

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
May 28, 2002 -7:10 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, John S. Pitt, J. Gordon Thomas and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Prosecutor:	J. C. Ynchausti
	City Engineer:	Paul Rowland
	Assist. City Engineer:	Mark Franc
	Dir. of Admin. Services	Galen Rasmussen
	Planning/RDA Director:	Blaine Gehring
	Department Head:	Clifford Michaelis, Power Terry Thompson, Streets/Sanitation
	Recording Secretary:	Nancy T. Lawrence

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 Johnson called the meeting to order at 7:10 p.m., following a meeting of the Redevelopment Agency. The Mayor gave special recognition to those who maintain the cemetery, noting how beautiful it was for Memorial Day. He commented that this fine facility is a tribute to the City. The pledge of allegiance was led by Councilman Pitt and Councilman Tolman offered the invocation.

APPROVAL OF MINUTES DELAYED TO NEXT MEETING

The minutes of the meeting of the City Council held May 14, 2002 will be presented for approval at the next regular meeting.

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR TWO PERIODS IN MAY**

Mayor Johnson presented the report of Expenditures and Expenses Greater than \$1,000 for the period May 9 - 15, 2002 (\$271,308.84) and May 16 - 22, 2002 (\$305,049.07). The staff responded to questions, following which Councilman Pitt motioned for approval. Councilman Thomas seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

**UPDATE ON FISHING POND BY DREW CUSHING,
STATE DIVISION OF WILDLIFE RESOURCES**

Mayor Johnson commented on the great report about the fish pond on Channel 5 TV and called on Drew Cushing (State Division of Wildlife Resources) for an update on that project. Mr. Cushing said that there has been a lot of activity at the pond since last fall with visits from numerous reporters. He explained the present objective of getting the right numbers of different species of fish which involves removing some of the larger fish and replacing them with planters. He explained that the natural surface of the bottom of the pond is not conducive to plant growth. Therefore, Boy Scouts have been involved with a project to create a rope structure which simulates

artificial vegetation in several locations. He encouraged more volunteer assistance with creation of a spawning bed and other pond improvements. In July they will start the physical improvements surrounding the pond - restrooms, a fish cleaning station, picnic area and trail around the pond.

Mr. Franc said that there are still issues on the wetlands that are being resolved. It is hoped that an elevated wildlife watch stand can be constructed. Mr. Cushing emphasized that the islands in the pond should be kept off limits and he explained their natural function as the home of certain wildlife species. Mr. Hardy noted that the Parks budget includes an allocation for policing and working at the fish pond. Mr. Cushing also noted that the Youth Fishing Club starts in July. This is an 8-week program where the youth are taught how to fish. It is conducted State-wide through the Division of Wildlife Resources. Mr. Cushing encouraged volunteerism in developing the pond project, as well as the Youth Fishing Club.

**PRESENTATION OF SERVICE AWARDS -
BOUNTIFUL COMMUNITY SERVICE COUNCIL**

Brent Russon, representing the Bountiful Community Service Council (BCSC) thanked the Council for their support of the Bountiful Community Service Council, particularly Councilman Thomas who is a member of this group. He explained that one of the objectives of the BCSC is to recognize groups and individuals who have contributed significantly to the community in some way. Susan Robison, Secretary/Treasurer of the BCSC was also in attendance. He recognized Brent Moon and the committee members who help coordinate the recognition of service awards.

Mr. Russon then recognized the Soroptomist International Club of Bountiful for their contributions to the community. Jan Wray, Merrilee McCall, and Susan Robison serve as officers of that organization whose membership has varied from 14 to 40 members. He reviewed a sample of the projects which they have sponsored in the City and presented a plaque of appreciation to Mrs. McCall who was in attendance to represent the Club.

Former Mayor John Cushing, was then recognized by the BCSC as the individual to be honored for community service. Mr. Russon reviewed Mr. Cushing's community service, including city councilman for two years and two terms as mayor. He presented Mr. Cushing with a plaque of appreciation, following which Mr. Cushing expressed appreciation for the honor.

