

Minutes of the regular meeting of the City Council held October 3, 1990 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Bob Gramoll
	Council Members:	C. Harold Shafter, ReNed Coon, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	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:	Clifford Michaelis, Power Larry Higgins, Police

Excused:	Mayor:	Bob Linnell
	Councilwoman:	Barbara Holt

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 Pro-tem Gramoll called the meeting to order, following which Councilman Shafter led the pledge of allegiance to the flag. Pastor Joan Stewart, of the Bountiful First Baptist Church, quoted remarks from Martin Luther King, Jr., following which she led the invocation.

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

Minutes of the regular meeting of the City Council held September 19, 1990 were then presented and unanimously approved as corrected on a motion made by Councilman Shafter and seconded by Councilwoman Coon.

#### EXPENDITURES AND EXPENSES APPROVED FOR THREE SEPTEMBER PERIODS

Mr. Jenson presented the following Expenditure and Expense Reports, with respective totals: September 13-19th--\$267,695.86; September 20-21st--\$1,545.65; and September 22-26th--\$481,777.11. He stated that there were no corrections to be made to these expenditure reports and they were unanimously approved on a motion made by Councilman Foy and seconded by Mayor Pro-tem Gramoll.

#### ITEMS FROM TRAFFIC SAFETY COMMITTEE

Mayor Pro-tem Gramoll reported that when the Traffic Safety Committee met last week, there was not a quorum; however, recommendations to the Council from those who were in attendance come as a consensus. Mr. Balling then presented the following items, with

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recommendations:

Request for Crosswalk, Washington Elementary at 650 South 350 West: The PTA from Washington School has requested painting of an existing "No Parking" zone and a crosswalk installation in front of the Washington Elementary School at 650 South 350 West. The recommendation is to approve. Councilman Foy made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

Request to Establish Pedestrian Crossing on 200 West at 2350 South. A signed petition has been presented to the City requesting a crosswalk on 200 West at 2350 South to provide pedestrian traffic direct access from the residential neighborhood along 200 West Street to the church on the east side of 200 West. Mr. Balling explained that property owners along the east side of 200 West have recently constructed a sidewalk so the pedestrians may cross 200 West and have more direct access to the church. It was the recommendation to approve this request and a motion was so made by Councilman Shafter and seconded by Councilman Foy. Voting was unanimous.

Proposed Change of "Yield" Sign to "Stop" Sign on 400 East at 3100 South. A request was made by the property owner at this location that the yield sign be changed to a stop sign. To be consistent with the other streets that tie on to 3100 South Street (which are all controlled by stop signs), the recommendation was to approve this request. Councilman Foy made a motion to approve as recommended, Councilwoman Coon seconded the motion and voting was unanimous.

Proposed Removal of Tree on 100 East and Center Street. Mr. Balling reported that, following traffic accidents, numerous requests have been made for the City to do something to remedy the poor sight distance at the intersection of 100 East Center Street (particularly on the northbound approach) it is recommended that a large tree which protrudes into the 30-ft. sight triangle be removed. Other alternatives have been considered (flashing red and yellow light in intersection and flashing light on stop sign) but are considered too costly based on the volume of traffic on this street. The Committee felt that removal of the tree was the most logical approach and it is recommended that if it is done, it be at City expense.

Jerry Parkin, owner of the corner property, voiced concern about the possible loss of the tree and he suggested that the stop sign be moved 6 feet and the tree trimmed to make it less obtrusive. Mr. Parkin cited numerous other intersections in the City where the corner sight distance triangle is violated and he requested that the Council treat him fairly. He also invited the Council to visit the site and meet with him.

Following discussion, Councilwoman Coon made a motion that action on this recommendation be tabled to permit the Council to make a site visit. Mayor Pro-tem Gramoll seconded the motion which carried unanimously.

