

Minutes of the regular meeting of the City Council held July 14, 1993 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, Barbara Holt, and Leslie Foy.
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Treasurer:	Galen Rasmussen
	Planning Director:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Head:	Neal Jenkins, Parks/Rec.

Absent: City Recorder: Arden Jenson

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 Councilwoman Holt led the pledge of allegiance to the flag. The invocation was given by Mr. Mahan.

Minutes of the regular meeting of the City Council held July 7, 1993 were presented and approved as written on a motion made by Councilman Shafter and seconded by Councilman Cushing. Voting was by a majority with Councilwoman Coon and Halt abstaining because they had not attended the July 7, 1993 meeting.

**EXPENDITURES AND EXPENSES APPROVED
FOR PERIOD JUNE 28-29, 1993**

Mr. Coleman presented the Expenditure and Expense Report for the Period June 28-29, 1993 totaling \$267,843.78 and noted that there were no corrections. Following a short discussion, these expenditures were unanimously approved on a motion made by Councilman Foy and seconded by Councilman Shafter.

BUILDING LOT APPROVED AT 473 WEST PAGES LANE

Mr. Gehring reported that a Mr. Hancock purchased property between the Gold Subdivision (400 West Street) and the 1-15 freeway and is now seeking approval of this property as a building lot for a single family residence. (Although Mr. Hancock was of the opinion that the property was part of the Gold Subdivision, it was property which was left over when the freeway was constructed and then was sold by UDOT to the adjacent property owners) . It is the recommendation of the staff and Planning Commission that approval be given to this building lot subject to the following conditions:

1. Submittal of a Certified Survey Plot Plan showing Items 1 - 7 on the Plot Plan Ordinance for compliance with the Building Code.
2. Showing the existing storm drainage through the lot from the south and providing an easement for the drainage water.
3. Providing a 7-foot utility easement along the front and east side of the property.
4. Payment of a storm retention fee for 0.3864 acres @ \$2,100.00 per acre (\$811.00).
5. Posting of a bond for repair of all sidewalk and curb and gutter.
6. Payment of all utility connection fees.
7. Completion of plans and payment of all required building fees.
8. Payment of a \$30.00 subdivision fee.

Councilman Shafter (resident of this subdivision) affirmed that the subject property was not included in the subdivision and he referred to the 10-foot easement on the west side of the property and asked if Mr. Hancock was aware of this restriction. Following discussion, Councilman Foy motioned for approval of the building lot as recommended. Councilman Shafter seconded the motion and voting was unanimous.

**FINAL ACCEPTANCE GRANTED TO STERLING HEIGHTS
SUBDIVISION - KENT HOGGEN, DEVELOPER**

Mr. Balling reported that Sterling Heights Subdivision, 3600 South Davis Boulevard, has been completed and the improvements meet all the requirements of Bountiful city. It is the recommendation of staff that final acceptance be granted and that the developer, Kent Hoggen, be released of further responsibility and that the Letter of Credit be released. Councilwoman Holt motioned for final acceptance as recommended, Councilman Foy seconded the motion and voting was unanimous.

CONSIDER APPROVAL OF RELEASE OF EASEMENT - BLAIR FREDRICKSON

This item was postponed.

**APPROVAL GIVEN TO PURCHASE HYDRO AERATOR FROM TURF EQUIPMENT
CO.**

Mr. Jenkins reported that the golf course budget for this year includes the purchase of a hydro aerator (\$24,000). It is the staff recommendation that the hydro aerator be purchased from Turf Equipment Company (Salt Lake City) in the amount of \$20,600.00. He explained that Toro Manufacturing Company is the sole manufacturer of this type of equipment and that Turf Equipment Co. is their local distributor. Because the bidding process could not be followed, Mr. Jenkins explained that he has solicited information from other golf courses that have purchased the hydro aerator and feels confident that we will receive the best possible value. He stated that the hydro aeration process is more efficient with drought stressed turf problems and it reduces

the course down time during regular maintenance periods. Following discussion, Councilman Foy motioned for approval as recommended, Councilman Shafter seconded the motion and voting was unanimous.

ROCKY MOUNTAIN TURF AWARDED BID FOR LARGE PARKS MOWER

Mr. Jenkins reported that three bids were received for a large mower to be used in the parks and it is staff recommendation that the bid be awarded to Rocky Mountain Turf for a Jacobsen HR 15 Hydro with Fine Cut Flail Deck in the amount of \$39,624.00. He explained that the Flail deck will provide greater safety because it does not throw objects. This item is within the budgeted amount of \$42,000.00. Councilman Foy motioned for approval as recommended. Councilwoman Holt seconded the motion and voting was unanimous.

