

Minutes of the regular meeting of the City Council held January 24, 1990 in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell	
	Council Members:	C. Harold Shafter, Rened Coon, Bob Gramoll, Barbara Holt, and Leslie T. Foy	
	City Attorney:	Layne B. Forbes Asst. City Eng.	Paul Rowland
	City Recorder:	Arden F. Jenson	City Treasurer: Ira H. Todd
	Planning Director:	Jon Reed Boothe	
	Rec. Secretary:	Nancy T. Lawrence	
	Dept. Heads:	Mark McRae, Informa. Process. Cliff Michaelis, Power	
Absent:	City Manager:	Tom Hardy	
	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 Councilwoman Coon.

Minutes of the regular meeting of the City Council held January 17, 1990 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

#### EXPENDITURE AND EXPENSE REPORT APPROVED FOR PERIOD JANUARY 12-18, 1990

Mr. Jenson presented the Expenditure and Expense Report for the Period January 12-18, 1990, with total expenditures of \$294,843.04. He responded to questions from the Council, following which the report was unanimously approved on a motion made by Councilman Gramoll and seconded by Councilwoman Holt.

#### AUDIT MANAGEMENT LETTER PRESENTED

David Toone, representing Deloitte and Touche, reviewed the management letter, which was the culmination of the independent audit activities for the 1988-89 fiscal year audit. He noted that none of the items listed indicated material weakness, but are items which could be considered at a future time to enhance administrative and operational matters of the City. Mayor Linnell explained that the recommendations made by the auditors will be discussed by the Finance Committee after the Council retreat in February.

#### ORD. NO. 90-1 AMENDING LOCAL OPTION SALES TAX ADOPTED

Mr. Forbes referred to a letter from the office of the Utah State Tax Commission which  
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verified that the Legislature is returning to the City the 1 percent local sales tax which was levied eight years ago and has been used by the State since that time. He reviewed Ordinance No. 90-1, entitled "AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL SALES AND USE TAX, PROVIDING FOR THE PERFORMANCE BY THE STATE TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF A SALES AND USE TAX HEREBY IMPOSED, PROVIDING PENALTIES FOR THE VIOLATION THEREOF", and explained that the amount of sales tax levied will remain constant, but will be allocated differently between the City and State. Councilman Shafter made the motion that Ord. No. 90-1 be adopted and that the Mayor and City Recorder be authorized to sign it. Councilwoman Holt seconded the motion which carried unanimously.

#### REPORT FROM TRAFFIC SAFETY COMMITTEE--- HORSE-DRAWN CARRIAGES

Mr. Rowland reported that the Traffic Safety Committee discussed the request for a horse-drawn carriage operation in Bountiful and recommended approval of this business pending successful completion of the following five conditions:

1. The operation be kept within the following area: 100 West to 300 East, 400 South to 300 North. If there is a need to go out of this area, the police should be notified and they will grant approval after adequate precautions are taken.
2. The operations will be from 6:00 p.m. to 11:00 p.m., or time limit established by Council.
3. The use of alcoholic beverages in the carriages shall be subject to the state and city laws.
4. The carriage waiting area will be next to the tabernacle on either Center Street or 100 South Street in areas which will not conflict with traffic.
5. The equipment and animals shall meet all conditions of Salt Lake City ordinance and state vehicle traffic safety.

It was noted that the Salt Lake City ordinance regulating this type of business is about 25 pages long.

Councilman Gramoll reported additional concerns discussed by the Committee and he emphasized that prior to approval of the business, all details of operation and control must be properly defined. He then made the motion that further action on this matter be tabled to permit additional research. Councilwoman Holt seconded the motion and expressed concern that this type of business might possibly be a causation factor with traffic accidents. Councilman Shafter said he was concerned about the request for an exclusive license for this business. Mr. Forbes clarified that prior to approval of a business license, the Council will need to adopt an ordinance

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regulating this type of business. Voting on the motion was unanimous.

#### APPROVAL GIVEN TO AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION, UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS

Mr. Michaelis reported that the Power Commission has reviewed and recommends for approval an amended and restated Agreement for Joint and Cooperative Action between Bountiful and Utah Associated Municipal Power Systems (UAMPS). He explained that this Agreement (which has a term of 50 years) will replace the original agreement with UAMPS (1980) and provides that Bountiful will have a permanent position on the Board of Directors for UAMPS inasmuch as it has one of the top four systems in the State. Mr. Michaelis briefly reviewed the purpose of UAMPS, following which Councilman Gramoll made the motion that the UAMPS Agreement be approved as presented and authority given to the Mayor and City Recorder to sign it. Councilman Shafter seconded the motion and voting was unanimous.

#### "NO PARKING" SIGNS & MARKINGS AND STOP SIGN APPROVED AT 1000 NO CHAPEL DR.

Mr. Rowland reported that the Traffic Safety Committee considered a request for a "No Parking Zone" on the south side of 1000 North from Chapel Drive west to the first driveway and a stop sign on Chapel Drive at 1000 North. It is the Committee recommendation that due to the high volume of traffic generated by the high school, and the poor sight distance at this intersection, this request be approved. Following a short discussion, Councilman Gramoll made the motion that this recommendation be upheld. Councilman Shafter seconded the motion with the stipulation that the curb also be painted 30 feet south of the stop sign on Chapel Drive. The motion carried unanimously.

