

Minutes of the regular meeting of the City Council held March 24, 1993 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	John Cushing
	Council Members:	Harold Shafter, Renee Coon, John Cushing, Barbara Holt (arrived 7:25), and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	Asst/City Engineer:	Paul Rowland
	City Recorder:	Arden Jenson
	Planning Director:	Blaine Gehring
	Dep. Recorder:	Kim, Coleman
	Rec. Secretary:	Nancy Lawrence
	Department Head:	Neal Jenkins, Parks/Rec.
Absent:	Mayor:	Bob Linnell
	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 Pro-tem Cushing called the meeting to order, following which Jeff Bowman, Boy Scout from Troop 255, led the pledge of allegiance to the flag. The invocation was given by Mayor Pro-tem Cushing.

Mayor Pro-tem Cushing gave a special welcome to the visiting Boy Scouts and reviewed information with them which will be helpful as they work on their merit badge requirements.

Minutes of the regular meeting of the City Council held March 10, 1993 were presented and unanimously approved as amended on a motion made by Councilman Foy and seconded by Councilwoman Coon.

EXPENDITURE AND EXPENSE REPORTS APPROVED FOR PERIODS IN FEBRUARY AND MARCH

Mr. Jenson presented the Expenditure and Expense Reports for the following periods, with respective totals: Summary for February, \$2,495,737.41; March 1-11, 1993, \$149,710.08; March 12-19, 1993, \$521,825.52. Mr. Jenson responded to questions from the Council, following which all reports were unanimously approved as presented on a motion made by Councilman Shafter and seconded by Councilman Foy.

APPROVAL GIVEN TO ISSUE ORDER TO SHOW CAUSE - FRED MEYER BEER LICENSE

Mr. Mahan reviewed that there is an ongoing compliance testing program pertaining to the sale of alcohol to minors as regulated by City ordinance. In the checks which were done in November, none of the businesses which were approached sold to minors. He complimented the businesses for this record, noting that this is the first time in the past ten years that this has

happened.

In the checks that were done on March 8, 1993, a sale was made to a minor at Fred Meyer resulting in the second sale of three attempts. He recommended that a hearing be set for April 14, 1993 at 7:30 p.m. and that an Order to Show Cause be issued with respect to the sale of beer to a minor. Councilman Shafter made a motion to this effect, Councilman Foy seconded the motion and voting was unanimous.

Councilman Shafter suggested that a letter be sent to all of the businesses who were found to be in compliance in the November test, expressing appreciation and thanking them for their support.

**APPROVAL GRANTED TO VACATE 2700 SOUTH STREET
BETWEEN 625 WEST AND HIGHWAY 89 - ORD. NO. 93-8**

Mr. Hardy explained that a request has been made by Ken Garff Mazda/Lincoln-Mercury (2600 South Highway 89) for 2700 South street to be vacated between 625 West and Highway 89. Ken Garff recently purchased the two automobile dealerships which were on either side of 2700 South, and inasmuch as the street now divides a single operation, it is proposed that the street be eliminated. He said that this would be subject to Ken Garff conveying back a utility easement for the entire width of the now-existing street. Inasmuch as Ken Garff is the only abutting landowner to 2700 South at that location, and he is consenting in writing to the vacation, no further public notice is required by state law than to place the matter on the agenda.

Councilwoman Coon asked how much property the City would be releasing to Ken Garff. Mr. Hardy explained that the original owners of the property were required to deed the property to the city without compensation for use as a street. Effectively, inasmuch as the street no longer serves a public purpose, the city is deeding it back to the property owner.

Councilwoman Holt arrived at this time. Councilman Foy made a motion that 2700 South Street be vacated as discussed, and that this action be formalized by the adoption of Ordinance No. 93-8 entitled AN ORDINANCE VACATING 2700 SOUTH BETWEEN 625 WEST AND HIGHWAY 89, with authority for the mayor and city record. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted nay, based on her concern about future development of property to the east and the possible future use of the street.

WATERING RESTRICTION ADOPTED VIA ORD. NO. 93-7

Mr. Hardy reviewed that last year the City adopted watering restrictions for culinary watering between the hours of 10 a.m. and 6 p.m. from April 15, 1993 to October 15, 1993. This restriction is identical to that of Bountiful Water Subconservancy District for their irrigation water. Although there was a good deal of moisture this past year, the underground water resources are still depleted and this conservation measure is an attempt to rebuild those resources. (He noted that culinary water is used for irrigation by residents above Bountiful Boulevard and in the area of Bridlewood subdivision).

Following discussion, Councilwoman Holt made a motion that the watering restriction be approved as presented, and formalized by adoption of Ordinance No. 98-7, entitled AN

ORDINANCE ENACTING WATER CONSERVATION MEASURES INTO LAW, and a Water Conservancy Proclamation, with authority for the mayor and city recorder to sign. Councilwoman Coon seconded the motion and voting was unanimous.

PUBLIC HEARING CONCERNING ANNEXATION OF PROPERTY AND THE ADOPTION OF A POLICY DECLARATION - 3400 SOUTH WEST OF ORCHARD DRIVE

At 7:34 p.m. Mayor Pro-tem Cushing opened the public hearing to consider annexation of the south side of 3400 South between 800 West and Orchard Drive. Approximately 80 percent of the landowners have a signed a petition for annexation. The Mayor Pro-tem called for input from those in attendance. Richard Franklin, 729 West 3400 South, requested that the Council please consider this request favorably because of the strangeness of the situation involved. He reviewed that since one side of the street is now in Bountiful and the other is not, the street has two names, it is serviced by two different garbage collection systems, etc.

The mayor pro-tem clarified that if the annexation is approved, the electrical power for these residents will continue to be provided by Utah Power and Light. Mr. Hardy said that the city is prepared to commence garbage collection by the first of April.

