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# Minutes of the Bountiful City Council Meeting

City Council Chambers  
July 7, 1999 - 7:00 p.m.

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Present:	Mayor	John R. Cushing
	Council Members	Samuel R. Fowler, Barbara Holt, Alan A. Johnson, and Stewart Knowlton
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim Coleman
	Planning/RDA Director	Blaine Gehring
	Department Head:	Clifford Michaelis, Power
	Recording Secretary	Nancy T. Lawrence
Excused:	Councilman:	C. Harold Shafter

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 at 7:00 p.m. and welcomed those in attendance. Councilman Johnson led the pledge of allegiance to the flag, following which the invocation was offered by Mr. Rowland.

### **APPROVAL OF MINUTES**

Minutes of the regular City Council meeting held June 23, 1999 were presented and unanimously approved on a motion made by Councilman Johnson and seconded by Councilwoman Holt. Councilpersons Fowler, Holt, Johnson, and Knowlton all voted "Aye".

### **EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS APPROVED FOR PERIOD JUNE 18 TO JULY 1, 1999**

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000 for the period June 18 to July 1, 1999, totaling \$1,345,602.80. There were no questions on the expenditure report which was unanimously approved on a motion made by Councilman Knowlton and seconded by Councilman Fowler. Councilpersons Fowler, Holt, Johnson, and Knowlton all voted "Aye".

### **MARK GREEN RE-APPOINTED TO PLANNING COMMISSION**

Mayor Cushing reported that Mark Green has accepted an invitation to serve another four-year term on the Planning Commission and he noted that the Council is familiar with the qualifications and record of Mr. Green. Councilwoman Holt made a motion to re-appoint Mr. Green to another four-year term, effective July 1, 1999 - July 1, 2003. Councilman Johnson seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Johnson, and Knowlton all voted "Aye".

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2 **PRELIMINARY AND FINAL SITE PLAN APPROVED**  
3 **FOR FIRST SOUTHERN BAPTIST CHURCH - 700 NO. 400 EAST**

4 Mr. Gehring reviewed that the First Southern Baptist Church had planned to construct a  
5 new building at 1500 South, north of Five Points Mall. However, as part of the redevelopment  
6 of Five Points, the developer has worked out a land trade with the church and will provide a new  
7 location at 700 North 400 East. Mr. Gehring reviewed the site plan and reported that the request  
8 for preliminary and final site plan approval comes from the Planning Commission with a positive  
9 recommendation, subject to the following conditions:

- 10 1. The dumpster enclosure to meet Zoning ordinance requirements.  
11 2. Use existing water and sewer laterals if possible. No impact fees will be  
12 charged if the existing laterals are used. If new laterals are required, impact fees will  
13 be based on one equivalent residential unit.  
14 3. Storm drain can be piped directly in the Stone Creek storm drain and,  
15 therefore, the detention requirements will be waived. The storm drain impact fee will  
16 be: \$2,100/ac. x 1.79 acres = \$3,759.00.  
17 4. Post a Curb and Gutter Bond and meet requirements of the U.B.C. for the  
18 construction of the building and get all necessary excavation and building permits.  
19 5. Provide a 7'-wide easement along the west property line (400 East  
20 frontage) and a 7'-wide easement along the north property line.  
21 6. Because of the steep slope on the east property line to the proposed second  
22 phase parking lot, replace the three blue spruce pines with three more Imperial Locust  
23 trees spaced 15 feet on center as per ordinance.  
24 7. All landscaping to meet ordinance requirements.  
25

26 Councilwoman Holt made a motion to grant preliminary and final site plan approval to the First  
27 Southern Baptist Church. Councilman Fowler seconded the motion and voting was unanimous.  
28 Councilpersons Fowler, Holt, Johnson, and Knowlton all voted "Aye".  
29

30 **COUNCIL GRANTS PRELIMINARY APPROVAL TO**  
31 **TIERRA VISTA CONDOS, PHASE I AND II; AND FINAL**  
32 **APPROVAL TO T.V. CONDO, PHASE I, 385 West 200 North**

