

Minutes of the regular City Council meeting held June 5, 1985 at 7:00 p.m. in the City Hall of Bountiful, Utah.

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| Present: Mayor: | Dean S. Stahle |
| Council Members: | C. Harold Shafter, Richard G. Sharp, Phyllis C. Southwick, and J. Dean Hill |
| City Manager: | Tom Hardy |
| City Attorney: | Layne B. Forbes |
| City Engineer: | Jack P. Balling |
| City Recorder: | Arden F. Jenson |
| Planning Director: | Jon Reed Boothe |
| Deputy Recorder: | Vernile Hess |
| Rec. Secretary: | Nancy T. Lawrence |
| Absent: Councilman: | Jerry K. Lawrence |

Mayor Stahle welcomed those in attendance and then led the pledge of allegiance to the flag. The invocation was offered by Mr. Balling.

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

Minutes of four City Council meetings were presented and unanimously approved as follows: March 6, 1985, regular meeting, motion to approve as amended made by Councilman Shafter and seconded by Councilwoman Southwick; March 13, 1985, regular meeting, motion to approve as written made by Councilman Sharp and seconded by Councilman Hill; May 15, 1985, regular meeting, motion to approve as written made by Councilwoman Southwick and seconded by Councilman Shafter; May 22, 1985, special meeting, motion to approve as written made by Councilman Hill and seconded by Councilman Shafter.

EXPENDITURE AND EXPENSE REPORTS FOR PERIODS INCLUDING MAY 1-22 APPROVED

Mr. Jenson presented the Expense and Expenditure Reports for the following periods: May 1-9, 1985 in the amount of \$215,272.32; May 10-16, 1985 in the amount of \$114,807.28; and May 17-22, 1985, totaling \$77,667.38. There was a short discussion on several items, and Councilman Shafter requested that the residents in the area where the monitoring of soil stability is taking place be kept informed of the results of that study. Councilman Shafter then made the motion that the expenditures be approved as presented for the three separate periods, Councilman Hill seconded the motion, and voting was unanimous.

COOPERATION AGREEMENT WITH DAVIS COUNTY HOUSING AUTHORITY APPROVED

Rosemary Davis, or the Davis County Housing Authority, presented a Cooperation Agreement to the Council for their consideration. She explained that this Agreement is typically put before the Council after the initial application has been

approved by the State and the property has been located; however, the State is requiring that the Cooperation Agreement be submitted with the initial application for the proposed 12 public housing units in this project. She indicated that if the project is approved, she would then be back with the Council in an approval process for the site of the project. Mr. Forbes recommended that approval be made subject to site approval and deletion of the clause regarding acceptance of the dedication of interior streets, alleys, or sidewalks. Councilman Hill made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

**COUNCIL APPROVES LETTERS OF INTENT WITH
UTAH ASSOCIATED MUNICIPAL POWER SYSTEM**

Mr. Michaelis reviewed two letters of intent from the Utah Associated Municipal Power System which, if approved, would indicate Bountiful's support,-- one with regard to negotiations and construction of transmission lines, and the other regarding long-time (15-25 years) power purchase and sales agreements. It is the intent of the UAMPS to explore the possibility of providing for transmission of power from Craig, Colorado to several points in Utah, thus providing the opportunity for Bountiful to purchase surplus power, and to acquire long-term power at cheaper rates. He reported that it is the recommendation of the Power Commission that these two letters be approved and signed by the Mayor and he noted that as the studies go forward, if it appears that there is not an advantage to Bountiful, Bountiful can withdraw from the study. No dollar figures were included in the letters of intent. Councilman Hill made the motion that approval be given for the letter of intent regarding the transmission of power and that the Mayor be authorized to sign it. Councilman Sharp seconded the motion and voting was unanimous. Councilman Sharp then motioned that the letter of intent regarding the long-time power purchase and sales agreement be approved and the Mayor authorized to sign it. Councilman Shafter seconded the motion which carried unanimously.

