

1 Minutes of the regular meeting of the City Council held October
2 11, 1989 at 7:00 p.m. in the Council Chambers of the City Hall,
3 Bountiful, Utah.
4

5 Present: Mayor Pro Tempore: Barbara Holt
6 Council Members: C. Harold Shafter, Bob Gramoll,
7 and H. Keith Barton
8 City Manager: Tom Hardy
9 Asst. City Attorney: Russell Mahan
10 City Engineer: Jack P. Balling
11 City Recorder: Arden F. Jenson
12 Dep. Recorder: Lois Hoskins
13 Planning Director: Jon Reed Boothe
14 Rec. Secretary: Nancy T. Lawrence
15 Dept. Heads: Neal Jenkins, Parks/Rec.
16 Clifford Michaelis, Power
17

18 Absent: Mayor: Dean S. Stahle
19 Councilman: J. Dean Hill
20

21 Official Notice of this meeting had been given by posting a
22 written notice of same and an Agenda at the City Hall and providing
23 copies to the following newspapers of general circulation: Davis
24 County Clipper, Deseret News, and Salt Lake Tribune.
25

26 Councilman Barton made the motion that Councilwoman Holt serve
27 as Mayor Pro Tempore in the absence of Mayor Stahle, Councilman
28 Shafter seconded the motion and voting was unanimous. Mayor Pro Tern
29 Holt then called the meeting to order and welcomed those in
30 attendance. The invocation was given by Councilman Shafter.
31

32 Minutes of the regular meeting of the City Council held October
33 4, 1989 were presented and unanimously approved as corrected on a
34 motion made by Councilman Barton and seconded by Councilman Shafter.
35

36 **EXPENDITURE AND EXPENSE REPORTS APPROVED FOR**
37 **PERIODS SEPTEMBER 29-30, 1989 AND SUMMARY FOR SEPTEMBER**

38 Mr. Jenson presented the Expenditure and Expense Reports for
39 the Period September 29-30, 1989 in the amount of \$245,477.25 and
40 the Summary for September, 1989 which totaled \$1,718,004.22. One
41 correction was made to the annotation, following which both
42 expenditure reports were unanimously approved on a motion made by
43 Councilman Gramoll and seconded by Councilman Shafter.
44

45 **GEN PLUS AWARDED BID FOR STANDBY GENERATOR**
46 **FOR BUBBLE**

47 Mr. Jenkins reported that \$14,000 was budgeted to install a
48 back-up power system for the air support structure at the Recreation
49 Center. When preparations were made to request bids, it was found
50 that there was only one distributor who could meet the
51 specifications for the desired generator. This vendor, GenPlus
52 (Salt Lake City), presented a bid of \$14,662 (which is \$662 over
53 budget). The background of the supplier and the product has been
54 checked and it is the recommendation of the staff that the bid be
55 awarded to GenPlus as presented. Mr. Jenkins said that \$605,00 has
56 already been saved in the recreation budget, and it will be possible
57 to make up the difference within the current budget year.
58

1 Mr. Jenkins explained that the present back-up generator (a 22
 2 hp Kohler) is protected from the weather by a shell; however, the
 3 area is not heated. The proposed Onan model 30.0EK-L will be housed
 4 inside the building and has a 3-second delay turn-on. The new
 5 generator will have the capacity to run both blowers if the air
 6 support structure becomes torn in a wind. Councilman Barton made
 7 the motion that the bid from GenPlus in the amount of \$14,662.00 be
 8 accepted. Councilman Gramoll seconded the motion and voting was
 9 unanimous.

10

11 **PRESENTATION BY BOUNTIFUL HILLS RESIDENTS**
 12 **ASSOCIATION - RENEE COON**

13 Renee Coon, representing the Bountiful Hills Residents
 14 Association, questioned if Councilman Hill provided the surveying
 15 for the Kern River Pipeline as it traverses the area east of
 16 Bountiful. In Councilman Hill's absence, Mr. Hardy mentioned that
 17 he had been on the pipeline route this morning and WyCal surveyors
 18 were there working in the area where the route varies from the
 19 Mountain Fuel right-of-way. Councilman Shafter clarified that if
 20 there is a conflict of interest, Councilman Hill will provide each
 21 council person with a written explanation and he will abstain from
 22 voting on related issues.

23

24 Mrs. Coon then informed the Council that WyCal has filed for
 25 another certificate incorporating a change to carry less gas to
 26 California. She suggested that this might lead to agreements which
 27 will result in both pipelines coming through. She also reported
 28 that the deed for Mueller Park has stipulations which may cloud the
 29 use of that property and cause it to revert to the heirs of Mr.
 30 Mueller. This matter is being researched further.

