

Minutes of the regular meeting of the City Council held December 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, 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:	Blaine Gehring
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Clifford Michaelis, Power David Wilding, Water/Sewer

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 Mr. Gehring led the pledge of allegiance to the flag. The invocation was given by Mr. Forbes.

Minutes of the regular meeting of the City Council held November 18, 1992 were presented and unanimously approved as amended on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR PERIOD OF NOVEMBER 14-20, 1992

Mr. Jenson presented the Expenditure and Expense Report for the Period November 14-20, 1992 in the amount of \$633,884.00. He noted that there were no corrections to the report and it was unanimously approved as presented on a motion made by Councilman Cushing and seconded by Councilman Foy.

MAYOR WELCOMES VISITING BOY SCOUTS

Mayor Linnell gave a special welcome to the visiting Boy Scouts and reviewed information with them pertinent to their citizenship merit badges.

ORD. NO. 92-8 RE: LOT STANDARDS ADOPTED

Mr. Forbes reviewed that the Council held a public hearing on November 18, 1992 to consider amending the ordinance regarding lot standards. The Council approved the concept and the staff was directed to prepare an amendment to the ordinance. He presented Ord. No. 92-8, entitled "AN ORDINANCE AMENDING TITLE 14, CHAPTER 15, SECTION 200 OF THE BOUNTIFUL CITY CODE BY REQUIRING NEWLY CREATED LOTS TO CONFORM TO PARCEL REQUIREMENTS AND PROHIBITING THE TRANSFER OF REQUIRED YARD SPACE AND BY MAKING OTHER PROVISIONS WITH RESPECT TO LOT STANDARDS,

AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCE IN CONFLICT THEREWITH", and recommended that it be adopted. Councilman Foy expressed appreciation to the staff for their efforts in improving the ordinance and motioned approval of Ord. No. 92-8, with authority for the Mayor and City Recorder to sign. Councilman Shafter seconded the motion and voting was unanimous.

ORD. NO. 92-9 ADOPTED CHANGING BARS FROM PERMITTED USE TO CONDITIONAL USE

Mr. Forbes reviewed that the Table of Land Use Regulations for the city presently allows bars (taverns) as a permitted use in some areas and it is proposed that the ordinance be amended to change the designation to a conditional use throughout the city. This matter was considered at a public hearing on November 18, 1992 and the council authorized that an amendment to the ordinance be prepared. He reviewed Ord. No. 92-9 entitled, "AN ORDINANCE AMENDING TITLE 14, CHAPTER 5, SECTION 800, TABLE OF LAND USE REGULATIONS, BY REPEALING SPECIAL DESIGNATION C-10, BAR, TAVERN, LOUNGE, CLUB AS A PERMITTED USE AND ENACTING SPECIAL DESIGNATION C-10 AS A CONDITIONAL USE IN NEIGHBORHOOD 2 DISTRICT 6, NEIGHBORHOOD 4 DISTRICT 9, NEIGHBORHOOD 6 DISTRICT 11, AND NEIGHBORHOOD 6 DISTRICT 1211, and recommended that it be adopted. Councilwoman Holt made a motion to adopt Ord. No. 92-9 and authorize the Mayor and City Recorder to sign it. Councilman Shafter seconded the motion and voting was unanimous.

In response to a question from Councilman Foy, Mr. Gehring stated that the change will provide a little more control, and input from contiguous property owners.

SCOTT MACHINERY AWARDED BID FOR REPLACEMENT BACKHOE FOR WATER DEPARTMENT

Mr. Wilding reported that bids were requested from six vendors for a replacement backhoe for the Water Department. Two vendors did not respond; three vendors responded with a "No bid"; and Scott Machinery submitted a bid of \$70,565.00 for the backhoe (budgeted at \$80,000).

Mr. Wilding stated that he checked with the vendors to determine why they had not submitted a bid, and found that one felt the specifications were too restrictive, two did not have a corresponding model in the size required, and one could not deliver timely. Inasmuch as the bid is well within budget and carries a 5year guarantee on parts and repair, it is the staff recommendation to approve it. Councilman Shafter made a motion to approve the bid from Scott Machinery in the amount of \$70,565.00. Councilman Foy seconded the motion and voting was unanimous.

REQUEST FOR FIFTH AMUSEMENT DEVICE AT HANSEN'S CARD AND PRO SHOP DENIED

Mr. Gehring reported that a request has come from Nannette Hansen, Hansen's Card and Pro Shop located at 5-Points, for a fifth amusement device machine to be approved for their business. Mrs. Hansen also requested a clarification by the Council regarding the hours which she can allow children to play. The City Attorney's office has clarified that the only way that the

request for a fifth machine could be granted would be to change the ordinance, and it is the staff recommendation that the ordinance not be changed. With regard to a clarification on the hours, it was noted that the nearby elementary school is on a year-round schedule, and the children are off track while other students are in school. It is the staff recommendation that children be allowed to play during all hours if they are off-track at school. However, junior high and senior high students (not on a year-round school schedule) , must comply with the hours set forth in the ordinance.

