

Minutes of the regular meeting of the City Council held August 29, 1984 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	C. Harold Shafter, Richard G. Sharp, Phyllis C. Southwick, and Jerry K. Lawrence
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
Planning Director:	Jon Reed Boothe
Deputy Recorder:	Vernile Hess
Deputy Recorder:	Lois Hoskins
Rec. Secretary:	Nancy T. Lawrence
Absent: Councilman:	J. Dean Hill

Mayor Stahle welcomed those in attendance and led the pledge of allegiance to the flag. Councilman Lawrence offered the invocation.

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.

Minutes of the regular meeting of the City Council held August 8, 1984 were presented and unanimously approved as written on a motion made by Councilman Sharp and seconded by Councilman Shafter.

SUMMARY OF EXPENDITURES FOR JULY APPROVED

Mr. Hess presented the Summary of Expenditures and Expenses for the Month of July in the amount of \$1,546,224.14 and after a brief discussion, these expenditures were unanimously approved on a motion made by Councilman Lawrence and seconded by Councilwoman Southwick.

EXPENDITURES FOR PERIOD AUGUST 1-16, 1984 APPROVED

The Expenditure and Expense Report for the Period August 1-16, 1984 was then presented and unanimously approved on a motion made by Councilwoman Southwick and seconded by Councilman Lawrence.

HENRY MARSH, OLYMPIC RUNNER, RECOGNIZED

Mayor Stahle recognized Henry Marsh, a Bountiful resident who recently competed in the Olympics, and expressed appreciation for the honor which was brought to the City through Mr. Marsh's hard work and dedication. Mr. Marsh was then presented a plaque by the Mayor on behalf of the City.

JOHANSEN SWIM POOL PLASTERING AWARDED BID TO REPAIR POOLS

Mr. Hardy reported that two bids were received for replastering the swimming pool at the Recreation Center and the

Indoor pool. He recommended that the bid from Johansen Swim Pool Plastering in the amount of \$42,172.80 (\$32,367.20 for the bubble pool and \$9,852.60 for the indoor pool) be accepted. This recommendation was based on the fact that this company has performed satisfactory work for the City in the past and the company is bonded. Councilwoman Southwick made the motion that the money be allocated as outlined in the budget and that the bid be awarded to Johansen Swim Pool Plastering as recommended. Councilman Lawrence seconded the motion which carried unanimously.

**AQUA TECH AWARDED BID FOR
HIGH DIVE STANDARDS**

Mr. Hardy reported that three bids were received for replacement of the high dive standards at the outdoor pool and he recommended that the low bid from Aqua Tech in the amount of \$8,400 be approved. He noted that this is within budget. Councilman Sharp made the motion that the bid for high dive standards be awarded as recommended, Councilman Shafter seconded the motion and voting was unanimous.

**RECOMMENDATION MADE TO COUNTY COMMISSION
TO AWARD STONE CREEK DEBRIS BASIN BID TO
HERM HUGHES AND SONS**

Mr. Balling referred to the bid tabulation sheets for the Stone Creek Debris Basin and he recommended that the bid be awarded to low bidder, Herm Hughes and Sons. This bid was in the amount of \$924,301.50 and carries a 180-day contract limit. Funding will be from Davis County. Mr. Balling stated that he has reviewed the ability of this company to perform the work and feels confident that they are capable. Councilman Shafter made the motion that the Council recommend to the County Commission that this bid be awarded as recommended, Councilman Lawrence seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER AMENDING
FOOTHILL ORDINANCE AS IT RELATES TO
DRIVEWAYS**

At 7:23 p.m. Mayor Stahle opened the public hearing to consider amending Chapter 6, Foothill Development Regulations, as it relates to the construction standards and length and width of driveways. He reported that it is the recommendation of the staff that the ordinance be amended to allow asphalt or concrete driveways 250 feet or longer to have a maximum grade of 15 percent if constructed as follows: asphalt, 2 1/2" thick with a 6" compacted base; or concrete, 5" thick with a 6" compacted base. He also requested that the Council address the question of the width of the driveway which is shorter than 250 feet.

