

Minutes of the regular meeting of the City Council held March 11, 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 Prosecutor:	Russell Mahan
	City Engineer:	Jack Balling
	Asst. City Engineer:	Paul Rowland
	City Recorder:	Arden Jenson
	Planning Director:	John Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Head:	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. Balling. The Mayor then recognized the visiting Boy-Scouts and reviewed with them the information pertinent to their merit badges.

Minutes of the regular meeting of the City Council held March 4, 1992 were presented and unanimously approved as corrected on a motion made by Councilman Cushing and seconded by Councilman Shafter.

**EXPENDITURES AND EXPENSES APPROVED
FOR PERIOD FEBRUARY 26-27, 1992**

Mr. Jenson reviewed the Expenditure and Expense Report for the Period February 26-27, 1992, noting that there were no corrections. Following a brief discussion, these expenditures (in the amount of \$264,630.84) were unanimously approved on a motion made by Councilman Shafter and seconded by Councilman Foy.

**FINAL APPROVAL GRANTED TO OSTERLOH RESTAURANT-
401 WEST 500 SOUTH**

Mr. Balling reviewed the plot plan for Osterloh Restaurant at 401 West 500 South and stated that it is the recommendation of the Planning Commission that final approval be granted subject to the following conditions:

1. Site Plan
Show details of curb around parking lot.
Show curb along west property line (2 1/21 from line).
Show detail of curb along east property line.

Angle parking on west should be changed to 450 to allow for stall and aisle width.

Details of outlet box and drain.

Finish site contours.

Remove pipe bollard and extend sidewalk to the street.

Show specifications on walks, curbs and parking lots.

2. Utilities

Show the proposed sewer line and size.

Show the proposed water line and size.

Show other utility connections.

3. Storm Drainage

Pay the storm detention fee of \$2,100 per acre; total cost = \$1,050.00.

4. County Approvals

Obtain County Health approval of plans for food handling.

Obtain County Flood Control approval for drainage.

5. Final review and approval of plans by Building Official.

6. Pay all required fees and bonds.

7. The City will check the waste disposal area in 6 months and again in one year to determine if the area should be screened.

Mr. Balling responded to questions from the Council, following which final approval was unanimously granted as recommended on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

**APPROVAL GRANTED TO BOUNTIFUL WATER SUB.
FOR STORAGE BUILDING--385 WEST 500 SOUTH**

Mr. Balling presented the site plan for a storage building for the Bountiful Water Subconservancy District at 385 West 500 South. He reviewed the plan and reported that it is the recommendation of the Planning Commission that final approval be granted and that a building permit be issued subject to the payment of the required building fees. The building will have no utilities (other than electricity) and will be used for storage of equipment and materials. Councilwoman Holt motioned for final approval as recommended, Councilman Foy seconded the motion and voting was unanimous.

**COUNCIL APPROVES TARGET MARKET ADJUSTMENT
OF 2 1/2% FOR EMPLOYEES--1992-93 BUDGET**

Mr. Hardy reported that as a part of the budget process, the council has historically set a "target" market adjustment for employees contingent on being able to balance the budget without increasing taxes, rates, or fees. The Public Safety and Finance Committee has reviewed the reclassification changes which need to be made, and with consideration of the area COLA index from First Security Bank, it is the recommendation of the Committee that a "target" market adjustment of 2 1/2 percent be included in the budget. Councilman Foy made a motion to proceed in the budgeting process with the "target" 2 1/2 percent adjustment as recommended. Councilwoman Holt seconded the motion. Councilwoman Coon asked if this figure included the reclassifications, and Mr. Hardy stated "no". Voting on the motion was unanimous.

COUNCIL VOTES TO NOT SUBMIT LETTER OF INTENT- SPEED SKATING OVAL FOR OLYMPICS

Mr. Rowland reported that he, Mr. Hardy, Mr. Jenkins, and John Miller attended a kick-off last week of a presentation of the proposed 4 million meter Olympic speed skating oval. The oval is designed to be built in two phases--the outdoor oval and (by 2002) the covered phase. The covered facility is designed to house two ice sheets and have a seating capacity of 5,000 people. The Utah Sports Authority will provide \$3.7 - \$3.8 million up front to the party that is awarded the bid for the oval. Actual costs for the outdoor oval are anticipated at \$3.3 million. The second phase of the project is projected at \$10.3 million. If Salt Lake City is granted the games in the summer of 1995, the Salt Lake Olympic Bid Committee would budget and provide \$10.3 million; however, it is assumed that if Salt Lake does not get the Olympics, there would be no further funding beyond the initial \$3.7 \$3.8 million and the City would bear this cost.

Discussion focused on the site plan and the need for a complete construction by Bountiful (instead of a phased construction). In addition to the capital outlay, which could be as much as \$10.3+ million, it was noted that there would also be ongoing O&M costs. Mr. Rowland had provided statistics from other areas where Olympic facilities had been constructed and the financing of those projects was analyzed. He stated that if the City is interested in the speed skating oval, a letter of intent needs to be drafted and submitted to the Utah Sports Authority by this Friday.

