

1. Minutes of the regular meeting of the City Council held October
2 19, 1988 at 7:00 p.m. at the City Hall, Bountiful Utah.
3

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

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

23 Mayor Stahle called the meeting to order and led the pledge of
24 allegiance to the flag. The invocation was given by Mr. Forbes.
25

26 Minutes of the regular meeting of the City Council held October
27 5, 1988 were presented and unanimously approved as corrected on a
28 motion made by Councilman Gramoll and seconded by Councilwoman Holt.
29

30 EXPENDITURE AND EXPENSE REPORTS APPROVED

31 Mr. Jenson reviewed the following Expenditure and Expense
32 Reports, with respective totals: Period September 28-30, 1988,
33 \$594,509.39; Summary for September, \$2,523,322.93; and Period of
34 October 1-13, 1988, \$84,906.21. He noted corrections to the reports
35 and he and other staff members responded to questions from the
36 Council. The expenditures were unanimously approved on a motion
37 made by Councilwoman Holt and seconded by Councilman Shafter. Mayor
38 Stahle then reviewed the major expenditure amounts for the benefit
39 of those citizens in attendance.
40

41 FINAL APPROVAL GRANTED TO PARK HAVEN CARE 42 FACILITY - 573 EAST MEDICAL DRIVE

43 Mr. Boothe reviewed the site plan for the proposed care
44 facility for the handicapped at 573 East Medical Drive, being
45 developed by Art Woolston. The facility will house 8 residents
46 (ordinance allows 8). He said this project was considered by the
47 Planning Commission in their meeting last night and it is their
48 recommendation that final approval be granted subject to the
49 following conditions:

- 50 (1) Change the plans to drain the parking lot with a positive
51 grade to Medical Drive, and payment of a storm drain fee in the
52 amount of \$803.00;
- 53 (2) Pay the water connection fee in the amount of \$1,385.00
54 and sewer connection fee of \$960.00. Sprinkler system to be
55 automatic and not cross-connect between pressure irrigation
56 and culinary water system;

- 1 (3) Post a cash bond of \$1,310.00 to guarantee the replacement
 2 of any damaged sidewalk, curb and gutter;
 3 (4) Provide utility easements if required;
 4 (5) Maximum of 8 handicapped persons to live in facility;
 5 (6) Facility to conform to all applicable standards and
 6 requirements of the State Department of Social Services;
 7 (7) Submit revised landscape plan before building permit is
 8 issued;
 9 (8) Post a landscape and sprinkler bond;
 10 (9) Any mechanical equipment roof-mounted to be screened from
 11 view; (ground unit to be screened with landscaping);
 12 (10) Comply with criteria in Section 5-900 of zoning ordinance:
 13 (a) Facility to meet all applicable municipal building
 14 safety and health ordinances;
 15 (b) Residents of facility to be supervised 24 hours;
 16 (c) Establish a community advisory committee;
 17 (d) Provide adequate off-street parking;
 18 (e) No structural or landscaping alterations that
 19 would change the residential character of the
 20 building;
 21 (f) No person being treated for alcoholism or drug abuse
 22 shall be placed in a residential facility for the
 23 handicapped;
 24 (g) No person who is violent shall be placed in a
 25 residential facility for the handicapped;
 26 (h) Placement in a residential facility for handicapped
 27 persons shall be voluntary and not a part of or in
 28 lieu of confinement, rehabilitation, or treatment in
 29 a correctional facility.
 30 (11) Construct a 6-ft. high solid wood fence on the north
 31 property line of the facility.
 32

33 Mr. Boothe noted that item No. 11 is not an ordinance requirement,
 34 but was a condition negotiated with neighboring property owners, Mr.
 35 and Mrs. Walter Marcelli. Councilman Barton expressed the desire
 36 that the wood fence be required along the entire north property
 37 line, not just between the care facility and the Marcelli property.
 38 Councilman Shafter responded that Mr. Woolston indicated last night
 39 that he was planning to do that.
 40 Councilman Barton made the motion that final approval be granted to
 41 the care facility as recommended, Councilwoman Southwick seconded
 42 the motion and voting was unanimous.
 43

