

1 Minutes of the regular meeting of the City Council held June 24, 1998 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, Alan A. Johnson,
6 Stewart Knowlton and C. Harold Shafter
7 City Manager: Tom Hardy
8 City Attorney: Russell Mahan
9 City Prosecutor: J. C. Ynchausti
10 City Recorder: Kim Coleman
11 Planning/RDA Director: Blaine Gehring
12 Department Head: Clifford Michaelis, Power
13 Recording Secretary: Nancy T. Lawrence
14

15 Excused: Councilwoman: Barbara Holt
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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, following which Councilman Johnson led
22 the pledge of allegiance to the flag. The invocation was offered by Councilman Fowler.
23

24 Minutes of the regular meeting of the City Council held June 10, 1998 were presented
25 and unanimously approved as written on a motion made by Councilman Knowlton and seconded
26 by Councilman Shafter.
27

28 **EXPENDITURES, EXPENSES, AND TOTAL**
29 **DISBURSEMENTS APPROVED FOR PERIOD**
30 **JUNE 5-18, 1998**

31 Mayor Cushing presented the Report of Expenditures and Expenses Greater than \$1,000
32 with Total Disbursements for the Period June 5 - 18, 1998 in the amount of \$622,957.73. Mr.
33 Coleman commented that there are more items than usual because of a longer period than usual.
34 Councilman Johnson made a motion to accept the expenditure report as presented, Councilman
35 Fowler seconded the motion and voting was unanimous.
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37 **HEARING ON ORDER TO SHOW CAUSE - MAVERIK**
38 **COUNTRY STORES, 105 SO 200 WEST; LICENSE**
39 **SUSPENDED FOR 90 DAYS**

40 At 7:08 p.m. Mr. Ynchausti introduced Detective Richard Bliss, Bountiful Police
41 Department, and then reviewed the facts which resulted in the Order to Show Cause on the beer
42 license of Maverik Country Store, 105 South 200 West. He stated that Maverik failed
43 compliance tests on December 30, 1997 and May 26, 1998 and he showed the pictures of the
44 under-age consumers who assisted with the tests. Since two of three consecutive tests were
45 failed, he recommended that the beer license be suspended. Furthermore, since this is the *third*
46 time that said establishment has been before the Council, he recommended the suspension be for
47 a period of 90 days. Chris Smith, Maverik corporate representative, stated that employees are
48 trained monthly regarding the sale of alcoholic beverages and that Maverik is supportive of the
49 ordinance to control the sale of alcohol to minors. However, he requested that the Council
50 consider amending the ordinance to include a more severe penalty to the person who makes the
51 sale. He said that if the employee is terminated, they seem to find employment quickly and the

1 \$100 fine which is imposed seems not to be too much of a deterrent. Mr. Ynchausti noted that
2 the person also has a criminal record, with a one-year probation period.

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4 The Council discussed the matter, following which Councilman Shafter made a motion
5 to suspend the beer license issued to Maverik (105 South 200 West) for a period of 90 days,
6 commencing at midnight on June 26, 1998. Councilman Johnson seconded the motion which
7 carried unanimously. The Mayor indicated that further consideration would be given to Mr.
8 Smith's request to amend the ordinance.

9
10 **RES. NO. 98-5 ADOPTED RE: ACCEPTING**
11 **ANNEXATION PETITION - AREA SOUTH OF**
12 **3100 SOUTH BETWEEN ORCHARD DRIVE AND 200 WEST**

13 Mr. Mahan reported that a petition requesting annexation to the City of Bountiful has
14 been received from a group of property owners who live between 3100 South and 3400 South,
15 Orchard Drive to 200 West. The ordinance requires that a majority of the property in the
16 proposed area must be represented and, in this case, owners of about 70 percent of the land have
17 signed the petition. Resolution No. 98-5, entitled A RESOLUTION ACCEPTING A
18 PETITION FOR ANNEXATION FOR FURTHER CONSIDERATION, was adopted on a
19 motion made by Councilman Shafter and seconded by Councilman Fowler.

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21 **RES. NO. 98-6 ADOPTED RE: ACCEPTING THE CERTIFICATION**
22 **OF THE CITY RECORDER CONCERNING THE ANNEXATION PETITION**

23 Mr. Mahan explained that the next step in the annexation proceedings is for the City
24 Recorder to examine the petition to verify the signatures of owners of the property and meet the
25 requirements of Section 10-2-403(2), 10-2-403(3), and 10-2-403(4). This has been done and the
26 City Recorder has verified that the annexation petition is in compliance with Utah law.
27 Councilman Fowler made a motion to adopt Resolution No. 98-6 entitled A RESOLUTION
28 ACCEPTING THE CERTIFICATION OF THE CITY RECORDER CONCERNING AN
29 ANNEXATION PETITION, AND DIRECTING THAT STATUTORY NOTICE OF THE
30 ANNEXATION PETITION BE GIVEN. Councilman Shafter seconded the motion and voting
31 was unanimous.

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33 **THREE NEW PLANNING COMMISSION**
34 **MEMBERS APPOINTED**

35 Mayor Cushing stated that he has contacted three individuals to see if they would be
36 interested in serving on the Bountiful Planning Commission, subject to the Council's
37 recommendation. He referred to resumes which were provided to the Council and made the
38 following recommendations of appointment:

39 Lois Williams (who currently chairs the Planning Commission) to serve a second term;
40 Paul Summers (professional engineer, currently serving on the Board of Adjustment) to serve on
41 the Board; and Al Hess (Bountiful businessman currently serving as alternate to the Board of
42 Adjustment) to serve on the Board. All three individuals expressed a willingness to serve. The
43 terms being vacated are those of Ken Cutler and Dean Jolley. Councilman Shafter made a
44 motion that the recommendation of the Mayor to appoint Planning Commission members be
45 approved. Councilman Johnson seconded the motion and voting was unanimous.

COUNCIL COMMITTEE REPORTS

Councilman Johnson thanked the staff and Council who were part of the Youth in Government Day. He said the day was a great success and well received by the youth.

Mr. Hardy asked for the Council’s advice on classifying a new business. He explained that in the past, the ordinance addressed amusement devices, and regulated the number of video game machines which could be in a business. A new business is opening in the Five-Points Mall which will use computer games in much the same manner as the video games. The games are technically an amusement device; however, they can be played at home as well as in the business and the concerns associated with the video games in the past are not present. The ordinance limits the number of machines to 10 and the new business has 14. Mr. Hardy suggested the following solutions to this dilemma:

- 1) Take the ordinance off the books;
- 2) Give a conditional use permit to allow more than 10 machines;
- 3) Require the business to conform to 10 machines;
- 4) Amend the ordinance to allow more machines.

Following a short discussion, it was decided to take this matter under advisement and discuss it further next week.

The meeting adjourned at 7:43 p.m. on a motion made and seconded by Councilman Johnson and Councilman Knowlton, respectively.

JOHN R. CUSHING, Mayor

KIM COLEMAN, City Recorder

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