

1 Minutes of the regular meeting of the City Council held July 16, 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: Samuel R. Fowler, Barbara Holt, C.  
6 Harold Shafter, and Ann Wilcox  
7 City Manager: Tom Hardy  
8 City Attorney: Russell Mahan  
9 City Prosecutor: J. C. Ynchausti  
10 City Engineer: Jack P. Balling  
11 City Recorder: Arden F. Jenson  
12 City Treasurer: Galen Rasmussen  
13 Planning/RDA Director: Blaine Gehring  
14 Dept. Head: Dick Duncan, Streets/Sanitation  
15 Recording Secretary: Nancy T. Lawrence

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17 Excused: Councilman: Alan A. Johnson  
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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 Councilwoman Wilcox led  
24 the pledge of allegiance to the flag. The invocation was offered by Mayor Cushing.  
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26 Minutes of the regular meeting of the City Council held July 9, 1997 were presented  
27 and approved as written on a motion made by Councilman Shafter and seconded by Councilman  
28 Fowler. Voting was by a majority; Councilwoman Holt abstained because she had not attended  
29 the subject meeting.  
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31 **EXPENDITURE AND EXPENSE REPORT**  
32 **APPROVED FOR PERIOD JUNE 25, 1997**

33 Mr. Jenson presented the Expenditure and Expense Report for the Period June 25, 1997  
34 in the amount of \$20,214.10 and noted that there were no corrections or changes. He said that  
35 the expenditures and expenses for July will not be presented until all of the transactions for the  
36 1996-97 fiscal year have been presented and approved. Councilman Fowler made a motion that  
37 the expenditure report be approved in the amount of \$20,214.10. Councilwoman Wilcox  
38 seconded the motion and voting was unanimous.  
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40 **HEARING ON ORDER TO SHOW CAUSE;**  
41 **BEER LICENSE OF RAINBO MART, 515 S. 500 W.**

42 Mr. Ynchausti reviewed that there are two issues which the Council needs to address as  
43 it considers the Order to Show Cause regarding the beer license of Rainbo Mart. (1) The  
44 Council has followed a policy of suspending the beer license (for 30 days) of businesses who  
45 make illegal beer sales on two of three compliance checks. If the same business fails two of  
46 three compliance checks *a second time*, the Council policy has been to suspend the license for  
47 60 days. Businesses have questioned whether or not they can ever “start over” by having their  
48 record expunged, or if a third occurrence would result in a 90-day suspension, etc. He said there  
49 is nothing in either case law or statutory law that mandates a decision one way or another. The  
50 balancing of fairness with firmness is an issue within the discretionary power of the Council.  
51 Once a decision has been made, the Order to Show Cause needs to be considered.

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2 Councilman Shafter suggested that the Police Chief, City Attorney, City Prosecutor,  
3 and City Manager present a recommendation to the Council on whether or not the record should  
4 be expunged; and if so, after how many years of not coming before the Council with an Order to  
5 Show Cause. He expressed concern that the Council give full support to the police personnel in  
6 their enforcement efforts. Mr. Hardy reviewed that originally businesses were not brought  
7 before the Council unless they failed three of four compliance checks. The policy was then  
8 changed to two of three checks in an effort to strengthen enforcement. He stated that allowing  
9 businesses to "start over" is reasonable, subject to the time involved and other individual  
10 circumstances.

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12 Councilwoman Holt noted that the correspondence to the Council regarding Rainbo  
13 Mart included a recommendation, allowing the Council to determine the time period within  
14 which another sale would cause the penalty to be enhanced, and beyond which the business  
15 would "start over".

16  
17 Stewart Schultz, training officer for Rainbo Mart, was in attendance and reviewed the  
18 employee training program as it relates to the sale of beer and tobacco. He stated that Rainbo  
19 values its business relationship in Bountiful and treats these matters with utmost care. He noted  
20 that employees who made illegal sales were terminated immediately upon confirmation of the  
21 illegal sale. Councilwoman Holt made a motion that the beer license of Rainbo Mart be  
22 suspended for 60 days, even though this is the third time they have come before the Council.  
23 (This recommendation is based on the fact that Rainbo has had a clean record for two years).  
24 She also motioned that the Council accept the recommendation of staff that a business's record  
25 may be cleared if they go for three years without appearing before the Council. Councilwoman  
26 Wilcox seconded the motion and voting was unanimous.

