

1 Minutes of the regular meeting of the City Council held April
2 12, 1989 at 7:00 p.m. in the Council Chambers of the City Hall,
3 Bountiful, Utah.

4
5 Present: Mayor: Dean S. Stahle
6 Council Members: C. Harold Shafter, Barbara
7 Holt, Bob Gramoll, and H.
8 Keith Barton
9 City Manager: Tom Hardy
10 City Attorney: Layne B. Forbes
11 City Prosecutor: Russell Mahan
12 City Engineer: Jack P. Balling
13 City Treasurer: Ira H. Todd
14 Planning Dir.: Jon Reed Boothe
15 Dep. City Recorder: Lois Hoskins
16 Rec. Secretary: Nancy T. Lawrence
17 Dept. Head: Larry Higgins, Police
18

19 Mayor Stahle called the meeting to order and led the pledge of
20 allegiance to the flag. The invocation was given by Councilman
21 Gramoll.
22

23 Official Notice of this meeting had been given by posting a
24 written notice of same and an Agenda at the City Hall and providing
25 copies to the following newspapers of general circulation: Deseret
26 News, Davis County Clipper, and Salt Lake Tribune.
27

28 Minutes of the regular meeting of the City Council held April
29 5, 1989 were presented and unanimously approved as written on a
30 motion made by Councilwoman Holt and seconded by Councilman
31 Gramoll.
32

33 Minutes of the special meeting of the City Council held April
34 11, 1989 were then unanimously approved on a motion made and
35 seconded by Councilwoman Holt and Councilman Shafter, respectively.
36

37 **EXPENDITURES AND EXPENSE REPORTS APPROVED:**

38 **MARCH SUMMARY AND PERIOD MARCH 29-31**

39 Mrs. Hoskins presented the Expenditure and Expense Report for
40 the Period March 29-31, 1989 in the amount of \$64,715.59. These
41 expenditures were unanimously approved on a motion made by
42 Councilman Shafter and seconded by Councilman Barton.
43

44 Mrs. Hoskins then reviewed the March Summary of Expenditures
45 and Expenses and she and Mr. Hardy responded to questions from the
46 Council. These expenditures were then approved by unanimous vote
47 on a motion made by Councilman Barton and seconded by Councilman
48 Gramoll.
49

50 Mayor Stahle gave a special welcome to the visiting Boy Scouts
51 and other citizens in attendance, and then reviewed major expendi-
52 tures which had been approved.
53

54 **J. DEAN HILL APPOINTED TO SERVE UNEXPIRED**
55 **TERM OF PHYLLIS SOUTHWICK**

56 Mayor Stahle reported that it had been a very pleasant
57 experience to meet with and interview the 16 candidates who
58 expressed a willingness to serve on the City Council to fill the

1 unexpired term of Phyllis Southwick. He emphasized that all
2 candidates were well qualified and had expressed a desire to put
3 something back into the community which has served them so well.
4

5 Inasmuch as the term being filled is a very short one (ending
6 December 31, 1989), Councilman Barton said it was the recommenda-
7 tion of the Council that a person be selected who has served in the
8 past and can "come up to speed" quickly. He then briefly reviewed
9 the qualifications of J. Dean Hill and made the motion that he be
10 appointed to fill the vacant seat. Councilman Shafter seconded the
11 motion and voting was unanimous.
12

13 **COUNCIL DENIES REQUEST OF JIM ETHERIDGE**
14 **FOR AN AMUSEMENT DEVICE LICENSE -**
15 **FOUR "E" DUGOUT, COLONIAL SQUARE**

16 Byron L. Stubbs, representing Jim Etheridge, presented a
17 request for an Amusement Device license for the Four E's Dugout,
18 located at Colonial Square. He said that although Mr. Etheridge
19 obtained a business license and has been in business since last
20 June, "he has had difficulty getting things in place properly" and
21 is here tonight to request that the Council approve his request for
22 an amusement device license for four amusement devices. Mr. Stubbs
23 noted that upon notice by the City Prosecutor that he could no
24 longer operate the amusement devices, he would like to come into
25 compliance.
26

27 Chief Higgins reported that on March 29, 1989, Reed Boothe,
28 Planning Director, notified the Police Department that an applica-
29 tion for an amusement device license had been received from Mr.
30 Etheridge. Lt. Don Taylor made an inspection of the premises and
31 found them to be clean and the amusement devices appeared to be
32 unplugged. He also reported that on March 28th, Lt. Dave Winter
33 responded to a call from a complainant regarding a group of
34 juveniles who were congregating outside the premises of the Dugout
35 during school hours.
36

37 Lt. Winter reported to the Council that when he arrived at
38 Colonial Square, there were no children outside the premises, so he
39 checked inside the Dugout and found 4 or 5 school-aged children.
40 In checking with these individuals, he found that one was a student
41 from Woods Cross High School (supposedly on his lunch break) and
42 another, age 15, was a student who should be attending So. Davis
43 Jr. High but has dropped out of school. (When Lt. Winter checked
44 with Woods Cross High School, it was found that the subject
45 student's lunch break had ended approximately 20 minutes before
46 that time). He then reviewed the action he took regarding these
47 individuals. Chief Higgins noted that the ordinance prohibits
48 school-aged children from being in facilities like this during
49 school hours.
50

51 Mr. Mahan reviewed that Mr. Etheridge had contacted him about
52 1 1/2 years ago regarding opening an arcade in Bountiful and he
53 (Mr. Etheridge) was advised of the license regulations. Mr.
54 Etheridge then approached the council requesting that the ordinance
55 be changed (see City Council minutes of February 24, 1988 and March
56 9, 1988), and the council denied his request.