**PUBLIC HEARING TO CONSIDER REZONING REQUEST
NEIGHBORHOOD DISTRICT 6-13**

At 7:30 p.m. Mayor Stahle opened the public hearing to consider the request of Development Enterprises, Inc., represented by Craig Thomas and Kevin Cameron, that Neighborhood Zoning District 6-13 be amended to allow "health care centers" as a conditional use. This request is being made with specific reference to a 5-acre parcel of property on the northeast corner of 2600 South and 500 West. The property is being considered by Life Care Centers of America as the location for a convalescent center.

Robert Robinson, 348 West 2300 South, reviewed with the Council that this same parcel of property had previously been considered by a Citizen's Committee appointed while Elmer Barlow was mayor, as the site for a sports-oriented park. He pointed out other excellent Parks in Bountiful where there are good ball fields, tennis courts, etc., and noted that the

southern portion of the City does not enjoy a quality park. He explained that the excellent facility located near the Mueller Park School had been accomplished through collaboration with the School District and suggested that inasmuch as this property is adjacent to that of the South Davis Jr. High School, it would be a logical location for the School District and City to again work together in developing a much-needed facility. He noted that the area has a great deal of potential for growth and a further increase in the youth population. Councilman Shafter commented that when he campaigned in this area, the residents expressed strong feelings regarding the need for the park. Mr. Robinson stated that drawings were made of the proposed park at the time the study was made and he offered to make these available to the Council. He also requested that they not take any action on the rezoning request, but table the matter, until they have had an opportunity to study his proposal further.

**CITIZENS SPEAK PRO AND CON ON
REZONING REQUEST; ACTION ON REQUEST TABLED**

W. G. Emmett, 443 West 2600 South, spoke in favor of the property being used for the care center; Phil Ferguson, 311 West 2400 South, expressed a variety of concerns regarding both proposed uses and went on record as being against the rezoning request, stating that he would be in favor of no change in the present status of the property; LaMar Day, 407 West 2400 South, spoke against the care center. Mr. Thomas and Mr. Cameron briefly reviewed the proposed nature of the care center and presented elevations of similar projects in other areas. The building would occupy a maximum of 50,000 s.f., or 1 1/4 acres of the total 5-acre parcel, with the remaining property being left in open, landscaped area. Mayor Stahle explored with the group the other potential uses of the property (single family only as it is presently zoned and multi-family or office if rezoned). Following a lengthy discussion and hearing process, Councilman Hill made the motion that the request to amend Neighborhood Zoning District 6-13 be tabled for a short period of time to provide for further study and input from the staff. (To be on June 26th Agenda). Councilman Sharp seconded the motion and voting was unanimous.

**PUBLIC HEARINGS RE: OPENING OF 1984-85 BUDGET
AND ADOPTION PROCESS FOR 1985-86 BUDGET**

Mayor Stahle opened the public hearings regarding opening of the 1984-85 budget and the proposed 1985-86 budget at 8:53 p.m. Mr. Hardy reviewed the changes to budgeted revenue and expenditures in the General Fund, which balanced each other to \$0.00. He then went over the offsetting changes in the Capital Improvements Fund of \$510,500. These changes, as specifically defined in Res. No. 85-5, were approved and said resolution providing for opening of the budget to achieve a balanced budget for 1984-85 was adopted and the Mayor authorized to sign it on a motion made by Councilwoman Southwick and seconded by Councilman Shafter. Voting was unanimous.

CAPITAL PROJECTS BUDGET FOR 1984-85**APPROVED**

Mr. Hardy reviewed the 1984-85 Budget for Capital Projects, and explained that the auditors have requested that these projects be approved separately by the Council in order to meet State regulations. Councilman Sharp made the motion that the Capital Projects Budget for 1984-85 totaling \$2,001,608 be accepted, Councilman Shafter seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER APPROPRIATION
AND EXPENDITURE OF FEDERAL REVENUE
SHARING FUNDS IN 1985-86 BUDGET**

