

Minutes of the regular meeting of the City Council held January 23, 1991 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Leslie Foy
	Council Members:	C. Harold Shafter, ReNee Coon, Bob Gramoll, and Barbara Holt
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Prosecutor:	Russell Mahan
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Head:	Larry Higgins, Police
Absent:	Mayor:	Bob Linnell

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 Pro Tempore Leslie Foy called the meeting to order, following which Davis Moore, Boy Scout from Troop 431, led the pledge of allegiance to the flag. The invocation was given by Councilwoman Holt.

Minutes of the regular meeting of the City Council held January 9, 1991 were presented and unanimously approved as written on a motion made by Councilman Gramoll and seconded by Councilman Shafter.

#### EXPENDITURE AND EXPENSE REPORTS APPROVED FOR JANUARY

Mr. Jenson reviewed the Expenditure and Expense Reports for the Periods January 1-10, 1991 (totaling \$295,827.12) and January 11- 17, 1991 (totaling \$36,610.93). Mr. Jenson called attention to one correction on the annotation for the January 1-10 report. Following discussion, both reports were unanimously approved on a motion made and seconded by Councilwomen Holt and Coon, respectively.

#### PRELIMINARY APPROVAL GRANTED TO RIDGE POINTE SUBDIVISION - 1500 SOUTH 2000 EAST

Mr. Boothe presented the site plan for Ridge Pointe Subdivision, a 67-lot development at 1500 South 2000 East, and stated that it is the recommendation of the Planning Commission that preliminary approval be granted, subject to the following conditions:

1. An exception granted to the cuts and fills over 10 ft. in height. Due to the steepness of the property there will be a total of 3,950 lineal feet (20%) in excessive cuts, and 2,850 lineal feet (15%) in excessive fills.

2. An exception granted to allow a maximum cul-de-sac grade of 8%. There are 5 cul-de-sacs in this development. ordinance 14-1-7 "D111 requires the maximum grade into a cul-de-sac be 4% with approval by the Planning Commission up to 8%. This ordinance was intended for downhill cul-de-sacs, but was written for both uphill and downhill. There is only one downhill cul-de-sac. It does not exceed the 4% requirement. All other cul-de-sacs are 8% grade or less.
3. An exception granted allowing a home on lots 12 and 19 to be further than 200 ft. but no further than 500 ft. from a public street. Ordinance allows 200 ft. with special approval to 500 ft. provided certain conditions in the ordinance are complied with.
4. All areas cleared of natural vegetation to be replanted with equal or better plant materials. Final plans will show details. Sprinkler system to be required for these refurbished areas.
5. Lots 3, 4, 17, 18, 37, 38, 43, 52, 53, 59, 60 and 61 be allowed to have a reduced setback of up to 20 ft. Ordinance allows the developers to request reduced setback for 20% of the lots.
6. An exception be granted to allow lots 2, 3, 4, 5, 51, 52, and 53 to have double frontage lots.
7. A retention basin be constructed on the natural drainage ravine that traverses lots 9, 12, 13, 14, and 15. This water needs to be detained before it is put into the storm drain on Bountiful Blvd.
8. Developer must obtain an easement and extend the sanitary sewer from 1500 East and 1500 South through the cemetery property. This is necessary to adequately serve this development.
9. Storm detention to be provided on site.
10. The water main to bring culinary water to this property was paid for by another developer and installed by Bountiful City along the frontage of Bountiful Blvd. This development must pay 1/2 of the cost of this water line along Bountiful Blvd. which is \$19,668-31. Developer must also install a pump station, culinary water system, and reservoir storage system to serve this property.
11. Developer to pay Bountiful City \$18,990.09 for curb and gutter along their street frontage on Bountiful Blvd. Also, developer to provide sidewalk along this same frontage.

Outside the motion, the Planning Commission also recommended that the Council give  
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serious consideration to the following recommendation from the City Engineer regarding culinary water reservoir capacity increase: City Resolution provides that the developers must construct a water system to meet the requirements of Bountiful City. The required reservoir for this subdivision would hold 250,000 gallons. This development ties to the north boundary of Maple Hills Development and the water systems could be tied together for fire protection of the two developments. This would be a great benefit to Bountiful City in event of disruption of either reservoir system, we could still provide water to the two areas. For this to be of benefit, the size of the reservoir storage should be increased to 500,000 gallons, which is the capacity of the reservoir that serves Maple Hills area. It is recommended that the City Engineer prepare the plans, specifications and construct the water system. The developer will still be responsible for 100 percent of the cost of the pump station and the water system which will not change with the reservoir enlargement. Councilman Shafter suggested that consideration be given to constructing the reservoir to a capacity of 750,000 gallons to provide for additional water storage for times of emergency.

