

Minutes of the regular meeting of the City Council held June 24, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Leslie Foy
	Council Members:	Harold Shafter, Renee Coon, John Cushing
	City Manager:	Tom Hardy
	City Attorney:	Layne Forbes
	City Prosecutor:	Russell Mahan
	Asst. City Engineer:	Paul Rowland
	City Recorder:	Arden Jenson
	City Treasurer:	Ira Todd
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Dick Duncan, Street/San.
Absent:	Mayor:	Bob Linnell
	City Engineer:	Jack Balling
	Councilwoman:	Barbara Holt
	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 Pro-tem Foy called the meeting to order, following which Councilwoman Coon led the pledge of allegiance to the flag. The invocation was given by Councilman Cushing.

Minutes of the regular meeting of the City Council held June 10, 1992 were presented and unanimously approved as written on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR TWO PERIODS IN JUNE

Mr. Jenson presented the Expenditure and Expense Report for the Periods June 1-11, 1992 (\$257,918.73) and June 12-18, 1992 (\$297,643.47). Following a brief discussion, these reports were both accepted as presented on a motion made by Councilman Shafter and seconded by Councilman Cushing. Voting was unanimous.

PROPOSAL OF BINGHAM ENVIRONMENTAL APPROVED FOR WATER MONITORING-LANDFILL WELLS

Mr. Hardy reviewed that Bountiful has monitored the water quality at the landfill for the past five years (on a voluntary basis) and even though monitoring will not be required for another two years, it is felt appropriate to continue monitoring on a regular basis.

Bob Bruhn, Street and Sanitation Department, reported that proposals for ground water analysis and reporting were received from three companies and it is staff recommendation that

the low proposal from Bingham Environmental be accepted. Bingham's proposal provides for the semi-annual collection and delivery of sample containers, and analyses by American West Analytical for nine samples (\$4,950), and report of groundwater analyses, including tables comparing previous data (\$1,000). Bountiful will collect the samples. Councilman Cushing made the motion that the proposal from Bingham be accepted (\$5,950 semi-annually, \$11,900 per year). Councilwoman Coon seconded the motion and voting was unanimous.

MILLER PAVING COMPANY AWARDED BID FOR ROTOMILLING AND INSTALLING STREET FABRIC--400 EAST AND 400 NORTH

Mr. Rowland reported that bids were opened on June 18, 1992 for the rotomilling of the street surface and placement of street fabric on 400 North from 400 East to Davis Boulevard and 400 East from 400 North to 1500 North. He explained that rotomilling is a process of planing off the edges of the streets, and forming a smooth edge which ties well to the gutter.

It is staff recommendation to award the bid to low bidder, Miller Paving, in the amount of \$60,215.00. This project will commence approximately July 20th and when it is completed, the City will overlay the street with a 2-inch thick asphalt surface. Councilwoman Coon made a motion to approve the bid from Miller Paving as recommended. Councilman Cushing seconded the motion and voting was unanimous.

CITY CODE, TITLES S. 9, AND 12, PRESENTED BY MR. MAHAN

Mr. Mahan referred to Code Titles 8, 9, and 12 which had previously been given to the Council and commented that there are not many changes in these titles, except for a new noise ordinance included in Title 8. Title 9 incorporates existing provisions relating to the Redevelopment Agency into the Code. Title 12 relates to revenue and taxation which is already in existence and has had only minor changes.

He said that next week the traffic and criminal codes will be presented and noted that these are the final two titles for the council to review. After the Council has reviewed the entire Code by sub-sections, it will be presented to the Council in its entirety for approval and adoption.

This item was informational and required no action.

APPROVAL GIVEN TO AMEND CEMETERY LEASE AGREEMENT DONALD AND JOLEEN WILLEY, LESSEES

Mr. Hardy reviewed the original lease agreement between the City and Donald and Joleen Willey and stated that they would like to amend that agreement to allow them to fence a small portion of the property for the purpose of keeping two to five horses. This condition was not contemplated in the original contract and would be an accommodation to the Willey's. He said they would keep the area neat and clean.

Mr. Hardy noted that the City Council visited this site on their recent field trip and the matter has also been studied by the Parks and Recreation Committee which voted unanimously to approve the amendment, subject to conditions as stated in Amendment No. 1, amending

Section
2.7 and Section 2.1.

Following a short discussion, Councilman Shafter asked who would monitor the use for proper compliance. Mr. Hardy stated that this is a responsibility of the City. Councilman Shafter then made a motion to approve the amended lease, with the conditions as recommended. Councilman Cushing seconded the motion which carried unanimously.

**RES. NO. 92-10 ADOPTED PROVIDING FOR INCREASE
IN CEMETERY RATES**

Mr. Hardy stated that the Parks and Recreation Committee has thoroughly reviewed the rates and fees for the cemetery and it is the Committee recommendation that Resolution No. 92-10 be adopted which provides for increases in these rates. He noted that this is the first increase proposed since 1988.

Councilman Cushing made a motion to adopt Res. No. 92-10 which implements the new rates and authorize the mayor and city recorder to sign it. Councilman Shafter seconded the motion and voting was unanimous.

