

Minutes of the regular meeting of the City Council held August 5, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present: Mayor: Bob Linnell (arrived at 7:05 p.m.)
Council Members: Harold Shafter, Renee Coon, John Cushing, and Barbara Holt.
City Manager: Tom Hardy
City Attorney: Layne Forbes
City Prosecutor: Russell Mahan
City Engineer: Jack Balling
City Recorder: Arden Jenson
City Treasurer: Ira Todd
Planning Director: Ron Rees Boothe
Planning/RDA Dir: Blaine Gehring
Rec. Secretary: Nancy Lawrence
Dept. Heads: Neal Jenkins, Parks/Rec.
Clifford Michaelis, Power

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.

Councilman Shafter noted that he had received a call from the Mayor stating that he (Mayor Linnell) would be late for this meeting. Based on the schedule set by the Mayor, Councilman Cushing motioned that Councilman Shafter serve as Mayor Pro Tempore until Mayor Linnell arrived. Councilwoman Holt seconded the motion which was favored unanimously.

Mayor Pro-tem Shafter called the meeting to order, following which Mr. Balling led the pledge of allegiance to the flag. The invocation was given by Mr. Gehring. The Mayor Pro-tem then welcomed those in attendance and introduced the staff and elected officials to the visiting Boy Scouts.

Minutes of the regular meeting of the City Council held July 22, 1992 were presented and unanimously approved as written on a motion made by Councilwoman Holt and seconded by Councilman Cushing.

EXPENSES AND EXPENDITURES APPROVED FOR TWO PERIODS IN JULY, 1992

Mr. Jenson presented the Expenditure and Expense Reports for the Period July 1-23, 1992 in the amount of \$262,422.98, and the Period July 24-28, 1992 in the amount of \$195,758.00. Following a brief discussion, both expenditure reports were unanimously approved on a motion made by Councilman Cushing and seconded by Councilman Shafter.

Mayor Linnell arrived at this time (7:05 p.m.) and conducted the remainder of the meeting.

RES. NO. 92-15 ADOPTED - APPROPRIATION OF FUNDS

**FROM BCL&P TO GENERAL FUND, CAPITAL IMPROVEMENTS,
AND FUTURE POWER RESOURCES FUND**

Mr. Hardy reviewed that the Council previously authorized a change in the amount of contribution from the Light and Power Fund to City funds. He stated that Resolution No. 92-15, entitled "A RESOLUTION PROVIDING FOR THE APPROPRIATION OF FUNDS FROM THE BOUNTIFUL LIGHT AND POWER FUND TO THE GENERAL FUND, CAPITAL IMPROVEMENTS FUND AND FUTURE POWER RESOURCES FUND", ratifies that action and recommended its adoption. A motion to this effect, authorizing the signature of the Mayor and City Recorder, was made by Councilman Shafter, seconded by Councilwoman Holt and unanimously adopted.

**RES. NO. 92-16 ADOPTED - PROVIDING FOR REDUCTION
OF POWER RATES**

Pursuant to ordinance requirements, the reduction of power rates for the 1992-93 fiscal year budget must be put into effect by passage of a resolution. The Mayor presented Resolution No. 92-16, providing for adoption of the rate schedules which were incorporated into the resolution. Councilwoman Holt motioned to adopt Res. No. 92-16 and authorize the Mayor and City Recorder to sign. Councilman Shafter seconded the motion and voting was unanimous.

**ORD. NO. 92-4 ADOPTED - GOVERNMENT RECORDS
ACCESS AND MANAGEMENT ACT (GRAMA)**

Mr. Mahan explained that the State has passed a law known as the Government Records Access and Management Act (GRAMA) which significantly broadens public access to governmental records. This law requires that all cities adopt it by reference, and he presented Ordinance No. 92-4, entitled "AN ORDINANCE PROVIDING FOR BOUNTIFUL CITY GOVERNMENT RECORDS AND MANAGEMENT", for adoption. He indicated that the city manager has appointed him (Mr. Mahan) to act as the records officer to bring into compliance a host of record keeping items. (It was clarified that the sentence "The City Recorder is appointed as the Records Officer required under Section 63-2-30911 should be stricken). (See Title 2-6-107).

Discussion followed regarding Bountiful's policy on public access of records, making copies, and related charges. Councilwoman Coon motioned for approval of ordinance No. 92-4, with authorization for the Mayor and City Recorder to sign. Councilwoman Holt seconded the motion and voting was unanimous.

**COUNCIL ADOPTS ORD. NO. 92-5 RE:
EMERGENCY INTERIM SUCCESSION**

Mr. Mahan stated that another ordinance needs to be adopted to come into compliance with the Continuity of Government Act. He reviewed Ordinance No. 92-5, entitled "AN ORDINANCE AMENDING SECTION 2-3-108 OF THE BOUNTIFUL CITY CODE TO PROVIDE FOR EMERGENCY INTERIM SUCCESSION FOR BOUNTIFUL CITY OFFICE HOLDERS". This ordinance (which adopts portions of the State code by reference), provides for the exercise of governmental powers in an emergency, even if the incumbent office holders are not available and lists the order of authority in the absence of the mayor and/or city manager.

