

Minutes of the regular meeting of the City Council held June 26, 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, Renee Coon, Barbara Holt, 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
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Head:	Clifford Michaelis, Power
Absent:	Councilman:	Bob Gramoll
	Planning Director:	Jon Reed Boothe

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 Andy Johnson, Boy Scout from Troop 776, led the pledge of allegiance to the flag. The invocation was given by Mr. Jenson.

Minutes of the regular meeting of the City Council held June 12, 1991 were presented and approved as amended on a motion made by Councilman Foy and seconded by Councilman Shafter . The motion carried by a majority, with Councilwoman Coon abstaining because she had not received a copy of the minutes.

Mayor Linnell welcomed those in attendance, giving special recognition to the visiting Boy Scouts. He introduced the staff and elected officials and briefly summarized their responsibilities.

#### EXPENDITURES AND EXPENSES APPROVED FOR TWO PERIODS IN JUNE

Mr. Jenson presented the Expenditure and Expense Reports for the periods June 1-13, 1991 (\$104,662.54) and June 14-20, 1991 (\$238,133.71). He made two corrections to the annotation of the June 14-20 report, following which both reports were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Coon.

#### HOUSING PLAN AND CAPITAL IMPROVEMENTS PLAN, CDBG, APPROVED

Mr. Hardy explained that inasmuch as we have been awarded a Community Development Block Grant (CDBG), it is necessary to adopt (by resolution) a Housing Needs Policy Plan and a Capital Improvements Plan (previously reviewed by the Council at a Retreat) . He reviewed the Housing Needs Policy Plan which is an update of a document from four years ago and the Capital Improvements Plan. In response to questions from the Council, Mr. Hardy stated the two plans

are not binding on the City but serve as guides for planning purposes. Councilman Shafter made the motion that the two plans be adopted as recommended, by adopting Resolution No. 91-6 and authorizing the Mayor and City Recorder to sign it. Councilman Foy seconded the motion which carried by majority vote. Councilwoman Coon voted "nay", based on the following three objections: (1) acquisition of more property for off-street parking and an anchor store; (2) condemnation of property for the reconstruction of 400 North Street; and (3) the City sharing in the construction of the reservoir for the Leon Brown property. (It was clarified that the city is providing for enlargement of the reservoir to provide for water storage beyond the needs of the development). In response to a question from Councilwoman Holt, it was also noted that the Housing Needs Policy Plan (in which the provision for acquisition of more property is located) was written four years ago and additional property is not currently being sought.

**COUNCIL APPROVES EXECUTION OF CDBG CONTRACT---  
TO BE USED FOR AERIAL LADDER TRUCK**

Mr. Hardy explained that the State requires the City Council to formally authorize the Mayor and City Recorder to sign the necessary documents in order to execute the block grant. Councilman Shafter made a motion to this effect, Councilwoman Holt seconded the motion. Voting was in the majority, with Councilwoman Coon voting "nay".

**TOM HARDY NAMED PROJECT MANAGER AND ENVIRONMENTAL CERTIFYING  
OFFICER - CDBG**

Also as a requirement for acceptance of the CDBG, Mr. Hardy explained that the City Council must designate someone as both project manager and "Environmental Certifying Officer". Councilman Shafter made the motion that Mr. Hardy be appointed to serve in this capacity, and Councilman Foy seconded the motion. Voting was by a majority with Councilwoman Coon voting "nay".

Mayor Linnell thanked Mr. Hardy and his staff for their efforts in securing the Community Development Block Grant, noting that it was initially turned down by the State, but through their tenacity the application was re-worked and Bountiful was found to qualify. The grant will provide \$200,000 toward the purchase of a \$500,000 aerial ladder truck for the fire department.

**ORD. NO. 96-6 RE: PARADES ADOPTED**

Mr. Forbes reviewed Ordinance No. 91-6 entitled, "AN ORDINANCE AMENDING TITLE XIII OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH 1965 AS AMENDED BY CREATING A NEW CHAPTER THEREIN DESIGNATED AS CHAPTER 2, PROVIDING FOR THE PROVISIONS OF LAW RELATING TO THE HOLDING, MANAGING, AND CONDUCTING OF PARADES ON PUBLIC STREETS OR PUBLIC PLACES AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH". He said that the ordinance is patterned after Salt Lake City's parade ordinance. Discussion of the proposed ordinance followed and Councilman Shafter suggested that the ordinance include a provision that vendors along the parade route must display

their licenses in a visible manner. Ted Powell (Handcart Days chairman) and Alan Jamieson (Parade chairman) spoke in favor of the ordinance and the suggestion by Councilman Shafter. Councilman Foy requested that the ordinance be amended to reflect the following:

- (1) A vendors license must be displayed when selling is taking place;
- (2) The fee for a vendors license be waived for non-profit organizations;
- (3) Vendors sell from behind the crowd after the parade has started. He made a motion that the ordinance be approved, with these amendments. Councilman Shafter seconded the motion which carried unanimously.

