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Minutes of the Bountiful City Council Meeting

City Council Chambers
May 19, 1999 - 6:37 p.m.

6 Present: Mayor: John R. Cushing
7 Council Members: Samuel R. Fowler, Barbara Holt (arrived
8 6:52 p.m.), Alan A. Johnson, Stewart
9 Knowlton and C. Harold Shafter
10 City Manager: Tom Hardy
11 City Attorney: Russell Mahan
12 City Engineer: Paul Rowland
13 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 at 6: 37 p.m., following a meeting of the
22 Redevelopment Agency. Councilman Knowlton led the pledge of allegiance to the flag. The
23 invocation was offered by Councilman Johnson.
24

25 **APPROVAL OF MINUTES**

26 Minutes of the regular City Council meetings held May 5, 1999 and May 12, 1999 were
27 presented and unanimously approved as written on a motion made by Councilman Shafter and
28 seconded by Councilman Knowlton. Councilpersons Fowler, Johnson, Knowlton, and Shafter
29 all voted "Aye".
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31 **EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS**
32 **APPROVED FOR PERIOD MAY 8-13, 1999**

33 Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000
34 with total disbursements for the period May 8-13, 1999 in the amount of \$269,730.74.
35 Following a short discussion, this report was unanimously approved on a motion made by
36 Councilman Fowler and seconded by Councilman Johnson. Councilpersons Fowler, Johnson,
37 Knowlton, and Shafter all voted "Aye".
38

39 **ORD. NO. 99-10 ADOPTED RE: ICE CREAM VENDORS**

40 Mr. Gehring explained that he had concerns regarding ice cream vendors, particularly
41 related to the kinds of vehicles used and the type of safety equipment that should be on them,
42 how drivers should be screened for criminal records, and rules on where they can and cannot
43 drive, stop, etc. – all matters that relate to child safety. In conjunction with the City Attorney
44 and Police Chief, an ordinance has been prepared and is recommended for council adoption. He
45 reviewed Ord. No. 99-10, entitled AN ORDINANCE ESTABLISHING A SPECIFIC LICENSE
46 FOR ICE CREAM VENDING, and recommended that it be adopted. Following a short
47 discussion, Councilman Shafter made a motion to adopt Ord. No. 99-10. Councilman Johnson
48 seconded the motion and voting was unanimous. Councilpersons Fowler, Johnson, Knowlton,
49 and Shafter all voted "Aye".

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2 **PUBLIC HEARING TO CONSIDER AMENDING**
3 **ZONING ORDINANCE AS IT RELATES TO IN-HOME DAY CARE**

4 Mr. Gehring explained that a couple of years ago the State Legislature changed the
5 child care licensing provision for in-home care to permit one adult to care for up to 8 children in
6 the home. The previous regulation limited the adult/child ratio to 6 children per adult. However,
7 when the State made the change, Bountiful maintained the six/one ratio. It has been pointed out
8 that Bountiful's more restrictive provisions have led to individuals not becoming licensed. It
9 becomes a further concern that when such facilities are not licensed, they are not screened by the
10 State. The Planning Commission has reviewed this matter and sends a favorable
11 recommendation to change Bountiful's ordinance to allow up to 8 children in an in-home day
12 care or child care home (as it is officially defined) with a conditional use permit required for
13 facilities wishing to care for 9-12 children. This would officially amend Land Use Code No.
14 6815. He reviewed the proposed ordinance, No. 99-11, entitled AN ORDINANCE AMENDING
15 SECTIONS 14-4-102, 14-5-102, AND 14-6-102 OF THE BOUNTIFUL CITY ZONING
16 ORDINANCE RELATING TO THE NUMBER OF CHILDREN IN A PERMITTED IN-HOME
17 DAY CARE AND SECTIONS 14-4-103, 14-5-103, 14-6-103 OF THE BOUNTIFUL CITY
18 ZONING ORDINANCE RELATING TO THE NUMBER OF CHILDREN IN A
19 CONDITIONAL USE IN-HOME DAY CARE.
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21 At 6:48 p.m. Mayor Cushing opened the public hearing and asked for comments and
22 discussion. Councilman Johnson asked for clarification on the relationship between the State
23 and City license. There were no other comments and the hearing was closed at 6:50 p.m.
24 Councilman Johnson made a motion to adopt Ord. No. 99-11 as presented and reviewed.
25 Councilman Shafter seconded the motion and voting was unanimous. Councilpersons Fowler,
26 Johnson, Knowlton, and Shafter all voted "Aye".
27

