

Minutes of the regular meeting of the City Council held May 23, 1990 at 7:10 p.m. in the Council Chambers of the City Hall, Bountiful, Utah, following a 6:00 p.m. field trip to review Agenda items.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, Rened Coon, Bob Gramoll, Barbara Holt, and Leslie T. Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Dep. Recorder:	Lois Hoskins
	Planning Director:	Jon Reed Boothe
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Heads:	Jerry Lemon, Fire Clifford Michaelis, Power

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 Councilwoman Coon led the pledge of allegiance to the flag. The invocation was given by Councilman Foy.. Minutes of the regular meeting of the City Council held May 9, 1990 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilman Foy.

EXPENDITURE AND EXPENSE REPORTS APPROVED FOR TWO PERIODS IN MAY

Mr. Jenson presented the Expenditure and Expense Report for the Period May 1-10, 1990 in the amount of \$226,225.59, and the Report covering the period May 11-18, 1990 in the amount of \$99,514.26. He mentioned several corrections to the annotation, following which both reports were unanimously approved on a motion made by Councilwoman Holt and seconded by Councilman Foy.

AUTHORIZATION FOR PREPARATION OF ORDINANCE TO ACCEPT ANNEXATION PETITION - LEON BROWN PROPERTY

Mr. Hardy explained that an annexation petition has been received for the Leon Brown property, east of Bountiful Boulevard between 600 and 1500 South. The owners are proposing development of the western-most part of the property (less than 30 percent slope), with the remainder of the property being deeded to the City for permanent holding and open space. The matter before the Council is (1) whether or not to accept the annexation petition; and, if accepted, (2) set a public hearing to consider the request for annexation. If the annexation is approved following the public hearing, a Policy Declaration is drawn up prior to adoption of an annexation resolution.

Councilman Gramoll asked for a brief explanation of how the property is being proposed for development and Walter Plumb and Jerry Tully, representing the developers, reviewed a site plan of the 850+ acres. There will be approximately 52 lots ranging in size from 1 1/4 acres to 2 acres. It is the intent of the developer to leave existing trails to provide access to the eastern open space. Councilwoman Coon asked if there would be any expense to the city as a result of the annexation. Mr. Hardy explained that if the city opts to upgrade the reservoir to provide redundancy, the difference between the cost of the reservoir at the required size and the larger size would be the burden of the city. All other improvements would be the responsibility of the developer, working under a bond to guarantee completion.

Councilman Shafter made the motion that authorization be granted for an ordinance to accept the annexation petition and that a public hearing be scheduled for July 11, 1990 at 7:30 p.m. to consider the annexation request. Councilman Gramoll seconded the motion which carried unanimously.

PRELIMINARY AND FINAL APPROVAL GRANTED TO SITE PLAN FOR TUELLERIS INK ADDITION - 365 NO. 200 WEST

Mr. Boothe reviewed the site plan for the proposed addition to Tueller's Ink, 365 North 200 West and reported that it is the recommendation of the Planning Commission that preliminary and final approval be granted subject to the following conditions:

1. Storm Drainage. The site plan does not show the finish site elevations, and from the notes it appears the building is below the street elevation. This is in Flood Zone "B", which has a sheet flooding to a depth of 12 inches. The plans must show the finished elevations, and the floor elevation of the building must be set 12 inches above the parking area.

Storm detention has been provided, however the finish grades must show drainage to the detention manhole and the areas curbed to prevent water from running onto neighboring properties.

2. Sidewalk Bond. A cash deposit of \$12.00 per front foot is required to guarantee the construction of the sidewalk and curb and gutter along the frontage of the property.
3. Building Code. The plans have been reviewed and the following items must be corrected:
 - a. Exterior walls must be one hour rated walls;
 - b. Plumbing for barbershop needs to be clarified;
 - c. Parapets are required on walls along property lines;
 - d. Insulation around foundation wall must be shown;
 - e. Fan is required in the restrooms;

- f. Mechanical equipment details must be supplied;
 - g. Building must be accessible to handicapped. Show ramp details;
 - h. Electrical service needs to be updated and separated from the storage sheds.
4. Landscaping. A landscape bond must be posted which is 5% of the building valuation or \$5,000.00, whichever is greater.

