

Minutes of the regular meeting of the City Council held December 7, 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
Dep. Recorder:		Kim Coleman
Planning/RDA Director:		Blaine Gehring
Department Heads:		Larry Higgins/Police Clifford Michaelis/Power
Recording 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 Mr. Mahan led the pledge of allegiance to the flag. The invocation was offered by Councilman Fowler.

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

EXPENSES AND EXPENDITURES APPROVED FOR TWO NOVEMBER PERIODS

Mr. Jenson presented the Expenditure and Expense Reports for the Period November 18-23, 1994 in the amount of \$146,424.33 and the Period November 24-28, 1994 in the amount of \$364,173.69. Councilwoman Holt expressed concern about the amount of salt which has been used thus far this season for street maintenance and she asked about the ability of the Council Contingency fund as it relates to the purchase of additional salt. Mr. Hardy reported that due to additional costs for salt and labor used in snow removal, it might be necessary to open the budget later this winter. Councilwoman Wilcox motioned for approval of both expenditure reports. Councilwoman Holt seconded the motion and voting was unanimous.

BEAUTIFICATION AWARDS PRESENTED TO BUSINESSES, CHURCH AND HOMEOWNERS

Mayor Cushing reviewed that for a number of years the City has recognized citizens and businesses who take extra effort to make their businesses or homes and landscaping extra effort to make their businesses or homes and landscaping special. This year citizens were asked to nominate those who they felt should be honored for their beautification efforts. The Beautification Committee (a sub-committee of the Birthday Committee under the chairmanship of Earl and Joyce Thomas) received over 100 nominations. The Committee judged the nominations and 20 plaques are being awarded this evening. The remaining nominations will receive certificates through the mail. The Mayor expressed appreciation to the citizens of Bountiful for their efforts in making this the "City of Beautiful Homes and Gardens", following which he presented plaques to the following businesses and homeowners:

LDS Temple (special award), Ken Garff Bountiful Mazda, Ken Garff BountifulMotors, Burt Brothers Tire and Service Repair, Dan Eastman Jeep Eagle, Edgemont Park Apartments, Russon Brothers Bountiful Mortuary, Neighborhood #2 and Bountiful City (for area at 400 East 1800 South); Grant and Marva Randle, Blaine and

Joyce Bowden, Kent and Sharlee Steed, Max and Norma Hansen, Melvin Hatch, Bert Page, Monty and Connie Eggett, Matthew and Caren Nelson, Alan and Diane Bangerter, Clyde and Marjorie Page, Roy and Evelyn Boulton, Jerry and Karen Olaveson.

Mr. Gehring and Earl and Joyce Thomas assisted with the presentations and each recipient was thanked for their extra effort in making the city more beautiful.

**PACIFIC UTILITY AWARDED BID FOR BUCKET TRUCK;
REPLACEMENT VEHICLE FOR POWER DEPARTMENT**

Mr. Michaelis reported that invitations to bid were sent to three vendors for a replacement vehicle for Unit #9 (a bucket truck) at the Power Department. Two vendors responded with three bids and it is recommended that the bid from Pacific Utility for a Model VST 40001 Versalift with an IHC chassis in the amount of \$70,942.77 be accepted. This bid includes the cab and chassis and a \$12,000 trade-in for Unit #9. This recommendation comes from the staff and Power Commission. Councilman Shafter motioned for approval of the bid as recommended. Councilman Fowler seconded the motion and voting was unanimous.

**SYSTEM CONTROLS AWARDED BID FOR
CONTROL PANEL DOORS - POWER DEPT.**

Mr. Michaelis reported that bids were requested for new door panels, cutout switches, and relays for the existing generator breakers that will be used in the power plant generation upgrade. It is the recommendation of staff and the Power Commission that the low bid from System Controls in the amount of \$18,654.00 be accepted. The engineers estimate and the amount budgeted for this equipment was \$24,000.00. System Controls has also offered a deduction of \$922.00 on the substitution of using Yakogama meter and Scientific Columbus Transducers. This brings the net bid to \$17,732.00. Councilman Shafter motioned for approval of the bid from System Controls in the amount of \$17,732.00. Councilman Moore seconded the motion and voting was unanimous.

