

Minutes of the regular City Council meeting held November 9, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor Pro Tempore: Bob Linnell
Council Member: H. Keith Barton, Phyllis C. Southwick, Paul B. Allen, 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: Beverly B. Hyde

Excused: Mayor: Dean S. Stahle

The pledge of allegiance was led by Keith Barton, after which the invocation was offered by Dean Hill.

Mayor Pro Tern Linnell welcomed everyone in attendance, particularly mentioning the boy scouts and newly-elected Councilman Harold Shafter.

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.

Minutes of the regular City Council meeting held October 26, 1983 were presented, corrected and unanimously approved on a motion made by Councilwoman Southwick and seconded by Councilman Hill.

EXPENDITURES APPROVED FOR PERIODS OCT. 3-31 AND OCT. 14-28 AND SUMMARY FOR MONTH OF OCT. 1983

Mr. Jenson presented the Expenditure and Expense Reports for the periods October 3-31 in the amount of \$505,017.03, October 14-28 in the amount of \$59,967.17 and summary for October 1983 in the amount of \$1,333,099.77. Councilwoman Southwick inquired if any flood expenses were included in these reports. Mr. Jenson explained that there were some payments for flood damage but that these were in much smaller amounts this past month. Councilman Barton made a motion to accept the Expenditure and Expense Reports as presented. The motion was seconded by Councilman Hill and unanimously approved.

Mayor Pro Tern Linnell welcomed newly-elected Councilman Jerry Lawrence who joined those in attendance.

ALBERTSON'S STORE SITE PLAN GIVEN FINAL APPROVAL;
AUTHORIZATION GIVEN FOR TRANSFER OF TITLE TO RIGHT-OF-WAY

Mr. Walt Gasser was in attendance to request final approval of the site plan only for the new Albertson's store and Mr. Boothe reported that the Planning Commission recommended approval subject to the submission of plans showing the relocation of the culinary water, sanitary sewer and storm drain, payment of all required fees and providing the necessary easements for all utilities. He explained other considerations discussed by the Planning Commission and Public Safety Committee pertaining to ingress and the financing of 500 South widening between Main and 100 East Streets for handling additional traffic and allowing left-turn movements. The Traffic Safety Committee recommended that the cost be borne by the developer of the improvements for widening of 500 South on the south side from Main Street to a point beyond 100 East approximately 150 feet, and that the cost for the same distance on the north side be borne by the City. He reported this cost would be approximately \$10,000 to \$12,000. Mr. Gasser stated that because of the present need, he would be willing to pay for the widening on the south side and feels it is a fair compromise with the City paying for the north side. He asked if the City would consider deeding to him a right-of-way strip along 100 East at the time he applies for a building permit.

A motion authorizing the execution of documents transferring title to Walt Gasser of the requested right-of-way was made by Councilman Barton, seconded by Councilman Allen and unanimously approved.

Councilman Hill then made a motion to accept the Planning Commission's recommendation for final approval of Albertson's store site plan. The motion was seconded by Councilman Barton and voting was unanimous in the affirmative.

PRELIMINARY APPROVAL GRANTED GRANADA HILLS
PLAT 6 SUBDIVISION

The plans for Granada Hills Plat 6 Subdivision were presented by Mr. Boothe. He reported that the developer has requested preliminary approval of this plat comprising 66 lots, and the Planning Commission recommended approval with the understanding that final approval will not be granted until sufficient water is available to service the area or until a new reservoir is constructed. This reservoir would be constructed with the financial assistance of the developer of one-half the cost, to be paid back to the developer over a 10-year period as connections are made to the system. Councilman Allen made a motion to grant preliminary approval of Granada Hills Plat 6 Subdivision subject to the conditions explained by the Planning Director. The motion was seconded by Councilwoman Southwick and unanimously favored.

FIRST PHASE OF CARRIAGE CROSSING CONDOMINIUM
PROJECT APPROVED

Mr. Boothe presented a site plan on the first phase of Carriage Crossing being developed by Prowswood which consists of 20 condominium units. He stated that the Planning Commission recommended final approval subject to the developer providing the City the necessary culinary water, sanitary sewer and power easements, payment of required fees, submission to the Engineering Department of storm drain and grading plans, plans and profiles on the handling of the beautification of Mill Creek, and posting of a **\$30,000** bond to guarantee on-site improvements; also that no certificate of occupancy to any units be issued until all improvements have been installed to the point of **\$30,000** remaining in the bond. Councilwoman Southwick made a motion to approve the first phase of the Carriage Crossing project in accordance with the stipulations outlined by the Planning Director. The motion was seconded by Councilman Allen and approved unanimously.

