

Minutes of the regular meeting of the City Council held March 14, 1990 in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	C. Harold Shafter
	Council Members:	Rene Coon, Bob Gramoll and Leslie T. Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Engineer:	Jack P. Balling
	City Treasurer:	Ira H. Todd
	Dep. Recorder:	Lois Hoskins
	Planning Director:	Jon Reed Boothe
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Heads:	Cliff Michaelis, Power
Absent:	Mayor:	Bob Linnell
	Councilwoman:	Barbara Holt
	City Recorder:	Arden F. Jenson

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.

Mr. Hardy noted that Mayor Linnell is out of town and Councilman Gramoll made a motion that Councilman Shafter serve as Mayor Pro Tempore. Councilman Foy seconded the motion which carried unanimously.

Mayor ProTem Shafter called the meeting to order, following which he led the pledge of allegiance to the flag. The invocation was given by Mr. Boothe. Staff and elected officials were then introduced to those in attendance.

Minutes of the regular meeting of the City Council held March 7, 1990 were presented and unanimously approved as corrected on a motion made by Councilman Gramoll and seconded by Councilwoman Coon.

#### EXPENDITURE AND EXPENSE REPORT FOR PERIOD MARCH 1-8, 1990 APPROVED

Mr. Todd presented the Expenditure and Expense Report for the Period March 1-8, 1989 in the amount of \$295,213.76. Mr. Hardy responded to questions from the Council regarding several expenditures, following which this report was unanimously approved on a motion made by Councilman Foy and seconded by Councilman Gramoll.

#### FINAL REPORT & RESULTS OF ECONOMIC DEVELOPMENT SURVEY & DISCUSSION, BONNEVILLE RESEARCH

Bob Springmeyer presented the final report on the Economic Development survey which was conducted by Bonneville Research. He used an overhead projector and presented a summary of the findings which were gathered through the surveys, including the following major topics:

2 (C.C. minutes March 14, 1990)

(1) what things people like best about Bountiful; (2) growth issues; (3) advantages/disadvantages to living in Bountiful; (4) tasks and activities which could be pursued to stimulate the economic strength of the community. Three major areas were identified for action: the downtown development, strengthening of existing business, and Five Points. Recommendations for each area were given on a prioritized basis and a list of businesses which would be assets to the community (produce a high tax base and added growth) was reviewed.

Councilman Gramoll complimented Mr. Springmeyer on the quality of the report; Councilman Foy recommended that a copy of the report be given to the Planning Commission and that the Council focus on implementation of recommendations made in the report. Mr. Springmeyer emphasized that one of the things which comes out of this process is political courage and he encouraged the Council to follow through with deep commitment. Councilman Foy made a motion to accept the plan as presented by Mr. Springmeyer; the motion died for lack of a second with Councilpersons Gramoll and Coon indicating that they felt no official action was necessary.

#### APPEAL OF CONDITIONAL USE PERMIT, MEMORIAL ESTATES, TABLED UNTIL MARCH 28, 1990

Mr. Hardy reported that he had notified the applicant for a conditional use permit (Memorial Estates) that the action which was taken in the Planning Commission meeting on March 6, 1990 will be appealed by the City Council. Subsequently he met with Memorial Estates and they would like to do additional research and have requested that this matter be tabled until March 28, 1990.

Mayor ProTem Shafter asked if consideration should be given to changing the ordinance so that all conditional use permit requests would come before the Council. However, following discussion, the Mayor ProTem said he would feel comfortable leaving the ordinance as it is, as long as a representative from the City Council is always in attendance at the Planning Commission meetings.

#### APPROVAL GIVEN TO REIMBURSE CHELSEA DEVELOPMENT (BRUCE BROADHEAD) FOR WATER CONNECTION FEES

Mr. Balling reviewed that when the reservoir to serve Maple Hills and Chelsea Cove was constructed by the city (1974-75), the developers (of Maple Hills and Chelsea Cove) were required to pay up front for one-half the cost of the reservoir, with the understanding that the City would reimburse the developers at the rate of \$250 per connection as homes were connected to the water system. Each developer was entitled to 300 connections. Last year approval was given by the Council to make final payment to Maple Hills for the connections which had been made and a final payment of \$17,250 was made to Norm Dobson (69 connections).

