

1 Minutes of the regular meeting of the City Council held June 25, 1997 at 7:00 p.m. in
2 the Council Chambers of the City Hall, Bountiful, Utah.

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4 Present: Mayor: John R. Cushing
5 Council Members: Barbara Holt, Alan A. Johnson, C.
6 Harold Shafter, and Ann Wilcox
7 City Manager: Tom Hardy
8 City Prosecutor: J. C. Ynchausti City Recorder:
9 Arden F. Jenson
10 City Treasurer: Galen Rasmussen
11 Recording Secretary: Nancy T. Lawrence
12
13 Excused: Councilman: Samuel R. Fowler
14 City Attorney: Russell Mahan
15 City Engineer: Jack P. Balling
16 Planning Director: Blaine Gehring
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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, following which Councilwoman Holt led
23 the pledge of allegiance to the flag. The invocation was offered by Councilman Johnson.
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25 Minutes of the regular meeting of the City Council held June 18, 1997 were presented
26 and unanimously approved as amended on a motion made by Councilwoman Wilcox and
27 seconded by Councilman Shafter.
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29 **EXPENDITURES AND EXPENSES APPROVED**
30 **FOR PERIOD JUNE 13-18, 1997**

31 Mayor Cushing presented the Expenditure and Expense Report for the Period June 13-
32 18, 1997 in the amount of \$166,541.64. Mr. Hardy responded to a question regarding a payment
33 made for damaged trees, following which the Report was unanimously approved as presented on
34 a motion made by Councilwoman Holt and seconded by Councilman Johnson.
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36 **DETERMINE WHETHER OR NOT TO ISSUE**
37 **ORDER TO SHOW CAUSE ON BEER LICENSE -**
38 **RAINBO MART, 515 SOUTH 500 WEST**

39 Mr. Ynchausti explained that employees of Rainbo Oil have sold alcohol to an under
40 age consumer two times in the second quarter of 1997. One of the sales was made to a juvenile
41 decoy during a compliance test. The other sale was observed by a police officer, citations were
42 issued, and the clerk has pled guilty. This sale was not made during a compliance test. The
43 issue at hand is whether the alcohol license of an establishment can be suspended when sales of
44 alcohol to under age consumers has occurred outside the Alcohol Compliance Testing Program.
45 Mr. Ynchausti reviewed that Rainbo Mart has previously failed compliance tests and on May 24,
46 1995 the Council suspended their license to sell alcohol for thirty (30) days. It is the
47 recommendation of staff that the Council issue an Order to Show Cause why Rainbo Mart's
48 license to sell alcohol should not be suspended for a period of sixty (60) days. Following a brief
49 discussion, Councilman Shafter made a motion that an Order to Cause be issued to Rainbo Mart,
50 as discussed, and that a public hearing be scheduled for July 16, 1997 at 7:00 p.m., or as soon
51 thereafter as the matter can be heard. Councilman Johnson seconded the motion and voting was

1 unanimous.

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3 **APPOINTMENTS TO PLANNING COMMISSION**
4 **AND BOARD OF ADJUSTMENT APPROVED**

5 Mayor Cushing reviewed that the terms of service for two members of the Planning
6 Commission and one board of Adjustment member will expire on July 1, 1997. He presented the
7 names of proposed appointments to the Planning Commission and Board of Adjustment and
8 noted that the configuration of the terms will provide a natural staggering of the respective
9 members. He recommended that the following appointments be approved:

10 Planning Commission:

11 Dean Thurgood be appointed to replace Don Milligan

12
13 Board of Adjustment:

14 *Clarence (Bud) Neslen* be changed from alternate to full status to fill vacancy left by
15 Dean Thurgood.

16 *G. Brent Wynn* be appointed as an alternate member of the Board of Adjustment for a
17 four-year term, expiring July 1, 2001.

18 *Paul Summers* be appointed to another term on the board of Adjustment; term will
19 expire July 1, 2001.