1 On March 28, 1989, Mr. Mahan became aware that Mr. Etheridge
2 had been operating with 13 amusement devices and made contact with
3 Mr. Etheridge. Based on the following facts, Mr. Mahan stated that
4 Mr. Etheridge has demonstrated a propensity to willfully violate
5 the law:

6 1. He was operating 13 amusement devices when he was aware
7 that the ordinance limitation was four.

8
9 2. He should have had an amusement device license for four
10 machines and did not.

11
12 3. School-aged children were allowed in the premises during
13 school hours which is prohibited by ordinance and which
14 Mr. Etheridge agreed would not occur when he met with the
15 council last year.

16
17 Mr. Mahan also referred to complaints which have come from
18 neighboring businesses regarding the patrons of the Dugout who
19 congregate and are sometimes a disturbing influence in the shopping
20 area.

21
22 Chief Higgins concluded the staff review of this request by
23 recommending that the license not be issued. At the request of
24 Councilman Shafter, the wording of a sign which was placed on the
25 door of the Dugout follows as a minute entry:

26
27 "To Our Patrons and There Parents: The owners and managers of
28 K.D. Crafts and the Perfect Party don't want your kids here.
29 they don't like any smoking in front of there stores or the
30 parking lot. It upsets there non-smoking customers. this
31 poster is for your information ONLY. Thank You"

32
33 This sign was posted subsequent to the complaint which was filed
34 with the Police Department.

35
36 Mr. Stubbs inquired as to the reason the amusement device
37 ordinance was recently amended. Councilman Shafter reviewed the
38 history of the ordinance, noting it was originally put in place due
39 to a concern of the age of the people using amusement devices and
40 their accountability. The recent amendment clarified that point
41 and permitted businesses which are limited to adults only to have
42 more than four amusement devices.

43
44 There was a large group of patrons of the Dugout in attendance
45 at the meeting and the Mayor invited a representative of that group
46 to speak. Monica Tingey, age 19, stated that the Four E's Dugout
47 has been nothing but a better place for Bountiful in that it gives
48 kids someplace to go where they can have fun and be away from
49 drugs. She indicated that if this business is not allowed to
50 operate the amusement devices, the kids who are inclined to not
51 attend school will find somewhere else to go and why not provide a
52 "home-like" atmosphere in Bountiful? Discussion followed between
53 Ms. Tingey and the Council and it was clarified that the issue
54 before the Council was the request for an amusement device license
55 and the fact that Mr. Etheridge has been operating illegally.

56

1 Mr. Forbes reviewed the options of the Council regarding
 2 disposition of this matter, following which Councilman Gramoll made
 3 the motion that the request for the amusement device license be
 4 denied based on violation of the ordinance (operating without a
 5 license, operating 13 machines when only 4 are allowed, and
 6 permitting school-aged children to be using the facilities when
 7 they should have been in school). He further stipulated that this
 8 be in place for two months and if Mr. Etheridge wishes, he can come
 9 before the City Council and re-apply. Councilman Shafter seconded
 10 the motion and voting was unanimous. Councilman Shafter expressed
 11 appreciation for the contribution of Ms. Tingey to the discussion,
 12 noting that her comments swayed him from suggesting that the
 13 business be closed down for one year.

14

OATH OF OFFICE ADMINISTERED

15

TO J. DEAN HILL

16

17 At the direction of the Mayor, Mr. Forbes administered the
 18 Oath of Office to J. Dean Hill and Councilman Hill then joined the
 19 other members of the Council for the remaining business of the
 20 evening.

21

COUNCIL APPROVES UDOT AGREEMENT

22

ORCHARD DRIVE PROJECT (WATER UTILITIES)

23

24 Mr. Balling presented the cooperative agreement which he has
 25 received from UDOT. This agreement, between Bountiful and UDOT
 26 provides for upgrading and relocating the water lines on the
 27 Orchard Drive project (all water lines between 500 South and 2200
 28 So). Bountiful will complete the work, being monitored and in-
 29 spected by UDOT, and UDOT will pay for the work through Federal
 30 Urban Aid funds (\$88,945.50). He said that the agreement is a
 31 standard form which must be signed by all utilities before the
 32 project can be advertised for bid. In response to a question from
 33 Councilman Shafter, Mr. Balling affirmed that if the cost of the
 34 project exceeds the contract amount (\$88,945.50), Bountiful will
 35 pay any excess. Councilman Shafter made a motion that the
 36 agreement with UDOT be approved as presented, Councilwoman Holt
 37 seconded the motion and voting was unanimous.