A site visit was then scheduled for 5:00 p.m. next Wednesday evening (October 10th), to  
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review this site and other intersections of concern. Mayor Pro-tem Gramoll requested that the staff provide a survey of the other intersections for review prior to the field trip.

Kendall Patten, Bountiful resident, suggested that the problem might be addressed by changing the direction of right-of-way at this intersection.

#### SITE PLAN APPROVED FOR WINEGAR'S FOODS #5, 845 NORTH "V EAST

Mr. Balling presented the site plan for the proposed addition to Winegar's Foods #5, 845 North IM East, and explained that although the enlargement of the store will not take place for some time, it is the desire of Winegar's to also change the grade of the parking area to make it more functional for patrons. He reviewed a proposed retaining wall on the south and east property lines (with a 4-ft. fence on top) which will be necessitated through the change of grade and reported it is staff recommendation to grant approval to the site plan, subject to the following conditions:

1. The City has a well and a supply line along the south property line. The developer must pay all costs for the relocation of the water line that is located within the City easement on their property.
2. The dry well sump shown on the south of the property may be in conflict with the culinary water line and should be separated at least 20 feet from the line to avoid conflict or contamination.
3. All other utilities within the area which may be in conflict should be located and marked to avoid damage by this reconstruction (power, telephone, natural gas, etc.).
4. The entrance on 400 East should be constructed so as to provide adequate sight distance for the motorist entering or exiting the property. If the fence or wall cause a problem, they must be modified to provide safety to the motorist and the pedestrians.
5. Installation of an 8-foot wide landscape strip parallel to 400 East and 16 1/2-foot strip along the south property line.

Councilman Foy made a motion that approval be granted as presented and discussion followed regarding the retaining wall (which would be 6-feet high on the south end) and the possibility for accidents and injury. Councilman Shafter also suggested that the wall would not be very attractive from the store side and he suggested that plantings along the wall might be included to give a visual break. Councilman Foy then revised his motion to include a provision for the staff to make suggestions to the developer for modifications to the retaining wall and fence area to provide better safety. Mayor Pro-tem Gramoll seconded the motion and voting was unanimous.

#### SPRINKLER SYSTEM BID FOR 1300 EAST PARK BASEBALL DIAMOND AWARDED

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TO WADE HURD AND SONS

Mr. Boothe reported that bids were opened on September 13, 1990 for installation of an automatic sprinkler system at the 1300 East Park baseball diamond (1300 East and Center Street). It is staff recommendation that the bid be awarded to low bidder, Wade Hurd and Sons, in the amount of \$21,890.00. Mayor Pro-tem Gramoll confirmed that this is within budget and he made a motion for approval as recommended with authorization for the Mayor to sign the contract documents. Councilman Shafter seconded the motion which carried unanimously.

#### COUNCIL APPROVES 2ND AMENDMENT TO INTERMOUNTAIN POWER AGENCY (IPA) ORGANIZATION AGREEMENT

Mr. Michaelis referred to the 2nd Amendment to the Intermountain Power Agency (IPA) Organization Agreement and briefly pointed out format used to show the recommended changes and the old and new text. He said that this amendment comes with recommendation for approval from the IPA Board and the Bountiful City Power Commission. Councilman Foy made the motion that the amendments be approved as presented, that Resolution No. 90-09, entitled "Approval of the Second Amendment to Intermountain Power Agency Organization Agreement" be adopted, and that the Mayor and City Recorder be authorized to sign the documents. Councilman Shafter seconded the motion which carried unanimously.

#### COUNCIL ADOPTS RES. 90-10 IN SUPPORT OF PUBLIC POWER WEEK -- OCTOBER 7-13, 1990

Mr. Michaelis reported that, for the fourth consecutive year, Bountiful will celebrate nationally with other public power systems in Public Power Week, to be held October 7-13, 1990. He gave a brief summary of the activities of the week, with a highlight being the open house at the Power Department on October 12th, from 5-7 p.m. The Pedal for Power event sponsored by ICPA will conclude in Bountiful during the open house. He invited all City residents to attend the Open House and then read Resolution No. 90-10 entitled "Public Power Week 1990 Resolution" and stated that the Power Commission recommends approval of said resolution.

