

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
December 13, 2000 - 7:00 p.m.**

Present:	Mayor:	John R. Cushing
	Council Members:	Samuel R. Fowler, Barbara Holt, Stewart Knowlton, John S. Pitt and J. Gordon Thomas
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Admin. Services. Dir.:	Galen Rasmussen
	Planning/RDA Director:	Blaine Gehring
	Dept. Heads:	Neal Jenkins, Parks/Rec/Cemetery Clifford Michaelis, Power
	Recording Secretary:	Nancy T. 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 Thomas Plaizier 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 15, 2000 were presented and approved as written on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Councilpersons Fowler, Holt, Pitt and Thomas voted "aye". Councilman Knowlton abstained from voting because he was absent from the subject meeting.

EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR PERIODS IN OCTOBER, NOVEMBER AND DECEMBER

Mayor Cushing presented the following reports of Expenditures and Expenses Greater than \$1,000:

November 9-22, 2000	\$477,073.21
November 23-29, 2000	953,658.91
November 30 - December 6, 2000	269,582.45
Summary for October, 2000	\$4,084,328.24
Summary for November, 2000	\$3,396,654.09

The staff responded to questions from the Council, following which Councilman Pitt motioned for approval of the five reports as presented and explained. Councilman Fowler seconded the motion and voting was unanimous with Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voting "aye".

Mr. Rowland reviewed that the Council reviewed the status of the Domaine at Highland Oaks (Douglas Harris, Developer) on September 6th in a public hearing to consider calling the bond for this development. The result of this meeting was that Mr. Harris would attempt to complete the unfinished portions of the development in a timely manner and another hearing would be held the first part of December. The purpose of this hearing is to review this matter again and determine whether or not to call the bond or release the bond. Mr. Rowland stated that he has inspected the development and that all of the unfinished items from the bond letter have been completed. He explained that one of the four final items to be completed was the landscaping and seeding of all cut slopes (Item No. 20 from the bond letter) and the intent of this condition was to cover the costs of establishing native type plant materials on the cut slopes to prevent erosion. He clarified that it was not intended to cover the installation of the sprinkling systems and sodding around the houses or the common areas outside of the large cut slopes. He also noted that the homeowners are concerned about completion of the gatehouse and final landscaping; however, these items are not within the bonded improvements.

It is the recommendation of staff that the Council approve the final release of the Domaine at Highland Oaks bond down to the 90% release level and allow the developer to extend the existing improvement bond or replace it with an acceptable alternative in the amount of \$16,964.10. The purpose of the 10% retention is to guarantee the completed improvements.

The Mayor opened the public hearing at 7:18 p.m. and Lou Callister, president of the Homeowners Association, expressed disagreement with the report from Mr. Rowland, particularly regarding the landscaping. He challenged that there had not been any re-seeding on the cut slopes. Mr. Rowland explained that the requirement to reseed was for erosion control purposes, and although there was snow on the ground and vegetation could not be observed, there appeared to be no gullies which would have occurred from erosion. Mr. Callister requested that inasmuch as the bond required a \$20,000 amount to cover landscaping, this amount should be held, together with 10% of the remaining bond.

Doug Harris, developer, reported that all of the work is substantially complete and that landscaping had begun when the premature snow came this fall. Sprinkling supplies are at the site and ready for installation, pending compatible weather conditions. He said that all components of the landscaping critical to the homeowners will be completed and will require less than \$5,000 to complete. He said that the cut slopes were not re-seeded; however, the project has gone over two growing seasons and these areas have re-seeded naturally. He has requested bids for hydro-seeding and \$5,000 has been allocated for this purpose.

Discussion followed regarding the controversy over the landscaping situation. Mr. Callister again requested that the bond for landscaping be kept in place (\$20,000), that Mr. Harris be given a reasonable time to complete the landscaping, and that another hearing be held to determine whether or not to call the bond. Mayor Cushing requested that the City Attorney explain the obligation of the City in this matter. Mr. Mahan stated that the interests of the City and Homeowners Association differ. The purpose of the bond is limited to specific items listed in the bond letter; the homeowners and developer are parties to an agreement/contract. He said that he had no basis on which to disagree with the City Engineer regarding the recommendation to release 90% of the bond.