28 Councilwoman Holt arrived at this time.
29

30 **PUBLIC HEARING TO CONSIDER ZONE CHANGE ON**
31 **NW AND NE CORNERS OF 400 NORTH AND MAIN STREET**

32 Mr. Gehring explained that the property owners at 415 North Main street have been
33 trying to sell their home for almost 18 months, with no success. The interests have been from
34 doctors, accountants, psychologists, etc., who want to convert these homes into offices. With
35 encouragement from City staff, Mr. Williams has submitted a rezone request for the northwest
36 and northeast corners of 400 North Main Street to be rezoned from Multiple Family (R-3-13) to
37 Professional Office (P-O). The Professional Office zone was created last May and this is the
38 first request for a zone change to that zone. It is the recommendation of the Planning
39 Commission that this zone change be approved.
40

41 At 6:54 p.m. Mayor Cushing opened the public hearing to consider this matter. There
42 was no discussion and the hearing was closed. Councilwoman Holt made a motion that Ord. No.
43 99-12, entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL
44 CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO
45 REZONE PROPERTIES LOCATED AT 407, 415, 455, 406 AND 442 NORTH MAIN STREET
46 FROM R-3-13 TO P-O, be adopted Councilman Shafter seconded the motion and voting was

1 unanimous. Councilpersons Fowler, Holt, Johnson, Knowlton, and Shafter all voted "Aye".

2 **COUNCIL APPROVES EXTENSION OF ROTOMILLING**
3 **SERVICES - J. B. PARSONS CO.**

4 Mr. Rowland explained that as part of the 1998-99 repaving schedule, several streets
5 are in need of rotomilling prior to the overlay. The streets scheduled to be rotomilled contain
6 about 6,600 center-line feet of road, or about 198,000 sq. feet of asphalt. It is the
7 recommendation of staff to accept an offer from J. B. Parsons Company to extend their 1994
8 contract with the City in the amount of \$700.00 per hour. Mr. Rowland noted that this process is
9 very specialized and requires expensive equipment and there is very little competition for this
10 type of work. Chances are that if the project were put out to bid, we would only receive one
11 proposal. Therefore, it is the recommendation of staff that the Council accept the proposal of J.
12 B. Parsons Company and extend their contract to provide rotomilling at the price of \$700.00 per
13 hour. The Street Department has included 32 hours at \$700.00 in their budget. Councilman
14 Shafter made a motion to extend the contract as recommended. Councilman Fowler seconded
15 the motion. Councilpersons Fowler, Holt, Johnson, Knowlton, and Shafter all voted "Aye".

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17 **COUNCIL COMMITTEE REPORTS**

18 Councilman Johnson noted that the induction ceremony for the Youth City Council will
19 be held tomorrow evening (May 20) at 7:00 p.m. and he invited the Council and staff to attend.

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21 **EXECUTIVE SESSION SCHEDULED**

22 At the request of the Mayor, Councilman Fowler made a motion to adjourn to Executive
23 Session at 7:00 p.m. for the purpose of discussing pending litigation. Councilwoman Holt
24 seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Johnson,
25 Knowlton, and Shafter all voted "Aye".

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27 **Attendance at Executive Session**

- 28 Mayor Cushing
- 29 Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton
- 30 Mr. Hardy
- 31 Mr. Rowland
- 32 Mr. Mahan
- 33 Mark Franc, Assistant Engineer

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37 JOHN R. CUSHING, Mayor

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42 KIM J. COLEMAN, City Recorder

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