

1 Minutes of the regular meeting of the City Council held October
2 4, 1989 at 7:00 p.m. in the Council Chambers of the City Hall,
3 Bountiful, Utah.
4

5 Present: Mayor Pro Tempore: J. Dean Hill
6 Council Members: C. Harold Shafter, Barbara
7 Holt, Bob Gramoll, H. Keith
8 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
18 Absent: Mayor: Dean S. Stahle
19

20 Official Notice of this meeting had been given by posting a
21 written notice of same and an Agenda at the City Hall and providing
22 copies to the following newspapers of general circulation: Davis
23 County Clipper, Deseret News, and Salt Lake Tribune.
24

25 Councilwoman Holt made the motion that Councilman J. Dean Hill
26 serve as Mayor Pro Tempore in the absence of Mayor Stahle,
27 Councilman Shafter seconded the motion and voting was unanimous.
28 Mayor Pro-tern Hill then called the meeting to order, following which
29 the Reverend Pat Edwards of the Grace Baptist Church offered the
30 invocation.
31

32 Minutes of the regular meeting of the City Council held
33 September 20, 1989 were presented and unanimously approved as
34 corrected on a motion made by Councilman Barton and seconded by
35 Councilman Gramoll. Councilman Shafter requested that in the future
36 a record be kept of those who attend executive session. He also
37 suggested that minutes of these meetings be kept. Mr. Hardy pointed
38 out that any written record could be subject to discovery in the
39 process of litigation and it was the consensus of the group that it
40 would not be in the best interest of the City for this disclosure to
41 become possible.
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43 **EXPENDITURE AND EXPENSE REPORTS**
44 **APPROVED FOR PERIODS SEPT. 15-20 AND 21-28, 1989**

45 Mr. Jenson presented the Expenditure and Expense Reports for
46 the following periods, with respective totals: September 15-20,
47 1989 in the amount of \$297,135.31; and September 21-28, 1989 in the
48 amount of \$103,243.58. These expenditures were unanimously approved
49 on a motion made by Councilman Gramoll and seconded by Councilwoman
50 Holt.
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52 **BIDS APPROVED FOR TRUCKS FOR STREET**
53 **AND SANITATION DEPARTMENTS**

54 Mr. Balling reported that bids were opened for new trucks in
55 the Street and Sanitation Departments and he presented the following
56 staff recommendations for approval:
57

1 (1) Approval of the lowest qualifying bid for a rear-end
2 loader for the special garbage pick-up for the Sanitation Department
3 from Vickers for a Crane Carrier in the amount of \$56,500. He
4 explained that initially it was planned to purchase this equipment
5 used and only \$30,000 was included in the budget. However, since it
6 would have been costly to find the used equipment, it was decided to
7 purchase the equipment new. The difference between the budgeted
8 amount and the amount of this bid will come from the following
9 sources: (a) \$9,409 saved on an automated garbage truck in the same
10 budget account; (b) \$14,000 budgeted for second garbage containers
11 will not be used for containers; (c) the remainder (\$3,091.00) will
12 come from the equipment operating account #2500. Councilman Gramoll
13 made the motion that the bid from Vickers in the amount of \$56,500
14 be accepted, Councilman Shafter seconded the motion and voting was
15 unanimous.
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17 (2) Approval of the low bid from Marion Willey & Sons Ford,
18 Inc. for a 3/4 ton pick-up truck for the Sanitation Department. The
19 bid of \$13,586 will be supplemented by funds in the #7400 Account
20 which were saved when a new automated refuse truck was purchased
21 earlier this year. (\$12,300 was budgeted for the 3/4 ton pick-up).
22 Councilman Barton made the motion that approval be given to purchase
23 the 3/4 ton pickup from Marion Willey, as bid. Councilwoman Holt
24 seconded the motion and voting was unanimous.
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26 (3) Approval of the low bid for a one-ton cab and chassis with
27 a dump bed from Marion Willey Ford, Inc. in the amount of \$17,563.00
28 (the amount for the cab and chassis was \$14,064.00). The budget
29 amount for this truck, including the dump bed, was \$20,500.00.
30 Councilman Shafter made the motion that the low bid be accepted as
31 recommended, Councilman Barton seconded the motion and voting was
32 unanimous.
33

34 **BOUNTIFUL BENCH ESTATES, PLATS A, B, AND C**
35 **GIVEN FINAL ACCEPTANCE - IVORY & CO., DEVELOPER**

36 Mr. Balling reported that all of the improvements for Bountiful
37 Bench Estates, Plats A, B, and C (approximately 600 South Bountiful
38 Blvd.) have been completed and meet the standards and specifications
39 required by the City. He recommended that the City grant final
40 acceptance to this subdivision and accept the normal
41 responsibilities of maintenance. Councilman Barton made a motion to
42 grant final acceptance as recommended, Councilman Shafter seconded
43 the motion and voting was unanimous.
44

