

Minutes of the regular meeting of the Bountiful City Council held May 5, 1993 at 6:30 p.m. in the Council Chambers of the City Hall, Bountiful, Utah and the joint meeting of the Council and Planning Commission held immediately after in the Planning Conference Room.

Present:	Mayor:	Bob Linnell
	Council Members:	John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jensen
	City Planner/RDA Dir:	Blaine Gehring
	Dep. City Treasurer:	Lorna Hartvigsen
	Rec. Secretary:	Nancy T. Lawrence
Absent:	Councilpersons:	Harold Shafter and Renee Coon

(SEE PAGE 4 FOR ATTENDANCE AT JOINT SESSION)

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 Scott Nielsen, visiting Boy Scout, led the pledge of allegiance to the flag. The invocation was given by Councilwoman Holt.

Minutes of the regular meeting of the City Council held April 28, 1993 were presented and unanimously approved on a motion made by Councilwoman Holt and seconded by Councilman Foy.

EXPENDITURES AND EXPENSES APPROVED FOR PERIOD APRIL 23-25,1993

Mr. Jensen presented the Expenditure and Expense Report for the Period April 23-25, 1993 in the amount of \$85,127.20. Councilman Foy motioned for approval of the expenditures as presented, Councilman Cushing seconded the motion and voting was unanimous.

MAYOR WELCOMES VISITING BOY SCOUTS

Mayor Linnell recognized the visiting Boy Scouts and reviewed with them information which would be helpful in earning their citizenship merit badge.

APPROVAL GIVEN TO REQUEST OF CLARK JENKINS - PURCHASE OF .37 ACRES OF PROPERTY

Mr. Hardy reported that Clark Jenkins has submitted a request to purchase .37 acres of property from the City. The property (included in the recent purchase of property for recreational purposes) abuts the PUD being developed by Mr. Jenkins and he is desirous of acquiring it to square up his development. Councilwoman Holt stated that the sale of the property would not compromise the plans for the park development. He noted, however, that inasmuch as the

property was sold by one taxing entity (the school district) to another (the city), that the value be established at fair market value, not the price the city paid. Mr. Hardy stated that when the city purchased the property, the price (\$.80/sq. ft.) was established by an appraisal. It is recommended that the city sell the property for the fair market value of \$1.00/sq. ft. Councilman Foy made a motion to this effect, Councilman Cushing seconded the motion and voting was unanimous.

ORD. NO. 93-9 RE: REOUIREMENTS FOR DISCHARGE OF EFFLUENTS INTO SANITARY SEWER SYSTEM APPROVED

Mr. Hardy reported that a request has been received from the South Davis County Sewer Improvement District for Bountiful to adopt an ordinance to amend the industrial treatment ordinance currently in place. He explained that the standards for the discharge of effluent into the sanitary sewer are set by the U.S. Environmental Protection Agency and the State of Utah Division of Water Quality. Remaining in compliance with these Federal regulations is required by the EPA in order for the Sewer District to continue to operate under approved permits.

He reviewed the proposed ordinance, No. 93-9, entitled 'AN ORDINANCE ESTABLISHING UNIFORM REQUIREMENTS FOR THE DISCHARGE OF EFFLUENTS INTO THE SANITARY SEWER SYSTEM OF THE CITY, ESTABLISHING REGULATIONS REGARDING THE INTRODUCTION OF POLLUTANTS INTO THE WASTEWATER SYSTEM, PROVIDING FOR EFFLUENT MONITORING AND THE INSTALLATION AND MAINTENANCE OF PRETREATMENT FACILITIES WHERE NECESSARY, AND PROVIDING PENALTIES FOR VIOLATING THE PROVISIONS HEREOF". He stated that the staff has reviewed this ordinance and recommends its adoption.

Arnell, Heaps, Bountiful's representative on the South Davis Sewer Board, reviewed the problems which the Sewer District has had with monitoring effluent and stated that it is imperative that the material which is accepted into the system meets the standards of the EPA. He stated that the proposed ordinance meets the standards set up by the State Division of Water Quality and he recommended that it be adopted. Councilman Foy motioned for approval of Ordinance No. 93-9, with authority for the Mayor and City Recorder to sign it. Councilwoman Holt seconded the motion and voting was unanimous.

BID AWARDED TO BECK STREET CONSTRUCTION FOR CENTRAL SUBSTATION CONTROL BUILDING

Mr. Hardy reported that bids were submitted by three companies for the construction of the Central Substation control building and it is recommended that the bid be awarded to low bidder, Beck Street Construction, in the amount of \$97,833.00. The specifications contained an option to grout solid the outside masonry block wall for an additional \$800.00. Beck Street included the option which brings the total amount to \$98,633.00. It is the recommendation of the Power Commission (who were each contacted individually) and staff to accept the low bid, as presented. It was noted that the bid is within budget. Councilman Cushing made a motion to award the bid for the Central Substation control building to Beck Street Construction in the amount of \$98,633 (to include grouting solid the outside masonry wall). Councilwoman Holt seconded the motion and voting was unanimous.

1993-94 TENTATIVE BUDGET PRESENTED

AND ADOPTED

Mr. Hardy presented the tentative 1993-94 budget and reviewed a summary of that budget. The total budget of \$32,700,814.00 is a decrease of \$234,000 from last year's budget. Taking into account the intra-City and reserve transfers, the net budget is \$26,082,911, an increase of \$600,000 as compared with last year. He explained that the principal reason for the increase is the additional capital projects which are being done this year. He reviewed those projects which included completion of the 400 East project, Main Street between 500 South and 1500 South, 10 miles of street overlay, the Stone Ridge water reservoir, completion of the central substation and power plant project, and improvements to the 138 substation. Also included in the budget is a \$1.00 increase in sanitation charges, a 3 percent COLA for full-time employees, and funds to begin finishing the downstairs of the City Hall building for the data processing operation.

