

Minutes of the regular City Council meeting held May 12, 1982 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stable
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, Paul B. Allen and Bob Linnell
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
Planning Director:	Jon Reed Boothe
City Recorder:	Arden F. Jenson
Deputy Recorder:	Mark O. McRae
City Treasurer:	Ira H. Todd
Recording Secretary:	Nancy T. Lawrence

Mayor Stable led the pledge of allegiance to the flag, after which the invocation was offered by Harold Pope, former mayor of Bountiful.

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 April 28, 1982 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Barton.

EXPENDITURE REPORTS FOR MONTH OF APRIL AND PERIOD APRIL 1-30, 1982 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period April 1-30 in the amount of \$164,330.24 and on a motion made by Councilwoman Southwick and seconded by Councilman Allen, these expenditures were unanimously approved. The Summary of Expenditures for the Month of April was then reviewed and unanimously approved on a motion made by Councilman Barton and seconded by Councilman Hill.

RES. NO 82-4 PROVIDING FOR ACCEPTANCE OF PETITION FOR ANNEXATION APPROVED (AREA SOUTH OF VAL VERDA)

Mr. Hardy explained that a neighborhood group, headed by John Palmer, from the area south of Val Verda and contiguous to North Point Cove have requested consideration for annexation to Bountiful. Mr. Balling defined the area to be considered and stated that well over two-thirds of the property owners in this area have signed the petition (79 signatures; 46 did not sign). Mr. Forbes reviewed the proper procedure for considering annexation, following which Councilwoman Southwick made the motion that Resolution No. 82-4 accepting the Petition for Annexation for the purpose of preparing a Policy Declaration be approved and that the Mayor be authorized to sign the resolution. Councilman Linnell seconded the motion which carried unanimously.

PUBLIC HEARING SET TO CONSIDER POLICY DECLARATION: JUNE 23, 1982, 7:30 P.M.

Discussion followed regarding what arrangements, if any, had been made for utilities in this area and Mr. Balling explained that the water and sewer would be handled by other agencies; however, arrangements would most likely be made for Bountiful to provide electricity. Councilman Allen made the motion that a public hearing be scheduled for June 23, 1982 at 7:30 p.m. for the purpose of considering the Policy Declaration. Councilwoman Southwick seconded the motion and voting was unanimous.

FIREWORKS ORDINANCE NO. 82-9 APPROVED

Mr. Forbes reviewed Ordinance No. 82-9, the proposed fireworks ordinance as revised from previous Council discussion, entitled "AN ORDINANCE AMENDING TITLE IV OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY ADDING A NEW

CHAPTER TO BE DESIGNATED AS CHAPTER 13 RELATING TO THE REGULATION OF FIREWORKS AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH". Discussion focused on the regulations attached to temporary stands and Councilman Linnell made the suggestion that the ordinance be revised to allow for the sale of sparklers (those fireworks which do not leave the ground) from temporary stands until July 31 to permit these stands to dispose of their inventory. Question was also raised as to regulation of temporary stands in general--not just for the sale of fireworks--and it was determined that the Planning Commission should consider this matter, to include the definition of "temporary". Councilman Linnell made a motion to approve Ord. No. 82-9 as presented, with the stipulation that the date be changed to July 31st as discussed above, and that the Mayor be authorized to sign it. Councilman Allen seconded the motion, requesting that paragraph 12 on the last page be clarified to read "sparklers may be sold from temporary stands as provided herein within the city of Bountiful during the period beginning...". This motion was unanimously approved.

**LEASE RENEWED WITH H. OLSEN ON PROPERTY NEAR BARD**

Mr. Hardy said that Halvor Olsen has a current lease on city property located near the BARD which he uses for grazing. Mr. Hardy noted that the property is not useful to the city for any other purpose in its present condition and stated that Mr. Olson would like to renew his lease on the property under the present rate and have it renewable at the city's option on a year-to-year basis from hereafter. Councilman Allen made the motion that the lease be renewed at its present rate and that the Mayor be authorized to sign it. Councilman Barton seconded the motion which carried unanimously.

**C.A. STEVENSON AWARDED BID TO DRILL WELL, ON KENT C.ELLE BELNF**

Mr. Balling explained that bids have been received from five contractors for drilling a well in the Kent Creek branch of Millcreek. The low bid was received from High Plains Drilling of Rexburg, Idaho; however, in discussion with the other bidders and with Mr. Frandson, owner of High Plains Drilling, it is questionable that the well can be drilled as specified in that bid. Mr. Frandson subsequently released the city from his bid and it is recommended that the bid be awarded to the second lowest bidder, C.A. Stevenson from Fillmore, in the amount of \$43,100. Councilman Hill made the motion that the Stevenson bid be approved, Councilman Linnell seconded the motion and voting was unanimous. Mr. Forbes recommended that a written release be obtained from Mr. Frandson.