44 **LIQUOR CONSUMPTION LICENSE AND CLASS C BEER**
 45 **LICENSE APPROVED FOR D.J.'S, 2837 SO MAIN**

46 Mr. Boothe explained that the ownership of D.J.'s, 2837 South
 47 Main, has reverted back to former owners, Dick and Joan Courville
 48 and it therefore is necessary for them to get approval for their
 49 liquor consumption license and Class "C" beer license. He said that
 50 the facility has been inspected by the Police Department and it is
 51 their recommendation that approval be given to these two requests.
 52 Councilman Shafter made a motion of approval for the liquor
 53 consumption license, Councilman Gramoll seconded the motion and
 54 voting was unanimous.

1 Councilman Shafter pointed out that the City vigorously
2 enforces the ordinance as it relates to consumption of liquor or
3 beer by minors, and then he made a second motion to approve the
4 Class "C" beer license. Councilwoman Southwick seconded the motion
5 and voting was unanimous.

6
7 **APPROVAL GRANTED FOR SEVEN AMUSEMENT**
8 **DEVICES AT D.J.'S, 2837 SO MAIN**

9 Mr. Boothe reviewed that when D.J.'s first opened, it had 7
10 amusement devices (pool tables and dart machines). Since that time,
11 the ordinance relating to amusement devices has been amended and the
12 maximum number of amusement devices is four. When the immediate
13 past owner of D.J.'s petitioned the City Council for permission to
14 continue to have seven amusement devices, this request was granted
15 on the condition that when the ownership changed, the business would
16 come into compliance with the amended ordinance and be limited to
17 four devices. (See City Council minutes of 4/27/88, page 3). Mr.
18 Courville is petitioning the Council to permit him to maintain the
19 non-conforming status and keep the seven amusement devices.

20
21 Mr. Courville explained that a special feature of their
22 business is that they sponsor league competition with the amusement
23 devices, and if they are limited to four, they could not accommodate
24 the leagues and subsequently would lose a major portion of their
25 business. He also noted that the presence of the games encourages
26 patrons to get up and move around and this helps to reduce the
27 affect of the alcohol. Mr. Forbes indicated that the non-conforming
28 status stays with the business, even though the ownership may
29 change; therefore, if the Council so desired, it would be within the
30 ordinance to allow D.J.'s to maintain the seven amusement devices.
31 Councilman Gramoll pointed out an apparent discrepancy between
32 action taken in April and the counsel of Mr. Forbes; however, he
33 said he had no objection to giving approval for seven amusement
34 devices for this particular business. Following discussion,
35 Councilman Barton made the motion that approval be granted for 7
36 amusement devices; Councilwoman Southwick seconded the motion which
37 carried by a majority. Councilman Shafter voted "nay", stating that
38 he felt the ordinance should be amended so that amusement devices
39 similar to those at D.J.'s (pool tables, dart machines, etc.) would
40 be considered separately from the video -type games.

41
42 **JONES EXCAVATION COMPANY AWARDED**
43 **BID FOR RETAINING WALL - ECHO HYDRO FACILITY**

44 Mr. Michaelis explained that the Bureau of Reclamation is
45 requiring Bountiful to construct a retaining wall behind the gate
46 house at the Echo hydroelectric facility to hold the hillside next
47 to the spillway. Bids were called for and it is the recommendation
48 of staff and the Power Commission that the bid be awarded to low
49 bidder, Paul Jones Excavation, in the amount of \$15,306.00. Bingham
50 Engineering estimated the cost of the project to be \$15,000.00 and
51 they have expressed confidence in the work of this company.
52 Councilman Shafter made the motion that the low bid from Paul Jones
53 Excavation Company be accepted. Councilman Gramoll seconded the
54 motion and voting was unanimous.