He said that the budget does not include any increase in the number of full-time employees. It does not include any tax increase (other than the natural increase due to construction and annexation); no fee increases in business licenses, building permits, ambulance, water, sewer, or power rates. (There is a contingency in the power rate subject to the proposed energy tax presently being proposed by President Clinton).

It is recommended that the Council approve the tentative budget as presented and reviewed and that the following dates be set for public hearing (all at 7:30 p.m.):

May 12, 1993 - Presentation of the General Fund and Capital Improvements Fund
May 19, 1993 - Presentation of the Enterprise Funds
June 16, 1993 - Formal public hearing for the budget

Councilwoman Holt noted one change in the budget as presented by Mr. Hardy and that which came from the departments and Mr. Hardy explained that the change came by recommendation by the department. Councilman Cushing motioned for approval of the tentative budget as presented and for approval to set the public hearings as recommended. Councilman Foy seconded the motion and voting was unanimous.

PUBLIC HEARING SET TO RE-OPEN AND AMEND 1992-93 BUDGET

Mr. Hardy recommended that a public hearing be set for June 16, 1993 at 8:00 p.m. for the purpose of re-opening the 1992-93 budget to amend as needed. Councilman Cushing motioned for approval as recommended, Councilman Foy seconded the motion and voting was unanimous.

APPROVAL GIVEN TO PROPOSED SETTLEMENT WITH BONNIE HATCH

Mr. Mahan referred to the executive session which was held last week and stated that the outcome of that meeting was a proposed settlement in the litigation initiated by Bonnie Hatch, et. al. regarding personal injury. He requested that he be given authority to execute the stipulation in settlement of this case. Councilman Foy made a motion to accept the settlement claim as outlined and authorize the City Attorney to finish the claim. Councilwoman Holt seconded the motion

which carried unanimously.

The meeting adjourned to the Planning Conference Room at 6:58 p.m. for a joint meeting with the Planning Commission to review the proposed new ordinance.

Attendance: Mayor Linnell, Councilpersons Holt, Coon, Cushing, and Foy; Planning Commission members: Dick Drescher, Mark Green, Elaine McKay, Don Milligan; Mr. Hardy, Mr. Mahan, Mr. Balling, Mr. Gehring, Mr. Jenson, Mrs. Lawrence

MR. GEHRING DISCUSSES MEMO

Mr. Gehring referred to the memorandum which had been sent to the members of the City Council and the Planning Commission regarding the chapter of the ordinance regulating PUD's and a discussion on fencing. He noted that the PUD chapter replaces the original chapter 8 (Neighborhood Commercial) was eliminated in the last session. The PUD chapter will work in tandem with the incentive table regarding density bonus and will represent no increase in density for a PUD except under the R-3 guidelines. He then referenced the issue of fence regulations and referred to proposed changes for the fence ordinance.

REVIEW OF CHAPTERS 14-18 - PROPOSED ZONING ORDINANCE

Mayor Linnell called the meeting to order and stated that Chapters 14-18 of the proposed zoning ordinance would be reviewed. He called for comments regarding the proposed ordinance on a page-by-page basis. Screening devices were discussed, particularly as they relate to roof-mounted satellite dishes, and it was recommended that satellite dishes in yards be screened with landscaping. Councilwoman Holt questioned the necessity of requiring a site plan prepared by a licensed professional for temporary structures and it was clarified that the site plan would tie to the permanent improvements which would follow. The amount of landscaping in comparison to hard surfaced areas was also discussed.

The use of barbed wire fences and electric fences were discussed and recommended changes were made. Mr. Gehring referred to the points in the memo regarding the fence ordinance and he recommended changes as proposed.

Mayor Linnell reviewed that the Council and Planning Commission will meet again on May 18, 1993 to review Chapters 19, 20, and 21. The time was set at 7:30 p.m. (following the regular business of the Planning Commission).

DISCUSSION REGARDING SIGN REGULATIONS

Prior to review of the proposed sign ordinance in the next meeting, Mr. Hardy asked for input from the group regarding policy for signs. He stated that he felt Bountiful's sign ordinance could be more restrictive with regard to height, material, and design. He said that his philosophy is that a sign should be for identification purposes, not advertising. Discussion followed regarding Mr. Hardy's comments and the Mayor polled the group regarding the posture which the City should take regarding signs. With the consensus of the group, Mayor Linnell requested that the staff provide recommendations for restricting the sign ordinance to make signs more compatible with the city motto "City of Beautiful Homes and Gardens". City Attorney to check

existing legality of sign ordinance.

**MARV BLOSCH REQUESTS THAT COUNCIL CONSIDER
AMENDING FOOTHILL ORDINANCE**

Mr. Marv Blosch, developer, was in attendance to present a request to the group to consider amending the Foothill Ordinance to allow for private driveways to be longer than 500 feet from a public street. He reviewed that the property which he has purchased and is planning to develop is not developable under the present ordinance and his only alternatives are to gain access from the Forest Service, amend the Foothill Ordinance, or receive approval from the court to proceed with the development as he originally proposed. Although the findings and conclusion from the court have not yet been filed, the court has made a strong statement negative to the proposed development.

This matter was discussed briefly and the consensus of the group was that there is great concern regarding giving permission for driveways in excess of 500 feet from a public street due to not being able to properly provide emergency and municipal services. Mr. Balling reviewed the history of the present ordinance and stated that he is uncomfortable with distances greater than presently allowed.

The meeting adjourned at 8:18 p.m. on a motion made by Councilman Cushing and seconded by Councilwoman Holt.