38

39 Mr. Balling also reported that the Transportation Technical
 40 sub-Committee voted to approve the initial funding (\$550,000) for
 41 the Orchard Drive project and this will come before the WFRC
 42 Transportation Committee next Thursday for their approval.

43

CLASS "B" BEER LICENSE APPROVED FOR

44

HO HO GOURMET - COLONIAL SQUARE

45

46 Mr. Boothe presented the request of the HoHo Gourmet, Colonial
 47 Square, for a Class "B" beer license. He said that the police
 48 chief has inspected the business and made a favorable recommenda-
 49 tion and he (Mr. Boothe) recommended that approval be given.
 50 Councilman Shatter made a motion to this effect, Councilman Hill
 51 seconded the motion and voting was unanimous. Chief Higgins
 52 commented that he had also advised the owner of the serious
 53 consequences which occur if the ordinance regulating this license
 54 is violated.

55

56

1 **MISCELLANEOUS FROM MAYOR**

2 Mayor Stahle reported that he had been contacted by Newspaper
3 Agency Corporation inviting Bountiful to place an ad in a special
4 section of the paper in celebration of the re-opening of the
5 City/County building in Salt Lake City. The general consensus of
6 the Council was to decline this invitation.
7

8 **EXECUTIVE SESSION APPROVED TO DISCUSS**
9 **THE ACQUISITION OF REAL PROPERTY**

10 At the invitation of the Mayor, Councilman Barton made the
11 motion that an executive session be scheduled for the purpose of
12 discussing the acquisition of real property. Councilman Shafter
13 seconded the motion which carried unanimously.
14

15 At this time, the meeting recessed and reconvened in the
16 Conference Planning room for a study session.
17

18 **COUNCIL VOTES TO PROCEED WITH POTENTIAL**
19 **BUILDING LOTS - VALLEY VIEW ELEMENTARY SCHOOL**

20 Mr. Balling reviewed that the City owns property north of
21 Valley View elementary school which was probably purchased by the
22 Water Department when the reservoir was put in. That property is
23 not needed for the reservoir and the developer of the contiguous
24 property (Arthur Holbrook) has asked if the City would be willing
25 to develop its property and bring the improvements in. There would
26 be about 4 or 5 lots, and if the Council feels comfortable about
27 this request, it would be best to proceed concurrently with Mr.
28 Holbrook's subdivision. Mr. Balling explained that the master road
29 plan includes a feeder street in this area and development of the
30 City property would provide for continuation of the street. Mr.
31 Balling said the City could work with the school in a possible
32 exchange of property for sidewalk in this area. (The City would
33 need to put sidewalk on both sides of the street). After
34 discussion, Councilman Hill made the motion that Mr. Balling's
35 proposal be approved for development of this property. Councilman
36 Shafter seconded the motion and voting was unanimous.
37

38 **1989-90 REVENUE PROJECTIONS, GENERAL AND**
39 **CAPITAL IMPROVEMENT FUND - STUDY SESSION**

40 Mr. Hardy reviewed that the budget for the City is prepared in
41 accordance with the procedures outlined by State statute which are
42 in conformance with GAAP (generally accepted accounting princi-
43 ples). He said that the activities of the City are divided into
44 the following funds: general, capital improvements (as related to
45 general fund items), enterprise, and debt service. He then
46 identified eight primary sources of revenue, as follows: property
47 tax, sales tax, franchise tax, Light and Power Fund contributions,
48 administrative service charges, gas tax, interest earnings, and
49 "other"--business licenses, building permits, ambulance, liquor
50 funds, E911 grant, rent, etc. He noted that the proposed budget
51 includes projections to the end of this year and for the next three
52 years. Enterprise fund revenues will be reviewed in another
53 meeting.
54
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56

COUNCIL APPROVES BUDGET CALENDAR =
1989-90 FISCAL YEAR

Mr. Hardy presented the following proposed timetable for adoption of the budget for the 1989-90 fiscal year:

Department head meetings have already been held; could start April 20th with City Council committee reviews.

Adopt tentative budget - May 3

City Council review as a whole body: May 10 and 17

Additional total review of the budget, if desired, May 24

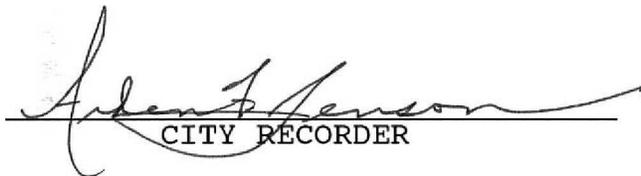
Formal public hearing and adoption of the final budget - **are**
14

Councilman Barton made the motion that the proposed timetable be approved, Councilman Gramoll seconded the motion and voting was unanimous.

The meeting adjourned at 10:01 p.m.



MAYOR


CITY RECORDER