

1 Minutes of the regular meeting of the City Council held April
2 27, 1988 at 7:00 p.m. in the City Council chambers, Bountiful, Utah.

3
4 Present: Mayor Pro Tempore: H. Keith Barton
5 Council Members: C. Harold Shafter, Barbara Holt,
6 Phyllis C. Southwick, and Robert
7 Gramoll
8 City Manager: Tom Hardy
9 City Attorney: Layne B. Forbes
10 City Engineer: Jack P. Balling
11 City Recorder: Arden F. Jenson
12 Planning Director: Jon Reed Boothe
13 City Treasurer: Ira H. Todd
14 Rec. Secretary: Nancy T. Lawrence
15 Dept. Heads: Cliff Michaelis, Power
16

17 Absent: Mayor: Dean S. Stahle
18

19 Inasmuch as Mayor Stahle was ill and not in attendance,
20 Councilman Gramoll made the motion that Councilman Barton serve as
21 Mayor Pro-tem for this meeting. Councilman Shafter seconded the
22 motion and voting was unanimous.
23

24 Mayor Pro-tem Barton then called the meeting to order and
25 welcomed those in attendance, following which he led the pledge of
26 allegiance to the flag. The invocation was offered by Mr. Hardy.
27

28 Official notice of this meeting had been given by posting a
29 written notice of same and an Agenda at the City Hall and providing
30 copies to the following newspapers of general circulation: Deseret
31 News, Davis County Clipper, and Salt Lake Tribune.
32

33 Minutes of the regular meeting of the City Council held April
34 13, 1988 were presented and unanimously approved as written on a
35 motion made by Councilwoman Southwick and seconded by Councilman
36 Gramoll.
37

38 **EXPENDITURES AND EXPENSES APPROVED FOR**
39 **PERIODS APRIL 1-14, 1988 AND APRIL 14-21, 1988**

40 Mr. Jenson presented the above-referenced expenditure and
41 expense reports with respective totals of \$128,626.53 and
42 \$395,793.08. The staff responded to questions from the Council
43 regarding these expenditures, following which the reports were
44 approved on a motion made by Councilman Shafter and seconded by
45 Councilwoman Southwick.
46
47

48 **US POSTAL PERSONNEL PRESENT FLAG FLOWN**
49 **OVER NATION'S CAPITOL TO CITY**

50 Karl Schoenfeld and Nolan Birt, representing the Bountiful Post
51 Office, presented a flag to Mayor Pro-tem Barton as a token of their
52 friendship and commitment to further the positive relationship
53 between the City and the Post Office. It was noted that this flag
54 has been flown over the nation's capitol in Washington D.C. Mayor
55 Pro-tem Barton expressed appreciation for this goodwill gesture and
56 he said that he looked forward to years of continued cooperation.
57

1 **COUNCIL APPROVES \$500 CONTRIBUTION**
2 **FOR CONSTITUTION BOWL**

3 Del Rowe, a member of the Bicentennial Committee, explained
4 that a Constitution Bowl will be held in Davis County this year as
5 part of the activities recognizing the ratification of the
6 Constitution. He explained the nature of the competition and
7 introduced Gracia Cook, the Bowl Competition chairman for Bountiful.
8 Ms. Cook explained that the purpose of the Bowl is to help people
9 learn about the constitution and she referred to a book which has
10 been written as a teaching aid for studying the Constitution.
11 Finances are needed to have the book bound and she requested that
12 the Council appropriate \$500.00 for this purpose. After further
13 discussion regarding the competition Councilwoman Southwick made the
14 motion that \$500.00 be appropriated from the Contingency Fund for
15 this purpose. Councilman Shafter seconded the motion and voting was
16 unanimous. Councilman Shafter requested that the winners of the
17 competition be brought back to the Council for recognition.
18 Councilwoman Southwick said she knows of a source where these books
19 can possibly be printed at no cost. Mrs. Cook was asked to contact
20 Mrs. Southwick concerning this.

