

Minutes of the regular meeting of the City Council held December 6, 1995 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	John R. Cushing
	Council Members:	Samuel R. Fowler, Barbara Holt, William P. Moore, C. Harold Shafter, and Ann Wilcox
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	City Treasurer:	Galen Rasmussen
	Dep. City Recorder:	Kim Coleman
	Planning/RDA Director:	Blaine Gehring
	Department Heads:	Neal Jenkins, Parks/Recreation Clifford Michaelis, Power Paul Rapp, Police
	Recording Secretary:	Nancy T. 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 Moore led the pledge of allegiance to the flag. The invocation was offered by Mr. Balling.

Minutes of the regular meetings of the City Council held November 8 and 15, 1995 will be presented for approval at next weeks meeting.

EXPENDITURES AND EXPENSES APPROVED FOR THREE NOVEMBER PERIODS Mr. Jenson presented the Expenditure and Expense Reports for the following periods:

November 10-16,1995.	\$165,213.05
November 17-22,1995.	213,434.80
November 23-28, 1995.	54,425.98

Following a short discussion, these expenditures were approved on a motion made by Councilman Moore and seconded by Councilwoman Wilcox. Voting was unanimous.

PRESENTATION OF BEAUTIFICATION AWARDS

Mayor Cushing reviewed that presentation of annual beautification awards has become an increasingly fine effort in our city. Under the direction of Elaine McKay (Bountiful Birthday Gift Committee chairman) Co-chairpersons Earl and Joyce Thomas, and neighborhood chairmen, 191 nominations were submitted for consideration this year. The following individuals/entities were presented with a plaque by Mayor Cushing:

Businesses

Alpha Graphics, 265 South Main;
Gordons Copy Center, 35 West 4W North

Religious Locations

Bountiful LDS Temple

Schools

Bountiful Junior High

Civic

Bountiful Post Office
Bountiful City Parks & Recreation, North Canyon Park

Residences

Melvin Hatch & Lamar Hatch
Kerry & Charlotte Davis
Robert & Heather Erickson
Mrs. Luella Wheeler
Mrs. Wini Davidson
Francis & Delores Anderson
Jerry & Carma Clarkson
Lynda Sjoberg
Grant & Marva Randle
Marleen Skabelund
Tom & Sherry Johnson
Michael & Cheri Argyle
Bud & Andrea Powers
James Eckersell
Dale & Cheryl Burningham
Earl & Norma Spencer
Ron & Shirlene Day
Roy & Evelyn Boulton

395 East Center
673 East Hills Drive
672 East 1050 North
222 East 2450 South
90 West 1950 South
66 East Wicker Lane
788 East Emerald Hills Dr.
920 South 400 West
1381 South Oakridge Lane
469 South 1300 East
676 East 500 South
98 North 800 East
2321 South Bountiful Blvd.
219 West 1400 North
2807 Cave Hollow Way
3903 South Bountiful Blvd.
2764 South 200 West
198 West 2800 South

Mayor Cushing thanked these citizens for their efforts to help make Bountiful the beautiful city that it is. The awards were based on building design and remodeling, landscaping, grounds and flowers, lighting, etc. Nominees who did not receive a plaque were recognized with a certificate.

REVIEW OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR 1994-95 - GRANT THORNTON

Mayor Cashing reported that the Public Safety and Finance Committee met yesterday with representatives from Grant Thornton (the outside audit firm) to review the completed audit. Ray Westergard and Kevin Kilpack of Grant Thornton were in attendance to review the Comprehensive Annual Financial Report (CAFR) and respond to questions from the Council. Mr. Westergard explained the composition of the audit report, noting that all financial statements, schedules, and reports were prepared by the City. The audit firm prepared a letter to the Mayor and Council which reported that the financial position of the City and the results

of operations and cash flows of its funds are in conformity with generally accepted accounting principles. He said that this clean opinion is the highest an entity could achieve. As a resident of Bountiful, Mr. Westergard stated that he is proud to know that the City is in good financial condition.

Mr. Kilpack expressed appreciation to Mr. Jenson, Mr. Coleman and the staff for their assistance during the audit (which involved 5-600+ hours). He complimented the staff for their accurate reconciliations and transactions which involve 37 funds and approximately 3,800 specific accounts. He noted that the report prepared by Bountiful is more extensive than required by law because it has been designed to meet the Certificate of Achievement for Excellence in Financial Reporting program. Bountiful has been awarded this Certificate for the past 15 years. The report begins with the combined financial statements and is followed by notes and the details of each account. The final portion of the report is the statistical section.

