

Minutes of the regular meeting of the City Council held May 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 Prosecutor:	Matt Barneck
	City Engineer:	Jack Balling
	City Treasurer:	Galen Rasmussen
	Dep. City Recorder:	Kim Coleman
	Department Heads:	Neal Jenkins, Parks/Rec. Jerry Lemon, Fire
	Recording Secretary:	Nancy Lawrence
Absent:	City Recorder:	Arden Jenson
	Planning/RDA Director:	Blaine Gehring

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 Mr. Coleman led the pledge of allegiance to the flag. The invocation was offered by Mr. Barneck.

Minutes of the regular meeting of the City Council held May 17, 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 PERIOD MAY 12-18, 1995

Mayor Cushing presented the Expenditure and Expense Report for the Period May 12-18, 1995 in the amount of \$542,556.97 and called for input from staff and the Council. Mr. Coleman verified that there were no corrections to be made to the report and following a brief discussion, the expenditures were unanimously approved as presented on a motion made by Councilwoman Wilcox and seconded by Councilman Shafter.

CERTIFICATE OF APPRECIATION GIVEN TO JACK BALLING FROM DAVIS CO. SCHOOL DISTRICT

Lynn Trenbeth, Assistant Superintendent representing the Davis County School District, presented Mr. Balling with a Certificate of Appreciation for his support of the School District on child safety issues. Ms. Trenbeth stated that Mr. Balling has served above and beyond the call of duty as District Chairman of the Child Access Safe Routing Plan and as the professional advisor for the Committee to Determine Hazardous Bus Routes for the County. She indicated that this was an admirable task on the part of Mr. Balling. On behalf of the Davis County School District and Superintendent Kendell, Ms. Trenbeth presented Mr. Balling with a certificate of appreciation and thanked him for his concern and the responsibility he assumed in dealing with the child safety matters.

PRESENTATION OF CENTENNIAL PLAN BY STUDENTS FROM MEADOWBROOK ELEMENTARY SCHOOL RIVER COMMITTEE - KRISTY MUI

Jesse Amaya, Jennifer Adduddell, Tyler Musgrave, Nicole Muir (Meadowbrook Elementary students), and their leader, Kristy Muir, made a presentation to the Council regarding the plan for focusing an awareness on the out-of-doors through the River Committee. Mr. Amaya explained that the Committee has planned and is implementing an out-door classroom which will include a 40-60 seat amphitheater, a fire pit, adobe bricks, and a tepee. The logo of the Committee is START (Stop Trashing and Restore Together). The educational goals and instructional media were presented by Mr. Amaya and he requested support from the community in the development

of the amphitheater, which may also be used by community groups. Miss Adduddell noted that some people never get a chance to go out in nature and do not gain an understanding of the importance of preserving the environment and this project will provide that experience. Mr. Musgrave emphasized the importance of clean water and Miss Muir shared the pride of being selected to be a Centennial School. Their leader, Kristi Muir, indicated that she attended Meadowbrook Elementary School as a child. She played along Barton Creek and felt badly about the trash and pollution of the creek. However, she felt helpless in knowing how to remedy the problem. She said it is her desire for the children to learn they can empower themselves by approaching the Council and that they will realize that one person can make a difference. She requested the support of the City, and Mayor Cushing and Councilwoman Wilcox assured her of the City's backing.

CERT GRADUATION CERTIFICATES PRESENTED

Bob Stell, Bountiful Fire Department, reported to the Council on the CERT (Citizen Emergency Response Team) training which has recently been completed by a pilot group of citizens. He reviewed that the Council had approved funding for this pilot program and he stated that it was very successful. In recognition of the training and completion of the course, Capt. Stell, Sgt. Grant Hodgson (Bountiful Police), and Lt. Porter (Bountiful Fire) presented the following individuals with Certificates of Graduation:

Randall Anderson Newell Bryson Debbie Bowlers Robert Carlsen Ron Hoffinan Judy Kuepper Keesha Morris Mike McKee Roger Neumann Linda Porter Wayne Pascoe Keith StowellIC John VanBeekum. Kyle Winkler Donna Walters Herbert BroughtonL. Keith Bishop Dan Craig Richard Denton David R. Henroid Mark Liddle Deanna Murdock Pam Mitchell Jerry Ostermiller Andrew Podlesny John Rice Chad Tanner Judy Wadsworth Doreen White

Bob Bodily Brian Browning Tony Collard Cheryl Gren Mike Kuepper Rick Morris Reed Maynard Bill McFarland Henry Ploeger Betty Podlesny Paul Reimann J.R. Trease John Wadsworth Reldon White

The Mayor and Council congratulated each recipient and thanked the citizens and staff for the strong support of this program.