APPROVAL GIVEN TO FUND CENTENNIAL MAGAZINE

Mr. Hardy reported that Fred Stringham, a member of the Centennial Committee, approached the Parks and Recreation Committee with a proposal for the city to publish a centennial magazine which would be distributed to all households in the city. The magazine would feature events of this year of centennial celebration as well as historical articles. The total cost would be approximately \$35,000 and it is proposed that this be funded as follows:

Advertising	\$15,000
Already included in budget	5,000
Council Contingency Fund	15,000

The Recreation Committee supported the concept of the magazine; however, they indicated that it could only be done if supported by the Council and funding was appropriated.

Councilman Cushing stated that he supported the concept of the magazine. However, he questioned the method of distribution, noting that the magazine might just be thrown away by some residents, and there would be others who would like more than one copy. After discussion by the Council, Mr. Jenson suggested that a coupon could be sent with the utility bills inviting residents to pick up their free copy at the City Hall; and if additional copies were desired, they could be purchased for a nominal fee (\$1.50 to \$3.00).

Councilman Shafter made a motion to approve funding of \$15,000 as requested and that the magazine be distributed as suggested by Mr. Jenson. Mr. Hardy suggested that the initial printing be a run of 5,000, and dependent on the need, additional printings could be done. In this manner, after the initial run, the magazine could be self-funding. The motion was amended to approve \$10,000 from the Council Contingency Fund. Mayor Pro-tem Foy seconded the motion and voting was unanimous.

RELEASE OF EASEMENT APPROVED FOR TIM TATE--

408 SOUTH MOSS HILL DRIVE

Mr. Rowland explained that Tim Tate, 408 South Moss Hill Drive, has requested that a portion of the utility easement along his north and west property lines be released so that he can use this area to build a swimming pool. It is the staff recommendation that the Release of Easement be granted and that the mayor be authorized to sign the Release for recording. All utilities have been contacted and have given approval. Councilman Shafter made a motion to approve the Release of Easement as recommended. Councilman Cushing seconded the motion and voting was unanimous.

RES. NO. 92-11 ADOPTED - ACCEPTANCE OF PETITIONS FOR ANNEXATION - AREA BETWEEN 3100 SO TO 3400 SO AND ORCHARD DRIVE TO HIGHWAY 89

Mr. Rowland reported that petitions have been received from 88 property owners in the area between 3100 South to 3400 South and Orchard Drive to Highway 89 requesting annexation into Bountiful corporate limits. There are 135 properties in this area and the 88 owners who have signed represent 65% of the property owners. He said that the ownership has been verified and it is the staff recommendation that the annexation petitions be accepted and that the Council set a date for the Public Hearing to consider adoption of the Policy Declaration.

Mr. Forbes noted that inasmuch as this annexation, if approved, would create an island (unincorporated property which is contiguous to only one municipality), the Council must also set a hearing to consider the annexation, even though the island is created.

Following discussion, Councilman Shafter made a motion to adopt Res. No. 92-11 providing for acceptance of the annexation petitions. Councilman Cushing seconded the motion and voting was unanimous.

Councilman Shafter then motioned that a public hearing be scheduled August 5, 1992 at 7:30 p.m. for the purpose of considering the Policy Declaration; and a second public hearing at 7:45 p.m. to consider the annexation, even though an island is created. Councilman Cushing seconded the motion and voting was unanimous. Councilman Shafter noted that he will be out of town on August 5th, but he will write a letter to be read into the meeting regarding this matter.

RES. NO. 92-9 ADOPTED AUTHORIZING THE ISSUANCE AND SALE OF HOSPITAL REVENUE BONDS--SO DAVIS COMMUNITY HOSPITAL

Mr. Forbes reviewed Res. No. 92-9 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOUNTIFUL, DAVIS COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF HOSPITAL REVENUE BONDS, SERIES 1992, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,590,000 TO BE INITIALLY DATED THE DATE OF ISSUANCE AND DELIVERY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, LOAN AGREEMENT, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; APPROVING THE FORM OF MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF RENTS; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION". He stated that approval of

these bonds will not impair the credit of the City or be considered an obligation of the City in any manner and noted that other similar bonds have been issued in the past.

Councilwoman Coon asked if approval of this request would result in extra recordkeeping for the City and Jim Burr, bond counsel, stated that he and Mr. Forbes have worked together to provide little, if any, workload or responsibilities for the City. Councilman Shafter made a motion to accept Res. No. 92-9 and authorize the mayor and city recorder to sign it. Councilman Cushing seconded the motion and voting was unanimous.

Mr. Burr extended an invitation to the Council to attend the groundbreaking ceremonies which will be held on June 26th at 10:00 a.m.

MISCELLANEOUS

Mr. Hardy referred to a draft copy of the City newsletter which has been prepared for this quarter and asked the Councilmembers to review it and get back to him by tomorrow if any changes are desired.

Mr. Hardy stated that a Council retreat was scheduled for July 15th. Councilman Shafter noted a conflict with business of the Power Department and the Retreat was re-scheduled for July 14th at the Golf Course Clubhouse.

The meeting adjourned at 8:05 p.m. on a motion made by Councilwoman Coon and seconded by Councilman Shafter.