Mr. Michaelis reviewed with the Council the outages which occurred last Sunday and Tuesday on the 46 Kv transmission line and at the 138 substation. He said that these types of outages rarely occur and it is unfortunate that they followed some of the outages which were planned and necessary as part of the upgrade projects.

GRANADA HILLS SBDVN #8 GRANTED FINAL ACCEPTANCE,

Mr. Balling reported that Granada Hills Subdivision No. 8 has been completed for one year and meets the specifications and standards set by the City. He recommended that the City accept the subdivision as a completed project and assume the responsibilities for maintenance and release the developer from any further obligation and release the bond. Councilwoman Holt made a motion to this effect, Councilwoman Wilcox seconded the motion and voting was unanimous.

RECOMMENDATIONS FROM TRAFFIC SAFETY COMMITTEE CONSIDERED Mr. Balling reported that the Traffic Safety Committee met on November 14 and he presented the following recommendations from that body:

A. Request for reduced speed on Mueller Park Road: The Committee recommended that this request be denied and that a letter be written to the Davis School District suggesting that students be picked up in the east parking lot of the Mueller Stake Center. He noted that the School District has already started picking the students up at the recommended location and the solution seems appropriate.

B. Mark Wdestrian crossing at 400 East and Chelsea Drive, and place stop signs on 26 750 South. and Canyon Estates Drive where they enter 400 East Although the crossing on 400 East and Chelsea Drive

does not meet the warrant for a school crossing, this is a feeder street with a volume of traffic over 2,000 cars per day. Therefore, the Committee recommended that pedestrian crossings be marked at those locations. In reviewing this request, it was found that stop signs were never installed on 2600 South, 2750 South, and Canyon Estates Drive where they enter 400 East Street. It is recommended that the Council approve stop signs on these streets.

C. Consider 50% participation in construction of sidewalks in various school

areas, Reports from Tolman, Holbrook and Boulton schools requested that the City consider construction of sidewalks on streets where there are no sidewalks, especially heavy student walking routes. The Committee recommends that the City participate property owners fifty percent of the cost for sidewalk based on the entire block participation. They also recommend that the schools be responsible for gathering the participation request from the property owners.

D. Paint "No Parkina" zone at the entrance to Medical Drive from the

hospital at 430 So. This request was submitted by the Police Chief and it is the Committee recommendation that this restriction be made for a distance of 30 feet both both of the private access road that enters Medical Drive from the hospital at 430 South.

E. Revise the city ordinance regarding cash deposit to guarantee replacement or repair of curb, gutter, or sidewalk during construction. Following discussion, it is the recommendation of the Committee that the existing ordinance which relates to replacement or repair of concrete improvements damaged during construction be amended as follows:

1. The fees should be increased to \$12.00 per foot with a minimum deposit of \$1,000.00 and a maximum deposit of \$2,000.00.
2. The fees should be kept by the City for a longer period of time to cover the damage that occurs after the building is occupied. The Committee recommends that the cash deposit remain with the City for one year after construction to guarantee the repair of any damage that happens after occupa=.

Councilwoman Wilcox made a motion to accept the recommendations of the Traffic Safety Committee on Items A, B, C, and D. Councilman Moore seconded the motion and voting was unanimous.

Councilwoman Wilcox motioned for approval to amend the ordinance regarding the cash bond which guarantees repair and/or replacement of concrete damaged during construction. Tim McCulloch, a citizen in attendance, questioned the impact that this change would have when building permits are issued for remodeling a structure. Mr. Balling stated that it would affect all large projects. Inasmuch as the ordinance was not clear on this point, Councilwoman Wilcox withdrew her motion and motion to table adoption of the ordinance until the City Attorney can present the ordinance in its final form. Councilman Shafter seconded the motion and voting was unanimous.

