

Minutes of the regular meeting of the City Council held October 11, 1995 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 and Ann Wilcox
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Recording Secretary:	Nancy Lawrence
Absent:	RDA/Planning Dir:	Blaine Gehring

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, and gave a special welcome to the Boy Scouts in attendance. David Campbell, visiting Boy Scout, led the pledge of allegiance to the flag. The invocation was offered by Councilman Moore.

Minutes of the regular meeting of the City Council held September 27, 1995 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilman Moore.

#### **EXPENDITURES AND EXPENSES APPROVED FOR THREE SEPTEMBER PERIODS**

Mr. Jenson presented the Expenditure and Expense Reports for the following periods, with totals:

September 22-26, 1995	\$ 146,324.90
September 27-30, 1995	475,564.51
Summary for September, 1995	3,202,687.42

He mentioned two minor corrections to the annotation (which did not affect the totals), following which the expenditures were approved as presented on a motion by Councilman Moore and seconded by Councilwoman Wilcox.

#### **COUNCIL APPROVES LAND CONVEYANCE AND EASEMENT AGREEMENT - KENTILaura WILLIAMS**

Mr. Balling explained that when Chelsea Cove Subdivision was recorded in 1977, there was a utility easement recorded for the utilities which were installed by the developer through the center of this lot (Lot 616). About five years ago, a claim was filed against Bountiful claiming the utilities were not in the easement as recorded. The property has been surveyed and the utilities are about 10 feet east of the recorded easement. This matter was resolved by the City purchasing an easement across Lot 617. Mr. Kent Williams has purchased Lot 616 and constructed a home on the lot. The utilities and access right-of-way are not located on the utility easement. Staff recommends that the City acquire an easement and right-of-way across Mr. Williams Lot (616) to line up with the existing easement acquired about five years ago.

Mr. Williams agrees to give Bountiful City an easement and right-of-way subject to the City completing the following items:

1 Give Mr. Williams a deed to Parcel A (as shown on a drawing). This deed

was given to Bountiful City as part of the Fairway Oaks Subdivision for access to our utilities and will be covered with a utility and access easement.

2. Grade access road across parcel A and the easement area of Lot 616.

Import fill dirt to regrade the back yard to the William's home during the grading of the right-of-way. This material will be taken from the excess dirt piles in the Fairway Oaks Subdivision.

4. Obtaining a deed from developer, Clark Jenkins.

Councilwoman Holt made a motion to approve the agreement as proposed, Councilman Shafter seconded the motion and voting was unanimous.

**REQUEST TO BUILD HOUSE BEYOND 200 FEET  
APPROVED - HENRY MARSH, STONE RIDGE**

Mr. Balling reviewed that when Stone Ridge Subdivision was approved, Lot #102 was granted approval with an access across Lot #101. The owner, Mr. Henry Marsh, would now like to use this access to build his home back 340 feet from Stone Ridge Drive. As per the conditions outlined in Section 14-13-105 of the Zoning Ordinance, the Planning Commission recommends approval, subject to the following conditions:

1. Payment for the installation of a fire line and fire hydrant at the location required by the City.
2. Provide a 20-ft. wide fire access road paved to the requirements of the City Ordinance.
3. Posting of "No Parking --- Fire Department Access Road" signs along the road.
4. Provide the City with a public utility and right-of-way easement across the property required for the access.
5. Installation of a continuously maintained pressure interior fire protection system in the house.
6. Compliance with the Building Code and City Ordinances for building in the Foothill area.

Councilwoman Holt made a motion to grant the request as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

**COUNCIL APPROVES RELEASE OF EASEMENT, LOT 55,  
FRANKLIN FARMS SUBDIVISION PHASE I**

Balling referred to a plot plan and explained that when Franklin Farms Subdivision, Phase 2, was recorded, a parcel of land labeled Parcel "A" was sold to the owner of Lot 115 to enlarge his building lot. The owner would now like to release the utility easement along the south line of Lot 115 which encumbers the expanded lot. Councilman Shafter made a motion to approve this request. Councilwoman Wilcox seconded the motion and voting was unanimous.