The above conditions to be completed before a building permit is issued.

Councilman Foy stated that this item received unanimous recommendation from the Planning Commission and he made the motion that preliminary and final approval be granted as recommended. Councilwoman Holt seconded the motion and voting was unanimous.

AGREEMENT WITH MONTGOMERY ENGINEERING TO PROVIDE WATER QUALITY MONITORING AT LANDFILL APPROVED

Mr. Hardy reported that the lawsuit between the other municipalities and the BARD was settled earlier this month and Bountiful received part of the settlement proceeds which has been held in a trust pending settlement. A portion of this settlement will go toward paying for the initial water quality study which was done by Montgomery Engineering, and it is proposed that this settlement also be used to fund the semiannual sampling for the next two years. The Agreement provides that the total cost will not exceed \$63,000. In addition to providing the sampling and lab services, Montgomery will train city personnel to perform the sampling following the two-year period.

Following the review of the Agreement, Mr. Hardy reported that the staff recommends approval. Councilman Gramoll asked where reports from Montgomery would be sent and Mr. Hardy replied that they will come directly to Bountiful and it will be our responsibility to share them with the other municipalities which have been involved in the BARD. Councilman Shafter made a motion to approve the Agreement between the city and Montgomery Engineering as explained, with authorization for the Mayor and City Recorder to sign. Councilwoman Coon seconded the motion and voting was unanimous.

CONSIDER ELECTRICAL SERVICE POLICIES

This item was rescheduled to the end of the Agenda; however, inasmuch as the meeting was long (with discussion on the power rate increase continuing until 10:20 p.m.), it was approved for discussion at the next regular meeting. (See page 7, line 32).

400 NORTH IMPROVEMENT PROJECT APPROVED, DAVIS BOULEVARD TO 1250 EAST

Mr. Balling reviewed that following the public hearing on April 25, 1990 regarding the proposed 400 North improvement project, the matter was referred back to the Traffic Safety Committee for further consideration and recommendation. The Traffic Safety Committee considered two alternatives: (1) construction of a 42-ft. wide street (back to back of curb) with a 4-ft. sidewalk and a 4-ft. park strip; or (2) a 42-ft. wide street with a 4-ft. sidewalk (no park
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strip). The Traffic Safety Committee requested that the staff contact each property owner that

would be affected to determine how many would be willing to deed a 4-ft. park strip (as included in Proposal No. 1). Although five of the eight property owners on the north side of the street initially gave approval, two have retracted their deeds. None of the seven property owners on the south side of the street were interested in giving the city deed to their property.

Although the great majority of the property owners do not wish to deed property to the park strip, it is the recommendation of the Traffic Safety Committee confirmed in their first meeting, that the pedestrians be separated from the street with a park strip and that Proposal No. 1 be selected. Councilwoman Coon indicated that she had not favored Proposal No. 1, recognizing the desires of the majority of the property owners and yet accomplishing the needs of widening the street and constructing sidewalks. Councilman Foy expressed concern that when the roads are plowed in the winter, if there is no park strip, the snow is pushed on the sidewalks and pedestrians are forced to walk in the street. Councilwoman Holt affirmed this concern. As a matter of record, Mayor Linnell noted that Councilman Foy was not in attendance at the Traffic Safety Committee meeting when the matter was discussed the second time; Councilman Gramoll made the motion for approval of Proposal No. 1 and he (the Mayor) seconded it. He said that he did not remember a dissenting vote.

