

1 Minutes of the regular meeting of the City Council held
2 December 13, 1989 at 7:00 p.m. in the Council Chambers of the City
3 Hall, Bountiful, Utah. This meeting was a joint meeting with the
4 Mayor and City Council from West Bountiful and the Redevelopment
5 Agency of both cities.
6

7 Present: Mayor: Dean S. Stahle
8 Council Members: C. Harold Shafter, Barbara
9 Holt, Bob Gramoll, and H.
10 Keith Barton
11 City Manager: Tom Hardy
12 City Attorney: Layne B. Forbes
13 City Engineer: Jack P. Balling
14 City Treasurer: Ira H. Todd
15 Dep. Recorder: Lois Hoskins
16 Rec. Secretary: Nancy T. Lawrence
17 Dept. Heads: Cliff Michaelis, Power
18 Jerry Lemon, Fire
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20 West Bountiful Officials:
21 Mayor: Jerry Thompson
22 Council Members: Lynn Kenisen, Bruce Talbot, and
23 Wendell Wild
24

25 Counsel for Redevelopment Agency (both cities):
26 William Oswald
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: Davis
31 County Clipper, Deseret News, and Salt Lake Tribune.
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33 Mayor Stahle called the meeting to order, following which he
34 led the pledge of allegiance to the flag. The invocation was given
35 by Councilman Barton.
36

37 Minutes of the regular meeting of the City Council held
38 December 6, 1989 were presented and unanimously approved as amended
39 on a motion made by Councilman Shafter and seconded by Councilwoman
40 Holt.
41

42 **EXPENDITURE AND EXPENSE REPORTS APPROVED FOR**
43 **THE PERIOD NOV. 26-30, 1989 AND SUMMARY FOR NOVEMBER**

44 Mrs. Hoskins presented the Expenditure and Expense Report for
45 the Period November 26-30, 1989 in the amount of \$274,694.19 and
46 the Summary of Expenditures for November totaling \$2,429,940.54.
47 Following a few brief comments by the Council, these reports were
48 both approved on a motion made by Councilman Barton and seconded by
49 Councilman Shafter. Voting was unanimous.
50

51 **COUNCIL APPROVES CONTRACT WITH DAVIS COUNTY**
52 **FOR ANIMAL CONTROL SERVICES FOR ONE YEAR**

53 Mr. Hardy reported that he met Monday with the Davis County
54 Commissioners and the city managers from Layton and Clearfield to
55 discuss the issue of animal control. He summarized the differences
56 of opinion between the County and the Cities, noting that the
57 County does not feel that a binding contract to provide animal
58

1 control service is in place and it is the contention of the cities
2 that the County is bound to provide this service through April 15,
3 1990.

4
5 The options of the City for animal control service were then
6 reviewed and Mr. Hardy recommended the following: that Bountiful
7 enter into the contract proposed by the County for full animal
8 control services (field and shelter) for the period January 1, 1990
9 through December 31, 1990, for the amount of \$24,300.00. (Based on
10 a negotiated settlement with Davis County of 50/50 for the period
11 January 1, 1990 - April 15, 1990). He went over the advantages and
12 disadvantages of the City providing their own animal control
13 services and the options for payment. He also recommended that the
14 City leave open the option to provide their own animal control
15 services next year. Councilman Gramoll made the motion that the
16 recommendation of Mr. Hardy be upheld, Councilman Barton seconded
17 the motion and voting was unanimous.

18
19 **PUBLIC HEARING AND PRESENTATION OF JOINT SUMMARY**
20 **STATEMENT - PROPOSED RDA PROJECT BETWEEN BOUNTIFUL**
21 **AND WEST BOUNTIFUL**

22 At 7:25 p.m., the meeting recessed to prepare for the public
23 hearing. The meeting reconvened at 7:30 p.m. as a joint meeting
24 and public hearing of the Bountiful City Council and the
25 Redevelopment Agency of Bountiful and the West Bountiful City
26 Council and the Redevelopment Agency of West Bountiful. West
27 Bountiful Councilman Lynn Kenisen served as Mayor Pro Tempore for
28 West Bountiful until Mayor Thompson arrived at 7:40 p.m.