Mayor Pro-tem Gramoll commented on the increased reliability of the power system in Bountiful and commended Mr. Michaelis and the Power Department staff on the good work which is done. Councilman Shafter called attention to the power credits which will be given away during the Open House and confirmed that City employees and officials will not be eligible for this prize. Councilwoman Coon made a motion to adopt Res. No. 90-10, with authorization for the Mayor and City Recorder to sign. Councilman Shafter seconded the motion which carried unanimously.

#### REQUEST TO DISCUSS RDA - BERWYN ANDRUS

Mayor Pro-tem Gramoll recognized Berwyn Andrus who had submitted a letter to the Council expressing his concerns regarding the Redevelopment Agency situation. Mr. Andrus said that he would like to see the general public become involved in an effort to get something done in the downtown area and he suggested that a public

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hearing be held. He also requested that the Council members give their feelings about the RDA and its future.

Mayor Pro-tem Gramoll explained that this discussion would be more appropriate in an RDA meeting (the next one scheduled is October 17th) . He noted that the only RDA business discussed by the Council was with regard to possible dissolution of the RDA; the business of RDA should be handled by the RDA Board in RDA meetings. He also explained that if a public hearing is scheduled, it must be done at the RDA meeting, not City Council meeting. With this explanation, he requested that no further discussion take place in tonight's meeting.

#### APPROVAL GIVEN FOR CITY TO PARTICIPATE WITH SOUTH DAVIS COMMUNITY HOSPITAL IN ISSUANCE OF TAX-EXEMPT BONDS

Mr. Hardy reported that the City has been approached by the South Davis Community Hospital to consider issuance of tax-exempt bonds to assist in the expansion program of that facility. He reviewed the past history of the City's support of expansion of medical facilities through the issuance of industrial revenue bonds or other tax-exempt bonds. Gordon Bennett, administrator of the hospital, gave a brief history of the facility and its present patient load, stating that it is recognized in several western states as an outstanding facility.

Richard Stringham, architect, showed the architect's rendering of the proposed 3-story addition on the south end of the existing facility. Scott Brown, specialist in public debt and consultant from C. L. Brown and Company, explained that the City would have no liability for the bonds and that feasibility studies have provided authorization for an issuance of \$6.5 million. Tim Tate, Bountiful resident, stated that he felt the hospital, if expanded, would be in conflict with Lakeview Hospital, and he encouraged the Council to not approve the request. Following responses from Mr. Brown and Mr. Bennett, Councilman Shafter made the motion that the City support issuance of the tax-exempt bonds as requested, subject to a satisfactory review by staff and approval of a resolution of trust indenture. Mayor Pro-tem Gramoll seconded the motion which carried unanimously.

#### APPROVAL GIVEN TO \$1600 APPROPRIATION OF CONTINGENCY FUNDS FOR SCHOOL CROSSING SIGNS

As directed in Traffic Safety Committee, Chief Higgins reported that a study had been done regarding the possibility of replacing the small yellow school crossing signs used in the street at school crossings, with larger, orange signs. The reason for the proposed change is that the smaller signs tend to blend in with the yellow lines which are painted on the road. He said that the total cost of 48 larger signs (with an allowance for trade-in of the small signs) would be \$1,526.00. Mayor Pro-tem Gramoll made a motion of approval for the orange signs, Councilman Shafter seconded the motion and voting was unanimous.

#### SINGLE EVENT PERMIT APPROVED FOR ST. OLAF'S CATHOLIC CHURCH - NOV. 2-3, 1990

Mayor Pro-tem Gramoll reported that St. Olaf Is Catholic Church has requested issuance  
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of a single event permit for alcohol consumption for November 2-3, 1990. Mr. Hardy noted that the City has approved this request for several years past and that there have been no problems. Councilman Foy made a motion for approval of the permit with authorization for the mayor to

sign. Councilman Shafter seconded the motion which carried unanimously.