Mr. Harris requested that he go on record as being committed to completing the landscaping and the entry to the project and that June 15, 2001 would be a reasonable time in which to do this. He also requested that his bond be released as recommended by Mr. Rowland. Councilman Pitt noted that the 10% of the bond which is retained is for the purpose of guaranteeing *completed* improvements, and it appears that there is disagreement on whether or not the landscaping has been completed. Mr. Rowland suggested that the bond be released to an even \$20,000, which would represent the \$16,964.20 (10% retainage for the one-year warranty period) and the remaining \$3,035.80 would *more than cover* the native grass seed on the cut slopes. Mr. Mahan stated that this suggestion is reasonable; however, the Council is not obligated to make the decision this way. He clarified that the issue before the Council this evening is whether or not to call the bond. If the bond is not called, the matter of release of the bond is not an item that normally comes before the Council, but rather is determined by the City Engineer. Councilwoman Holt asked Mr. Rowland when the final amount of the bond is released. Mr. Rowland said the one-year warranty period starts when the last bond items are released – or longer it could be longer than a year if the period starts in winter. He again reiterated that he inspected the project last week and did not observe any significant erosion channels. Councilman Knowlton stated that he would favor giving Mr. Rowland authority to follow through with the bond release, and he recommended that \$20,000 be retained for the warranty period.

Margie Calhoon, resident of the Domaine, expressed disappointment that the detention pond was not shown on the copy of the plat that she saw and she stated that she would not have purchased their lot if they had realized the detention basin was there. She said it is dangerous for her grandchildren. Mr. Callister stated that he would like to be involved when the City Engineer inspects or makes recommendations on this project and Mr. Rowland indicated that he would keep in touch with Mr. Callister. It was noted that the bond release is ultimately based on the City's obligation, not on the desires of the homeowners. The public hearing ended at 7:50 p.m.

The matter was remanded to the City Engineer and Councilman Pitt recommended that the bond be extended (not called) *only for the portion to cover the 10% warranty, plus the cost of landscaping*, and that the rest of the bond be released, and that this matter be revisited again on June 15, 2001.

ARNELL HEAPS RE-APPOINTED TO SOUTH DAVIS COUNTY SEWER DISTRICT BOARD

Mayor Cushing reviewed that Arnell Heaps has been serving as Bountiful's representative on the South Davis County Sewer Improvement District Board and he recommended that Mr. Heaps be re-appointed for another four-year term, to commence January 1, 2001. Councilman Fowler motioned to approve this recommendation, Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

ORD. NO. 2000-17 ADOPTED RE: ESTABLISHMENT OF USES NOT SPECIFIED IN THE CODE - RESIDENTIAL ZONES

Mr. Gehring reviewed that the City has been contacted by the Family Connection Center

about them opening a satellite group home in Bountiful. These homes are designed to allow for parents who are stressed to bring their children to a home for up to 72 hours to give them a time to be away from the children before the situation becomes abusive. After reviewing the City ordinance, it was determined that there is not a category for this type of use. Further, it is recognized that it is very difficult to think of everything that exists or may exist as far as land uses are concerned. Therefore, it is the recommendation of staff that the ordinance be amended to allow staff to consider unusual uses in any zone, as they occur. He reviewed the proposed ordinance and stated that it comes to the Council for approval with the recommendation of staff and the Planning Commission.

