

Minutes of the regular meeting of the City Council held February 5, 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, John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne Forbes
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Ira Todd
	Planning Director:	Jon Reed Boothe
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Neal Jenkins, Parks/Rec.

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 Linnell called the meeting to order, following which he led the pledge of allegiance to the flag. The invocation was given by Mr. Forbes.

The Mayor gave a special welcome to the visiting Boy Scouts and reviewed items which would be pertinent to them for their citizenship merit badges.

Minutes of the regular meeting of the City Council held January 22, 1992 were presented and unanimously approved as written on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR TWO JANUARY PERIODS

Mr. Jenson presented the Expenditure and Expense Report for the period January 17-23, 1992 (\$419,755.76) and January 24-29, 1992 (\$98,670.84). Following a brief discussion, these two reports were unanimously approved on a motion made by Councilwoman Coon and seconded by Councilman Foy.

FARMINGTON CITY CENTENNIAL COMMITTEE- JOHN GREEN AND CONNIE BENTLEY

John Green and Connie Bentley, representing the Farmington City Centennial Committee, explained that as a part of the Farmington Centennial celebration, a calendar featuring local artists was produced. This Friday evening an art exhibit will be held at the Farmington City Offices featuring the work of the artists whose paintings are on the calendar. The artists will be present and will sign the calendars. A cordial invitation was extended to the Bountiful Councilpersons and other residents to attend this exhibit.

JED PITCHER APPOINTED TO FOUR-YEAR

TERM ON POWER COMMISSION

Mayor Linnell referred to the resume which he had provided the Council on Jed Pitcher. He recommended that Mr. Pitcher be appointed to serve a four-year term on the Power Commission, commencing February 5, 1992 and ending January 15, 1996. Councilman Cushing stated that he had reviewed the materials from the Mayor and he made a motion to approve the recommendation. Councilman Foy seconded the motion and voting was unanimous.

CLASS A BEER LICENSE APPROVED FOR PAY LESS DRUG STORE AND PRIDE FOOD MARTS, INC

Mr. Boothe reported that Pay Less Drug Store (535 South Main) and Pride Food Marts (2563 South Main) have requested that they be issued a Class A beer license. Both requests have been reviewed by the Chief of Police and have received a positive recommendation from him. Councilman Shafter made a motion for approval as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

CONSIDER REAFFIRMATION OF JOGGING AREA AND LIGHTING -- BOUNTIFUL BOULEVARD

Mr. Balling reviewed that the City Council previously directed the staff to provide plans for a jogging lane and bicycle path on Bountiful Boulevard. He said that this street is heavily used by the joggers and bikers and as traffic in the future increases, it will become a very dangerous situation if a designated area is not provided for non-vehicular use.

An aerial photo was used to show the street and Mr. Balling explained that the original plan was to fill the area between the sidewalk and street (park strip) with asphalt, which would provide an 11-ft. wide strip. Following a protest by some contiguous property owners who do not want the park strip to be covered with asphalt, this matter was discussed by the Traffic Safety Committee. The Committee reaffirmed the position of the City to continue with the jogging path. He said that the lighting for the path is already in, the right-of-ways have been secured, and the only thing left to be done is move the transformers back on the utility easement. It is also recommended by the Committee that instead of using asphalt for the path, that concrete be used. The asphalt will settle and produce cracks which would be dangerous to users and the concrete is considered to be more durable and safe.

Discussion followed regarding other alternatives to provide safety for joggers and bikers, including painting a double line on the pavement to separate the vehicular and pedestrian portions. Mr. Forbes stated that he would be opposed to this option because there would still be an unsafe situation and the painted area might provide exposure to the City in litigation if it were considered to be a part of the design of the street. He noted, also, that the City suffers exposure if sidewalks and pedestrian areas are not maintained in a safe condition. It was noted that joggers have the option to use sidewalks; however, they seem to choose not to. Therefore, if constructed, a jogging path might not be used.

Several citizens in attendance commented on the problem and made suggestions. Rod Pully, representing the LDS Church (contiguous property owner on Bountiful Boulevard) requested that the City not delay in acting on this matter because the design of the fence and the temple construction project hinge on its resolution. He noted that the temple will result in a lot of

senior citizen traffic and appealed to the Council to consider this and the need for extra safety precautions.

