

Minutes of the regular meeting of the City Council held October 28, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, Renee Coon, John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne Forbes
	City Engineer:	Jack Balling
	City Recorder:	Arden Jensen
	Planning Dir.:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Cliff Michaelis/Power David Wilding/ Water & Sewer

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 Councilwoman Coon led the pledge of allegiance to the flag. The invocation was given by Councilman Shafter.

Minutes of the regular meeting of the City Council held October 21, 1992 were presented and unanimously approved as written on a motion made by Councilman Cushing and seconded by Councilwoman Holt.

**EXPENDITURES AND EXPENSES FOR PERIOD
OCTOBER 16-22, 1992 APPROVED**

Mr. Jensen presented the Expenditure and Expense Report for the Period October 16-22, 1992 in the amount of \$521,333.32. Following brief discussion, these expenditures were unanimously approved on motion made by Councilwoman Holt and seconded by Councilman Shafter.

**DOWTY CONTROL TECHNOLOGIES AWARDED BID
FOR RFL5800 METER CALIBRATION SYSTEM - POWER DEPARTMENT**

Mr. Michaelis reported that the single and three-phase meters on the power system are regularly tested and calibrated to insure that the city is accurately measuring the electricity which is being delivered to its customers. The present testing equipment is 20-plus years old, is not as efficient or accurate as newer technology, and cannot be used on all the meters. Therefore, it is recommended by staff and the Power Commission to purchase a new meter calibration system. Bids were sent to three companies and all responded; however, one of the respondents was late and that bid was not opened.

It is recommended that the low bid from Dowty Control Technologies for a RFL5800

Meter Calibration System in the amount of \$34,478 be approved. This bid is \$5,207 less than budget; however, the proposed system will also require a computer which will cost approximately \$4,500. Councilman Cushing made a motion to approve awarding the bid to Dowty Control Technologies, as recommended. Councilman Foy seconded the motion and voting was unanimous.

APPROVAL GIVEN TO PURCHASE REBUILT TRANSFORMER FROM US TRANSFORMER - POWER DEPARTMENT

Mr. Michaelis reported that the design for the Central Substation is continuing on schedule and assuming that it continues on schedule, it will be energized in June, 1993. The design for the substation requires an additional step-up, transformer for generator #8. A transformer that is available to be rebuilt has been found and it is the recommendation of the design engineer (SSR), the Power Commission and the staff, that approval be given to purchase this transformer. The transformer is currently energized; however, it has never been used. It will be completely rebuilt and tested by US Transformer and will have a 24-month warranty. The engineering estimate for a new transformer for this project is \$175,000 and the rebuilt transformer is available for \$81,625.00. Councilman Cushing made a motion to purchase the rebuilt transformer from US Transformer as recommended. Councilman Shafter seconded the motion and voting was unanimous.

APPROVAL GIVEN TO UAMPS SECOND AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION

Mr. Michaelis explained that Page Electric (Page, Arizona) is desirous of becoming a full member in the UAMPS organization and in order to satisfy the Arizona legal council, an amendment has been requested to the Amended and Restated Agreement for Joint and Cooperative Agreement. This amendment requires project contracts to address the disposition of assets upon termination of UAMPS or the project and requires budgets for all projects and activities. He said that the language is consistent with actual operations, including Page, Arizona as a member of UAMPS will benefit the organization overall, and it is the recommendation of staff and the Power Commission that the amendment be approved. Councilman Cushing made a motion to approve the recommendation of staff and accept the Second Amendment to the Amended and Restated Agreement for Joint and Cooperative Action--UAMPS. Councilman Shafter seconded the motion and voting was unanimous.

PRESENTATION BY FOREST SERVICE ON MANAGEMENT OF MUELLER PARK

Mike Sieg, U.S. Forest Service, explained that budget constraints over the past three years have resulted in the creation of innovative ways of managing land in the Salt Lake Ranger District. He said that the mission of the Forest Service is to care for the land and serve the people and any programs or changes which are implemented should be in harmony with that mission statement. He noted that the Mueller Park recreation area has not been adequately maintained and he requested input from the Council on a proposal which has been found to be successful in the Mill Creek canyon area in Salt Lake City. In that area a private concessionaire has been contracted to collect admission fees (proposed for Mueller Park to be \$2 per vehicle or \$1 for individuals who walk in) and provide maintenance services. The fees collected are used to pay the concessionaire and by the Forest Service for trail improvements, etc. Jim White, U.S. Forest Service, noted that the rationale for this proposal is that the user who benefits from the site pays

the fee. Fee exceptions are made for groups who wish to enter into an agreement to do volunteer work, such as tree planting.

Councilwoman Coon compared the \$2 fee with a \$7 fee charged in Yellowstone (for a one-week period) and stated that she felt it was not reasonable. She said she was opposed to any kind of fee because (1) the land belongs to the public and they are already paying for its care; (2) it is unfair for private concessionaires to use public lands for their profit; and (3) it would be discriminating against those who could not pay the fee (noting especially the youth and young families). She also stated that the park should be left open until curfew.