29
30 William Oswald explained that the purpose of the joint meeting
31 of the two cities is to consider adoption of a redevelopment
32 project which is located within the boundaries of both
33 jurisdictions and enter into a joint agreement relating to
34 development of that project. He then reviewed the following "Joint
35 Statement":

36 "The minutes should show that this is the time and the date
37 set for a public hearing conducted by the Redevelopment Agency of
38 Bountiful City and the City of Bountiful, on December 13, 1989 at
39 7:30 p.m. in the Council Chambers of the Bountiful City Hall,
40 Bountiful City, Utah, pursuant to Notice concerning a preliminary
41 or proposed redevelopment plan entitled "Bountiful Gateway
42 Neighborhood Development Plan" and dated November 10, 1989.

43
44 "The following documents will be made part of the public
45 hearing record:

46
47 1. A notice of Public Hearing as required by Section 11-19-6,
48 Utah Code Annotated, has been given by publication in the
49 Davis Clipper. Certified copies of the proof of publication
50 will be filed with the minutes of the public hearing.

51
52 2. The Redevelopment Agency by Resolution No. 89-08 dated
53 October 18, 1989, formally designated an area in Bountiful
54 City as a redevelopment survey area, as provided by Section
55 11-19-8, Utah Code Annotated, and a copy of this Resolution
56 will be made part of the minutes of this public hearing.

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3. A Notice dated November 10, 1989, executed by Dean Stahle as Mayor of Bountiful City and Tom Hardy, as Executive Director of the Redevelopment Agency was mailed to each owner of record, owning property within the boundaries of the proposed project area. Copies of said Notice and a list of said owners, together with certificates of mailing shall be attached to the record of this hearing.

4. A Notice dated November 10, 1989, executed by Dean Stahle, as Mayor of Bountiful City and Tom Hardy, as Executive Director of the Redevelopment Agency was mailed to each taxing agency incorporating the provisions required by Section 11-19-34, Utah Code Annotated. A copy of said Notice, together with a certificate of mailing will be attached to the minutes of this public hearing.

5. The Bountiful Planning Commission submitted a report as provided by Section 11-19-13, Utah Code Annotated, indicating that the Preliminary Redevelopment Plan is consistent with the master plan of the City, as well as other City plans for the development of the area or capital improvement plans of the City and a copy of said report will be filed with the minutes of this public hearing.

6. The proposed Redevelopment Plan entitled, "Bountiful Gateway Neighborhood Development Plan" containing provisions required by the Utah Neighborhood Development Act, has been available for public inspection at the office of the Redevelopment Agency since November 10, 1989. Copies of said Plan are available at this hearing and may be reviewed by interested parties.

7. A proposed Report on the Redevelopment Plan as required by Section 11-19-14, Utah Code Annotated, as amended, is attached to the Redevelopment Plan.

8. A Notice of Meeting as required by Section 52-4-6, Utah Code Annotated, has been given by publication and a copy of the Notice, together with a copy of the agenda and a certificate of mailing shall be attached to the record of this public hearing.

The purposes of this public hearing, is set forth in Section 11-19-12, Utah Code Annotated, which states:

The Agency shall prepare or cause to be prepared a redevelopment plan for each project area and for that purpose shall hold one public hearing and conduct examinations and investigations and other negotiations. . .

and is set forth in Section 11-19-18 U.C.A., which states:

At the hour set in the notice in Section 11-19-16 of this Act for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. Before adopting the Project Area Redevelopment Plan, the legislative

1 body shall consider the report of the Agency, and all evidence
2 and testimony for and against the adoption of the Plan.
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4 Mr. Oswald referred to a map of the project area and noted
5 that the property on the corner of 500 South 500 West was not
6 included in the project because it is already included in a
7 previous CBD project by Bountiful. He noted that certain other
8 properties were not included in the project because they are too
9 expensive or are in good shape. He then acknowledged the written
10 opposition to the project which has been filed by Roger Brazier.
11

12 **REVIEW OF BLIGHT SURVEY - RICHARD CHONG**

13 Richard Chong, expert in preparation of blight surveys,
14 reviewed the Blight Analysis for the Bountiful-West Bountiful 500
15 West Survey Area, and summarized by percent of project area the
16 following blight factors which were found to be present: (1)
17 defective design and character of physical construction; (2) high
18 density of population and overcrowding; (3) inadequate provision
19 for ventilation, light, sanitation, open spaces and recreation
20 facilities; (4) age, obsolescence, deterioration, dilapidation,
21 mixed character or shifting of uses; (5) economic dislocation,
22 deterioration, or disuse, resulting from faulty planning; (6)
23 subdividing and sale of lots of irregular form and shape and
24 inadequate size for proper usefulness and development; (7)
25 existence of inadequate streets, open spaces, and utilities; and
26 (8) existence of lots subject to flooding, (9) Code violations; and
27 (10) inadequate landscaping. Councilman Gramoll stated that, in
28 fact, the properties cited were older properties and could not be
29 judged in violation by backing up today's code into the time period
30 when these cited structures were built. A slide presentation was
31 then given to verify some of the blight conditions as represented.
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33 **REVIEW OF PRELIMINARY PLAN AND REPORT TO PLAN**
34 **WILLIAM OSWALD**

