

Minutes of the regular meeting of the City Council held November 15, 1995 at 7:17 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 Colman
	Planning/RDA Director:	Blaine Gehring
	Dept. Heads:	Neal Jenkins, Parks/Recreation Mark McRae,
		Information Systems
	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 Councilman Moore led the pledge of allegiance to the flag. The invocation was offered by Mr. Jenson.

Minutes of the regular meeting of the City Council held November 8, 1995 will be approved at a future meeting.

EXPENSES AND EXPENDITURES APPROVED FOR PERIOD NOVEMBER 1-9, 1995

Mr. Jenson presented the Expenditure and Expense Report for the Period November 1-9, 1995 in the amount of \$747,737.43. He responded to questions from the Council, following which the expenditures were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Wilcox.

COMMITTEE REPORT - COUNCILMAN FOWLER

Councilman Fowler displayed the time capsule which will be placed in safe-keeping with the City until the year 2042. This momento was produced in conjunction with the Centennial monument erected on the northeast corner of the Bountiful post office block. The box contains historical memorabilia, such as a 1992 South Davis telephone book (50 years prior to the opening date). The Centennial monument was constructed through the contributions of citizens whose ancestors assisted in the settling of Bountiful.

FINAL ELECTION RESULTS APPROVED FOLLOWING RECOUNT

Mr. Jenson explained that three election judges were appointed to re-count the results of the municipal election held on November 7. The re-count was done last Friday and Saturday and Barbara Holt (4,184), Alan Johnson (3,577), and Harold Shafter (3,576) received the highest number of votes. Councilman Moore made a motion that these individuals be declared elected, that the results be certified (as per the recount), and that the results of the election be transmitted to the Lt. Governor's office. Councilman Shafter seconded the motion and voting was unanimous.

Mr. Jenson commented that the swearing-in ceremony is normally the first Monday in January following an election. This year that will be January 1 (New Year's Day). He polled the Council to determine whether they would be willing to meet for the swearing-in ceremony on New Year's day. All of the members indicated approval. The mayor then congratulated all the candidates on the fine campaigns which they put together.

APPROVAL GIVEN TO PURCHASE TRUCK FOR PARKS DEPARTMENT

Mr. Jenkins reviewed that the Parks Department budgeted to purchase a replacement vehicle for a 1974 utility van. It is recommended that rather than sending out specifications for bids, that the Council approve purchasing a 3/4 ton truck from Rick Warner in the amount of \$15,447 from the State bid. Councilman Fowler made a motion to approve the purchase as presented. Councilwoman Holt seconded the motion and voting was unanimous.

**ARNELL HEAPS REAPPOINTED TO SERVE
ON SO. DAVIS CO. SEWER IMPROVEMENT DISTRICT-BOARD**

Mayor Cushing reported that he has talked with Arnell Heaps regarding his willingness to serve on the South Davis County Sewer Improvement District board for another term and Mr. Heaps has agreed. The mayor reviewed the expertise and background which Mr. Heaps brings to this responsibility and recommended that he be reappointed to serve another four-year term. Councilwoman Holt expressed appreciation for the service which Mr. Heaps has offered and made a motion that he be reappointed as recommended. The term would run January 1, 1996 to the first Monday in January, 2000. As a part of the motion, she requested that Mr. Heaps make a report to the Council at least three times each year regarding this assignment and the business of the SDCSID. Councilman Moore seconded the motion which carried unanimously.

**PRELIMINARY AND FINAL APPROVAL GRANTED
TO HOLMES ESTATES #2 SUBDIVISION**

At 7:30 p.m. Mayor Cushing opened a public hearing to consider the request of property owners to change a subdivision plat. Mr. Balling presented the plat of Holmes Estates #2 Subdivision and explained that the owners of Lots 5, 6, 7 and 8 are desirous of combining these lots to create three lots. The owners are Mr. and Mrs. Craig, Mr. and Mrs. Hellewell, and Mr. and Mrs. Hale. It is the recommendation of the Planning Commission and staff that this be approved subject to the final review of the plat and conformance with the recording standards and requirements and the payment of the checking and recording fees. He then presented Ordinance No. 95-21, entitled AN ORDINANCE VACATING LOTS 5, 6, 7 AND 8 FROM HOLMES ESTATES SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING EASEMENTS THEREON for adoption.

