

Minutes of the regular meeting of the City Council held December 1, 1993 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Leslie Foy
	Councilpersons:	C. Harold Shafter, Rene Coon, John Cushing, and Barbara Holt
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Dept. Recorder:	Kim Coleman
	Planning/RDA Dir:	Blaine Gehring
	Data Processing Dir:	Mark McRae
	Recording Secretary:	Nancy T. Lawrence
Absent:	Mayor:	Bob Linell

Official Notice of this meeting had been given by posting a written notice of same 19 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.

Councilman Cushing motioned that Councilman Foy serve as Mayor Pro Tempore in the absence of Mayor Linnell. Councilman Shafter seconded the motion and voting was unanimous. Mayor Pro-tem Foy welcomed those in attendance and asked Mr. Balling to lead the pledge of allegiance to the flag. The invocation was offered by Mr. Hardy.

Minutes of the regular meeting of the City Council held November 3, 1993 were presented for a proposed amendment by the city attorney. Page 3 of those minutes (under the section "Discussion on Selection of New Council Member") was amended to read:

Following the interviews, the Council will meet in executive session, discuss the competency and character of the applicants, and then reconvene into public meeting to select the new councilmember.

This action was taken on a motion made by Councilman Shafter and seconded by Councilwoman Holt. Voting was by a majority, with Councilwoman Coon abstaining.

Minutes of the regular meeting of the City Council held November 17, 1993 were then presented and approved as amended on a motion made by Councilwoman Holt and seconded by Councilman Cushing. Councilwoman Coon abstained.

EXPENDITURES AND EXPENSES APPROVED FOR TWO NOVEMBER PERIODS

Mr. Jenson presented the Expenditure and Expense Report for the Periods November 11-18, 1992 (\$117,973.55) and November 19-23, 1993 (\$416,219.3). Following discussion, these reports were approved on a motion made by Councilman Cushing and seconded by Councilman Shafter.

PRESENTATION BY CENTENNIAL COMMITTEE

Colleen Parker and Rae Dawn Jones were in attendance from the Bountiful Centennial Committee to

make presentations to the city. Ms. Parker explained that Bountiful was selected as one of 12 recipients from the state of Utah to be awarded a Freedom Foundation Award in conjunction with activities accomplished during the centennial celebration. Ms. Jones then presented a Utah Heritage Service award based on the wide variety of projects which the Centennial Committee accomplished. Councilman Cushing expressed appreciation to Councilman Foy for his advocacy of this committee and his tremendous support.

Mayor Pro-tem Foy commented on other projects in the State which were recognized and noted that the competition was very keen.

VISITING BOY SCOUTS WELCOME

Mayor Pro-tem Foy recognized the visiting Boy Scouts -and reviewed information with them which will be helpful as they work on their citizenship merit badge.

RESOLUTION RE: PROPERTY ACQUISITION FOR 400 NORTH PROJECT ADOPTED

Mr. Mahan explained that the only way to obtain a piece of property necessary for completion of the 400 North/Bountiful Blvd. extension is by eminent domain. He said that only the necessary property has been included in the taking and it is the staff recommendation that Res. No. 93-20 be adopted which authorizes condemnation proceedings. Councilwoman Coon stated that she was adamantly opposed to condemnation of private property and she believed that we (the City officials) do not have this right.

Mr. Hardy reviewed that the owners of the property are aware that if a purchase price could not be agreed upon that the City would go ahead with condemnation. Extensive efforts have been made to purchase the property, but in vain. He also noted that the City will be required by the court to pay fair market value for the property. Councilwoman Holt noted that this matter was discussed in executive session and none felt condemnation to be the desirable solution. However, it is felt that completion of the 400 North project is necessary for the well-being of the public good as it relates to adequate, safe traffic flow.

Councilman Shafter made a motion that Resolution No. 93-20 be adopted, with authorization for the Mayor and City Recorder to sign. Councilwoman Holt seconded the motion which carried by a majority. Councilwoman Coon voted nay.

RELEASE OF IRRIGATION COMPANY EASEMENT APPROVED - EGGETT SUBDIVISION

Mr. Mahan explained that a water company easement crosses the Eggett Subdivision at 1300 East 1700 South. This easement is no longer needed by the Company or the city and it is the recommendation of staff that it be released. Councilman Shafter made a motion that the subject easement be released as recommended. Councilman Cushing seconded the motion and voting was unanimous.

APPROVAL GIVEN FOR RELEASE OF EASEMENT LOT #52, ELLIS PARK SUBDPASION

Mr. Balling reported that the utility easement located on the north side of Lot #52 in Ellis Park Subdivision is not being used by any of the required utility companies. Owner of the lot, Randy Robinson, has requested that this easement be released. All companies have given written approval for the release and it is the staff recommendation that done. Councilwoman Holt made a motion that the easement be released as recommended, with authorization for the Mayor and City Recorder to sign the release. Councilman Cushing seconded the motion and voting was unanimous.