35 Mr. Oswald indicated that the Preliminary Plan for the
36 Bountiful Gateway Neighborhood Development Plan has been on file
37 and available for review since November 10, 1989. He briefly
38 reviewed the contents and organization of that Plan and then gave
39 a general overview of the Report on Redevelopment Plan Entitled
40 'Bountiful Gateway Neighborhood Development Plan', dated November
41 10, 1989.
42

43 **INPUT FROM DEVELOPERS, PROPERTY OWNERS,**
44 **GOVERNING BODIES, AND OTHERS**

45 Mayor Stahle invited Mayor Thompson to conduct the public
46 response and input was requested from the developers, property
47 owners, and others, in that order. Scott Kjar, SKY Properties
48 developer, expressed appreciation to the two communities on the
49 cooperative spirit which has existed as this project has been
50 planned. He said that the assistance of the RDA is needed to bring
51 about the joint effort of the two cities to deal with the
52 irregularities which exist on the site; to assist in cleaning up
53 the area and bringing a better face for both communities; and to
54 provide the financial advantages for the property owners. He said
55 it is the intent of SKY properties to bring together a nice
56 retail/commercial project at a cost between \$6 and \$9 million. He

1 estimated that approximately 200+ jobs will be created during the
2 construction of the project, the project will benefit the cities by
3 increasing the tax base and will enhance economic development in
4 the south end of the county.

5
6 Lawrence Barber, owner of the mobile home park, requested that
7 the minutes reflect that the mobile home park was in full
8 compliance with the statutes of both cities when it was built.
9 Population factors which were cited as evidence of blight are of a
10 non-conforming nature. In defense of the tenants of said mobile
11 home park, he cited seven factors contrary to the blight study and
12 he commended his tenants on the manner in which they maintain their
13 properties.

14
15 Bryce Singley, property owner, voiced his favor for the
16 project, commenting on the excellent access (3) which will be
17 available from a major street.

18
19 Keith Stahle, representing the owners of Parcel No. 2,
20 indicated that he had not previously had access to the blight study
21 and requested a meeting with the West Bountiful City officials at
22 the termination of this hearing. He notified the counsel that he
23 will be filing a written objection to Parcel No. 2 being included
24 in the blight area, noting that it has been under cultivation for
25 a number of years.

26
27 Brent Argyle, Fire Chief of the South Davis Fire District,
28 expressed concern that the Blight Study cited inadequate fire
29 protection for the area. Mr. Chong explained that finding of fact
30 was based on the availability of the water supply--not the
31 performance of the Fire Department. Chief Jerry Lemon, Bountiful
32 City Fire Department, and Chief Argyle verified that there is no
33 lack of fire protection for this area and Mr. Chung apologized for
34 the misunderstanding.

35
36 Emmett Cluff, Bountiful resident since 1949, said he is
37 disturbed by the cities involvement in a project which will most
38 likely result in new stores causing the closure of existing
39 businesses. Mayor Stahle, Mr. Hardy, and several council members
40 addressed this concern and marketing philosophies were discussed.
41 Max Erickson, owner of Pro Mart and employer of 300 people, said he
42 is concerned about areas of the city which have more severe blight.

43
44 Roger Brasier, owner of Parcel No. 6 in the proposed project,
45 said that he does not favor the project and he requested permission
46 for Kevin Handley to represent his concerns. Mayor Thompson
47 acknowledged the protest and indicated that this matter can be
48 discussed later in the evening with West Bountiful when the cities
49 meet separately.

50
51 Jack Billings, Bountiful resident, spoke in opposition to the
52 project and the RDA in general.

