

Minutes of the regular meeting of the City Council held March 27, 1991 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Leslie Foy
	Council Members:	C. Harold Shafter, Renee Coon, Bob Gramoll, and Barbara Holt
	City Manager:	Tom Hardy
	City Prosecutor:	Russell B. Mahan
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
Absent:	Mayor:	Bob Linnell
	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 Pro Tem Foy called the meeting to order, following which Councilwoman Holt led the pledge of allegiance to the flag. The invocation was given by Councilman Gramoll.

Minutes of the regular meeting of the City Council held March 20, 1991 were presented and unanimously approved as corrected on a motion made by Councilman Shafter and seconded by Councilman Gramoll.

#### EXPENDITURES AND EXPENSES APPROVED FOR PERIOD MARCH 15-21, 1991

Mr. Jenson presented the Expenditure and Expense Report for the Period March 15-21, 1991 in the amount of \$311,550.17 and responded to questions from the Council. Councilman Gramoll made a motion for approval of the expenditures as presented, Councilman Shafter seconded the motion and voting was unanimous.

#### POLICY FOR WATER CONSERVATION CONSIDERED

Mr. Balling reported that the Water Committee had met in study session this afternoon to discuss the conservation policy which would be implemented in the City this summer to limit the use of irrigation water. He said that the Committee reviewed the policy which will be used by the Bountiful Sub-Conservancy District (watering permitted two days per week--addresses with even numbers Monday and Thursday; odd-numbered addresses Tuesday and Friday; three hours per day--6:00-9:00 either a.m. or p.m.). He said that it is the recommendation of the Committee that the City of Bountiful have the same policy, with the added condition that the homes above Bountiful Boulevard who use culinary water for irrigation be permitted to water for the full six hours on the two days when watering is allowed. (It was later clarified in the meeting that the purpose for the 6-hr. exception is because the water pressure above Bountiful Boulevard is not great enough to facilitate adequate watering in a 3-hour period). He also recommended a

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penalty policy (notice on the first violation and a \$100 fine on any subsequent violations, to be attached to the water bill). Councilman Gramoll made a motion to authorize the city attorney to draft an ordinance to reflect the above-stated policy, which could be acted on at a special City Council meeting on Friday. Councilwoman Coon seconded the motion.

Councilman Gramoll requested that the ordinance also provide for the Public Works Director to have the authority to grant any exceptions to this policy. Voting on the motion was unanimous. Councilman Shafter indicated that he would not be able to attend the special meeting of the Council on Friday and he requested that these minutes show his favor of adoption of the water policy ordinance which will be voted on in the Friday meeting.

#### CONSIDER CITIZEN REQUEST--IMPROVEMENT AND WIDENING OF 400 NORTH, DAVIS BLVD. TO 1300 EAST

Mr. Balling reviewed that \$120,000 was budgeted last year for the purpose of widening and improving 400 North Street between Davis Boulevard and 1300 East street. The purpose of this project was to eliminate some of the curves and correct site problems and to include a sidewalk, with a 4-ft. park strip. The project was initiated following a request by the PTA due to safety concerns for school children. At the time it was given approval, the project included construction of curb, gutter, and sidewalk, and all necessary related improvements (i.e., moving of meters, sprinkler systems, etc.), with the City to bear all costs, with the exception of re-landscaping, and the property owners to deed the four-foot strip necessary for the parkway.

Mr. Balling explained that a counter proposal has been made by the residents of the area that they would pay for a portion of the improvements if the City would allow the sidewalk to be constructed next to the curb (eliminating the 4-ft. parkstrip and the requirement that the property owners lose that portion of their frontage). Jim Hartwell and Don Hokanson, residents of the area, were in attendance and Mr. Hokanson expressed his appreciation to the Council and Mr. Balling for the time and effort given in re-consideration of this item.

Councilwoman Coon asked how many property owners would favor the City's proposal, and if unanimous approval was necessary in order for the project to be completed. Mr. Balling stated that it would need unanimous support from the residents, unless it is put in a special improvement district. He clarified that the City does not intend to create a special improvement district solely for this project; however, there are a number of areas in the city where it is desired to make improvements, and when this district is created, the 400 North project could be included and the cost would not be borne by the City.