Mayor Cushing asked if there was input from anyone in attendance; there was none. Councilwoman Holt made a motion to grant preliminary and final approval to Holmes Estates #2 as presented and to adopt Ord. No. 95-21. Councilwoman Wilcox seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER ADOPTING A POLICY
DECLARATION TO ANNEX 58 ACRES ON SE END OF CITY**

At 7:30 p.m. Mayor Cushing opened the public hearing to consider adoption of a Policy Declaration to annex 58 acres on the southeast end of Bountiful. Mr. Mahan explained that all owners of the property involved have signed the annexation petition which was previously filed with the City. If the Council desires to annex, the next step in the annexation proceeding is to adopt the Policy Declaration.

Mayor Cushing called for input. Stan Jordan, representing the North Salt Lake City Council, expressed concern that about 1/3 of the drainage from this property would drain into North Salt Lake. He suggested that the Policy Declaration address this matter. Marshall Kelly expressed concern that costs incurred in maintenance of this property should not be passed to present Bountiful citizens, but borne by the new citizens. Mr. Hardy referred to paragraph 8 of the Policy Declaration which provides that the citizens receiving the benefit would bear any financial burden created by them in this regard. The hearing was closed at 7:45 p.m.. Councilman Shafter made a motion to adopt the Policy Declaration, Councilman Moore seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED
TO HIGHLAND OAKS SBDVN, PLAT C AMENDED**

Mr. Mahan explained that the same legal requirements exist with this request as previously explained for Holmes Estates. Mr. Balling reviewed the plat map for Highland Oaks Subdivision, Plat " C " amended, and explained that when construction on the water system was started, it was discovered that the water pipes were not located in the recorded easement. A new amended plat is being presented to change the easement and lot line to conform with the

existing water pipes. It is the recommendation of staff that the amended plat be approved subject to the final review of the plat and conformance with the recording standards and requirements and the payment of the checking and recording fees.

Mayor Cushing called for input from those in attendance; there was none. Councilwoman Holt made a motion that the recommendations of staff be approved and that Ordinance No. 95-22 entitled AN ORDINANCE VACATING LOTS 309, 310, AND 311 FROM HIGHLAND OAKS SUBDIVISION PLAT C IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON be adopted. Councilman Moore seconded the motion and voting was unanimous.

CONSTRUCTION BID FOR PUBLIC SAFETY/COURTS BUILDING- AWARDED TO FURST CONSTRUCTION

Greg Allen, architect with MHTN, presented the bid tabulation for the construction of the public safety/courts building and recommended that the low bid from Furst Construction in the amount of \$6,311,300 be approved. This amount includes all alternates and would be added to the excavation costs of \$89,900.00. Mr. Hardy said that the estimated total cost of the project will be \$6.75 million, with the City share being \$3,575 million. He noted the favorable grouping of the bids. Furniture and furnishings are not included in the bid. The cost of the building is split approximately 50/50 between this year's and next year's budget. Councilman Shafter made a motion to award the bid to Furst Construction as recommended. Councilman Fowler seconded the motion and voting was unanimous.

ORD, NO- 95-23 ADOPTED RE: AMENDMENTS TO ZONING ORDINANCE - PARKSTRIP LANDSCAPING

Mr. Gehring presented Ordinance No. 95-23 entitled AN ORDINANCE AMENDING SECTION 14-3-102 OF THE BOUNTIFUL ZONING ORDINANCE BY ADDING A DEFINITION OF LANDSCAPING AND AMENDING SECTIONS 14-3-102, 14-4-116 B.2, 14-5-116 B.2, 14-6-116 B.5, 14-9-116 C.6, 14-10-116 C. AND 14-11-112 A. OF THE BOUNTIFUL ZONING ORDINANCE REGARDING LANDSCAPING IN PARKSTRIPS and recommended that it be approved. He explained that the ordinance adds a definition of *landscaping* and better defines what is required to be put in the parkstrip areas between the curb and sidewalk. The Planning Commission favored the amendment with a 6-2 vote. Councilman Shafter asked how the ordinance would be enforced and Mr. Gehring indicated it would be on a complaint basis. Elvis Keyser, citizen in attendance, stated that his parkstrip is composed of solid material (which is not permitted in the ordinance); Mr. Gehring explained it would be non-conforming.

