

1 Minutes of the regular meeting of the City Council held November 13, 1996 at 7:00
2 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

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4 Present: Mayor: John R. Cushing
5 Council Members: Samuel R. Fowler, Barbara Holt, Alan
6 A. Johnson, and C. Harold Shafter
7 City Manager: Tom Hardy
8 City Attorney: Russell Mahan
9 City Engineer: Jack P. Balling
10 City Recorder: Arden F. Jenson
11 Recording Assistant: Pam Plaizier
12 Planning/RDA Director: Blaine Gehring
13 Department Head: Paul Rapp, Police
14 Recording Secretary: Nancy T. Lawrence

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16 Excused: Councilwoman: Ann Wilcox

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18 Official Notice of this meeting had been given by posting a written notice of same and
19 an Agenda at the City Hall and providing copies to the following newspapers of general
20 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

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22 Mayor Cushing called the meeting to order and expressed the sympathy of the Council
23 and Community on the death of Councilwoman Wilcox's husband. Councilman Fowler led the
24 pledge of allegiance to the flag. The invocation was offered by Mr. Jenson.

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26 Minutes of the regular meeting of the City Council held November 6, 1996 will be
27 presented at the next regular meeting for approval.

28

29 **EXPENDITURES AND EXPENSES APPROVED FOR PERIODS**

30 **OCTOBER 30-31, 1996 AND SUMMARY FOR OCTOBER**

31 Mr. Jenson presented the Expenditure and Expense Report for the Period October 30
32 31, 1996 in the amount of \$686,011.88 and the Summary of Expenditures for the Month of
33 October totaling \$3,989,153.42. There were no corrections and the expenditures were
34 unanimously approved on a motion made by Councilman Shafter and seconded by
35 Councilwoman Holt.

36

37 **-PUBLIC HEARING SET TO CONSIDER REZONING REQUEST**

38 Mr. Gehring explained that in 1993 a conditional use permit was granted to BK
39 Enterprises for construction of apartments at 2727 South 675 West. Prior to the commencement
40 of this project, and without the City's knowledge that the project was still being considered, the
41 property was rezoned commercial. The developers are desirous of continuing with their
42 planned construction of apartments at 2727 South 675 West and have requested that the
43 property be rezoned from C-G and R-1-6.5 to R-3-25. It is the recommendation of staff and
44 Planning Commission that this request be approved. Councilman Fowler made a motion that a
45 public hearing be scheduled at 7:30 p.m. on December 4, 1996 to consider this matter.
46 Councilman Johnson seconded it and voting was unanimous.

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48

49 **PUBLIC HEARING SET TO CONSIDER AMENDMENT**

50 **TO ZONING ORDINANCE - SIGHT CLEARANCE**

1 Mr. Gehring reported that in the process of reviewing signs for Dick's Market, it has
2 been found that there is conflict in our city ordinances regarding sight clearance at
3 intersections. Therefore, it is the recommendation of staff and the Planning Commission that
4 amendments be made to bring the different ordinances into conformity. He recommended that
5 a public hearing be scheduled for December 4, 1996 at 7:45 p.m. to consider this matter.
6 Councilman Fowler made a motion to this effect, Councilman Shafter seconded the motion and
7 voting was unanimous.

8
9 **PRELIMINARY AND FINAL APPROVAL GRANTED**

10 **TO TWO-LOT SUBDIVISION - ROBERT STEPHENSON, OWNER**

11 **Mr. Gehring presented the plat of a two-lot subdivision at 305 East 3100 South,**
12 **owned by Robert Stephenson, and stated that it is the recommendation of staff and the Planning**
13 **Commission that preliminary and final approval be granted, subject to the following**
14 **conditions:**

15 **1. Provide City easements:**

16 **(a) 7-ft. wide along the west property line, and**

17 **(b) 10-ft. wide along the frontage of both lots**

18 **2. Install a 4-ft. wide concrete walk along the street frontage 4 ft. from curb on or**
19 **before September 1, 1997.**

20 **3. Pay City the cost of installation of water laterals at the time building permits are**
21 **issued.**

