

Minutes of the regular meeting of the City Council held September 19, 1990 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
		Council Members: C. Harold Shafter, ReNe& Coon, Bob Gramoll, Barbara Holt, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes Asst. City Engineer: Paul Rowland
	City Recorder:	Arden F. Jenson
	City Treasurer:	Ira H. Todd
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Heads:	Dick Duncan, Streets/Sanita. Clifford Michaelis, Power Neal Jenkins, Parks/Rec.

Excused: City Engineer: Jack P. 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 Salt Lake Tribune.

Mayor Linnell called the meeting to order, following which Councilman Gramoll led the pledge of allegiance to the flag. The invocation was given by Mr. Forbes.

Minutes of the regular meeting of the City Council held September 12, 1990 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR AUGUST AND SEPTEMBER

Mr. Jenson presented the Expenditure and Expense Reports for the following periods, with respective totals: Month of August, \$2,383,110.04; September 1-12, 1990, \$99,917.23. Following a brief discussion of the expenditures and clarification by Fred Montmorency, MHT architectural firm, on the payment for the architectural services on the public works building, the expenditures were unanimously approved as presented on a motion made by Councilman Gramoll and seconded by Councilman Shafter.

PUBLIC INPUT REGARDING RDA MATTERS

Mayor Linnell explained that the Agenda being followed tonight had been revised and the public hearing which was previously scheduled had been canceled due to action by the Council in a special meeting held Monday, September 17, 1990. The public hearing had been scheduled for the purpose of opening the budget to deal with problems related to the RDA in paying off debt of \$2 million. He said that inasmuch as there were a number of citizens in

attendance who were

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interested in this issue and came with the understanding that they would be able to speak, even though the hearing was canceled, it would be appropriate for them to speak.

Councilman Gramoll stated that inasmuch as the public hearing was not on the Agenda, it was not proper to open discussion on that topic. He noted that the RDA matter was laid to rest in the Monday night meeting and no further discussion was needed.

Councilman Shafter stated that Monday night's Agenda did not contain an item to rescind the motion (see minutes of September 17, 1990) and he questioned if that action was appropriate. Councilman Gramoll made a motion to continue with tonight's Agenda; Councilwoman Holt seconded the motion.

Mr. Forbes stated that the action taken to cancel the public hearing was appropriate and the public does not have a right to give input. However, the Mayor, as the person conducting the meeting, has the right to give citizens the opportunity to speak. He further stated that inasmuch as the item is not on the Agenda, it should not be discussed by the Council or any official action taken.

Councilman Gramoll clarified that the meeting Monday night was in no way an attempt to circumvent the public hearing. The item being considered related to the November election and the timing with printing of the ballots required immediate attention. It was also clarified that the meeting was properly noticed. He said he was not opposed to hearing from the citizens; however, he felt a precedent was being set by responding to matters not on the Agenda.

Mayor Linnell stated that he would give time for a "few brief comments" and recognized State Senator Lane Beattie. Senator Beattie stated that as a citizen of Bountiful, he was opposed to the direction the RDA was taking. Then, following his Senate appointment as Chairman for Business, Labor and Economic Development, he became more knowledgeable on the RDA law (which came from California and has recognized deficiencies). He said there are a lot of questions which need to be answered and the Legislature is looking at those at the present time. He reviewed a survey which has been done of businesses considering locating in Utah, and the number three priority is resources and the infra-structure and real estate available. He noted that the purpose of RDA is to assist private industry to do what they can to bring about change.

Earl Tingey was recognized by the Mayor and he stated that it is important for the City Council and Mayor to study the RDA issue carefully and to whatever is best for the community. He expressed two concerns: (1) a lack of professionalism on the way this subject was approached; and (2) the possibility that the image of Bountiful has been tarnished. Councilman Gramoll left the meeting at this time (7:28 p.m.). Mr. Tingey emphasized that the good faith of the community is essential to success in financial dealings and he requested that the Council study items of this magnitude in greater detail prior to taking action. As a third item, Mr. Tingey complimented the Council for the many hours of work which they devote to the City.

