

Minutes of the regular meeting of the City Council held August 17, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present:	Mayor:	Dean S. Stahle
	Council Members:	Dean Hill, H. Keith Barton, Phyllis C. Southwick, and Paul Allen
	City Manager:	Tom Hardy
	City Engineer:	Jack P. Balling
	City Recorder:	Arden P. Jenson
	Dep. Recorder:	Lois Hoskins
	Rec. Secretary:	Nancy T. Lawrence
Excused:	Councilman:	Bob Linnell
	City Attorney:	Layne B. Forbes

Mayor Stahle welcomed those in attendance, giving special recognition to the visiting Boy Scouts, following which he led the pledge of allegiance to the flag. The invocation was given by Councilman Hill.

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 Salt Lake Tribune.

Minutes of the regular meetings of the City Council held June 28, and July 6, 1983 were presented and unanimously approved as written on a motion made by Councilman Barton and seconded by Councilman Hill.

EXPENDITURES FOR JULY APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period July 1-31, 1983 in the amount of \$425,040.64 and the Summary of Expenses for the Month of July totaling \$1,113,244.81. These expenditures were unanimously approved on a motion made by Councilwoman Southwick and seconded by Councilman Allen.

CONTRACTS WITH WASATCH CABLE TV FOR UNDERGROUND CABLE APPROVED

Cliff Michaelis reviewed the following contracts between the city and Wasatch Community TV: (1) 2-Way Communications Agreement which provides for up- and down-stream channels for Bountiful. This will facilitate remote meter reading, load management, and other public services; (2) Conduit License Agreement which allows Wasatch to use Bountiful's existing underground conduit, thereby eliminating the need for Wasatch to bury their own cable; and (3) Coaxial Cable Agreement, which authorizes Bountiful to pull in the coaxial cable for Wasatch, to be reimbursed by Wasatch. He noted that these contracts have been in the process of negotiation for four years, are acceptable to Wasatch, and are recommended by staff for approval. After discussion of these contracts, Councilwoman Southwick made the motion that they be accepted as presented and the Mayor authorized to sign them. Councilman Hill seconded the motion and voting was unanimous.

COUNCIL APPROVES MEMBERSHIP IN
UTAH PUBLIC POWER COUNCIL

Mr. Michaelis explained that an organization called "Utah Public Power Council" is being formed for the purpose of uniting the 40 municipal and REA systems together in an effort to put legislation together to protect public power. He emphasized the need for such an organization and cited the current situation with CRSP as one instance in which it would be to the advantage of the municipals to join together in the struggle to retain this power. The estimated annual cost for membership would be a maximum of \$17,500, based on \$.50 per peak kilowatts used last year. Discussion followed regarding the use of the funds by the proposed council and Bountiful's membership participation in ICPA in the past. Mr. Michaelis said that it is the recommendation of the Power Commission that the city join this organization. Councilman Hill made the motion that the council approve the agreement to join UPPC and that a representative from Bountiful be appointed. Councilwoman Southwick seconded the motion which carried by a majority. Councilman Barton abstained from voting inasmuch as he had not had sufficient time to study the matter, although he said "it appeared good on the outset".

CLIFF MICHAELIS APPOINTED TO
REPRESENT CITY ON UPPC

Based on a recommendation by the Mayor, Councilman Barton made the motion that Mr. Michaelis be appointed to represent Bountiful on this council, Councilman Allen seconded the motion and voting was unanimous.

PROPOSAL FOR OBTAINING ENGINEERING
SERVICE ON HYDRO FACILITY APPROVED

Subsequent to receiving a Moon Lake license, Mr. Michaelis stated that it is necessary to obtain engineering service on the hydroelectric facility which will be constructed there. It is the recommendation of the staff and Power Commission that of the 14 firms which have expressed interest, that five be selected to make a recommendation to the Power Commission. In turn, the Power Commission would make a recommendation to the Council on the firm to provide the engineering services. Councilman Hill made the motion that the proposal as presented by Mr. Michaelis be approved, Councilman Barton seconded the motion and voting was unanimous.

BID FOR NEW COMPUTERS AWARDED
TO SNYDER COMPUTER CENTER

Mark McRae reviewed that in response to a recommendation from the study made by Fox and Company, the city is in the process of obtaining bids for computer related programs and equipment. He said that six bids were received and he recommended that the low bid from Snyder Computer Center in the amount of \$65,465.69 be approved, with an additional \$4,765 to IBM for emulation kits, totaling \$70,230.69. He explained that only \$57,550 was budgeted for this equipment; however, by buying in volume a discount is received and more equipment than

was originally planned is included in the bid. (The cost of those items originally included in the budget is \$53,000). All items included in this bid are compatible with the existing equipment of the city. He noted that further study will need to be done in the Police Department so that a more comprehensive system can be included in their budget for next year. Following a brief discussion regarding the items included in the bid, Councilman Hill made the motion that the bid be awarded to Snyder as recommended. The motion carried unanimously after being seconded by Councilman Barton.

