

Minutes of the regular meeting of the City Council held June 5, 1991, at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	C. Harold Shafter
	Council Members:	Barbara Holt and Leslie Foy
	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
	Rec. Secretary:	Nancy T. Lawrence
Absent:	Mayor:	Bob Linnell
	Councilmembers:	Bob Gramoll Renee Coon

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.

In the absence of Mayor Linnell, Councilwoman Holt made a motion that Councilman Shafter serve as Mayor Pro Tem. Councilman Foy seconded the motion which carried unanimously.

Mayor Pro Tem Shafter called the meeting to order, following which he led the pledge of allegiance to the flag. The invocation was given by Mr. Jenson.

Minutes of the regular meeting of the City Council held May 22, 1991, were presented and unanimously approved as written on a motion made by Councilwoman Holt and seconded by Councilman Foy.

EXPENDITURE AND EXPENSE REPORTS APPROVED FOR PERIODS MAY 16-23, AND MAY 24-29, 1991

Mr. Jenson presented the Expenditure and Expense Report for the Periods May 16-23, 1991 (\$214,327.22) and May 24-29, 1991 (\$271,324.59). Following a short discussion, these expenditures were unanimously approved on a motion made by Councilman Foy and seconded by Councilman Shafter.

BRIDLEWOOD SBDVN., PLAT 6, GIVEN FINAL APPROVAL - 4050 SOUTH 150 WEST

Mr. Balling presented a map showing the location of Bridlewood Subdivision, Plat 6, (Clark Jenkins, developer) and stated that the Planning Commission recommended granting of final approval subject to the following conditions:

1. Completion of the plans to the requirements of the Engineering Department for final checking.

2. Posting of a Letter of Credit to guarantee the site improvements as outlined in the bond letter.
3. Payment of the required subdivision development fees.
4. Providing a title report and clearance of all encumbrances on the dedicated streets.
5. Provide an easement for the temporary turnaround at the end of the street.

In addition to these conditions, it is the recommendation of staff that the final plan be changed to provide for a stub road into the North Salt Lake area. He showed the proposed change on the map and explained that the rationale for the stub road is to divide a 3400 foot block into two blocks to provide for better emergency and service access. He said that the Mayor of North Salt Lake would like a map of this plat, and tie their plan to Bountiful's at this boundary.

Councilman Foy complimented Mr. Balling on his foresight regarding the potential problem of the road pattern and then made a motion that final approval be granted to Bridlewood Subdivision, Plat 6 (6 lots) , as recommended by the Planning Commission and with the modification as explained by Mr. Balling. Councilwoman Holt seconded the motion which carried unanimously.

PRESENTATION OF FINAL DESIGN OF BARTON & STONE CREEK DIVERSIONS AT THE LANDFILL

Mr. Balling reviewed with the Council that permission has been granted to the City to construct a bypass for Barton and Stone creek around the landfill and into the Farmington Bay bird refuge. He presented a site plan showing the proposed diversion channel and explained its construction detail. One item which needs to be resolved before implementing the plan is to come to an agreement with Davis County regarding the width of the road on the south side of the proposed diversion channel and acquiring the necessary property from the County. (The location of the diversion channel and the road is mandated by its proximity to the landfill.) He said the County is still studying this matter; however, he feels it can be resolved amiably.

Councilman Foy expressed concern that the creek be fenced properly to eliminate any possibility of garbage being dumped into it. Mr. Balling explained that the stream will be completely fenced (including the bridge) with one gate to provide access to the landfill and one to the north side of creek and the bird refuge. Councilwoman Holt complimented Mr. Balling and the staff for the work which has been done on this project to bring it to this point.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARDED TO ARDEN JENSON

Mr. Hardy reported that, for the tenth consecutive year, Bountiful City has been distinguished by receiving the Certificate of Achievement for Excellence in Financial Reporting. He explained that this is the highest form of recognition that can be received in governmental accounting and finance, and as a part of that honor, a certificate is presented to the person primarily responsible for the achievement. Mayor Pro Tem Shafter presented Mr. Jenson with the

certificate and expressed appreciation on behalf of the City. He also noted that the City of Bountiful has consecutively received this award more than any other city in the State.

Mr. Jenson acknowledged the recognition, but stated that it requires a team effort to accomplish this honor and he thanked the staff who work with him, Kim Coleman, Ira Todd, Mr. Hardy, and the Mayor and Council for their support.

SALE OF USED GARBAGE TRUCK APPROVED

Mr. Hardy reported that one bid was received for the sale of a 1984 Heil 7000 side-loader garbage truck. He recommended that because the bid was higher than the minimum amount the truck was valued at, that the sale to Robinson Waste Service be approved in the amount of \$23,501.00. The truck will be sold "as is". Councilwoman Holt made a motion to approve the sale as recommended, Councilman Foy seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER ORDER TO SHOW CAUSE - BEER LICENSE ISSUED TO CIRCLE K (458 NO 500 W)

At 7:35 p.m. Mr. Mahan reviewed that the hearing to consider an Order to Show Cause, scheduled on May 22, 1991, had been continued to this evening. The hearing was to consider suspension of the beer license of Circle K, 458 North 500 West, subsequent to selling beer to minors on two of three checks by local officers. He presented the facts to the Council (sales made on March 13, 1991, and September 25, 1990), and presented copies of documentation that had been given to employees and management of Circle K, noticing them of this violation.