22 **4. Pay storm run-off fee of \$2,100.00 per acre for 0.496 acres or a total fee of**
23 **\$1,041.60**

24 **5. Pay Engineering checking fee of \$30.00 per lot = \$60.00**

25 **6. Lots to be sold by metes and bounds descriptions**

26 **7. Pay fees to South Davis Sewer for sewer line installations**

27 **8. Repair all damaged curb and gutter**

28 **9. Payment for all utility lines and street pavement repair**

29
30 **Councilman Shafter asked what will happen if condition No. 2 is not met by September, 1997**
31 **and Mr. Gehring replied that this will be part of the bond guarantee. Councilman Fowler made**
32 **a motion to grant preliminary and final approval as recommended. Councilwoman Holt**
33 **seconded the motion and voting was unanimous.**

34
35 **PRELIMINARY AND FINAL APPROVAL GRANTED TO TWO-LOT**
36 **SUBDIVISION AT 403 EAST CENTER STREET - MARILYN BENNETT**

37 **Mr. Gehring reviewed that Marilyn Bennett, owner of property at 403 East Center, has**
38 **presented a request to divide the lot at that address into two lots. It is the recommendation of**
39 **staff and the Planning Commission to approve the request subject to the following conditions:**

40 **1. Provide city with a 7-ft. utility easement around the perimeter of the lots.**

41 **2. Pay storm run-off fee of \$2,100.00 per acre for Lot A or a total fee of \$437.35.**

42 **3. Pay Engineering checking fee of \$30.00 per lot = \$60.00.**

43 **4. Lots to be sold by metes and bounds descriptions.**

44 **5. Pay sewer, water, power, and other utility costs at the time a building permit is**
45 **issued.**

46
47 **Councilman Fowler made a motion that preliminary and final approval be granted as**
48 **recommended, Councilman Shafter seconded the motion and voting was unanimous.**

1 **APPROVAL GIVEN TO PURCHASE E-911 EQUIPMENT**

2 Police Chief Rapp presented a request to the Council for the purchase of equipment
3 which will increase the capability of receiving and disseminating critical information to those
4 responding to emergency situations. It also features the T.D.D. keyboard which will allow
5 communication with the hearing impaired as they call. The equipment was included in the
6 budget, but will require \$9,047 more than was budgeted. Funding will be from the E-911 fund
7 which is assessed the citizens of Bountiful at \$.50 per month per phone. It is proposed that the
8 equipment be purchased from Plant Equipment, Inc., the current leader in 911 technology.
9 Councilwoman Holt made a motion to take \$9,047 from the E-911 fund to make up the
10 difference on this item and purchase the new E-911 equipment at a total cost of \$76,200
11 Councilman Shafter seconded the motion and voting was unanimous.

12
13 **PUBLIC HEARING TO CONSIDER**

14 **\$10,000 BLOCK GRANT - BICYCLE PATROL PROGRAM**

15 Chief Rapp reviewed a memo which explained the block grant application for \$10,000
16 to expand the existing Bicycle Patrol Program. As a recipient of this grant, the City is required
17 to hold a public hearing, create an advisory board and establish a public treasurer's investment
18 fund. Chief Rapp recommended that the advisory board be comprised of himself,
19 J.C. Ynchausti, Judge Diane Wilkins, Mr. Houghton, representing the Bountiful Area Chamber
20 of Commerce, and Rick Astill, assistant principal at Bountiful High School. The \$10,333 grant
21 will be allocated as follows: \$1,033.00 a matching amount to come from the Police
22 Department overtime fund; \$1,150.00 to be used to purchase equipment, and \$7,350 to be
23 allocated to overtime for the officers involved in the program. The additional \$800 covers
24 miscellaneous costs. Officers can sign up for overtime duty to patrol in high density
25 populations of the City. Mayor Cushing called for input from the audience; there was none.
26 Following discussion, Councilman Shafter made a motion to accept the grant and appoint the
27 advisory committee as recommended. Councilman Johnson seconded the motion and voting

28 was unanimous.