Councilwoman Coon motioned that, inasmuch as the property owners are willing to compromise by picking up some of the cost; and if the project is held up due to lack of neighborhood support, resulting in none of the safety objectives being met, the City accept the property owners offer to pay a portion of the cost and construct the sidewalk next to the curb. The motion died for lack of a second.

Councilwoman Holt stated that since this street is a major artery and will carry heavy traffic, there would be a serious safety problem if the sidewalk is constructed next to the curb, particularly in the winter when snow removed from the streets is pushed onto the sidewalk. She said that if the City is going to do this project to meet safety concerns, it needs to be done properly. Councilman Shafter and Gramoll also expressed concern that the construction of a sidewalk next to the curb is not a safe situation. When asked why the walk was constructed next to the curb on 2600 South and Orchard Drive, Mr. Balling stated that the projects were built with federal aid and the property necessary for the park strip could not be acquired. He also noted that since 1965 City ordinance has required the parkstrip. Helen Romney, resident, expressed concerns for safety and asked for clarification of the project. With no changes being approved this evening, Mayor Pro Tem. Foy stated that the original action of the Council on this project will stand.

#### COUNCIL APPROVES PROPOSED SETTLEMENT ON REMOVAL/ REPLACEMENT OF CONCRETE--500 SOUTH, 100 EAST TO 400 EAST

Mr. Balling reported that two concrete projects which were completed by Workman Construction Company in the past two years have had significant spalling and deterioration of the concrete. Workman Construction was contacted and requested to replace the damaged areas in compliance with their bond. However, based on test samples taken both during construction and since that time, Workman does not feel entirely at fault, with factors such as the concrete mix, weather and temperature conditions, and de-icing salts also having an impact. Lab analysis of the concrete mix used on Indian Springs Road has been done by James A. Ray Company in Ohio, and additional samples of the 500 South project will be sent to Ohio.

It is the staff recommendation that Workman be required to replace the concrete at their expense unless the ingredient analysis shows full compliance with the specifications. If the mix is in compliance with specs, it is then recommended that the City participate with Workman Construction Company and Concrete Products Company (suppliers of the mix), each bearing one-third of the cost to remove and replace the damaged concrete. It was noted by Mr. Balling and Councilman Shafter that Workman Construction Company has the reputation of being the best concrete finishers in the state. Theories of why the concrete failed were discussed, following which Councilman Shafter made the motion that the staff recommendation be approved. Councilman Gramoll seconded the motion which carried unanimously.

#### COUNCIL APPROVES REQUEST OF UTAH GUARANTEED STUDENT LOAN PROGRAM FOR ALLOCATION OF INDUSTRIAL REVENUE BONDS

Mr. Hardy explained that every year since 1986 Bountiful has received an allocation from the State for bonding capacity for the issuance of industrial revenue bonds. Inasmuch as the City does not plan to use this year's entitlement (approximately \$900,000), and a request has been made by the student loan program for them, it is staff recommendation to make the assignment to the student loan fund. Mr. Hardy noted that any unused portion would revert to the State if it is not used by April 30, 1991. Councilman Gramoll stated that he supports higher education; however, he felt that the State could better decide where the funds should be used and therefore

Bountiful should let the allocation revert back to the State.

Mayor Pro Tem Foy spoke in favor of supporting the request made by the Student Loan Program, as did Councilwoman Coon who motioned that Bountiful's 1991 IDB Entitlement be assigned to the Utah Guaranteed Student Loan Program. Councilman Shafter seconded the motion which carried by a majority. Councilman Gramoll voted nay.

#### EXECUTIVE SESSION APPROVED

Mr. Hardy requested that an executive session be approved for the purpose of discussing the sale of real property. Councilman Shafter made a motion to this effect, Councilwoman Holt seconded the motion and voting was unanimous.

It was noted that there might be an attendance problem at the special meeting with Johansen and Thackeray scheduled April 10th and this meeting was tentatively rescheduled for April 17th.

The meeting adjourned at 8:03 p.m.

#### Executive Session Attendance:

Mayor Pro Tem Foy  
Councilmembers Shafter, Coon, Holt and Gramoll  
Mr. Hardy  
Mr. Mahan