

Minutes of the regular meeting of the City Council held April 4, 1990 in the Planning Conference Room of the City Hall, Bountiful, Utah.

Present: Mayor: Bob Linnell
Council Members: C. Harold Shafter, Rene6 Coon, Bob Gramoll,
Barbara Holt, and Leslie T. Foy
City Manager: Tom Hardy
City Prosecutor: Russell Mahan
City Engineer: Jack P. Balling
City Recorder: Arden F. Jenson
City Treasurer: Ira H. Todd
Planning Director: Jon Reed Boothe
Rec. Secretary: Nancy T. Lawrence
Dept. Heads: Dick Duncan, Streets/Sanita.
Cliff Michaelis, Power
Dave Wilding, Water/Sewer

Absent: City Attorney: Layne B. Forbes

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 the invocation was given by Councilman Shafter.

Minutes of the regular meeting of the City Council held March 28, 1990 were presented and unanimously approved as corrected on a motion made by Councilman Gramoll and seconded by Councilman Foy.

EXPENDITURE AND EXPENSE REPORT

There were no expenditures presented for approval.

JERRY LAWRENCE APPOINTED TO SERVE ON POWER COMMISSION - UNEXPIRED TERM OF THE LATE HAROLD POPE

Mayor Linnell stated that due to the recent death of Harold Pope, Chairman of the Power Commission, it is necessary to appoint a new commissioner to serve Mr. Pope's unexpired term. He recommended that Jerry Lawrence, former councilman and power commissioner, be appointed to serve in that capacity. Councilman Gramoll made the motion that the recommendation of the Mayor be accepted and that Jerry Lawrence serve the unexpired term of Mr. Pope, until January, 1991. councilman Foy seconded the motion and voting was unanimous.

THREE MEMBERS APPOINTED TO SERVE ON BOUNTIFUL HISTORICAL PRESERVATION COMMISSION

Mayor Linnell reported that Councilman Foy, chairman of the Bountiful Historical
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Preservation commission, has requested that three vacancies on that body be filled. The three names presented by Councilman Foy are: Gary Peterson, Irvin Ratcliffe and Gordon Irvine. The Mayor said he endorses Chairman Foy's recommendation of Mr. Ratcliffe and Mr. Irvine; however, Mr. Peterson does not live within the city limits of Bountiful and he feels that appointments to city boards and commissions should be given to Bountiful residents.

At the invitation of the Mayor, Councilman Foy gave the following reasons why he had suggested the name of Mr. Peterson: (1) he has a business which deals with historical goods; (2) he has published several books related to historical research and preservation; (3) he has served actively and with dedication on this board previously; (4) he has served on an intensive level of various communities throughout the State; (5) he has attended State Certified Local Government meetings; and (6) in general, he would bring expertise and commitment to the committee which is greatly needed.

Mayor Linnell requested that the names of Mr. Ratcliffe and Mr. Irvine be considered first. Councilman Shafter made a motion to approve the recommendation of the Mayor that these two men serve on the Bountiful Historical Preservation Commission. Councilman Gramoll seconded the motion and voting was unanimous.

Councilman Foy then made the motion that Mr. Peterson be named to serve on the Commission, noting that he would give great help on the upcoming centennial celebration. Councilman Shafter seconded the motion and voting was unanimous.

PROPOSED AGREEMENT WITH WEST BOUNTIFUL TO USE BOUNTIFUL WATER FOR EMERGENCY TO BE GIVEN FURTHER STUDY

Dave Wilding, manager of the Water and Sewer Department, stated that the city of West Bountiful does not have culinary water storage capacity to meet the demands for fire protection as required by the National Board of Fire Underwriters for the ShopKo development. He further explained that about ten years ago Bountiful allowed West Bountiful to connect to the City water system at 500 West Center to serve West Bountiful water while their main supply line on 500 South was under reconstruction. This line, pressure control valve, and meter are still in place and can be used for their emergency water needs. West Bountiful has requested permission to use that valve in an emergency situation. Mr. Wilding reviewed a proposed Agreement which would formalize this arrangement and provide control and protection for Bountiful.