COUNCIL ACCEPTS ACTION OF APPEALS COMMITTEE - RULON CUSHING

Mayor Linnell referred to the special meeting of the Council which was held last evening (Tuesday, July 13, 1993) to consider the appeal of Rulon Cushing of the decision which was rendered by the Appeals Committee. Councilman Shafter made a motion that the decision reached last evening (to support the action of the Appeals Committee) be formalized and authorize signature by the Mayor and City Recorder. Councilwoman Holt seconded the motion which carried by a majority. Councilman Cushing abstained.

PROGRESS REPORTS ON ROAD PROJECTS

Mr. Balling reported that the 400 East Project, 500 South to 400 North, is progressing on schedule and is about 30 percent complete. He noted that the project appears to be moving slowly; however, the relocation of the utilities, a major portion of the work, is almost done and it is anticipated that the project will be completed by the end of September as contracted.

Mr. Balling also reported on the Bountiful Boulevard project, noting that it is about 75 percent complete.

PUBLIC HEARING TO CONSIDER REZONING REQUEST - 2200 SO ORCHARD DR - KENT WINEGAR

Mayor Linnell addressed the citizens who had filled the council chambers regarding the request of Kent Winegar to change the zoning at 2200 South Orchard Drive to allow a new commercial development. He said that great effort has been expended over the years to, broaden the tax base in Bountiful and if approved, this request would help to rejuvenate the other commercial businesses in the area of 2200 South. He then reviewed that Winegars have tried unsuccessfully over the past five years to find a suitable location for a Dick's Market in Bountiful and this seems to be an appropriate site.

At 7:30 p.m. Mr. Gehring explained that the request of Mr. Winegar is to change the subject property (approximately 9.3 acres) from Neighborhood 6 District 9 to Neighborhood 6 District 8 to allow for commercial development. It is the recommendation of staff and the Planning Commission to consider this zone change. Councilwoman Holt clarified that the action of the Planning Commission was a "favorable recommendation to the City Council to set a public hearing date to consider the rezoning". She also explained that the public hearing process for rezoning requests is at the Council level. She expressed concern regarding the

traffic impact on 2200 South, the effect the rezoning would have on the adjoining undeveloped property, and the aesthetics of the commercial development as they relate to adjoining developed residential properties.

Kent Winegar reviewed the unsuccessful attempts made over the past five years to find a suitable location for a market in Bountiful, noting that it needs to be south of 1800 South as it relates to the Dick's Market which he operates in Centerville. He stated that the site being considered (2200 South Orchard) would provide stimulus for the other businesses in the area and would provide a quality service for the residents of the area. With the future growth anticipated in the southern end of the city, he said that there shouldn't be a negative impact on other Bountiful grocery stores, many of which are presently operating at near-capacity.

Neighbors of the proposed site had expressed concern regarding the traffic impact on the neighborhood. Mr. Winegar and representatives from his distributors stated that deliveries would be scheduled in a manner compatible with the wishes of the neighborhood. John Ellgren, neighbor to the Centerville Dick's Market, affirmed the positives of neighboring this business. In addition to the convenience and quality of the market, one of his major points was that Winegar's have hired youthful employees (many for their first time) providing a great service to the community.

Shawna Strong, representing the citizens who live in and around 2200 South Orchard, stated that they were "monumentally" opposed to any commercial development on the subject property. She reviewed the results of a survey of the neighborhood in which 87 percent opposed the rezoning. Gerald Hansen, Dee Stowell, Les Merrill, Gerald Jordan, Tom Mabey, Arlyn Styles, Byron Jones, David Thornell, Tim Rodee, Lynn Nelson, Craig Warr, Pat Stowell, John Taylor, Sheryl Wood, Larry Wickam, David Hale, Lucia Goforth, Kathleen Richardson, and Monty DaBell spoke in opposition to the rezoning. Many stated that they shop at Dick's Market and confirmed the quality of the store. However, they were concerned about the impact the rezoning would have on property values, life style and traffic.

George Naegle, Dave Badham, and Lynn Badham spoke favorably of the request. Peter Wiscombe, an employee of Dick's Market, reported on a survey which was done in the extended area which showed great support for having a Dick's Market located at 2200 South Orchard Drive.

The Mayor closed the public hearing at 9:40 p.m.

Councilwoman Holt stated that she was not personally opposed to having a new market in Bountiful. However, the safety and welfare of residents and children in the area, especially along the narrow 2200 South Street, would be endangered by this particular proposed location. Also, strong opposition from the immediate neighborhood had been demonstrated. She made a motion to deny the request. Councilman Shafter seconded the motion. Councilman Cushing and Councilwoman Coon voiced similar opinions, and Councilwoman Coon also thanked those citizens who had taken the time to attend the meeting. Councilman Foy expressed concern that smaller convenience markets in the vicinity of the proposed market might be affected negatively by a Dick's Market at the proposed location. Councilman Shafter stated that the attendance of the citizens made his job a lot easier and he expressed support of their desires. The motion

carried unanimously.

The meeting adjourned at 9:48 p.m. an a motion made by Councilman Cushing and seconded by Councilman Foy.