With the exception of the curfew matter, Councilman Foy stated that he concurred with Councilwoman Coon. He suggested that there would be a number of groups from the community who would be willing to do volunteer work. Mr. White noted that about three-fourths of the work which is needed is skilled construction kinds of capabilities. Mr. Sieg noted that the Forest Service has a very active volunteer program and he assured the Council that their effort in coming tonight was not to raise money but to take care of the land.

Councilwoman Holt also expressed agreement with Councilwoman Coon and she asked if the fee were implemented, would it be removed after the necessary improvements were made. Mr. White stated that it would take about two decades before the project was finished, and he clarified that the fee is not for the use of the land but the improvements which would be constructed (restrooms, etc.). Councilman Cushing voiced similar concern as the other councilpersons and he stated that he would like an opportunity to look for other alternatives. Mayor Linnell recognized that there is a problem and suggested that this matter be referred to the Parks and Recreation Committee with the hope that the City can come up with a better solution.

Doug Moss, a property owner in Mueller Park area, stated that he was opposed to the fee, but also had concerns regarding management of the park. The Mayor invited Mr. Moss to attend the Parks and Recreation Committee meeting which will be held Monday, November 2, at 3:30 p.m.

PUBLIC HEARING RE: AMENDING MASTER ANNEXATION POLICY DECLARATION

Mr. Gehring reviewed that State law requires every city that anticipates annexation of additional area to adopt a master Policy Declaration which designates the area that will be considered for future annexation and related matters. He stated that the staff is proposing that the current Annexation Policy Declaration (adopted in 1980) be amended to reflect land that has already been annexed into North Salt Lake, and that the area south of 3400 South between Highway 89 and Orchard Drive be eliminated. He referred to a map of the area which showed the proposed areas for annexation (as discussed between the governing bodies of North Salt Lake and Bountiful in a recent special council meeting) and proposed that it be amended as "Exhibit All. Mr. Hardy clarified that the Master Annexation Policy Declaration reflects areas a city may annex. Whether or not annexation takes place depends on the wishes of the property owners and the action of the City Council.

Mayor Linnell stated that the city currently has a pending petition from the property

owners between 3400 South and 4100 South, 800 West to Orchard Drive. At 8:02 he opened the public hearing on the Master Annexation Policy Declaration. Miriam Edgar, 3498 South 800 West, stated that she and several of her neighbors have never been contacted regarding the pending petition. (It was noted that 800 West street is the cut-off street and she lives on the west side, not included in the petition).

Vernal Thompson, 2944 South 400 East, requested clarification of paragraphs 4-7 of the Annexation Policy Declaration regarding municipal services and suggested that consolidation of services might be considered. Proposed road patterns for the southeast area of the Bountiful/Davis County/North Salt Lake were discussed and Mr. Hardy mentioned that it would be desirable for Bountiful Boulevard to extend on to Salt Lake City.

Richard Franklin, 729 West 3400 South, noted that 78 percent of the property owners in the pending annexation petition will not be considered if Bountiful removes this area from its Master Annexation Policy Declaration. The Mayor acknowledged this statement; however, in terms of providing services for the area, it is not logical to create a finger of Bountiful which extends into the corporate limits of North Salt Lake. He cited as one example the confusion which would result with street and house numbering. The hearing concluded at 8:29 p.m.

Mayor Linnell called for a motion on the matter and suggested that, in view of tonight's discussion, if the Council felt inclined to adopt the proposed Master Annexation Policy Declaration, that it be amended to include both sides of 3400 South. Councilman Foy made a motion to approve the Master Annexation Policy Declaration, including both sides of 3400 South. Councilman Shafter seconded the motion. Councilwoman Holt noted that a great deal of time and study has gone into this matter and the Mayor noted that for the first time, a joint meeting was held between the elected officials of North Salt Lake and Bountiful to come to a congenial, sensible solution. Voting on the motion was unanimous.

PUBLIC HEARING RE: BEER LICENSE OF SMITH'S FOOD KING, 2399 SOUTH MAIN

At 8:34 p.m. Mr. Forbes referred to a packet of materials submitted to each council member and he reviewed the Codes related to the sale of beer to minors and stated that the Code was violated by employees of Smith's Food King on February 18, 1992 and September 22, 1992. Smith's Food King did not fail the attempt to buy made on June 23, 1992. As per City policy, when a business fails two of three tests, they are noticed and requested to show cause why the beer license should not be revoked or suspended.

Michael Fry, corporate officer and general counsel for Smith's Food King, expressed concern that the sale of beer had been made to minors and he related to the Council the circumstances under which the sales were made and that they were honest mistakes made by the employees. He reviewed the policy of Smith's regarding this matter and stated that they (Smith's) provide their own policing on a regular basis. He suggested that rather than pulling the license of the store which is an inconvenience to their adult shoppers, that the city allow them to be put on a probationary status and any violation would result in immediate termination of the employee. He suggested that the fine also be imposed on the employee (instead of management) in an attempt

to get the attention of the checkers.