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28 **BID APPROVED FOR PURCHASE OF**  
29 **EQUIPMENT FOR STREET DEPARTMENT**

30 Mr. Duncan presented the following low bids for equipment for the Street Department  
31 (all below budget), and recommended that they be approved:

<u>Bidder</u>	<u>Equipment</u>	<u>Amount</u>
Lake City International	(2) Tandem Axle Series Dump Truck	\$130,800.00
Tesco Williamsen	(2) 15-ft. Dump Bodies/hydraulic systems (installed)	39,366.00
Scott Machinery Co.*	24-inch Asphalt Cold Planer	11,199.54
*(only one bid; mfg. specific)		
Holland Equipment	10-ft., 6 Cu. Yd. Sander	7,343.00

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41 Councilwoman Holt made a motion to accept all of the bids, as presented. Councilman Shafter  
42 seconded the motion and voting was unanimous.

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44 **PUBLIC HEARING RE: LEILAH LTD.**  
45 **ANNEXATION - (GLADE PROPERTY)**

46 At 7:28 p.m. Mayor Cushing opened the public hearing to consider the Leilah Ltd.

1 Annexation petition. Mr. Mahan reviewed the steps which have been taken thus far in this action  
2 and reported that no protests have been filed. Subject to the outcome of this hearing and the  
3 wishes of the Council, the annexation ordinance could be adopted this evening. Ronn Marshall,  
4 developer of the property, stated that they will soon be ready to bring a conceptual plat to the  
5 City for approval. He noted that this is "Bountiful's best piece of property". There were no  
6 other comments and the hearing was closed at 7:30 p.m. Councilman Fowler made a motion to  
7 adopt Ordinance No. 97-21 entitled AN ORDINANCE DECLARING THE ANNEXATION OF  
8 TERRITORY TO THE CITY OF BOUNTIFUL, UTAH. Councilman Shafter seconded the  
9 motion and voting was unanimous. As a point of interest, Mr. Mahan said that this is the first  
10 annexation to take place in the State under the new law.

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12 **FINAL APPROVAL GRANTED TO FRANKLIN**  
13 **FARMS, PHASE 4--RONN MARSHALL, DEVELOPER**

14 Mr. Balling presented the plat for Franklin Farms Phase 4 (13 lots) and reported that it is  
15 the recommendation of staff and the Planning Commission that final subdivision approval be  
16 granted, subject to the following conditions:

- 17 1. Submission of a Letter of Credit from an approved bank to guarantee the site  
18 improvements.
- 19 2. Payment of all required subdivision fees.
- 20 3. The City Council to deed the excess property to Lot 411 and Mr. Marshall to deed a  
21 portion of Lot 412 to the property owner in North Canyon Heights Subdivision.
- 22 4. The sewer, water and irrigation water be stubbed into 7 spaces for future lots on the  
23 south side of Boulton Way.
- 24 5. Providing an up-to-date title report to verify the ownership of the final plat.

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26 Councilman Shafter asked if the City would require Mr. Marshall to pay for the property. Mr.  
27 Mahan explained that it is a very small strip and inasmuch as it is landlocked, it has no value;  
28 therefore, no payment will be made. Councilman Fowler made a motion to grant final  
29 subdivision approval to Franklin Farms Subdivision Phase 4, as presented and recommended.  
30 Councilwoman Wilcox seconded the motion and voting was unanimous.

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32 **PRELIMINARY AND FINAL SITE PLAN APPROVAL**  
33 **GRANTED TO SO. DAVIS JR. HIGH SEMINARY**

34 Mr. Gehring presented the site plan for the South Davis Junior High Seminary at 290  
35 West 2600 South. He explained that this is a rebuild of the existing LDS Seminary at the Junior  
36 High School and that the plans have been reviewed and adjustments made to the drainage plan.  
37 It is the recommendation of the Planning Commission and staff that preliminary and final site  
38 plan approval be granted subject to the following conditions:

- 39 1. The sanitary sewer comply to the requirements of South Davis Sewer District and  
40 obtain their approval.
- 41 2. The culinary water connection to comply with the South Davis Water District  
42 requirements and obtain their approval.
- 43 3. The roof drainage and parking lot drainage must drain into the sump as shown on the  
44 site plan.
- 45 4. Power fees and easements as required by Bountiful City Light and Power must be  
46 approved and paid to the Power Department.