#### REQUEST FOR STOP SIGN AT 1500 SO MILLSTREAM DRIVE TABLED FOR FURTHER COMMITTEE CONSIDERATION

Mr. Rowland reported that the Traffic Safety Committee considered a request for a stop sign and stop bar at 1500 South Millstream Way and due to the poor sight distance to the east because of a block wall and the curve of the street, it is the recommendation of the Committee that approval be given. It was noted that it is the recommendation of the Police Chief that the stop sign be approved. David Piggott, a resident of this area, objected to the stop sign, and asked if a "Yield" sign would not accomplish the same purpose. Councilman Foy made a motion for approval as recommended, and Councilwoman Coon seconded the motion. Following further discussion, this motion and second was withdrawn and Councilman Gramoll made a motion to table action this evening to permit the Traffic Safety Committee to further consider the request and give opportunity for input from Mr. Piggott and others, if interested. Councilman Shafter seconded the motion which carried unanimously. Mr. Piggott is to be notified of the Traffic Safety Committee meeting.

#### CITY ENTRANCE SIGN BIDS DISAPPROVED: TO BE RE-BID

Mr. Rowland reviewed that, following a lengthy study process by the previous Council, bids were requested for city entrance signs. When the bids were received, they were much higher  
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than the architect's estimate and the budgeted amount. In a meeting between the low bidder, the

architect and the City Engineer, changes on the proposed signs were proposed which would bring the cost more in line with the budget. He reviewed the proposed changes, following which the Mayor reported that it is the staff recommendation that these changes be incorporated and the three large signs approved, with additional funding to be included in next year's budget, if desired by the Council, for the remaining three small signs. (With the proposed changes, three large signs could be constructed, within budget, in place of three large signs and three smaller signs as originally planned).

Councilman Gramoll said that inasmuch as we would be getting only half the signs and they would be of a lesser quality, he would rather have the three signs re-bid so that the process would be based on a competitive bid and not a negotiated bid. He made a motion that the revised bid as presented be disapproved. Councilwoman Holt seconded the motion and discussion followed. It was suggested that three signs be re-bid, with the intent to stay within the \$45,000 budget, and that the final renderings be brought back to the Council before the bids are requested. The motion carried by a majority; Councilman Shafter voted "nay".

#### PRELIMINARY AND FINAL APPROVAL GRANTED TO AUTO ZONE DISCOUNT AUTO PARTS, 615 SO 500 WEST

Mr. Boothe presented the site plan for Auto Zone Discount Auto Parts, 615 South 500 West, and stated it is the recommendation of the Planning Commission that preliminary and final approval be granted to this business, subject to the following conditions:

1. Payment of a storm detention fee of \$1,607.00;
  2. Approval in writing of site plan by Davis County Flood Control;
  3. Deeding a 20-ft. wide easement along south side of Mill Creek to Davis County for access to creek;
  4. Payment of a culinary water fee in the amount of \$1,385.00 for a 1-inch water meter. The City will install the water line from the main to the water meter and set the meter box. Owner/developer to install said line from meter to building;
  5. Payment of a sanitary sewer fee in the amount of \$600.00. Sewer contractor must be bonded and licensed to work in Bountiful. An excavation permit must be obtained before work can begin;
  6. Final site plan to show the following in addition to what is presently indicated: specify parking lot thickness; concrete curbs and gutters to show finished grades and elevations with a minimum 1% slope; ordinance requires the perimeter of all parking and landscape areas have a concrete curb or curb and gutter; plans to show complete structural design and electrical, plumbing, heating, and mechanical details;
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7. Provide to the City a 7-ft. wide utility easement across the property frontage;

8. Payment of all required fees, posting of a landscape bond, and a cash deposit to guarantee the integrity of the existing curb, gutter and sidewalk. Landscape bond to be cash or surety in the amount of \$5,000 or 5% of the site development cost, whichever is greater;
9. All roof mounted mechanical equipment to be screened from public view by parapet wall or other approved screening device.

Councilman Gramoll expressed concern that the fence along the channel could be damaged by vehicles as they are parked, and Mr. Boothe suggested that bumper guards could be required to protect the fence (which is constructed on top of a concrete wall approximately 4-ft. high). Councilman Shafter made the motion that preliminary and final approval be granted as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

Terry McKee, representing Auto Zone, was in attendance and verified that the nine items listed above were those discussed in Planning Commission meeting.

#### H. KEITH BARTON APPOINTED TO POWER COMMISSION

Mayor Linnell recommended that H. Keith Barton be appointed to serve on the Power Commission for a four-year term commencing January 15, 1990 and terminating January 15, 1994. He noted that Mr. Barton served on the Power Commission in the capacity of City Council representative for the past four years and this appointment will help to provide continuity for the Commission. Councilman Shafter made the motion that Mr. Barton be appointed as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

#### EXECUTIVE SESSION SCHEDULED

At the request of the Mayor, Councilman Foy made a motion that an executive session be held for the purpose of discussing personnel. Councilwoman Coon seconded the motion and voting was unanimous.

The meeting adjourned to executive session at 8:30 p.m. with attendance as follows: Mayor Linnell, Councilmembers Shafter, Coon, Gramoll, Holt, and Foy. Open session of the meeting reconvened at 9:03 p.m.

**CITY MANAGER CONTRACT RENEWED** As discussed in executive session, Mayor Linnell called for a motion to renew the three-year contract between the City and Tom Hardy, City Manager. The contract period is from January 1, 1990 to December 31, 1992, with terms and conditions as discussed. Councilman Shafter made the motion that the contract with Mr. Hardy be renewed, and Councilman Gramoll seconded the motion. Voting was by a majority with Councilwoman Coon voting nay.

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The meeting adjourned at 9:05 p.m. on a motion made by Councilman Gramoll and seconded by Councilman Shafter.