ROSEMARY DAVIS OF D.C.H.A. EXTENDS INVITATION
TO DEDICATION CEREMONY OF HOUSING PROJECTS

Rosemary Davis of the Davis County Housing Authority gave information on the completion of the housing projects on 1450 North and announced that there would be an open house on December 9th at 4:00 p.m. She reported that there will be a flag pole dedicated at that time and plans are to make Meadows Drive a community Christmas area which will be an annual project and stated that the residents are very proud of their housing community. She mentioned that the out-going and newly-elected City Council members will be honored at this open house and asked that the City officials be in attendance. Ms. Davis commented on the other multi-family housing projects which are close to completion, these being located on Center Street and Orchard Drive, and she expressed her thanks and commendation to the City officials and employees who have been so helpful during the construction of these projects.

CITY COUNCIL ADOPTS ORDINANCE NO. 83-17
ON POLITICAL SIGN REGULATIONS

The public hearing was opened to consider the proposed ordinance for political signs and Mr. Hardy reviewed ordinance No. 83-17 which is entitled: "AN ORDINANCE AMENDING TITLE 14, CHAPTER 11, SECTION 8029, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY AMENDING THE SIGN REGULATIONS PERTAINING TO THE SIZE OF POLITICAL SIGNS AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH." Comments were made on the recommendations for size and height restrictions by Berwyn Andrus, Halley Thomas, Steve Payne, Councilman-elect Harold Shafter and Councilman-elect Jerry Lawrence. Councilman Allen then made a motion to adopt Ordinance No. 83-17 including the 4-foot size limitation, changing the 4-foot height to 5 feet and the erection time to

be 45 days prior to primary or earliest election date and removal within 48 hours following the general election, and that the Mayor be authorized to sign this ordinance. The motion was seconded by Councilwoman Southwick and carried unanimously.

ORDINANCE NO. 83-18 ADOPTED FOR REGULATING
SATELLITE TELEVISION ANTENNAS

Mayor Pro Tern Linnell opened the public hearing to consider adding a new section to the zoning ordinance regulating satellite television antennas. Mr. Boothe reported that this item was discussed in a previous meeting and the recommended changes have been incorporated into the new ordinance. He then reviewed Ordinance No. 83-18 entitled: "AN ORDINANCE AMENDING TITLE 14, CHAPTER 15, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY ADDING A NEW SECTION DESIGNATED AS SECTION 1200, RELATING TO THE REGULATION OF SATELLITE TELEVISION ANTENNAS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH." After some questions, comments and clarifications by Councilmen Hill and Allen, Councilman Barton made a motion to adopt Ordinance No. 83-18 and to authorize the Mayor to sign the document. Councilwoman Southwick seconded the motion which carried unanimously.

NEIGHBORHOOD ZONING DISTRICT 6-3 PROVISIONS
CHANGED BY ADOPTION OF ORDINANCE NO. 83-19

Mr. Boothe asked for ratification of the action taken by the City Council at the previous meeting on the ordinance amendment to allow within the Neighborhood Zoning District 6-3 a 2-family dwelling as a conditional use. Councilwoman Southwick made a motion to adopt Ordinance No. 83-19 entitled: "AN ORDINANCE AMENDING TITLE 14, CHAPTER 5, SECTION 800, THE TABLE OF LAND USE REGULATIONS, NEIGHBORHOOD 6, DISTRICT 3, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, PROVIDING THAT R-2 MULTIPLE-UNIT DWELLING "A" BE A CONDITIONAL USE THEREIN AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH; and that the Mayor be authorized to sign this ordinance. The motion was seconded by Councilman Allen and voting was unanimous in the affirmative.

PUBLIC HEARING DATE SET TO CONSIDER
REZONING REQUEST OF KEITH ROMNEY

A request from Keith Romney had been received on property owned by him at 1824 South Orchard Drive. Mr. Boothe explained that Mr. Romney has petitioned the City Council to amend the on ordinance to allow two-family dwellings as a conditional use in the district at this location. Mr. Boothe recommended that a public hearing for this consideration be set for December 14th at 7:30 p.m. On a motion made by Councilman Allen and seconded by Councilman Hill, unanimous approval was given for the public hearing to be set as suggested by Mr. Boothe and that this request then be referred back to the Planning Commission for their recommendation.