**MR. FORBES TO CONTACT fIDUBTY RE: POSSIBILJTY OF LEVYING ASZLESBEaT AGAINST PROPERTY To PAY FOR CONCRETE REPAIRS**

Mr. Balling provided copies of Ord. No. 75-3 as it relates to concrete improvement cooperative agreement between the city and homeowners and he briefly explained that this ordinance provides for the city to participate 50 percent with homeowners in replacement and repair of concrete which abuts their property. He said that some of the people contacted this year regarding this work have indicated that they are not interested in having the concrete work done because of an inability to pay for it; others have expressed a willingness to participate with the city, but have requested a time-payment plan instead of a lump-sum payment. The question before the Council is: should the city become more determined in its effort to replace bad concrete? And if so, what conditions for payment could be made? Mr. Forbes stated that in his judgement the ordinance provides for a levy to be placed against the abutting property and paid with the taxes within a five-year time. However, the County has never had this circumstance arise and he suggested that he address the question to the County Assessor and Treasurer. They would then ask for an opinion from the County Attorney and if he concurs, they would suggest that the city could use this means of financing the concrete work. Mr. Balling noted that the cost of repairs would be in the general range of \$50 to \$300. Inasmuch as the city is partially liable for accidents which may result from the damaged concrete, and upon the recommendation of the city attorney in cases where the damage is very serious, it was the concensus of the Council that the County should be contacted to determine if a levy could be assessed to the tax

rolls and authorization was given for the staff to proceed in this direction. Councilman Hill also recommended that if there is a problem with this means of financing, that other options should be considered.

**NORTH CANYON ESTATES AMENDED PLAT A GIVEN FINAL ACCEPTANCE**

Mr. Balling reported that the developer of North Canyon estates Amended plat HA" (above 400 East on 3200 South) has installed all of the improvements and that this subdivision meets all of the city's requirements and he recommended that the subdivision be given final acceptance. This recommendation was unanimously upheld on a motion made by Councilman Hill and seconded by Councilwoman Southwick.

**SIX PERCENT WAGE INCREASE FOR CITY EMPLOYEES APPROVED FOR MAY j. 1982.**

Mayor Stahle stated that there is an anticipated surplus in this year's budget of \$46,610.00 and he proposed that this money be used as a six percent wage increase for city employees effective immediately (May 1, 1982). Councilman Barton made a motion to this effect, Councilwoman Southwick seconded the motion, and voting was unanimous.

**COUNCIL AppEDRE5 PURCHASE OF USED TRACTOR FROM IML TO BE USED BY EIRE DEPT. ON TANKER**

Mr. Hardy explained that in an effort to reduce costs, that a used MAC tractor unit be purchased from IML (\$4,200) to be used for the Fire Department tanker. He said that the tractor has been inspected by city personnel and is considered to be in good condition; customizing of the unit and transfer of the existing tanker can be done in-house. He recommended that \$6,000 be appropriated to purchase this tractor and provide for transferring the tanker unit and noted that the 1982-83 budget could then be reduced by \$30,000. Councilman Linnell made the motion that this recommendation be ratified, Councilwoman Southwick seconded it and voting was unanimous.

**DISCUSSION ON AIR PRODUCTS AGREEMENT POSTPONED**

Consideration of the electrical service agreement with Air Products was postponed to permit this matter to be discussed by the Planning Commission.

**MR. HARDY REVIEWS UTILITY AND OTHER ENTERPRISE FUND BUDGETS**

Mr. Hardy reviewed the utility and other enterprise fund budgets for 1982-83 as set forth and tentatively approved in the minutes of April 28, 1982. He noted that there are no increases in utility rates, except for \$.50 on the water bill which will help to offset the 33 percent increase in the cost of water received from Weber Basin. There is no increase in general admission fees at the Recreation Center for the pool or ice rink, nor for the golf course except on weekends. Cemetery fees have been increased consistent with expected inflation.

**ENTERPRISE FUND BUDGETS APPROVED**

Mr. Hardy stated that Reserve for Replacement funds have been established for the Water, Sewer, Golf Course, Cemetery, and Recreation Funds; and that consideration needs to be given to establishing a reserve fund for the Sanitation Department and the Power Department. He noted that each enterprise fund budget was discussed at length by the respective committees and recommended that they be approved. This recommendation was unanimously upheld on a motion made and seconded by Councilmen Linnell and Allen, respectively.

**RES. NO. 82-5 ADOPTED TO PROVIDE FOR NEW FORMULA FOR DISTRIBUTION OF REVENUE FROM POWER DEPT.**

Mr. Hardy reported that the Power Commission has studied the formula for making transfers from the electrical fund to different funds for which revenues have been pledged and he recommended that a resolution be adopted implementing a transfer based on the percentage of gross revenues from electrical sales as follows (effective for the 1983-84 budget year): 5 percent to Capital Improvements; 15 percent to the General Fund; and 10 percent for Future Power Resources. Councilman Linnell made a motion that Resolution No. 82-5 be adopted and the Mayor authorized to sign it. Councilman Hill seconded the motion and voting was unanimous.

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COUNCILMAN HILL REPORTS ON VISIT TO WASTE DISPOSAL PLANT

Councilman Hill reported that he and Councilman Barton visited a waste disposal plant at Burley, Idaho which burns 50 tons of waste per day, but shows no visible signs of anything burning. The plant was installed at a cost of \$1 1/2 million in a 63-day period and is used to generate steam.

The meeting adjourned at 8:35 p.m. on a motion made by Councilman Linnell and seconded by Councilman Allen.

*Dean S. Stahle*

MAYOR

*Allen F. Jensen*

CITY RECORDER