

1 Minutes of the regular meeting of the City Council held October  
2 5, 1988 at 7:05 p.m. at the City Hall following a field trip to  
3 review subdivision lots in the foothill area and to look at the new  
4 air support structure at the Recreation Center.

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6 Present: Mayor: Dean S. Stahle  
7 Council Members: C. Harold Shafter, Barbara Holt,  
8 Phyllis C. Southwick, Bob  
9 Gramoll, and H. Keith Barton  
10 City Manager: Tom Hardy  
11 City Attorney: Layne B. Forbes  
12 City Engineer: Jack P. Balling  
13 City Recorder: Arden F. Jenson  
14 City Treasurer: Ira H. Todd  
15 Planning Director: Jon Reed Boothe  
16 Recording Secretary: Nancy T. Lawrence  
17 Department Heads: Clifford Michaelis, Power Dept  
18

19 Official notice of this meeting had been given by posting a  
20 written notice of same and an Agenda at the City Hall and providing  
21 copies to the following newspapers of general circulation: Deseret  
22 News, Davis County Clipper, and Salt Lake Tribune.  
23

24 Mayor Stahle called the meeting to order and led the pledge of  
25 allegiance to the flag. The invocation was given by Mr. Balling.  
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27 Minutes of the regular meeting of the City Council held  
28 September 28, 1988 were presented and unanimously approved as  
29 written on a motion made by Councilman Barton and seconded by  
30 Councilman Shafter.  
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#### 32 EXPENDITURE AND EXPENSE REPORTS APPROVED

33 Mr. Jenson presented the Expenditure and Expense Report for the  
34 periods September 15-22, 1988 and September 22-28, 1988 with  
35 respective totals of \$244,359.97 and \$288,977.44. These reports  
36 were briefly discussed, following which they were unanimously  
37 approved on a motion made by Councilman Shafter and seconded by  
38 Councilman Gramoll.  
39

#### 40 1.5 MILLION GALLON WATER RESERVOIR BID AWARDED 41 TO BOUCHARD CONSTRUCTION (UPPER BARTON CREEK RESERVOIR)

42 Mr. Balling reviewed the bids which were received for the 1.5  
43 million gallon water reservoir on Upper Barton Creek. He explained  
44 that the lowest bidder did not qualify due to not holding a State  
45 license. Therefore, it was the recommendation of the staff that the  
46 bid be awarded to the lowest responsive bidder, Bouchard  
47 Construction Company, in the amount of \$380,517.40. The budgeted  
48 amount for this project was approximately \$400,000.00. Councilman  
49 Gramoll made the motion that the bid be awarded as recommended,  
50 Councilwoman Southwick seconded the motion and voting was unanimous.  
51

#### 52 CONDITIONAL APPROVAL GRANTED TO 53 "EAT-A-BURGER", 95 EAST 500 SOUTH (MARV BLOSCH)

54 Mr. Boothe reviewed the site plan for the proposed "Eat-A-  
55 Burger" proposed for construction at 95 East 500 South. He said  
56 that the Planning Commission had considered this project and it is  
57 their recommendation that the conditional use permit not be granted.

1 Mr. Boothe reviewed that the matter was considered in a public  
2 hearing of the Planning Commission on September 20th and the action  
3 was to table the matter for further review. In the Planning  
4 Commission meeting on October 4th, a motion of approval of the  
5 conditional use was made and seconded, but failed to carry by a  
6 majority (4 to 2 vote). The concern of the Planning Commission was  
7 the traffic and the lack of architectural compatibility with the  
8 contiguous residential neighborhood.

9  
10 Mary Blossch, developer of the "Eat-A-Burger", told the Council  
11 that this was an extra-ordinary situation and he cited the following  
12 four points as reasons why consideration should be given to  
13 approving the project:

14 (1) The City Engineering and Planning staff had given  
15 recommended approval to the project prior to the Planning Commission  
16 hearing;

17 (2) When the Planning Commission tabled the matter at the  
18 September 20th meeting, the developer was not given any stated  
19 objections to the project;

20 (3) The developer has met with all of the adjacent property  
21 owners and has accumulated 9 signatures of approval from 9  
22 individuals contacted;

23 (4) As a local businessman and developer, he said that the  
24 proposed "Eat-A-Burger" makes good sense in that it will be an asset  
25 to the City and will be a better buffer to the residential zone than  
26 some other businesses which could be put there.

27  
28 Dan Dobbin, 427 South 100 East, indicated that he was initially  
29 opposed to the project when he first heard of it at the public  
30 hearing. However, after further consideration and having the  
31 developer respond positively to conditions which he felt needful if  
32 the project were approved, he was in total support of the project.  
33 This matter was discussed at length, with input from citizens in  
34 attendance and Ken Keller and Reed Peterson, representing Eat-A-  
35 Burger. The Council expressed concern about the potential traffic  
36 problem which might be created due to the 500 South entrance being  
37 only 30 feet from the 500 South 100 East intersection. It was noted  
38 that the east window of the proposed facility has the capacity to  
39 stack approximately 3 cars before the 4th car would extend out into  
40 500 South. In the staff's recommendation for approval, this item  
41 was addressed with a condition that if stacking should occur on 500  
42 South, the City could remove and eliminate the 500 South Street  
43 entrance as described, at the expense of the property and/or  
44 business owner. Councilman Shafter made the motion that conditional  
45 approval be granted to the "Eat-A-Burger", subject to the following  
46 conditions as recommended by the Planning Commission:

47 1. Payment of all required fees and posting of the required  
48 bonds, including the landscape bond.

49  
50 2. Installation of an automatic sprinkler system for the  
51 landscaping.

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53 3. Provide all utility easements as required.