Councilwoman Holt stated that when the ordinance was drafted which limited the number of machines to four, it was in an effort to effectively monitor the businesses and permitting an increase in the number of machines per business might result in the same problems which existed at the time the ordinance was drafted. She then made a motion to deny the request by Hansen's Card and Pro Shop for the additional machine. Councilman Shafter seconded the motion.

Dave Hansen, co-owner of the business, explained that they had opened the business not only with the desire to be financially successful, but to provide a recreational opportunity for the youth of this area. He said that it is difficult to compete with establishments (some in Bountiful which operate under a grandfather clause) and others in surrounding cities which permit more machines. He stated their management philosophy and the desire to keep their business a wholesome atmosphere.

Councilwoman Coon stated that one of her big concerns is that there are not things in the local area for youth and the youth are being pushed into Salt Lake City for entertainment. Discussion followed regarding the background of the ordinance and the rationale for limiting the number of machines to four. Mr. Hardy explained that the previous council was concerned about proliferation of video arcades and the problems which could result if large groups of youth congregated. It was felt that this could be controlled more easily by limiting the number of machines, as opposed to attempting to control the management function of each business. It was also desired that the amusement device machines be a secondary part of the business, not the primary function.

Councilpersons Cushing, Coon and Foy suggested that the matter be researched further, with a possibility of changing the ordinance in the future. The motion (to deny the request of Hansen's) was approved by majority vote; Councilwoman Coon voted nay. Mayor Linnell advised the Hansen's to stay in touch with Mr. Gehring regarding future discussion of this issue.

**POLICY DECLARATION ADOPTED RE: VAL VERDA AREA--
3100 TO 3400 SOUTH AND ORCHARD TO DAVIS**

At 7:35 p.m. Mr. Balling stated that on October 7, 1992, a petition was received from a group of residents wishing to annex into the City of Bountiful. At that time, the number of properties included in the request was 172 and 99 owners had signed. Since that time, changes have been made on the signatures and there is a total of 90 signatures representing 52~ percent of the property owners. He explained that Mr. Forbes has prepared a Policy Declaration in the event that the Council takes affirmative action.

The Mayor called for input from those in attendance and Vernal Thompson, 2944 South 400 West, challenged the validity of 15 of the signatures and stated that he was opposed to the annexation. Jane Blair, 3018 South 400 West, also spoke in opposition. Fred Crawley, 3088 South 100 West, spoke in favor of annexation.

Councilwoman Coon asked what impact the annexation would have on the city in terms of providing services and Mr. Hardy reviewed categorically all public services and the changes which would be necessary. He also reviewed the revenue stream which would be anticipated from these residents. The hearing was closed at 8:05 p.m.

Councilman Foy made a motion that the Policy Declaration be adopted regarding the above-referenced property. Councilman Shafter seconded the motion. Councilwoman Coon stated that she would abstain from voting because of the clarification needed on the signatures. Mr. Hardy assured her that this matter will be thoroughly researched prior to presenting a resolution at the next meeting. Voting on the motion was by a majority with Councilwoman Coon abstaining.

PUBLIC HEARING ON ANNEXATION TO ADOPT POLICY DECLARATION 3100 TO 3400 SOUTH AND 200 WEST TO ORCHARD DR.

At 8:05 p.m. Mr. Balling reported that on October 21, 1992 a petition was received from a group of residents in the area between 3100 to 3400 South and 200 West to Orchard Drive requesting annexation to the City of Bountiful. There were 167 properties included in this area and 86 owners (51.5 percent) had signed the petition. Since that time, some signatures have been withdrawn and the petition includes only 43 percent of the properties. Therefore, the petition does not qualify for consideration, as stipulated by State code (less than 50 percent).

D. Arthur Haycock, 453 West 3300 South, spoke in favor of the annexation request and stated that he will continue to work toward annexing into Bountiful.

APPROVAL GIVEN TO "THE SHED" FOR CLASS B BEER LICENSE AND LIQUOR CONSUMPTION LICENSE-633 SOUTH 500 WEST

Mr. Gehring explained that The Shed restaurant has moved to a new location at 633 South 500 West and they have requested approval of a Class B Beer License and a Liquor consumption License. This item has been reviewed by the Police Department and comes with a positive recommendation.

Councilman Shafter motioned for approval of the licenses as requested and recommended. He cautioned that conformance with ordinance regulations is critical to keeping the licenses. Councilwoman Coon seconded the motion and voting was unanimous.

