

1 Minutes of the regular meeting of the City Council held March
2 22, 1989 at 7:00 p.m. in the Council Chambers of the City Hall,
3 Bountiful, Utah.

4
5 Present: Mayor: Dean S. Stahle
6 Council Members: C. Harold Shafter, Barbara
7 Holt, Robert Gramoll, and H.
8 Keith Barton
9 City Manager: Tom Hardy
10 City Attorney: Layne B. Forbes
11 City Engineer: Jack P. Balling
12 City Recorder: Arden F. Jenson
13 City Treasurer: Ira H. Todd
14 Planning Director: Jon Reed Boothe
15 Rec. Secretary: Nancy T. Lawrence
16 Dept. Heads: Clifford Michaelis, Power
17 Jerry Lemon, Fire
18 Absent: Councilwoman: Phyllis C. Southwick
19

20 Mayor Stahle called the meeting to order and led the pledge of
21 allegiance to the flag. The invocation was offered by Mr. Jenson.
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: Davis
26 County Clipper, Deseret News, and Salt Lake Tribune.
27

28 Minutes of the regular meeting of the City Council held March
29 8, 1989 were presented and unanimously approved as written on a
30 motion made by Councilwoman Holt and seconded by Councilman Shafter.
31

32 **EXPENDITURE AND EXPENSE REPORTS**
33 **APPROVED FOR PERIOD MARCH 1-9,**
34 **AND MARCH 10-16, 1989**

35 Mr. Jenson presented the Expenditure and Expense report for the
36 Period March 1-9, 1989 in the amount of \$104,875.97, and noted one
37 correction in the annotation (not affecting the total). This report
38 was unanimously accepted as presented on a motion made by Councilman
39 Gramoll and seconded by Councilman Barton.
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41 The Expenditure and Expense Report for the Period March 10-16,
42 1989 was then presented and reviewed by Mr. Jenson. Following a
43 brief discussion, these expenditures, in the amount of \$128,196.92
44 were unanimously approved on a motion made and seconded by
45 Councilmen Barton and Shafter, respectively.
46

47 **COUNCIL ACTION ON MATTERS FROM**
48 **TRAFFIC SAFETY COMMITTEE**

49 Mr. Balling reported the following items from Traffic Safety
50 Committee meeting which was held this past week:
51

52 **Yield Signs on 950 East and 975 East Streets at Chelsea Drive:**

53 A petition was received from a neighborhood requesting that a stop
54 sign be placed at 950 East Chelsea Drive. The volume of traffic
55 does not meet the warrant for a stop sign; however, it is the
56 recommendation of the Traffic Safety Committee that a yield sign be
57 placed at this intersection, as well as 975 East Chelsea Drive to

1 assign the right-of-way at these intersections to the traffic on
2 Chelsea Drive. Judy Wight, a citizen from the area, said that the
3 stop sign was requested due to the grade which reduces visibility
4 at the intersection. Councilman Shafter made the motion that the
5 yield signs be placed as recommended, Councilwoman Holt seconded
6 the motion and voting was unanimous.

7
8 Stop Sign on 2350 South at 200 West: Mr. Balling said that
9 this area was annexed a few years ago and it has been brought to
10 his attention that there is not a stop sign providing for 200 West
11 to have the right-of-way. He said that this street qualifies as a
12 collector road and it is the recommendation of staff and the
13 Traffic Safety Committee that a stop sign be placed on 2350 South
14 as it approaches 200 West. Councilman Gramoll made a motion to
15 this effect, Councilman Shafter seconded the motion and voting was
16 unanimous.

17
18 Relocation of Northbound Bus Stop on Main Street and 500
19 South. Mr. Balling said that relocation of the northbound bus
20 stop on Main Street at 500 South has been discussed several times
21 and has been tabled to permit a traffic count. Based on a recent
22 count which supports the posture that the relocation of the bus
23 stop will not interfere with the right-turn movement, the Committee
24 voted 2 to 1 to relocate the bus stop. It was noted that this
25 would generate two more parking stalls on 500 South on the north
26 side of the intersection, a benefit to the contiguous businesses.
27 Councilman Shafter noted that a request from the Smith's for the
28 bus stop to be moved at 300 North Main had been denied and he felt
29 the Council should be consistent in their actions. Following
30 discussion, Councilwoman Holt made the motion that the bus stop be
31 moved as recommended at 500 South Main. Councilman Gramoll
32 seconded the motion which carried by a majority. Councilman
33 Shafter voted "nay".

