

1 Minutes of the regular meeting of the City Council held
2 August 5, 1987 at the City Hall, Bountiful, Utah.
3

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

20 Mayor Stahle called the meeting to order and welcomed those
21 in attendance. He then led the pledge of allegiance to the flag
22 and offered the invocation.
23

24 Official notice of this meeting had been given by posting
25 a written notice of same and an Agenda at the City Hall and
26 providing copies to the following newspapers of general
27 circulation: Deseret News, Davis County Clipper, and Salt Lake
28 Tribune.
29

30 Minutes of the regular meetings of the City Council held
31 July 15, and July 22, 1987 were presented and unanimously
32 approved as amended on a motion made by Councilman Lawrence and
33 seconded by Councilman Barton.
34

35 **EXPENDITURES AND EXPENSES APPROVED**
36 **FOR JUNE AND JULY, 1987**

37 Mr. Jenson presented Expenditure and Expense reports for
38 the following periods, with amounts as indicated: June 28-30,
39 1987--\$898,734.99; Summary for June, \$2,064,253.38; July 1-23,
40 1987--\$648,669.78; and July 23-30, 1987--\$169,325.88. Mr. Jenson
41 responded to questions from the Council, following which these
42 expenditures were unanimously approved on a motion made by
43 Councilman Shafter and seconded by Councilwoman Southwick.
44

45 **CORRECTION MADE TO MINUTES OF JULY 22, 1987**

46 Councilman Shafter referred to the minutes of July 22, 1987,
47 page 1, and recommended that they be amended to reflect that the
48 schedule for plant expansion of the Sewer District reflects that
49 the draft of FMFP/201 (relating to engineering) should be turned
50 into the State and EPA as of May 1, 1988. This form will list
51 alternatives only. He made a motion to this effect, Councilman
52 Barton seconded the motion and voting was unanimous.
53

1 **STREET AND WATER DEPT. TRUCK BED BIDS**
2 **AWARDED TO TESCO WILLIAMSEN**

3 Dick Duncan explained that when bids were received for dump
4 beds for the Water and Street departments, there was confusion
5 as to whether or not the low bidder, Holland Equipment Company,
6 met the specs. Although the cover letter stated (in effect) that
7 the truck beds would be constructed to the specifications set
8 forth by the City, the actual spec sheets which were also
9 included in the bid package did not meet the specs, and other
10 letters and information asked for was not submitted. Mr. Duncan
11 asked for direction from the Council as to whether or not the bid
12 from Holland should be considered a responsive bid. After some
13 discussion, it was felt that the bid was not responsive and that
14 the bid should be awarded to the next lowest bidder, TESCO
15 Williamsen, in the amount of \$11,850.00 for the 15-yard dump bed
16 and \$8,400.00 for the 5-yard bed. Councilman Lawrence made a
17 motion to this effect which was seconded by Councilwoman
18 Southwick and carried unanimously.
19

20 Mr. Duncan then noted that the City inadvertently made an
21 error on the specifications for the hydraulic control equipment
22 for the Water Department bed and he asked if this item should be
23 corrected and re-bid, or re-negotiated with the lowest responsive
24 bidder. Following discussion, Councilman Shafter made the motion
25 that approval be given to negotiate a different bid amount,
26 Councilman Sharp seconded the motion and voting was unanimous.
27 Councilman Lawrence then made the motion that the bid for the
28 15-yard dump bed for the Water Department be awarded to the
29 lowest responsive bidder, TESCO Williamsen, with an amount of
30 \$11,850.00 to be renegotiated. Councilman Barton seconded the
31 motion and voting was unanimous.
32

