

Minutes of the regular meeting of the City Council held September 2, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, Renee Coon, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne Forbes
	City Prosecutor:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Ira Todd
	Planning Director:	Ron Reed Boothe
	Planning/RDA Dir:	Blaine Gehring
	Rec. Secretary:	Nancy Lawrence
	Dept. Head:	Neal Jenkins, Parks/Rec.
Absent:	Councilman:	John Cushing

Official written 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 Linnell called the meeting to order, following which Mr. Jenson led the pledge of allegiance to the flag. The invocation was given by Mr. Balling.

Minutes of the regular meeting of the City Council held August 19, 1992 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilwoman Coon.

### **EXPENDITURES AND EXPENSES APPROVED FOR TWO AUGUST PERIODS**

Mr. Jenson presented the Expenditure and Expense Reports for the Period August 14-20, 1992 (\$395,683.49) and August 21-27, 1992 (\$227,056.92). The Council unanimously approved these expenditures on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

### **WELCOME EXTENDED TO VISITING BOY SCOUTS**

The Mayor recognized the visiting Boy Scouts and went over information pertinent to their merit badges.

### **CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARDED TO CITY**

Mr. Hardy reported that the City has been awarded a Certificate of Achievement for Excellence in Financial Reporting for the 11<sup>th</sup> consecutive year. He presented a plaque in recognition of this honor to the Mayor and City Council. Included in this honor is an "Award of

Financial Reporting Achievement", a certificate which was presented to Mr. Jenson, the person most responsible for preparation of the financial statements. Mayor Linnell stated that, of 237 cities in the state, Bountiful was one of 9 to receive this honor, and is the only city in the state to receive it 11 years in a row. The Mayor presented Mr. Jenson with the certificate of honor, and Mr. Jenson responded by expressing appreciation to the team he works with which makes the financial reporting excellence possible. He thanked Mr. Todd, Mr. Coleman, Mr. Hardy, the auditing firm of Deloitte and Touche, and the Mayor and City Council for the support which is given to this area.

### **COUNCIL APPROVES PROCLAMATION IN SUPPORT OF UNITED WAY IN DAVIS COUNTY**

Mr. Hardy explained that the City of Bountiful, along with other public and private organizations, has supported the United Way program in Davis County. Due to the negative publicity which has been received by the United Way of America organization this year, the local county organization has requested that the City issue a proclamation affirming support of the local group. (He noted that the Davis County United Way is independent of the national organization, has its own local board and policies, and the contributions are used locally by 96 human services agencies--1/2 of one percent is sent to the national organization).

Councilwoman Coon stated that although she favored some of what United Way does, there are some things which she does not favor. She said that the decision to support or not should be a matter of individual choice and a proclamation by the city was not appropriate. Councilwoman Holt asked if there had been previous requests by charitable organizations for an endorsement and Mr. Hardy responded that the City has publicly supported Red Ribbon Week. Councilwoman Holt stated that she saw no problem with the endorsement of United Way of Davis County, as long as citizens were encouraged to support the charity of their choice.

At the request of Councilman Shafter, Mayor Linnell read the proclamation, a copy of which is added to the official copy of these minutes. Councilman Foy made a motion to adopt the proclamation in support of the United Way of Davis County and authorize the Mayor to sign it; and that citizens be encouraged to support any similar agencies of their choice. Councilwoman Holt seconded the motion which carried by a majority. Councilwoman Coon voted nay.

### **ROCKY MOUNTAIN LANDSCAPING AWARDED BID FOR SPRINKLING SYSTEM AT 1800 SO BALLFIELDS**

Mr. Jenkins reported that three bids were received for the installation of an automatic irrigation system on the inf ields of all three ballfields at 1800 South Mueller Park. It is the staff recommendation that the low bid from Rocky Mountain Landscaping in the amount of \$11,950 be approved. He stated that \$27,000 was budgeted for the irrigation system, sod, and landscaping of the ballfields, and the work can be done within budget. Councilman Foy motioned for approval of staff recommendation, Councilman Shafter seconded the motion, and voting was unanimous. It was noted that the baseball association will be providing the labor for parts of this work.