**COUNCIL DEFINES STANDARDS OF CONSTRUCTION
FOR DRIVEWAYS 250 FT. AND LONGER AND WIDTH
OF ALL DRIVEWAYS IN FOOTHILL ZONE**

Mayor Stahle called for comments from those in attendance, and Bill Nelson, representing Maple Hills Neighborhood

Development Committee, expressed concern as to how this would relate to the condominiums. Bob Schimming said he would favor a comment by Councilman Sharp wherein the width of the driveway could vary on the straight areas of the drives and the turns. He noted that as an owner/developer, it would be very costly to have a 20-foot driveway. He also said that he is desirous of keeping as much of the natural foliage as possible. With no further discussion from the floor, the Council considered this matter further following which Councilman Lawrence made the motion that driveways be permitted to be 20-feet wide on turns, with a 15-foot width otherwise; and that standards for asphalt and concrete be approved as recommended by Mr. Boothe. Councilwoman Southwick seconded this motion which carried unanimously. It was also noted that there is a discrepancy between the contour map presented by Mr. Schimming and that of the City and it was requested that the staff review and follow-up to determine if the grade of the property is less than 30 percent.

PETITION FROM DRY CREEK RESIDENTS
REVIEWED

Mr. Hardy presented a petition to the Council from the residents who live along Dry Creek which outlined the problems which they feel they have experienced and the subsequent damages. The neighborhood has also requested that the following steps be taken by the City in an attempt to correct the flooding problems which they have recently experienced: (1) enlarge the culvert under the walkway to a reasonable size; (2) rip-rap the sides of the banks of the stream bed, or otherwise stabilize them; (3) enlarge the pipe which extends between 700 East and 550 North; and (4) consider removing the walkway to the school and eliminating the culvert there.

STAFF RECOMMENDATIONS REGARDING
DRY CREEK PROBLEMS

Mr. Hardy then reported the following staff recommendations: (1) that the church and community coordinators be contacted and asked to accomplish taking the rock out of the base of the channel between 900 East and 700 East and putting it on the sides of the channel and the City would then furnish concrete to grout this rock in place; (2) if approved by the neighborhood, that the right-of-way provided for the walkway to the school be vacated and this property returned to the adjacent property owners with the requirement that they move their fences together; and (3) that where the culvert goes under the road near the church, that the curb and sidewalk be taken out and a concrete swale constructed to carry overflow water across the road and to the Stake Center ball field which could be used for temporary detention. Mr. Balling also noted that one property owner had a pipe which traverses his property fail and the result was sinking of his yard to the extent that his carport was severely damaged. Jim and Patti Bell, owners of this property, expressed concern as to the remedy for this problem and it was determined that more study would be needed before a solution could be reached. The Council supported the recommendation of the staff for correcting the other problems

and directed the staff to proceed with drawing up plans, vacating the right-of-way, etc.

**COUNCIL DENIES REQUEST TO NAME POWER PLANT
AFTER FORMER MANAGER, BERRY HUTCHINGS**

Stanley Smedley and Lawrence Eckman, representing the Rotary Club, explained that Berry Hutchings will be honored by the Rotary Club tomorrow evening and as a part of the ceremony, they were desirous of the Council approving the recommendation that the power generation plant in Bountiful be named after Mr. Hutchings. They reviewed the service of both Mr. Hutchings and his father in the history of Bountiful's power and emphasized that both individuals dedicated their lives in the service of the City. The Mayor and the Council members concurred with Messrs. Smedley and Eckman that Mr. Hutchings merited being honored; however, they were hesitant to initiate the procedure of naming public buildings without first developing policy guidelines pertinent to this process. Councilman Lawrence made the motion that the request be denied at this time and that policy in this regard be discussed at the next meeting. Councilwoman Southwick seconded the motion which carried unanimously.

**AGREEMENT WITH DESERET FEDERAL APPROVED
RE: BOND SETTLEMENT FOR MAPLE HILLS NO. 3**

Mr. Forbes explained that when Maple Hills No. 3 was given final approval, a bond of \$1,000,000 was posted, of which approximately \$150,000 is left. As has been discussed by the Council in recent meetings, it is necessary for the City to complete the improvements in said subdivision and the City has called for Deseret Federal to release the remainder of the bond. Deseret Federal has countered with a proposal to release \$100,000 to Bountiful and Mr. Forbes presented an agreement for approval to this effect. He said that if the matter were litigated, it would take up to two years to reach a decision and based on the fact that if the City constructs the improvements they can accomplish them for approximately \$100,000, Mr. Forbes recommended that the Agreement be approved. He reviewed the other conditions of the Agreement, following which Councilman Lawrence made the motion that the Agreement be approved as recommended, noting that this Agreement applies to this project only. Councilwoman Southwick seconded the motion and voting was unanimous.