At 8:01 p.m. Mayor Cushing opened the public hearing regarding this matter. There was no response from those in attendance. After a brief discussion, the Council approved adoption of Ord. No. 2000-17 entitled AN ORDINANCE AMENDING SECTION 14-2-106 OF THE BOUNTIFUL CITY ZONING ORDINANCE REGARDING THE ESTABLISHMENT OF USES NOT SPECIFIED TO ALLOW THE CITY COUNCIL AND THE PLANNING COMMISSION TO CONSIDER USES NOT SPECIFIED IN RESIDENTIAL ZONES. This action was taken on a motion made and seconded by Councilmen Thomas and Pitt, respectively. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

ROTARY CLUB PRESENTS REQUEST FOR COUNCIL SUPPORT OF CRUISIN' THE BOULEVARD

Lonnie Hunter and Chris Simonsen, representing the Bountiful Rotary Club, reviewed the various community service projects that they have been involved in over the past fifty years, including funding of scholarships, Eagle Scout recognition, South Davis Community Hospital Halloween and Christmas activities, and Coats for Kids. Dr. Simonsen explained that much of the revenue which is used for these projects comes from the "Cruisin' the Boulevard" antique car and bike show and parade. He showed a video of this event from this past year and requested the support of the Council for the car/bike show this year. He suggested that support could be given through advertising with the street banner, and participation in the Buy It In Bountiful program, and he asked if Main Street could be closed during the time of the parade. Following discussion, Mayor Cushing suggested that the Rotary Club work with the various Council Committees (Parks and Recreation and Public Safety) to work out the details and coordinate with City staff.

BOUNTIFUL COMMUNITY SERVICE COUNCIL REQUESTS FUNDING FROM COUNCIL FOR VOLUNTEER RECOGNITION

Councilman Thomas welcomed Brent Russon, Jay Millett, and Susan Robinson from the Bountiful Community Service Council (BCSC) and briefly reviewed the service activities that the C has been involved in. He noted that the Council would like to recognize citizens who give service to the community. He suggested that plaques could be given to them and asked if the City Council would be willing to fund this effort. If one citizen/organization were recognized each month (at an approximate cost/plaque of \$60), a total of \$840 would be needed.

Mayor Cushing asked about the recognition which has been given in the past for beautification and Mr. Hardy responded that the individuals who have spear-headed this project are no longer doing it. He acknowledged that a small amount of money has been included in the

budget for beautification recognition and following discussion, Councilman Thomas made a motion to transfer the funds from beautification to the Bountiful Community Service Council for the purpose of recognizing volunteers. Mr. Russon, BCSC, mentioned that the beautification recognition would also be a worthwhile cause for the BCSC to follow through with. Councilman Thomas noted that the BCSC meets on the third Saturday of each month at 8 a.m. and he extended an invitation for the Mayor, Council, and Mr. Hardy to attend. Mayor Cushing expressed appreciation to Mr. Russon and the Council for the time and effort they are giving on behalf of the betterment of the City.

**TOLLY-HUGHES ROOFING AWARDED BID
FOR BOUNTIFUL ART CENTER RE-ROOF PROJECT**

Mr. Rowland explained that the roof at the Art Center has been leaking for some time and in spite of several attempts to repair it, the roof has continued to leak. Bids were requested for replacement of the roof and eight contractors responded. It is the recommendation of staff to accept the low bid from Tolly-Hughes Roofing in the amount of \$16,790 (Alternate C). This bid provides for removal of only the upper EPDM roofing membrane and leaving the existing "Built Up" roofing system in place. This will allow the building to be somewhat protected from the weather during the entire construction period. Councilwoman Holt motioned to authorize \$16,790 for re-roofing the Art Center. Councilman Thomas seconded the motion and Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

**PRELIMINARY AND FINAL SITE PLAN APPROVED
FOR ADDITIONAL SINGLE FAMILY HOUSE - 127 E. 500 SO.**

Mr. Gehring reported that Robert McArthur, owner of the property at 127 East 500 South, has requested permission to construct a single family home on this large lot (instead of another duplex as was previously considered by the Planning Commission). It is the recommendation of staff and the Planning Commission that preliminary and final site plan approval be granted for the single family unit, subject to the following conditions:

1. All necessary corrections be made to the site plans per Engineering check.
2. Provide 7' easements along the west and north property lines.
3. Pay the following fees:
 - a. Storm Drain Impact Fee \$ 886.03
 - b. Water Fees (meter) 2,613.00
 - c. Sewer Impact Fee 1,556.00
 - d. Power Fees (As determined by the Power Department)
 - e. Road patches (As determined by the Street Department)

Councilman Thomas motioned for approval as recommended, Councilman Knowlton seconded the motion and voting was unanimous with Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voting "aye".