A lengthy discussion of the proposed Agreement followed Councilman Gramoll indicated that he felt uncomfortable with (1) the general philosophy of taking Bountiful water for other communities and (2) the actual mechanics of how it is to be done. He pointed out that if West Bountiful is incapable of providing the full culinary water needs, then Bountiful should have the

opportunity of providing water for the ShopKo development and benefitting from the revenue which is generated in that service. He suggested that a committee be set up to give this matter further study and a subsequent recommendation to the City Council. He made a motion to this effect, and on the recommendation of Mr. Hardy, the matter was delegated to the Water and

Sewer Committee (chaired by Councilwoman Coon) with two staff members to also serve on the committee. Councilwoman Holt seconded the motion and voting was unanimous. Mr. Hardy indicated that he will contact West Bountiful and let them know that their request is still being reviewed.

LANDSCAPING SITE PLAN FOR SHOPKO DEVELOPMENT REVIEWED

Mr. Boothe presented the site plan for the ShopKo development, 500 West 400 South, as it pertains to landscaping only. He said this plan was reviewed by the Planning Commission and it is their recommendation that approval be given to that portion of the project which is under Bountiful jurisdiction. They further strongly recommended that the West Bountiful RDA be approached and that consideration be given to providing landscaping along the boundary common with the freeway.

Councilman Gramoll reviewed that when this was previously discussed by the Bountiful City Council, part of the verbal agreement in that meeting was that the entire project should be landscaped to Bountiful standards. Councilman Shafter indicated that he would contact representatives from West Bountiful and the developers to encourage them to provide for landscaping along the freeway. Councilman Foy made a motion that approval not be granted to the landscaping site plan inasmuch as it was Bountiful's understanding that the area along the freeway would be landscaped according to Bountiful standards. He also included in his motion that a report come back at the next RDA meeting. Councilman Shafter seconded the motion and voting was unanimous.

PRELIMINARY APPROVAL GRANTED TO DON CHRISTENSEN SUBDIVISION - 1200 EAST 1800 SOUTH

Mr. Boothe presented the site plan for the proposed subdivision of Don Christensen at 1200 East 1800 South (30 lots). He reported that it is the recommendation of the Planning Commission that preliminary approval be granted, subject to the following conditions: (1) that a variance to the grade of a downhill cul-de-sac be approved to allow for this grade to be 8 percent (inasmuch as there is ample drainage area and there would not be a build-up of ice); and (2) that a geo-technical study be done of the slope of Mill Creek to determine how stable it is. Councilman Shafter made a motion of approval as recommended, Councilman Gramoll seconded the motion and voting was unanimous.

REQUEST FROM WYCAL FOR EASEMENT (NATURAL GAS PIPELINE) TABLED

Mr. Hardy reviewed the WyCal has made a formal request for granting of an easement across property owned by Bountiful in fee title for water shed purposes. Inasmuch as the Federal Energy Regulatory Commission (FERC) has not denied the request for rehearing and a toll order has been issued, and there is an oversight hearing on May 4th, there is hope that Bountiful will have an opportunity to air concerns regarding the proposed location of the natural gas pipeline. It is therefore premature for the City to issue an easement as requested. It is the staff recommendation that the matter be tabled at this time and that if WyCal proceeds with legal action to obtain the easement, that Bountiful resist that effort until the other matters are resolved. 4 (C.C. minutes April 4, 1990)

Councilman Gramoll made a motion to this effect, Councilwoman Coon seconded the motion and voting was unanimous. Councilman Shafter suggested that Bountiful's position be studied well in advance to make certain that we will be ready when our opportunity arises.

The oversight hearing will be held in the State Capitol auditorium at 9:00 a.m. on May 4th and the public is invited.

