

1 Minutes of the regular meeting of the City Council held August 6, 1997 at 7:05 p.m. in
2 the Council Chambers of the City Hall, Bountiful, Utah, following the welcoming ceremonies
3 for Summerfest.

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5 Present: Mayor: John R. Cushing
6 Council Members: Samuel R. Fowler, Barbara Holt, Alan A.
7 Johnson, C. Harold Shafter, and Ann Wilcox
8 Hardy
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Recorder: Arden F. Jenson
12 Dep. City Recorder: Kim Coleman
13 Planning/RDA Director: Blaine Gehring
14 Dept. Head: Neal Jenkins, Parks/Recreation
15 Recording Secretary: Nancy T. Lawrence
16 Excused: City Engineer: Jack P. Balling
17 Visitor: County Commissioner: Dan McConkie
18

19 Official Notice of this meeting had been given by posting a written notice of same and
20 an Agenda at the City Hall and providing copies to the following newspapers of general
21 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.
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23 Mayor Cushing called the meeting to order, following which Mr. Jenson led the pledge
24 of allegiance to the flag. The invocation was offered by Councilman Johnson.
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26 Minutes of the regular meeting of the City Council held July 16, 1997 were presented
27 and approved as written on a motion made by Councilman Shafter and seconded by
28 Councilwoman Holt. Voting was by a majority with Councilman Johnson abstaining due to his
29 absence from the subject meeting.
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31 **EXPENSES AND EXPENDITURES APPROVED**
32 **FOR THREE PERIODS**

33 Mr. Jenson presented the Expenditure and Expense Reports for the following periods:
34

35 June 26-30, 1997 \$876,650.28
36 Summary for June 1997 \$4,016,492.42
37 July 1-19, 1997 \$686,475.77

38 He noted that there were no corrections to be made to the reports. He explained that the June
39 Summary was larger than usual due to the inclusion of a third payroll which needed to be
40 accounted for in the 1996-97 fiscal year. Councilwoman Hardy made a motion to approve the
41 three reports, as presented. Councilman Johnson seconded the motion and voting was
42 unanimous.
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44 **SINGLE EVENT PERMIT APPROVED**
45 **FOR ST. OLAF CATHOLIC CHURCH**

46 Mr. Mahan reported that St. Olaf's Catholic Church has requested approval of a Single
47 Event Permit pursuant to the provisions of Section 32A-7, Utah Code, for the purpose of sale,
48 storage and consumption of liquor on premises. The permit is requested for November 7 and 8th
49 between the hours of 5:00 p.m. and 1:00 a.m. Mr. Mahan reported that this permit has been
50 issued to St. Olaf's in the past and there has never been a problem and he recommended that it be
51 approved. Councilman Shafter made a motion to this effect, Councilman Johnson seconded the

1 motion and voting was unanimous.

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3 **SOF'FALL INCORPORATED AWARDED BID**
4 **FOR PLAYGROUND SURFACE MATERIAL**

5 Mr. Jenkins reported that bids were received for the purchase of wood playground
6 surface material. It is the staff recommendation that the bid be awarded to low bidder, Sof'Fall
7 Incorporated in the amount of \$13,050.00. Councilwoman Hardy made a motion to award the
8 bid as recommended. Councilman Shafter seconded the motion and voting was unanimous.

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10 **BIDS AWARDED FOR GOLF COURSE MAINTENANCE EQUIPMENT**

11 Mr. Jenkins reported that bids were received from four vendors for an out-front rotary
12 mower to be used to replace the existing out-front mower. It is staff recommendation that the
13 lowest *qualifying* bid be approved. The bid specifications called for an 84-inch mowing deck
14 and the low bid had a 72-inch deck. Councilwoman Hardy made a motion to award the bid to
15 United Service and Sales in the amount of \$19,680.00 for a Howard Prince YO 40 H-91 mower.
16 Councilwoman Holt seconded the motion and voting was unanimous.

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18 Three bids were received for two (2) tee mowers and it is staff recommendation to
19 award the bid to the lowest qualifying bidder, Rocky Mountain Turf Equipment Company in the
20 amount of \$34,714.00 for two mowers. The low bid from Turf Equipment Company
21 (\$34,128.00) did not meet minimum specifications. Councilwoman Holt made a motion to
22 award the bid to Rocky Mountain, as recommended. Councilman Fowler seconded the motion
23 and voting was unanimous. Mr. Jenkins reported that the combined totals of these two items are
24 within the amounts budgeted in the 1997/98 golf course budget account.

