

1 Minutes of the regular meeting of the City Council held February 5, 1997 at 7:00 p.m.  
2 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 A.  
6 Johnson, C. Harold Shafter, and Ann  
7 Wilcox  
8 City Manager: Tom Hardy  
9 City Attorney: Russell Mahan  
10 City Prosecutor: J. C. Ynchausti  
11 City Engineer: Jack P. Balling  
12 City Recorder: Arden F. Jenson  
13 Dep. City Recorder: Kim Coleman  
14 Planning/RDA Director: Blaine Gehring  
15 Recording Secretary: Nancy T. Lawrence  
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17 Official Notice of this meeting had been given by posting a written notice of same and  
18 an Agenda at the City Hall and providing copies to the following newspapers of general  
19 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.  
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21 Mayor Cushing called the meeting to order and welcomed the visiting Boy Scouts,  
22 following which Councilman Johnson led the pledge of allegiance to the flag. The invocation  
23 was offered by Mr. Jenson.  
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25 Minutes of the regular meeting of the City Council held January 22, 1997 were  
26 presented and unanimously approved as written on a motion made by Councilman Shafter and  
27 seconded by Councilman Johnson.  
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29 **EXPENDITURES AND EXPENSES APPROVED**  
30 **FOR TWO JANUARY PERIODS**

31 Mr. Jenson presented the Expenditure and Expense Reports, with respective totals, for  
32 the following periods: January 17-23, \$163,563.84; and January 24-28, \$127,711.19. He  
33 reviewed corrections to the annotation, and discussion followed. Councilwoman Wilcox made a  
34 motion to approve the two reports as presented and discussed. Councilman Fowler seconded the  
35 motion and voting was unanimous.  
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37 **BEER LICENSE OF BONUS STAR MART**  
38 **SUSPENDED FOR 90 DAYS**

39 Mr. Ynchausti reviewed that for the past 13 years the City has practiced compliance  
40 testing with businesses who hold beer licenses. The point that is tested is whether or not the  
41 businesses sell beer to minors. The Council has followed a practice of suspending the license of  
42 a business that fails two of three consecutive compliance tests. He explained that Bonus Star  
43 Mart (Bonus) is before the Council for the third time since it became a store in January of 1993  
44 and that this raises the question of what penalty is appropriate. After the first violation, Bonus  
45 received a 30-day license suspension; following the second violation, the suspension was 60  
46 days.  
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49 Mr. Ynchausti stated that the most recent sale to a minor was made by a newly hired  
50 individual, and *after* she checked the I.D. of the 17-year-old youth, she was apparently confused  
51 by the date and sold the beer anyway. Carvel Shafer, counsel for Bonus, stated that Bonus has a

1 thorough training program which all new employees go through and he furnished each  
2 Councilmember with a copy of the training material which employees receive. He  
3 acknowledged that this is the third offense, but stated that management is doing its part in  
4 training the employees. He stressed that the sale of beer is an important part of the revenue  
5 stream of the business and asked for consideration on the part of the Council. Craig Valentine,  
6 manager, pointed out that Bonus has four units in the Bountiful area and he noted that inasmuch  
7 as there is a \$1,000,000 investment in the store, the managers and owners are doing their best to  
8 be in compliance with the law. He noted that in addition to the loss of revenue for the specific  
9 time a license is suspended, the habits of customers are also changed and this affects the business  
10 for years.

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12 Mayor Cushing summarized that Bountiful has been successful in requiring compliance  
13 with the beer sales laws and he attributed that success to consistent testing and license  
14 suspension of offenders. Discussion by the Council focused on the fact that all stores that are  
15 tested have the same handicaps (new-hires, busy times, etc.), but this particular store has a track  
16 record of compliance failures. Councilwoman Holt made a motion to suspend the beer license of  
17 Bonus Star Mart for 90 days, commencing at 12:01 a.m. on February 9, 1997 and running until  
18 12:01 a.m. on May 9, 1997. Councilwoman Wilcox seconded the motion which carried by a  
19 majority. Councilman Shafter voted nay based on the fact that he felt the 90-day suspension was  
20 not sufficient, but should have been 120+ days.