Councilman Cushing motioned for approval of Ordinance No. 92-5 with authorization for the Mayor and City Recorder to sign. Councilman Shafter seconded the motion and voting was unanimous.

COTTONWOOD BUILDERS AWARDED BID FOR RECONSTRUCTION AND RESEALING OF BRIGGS AND SUNSET HOLLOW SBDVN STREETS

Mr. Balling reviewed that when Briggs and Sunset Hollow subdivisions were developed in 1985, the streets were paved with concrete due to the high price of asphalt and the theory that the concrete street surface would provide longer life. It is still felt that the concrete will last longer than if it had been asphalt. However, the joint sealant which was used was hot poured asphalt (as specified by the State Highway Department at the time) and this has allowed water to penetrate through the joints, causing the ground to heave and breakage of the concrete street slabs. Mr. Balling recommended that the streets be repaired prior to the coming winter to prevent further deterioration. He said that a consulting engineer from Holnam, Inc. (formerly Portland Cement) has recommended the use of a silicone sealant which is much more effective in sealing the joints.

Four companies sent proposals to the City for this work and it is the staff recommendation to accept the low bid from Cottonwood Builders in the amount of \$125,369.00 or less, based on actual quantities completed. Although this repair work was not included in the budget, it can be funded from the Street Department budget for Street Maintenance and Roadway Construction Projects. The cost for repairs is \$.61 per square foot; if the repair is not completed and the roads had to be completely re-done (using asphalt), the cost would be \$3.50 per square foot. Councilman Shafter motioned for acceptance of the bid from Cottonwood Builders, Councilman Cushing seconded the motion and voting was unanimous.

CLASS A BEER LICENSE APPROVED FOR FOOD 4 LESS - 1756 SOUTH MAIN

Mr. Hardy reviewed that last January (1992) Food 4 Less, 1756 South Main, voluntarily withdrew their license to sell beer after being cited for selling to minors. They have now re-applied for a Class A beer license, and the application has been reviewed by the Police Chief and given a positive recommendation. Based on staff's recommendation, Councilman Shafter made a motion to approve the request of Food 4 Less for a Class A beer license. Councilman Cushing seconded the motion which was favored unanimously.

CONSIDER PRELIMINARY AND FINAL APPROVAL - EAGLE RIDGE SUBDIVISION REVISED-1400 EAST 1000 NO

This item canceled.

THE RIDGES ESTATES OF MAPLE HILLS GRANTED FINAL ACCEPTANCE

Mr. Balling reported that The Ridges Estates of Maple Hills, 1800 South 1900 East, developed by Norm Dobson, has been completed and meets all City specifications. He recommended that the City take over the normal responsibility of maintenance and upkeep and send the letter of release to the developer. Councilman Cushing made a motion to accept the staff recommendation, Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GIVEN TO SITE
PLAN CITY POWER DEPARTMENT EXPANSION, 198 SO 200 WEST**

Mr. Gehring reviewed the site plan for the proposed expansion project of the Central Substation of the Power Department, 198 South 200 West, and reported that it is the recommendation of the Planning Commission and staff that preliminary and final approval be granted to the site plan. Councilman Shafter asked if the common wall to the outside is concrete filled and he recommended that this be a condition of approval as a safety precaution. Following a brief discussion, the staff recommendation for approval was unanimously approved on a motion made by Councilwoman Holt and seconded by Councilman Cushing.

**PUBLIC HEARING TO CONSIDER ANNEXATION OF VAL VERDA AREA
PROPERTY (3100 TO 3400 SOUTH AND ORCHARD DRIVE TO HIGHWAY 89)
AND ADOPTION OF POLICY DECLARATION**

At 7:30 p.m. Mr. Balling described the area being considered for annexation as that between 3100 and 3400 South bounded by Orchard Drive on the East and Highway 89 on the West. He said it contains 62 acres, is divided into 135 properties and 88 owners have signed the petition requesting annexation. This represents about 65 percent; more than 50 percent is required for the annexation request to be considered.

Mayor Linnell explained the format for the hearing, following which he called for input from those in attendance. Mary Litster spoke in opposition to the annexation because of the increase in taxes which would result and the reduction on fire insurance which results from her being so close to the fire station in North Salt Lake.

Kent Christiansen, attorney for the city of North Salt Lake, spoke in opposition to the annexation and cited the following as issues: a) 3100 South is a natural dividing line; b) this annexation would create a peninsula into North Salt Lake; c) the present fire protection status is more practical for the area; d) there are no franchise taxes in North Salt Lake; e) city services (police, fire, snow removal, street maintenance, etc.) are compounded by the location of the area; and f) a financial burden will be placed on the South Davis Fire District. He summarized by stating that the property lies within the proposed North Salt Lake expansion area and would be more suitably located in that city.