Councilwoman Coon questioned cuts and fills in excess of ordinance. Mr. Balling explained that the cuts and fills were necessary to cross terrain where gullies existed and they resulted in no road grades which do not exceed 12 percent. Ronn Marshall, developer, and Joe Featherstone, owner, were in attendance and they explained that the cuts and fills will be landscaped with rock, shrubs' trees, etc., and not just grass. Following discussion, Councilman Gramoll made the motion that preliminary approval be granted to Ridge Pointe Subdivision, as recommended. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted "nay".

#### HEARING TO SHOW CAUSE - CIRCLE K, 500 SO 500 WEST - CANCELED

As scheduled on the Agenda, at 7:30 p.m. Mr. Mahan explained that a hearing to show cause why the Class "A" beer license of Circle K, 500 South 500 West should not be suspended or revoked will not be necessary because the business has been permanently closed. If a new business opens at this location and a Class "A" beer license is desired, it will be necessary for the owner to apply for a new license.

#### HEARING TO SHOW CAUSE - HARDY ENTERPRISES, 390 NORTH 500 WEST - CANCELED

Mr. Mahan reported that a hearing to show cause why the Class "A" beer license of Hardy Enterprises, 390 North 500 West, should not be suspended or revoked will not be necessary because the ownership of the business at that location has changed and change of ownership results in loss of the Class "A" beer license. He noted that the new owners, Four Star Convenience Stores, are on this Agenda for consideration of a Class "A" beer license (see page 4). Mr. Mahan noted that the owners of Four Star Convenience Stores are the same principals from Hardy Enterprises, and although this may look like an attempt to avoid the order to show cause, Four Star Convenience Stores was incorporated on August 7th, and the change of ownership was planned prior to the incidents when beer was sold to minors.

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CLASS "A" BEER LICENSE OF WINEGARS, 900 NORTH 400 EAST, SUSPENDED FOR

### 30 DAYS

Mr. Mahan opened the hearing to consider whether the Class "A" beer license of Winegar's, 900 North 400 East, should be suspended or revoked following illegal sales to minors. He reviewed the communications which had been made with Winegar's and verified that Winegar's is and has been aware of the City's policy regarding the sale of beer to minors. He reported that two of three tests of compliance had been failed by Winegar's (one on July 9th and one on December 10th, 1990), and proper notification had been given to the management of these violations. He said that it is the staff recommendation, in line with City Council policy, that the Class "A" beer license of Winegar's be suspended for 30 days.

Jay Barber, store manager, was in attendance and reviewed with the Council the sections of the Employee Policy Manual which relate to the sale of beer and the education process for employees regarding same. Councilman Shafter made the motion that the Class "A" beer license of Winegar's be suspended for 30 days, as recommended, commencing at midnight on Sunday, January 27th, and continuing for 30 consecutive days. Councilwoman Coon seconded the motion and voting was unanimous.

### REQUEST FOR CLASS "A" BEER LICENSE FOR FOUR STAR ENTERPRISES TABLED

Mr. Mahan explained that Four Star Enterprises, 390 North 500 West, submitted a request for a renewal of their Class "A" beer license at the beginning of January. (This establishment changed ownership effective December 31, 1990, the same day that the Class "A" beer license expired). At this time they were informed by chief Higgins and Mr. Mahan that due to change of ownership, they would need to apply for a new license and they were instructed to remove all beer from their premises. Chief Higgins has given a favorable recommendation to issuance of the beer license and it is the recommendation of Mr. Mahan that the license be approved, effective February 1, 1991. Mr. Mahan explained that inasmuch as the former establishment, Hardy Enterprises, most likely would have had their license suspended for 30 days, this resolution provides for the business to have been denied the privilege of selling beer for 30 days by making the issuance of the license effective February 1st.

Councilman Shafter stated that it was not the fault of the City that the request for a new license was not considered until this evening, and he made the motion that this request be entertained on February 23<sup>rd</sup>. Councilwoman Coon seconded the motion. Mr. Mahan stated that it is counsel's opinion that this action could be hard to defend and in response to a question from Councilman Shafter, he stated that a better position would be to table action until February 7, 1991. Councilman Gramoll stated that he felt the change of ownership was designed to cloud the issue of ordinance violation and that a period of suspension should be imposed on this establishment the same as it is on others. George Diument, counsel for Four Star, reviewed the time elements in the formation of the new organization, pointing out that it was not for the purpose of avoiding penalty. Councilman Shafter and Councilwoman Coon withdrew the motion and second; Councilman Shafter made a second motion that this matter be tabled until February 6, 1991. Councilwoman Coon seconded the motion which carried unanimously.