Mayor Linnell acknowledged Mr. Fry's suggestions, but stated that it has been found by past experience that the city gets better attention from management if they are the ones who must address the violation. Mr. Forbes stated that inasmuch as Smith's Food and Drug has had a good record, it is recommended that a 30-day suspension of the license to sell beer be implemented, rather than revoking the license, and that the suspension become effective at 12:01 a.m. on October 29, 1992. Councilman Cushing motioned for suspension of the beer license of Smith's as recommended. Councilman Foy seconded the motion, noting that Bountiful is very serious about the enforcement of this ordinance. Voting on the motion was unanimous.

APPROVAL GIVEN TO GO AHEAD WITH RECYCLING CENTER PUBLIC WORKS FACILITY, 950 SO 200 WEST

Mr. Balling referred to an updated plot plan and cost estimate for construction of a recycling center to be located at the Public Works Facility at 950 South 200 West. The schematic featured a double entrance/exit to the drop off bins (two large and one small bin proposed now with expansion to three large and three small bins in the future) and a dumpster. The plan also included a 4-ft. masonry wall. Mr. Hardy suggested that the project would be funded from the Sanitation fund. Following discussion, Councilwoman Coon made a motion to approve the plan and authorize staff to proceed with this project and that \$16,652.50 be appropriated from the Sanitation Fund. Councilman Foy seconded the motion which carried unanimously.

R.L.M. CONSTRUCTION AWARDED BID FOR STOKER SCHOOL IMPROVEMENTS

Mr. Balling reported that bids were opened yesterday for the retrofit of the Stoker School to bring the building into compliance with the Fire Code requirements. He referred to a tabulation of the Bid Proposals which had been received from six contractors and recommended that the bid be awarded to low bidder, R.L.M. Construction in the amount of \$79,630.00, subject to the company submitting the Performance Bond. Councilman Shafter made a motion to award the bid as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

PUBLIC HEARING SET TO CONSIDER AMENDING ZONING ORDINANCE

Mr. Gehring explained that four districts included in the Bountiful City Zoning Ordinance presently allow bars as a permitted use and he recommended that the ordinance be amended to make it a conditional use. He recommended that a public hearing be set for November 18, 1992 at 7:30 p.m. to consider amending Section 5-800 of the Bountiful City Zoning Ordinance by removing land use category C10 "Bar, Tavern, Lounge, Club" as a permitted use and making it a conditional use in N2-D6, N4-D9, N6-D11 and N6-D12. Councilwoman Holt made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

PUBLIC HEARING SET TO CONSIDER AMENDING ZONING ORDINANCE - LOT STANDARDS

Mr. Gehring reported that it is the recommendation of the Planning Commission that Section 15-200 regarding lot standards be amended to require newly created lots to meet ordinance standards, prohibit transfer or sales of space required to meet ordinance standards, and

allow prior created lots which do not meet width and frontage standards to be developed. He recommended that a public hearing be set for November 18, 1992 at 7:45 p.m. to consider this matter. Councilwoman Holt motioned for the hearing as recommended, Councilman Shafter seconded the motion and voting was unanimous.

APPROVAL GIVEN TO ESCROW AGREEMENT - GLADE HOLLOW PUD

Mr. Forbes reviewed that one of the conditions of final approval of Glade Hollow PUD is that they provide a bond, or its equivalent, to guarantee the installation of off-site improvements. He reviewed the proposed agreement (with United Savings Bank, Hooper Draw Limited Liability Company and Bountiful City as signatories) and recommended that it be approved. The Agreement provides that \$206,699.20 will be placed in escrow to secure the developer's obligations as set forth by the city and these funds will not be released without authorization from the city. Following a brief discussion, the Escrow Agreement was approved on a motion made by Councilman Foy and seconded by Councilwoman Holt. Voting was unanimous.

EXECUTIVE SESSION SCHEDULED TO DISCUSS THE ACQUISITION OF REAL PROPERTY

At the request of the City Manager, Councilman Shafter made a motion to schedule an executive session immediately after this meeting for the purpose of discussing the acquisition of real property. Councilman Foy seconded the motion which carried unanimously.

The meeting adjourned to executive session at 9:12 p.m. Those in attendance were: Mayor Linnell, all council persons, Mr. Hardy, Mr. Forbes, and Mr. Michaelis.

APPROVAL GIVEN TO PURCHASE COLONIAL LUMBER PROPERTY

The meeting reconvened to open session at 9:32 p.m. and Mr. Hardy reported that Mr. Michaelis has met with Fred Hales, owner of Colonial Lumber, regarding the possibility of the city purchasing the Colonial Lumber property for possible future expansion of the power generation facility. Following a number of negotiations and appraisals, it is the recommendation of the Power Commission and staff that approval be given to purchase said property for \$225,000 cash upon closing, and in exchange, that Colonial Lumber be allowed to retain their business at that location rent free for three years. After three years, any obligations will cease and the city could develop the property, continue to rent to Mr. Hales, or rent to someone else. Councilman Cushing made a motion to approve the purchase of Colonial Lumber property from Fred Hales as recommended. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted nay.

The meeting adjourned at 9:35 p.m. on a motion made by Councilman Shafter and seconded by Councilwoman Holt.