Craig Beckstrom, Heber Moulton, and LeRoy Fultz spoke in favor of the annexation. Vernal Thompson, not a resident of area, challenged that some of the signatures on the petitions were duplicates (or in some cases the same person signed four times). However, Mr. Balling clarified that the annexation is based on parcels of Property (of which there are 135), and in some instances one person owns several parcels. With no further comments from the citizenry, the Mayor closed the public hearing at 8:03 p.m.

Councilwoman Coon asked what financial impact the annexation would have on the city, stating that her primary responsibility is to the citizens of Bountiful who she now represents. Mr. Hardy reviewed the services which will be required by the proposed area, and stated that in the long term, the residential annexation will result in a break-even position for the city. Assuming that the electrical power service will be purchased from Utah Power and Light, and based on the

recent situation in Logan, Mr. Hardy guessed that it will take 12-15 years to fully amortize the cost of the purchase. Councilwoman Coon stated that she would like additional time to study the ramifications of this matter and requested that the vote not be taken this evening.

Councilwoman Holt asked if approval of this annexation request would result in undue hardship on the city financially, or add pressures to any department that could not be handled. Mr. Hardy stated that financially the revenues and expenses would be offsetting and the annexation would not cause any situation which would be unmanageable.

Councilman Shafter made a motion to adopt the Policy Declaration, providing for the area included in the petition to be annexed into the City of Bountiful. Councilman Cushing seconded the motion which carried by a majority. Councilwoman Coon abstained.

APPROVAL GIVEN TO STOKER SCHOOL LEASE AGREEMENT -- UNIVERSITY OF UTAH

Mr. Hardy reported that a lease agreement has been negotiated with the University of Utah regarding the Stoker School. He reviewed the highlights of the lease--a five-year lease at \$50,000 per year, with the city paying utilities and some maintenance costs. The State legislature approved funding of \$200,000 to bring the building up to fire code. It is the staff recommendation that the Council approve the lease and authorize the Mayor to sign on behalf of the City. Councilwoman Holt made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

APPROVAL GIVEN TO PURCHASE NEW ICE RESURFACING MACHINE - BOUNTIFUL ICE ARENA

Mr. Jenkins stated that the ice resurfacing machine which is presently used at the Bountiful Ice Arena is nine years old, has had three engines and is in need of other repairs. Therefore, \$66,000 has been included in the budget for a new ice resurfacing machine this year. The Zamboni Company has always been the leader in ice resurfacing and it is recommended that a new electric Zamboni 552 be approved for purchase. This machine can provide 10-15 ice makes before it is necessary for it to be recharged. The cost for the ice resurfer, plus a board brush, is \$64,075.00.

Councilman Shafter asked what would be done with the old resurfer and Mr. Jenkins stated that it will be kept as a back-up unit and could also be leased out to other ice rinks. Councilman Shafter motioned for approval to purchase the Zamboni 552 as recommended by staff. Councilwoman Holt seconded the motion and voting was unanimous.

BID AWARDED TO C.D.C. FOR ROOF REPAIR - MILL CREEK AND BARTON CREEK RESERVOIRS

Jim Barton reported that the reservoirs at Mill Creek and Barton Creek have experienced some seepage through the concrete covers which results in a major problem with water quality. Bids were requested from four companies to provide joint sealing and placement of a 1211 wide protective membrane over the sealed joint. It is the staff recommendation that the bid from C.D.C in the amount of \$24,679, plus additional work of \$8,000 (reseal the joint between the roof and wall, seal some miscellaneous wall cracks, and seal some random cracks in the roof

slabs) be approved.

In response to questions from the Council, Mr. Barton explained that the lowest bidder was not recommended because the staff felt this bid was not as responsive due to lack of knowledge of the representative and lack of pertinent expertise. Councilman Shafter motioned for approval of the bid from C.D.C. as recommended. Councilwoman Holt seconded the motion and voting was unanimous.

DISCUSSION REGARDING ZONING ORDINANCE AND POLITICAL SIGNS

Mr. Hardy explained that Mr. Gehring had recommended that the Planning Commission discuss the Zoning Ordinance as it relates to requirements for political signs. It was noted that Bountiful is only one of three Davis county cities which do not permit political signs larger than 16 square feet. Inasmuch as state-wide candidates have larger signs made up which can be used in other areas, it was suggested that consideration be given to amending the Bountiful Zoning Ordinance to permit political signs which were 32 square feet. The Planning Commission felt comfortable with the ordinance as it now stands.

Following a short discussion, the Council concurred that the ordinance is satisfactory as it is and the matter died for lack of interest. (Councilwoman Coon requested that the Council be given minutes of the Planning Commission minutes prior to Council action). Mr. Hardy suggested that political candidates whose signs are in violation of the ordinance be notified and given until next Monday to remove the signs. Councilwoman Holt requested that any signs which are not removed timely be taken down by the City and kept for pickup by the candidates.

The meeting adjourned at 8:40 P.M. on a motion made by Councilwoman Coon and seconded by Councilman Shafter.