34
35 Marker Signs at Drive Entrances on Main Street--500 South to
36 400 North: Mr. Balling explained that one of the problems with the
37 new construction on Main Street is that the entrances to the
38 private drives are not well defined when covered with snow.
39 Subsequently, many of the curb returns have been damaged by
40 vehicles driving on them. It is the recommendation of staff and
41 the Traffic Safety Committee that 28 small marker signs (36" from
42 ground to top of sign) be placed on either side of the drives (14
43 drives x 2 signs each) to define the location of the drives.
44 Councilman Gramoll made the motion that the recommendation of the
45 Committee be upheld, Councilman Barton seconded the motion and
46 voting was unanimous.

47
48 **FINAL ACCEPTANCE GRANTED TO EASTWOOD PARR, PLAT "B"**
49 **AND HOWARD ESTATES SUBDIVISIONS**

50 Mr. Balling reported that Eastwood Park Plat "B" and Howard
51 Estates subdivisions (400 North 1250 East), developed by Dan
52 Bridenstine, have been completed and all of the improvements are in
53 and meet the specifications required by the City. It is the staff
54 recommendation that the City grant final acceptance to these
55 subdivisions, release the Letter of Credit and Guarantee, and
56 accept the normal responsibilities of maintenance. Councilman

1 Shafter made a motion to this effect, Councilwoman Holt seconded
2 the motion and voting was unanimous.

3
4 **REQUEST FROM DAVIS COUNTY TO PAY FOR**
5 **ANIMAL CONTROL SERVICES TABLED**

6 DeAnne Hess, Director of the Davis County Animal Care and
7 Control facility, made a presentation regarding the Animal Control
8 facility, its present level of services, and statistics relating to
9 services received by Bountiful in 1988. She said that the facility
10 and its services have been enlarged over the past 4 years as a
11 result of an investigation by the Humane Society prior to that.
12 Due to a shortfall in the County budget, last fall the County
13 Commission advised her that she would need to cut her \$350,000
14 budget by 34 percent (and she had already cut it 11 percent). As
15 a counter to that mandate, Ms. Hess requested that approval be
16 given for her to approach the cities being served (all but North
17 Salt Lake, Woods Cross, West Bountiful and Sunset) in an effort to
18 obtain additional revenue from the cities. She pointed out that
19 the only revenue source for this department is the sale of
20 licenses, a secondary contract with Hill Air Force Base to provide
21 animal control, and the sale of animals for medical research. She
22 noted that State statute does not require the County to provide
23 animal control services and summarized that the options which are
24 available to the cities are: (1) to provide their own animal
25 control services; (2) to patrol their own areas and use the
26 services of the County as a shelter only; or (3) help subsidize the
27 County in its present total program.

28
29 A lengthy discussion followed regarding the role of the County
30 as it relates to the cities, and Ms. Hess and Commissioner "Dub"
31 Lawrence responded to questions from the Council. Commissioner
32 Lawrence noted that the revenue generated through citations is not
33 returned to the County at the present time and consideration might
34 be given to returning that revenue to assist in offsetting the
35 costs of animal control. Mr. Hardy said that there is a potential
36 for much more revenue from licensing if this matter were pursued
37 and Ms. Hess responded that this has been an area of major emphasis
38 since she became involved, with licensing up 25 percent over the
39 past 6 months. Mayor Stahle noted that the Council of Governments
40 has named a committee to study this matter, and it was suggested
41 that a decision be tabled pending further study, both of this
42 matter in particular and the area of double taxation in general.
43 Councilwoman Holt made a motion to table, Councilman Barton
44 seconded the motion and voting was unanimous.

45
46 **REQUEST FROM WASHINGTON ELEMENTARY**
47 **FOR CONTRIBUTION OF PC'S DENIED**

48 Mr. Hardy referred to the request which had been received
49 from Washington Elementary School for consideration to be given for
50 them to receive any PC's which the City might be replacing.
51 Councilman Shafter noted that it would be worthy to assist the
52 schools; however, this would start a precedent which would be
53 difficult to deal with. Councilman Barton noted that when
54 consideration was given to purchase new computer equipment, it was
55 with the condition that there would be offsetting revenue from the
56 used equipment. Following discussion, Councilman Gramoll noted

1 that as a Councilman, he does not have the right to give away any
2 of the assets of the City and he made the motion that the request
3 from Washington Elementary be denied. Councilman Shafter seconded
4 the motion which carried unanimously.