Mayor Statile opened the hearing to consider appropriation and expenditure of Federal Revenue Sharing Funds in the various budgets for the 1985-86 fiscal year. Mr. Hardy explained that inasmuch as the Federal government has not yet made a decision as to whether these funds will be available, or to what extent, the City has put in budget projects by which other funds are available if the FRS funds are not appropriated. He noted, however, that one-fourth of the appropriation is firm, based on the quarter ending in September and these funds will be used for projects within the Recreation budget. If additional funds become available, they will be used to purchase the new garbage containers. Total funds allocated for FRS is \$368,201.00, with the garbage containers making up \$273,691 of that figure. After a brief discussion period, the use of the FRS funds in the amount of \$368,201 was unanimously approved on a motion made by Councilman Hill and seconded by Councilwoman Southwick.

**PUBLIC HEARING TO CONSIDER AUTHORIZING
CONTRIBUTIONS FROM BL&P TO GENERAL &
CAPITAL FUNDS**

The Mayor then opened the hearing to consider authorizing contributions from the Bountiful Light and Power Fund to the General Fund and to the Capital Improvements Fund in the 1985-86 budget. Mr. Hardy reviewed a memo which he had addressed to the Council with regard to the overall budget and referred specifically to the table which provided an analysis of property tax revenues in Bountiful, noting that only 12 percent of the property tax generated in the City remains with the City (9 mills). This amount is less than the revenue needs of the Police Department alone, with an additional revenue of over \$5,000,000 needed for other service areas (those operations of the City government for which user charges are not a primary source of revenue). He cited sales tax, franchise tax, interest on investments, and prior year's reserves as additional sources of revenue, but pointed out that these revenue sources do not add up to the needs of the City. It has, therefore, been the policy of the City for many years to transfer a portion of the power sales revenue to the General Fund (15%) and the Capital Improvements Fund (5%). The equivalent of the proposed transfer in the 1985-86 budget (\$1,260,000) would be equal to an additional 9 mills of property tax. Councilman Hill likened this transfer to the

dividend which is paid by private utilities to their stockholders--with the citizens of Bountiful representing the stockholders. Councilman Sharp made the motion that the transfer of funds be authorized as proposed, Councilman Shafter seconded the motion and voting was unanimous.

**INCREASE IN POWER RATES APPROVED
WITH ADOPTION OF RES. NO. 85-7**

Inasmuch as several citizens in attendance were particularly interested in the Power Department budget and the transfer of the above-mentioned funds, Mayor Stahle requested that Cliff Michaelis, Power Department Manager, review the proposed power rate increase for the 1985-86 budget. Mr. Michaelis discussed the present sources of power and their costs and noted that the cost of power for next year has increased more than 10 percent (the amount of the proposed power rate increase). He then went over other items of the Power Department budget where there were increases, pointing out a cost of living increase for the employees and an increase in personnel (the tree trimmer position becoming full-time and an additional draftsman; however, one secretarial position will be eliminated). He reviewed the Reserve for Future Power Fund and the projected costs of the proposed hydro projects and the debt service associated with these projects over the next 15 years. The average rate increase for power in Bountiful has been 6%. The proposed rate increase, defined in Resolution No. 85-7, was approved later in the meeting on a motion made by Councilman Sharp and seconded by Councilman Shafter with authorization for the Mayor to sign said resolution. Voting was unanimous. The increase in rates becomes effective June 1, 1985.

PUBLIC HEARING TO CONSIDER 1985-86 BUDGET

After opening the hearing on the 1985-86 Fiscal Year Budget, and responding to questions from those in attendance, Mayor Stahle briefly reviewed the major areas of change from the current year's budget. He noted that the Council and staff have spent many hours on the budget, starting first with input from the departments and committees and then discussing as a general body. He noted that one item--an air conditioner for the Court chambers--is not included in this budget and he recommended that this be included prior to final adoption of the budget next week. The hearing was closed at 10:32 p.m. Councilman Sharp then made the motion that the proposed 1985-86 Budget, totaling \$31,437,092 be accepted with the minor amendments as mentioned and that this budget be presented for final adoption next week. Councilman Shafter seconded the motion which carried unanimously.