1 **EXECUTIVE SESSION SCHEDULED**

2 At the request of the Mayor, Councilman Barton made the motion
3 that an executive session be held immediately after this meeting.
4 Councilman Shafter seconded the motion which carried unanimously.
5

6 **APPROVAL GRANTED FOR PARTIAL RELEASE OF**
7 **LETTER OF CREDIT & GUARANTEE FOR MAPLE**
8 **COVE SUBDIVISION**

9 Mr. Hardy explained that in 1983 Granada, Inc. initiated the
10 development of Maple Cove subdivision and a Letter of Credit in the
11 amount of \$301,435.00 was posted with the Bank of Utah for the
12 purpose of guaranteeing installation of the improvements. Failure
13 to perform on the part of the developer has required that the City
14 complete this subdivision. He reviewed the work which has been
15 completed and that which yet needs to be done (replacement of
16 asphalt, curb, gutter and walk; construction of two inlet boxes;
17 installation of 300 feet of drain line, and overlaying that needs
18 to be done). It is estimated that the cost for the remaining work
19 will be \$26,709.00. The bank has requested that the City release
20 the portion of the Letter of Credit and Guarantee which will be in
21 excess of the cost of the above-referenced improvements. Mr. Hardy
22 said it is the recommendation of staff that Bountiful withhold
23 \$30,000 for completion of the work and that the remainder be
24 released as requested. Any of the \$30,000 not needed by the City
25 to pay for the improvements will be returned to the bank.
26 Councilman Barton made a motion to this effect, Councilman Gramoll
27 seconded the motion and voting was unanimous.
28

29 **FINAL APPROVAL GRANTED TO GRANADA HILLS #9**

30 Mr. Hardy reviewed that the City purchased a small piece of
31 property to facilitate construction of the power transmission line.
32 This property, known as Granada Hills #9, has been developed into
33 9 building lots and the subdivision is ready for final approval.
34 It is the staff recommendation that final approval be given and
35 authorization for the Mayor and City Recorder to sign the plat.
36 Councilwoman Holt made a motion for approval as recommended,
37 Councilman Shafter seconded the motion and voting was unanimous.
38

39 **MISCELLANEOUS**

40 Mayor Stahle reported that he has had a request from Utah
41 Recycling to pick up newspapers in Bountiful. He mentioned that
42 inasmuch as the EPA will soon start requiring more sorting of
43 garbage, it might be wise to encourage citizens to bundle their
44 newspapers for pickup by the referenced company. Mr. Hardy reviewed
45 that a similar request was granted to a different company several
46 years ago and the operation was less than satisfactory. Due to the
47 market for newsprint having improved recently, and in an effort to
48 reduce the waste stream, it is the recommendation of the Mayor that
49 approval be given for the newspapers to be picked up on the regular
50 garbage day by Utah Recycling. Councilman Shafter mentioned that
51 some Boy Scout groups presently pick up newspapers and that their
52 efforts should not be jeopardized. Mr. Hardy was asked to work with
53 the company in this regard.
54

1 Councilman Shafter requested a list of the approved locations
2 for convenience benches (used for advertising) and Mr. Hardy
3 indicated that this will be included in the packet.
4

5 **POLICY REVIEW - CABLE TV INSTALLATION**
6 **IN NEW SUBDIVISIONS**

7 Mr. Hardy reviewed that when new subdivisions are developed,
8 it is the policy of the City that the utilities install their
9 systems before the streets are finished. Up to this time, the Cable
10 TV company has not been included in this procedure. The Cable
11 company has not wanted to lay their cable and incur this up-front
12 cost until the subdivision is built-up 30 to 40 percent.
13 However, when trenching is done after the subdivision is completed,
14 there are numerous problems due to cuts in the street, parkstrips,
15 etc. Mr. Hardy recommended that the Council consider one of two
16 solutions: (1) that the Cable TV company be required to install
17 their conduit at the time the subdivision is developed; or (2) that
18 they be required to use the conduit installed by the City and have
19 the cable pulled by City crews if they choose to wait until the
20 subdivision is built up.
21