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### PRELIMINARY AND FINAL APPROVAL GRANTED TO SOUTH DAVIS COMMUNITY HOSPITAL

Mr. Boothe displayed the plot plan for the proposed addition to the South Davis Community Hospital, 456 South 400 East. He explained that the building which presently exists on the corner of 500 South 400 East will be removed and a new two-story wing will be added to the existing South Davis Community Hospital. He said it is the unanimous recommendation of the Planning Commission that preliminary and final approval be granted to this project, subject to the following conditions:

1. The sewer manhole proposed must be a 4811 pre-cast concrete manhole located at the junction of the sewer main. The end of the sewer main must be located and extended if needed by the developer.
2. The sewer line must be installed by a bonded, licensed contractor and obtain a permit to work in the city street.
3. The sewer connection fee will be \$30.00 per fixture unit as determined by the Uniform Plumbing Code.
4. The water system will be reviewed at the time the final plumbing and mechanical plans are completed and submitted. The fees will be based on the cost of the service, labor, and connection fees enforced by Bountiful City.
5. A storm detention fee of \$2,250.00 is required for failure to provide storm detention.
6. The storm drainage piping proposes to tie into a storm sewer that does not exist. The city is planning for the construction of this storm drain. If the drain is not completed before the project, the developer must provide a box tie into the existing curb and gutter.
7. The parking and driving areas to be paved with 311 of plant mix asphalt on a 611 road base minimum.
8. Concrete curb and gutter 611 high is required around the perimeter of all parking lots, landscaped area, and drive areas.
9. All final building plans must conform to all adopted building codes of Bountiful City. The plans will be checked by a professional licensed plan checker, and the fees for checking will be paid at the time the permit is issued or within 30 days from the completion of the plan review.
10. The landscape and automatic sprinkler plan is to be submitted to Bountiful City before building permit is issued.

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11. A cash or surety bond is required to guarantee the completion of the site improvements and landscaping. The amount of the bond is 5% of the valuation of the

building.

12. A cash bond is required at the time the permit is issued to guarantee the repair to all sidewalk, curb and gutter, and street surface damaged or in disrepair. This deposit is \$1,800.00.

13. Utility easements are required before the permit is issued.

14. A 7 ft. wide easement is required along the frontage of (7 both streets on this property.

15. Other easements may be required by the Power Department and/or utility companies to serve this property.

16. The Board of Health must approve this project before building permit is issued.

Councilman Foy made the motion that approval be granted, as recommended by the Planning Commission. Councilman Shafter seconded the motion and discussion followed regarding the sufficiency of parking. The vote on the motion was unanimous.

#### FINAL APPROVAL GRANTED TO CONVENIENCE STORE, 2193 SOUTH ORCHARD DRIVE

Mr. Boothe reviewed the site plan for the proposed convenience store at 2193 South Orchard Drive (Rick Egan, Developer) and stated that it is the recommendation of the Planning Commission that final approval be granted, subject to the following conditions:

1. The proposed 4" sewer line is to be connected to the sewer main in 2200 South Street. This will require a new connection. The work must be done by a bonded licensed contractor who must obtain an excavation permit and pay a connection fee of \$600.00. If the existing sewer lateral can be located and used without interfering with the street, the described work and fees could be avoided.

2. If the existing 3/4" service line and meter can be used, the water connection fees could be avoided. If a new service is required, the connection fee is \$1,241.00. Where the existing water meter lid is shown to be located in the drive entrance, the owner will pay the city for the heavy frame and lid required.

3. Ordinance requires that storm water detention be provided on site or, at the option of the city, a fee of \$2,100.00 be paid per acre for storm drainage. Detention has not been planned, and the fee recommended is  $0.28 \text{ acre} \times \$2,100 = \$588.00$ .

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4. The building plans are under review by the building inspectors and are subject to full compliance with the Uniform Building Code as adopted by Bountiful City.

5. Ordinance requires that all parking and drive areas be edged with 6" high back concrete curbs.
6. We recommend the drive entrances on 2200 South that are not being used be removed, and City standard curb and gutter be installed through these sections and those areas landscaped as required by ordinance.
7. Roof drainage needs to be defined on the plans and reviewed by Engineering Department.
8. The plans will be checked by a professional licensed plan checker. Fees for checking will be paid at the time the permit is issued or within 30 days from the completion of the plan review.
9. Landscape plan and automatic sprinkler plan to be furnished before building permit is issued. Present site plan lacks approximately 500 sq. ft. Ordinance requires 10% of the are to be landscaped. Staff recommends the area between 2200 South and the present laundromat building be landscaped in addition to the park strip between sidewalk and curb and gutter.
10. A cash or surety bond is required to guarantee the completion of the site improvements and landscaping. The amount of the bond is 5% of the valuation of the building, and is to be posted before the building permit is issued.
11. A cash bond is required at the time the permit is issued to guarantee repair to all sidewalk, curb and gutter, and street surface damaged or in disrepair. This deposit is \$1,800.00.
12. A 7 ft. wide easement is required along the frontage of both streets on this property, and deeded to the city before building permit is issued.
13. Other easements may be required by the Power Department or utility companies to serve this property.
14. The Board of Health must approve this project before building permit is issued. Councilman Foy made the motion that final approval be granted as recommended and Councilwoman Holt seconded the motion. Councilman Gramoll stated that he had concerns about the adequacy of the parking and this issue was discussed. Mr. Balling affirmed that the plan meets the ordinance with regard to parking. The motion carried by a majority with Councilman Gramoll voting nay.