33 Mr. Rowland presented the plat for Tierra Vista Condominiums, Phase 1, at 385 West  
34 200 North, and reviewed that when this project was first presented to the Council, it was as an  
35 apartment complex. The developer, Grant Horsley, has modified the project to be a  
36 condominium project. To avoid the possibility of the rear portion of the property becoming  
37 landlocked, it has been agreed that the undeveloped portion of property along the cul-de-sac will  
38 be designated as "convertible" for future inclusion in the condo project. It is the  
39 recommendation of the Planning Commission that **preliminary** condominium plat approval be  
40 granted to the Tierra Vista Condominiums Phases I and II, and **final** approval be granted to  
41 Tierra Vista Condos, Phase I, subject to the following conditions:

- 42  
43  
44 1. Payment of subdivision review and recording fees.  
45 2. Posting of an acceptable bond or Letter of Credit to cover construction of  
46 all phases of the project.

- 3. Sign a Development Agreement with the City.
- 4. Supply the City with a current title report.

Councilwoman Holt made a motion that the Council grant preliminary condominium approval to the Tierra Vista Condominiums, and final approval to Phase I of Tierra Vista Condos. Councilman Knowlton seconded the motion and voting was unanimous. Councilpersons Johnson, Holt, Fowler, and Knowlton voted “aye”.

**PURCHASE OF ELECTRICAL FACILITIES FROM UP&L  
IN VAL VERDA ANNEXATION AREA APPROVED**

Mr. Michaelis reviewed that the annexation of property in the ValVerda area of the City has been approved in phases (three pieces in 1992 and 1996 and one piece in 1998). On March 4, 1998 the Council approved the purchase of UP&L’s distribution system for properties annexed at that time. This distribution system has not been connected to the City’s distribution system due to legal matters, system separation difficulties, and connection expenses. The 1998 annexation resulted in a second offer from UP&L to purchase the remaining distribution system in that area. With the inclusion of the most recently annexed area, the system separation requirements have been reduced and the total cost to Bountiful has been reduced. It is the recommendation of staff and the Power Commission that the Council approve the following:

Purchase of the distribution system of areas annexed between 1992 and 1996 (previously approved by the Council).....	\$760,000
Purchase of the distribution system for the area annexed in 1998 (Approximately 222 customers) .....	390,000
Reimbursement to UP&L for separation costs .....	73,000
Costs for Bountiful to connect the newly acquired system .....	43,000
Purchase of remote meters for newly annexed area.....	<u>58,200</u>
<b>TOTAL .....</b>	<b><u>\$1,324,200</u></b>

Councilman Fowler made a motion to approve the purchase of electrical facilities from UP&L in the Val Verda annexation area as presented by Mr. Michaelis. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Johnson, and Knowlton all voted “Aye”. Mr. Michaelis said that the customers in the annexed area should be on Bountiful Power by this fall. This purchase will be funded from the Power Department operating cash fund.

**RES. NO. 99-5 APPROVED; AUTHORIZES EXECUTION  
OF SUPPLEMENTARY AGREEMENT WITH UP RAILROAD -  
RECONSTRUCTION OF 46 KV TRANSMISSION LINE**

Mr. Michaelis explained that the re-construction of the 46 kV line includes rebuilding 2.5 miles of existing 46 kV transmission line, all of which is located within the Union Pacific Railroad’s right-of-way. Prior to entering the railroad’s right-of-way, an existing agreement, dated 1970, requires that BCL&P obtain written approval, from the railroad company, for non-

1 emergency line maintenance/construction. He reviewed the Supplementary Agreement that  
2 allows BCL&P to work within the railroad's right-of-way and stated that it is the recommendation  
3 of the Power Commission and staff that Res. No. 99-5, pertaining to the Supplementary  
4 Agreement, be approved and the Mayor be empowered to execute that Agreement. Councilman  
5 Fowler made a motion to this effect, Councilman Johnson seconded the motion and voting was  
6 unanimous. Councilpersons Fowler, Holt, Johnson, and Knowlton all voted "Aye".  
7

