

Minutes of the regular meeting of the City Council held April 12, 1995 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah

Present:	Mayor:	John Cushing
	Council Members:	Samuel Fowler, Barbara Holt, William Moore, Harold Shafter and Ann Wilcox
City Manager:		Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Planning/RDA Dir:	Blaine Gehring
	Recording Secretary:	Nancy Lawrence

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 Councilman Shafter led the pledge of allegiance to the flag. The invocation was offered by Councilman Fowler.

Minutes of the regular meetings of the City Council held March 15, 1995, March 22, 1995 and the special meeting on March 31, 1995 were presented and unanimously approved as written on a motion made by Councilman Moore and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR THREE MARCH PERIODS

Mr. Jenson presented the Expenditure and Expense Reports for three March periods, as follows: March 17-23, 1995 (\$593,445.46); March 24-29, 1995 (\$62,446.27); and the Summary for March in the amount of \$2,382,090.23. The staff responded to questions from the Council, following which Councilwoman Wilcox made a motion to approve the three reports. Councilman Fowler seconded the motion and voting was unanimous.

RECENTLY RETIRED CITY EMPLOYEES RECOGNIZED: LARRY HIGGINS, CLAY KONE, AND JIM STACEY

Mayor Cushing recognized Larry Higgins, Clay Kone, and Jim Stacey and commended them for the many years of dedicated service which they have given to the City of Bountiful. Mr. Stacey served in the Engineering Department for 34 years, Mr. Kone served since 1969, first as an animal control officer and then a peace officer, and Mr. Higgins has been the chief of police for the past 17 years.

The Councilpersons expressed their sincere appreciation to the three retiring employees, noting that the quality of their service and their dedication made the job of an elected official much easier. Each was wished well in their retirement, following which a retirement gift was given to each by the Mayor.

Chief Higgins thanked the Mayor, Council and staff for their support over the years and expressed a vote of confidence to his successor.

FINAL APPROVAL GRANTED TO TWO-LOT SUBDIVISION AT 1205 SO, ORCHARD DR., J. QUINTIN ADAIR, OWNE

Mr. Balling presented the plat for a two-lot subdivision located at 1205 South Orchard Drive (owned by J. Quintin Adair) and reviewed that this plat received preliminary approval from the Planning Commission in February, 1994. The plat has again been reviewed by the Planning Commission and comes with a positive recommendation for final approval, subject to the following conditions:

- 1 . Payment of the subdivision recording fee of \$32.00.
2. Payment of the engineering checking fee of \$60-00.
3. Completion of the corrections on the plat.
4. Payment of water and sewer connection fees to serve the flag lot.
5. Approval of the plat by all utility companies, owners, and city officials.

Councilwoman Holt motioned for final approval as recommended by the Planning Commission and staff. Councilman Moore seconded the motion and voting was unanimous.

FINAL APPROVAL GRANTED TO FRANKLIN FARMS SUBDIVISION, PHASE 2. 2400 SO 150 WEST, RON MARSHALL, DEVELOPER

Mr. Balling presented the plat of Franklin Farms Subdivision, Phase 2, located at 2400 South 150 West. He stated that the plans have been reviewed by the Planning Commission and have received a recommendation for final approval, subject to the following conditions:

1. Provide a 70-ft. diameter temporary gravel tum-around at the end of Lots 209 and 213.
2. Payment of all required subdivision fees.
3. Posting of a site improvement bond as required by ordinance.
4. Providing an up-to-date title report of the property being developed and proper signatures and notarization on the plat for recording.
5. Utility easement over area added to Lot 119 in Phase I.

He said that the staff is recommending a sixth condition and explained that there is an open storm drain on the property which should be covered and it is recommended that the City participate 50/50 with the developer in completing that task. The cost estimate for that work is \$4-5,000.00. Councilwoman Holt motioned for final approval as recommended by Mr. Balling, including all six conditions. Councilman Shafter seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO SIGN ORDINANCE
RE: HOLIDAY DECORATIONS AND GROUND SIGNS**

At 7:33 p.m. the Mayor opened the public hearing to consider amendments to the sign ordinance. Mr. Gehring explained that the focus of the amendments was to limit the number of signs used around holidays because of questionable problems in enforcement; and to address the reader-board signs (which are illegal), that might possibly be placed permanently. He reviewed the proposed amendments, as given in Ord. No. 95-8, following which the Mayor called for public input.

Duane Crowther, owner of Horizon Publishers, called to remembrance a meeting he had with a previous governing body (during the term of Mayor Barlow) in which he had been promised that if the sign ordinance were changed, existing signs would be grandfathered. Mr. Crowther has a ground sign which is not legal under the present ordinance; however, he stated that this sign is more productive in terms of advertising than anything else he does. He said that the layout of his property and the large trees prohibit the use of an elevated sign.

Mr. Gehring noted that reader-board signs have not been legal since the 1980's. The issue of concern at this time is that placement of these portable signs in the ground would not make them legal and the proposed ordinance is addressing this point. Mr. Gehring also indicated that the sign referred to by Mr. Crowther is not in

Bountiful city limits and is not subject to this ordinance. (This statement was later questioned in the meeting. Since Mr. Crowther had left the meeting, Mr. Gehring said he would check out the exact boundaries of Mr. Crowther's property and notify him if there was a change in the information given him).