**HEARING ON ORDER TO SHOW CAUSE -
BEER LICENSE ISSUED TO CHRISTOPHER'S RESTAURANT**

Mr. Ynchausti recognized Police Officer Saul Oberg (in attendance) who supervised the compliance checks of the ordinance regarding the sale of alcohol to minors. He then acknowledged the attendance of Chris Patterson (proprietor of Christopher's), Anthony Bonamenti and Bryan Ross, representing Christopher's. Mr. Ynchausti reviewed that Christopher's failed two consecutive compliance checks – one in December 2001 and the other in March 2002. Following the pattern established by the Council, it is the recommendation of staff that the beer license issued to Christopher's be suspended for a period of 30 days. In response to a question from the Mayor, Mr. Ynchausti explained that the individual who makes the illegal sale is normally charged with a Class A misdemeanor and the business entity is brought before the City Council with an order to

Show Cause. In this case, the individual who made the second sale was charged with a Class A misdemeanor which was later negotiated to a Class B misdemeanor.

Chris Patterson told the Council that seven years ago he made a commitment to the City that he would provide the best training for his staff to address the sale of alcohol to minors. He has had a clear record for six years and was not aware of the December 2001 sale until he was notified of the March 2002 sale. The details of this lapse of communication were presented and discussed. At the time of the December sale, the officer supervising the sale did not issue a citation immediately because he wanted to discuss the situation with the prosecutor. The individual, when cited, did not make the employer aware and Mr. Patterson said that he was not aware of the sale. He claimed that if he had been aware of the December sale, the March sale would not have occurred because he would have dealt quickly and surely in the failed check. Both employees who sold to minors were terminated immediately.

Following a lengthy discussion, Councilwoman Holt recognized that there was a lack of communication and this is an unusual situation. However, the right to sell alcohol is a privilege based on compliance with the ordinance and she motioned, based on what the Council has found to be effective policy, that the beer license of Christopher's be suspended for 30 days. Councilman Thomas seconded the motion. Discussion on the motion followed and Councilman Moss suggested that due to the communication problem, instead of the suspension, that the business be put on probation for a period of time. The Mayor called for the question and the motion died for lack of a majority. Councilpersons Holt and Thomas voted "aye". Councilmen Tolman, Pitt, and Moss voted "nay".

Councilman Moss made a motion that since the December citation was not issued in a timely manner, that the Council consider this matter as though only one sale had been made and that the March sale be considered a recordable offense. Councilman Tolman seconded the motion which carried by a majority. Councilmen Tolman, Pitt, and Moss voted "aye". Councilwoman Holt and Councilman Thomas voted "nay".

APPROVAL GIVEN TO EXTEND BID AND PURCHASE TRANSFORMERS - POWER DEPARTMENT

Mr. Michaelis reported that Cooper Power Systems was awarded a single phase transformer bid in 1998 which was extended to December 31, 2001. Western States Electric Supply, the distributor for Cooper, has offered to again extend the blanket pricing until December 31, 2002. ABB and GE were awarded three-phase transformer bids in December, 1998. Both companies have extended the bids effective to December, 2001 and are offering to extend again until December 31, 2002.

Considering the increase in metal prices, costs of labor, and added fuel costs, staff and the Power Commission recommend that the Mayor and City Council extend the bids for single- and three-phase transformers through December 31, 2002, and purchase transformers as presented at the stated prices (\$15,302.00 for single phase and \$24,978.00 for three-phase). The transformers are needed to replenish inventory and will be purchased out of the 2002-03 budget. Councilman Moss made a motion to this effect, Councilman Thomas seconded the motion and voting was

unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**PRELIMINARY AND FINAL SITE PLAN APPROVED -
THE PARK APARTMENTS, 575 S 100 E, MARV BLOSCH, DEVELOPER**

Mr. Gehring reported that Marv Blosch, developer, has presented a request for preliminary and final site plan approval for The Park apartments, a second phase of an apartment complex located at 575 South 100 East. This matter has been reviewed by the Planning Commission and a favorable recommendation is sent to the City Council, subject to the following conditions:

