

Minutes of the regular meeting of the City Council held March 23, 1994 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	John Cushing
	Council Members:	Samuel Fowler, Barbara Holt, William Moore, Harold Shafter and Ann Wilcox
City Manager:		Tom Hardy
City Attorney:		Russell Mahan
City Engineer:		Jack Balling
City Recorder:		Arden Jenson
City Treasurer:		Galen Rasmussen
Planning Director:		Blaine Gehring
Department Head:		Clifford Michaelis/Power
Rec. Secretary:		Nancy Lawrence

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 Cushing called the meeting to order, following which Matthew Millett, Boy Scout from Troop 1211, led the pledge of allegiance to the flag. The invocation was given by Mr. Balling.

Minutes of the regular meeting of the City Council held March 9, 1994 and March 16, 1994 were presented and unanimously approved as written on a motion made by Councilwoman Wilcox and seconded by Councilman Shafter.

**EXPENDITURES AND EXPENSES APPROVED FOR
FOUR PERIODS IN FEBRUARY AND MARCH**

Mr. Jenson presented the Expenditure and Expense Report for the following periods, with respective totals: Period February 27-28, 1994 (\$135,265.12) ; Summary for February (\$2,724,490.70) ; Period March 1-10, 1994 (\$278,047.85) ; and Period March 11-17, 1994 (\$92,320.13). Mr. Jenson explained that the Summary for February is larger than normal because it includes three payrolls, which was necessary in order to accomplish an 8-month actual budget figure. Following a brief discussion, Councilman Moore made the motion that the four expenditure reports be approved as presented. Councilman Fowler seconded the motion and voting was unanimous.

**APPROVAL GIVEN TO EXTEND CONTRACT WITH J.M.R. CONSTRUCTION
FOR CONCRETE REPAIR PROJECT**

Mr. Balling reviewed that J.M.R. Construction was awarded the contract in 1993 to do the concrete repair projects. One of the conditions of the contract was that it could be extended for another year with approval by the City Council.

Mr. Balling stated that it is the recommendation of staff to extend the contract with J.M.R. Construction for the 1994 concrete repair season, based on the following reasons:

1. The work of J.M.R. is done well.
2. J.M.R. had the low bid last year and has offered to come in with the same bid, plus a 3% increase. Mr. Balling stated that the increase in concrete prices makes this a very reasonable offer. Because there is a lot of construction activity, it is felt that the bids would come in higher than the offer extended by J.M.R.
3. Work could begin immediately (instead of going through the bidding process).
4. The cost of the bidding process would be eliminated.

The Council considered Mr. Balling's proposal and questioned Mr. Mahan as to the legality of extending the contract vs. bidding. Mr. Mahan noted that the original contract with J.M.R. provided for an extension and the matter would be completely legal. (It was noted that the external audit which is done on a yearly basis is handled similarly).

Councilwoman Wilcox made a motion that approval be given to extend the contract with J.M.R. Construction for the concrete repair work for 1994, with authorization of a 3% increase over last year's bid. *Councilman Moore* seconded the motion and voting was unanimous.

FINAL SITE PLAN APPROVAL GRANTED TO COLONIAL POINTE APARTMENTS - 2727 SOUTH 625 WEST: B. K. ENTERPRISES, DEVELOPER

Mr. Gehring presented the site plan for the proposed Colonial Pointe Apartments at 2727 South 625 West. The project features 93 units in various buildings with two and three bedroom floor plans. The *Planning Commission* has thoroughly reviewed this project and recommends final site plan approval (as required under the Conditional Use Permit originally given this project) subject to the following *conditions*:

1. Approval from South Davis Sewer District.
2. Approval from South Davis Water Department.
3. Utility easements to Bountiful City.
4. Dedication of the cul-de-sac to Bountiful City.
5. Letter of Credit for site improvements and *landscaping* for \$246,023.00 (based on 5% of the building valuation of \$4,920,468.00).
6. Structural design calculations for 100 mph wind load.

Mr. Gehring noted that this development will have a positive impact on our community due to a present shortage of 3-bedroom rental units.

Councilwoman Holt verified the extensive review by the Planning Commission and noted that the developer (B. K. Enterprises) has worked hard to meet the conditions required by the City. She made the motion that final site plan approval be granted as recommended. *Councilman S hafter* seconded the motion which carried unanimously.

PUBLIC HEARING TO CONSIDER CHANGES TO SECTIONS OF FOOTHILL OVERLAY ZONE RE: SINGLE FAMILY DWELLINGS BEYOND 150 FT. FROM PUBLIC STREET

At 7:32 p.m. Mayor Cushing opened the public hearing to consider changes to sections of the Foothill Overlay Zone regarding single family dwellings beyond 150 feet from a public street. Mr. Gehring explained that the Foothill ordinance *contains* a provision for special conditions for homes beyond 200 feet from the public street and these conditions are in conflict with the State Fire Code which addresses structures being built beyond 150 feet from the street). The recent review of requests for flag lots has also revealed some changes that need to be made to the flag lot provisions. Following a meeting with the City Manager, City Engineer and Planning Director, and with a memorandum from the Fire Chief, it is recommended that the ordinance be amended. These items have been reviewed and revised by the Planning Commission and come with their favorable recommendation for amendment.

Mayor Cushing called for input from those in attendance. There was none. The Mayor noted that the specific changes were included in the memorandum to the Council and the proposed ordinance was given to the Council this evening. He recommended that the vote be postponed until the next regular meeting to permit the Councilmembers an opportunity to go through the ordinance. Councilman Moore made a motion to this effect, Councilwoman Wilcox seconded the motion and voting was unanimous. The hearing was closed at 7:40 p.m.

W. H. PINGREE COMPANY AWARDED BID FOR SERVICE BED FOR NEW TRUCK POWER DEPARTMENT

Mr. Michaelis reported that bids were received from three vendors for a service bed for the new truck which was recently purchased by the Power Department. It is the recommendation of staff and the Power Commission that the bid be awarded to low bidder W. H. Pingree in the amount of \$9,495.00. A total of \$30,000 was budgeted for the truck and service bed and if this bid is awarded, the total cost will be \$26,263.00. Councilman Shafter motioned for approval of the Pingree bid as presented. Councilman Fowler seconded the motion and voting was unanimous.

J.M.R. CONSTRUCTION AWARDED BID TO CONSTRUCT MILLCREEK OVERFLOW AT DAVIS BOULEVARD

Mr. Balling reported that bids were opened yesterday afternoon for construction of the Millcreek overflow at Davis Boulevard. Six vendors responded. It is the staff recommendation that the bid be awarded to low bidder, J.M.R. Construction, in the amount of \$74,299.00. The budget for this project is \$85,000.00. Fifty percent of the project will be paid for by the State Emergency Disaster Relief fund (appropriated for 1983 flood projects). Councilman Shafter made a motion to award the bid as recommended. Councilwoman Holt seconded the motion and voting was unanimous.

EXECUTIVE SESSION SCHEDULED TO CONSIDER PENDING LITIGATION

At the request of Mayor Cushing, an executive session was scheduled for the purpose of discussing pending litigation. The motion was made by Councilman Moore and seconded by Councilwoman Holt. Voting was unanimous.

The meeting adjourned to executive session at 7:47 p.m.