21
22 **REPORT FROM SOUTH DAVIS COUNTY**
23 **SEWER DISTRICT - ELMER BARLOW AND DAL WAYMENT**

24 Former Mayor Barlow, Bountiful's representative on the Board
25 of Directors for the South Davis County Sewer Improvement District,
26 reported that the Board had approved a value engineering study
27 regarding the plans for upgrading and enlarging of the South Davis
28 County sewerage facilities. He said that the \$8,000 value study can
29 save up to \$196,000 on the project.

30
31 Dal Wayment, manager of the sewer district, briefly reviewed
32 the proposed financing for the project and Mr. Hardy discussed the
33 merits of a \$3.00 rate increase, as opposed to a tax increase. He
34 pointed out that a tax increase is sensitive to the value of
35 individual properties, whereas, a rate increase equalizes the costs
36 over the user population. He said that the tentative plan has been
37 to implement a \$3.00 per month sewer rate increase as a pass-thru
38 to the District.

39
40 Mr. Hardy reported that Bountiful's sewer connect fee for new
41 homes is much below that of surrounding communities--Bountiful's
42 being \$350.00 and most others upwards of \$1,000.00. (\$300.00 is
43 passed on to the Sewer District and Bountiful retains \$50.00 for
44 operation and maintenance). He suggested that consideration could
45 also be given to increasing the connect fee to provide additional
46 funding for the District. Mr. Wayment said that the actual impact
47 of a new connection is between \$500.00 and \$1,500.00 and he asked
48 the Council for a recommendation on what Bountiful should charge.
49 Councilman Gramoll pointed out that it is the responsibility of the
50 District to determine the fee structure which is necessary for them
51 to accomplish their goals and he requested that Mr. Wayment work
52 with the City staff in setting a recommended sewer connect fee and
53 that this recommendation be brought back to the Council. In
54 response to a request from Mr. Wayment, it was agreed that the City
55 staff will draw up an agreement authorizing the \$3.00 rate increase

1 which will be passed through to the District to be used for debt
2 service. This agreement will be brought back to the Council within
3 the next two weeks for their approval. In response to a question
4 from Councilwoman Holt, Mr. Hardy confirmed that the rate increase
5 could be tied directly to the bond issue with the provision that it
6 would come off when the debt service is retired.

7
8 **LARRY JACOBS MAKES REQUEST THAT BARKING DOG**
9 **ORDINANCE BE EXPANDED TO INCLUDE OTHER ANIMALS**

10 Larry Jacobs explained to the Council that his neighbors have
11 a rooster which is disturbing in the first-light hours of the day
12 and he requested that consideration be made to including this type
13 of nuisance in the ordinance which regulates barking dogs. He
14 played a tape recording which was made from his bedroom window--
15 about 150 feet from where the rooster is kept--which illustrated his
16 problem. Councilman Gramoll recommended that this matter be taken
17 under advisement and he then made the motion that action be tabled
18 for a week or two to provide for further study. Councilwoman
19 Southwick seconded the motion and voting was unanimous.

20
21 **BIDS AWARDED FOR VEHICLES FOR POWER DEPARTMENT**

22 Mr. Michaelis reported that bids were received last week for
23 a new flat bed one-ton dump pickup and a technician van for the
24 Power Department and it is the recommendation of the Power
25 Commission and Power Department staff that the following bids be
26 awarded: the low bid from Marion Willey Ford for a one-ton dump
27 bed in the amount of \$16,899.90 (includes cab and chassis and dump
28 bed). Councilman Gramoll made a motion for approval as recommended
29 and Councilman Shafter seconded the motion. Voting was unanimous.
30 The second recommendation was for the low bid from Murdock Chevrolet
31 for a mini-van in the amount of \$10,830.00 (including options).
32 Councilman Shafter made a motion for approval as recommended,
33 Councilwoman Holt seconded the motion and voting was unanimous. It
34 was noted that the low bid (from Jerry Seiner) had been withdrawn.

