

Minutes of the regular meeting of the City Council held October 13, 1993 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful Utah, following a meeting of the Redevelopment Agency.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, Renee Coon, John Cushing, Barbara Holt, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Prosecutor:	Matt Barneck
	Asst. City Engineer:	Paul Rowland
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Planning Director:	Blaine Gehring
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Larry Higgins, Police Neal Jenkins, Parks/Rec.

Absent: City Engineer: Jack Balling

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 and stated that the prayer and pledge had been given in the preceding RDA meeting.

Minutes of the regular meeting of the City Council held October 6, 1993 will be presented for approval at the next regular meeting.

**EXPENDITURES AND EXPENSES APPROVED**  
**FOR TWO SEPTEMBER PERIODS**

Mr. Jenson presented the Expenditure and Expense Reports for the periods September 28-30, 1993 (\$460,700.86) and the Summary for September, 1993 (\$2,478,920.98). Unanimous approval was given to both reports on a motion made by Councilman Cushing and seconded by Councilman Shafter.

**APPROVAL GRANTED FOR LOT SPLIT-168 WEST CENTER,**  
**DENNIS AND RENAE WARDLE**

Mr. Gehring explained that Dennis and Renae Wardle are desirous of buying a small piece of property from their next door neighbor in order to have enough space to build a new detached garage in their back yard. Subsequent to recent State legislation, it is necessary for approval to be given by the City Council for the lot split. It is the recommendation of staff and the Planning Commission that approval be granted, subject to the following conditions:

1. A certified survey be recorded with the County (as required by State law); and
2. That the garage meet all setback requirements and building codes.

Councilman Shafter noted that the old garage needs to come down (so that there will not be a violation by having two detached structures on the same lot) and he requested that this be included as a third condition. Mrs. Wardle was in attendance and assured the Council that it was their intent to tear the existing garage down. Councilman Shafter then made a motion to grant approval for the lot split, subject to the conditions as noted and with the third condition requiring

demolition. Councilman Foy seconded the motion and voting was unanimous.

**FINAL APPROVAL GRANTED FOR STONE RIDGE SUBDIVISION  
PLAT H -- PLANNED UNIT DEVELOPMENT, JOE FEATHERSTONE**

Mr. Gehring presented the site plan for Stone Ridge Subdivision, Plat H, and reported that it is the recommendation of the staff and Planning Commission that final approval be granted, subject to the following conditions:

- 1 . The plat should grant an open space easement over all common open spaces to guarantee that these spaces shall remain as open spaces for the use of the people in the PUD;
2. An exception must be granted by the City Council for building on Lot 803 as per Ordinance 88-4;
3. The space reserved for parking of recreation vehicles needs to be waived because of the individual lots which have sufficient space to meet this need;
4. The Architectural Building Construction Drawings will be submitted at the time building permits are requested;
5. Posting of a bond to guarantee the construction of the site improvements and landscaping;
6. Payment of the required fees;
7. Compliance with the ordinances of Bountiful City and the condominium ownership Act of the State.

Mr. Featherstone was in attendance and clarified that the open spaces are for the use of those in the PUD and this type of development was chosen to guarantee privacy and the preservation of the open spaces. Councilwoman Holt motioned for final approval, as recommended. Councilman Cushing seconded the motion and voting was unanimous.

**COOPERATIVE AGREEMENT WITH UDOT APPROVED FOR STREET LIGHT -- 500 SOUTH 500 WEST SIGNAL**

Mr. Rowland reported that UDOT will be installing new traffic signals at 500 West 500 South which they will own, operate, and maintain. There is a street light in conjunction with the traffic signal, and UDOT has requested that the City take over the ownership and maintenance of this light. Councilman Shafter asked if the one light is sufficient to light the intersection and he suggested that UDOT be approached to put up two lights. He (Councilman Shafter) then made a motion to approve the maintenance of the street light as requested by UDOT and that the necessary- agreements be signed. Councilwoman Coon seconded the motion and voting was unanimous.

**PUBLIC HEARING - ORDER TO SHOW CAUSE  
BONUS STAR MART, 390 NORTH 500 WEST**

Mr. Barneck summarized the alcohol compliance program which the City has practiced in the past as it relates to under-age individuals being allowed to purchase alcoholic beverages. He then reviewed that Bonus Star Mart, 390 North 500 West, made illegal sales to minors on June 7, 1993 and September 14, 1993, failing two of three quarterly checks. Based on past policy, he recommended that the beer license of Bonus Star Mart be suspended. He said it is the City's position that this is the second time

this business has appeared before the City Council for violation of the beer license, and that a more severe penalty might be considered. The previous violation occurred when the business was known as "Hardy Enterprises"; however, it is the staff opinion that inasmuch as the officers and directors of the two corporations are basically the same individuals, the business should not be considered as a different entity.