20
21 Mayor Cushing stated that the vacancy left by Michael Holmes will not be filled, which will
22 reduce the Planning commission to seven members. Councilwoman Holt made a motion to
23 make the appointments to the Planning Commission and board of Adjustment as recommended
24 by the Mayor. She further requested that a letter be sent to Michael Holmes and Don Milligan
25 expressing appreciation for their service on the Planning Commission. Councilman Shafter
26 seconded the motion and voting was unanimous.

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28 **EXECUTIVE SESSION APPROVED**

29 At 7:17 p.m. Mr. Hardy suggested that the Council recess for executive session prior to
30 the next Agenda item, a public hearing scheduled at 7:30 p.m. Councilman Johnson made a
31 motion that the meeting adjourn to executive session to discuss personnel. Councilman Shafter
32 seconded the motion and voting was unanimous.

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34 Those in attendance at executive session were the Mayor; Councilpersons Shafter,
35 Johnson, Wilcox, and Holt; Mr. Hardy and Mr. Ynchausti.

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37 **PUBLIC HEARING TO RE-OPEN THE 1996-97 BUDGET**

38 The Council reconvened in open session at 7:34 p.m. Mr. Jenson explained that State
39 statute requires the City to stay within budget. Although a good effort is made to prepare the
40 budget as accurately as possible, there are additional revenues that will be used to cover
41 additional expenses for the fiscal year July 1, 1996 - June 30, 1997. He reviewed Ordinance No.
42 97-16 which includes the proposed budget changes and recommended that this ordinance be
43 adopted.

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45 At 7:46 p.m. Mayor Cushing opened the public hearing to receive input regarding the
46 proposed budget changes. There were no comments and the hearing was then closed.

1 Councilman Shafter made a motion to adopt Ordinance No. 97-16 entitled AN
2 ORDINANCE AMENDING THE BUDGETS OF THE CITY OF BOUNTIFUL FOR THE
3 FISCAL YEAR BEGINNING JULY 1, 1996 AND ENDING JUNE 30, 1997. Councilwoman
4 Wilcox seconded the motion and voting was unanimous.

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6 **PUBLIC HEARING TO CONSIDER ADOPTION**
7 **OF IMPACT FEE ORDINANCE**

8 At 7:50 p.m. Mr. Hardy explained that the 1995 State legislature adopted the “Impact
9 Fees Act” which requires cities to perform an analysis before adopting or modifying fees
10 charged for the impact of new development upon the community. Pursuant to that requirement,
11 a water impact fee analysis has been made by City staff. Mr. Hardy reviewed the existing and
12 proposed impact fees, and the capital facilities plan for the culinary water system. The total
13 value of water supply capacity in Bountiful, based on today’s costs, is \$17,689,000.00.
14 Additional projects planned to be completed within the next six years to enhance the supply of
15 water to Bountiful are valued at a total cost of \$1,650,000.00 . Water distribution facilities are
16 valued at \$25,800,480.00.

17
18 Mayor Cushing asked for public input and Barbara Nelson, 1200 North 700 east, asked
19 what impact this will have on her property. Mr. Hardy explained that there will be no affect to
20 property which is on the existing system. There will be an increase in impact fees for property
21 yet to be developed. There were no other comments and the Mayor closed the hearing at 8:01
22 p.m. Action on this matter was delayed until next week at the request of Mr. Hardy.

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24 **COUNCIL COMMITTEE REPORTS**

25 Councilwoman Wilcox thanked all who participated in Youth in Government Day
26 which was held on Monday, June 23rd. She noted that outgoing Youth Council members have
27 expressed that this experience (interacting with elected officials and City staff) was one of the
28 highlights of their term on the Youth City Council.

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30 The meeting adjourned at 8:06 p.m. on a motion made by Councilman Shafter and
31 seconded by Councilwoman Holt.

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JOHN R. CUSHING, Mayor

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41 ARDEN F. JENSON, City Recorder

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