33 **PUBLIC HEARING TO CONSIDER AMENDING TITLE 14, CHAPTER 12.1**
34 **REGARDING LANDSCAPE BOND AMOUNT**

35 At 7:41 p.m. Mayor Stahle opened the public hearing to
36 consider amending Title 14, Chapter 12.1, Section 204, regarding
37 the landscape bond amount. Mr. Boothe reviewed that the
38 ordinance presently provides for the bond to be two percent of
39 the valuation of the building, or \$2,000, whichever is greater.
40 It is proposed to amend it to be five percent of the total
41 valuation of the building, or \$5,000, whichever is greater.
42 Grenn Clark, representing the Homebuilders Association,
43 Legislative Committee, stated that they (contractors) attempt to
44 do everything which needs to be done to meet compliance when a
45 bond is issued so that they can have their bonds released. He
46 said he didn't know if increasing the bond amount would
47 accomplish the purposes set out by the proposed change. After
48 discussion by the Council, Councilman Sharp made the motion that
49 the proposed changes be approved, with Section 12.1-204 to be
50 amended to read "Single Family A and B and Multi-Family A", and
51 that the ordinance be brought back for final adoption next week
52 after the changes are incorporated. Councilwoman Southwick
53 seconded the motion and voting was unanimous.
54

1 **COUNCILMAN SHARP APPOINTED AS MAYOR**

2 **PRO TEMPORE**

3 Mayor Stahle asked to be excused from a portion of the
4 meeting and he recommended that Councilman Sharp serve as Mayor
5 Pro Tempore in his absence. Councilman Shafter made a motion to
6 this effect, Councilman Barton seconded the motion and voting was
7 unanimous.

8
9 **EXECUTIVE SESSION SCHEDULED TO DISCUSS PENDING**

10 **LITIGATION**

11 Councilman Lawrence made the motion that a brief executive
12 session be held to discuss pending litigation, prior to the Mayor
13 and Councilman Shafter being excused. Councilman Shafter
14 seconded the motion which carried unanimously.

15
16 **MAYOR REPORTS ON UPCOMING SYMPHONY**

17 **FUND RAISER**

18 The Mayor announced that the Bountiful Symphony is having
19 their first program fund raiser on August 5th--a dinner at the
20 Red Flame Restaurant--with a concert following. The Mayor and
21 Councilman Shafter were excused at 8:14 p.m., following a break
22 for the executive session.

23
24 **WATER CREDIT ISSUED TO LAWRENCE EGGETT**

25 Lawrence Eggett, 195 West 1950 South, reviewed his water
26 bills for April, May, and June, and noted that the June bill
27 showed a much higher useage than normal. He said that he had
28 the Water Department check his water meter for a leak, and when
29 they confirmed no leak, he requested that the meter be changed.
30 Since the new meter has been installed, the useage shown is
31 normal. He displayed receipts covering a 10-year period and said
32 that he did not feel the June reading was correct and that he
33 should not have to pay the excessive bill.

34 Mr. Hardy explained that Bob Carlson had reviewed this
35 problem and felt that the additional useage did not represent a
36 large leak, but could possibly have been plumbing which did not
37 shut off. It was confirmed by the Water Department that the
38 meter was not found to be faulty, and further, that the water
39 had to pass through the meter in order for it to be registered.
40 This protest was discussed briefly, following which Councilman
41 Barton made the motion that Mr. Eggett receive a 30,000 gallon
42 credit, with the stipulation that if there should be a similar
43 increase again, that the credit would not be given a second
44 time. Councilwoman Southwick seconded the motion and voting was
45 unanimous.

46
47 Mr. Forbes noted that the industry has never known a meter
48 to read faster, but they will read slower as they become older.
49 He also noted that most households will have variances such as
50 this one and requested direction from the Council on how similar
51 requests might be handled in the future.

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53
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1 **BID FOR GARBAGE COLLECTION TRUCK**
2 **AWARDED TO TESCO WILLIAMSEN**

3 Mr. Duncan reported that bids were opened on July 28, 1987
4 for a new garbage collection truck and he recommended that the
5 bid be awarded to the lowest responsive bidder, TESCO Williamsen,
6 in the amount of \$109,695.00. Councilman Barton made the motion
7 that the bid be awarded as recommended, Councilman Lawrence
8 seconded the motion and voting was unanimous.
9

10 **DAL WAYMENT PRESENTS OVERVIEW OF SOUTH**
11 **DAVIS SEWER DISTRICT AND PROPOSED PLANT**
12 **UPGRADING AND EXPANSION**