45 **FINAL APPROVAL GIVEN TO RE-SURVEY OF**
46 **PLAT A - BOUNTIFUL TOWNSITE**

47 Mr. Balling explained that when Plat A, Bountiful Townsite, was
48 surveyed in 1927 by C. W. Burningham, this plat was not recorded
49 with the County Recorder. As a matter of housekeeping, he said that
50 the plat needs to be put on the record, and a re-survey has been
51 done by the City for that purpose. This area is bounded by 400
52 North and 500 South, and 400 East and 200 West and contains 54
53 blocks. He explained that the existing monuments put in by Mr.
54 Burningham were used where they could be found and new monuments
55 were installed where the old ones had been obliterated. Councilman
56 Barton made the motion that the re-survey of Plat A be accepted and

1 that it be recorded with the County Recorder and Surveyor.
2 Councilman Gramoll seconded the motion which carried unanimously.

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4 **DAVID J. MEAD RECOGNIZED FOR EAGLE**
5 **SCOUT SERVICE PROJECT**

6 Mr. Balling recognized David J. Mead, who was in attendance
7 with his family and scout troop, and recommended that he be given a
8 commendation for the work which he did in providing access
9 information into public buildings for the handicapped. Councilman
10 Gramoll, chairman of the Traffic Safety Committee, presented David
11 with a certificate of commendation and emphasized that the work
12 which had been done was so professional that it would appear to have
13 been done by an adult who had extensive experience. David was
14 congratulated by each council person and he shared a scrapbook which
15 he had kept regarding the project.

16

17 **CANVASS OF PRIMARY ELECTION RETURNS**

18 Mr. Jenson presented each of the Council with the Official
19 Returns of the primary election which was held October 3, 1989. He
20 noted several corrections which had been made as a result of the
21 canvass, following which Councilman Shafter made the motion that the
22 tabulation of official returns (see attached) be accepted as
23 certified and approved for use in the November election.
24 Councilwoman Holt seconded the motion and voting was unanimous.
25 Councilman Shafter expressed disappointment at the small percentage
26 of voters who participated in the primary election--21.5 percent.

27

28 **CLASS A BEER LICENSE APPROVED FOR CONVENIENCE STORE**
29 **2130 SOUTH ORCHARD DR., ROYCE ALLEN, PROPRIETOR**

30 Mr. Boothe reported that Royce Allen has applied for a Class
31 "A" beer license for the convenience store at 2130 South Orchard
32 Drive (formerly a 7-11 store). The chief of police has inspected
33 the premises and recommends approval of the request which will
34 permit the store to sell beer in the original containers (not to
35 exceed 5.5 gallons), for consumption off the premises. Councilman
36 Shafter made the motion that this license be approved as
37 recommended, Councilwoman Holt seconded the motion and voting was
38 unanimous.

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40 **COUNCIL TAKES NO ACTION ON REQUEST FROM**
41 **DON JOHNSON FOR PERMISSION TO USE CITY EQUIPMENT**
42 **ON LAKE WASATCH PROJECT**

43 Don Johnson, one of the main parties supporting the Lake
44 Wasatch project, presented a request to the Council for permission
45 to use City trucks on the initial phases of that project. He gave
46 an overview of the project and noted that in the process of testing
47 the diking procedure, it will be necessary to move a large amount of
48 dirt (approximately 10,000 yards) to build up the existing causeway
49 (partially damaged by high waters). He noted that inasmuch as the
50 creation of a fresh water lake would be beneficial to the whole
51 state, and Davis County in particular, it would seem logical that
52 cities could participate in this project.

53

54 Following Mr. Johnson's presentation and discussion by the
55 Council, it was the suggestion of Councilman Shafter that the Army
56 Corps of Engineers might be in need of a project and that they be

1 contacted. Mr. Hardy apprised the Council of the proposed schedule
2 of work to be done by the Street Department (which involves trucks)
3 and it was the consensus of the Council that the City equipment will
4 be in use most of the time and should not be committed to this
5 project as requested by Mr. Johnson. Councilman Gramoll reported
6 from Traffic Safety Committee that if equipment were assigned to
7 this project, it would pre-suppose that the Street Department has
8 excess equipment and manpower (also a part of the request) and in
9 both cases, the City does not have excess. He noted also that he
10 felt it would be improper for the City to participate in a project
11 which is benefitting private individuals. Councilwoman Holt made
12 the motion that City equipment not be used for this project. It was
13 determined that a motion of denial was not needed and no action was
14 taken.