CLASS B BEER LICENSE AND LIQUOR CONSUMPTION

LICENSE APPROVED FOR THE SHED RESTAURANT

Mr. Gehring explained that The Shed restaurant has changed ownership, and one of the requirements in connection with this change is that the new owners must receive approval from the City and State for their Class B beer license and liquor consumption license. The necessary information has been reviewed by the Bountiful Police Department and it is staff recommendation that approval be granted on behalf of the City. Councilman Shafter made a motion that approval be granted as recommended. Councilman Cushing seconded the motion and voting was unanimous. Councilman Shafter pointed out that the Council will rescind the license as quickly as it was granted if license regulations are not properly adhered to and Mr. Mahan verified that the City Prosecutor will send a letter to the new owner of The Shed (Mrs. Cindi Lamph) advising her of the compliance program presently practiced by the City.

PUBLIC HEARING TO CONSIDER REZONING NE CORNER OF 200 WEST PAGES LANE FROM C-G TO R-3-13

At 7:32 p.m. Mr. Gehring presented a map showing the property at 200 West Pages Lane and explained that when the new zoning ordinance was adopted, this property was inadvertently zoned C-G. He noted that a commercial zone was mistakenly created on the north side of Pages Lane which did not exist before the ordinance was adopted. Therefore, the purpose of this hearing is to correct that error and change the zoning map to reflect this property in the R-3-13 zone (multiple family) as it existed previously. He stated that this item has been reviewed by the Planning Commission and received a favorable recommendation for the rezoning.

Mayor Pro-tem Foy called for input from those in attendance. Jim Hiatt, Centerville resident, asked to see the map and stated that he was not opposed to the proposed change. Councilman Shafter made a motion that Ordinance No. 93-12 entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO REZONE PROPERTY LOCATED AT APPROXIMATELY THE NORTHEAST CORNER OF 200 WEST AND PAGES LANE AS R-3-13 be adopted and that the Mayor and City Recorder be authorized to sign it. Councilman Cushing seconded the motion and voting was unanimous.

J. C. CONSTRUCTION CO. AWARDED BID FOR REMODEL OF CITY HALL

Mr. Balling reviewed that bids were opened November 23, 1993 for the remodel of City Hall and he referred to a summary of the bids and the abstract of the responsive which was in the Council packet. He noted that the low bid from J. C. Construction (\$249,668.00) is well over the budgeted amount (\$180,000), as well as the recently approved adjustment to \$205,000 which resulted from changes in the project approved by the Council. He stated that there was a good representation of contractors (with a spread of \$32 between the No. 1 and No. 2 bids) and recommended that the low bid be approved. He suggested that other capital construction projects could be delayed to facilitate not over-running the budget. He also noted that further consideration has been given to the south Main Street construction project, and some construction modifications could possibly be made.

The Council discussed this matter and expressed concern that necessary capital projects not be impaired. They also suggested use of the Council contingency fund. Councilman Shafter made a motion to award the bid to J. C. Construction as presented. Councilwoman Holt seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER REZONING 1975 ORCHARD DR. FROM R-1-6.5 TO C-G; LAKEVIEW ANIMAL HOSPITAL, INC

At 7:50 p.m. Mr. Gehring reviewed the site plan of the property owned by Glen Jessop (1975 Orchard Drive) and explained that Drs. Dana Clark and Evan Gubler are desirous of purchasing the property for the

purpose of locating an animal hospital there, with a firm sale pending on the Council's approval of the zoning request. He noted that many attempts have been made in the past to develop the property and all have been met with opposition from the neighborhood due to their commercial nature. The proposal of Drs. Clark and Gubler is to rezone the portion of the property which faces Orchard Drive to C-G to allow for construction of the hospital, and to leave the remainder of the property (facing 200 East) residential. The doctors have met with the neighborhood and found a favorable response and this matter has received a favorable recommendation from the Planning Commission.

Mayor Pro-tem Foy called for input from those in attendance. The following neighbors of the subject property spoke favorably of this request: Ruth Counter, Ed Rawly, Dorothy Adams, Sonja Nelson, and Eldon Haacke. Concern was expressed that the re-zone might take place and then the plans of the veterinarians not be carried forward. However, Dr. Clark confirmed that the entire parcel will be purchased and developed as explained. Mr. Gehring also pointed out that only the smaller .87 acres fronting on Orchard Drive is being submitted for a zone change. Councilwoman Holt made a motion that the proposed zone change be approved as explained and that Ord. No. 93-13 entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 1975 ORCHARD DRIVE AS C-G be adopted. Councilman Shafter seconded the motion and voting was unanimous.

The meeting adjourned at 8:11 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Shafter.