Councilwoman Wilcox thanked the auditors for their assistance in understanding the audit and the excellent way in which they worked with the city. Following a short discussion, Councilman Shafter made a motion to accept the CAFR as presented, Councilman Fowler seconded the motion and voting was unanimous. On behalf of the Public Safety and Finance committee, Councilman Moore stated that this kind of achievement doesn't just happen and he recognized Mr. Hardy for setting this expectation and the staff for accepting the challenge.

BOUNTIFUL CITY GOLF COURSE

GIVEN NEW NAME - BOUNTIFUL RIDGE GOLF COURSE

Mr. Hardy reviewed that the golf course has been completed for 20 years and it is the staff's recommendation that it be given a name descriptive of the course. Two names have been proposed (Bountiful Ridge Golf Course and Shadow Ridge of Bountiful Golf Course). The Council discussed these two options and voted unanimously to name the course *Bountiful Ridge Golf Course*. The action was ratified on a motion made by Councilman Fowler and seconded by Councilman Shafter.

YALE INDUSTRIAL TRUCKS AWARDED

FORKLIFT BID - POWER DEPARTMENT

Mr. Michaelis reported that bids were opened November 21 for a fork lift to replace the 20-year-old equipment presently being used. It is the recommendation of the Power Commission and staff to award the bid to low bidder, Yale Industrial Trucks, in the amount of \$20,410.00. The budgeted amount was \$25,000.00. Councilman Shafter motioned for approval, Councilman Moore seconded the motion and voting was unanimous.

APPROVAL GRANTED TO PURCHASE VEHICLE

FOR POWER DEPT. - RIVERTON MOTORS

Mr. Michaelis reported that a vehicle was included in the budget to replace the 1983 Chevrolet. The State Bid offers a 1996 Oldsmobile 88 which meets the specifications required and it is recommended that approval be granted to purchase this vehicle for \$19,146.30. Riverton Motors is the State Bid vendor for this item. Mr. Michaelis explained that this vehicle is used by the crews when they attend training, the purchasing agent uses it when orders are picked up, and others use it for miscellaneous department transportation needs. It is the recommendation of staff and the Power Commission that the purchase be approved. Councilman Shafter motioned for approval as requested. Councilman Fowler seconded the motion and voting was unanimous.

ORD. NO. 95-24 ADOPTED: ANNEXATION OF 58 ACRES

ON SOUTH END OF CITY

Mr. Mahan reviewed that the last step in the annexation process is to adopt an ordinance and the Council is at that step with the request to annex 58 acres on the south end of the City. He said that the Policy

Declaration had been approved and there were no protests filed. He then presented Ordinance No. 95-24 entitled AN ORDINANCE DECLARING THE ANNEXATION OF TERRITORY TO THE CITY OF BOUNTIFUL, UTAH and recommended that it be adopted. Councilman Moore made a motion to approve the ordinance as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous

ANIMAL CONTROL SERVICE AGREEMENT WITH DAVIS COUNTY APPROVED

Mr. Hardy reviewed that Davis County Animal Control has provided animal control services for the City for the past six years; prior to that the City had its own animal control division and used the Countys animal shelter. He said that the level of service provided by the County has been good and he complimented Davis County Animal Control for their professionalism. At the discretion of the Council, it is time to approve the Animal Control Service Agreement for 1996. There is no increase in the amount requested (\$26,994.94) which is funded on a pro-rated basis of 50 percent of the cost of providing the service. The County bears one-half of the cost, which is funded from revenues generated from the sale of dog licenses and shelter fees. It is the staff recommendation that this Agreement be approved. Councilwoman Holt made a motion to approve the Agreement and renew it for the 1996 calendar year. Councilman Shafter seconded the motion and voting was unanimous.

BOUNTIFUL SHADOWS PLAT B GRANTED PRELIMINARY APPROVAL

Mr. Gehring reviewed that Louis Falvo, representing Papanikolas Brothers (Bountiful Shadows Subdivision, Plat B - 58 lots) was before the Council about one month ago for preliminary approval and due to some concerns, this matter was delayed for further negotiation. One of the concerns was the recommendation on the part of the City that a paved, fenced walkway be provided to Viewmont High School between lots 86 and 87. Following further research and a meeting with Viewmont High School principal, Paul Waite, it is recommended that the requirement for the walkway be stricken. Other areas of concern to Mr. Falvo have been resolved and stand as originally recommended. Therefore, it is the recommendation of staff and the Planning Commission that Bountiful Shadows subdivision, 100 West 1500 North, receive preliminary approval, subject to the following conditions:

1. Lots 92 and 93 be eliminated from the plan. (These lots are in the commercial zone.) A rezoning request may be used to change the boundary.
2. A 20-foot-wide dedicated right-of-way be provided to Bountiful City between lots 88 and 89 for access to the detention basin and the power substation. Bountiful City will pave the right-of-way and install chain link fence along the sides. This right-of-way will replace the right-of-way used by Bountiful City for the past 20 years.
3. Existing sewer and water lines which bisect some of the lots shall be relocated at the developers expense as approved by the City Engineer.
4. Lots 77, 78, 79, 80, 86 and 87 shall define the building limits on the final plat.
5. Buildings placed on lots 75 through 88 will have no openings into the building below the flood line. (One foot above the top of the finish street grade or the top of the concrete channel wall on Stone Creek, whichever is greater).

