

Minutes of a special meeting of the City Council held April 5, 1993 at 4:00 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:	Russell Mahan
	City Engineer:	Jack Balling
	Asst. City Eng.	Paul Rowland
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Planning Director:	Blaine Gehring
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Jerry Lemon/Fire Clifford Michaelis/Power
Absent:	Councilwoman:	Renee Coon

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

Minutes of the regular meeting of the City Council held March 24, 1993 were presented and unanimously approved as amended on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR TWO PERIODS IN MARC

Mr. Jenson presented the Expenditure and Expense Report for the following periods, with respective totals: March 19-25, 1993, \$95,142.74; and March 26-27, 1993, \$132,957.30. Following a brief discussion, these expenditures were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Holt.

MOUNTAIN STATES INDUSTRIAL AWARDED BID FOR NEW TREE TRIMMING TRUCK, POWER DEPARTMENT

Mr. Michaelis reported that bids from four vendors were opened on March 9, 1993 for a new tree trimming truck with a 50-ft. boom and a dumpbed. It is the recommendation of the staff and Power Commission that the bid be awarded to low bidder, Mountain States Industrial, in the amount of \$81,614, plus the optional items included in the bid, bringing the total to \$82,956.00. Mr. Michaelis explained that the optional items were listed separately in the event that all items would not be covered with the \$90,000 budgeted for this item. Councilman Cushing, representative on the Power Commission, made the motion that the bid be awarded as

recommended. Councilman Shafter seconded the motion which carried unanimously.

NORTHERN POWER AWARDED BID FOR CAPACITOR BANKS--POWER DEPARTMENT

Mr. Michaelis reported that invitations to bid on pad mounted capacitor banks were sent to seven electrical firms. All vendors responded and bids were opened on March 24, 1993. It is the recommendation of staff and the Power Commission that the bid be awarded to low bidder, Northern Power, in the amount of \$25,000. This amount is within budget for the Central substation project. Councilman Cushing made a motion that the bid be awarded as recommended, Councilman Shafter seconded the motion and voting was unanimous.

ADOPTION OF ANNEXATION RESOLUTION, NO. 93-2 COMPLETES ANNEXATION PROCEEDING

Mr. Hardy reviewed that the five-day period passed and there were no protests filed by an affected entity regarding the proposed annexation of the properties on 3400 South west of Orchard Drive. Therefore, it is recommended that Res. No. 93-2, entitled RESOLUTION DECLARING THE ANNEXATION OF TERRITORY TO THE MUNICIPALITY OF BOUNTIFUL, be adopted with authorization for the Mayor and City Recorder to sign. Councilwoman Holt made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

BID ON THE 400 EAST PROJECT AWARDED TO M. C. GREEN

Mr. Balling reported that five contractors responded to an invitation to bid on the 400 East reconstruction project. Although the bid of Jones Excavating Company was the lowest bid (\$761,465.00), it was found that Jones did not meet the required specifications as follows:

1. Jones did not submit evidence that they had been in continuous concrete paving business for the past four years.
2. Jones does not have a self-propelled mechanical paving machine that has been used for the past three years.
3. The list of projects done in the past four years which must be over \$1,000,000.00 in work were projects completed by McNeil Construction Co., not Jones. These projects were all completed before 1991 and nothing has been submitted for work completed in 1991 or 1992.

In view of the requirements for this contract, Mr. Balling stated that it is the recommendation of staff (with concurrence from the City Attorney) that the bid be awarded to the lowest responsible bidder, M. C. Green and Sons, Inc., in the amount of \$767,277.50.

Robert Jones, representing Jones Excavating Company, had a formal rebuttal read into the meeting, responding to accusations set forth in a letter of protest filed by M.C. Green and Sons, Inc. He stated that the bid should be awarded to Jones based on the following: (1) The bid was read at the bid opening which substantiates it as a qualified bid; (2) The list of jobs submitted by Jones establishes that Jones is a qualified contractor; and (3) It is standard practice

that the words "the bidder or his subcontractor" should be considered as applicable to ownership of a paving machine, not just the Prime Contractor.

Following a lengthy discussion and a review of the events which have taken place since the bid opening, Councilman Shafter made a motion that the bid be awarded to the lowest responsible bidder, M. C. Green and Sons, in the amount of \$767,277.50 Councilman Cushing seconded the motion which carried unanimously.

Councilman Foy arrived at 4:32 p.m.

REVIEW ACCESS CONCERNS -- COLONIAL SQUARE

Mr. Hardy stated that the Council will recess following this meeting and meet for a site visit of the Colonial Square access concerns. See below.

APPROVAL GIVEN FOR EARLY PURCHASE OF POLICE VEHICLES

Lt. Bill Collard explained that it will be necessary for the Police Department to replace four patrol cars during fiscal year 1993/94. A request for funds for these vehicles has been included in the 1993/94 budget. However, inasmuch as a more favorable purchase price could be obtained by purchasing under the State bid (as was recently done at a price of \$12,916 for a 1993 Ford Crown Victoria police package car), it is being requested that authorization be given to order the four replacement vehicles before the April 15th deadline when the State bid expires. The total amount of the request is \$51,664.00. Following discussion, approval was given to purchase the additional four vehicles, as requested. The delivery of the vehicles will be after July 1, 1993. Councilman Shafter motioned for approval, Councilman Foy seconded the motion and voting was unanimous.

At 4:50 p.m., the meeting adjourned to 2700 South east of Highway 89 for a site visit of that location.

COUNCIL REVIEWS ACCESS CONCERNS

Mr. Ron McLean, president of the Colonial Square merchants, reviewed with the Council the concerns of the merchants regarding the recent action of the Council which authorized permanent closure of 2700 South Street. (See minutes of March 24, 1993, page 2). He stated that this street is used as the main access for fire and other emergency vehicles and without the street, their facilities would be in danger.

Jerry Lemon, Fire Chief, stated that the road has been used in the past due to the location of the fire hydrants. However, one of the conditions of granting the vacation of the street was for the addition of a fire hydrant on 625 West Street. It was noted that fire fighting equipment would be coming from the north, and routing via 625 West will be as efficient (if not more so) as using, 2700 South Street. Mr. Hardy acknowledged that the convenience of motorists would be reduced by omitting 2700 South Street; however, accessibility is neither diminished or denied. In response to a question from the Mayor, Chief Lemon stated that there is not a safety factor or risk with the proposed closure of 2700 South Street. Councilman Cushing motioned to take no further action on this matter and to adjourn the meeting. Councilwoman Holt seconded the

motion and voting was unanimous. The meeting adjourned at 5:18 p.m.