

Minutes of the regular meeting of the City Council held December 23, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, John Cushing, Barbara Holt, and Leslie Foy
	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:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	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.

Mayor Linnell called the meeting to order, following which Bret Hutchings, Cub Scout, 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 December 9, 1992 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR TWO DECEMBER PERIODS

Mr. Jenson presented the Expenditure and Expense Reports for the Periods December 1-10, 1992 (\$204,383.40) and December 11-17, 1992 (\$507, 3 2 6. 88) . Both reports were unanimously approved as presented on a motion made by Councilman Cushing and seconded by Councilman Shafter.

MAYOR RECOGNIZES VISITING SCOUT GROUPS

Mayor Linnell recognized the visiting Cub Scouts and reviewed information pertinent to their citizenship merit badges.

1991-92 COMPREHENSIVE ANNUAL FINANCIAL REPORT REVIEWED AND ACCEPTED - DELOITTE AND TOUCHE, AUDITORS

Mr. Jenson introduced Bob Hall, Deloitte and Touche, and stated that the auditors did a magnificent job this year. He noted that there were a number of reports involved in the audit, including an additional audit required due to the \$200,000 grant which was used for the new fire truck. He commended both the auditing staff from Deloitte and Touche, and the city staff that worked on the audit.

Mr. Hall explained that the audit included the Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 1992, separate reports for the Light and Power Fund and the Redevelopment Agency, a single audit report required by the Federal government in connection with the fire truck grant, the management letter, and compliance report. Also included in the report is a copy of the Certificate of Achievement for Excellence in Financial Reporting. He reported that the City received an unqualified opinion on the audit and he commended the staff for their assistance during the audit.

Mr. Hall reviewed the financial statements, noting total assets (\$90.5 million), liabilities ((\$6.3 million) and owners equity (\$84.2 million) and their respective changes from the previous fiscal year. Governmental fund type revenues were in excess of expenses, after transfers, by \$1.3 million. Proprietary fund type earnings were \$4.1 million (before transfers) . He noted that an error was detected in the amount of depreciation for the prior year in one of the funds. That amount was corrected and all accounts were appropriately stated for the current year. He referred to the notes to the financial statements, additional financial schedules and a statistical section related to the city's financial operation. Mr. Hall stated that the City of Bountiful is fiscally sound and healthy and he expressed appreciation for the opportunity of preparing the audit. He specifically thanked Mr. Jenson, Mr. Todd, Mr. Hardy, and Mr. Coleman for their assistance in preparing the audit.

Councilman Shafter made a motion to accept the Audit Report for the Year Ended June 30, 1992, the Management Letter, the Compliance Report, and the Single Audit Act Report. Councilman Foy seconded the motion and voting was unanimous. Councilwoman Holt asked if recommendations and suggestions of the auditors have been put into place and the Mayor confirmed that they have.

APPROVAL GIVEN TO MED-TOX JOB ANALYSIS AGREEMENT FOR POLICE DEPARTMENT

Mr. Hardy explained that the Americans with Disabilities Act (ADA) , has imposed upon the City certain requirements for the hiring of the disabled. Inasmuch as this includes peace officers, the guidelines for screening physical requirements must be carefully drawn to comply with the ADA. The Utah Department of Public Safety has contracted with a company called MED-TOX Health Services to analyze physical requirements for police officers, develop tests to correspond to those requirements, and for medical guidelines to be written into job descriptions. All of this is to be done in compliance with the ADA. Bountiful and other cities and counties in Utah have been invited to join in this contract on a pro-rata basis. Mr. Hardy recommended that approval be given to join in this contract. The cost to Bountiful would be \$3,370. He noted one minor change which MED-TOX has agreed to make which will recognize the documents as trade secrets, but does not exempt them from public disclosure as might be required by the city in justifying medical guidelines (see Memorandum of Agreement, paragraph 3).

Councilman Cushing made a motion to approve entering into a contract with the Utah Department of Public Safety and MED-TOX, as explained, and that \$3,307 be appropriated from the Risk Management Fund to cover this expense. Councilman Shafter seconded the motion. Councilwoman Holt asked if this document has been reviewed by the City Attorney. Mr. Hardy

stated that Mr. Mahan has reviewed the contract and has no problem with it. Voting on the motion was unanimous.

MR. DAVID PIGGOTT COMMENTS ON AUDIT REPORT

Mr. David Piggott, citizen in attendance, expressed his concern about the reserve accounts and their relationship to total assets. Mr. Hardy pointed out that transfers can be made into the Capital Projects fund for future projects and that this account does not have to be earmarked for a specific project.