53
54 Hans Kuhlmann, real estate agent for ShopKo, a possible
55 participant in the redevelopment project, verified that they are
56 serious in their negotiations with SKY properties. He said that

1 approval of the RDA project is imperative to the success of this
2 site; other sites are being considered in the Bountiful/Centerville
3 area. In response to Councilman Gramoll's query as to ShopKo's
4 intent, Mr. Kuhlmann said that they are 99.9 percent certain of
5 going with this site (subject to the RDA approval) and he said he
6 would provide a written statement to that effect tomorrow morning.
7

8 Mayor Stahle called for further comments from those in
9 attendance and there were none. The Council made brief comments of
10 support, following which Mr. Oswald asked Mr. Barber what his
11 position on the project is. Mr. Barber indicated that he has not
12 taken a position because he considers his tenants as his friends
13 and he has a responsibility to watch out for them.
14

15 **SUMMARY OF EVIDENCE PRESENTED -**
16 **WILLIAM OSWALD**

17 Mr. Oswald stated that if the RDA plan is to be adopted, it is
18 necessary to satisfy certain findings of fact and he summarized
19 those points, which included the following: (1) the area is found
20 to be blighted; (2) the project contains less than 100 acres of
21 private property; (3) the project is feasible and economically
22 sound; (4) the project is compatible with the master plan; (5) the
23 project will be for the public welfare of the city; (6) a provision
24 for condemnation will be included; (7) a relocation plan will be
25 adopted; and (8) suitable housing facilities will be available in
26 the city within 3 years. On the basis of the above-mentioned
27 points, Mr. Oswald said it is the recommendation of Mr. Chung and
28 himself that the proposal qualifies as a redevelopment site.
29

30 At 10:29 p.m. the public hearing was closed on a motion made
31 and seconded by Councilmen Barton and Shafter, respectively.
32

33 **EXECUTIVE SESSION SCHEDULED I NOT HELD DUE**
34 **TO LATENESS OF MEETING**

35 At the request of the Mayor, Councilman Barton made a motion
36 for an executive session to discuss pending litigation. Councilman
37 Gramoll seconded the motion. Voting was unanimous. (Mr. Hardy
38 indicated that inasmuch as it was so late, it would not be
39 necessary to cover this item tonight).
40

41 **ADJOURNMENT FROM JOINT MEETING TO SEPARATE**
42 **REDEVELOPMENT AGENCY MEETINGS**

43 At 10:35 p.m. Councilman Barton made a motion for adjournment
44 of the joint meeting so that the two groups could meet separately,
45 as needed, in RDA sessions. Councilman Gramoll seconded the motion
46 which carried unanimously.
47

48 **ORD. NO. 89-8 RE: RULES GOVERNING PARTICIPATION**
49 **IN RDA PROJECT ADOPTED**

50 At 11:25 p.m., Bountiful City Council reconvened and
51 Councilman Shafter made the motion that Ordinance No. 89-8
52 entitled, "APPROVAL OF RULES GOVERNING PARTICIPATION AND PREFERENCE
53 BY OWNERS, OPERATORS OF BUSINESSES AND TENANTS WITHIN A
54 REDEVELOPMENT PROJECT AREA ADOPTED BY THE REDEVELOPMENT AGENCY OF
55 BOUNTIFUL CITY" be adopted, with authorization for the Mayor and

1 City Recorder to sign. Councilwoman Holt seconded the motion and
2 voting was unanimous.

3

4 **ADOPTION OF ORD. NO. 89-9 RE: ADOPTION OF RDA PLAN ENTITLED**
5 **BOUNTIFUL GATEWAY NEIGHBORHOOD DEVELOPMENT PLAN**

6 Councilman Gramoll then made a motion to adopt Ordinance No.
7 89-9 entitled, "AN ORDINANCE OF THE CITY OF BOUNTIFUL, UTAH,
8 ADOPTING THE BOUNTIFUL GATEWAY PROJECT AREA REDEVELOPMENT PLAN
9 ENTITLED, 'BOUNTIFUL GATEWAY NEIGHBORHOOD DEVELOPMENT PLAN', DATED
10 NOVEMBER 10, 1989" with authorization for the Mayor and City
11 Recorder to sign. Councilman Barton seconded the motion and voting
12 was unanimous.

13

14 **JOINT RDA AGREEMENT BETWEEN BOUNTIFUL AND WEST**
15 **BOUNTIFUL APPROVED**

16 Councilman Shafter moved for approval of the Joint RDA
17 Agreement between the cities of West Bountiful and Bountiful and
18 the Redevelopment Agencies of each city, with approval for
19 signature. Councilman Barton seconded the motion and voting was
20 unanimous.

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22 The meeting adjourned at 11:30 p.m. on a motion made by
23 Councilwoman Holt and seconded by Councilman Shafter.

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MAYOR


CITY RECORDER

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