**COUNCIL APPROVES SEWER RATE INCREASE
WITH ADOPTION OF RES. NO. 85-6**

Mr. Hardy reviewed with the Council that Elmer Barlow, the City's representative on the South Davis Sewer Board, had apprised them earlier in the year of a need for funding to make necessary improvements at the sewer plant and several options for obtaining this revenue had been suggested. He then

presented Resolution No. 85-6 providing that the sewer connection fee for new homes be increased from \$50.00 to \$350.00. Councilman Shafter made the motion that this Resolution be adopted and the Mayor and City Recorder be authorized to sign it. Councilman Hill seconded the motion and voting was unanimous. These rates become effective July 1, 1985.

COUNCIL ADOPTS ORD. NO. 85-3 PROVIDING FOR INCREASE IN WATER CONNECTION FEES

Ordinance No. 85-3, entitled "AN ORDINANCE AMENDING TITLE XI, CHAPTER 4, SECTION 5, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY ESTABLISHING A WATER CONNECTION FEE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH," as authorized by the Council in its last meeting, was reviewed by Mr. Hardy. Councilman Shafter indicated that it is the recommendation of the Water and Sewer Committee that this ordinance be adopted and the rates increased as outlined. He made a motion that this recommendation be upheld and that the Mayor and City Recorder be authorized to sign it. Councilman Hill seconded the motion which carried unanimously. The rate increase becomes effective July 1, 1985.

CEMETERY FEES INCREASED WITH ADOPTION OF ORDINANCE NO. 85-4

Mr. Hardy then reviewed Ordinance No. 85-4, entitled "AN ORDINANCE AMENDING SECTION 109, CHAPTER 1, TITLE VI, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1985, AS AMENDED, RELATING TO CEMETERY FEES AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH." This ordinance provides for an approximate increase of 4 percent in cemetery fees and it is the recommendation of the staff that it be approved. Councilwoman Southwick moved for the adoption of Ord. No. 85-4 and that the Mayor and City Recorder be authorized to sign it. Councilman Hill seconded the motion and voting was unanimous. This ordinance will take place upon first publication.

B & C ELECTRONICS GIVEN PRELIMINARY AND FINAL APPROVAL

Mr. Boothe presented the site plan for the proposed remodeling of B & C Electronics, 75 South 200 West, and reported that it is the recommendation of the Planning Commission that preliminary and final approval be granted to this request subject to the following conditions: (1) posting of the bond to guarantee on- and off-site improvements; (2) payment of the \$259 storm drain fee; (3) upgrading of the building from residential to commercial standards to meet code; and (4) completion of items 1 and 2 prior to issuance of the building permit. With regard to the plans which were presented with this request, Councilman Sharp questioned what is required by way of drawings and requested that Mr. Boothe be more demanding of the details on the drawings in order to give the Council a better understanding of what they are approving. Councilman Hill made the motion that preliminary and final approval be granted as recommended, Councilwoman Southwick seconded the motion and voting was unanimous.

**GEORGE KOROULIS COMMERCIAL BUILDING
GIVEN FINAL APPROVAL**

The site plan and elevations for the George Koroulis Commercial building at 2449 South Main were presented by Mr. Boothe and he stated that it is the recommendation of the Planning Commission that final approval be granted to this project subject to the following conditions: (1) posting of the bond to guarantee on- and off-site improvements; (2) a final code review by the Engineering Department; and (3) the above requirements to be met prior to issuance of the building permit. The Mayor pointed out that the plans for this project do not show much landscaping and discussion followed as to what is required by the City. It was the recommendation of the Mayor and several of the Councilpersons that an effort be made to include more landscaping on commercial projects and Mr. Boothe was asked to follow up on this matter. Councilwoman Southwick made the motion that final approval be granted to the above project as recommended, Councilman Shafter seconded the motion and voting was unanimous.