**ELECTION JUDGES APPOINTED FOR 1995 ELECTION  
RATE OF COMPENSATION SET**

Mr. Jenson reported that the upcoming municipal election will require three election judges at each of 28 different polling locations. He presented a list of names of proposed judges who have been contacted and agreed to serve, as well as alternates in case a substitution is necessary, and recommended that the names be approved as listed. He also recommended that the compensation for the judges be set at \$60 per day to coincide with what Davis County paid last year.

Councilman Shafter made a motion to approve the judges and alternates as presented with compensation as recommended, and to authorize Mr. Jenson to make changes, as necessary. Councilwoman Holt seconded the motion and voting was unanimous.

**BUD MAHAS CONSTRUCTION AWARDED BID FOR FOUNDATION  
EXCAVATION PROJECT POLICE AND COURT BUILDING**

Greg Allen, consultant, reviewed that plans were issued to 16 contractors to do the foundation excavation for the new police and court building. Eight bids were opened on October 10, 1995 and it is recommended that the bid be awarded to low bidder, Bud Mahas Construction, in the amount of \$89,900.00 Mr. Allen noted that this contractor has

worked with his company and with the City engineer and comes highly recommended. The architect's estimate for this work was \$100,000.00. In view of the Public Safety Committee's concern to get within the budget estimate, Councilman Moore made a motion to award the bid as recommended. Councilman Shafter seconded the motion and voting was unanimous.

**RES. NO. 95-5 ADOPTED ACCEPTING A PETITION  
FOR ANNEXATION - SOUTHEAST END OF CITY  
PUBLIC HEARING SET**

Mr. Mahan presented a petition for annexation of 58 acres on the east side of Bountiful Boulevard on the south end of town and Resolution No. 95-5 which accepts the annexation petition for further consideration. He reviewed the steps of the annexation procedure and recommended that a public hearing be scheduled for November 22, 1995 at 7:30 p.m. to consider this matter. The resolution also approves preparation of the Policy Declaration. Due to problems with attendance, the Council requested that the hearing be set for November 15, 1995. Because this complicates the legal requirement for notice, Mr. Hardy requested approval to post the notice in the Deseret News, as well as the Clipper, to satisfy the 30-day requirement.

Councilwoman Wilcox made a motion to accept Resolution No. 95-5 and to set a public hearing to consider the Petition for Annexation of 58 acres on the east side of Bountiful Boulevard on November 15, 1995 at 7:30 p.m. Councilman Fowler seconded the motion and voting was unanimous.

**UPDATE ON MAIN STREET PROJECT**

Mr. Balling reported that Main Street should be finished and ready for traffic by next Wednesday.

**COUNCIL COMMITTEE REPORTS**

Councilman Shafter noted that the Fire Department Open House was very enjoyable and informative. He mentioned that tomorrow night is the open house for the Power Department and invited the Council to attend.

Councilwoman Wilcox extended a special invitation to the Boy Scouts and others in attendance to support the Youth Council "Pumpkin Patch" which will be held at North Canyon Park on Saturday October 14, 1995.

Mayor Cushing gave special thanks to Mr. Balling and Mr. Hardy for their preparation prior to meeting with the State Department of Transportation and the Transportation Committee last week. He said there will be another meeting in Logan on Friday regarding the Ensign Peak Parkway. He encouraged all of the Council to be in attendance.

Mr. Hardy reminded those in attendance that the City will be providing the hazardous waste disposal collection day as noted on their utility bills and he encouraged citizens to take advantage of this program in an effort to extend the life and use of the landfill. Councilwoman Holt requested that citizens be advised through their utility bill throughout the year that waste oil can be taken to the City Shops for disposal.

Councilwoman Wilcox asked about the status of the home that the Council visited which has been under construction for several years. Mayor Cushing indicated that he had not seen much progress and he said that he would follow through with Mr. Farnes on this matter.

The meeting adjourned at 7:47 p.m. on a motion made by Councilman Shafter and seconded by Councilman Fowler.