8 **BIDS AWARDED FOR POLES AND EQUIPMENT -**  
9 **46 KV TRANSMISSION LINE RECONSTRUCTION PROJECT**

10 Mr. Michaelis reported that bids were opened for poles and equipment for Phase III of the  
11 46 kV transmission line reconstruction project. It is the recommendation of staff, SSR  
12 Engineering, and the Power Commission that the bids be awarded as follows:

- 13 1. The purchase of *insulators* be awarded to Western States for the sum of \$20,214.00.
- 14 2. The purchase of *connectors* be awarded to Western States for the sum of \$12,014.13.
- 15 3. The purchase of *conductor* be awarded to Western States for the sum of \$58,139.80,  
16 plus the sum of \$6,750.00 for the deposit (100% refundable) on returnable reels.
- 17 4. The purchase of *poles* be awarded to Poleline Supply for the sum of \$101,870.00.

18 The total award value of the bid is \$198,987.93 (which includes the refundable deposit). All  
19 recommendations are based on complete, qualifying bids. After a few questions were answered,  
20 Councilman Fowler made a motion to approve the bids as presented. Councilwoman Holt  
21 seconded the motion and voting was unanimous. Councilpersons Johnson, Holt, Fowler, and  
22 Knowlton voted "aye".  
23

24 **AGREEMENT WITH ASPLUNDH TREE TRIMMING SERVICE**  
25 **APPROVED FOR PERIOD JULY 1, 1999 TO MAY 31, 2000**

26 Mr. Michaelis reviewed that for the past two years, the services of Asplundh tree trimming  
27 were contracted to assist with line clearance (tree trimming). Asplundh has offered to continue  
28 the agreement which was signed in November, 1997, at the same rate initially approved, for the  
29 period from July 1, 1999 to May 31, 2000. It is the recommendation of staff and the Power  
30 Commission that this Agreement be extended as explained. Councilman Fowler made a motion  
31 to extend the contract with Asplundh as presented, in an amount not to exceed \$80,000.00.  
32 Councilman Johnson seconded the motion and voting was unanimous. Councilpersons Johnson,  
33 Holt, Fowler, and Knowlton voted "aye". In response to questions from the Council, Mr.  
34 Michaelis explained that there are also two in-house crews that do tree trimming in the summer.  
35 He also responded to questions regarding the work which has been done to strengthen the  
36 transmission line poles along the frontage road in Centerville.  
37

38 **COUNCIL APPROVES PURCHASE OF GPS SYSTEM**

39 Mr. Rowland reviewed with the Council that benefits of a Global Positioning Satellite  
40 System have been discussed and the Engineering budget for FY 1999-2000 includes \$60,000 for  
41 the purpose of purchasing the GPS equipment. A quote has been received from Monson  
42 Engineering for the "*Trimble Navigation 4700 RTK Survey System*" in the amount of \$64,395.00.  
43 He explained that the equipment was not put out for bid because the City will be working with  
44 local engineering firms who all use the Trimble system and Monson Engineering is the only  
45 authorized distributor for this equipment in Utah, Idaho, Nevada, and Wyoming. The retail prices

1 for the equipment are set by the manufacturer, therefore, the price would be the same regardless  
2 of the distributor from which the purchase was made.

3  
4 Mr. Rowland explained that the local engineering firms have committed to participate in a  
5 cooperative agreement with the City to help pay for the equipment, thus more than covering the  
6 budget overage. This agreement will allow these firms access to the signal that the GPS base  
7 station transmits and thus benefit from the equipment. Mr. Rowland recommended that the  
8 Council approve the purchase of the Trimble system as presented, and that the Engineering  
9 Department continue to pursue Cooperative Agreements from the local engineering and survey  
10 firms who might be interested in benefitting from the City's base station. Councilman Johnson  
11 made a motion to approve the purchase of the GPS as explained. Councilman Fowler seconded  
12 the motion which carried unanimously. Councilpersons Johnson, Holt, Fowler, and Knowlton  
13 voted "aye". Mr. Rowland noted that it will probably be the first week of August before this  
14 equipment will be functional.