#### REVISED GRADING PLAN APPROVED FOR BOUNTIFUL 50TH WARD, 1500 EAST 100 NORTH

Mr. Balling reported that final approval was granted to the Bountiful 50th Ward plans in June. However, to avoid the unsightly appearance of a 16-foot retaining wall and the exposed public liability to the church, a revised plan has been submitted which reduces the retaining wall to 10 feet. He said it is the recommendation of the Planning Commission that approval be given to the revised grading plan with a double retaining wall and allow exception to the Foothill Ordinance to construct the walls with cuts over 10 feet, as shown on the plan. It is also recommended that the contractor not be allowed to proceed with his work until he has obtained a building permit for the retaining walls which are under construction. Councilman Foy made a motion to this effect and Mayor Pro-tem Gramoll seconded the motion. voting was unanimous.

#### 50 PERCENT OF BUILDING PERMIT FEE WAIVED FOR WOODS CROSS CITY RESERVOIR

Mr. Hardy reported that a request has come from Woods Cross City for waiver of the building permit fee for the reservoir which is being constructed in Bountiful. He said that the inspections on the project will be performed by Montgomery Engineering; however, approximately 10 percent of the building permit fee would be actual cost to Bountiful for administrative purposes. Mr. Hardy estimated that the-total fee would be about \$1,800.00. Following discussion, Councilman Foy made a motion that the fee be waived with the exception of actual costs to the City. This motion failed for lack of a second.

Mayor Pro-tem. Gramoll made a motion to waive 50 percent of the fee and to direct the Engineering Department to do some inspections on the project (not taking away the responsibility of Woods Cross or Montgomery) . Councilwoman Coon seconded the motion which carried by a majority. Councilman Shafter voted "nay".

#### CITY MANAGER'S UPDATE ON CITY MAINTENANCE FACILITY

Mr. Hardy reported that one of the unsuccessful bidders on the City maintenance facility had filed a restraining order on the project. However, as this was considered by the court, the City prevailed on all three substantive counts which had been filed. Mr. Balling said that a pre-construction meeting was held with Beck Street Construction (successful bidder) and construction will commence next Monday morning. He said there will be a ground breaking ceremony on October 17th at 6:00 p.m. and he invited the Council to attend. The building is scheduled for completion in July, 1991.

#### CITY MANAGER AND CITY ATTORNEY REPORT ON CONFERENCES ATTENDED

Mr. Hardy reported on his attendance at the Annual Conference of City Managers held in  
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Fort Worth, Texas. He said areas of concern in other cities are storm water discharge regulation, solid waste disposal, sexual harassment, drug testing, the federal deficit, etc.. Trends in other cities are (1) the work force is becoming more diverse, (more minorities and women in the work force) , (2) family size is decreasing, (3) over-50 is the fastest growing age group which

will impact social security funding, (4) city councils are looking at the increased use of committees and task forces, and (5) there is an increase in regionalism. He said he feels fortunate that Bountiful has as few problems as we have.

Mr. Forbes reported from the National Institute of Municipal Legal Officers (NIMLO). He said this annual conference is used for the purpose of updating legal officers on developments in the law. He said there is an expansion of liability on the part of cities in almost every area of the U. S. Civil rights issues are being attached to land use and zoning and governmental immunity for flooding. and flood control procedures has been struck down. He stated that the conference was very worthwhile inasmuch as changes in the law are developing fast.

#### EXECUTIVE SESSION APPROVED

At the request of the City Attorney, an executive session was scheduled immediately after this meeting for the purpose of discussing pending litigation. This action was taken on a motion made by Councilman Foy and seconded by Councilwoman Coon.

The meeting adjourned to executive session at 9:37 p.m.