6. All existing utilities shall be located by position and elevation and field verified on the final construction drawings.
7. Existing power poles on Pages Lane shall be relocated as needed at the subdivisions expense.
8. The sidewalk shall be located four feet from the curb on Pages Lane.
9. All damaged curb and gutter on Pages Lane shall be replaced.
10. The storm drain on Pages Lane must be protected from damage or replaced as per the agreement in the first phase of development.
11. The final drawing to meet all provisions of the subdivision ordinance and approval by the City Engineer.

Councilwoman Holt made a motion to grant preliminary approval to Bountiful Shadows, Plat B, as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

**FINAL APPROVAL GRANTED TO PHASE ONE, OF
20 MULTIPLE-FAMILY UNITS - G. HORSLEY, DEVELOPER**

Mr. Gehring presented the site plan of the proposed 20 multiple-family units at 385 West 200 North (Grant Horsley, developer) and said that preliminary site plan approval has been granted for the overall development and final approval for the first phase is requested. It is the recommendation of staff and the Planning Commission that this approval be granted, subject to the following conditions:

1. Phase 2 must be expanded if built separately from Phase 3 to have enough area for a total of 8 units between Phases 1 and 2.
2. The minimum separation between buildings must be 20 feet.
3. All driveways leading to single car garages must have a minimum depth of 18' as measured from the inside of curb to the garage door.
4. Phase 2 must provide for a 70' turnaround if built separately from Phase 3.
5. Adjust finish grades on curb and gutter to a uniform minimum grade of 1 %.
6. Payment of engineering checking fee of 40 cents/foot of road for that portion of road in Phase One as determined by the City Engineer.
7. Payment of all water and sewer connections at time building permits are issued.
8. Occupancy of building will not be allowed until all site improvements for Phase One, including landscaping, are completed.
9. Provide irrigation system to the approval of Bountiful Water Subconservancy District.
10. Provide all required utility easements for water, sewer, power, fuel, telephone, cable TV, as needed.

Councilwoman Holt made a motion to grant final site plan approval to the first phase (a triplex) of the 20 multi-family units as proposed. Councilman Moore seconded the motion and voting was unanimous.

PRELIMINARY AND FINAL SITE PLAN APPROVAL
GRANTED FOR MC DONALDS RESTAURANT, 490 SO 500 W

Mr. Gehring reported that preliminary and final site plan approval has been requested by McDonalds Restaurant at 490 South 500 West (present site of Lees Cafe). The Planning Commission has reviewed this request and recommends approval subject to the following conditions:

1. The landscaping plan needs to show the sprinkling and irrigation system.
2. The building plan calls for 98 fixed seats which would require 49 parking stalls by ordinance. The plan shows 43 parking stalls. Final building plans needs to show 86 fixed seats or 6 additional parking stalls.
3. A demolition permit is required for the existing building removal and all utilities must be marked and identified for future use.
4. The sanitary sewer proposed to use existing sewer lateral. Tle fee may be required if the drainage units are increased. The grease trap needs approval of the South Davis Sewer District.
5. The existing culinary water needs to be identified (size and location). If the existing water service cannot be used a new 1½ inch meter will be required. The cost will be \$3,850.00.
6. Storm drainage retention must be provided on site or a runoff fee of \$2,100.00 per acre is required. The total fee for 1.147 acres is \$2,409.00.
7. The site plan shows a low point that does not drain on the north side of the entrance from 500 West. This should be corrected.
8. The entrances and exits from both street need to be approved by U.D.O.T.. These are State highways.
9. The drainage into the U.D.O.T. storm drain needs to be approved by U.D.O.T..
10. The plans must be approved by Davis County Health Department for food handling.
11. The City needs a 7-ft-wide utility easement along the frontage of both streets.
12. The Power Department will require easements and fees for service to this building. These items are required before issuance of a building permit.
13. Sight lines for clear vision of traffic at the driveways need to be reviewed by Staff for compliance with City ordinances.
14. The dumpster area and the easements for the Power Department to be reviewed by Staff for compliance with City ordinances.