5
6 **CITIZEN REQUEST FOR CITY TO JOIN IN APPEAL OF**
7 **FERC DECISION RE: KERN RIVER/WYCAL PIPELINE ROUTING**
8 **DENIED**

9 Mr. Hardy referred to material which had been received from
10 the Bountiful Hills residents and concerned citizens requesting
11 that the City of Bountiful join with them in an appeal of a FERC
12 decision which allows the Kern River/Wycal pipeline to be routed
13 through the Mueller Park area. He said that the staff has
14 analyzed this request and it is their opinion that this could be
15 costly both in terms of time and money and possibly not productive.
16 He reported that Congressman Jim Hansen is sponsoring a bill which
17 would mandate the Forest Service to accept the original pipeline
18 location in Ashley National Forest, thus eliminating the question
19 in the Bountiful area. It is the opinion of the staff that support
20 of this bill would be the most effective thing which can be done at
21 this time. Discussion followed, with Councilmen Shafter, Gramoll
22 and Barton expressing their support to the Bountiful citizens
23 group. Councilman Gramoll made the motion that the Council support
24 Congressman Hansen's bill, and not join in the appeal of the FERC
25 decision. Councilman Barton seconded the motion which carried by
26 a majority. Councilman Shafter voted "nay", stating that if
27 Bountiful supports the group in their appeal, it would give more
28 credibility to the proposed bill.

29
30 **COUNCIL REQUESTS THAT BIDS BE RECEIVED**
31 **FOR CONCRETE RAMP AT GOLF COURSE**

32 Mr. Balling explained that as part of an improvement project
33 at the Golf Course, a retaining wall and concrete ramp are planned
34 to assist in giving access to the No. 1 tee. Golf course personnel
35 are anxious to complete this project as soon as possible in order
36 to have the course ready for spring play. In order to facilitate
37 the project, Mr. Balling asked if Workman Construction, the company
38 which has the annual concrete improvements bid, could be used to
39 construct the ramp. Councilman Shafter said that inasmuch as
40 Workman was used for the project at the Public Safety Building, he
41 felt this would be okay. After further discussion, Councilman
42 Gramoll pointed out that this does not qualify under the curb,
43 gutter and sidewalk contract of Workman, and he made the motion
44 that the ramp be put out for bid. Councilwoman Holt seconded the
45 motion which carried by a majority. Councilman Shafter voted
46 "nay".

47
48 Mr. Balling mentioned that the Indian Springs Road project and
49 work on Bountiful Boulevard which was to be a part of last year's
50 contract with Workman have not yet been completed and he asked if
51 the Council would consider extending Workman's contract to permit
52 them to finish those two projects. After discussing this, the
53 consensus of the Council was supportive; however, inasmuch as it
54 was not on the Agenda, Mayor Stahle requested that it be discussed
55 in the next regular meeting.

**CLASS B BEER LICENSE AND LIQUOR CONSUMPTION LICENSE
APPROVED FOR ROYAL TAJ CUISINE - 460 SO 200 WEST**

Mr. Boothe reported that a request has been received from the Royal Taj Cuisine of India, 460 South 200 West, for a Class "B" beer license and a liquor consumption license. He said that the premises have been inspected by the police chief, who has recommended approval. Mr. Boothe said that he, too, recommends approval, subject to approval by the City Fire Department and the County Board of Health. Councilman Gramoll made a motion to this effect, Councilman Barton seconded the motion and voting was unanimous.

TRANSFORMER BIDS AWARDED FOR POWER DEPARTMENT

Mr. Michaelis reported that a request for bids for transformers was sent to 15 companies and nine vendors responded. He reviewed the bid results and stated that it is the recommendation of the Power Commission and staff that the bids be awarded as follows (for 183 pole mount transformers and 22 underground pad mount transformers):

<u>Distributor</u>	<u>Total Quantity</u>	<u>Total Cost</u>
Conely Engineering	74	\$ 41,256.00
Riter Engineering	35	36,581.00
G. E. Supply	3	4,734.00
Maydwell & Hartzell	92	73,163.00
Amfac Electric	1	<u>6,070.82</u>
TOTAL	<u>205</u>	<u>\$161,804.82</u>

He explained that the low bid is established by determining the unit cost for each transformer and determining load losses, to provide a total cost over an expected life of 30 years. Councilman Shafter made the motion that the bids be awarded as recommended, Councilman Barton seconded the motion and voting was unanimous.