Jack Billings questioned whether Public Meetings law had been violated with regard to the Monday night Council meeting and it was clarified that proper notice had been given.

Pearl Wendell stated that she would be willing to go along with Monday night's action. However, she urged the Council to not start any more projects [RDA] until the RDA is completely out of debt.

Dean Hill, former councilman, expressed his disappointment that Block 29 did not materialize as expected. However, he urged the citizens in attendance to become involved and assist in the project of bring life back to the downtown. He stated that "good things don't just happen; it takes time, effort, and money to make things golf.

BECK STREET CONSTRUCTION AWARDED BID FOR CITY MAINTENANCE FACILITY

Mayor Linnell opened discussion on the next agenda item and Councilman Gramoll returned to the meeting at 7:40 p.m. Mr. Hardy reported that 15 companies responded to the call for bid on the city maintenance facility, with 13 of them within 5 percent of each other. He explained that Union Pointe Construction had the lowest bid; however, the bid documents were not completely filled out (the amount of the bid should have been stated in words and numbers and the words line was left blank) and the bid was considered by legal counsel as being not complete. Therefore, it is the staff recommendation that the bid be awarded to the lowest responsible bidder, Beck Street Construction, in the amount of \$1,610,000.00 He explained that this figure includes Alternate No. 1 (landscaping and sprinkler system) which had been broken out as an alternate in the event the base project came in higher than budgeted. Inasmuch as the bids' are substantially lower than budget (\$400,000.00), it is felt desirable for the alternate to be included in the bid and not done by city departments.

Councilman Foy made a motion that the bid be awarded to Beck Street Construction, as recommended. Marvin Neff, Abco Construction and third lowest bidder, requested to be heard. Mr. Neff praised the Council for their effort to maintain the integrity of the bidding process and require completion of the bid forms. However, he pointed out that the base bid of Abco (\$1,569,700) was lower than Beck Street (\$1,570,000) and he requested that consideration be given to making the award on the base bid only, with the landscaping and irrigation system to be awarded next spring when the work will be done.

Douglas Anderson, Union Pointe Construction, stated that he had received legal counsel that his bid should be considered complete inasmuch as the purpose of including the amount in words and numbers was to resolve any discrepancies that were unclear, and the numbers on his bid form were clear and easily readable. Discussion followed between the Council and the bidders, following which Councilman Foy restated his motion (to award to Beck Street), and Councilman Shafter seconded the motion. Councilwoman Coon stated that she felt uncomfortable on the whole issue of the maintenance building in that she had never seen a complete set of plans and did not know if the project was reasonable or extravagant. At the call for a vote, the motion carried by a majority with Councilwoman Coon voting "nay".

CONSIDER ANNEXATION ORDINANCE, LEO BROWN PROPERTY

Mayor Linnell reviewed that annexation of the Leon Brown property had been tabled in a previous meeting (see minutes of September 5, 1990, page two) to permit the staff to gather information on watershed, as it relates to hillside development. That information has been obtained and he called for discussion by the Council. Councilwoman Coon stated that prior to approving annexation, she would like to have a written agreement relating to donation of the 640 acres. Mr. Hardy said it is the staff recommendation that the Council approve the ordinance, but not authorize signature by the Mayor until title to the property is conveyed. This would give the landholders the knowledge that the land will be annexed prior to them giving the land to the city. Mr. Hardy reviewed that the interest of the city in acquiring the property was not to develop or restrict its use by the public, nor to reserve it for any particular sub-set of the public.

Councilwoman Coon also expressed concern that the city is annexing additional property faster than we are prepared to provide services and Mr. Hardy responded. He stated that cities do reach a point where additional employees must be added to accommodate growth; however, that happens as a matter of course and must be handled as it is necessary. The Mayor stated that he felt the donation of the land was a coup in that it provides for (1) water redundancy, (2) a second access for this area, and (3) ownership and control of 640 acres.

Walter Plumb, III, developer, said that when the issue of retaining a small portion of the 640 acres from the donated parcel, it was because the developer was not aware of the plans the City had for the property and was concerned that it might not be open for public use. Mr. Forbes reviewed the original letter of offer to donate, which was contingent on compliance with the fire ordinance, certification, and recording of the plat and would be concurrent with exchange of the warranty deed of the 640 acres.