Bruce Broadhead is now requesting final reimbursement for his share of the reservoir costs in the Chelsea Cove development, with a balance owing for 91 connections at \$250 (\$22,750.00). He noted that the agreement provided that the fees would be paid to the developer  
3 (C.C. minutes March 14, 1990)

as connections were made in the Chelsea Cove development. Chelsea Cove is short by 91 connections; however, there have been about 70 connections in the adjoining subdivisions which are under the line extension of this reservoir that was paid by Mr. Broadhead. The fee for these connections was raised to \$800 per connection in 1986, and the City has collected considerably more than the pay-off to settle this agreement.

Mr. Balling said it is the recommendation of the staff to make the final payment of \$22,750.00 as requested and terminate this agreement. Councilman Gramoll said that he feels the developer has met the spirit of the Agreement and he motioned for approval of the recommendation given by Mr. Balling. Councilman Foy seconded the motion which carried unanimously.

#### PRELIMINARY APPROVAL GRANTED TO SUNSET HOLLOW, PLATS 11CII AND I'D"

Mr. Balling reported that the Planning Commission granted reaffirmation of preliminary approval to Sunset Hollow, Plats C and D, subject to the following conditions:

1. That Plats IICII and I'D" be developed at the same time to provide complete road circulation or that Plat I'D" be developed first and not to extend further than Lot 9 with a gravel turn-around with a 70-foot diameter circle.
2. That the utilities (sewer) be installed in the street and not behind Lots 17 and 18 where it cannot be serviced and will cut up the hillside vegetation.
3. That Lots 7, 8, and 9 be carefully checked to make sure that there are buildable lot sizes as defined by ordinance. A disclaimer will be required on the plot and if the lots do not have buildable space, permits will not be issued.
4. That a cut-and-fill plan be prepared to use the excavated materials to build up Lots 10 and 11 and eliminate the fill slopes on the edge of the road and make the lots usable.
5. That the cut slopes be re-seeded and a sprinkling and landscape plan be submitted for revegetation of these areas.
6. That the excessive cuts along Lots 7 and 8 be approved and the 15 percent grade on the street in this area be approved.
7. That the 54-foot right-of-way between Lots 4 and 5 be indicated as a private right-of-way and not approved for a public street.
8. That the water connection fees be paid for all lots prior to recording the subdivision plat. (This water fee is set by agreement at about \$4,000 per connection).

4 (C.C. minutes March 14, 1990)

He said that the developer, Ron Marshall (in attendance at tonight's meeting), has agreed to

comply with the outlined conditions, except for Item No. 8. Mr. Marshall has requested that the City allow him to pay the water connection fee for nine of the lots at the time of recording of the plat, with the remaining ten lots to be paid at the time the lots are sold.

Mr. Balling explained that the lots in question are part of the Creekwood water system, and the City paid off the balance of this water system (\$100,000) two years ago with an agreement that the water connection fees would be paid up front as pay-back to the City when this subdivision was developed. He said that, as a City, we would like to see this subdivision completed and receive the payment for our \$100,000 investment returned. If we can help move this development along, we will receive the pay-back sooner than if the developers cannot complete the development because of financial strain. In summary, he said that the developers will be helping the City by finishing the road through both plats, providing two areas of access.

Councilwoman Coon expressed concern about (1) the precedent which would be set in allowing the water connection fee payment to be made after recordation of the plat; (2) the steepness of Lots 7, 8, and 9; (3) the safety issue should emergency response equipment not be able to gain access when the steep roads are slippery; and (4) the aesthetic impact of the cuts and fills. Mr. Balling acknowledged those concerns, but verified that the plans do meet the ordinance for foothill development.

Councilman Gramoll asked if consideration had been given to requiring the road through these two plats to be concrete and Mr. Balling responded that when the first phase of Sunset Hollow was developed, the road was constructed of concrete and the City paid one-half of the difference between the cost of asphalt and concrete, which ranged from \$.15 to \$.20/sq. ft. After considerable discussion, Councilman Gramoll made a motion to grant preliminary approval as presented, with reservation for determination of payment of the water connection fees. Mr. Balling mentioned that this decision needs to be made prior to granting approval and Mr. Marshall reviewed the plans which the developers have made in an effort to make this a sound development. Motion was not seconded.

Mayor ProTem Shafter made a motion that preliminary approval be granted subject to the seven conditions as listed and that \$4,000 be paid for each of the 9 lots in Plat "C" and no stipulation be placed on the other lots. (This was based on the hope that development of Plat 11C11 would encourage the completion of the rest of the development). Councilman Foy seconded this motion which failed for lack of a majority. Councilman Gramoll and Councilwoman Coon voted nay.