MRS. BERNIECE WEBER TELLS OF AESTHETIC FEATURES
OF ASHDOWN PROPERTY AND PRESENTS PROPOSAL FOR
DEVELOPMENT AS A PARK

Mrs. Berniece Weber was in attendance to present a proposal for the development of a park on the Ashdown property located at 500 South and Davis Blvd. She introduced her sisters in attendance as follows: Marjorie Olsen, Jeraldean Christensen, Evelyn Richards; and her daughter, Katherine A. Smith. Councilwoman Southwick told about the desire of the late Franklin Ashdown for many years to have this area developed as a park. Mrs. Weber stated that this piece of property has been in the Ashdown Family for more than 100 years and she is fulfilling a promise to her father by offering this property to the City one more time as it has been a long-time dream of her father. She gave a historical background on this aesthetic land and spoke about the family's willingness to negotiate on the cost and of their recommendations for development and covenants restricting its use. She showed a number of slides of the Ashdown property and also some of the Butchart Gardens in Victoria, British Columbia, near where she lives, and told of the possibilities for this to be developed in a similar manner. The pictures revealed the natural vegetation and beauty of this property, and Mrs. Weber made comparisons throughout her slide presentation with that of Butchart Gardens. A number of questions and comments were made on such items as the name possibility and acreage of the park, and other suggestions were made for development. Mayor Pro Tern Linnell expressed appreciation for Mrs. Weber's presentation and asked that she visit with Mr. Hardy on further details and to arrange to have this proposal placed on the agenda for an immediate City Council meeting. Councilman Allen suggested that this also be reviewed in the near future by the Parks and Recreation Committee for touring the property and making their recommendations.

STEVE ZINK OF FOX & CO. GIVES HIGHLIGHTS
OF FINAL VERSION OF CITY'S ANNUAL FINANCIAL
REPORT FOR YEAR ENDING JUNE 30, 1983

Mr. Steve Zink, Audit Manager with the CPA firm of Fox & Co., introduced a partner in their firm, Dennis Robbins, and then presented the final version of the June 30, 1983 Comprehensive Annual Financial Report of Bountiful City. He commended the City for being issued a Certificate of Conformance in financial reporting for the year ending June 30, 1982 and stated there are only 4 or 5 issued in the State and Bountiful was the second city to achieve this recognition. Mayor Pro Tern Linnell recommended that the City Council be given some time to study this 96-page report prior to approval, which recommendation was agreed upon, and Mr. Zink then proceeded with a few highlights from the report. He first referred to the General Fund and pointed out the high cost of flood damage, the expenditures in excess of revenues being \$631,000 and flood control expense amounting to \$993,000, leaving a fund balance of \$7,996 in the Gen. Fund. In the Redevelopment Agency Fund, the expenditures are in excess of revenues in the amount of \$246,000 caused primarily by the purchase of

land in the early part of the fiscal year, and there is an ending fund balance of \$1,018,000. The Debt Service Fund reflects overall expenditures in excess of revenues of \$112,000, the General Obligation Bonds Debt Service Fund reflecting a balance of **\$110,000** whereas the Redevelopment Agency Debt Service Fund balance totals \$2,972. The Capital Projects Funds show revenues in excess of expenditures of **\$504,000** and a fund balance of **\$1,980,000**. In the Special Assessment Funds, there were revenues in excess of expenditures amounting to **\$33,000** and a fund balance of **\$79,000**; and the Enterprise Funds show a net income of **\$2,085,000**, retained earnings of \$14,753,000 and total fund equity of \$24,387,000. Mr. Zink reported that all funds except the Recreation Fund had reasonable amounts of net income and return on fund equity for the year, the Recreation Fund incurring a net loss of **\$107,000** and an accumulated deficit of \$322,000 at year end. He explained that the financial resources for the Enterprise Funds were generated primarily from operations and these were used to acquire new property and equipment, and to increase the restricted assets in the Enterprise Funds. At the conclusion of Mr. Zink's presentation, Councilwoman Southwick asked for his recommendation in improving the Recreation Fund situation. Mr. Zink said they would be submitting a letter that would incorporate suggestions for the Recreation Department. Mayor Pro Tern Linnell asked that Mr. Zink contact the Mayor, who is chairman of the Finance Committee, to schedule a meeting with this committee prior to December. Mr. Hardy made additional comments and clarifications on the Recreation Funds, after which Mayor Pro Tern Linnell thanked Mr. Zink for his presentation of the financial report.