Councilman Shafter questioned the 45-day sign period, noting that if signs were used for each holiday, the 45-day period would be overlapping and there could be more signs than desirable. Mr. Mahan said that 45 days was designated to accommodate Christmas and the ordinance is easier to work with if that * time period is kept uniform. Councilman Moore suggested that the time limit be shortened and an exception made for Christmas. Councilwoman Holt clarified that the rationale of the Planning Commission was that most businesses would not use the 45 days and that it would not be a problem. Mr. Mahan pointed out that the 45 days has been effective in the previous ordinance and is not a change in this ordinance. The change in this ordinance is to *specift the holidays* which apply.

Councilwoman Holt made a motion to adopt Ordinance No. 95-8 entitled, AN ORDINANCE AMENDING SECTIONS 11-8024 AND 11-10041 OF THE BOUNTIFUL CITY SIGN ORDINANCE BY SPECIFYING THE HOLIDAYS FOR WHICH HOLIDAY RELATED DECORATIONS AND SIGNS MAY BE DISPLAYED AND BETTER DEFINING TYPE AND USE OF GROUND SIGNS and authorize the Mayor and City Recorder to sign it. Councilman Shafter expressed concern that defining the specific holidays might be seen as discriminating and he suggested that the original wording be used, i.e., *any national, local or religious holiday*. Councilwoman Holt amended her motion to reflect this suggestion, the motion was seconded by Councilman Moore and voting was unanimous.

FINAL APPROVAL GRANTED TO COUNTRY SPRINGS PUD, 1800 NO, 200 WEST, MARSHALL/JENKINS DEVELOPERS

Mr. Balling presented the plat of Country Springs P.U.D. at 1800 North 200 West (Clark Jenkins and Ronn Marshall, developers) and said that this development was reviewed by the Planning Commission on September 6, 1994 and recommended for final approval, subject to 8 conditions. All of the conditions have been met except No. 1 (That the developer provide a blanket easement to the City for installation of utilities to be held until the PUD is recorded) and No. 5 (provide all easements as required by the City for utility service) which will appear on the final plat. Mr. Balling recommended that final approval be granted subject to Items 1 and 5 being completed and that a letter from the title company be provided to assure that when the plats are signed the protective covenants of the PUD are in place. Councilwoman Holt made a motion to this effect, Councilwoman Wilcox seconded the motion and voting was unanimous.

JMR CONSTRUCTION AWARDED CONTRACT FOR CONCRETE CONSTRUCTION PROJECTS FOR 1995

Mr. Baling reported that bids were opened on April 4, 1995 for the construction of 20 concrete repair projects throughout the city, as well as concrete repair projects where the City participates with the home owners on a 50/50 basis. Three contractors submitted bids and it is the recommendation of staff that the low bid from JMR Construction Company in the amount of \$288,880 be accepted. He stated that this company has had the concrete contract for the past two or three years and has performed well. Councilman Shafter motioned to approve the JMR Construction bid, Councilman Fowler seconded the motion and voting was unanimous.

BRIDLEWOOD SBDVN PHASE 6 AND BRIDLEWOOD SOUTH SBDVN PHASE 1 GRANTED FINAL ACCEPTANCE

Mr. Balling reported that Bridlewood Subdivision Phase 6 and Bridlewood South Subdivision Phase 1 are completed. The site improvements meet the City standards and specifications and the improvements have been inspected and passed through the winter (one year) season in acceptable condition. He recommended that the City Council accept

these subdivisions as completed projects, take over the normal requirements for maintenance and upkeep, and fully release the subdividers of any further obligation. Councilwoman Holt made a motion to this effect, Councilman Fowler seconded the motion and voting was unanimous.

**APPROVAL GIVEN TO SUBMIT GRANT APPLICATION
TO STATE FOR "BARTON CREEK" PARK**

Mr. Hardy referred to a letter from the State Department of Natural Resources regarding grant applications for riverway enhancement, non-motorized trails, and motorized trails programs. He reviewed that 3 to 4 years ago the city acquired the Eggett property, just below the Barton Creek detention basin, in anticipation of developing a park. He suggested that the City apply for a matching grant to develop this area. The cost estimate is \$121,000 (City share to be \$60,550). The Rotary Club has offered to donate the labor and costs of the bowery (\$18,500), which would leave the city a balance of \$42,050.00. He recommended to the Council that a grant application be submitted and that this project be completed this summer.

In response to a question from Councilwoman Wilcox, Mr. Balling said that there is not enough money in the budget to do this project by ourselves (i.e., the City), if we were unsuccessful in getting the grant. Councilman Fowler motioned to submit the grant application as reviewed. Councilman Shafter seconded the motion and voting was unanimous.

PAUL RAPP APPOINTED POLICE CHIEF

Mayor Cushing reported that there were 175 applicants for the opening of Bountiful Police Chief. The City Council gave the Public Safety Committee (Councilwoman Holt, Councilman Moore, Mayor Cushing and Mr. Hardy) direction as to the type of person they would like selected, and to look closely at those who had been working in the department. He said that all of the candidates interviewed brought a great deal of experience, education, and academics and were highly recommended by their peers and the citizenry. Following the interviewing process, and recognizing the difficulty in having to narrow to one person, it is the recommendation of the Public Safety Committee that Paul C. Rapp be appointed as Chief of Police.

Mr. Rapp expressed appreciation for the confidence which has been placed in him. He said that he is a "local product" and feels an obligation to give something back to the community. He recognized the retiring department employees (Mr. Kone and Chief Higgins) and said that he has never met a "finer administrator or individual than Chief Higgins". Councilman Moore motioned to officially appoint Mr. Rapp as Police Chief. Councilman Shafter seconded the motion and voting was unanimous.

Mr. Rapp was administered the Oath of Office by Mr. Jenson, following which Julie Rapp, Paul's wife, was called on to give a few remarks.

The meeting adjourned at 8:22 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Shafter.