ORD. NO. 92-10 ADOPTED RE: NUMBERING OF HOUSES

Mr. Forbes explained that a procedure for numbering houses was adopted by ordinance in 1965 and recently amended when the new code was adopted. The new ordinance has created some confusion and it is recommended that Ord. No. 92-10, entitled "AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 102 OF THE BOUNTIFUL CITY CODE, PROVIDING THAT THE CITY ENGINEER SHALL NUMBER ALL HOUSES OR BUILDINGS UPON THE STREETS OF THE CITY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH" be adopted. Councilman Cushing made a motion to adopt Ord. No. 92-10 as recommended, with authorization for the Mayor and City Recorder to sign it. Councilwoman Holt seconded the motion which carried unanimously.

PUBLIC HEARING SET TO CONSIDER AMENDING ZONING ORDINANCE RE: RESIDENTIAL DAY CARE FACILITIES

Mr. Hardy requested that a public hearing be set for January 6, 1993 at 7:30 p.m. for the purpose of considering an amendment to Chapter 2 of the Zoning Ordinance regarding residential day care facilities. Councilman Foy made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous. (This action amended; see page six of these minutes).

PUBLIC HEARING SCHEDULED TO CONSIDER AMENDING ZONING ORDINANCE RE: OFF-STREET PARKING REGULATIONS

Mr. Hardy requested that a public hearing be set for January 6, 1993 at 7:45 p.m. for the purpose of considering an amendment to Chapter 10 of the Zoning Ordinance regarding off-street parking regulations. Councilwoman Holt motioned for the hearing as requested, Councilman Shafter seconded the motion and voting was unanimous. This action amended; see page six of these minutes).

APPROVAL GIVEN FOR BUILDING LOT - 3860 SOUTH BRIDLEWOOD DR.

Mr. Gehring explained that a lot was created after being left out of a previous development and a request is being made for approval of this as a building lot. The lot has been granted a variance from the Board of Adjustment and it is the recommendation of the Planning Commission that approval be granted, subject to the following conditions:

1. A utility easement around the entire perimeter of the lot, 7 feet wide, be recorded.
 2. Payment of required utility fees for power, sewer, and water.
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3. Payment of a subdivision fee of \$30-00.
4. Compliance with all provisions of the Uniform Building Codes and ordinances of Bountiful City.

Councilwoman Holt made a motion to grant approval of the building lot at 3860 South Bridlewood Drive, as recommended. Councilman Cushing seconded the motion and voting was unanimous.

PRELIMINARY APPROVAL GRANTED TO VIEW POINT SUBDIVISION

Mr. Balling presented a plot plan of View Point Subdivision located on the south side of North Canyon between Bountiful Boulevard on the west and the stub road at 1300 East in Creekwood Subdivision. He explained that this subdivision was presented to the Planning Commission and City Council 12 years ago as viewpoint of Indian Springs and received preliminary approval. He reviewed the preliminary plat in terms of lot size, building pads, road grades, culinary water, sanitary sewer, storm drain and access roads. He recommended that exceptions be granted for cuts and fills, the location of building pads, sidewalks, and landscaped areas.

This plat was reviewed by the Planning Commission and it is their recommendation that preliminary approval be granted subject to the following conditions:

1. An exception be granted for the cuts and fills exceeding 10 feet on 19.5 percent of the total frontage.
2. That sidewalks be required along both sides of the streets; however, the sidewalks may be installed next to the curb only in the areas where there will be no building lots.
3. That building on lot 102 and 105 be allowed beyond 200 feet but not beyond 500 feet, that lot 102 be approved as a flag lot, and that the provisions of ordinance 88-4 apply to construction of both lots.
4. That a temporary gravel turn around be provided at the end of the stub road on the east (60 foot diameter).
5. That a soils study report be submitted before final plats are reviewed.
6. That a landscape and re-vegetation plan be submitted before final plats are required.

Councilwoman Holt stated that the Planning Commission gave a unanimous recommendation for this subdivision and she motioned for preliminary approval, with conditions as outlined. Councilman Shafter seconded the motion which carried unanimously.

CONSIDER RE-APPROVAL OF PRELIMINARY SUBDIVISION OF CANYON CREEK ESTATES SUBDIVISION

Mr. Balling explained that Canyon Creek Estates Subdivision (Tom Mabey and Jerry

James, developers) , was granted preliminary approval on December 7, 1991 by the Planning Commission and the City Council granted preliminary approval on January 8, 1992. Inasmuch as the approval is good for a one-year period of time, the owners of this property would like to have this approval extended for another year. It is the recommendation of staff that preliminary approval be extended for another year, subject to the same conditions of the original approval (see City Council minutes of January 8, 1992, page 2).