#### **PUBLIC HEARING SET FOR ORDER TO SHOW CAUSE - REAM'S BEER LICENSE**

Mr. Forbes reported that Ream's market has violated the provisions of the ordinance relating to the sale of beer to minors and it is recommended that a public hearing be set for July 10, 1991 at 7:30 p.m. to present an Order to Show Cause. Councilman Shafter made the motion that the hearing be set as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

#### **CLAUDE NIX CONSTRUCTION AWARDED BID FOR STORM DRAIN PROJECT - 400 NORTH FROM 100 EAST TO 100 WEST**

Mr. Balling reported that bids were opened on June 18, 1991 for the storm drain line on 400 North from 100 West to 100 East. Five bids were received and it is recommended that the bid be awarded to low bidder, Claude Nix Construction in the amount of \$47,529.40. This project will be prioritized time-wise to coincide with the resurfacing which the State is doing on Main Street north of 400 North. Councilman Foy made a motion that the low bid be accepted as recommended. Councilman Shafter seconded the motion and voting was unanimous.

#### **CLAUDE NIX CONSTRUCTION AWARDED BID FOR INSTALLATION OF WATER SYSTEM - MAIN STREET FROM 400 NO TO 900 NO**

Mr. Balling reported that the water line on Main Street (400 North to 900 North) needs to be replaced and inasmuch as the State will be resurfacing this street, it is necessary that it be done in a timely manner. Three contractors were contacted and the following bids were received: Frank George - \$56,997.50; M.C. Green - \$59,519.00; and Claude Nix Construction - \$45,495.00. It is the staff recommendation that the low bid from Claude Nix Construction be accepted. Councilman Shafter made a motion to accept the staff recommendation, Councilwoman Holt seconded the motion and voting was unanimous.

#### **VERMEER AWARDED BID FOR BRUSH CHIPPER FOR POWER DEPARTMENT**

Mr. Michaelis reported that bids were received from three vendors for a brush chipper for the Power Department and it is the staff recommendation that the bid be awarded to Vermeer Sales and Service, SLC, in the amount of \$15,460.00. This was the lowest qualifying bid (with an emphasis on the safety features which the Vermeer offers) and it falls within the \$20,000 budgeted in the Special Equipment account. Councilman Shafter made a motion for approval as recommended, Councilwoman Coon seconded the motion and voting was unanimous.

## REPORT ON KERN RIVER PIPELINE CONSTRUCTION

Mr. Hardy reported that Mr. Balling, the Mayor, and himself met today with personnel from Kern River, the Forest Service and the contractor who will be constructing the natural gas pipeline. It is projected that the project will reach the summit near Bountiful Peak by July 1st. Two crews will work on the pipeline--one from the summit across and canyon and down, and the other will work north from Gibbons and Reed Construction company in Salt Lake City. He reported that construction will be staged from four areas--Skyline Drive; Mueller Park Road (pipeline only) ; North Canyon (pipe delivery only) ; and the gravel pits (access for heavy equipment and pipe) . Construction is scheduled to be finished by October 1st, and testing should be completed by October 10th.

He said that a number of things will be done to mitigate the visual impact of the project. The contractor and Kern River have agreed to a video tape being made of the routes which they will use, before and after the equipment has been hauled, and they are willing to restore to original condition if there are any damages. Councilwoman Coon had asked if an ordinance could be put in place which would restrict Kern River equipment on City streets. Mr. Forbes explained that the laws governing the use of the streets must apply to everyone who uses the streets, and the weights and lengths of the Kern River vehicles are lower than some other contractors and users presently doing business in the city. Therefore, it would be unconstitutional to prohibit a specific company.

Councilwoman Coon expressed concern about the danger of explosives being transported through the residential community and stated that the Council should do everything they legally could to prohibit this. Mayor Linnell pointed out that Kern River's contractor must adhere to safety regulations which are in place, and it was noted that there will be no explosives stored at the staging sites over night. only one day's needs will be supplied at one time. It was also noted that explosives are occasionally used in the City when water lines and storm drain lines are constructed and that this is not new to the City. Councilwoman Coon also expressed concern that construction will begin early each day (6:00 a.m.) and asked if there is a noise ordinance which could be enforced to prohibit this untimely activity. Mr. Forbes stated that the decibel levels of the existing noise ordinance are higher than the noise of the vehicles which will be used.

## MISCELLANEOUS

Mayor Linnell reviewed with the Council that there will be no meeting next week (July 3rd).

Councilman Foy reported that Bountiful has received notice from the Division of State History that Bountiful has been selected to receive one of the 1991 Utah State Historical Society Awards for the Heber C. Kimball gristmill. This will be formally presented on July 12th.

The meeting adjourned at 8:35 p.m. on a motion made by Councilman Shafter and seconded by Councilwoman Holt.