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1 4. Owner to accept the responsibility of controlling the  
2 access from 500 South as discussed above.

3  
4 5. Payment of all required fees and meet all requirements for  
5 connection to the sewer and water and power facilities.

6  
7 6. Approval of the restaurant by the Davis County Board of  
8 Health.

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10 Councilman Shafter also requested that the following condition be  
11 included, if the project is granted conditional approval:

12  
13 7. That there be sufficient ground lighting to light the  
14 building and that the parking lot lights not be in excess of  
15 10 feet high.

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17 Councilwoman Southwick seconded the motion which failed to carry for  
18 lack of a majority. Council members Holt, Gramoll and Barton voted  
19 nay, with Councilmen Barton and Gramoll stating their objection was  
20 based on their concern for traffic congestion on 500 South.

21  
22 Mr. Blosch asked if there is a way to word the concern of the  
23 Council so that conditional approval could be granted and Councilman  
24 Gramoll responded that he would support the project if the City were  
25 granted the right to make an exclusive unilateral decision regarding  
26 closure of the 500 South entrance, if that were necessary.  
27 Councilman Shafter made a second motion for conditional approval,  
28 with the condition that if stacking occurs on 500 South and a  
29 traffic problem is created, the City may, in its sole discretion,  
30 remove and eliminate the entrance at the expense of the owner after  
31 giving proper notice to the proprietor. Councilwoman Southwick  
32 seconded the motion which carried unanimously.

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34 **CONSIDER REQUEST TO MODIFY CERTAIN PROVISIONS**  
35 **OF THE FOOTHILL ORDINANCE**

36 This item was not discussed.

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38 **CONSIDER APPEAL ON TERMINATING ADVERTISING BENCH**  
39 **AGREEMENT - CHARLES SCHWAB**

40 Mr. Hardy reviewed that approximately six years ago the City  
41 entered into an agreement to allow advertising benches to be placed  
42 at designated places in the community and the benches have been here  
43 since that time. Charles Schwab, present owner of Metro Outdoor  
44 Advertising, has been notified that the City intends to terminate  
45 the agreement (as allowed in the agreement) because this type of  
46 sign is off the premises of the business and is prohibited by other  
47 businesses. Mr. Hardy said that Mr. Schwab is in attendance for the  
48 purpose of discussing this matter with the Council.

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50 Mr. Schwab presented a handout and pictures to the Council and  
51 requested that the Council consider letting him continue with this  
52 advertising business in Bountiful. He said that he would use only  
53 Bountiful businesses for advertising (as present contracts expire)  
54 and agreed to having the benches only at bus stops and sized to City

1 specifications. He pointed out that since he acquired the business  
 2 last year he has completely repaired all benches and provides  
 3 regular maintenance to keep them in good condition. He also noted  
 4 that this is a successful local business and is an asset to the  
 5 City. Following discussion, Councilman Barton made the motion that  
 6 the benches be allowed in the City with the following  
 7 recommendations: (1) that they be allowed only at bus stops; (2)  
 8 that they meet the criteria of the sign ordinance regarding size and  
 9 area which can be used for signage; and (3) that they not be placed  
 10 on the new Main Street area between 400 North and 500 South; and (4)  
 11 that they be exempt from being considered in conflict with the sign  
 12 ordinance by virtue of the signed agreement with the City.  
 13 Councilwoman Southwick seconded the motion which carried by a  
 14 majority. Councilman Shafter voted nay.

15  
 16 **REVIEW POTENTIAL DEBT RETIREMENT PLAN--**  
 17 **1985 ELECTRICAL SYSTEM SERIES A & B BONDS**

18 Mr. Hardy said that the Council had requested the staff to look  
 19 at a way of structuring upcoming capital improvement needs of the  
 20 power department so that the City could maintain a stable rate  
 21 structure, and in analyzing this problem, the following questions  
 22 need to be resolved: (a) what do we do with the bonds that we have  
 23 out now? and (b) How do we fund -- on a cash flow or bond basis for  
 24 future needs. He reviewed that the 1985 bond issue of \$17,520,000  
 25 included the Moon Lake project which accounts for about half the  
 26 issue and this project will not be done. Of the other three  
 27 projects, Echo and the transmission line have been completed and  
 28 East Canyon has been put on hold pending a safety study by the BOR.

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 30  
 31 Larry Denham, Smith Capital Markets, reviewed the status of the  
 32 bonds, noting the payments which will be due and the arbitrage from  
 33 the bonds. In summary, he said that with the funds on hand coupled  
 34 with investment earnings and additional earnings, there is  
 35 sufficient income to remove the City from the bond debt, with the  
 36 variable bonds being redeemed and an escrow fund being established  
 37 to redeem the fixed rate bonds.

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 39 Mr. Michaelis said that if the bonds were redeemed and properly  
 40 re-invested, there would most likely be enough money in the renewal  
 41 and replacement account to fund the Pineview, Craig to Bonanza, and  
 42 East Canyon projects on a cash flow basis. Discussion followed and  
 43 it was the consensus of the Council that it would be prudent to cash  
 44 out on the bonds where interest is being paid and cash flow the  
 45 projects, with the ability to earn interest on the money held in  
 46 reserve. Mr. Hardy noted that a decision needs to be made by  
 47 November 1st whether or not to cash out on the bonds in order to  
 48 properly notify the bond holders by December 1st.

49  
 50 **MISCELLANEOUS**

51 Dave Brown, a citizen concerned about the Kern River pipeline  
 52 project, requested the support of the Council in opposition to this  
 53 project as it is planned. The Mayor assured him that the City would  
 54 give support as requested.

The meeting adjourned at 9:34 p.m. on a motion made by Councilman Shafter and seconded by Councilman Barton.

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CITY RECORDER

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