Councilwoman Holt motioned for reaffirmation of preliminary approval for Canyon Creek Estates Subdivision, as recommended by staff. Councilman Cushing seconded the motion which carried unanimously.

APPROVAL GIVEN FOR WEST BOUNTIFUL CITY TO CONSTRUCT RESERVOIR AND WATER LINE IN BOUNTIFUL CITY

Mr. Balling reviewed that the City of West Bountiful is desirous of constructing a reservoir in Bountiful and the site most logical to them is at 500 North 550 East, piping the water along 400 North and 400 East to 900 North and then west on 900 North and 1000 North to 500 West. Inasmuch as 400 North and 400 East have recently been reconstructed and it would be unreasonable to tear them up, the Bountiful City and West Bountiful City engineering staffs have worked together to develop an alternate piping plan.

Mr. Balling reviewed the proposed plan which would pipe the water north along 500 East; west along 775 North Street where it would be jacked under 400 East Street; then north along the west sidewalk to 900 North; then west along 900 North to Main Street where it would either go behind the homes along the Stone Creek or under the sidewalk on the east side of Main Street; the line would then be jacked under Main Street at 1000 North and proceed west to 500 West Street and West Bountiful City. It is the staff recommendation that Bountiful City require West Bountiful to pay for the asphalt material to provide a one-inch overlay to 1000 North and 900 North Streets, which cost would be \$31,500.00. Bountiful City would furnish the labor and perform the work. Mr. Balling noted, that although Bountiful would prefer not to have the reservoir and pipe lines of West Bountiful in Bountiful City, it is recognized that we use their streets to access our landfill and we feel a need to help them and cooperate as best we can.

Councilman Shafter stated that he felt West Bountiful should locate their reservoir at the top of Pages Lane (as originally planned) and use 1600 North for the water pipes. (Soils study showed this site to be on the Wasatch Fault Line and a very poor location). Although the piping could be done satisfactorily, it would cost considerably more to place it over the fault. Following discussion, Councilman Foy made a motion to grant approval to West Bountiful's request to construct their reservoir and piping in accordance with the plan as outlined by staff. Councilman Cushing seconded the motion which carried by a majority. Councilman Shafter voted "Nay".

REVIEW OF CITY POLICY RE: SNOW REMOVAL FROM SIDEWALKS

Mr. Hardy reviewed a map which showed the areas of the city where Bountiful currently removes the snow from the sidewalks. He noted that in the business areas, the owners have been very good in assisting the city with snow removal. He said the general policy has been "If we plow it on the sidewalk, we will remove it" and he asked if the Council felt comfortable with this

policy.

He said there have been some complaints in residential areas because some homeowners have not assumed their responsibility of clearing their sidewalks. However, in most cases, these areas can be taken care of by volunteer efforts. He asked if the Council wished to have citations issued for not clearing snow from sidewalks. Once as a last resort. After discussion, it was felt that the policy presently being used is effective. It was noted that in areas where children walk to school, the city will attempt to see that the walks are clear.

REVIEW OF MEETING SCHEDULE FOR 1993

Mr. Hardy reviewed with the Council the present meeting schedule (1st, 2nd, and 4th Wednesdays, with RDA on the 3rd Wednesday) . He noted that many other cities meet on Tuesday evening and asked if the Council wished to change. The present schedule was compatible to the council in general. Mr. Hardy stated that he will prepare a formal meeting schedule for 1993 and present it at the next meeting.

MISCELLANEOUS FROM MAYOR

Mayor Linnell reported that the students from Hannah Holbrook elementary school earlier presented a scroll to the City stating "Happy Birthday, Bountiful" and he took this opportunity to make the Council aware of this effort. The Mayor also explained that Alecia's has had problems in getting their new location ready and they have been given additional time to move from their present location (site of the new Post Office) .

COUNCILMAN FOY RECOGNIZES CENTENNIAL EVENTS

Councilman Foy reported that he had the opportunity to attend the Centennial Ball and he requested that a letter of appreciation be sent to the Elks Club who sponsored it. He also suggested that the Centennial Committee be recognized for their great efforts during the entire year.

DATE OF PUBLIC HEARINGS CHANGED

Mr. Hardy noted that the calendar has been checked and in order to meet ordinance notice requirements, the date for the two hearings previously set be changed from January 6, 1993 to January 13, 1993, at the same time as originally scheduled. Councilman Cushing made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

The meeting adjourned at 8:25 p.m. on a motion made by Councilman Cushing and seconded by Councilwoman Holt.