Councilman Fowler motioned to grant preliminary and final site plan approval as recommended. Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY APPROVAL GRANTED TO ORCHARD POINTE CENTER--2200 SO. ORCHARD DR.**

Mr. Gehring reviewed that five issues of concern were discussed in Planning Commission regarding the proposed Orchard Pointe Center, 2200 South Orchard Dr. Following the meeting and a discussion with the architect for the developer, a revised plan was submitted which addresses the concerns of the Planning Commission regarding access, a stacking lane for the drive thru and widening of 2200 South Street at the intersection of Orchard Drive. He presented the revised site plan and stated that it is the recommendation of staff and the Planning Commission that preliminary approval be granted, subject to the following conditions:

1. Provide a 7 ft. utility easement along 2200 South and Orchard Drive and any easements which may be required by the Power Department.
2. Pay storm detention fee of \$2,100/acre for 1.21 acres = \$2,531.50.
3. Pay water and sewer connection and impact fees at time of permit.
4. Pay the cost for installation of a new fire hydrant:

Fire hydrant	\$1,728
Tap & valve	1,438
Pipe (\$20/ft)	<u>680</u>
<b>Total</b>	<b><u>\$3,846</u></b>
5. Provide a deed to 2200 South Street for all property south of the north line of proposed sidewalk.
6. Compliance with all building codes and city ordinances.
7. A variance be granted for less than 10 feet of landscaping along the frontage on 2200 South.

Councilman Shafter asked if the City could require a Left Turn Only sign on the 2200 South access in an effort to minimize the amount of traffic that will travel west on 2200 South. Mr. Hardy pointed out that it is a public street and the free turn movement should not be compromised. Councilman Fowler stated that the developer and City have gone the extra mile by having only one access on 2200 South and it is most likely that the majority of those who travel west on 2200 South will be residents of the area. Councilman Fowler made a motion to grant preliminary approval to Orchard Pointe Center, as recommended. Councilwoman Holt seconded the motion which carried by a majority. Councilman Shafter voted nay. He indicated that he had not favored the initial project and his "Nay" vote is in keeping with that action.

**PUBLIC HEARING SET TO CONSIDER ORDINANCE AMENDING SUBDIVISION ORDINANCE**

Mr. Mahan requested that a public hearing be scheduled for the purpose of considering an ordinance which would amend the subdivision ordinance. Councilman Shafter moved that a public hearing be scheduled for August 6, 1997 at 7:45 p.m. to consider the ordinance, as requested by the City Attorney. Councilman Fowler seconded the motion and voting was unanimous.

1 **PUBLIC HEARING SET TO CONSIDER REZONING**  
2 **THE AREA FROM 50 WEST TO 200 WEST AND FROM**  
3 **1800 SO TO 2200 SO — FROM R-1-6.5(D) TO R-1-6.5**

4 Mr. Gehring explained that 87 percent of the owners in the area from 50 West to 200  
5 West from 1800 South to 2200 South have petitioned to have this area rezoned. He requested  
6 that a public hearing be set for August 6, 1997 at 7:15 p.m. to consider this matter. This comes  
7 to the Council with a positive recommendation from the Planning Commission. Councilman  
8 Shafter motioned to set the hearing as recommended. Councilwoman Wilcox seconded the  
9 motion which carried by a majority. Councilman Fowler abstained from voting because his  
10 residence is in the subject area.

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12 **PUBLIC HEARING SET TO CONSIDER MISCELLANEOUS**  
13 **ZONING ORDINANCE AMENDMENTS**

14 Mr. Gehring requested that a public hearing be set for August 6, 1997 at 7:30 p.m. to  
15 consider miscellaneous zoning ordinance amendments. He explained that two items will be  
16 considered--parking in front and street side yard setbacks; and elimination of the incentive  
17 density bonus. Councilman Fowler made a motion to set the hearing as recommended.  
18 Councilwoman Holt seconded the motion and voting was unanimous.

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20 **FINAL ACCEPTANCE GRANTED TO SITE IMPROVEMENTS**  
21 **AT DICK'S MARKET--2200 SO ORCHARD DR.**

22 Mr. Balling explained that when Dick's Market was developed, a cash bond in the  
23 amount of \$79,500 was posted with the City to guarantee the completion of all site  
24 improvements. The deposit was to remain for one year after completion or until July 1, 1997.  
25 The work has been completed and meets City standards and it is recommended that the bond be  
26 released. Part of the plan of approval was that Dick's would participate with the City 50/50 in  
27 the cost of the sidewalk (\$12,768.75, total; \$6,384.38, each). This amount has not yet been paid  
28 and it is recommended that \$6,384.38 be deducted from the cash bond proceeds and transferred  
29 to the Street Department sidewalk repair fund. Councilman Fowler made a motion to this effect,  
30 Councilwoman Holt seconded the motion and voting was unanimous.