15

16 **APPROVAL GIVEN TO NEGOTIATE PURCHASE OF**
17 **EGGETT PROPERTY**

18 Mr. Balling reviewed that the Council has discussed in
19 executive session the possibility of purchasing property from the
20 Eggett family. This stems from the fact that the City is desirous
21 of installing a water line through the Eggett property and the
22 Eggetts have suggested that the City purchase the property (7.81
23 acres) to be used for a City park. Mr. Balling referred to a letter
24 from the Eggetts in which they propose to sell the City 4.83 acres
25 for the appraised value (\$70,000/acre), and then donate 3 acres to
26 the City. Eggetts have also requested that the park which would be
27 developed should be named after their father.

28

29 Councilman Shafter expressed concern that this council not
30 obligate future councils by requiring that all this property be used
31 for a park and discussion followed as to the language which would be
32 acceptable in the contract. Councilman Barton made the motion that
33 an offer be made to the Eggetts to purchase the acreage (4.83 acres)
34 for \$70,000 and receive a donation from them of the other acreage
35 (2.9 acres), with no strings attached. If the City at some time in
36 the future wishes to develop a park on this property, consideration
37 would be given to naming it after Mr. Eggett; however, that is not
38 a part of the purchase or acceptance of the said property.

39 Councilman Shafter seconded the motion. Councilman Gramoll
40 mentioned that as land becomes more scarce, it will be invaluable
41 for the City to have this property. He then requested that the
42 written agreement be provided to the Council in a future meeting
43 prior to voting on the matter. Mr. Balling pointed out that it is
44 important to move forward with the water line project as quickly as
45 possible and he said that the deeds should be presented to the
46 Council next week. Mr. Hardy said that the deeds will show the cash
47 transaction only and naming of a park will not become a part of the
48 deed. The motion was presented for a vote and carried unanimously.

49

50 **APPROVAL GIVEN FOR CITY TO PARTICIPATE IN**
51 **ADL FOR PRIVATE DEVELOPMENT IN DOWNTOWN AREA**

52 Mr. Hardy reviewed that the Agreement for the Disposition of
53 Land (downtown RDA project) has been approved by the RDA, however,
54 it has not been approved by the Council. He briefly reviewed the
55 document, and noted that this project has been included in the
56 budget for the RDA and the Mayor has signed it; however, it was

1 inadvertently not brought before the Council. Referring to a
2 question from Councilman Gramoll, Mr. Forbes stated that although
3 the RDA has approved this Agreement and the Mayor has signed it, it
4 is not valid without the approval of the Council. The matter was
5 discussed briefly, following which Councilman Shafter made the
6 motion that the Council accept the resolution authorizing the City
7 to participate in the ADL and authorize the Mayor to sign in behalf
8 of the City. Councilman Barton seconded the motion which carried by
9 a majority. Councilman Gramoll and Councilwoman Holt voted "nay".
10 Two citizens in attendance asked to speak regarding the downtown RDA
11 project and both emphasized that existing businesses should be
12 prioritized and helped to stay in business and not become the
13 victims of economic growth of outside businesses. It was also
14 clarified by Councilman Shafter that the reason the Clipper building
15 was not included in the RDA project was that it would be too costly
16 to relocate that business (as would be required in condemnation
17 proceedings) due to the excessive cost of moving the presses.

18
19 **COUNCIL APPROVES PARTICIPATION OF PUBLIC SAFETY**
20 **PERSONNEL IN NON-CONTRIBUTORY RETIREMENT SYSTEM**

21 Mr. Hardy explained that the Utah Legislature has changed the
22 State Retirement System so that a non-contributory program is now
23 available for public safety personnel (uniformed police officers).
24 To include our public safety personnel under the non-contributory
25 program, it is necessary that Bountiful City apply with the State
26 Retirement Office to participate in the program. He said the change
27 would have no fiscal impact on our budget, and after taking a poll
28 of our uniformed officers, a change is recommended to honor their
29 request. The "window" for the City to sign up for this program will
30 be open until the end of December, 1989, and once the action is
31 taken by the Council, those public safety employees currently
32 eligible to participate will have six months in which to enroll.
33 All future public safety employees would then be required to enroll
34 in the non-contributory program as soon as they begin their
35 employment with the City. Councilman Gramoll made the motion that
36 the Council approve participation of public safety personnel in the
37 non-contributory system, as requested by those personnel, by
38 adopting Resolution No. 89-12 and authorizing the Mayor Pro-tem to
39 sign. Councilman Barton seconded the motion which carried
40 unanimously.