With no other comments from the public, Councilman Shafter made a motion that the Policy Declaration be adopted and that approval be given for annexation of the property as requested. Councilman Foy seconded the motion which carried unanimously. The hearing concluded at 7:37 p.m. If there are no protests filed, an annexation resolution will be placed on the next Council agenda to finalize this procedure.

JMR CONSTRUCTION AWARDED BID FOR 1993 CONCRETE PROJECTS

Mr. Rowland reported that bids were opened yesterday for the annual concrete replacement projects. Six bidders responded and it is recommended that the bid be awarded to low bidder, JMR Construction, in the amount of \$338,975.00. He reviewed the major projects which will be included in this work and noted that it also includes the 50 percent participation improvement replacements by individual property owners. Following a brief discussion, Councilman Foy made a motion that the bid be awarded as recommended by staff. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted nay. Inasmuch as one of the projects involved is the walk along Bountiful Boulevard, Councilwoman Coon stated that her negative vote was because she thought this work should be done with asphalt to provide a better jogging trail.

GOLF COURSE RATE ADJUSTMENTS APPROVED

Mayor Pro-tem Cushing reviewed that the proposed golf course rate adjustments were discussed in the last City Council meeting and again in a meeting held yesterday. Mr. Hardy summarized that the proposed increase is NOT for the purpose of supplementing other programs or operations. It is proposed to provide the necessary funds to operate and maintain the golf course and provide the necessary upgrades which the course requires.

Mr. Hardy reviewed discussion which took place in the Committee meeting yesterday and explained that the rationale of the staff in requesting an increase in greens fees is to stay current in replacing equipment and maintaining a quality golf course. He summarized the major

projects which are proposed for completion this summer. Mr. Jenkins and Scott Whittaker stated their concurrence with the comments made by Mr. Hardy and expressed their desire to maintain the integrity of the facility.

Fred Moss (832 North Mill Street) expressed concern that the reserve funds presently in place are not being used for equipment replacement and capital improvement projects and stated that he was opposed to the proposed increase. He also expressed concern that employees of the city were allowed to play golf without paying. Mr. Hardy explained that the only time that employees play free is if they do not displace a paying customer. If they make a reservation, they pay the same as other customers. In response to Mr. Moss's suggestion that the reserve funds be used for operation and maintenance expenses, Mr. Hardy stated that the philosophy which has been followed is to establish a reserve so that major capital expenditures can be funded with cash and avoid debt expense.

Councilwoman Holt expressed appreciation for the citizen input and went on to clarify that all enterprise funds of the city have reserve funds. She reviewed that last year the golf course staff proposed a rate increase and the Council elected to put it off for one year, using the money which would have gone into the reserve fund to pay for last year's improvements. She stated that if the same procedure were followed this year, we would not be building the reserve fund as planned. She stated that to pay-as-you-go is good sound fiscal policy.

David Piggott, citizen, stated that he is opposed to the amount of money which the city has in reserve funds. He suggested that bonds be issued when capital projects are required. Councilwoman Coon thanked the staff for the time which they have devoted to this issue and expressed that she is still concerned about the rate increase. She said that she does not want to raise rates "just because the surrounding cities have raised theirs" and she does not want our rates so high that our citizens won't pay to play and we will be servicing rich outsiders. She said that it is sometimes good to bond for capital improvement projects because it gives the citizens an opportunity to vote on the project and decide its importance.

Councilman Shafter stated that he favored the city funding the sidewalk improvement contiguous to golf course. The city should live by the same procedure that is required of citizens. As to the proposed rate increase, he said that he recently played in Dallas and they charged \$10 per 18 holes, compared to our \$12.00. He also suggested that we consider dropping the age requirement for Senior Citizen discount to age 55. He stated that the golfer's association is one of the most important things to the course and he suggested that the staff work closely with the association. Mayor Pro-tem Cushing agreed with this point and requested that Mr. Jenkins and Mr. Whittaker work closely with the association and report back to the council. Councilman Foy made a motion to approve the proposed increase for green fees (from \$5.00 to \$6.00 for 9 holes and \$12.00 to \$14.00 for 18 holes, and senior citizen and punch ticket rates comparably). Councilwoman Holt seconded the motion which carried by a majority with Mayor Pro-tem Cushing voting aye. Councilman Shafter and Councilwoman Coon voted nay.

APPROVAL GRANTED FOR BOUNTIFUL TO USED DAVIS COUNTY GIS DATA

Mr. Rowland explained that the Engineering Department has worked for the past seven years toward developing a geographic information system to track maintenance and facilities

which are identified on a base map. Davis County has also been working on this project and has completed their base map, including Bountiful. The County has made their map available to the City at no cost, subject to the city agreeing to share all information with the county which is generated from this map. Mr. Mahan has reviewed the proposed agreement and recommends approval.

Councilman Foy made a motion that the agreement with the County be approved and that the mayor and city recorder be authorized to sign it. Councilwoman Coon seconded the motion and voting was unanimous.

MISCELLANEOUS FROM COUNCIL

Councilman Foy reported that he recently attended a dinner meeting with representatives from our sister city in New Zealand. He said that the delegation was very complimentary of Bountiful and presented our city with paintings of the New Zealand area.

Councilwoman Coon asked when the annual spring clean-up is scheduled and noted that due to the late spring, the area above Bountiful Boulevard has still been too wet and there is too much snow to effectively do the outdoor cleanup work. Mr. Hardy stated that they will monitor this situation and delay the pickup if necessary.

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION

This item was canceled.

The meeting adjourned at 8:55 p.m. on a motion made by Councilman Shafter and seconded by Councilman Foy.