At the invitation of the mayor, Robert Weddington spoke on behalf of the 400 North property owners. He reported that there are 16 parcels of property owned by 15 owners. Proposal No. 1 affects all property owners adversely, with a significant impact on 10 owners. He read a letter which had been sent to the council and staff stating the position of the property owners (favoring Proposal No. 2), with the owners willing to provide an easement to the City for relocation of utilities and related facilities. Mr. Weddington corrected Mr. Balling's figures on Proposal No. 1 indicating that the Romney's (north side of the street) were the only ones who presently have shown willingness to go with Proposal No. 1. Mayor Linnell asked how Proposal No. 2 would be financed and Mr. Hardy stated that the staff would not recommend using taxpayer dollars to construct a substandard design (sidewalk next to curb). He said that if the property owners are unanimous in their feeling that they do not want their property impacted, it would be fair to have them bear the cost of the sidewalk and the city would construct the road. He emphasized that the intent of the project is to create a more safe traffic and pedestrian situation. Discussion followed regarding other areas in the city where the sidewalk is next to the curb and Mr. Balling indicated that in those cases the property owners have paid for the walk. He also stated that in recent years elimination of the parkstrip has been avoided wherever possible.

Councilwoman Holt and Councilman Shafter referred to the discussions which the Council had last fall with regard to pedestrian safety, particularly following the death of an elementary student on 1800 South. Councilwoman Coon made the motion that Proposal No. 2 be accepted, with the city bearing the full cost. This motion died for lack of a second:

Councilwoman Holt made a motion that, in the interest of safety, Proposal No. 1 be
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approved. Councilman Gramoll seconded the motion. Mr. Hardy clarified that the sidewalk would be constructed at this time for those who sign up, at no cost. The remainder of the project

would be finished in the future through a special improvement district. In response to a question from Councilman Shafter, Mr. Balling stated that the National Safety Council rates streets with a 6-ft. parkstrip (not 4-ft.) as being three times more safe. The motion carried by a majority, with Councilwoman Coon voting nay.

COUNCIL APPROVES 500 SOUTH IMPROVEMENT PROJECT-100 EAST TO 400 EAST

Mr. Balling reported that the Traffic Safety Committee reviewed the proposed 500 South improvement project (from 100-400 East) and recommends that it be approved. About 85 percent of the property owners involved have been contacted and all are willing to give the city an easement for right-of-way. It is anticipated that all owners will be supportive. Councilman Foy made the motion that approval be given to this project; Councilman Shafter seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER POWER RATE INCREASE- 1990-91 BUDGET

Mr. Michaelis, Power Department director, expressed appreciation for the opportunity to make a presentation to those in attendance regarding the proposed 14 percent power rate increase. He noted that there has not been a rate increase for the past four years, and then he reviewed the proposed revenues for 1990-91 (\$15,131,229.00). He went over the proposed expenditures, noting a proposed 49 percent increase in the cost of the power purchased from the Colorado River Storage Project (CRSP). (He explained that 29 percent has already been approved and the remainder is still pending subject to the cost of the proposed environmental impact study and repair of the Navajo dam). He also noted that there will be less CRSP power available for purchase, forcing the City to buy more expensive power from other sources. He referred to several graphs and charts regarding a breakdown of expenditures and proposed resources and urged citizens to contact their congressional representatives and request that they oppose H.R. 4498 proposed by Rep. George Miller of California. This legislation would restrict the water flows through Glen Canyon Dam and invalidate the environmental impact study presently being conducted at a cost that could reach \$27,700,000.00.

Mr. Michaelis presented a comparison of other municipal power agency rates throughout the state (with Bountiful ranking third to lowest), and noted that even with the proposed 14 percent increase, our rates will be 25 percent lower than those of Utah Power and Light. He also noted that through the revenue which is generated by BCL&P, the stockholders (residents of the community) are given a 20 percent rate of return via a 15 percent contribution to the General Fund operating budget and a 5 percent contribution to the Capital Improvements budget of the General Fund. If this revenue source were replaced by property taxes, it would require doubling the mill levy and would result in the burden being carried by property owners only and not being spread over the entire population of the City. He emphasized that the staff and Power Commission have worked diligently to provide the lowest possible rate increase and yet be able to properly maintain the system and provide for redundancy.