**RES. NO. 84-12 ADOPTED PROVIDING FOR
ANNEXATION OF WOOD PROPERTY AND WATER
DISTRICT PROPERTY**

Mr. Forbes reviewed the procedure which has been followed regarding the request for annexation of the Wood property (110 acres) and he reported that when the matter was heard by the Boundary Commission, it was their recommendation that this property be annexed by Bountiful subject to also including the area owned by the South Davis Water Improvement District. Councilman Sharp made a motion that the Council adopt Resolution No. 84-12 which provides for this annexation and that the

Mayor and City Recorder be authorized to sign it. Councilman Shafter seconded the motion which carried unanimously.

**AGREEMENT APPROVED PROVIDING FOR
RELEASE OF FUNDS TO RDA**

Mr. Hardy referred to a previous discussion wherein an agreement was approved for Bountiful to advance funds to the Redevelopment Agency for construction of the UDOT Station in Centerville. He then presented an agreement for approval which would permit that upon demand by the escrow agent, funds up to \$300,000 would be advanced to the RDA. Councilwoman Southwick made the motion that this agreement be approved and that the Mayor, City Manager and City Recorder be authorized to sign it. Councilman Lawrence seconded the motion and voting was unanimous.

**CHILD BROTHERS, INC. AWARDED BID FOR
WATER SYSTEM IN STONE POINT COVE AND
AIR PRODUCTS**

Mr. Balling reported that bids were received for the water system in Stone Point PUD and Air Products (two separate projects under the same bid specifications) and he recommended that the low bid in the amount of \$8,579.89 from Child Brothers, Inc. be accepted. Councilman Sharp made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

**MC NEIL CONSTRUCTION CO. AWARDED BID TO
CONSTRUCT STORM DRAIN IMPROVEMENTS FOR 200
WEST 2200 SOUTH PROJECT**

Mr. Balling presented the bid results for the construction of the storm drain improvements from 1950 South to 2200 South on 200 West and easterly to Orchard Drive. He noted that this project will pick up the drainage from the Davis County Housing Authority project, for which \$8,000 has been designated for storm detention fee. He recommended that the low bid from McNeil Construction Company in the amount of \$76,012.82 be approved. Councilman Lawrence made a motion to this effect, Councilwoman Southwick seconded the motion and voting was unanimous.

**H & K TRUCK EQUIPMENT COMPANY
RECEIVES BID FOR PUP TRAILER FOR
STREET DEPARTMENT**

Mr. Balling reported that three bids were received for the "Pup" trailer for the Street Department and he recommended that the low bid from H & K Truck Equipment Company in the amount of \$15,849 be approved. Councilman Sharp moved for approval as recommended, and Councilman Lawrence seconded the motion which carried unanimously.

**ORDINANCES TO BE AMENDED TO PROITIEDE
DEADLINE FOR PAYMENT OF LICENSE FEES**

Mr. Boothe reported that it is the recommendation of the Planning Committee that the following ordinances be amended to provide a deadline for license fees to be paid to the City on

or before February 15th, with applicable penalties hereafter: Alcohol and Intoxicating Liquor Ordinance, Solicitors License Ordinance, Amusement Device Ordinance, and Business License Ordinance. Councilman Shafter made a motion upholding this recommendation, Councilman Sharp seconded the motion and voting was unanimous.

FEE FOR SOLICITORS LICENSE TO BE INCREASED FROM \$10 TO \$20

Mr. Boothe reported that it is the recommendation of the Planning Committee that the fee for a solicitors license be increased from \$10 to \$20 per license. Councilman Sharp made the motion that this recommendation be approved, Councilman Lawrence seconded the motion and voting was unanimous.

AMUSEMENT DEVICE ORDINANCE TO BE AMENDED TO ELIMINATE PRO-RATING OF FEES

Mr. Boothe explained that the present ordinance provides that the fee for amusement device licenses be pro-rated through the year and it is the recommendation of the Planning Committee that the pro-rating procedure be eliminated and the fee deadline imposed as approved above. This recommendation was unanimously upheld on a motion by Councilman Shafter and seconded by Councilwoman Southwick.

STREET VENDORS TO BE CONSIDERED WITHIN SOLICITORS LICENSE ORDINANCE

Mr. Boothe said that the Planning Committee discussed the nature of street vendors and it was determined that this type of business is not presently included under a solicitors license or a temporary business license. It is the recommendation of that Committee that it be included as a temporary business. A citizen was in attendance who pointed out that he operates a street vendor business and he indicated that he felt the \$150 fee would not be equitable. After further discussion, the Mayor suggested that street vendors be considered in terms of a solicitors license and that this matter be referred back to the Committee.