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42 **COUNCIL APPROVES PETITION FOR ANNEXATION - RES. NO. 89-13**
43 **RE: PROPERTY AT 3900 SO BOUNTIFUL BLVD**

44 Mr. Balling reported that a petition has been received from
45 Clark Jenkins and Associates for the City to annex 1.85 acres of
46 property at 3900 South Bountiful Blvd.. He pointed out that this
47 property is contiguous to the existing city boundary and meets our
48 declaration for future city limits. Utilities will be serviced by
49 Bountiful. Mr. Hardy noted that this property is included in the
50 County Burn District. Councilman Shafter made the motion that
51 Resolution No. 89-13 be accepted and the Mayor Pro-tem authorized to
52 sign it. Councilwoman Holt seconded the motion and voting was
53 unanimous.

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1 **GILBERT-WESTERN AWARDED BID FOR**
2 **INSTALLATION OF COOLING TOWER, POWER DEPARTMENT**

3 Mr. Michaelis reported that bids were opened for the civil
4 construction and installation of the cooling tower for the Power
5 Plant, with five bidders responding. He recommended that the low
6 bid from Gilbert-Western in the amount of \$234,500.00 be accepted.
7 He reviewed that the amount budgeted for this project (including the
8 2-stage Marley cooling tower and accessories) was \$314,282.00, which
9 would bring this project \$30,442.00 above budget. He then outlined
10 projects which could be altered or deferred in the existing Power
11 Department budget, which would provide the necessary \$30,500.00 and
12 keep this project within budget. Councilman Shafter made the motion
13 that the bid from Gilbert-Western be accepted, as recommended by Mr.
14 Michaelis and with the other Power Department budget adjustments,
15 Councilman Barton seconded the motion and voting was unanimous.

16
17 **TONNESON AWARDED BID TO DO SPRINKLING SYSTEM**
18 **AT 1500 SOUTH PARK AND ROCKET PARK**

19 Mr. Hardy reported that bids were received from two vendors to
20 install automatic sprinkling systems at the 1500 South Park and
21 Rocket Park (1300 East) and he recommended that the bids be awarded
22 to low bidder, Tonneson Sprinkler Company, in the amount of
23 \$16,525.00. The amount budgeted for these projects was \$20,000.00.
24 In response to a question from Councilman Gramoll regarding only two
25 responding bidders, Mr. Boothe reported that invitations to bid were
26 sent to eight companies; however, both of these projects are quite
27 small and that is considered to be the reason for the low return.
28 Councilman Barton made the motion that the bid be awarded as
29 recommended, Councilman Gramoll seconded the motion and voting was
30 unanimous.

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32 **EXECUTIVE SESSION SCHEDULED**

33 At the request of Mr. Forbes, an executive session was
34 scheduled immediately after this meeting for the purpose of
35 discussing pending litigation. The action was taken on a motion
36 made by Councilman Shafter and seconded by Councilwoman Holt.
37 Voting was unanimous.

38
39 **MISCELLANEOUS - DESIGN PLANS FOR SOUTH**
40 **ENTRANCE OF CITY REVIEWED**

41 Mr. Hardy requested that the Council look at the design plans
42 for the sign and entrance to the south end of the City (by Slim
43 Olsen's). Councilman Gramoll suggested that inasmuch as this has
44 been a project which Mayor Stahle has been highly involved with, in
45 deference to him this should be done next week. However, it was
46 noted that the contractor to do the earth and concrete work is
47 available for two weeks and inasmuch as inclement weather could set
48 in, it would be well to move forward as quickly as possible. The
49 Council then reviewed the plans with Mr. Hardy and Mr. Balling.

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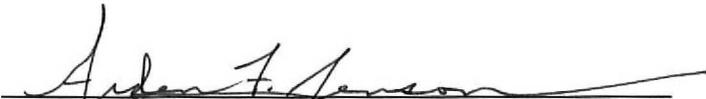
1 On a motion by Councilman Shafter and seconded by Councilwoman
2 Holt, the meeting adjourned to executive session at 8:56 p.m.

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4 **Attendance at Executive Session:**

5 Councilmembers Hill, Shafter, Holt, Gramoll, and Barton
6 City Manager, Tom Hardy
7 City Attorney, Layne B. Forbes
8 City Engineer, Jack P. Balling
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12 *ILL*

13 **MAYOR**

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18 TY R CORDER

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