

Minutes of the regular meeting of the City council held May 25, 1994 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	John Cushing
	Council Members:	Samuel Fowler, William Moore, Harold Shafter and Ann Wilcox
	City Manager:	Tom Hardy
	City Attorney:	Russell L. Mahan
	City Engineer:	Jack P. Balling
	City Treasurer:	Galen D. Rasmussen
	Planning Director:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
Absent:	Councilwoman:	Barbara Holt
	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 Cushing called the meeting to order, following which he led the pledge of allegiance to the flag. The invocation was given by Mr. Gehring.

Minutes of the regular meeting of the City Council held May 18, 1994 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilman Moore.

EXPENDITURES AND EXPENSES APPROVED FOR PERIOD MAY 12-19, 1994

Mr. Coleman presented the Expenditure and Expense Report for the Period May 12-19, 1994 in the amount of \$303,954.74 and then responded to questions from the Council. These expenditures were then approved by unanimous vote on a motion made by Councilwoman Wilcox and seconded by Councilman Fowler.

CONSIDER ADOPTION OF CABLE TV FRANCHISE ORDINANCE

Mr. Mahan reviewed that in 1979 the City entered into a 15-year franchise agreement with Wasatch Community TV (presently TCI) for cable TV service in the City of Bountiful. This agreement is expiring in the near future and it will be necessary to reconsider the franchise agreement for cable TV. Prior to consideration of a new agreement, a new franchise ordinance is recommended for adoption. Mr. Mahan briefly reviewed the ordinance, noting that it provides a framework within which the agreement will be structured. He pointed out that the ordinance includes a section providing for two-way capability.

Four other agreements were entered into with TCI in 1984, including a two-way communication agreement. This agreement will not expire for three years. TCI is interested in eliminating this

agreement and there is a potential for significant problems on this point, as the two-way capability is a great asset to the City. Councilman Shafter emphasized the importance of the two-way capability and Mr. Hardy enlarged on the potential uses which it could provide for the City. Following discussion, Councilman Moore made a motion to adopt Ordinance No. 94-10 entitled, AN ORDINANCE PRESCRIBING THE CONDITIONS FOR GRANTING A NON-EXCLUSIVE, REVOCABLE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A BROADBAND TELECOMMUNICATIONS NETWORK FOR THE PURPOSE OF TRANSMISSION OF CABLE TV WITHIN THE CORPORATE LIMITS OF THE CITY OF BOUNTIFUL, UTAH AND FOR ALLOWING THE USE AND OCCUPANCY OF THE STREETS AND OTHER PUBLIC PLACES FOR SUCH PURPOSES" and to authorize the signature of the Mayor and City Recorder. Councilman Fowler seconded the motion and voting was unanimous.

CONSIDER PAYMENT FOR SAFE SIDEWALK PROJECT IMPROVEMENTS

Action on this matter was taken in last week's regular meeting (May 18, 1994). See page 1.

RECOMMENDATIONS FROM TRAFFIC SAFETY COMMITTEE GIVEN UNANIMOUS APPROVAL

Mr. Balling presented the following items which were discussed by the Traffic Safety Committee in its last meeting and are recommended for approval.

1. Approval of Road Construction Program for 1994-95. Mr. Balling referred to a map which showed the roads scheduled for maintenance and construction during the 1994-95 budget year. Larger projects include construction on South Main, Bountiful Boulevard, and Barton Creek Lane, grinding the surface on 1000 North, and reconstruction of Center Street at the time the Post Office is constructed.

2. Approval of a Pedestrian Crossing on 1800 South at 1150 East. A request was submitted for a crossing at 1200 East; however, it is the Committee recommendation that a pedestrian crossing be established at 1150 East across 1800 South and that a sign be posted on the south side of 1800 South at the crossing marked "School Children Cross at 900 East".

3. Approval of Signs Marked "Caution Blind Child" be posted on 325 West Street. The Committee recommends approval of two signs marked "Caution Blind Child" which were requested by a family. The signs are to be posted at 950 North, southbound, and 825 North, northbound, on 325 West Street.

4. Approval of Name "Lakeview Drive" to be added to 1100 East Street and 600 South Street. Because of the confusion that now exists in locating Lakeview Drive, the Committee reviewed a request to extend the name of Lakeview Drive from 1300 East west along 600 South Street and north along 1100 East Street to 500 South Street. It is the recommendation of the Committee that the name Lakeview Drive be added to these two streets. (This will require changing 6 signs.)