BUSINESS LICENSE TO BE AMENDED TO PROVIDE FOR CONTROLS OF REQUIREMENTS SET FORTH FOR SITE IMPROVEMENTS AND SIGNS

Mr. Boothe also reported that it is the recommendation of the Planning Committee that the business license ordinance be amended to bring it up-to-date in relation to controlling the requirements set forth for site plan improvements and sign ordinance regulations when final approval is given. Councilman Sharp made a motion that this recommendation be upheld, Councilwoman Southwick seconded the motion and voting was unanimous.

**CLASS A BEER LICENSE APPROVED FOR
MAVERICK COUNTRY STORE, 1500 SOUTH,
SUBJECT TO COMPLETION OF BUILDING AND
FINAL INSPECTION BY POLICE CHIEF**

Mr. Boothe explained that the ordinance requires that a physical inspection be made of the premises prior to issuance of a Class A Beer License; however, the Maverick Country Store on the southwest corner of Main Street and 1500 South has not been constructed and yet has applied for this license. He said that the Police Chief has inspected the location of the proposed store in relationship to the proximity to the school and sees no problem. Councilman Lawrence made the motion that approval be granted for the Beer License as requested subject to it being held in abeyance until the building is completed and final inspection is made. Councilman Sharp seconded the motion. Voting was unanimous.

**FINAL APPROVAL GRANTED TO BRIGGS
SUBDIVISION**

Mr. Boothe reported that it is the recommendation of the Planning Commission that final approval be granted to the Briggs Subdivision, Phase 1, subject to the following conditions: (1) presentation of a Title Report, (2) payment of all required fees; (3) posting of a 100% improvement bond to guarantee all improvements; (4) the showing of all necessary utility easements on the plat; and (5) engineering drawings to be corrected and approved by the Engineering Department. Mr. Boothe also noted that it is the recommendation of the staff that the cul-de-sac be shifted to the north so that it will line up with 250 South Street and Bountiful Boulevard. Councilman Lawrence made the motion that final approval be granted as recommended, Councilwoman Southwick seconded the motion and voting was unanimous.

**PUBLIC HEARING SET TO CONSIDER AMENDING
CHAPTER 2, DEFINITIONS IN ZONING ORDINANCE**

Mr. Boothe explained that the definition of a movable sign in the Definitions chapter of the ordinance needs to be tightened and he recommended that a public hearing be scheduled September 26, 1984 at 7:15 p.m. for the purpose of amending Chapter 2, Definitions in the Zoning Ordinance, and that this matter be referred back to the Planning Committee for further discussion. Councilman Shafter made a motion to this effect, Councilman Sharp seconded the motion and voting was unanimous.

**FINAL APPROVAL GRANTED TO COUNTRY
STATION CONDOMINIUMS, 550 NORTH 200 WEST**

Mr. Boothe said that it is the recommendation of the Planning Commission that final approval be granted to Country Station Condominiums (43 units), 550 North 200 West, subject to the following conditions: (1) submission of a title report; (2) preparation of plans and profiles for all culinary water and sanitary sewer facilities, plus easements for same; (3) preparation of plans and profiles for all private streets plus proposed and existing grades; (4) preparation of a typical landscape and sprinkler plan for approval by the Planning

Department; (5) posting of a bond in the amount of 2% of the construction cost of all buildings in each phase to guarantee the construction of all on-site improvements, including repair of existing curb and gutter if damaged during the construction of said condos; and (6) plans to be prepared in accordance with the State Condominium Ownership Statute and approved before plans are recorded with the County Recorder. Councilman Sharp noted that proper fire access be available to each phase of the project as they are constructed and based on all these conditions, he made the motion that final approval be granted. Councilman Shafter seconded the motion which carried unanimously.

MAYOR READS LETTERS OF APPRECIATION FROM RESIDENTS

Mayor Stahle read parts of a letter from a former resident of Bountiful complimenting the City on the beauty of the landscaping, particularly on 400 North street. He also read a letter from the Neighborhood Committee at Maple Hills expressing appreciation for the professional inspection of their clubhouse made by Mike Barfuss of the Fire Department.

The meeting adjourned at 9:43 p.m. on a motion made by Councilman Lawrence and seconded by Councilwoman Southwick.

John F. Jensen 44&-kee, [-
MAYOR


CITY RECORDER

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