

Minutes of the regular meeting of the City Council held August 7, 1991 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, Rene6 Coon, Bob Gramoll, 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:	Dick Duncan, Streets/Sanita. Neal Jenkins, Parks/Rec. Clifford Michaelis, Power
Excused:	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 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 July 17, 1991 were presented and unanimously approved as written on a motion made by Councilman Gramoll and seconded by Councilman Foy.

EXPENDITURES AND EXPENSES APPROVED FOR JUNE AND JULY, 1991

Mr. Jenson presented the following Expenditure and Expense Reports, with respective totals: June 28-30, 1991, \$268,795.35; Summary of June, \$3,793,005.74; July 1-25, 1991, \$293,124.88; and July 26-28, 1991, \$521,061.72. The staff responded to questions regarding several expenditures, following which all of the above reports were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Coon.

PRESENT FLOAT AWARD TO BOUNTIFUL AREA CHAMBER OF COMMERCE

This item postponed until next week's meeting.

CITY PURCHASING PREFERENCE POLICY DROPPED

Mr. Hardy said that there has been some discussion on the part of the Council as to whether or not to continue with the existing purchasing preference policy. This policy has provided that businesses within city limits are given a 5 percent preference in purchasing. This policy has been used chiefly with automobiles (since other large-ticket bid items are not sold within city limits). Mr. Hardy noted that by 1993 one-half of the sales tax will be distributed

state-wide (not point of sale as it formerly was). He noted there is some symbolism in having the preference policy to show support for local businesses; however, we are benefitting from all purchases state-wide.

Mayor Linnell asked if there was a recommendation from the staff and Mr. Hardy stated "No". Councilman Gramoll stated that, as good neighbors and in recognition of the good cooperation which has come from the State, we should support the change in point-of-sale tax distribution by deleting the preference policy. He said he doesn't want to give the image that Bountiful is greedy and wanting everything to go our way.

Councilman Shafter mentioned that the preference policy was recently discussed by the Power Commission and their concern was that the amount of preference (5 percent) was too high. He suggested that Bountiful businesses still be given a preference, but that it be reduced to a maximum of two percent. He stated that we owe it to the taxpayers to get the most for their money; however, we should be the trend setters in supporting local merchants.

Councilwoman Coon favored deletion of the preference policy because it creates unfair competition. Councilman Foy said he would favor a preference which would show support of local merchants; however, it should be less than the existing five percent.

Councilman Gramoll made a motion to delete the present purchasing preference policy and Councilwoman Coon seconded the motion. Voting on the motion was a tie, with Councilmen Shafter and Foy voting "nay". Mayor Linnell broke the tie with an "aye" vote, resulting in the motion carrying by a majority.

MAYOR ACKNOWLEDGES VISITORS

At this time the Mayor recognized the visiting Boy Scouts and briefly explained the responsibilities of the elected officials and staff.

PRELIMINARY AND FINAL APPROVAL GRANTED TO BOB THURGOOD'S OIL EXCHANGE BUSINESS--180 NORTH 500 WEST

Mr. Boothe reviewed the site plan for Bob Thurgood's Oil Exchange business at 180 North 500 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. Sanitary sewer connection must be approved by and letter issued by South Davis sewer District. Connection fees must be paid to Bountiful City;
2. Culinary water connection must include an approved backflow prevention device and be approved by Bountiful City Water Department, and payment of connection and meter fees;
3. The proposed development does not provide for storm water detention; payment of

\$1,399 fee is required;

4. Dumpster to be screened with a non-combustible material that matches the architectural style of the building;
5. Construction drawings are subject to review and compliance with all building codes adopted by Bountiful City;
6. All oil storage tanks must meet state, local, and federal regulation for storage of new and used petroleum products;
7. City requires a 7-foot-wide public utility easement across the frontage of the property on both 500 West and 200 North. Other easements may be required by the Power Department along with approval by said department before permit is granted for their easements;
8. Landscape and automatic sprinkler plan to be prepared and stamped by a licensed landscape architect for review and approval by City Planning Director;
9. Site bond must be posted and all required fees paid. Bond is 5% of the building valuation or \$5,000, whichever is greater.