CITIZEN REQUESTS CONSIDERATION OF HIGHER CONCRETE WALL - ORCHARD DRIVE WIDENING PROJECT

Although not on the Agenda, William Stell, 270 East 1500 South, asked if he might bring a matter before the Council regarding the Orchard Drive project. He said that the concrete wall which is being constructed on his property (along the new sidewalk) will be 1 foot lower than his property and he would like permission to have a 4-foot wall constructed instead of the 3-foot wall approved on the plans. Mr. Stell expressed frustration with this situation inasmuch as it is a State project and the State will not approve a change in the wall.

Mayor Linnell referred to a property north of Mr. Stell where a 4-foot wall has been constructed and Mr. Balling clarified that the property owner worked independently with the contractor and is paying for the difference in the cost. Councilman Gramoll expressed a concern for safety in two regards: (1) a 4-foot high wall will make it hard to use the inner portion of the sidewalk; and (2) Mr. Stell has also requested that the chain link fence not be placed on the wall and Councilman Gramoll felt that if a child had access to the top of the wall and fell to the sidewalk, there could be serious injury. From an opposite point of view, Councilman Foy said that he uses that sidewalk and inasmuch as there is no park strip which separates it from the roadway, he feels that he would prefer there be no fence so that you could jump from danger.

Councilwoman Holt asked if the police chief has looked at the fences which are being constructed as they relate to sight problems and Mr. Hardy said we have adequate sight distance. He mentioned that a low car might have a sight problem with the concrete wall. Mr. Balling mentioned that every side street is stopped and if motorists use caution, there should not be any problems. The Council took no action and Mr. Stell said he would work the situation out with Mr. Balling.

STUDY SESSION TO REVIEW PURPOSE, PHILOSOPHY AND STATUS OF RESERVE FUNDS

Mr. Hardy explained that at the last Public Safety and Finance Committee meeting, Councilman Gramoll had expressed an interest in reviewing the reserve funds throughout the city. In response to that interest, he prepared a study which includes the background and philosophy of the funds and the current status of each fund. In summary, he said that the reserve funds were established to provide for a "pay-as-you-go" financial policy which allows each generation of taxpayers to pay its own fair share of the long-range cost of local government.

He reviewed the current status of nine reserve or replacement funds (Capital Improvement, Water, Sewer, Light and Power Transformer, Golf Course, Recreation Center, Landfill

Equipment, Sanitation, and Cemetery), and four reserve for future development funds (Water, Future Power, Golf Course, and Landfill Closure). He also reviewed the Cemetery Perpetual Care trust fund, Liability Insurance trust fund, and Worker's Compensation trust fund. He explained the purpose of each fund, the year it was established, the revenue source, its present balance, and the amount the fund should reach to be fully funded. Only two of these funds presently have no annual appropriations--Landfill Closure and Capital Improvement. The total amount held in reserve is \$13,628,808.00; with a projected need when all accounts are fully funded of \$47,396,393.00.

Councilman Gramoll expressed appreciation for the exceptional job Mr. Hardy did in providing this report and Councilman Shafter asked for clarification of the city's policy on the financial institutions which are selected to handle the funds. Mr. Hardy stated that the funds are placed through competitive bidding by the banks.

David Piggott, citizen in attendance, commented that the depreciation and amortization are included in the budget as expenses and Mr. Hardy noted that this is a paper loss only, with no actual funds being used. Mr. Piggott also questioned the amount of reserves held in the general fund and noted that if the reserves exceed 18 percent, they must be spent within two years. Mayor Linnell reaffirmed the city's position of "pay-as-you-go" which eliminates a need for debt service.

EXECUTIVE SESSION SCHEDULED

Councilman Shafter made a motion that an executive session be held immediately after this meeting for the purpose of discussing the acquisition of real property. Councilwoman Holt seconded the motion and voting was unanimous.

The meeting adjourned at 8:56 p.m.

Attendance at Executive session

Mayor: Bob Linnell
Council Members: Shafter, Coon, Gramoll, Holt, Foy
City Manager: Tom Hardy