

Minutes of the
Bountiful City Council Meeting
City Council Chambers
September 23, 2003 -7:00 p.m.

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, J. Gordon Thomas, and Thomas Tolman
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim J. Coleman
	Department Head:	Clifford Michaelis, Power
	Recording Secretary:	Nancy T. Lawrence
Absent::	Councilman:	John S. Pitt
	City Manager:	Tom Hardy

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 Johnson called the meeting to order at 7:02 p.m. following which Councilman Tolman offered the opening prayer. Mr. Coleman led the pledge of allegiance to the flag.

MINUTES OF SEPTEMBER 9TH APPROVED

Minutes of the regular City Council meeting held September 9, 2003 were presented and unanimously approved as written on a motion made by Councilman Moss and seconded by Councilman Tolman. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**WEEKLY EXPENDITURES AND/OR MONTHLY
EXPENDITURE REPORT APPROVED FOR PERIOD
AUGUST 28 - SEPTEMBER 10, 2003 AND MONTHLY SUMMARY**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the period August 28 - September 10, 2003 in the amount of \$732,930.64 and the Summary of Expenditures and Expenses for the Month of August, 2003 totaling \$4,593,736.19. Following a short discussion, these reports were approved on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Councilpersons Holt, Moss, Tolman and Thomas voted "aye".

**PRESENTATION TO COUNCIL OF POLICY ISSUES -
CLIFF SWENSON, LAKEVIEW CONDOMINIUMS**

Cliff Swenson, president of the Homeowner Association for Lakeview Condominiums, was in attendance to review policy issues with the Council, as related to the recent flooding which was experienced in the condos. He reported that the condominium insurance has agreed to pay more than originally represented for homeowners to paint, replace carpet, replace furnace and replace hot water heaters. Master Cleanup is working in the units and hopefully the occupants will be able to return to

their homes within 3 - 4 weeks. In some units structural repair is necessary (replacement of 2 x 4's and sheetrock), and in many instances mold is being removed.

Mr. Swenson noted two issues which he hoped the Council would address for the benefit of citizenry in the future. First, the fact that the water shut-off valve had been covered with asphalt and made difficult to locate, was something that should not have occurred. He suggested that a procedure be implemented to prevent this from happening in the future. The Mayor indicated that he and the City Engineer have discussed this and the City has taken action to avoid this problem in the future. It was noted that the water line break was on private property and a poor drainage system on the private property resulted in flooding. However, due to the shut-off valve being covered, there was more water damage than should have occurred under the circumstances.

Secondly, Mr. Swenson suggested that the City have a set policy on how claims would be assessed for flood damage when the City is liable. Mr. Mahan stated that the City has always had a policy that if the City is negligent, payment for damages is made. The City attempts to handle all situations fairly – both to those who have been damaged and to the taxpayers who pay the bills. Mr. Swenson urged the staff to compare their policy with other cities similar in size and the Mayor stated that staff will look into this matter and get back with Mr. Swenson.

REPORT ON DAVIS COUNTY MOSQUITO ABATEMENT DISTRICT - ARDEN JENSON

Arden Jenson, Bountiful's representative on the Davis County Mosquito Abatement District board, reported to the Council and Mayor that due to the West Nile virus, this season has presented some stern challenges to the Davis County Mosquito Abatement District board. He said that Davis County has not had any reports of West Nile virus; however, the first case of a human being infected in Utah was reported last week (in the Vernal area). Eight western Utah counties had had reports of the virus in animals. He said that there are only four states in the United States that have not had any reports of the virus, as of September 22, 2003. A serious situation exists in Colorado where there have been 1,817 reports of infection in humans, with 38 deaths attributed to the West Nile virus. Davis County is continuing to focus on abatement procedures, including elimination of still water sites, planting "mosquito fish" in landscape features, increasing spraying, etc. He said that an effort is being made to educate the public to eliminate anything that collects and holds water, such as old tires, pools, rain gutters, etc. Mayor Johnson thanked Mr. Jenson for this report and pledged support from the City as needed.

APPROVAL GIVEN TO EXTEND BID FOR RESIDENTIAL ELECTRIC METERS

Mr. Michaelis reported that Riter Engineering was awarded a one-year bid in July, 1999 for single phase residential meters. Riter has been authorized by the manufacturer to once again offer this bid price (\$72.50/meter) for one last time, until July 1, 2004. It is the recommendation of staff and the Power Commission to accept the bid from Riter for the purchase of six pallets of meters (576 meters). Two pallets would be purchased initially and the remaining four pallets will be purchased one pallet at a time, approximately every two months throughout the remainder of the 2003-04 budget year. Following discussion, Councilman Moss motioned to accept the extension of the bid from Riter and to purchase six pallets of meters – two at this time and the remaining four as noted. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Holt, Moss, Tolman and Thomas voted "aye".

**BID FOR UNDERGROUND BORING AWARDED
TO AMERICOM - POWER DEPARTMENT**

Mr. Michaelis reported that a primary wire failure at 2500 South 50 West precipitated the decision to install a bored-in conduit system in a portion of our system which was originally installed by UP&L and was later annexed into the City. Bids were requested and it is the recommendation of staff and the Power Commission to accept the low bid from Americom (located in Murray, Utah) in the amount of \$17,600.00 to install a bored-in conduit system that will allow the City to install a new wire in conduit system and abandon the direct buried wire in this area. Mr. Michaelis noted that the job will include additional material costs, plus labor and equipment, for a total estimated job cost of \$28,205.91. Councilman Moss motioned to accept the bid from Americom as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

**APPROVAL GIVEN TO PURCHASE NEW TRANSFORMERS -
POWER DEPARTMENT**

Mr. Michaelis reported that bid invitations for single phase and three phase transformers were sent out to local distributors and it is the recommendation of staff and the Power Commission to award the bids based on an evaluation of *total ownership costs* (TOC). This evaluation takes into consideration the initial bid price plus value of no-load losses and full-load losses and challenges manufacturers to build transformers with low losses and still be competitive with their up-front purchase price. Based on the TOC evaluation, it is the recommendation of staff and the Power Commission that the bids be awarded as follows:

Codale Electric	Single phase transformers	\$54,970.00
Western States Electric	Three-phase transformers	<u>58,338.00</u>
TOTAL		<u>\$113,308.00</u>

Councilman Moss motioned to approve this recommendation. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Tolman and Thomas voted “aye”.