35
36 **SEVEN AMUSEMENT DEVICES APPROVED FOR**
37 **DILLEY'S - 2837 SO MAIN**

38 Mr. Hardy referred to the request which was made by Dilley's
39 (2837 South Main) two weeks ago for approval of seven amusement
40 devices and the subsequent action of the Council to have this matter
41 studied further. He said it is the recommendation of the staff that
42 Dilley's be allowed to keep the seven amusement devices presently
43 a part of their business; however, that this right will **not** continue
44 with a new owner. And further, the staff recommends that the two
45 other non-conforming businesses (Fred Meyer and Classic Skating
46 Rink) be advised that if their businesses change ownership they will
47 lose their non-conforming status. Councilman Shafter made the
48 motion that the staff recommendation be approved, Councilwoman
49 Southwick seconded the motion and voting was unanimous.

50
51 **PUBLIC HEARING SET FOR MAY 25, 1988**
52 **TO CONSIDER FENCE ORDINANCE**

53 Mr. Boothe reported that it is the recommendation of the staff
54 that a public hearing be scheduled for the purpose of studying the
55 fence ordinance (Chapter 15, paragraph 807 and 809). He suggested

1 that the hearing be set for May 25th at 7:30 p.m. and he informed
2 the Council that the proposed amendments would be provided to them
3 in advance for their study. Mayor Pro-tem Barton requested that the
4 proposed changes be made available at least one week prior to the
5 hearing. Councilman Shafter made a motion that a public hearing be
6 set as recommended (May 25, 1988 at 7:30 p.m.), Councilwoman
7 Southwick seconded the motion and voting was unanimous.

8
9 **PUBLIC HEARING SET FOR MAY 25, 1988 AT**
10 **7:45 P.M. TO CONSIDER AMENDING FOOTHILL**
11 **DEVELOPMENT REGULATIONS**

12 Mr. Boothe reviewed that following adoption of the Foothill
13 Overlay Zone ordinance, an amendment was adopted which provided that
14 homes could be located more than 250 feet from a dedicated street.
15 It is the recommendation of the staff that this condition be studied
16 further and that a public hearing be set for May 25, 1988 at 7:45
17 to consider this matter. Councilwoman Holt made a motion for the
18 public hearing as recommended, Councilman Gramoll seconded the
19 motion and voting was unanimous. The Council again requested that
20 they receive the proposed changes at least one week prior to the
21 hearing.

22
23 **PROWSWOOD, LTD REQUESTS APPEAL OF PLANNING COMMISSION**
24 **DENIAL OF MODIFICATION TO DANBURY LANE PUD**

25 Mr. Hardy reported that the Planning Commission denied by
26 unanimous vote the request of Prowswood, Ltd. to make modifications
27 to their PUD at Danbury Lane, 835 North 200 West. Prowswood is
28 before the Council this evening to appeal this denial. Mr. Hardy
29 read the ordinance definition of a PUD and then he reviewed Chapter
30 7 "Planned Unit Development (PUD)". He noted that the modifications
31 proposed by the developer meet the ordinance requirements in all
32 instances except Section 7-308 which provides that "Every PUD shall
33 provide common open space, accessible to all lots or units, of at
34 least 30 percent of the gross area of the development site", and in
35 this proposal, it is not certain whether or not this requirement is
36 met. Due to a slump in the market for multi-family condo buildings,
37 the developer is proposing to develop approximately one-half of the
38 project area in single-family units.

39
40 Councilman Shafter was asked by Mayor Pro-tem Barton to explain
41 why the Planning Commission voted against this request. Councilman
42 Shafter responded by mentioning that the single family units would
43 probably attract families with young children and result in a safety
44 hazard considering the swimming pool, walk spaces and traffic. In
45 addition, the whole project should be developed as one unit and not
46 split into two parts. If split in two, it would not meet the six
47 acre requirement, and would also be questionable as to whether the
48 development would meet the open spaces requirement.

49
50 Mr. Hardy noted that the residents of the condos have great
51 concerns that the single family units will attract families with
52 young children which will create a safety hazard, inasmuch as the
53 streets are narrower than public streets and there are no sidewalks.
54 The residents suggested to the developer that the project be divided
55 into two separate projects; however, there is not sufficient acreage

1 for the existing portion to meet ordinance and if the road pattern
2 is not connected, a traffic safety problem will exist.

