

Minutes of the regular meeting of the City Council held February 26, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	Renee Coon, John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Prosecutor:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Neal Jenkins, Parks/Rec. Cliff Michaelis, Power
Absent:	Councilman:	Harold Shafter
	City Attorney:	Layne 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 Linnell called the meeting to order and then led the pledge of allegiance to the flag. The invocation was given by Councilman Cushing. The mayor gave a special welcome to the visiting Boy Scouts and reviewed pertinent merit badge information with them.

Minutes of the joint meeting of the City Council and Power Commission held February 12, 1992 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Cushing.

Minutes of the regular meeting of the City Council held February 19, 1992 were presented and unanimously approved as corrected on a motion made by Councilman Cushing and seconded by Councilwoman Coon.

#### **EXPENDITURES AND EXPENSES APPROVED FOR TWO FEBRUARY PERIODS**

Mr. Jenson presented the Expenditure and Expense Report for the Period February 1-13, 1992 in the amount of \$120,457.23, and the Report for the Period February 14-20, 1992 totaling \$445,873.60. Councilwoman Holt made a motion for approval, Councilman Foy seconded the motion and voting was unanimous.

#### **ORDER TO SHOW CAUSE SET FOR MARCH 11, 1992-- ALBERTSON'S BEER LICENSE**

Mr. Mahan reviewed the City policy of testing for compliance regarding the sale of beer to minors. He reported that Albertson's (500 South 200 West), has failed two tests during the past three quarters (one on September 25th and one on November 20th) and accordingly it is the staff

recommendation that a hearing be scheduled March 11, 1992 at 7:30 p.m. for Albertsons to respond to an order to Show Cause. Councilman Foy made a motion for approval as recommended, Councilman Cushing seconded the motion and voting was unanimous.

**JERRY SEINER AWARDED BID FOR  
GXC SERVICE TRUCK - POWER DEPARTMENT**

Mr. Michaelis reported that bids were sent to six vendors for a new service truck for the Power Department. This truck will allow for a larger line truck to be parked and used only when needed, thus extending the life of the line truck and reducing fuel costs. Bids were received from four dealers, ranging from \$17,938.64 (high) to \$15,965.00 (low). It is the recommendation of staff and the Power Commission that the bid be awarded to low bidder, Jerry Seiner, for a GXC truck in the amount of \$15,965.00. This truck was included in the budget at \$19,000. Following a brief discussion, the bid was unanimously accepted on a motion made by Councilman Cushing and seconded by Councilwoman Coon.

**CONSIDER BID AWARD - 138 SUBSTATION TRANSFORMER PAD**

Mr. Michaelis explained that this item has been postponed until the fall.

Councilman Cushing asked about the status of the electrical work for the 1500 South street improvement project. Mr. Michaelis explained that the street lighting will be put underground, but the overhead service in back yards will not be changed.

**HIGHLAND EQUIPMENT COMPANY AWARDED BID  
FOR ROTARY MOWER FOR PARKS DEPT.**

Mr. Jenkins reported that seven bids were sent out for a new out-front rotary mower for the Parks Department and all vendors responded. It is the staff recommendation that the bid be awarded to low bidder, Highland Equipment Company, in the amount of \$9,210.00 for a Ransomes XT4010D with a 74-inch deck. This mower was budgeted at \$12,000. Councilman Foy made a motion to accept the bid from Highland Equipment as recommended. Councilwoman Holt seconded the motion and voting was unanimous.

**1992 ANIMAL CONTROL CONTRACT WITH DAVIS  
COUNTY APPROVED**

Mr. Hardy reviewed that Davis County Animal Control has provided good service to Bountiful this past year and he referred to a copy of the proposed contract with Davis County for 1992. He said that the contract is identical to last year's, both in the level of service and cost, and stated that it is the recommendation of the staff that the contract be approved. Councilman Cushing made a motion that the contract for Davis County Animal Control services in the amount of \$25,082.45 be approved for 1992 and that the mayor and city recorder be authorized to sign it. Councilwoman Coon seconded the motion which carried unanimously.