Councilman Foy made a motion that the jogging and walk area be constructed as originally planned, except with concrete instead of asphalt. Councilwoman Holt seconded the motion which carried by a majority. Councilman Cushing and Councilwoman Coon voted nay. (The dissenting votes were based on the rationale that it is a foregone conclusion that the joggers will be in the street; therefore, we ought to provide something in the street by way of protection for them).

REVIEW PARK AND OPEN SPACE PLAN

Mr. Hardy reviewed that a master plan was developed, with citizen input, in the 70's. Since that time, the demographics of the City, interests of citizens, economics, and population base have changed. He noted that one of the fastest growing segments of the population is senior citizens.

Citizens want recreational facilities available; however, they are not concerned as to who owns the facilities. Five different entities provide parks, recreation and open space: the city, school district, churches, private, and federal government (such as the Mueller Park recreation area). He said that the Parks and Recreation Department has been invited to the meeting to make a presentation of the proposed plan and development of parks and open space.

Mr. Jenkins presented a plan which included (1) the existing parks facilities and open space throughout the city; (2) the relationship between the Davis County School District and the City; and (3) proposed areas for future development of parks facilities and open space. He responded to questions from the Council regarding security and maintenance and asked the Council to be thinking of future needs in the parks and recreation department which they feel to be needed. In response to a question from Councilman Cushing, Mr. Jenkins stated that his staff will put a priority list together prior to the budgeting process.

Mr. Hardy stated that it would be helpful to the staff if the Council would provide some direction as to the general direction to take. He suggested it would be appropriate to take a pro-active role, if nothing -more than entering into option agreements on open parcels of property which might be used by the City for parks, etc. He mentioned the Foss Lewis gravel pit and it was noted that we have asked for and received a verbal option agreement; however, nothing is in writing.

Councilman Foy stated that the Parks and Recreation Committee established the following priorities: (1) an active role in planning for the possible acquisition of new property, particularly in the southeast part of the city where annexation has taken place; (2) better arrangements with the School District for maintenance of property adjacent to schools; (3) the possibility of trading property not being used for property which could be used.

Councilman Foy made a motion that the staff be directed to enter into an option agreement on the Foss Lewis property to be used for a park, and that consideration be given to purchasing additional land in the southeast area of the city for recreation purposes. Councilman

Shafter seconded the motion.

Councilwoman Coon asked if we would be pressuring the Lewis family into something that they wouldn't want to do. The motion carried by a majority with Councilwoman Coon voting nay.

**MR. HARDY PRESENTS SIX-MONTH FINANCIAL REPORT
FOR CITY OF BOUNTIFUL**

Mr. Hardy reviewed a 4-page handout which summarized the six-month financial position of the City's Enterprise Funds, Capital Improvements Fund, and General Fund, and capsulized the Cash Position of all funds as of December 31, 1991. In the General Fund, Revenue is over budget by \$334,420 and although expenses are also over budget, a possible 3 percent positive variance of revenue is anticipated. (He noted that the 3rd quarter sales tax provides significantly to the budget and that is not received until March). Although revenue is low and expenses are high in the Capital Improvements fund, Mr. Hardy stated that this is not unusual due to heavy expenditures being made at the beginning of the fiscal year.

Debt Service is under budget due to low interest rates. and a transfer will need to be made at the end of the year. Although some of the Enterprise funds currently have a negative balance, Mr. Hardy stated that there should be a positive variance of 2-3 percent by the end of the year.

Mr. Hardy stated that he feels encouraged by the cash position of the city at the six-month period; however, with the national economy slowing down significantly, we need to be cautious in our financial operation.

**COUNCILWOMAN COON EXPRESSES CONCERN
RE: POLICY ON COMMITTEE MEETINGS**

Councilwoman Coon asked if there could be discussion regarding the policy on Committee meetings, specifically (1) should 24-hour public notice be given; and (2) should minutes be taken. Mr. Forbes stated that the open meetings law pertains to any meeting where at least three councilpersons are in attendance. Therefore, if a committee has three councilmen on it, then it would constitute requiring of notice. Councilwoman Coon said that the Attorney General's office advised her that "any advisory committee comes under the open meetings law, whether it is composed of elected officials or not". It was the desire of all the council and the Mayor to be in compliance with the law. Following a lengthy discussion, the Mayor said that he would talk with Rick Wise, AG office, and determine what is necessary for the City to be in compliance.

The meeting adjourned at 8:30 p.m. on a motion made by Councilman Foy and seconded by Councilwoman Holt.