Mayor Cushing noted that the change from Lees Cafe to McDonalds will close the chapter of an era of the family-owned business. He expressed appreciation to the owners of Lees Cafe for their contribution to the

community over the years. Councilwoman Holt made a motion to grant preliminary and final approval to the plans of McDonalds, as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

OMNIBUS ORDINANCE NO. 95-25 ADOPTED

Mr. Mahan commented that several items have come to his attention which need clarification and an omnibus ordinance has been prepared to address them. He said that it is not mandatory to adopt this ordinance tonight and invited discussion on Ordinance No. 95-25 entitled AN ORDINANCE ADOPTING THE 1994 FIRE CODE, DECLARING CONSTRUCTION WITHOUT REQUIRED PERMITS TO BE A PUBLIC NUISANCE, ESTABLISHING A FEE FOR ENGAGING IN BUSINESS BEFORE OBTAINING A LICENSE, PROHIBITING THE LEASING OF PREMISES TO UNLICENSED BUSINESSES, ESTABLISHING A UTILITY DISCONNECTION FEE, LIMITING CATS TO THREE PER RESIDENCE, DECLARING THE RAISING OF BEES TO BE A PUBLIC NUISANCE, PROHIBITING FIGHTING WITHIN THE CITY LIMITS, AND RESTRICTING THE SAVING OF PLACES ALONG PARADE ROUTES.

Councilman Fowler recommended that Section 11 be withdrawn (relating to the location of dog runs). He had requested action on this item and following further consideration, he agreed with the logic of staff that it would be difficult to enforce. He said he would contact the citizen who had requested action and apprise them of the handling of this matter.

Discussion focused on Section 8, saving places for the parade, and Councilwoman Holt recommended that saving places be prohibited prior to 10:00 a.m. on the day of the parade. Councilman Shafter expressed concern regarding the attempt to control the number of cats kept at a residence. Many ideas were shared by the Council and Mr. Gehring suggested that this section be tabled to permit further study, with a report coming back to the Council in two months. Councilman Moore made a motion that Ord. No. 95-25 be adopted as presented, with the following recommendations: table Section 5; use version A of Section 8; omit Section 11. Councilman Shafter seconded the motion and voting was unanimous.

Mr. Mahan said that the entire code will be updated by the end of the month] will include a clean copy of this ordinance.

APPROVAL GWEN TO PURCHASE 3 VEHICLES FROM HINCKLEY DODGE FOR POLICE DEPARTMENT

Chief Rapp reported that two replacement vehicles were included in the budget and it is necessary to purchase a third vehicle to be used by the new Lieutenant position. Because the police package vehicles normally available from Ford are not available due to quotas already being filled, other vehicles were researched. It has been determined that the Dodge Intrepid, available on the State bid from Hinckley Dodge in Salt Lake City, will satisfy the needs for a patrol vehicle.

It is the staff recommendation that approval be given to purchase three (3) Dodge Intrepid units @ \$16,380 each, totalling \$49,140.00. The budget includes \$35,000 for the purchase of two vehicles; and the remainder of the money will come from the Police Department Capital Contingency fund. He stated that the State bid is \$1,300 lower than the lowest local dealer bid. Councilman Moore motioned to approve the purchase of three police vehicles, as presented, not to exceed \$49,140.00. Councilman Shafter seconded the motion and voting was unanimous.

PUBLIC HEARING SET TO CONSIDER EXTENSION OF BOUNTIFUL BOULEVARD

Mr. Hardy recommended that a public hearing be scheduled January 3, 1996 at 7:00 p.m. to consider the extension of Bountiful Boulevard and that the meeting be held at the Bountiful High School auditorium. He suggested that the format for the meeting be a 20-30 minute overview and summary by staff, with 45 minutes following for *each* of the groups who favor and oppose the extension. At the end of the apportioned hearing time, the Council would have time to respond. In the meantime, he noted that materials will be available at the City Hall for persons to study to become informed on the subject. Councilman Shafter made a motion to set the hearing as recommended. Councilman Fowler seconded the motion and voting was unanimous. It was noted that this will be the *regular meeting* for the week.

EXECUTIVE SESSION SCHEDULED

At the request of the Mayor, Councilman Moore made a motion to adjourn the meeting to executive session for the purpose of discussing pending litigation. Councilwoman Holt seconded the motion and the meeting adjourned at 8:41 p.m. Voting was unanimous. Attendance at executive session. Mayor and Councilpersons Shafter, Fowler, Holt, Moore, and Wilcox; Mr. Hardy, Mr. Mahan, and Mr. Balling.