25

26 **APPOINTMENTS TO BOARD OF ADJUSTMENT**

27 Mayor Cushing recommended that Kevin R. Murray be appointed to fill the unexpired
28 term of Sydnie Shurtliff (who has resigned) on the Board of Adjustment. He also recommended
29 that Alan H. Hess be appointed as an alternate member of the Board for a five-year term. The
30 composition of the Board, with their term expiration dates, is as follows:

- 31 Paul C. Summers (Chairman)..... 7/01/02
- 32 Verlon D. Duncan (Vice Chairman)..... 7/01/99
- 33 Clarence (Bud) Neslen 7/01/00
- 34 Kevin R. Murray..... 7/01/01
- 35 G. Brent Wynn (alternate) 7/01/02
- 36 Alan H. Hess (alternate) 7/01/02

37 As dictated by State law, the term of one member expires each year (not including the
38 alternates). Councilwoman Holt made a motion to accept the recommendations of the Mayor as
39 presented. Councilman Fowler seconded the motion and voting was unanimous.

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PUBLIC HEARING TO CONSIDER PROPOSED
TAX INCREASE AND BUDGET ADOPTION RE-SCHEDULED
FOR SEPTEMBER 3, 1997

1 Mayor Cushing reported that the County has experienced additional complications in
2 obtaining final data from the State prior to mailing out property tax valuation notices for 1997. It
3 is, therefore, necessary to re-schedule the public hearing to consider the proposed tax increase
4 and adoption of the 1997-98 budget until September 3, 1997 at 7:15 p.m. and at 7:30 p.m.,
5 respectively. Councilman Shafter made a motion to re-schedule the public hearing, as explained.
6 Councilman Johnson seconded the motion and voting was unanimous.

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8 **PUBLIC HEARING TO CONSIDER REZONE; 50 WEST TO**
9 **200 WEST AND 1800 SOUTH TO 2200 SOUTH**

10 Mr. Gehring reviewed that the area between 1800 South and 2200 South from 50 West
11 to 200 West is presently zoned R-1-6.5(D), which permits duplexes as a conditional use.
12 Following a recent granting of a Conditional Use permit for construction of a duplex in this
13 area, a group of property owners have submitted a petition requesting that the zoning be changed
14 to R-1-6.5. Of 115 properties in the subject area, 100 are represented on the petition (87%). It is
15 the recommendation of the staff and Planning Commission that the rezone be approved, as
16 presented.

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18 At 7:23 p.m. Mayor Cushing opened the public hearing and called for input from those
19 in attendance. Elaine Manfull, 82 West 1900 South, representing her neighbors, requested that
20 the duplex overlay zone be removed to protect the integrity of the single family neighborhood.
21 There were no other comments and the hearing was closed at 7:24 p.m.

22
23 Councilman Johnson noted that there was one letter of opposition (from Sherry
24 Carlson) and he asked if the staff had replied to this letter. Mr. Gehring explained that we usually
25 do not respond, but consider the letters as a response to our public notice. He said we have not
26 responded to Ms. Carlson's letter. Following further discussion, Councilman Shafter made a
27 motion to re-zone the described area from R-1-6.5(D) to R-1-6.5, and adopt Ordinance No. 97-
28 22 entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY
29 CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-
30 ZONE PROPERTIES LOCATED BETWEEN 50 WEST AND 200 WEST AND BETWEEN
31 1800 SOUTH AND 2200 SOUTH FROM R-1-6.5(D) TO R-1-6.5. Councilman Johnson
32 seconded the motion and voting was in favor by a majority. Sam Fowler abstained from voting
33 because he lives in the subject area.