31

32 In conclusion, Mrs. Coon asked if the Council would assist in
 33 gathering signatures on petitions asking for a congressional
 34 investigation regarding the Kern River pipeline location and if
 35 permission could be given to posting petitions in City buildings.
 36 It was the consensus of the Council that the matter of carrying
 37 petitions was one of individual determination. Mr. Hardy said that
 38 petitions are normally not placed in public buildings; however,
 39 inasmuch as this issue involves the total city and the city has
 40 already taken a position on the matter, if the Council felt so
 41 inclined, it would be appropriate. Councilman Barton made the
 42 motion that approval be granted to posting the petitions at the City
 43 Hall, the Recreation Center, and the Golf Course, for this one time
 44 only, emphasizing that this does not set a precedent for the future.
 45 Councilman Shafter seconded the motion and voting was unanimous. As
 46 a matter of record, Councilman Shafter also indicated that he will
 47 work to get as many signatures as he can on the petition. Mrs. Coon
 48 said that she is hoping to get 10,000 signatures. In response to a
 49 question from Councilman Shafter, Mrs. Coon said that she has heard
 50 from Congressman Owens; however, there has been no response from
 51 Congressman Hansen.

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53 **CONSIDER AWARD OF BID FOR NEW TRUCK AND SERVICE**
 54 **BODY FOR WATER DEPARTMENT**

55 This item tabled for one week.

56

1 APPROVAL GIVEN TO SETTLEMENT OF CLAIM -
2 KARL KOENIG

3 Mr. Hardy reviewed that the home of Karl Koenig was damaged
4 when it was hit by a city power department truck. The Koenig's have
5 agreed to a settlement of \$8,580 and will release the City from
6 further responsibility. Inasmuch as this expenditure is greater
7 than \$5,000, it requires City Council approval. Councilman Gramoll
8 made the motion that the settlement be approved as stipulated,
9 Councilman Barton seconded the motion and voting was unanimous.

10
11 BEER LICENSE OF MR. "C'S" SUSPENDED
12 FOR 30 DAYS - 200 WEST 500 SOUTH

13 Mr. Mahan reviewed with the Council the procedure which is
14 followed in checking to see if businesses with beer licenses are
15 selling to minors. He then reported that checks were made of
16 Bountiful businesses on April 16, 1988, August 15, 1988, March 1,
17 1989, and August 29, 1989. On three of those checks (April 16 and
18 August 15, 1988 and August 29, 1989), beer was sold to the police
19 decoy by the employees of Mr. C's. Based on past policy, he
20 recommended that the beer license of Mr. C's be suspended for 30
21 days. Councilman Shafter referred-to the letter which Mr. Mahan had
22 sent to the Council regarding this matter and clarified that the 30-
23 day period has been used following an outcry from the public when a
24 shorter suspension was given (7 days).

25
26 Eric B. Christensen, speaking on behalf of himself, Rulon
27 Christensen and Mark Towers (who were also in attendance), said that
28 as owners of this business, they totally agree with the city in
29 their attempts to enforce the law of not selling beer to minors.
30 However, he stated that he felt the police checks had not been fair
31 inasmuch as they were made at a time when the clerk was very busy
32 and it was difficult to handle the business and also check I.D.

33
34 There was a lengthy discussion on this matter; however, Mayor
35 Pro-tem Holt noted that the intent of the owners of Mr. C's was not
36 being questioned and was not the issue. The issue is that Bountiful
37 is desirous of strictly enforcing the law that beer not be sold to
38 minors, Councilman Shafter made the motion that the beer license of
39 Mr. C's be suspended for 30 days, to commence at 12:01 a.m. on
40 October 13th and conclude at 11:59 p.m. on November 11th.
41 Councilman Gramoll seconded the motion which carried unanimously.

42
43 Councilman Shafter then recommended that in the future a new
44 policy be followed wherein beer licenses will be suspended if a
45 business fails two of four checks and that the period of suspension
46 be for 60 days. Mr. Mahan said that he will review this with the
47 police chief and they will prepare recommendations for the Council.

48
49 EXECUTIVE SESSION SCHEDULED

50 At the request of Mr. Hardy, an executive session was scheduled
51 for the purpose of discussing pending litigation. This action was
52 taken on a motion made and seconded by Councilmen Barton and
53 Shafter, respectively.

1 The meeting adjourned to executive session at 8:05 p.m. Those
2 in attendance at the executive session were:

3
4 Councilpersons: H. Keith Barton, Bob Gramoll, Barbara Holt,
5 and C. Harold Shafter

6 City Manager: Tom Hardy

7 City Attorney: Layne B. Forbes

8 Power Dept. Director: Clifford Michaelis
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13 **MAYOR**

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19 **CITY RECORDER**
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