### **BEAUTIFICATION PROJECTS APPROVED AT KILL STREET AND ORCHARD DR.: 1800 SO BETWEEN DAVIS BLVD AND 800 EAST**

Elaine McKay, chairman of the Bountiful Birthday Gift Citizens Committee (BBGCC), reviewed the past activities of the BBGCC and read the Mission Statement which encourages appreciation, respect, cooperation, and a sense of belonging as an effort is made to beautify Bountiful as a 100-year birthday gift. Mr. Balling, a committee member and City engineer, presented a request from the BBGCC for the City to participate by assisting in the following beautification projects:

1. Mill Street and Orchard Dr.: That the City place concrete between the walk and the curb on Mill Street along the frontage of the detention basin and also pave the corner area where the bus stop is located. (Approximate cost = \$2,500).

2. 1800 South between Davis Blvd. and 800 East:

South Side - That the City install a rock or masonry retaining slope and plant the area with ground cover such as Ivy or Myrtle. (Approximate cost = \$10,000). North Side - That the City level the area, install a sprinkling system, and plant the area with ground cover and trees. (The cost estimate = \$3,500).

Each project was discussed individually, and unanimous approval was given as follows: (1) Mill Street and Orchard Dr - Councilman Shafter motioned for approval and Councilwoman Holt seconded the motion. (2) South side of 1800 South - Councilman Foy motioned for approval and Councilman Shafter seconded the motion. (3) North side of 1800 South - Councilman Shafter motioned for approval. Councilwoman Holt suggested that the sidewalk on 1800 South be widened to provide more safety for pedestrians, particularly the junior high students. Mr. Balling estimated this would cost an additional \$4,200. Councilman Foy seconded the motion.

The Mayor and Councilwoman Coon thanked Mrs. McKay for the work which she and the Committee are doing. In response to a question from Councilwoman Holt, Mr. Hardy stated that there are sufficient funds in the Council Contingency Fund to cover these projects.

### **COUNCIL DENIES REQUEST FOR PUBLIC HEARING TO CONSIDER REZONING PETITION**

Mr. Gehring reviewed that a Rezoning Petition was submitted by Marv Blosch (Vicor Construction) for property at Pages Lane and 200 West to be changed from Permitted Multiple Family B (13.3 units per acres) to Permitted Multiple Family D (25.7 units per acre) . This item came to the City Council and was scheduled for public hearing once before. However, the applicant did not meet the necessary submittal requirements and the item was delayed on the Planning Commission agendas. The public hearing had to be canceled. It was decided not to bring it back to the Council for setting a new hearing until after the Planning Commission had a chance to hear it. The Planning Commission considered the request and recommends that it be denied.

Mr. Gehring reviewed Section 16-500 of the Zoning Ordinance, which provides that if the Council concurs with the recommendation of the Planning Commission, a hearing does not need to be set and this constitutes denial. Councilwoman Holt motioned that the request to set a public hearing be denied. Councilman Shafter seconded the motion and voting was unanimous.

### **NOISE ORDINANCE (92-7) ADOPTED**

Mr. Mahan reported that following the public hearing on the proposed noise ordinance, he considered the 15 different concerns which had been voiced and drastically reduced the ordinance, condensing it to two major sections: (1) general prohibitions; and (2) specific prohibitions. He reviewed the ordinance and then responded to questions from the Council.

Councilwoman Coon stated she had concern regarding the restraints in the specific prohibitions which would make certain acts unlawful between the hours of 11:00 p.m. and 6:00 a.m. She felt that in some situations these hours would be too restrictive. Following discussion, Councilwoman Coon made a motion to adopt Ordinance No. 92-7, Sections 101 and 103, and that Section 102 be stricken. Councilwoman Holt seconded the motion and then asked Mr. Mahan if the ordinance would be specific enough if Section 102 were omitted. He said there would still be alternatives or means of dealing with the problems. Mayor Linnell asked if there would be a problem in leaving Section 102 as part of the ordinance and Mr. Mahan explained that it could be used to shut down some activities (such as garbage collection, construction, etc.) when it would be inappropriate to do so. He said there is no harm in leaving the specific prohibitions in the ordinance as long as common sense is used in the enforcement of the ordinance. Councilwoman Holt then withdrew her second and the motion died for lack of a second.

Councilwoman Holt motioned that Ord. No. 92-7, entitled "AN ORDINANCE ADDING SECTION 8-7-101 TO THE BOUNTIFUL CITY CODE TO PROVIDE FOR LIMITATIONS UPON NOISES WITHIN THE CITY", be adopted as drafted and that the Mayor and City Recorder be authorized to sign it. Councilman Shafter seconded the motion which was favored by a majority. Councilwoman Coon voted nay.