Lengthy discussion followed regarding the intent of the city and the developer. Councilman Shafter expressed concern that the property, if annexed, should be reserved (by deed wording) for purposes which would provide a safeguard for the watershed. Mr. Plumb suggested that the city permit a small area to be designated by resolution for limited agricultural purposes (keeping of a small number of horses--5 or 10). Councilwoman Holt asked if this type of arrangement would permit future councils to construe the intent and develop the area. Mr. Forbes stated that the deed could be written with a provision for reversion if not used as intended; however, he expressed concern that this, too, could cause problems for the city. He suggested that the full 640 acres be deeded to the City with an agreement to lease back to the developer a small portion for provisional agricultural use.

Councilwoman Holt made a motion to accept the ordinance for annexation as outlined by the staff with authorization for the Mayor to sign upon completion of the proper documents (warranty deed, etc.). Councilman Foy seconded the motion. Councilwoman Coon expressed concern regarding protection of the watershed and stated that she felt a written statement from the developer regarding the intended use of land (for agricultural purposes) should be provided to the Council prior to taking action. Councilwoman Holt withdrew her motion to provide time for

the staff to examine this issue and provide a written statement from the developer.

Councilman Gramoll stated that he felt a written statement from the developer was essential prior to approving the annexation ordinance. Mayor Linnell re-stated the motion (that the annexation ordinance (Ord. No. 90-7) be approved with authorization for the Mayor to sign after the staff requirements are met--deeding 640 acres to the city, acceptance of 160 acres for residential development, and a lease arrangement to be worked out between the staff and the developer regarding the use of the land). Councilman Shafter, Foy, and Councilwoman Holt voted "aye" and Councilman Gramoll and Councilwoman Coon voted "nay". It was first interpreted as a successful motion; however, Mr. Hardy pointed out that annexation proposals must carry with a 66 percent majority and the motion failed (60 percent majority) . (See notes at end of these minutes).

CONSIDER- STREET GRADE PROBLEM FOR TEMPLE HILL ESTATES, PLAT "A", 1400 EAST 550 SOUTH

Mr. Boothe presented the plot plan for Temple Hill Estates Plat "A", which was given final approval two weeks ago. He said that the staff has been working with the developer to make sure that the grades are proper, and it is the recommendation of the Planning Commission that an exception be granted to the Foothill Ordinance on the east 100 feet of Indian Trail Road, to permit a grade of 13.65 percent. He said that this adjustment is necessary to keep from impacting an existing 1011 culinary water line that was installed in the early 1970's at a grade approved at that time. The steeper grade will allow the road to be constructed with no impact to the water line and will also impact Plat "B" as it is developed. Following a brief discussion, Councilman Foy made the motion that the grade be accepted as presented (13.65 percent for 100 feet) . Councilman Shafter seconded the motion and voting was unanimous.

CONSIDER FINAL APPROVAL TO BIG A AUTO PARTS 1405 SOUTH 500 WEST

Mr. Boothe presented the site plan for the proposed Big A Auto Parts store at 1405 South 500 West and stated that it is th recommendation of the Planning Commission that final approval be granted subject to the following conditions:

1. All conditions for the preliminary site plan approval must be satisfied. As of this date, the engineered plan and profile drawings of the sanitary sewer in 500 West Street have not been submitted and approved. These plans must be approved prior to construction;
2. City Engineer to approve location of sanitary sewer connection with city system or with South Davis Sewer District line;
3. Construction drawings to be stamped by a licensed architect licensed to practice in the State of Utah;
4. Posting of a landscape bond to guarantee landscaping and automatic sprinkler system;
5. Dumpster to be screened with same architectural material as building;

6. Payment of the storm drain fee in the amount of \$1,411.04.

Councilman Foy asked if the problem with regard to the sewer had been resolved and Mr. Rowland stated "yes", that several suitable alternatives are available. Councilman Foy made a motion for approval, subject to the above conditions. Councilman Gramoll seconded the motion and voting was unanimous.