**APPROVAL GIVEN FOR ORR-SCHELEN-MAYERON (OSM)
TO PROVIDE ENGINEERING FOR NEW COOLING TOWER - POWER DEPT.**

Mr. Michaelis reported that Orr-Schelen-Mayeron (OSM), the company which provided the engineering for the addition for the 7 MW engine, was contacted to provide a proposal for engineering for construction of a new cooling tower for the Power Department. A portion of this project (\$12,000) was included in this year's budget; however, following the fire which destroyed the cooling tower in December, it is necessary to rebuild the tower as quickly as possible in order to provide the necessary cooling and the keep-warm system for the generators at the plant which are on hot standby. The staff and Power Commission have reviewed the proposal from OSM which provides engineering services for the project, not to exceed \$39,900, and it is their recommendation that this proposal be accepted. Mr. Michaelis identified where the additional revenue would come from to fund this project, following which Councilman Shafter made the motion that approval be given for OSM to provide engineering consultation services as reviewed. Councilman Gramoll seconded the motion and voting was unanimous.

**COUNCIL DELAYS ACTION ON LETTER OF RESIGNATION
FROM COUNCILWOMAN PHYLLIS SOUTHWICK**

1 Mayor Stahle reported that he had received a letter of
2 resignation from Councilwoman Southwick and he read that letter,
3 dated March 8, 1989, to the Council. Mrs. Southwick indicated that
4 she would like to spend more time with her family and therefore
5 requested that the Council accept her resignation. He explained
6 that he had attempted to get in touch with each council person
7 individually at the time he received the letter; however, due to his
8 being out of town and having to call a number of times to reach
9 Councilman Gramoll and Councilwoman Holt, he was not able to contact
10 them as timely as he would have liked to. He apologized that there
11 had been a delay in reaching them and for the fact that they heard
12 from other sources before they heard from him. He then read a
13 prepared statement which expressed his appreciation for the service
14 which has been rendered by Mrs. Southwick and which clarified errors
15 made by the press regarding this matter. He said that the process
16 of accepting the resignation and filling the vacancy was one which
17 the Council would decide on and that he, as the Mayor, did not vote
18 on this matter unless there was a tie.
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21 Each council person expressed their appreciation for Mrs.
22 Southwick and the years of dedicated service which she has given to
23 the City and discussion followed which clarified misunderstandings
24 which had occurred regarding this matter during the past week.
25 Councilman Shafter said that it would be appropriate for
26 Councilwoman Southwick to continue to serve, according to her own
27 schedule, until her term ends in December, 1989. Councilman Barton
28 suggested that the Council meet with her and receive her input on
29 whether or not she would want to serve on a limited basis, and to
30 have her make a suggestion for a replacement. Following a lengthy
31 discussion regarding acceptance or non-acceptance of the letter of
32 resignation, Councilman Shafter made the motion that the matter be
33 tabled and no action taken at this time. Councilman Barton seconded
34 the motion. However, inasmuch as no action was being taken, Mr.
35 Forbes advised that a motion was not necessary and there was no
36 vote.
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**EXECUTIVE SESSION SCHEDULED TO DISCUSS
PENDING LITIGATION**

39 At the request of the Mayor, Councilman Shafter made a motion
40 that the Council adjourn to executive session to discuss pending
41 litigation. Councilman Barton seconded the motion and voting was
42 unanimous. The Council recessed at 9:20 p.m.
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**COUNCIL APPROVES SETTLEMENT OF LAWSUIT -
LEON BROWN VS BOUNTIFUL**

46 The Council reconvened from executive session at 10:10 p.m. and
47 Mr. Forbes reviewed the proposal which would provide a complete
48 settlement in the lawsuit filed by Leon Brown against Bountiful.
49 Included in the settlement is a payment of \$10,000 by Bountiful,
50 re-vegetation of an area which has been cut, and cutting them
51 (Brown's) a new road. Councilman Gramoll made the motion that this
52 action be approved as recommended by counsel, Councilman Shafter
53 seconded the motion and voting was unanimous.
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MISCELLANEOUS

Councilman Gramoll requested that next week's agenda include discussion of property that has been used as a detention basin at 1800 South 800 East, and that consideration be given to selling the property as a building lot.

The meeting adjourned at 10:13 p.m. on a motion by Councilwoman Holt and seconded by Councilman Shafter.



MAYOR


CITY RECORDER

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