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22 **REPORT FROM REPRESENTATIVE SHERYL ALLEN**  
23 **ON CONSTITUENCY SURVEY**

24 Rep. Sheryl Allen reported to the Council the results of the recent constituency survey  
25 which she conducted. Of considerable interest was the question regarding funding for expansion  
26 of I-15. Her constituents favored user-based taxes with the majority favoring the Governor's 4.5  
27 cent fuel tax increase, an additional 3 cents in 2001 and a \$10 increase in vehicle registration.  
28 She also reported statistics on issues related to public and higher education, land use/air quality,  
29 crime prevention, taxes, and "other", which included a bill proposing graduated driving licenses  
30 where teen drivers from ages 16-21 would receive a series of different limits and privileges  
31 based on age and driving record. Since this bill carries a fiscal note, the inconvenience issues  
32 (which result in added costs) may outweigh the safety issues.

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34 **RELEASE OF EASEMENT APPROVED FOR**  
35 **LOT 1, MAPLE COVE SUBDIVISION**

36 Mr. Balling reported that Lot 1 of Maple cove subdivision (2546 south Maple Hills  
37 Drive) was extended and approved for construction on April 22, 1994. With the extension of the  
38 lot, the seven-foot utility easement that exists on the original boundary line now cuts through the  
39 center of the lot. The property owners are requesting that Bountiful City release this easement.  
40 The utility companies have been contacted and signed a release of easement and it is staff  
41 recommendation to release the easement. This action was unanimously approved on a motion  
42 made by Councilman Fowler and seconded by Councilman Shafter.

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44 **COUNCILMEN SHAFTER AND JOHNSON**  
45 **APPOINTED TO APPEAL BOARD**

46 Mayor Cushing stated that he had asked Councilman Shafter and Councilman Johnson

1 if they would be willing to serve on the Appeal Board and both gave a positive response.  
2 Therefore, it is the recommendation of the Mayor to make these appointments. Councilwoman  
3 Holt made a motion to support the Mayor's recommendation as presented. Councilman Fowler  
4 seconded the motion and voting was unanimous.

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6 **LOAN TO WIGHT HOUSE FROM CITY REVOLVING**  
7 **LOAN FUND RECONSIDERED AND APPROVED**

8 Mr. Gehring reviewed that the City maintains two revolving loan funds for business  
9 development and renovation--one through the Community Development Block Grant program  
10 which is administered through the City; and the other through the Redevelopment Agency. He  
11 reviewed that in 1993 the City Council granted a \$60,000 loan from CDBG funds to the Wight  
12 House for expansion. They were granted an additional \$40,000 from the Redevelopment  
13 Agency last year. Due to family and business circumstances, the loans have not yet been used.  
14 Wights are now ready to complete their expansion project and it is staff recommendation that  
15 inasmuch as the CDBG fund has grown and could provide \$94,000 of the request (no other  
16 requests have been made by other businesses), that the loans be re-done and use the CDBG  
17 money for the Wight House and leave as much as possible in the RDA fund for the Lakewood  
18 Building, for which another request has been received. He reported that the City Manager and  
19 City Attorney have both reviewed this matter and approve of the change.

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21 The Council discussed the request and Mr. Mahan noted that Mrs. Wight would be  
22 agreeable to shortening the term of the loan to eight years, if the Council so wishes. Following  
23 discussion, Councilman Shafter made a motion to reallocate the funds and that \$94,000 be  
24 appropriated from the CDBG loan fund and \$6,000 from the RDA loan fund. Councilman  
25 Johnson seconded the motion and voting was unanimous.

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27 **COUNCIL COMMITTEE REPORTS**

28 A Traffic Safety Committee meeting was scheduled for Tuesday, February 11th at 4:00  
29 p.m.

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31 A Public Safety Committee meeting was scheduled for Wednesday, February 12th at  
32 4:00 p.m.

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34 Councilwoman Wilcox reported that the Bountiful City Youth Council has adopted  
35 Washington Elementary School and will start a program of tutoring and activities rotated on a  
36 weekly basis. She noted that this school serves a neighborhood where there are many working  
37 mothers and single parent families.

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39 The meeting adjourned at 8:06 p.m. on a motion made by Councilman Johnson and  
40 seconded by Councilman Shafter.

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46 A Redevelopment Agency Meeting followed.

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JOHN R. CUSHING, Mayor

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ARDEN F. JENSON, City Recorder

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