### **STUDY SESSION TO REVIEW ACCESS AND USE OF MOUNTAIN AREAS ABOVE BOUNTIFUL**

Mr. Hardy stated that as a City, we have a unique opportunity of owning a large amount of mountain property (east of Bountiful Boulevard). Up to this point, the City has not been active in development of the access points. With regard to the future use of this land, he said that the City has three alternative courses of action: (1) do nothing and let happen what will happen; (2) discourage access by fencing, etc. and consider it as watershed area only; or (3) encourage access by establishing trail heads with parking areas, picnic areas, and/or restrooms. Mr. Balling showed the location of the city-owned property on a map and pointed out its relationship to the creeks and canyons.

Discussion followed regarding the impact to the property for each of the three alternatives above and the alternatives of development if access were encouraged. It was noted that if access is encouraged, it is imperative that the City do those things necessary to be sensitive to the environment and keep it a pristine area. Mr. Hardy pointed out that alternative development plans could include volunteer projects to be completed through service organizations and Boy Scout Eagle projects.

Councilman Foy made a motion to pursue the development of the hiking trails east of Bountiful Boulevard. Councilwoman Holt seconded the motion. Councilwoman Coon stated that she would prefer to study the matter further and make certain that the watershed is protected. Mr. Hardy stated that this will be referred to the committee for initial review and recommendation. Voting on the motion was unanimous.

#### **APPROVAL GIVEN TO NON-MOTORIZED TRAIL MATCHING FUND GRANT**

Mr. Hardy reported that we applied for and received approval from the State Parks and Recreation for a Non-motorized Trail Matching Fund grant in the amount of \$15,000 (total project to be \$30,000). The proposed project is for a foot trail which would begin at the Barton Creek fill and provide access up the canyon (to be known as the Sessions Mountain Foot Trail). Councilwoman Holt asked if the City's contribution could be in kind or if it had to be cash. Mr. Jenkins explained that \$15,000 must be available to assure that the project is finished; however, in kind labor and materials can be used. In response to a question from Councilwoman Coon, Mr. Hardy explained that the project would include construction of the parking lot, taking the trail down into the canyon, and then extend the trail as far up the mountain as funds will permit. Following discussion, Councilwoman Holt made a motion to accept the Non-Motorized Trail grant and authorize execution of the Agreement for Collection and State Fiscal Participation. Councilman Foy seconded the motion and voting was unanimous.

#### **PUBLIC HEARING SET RE: BEER LICENSE - SCORER'S TABLE RESTAURANT**

Mr. Hardy recommended that a public hearing be set for October 7, 1992 at 7:30 p.m. to consider the beer license of the Scorer's Table Restaurant. Mr. Mahan noted that this business is closed half of the year; however, of three checks on compliance, two sales were made to minors. Councilman Shafter made a motion that the public hearing be set as recommended. Councilman Foy seconded the motion and voting was unanimous.

#### **MISCELLANEOUS FROM MAYOR**

Mayor Linnell noted that Whitney Pugh, who worked during the summer as an administrative intern, has gone back to school. He recommended that a letter of recognition and appreciation be prepared for Mr. Pugh, acknowledging in particular his work on the Americans with Disabilities Act (ADA). Councilman Shafter suggested that a copy of the letter be sent to his school.

The Mayor reported that Mr. Balling's office has been approached by another citizen's committee who want to start a petition to annex into Bountiful. He said that the process of preparing a map for the petitions would take three full days, and with this in mind, he queried the Council as to their feelings on annexing. The property in question is south of 3400 South and creates a finger protruding into North Salt Lake, coming within a short distance from their City Hall and Fire Station. Following discussion, it was the consensus of the Council that it would be reasonable to square off the boundaries of the city by not annexing any more property south of 3400 South or west of Orchard Drive. It was further suggested that the North Salt Lake mayor and council be approached to see if they would agree not to annex anything north of 3400 South east of Orchard Drive. Councilman Foy made a motion that Mr. Gehring be directed to prepare an amendment to the Policy Declaration to reflect this discussion and that it be submitted to the Planning commission for their consideration. Councilwoman Holt seconded the motion and

voting was unanimous.

The meeting adjourned at 8:45 p.m. on a motion made by Councilman Shafter and seconded by Councilman Foy.