REVIEW LEGISLATIVE SESSION AGENDA ITEMS

Mr. Hardy referred to materials which had previously been distributed to the Council and stated that the meeting with our local legislators will be tomorrow evening at 6:00 p.m. He asked for questions from the Council and Councilwoman Coon noted that she was not comfortable with the bill regarding the Open Meetings law. Mayor Linnell stated that the legislation represents the city's position. Councilwoman Holt referred to the bill regarding US West and asked if the Public

Service Commission will assist in maintaining rates. Mr. Hardy stated that the franchise tax is a local issue and does not involve the PSC.

CONSIDER REVISED CONDITIONAL USE REQUEST FOR WINDSOR PARK PUD

This item canceled.

RELEASE OF EASEMENT APPROVED ON LOT 604, STONE RIDGE SUBDIVISION

Mr. Balling explained that when Stone Ridge Subdivision, Plat "F" was approved and recorded, it included Lot 308 of Stone Ridge, Plat "C". Lot 308 was later revised and enlarged and renumbered to Lot 604 of Stone Ridge, Plat "IF". There were easements recorded on Lot 308 which are now positioned in the interior of Lot 604 and need to be released. New easements have been recorded for Lot 604 and it is the staff recommendation to release the old easements on Lot 604. Councilman Cushing made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

CONSIDER RE-APPROVAL OF PRELIMINARY SUBDIVISION-CANYON CREEK ESTATES

This item canceled.

PRELIMINARY AND FINAL APPROVAL GRANTED TO TWO LOTS-1270 EAST CANYON CREEK DR.

Mr. Balling explained that when Creekwood of Indian Springs was developed, 750 feet along the south side of Canyon Creek Drive was not included in the development. This property has recently been purchased by Bill Cook and he is desirous of dividing it into two lots to be sold by metes and bounds. Mr. Balling showed the location of the property on a site plan and stated that this matter was reviewed by the Planning Commission last night and it is their recommendation that preliminary and final approval be granted, subject to the following conditions:

1. A seven foot utility easement be granted to Bountiful City for utilities around the perimeter of both lots.
2. A storm detention fee be paid in the total amount of 1.534 acres x \$2,100.00 = \$3,221.40.
3. A water connection fee of \$4,485-00 for each lot be paid before water is installed.
4. A sewer connection fee be paid to South Davis Sewer District.
5. A power connection fee be paid as required by the Power Department.
6. A 20-foot wide creek easement be granted to the City long the north side of the creek. (Based on discussion by the Council, this condition was eliminated from Parcel A, as shown on the proposed lot development plan).
7. Payment of \$30.00 per lot for subdivision check fee.

8. Payment for all other fees and development costs for utilities not listed.
9. Compliance with all building codes and ordinances of Bountiful City.
10. That this development may be sold by legal description and that a subdivision plat will not be required.

The Planning Commission also stipulated that the owner show proof of ownership of the property and Mr. Balling noted that the security title was presented and reviewed by the City Attorney today.

Councilwoman Holt stated that this matter was given considerable discussion in the Planning Commission meeting and another condition was requested--that Parcel "All be approved for a minimum 20-foot setback, as provided by ordinance when a slope is involved on the property. She motioned for preliminary and final approval as recommended and with the added conditions. Councilman Shafter seconded the motion.

Councilwoman Coon stated her concern that the 20-foot setback would result in limited sight distance on Canyon Creek Drive and she stated that the creation of two lots destroys the character of that area. Bob Mabey, previous owner, expressed disappointment that the property is being developed, and he questioned whether or not the title for the property is clear. He also expressed appreciation to the elected officials for their service. The motion carried by a majority with Councilwoman Coon voting nay.

C.G.I. AWARDED BID FOR SWITCH GEAR - POWER DEPARTMENT

Mr. Michaelis reported that bids were requested from ten vendors for distribution switchgear and a spare breaker. Eight firms responded and it is recommended by staff and the Power Commission that the bid be awarded to low bidder, C.G.I., in the amount of \$155,434 for the switchgear and \$4,996 for a spare breaker. Although the bid was substantially low, it has been thoroughly reviewed by C.G.I. and also SSR, the consulting engineer for the Central Substation project, and comes with a high recommendation.

Councilman Cushing made a motion to accept the recommendation of the Power Commission and award the bid to C.G.I. as presented (\$160,430.00). Councilman Foy seconded the motion. Councilman Shafter asked if there is a chance that the vendor will request extras on the project. Mr. Michaelis stated that it is basically an equipment bid and an extra request would come only if it were requested by the Power Department. Voting on the motion was unanimous.

The meeting adjourned at 8:43 p.m. on a motion made by Councilman Cushing and seconded by Councilwoman Holt.