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16 **ORD. NO. 99-17 RE: TAX RATE FOR 1999-2000 FISCAL YEAR**

17 Mr. Hardy explained that Davis County has notified Bountiful City that the amount of the  
18 Certified Tax Rate for the 1999-2000 fiscal year will be .001281. He recommended that this tax  
19 rate be approved through adoption of Ordinance No. 99-17 entitled AN ORDINANCE SETTING  
20 THE TAX RATE AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY  
21 IN THE CITY OF BOUNTIFUL, UTAH, MADE TAXABLE FOR THE YEAR 1999.  
22 Councilwoman Holt made a motion to this effect, Councilman Knowlton seconded the motion,  
23 and voting was unanimous. Councilpersons Johnson, Holt, Fowler, and Knowlton voted "aye".  
24

25 Mr. Hardy reported that he has been working with the Governor's office to see if we could  
26 get the tax rate information on a more timely basis in the future. Mayor Cushing said that in a  
27 recent gathering of mayors and the Governor, the timeliness of setting the tax rate ranked as the  
28 highest topic which needs the attention of the Governor.

29  
30 **ORD. NO. 99-18 ADOPTED RE: FISCAL YEAR BUDGET FOR 1999-2000**

31 Mr. Hardy reported that, with the tax rate in place, and revenues and expenditures  
32 balanced, it is time to adopt the 1999-2000 Fiscal Year Budget, which totals \$42,807,645.00. He  
33 reviewed that the budget figures are the same as approved by the Council in the public hearing,  
34 and recommended adoption of Ord. No. 99-18 entitled AN ORDINANCE ADOPTING A  
35 BUDGET FOR THE CITY OF BOUNTIFUL FOR THE FISCAL YEAR BEGINNING JULY 1,  
36 1999 THROUGH JUNE 30, 2000. BUDGET PREPARED AND PRESENTED PURSUANT TO  
37 THE UNIFORM FISCAL PROCEDURES ACT FOR UTAH CITIES, INCLUDING  
38 ESTIMATES OF ANTICIPATED REVENUES, APPROPRIATIONS FOR EXPENDITURES,  
39 ADJUSTED COMPENSATION SCHEDULES FOR CITY OFFICERS AND EMPLOYEES,  
40 AND THE SETTING OF USER FEES FOR CITY FACILITIES AND SERVICES.

41  
42 The following expenditures and expenses are proposed for the 1999-2000 fiscal year  
43 budget:  
44  
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1	Legislative.....	\$ 721,674
2	Legal .....	199,454
3	Executive and Central Staff .....	190,434
4	Information Systems Management (Data Processing).....	284,563
5	Administrative .....	436,243
6	Treasury       475,549	
7	General Government Buildings .....	136,373
8	Police .....	4,196,572
9	Fire .....	1,852,676
10	Street and Traffic Lighting .....	375,000
11	Streets.....	3,627,347
12	Engineering.....	783,801
13	Parks.....	580,595
14	Recreation Subsidy .....	278,572
15	Planning, Licensing and Code Enforcement.....	196,947
16	Debt Service.....	640,847
17	Water.....	3,939,398
18	Sewer.....	901,000
19	Light and Power.....	17,463,354
20	Golf Course.....	1,163,307
21	Swimming Pools, Recreation and ice Arena.....	1,683,504
22	Sanitation (includes Landfill) .....	1,706,000
23	Cemetery .....	194,135
24	Internal Service (Computer Mntn, Liability Ins, Worker's Compensation)....	780,300
25	<b>Sub-total - Expenditures and Expenses .....</b>	<b>\$42,807,645</b>
26	Less: Intra-City Revenue and Transfers (negative figure).....	<u>(7,737,943)</u>
27	<b>NET EXPENDITURES AND EXPENSES</b>	<b><u>\$35,069,702</u></b>

28  
29 Councilman Fowler made a motion to adopt Ord. No. 99-18 as presented. Councilwoman  
30 Holt seconded the motion and expressed gratitude to the department heads and Mr. Hardy  
31 for the fine job they have done in preparing this budget. The motion carried unanimously,  
32 with Councilpersons Johnson, Holt, Fowler, and Knowlton voting “aye”.