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At 8:20 p.m. Mayor Linnell opened the public hearing for citizens to give their input regarding the proposed rate increase. (He noted that no formal action will be taken tonight; the formal budget will be adopted on June 20, 1990 at a 7:30 p.m. hearing) . Sam Neslen pointed out

that the 6 percent franchise tax, plus the contribution to the General Fund, provides the City with a lot of benefits at the expense of the power users. He also suggested that those who are pushing the environmental studies should be the ones to fund them--not the power users.

Robert Davis voiced concern that the rate increase is being implemented in the upcoming budget, but authorization for the increase has still not been given and this could be a lengthy governmental process. He suggested waiting until the increase is firm. (Mr. Michaelis later clarified that 29 percent base rate is firm) . Russell Christen pointed out that the proposed rate increase will bring his power bill up over 350 percent (an all-electric home) , and he requested that serious consideration be given to reducing this burden on all-electric customers. John O'Hara requested that the utility bills provide customers with the dollar amount and rate of the contribution to the General Fund. He also took the position that the increase should be reflected as a tax.

Mr. Hardy went over a chart which depicted revenue needs for operation of the police, fire, street, and street lighting departments and pointed out that the revenue received from property tax would not even cover the cost of the police department. He then made a comparison of the amount of revenue which would be generated through property tax on different-valued homes and commercial properties, to revenue generated through a rate increase and returned to the General Fund as a contribution. Marvin Gardner requested consideration be given to all-electric home customers. Other total electric customers who asked for consideration were Randy Strand, Bea Oldham, Dave Coats, and Dave Piggott. George Sieb, speaking in favor of all-electric customers, suggested that an equitable solution would be to take their square footage, compare with a similar sized home that is not total electric, and return to them a portion of the 20 percent which presently is a contribution to the General Fund.

Joseph Neville commented that growth to the City will result in the need to purchase additional power at higher rates; the revenue should be classified as a tax; and, relatively speaking, businesses should not be carrying a heavier burden than residential users. Bert Alvey suggested that wind generation be considered. Berwyn Andrus asked about the status of Air Products and how they affect the load. Mr. Michaelis indicated that they are paying their way. Pearl Wendell and Jack Billings spoke to issues regarding the general power budget (to be discussed in the June 20th public hearing) and Ms. Wendell also expressed concern that a sharp rate increase could be very detrimental to small commercial customers.

DISCUSSION OF ELECTRICAL SERVICE POLICIES POSTPONED; EXECUTIVE SESSION SCHEDULED

Inasmuch as the hour was late, it was suggested that the discussion of the electrical service policies be postponed to the next regularly scheduled meeting. Councilman Gramoll made a motion to this effect and also motioned for an executive session to discuss pending litigation. Councilman Shafter seconded the motion and voting was unanimous. Councilwoman Holt asked what the effective date of the power rate increase would be and Mr. Hardy stated that it is optional, noting that the information from this hearing needs to be considered prior to implementation. Mr. Michaelis pointed out that if the increase is "effective June 1, 199011 as proposed, the new rate will not be billed until the end of June, thus giving time for further consideration.

PUBLIC HEARING ON BUDGET RESCHEDULED

Mr. Hardy explained that there will not be a quorum of the Council on June 13th and that meeting will be cancelled. Therefore, it is necessary to reschedule the public hearings. At his request, Councilman Shafter made the motion that the public hearing to consider the 1990-91 budget be rescheduled to June 20, 1990 at 7:30 p.m.; and that the public hearing for the purpose of considering changes, increases, or decreases, in revenues and expenditures of the 1989-90 budget be rescheduled for June 20th at 8:00 p.m. Councilman Foy seconded the motion and voting was unanimous. These hearings will follow the Redevelopment Agency budget meeting scheduled at 6:30 p.m.

The meeting adjourned to executive session at 10:25 p.m.

Attendance at Executive Session:

Mayor Linnell

Councilmembers Shafter, Coon, Gramoll, Holt, and Foy

Tom Hardy

Layne Forbes