Mayor ProTem Shafter asked Mr. Marshall if he would be agreeable to having the City hold one lot in escrow until payment was made on the remaining lots. Mr. Marshall said he would not accept that arrangement, but offered to commit to give the water connect fee paid on the first 10 lots. Councilman Gramoll then made a motion that preliminary approval be given with the 7 conditions as recommended by the Planning Commission, and based on the water  
5 (C.C. minutes March 14, 1990)

connection fee for the first 9 lots being paid up front; the water connections fees for the remaining lots to be paid at the time of sale of the lot; and the entire roadway being constructed

of concrete. Councilman Foy seconded the motion which carried by a majority. Councilwoman Coon voted nay.

#### UTILITY CONSTRUCTION AWARDED BID FOR WIRE PULLING TRAILER - POWER DEPT.

Mr. Michaelis reported that bids were sent to six (6) vendors for a wire and cable pulling device and four vendors responded. He said it is the recommendation of staff and the Power Commission that the bid be awarded to low bidder, Utility Construction (a Texas company) in the amount of \$31,025.50. He said that this bid meets the specifications as required. Councilman Gramoll verified that the bid is within budget and then motioned for approval as recommended. Mayor ProTem. Shafter seconded the motion which carried unanimously.

#### COUNCIL APPROVES SETTLEMENT WITH LANDFORMS

Mr. Forbes reviewed that the Council has previously discussed a pending lawsuit in executive session and based on the recommendation which has come from those meetings, he asked for formal authority to settle the matter. He summarized that 10 parties had filed suit against Landforms, and in turn, Landforms had filed as a third party against the City and County. Councilman Foy made the motion that approval be given to settle this suit in the amount of \$15,000.00, with the understanding that this will be a total settlement which will completely release all parties. Mayor ProTem Shafter seconded the motion and voting was unanimous.

#### APPROVAL GIVEN TO TRANSFER BEER LICENSE- SMITH FOOD KING

Mr. Boothe reported that a request has come from Smith Food King to transfer their Class "All beer license from their existing location on Orchard Drive to their proposed new location on South Main Street. He said that this request has been reviewed by the Police Chief and comes with his recommendation for approval. Councilman Gramoll motioned for approval, with the understanding that as it is transferred, it will be effective at one location only with no overlapping. Councilwoman Coon seconded the motion which carried unanimously.

#### COUNCIL APPROVES PARTICIPATION IN LICENSE AGREEMENT BETWEEN US BUREAU OF RECLAMATION AND BOUNTIFUL-IRRIGATION SYSTEM, GRANADA HILLS/ELLIS IVORY SBDVN

Mr. Balling reviewed that when Granada Hills and Bountiful Bench subdivisions were developed, there was not adequate water pressure in the irrigation water system and the developers of these subdivision, along with Bountiful City (developer of Granada Hills No. 9), agreed to install a pump station to increase the water pressure. Bountiful's participation in this project was 7.19 percent. Inasmuch as the pump house will be constructed on U.S. Government property over the existing discharge pipe on the west side of the Weber Basin reservoir at 100 South Bountiful Blvd., the Bureau of Reclamation (BOR) is requiring that a license be issued to the developers for the construction on their property and to hold the Government harmless from any damage or claims to the property. He stated that it is a standard license agreement and reviewed its major points. He clarified that once the lots have been sold, the City will be released from the agreement and this responsibility will be assumed by the property owners through the Bountiful Boulevard Water Users Association.

Councilwoman Coon asked for clarification of Bountiful's responsibilities for

maintenance of the building, fence, and related facilities, as stipulated in the agreement. Councilman Gramoll asked who will be holding the insurance policy to back the hold-harmless clause. Mr. Hardy indicated that a bond will need to be provided by the contractor during the time of construction and Mr. Balling said that his will be included as a prerequisite to issuance of the building permit. Following further discussion, Councilman Foy made the motion that the License Agreement between the BOR and the Bountiful Boulevard Water Users Association be adopted, subject to elimination of Item No. 5 under “20. Special Provisions”; and contingent on the harmless stipulation as discussed above. Councilman Gramoll seconded the motion which carried unanimously.

#### EXECUTIVE SESSION APPROVED

At the request of Mr. Forbes, an executive session was scheduled by motion of Mayor ProTem Shafter and seconded by Councilman Foy for the purpose of discussing litigation. The motion carried by a majority with Councilman Gramoll voting nay.

The meeting adjourned at 9:07 p.m.

Councilpersons Shafter, Coon, Gramoll and Foy  
City Manager, Tom Hardy  
City Attorney, Laune B. Forbes