CITY COUNCIL ACCEPTS LOW BID OF MC NEIL CONST. CO. FOR
CULVERT REPLACEMENTS AT 100 NO. AND 200 NO. ON BARTON CREEK

Mr. Balling presented a tabulation of the bids received on the culvert replacements at 100 No. and 200 No. streets on Barton Creek. He reported that the low bid was submitted by McNeil Const. Co. in the amount of \$46,947.00 and he recommended this bid be accepted. On a motion made by Councilman Allen and seconded by Councilman Hill, unanimous approval was given to accept the low bid of Mc Neil Const. Co. for these culvert replacements.

MR. BALLING REVIEWS STATUS OF FLOOD REPAIR PROJECTS;
TELLS OF COSTS AND FUNDS REQUESTED FROM COUNTY

Mr. Balling had distributed copies of a tabulation of all flood repair projects under construction and reported, for the Council's information, that this tabulation was submitted to the County for County funds to pay the contractors and engineering companies. He reviewed the present status of these projects and the projected time estimate for completion. He mentioned that the approximate total on the Stone Creek project is 3/4 million dollars and is 1.5 million dollars on the Barton Creek project. He said the County is agreeable to the funds requested to date, all funds totaling \$545,942.00.

PALMER-WILDING AGREEMENT APPROVED FOR
ENGINEERING SERVICES

An agreement by Palmer-Wilding Consulting Engineers was presented by Mr. Balling. He stated this is for services on the soils engineering for the Mill Creek detention basin including the drilling, and he asked for approval of this agreement. Unanimous approval was given to accept the Palmer--Wilding agreement on a motion made by Councilman Allen and seconded by Councilman Barton.

APPROVAL GRANTED FOR COOPERATIVE AGREEMENT BETWEEN
BOUNTIFUL AND STATE OF UTAH HIGHWAY DEPARTMENT ON 2600
SOUTH & ORCHARD DR. PROJECT

A cooperative agreement between Bountiful City and the State of Utah Highway Department for the engineering work on Orchard Drive and 2600 South was presented by Mr. Balling. He reviewed this agreement which includes **\$95,000** for engineering services, **\$5,000** for the work the County has done to date, and **\$10,000** for the UDOT final inspection and review of plans. Of the total amount, the federal government is financing 91.37 percent and the local government must finance the balance, or 8.63 percent, which is a cost to the city of \$9,493.00. Mr. Balling recommended the agreement be approved so this project may proceed as planned. Councilman Hill made a motion to grant approval of the cooperative agreement, as recommended, and to authorize the Mayor to sign the document. The motion was seconded by Councilman Allen and unanimously accepted.

CITY COUNCIL VOTES TO ALLOW THE OVERNIGHT PARKING
RESTRICTION TO BE ENFORCED BY AN ADMINISTRATIVE
DECISION

Councilman Barton spoke about the overnight parking ordinance and reported that the Traffic Safety Committee felt this ordinance had reference mostly to times when snow is on the street and that cars should not be cited when the roads are dry. Comments and suggestions were made by Council members, City Manager, Police Chief, Halley Thomas and Steve Neath regarding notification to the citizens of this change and the problems with enforcement. Councilman Barton made a motion to adopt the policy that cars not be ticketed between November 1st and March 31st between the hours of **2:00** to **6:00** a.m. unless there is snow covering the street. Mr. Forbes expressed his concern in making this change in enforcement of the ordinance and proposed that this be an administrative decision. With the acceptance of Mr. Forbes' recommendations by Councilman Barton, the motion was seconded by Councilman Hill and favored unanimously.

MR. BALLING REPORTS ON THE DELAY OF THE BOUNTIFUL
BLVD.-MILL CREEK PROJECT AND TELLS OF PLANS FOR
CONSTRUCTION OF DEBRIS BASIN

Mr. Balling referred to a bid opening last May 24th for the storm detention basin on Bountiful Boulevard and Mill Creek, and reported that Foss Lewis and Sons Const. Co. submitted the low bid for \$148,400. He spoke of a commitment from Davis County Flood Control for **\$56,000** for this project and

reported that the developers posted **\$90,000** and the City was originally to absorb the additional funds necessary to complete construction. He explained the plans on how this detention basin was to function and stated that this project had not proceeded due to the flood damage that was incurred within a week of the bid opening. He further explained the need for changing the plans in view of the damage incurred on Stone Creek as a result of the flood, and reported that with the aid of the State Engineer, revised drawings have been made for a debris basin. He said the plans have been submitted to the State Engineer for approval and he asked for authorization to have Foss Lewis & Sons Const. proceed with this project. He mentioned that the contractor has agreed on the same contractual prices with exception of items changed in the plans, which Mr. Balling explained in detail. He reported that he had informed the County that the change in plans would necessitate an additional **\$25,000** to **\$30,000** on the culverts and spillway and they agreed to fund that portion of the project; therefore, there will now be no additional expense on the part of the City.