Ken Okazaki, representing Bonus Star Marts, Inc., stated that this business (Bonus) was not the same as Hardy Enterprises and requested that the matter be considered as a first offense. Morgan Hardy, principle of Bonus Star Marts, contended that he wanted to be separated from the management practices of Hardy Enterprises, Inc. (Bob N. Hardy, his father, principle) and therefore formed the new corporation. He pointed out that his father is not one of the officers and directors of Bonus and asserted that he should not be penalized for the management style of his father. A lengthy discussion followed regarding the relationship between the two corporations, following which Councilman Shafter made a motion that this be considered as a first offense and that the beer license be suspended for 30 days, to commence Monday, October 18, 1993 at 12:01 a.m. Councilwoman Coon seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER REZONE FROM C-G TO R-1-8 AT  
200 WEST 1600 NORTH, MAGNA INVESTMENT & DEVELOPMENT LTD, OWNER**

Mr. Gehring reported that Magna Investment and Development, Ltd., has submitted a formal application to rezone 16 of their 32 acres on 200 West Street at 1600 North from C-G to R-1-8. This rezone follows the recent decision of JC Penney Company to close their store which is on adjacent property. The Planning commission has given a favorable recommendation to the request. At 7:45 p.m. Mayor Linnell opened the public hearing regarding this request. Jack Bangerter, owner of nearby property and co-chairman of the Committee for Higher Education in Davis County, stated that he thought the subject property would be an ideal site for a higher education facility. He requested that no action be taken this evening to permit exploration of this possibility. It was pointed out that the rezone as requested would not preclude development of the property as an educational facility.

Glenn McKay (392 West 400 North), suggested that a portion of the Magna property might be considered for a park for the northwest area of the city. Lynne Millis and Richard Walker asked questions regarding the details of the development and its impact on the immediate community. Mr. Berwyn Andrus expressed support of the request to rezone to residential; however, he was opposed to the proposal of Mr. Bangerter. He noted that the purpose of the hearing is to consider rezoning and he cited zoning issues supportive of the rezone to residential (i.e., commercial businesses on Pages Lane have been folding, etc.).

Councilwoman Holt stated that the recommendation of the Planning Commission to the Council was to hold a public hearing to consider the rezone request. She then motioned that the property in question be rezoned from C-G to R-1-8 to facilitate development of the property. She suggested that the owners of the property visit with Mr. Bangerter regarding his proposal. Councilman Shafter seconded the motion which carried unanimously.

**RECOMMENDATION OF TRAFFIC SAFETY COMMITTEE**

**UPHELD -STOP SIGNS TO BE PLACED ON 300 EAST STREET**

Mayor Linnell reported that in a recent meeting of the Traffic Safety Committee, it was recommended that stop signs be placed on 300 East at 100 South and that the yield signs at 200 South 300 East be changed to stop signs. He noted that the Council had visited this site in their field trip earlier this evening. Councilman Foy motioned for approval of the stop signs as recommended. Councilman Cushing seconded the motion and voting was unanimous.

**CONSIDER AWARD OF BID ON POLICE EVIDENCE BUILDING**

Mr. Hardy reviewed that, subsequent to awarding Blaine Wadman the bid on the police evidence building, additional events have occurred regarding this project. Fred Montmorency, architect, explained that Wadman found a computational error in their bid and they requested that the City withdraw their bid. When the other bids were evaluated, it was recommended that the bid from Brundle and Brundle be considered as a non-responsive bid because Brundle did not follow instructions. The Brundle bid included a completion date stated in working days and the bid documents specified consecutive calendar days; and, the Brundle bid **added** the alternate Water and Sewer proposal instead of including it in the base and then **deducting** it.

A lengthy discussion followed, and Mr. Brundle asserted that he reviewed the elements of the bid in a telephone conversation and was verbally offered the bid. Then with a turn of events and his clarification of the bid amount, the City withdrew the offer. Councilwoman Coon recommended that the bid be awarded to Brundle, inasmuch as it would provide a dollar savings to the taxpayers. Mr. Hardy and Mr. Mahan stressed the the engineering department and the contractors are familiar with the bidding system and it is imperative to rely on the integrity of this system, requiring compliance to the specifications. Councilman Foy suggested that inasmuch as there were two non-responsive bidders that the project be re-bid. Mr. Hardy explained that this would dictate that the project be put off until next spring due to the forthcoming winter season.

Councilwoman Holt made a motion to award the bid-to Fox Construction Company in the amount of \$105,718, with the water and sewer portion of the project being done by the City. Councilman Shafter seconded the motion which carried by a majority. Councilman Foy and Councilwoman Coon voted nay.

**COUNCIL GIVES GO-AHEAD TO EXTEND AN OFFER FOR  
PROPERTY ACQUISITION--400 NORTH EXTENSION**

Mr. Hardy reported that the appraisal reports have been received for the property which is necessary to complete the 400 North/Bountiful Boulevard extension. He requested authorization from the Council to negotiate with the owners by offering the average of the two appraisals, in cash or in-kind (off-site improvements along the property). Councilman Shafter made a motion to this effect. Councilman Foy seconded the motion and voting was unanimous.

**APPROVAL GIVEN TO SUBMIT GRANT APPLICATION FOR  
BOUNTIFUL BLVD AND 400 EAST PARK**

Mr. Jenkins reported that a federal grant is available which provides matching funds for parks and recreational facilities development. The Parks and Recreation Committee has discussed and recommended that the City apply for the federal grant to assist in the development of the Bountiful Blvd./400 East park. The grant provides \$225,000 and matching funds are available in the general fund Capital Improvements account. Councilman Foy reviewed the strong support which was given by the Committee for this grant and he made a motion that authorization

be given to submit the grant application. Councilman Cushing seconded the motion which carried unanimously.

The meeting adjourned at 9:27 p.m. on a motion made by Councilman Shafter and seconded by Councilman Cushing.