

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

Present: Mayor:	Dean S. Stahle
Council Members:	J. Dean Hill, Phyllis C. Southwick, Paul B. Allen, and Bob Linnell
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:	Lois Hoskins
Rec. Secretary:	Nancy T. Lawrence
Absent: Councilman:	H. Keith Barton

Mayor Stahle welcomed those in attendance, following which he led the pledge of allegiance to the flag. Councilman Allen offered the invocation.

Mr. Hardy verified that 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.

TRIANGLE OIL GIVEN APPROVAL FOR LIQUOR LICENSE AND CLASS "C" BEER LICENSE

Mr. Boothe reported that Triangle Oil, represented by Tom Mabey, has requested that the Council give their feelings as to whether or not they will consider approval of a liquor license for the proposed hotel at 530 South 500 West when it is completed. The facility will have a convention center and it is in connection with this that the liquor license and Class "C" beer license is desired. After a brief discussion, Councilman Linnell made the motion that approval be given for the liquor license and Class "C" beer license subject to the conditions of the ordinance being met. Councilwoman Southwick seconded the motion and voting was unanimous.

MINUTES OF NOVEMBER 9 AND 22, 1983 APPROVED

Minutes of the regular meeting of the City Council held November 9, 1983 and

a special meeting held November 22, 1983 were presented and both were unanimously approved as corrected on a motion made by Councilman Linnell and seconded by Councilman Hill.

EXPENDITURES FOR PERIOD NOV. 14-19, 1983 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period November 14-29, 1983 in the amount of \$203,161.05. These expenses were unanimously approved on a motion made by Councilman Hill and seconded by Councilman Allen.

COOPERATIVE FIRE AGREEMENT APPROVED

Mr. Hardy reviewed the Cooperative Fire Protection Agreement which provides for the municipal fire agencies and the County Fire Department to "respond on their own volition and with their prudent judgement to benefit other agencies". He noted that when an agency responds, they are responsible for their own expenses, and the Agreement provides the chain of command at the scene of the fire. It is an annual agreement which extends automatically for five years. Mr. Hardy recommended that the Council approve this agreement which authorizes the Mayor and City Recorder to execute on behalf of the City. Councilman Linnell asked why the receiver of the services is not the one to pay the expenses, and following a brief discussion of this suggestion, Mayor Stahle indicated that this matter will be placed on the agenda of the Public Safety Committee for discussion. Councilman Linnell then made the motion that the Agreement be approved as presented, Councilman Allen seconded the motion and voting was unanimous. Mayor Stahle requested that Fire Chief Jerry Lemon research over the past five years and make a report of the time and money which was expended by Bountiful for other jurisdictions.

RIGHT-OF-WAY AGREEMENT - PACKARD OFFICE BUILDING, APPROVED

Mr. Forbes explained that in 1976, when approval was given to the Packard Office Building south of the City complex on Main Street, one of the conditions of the approval was that the City was to grant the developer a deeded area for a driveway. They have been using the right-of-way and have improved it; however, the right-of-way was never officially deeded to them. Mr. Forbes reviewed a proposed agreement which provides that a non-exclusive perpetual right-of-way be granted to the Packard Office Building consistent with the approval granted in 1976. Councilman Allen made the motion that this agreement be approved, Councilwoman Southwick indicated that the Planning Commission supports the agreement and she seconded the motion. Voting was unanimous in the affirmative.

AMERICAN LA FRANCE AWARDED BID FOR NEW PUMPER TRUCK

Mr. Hardy explained that it has been five years since one of the large pumper trucks has been replaced in the Fire Department and he recommended that American LaFrance be awarded the bid for a new 750 gallon-per-minute pumper truck in the amount of \$127,500. Councilman Hill made the motion that this bid be approved, Councilwoman Southwick seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER MT. VIEW PLAZA IRB'S

At 7:31 p.m. Mayor Stahle opened the public hearing for the purpose of receiving public input on the proposed issuance by the City of its \$1,950,000 Industrial Development Revenue Bonds, Series 1983 (Mountain View Plaza Ltd. Project). The Council was advised that pursuant to requirements of federal law, the hearing had been scheduled and notice of the hearing was published on November 21, 1983, in the Deseret News, a newspaper having general circulation in Bountiful, said publication being not less than fourteen (14) days prior to the

date hereof. A copy of the Notice of the hearing has been on file in the office of the City Recorder during all regular office hours from December 2, 1983, to the date hereof, for the examination of any interested party. A copy of the Affidavit of Publication of the Notice of the hearing is attached to these proceedings as Exhibit "B". At the beginning of the public hearing, an invitation was extended to all persons desiring to comment upon the issuance of the proposed industrial development revenue bonds to appear and voice comments or objection.

RES. NO. 83-22 ADOPTED PROVIDING FOR APPROVAL OF IRB'S

After the City Council had heard each and every person who wished to be heard with respect to the issuance of said bonds, the public hearing was closed. Resolution No. 83-22, "RESOLUTION AUTHORIZING AND INDUCING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH MOUNTAIN VIEW PLAZA LTD., A UTAH LIMITED PARTNERSHIP OR ANY AFFILIATED ENTITY REGARDING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR A COMMERCIAL INDUSTRIAL PROJECT", was then introduced in writing, read in full, and pursuant to motion duly made by Councilman J. Dean Hill and seconded by Councilwoman Southwick, adopted by the following vote: YEA: Paul B. Allen, J. Dean Hill, Bob Linnell, and Phyllis C. Southwick; NAY: None.