After other discussion, Councilwoman Holt made a motion to adopt Ord. No. 95-23 and authorize the Mayor and City Recorder to sign it. Councilman Fowler seconded the, motion and voting was unanimous.

FTNAL ACCEPTANCE GRANTED TO EGGETT ESTATES SUBDIVISION

Mr. Balling reported that Eggett Estates is complete and has been inspected. All improvements have been completed to City standards and specifications. It is recommended that the City Council accept this subdivision as a completed project, take over the responsibility of maintenance and upkeep of the public facilities and release all funds remaining in the cash deposit. Councilwoman Holt made a motion to this affect, Councilwoman Wilcox seconded the motion and voting was unanimous.

WATER SERVICE AGREEMENT WITH WEST BOUNTIFUL APPROVED

Mr. Balling explained that with the construction of the storage building, composting facility, and recycling bins at the landfill, Bountiful needs culinary water for these facilities. A system has been installed using West Bountiful City water and extending their main line to the landfill. The work is complete and West Bountiful City is asking for the City of Bountiful to approve an Agreement regarding construction and inspection, ownership and maintenance of the line. fees and charges, etc. The Agreement has been reviewed by the City Attorney and it is recommended by staff that it be approved. Councilman Moore made a motion to approve the Agreement as presented. Councilman Shafter seconded the motion and voting was unanimous.

RELEASE OF EASEMENT AT

3457 SO BOUNTIFUL BOULEVARD APPROVED

Mr. Balling explained that in 1977 North Canyon Estates Subdivision recorded Bountiful Boulevard in conjunction with that development. Western Holding Company gave the City an easement for right-of-way, water lines and detention basin. Since that time all of the area around this easement has been fully improved and subdivided, A vacant lot on the north side of the detention basin remains to be used and the owner has received approval for construction of a home on this property. The easement covers 70 percent of the lot and a portion of the easement must be released before a permit can be issued. (Mr. Balling referred to a sketch of the property). The owner, Richard Dunn, has requested a release of easement and it is recommended by staff that this request be approved. Councilwoman Holt made a motion to approve release of the easement as presented. Councilman Fowler seconded the motion and voting was unanimous.

APPROPRIATION AND NEW POSITIONS APPROVED FOR POLICE DEPARTMENT

Chief Rapp reviewed that recent studies and recommendations by the Police Department and the Council Public Safety and Finance Committee have resulted in four recommendations designed to assist in accomplishing the mission statement of the Police Department to provide the most efficient and responsive service as possible. He summarized the recommendations as follows:

- I That an allocation of 20 personnel hours/week be provided from the Systems Information Department for exclusive use of the Police and Fire Department (70 /30 split). During the next six months the needs of the department are to be evaluated and this action will be reviewed and possibly adjusted for the next budget year.
2. That approval be given to create a second lieutenant position. Chief Rapp explained that the rationale of this request is to free the sergeants and corporals from the paperwork which they are presently doing and allow them to be on patrol in a position to provide training and assistance to new officers. It also provides for the more experienced field officers to have a positive interaction with the public.
3. That the position of sergeant over dispatch be re-justified and the responsibilities realigned to facilitate this action.
4. That one part-time position be approved for the dispatch center. Funding for this position will come from the existing dispatch overtime fund which is already budgeted.

He explained that the start-up costs for the new position for this year will be \$50,000 and it is proposed that this come from the Council Contingency Fund and that the action be effective January 1, 1995. He noted that Bill Collard, former Lieutenant with the Department, has retired and Steve Gray was named to fill this position. Lt. Gray was in attendance and recognized. The annual increase in cost to future budgets is estimated at \$80,000 for the two personnel changes (second lieutenant slot and part-time dispatcher; \$65,000/\$15,000 respectively). Chief Rapp responded to questions from the Council, following which Councilman Moore made a motion to approve the personnel changes as recommended, and authorize the appropriation from the Council Contingency Fund (not to exceed \$50,000). Councilwoman Wilcox seconded the motion and voting was unanimous.

COUNCIL COMMITTEE REPORT

Councilman Fowler reported that he has been in touch with Farrell Bell, citizen who lives near the "B", and also with Mike Seig, U.S. Forest Service, and they both thank the City heartily for the efforts in restricting access to the bike trails.

The meeting adjourned at 8:40 p.m. on a motion made by Councilman Shafter seconded by Councilwoman Holt.