**PRELIMINARY AND FINAL SITE PLAN APPROVAL GIVEN
TO OFFICE COMPLEX DEVELOPMENT - 1350 NORTH MAIN**

Mr. Rowland explained that when Bountiful Shadows subdivision was developed (1350 North Main), the two corners of 1350 North at Main Street were left out of the subdivision and

were zoned C-G. This property has been purchased by Sterling Brimley who would like to develop them into a small office development. Mr. Rowland reviewed the proposed plans and

reported that the Planning Commission sends a positive recommendation for preliminary and final site plan approval with the following conditions:

1. A total of 10 more screening trees be added along the west property lines— 6 on the north corner property and 4 on the south corner property. This will make an overall total of 19 screening trees along the west property lines.
2. In order to meet ordinance requirements, the fence along the west property line of the south corner property needs to be modified to 6 feet high beginning at 20 feet back from the sidewalk rather than the existing 30 feet. The fence along the west property line of the north corner property needs to be replaced with a 6-foot high solid fence to within 20 feet of the sidewalk where it may be 3 feet high and solid. This condition is subject to agreement by the adjacent property owners. If they want their fences to remain as they are, no modification will be required.
3. Complete engineering and drainage details for the site, insuring that the neighbors are not impacted by any storm runoff.
4. Provide 7' wide utility easements along all street frontages and an easement as required by Bountiful Light and power along the south line of the south parcel.
5. Payment of the following fees:
 - a. Storm Water Impact Fee, south parcel – 0.34 ac. @ \$2,100/ac= \$714.00
 - b. Water Meters – 3 @ 2,613.00/1" meter = \$ 7,839.00 plus road patch
 - c. Sewer Impact Fees – 3 @ 1,556.00/connect = 4,668.00 plus road patch
 - d. Power Fees – As determined by the Power Department
 - e. Building Fees per the Uniform Building Code
6. Participation with Bountiful Light and Power in having the power guy pole moved on the south parcel.

Councilman Thomas motioned to grant preliminary and final site plan approval, as recommended. Councilwoman Holt seconded the motion. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted “aye”.

Mayor Cushing was excused from the meeting at 8:50 p.m. and Councilman Thomas conducted the remainder of the Agenda as Mayor Pro Tempore.

**APPROVAL GRANTED FOR DMK TO WORK ON
AIR QUALITY ISSUES FOR 5.2 MW GAS TURBINE PROJECT**

Mr. Michaelis reported that it is necessary for the City to file a Notice of Intent with the Division of Air Quality for the installation of the 5.2 MW gas turbine. DMK has worked with the Power Department over the past several years regarding matters of air quality and it is

recommended that they be contracted to assist with preparation of the Notice of Intent (NOI) which must be filed with the State. It is the recommendation of the Power Commission and staff that a Not-to-Exceed amount of \$25,000 be approved for DMK to work on Air Quality issues as explained. Councilman Fowler made a motion to this effect, Councilman Knowlton seconded the motion and Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

**APPROVAL GIVEN TO PURCHASE HIGH VOLTAGE
CABLE FROM NORTHERN POWER - VARIOUS PROJECTS**

Mr. Michaelis reviewed that a bid opening was held in October and Northern Power was granted the bid for #2 and 1/0 U.R.D. cable from Okonite Cable Company. He reported on the footage of each cable that have been purchased for various subdivisions and reported that the staff and Power Commission recommend approval of this purchase at a cost of \$32,224.00. Councilman Fowler expressed appreciation for the details of this purchase and then he motioned for approval. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