29
30 **APPROVAL GIVEN TO RENEW CONTRACT FOR**

31 **ANIMAL CONTROL SERVICES - DAVIS COUNTY**

32 Mayor Cushing welcomed DeAnne Hess and Sue Roden from the Davis County
33 Animal Control department. Ms. Hess thanked the Mayor for the cooperation which her
34 department receives from Bountiful and then presented a video of the personnel and daily
35 routines of the Davis County Animal Control department. She praised her staff and their
36 dedication and noted that because she has been faced with a high employee turn-over due to
37 low salaries, this year's contract includes a 5 percent increase to provide salary increases. She
38 responded to questions from the Council, following which Mr. Hardy recommended that the
39 contract be approved in the amount of \$28,344.69. Councilman Shafter made a motion to this
40 effect, Councilman Fowler seconded the motion and voting was unanimous.

41
42 **ORD. NO. 96-15 ADOPTED RE: ANNEXATION**

43 **OF PROPERTY IN AREA OF 3000 SOUTH 200 EAST**

44 Mayor Cushing reported that the legal requirements have been followed regarding the
45 annexation proceedings for the property in the area of 3000 South 200 East which commenced
46 with submission of an Annexation Petition to the city on May 17, 1996. The Policy
47 Declaration was approved last week and there have been no protests from other governmental
48 entities. Approximately 63 percent of the property owners in the affected area have signed the

1 petition requesting annexation. Mr. Mahan reviewed Ordinance No. 96-15 entitled AN
2 ORDINANCE DECLARING THE ANNEXATION OF TERRITORY TO THE CITY OF
3 BOUNTIFUL, UTAH and reported that all legal aspects are in order as far as the request for
4 annexation is concerned. Councilman Shafter made a motion to adopt Ordinance No. 96-15
5 and authorize the Mayor and City Recorder to sign it. Councilman Johnson seconded the
6 motion and voting was unanimous. Following the action of the City Council, a disturbance
7 was made by several protesters as they left the room.

8
9 PRESENTATION BY DIANE WILKINS, JUVENILE COURT JUDGE

10 Judge Diane Wilkins, judge of the juvenile court in Farmington, was in attendance and
11 presented the Council with a summary regarding that court. She explained the legal process
12 which is followed between an individual's committing an offense and being arrested and the
13 options that are available depending on the discretion of the law enforcement officer. Hearings
14 may then be scheduled and depending on the case, the end result may be certification as an
15 adult or a serious youth offender, probation, custody to youth corrections, restitution, or
16 termination of custody to family services. She explained the process by which a youth
17 offender is certified as an adult and then tried by the District Court.

18
19 Judge Wilkins reviewed the top criminal offenses committed by juveniles in **1995**,
20 based on State statistics and noted that there are more illegal substance offenses than alcohol
21 related offenses. She expressed alarm at the fact that juveniles are choosing illegal substances
22 for their "parties" instead of the former "beer parties". She expressed hope in working with
23 juveniles because of the low recidivism rate and emphasized the importance of dealing with
24 juvenile crime quickly and appropriately so that youth offenders will be deterred from further
25 illegal actions. She noted that in graffiti cases especially, it is very important to have early
26 intervention to reduce further gang activity. She emphasized a shortage in funding and a critical
27 need to provide more services. Included in the statistics were neglect and abuse, which had
28 respective increases of 94 and 137 percent from 1995 to 1996. She used a pie chart to illustrate
29 that about 1/3 of those who turn 18 are referred to juvenile court. This statistic is fairly
30 consistent from year to year.

31
32 Judge Wilkins emphasized the importance of expecting restitution from juveniles
33 following criminal activity and encouraged the City to submit claims of restitution for property
34 damage. In summary, Judge Wilkins stated that it is the responsibility of all parents to "teach
35 their children to be responsible and accountable and accept the consequences of their choices
36 and actions."
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1 Mayor Cushing thanked Judge Wilkins for her presentation and the meeting adjourned
2 at 8:57 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

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JOHN R. CUSHING, Mayor

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to

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12 ARDEN F. JENSON, City Recorder

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