MAPLE COVE #1, PLAT A GIVEN
FINAL APPROVAL, WITH VARIANCE

Mr. Balling reported that Maple Cove #1, Plat A has posted their bonds, paid their fees, is in compliance with the engineering drawings, and is ready for final approval. However, he requested ratification from the Council on a variance regarding storm water detention. He said that the original plans provided for the water to be detained on their own property. However, it is the staff's recommendation that the water be channeled down Bountiful Boulevard and put in the storm detention basin at 1800 South Mueller Park Road. Although this is a more expensive system, Maple Cove has agreed and has posted the appropriate bond. Mr. Balling explained that this variance is recommended to facilitate maintenance of the drain system. Councilwoman Southwick made the motion that final approval be granted as recommended, including the variance as outlined. Councilman Hill seconded the motion and voting was unanimous.

BENCH SIGNS PLACED BY LOU NORD DO
NOT COMPLY WITH ORDINANCE

Mr. Hardy reviewed the sign ordinance and stated that the size of the benches as outlined does not correspond with those benches placed in the city by the advertising firm represented by Lou Nord. He said that Mr. Nord has been advised that his alternatives are: (1) to comply with the ordinance by bringing the benches into compliance according to size and location; (2) remove the benches; or (3) have the ordinance changed to allow the benches as he presently has them. Mr. Nord has requested that he be able to discuss this matter with the Council. Mr. Nord stated that the benches are a standard size and that at the time he placed them in Bountiful there were no restrictions as to size. He said that it would be prohibitive from a cost standpoint to maintain the benches in the city if he were made to comply with the ordinance, and suggested that one possibility would be for him to cut down on the amount of the bench actually used for the sign. He noted that he and Mr. Boothe had toured the city before any of the benches were placed and located 30-35 possible sites for the benches. Only 15 benches are currently in the city at this time. (It was pointed out that three of the existing benches are not in previously-approved locations).

**DISCUSSION ON USING BENCHES
FOR ADVERTISING**

Discussion followed regarding the location and size of the benches. It was cited that they are very large compared with the UTA benches and seem to be directed toward being a sign rather than a bench. The concept of whether or not advertising should be allowed on benches within the city, and specifically in non-commercial areas, was discussed. Mayor Statile indicated that he felt the advertising was being forced on him when done in this manner. Councilman Allen requested that Mr. Boothe review the ordinance requirements at the time Mr. Nord first located the benches and it was determined that there was no size limitation at that time. Mr. Hardy said that the benches cannot be considered as non-conforming because they are located on public right-of-way and therefore do not qualify for vested property rights. After lengthy discussion, Councilman Allen made a motion to allow the existing benches which are in approved locations to remain as they are with regard to size with the stipulation that the size of the advertising message be changed to conform to the 9 s.f. as the ordinance allows; and that the council discuss the sign ordinance in its next study session with regard to size, construction, and location.

**EXISTING BENCHES ALLOWED
TO REMAIN AS THEY ARE; NEW
OR RENEWAL CONTRACT TO CONFORM
WITH ORDINANCE**

Mr. Nord pointed out that it will take time for him to phase out the existing benches inasmuch as he has contracts with the sponsors of benches. Councilman Barton suggested that the benches be required to conform upon termination or renewal of a contract. Inasmuch as Mr. Nord had indicated that all of his contracts were for a maximum three-year period, Mr. Hardy suggested that at the end of the three year period Mr. Nord be required to come into conformance regarding size, subject to the ordinance which is in place at that time. Any new benches placed from this time forward must be in compliance with the existing ordinance. The motion was amended to this effect and seconded by Councilwoman Southwick. Discussion on the motion followed, with concern as to how this matter would be administered. Since there was some confusion on the motion, Councilman Allen withdrew his original motion and made a second motion that the existing benches remain as they are as non-conforming for three years from the original date of installation, with the provision that any new bench or renewal contract will conform to the ordinance that is in effect at that time; and with the provision that the council study this matter as soon as possible to review the ordinance with respect to construction, size, and location. Councilwoman Southwick seconded the motion and voting was unanimous.

**AIR TECH AWARDED BID FOR
NEW COVER FOR OUTDOOR POOL**

Mr. Hardy referred to a memo from Neal Jenkins regarding a new air support structure for the outdoor pool and he recommended that the bid from Air Tech in the amount of \$99,400 be

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accepted. He said that \$77,000 would come from the insurance settlement on the wind damage claim and the remaining \$22,400 would come from the contingency fund. Councilman Barton made the motion that the bid be awarded and appropriations made as recommended, Councilman Hill seconded the motion and voting was unanimous.

**ENGINEERING AID POSITION RECLASSIFIED
AS CIVIL ENGINEER**

Mr. Hardy explained that due to an increase in building permits and other major projects now under way, the workload in the Engineering Department has increased to a point where it is necessary for Mr. Balling to have some assistance. He recommended that the engineering aid position which is currently vacant be reclassified as a civil engineer and that the city proceed with recruitment. Although the salary will be higher under the new classification, the position has been vacant for some time and thus will allow coverage from the Engineering budget. Councilwoman Southwick made the motion that the position be reclassified as recommended, Councilman Allen seconded the motion and voting was unanimous.

On a motion and seconded by Councilman Barton and Allen, respectively, the meeting adjourned at 8:52 p.m.

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MAYOR


CITY RECORDER

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