BECKER FIRE EQUIPMENT CO. AWARDED BID FOR NEW AMBULANCE

Mr. Hardy reviewed that bids were called for for a new ambulance and he recommended that the bid be awarded to Becker Fire Equipment Company for a Ford diesel 138" wheeled coach in the amount of \$29,000, which bid allows for a \$10,000 trade-in on the old ambulance. Councilman Linnell made the motion that this recommendation be approved, Councilman Hill seconded the motion and voting was unanimous.

**CITY ACCEPTS WATER RESERVOIR, LINES AND PUMPHOUSE
IN NORTH CANYON AREA**

Mr. Balling explained that the contracts for the construction of the water reservoir, lines, and pumphouse in the North Canyon area (serving Creekwood subdivision, Sunset Hollow subdivision, and related other areas) have been completed and accepted by the staff and he recommended that the City take over the normal responsibilities for maintenance and accept the system. He said that the contracts to Child Brothers and Clegg Construction for the three projects have been paid and the City holds a one-year bond guarantee against all workmanship. Councilman Hill made the motion that the improvements be accepted as recommended, Councilman Allen seconded the motion and voting was unanimous.

**CONTRACT APPROVED BETWEEN SCOTT WHITTAKER AND CITY
FOR SPACE AT GOLF COURSE**

Mr. Hardy explained that approximately one year ago, the former lessee at the golf course clubhouse, Mr. Quismondo, defaulted his contract with the City and left. It was requested that Scott Whittaker, golf pro, lease the space and run the restaurant operation, and pay the City 10 percent of the gross

receipts in return. Mr. Hardy stated that this arrangement has worked well and inasmuch as a formal agreement had not been executed previously, the auditors requested that this action be formalized at this time, subject to the approval of the Council. He further recommended that, with permission of both parties, the equipment is to be maintained by the lessee. Councilman Linnell made the motion that the contract be approved as recommended and that the Mayor and City Recorder be authorized to sign it. Councilwoman Southwick seconded the motion, which carried unanimously. Councilman Allen made the recommendation that the \$100,000 limited liability insurance which is carried by the lessee be increased to \$500,000 and this recommendation was included as a part of the motion.

**APPROVAL GIVEN TO PLANS FOR CREEK DRAINAGE PROJECTS
AND FOR BIDS TO BE LET**

Mr. Balling reviewed the details of the following projects and recommended that approval be given to the plans and for bids to be called for by the City: (a) Repair of Mill Creek culvert at Davis Boulevard; (b) culvert replacement at Center Street and 200 East and channel improvement on Barton Creek; and (c) culvert addition on 900 North and channel improvement from 400 East to Page's Lane on Stone Creek. Councilman Hill stated that he felt there was an "over kill" on the Barton Creek project and discussion followed regarding this matter. Councilman Linnell made the motion that approval be given to the plans and that bids be let for these projects as explained, Councilman Allen seconded the motion and voting was in the majority. Councilman Hill abstained.

ORD. NO. 83-20 APPROVED RE: STEM OF FLAG LOTS

Mr. Boothe reviewed Ord. No. 83-20, entitled "AN ORDINANCE AMENDING TITLE 14, CHAPTER 6, SECTION 4017 b. AND i., OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY PROVIDING FOR REGULATIONS PERTAINING TO FLAG LOTS AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", and stated that it is the recommendation of the Planning Commission that this ordinance be adopted to provide for the width of the staff of a flag lot to be reduced to 25 feet if it is contiguous to another 25-foot staff portion. Councilman Linnell made the motion that this ordinance be adopted as recommended and that the Mayor be authorized to sign it. Councilwoman Southwick seconded the motion and voting was unanimous.

**PRELIMINARY WHICH CONSTITUTES FINAL APPROVAL GRANTED
TO THREE LOTS IN MAPLE HILLS PLAT 3**

Mr. Boothe presented the site plan for 3 flag lots on Cave Hollow Way (Lots 4, 5, and 6--Norm Dobson), and stated that preliminary constituting final approval has been requested. He recommended that this approval be granted and on a motion by Councilman Linnell and seconded by Councilwoman Southwick, this recommendation was unanimously approved.

**MAYOR ANNOUNCES APPOINTMENT OF CLIFF MICHAELIS AS
MANAGER OF LIGHT AND POWER DEPARTMENT**

Mayor Stahle indicated that it will not be necessary to hold an executive session this evening as was scheduled on the Agenda due to the fact that Cliff Michaelis has been selected as the new Manager of the Light and Power Department. He noted that Mr. Michaelis has been serving as acting manager since the resignation of Berry Hutchings and has done an outstanding job.

APPROVAL GIVEN FOR DISASTER RELIEF FUNDS FROM STATE

Mr. Hardy reported that an application has been made to the State for disaster relief funds and approval has been given for 17 percent of the local share. He requested that the contract documents regarding these funds be approved and authorization given for the Mayor and City Recorder to sign them. Councilwoman Southwick made a motion to this effect, Councilman Allen seconded the motion and voting was unanimous.

The meeting adjourned at 8:47 p.m. on a motion made by Councilman Allen and seconded by Councilman Linnell.


MAYOR


CITY RECORDER

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