22 This matter was discussed by the Council and Lynn Thomas, a
23 citizen in attendance, also gave input. It was the consensus of the
24 group that the Cable TV company should be treated the same as the
25 other utilities and that the City should work to protect itself and
26 the citizens from unnecessary problems by permitting the trenching
27 to be done after the subdivision is developed. Councilman Gramoll
28 made a motion that the Cable TV company be advised that as a matter
29 of policy they will be treated like the other utilities and will be
30 expected to install their conduit at the time the subdivision is
31 developed. If they choose to wait until the subdivision is
32 developed, they will have to use City conduit and have the City
33 crews pull their cable. Councilman Shafter seconded this motion and
34 following further discussion, it carried unanimously.
35

36 **REVIEW POLICY -- STREET LIGHT POLES, DOWNTOWN AREA**

37 Mr. Hardy pointed out that the arms on the new street light
38 poles in the downtown area have been used to hang advertising
39 banners on, two of the arms have been broken by individuals hanging
40 on them, and numerous requests have been made to use them for
41 advertising. Inasmuch as this presents a new situation to the City,
42 he suggested that policy be developed which considers the City's
43 standards, liability, etc. Discussion followed and it was the
44 consensus of the Council that the lower arms should be removed (by
45 City personnel) and that Mr. Hardy be directed to develop policy
46 regarding the use of the arms for displaying banner advertising.
47 General direction was that advertising which pertains to the City
48 as a whole be permitted and that advertising by individual merchants
49 not be approved. It was felt that the standard for the type of
50 material to be used should be considered with regard to whether or
51 not it will be used from year to year. The Mayor suggested that
52 specific requests for use of the light fixtures for advertising be
53 brought to the Council for approval for at least a year to
54 facilitate development of a uniform policy agreeable to the

1 majority. Councilman Barton made a motion that Mr. Hardy be
 2 directed to develop a policy based on the above, and that the policy
 3 be brought back to the Council for approval. Councilwoman Holt
 4 seconded the motion which carried unanimously.

5
 6 **CONSIDER POLICY OF PRIVATE PROPERTY**
 7 **BEING USED FOR "USED CAR LOTS"**

8 Mayor Stahle said that he feels a concern about the number of
 9 unofficial used car lots which are developing on private property
 10 and asked if the City might develop a policy which would prohibit
 11 this problem. He said that he feels it is unfair to the used car
 12 lot dealers to conform with business regulations and then have
 13 public and private properties used by individuals wishing to sell
 14 their vehicles. This matter was discussed and Mr. Forbes pointed
 15 out that it might be difficult to enforce an ordinance aimed at
 16 preventing a group of cars from being parked in a public or private
 17 area for resale. Mr. Forbes was asked to further research the
 18 matter.

19
 20 **MISCELLANEOUS - MR HARDY:**

21 Mr. Hardy informed that the final walk-through of Main Street
 22 with the contractor will be tomorrow and he requested input from the
 23 Council on any items they were aware of which need attention.

24
 25 Mr. Hardy said that it is the recommendation of the Power
 26 Commission and staff that the bonds which were purchased for the
 27 hydro projects be retired (as previously discussed by the Council).
 28 In order to properly notify the holders of the variable rate bonds,
 29 and retire the bonds by December 1st, he requested direction from
 30 the Council on whether or not they still wanted to go ahead with the
 31 retirement as previously discussed. Government securities (SLUGS)
 32 will be purchased and put in escrow to meet retirement of the fixed
 33 rate bonds. It was the consensus of the Council to move ahead with
 34 retirement of the bonds.

35
 36 Mr. Balling has received word that approval has been given for
 37 Federal funding for the Orchard Drive project from 2200 South to 500
 38 South for next summer. It will be necessary for the City to work
 39 through the winter to relocate the utilities so that the street work
 40 can commence as soon as possible in the spring. Approval has been
 41 given for a concrete street (versus asphalt).

42
 43 Councilman Gramoll suggested that a vote of confidence and
 44 thanks be given to M. C. Green and Company for the outstanding job
 45 they have done on the Main Street project.

46
 47 The meeting adjourned at _____ .m. to Executive Session.

48
 49 1111
 50 1111

4, reel 1" --

21
 MAYOR

51
 52 

53 ECORDER