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#### MEMBERS APPOINTED TO APPEALS BOARD

Mayor Pro-tem Foy reviewed that it is necessary to form an Appeals Board which consists of membership from the elected officials and city staff. He made a motion that Mayor Robert Linnell and Councilman Gramoll be appointed from the governing body to serve on that

board. Councilman Shafter seconded the motion which carried unanimously. Mr. Hardy reported that three staff members were appointed to the Board following an election by the City employees.

#### PRESENTATION ON RECYCLING BY CELESTIA BRUNSDALE

Celestia Brunsdale introduced her presentation by stating that Utah rank's 48th in the nation in its protection of the environment. One of the five areas which is measured in this ranking is recycling and it is her endeavor to implement a successful recycling program in the Bountiful area. Her motto is: "Reduce, re-use, re-cycle." She used a slide presentation to illustrate the need and purpose of a recycling program and then offered suggestions on how the recycling program which has been started can be continued and improved. Sonia Wallace (State Division of Environmental Health) and Nancy Cooper (League of Women Voters) were also in attendance and praised Ms. Brunsdale on her efforts in establishing the successful recycling program. They both encouraged the city officials to support the recycling program, noting that it cannot continue to be a one-person endeavor due to the amount of time and effort involved.

Councilwoman Coon thanked Ms. Brunsdale for her tremendous effort and recommended that the city take on the program which has been started. Councilman Gramoll recognized Ms. Brunsdale for her effort and for the success of the program as it now is. However, he suggested that it should be a private business endeavor with encouragement from the State through financial incentives. Mayor Pro-tem Foy thanked Ms. Brunsdale for her effort on this project. He noted that recycling had been discussed at the recent Council Retreat and that the suggestions which have been offered will be considered further.

#### APPROVAL GIVEN TO ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION

Mr. Hardy explained that in the process of applying for CDBG grants, it is necessary for the City to adopt a resolution stating that we will not dislocate people from their houses unless we provide substitute housing for them. The only purpose for which the CDBG money is presently being sought is for the purchase of an aerial ladder truck for the Fire Department. Housing will not be involved in this project. Councilman Shafter made the motion that this resolution be approved. Councilwoman Coon seconded the motion and voting was unanimous.

#### APPROVAL GRANTED FOR EMPLOYEES TO PARTICIPATE IN 457(B) DEFERRED COMPENSATION PROGRAM

Mr. Hardy explained that employees of the City of Bountiful have the option to participate in a deferred compensation program and they are currently participating in the State-sponsored 457(b) program. The Employees Association has been examining other 457 programs which they feel would fill their needs better, and they have requested permission to

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participate in the 457(b) program offered by Great-West Life. This is a totally voluntary program and those employees who wish to stay with the State retirement system may do so. He said that no city funds are involved and inasmuch as there are no administrative or legal problems, it is staff recommendation to the City Council to approve the agreement between the City of Bountiful and Great West Life for a deferred compensation program.

The Council asked about the financial stability of Great West Life and following a discussion of the proposed program, Councilman Gramoll made the motion that this Agreement be approved as presented. Councilwoman Holt seconded the motion. Councilwoman Coon asked if the City's approval of this action could in any way commit the City to liability. Following discussion, Mr. Hardy said that a letter will be included in the next payroll which indicates that the approval given by the City Council is in response to a request from the employees and does not constitute an endorsement by the Council. Councilman Gramoll requested that this point also be made when the employees enroll in the new program. Voting on the motion was unanimous.

#### EARLY WARNING FLOOD CONTROL SYSTEM ADOPTED

Mr. Balling explained that the Federal Emergency Management Agency (FEMA) accepted the City's application for rating of our Flood Control System which was presented to the City Council on November 28, 1990 with the exception of the Early Warning Flood Control System. FEMA has requested that we provide documentation that the City's governing board has formally adopted the Flood Warning Program. He reviewed the devices which are used to provide early warning notification and the monitoring devices which transmit the message to various agencies. It is staff recommendation that the City Council adopt the Early Warning Flood Control System and Plan as reviewed. Councilman Gramoll made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

The meeting adjourned at 9:31 p.m. on a motion made and seconded by Councilman Gramoll and Councilwoman Holt, respectively.