Mr. Boothe noted that inasmuch as this business will be located on a State highway, it must also have the approval of the State for areas of ingress and egress on to 500 West. He also reviewed that the landscaping will be increased in the area of the business, with the portion of property where the residence is being left. Councilman Foy made a motion that preliminary and final approval be granted, subject to the above conditions and recommendations. Councilman Gramoll seconded the motion and voting was unanimous.

REVIEW COMMENTS ON FIREWORKS DISPLAY, AND PLAN FOR CENTENNIAL YEAR

This item postponed for one week.

REVIEW OF INTERIM FLOW STUDY FOR GLEN CANYON DAM AND POTENTIAL RATE IMPACT ON BOUNTIFUL RATEPAYERS

Mr. Michaelis reported that the controlled flows of the Glen Canyon dam (a part of the Environmental Impact Study) ended July 31, 1991; however, the EIS will not be complete until the end of 1993 or beginning of 1994. In the meantime, the Secretary of Interior has imposed interim test flows on the Glen Canyon dam which will be used until the EIS is completed. He reviewed the historical flow parameters and compared them with the interim flows and the flows recommended by WAPA (Western Area Power Administration). The net result of the interim flows will be a 25% decrease in power and an additional cost of \$1.5 million for Bountiful City Light and Power (in addition to the recent 46% rate increase passed on by CRSP).

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Mr. Michaelis stressed that, in addition to the financial impact this will have on our

system, it will necessitate that the power come from a coal-fired source which will have a negative impact on air quality. He said he felt confident that the completion of the EIS study will recognize the need for the cleaner hydro power source and he stated that flow changes should not be made until the study is completed. Mayor Linnell confirmed that the governing body is supportive of the lobbying efforts to revert back to the exceedance criteria recommended by WAPA. The Council briefly discussed this issue and the need to make the public aware of the issue.

MARION WILLEY FORD AWARDED BID FOR POLICE K-9 TRUCK

Bill Collard presented the bids which were received by the Police Department for a new pickup truck for the K-9 program. He said that three bids were received and it is the recommendation of staff that the bid be awarded to Marion Willey Ford in the amount of \$15,224 (lowest qualifying bidder, with 5 percent local preference calculated). (It was the opinion of the City Attorney that the preference policy be considered in this instance inasmuch as it was in effect when the bids were submitted). Councilman Gramoll made a motion that the bid from Marion Willey be accepted as recommended for a 1992 Ford Ranger super cab 4x4. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted nay, stating that she has never agreed with the local preference policy.

RALPH KABEY APPOINTED TO FILL UNEXPIRED TERM OF EARL TINGEY ON POWER COMMISSION

Mayor Linnell reported that Earl Tingey will be moving to Africa and has submitted a letter of resignation from the Power Commission, effective as of the September 17, 1991 meeting. He recommended that Ralph Mabey be appointed to complete the balance of Mr. Tingey's term, effective from September 17, 1991 to January 15, 1993. Councilman Gramoll made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

EMISSION TEST CENTER BID AWARDED TO BEAR AUTO SERVICE

Mr. Duncan reviewed the quotes which were received for the emission test center for the Street Department and stated it is the recommendation of staff that Bear Auto Service, lowest quote, be accepted. The quote was for a Utah 91 Emission Test Center in the amount of \$9,133.50 (\$12,500.00 budgeted). Councilman Shafter made a motion to accept this quote as recommended, Councilman Foy seconded the motion and voting was unanimous.

SCOTT MACHINERY AWARDED BID FOR MOTOR GRADER - STREET DEPARTMENT

Mr. Duncan reported that four vendors were contacted to bid on a motor grader for the Street Department and three responded. It is staff recommendation that the bid be awarded to Scott Machinery for a John Deere 770 Bh in the amount of \$97,213.00 (low bid) . (\$110,000 was budgeted.) Councilman Gramoll made the motion that this recommendation be upheld, Councilwoman Coon seconded the motion and voting was unanimous.

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INTERMOU14TAIN BOBCAT AWARDED BID FOR COLD PLANER-STREET DEPT.

Mr. Duncan reported that two bids were received for a cold planer for the Street

Department and it is the staff recommendation that the bid be awarded to Intermountain Bobcat (low bidder) in the amount of \$9,698.80. (\$13,429.00 was budgeted.) Councilman Shafter made a motion for approval as recommended, and Councilman Gramoll seconded the motion which carried unanimously.