1. Modify the building plans such that the exterior of the buildings have no more than 50% in stucco or similar materials.
2. Provide a minimum of 16 screening trees along the rear lot line.
3. Riley Court and The Park must be tied together by deed or deed restriction so that the access driveway between Phase 1 and Phase 2 remains open and unobstructed at all times.
4. Garages in Riley Court (presently used for commercial storage) and The Park are for the exclusive use of tenants and may not be rented for storage or non-tenant use.
5. The area at the rear of the units (east side) is very flat and will have difficulty draining. Positive drainage required.
6. The culinary water main line is required to tie into the Phase 1 line.
7. Provide utility easement over entire access driveway 7 feet wide along the street frontage and along the south and east property lines.
8. Payment of the following fees:

a)	Storm drain impact fee	1.2 AC x \$2,100/AC =	\$2,520.
b)	6" culinary main line	395' @ \$25.00/ft.	
	9,875.00		
c)	Fire hydrant & connections	Hydrant =	
	2,130.00		
		Tap and valve	1,500.00
		Connect & Ext	500.00
d)	Lateral & impact fee	Per size	
	Road patch	Per actual patch size	
	Sewer impact fee	16 units x \$1,556.00 =	24,896.00
9. Install 15" dia RCP storm drain from development to existing Barton Creek inlet box on 100 East per drawing.

Councilman Moss expressed concern that there are so many conditions attached and he asked why those items are not required to be completed/resolved prior to approval. Mr. Rowland explained that all that is approved is the preliminary and final site plan and that all of these items must be satisfied prior to issuance of a building permit. Mr. Hardy mentioned that the City has followed this procedure for some time because it allows the builder/developer to continue with the development without being held up for additional approvals from the Council. Councilwoman Holt made a motion to grant preliminary and final approval to the Park Apartments, as presented.

Councilman Tolman seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

PRELIMINARY AND FINAL SITE PLAN APPROVED FOR EXPANSION OF BOUNTIFUL NURSING HOME - 523 NORTH MAIN

Mr. Rowland presented the request of Heritage Management (owner) for preliminary and final site plan approval for an expansion of the Bountiful Nursing Home at 523 North Main. He reviewed that Heritage Management purchased the nursing home in or around the spring of 2001 and at the same time they purchased and had rezoned a small parcel from the Davis School District to square up the property on the northwest corner. The old home on the north property has been demolished and they are now desirous of completing the expansion which was described at the time of the rezone. This expansion will provide an increase from 89 to 122 beds, additional amenities for residents, and additional parking. The Planning Commission has reviewed this request and sends a favorable recommendation for preliminary and final site plan approval, with the following conditions:

1. The landscaping requirements for screening trees on the perimeter of any site is trees every 15 feet on center. The new landscaping plan for the north and west property lines does not come near to that standard. There should be 21 trees along the west line and 23 trees along the north line.
2. Provide details and engineering on the biofiltration sump system including any changes in parking and landscaping designs.
3. Storm water pollution prevention plan is required for construction site runoff.
4. Release of easement required for fire line easements.
5. Provide a 20-ft. wide easement required along fireline and a 7-ft. wide public utility easement required along all property lines.
6. Relocate the overhead power line.
7. Payment of the following fees;

Hydrant line	643 ft. @ \$25.00/ft. =	\$16,075.00
Fire hydrant	2 @ \$2,030.00/ea. =	4,060.00
Tapping valve & sleeve	6" x 6" =	1,313.00
Sewer impact fee	Based on fixture review	
Storm drain impact fee	(on site retention - no fee)	
Water impact fee	Based on new service size	
8. Construction must comply with the IBC and any local ordinances.
9. UDOT permit required for driveway and sidewalk construction.
10. Revise the site plan as necessary to meet the 40% landscaping requirement.

Councilman Tolman motioned to grant preliminary and final site plan approval, as recommended. Councilman Pitt seconded the motion which carried by a majority. Councilpersons Holt, Pitt, Thomas and Tolman voted "aye". Councilman Moss expressed concern that there were so many uncorrected conditions and he abstained from voting.

