

Minutes of the regular meeting of the City Council held July 28, 1993 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, and Leslie Foy.
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Prosecutor:	Matt Barneck
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	Planning/RDA Dir:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Department Heads:	Dick Duncan, Streets/Sanitation Clifford Michaelis, Power
Absent:	Councilpersons:	John Cushing Barbara Holt

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 Josh Robbins, visiting Boy Scout, led the pledge of allegiance to the flag. The invocation was given by Councilman Shafter.

Minutes of the regular meeting of the City Council held July 21, 1993 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilman Foy.

EXPENDITURES AND EXPENSES APPROVED FOR PERIOD JULY 1-22, 1993

Mr. Jenson presented the Expenditure and Expense Report for the Period July 1-22, 1993, \$220,786.55. He noted that the audit expenses of Deloitte and Touche were divided among a number of funds. The expenditures were unanimously approved as presented on a motion made by Councilman Foy and seconded by Councilman Shafter.

VISITING BOY SCOUTS RECOGNIZED

Mayor Linnell recognized the visiting Boy Scouts and reviewed information with them which will be helpful in the achievement of their citizenship merit badge.

ARNOLD EQUIPMENT COMPANY AWARDED BID FOR STREET DEPT. ROLLER

Mr. Duncan reported that bids from three vendors for a vibratory roller were opened on July 20, 1993. The budgeted amount for this equipment was \$60,000. It is the recommendation of staff that the low bid of Arnold Equipment Company in the amount of \$50,810 (with trade-in

of \$15,000 and including options) be accepted. Councilwoman Coon motioned for approval as recommended, Councilman Foy seconded the motion and voting was unanimous.

**BID FOR SUBSTATION BATTERIES AND CHARGER
AWARDED TO TELCOM - POWER DEPARTMENT**

Mr. Michaelis reported that invitations to bid on substation control house batteries and battery charger were sent to five electrical firms. Four bids were returned and it is the recommendation of staff, the consulting engineer and the Power Commission that the low bid from Telcom (\$12,949.00) be approved. Mr. Michaelis confirmed that this project is within budget. Councilman Shafter motioned for acceptance of the Telcom bid as recommended. Councilman Foy seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
DUPLEX - 247-249 WEST 1800 SOUTH, ROBERT GIBSON**

Mr. Gehring reviewed the site plan of the proposed duplex of Robert Gibson at 247-249 West 1800 South, noting that access will be from 1800 South. He stated that it is the recommendation of staff and the Planning Commission that preliminary and final approval be granted to this project, subject to the following conditions:

1. Provide the following easements:
 - (a) a 141 wide easement for water and sewer on the property to the east along its frontage;
 - (b) a 71 wide easement along the entire frontage and rear of the property to be developed.
2. Payment of the required storm drainage fee for 0.2077 acres at \$2,100/acre = \$436.20.
3. Payment of a \$30.00 checking fee.
4. Payment of a sewer connection fee of \$600/unit = \$1,200.00.
5. Payment of a water connection fee of \$1,285.00 for a 1" connection.
6. Compliance with the Uniform Building Code and payment of all permit fees as required by ordinance.

Councilman Shafter asked about landscaping and Mr. Gehring stated that the plans have been submitted, reviewed, and approved. Councilman Shafter motioned for preliminary and final approval as recommended, Councilwoman Coon seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
SIERRA VIEW SBDVN - 1500 SO ORCHARD DR. (JESSE CARTER)**

Mr. Gehring presented the site plan of the proposed 3-lot subdivision of Jesse Carter at 1500 South Orchard Drive. He stated that it is the recommendation of staff and the Planning Commission that preliminary and final approval be granted, subject to the following conditions:

1. Extend the sewer from the northwest corner of lot 3 to the northeast corner of lot

- 3, set a manhole and install sewer stubs to lots 1, 2 and 3.
2. Pay Bountiful City \$2,486.66 for the sewer main which was installed from 1500 South to the project (see attached letter to Dr. Robinson).
3. Pay a \$600.00 sewer connection fee per lot at the time the sewer service is requested.
4. Pay a \$1,285.00 water connection fee per lot at the time the water service is requested.
5. Pay the power connection fee as required by Bountiful Power and Light.
6. Pay a Storm Retention Fee for 0.542 acres of development at \$2,100/acre = \$1,138.20 as per County ordinance.
7. Pay a subdivision fee of \$90.00 for checking and \$20.00 for recording.
8. Compliance with all provisions of the subdivision ordinance.
9. Pay all fees as required for building permits at the time the permits are requested.