ORD, NO, 94-21 ADOPrED RE: SNOW REMOVAL

Mr. Mahan presented Ordinance No. 94-21 entitled "AN ORDINANCE AMENDING THE BOUNTIFUL CITY CODE TO ADD A SNOW REMOVAL SECTION, REQUIRING PROPERTY OWNERS TO CLEAR THEIR SIDEWALKS OF SNOW, PROHIBITING PARKING OVERNIGHT DURING WINTER AND DURING SNOW STORMS, AND PROHIBITING THE PLACING OF SNOW IN PUBLIC STREETS" - He explained that overnight parking and putting snow into the street are already prohibited in the City Code and the Code already requires people to keep sidewalks clear of snow and ice. This revision

would pull these provisions into one convenient ordinance and it adds the declaration that violations are public nuisances which can be abated by the City at the ultimate expense of the property owners. Following a lengthy discussion, Councilman Shafter motioned for adoption of Ord. No. 94-21, with authority for the Mayor and City Recorder to sign it. Councilwoman Wilcox seconded the motion and voting was unanimous.

ORD. NO. 94-22 ADOPTED RE: PARKING ORDINANCE

Mr. Mahan explained that the Traffic Safety Committee has discussed several items relating to parking on public streets and he stated that Ordinance No. 94-22 addresses these issues. Mr. Mahan reviewed paragraphs 4, 5, 6, and 7 and noted that they are added to the existing law. He recommended that Ordinance No. 94-22 entitled "AN ORDINANCE AMENDING THE BOUNTIFUL TRAFFIC CODE TO PROHIBIT THE PARKING OF VEHICLES IN CITY PARKING LOTS FOR PURPOSES OF SALE OR ADVERTISING, DECLARING ILLEGALLY PARKED VEHICLES TO BE A PUBLIC NUISANCE, AND PROVIDING FOR THE TOWING OF VIOLATORS", be adopted. Councilwoman Wilcox motioned for adoption as recommended, with authorization for the Mayor and City Recorder to sign. Councilman Moore seconded the motion and voting was unanimous.

COUNCIL COMMITTEE REPORTS

Councilman Shafter reported that he had attended the Bountiful Community Choir this past week and praised it as being one of the best programs he has ever attended.

Councilwoman Wilcox reported that she and the Mayor and the Traffic Safety Committee attended the neighborhood meeting at Viewmont High School regarding the parking and related problems. She reported that there was a good feeling and interchange between the citizens and the principal with worthwhile outcomes. She expressed appreciation to the Mayor for letting the neighborhood handle this matter.

At the request of Mr. Balling, a meeting of the Traffic Safety Committee was set for Monday, December 12th, at 5:00 p.m.

A meeting of the Finance Committee was scheduled for Wednesday, December 14th, at 5:00 p.m.

EXECUTIVE SESSION APPROVED

Councilman Shafter made a motion to approve an executive session for the purpose of discussing pending litigation. Councilwoman Holt seconded the motion which carried unanimously. The meeting adjourned to executive session at 8:45 p.m.

SETTLEMENT APPROVED-LISE TUTTLE VS CITY OF BOUNTIFUL

At 9:20 p.m. the City Council meeting was reconvened to take formal action on matter discussed in the executive session.

In the matter of Lise Tuttle vs. Bountiful, the plaintiff's attorney has made a recommendation for settlement. This recommendation has been reviewed and, given all the circumstances surrounding the case, is acceptable to the City.

City Attorney Russell Mahan indicated that Lise Tuttle, through her attorney Rich Humphries, has offered to settle this case after four years of negotiations for \$200,000. It is Mr. Mahan's recommendation as well as that of the Assistant City Attorney and our former City Attorney that we settle for the amount of \$200,000. Ms. Tuttle has had \$53,000 in medical bills (of which we have paid about \$12,500), and Mr. Mahan feels that the \$200,000 (in new money) would be an appropriate settlement under the laws and the facts of this case.

Councilman Shafter made a motion that we accept the offer of Ms. Tuttle's attorney and get all legal clearance from this responsibility by paying the settlement amount of \$200,000. Councilman Moore seconded

the motion and voting was unanimous.

The meeting adjourned at 9 :23 p.m. on a motion made by Councilman Moore, seconded by Councilwoman Holt, and approved unanimously.