**AMERICAN FIRST CREDIT UNION GRANTED
FINAL APPROVAL, 48 NORTH 500 WEST**

Mr. Boothe presented the site plan and elevations for the proposed building of American First Credit Union at 48 North 500 West and reported that it is the recommendation of the Planning Commission that final approval be granted subject to the following conditions: (1) including an access from 500 West to be approved by UDOT; (2) payment of the storm drain fee in the amount of \$3,357; (3) posting of a two percent bond to guarantee on- and off-site improvements; (4) payment of the sanitary sewer and culinary water connection fees; (5) final plan review by the Engineering Department; (6) planting in grass the strip of property reserved for future expansion; and (6) completion of the above items prior to issuance of the building permit. The proposed landscaping of this project was also discussed and Mr. Boothe was asked to encourage the developers to landscape to meet the general level of the community. Councilman Sharp made the motion that final approval be granted to this request as recommended. Councilwoman Southwick seconded the motion which carried unanimously.

**TRIANGLE OIL CONVENIENCE STORE,
390 NORTH 500 WEST, GIVEN PRELIMINARY
AND FINAL APPROVAL**

Mr. Boothe reviewed the site plan of the proposed Triangle Oil Convenience Store at 390 North 500 West and stated that it is the recommendation of the Planning Commission that preliminary and final approval be granted subject to the following conditions: (1) that the proposed changes to the adjoining streets (widening of the access from 500 West and breaking the traffic island to permit left-hand turns from 400 North) be approved by the Utah Department of **Transportation**; (2) posting the required bond to guarantee on- and off-site improvements; (3) the plans to meet all of the required codes; (4) payment of the required fees; (5) payment of the storm drain fee in the amount of \$158.00; and (6) that the above items be accomplished

prior to issuance of the building permit. The Council discussed the request of Triangle for the 4th North traffic island to be broken and indicated they would not approve the project with this condition, noting that 4th North would be too congested if left-hand turns were permitted. They also discussed the proposed landscaping and requested that an additional requirement to those imposed by the Planning Commission be added--(6) that the 20-ft. strip of property east of the building, as indicated on the plat, be landscaped with grass, trees, and shrubs. Particular emphasis was made on landscaping due to this intersection being one of the entrances to the City. Councilman Sharp made the motion that this request be given preliminary and final approval as recommended above, Councilwoman Southwick seconded the motion and voting was unanimous.

**BOUNTIFUL TO SUPPORT SCHOOL DISTRICT
EFFORT RE: COUNTY COLLECTING TAXES**

Mayor Stahle reported that he had received a letter from the Superintendent of Schools requesting Bountiful's support in an effort to overrule the recent policy made by the County Commission that the individual taxing units bear the costs of collecting the taxes they respectively use. He asked for the Council's feeling on this matter and it was the consensus of opinion that it is the responsibility of the County to collect the taxes. It was also noted that the School District could be encouraged to lift their request for exemption from franchise taxes.

**EXECUTIVE SESSION TO DISCUSS
PERSONNEL APPROVED**

In response to a request from the Mayor, Councilwoman Southwick made the motion that an executive session be scheduled immediately after this meeting for the purpose of discussing personnel. Councilman Shafter seconded the motion and voting was unanimous.

**NATIONAL ELECTRIC, INC. AWARDED BID
FOR RETROFILL FOR SOUTHEAST SUBSTATION**

Mr. Michaelis explained that in an effort to make sure that there is no PCB spill from the Southeast Substation, bids have been called for the retrofill for that site. He presented the following bids:

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| Westinghouse | \$29,836.00 |
| General Electric | 29,748.00 |
| Tec Rep | 23,872.00 |
| Environmental Intl. | 23,314.00 |
| Nat'l. Electric, Inc . | 20,717.00 |

Mr. Michaelis recommended that the low bid from National Electric, Inc. in the amount of \$20,717.00 be approved. Councilman Hill made a motion to this effect which Councilwoman

Southwick seconded. Voting was unanimous. By completing this action tonight, the low bidder can be contacted while in the area and additional charges for transportation can be saved.

The meeting adjourned by official action at 11:16 p.m.

cf3.20*, 41.
MAYOR


CITY RECORDER