BEER LICENSE OF RAINBO OIL SUSPENDED FOR 30 DAYS - 515 SOUTH 500 WEST

Mr. Barneck reviewed that the police department conducts a compliance check on a quarterly basis to determine the availability of alcohol to minors through illegal sales. If a business fails two of three consecutive checks, it has been the policy of the City Council to request issuance of an Order to Show Cause and consider the suspension or revocation of the subject license. Rainbo Oil failed the compliance checks on September 22, 1994 and March 30, 1995 and the Order to Show Cause was issued. Mr. Barneck showed photos of the juvenile informants to whom sales were made and a copy of their driver's license I.D. Mr. Barneck noted that this is the first time Rainbo has been before the City Council for compliance violation.

Dale Guest, counsel for Rainbo, reviewed the training procedures which are used by Rainbo. He noted that as of April 1, 1995, employees are required to complete their training before they begin work in the stores. He said that the Rainbo stores now have a cash register program which requests I.D. information when an alcohol or tobacco sale is made.

Mayor Cushing thanked Mr. Guest for his preparation and acknowledged his professionalism. Councilman Shafter motioned to suspend the liquor license of Rainbo Oil for 30 days, commencing Saturday, May 27 at 00:01 a.m. and ending June 25, 1995 at midnight. Councilman Moore seconded the motion which carried unanimously.

Councilman Shafter asked Mr. Guest about the register program which alerts the cashier to the sale of alcohol and tobacco. Mr. Guest stated that this software is available on the market and Councilman Shafter asked Mr. Barneck to inform all liquor license holders of the program.

CONSIDER FINAL APPROVAL OF FAIRWAY OAKS SBDVN., 2500 So 900 East, Clark Jenkins% Developer

This item tabled to a future meeting.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
NEWPORT HEIGHTS CONDO, PHASE 6 - RUSSELL CAMELL**

Mr. Balling reviewed the plans for Newport Heights Condominiums, noting that the first five phases have been completed. The last phase, No. 6, has been reviewed by the Planning Commission and it is their recommendation that preliminary and final approval be granted subject to the following conditions:

1. Payment of an impact fee of \$100 per dwelling unit (\$100.00).
2. Payment of the engineering checking fee of \$30 per dwelling unit (\$60).
3. Payment of the water and sewer connection fees as required.
4. Change the plat to comply with the boundary.
5. Submission and review of final building plans.
6. Payment of recording fees as required by Davis County.
7. Submission of condominium covenants for recording.

This also comes with the recommendation of staff. Councilwoman Holt made a motion that preliminary and final approval be granted, subject to the conditions outlined by staff. Councilwoman Wilcox seconded the motion and voting was unanimous.

**APPROVAL GRANTED TO PURCHASE PROPERTY
FOR PUBLIC SAFETY BUILDIN**

Mr. Hardy reported that the owners of the property contiguous to the City Hall property have consented to sell a portion of their property to be used in the new public safety building project. He said that it is the recommendation of staff that the City acquire this property, a portion of Lot 9, Cooper Subdivision, for \$35,100.00. The property is included in the Haacke family trust, John and Ada Haacke, trustees. Councilman Fowler made a motion to authorize the purchase of the Haacke property in the amount of \$35, 100 to assist in building of the public safety building Councilman Shafter seconded the motion and voting was unanimous.

**THOMAS LUND CONSTRUCTION AWARDED
BID TO CONSTRUCT BOWERY AND RESTROOMS -
BOUNTIFUL JAYCEE PAR**

Mr. Jenkins reported that bids were received from six companies to construct a park bowery and restrooms at the Bountiful Jaycee Park. It is the staff recommendation that the bid be awarded to low bidder, Thomas Lund Construction, in the amount of \$35,670.00. Although only 32,000 was budgeted, Mr. Jenkins stated that there is adequate money in the budget due to savings on other projects. Councilman Fowler motioned to accept the low bid, as presented. Councilwoman Holt seconded the motion and voting was unanimous.

COMMITTEE REPORTS

Mayor Cushing commented on the editorial in yesterday's *Clipper* in which the "City Council and mayor ignored Bountiful citizens on a rezone decision". He said that "to ignore those things you know which are improper or unfair, is to condone. " Therefore, he clarified the issue and stated "there is a difference between *ignore* and *disagree*". Each person has the opportunity to agree or disagree on an issue. In the matter of the rezone, some of the City Council, Planning Commission and staff did not see the issue the same way. It was their duty to express themselves honestly.

He also clarified the rumor that the Council and Mayor had met in a retreat in St. George and decided in advance the outcome of this rezone. He said that the elected officials attended a convention of the Utah League of Cities and Towns in St. George. Kent Winegar and his wife were in St. George on business at the same time. However, Mayor Cushing emphasized that any contact between an elected official and the Winegars was purely coincidental. The rezone issue was not discussed in a formal or informal way by any of the elected officials.

The Mayor congratulated each member of the Council for the thorough research which they did prior to the rezone hearing and he complimented them on the integrity which they exhibited in their decision

EXECUTIVE SESSION SCHEDULED

At the request of the Mayor, Councilman Moore made a motion to adjourn to executive session to discuss a personnel matter. Councilman Shafter seconded the motion The meeting adjourned at 8:p.m..