INFORMATION GIVEN BY MR. BALLING ON TERMS OF AGREEMENT
FOR OBTAINING NECESSARY PROPERTY FROM NORM DOBSON FOR
THE DEBRIS BASIN

As a matter of information in connection with the debris basin, Mr. Balling referred to three acres of property owned by Norm Dobson which will be needed for this construction and stated Mr. Dobson has agreed to give this property to the City and sign the documents with the stipulations that the City will provide him with a letter of intent to condemn the property and the City reimburse him for an overpayment on storm detention in the amount of \$18,057 which was made at the time Maple Hills Plat 3 was filed. Mr. Balling explained how this overpayment occurred and why Mr. Dobson had not brought it to his attention previously. He reported that Mr. Dobson is willing to accept this repayment over a 10-year period and he referred to copies of a tabulation he had given the City Council members listing the lots on which the **\$150.00** per acre has been paid to date, totaling \$3,082.50. Mr. Balling explained the terms of the agreement for reimbursement to Mr. Dobson and said upon execution of the agreement he will deed the City the property for the debris basin. He reported that Mr. Dobson signed a letter of intent to allow the City to proceed with construction on the basis outlined.

BID AWARDED FOSS LEWIS & SONS CONST. CO. FOR
CONSTRUCTION OF DEBRIS BASIN AT BOUNTIFUL BLVD.
AND MILL CREEK

Mr. Balling recommended that the City Council award the contract to Foss Lewis & Sons Const. Co. based on the bid that was submitted May 24, 1983 in order that construction may proceed on the debris basin at Bountiful Blvd. & Mill Creek. Councilman Hill made a motion to accept Mr. Balling's recommendation for award of the bid and to proceed with the project as outlined. Councilman Barton seconded the motion which carried unanimously.

CONFIRMATION AND APPROVAL GIVEN CANVASS OF ELECTION RETURNS

Mr. Jenson explained the canvass of election procedures and stated that the tally shown on the sheets he had distributed was correct. He reported that he and Vernile Hess had double checked all tally lists and had discovered two errors, one being that Keith Barton lost 5 more votes for a final count of 2,820, and the other being that Breck England lost 10 votes resulting in a final count of 1,536. He asked for confirmation and approval of the tabulation of election returns and the canvass. A motion to confirm and approve the tabulation and canvass of election returns was made by Councilwoman Southwick, seconded by Councilman Allen and passed on a majority vote, Councilman Barton abstaining.

BID AWARDED TO CAPITAL ROOFING SERVICE FOR NEW ROOF ON POWER PLANT

Mr. Hardy reported on bids received for repairing the roof of the power plant. He said four bids were received and the recommended low bid was submitted by Capital Roofing Service in the amount of \$8,696.00. Mayor Pro Tern Linnell reported that this bid had the unanimous recommendation of the Power Commission. A motion to accept the recommendation for awarding this bid to Capital Roofing Service was made by Councilman Allen, seconded by Councilman Hill and unanimously approved.

COUNCIL MEMBERS INQUIRE ABOUT SCHEDULE FOR APPOINTING NEW POWER DEPT. MANAGER

Councilman Hill inquired about the timeframe for selecting a new Power Dept. Manager and Mr. Hardy explained that this is in the process and is still scheduled for November 28th but may have to be rescheduled for a later date. After a further inquiry by Councilman Allen in this regard, Mr. Hardy stated that this matter may have to be delayed until the 2nd or 3rd of December.

CITY COUNCIL INFORMED OF FUTURE MEETINGS

Mr. Hardy informed the City Council there would be an RDA meeting next week, that there would be a meeting November 21st or 22nd for the industrial revenue bond hearing, and that the next regular City Council meeting would be held December 7th.

The meeting was adjourned at 9:53 p.m. on a motion made by Councilman Allen and seconded by Councilman Hill.

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MAYOR


CITY RECORDER