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32 **FRANKLIN FARMS SUBDIVISION PHASE 2**  
33 **AND PHASE 3 GIVEN FINAL ACCEPTANCE**

34 Mr. Balling reported that Franklin Farms Phase 2 and Phase 3 subdivisions have been  
35 completed and the guarantee period of one year is now completed as of July 15, 1997. It is  
36 recommended that final acceptance be given to these two subdivisions and that the Letter of  
37 Credit be released and the City assume full responsibility for the maintenance and upkeep of the  
38 public streets. Councilman Fowler made a motion to grant final acceptance and release the  
39 Letter of Credit, as recommended. Councilwoman Holt seconded the motion and voting was  
40 unanimous.

41  
42 **STONE RIDGE SUBDIVISION PLATS A, B, C, D, E, F,**  
43 **and G GRANTED FINAL ACCEPTANCE**

44 Mr. Balling referred to the plat of Stone Ridge Subdivision, Plats A, B, C, D, E, F, and  
45 G and said that the developers (Lorien Enterprises and M.C. Green, Inc.) have completed all of  
46 the site improvements as required by the City for this development. All of the improvements

1 meet City standards and specifications and it is recommended that final acceptance be granted  
2 and that the developers be released of any further obligations and the City accept responsibility  
3 for maintenance. Councilman Fowler motioned to grant final acceptance, as recommended.  
4 Councilwoman Wilcox seconded the motion and voting was unanimous.

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6 **PROPOSED PLAN FOR DEVELOPMENT OF**  
7 **TEMPLE RIDGE SUBDIVISION APPROVED**

8 Mr. Balling presented the site plan of Temple Ridge Subdivision which is located  
9 between 1500 East and Bountiful Boulevard at about 1500 South. He reviewed that about one  
10 year ago there was some slope failure in this subdivision. The City Council put a stop on the  
11 issuance of building permits pending submission to the City of a soils stabilization plan  
12 (prepared by a soils engineer) which would assure that homes could be built safely on the lots in  
13 question. Mr. Balling noted the areas of concern on the map and reviewed the following plan  
14 which was prepared by Applied Geotechnical Engineers and submitted by the developer:

- 15  
16 1. Remove all material down to bedrock and replace with a backfill of sandy  
17 soil compacted to 95 percent density.
- 18  
19 2. Construct a drain line to intercept drain water and carry it to the storm drain  
20 that drains into Millcreek Canyon and place a rock retaining wall  
21 approximately 40 feet downhill from the drain.
- 22  
23 3. Construct a 4-ft. retaining wall coming off from Millbrook Way to allow  
24 access into Lot 18.
- 25  
26 4. When these improvements are completed, all of the area above the rock wall  
27 will be finished to a 2:1 slope.
- 28  
29 5. In the lower portion of the plat where the water was seeping, install a drain  
30 line so that the water will not flow into the street, but go directly to the storm  
31 drain system.
- 32  
33 6. Install a 6-ft. high retaining wall along the property line in the lower area  
34 where the seepage has been.
- 35  
36 7. In the area where the slippage occurred, Lot 9 will be deleted and absorbed  
37 into Lots 8 and 10 on either side. This area will be graded to 2:1 slope.
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39 Mr. Balling stated that Applied Geotechnical has done work for the City and is reputable and it is  
40 the recommendation of staff that the plan be approved and the developer given permission to  
41 continue with this subdivision.

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43 Mr. Balling noted one other area of concern is at Millbrook Way off 1500 South and he  
44 recommended that a rock retaining wall be constructed, together with an interceptor drain.  
45 Councilwoman Holt expressed concern that no building permits should be issued until this work  
46 has been completed and approved. Although Mr. Hogan (the developer) indicated that some of

1 the lots have already been sold, he said he would not have a problem with the requirement that  
2 he complete the soil stabilization improvements prior to building permits being issued.  
3 Following further discussion, Councilman Fowler made a motion to approve the proposal as  
4 presented by Mr. Balling and to require that building permits continue not to be issued until the  
5 soils stabilization work has been completed and passed off by the City Engineer. Councilman  
6 Shafter seconded the motion and voting was unanimous.

7 **COUNCIL COMMITTEE REPORTS**

8 None

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10 The meeting adjourned at 8:24 p.m. on a motion made by Councilwoman Holt and  
11 seconded by Councilman Fowler.

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21 ARDEN F. JENSON, City Recorder

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JOHN R. CUSHING, Mayor

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