

Minutes of the regular meeting of the City Council held April 3, 1996 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, Alan Johnson, Harold Shafter and Ann Wilcox
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jensen
	City Treasurer:	Galen Rasmussen
	Planning/RDA Director:	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 Councilwoman Holt led the pledge of allegiance to the flag. The invocation was offered by Councilman Fowler.

Minutes of the regular meeting of the City Council held March 27, 1996 were presented and unanimously approved as written on a motion made by Councilwoman Wilcox and seconded by Councilman Shafter.

**EXPENDITURES AND EXPENSES APPROVED
FOR PERIOD MARCH 22-28, 1996**

Mr. Jenson presented the Expenditure and Expense report for the Period March 22-28, 1996 in the amount of \$658,282.21. The report was unanimously approved as presented on a motion by Councilman Johnson and seconded by Councilwoman Wilcox.

**CONSIDER ADOPTION OF ORDINANCE REQUIRING THE
INSTALLATION OF BACK-FLOW PREVENTION DEVICES
BY WATER CUSTOMER**

This item postponed to a later date.

**CONSIDER SITE LEASE AGREEMENT WITH WESTER
WIRELESS FOR TELECOMMUNICATIONS TOWER**

Mr. Hardy reviewed that the Council had previously discussed the subject of telecommunications towers and their regulation, placement, etc. in the City. Subsequent to that discussion, a policy was adopted by the Council and was referenced by Mr. Hardy. He explained that the Planning Commission reviewed the request of Western PCS (Western Wireless) to construct a tower at the top of Vineyard Drive, in the area where the City Kv line comes off the mountain. The Planning Commission granted a conditional use to Western Wireless with the condition that the lease be consummated with the City Council, and that the final placement of the pole and accessory building be coordinated with the Power Department.

Mr. Mahan reviewed the main points of the lease, which is a 5-year lease with the possibility of renewal. The terms are \$500 per month, with a built-in 4 percent increase annually. Discussion focused on the terms and insurance provisions. Following discussion, Councilman Fowler made a motion to approve the Site Lease Agreement with Western Wireless subject to staff review of the exhibits as they relate to assignment of the lease and terms. Councilman Johnson seconded the motion which carried by a majority. Councilman Shafter abstained in view of a possible conflict of interest.

GEODYNE AWARDED BID FOR ASPHALT PRODUCTS

Mr. Balling reported that bids were opened today for bituminous surface mix to be used by the City for

maintenance of public streets. Two companies responded and it is the recommendation of staff that the bid be awarded to low bidder, Geodyne, in the amount of \$311,400.00. Representatives from both companies attended the bid opening and it was suggested that a primary and secondary contract be awarded to provide an alternate supplier for the City at the bid rates. Based on that suggestion, Councilwoman Holt made a motion to name Geodyne as the primary supplier of bituminous surface mix, with Staker Paving being named the secondary supplier (in the event Geodyne cannot supply). Councilman Shafter seconded the motion and voting was unanimous. Mr. Balling noted that the low bid was based on unit price.

**PUBLIC HEARING TO CONSIDER AMENDING ZONING ORDINANCE
BY CREATING A NEW COMMERCIAL RESIDENTIAL (C-R)
MIXED-USE-ZONE**

At 7:30 p.m. the Mayor opened the public hearing to consider amending the zoning ordinance by creating a new commercial residential (C-R) mixed-use zone. Mr. Gehring explained that when the new zoning ordinance was adopted in 1993, there was an effort to keep the residential and commercial zones distinctly separate. The changes that were made at that time have created a hardship for residential properties needing to refinance. Following further study, it is the recommendation of staff to create a mixed-use zone which would buffer the existing commercial zone, and preserve the mixed use character of the commercial and residential uses in the area in question on a conditional use basis.

The following citizens expressed concern about the proposed changes: Gerald Crawford, Russ Newbold, Cheryl Okubo, Ethel Black, Robert and Lori Bergman, and Taz Biesinger. Their major concern was the need to maintain the existing residential atmosphere and preserve the dignity of this neighborhood. Mr. Biesinger suggested that more detail than is proposed be included in the amended ordinance and that the Council delay action until those changes can be made. A long discussion followed regarding the future of the residential neighborhood on either side of Main Street, following which Councilman Fowler made a motion to adopt Ordinance No. 96-3 entitled AN ORDINANCE AMENDING SECTION 142-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED APPROXIMATELY BETWEEN 400 NORTH AND 500 SOUTH AND 100 EAST AND 100 WEST FROM C-G TO C-R, and that the ordinance be amended to contain a new Section I which provides for adoption of the mixed use zone (attached as Exhibit A) and then continue with Section 2 providing for amendment of the zoning map. Councilwoman Holt seconded the motion and voting was unanimous.

COUNCIL COMMITTEE REPORTS

Councilwoman Wilcox reported that the Easter Bunny Trail sponsored by the Youth City Council will be held tomorrow at North Canyon Park. This event is for Kindergarten and pre-school aged children and is free. It will be from 4-5 p.m.

Councilman Johnson reminded that Earth Day is April 20 and activities are planned at Five Points from 11 a.m. to 3 p.m.

EXECUTIVE SESSION TO DISCUSS PROPERTY ACQUISITION

The executive session was cancelled for this evening. Mr. Hardy reported that negotiations are still ongoing to purchase property for the Southeast Substation and the owner has been given another 1 1/2 weeks to respond to the City's offer. If a positive response is not forthcoming by that time, another executive session will be scheduled.

Council Budget Committee Meetings Scheduled: At the invitation of Mr. Hardy, the following budget committee meetings were scheduled:

Parks and Recreation and Fine Arts

Councilpersons Wilcox, Shafter, and Mayor

Monday, April 15 (4:00 p.m.)

Thursday, April 18 (4:00 p.m.)

Power Committee

Councilpersons Shafter, Holt, Johnson

Tuesday, April 16, (6:30 p.m., Power Department)

Streets and Sanitation

Councilpersons Holt, Johnson, Fowler

Wednesday, April 17 (3:00 p.m.)

Public Safety

Friday, April 19 (3:00 p.m.)

Fire Department

Monday, April 22 (4:00 p.m.)

Other Administrative, including Planning

Tuesday, April 23 (6:00 p.m.)

Mayor, Councilwoman Wilcox and Holt

Water and Sewer

Councilmen Johnson and Fowler, Mayor

Wednesday, April 24 (4:00 p.m.)

If follow-up meetings are required, they will be held Thursday and Friday, April 25-26. Mr. Hardy reviewed that the budget will be presented May 1, 1996 in City Council with work sessions scheduled May 8 and 15. May 22 will be a follow-up meeting; there is no meeting on May 29. The public hearing on the budget is June 12, and final adoption will be June 19.

The meeting adjourned at 8:33 p.m. on a motion made by Councilman Johnson and seconded by Councilwoman Holt.