

# Minutes of the Bountiful City Council Meeting

City Council Chambers  
February 16, 2000

Present:	Mayor:	John R. Cushing
	Council Members:	Barbara Holt, Stewart Knowlton, John S. Pitt, and J. Gordon Thomas
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Prosecutor:	J. C. Ynchausti
	City Engineer:	Paul Rowland
	City Recorder:	Kim J. Coleman
	Recording Secretary:	Nancy T. Lawrence
Excused:	Councilman:	Samuel R. Fowler

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Cushing called the meeting to order at 7:00 p.m. and welcomed those in attendance. Councilman Pitt led the pledge of allegiance to the flag, following which Councilwoman Holt offered the opening prayer.

## **APPROVAL OF MINUTES**

Minutes of the regular meetings of the City Council held February 2 and February 9, 2000 were presented and unanimously approved as written on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Councilpersons Thomas, Pitt, Holt, and Knowlton voted "aye".

## **EXPENDITURES APPROVED FOR PERIOD FEBRUARY 4-10, 2000**

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000 and total disbursements for the period February 4-10, 2000 in the amount of \$162,455.45. The staff responded to several questions from the Council, following which this report was unanimously approved on a motion made by Councilman Pitt and seconded by Councilman Knowlton. Councilpersons Thomas, Pitt, Holt, and Knowlton voted "aye".

## **MORATORIUM ON BUILDING PERMITS IN TEMPLE RIDGE SBDVN. RESCINDED**

Mr. Rowland reviewed that Temple Ridge Subdivision was originally approved in 1994, but due to problems with unstable soil, a moratorium on building permits was placed in effect per City Council directive on March 5, 1997. Subsequently, significant and expensive work has been done on the subdivision to stabilize the ground. In addition to ground work, two of the building lots that were directly on the most troublesome areas were eliminated and combined with other lots, and in the process, a second subdivision was created (Temple Ridge Subdivision Phase 2, approved on February 17, 1999). In the meantime, engineering work to stabilize the ground within the *original Temple Ridge* is complete and it is the recommendation of staff that

the moratorium on building permits be rescinded and the issuance of building permits be allowed, subject to the usual requirements of the Engineering Department. No permits will be issued in Phase 2 until it is recorded.

Discussion followed regarding the nature of the work which has been done, the involvement of the Planning Commission and the information included when the plat is recorded. Councilman Thomas made a motion to rescind the moratorium on building permits for Temple Ridge Subdivision, as recommended by staff. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Thomas, Pitt, Holt, and Knowlton voted "aye".

### **BEER LICENSE OF BONUS STAR MART SUSPENDED FOR 60-DAY PERIOD**

Mr. Ynchausti reviewed that an Order to Show Cause was issued to Bonus Star Mart, 390 North 500 West, as a result of this establishment failing two of three compliance checks within three consecutive quarters. The tests failed were on September 28 and December 21, 1999. The policy of the Council has been to suspend the beer license for 30 days if this is a first offense, to increase the suspension period if the business sells again within three years, and to "wipe the slate clean" if they (the business) go for three years without selling to minors. Mr. Ynchausti referred to memorandums which had been presented to the Council, and to the following history of the City's dealing with Bonus Star Mart, Inc.:

1. On or about 23 January 1991, the City Council considered a similar order to Show Cause for three (3) sales that had occurred during the Compliance Testing Program from 9 July through 10 December 1990; no action to suspend or revoke Bonus Star Mart, Inc.'s license was taken because of a change in ownership which necessitated an application for a new beer license.
2. On or about 13 October 1993, the City Council considered a similar Order to Show Cause for three (3) sales that had occurred during the Compliance Testing Program from 7 June through 14 September 1993; Bonus Star Mart, Inc.'s beer license was suspended for thirty (30) days.
3. On or about 9 August 1995, the City Council considered a similar Order to Show Cause for two (2) sales that had occurred during the Compliance Testing Program from 20 December 1994 through 29 June 1995; Bonus Star Mart, Inc.'s beer license was suspended for sixty (60) days.
4. On or about 5 February 1997, the City Council considered a similar Order to Show Cause for two (2) sales that had occurred during the Compliance Testing Program from 11 December 1996 through 11 June 1997; Bonus Star Mart, Inc.'s beer license was suspended for ninety (90) days. (Mr. Ynchausti clarified that the "through" dates cited in the previous paragraphs were the actual dates that the sales took place).

James Lowrie, counsel for Bonus Star Mart, Inc., acknowledged that the sales did, in fact, take place and he reviewed that Bonus Star Mart fired the employees who made the sales. He also reviewed the training policies and other measures that have been put in place in an attempt to meet full compliance with the City ordinance. Mr. Lowrie noted that the policy is unclear as to what constitutes a 3-year period (the occurrence of illegal sales or the time period between

hearings before the Council). He pointed that it has been more than three years since Bonus Star Mart's last appearance before the Council and he requested this be treated as a first offense and that the Council consider a suspension of no more than 30 days, or a fine of \$1,000.

The Mayor and Council discussed this case and the request of Mr. Lowrie and asked for input from the City Attorney and City Prosecutor. It was noted that the Bonus Star Mart has the worst track record of Bountiful businesses who hold a beer license and the management of Bonus Star Mart was encouraged to continue to do everything they can to be in compliance. Councilman Thomas made a motion to suspend the beer license of Bonus Start Mart, Inc. for a period of 60 days, with the suspension to begin February 29, 2000 (**see next paragraph**) and with the stipulation that if this establishment violates [the ordinance] within a three-year period, the Council will deal with it more severely. Councilwoman Holt seconded the motion and requested that the history of compliance failure be included in these minutes (see page two).

*Mr. Lowrie requested that the 60-day suspension period begin February 18<sup>th</sup> at 12:01 a.m.* This was approved by the City Attorney and Council. The motion carried unanimously with Councilpersons Thomas, Pitt, Holt, and Knowlton voting "aye".

### **COUNCIL COMMITTEE REPORTS**

Councilman Pitt reported that the second Speak Up for Youth hearing will be held Wednesday, February 23 at 5 p.m. in the Council Chambers and he invited the Councilmembers to attend.

Councilman Thomas asked if funds were available for committees to use for postage and Mr. Hardy indicated that there is a Council Contingency budget in the General Fund that covers these expenditures.

Mr. Rowland requested that a Traffic Safety Committee meeting be held and it was scheduled for next Wednesday at 6 p.m.

The meeting adjourned at 8:15 p.m. on a motion made and seconded by Councilpersons Knowlton and Pitt, respectively. Councilpersons Thomas, Pitt, Holt, and Knowlton voted "aye".

JOHN R. CUSHING, Mayor

KIM J. COLEMAN, City Recorder

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