Mr. Mahan stated that a 30-day suspension has been effective in the past; however, because the City erred in providing proper information to Circle K and Hardy's (also on tonight's Agenda), the hearing was delayed two weeks. He recommended that a 28-day suspension might be considered to permit Circle K to be allowed to sell beer on the Fourth of July holiday, one of their biggest days for the sale of beer. (He mentioned that George Diument, counsel for Hardy's, had initiated this request).

Lonna Nixon, corporate officer for Circle K, expressed an apology for sales made by their employees. She explained that their company spends approximately \$500 per employee on training regarding the sale of beer to minors; however, they are human and some make mistakes. She reviewed that it is their company policy to shut down the store for three days when a violation occurs (which penalizes the manager's salary), and the employee who makes the illegal sale is terminated. She said they are prepared to pull the beer from their store tomorrow in preparation for a 30-day suspension.

Councilman Foy stated that he felt the 30-day suspension was fair and consistent with what has been done in the past. He also stated that he felt it was not wise to sell beer on holidays. Councilwoman Holt said that because Circle K has already provided a penalty for themselves, she would favor the recommendation of the City Prosecutor to suspend the license for 28 days, because it was the fault of the City that the legal proceedings had not proceeded in a timely

manner. She made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous. The license is to be suspended from tomorrow night (June 6th) at midnight until July 3rd at midnight.

BEER LICENSE OF HARDY ENTERPRISES SUSPENDED (280 WEST 500 SOUTH)

At 7:46 p.m. Mr. Mahan presented the facts regarding the hearing on the beer license of Hardy Enterprises (280 West 500 South). These facts were basically the same as for Circle K (with only one sale being made on March 13, 1991). He explained that this store had been brought before the Council on November 28, 1990 (see City Council minutes, page 3-4) and due to extenuating circumstances in that hearing, a stipulation was placed that the license would be suspended for 30 days if they failed a compliance test within one year from that date.

George Diument, counsel for Hardy's, stated that Hardy's is eager to comply with the city ordinance and the employee who made the illegal sale has been terminated. He apologized on behalf of Hardy's and stated that they are attempting to be vigilant in their effort to comply with the ordinance. Councilwoman Holt asked if there is a management problem at this location and Mr. Diument stated that the same manager has been involved in both checks and has not been placed on probation. In an attempt to be consistent, Councilman Foy made a motion to suspend the beer license of Hardy's for the same period as Circle K (from midnight tomorrow until midnight on July 3rd). Councilman Shafter seconded the motion which carried unanimously. He also requested that these two establishments be monitored very closely during this suspension period.

Councilwoman Holt requested that an effort be made in the future to process these situations in a timely manner.

COUNCIL APPROVES MEMORANDUM OF UNDERSTANDING WITH ERIC PETERSON

Mr. Balling reported that he has been working with the property owners on 400 North in connection with the street improvement project previously discussed by the Council. All but one property owner on the north side of the street and two owners on the south side have granted the City the necessary deeds to proceed with this project. Eric Peterson (and Russo, a contiguous property owner) has agreed to sign the deed based on certain conditions. Mr. Balling reviewed those conditions, as outlined in a memorandum of Understanding. Five of the seven conditions are standard procedure for all properties. However, the Petersons have also requested that the city permit a reduced front yard setback of any future addition to their existing house. They would enjoy this right as owners of the property, as long as the addition is attached to the existing structure.

The seventh condition requested by Mr. Peterson is for the City to check the existing sewer lateral and make any improvements necessary. Mr. Balling stated that inasmuch as their home is more than 100 years old, there might be some problems with the sewer. However, it would be better to correct them before construction of the new street and improvements than to disrupt these improvements later. Following discussion, Councilwoman Holt made the motion

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that the Memorandum of Understanding be approved and signed. Councilman Foy seconded the

motion.

Following clarification by Mr. Balling, Councilwoman Holt amended the motion to include that upon receipt of a deed from Peterson's, the project will proceed. If a deed is not received

from Peterson's, the 400 North project will not be done at this time. Councilman Foy seconded the amended motion which carried unanimously. Mr. Balling noted that properties that have not given the City a deed will be included in a special improvement district in the future.

WATER CONSERVATION ORDINANCE REPEALED

Mr. Hardy presented Ordinance No. 91-5 entitled, AN ORDINANCE REPEALING ORDINANCE NO. 91-3, which provides for conservation of water. He stated that the conservation measures previously implemented will no longer be necessary due to the recent rains. Councilman Foy made a motion to adopt Ord. No. 91-5, and authorized the Mayor Pro Tem and City Recorder to sign it. Councilwoman Holt seconded the motion and voting was unanimous.

On a motion by Councilwoman Holt and seconded by Councilman Foy, the meeting adjourned at 8:10 p.m.