LOT SPLIT APPROVED FOR BOUNTIFUL MAZDA CAR DEALERSHIP

Mr. Mahan explained that Mike MacDonald is proposing to divide his car dealership

property from one lot into two. One will be for the Mazda dealership and the other for the Lincoln-Mercury dealership. The general rule under State and City law is that properties must go through the subdivision process in order to divide into lots. However, there is an exception under the law (UCA Chapter 9, Part 8 (10-9-806)) and it is proposed to use this exception. Mr. Mahan stated that the MacDonald property meets all of the exemption requirements and stated that a Certificate of Approval (for the Mayor's signature) has been prepared. Zion's Bank, who holds a trust deed on the property, has consented to the division and the Planning Commission unanimously recommends that the division be approved. Following discussion, Councilman Tolman made a motion to approve the division into two metes and bounds descriptions and for the mayor to sign the approval. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

CONTRACT AWARDED TO LANG EXPLORATORY DRILLING FOR 100 EAST WELL RE-DRILL

Mr. Rowland explained that the 100 East well has been abandoned and proposals were requested for re-drilling a new bigger and deeper well. Because of the tight construction site and close proximity to the neighboring houses, this was bid as a rotary drill job rather than a conventional cable tool drill job. Although more costly, the rotary drill method will take less time overall. However, due to the nature of the work, it is continuous 24-7 and can be disruptive to the close neighbors. The contractor is required to put up 20' tall temporary sound walls and keep the neighbors informed about all of the work. It is estimated to take about 2 weeks total of round-the-clock work of the noisiest work, followed by a couple of days of day time only work which will then be followed by about 6 more days of 24-hour work that is not very noisy. This drilling method requires that work continue once it begins. Three contractors picked up plans, but only one bid was received back.

Because there was only one proposal, Mr. Rowland reported that he contacted Weber Basin Water (who used this contractor about 6 months ago) to compare the unit prices. Except for the mobilization number and hourly price for development, the unit prices are fairly close. It is the staff recommendation to accept the bid of Lang Exploratory Drilling for Reconstruction of the 100 East Well at the unit prices listed, with a total contract value of \$394,125.00. Mr. Rowland noted that this is \$94,125 more than planned and will be funded by the Water Replacement fund which has a balance of approximately \$3 million. The total project includes a pump house (\$150,000), bringing the total project to approximately \$550,000.00. Councilman Moss asked if the staff had considered re-sleeving the existing well. Mr. Rowland explained that inasmuch as a deeper bigger well was desired, it was decided to dig a new well. Councilman Thomas made a motion to award the contract to Lang Exploratory Drilling, as recommended by staff. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

SCHOOL RESOURCE OFFICER APPROVED

Mayor Johnson reported that the Davis School District will not participate in funding the school resource officer for the elementary schools. This leaves the City the decision of whether or not to fund the program, how much should be allocated, and where this money should come from. He said that the police chief thinks it is a good program, the school principals favor it, and most

cities in Davis County are participating in funding. Councilman Moss voiced support for the program and suggested that it be funded from the Council Contingency fund. Councilman Pitt said he supports the program, but suggested that a more permanent funding mechanism be established. It was suggested that if the City funds the program this year and it receives a positive evaluation, it could be funded through the police budget in future years. Following further discussion, Councilman Moss motioned to approve the expenditure of \$30,000 from the Council Contingency fund for the purpose of providing a school resource officer to the elementary schools in Bountiful. Councilman Pitt seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye". Councilman Moss also requested that a police officer talk to the Council early in the budget preparation next year so that, if approved, the funding can be allocated to a departmental budget. Mr. Hardy suggested that an evaluation be made by the Public Safety and Finance Committee to determine the importance and efficacy of the program.

PROPOSED BUDGETS FOR GENERAL FUND, CAPITAL PROJECTS FUND AND ENTERPRISE FUNDS REVIEWED

Mr. Hardy reported that he met with the Clipper today and they will be publishing the proposed budgets for public review. The public hearing to discuss the proposed budget will be June 11, 2002. He noted that all of the proposed budgets have been thoroughly reviewed in Committee. There were no questions from the Council on these budgets.

COUNCIL COMMITTEE REPORTS

The field trip to look at skate board parks was re-scheduled from June 4th to June 18th (at 5:00 p.m., prior to the regular meeting).

The meeting adjourned at 9:27 p.m. on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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