Councilman Foy made a motion that preliminary and final approval be granted as recommended for Sierra View Subdivision. Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED FOR STORAGE
UNITS AT 1405 SO 500 WEST - JACK YOHO**

Mr. Gehring presented the site plan for the proposed storage units at 1405 South 500 West, Jack Yoho developer. He noted that the plan features short driveways to discourage storage of vehicles, which will reduce fire danger. It is the recommendation of the staff and Planning Commission that preliminary and final approval be granted subject to the following conditions:

1. The site plan is complete as per city ordinances.
2. Easements be provided and fees paid as required by Bountiful Power and Light for service to Units 1 and 2.
3. Storm water be detained on the property or a storm retention fee be paid which is 0.45 acres @ \$2,100/acre \$945.00.
4. Furnish a 141 wide easement and pay the City the cost to install a 611 water line and fire hydrant from 500 West back to the storage units at the location determined by the Fire Chief.

5. Compliance with the Building Code and payment of all fees for the building permit.
6. Correction of a drainage problem on the site plan located directly behind the auto parts building.

Councilman Shafter motioned for approval. Councilman Foy seconded the motion and voting was unanimous.

REQUEST FOR PRELIMINARY/FINAL SITE PLAN APPROVAL FOR WEST BOUNTIFUL WATER TANK FAILS FOR LACK OF MAJORITY VOTE

Mr. Gehring reviewed that West Bountiful City was granted a conditional use permit by the Planning Commission to construct a water tank at 600 East and 500 North. The site plan has been reviewed by the Planning Commission and comes to the City Council with a recommendation for preliminary and final approval, subject to the following conditions:

1. A 20- ft. right-of-way along the creek channel for access to Stone Creek for emergencies and other creek maintenance.
2. West Bountiful landscape the site as per their approved landscape plan and maintain the same in the best interests of the citizens of Bountiful.

Mayor Linnell presented a letter of opposition to the water tank from Glenn S. Gold, Sr. (see appended, page 7) and requested that it be included as a part of the minutes.

Councilwoman Coon asked about the height of the proposed tank and Mr. Hardy reviewed the aesthetic and safety issues which were raised by Mr. Gold and discussed by the Planning Commission. Councilwoman Coon requested that action on this item be postponed for one week to permit her to personally study the issue and speak with Mr. Gold.

Councilman Foy stated that he felt the situation to be a safe one and he motioned for preliminary and final approval as requested and recommended. Councilman Shafter seconded the motion which failed for lack of a majority. Councilwoman Coon voted nay.

HEARING ON ORDER TO SHOW CAUSE - BEER LICENSE OF PRIDE FOOD MART, 2600 SO MAIN

Mr. Barneck reported that Pride Food Mart was tested for compliance with the liquor control ordinance and failed two of three tests (March 8, and June 7, 1993). Based on past Council policy, a Hearing to Show Cause has been scheduled for the purpose of considering whether their beer license should be revoked or suspended. Mr. Barneck said that this business (formerly known as Hardy Enterprises) was in violation of the ordinance in January, 1992 and the beer license was suspended for 30 days at that time. The principals of Hardy Enterprise and Pride Food Mart are essentially the same, thus causing this to be the second hearing for this business and he suggested that a more severe suspension be considered. He then reviewed the materials which had been prepared in support of this matter.

Craig Valentine, general manager of Pride Food Marts, stated that Pride Food Marts is not the same corporation as Hardy Enterprise and that it is a totally separate entity. He expressed appreciation for the police and their efforts to enforce the law and suggested that the city should implement a fine against the employees who make illegal sales so that they will be more diligent in complying with the law.