**MR. MAHAN REVIEWS RECODIFICATION PROJECT  
OF CITY CODES**

Mr. Mahan reviewed that the Bountiful City codes were last rewritten in their entirety in 1965. Since that time, as changes to the Code have been made, the text of the codes has not been rewritten but amended, and the codes have not been in a single book since that time. Through the

efforts of Mr. Forbes, Mr. Hardy and Mr. Mahan, each section of the code has been reviewed and rewritten to incorporate the changes which have been made. He said that as new sections have been added, an effort has also been made to reduce the code by deleting sections no longer valid. The revised code, which is divided into 14 titles, will be presented to the Council in small segments for their review. The first segment will be four titles and will be included in this week's packet.

Mr. Mahan stated that he will include a study sheet with each segment which lists any changes in the law. He emphasized that the goal for this project was not to adopt new laws, but to centralize the existing codes; however, there are some instances of new provisions. Following review of the entire document, it will be presented in City Council meeting for adoption.

**RES. NO. 92-2 ADOPTED RE: AUTHORIZATION OF POLICY DECLARATION-VAL VERDA AREA**

Mr. Balling displayed a map of the Val Verda area which is contiguous to Bountiful city limits on all sides (with the exception of a 500+-ft. area on the west which is partially contiguous to North Salt Lake). He explained that the residents of this area are desirous of being annexed into Bountiful City limits and have circulated a petition and gained signatures of approval from 55 percent of the residents involved. The request for annexation meets the State legal requirements and it is the recommendation of staff that the annexation be considered and the Policy Declaration authorized.

In response to a question from the Mayor, Mr. Balling stated that the water and sewer utilities in this area are currently being provided by the South Davis Water District and South Davis Sewer Improvement District (respectively) and there is no plan for change. The electrical service is currently provided by Utah Power and Light. If a reasonable offer is made by UP&L, Bountiful will purchase the electrical system and include it in the service area of Bountiful City Light and Power. This area is in the Solid Waste Recovery District and the garbage will continue to go to the burn plant. If annexed, all other responsibilities for maintenance and service would be provided by Bountiful.

Following discussion, Councilman Foy made a motion that Res. 92-2 be adopted to provide for (1) acceptance of the annexation petition, (2) authorize preparation of a policy declaration and (3) establish a public hearing on April 8, 1992 at 7:30 p.m. to consider this matter. Councilman Cushing made a motion to this effect, authorizing the mayor and city recorder to sign. Councilwoman Holt seconded the motion which carried unanimously.

**EXECUTIVE SESSION SCHEDULED TO DISCUSS PENDING LITIGATION**

At 7:40 p.m. the meeting recessed to executive session to discuss pending litigation, as motioned by Councilman Cushing and seconded by Councilwoman Holt. Voting was unanimous. (Attending were: Mayor; Councilpersons Coon, Cushing, Holt, and Foy; Mr. Hardy, and Mr. Mahan.)

**MEETING RECONVENES AND SETTLEMENT APPROVED RE: EKOTEK SITE CLEANUP COSTS**

The Council reconvened at 7:51 p.m. and Mr. Hardy explained that the City has been named as a diminuous party in a lawsuit which involves clean-up of the EKOTEK site where hazardous materials were recycled. EKOTEK is no longer in business and under EPA law, the city is a responsible party in the clean-up of the site. The proportionate share of costs to Bountiful is \$7,728.30 and it is the recommendation of staff that this settlement cost be approved and that it be funded from the general liability insurance fund of the city. Councilman Foy made a motion to this effect, Councilwoman Holt seconded the motion and voting was unanimous.

The meeting adjourned at 7:55 p.m. on a motion made by Councilman Foy and seconded by Councilman Cushing.