13 Elmer Barlow, Bountiful's representative on the South Davis
14 Sewer Board, reviewed that when he made his presentation two
15 weeks ago, the Council had requested that the engineer for the
16 District, Dal Wayment, meet with them to address the issues
17 related to plant expansion and compliance with EPA standards.
18 Mr. Wayment gave a brief overview of past requirements which had
19 been imposed on the Sewer District and the bill which was passed
20 by the State legislature in March 1985 which eliminated the
21 requirement for polished secondary effluent. He said that
22 attention was turned to diking the plant in 1985 and 1986 due to
23 the rise of the Great Salt Lake. In March, 1987, the EPA gave
24 the State an administrative order to again meet certain
25 standards, including residual chlorine.
26

27 Mr. Wayment reviewed the timetable for accomplishing the
28 upgrading of the Sewer Plants (north and south), and three
29 general alternatives for funding: (1) EPA funding (bonds); (2)
30 bond with local bonding, independent of EPA; and (3)
31 pay-as-you-go, with the project divided into small phases. The
32 advantages and disadvantages of each method of financing were
33 discussed and alternative funding packages were suggested.
34

35 Mayor Stahle re-joined the meeting at 9:08 p.m.
36

37 In response to a question from Councilman Barton,
38 Mr. Wayment explained the breakdown in costs between upgrading
39 to meet standards and plant expansion, and the funding
40 options--user fee, mill levy, and connection fee--were discuss-
41 ed. Mr. Wayment emphasized that the EPA is very serious in their
42 effort to implement a higher standard, and he said the Sewer
43 District could suffer very high penalties if they did not
44 comply. Mayor Stahle expressed appreciation to Mr. Wayment for
45 his presentation.
46

47 **PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE**
48 **REGARDING ON-SITE DISTRIBUTION OF LANDSCAPING**

49 At 9:40 p.m. Mayor Stahle opened the public hearing to
50 consider amending Title 14, Chapter 12.1 regarding the on-site
51 distribution of landscaping. Mr. Boothe explained that the
52 proposed change would require a minimum of 70 percent of the
53 required landscaping forward of, or toward the street exposure
54 from, the rear line of the building. Councilman Barton expressed

1 concern that this requirement would not be in the best interest
2 of the businesses in the downtown area because it would force
3 them to have their businesses set back and result in signs and
4 window displays not being effective. He said that the present
5 10 percent landscape requirement is adequate and has not been on
6 the books long enough to have proven itself. He acknowledged
7 that the 70 percent provision would be applicable in some areas;
8 however, he said that the area between 400 North and 500 South
9 and 200 East to 200 West should have special landscape provi-
10 sions.

11
12 Councilman Barton's observation was discussed further,
13 following which he made the motion that the proposed amending
14 ordinance not be approved. The motion died for lack of a second.
15 Councilman Sharp then made the motion that Ordinance No. 87-4,
16 entitled AN ORDINANCE AMENDING TITLE XIV, CHAPTER 12.1, SECTION
17 12.1-205 OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS
18 AMENDED, BY REVISING LANDSCAPING REQUIREMENTS AND REPEALING ALL
19 ORDINANCES IN CONFLICT THEREWITH. Councilwoman Southwick
20 seconded the motion. Councilman Barton again expressed concern
21 that this would not be the right thing for the downtown area and
22 Councilman Sharp withdrew the motion to permit researching the
23 ordinance to determine if there are provisions for exceptions
24 which would apply to the downtown area. The second to the motion
25 was withdrawn by Councilwoman Southwick and the number assigned
26 to the proposed ordinance was also withdrawn. Councilman Sharp
27 then made the motion that this matter be tabled for further
28 consideration. Councilman Lawrence seconded the motion and
29 voting was unanimous.
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31 **PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE**
32 **TO PROVIDE MINIMAL AND NECESSARY INFORMATION FOR**
33 **SITE PLAN AND ARCHITECTURAL REVIEW**