33  
34 **SIDEWALK REQUIREMENT WAIVED AT THE DOMAINE**  
35 **AT HIGHLAND OAKS PUD - 3800 SOUTH HIGHLAND COURT**

36 Mr. Rowland reviewed that the staff has received a request from the property  
37 owners in the Domain at Highland Oaks PUD to have the City’s requirement for a sidewalk  
38 in their development waived. When fully developed, the PUD will have 11 single-family  
39 detached units on a long, private cul-de-sac. It will eventually be gated to provide  
40 complete private access to the road. When the site plan for this PUD was reviewed, the  
41 sidewalk was not required on the east side of the street; however, there was a sidewalk on  
42 the west side of the street from Highland Oaks Drive to the beginning of the bulb of the  
43 cul-de-sac. All of the property owners were an attendance at Planning Commission and  
44 presented the following concerns regarding the sidewalk: (1) cost, both of installation and  
45 of continued maintenance; (2) lack of use due to steepness and there are no children living  
46 in the PUD;  
47 and (3) safety and liability due to its steepness, especially during winter months when the  
48 sidewalk will be covered with ice and snow. Simply stated, the citizens don’t want the  
49 sidewalk, they don’t want to maintain it, and they don’t feel they will use it.  
50

1 After hearing from the property owners, and recognizing that the PUD is privately  
2 owned and not maintained by the City, the Planning Commission sends a recommendation  
3 to the Council to grant the waiver and no longer require the sidewalk in the Domaine at  
4 Highland Oaks PUD. Based on this recommendation and the request of the homeowners,  
5 Councilwoman Holt made a motion to waive the sidewalk at the Domaine at Highland  
6 Oaks PUD. Councilman Fowler seconded the motion and voting was unanimous.  
7 Councilpersons Johnson, Holt, Fowler, and Knowlton voted “aye”.

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9 **PRELIMINARY AND FINAL SITE PLAN APPROVED**  
10 **FOR PARKING LOT EXPANSION - GREAT HARVEST BREAD,**  
11 **43 East 500 South**

12 Mr. Gehring reviewed that there is not sufficient parking at Great Harvest Bread, 43  
13 East 500 South, to support the volume of business at that site. Therefore, the owner of  
14 Great Harvest Bread Company has purchased the contiguous property west of his business  
15 for the purpose of expanding the parking lot. The Planning Commission reviewed this  
16 request and recommends to the Council that preliminary and final approval be granted for  
17 the parking lot expansion, subject to the following conditions:

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- 20 1. Provide full details of the north detention basin with the north berm raised to  
21 elevation 98.5.
  - 22 2. Provide a 10-ft. wide public utility Easement along the north property line to  
23 cover the existing overhead power lines.
  - 24 3. Add vicinity map and finish contours to the site plan.
  - 25 4. Demolition permit required for the demolition of the existing house and shed.
  - 26 5. Post a \$2,000.00 refundable cash curb, gutter and sidewalk bond.
  - 27 6. Dumpster enclosure to be of a material matching the exterior of the Great  
28 Harvest building.
  - 29 7. Provide evidence of the easement for use of the driveway on the east side of the  
30 building. (Mr. Mahan will review this matter to make sure it will provide the  
31 proper and adequate access for purposes of deliveries, customer parking and  
32 drive through access).
- 33

34 Councilwoman Holt made a motion to grant preliminary and final approval, as presented.  
35 Councilman Johnson seconded the motion and voting was unanimous. Councilpersons  
36 Johnson, Holt, Fowler, and Knowlton voted “aye”.

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38 **COUNCIL COMMITTEE REPORTS**

39 None

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41 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

42 At the request of the Mayor, Councilman Johnson made a motion to adjourn to  
43 executive session for the purpose of discussing pending litigation. Councilman Knowlton  
44 seconded the motion which carried unanimously. Councilpersons Johnson, Holt, Fowler,  
45 and Knowlton voted “aye”. The public meeting adjourned at 7: 56 p.m.

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48 **Attendance at Executive Session**

49 Mayor Cushing  
50 Councilpersons, Johnson, Holt, Fowler, and Knowlton

1 Mr. Hardy  
2 Mr. Mahan  
3 Mr. Rowland  
4 Mark Franc

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JOHN R. CUSHING, Mayor

KIM J. COLEMAN, City Recorder

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