CONSIDER PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR PROFESSIONAL OFFICE -- 515 EAST MEDICAL DRIVE

Mr. Boothe presented the site plan for the proposed professional office of Dr. Carl Rasmussen, 515 East Medical Drive, and stated it is the recommendation of the Planning Commission that preliminary and final approval be granted subject to the following conditions:

1. Payment of a storm drain fee in the amount of \$777;
2. Payment of a culinary water fee in the amount of \$1,385;
3. Payment of a sanitary sewer fee in the amount of \$600;
4. Submit a detailed landscape and sprinkler plan and post a landscape bond in the amount of 5% of the building valuation or \$5,000, whichever is greater;
5. Plans to be stamped by a licensed architect and shall comply to all state and local codes; a building permit will be issued after a plan check by the Bountiful Building Dept.;
6. Payment of a street repair bond in the amount of \$1,242.96 to guarantee the street, sidewalk, curb and gutter will be repaired or replaced as needed;
7. Dumpster area to be screened by a 6-ft. solid wall with the same architectural features as the building;
8. If the adjacent property owners to the north do not want a solid fence, then Planning Commission recommends that it not be required. Otherwise developer to install a 6-ft. high solid fence along north property line.

The developer would like to postpone the landscaping of the rear yard for now since he plans to build an addition within a year, and he is willing to post an additional landscape bond. In the event he does not develop the property within a year, he would then put in the landscaping. The Planning Commission felt this would be alright. Also, the area in question to be cleared and maintained during the period of time if is not landscaped, for one year from date bond is posted.

Councilman Foy made a motion to grant preliminary and final approval as recommended (C.C. minutes September 19, 1990)

and Councilwoman Holt seconded the motion. Councilman Shafter asked if roof screening devices would be necessary and Mr. Boothe said "no", the building is muck like a residential home. Voting on the motion was unanimous.

CONSIDER RESPONSE TO BOUNTIFUL POST OFFICE REQUEST FOR PROPOSAL

Mr. Hardy reported that a request has come from the Post Office for the Mayor and City Council to express their concerns, recommendations, etc. regarding the proposal for a new location for the post office. They requested input from the Council regarding size, potential locations, traffic, and health, fire, and life safety conditions. In general, they requested any information the Council would like to give with regard to location and standards.

Councilman Gramoll made a motion that Bountiful respond affirmatively; that we are interested in pursuing discussion and offering up property as may be the case to encourage a favorable location. Councilwoman Holt seconded the motion which carried unanimously.

APPOINTMENT OF MAYOR PRO TEMPORE

Mayor Linnell reported that in the last meeting Councilwoman Holt had been selected to serve as Mayor Pro Tempore during his (the Mayor's) absence on October 3rd and 10th. Councilwoman Holt will also be out of town on the 3rd and the Mayor recommended that Councilman Gramoll be appointed to serve as Mayor Pro-tem for that meeting. This action was unanimously approved on a motion by Councilwoman Holt and seconded by Councilman Foy.

NOTES ON ANNEXATION-LEON BROWN PROPERTY

At this time Mr. Hardy and Mr. Forbes brought the 66 percent requirement to the attention of the Council and it was noted that the developers (who had left the meeting) would need to be notified. Councilman Gramoll stated that he could consider a positive vote if the Council had a copy of the plot plan and the written documents for their review prior to voting on the matter. Because there will not be a 66 percent majority in the October 3rd meeting, this item will be rescheduled October 10th.

EXECUTIVE SESSION SCHEDULED

At the request of the Mayor, Councilman Gramoll made a motion to approve an executive session for the purpose of discussing pending litigation. Councilman Shafter seconded the motion which carried by a majority.

POWER DEPARTMENT SAFETY TRAILER DEMONSTRATION SCHEDULED

Councilman Shafter reported from Power Commission that mention had been made regarding a demonstration of the Safety Trailer for the Council (previously scheduled twice and canceled). This demonstration will be scheduled for October 10th at 6 p.m. as a field trip to the Power Department, by consensus of the group.

The meeting adjourned to executive session at 8:48 p.m.