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35 **COUNCIL APPROVES PARTICIPATION IN PUBLIC**
36 **SAFETY COMMUNICATIONS PROGRAM**

37 Mr. Hardy explained that the State has authorized the creation of the "Utah
38 Communications Agency Network" (UCAN) for the purpose of providing a public safety
39 communications network throughout the State. UCAN will have the power to acquire property,
40 issue bonds and enter into agreements for that purpose. These obligations would not be the
41 obligations of the City in any way, and the City could withdraw at any time unless it had entered
42 into an arrangement with UCAN by contract, lease or other financial obligation. He said that the
43 Police Department is proposing that Bountiful join UCAN and become a part of the public safety
44 communications network that is being set up. He explained that other agencies which the City
45 interacts with will be looking at going to the 800 megahertz system, and if Bountiful does not
46 make the change, we would not be able to communicate directly with the paramedics and other

1 County emergency services, the Utah Highway Patrol, etc.

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3 Participating with the group at this time will assist Bountiful in implementing any
4 changes in the most efficient way. Following discussion, Councilman Johnson made a motion to
5 approve Resolution No. 97-8 which authorizes the City’s participation in the Utah
6 Communications Agency Network, and to appoint Police Chief Paul Rapp as the City’s
7 representative on the Board and Lieutenant Steve Gray as his alternate. Councilwoman Holt
8 seconded the motion and voting was unanimous.

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10 **PUBLIC HEARING TO CONSIDER MISCELLANEOUS**
11 **ZONING ORDINANCE AMENDMENTS**

12 Mr. Gehring reported that the Planning Commission has reviewed the deletion of the
13 Density Incentive Bonus, the re-write of the R-3 Zone (Chapter 6) and the parking amendment in
14 the C-G zone which would eliminate the requirement that no parking be allowed in the front or
15 street side yard setback in Section 14-9-114. The intent of these changes is to make the
16 ordinance consistent. At 7:41 p.m. Mayor Cushing called for input regarding the proposed
17 changes. There was none and the hearing was closed. Councilman Fowler made a motion that
18 the recommendation of the Planning Commission be upheld and that Ordinance No. 97-23
19 entitled AN ORDINANCE AMENDING SECTION 14-9-114 REGARDING PARKING IN
20 REQUIRED FRONT AND SIDE YARDS IN THE C-G ZONE, VARIOUS SECTIONS OF
21 CHAPTER 6 OF THE ZONING ORDINANCE REGARDING DENSITY FOR MULTIPLE
22 FAMILY UNITS AND SITE PLAN REQUIREMENTS FOR MULTIPLE FAMILY
23 DEVELOPMENTS, VARIOUS SECTIONS OF CHAPTER 9A OF THE ZONING
24 ORDINANCE REGARDING DENSITY FOR MULTIPLE FAMILY UNITS, PARKING
25 REQUIREMENTS, SITE PLAN REQUIREMENTS FOR MULTIPLE FAMILY
26 DEVELOPMENTS AND SPECIAL PROVISIONS FOR MULTIPLE FAMILY
27 DEVELOPMENT OF LOTS WITH EXISTING SINGLE FAMILY OR DUPLEX
28 STRUCTURES, REPEALING CHAPTER 7 OF THE ZONING ORDINANCE AND
29 RENUMBERING CHAPTERS 8, 9 AND 9A OF THE ZONING ORDINANCE TO CHAPTER
30 7, 8 AND 9 RESPECTIVELY be adopted. Councilwoman Holt seconded the motion and voting
31 was unanimous.

32
33 **LEASE AGREEMENT FOR STOKER SCHOOL APPROVED**

34 Mayor Cushing reviewed that the lease between the City of Bountiful and the
35 University of Utah for the use of Stoker School has expired and it is time to renew it for another
36 five-year period. He said that the lease is substantially the same as the previous one, with the
37 exception of the lease rate which has been increased from \$50,000 to \$65,000 per year
38 (consistent with the cost-of-escalation adjustment over the last five years). Councilman Shafter
39 made a motion to approve the lease, as explained. Councilwoman Hardy seconded the motion
40 and voting was unanimous.

41
42 **PUBLIC HEARING TO CONSIDER ORDINANCE**
43 **AMENDING BOUNTIFUL CITY SUBDIVISION ORDINANCE**

44 Mr. Mahan proposed that some housekeeping items be attended to on the Subdivision
45 Ordinance, as follows:

1 1. Provide that if there is a State law exemption to subdivision ordinances, that applies
2 in cities as well.

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4 2. We have required that vacations of parts of subdivisions be noticed to affected
5 people and approved by the City Council. This ought also to apply to condominiums and
6 planned unit developments.