3
4 Dick Prows, developer, said that he did not expect the Planning
5 Commission to turn down the request for modification since it had
6 a positive recommendation from the staff subject to meeting the 30
7 percent ordinance requirements noted above. He emphasized to the
8 Council the importance of Prowswood being able to meet the demand
9 of the market in order to finish this project. He pointed out that
10 the modified plan would reduce the density by 1/2 and he said that
11 the homes would be priced from \$80,000 to \$110,000.

12
13 A lengthy discussion followed and Mayor Pro-tem Barton
14 requested that a representative of the residents from the condos
15 present their concerns. J. D. Bernard said that their greatest
16 concern was safety as was mentioned by Mr. Hardy above. Several
17 other residents expressed their concerns and stated that, although
18 they sympathize with the economic concerns of the developer, they
19 must first protect their own interests. Other concerns were a less
20 quiet neighborhood due to young children and the possibility of loss
21 of value of their units due to mix proposed.

22
23 Councilman Gramoll made the motion that the action of the
24 Planning Commission be sustained and that the appeal be denied
25 inasmuch as he was not convinced by sufficient reason to change the
26 ordinance. Councilman Shafter seconded the motion. Councilwomen
27 Holt and Southwick voted against the motion and Mayor Pro-tem Barton
28 voted aye, resulting in the motion carrying by majority vote.
29 Councilwoman Holt clarified that the reason for her nay vote was
30 that she would support the proposed modification as approved by
31 staff, subject to the developer meeting the open space ordinance
32 requirement.

33
34 **COUNCIL DENIES APPEAL FOR RELIEF FROM**
35 **UNIFORM BUILDING CODE**

36 Mr. Hardy reviewed the ordinance regarding building permits
37 and the time period for which they are effective. He said that
38 three commercial permits have lapsed due to no work having been done
39 for a period of 180 days or more. This will require that the
40 permittee take out a new permit and pay the attached fees.
41 Prowswood, Ltd. is one of the permittees involved and they have
42 filed an appeal to the Council to provide relief from this
43 ordinance. The other permits involved were taken out by Gale
44 Armstrong for a medical office building and High Pointe
45 condominiums. Councilman Gramoll reviewed that the Uniform Building
46 Code has been adopted by ordinance and that the fee schedule and the
47 regulation of building inspection is set forth in this Code.

48
49 Dr. Armstrong reviewed the number of permits he has been
50 required to take out (due to completing the shell of his building
51 initially and then finishing office space as tenants are selected),
52 and the costs of those permits. He said that the reason he had not
53 completed the work on the permit in question is because he does not
54 have a tenant for that office and therefore does not know the

1 specific items which will be needed. He requested that he be
2 allowed to complete the office without a second permit and fee.

3
4 The Council discussed this matter and Mr. Balling responded to
5 questions. Mr. Balling also explained the components of the permit
6 fee and their relationship to the building inspection function.
7 Although Dr. Armstrong said that he has done some work all along on
8 the permit in question, Mr. Balling clarified that the inspection
9 record is used to determine the 180-day period. Councilman Shafter
10 made the motion that the appeal for relief be denied on the basis
11 that the City should conform and work within the ordinance to
12 provide uniformity. Councilwoman Holt seconded the motion and
13 voting was unanimous.

14
15 **EXECUTIVE SESSION SCHEDULED**

16 At the request of the Mayor Pro-tern, Councilman Shafter made
17 a motion that an executive session be held immediately after this
18 meeting to discuss personnel. Councilman Gramoll seconded the
19 motion and voting was unanimous.

20
21 **MISCELLANEOUS - DAVE BROWN REPORTS**
22 **ON KERN RIVER HEARING**

23 Dave Brown, a Maple Hills resident concerned about the Kern
24 River issue, reported what he felt was misrepresentation in the
25 testimony given in Washington D.C. this week. Mr. Hardy responded
26 that this matter was reviewed by MacNeil Watkins, counsel in
27 Washington D.C. and it was determined that the testimony was
28 correct. It was recommended that the City clarify its position
29 regarding the Wasatch Variation on the FERC records.

30
31 The meeting adjourned to executive session at 10:38 p.m.

32 
33 _____

34 MAYOR

35 
36 _____
37 CITY RECORDER

38 * * * * *