meeting  
19 concerns an Agenda item, where is the proper place for the official  
20 action on that item and should the City Recorder and a stenographer  
21 be present for all discussion? Also, should a recorder be present  
22 at all meetings (short, early morning meetings, study sessions,  
23 etc.)? Councilwoman Holt expressed concern that if Mr. Hardy has  
24 the responsibility for taking minutes, this burdens him in his city  
25 manager role. Mayor Stahle indicated that this is a good point and  
26 caution should be taken to follow State law for formal procedure.

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28 (3) Affirmation that the City has not taken an official  
29 position on the tax initiatives. Councilwoman Holt said that a  
30 flyer was left at her door which included a statement from Mr.  
31 Hardy, identified as the Bountiful City Manager, which implied that  
32 the position of the City is against the initiatives. She said that  
33 although the initiatives have been discussed by the Council, it was  
34 her opinion that the topic was left on a note of neutrality. She  
35 upheld the right of individuals to have their own feelings and  
36 opinions; however, she noted that the City should not take sides on  
37 this issue. Mr. Hardy said that he had not given prior approval to  
38 use his name nor was he aware of the flyer. He said that he had  
39 responded to citizens when they had called regarding the impact that  
40 the initiatives would have on the City. He said that he would  
41 contact the individuals who had put the flyer out, both in writing  
42 and by phone, and clarify the position of the City,

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44 **MISCELLANEOUS FOLLOW\_UP**

45 Councilman Gramoll asked if the request of Mr. and Mrs. Smith,  
46 300 North Main, for more landscaping has been resolved and Mayor  
47 Stahle said that continued contact has been made with the Smith's;  
48 however, the issue of how much concrete will be removed and the  
49 disposition of the bus bench has not yet been resolved.

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51 Councilman Shafter noted that on occasion a newspaper has  
52 printed an article regarding the Council meeting, however, a  
53 reporter from that paper was not in attendance at the meeting. He  
54 asked where the reporters get their information from and noted that  
55 printed information should be factual.

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**STUDY SESSION - E-911 STATUS**

Mr. Hardy referred to the memo which he had sent to the Council regarding the status of the proposed E911 emergency telephone system. He said that the City Attorney and counsel from Layton and Clearfield cities have concern regarding the contract between the cities and the vendor due to the number of "hold harmless" clauses. He noted that although the upgrade would be good, the bid is very high and the discrepancies in the contract should be resolved prior to approving it. In response to questions from the Council, Don Taylor, Police Department, said that only one bid was received for the equipment. He felt that the requirement to install and provide a one-year guarantee was the item which discouraged other vendors, but that this requirement was essential to success with the upgrade and proper coordination throughout the County. Discussion followed regarding the monthly charge which is being assessed for the E911 service (presently \$.50) and the possibility of this fee being decreased in the future.

**STUDY SESSION - UP&L MERGER STATUS**

Mr. Hardy referred to a document regarding the FERC requirements on UP&L if approval is given to the merger of Utah Power and Light and Pacific Corp. If the merger is approved, UP&L will be required to provide transmission for third-party users (at cost-embedded rates for 5 years and then at transmission cost) and the transmission line cannot be used as a profit center for UP&L. The results of the Order by FERC were summarized as follows: (1) lessening of competition; (2) transmission will be a separate market--different than generation or distribution; and (3) UP&L will no longer have control of the access of east-west transmission and must provide transmission for "transmission dependent utilities". He said that the merger will be denied if UP&L does not accept the FERC Order.

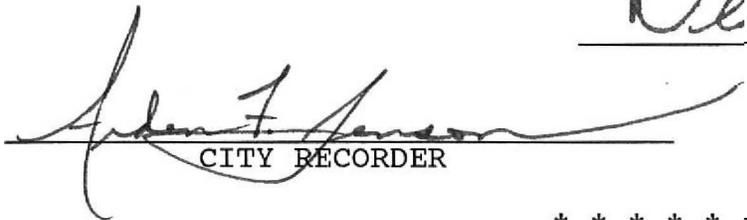
**APPROVE EXECUTIVE SESSION**

This item was cancelled.

**MISCELLANEOUS FROM MAYOR**

Mayor Stahle reported that in a recent COG meeting with General McCoy from HAFB, the general praised the people of Utah for their friendliness and the high level of productivity which is found at HAFB. The Mayor mentioned that he is desirous of always giving the Council members the time which they would like to discuss issues and asked them to indicate to him when they are finished with discussion of a topic.

The meeting adjourned at 8:45 p.m.

  
CITY RECORDER

  
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MAYOR