**RELOCATION OF EASEMENTS TO QWEST APPROVED
AT NEW FIRE STATION**

Mr. Rowland reported that with the removal and relocation of the overhead power and telecommunication lines that have been serving the existing fire station, Qwest Communications has requested two easements to cover the buried conduits now being used to serve the site and the houses along 300 South Street. It is the recommendation of staff that the Council approve this request. Mr. Rowland reviewed a copy of the easements and a map showing their location. Councilman Thomas motioned to approve the two easements as presented. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Tolman and Thomas voted “aye”.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL
GRANTED TO HEARTHSTONE DESIGN - 94 NO 100 w**

Mr. Rowland reviewed that Mike Crouch was recently successful in having his property at 94 North 100 West rezoned to Professional Office. He is now seeking site plan approval to begin the conversion of the home to his office, Hearthstone Design. The Planning Commission and staff have

reviewed this request and recommend approval, subject to the following conditions:

1. Any remodel work in the house or garage will be done with proper permit and meet the requirements of the IBC 2000.
2. Pay the required Storm Drain Fee of \$892.16.
3. Provide one more tree on the southeast corner of the existing house between the building and the garage.
4. The monument sign is not part of this site plan approval and will require a separate permit.
5. Extend the existing wooden fence between the two houses to the front setback line.

Mr. Rowland noted that the Planning Commission voted unanimously on this matter. Councilwoman Holt motioned to grant preliminary and final site plan approval to Hearthstone Design, as presented and recommended. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Tolman and Thomas voted “aye”.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL -
CONVERSION OF EXISTING RETAIL TO MULTI-FAMILY;
40 WEST 200 NORTH (OLD REAM’S BUILDING)**

The Mayor noted his displeasure of converting the commercial space formerly used by Ream’s to a multi-family development and said that it would take a tremendous amount of work to make it look good. Brian Knowlton, developer, explained his plans, which have been reviewed by the Planning Commission and come to the Council with a favorable recommendation for final site plan approval, based on the following conditions:

1. Prepare and record a proper Condominium Plat within the required time limit.
2. Pay the following fees:

a. (2) 1" water impact and connection fees	\$5,226.00
b. (1) 2" lateral set fee	2,190.00
c. (1) 6" fire hydrant	4,460.00
d. Checking fee for 21 units	2,100.00
e. Storm Drain Impact Fee	3,012.70
f. Sanitary Sewer Impact and connection fee	32,676.00
3. Post a proper subdivision development bond.
4. Sign a Development Agreement with the City.
5. Make very minor revisions to the grading portion of the site plan.
6. Provide a construction site storm water runoff plan.
7. Grade the site so that all water is contained in onsite drainage.
8. All off-site concrete improvements along 200 North be replaced and asphalt mitigation in 200 North Street where utility cuts are made.
9. Meet all building code requirements, particularly egress from the basement.

Following a short discussion, Councilwoman Holt motioned to grant preliminary and final site plan approval, as recommended by the Planning Commission. Councilman Tolman seconded the motion which carried by a majority. Councilpersons Holt, Moss and Tolman voted “aye”. Councilman Thomas voted “nay”.

**CONSIDERATION GIVEN TO AMENDING FENCE ORDINANCE
WITH REGARD TO FRONT YARDS AND CORNERS**

Mr. Mahan reviewed that the owners of the property at 4067 South Mountain Oaks Drive have installed a fence which is in violation of City ordinances in that it is six feet high in the front yard and six feet high on a corner lot. It is also in violation because it intrudes into the "clear vision area" of a corner lot. The owners of this fence have appeared before the Board of Adjustment to request a variance and the request was denied. As a result of a continued request from the property owners, the Council is being asked to consider changing the ordinance to provide relief for corner lots. The Council discussed the option of changing the ordinance; however, it was pointed out that relief from the ordinance for specific situations is given in the form of a petition to the Board of Adjustment. Councilwoman Holt noted that the Planning Commission reviewed this matter and supported the decision of the Board of Adjustment. The Planning Commission also supports the current ordinance. Councilman Thomas stated that we should use the current ordinance and enforce it. The Mayor commented that situations should be reviewed based on *safety*, not a fence. Councilman Moss indicated that he would like to see a provision for an appeal tot he Planning Commission and City Council. Mr. Mahan stated that he will draft something that gives flexibility to the Planning Commission and Council and bring ideas back to the Council.

COUNCIL COMMITTEE REPORTS

Mayor Johnson reported on his recent tour to Hill Air Force Base and noted how impressive the Base operation is. He also shared the vision of the Base Commander to be a part of the Davis area community with an offer to provide assistance to the cities, if needed. The Mayor noted that HAFB has excellent resources.

The Mayor commented on the recent Utah League of Cities convention and expressed the hope that the Council enjoyed it and received benefit through their attendance.

Councilman Moss asked if there has been an update on the proposed airline flight path over Bountiful. Mayor Johnson stated that he will check with the County Planner on the status of this matter.

The meeting adjourned at 8:58 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Moss. Councilpersons Holt, Moss, Tolman and Thomas voted "aye".

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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