APPLIED ENVIRO SYSTEMS, INC. AWARDED BID TO REMOVE UNDERGROUND STORAGE TANKS

Mr. Balling reported that, in compliance with State law, all underground storage tanks must be removed. Accordingly, a gas tank at the golf course and a diesel tank at the sanitary landfill need to be removed and replaced. Bids were requested for removal of the tanks, with five bidders responding. It is recommended that the bid be awarded to low bidder, Applied Enviro Systems, Inc., in the amount of \$4,250.00. Councilman Foy motioned for approval as recommended, Councilman Shafter seconded the motion and voting was unanimous.

COUNCIL VOTES TO CONDEMN PETERSON PROPERTY, 400 NORTH DAVIS BLVD.

Mr. Balling updated the Council on the 400 North project (between Davis Boulevard and 1250 East), noting that deeds have been received from all but four property owners. Three of those properties will not affect the road construction; however, the fourth property (R. E. Peterson) is key to the project since the frontage projects into 400 North Street, creating a dangerous curve and encroachment on the alignment of the street. Although it appeared that this property could be acquired, negotiations failed and Mr. Peterson will not deed his property to the City. Mr. Balling said that the matter has been discussed by the Traffic Safety Committee and it is their recommendation that the Peterson property be condemned for the purpose of constructing the road.

Following discussion, Councilman Gramoll made the motion that Resolution No. 91-8 be approved which provides for commencement of eminent domain proceedings to acquire 1,973 sq. ft. of property along the south side of 400 North and immediately east of Davis Boulevard, owned by Eric Peterson. Councilman Foy seconded the motion which carried by a majority. Councilwoman Coon voted nay, stating that she was adamantly opposed to condemnation of property. She felt the concern for safety of children is not consistently addressed by the Council, citing the Kern River issue and the impact of traffic on the neighborhoods.

REPORT FROM MIKE SIEG, USDA, FOREST SERVICE ON KERN RIVER PIPELINE PROJECT

Mayor Linnell reported that Mike Sieg, USDA, Forest Service, issued a letter to Kern River this afternoon denying construction of an access road along the Kinney Creek trail. He said this will result in Kern River not using 1800 South and Mueller Park for access. Mr. Sieg stated that, based on engineering done by the Forest Service, it was determined that the road proposed for use in the Kinney Creek area could not be dropped back to a trail due to the excessive cuts and fills which would be necessary.

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Mayor Linnell asked if the construction schedule provided by Kern River is realistic and Mr. Sieg stated that there is concern on the part of the Forest Service that Kern River will be finished by October 1st (or even October 15th). Therefore, when the Notice to Proceed is

drafted, it will be worded to ensure that both pipeline construction and reclamation must be completed by the deadline. If necessary, there might be two notices so that only one-half of the project will be permitted initially to provide a measure of the construction and reclamation time of Kern River's project. The Forest Service will also identify the conditions which will initiate a Stop Work Order when the Notice to Proceed is issued, therefore clarifying the responsibilities of Kern River.

Councilwoman Coon thanked Mr. Sieg for the courage of his decision on the part of the Forest Service regarding the Kinney Creek road, and Mr. Hardy acknowledged Mr. Sieg for the excellent job he has done in representing the Forest Service.

COUNCILMAN FOY EXPRESSES CONCERN RE: FIREWORKS

Councilman Foy reported that one of the fires which started as a result of fireworks on July 23rd was that of his mother (age 93 years) . He expressed concern regarding the bottle rockets and asked if something could be done to "stiffen up the consequences".

COUNCIL APPROVES CLOSURE OF 450 EAST STREET

Mr. Hardy reported that, although not on the Agenda, a request has come from a group of neighbors for permission to close 450 East Street (which ells from 400 North to 600 East) for the purpose of having a neighborhood social on August 12, 1991 from 5-10:00 p.m. He said the request was not received timely enough to place this on the Agenda and the event will take place prior to the next Council meeting. It is staff recommendation to approve. Councilman Foy made a motion for approval as recommended, Councilman Shafter seconded the motion and voting was unanimous.

PUBLIC SAFETY COMMITTEE MEETING SCHEDULED

At the request of the Mayor and with the consensus of Councilmen Gramoll and Shafter, a Public Safety Committee meeting was scheduled on August 14th at 6:00 p.m.

The meeting adjourned at 8:30 p.m. on a motion made by Councilman Foy and seconded by Councilwoman Coon.