**APPROVAL GRANTED TO PURCHASE NEW CONTROL
PANEL FOR #8 ENGINE - POWER DEPARTMENT**

Mr. Michaelis reviewed the history of the control panel used for the No. 8 engine (originally built in 1977 for the nuclear industry). Due to failures and/or delays while starting the No. 8 engine during the past summer and fall, it is the recommendation of staff and the Power Commission to replace the panel. This will allow for a reliable operating engine and no down time (which equates to higher market power purchases). He gave a detailed review of the work which needs to be done on this engine (control panel as well as governor system) and stated that it is the recommendation of staff and the Power Commission to approve replacement of the panel and the option for a Woodard Governor system at a sum of \$177,687 from Cooper Industries. This would be funded from the Emergency Replacement Account. Following discussion, Councilman Fowler made a motion to approve the purchase of a new panel and to upgrade the governor system, as recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

REPAIR OF PINEVIEW HYDRO FACILITY APPROVED

Mr. Michaelis reported that a turbine failure occurred at the PineView Hydroelectric project on November 8th and it is the recommendation of staff and the Power Commission to award a bid to Prime Machine (Salt lake City) in the amount fo \$8,065.50 for repair. After a short discussion, Councilman Fowler motioned to approve this recommendation. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

**COUNCIL APPROVES RATE INCREASE FOR ELECTRICAL
CUSTOMERS**

Mr. Michaelis reviewed that since June, 2000, the cost of power has increased dramatically over budget resulting in a projected deficit of \$2.2 million for the year. Staff and the Power Commission have reviewed the 2000-2001 budget and recommend the following revisions to that budget:

1. A rate increase of 10.0% for all customers, including Air Products,

effective 01 January 2001 (effective for one-half of the year). The \$0.061 residential rate will be just under Utah Power's \$0.061273.

2. Operating revenues will increase \$1.4 million (9.9%) due to impacts of system growth and the rate increase on electric metered sales, as well as Air Products income.
3. Nonoperating revenues of \$1.4 million from the Future Power reserve and \$0.8 million from the emergency Equipment reserve will be used to cover the estimated \$2.2 deficit for the year.
4. It is estimated that total generation and resource power costs will increase 71.2%. A major factor in this cost increase is the proposal by WAPA for a rate increase which could be passed on to the City as early as March 1, 2001.
5. Operating expenses will be decreased \$1.5 million (20.5%). Major reductions have been made to the contribution to Future Power, San Juan principal payment, and Distribution Supplies expense.
6. Capital expenditures will be decreased \$1.1 million (30.2%). Major reductions have been made to Distribution Capital Expenditures, the SCADA project, and Future Power expenditures.

Mr. Michaelis reviewed the major resources for Bountiful's firm power, and stated that every effort is being made to minimize purchases of power from the open market. It is the recommendation of staff to call back 10 mW of IPP summer seasonal power, 4 mW of IPP winter seasonal power, increase the allocation from IPP by 10 mW when this power becomes available in April 2002, and install the 5.2 mW engine by April 2001. Mr. Hardy noted that in addition to the proposed 10 percent increase, there may also be a need to increase rates even more when the next budget is prepared. How much will depend on growth, temperatures, market factors, etc. The Council discussed the proposed rate increase and Councilwoman Holt expressed concern about postponing capital expenditures. Mr. Michaelis stated that in revising the budget, the staff has made a conscious effort to not jeopardize the reliability of the system while yet providing excellent customer service and being cost effective in supplying power to Bountiful customers. Following further discussion, Councilman Fowler made a motion to approve Resolution No. 2000-07, A RESOLUTION INCREASING ALL ELECTRICAL RATES BY APPROXIMATELY 10 PERCENT. Councilman Knowlton seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

The meeting adjourned at 10:18 p.m. with a motion made by Councilman Knowlton and seconded by Councilman Pitt. Councilpersons Fowler, Holt, Knowlton, Pitt and Thomas voted "aye".

JOHN R. CUSHING, Mayor

KIM J. COLEMAN, City Recorder

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