Councilman Foy expressed concern that there was a recurring problem with this business and he made a motion that the beer license of Pride Food Mart be suspended for 60 days. Councilman Shafter said he felt the suspension should be longer than 60 days. Mr. Valentine stated that this was not a second offense and that Pride Food Mart was coming before the Council as a different corporation. Mr. Mahan suggested that action on this matter be continued for one week to permit Mr. Valentine to furnish the city with documentation to support his position and Councilman Foy withdrew his motion.

PUBLIC HEARING TO CONSIDER ADOPTION OF NEW ZONING ORDINANCE

At 7:45 p.m. Mr. Gehring presented a summary of the new zoning ordinance, stating that the primary reason for revising the ordinance was to make it less confusing and easier to use by the staff and public. The ordinance is composed of (1) text, (2) standard land use codes, and (3) zoning maps. He stated that the draft has been thoroughly reviewed by the City Council and Planning Commission and their input has been incorporated. He highlighted the major changes of the proposed ordinance and reviewed several minor adjustments which were made since the council review. He then read into the minutes the Notice of the hearing and recommended that the new ordinance be adopted.

The mayor called for comments from the Council and public and discussion and clarification followed. Councilwoman Coon expressed concern that the sideyards in the Foothill Overlay zone were too small and she made a motion that the text be changed to require 15/20-ft. sideyards with 120-ft. frontage. The rationale for this was to provide fire protection and make it more aesthetically pleasing. Councilman Shafter noted that the distance between the homes is not the issue, but the vegetation is the problem which increases fire danger. He said he would support the motion if it contained a condition to also eliminate brush, trees, etc. from between the homes. The motion was not changed and died for lack of a second. Councilwoman Coon also stated opposition to the requirement for the pad for RV parking and the 15 percent grade.

Councilman Foy made a motion to adopt the new zoning ordinance as prepared and reviewed by the Planning Commission and City Council. Councilman Shafter seconded the motion which failed for lack of a majority. Councilwoman Coon voted nay, stating that although most of the ordinance is good, she has concerns with Chapter 13 which deals with the Foothill Overlay zone.

PUBLIC HEARING ON ORDER TO SHOW CAUSE RE: BUSINESS AND/OR SOLICITORS LICENSE OF AUSTIN DIVERSIFIED PRODUCTS

Mr. Mahan reviewed the ordinance regarding the issuance of business licenses and

regulations of that ordinance. He stated that Kevin Scarborough obtained a solicitors license for Austin Diversified Products and has been operating a door-to-door sales business in Bountiful. A number of complaints have been registered with the City regarding the demeanor of the personnel associated with this business, including solicitation of sex acts. One individual was taken to jail and has since been released. Similar situations regarding this company have occurred in Salt Lake City, including two cases of sexual molesation of a minor. For this purpose, he (Mr. Mahan) felt it prudent for the City Council to consider revocation of this license for the remainder of this year. He said that Mr. Scarborough has operated in Bountiful for the past 12 years and there has never been a situation like this before.

Mr. Scarborough, district manager for Austin Diversified Products, reviewed the history of the operations of this business and the hiring and training practices which are used. He noted that the individuals which have had problems have been terminated from employment. Following discussion by the Council, Councilman Foy motioned that the license of Austin Diversified be revoked for the remainder of this year. Councilman Shafter seconded the motion and voting was unanimous.

**BEER LICENSE APPROVED FOR FRANCESCO'S RESTAURANT
370 WEST 500 SOUTH**

Mr. Gehring reported that Francesco's Restaurant, 370 West 500 South, has recently completed its renovation and has made application for a Class B Beer license. The business has been inspected by the Police Chief and the staff recommends issuance of the license as requested. He noted that new State regulations also require an approval from the State Liquor Commission. Councilman Shafter motioned for approval of the beer license as recommended, Councilwoman Coon seconded the motion and voting was unanimous.

The meeting adjourned at 9:37 p.m. on a motion made by Councilman Shafter and seconded by Councilman Foy.