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8 3. Our ordinance originally tracked the notice requirements of State law.
9 Unfortunately, the State law changed and left us out of compliance. The proposed change
10 simply requires that State notice law be fulfilled.

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12 He noted that when this proposed ordinance originally went to the Planning
13 Commission it included a provision to eliminate surety bonds on subdivisions, and required
14 either cash or letters of credit. The Planning Commission was reluctant on this point because it
15 penalized a few developers who have used bonds without problems, and approved the ordinance
16 without that provision. It is the recommendation of Mr. Balling and Mr. Mahan that the City
17 continue with the existing surety bond provisions, and if they become a problem, that this issue
18 be revisited by the Council. Discussion followed, particularly on the bond issue. At 7:50 p.m.
19 the Mayor opened the public hearing and Mark Green, developer, requested that surety bonds
20 still be honored. He suggested that the City could provide developers a short list of companies
21 who provide bonds. The hearing was closed at 7:56 p.m. and Councilman Fowler made a motion
22 to approve Ordinance No. 97-24 entitled AN ORDINANCE AMENDING THE BOUNTIFUL
23 CITY SUBDIVISION ORDINANCE CONCERNING THE APPLICABILITY OF THE
24 ORDINANCE AND CHANGING THE NOTICE REQUIREMENTS FOR VACATION OF A
25 SUBDIVISION and continue with the use of surety bonds. Councilman Shafter seconded the
26 motion and voting was unanimous.

27
28 **SALE OF ARTS CENTER PROPERTY APPROVED**

29 Mr. Hardy reported that he and the Mayor met with Don Willey on Monday to review
30 the proposed sale of the property where the Arts Center is located and other property to the east
31 to Willey Honda. He said that the Land Sale Agreement and other documents were reviewed
32 and accepted by both parties. It is staff recommendation that the Council approve the sale of the
33 current Art Center site and the vacant land adjacent to it to Willey Honda on the terms in the
34 Land Sale Agreement. He noted one change which was requested by Mr. Willey to restructure
35 the payment as an interest bearing note, designed to lower the principal and increase interest,
36 with the total payment being \$250,000.00 over a ten-year period. Councilman Johnson made a
37 motion to approve the lease, with the change requested by Mr. Willey. Councilwoman Hardy
38 seconded the motion and voting was unanimous.

39
40 **COUNCIL APPROVES LEASE OF PROPERTY NEAR**
41 **MILL CREEK TANK SITE TO JIM FACKRELL**

42 Mr. Mahan explained that the City leases various parcels of property to adjacent
43 landowners as a mutually beneficial arrangement to both parties. Dave Wilding, manager of the
44 Water Department, has suggested that a plot roughly 100 feet by 160 feet be leased at the Mill
45 Creek Tank site to Jim Fackrell. He said he has reviewed the lease and finds it acceptable and
46 recommended that it be approved. Following a short discussion, Councilman Johnson made a

1 motion to approve the lease as described. Councilwoman Hardy seconded the motion and voting
2 was unanimous.

3

4 **BUILD, INC. AWARDED CONTRACT FOR CONSTRUCTION**
5 **OF TWO 1.5 MILLION GALLON RESERVOIRS**

6 Mr. Hardy reported that bids were opened on Tuesday, July 29th, for the construction of
7 two culinary water reservoirs. It is the staff recommendation that the bid be awarded to low
8 bidder, Build, Inc., in the amount of \$824,694.00. He noted that Build, Inc. is one of the
9 foremost contractors in concrete reservoirs in the State of Utah. Councilman Johnson made a
10 motion to approve the bid, as recommended. Councilman Shafter seconded the motion and
11 voting was unanimous. Richard Stromness, owner, was in attendance and thanked the Council
12 for their confidence.

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14 **EXECUTIVE SESSION SCHEDULED TO**
15 **DISCUSS PERSONNEL**

16 At the request of the Mayor, Councilman Fowler made a motion to adjourn to Executive
17 Session for the purpose of discussing personnel. Councilwoman Holt seconded the motion and
18 voting was unanimous. The meeting adjourned at 8:10 p.m.

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20 **Attendance at executive session:**

21 Mayor Cushing
22 Council members Shafter, Johnson, Fowler, Hardy, and Holt
23 Mr. Hardy

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JOHN R. CUSHING, Mayor

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31 ARDEN F. JENSON, City Recorder

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