Councilman Foy stated that he would favor submitting a letter of intent and exploring this possibility further. He said this would be an opportunity for Bountiful to gain attention and provide positive spin-offs for the community. Councilwoman Holt said that the project did not make sense economically for Bountiful residents, noting that in other areas where the facilities have been built, a majority of the funding has come from endowment funds (which the City does not have). Councilman Shafter and Councilwoman Coon also expressed negative aspects of participation. Councilwoman Holt made a motion that the city not send a letter of intent to participate. Councilman Shafter seconded the motion which carried by a majority. Councilman Foy voted "nay".

HEARING ON ORDER TO SHOW CAUSE--ALBERTSON'S BEER LICENSE (SOO SOUTH 200 WEST)

At 7:42 p.m. the Mayor opened the hearing on the Order to Show Cause for Albertson's, 500 South 200 West, regarding violation of Bountiful Code Section 4-7-103. Mr. Mahan reviewed copies of the following documents which were distributed to each council member: (1) Order to Show Cause; (2) letter dated April 26, 1990 which was sent to all beer license holders informing them of council policy regarding compliance testing and enforcement of not selling beer to minors; (3) copies of the two letters notifying Albertson's of infractions of the ordinance; (4) three separate tables summarizing the results of compliance testing between July, 1990 and February, 1992. He noted that Albertson's failed two of three quarterly tests--one on February 18, 1992 and when on September 25, 1991.

Ron Russell, counsel representing Albertson's, introduced the following individuals who were in attendance on behalf of Albertson's: Wayne Denningham, regional manager; Fred

Larson, Bountiful Albertson's manager; and Denny Howey, employee who made one of the illegal sales. He assured the council and mayor of Albertson's desire to comply with the law and reviewed the thorough training program which is provided for all employees.

Mr. Russell made observations regarding the compliance testing, noting that decoy buyers do not appear suspicious, making it more difficult for employees to screen them when selling beer. He reviewed the specific circumstances which were involved when the sales were made, noting that one employee was terminated and felt to be neglectful. The sale by Mr. Howey was an honest mistake and Mr. Russell called on Mr. Howey to describe that sale. Mr. Russell suggested that the city revert back to the policy of issuing the order to Show Cause if three of four quarterly compliance tests were failed.

Mr. Russell's final point was a plea to the council to consider not suspending the beer license (as has been past policy of the council), but instead for Albertson's to pay the city \$3,000 (an amount calculated to be their loss if beer sales were restricted for 30 days). He suggested that this money could be used for ordinance enforcement or be donated to an appropriate charity to be used to educate about the responsible use of alcohol.

Councilman Shafter noted that the Council changed from a three of four tests failed to two of three because of the flagrant violations which were occurring. The policy of suspension when two of three tests have been failed has proven to be more successful in assuring compliance. He also noted that if the city were to accept a payment of restitution, it could be considered a bribe, which would not be wise on the part of the city. Councilwoman Coon stated that the beer license suspension following failure of two compliance tests in three quarters has proven effective. She commented that many young people appear older than they really are and she emphasized the responsibility upon clerks to check identification to verify that the customer is not under 21 years of age.

Councilman Foy complimented Albertson's for their training program; however, he noted that all license holders who come before the council seem to have a good program. He expressed concern that due to Albertson's location on a freeway access, it is extremely important for them to use caution in their beer selling practices. Councilman Cushing complimented Mr. Russell on the positive things which Albertson's has done. However, he noted that checkers should not rely on the personality or appearance of a customer, but should require an I.D. check. Councilwoman Holt made a motion that the beer license of Albertson's, 500 South 200 West, be suspended for 30 days, to commence one minute past midnight this Saturday (0001 hours on March 14, 1992) and that it be reinstated 30 days from that time. Councilwoman Coon seconded the motion which carried unanimously. Councilman Shafter requested that the Police make periodic checks of this establishment to assure compliance with this suspension.

COUNCIL ADOPTS CULINARY WATER IRRIGATION RESTRICTIONS TO COINCIDE WITH BOUNTIFUL SUBCONSERVANCY DISTRICT

Mr. Hardy explained that the Bountiful Subconservancy Water District is enforcing a prohibition on the usage of irrigation water between the daylight hours of 10:00 a.m. and 6:00 p.m. due to a continuing problem with a short water supply in the mountains. In an effort to meet the needs of city residents and still encourage conservation, it is the staff recommendation that

the city support a voluntary culinary water restriction between 10:00 a.m. and 6:00 p.m., seven days a week. The personnel from the Bountiful Sub District noted that encouragement of conservation through this type of policy last year resulted in a significant reduction in water usage. Following a short discussion, Councilman Cushing made the motion that the council adopt the suggested voluntary culinary water irrigation schedule as recommended. Councilman Shafter seconded the motion and voting was unanimous.

REVIEW OF CITY CODE, TITLE 5

Mr. Mahan referred to Title 5 of the City Code which had been included in the council packets and asked for any questions which they had. He responded to their questions and noted that he would follow through on Councilwoman Coon's question regarding Title 5-9107 (2) . He said that he would not be sending a section of the code in the packet this coming week.

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