34 At 10:10 p.m. Mayor Stahle opened the public hearing to
35 consider amending Title 14, Chapter 12, by providing for minimal
36 and necessary information for site plan and architectural review.
37 Mr. Boothe explained that the requirements presently in Chapter
38 12 are in paragraph form and it is difficult for people to
39 understand. Therefore, it is the recommendation of the Planning
40 Commission and staff that this chapter be changed to an itemized
41 format to make it more easily understood. He emphasized that the
42 change is only in format, not substance. Councilman Barton made
43 a motion for approval of Ordinance No. 87-4 entitled, AN
44 ORDINANCE AMENDING TITLE XIV, CHAPTER 12, SECTION 12-200 OF THE
45 REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY
46 REVISING SITE PLAN AND ARCHITECTURAL REVIEW REQUIREMENTS AND
47 REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, with the
48 condition that "single family" in 12-201 "Requirement" be
49 amplified to read Single Family A and B and Multi-Family A", and
50 that the Mayor and City Recorder be authorized to sign it.
51 Councilman Sharp seconded the motion and voting was unanimous.
52 Councilman Barton suggested that it would be helpful if staff
53 would develop a package which could be handed out to citizens

1 which briefly outlines requirements of the ordinance regarding
2 landscaping and screening.

3
4 **FINAL APPROVAL GRANTED TO 4-PLEX**
5 **AT 235 WEST 1800 SO - ROBERT GIBSON**

6 Mr. Boothe presented the site plan for the proposed 4-unit
7 multi-family development of Robert Gibson at 235 West 1800 South
8 and stated that it is the recommendation of the Planning
9 Commission that final approval be granted subject to the
10 following conditions: (1) that the sanitary sewer line be
11 separated at least 8 feet from the culinary water line, with a
12 clean out at the 200 West property line and at 100 foot inter-
13 vals; (2) payment of the sewer connection fee of \$1,400.00; (3)
14 that the developer provide a 1 1/2 inch water meter and pay the
15 related fee of \$3,292.50; (4) payment of the storm drainage fee
16 of \$626.00; (5) that the drainage plan be revised to provide all
17 drainage to go to the street; (6) posting of a 2 percent
18 landscape bond to cover landscaping and site improvements, with
19 landscaping to be added to the strip between the curb and
20 sidewalk; (7) posting of a cash bond to guarantee concrete repair
21 which is or may be damaged; and (8) providing any easements that
22 may be needed by the Power Department and Mountain Bell.
23 Councilman Barton made the motion that this recommendation be
24 accepted, Councilwoman Southwick seconded the motion and voting
25 was unanimous.

26
27 **FINAL APPROVAL GRANTED TO ADDITION =**
28 **CHINA PLATTER, 545 WEST 2600 SOUTH**

29 Mr. Boothe presented the site plan for the addition to the
30 China Platter, 545 West 2600 South (Kam Wong, owner), and
31 reported it is the recommendation of the Planning Commission that
32 final approval be granted, subject to the following conditions:
33 (1) payment of a sanitary sewer connection fee of \$350.00 to
34 cover the additional 20 fixture units being added. (This fee
35 will be paid to South Davis Sewer); (2) final approval of all
36 plans by the City Engineer; and (3) approval by the County Board
37 of Health for food handling. Grenn Clark, contractor, noted that
38 the fees have already been paid to the South Davis Sewer
39 District. Councilman Sharp made a motion for approval, Council-
40 woman Southwick seconded the motion and voting was unanimous.

41
42 **AGREEMENT BETWEEN BOUNTIFUL AND DAVIS**
43 **COUNTY APPROVED RE: FLOOD CONTROL FACILITY**
44 **AT 2800 SOUTH ORCHARD**

45 Mr. Balling explained that when the City annexed the new
46 area in the vicinity of 2800 South Orchard Drive, a flood control
47 facility was in the process of being constructed and had been
48 negotiated by the Davis County. He recommended that the Council
49 approve an agreement with the County regarding this facility
50 which outlines that the County will do the construction and
51 Bountiful will be responsible for its maintenance. Councilman
52 Lawrence made the motion that this agreement be approved, with
53 authorization for the Mayor and City Recorder to sign it, subject

1 to its review and approval by the City Attorney. Councilman
2 Barton seconded the motion which carried unanimously.

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4 The meeting adjourned at 10:30 p.m.
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7 46.X,ee.
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9 **MAYOR**

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14 **CITY RECORDER**
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