Councilman Shafter stated that he could not favor the Lakeview Drive recommendation

and requested that the Mayor call for two separate motions. Councilwoman Wilcox made a motion that Items 1-3 above be approved. Councilman Shafter seconded the motion and it carried unanimously.

Councilwoman Wilcox then motioned for approval of Item No. 4 and Councilman Moore seconded the motion. The motion carried with a majority vote; Councilman Shafter voted "nay", noting that the Council in past years had somewhat set a policy not to change the name of a streets once they were recorded on a plat.

CONSIDER APPROVAL OF LAND PURCHASE AGREEMENT FOR BOUNTIFUL BOULEVARD EXTENSION

Mr. Balling explained that as part of the Bountiful Boulevard extension to connect on to 400 North street, it is necessary for the City to obtain a small piece of property from the Kingston family (D. U. Company, Inc.). The Kingstons have been very cooperative with the City and have agreed to convey the street property to the City in exchange for certain services that the City has suggested. Those services are set out in a Land Purchase Agreement, and it is the staff recommendation that this Agreement be approved. Mr. Balling briefly reviewed the Agreement, following which Councilman Shafter motioned for its approval. The City will be trading services valued at \$61,362.00 for property in the same amount. Councilwoman Wilcox seconded the motion which carried unanimously.

PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED TO DAVIS SCHOOLS CREDIT UNION FOR CANOPY ADDITION - 105 SO. 500 WEST

Mr. Gehring reviewed that the Davis Schools Credit Union is desirous of constructing an addition to their facility at 105 South 500 West. This matter has been reviewed by the Planning Commission and it their recommendation, together with staff, that preliminary and final site plan approval be granted, subject to the following conditions:

1. The completion of the construction drawings.
2. The review of the final plans by the Building Official.
3. Payment of fees and posting of bond as required by ordinance.
4. Prohibit the use of the outside teller machine until such time as a total of 18 feet of property is secured f or two lanes of traffic on the outside, 5 ft. of which must be retained as a landscaping strip on the north side.

Mr. Gehring explained that the State Fire Code (adopted by the City) , requires the two lanes mentioned in Item No. 4 above in order to provide for emergency access in the event the three teller lanes are in use at the same time. Brent Hilton, representing DSCU, stated that it was his understanding that the additional lane is not a part of the State Fire Code and he requested that this condition be waived.

Mr. Gehring noted that there is a property dispute on the north side of the property (where the teller machines are located) and there is a possibility that the DSCU could petition the

Board of

Adjustment for a variance on the amount of landscaping required. If granted, the fourth access lane could be provided.

Councilman Moore made a motion that this matter be tabled for one week to allow for further research on the Fire Code. Mr. Hilton requested conditional approval subject to resolution of the point in question. Following discussion, Councilman Moore withdrew his motion and Councilman Shafter made the motion that the preliminary and final site plan approval be granted as recommended by staff and the Planning Commission. Mr. Hilton can then work to resolve the property dispute to facilitate a fourth lane for emergency access. Councilwoman Wilcox seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER CHANGES TO CHAPTERS 7 AND 8 OF ZONING ORDINANCE - DEVELOPMENT STANDARDS FOR PUD'S

At 7:45 p.m. Mayor Cushing opened the public hearing regarding approval of changes to Chapters 7 and 8 of the Zoning Ordinance. Mr. Gehring reviewed that when the new zoning ordinance was adopted, Chapter 7 (dealing with density incentive bonus) was included with the intent that it be a means of raising the quality of multi-family developments in the City. Originally, PUD's were a part of this chapter. Since the adoption of the ordinance it has been found that the requirements and restrictions of Chapter 7 are quite restrictive for PUD's and do not allow for the creativity which can enhance the PUD community.

Therefore, it is staff recommendation that the ordinance be amended to correct this problem by removing any references toward PUD's from Chapter 7 and to add the PUD-related matters to Chapter 8.

Mayor Cushing called for comments from those in attendance. There were none. ~Mr-%ehring indicated that the ordinance would be prepared and presented for adoption at the next regular meeting.

COMMITTEE REPORTS

None

Mr. Hardy asked the Council if they would be interested in a tour of the City facilities and he presented several dates. Inasmuch as there was not a compatible time, it was decided to do the tour later in the summer.

The meeting adjourned at 7:53 p.m. on a motion made by Councilman Moore and seconded by Councilman Fowler.