

1 Minutes of the regular meeting of the City Council held  
2 December 20, 1989 at 7:00 p.m. in the Council Chambers of the City  
3 Hall, Bountiful, Utah.  
4

5 Present: Mayor Pro Tempore: J. Dean Hill  
6 Council Members: C. Harold Shafter, Bob Gramoll,  
7 and H. Keith Barton  
8 City Manager: Tom Hardy  
9 City Attorney: Layne B. Forbes  
10 City Engineer: Jack P. Balling  
11 City Recorder: Arden F. Jenson  
12 City Treasurer: Ira H. Todd  
13 Rec. Secretary: Nancy T. Lawrence  
14 Dept. Heads: Cliff Michaelis, Power  
15

16 Excused: Mayor: Dean S. Stahle  
17 Councilwoman: Barbara Holt  
18

19 Official Notice of this meeting had been given by posting a  
20 written notice of same and an Agenda at the City Hall and providing  
21 copies to the following newspapers of general circulation: Davis  
22 County Clipper, Deseret News, and Salt Lake Tribune.  
23

24 It was mentioned that Mayor Stahle was at a Council of  
25 Governments meeting. Councilman Shafter made the motion that  
26 Councilman Hill serve as Mayor Pro Tempore. Councilman Barton  
27 seconded the motion and voting was unanimous. Mayor Pro Tempore  
28 Hill called the meeting to order, following which he led the pledge  
29 of allegiance to the flag. The invocation was given by Councilman  
30 Gramoll.  
31

32 Minutes of the regular meeting of the City Council of December  
33 13, 1989 (held jointly with West Bountiful city officials and the  
34 Redevelopment Agencies of both cities) were presented and  
35 unanimously approved as amended on a motion made by Councilman  
36 Barton and seconded by Councilman Shafter.  
37

38 **EXPENDITURE AND EXPENSE REPORTS**

39 There were no expense reports presented for approval.  
40

41 **APPROVAL GIVEN TO AMENDED TRUST DEED--**  
42 **WILLEY HONDA**

43 Mr. Forbes explained that the trust deed which was executed by  
44 the city to secure financing of \$800,000.00 for the construction  
45 loan of Willey Honda cannot be amended without written consent of  
46 the city. There has been a construction cost overrun of  
47 \$200,000.00 and the financing agent (Valley Bank and Trust) is  
48 requesting approval of a revised Trust Deed, which will reflect  
49 that the Trust Deed will be security for a \$1,000,000.00 loan.  
50 Rick Stevenson, Valley Bank and Trust, explained the reasons for  
51 the overrun and discussion followed. Councilman Gramoll motioned  
52 that the amended Trust Deed be approved and the Mayor and City  
53 Recorder be authorized to sign. Councilman Shafter seconded the  
54 motion and voting was unanimous. It was clarified by Mr. Stevenson  
55 and affirmed by Mr. Forbes that this change will be handled as a  
56 second Trust Deed of \$200,000.00 which will merge into the original  
57 Trust Deed of \$800,000.00.  
58

**ARNELL HEAPS APPOINTED TO SERVE ON SOUTH DAVIS SEWER DISTRICT**

Mr. Hardy reported that Bountiful's board membership appointment on the South Davis Sewer District board is up this year. The appointment is for a six-year term and has been filled by former mayor Elmer Barlow for the past two terms. It is the recommendation of Mayor Stahle that Arnell Heaps be appointed to serve as Bountiful's representative on this Board. Councilman Barton made the motion that this appointment be made as recommended, Councilman Shafter seconded the motion and voting was unanimous.

**APPROVAL GIVEN FOR "NO PARKING" ON CENTER STREET BETWEEN 425 WEST AND 500 WEST - SOUTH SIDE**

Mr. Balling reported that requests have been made to the Traffic Safety Committee by citizens and the Fire and Police departments to limit parking on Center Street between 425 West and 500 West. He explained that the travel lanes on this street are only 30 feet wide, and if cars are parked on both sides of the street, 16 feet are absorbed, leaving only 14 feet for travel--which will not permit two-way traffic. He noted that the Council previously made a site visit to this area and the matter has again been reviewed by the Traffic Safety Committee. It is the recommendation of the staff and Traffic Safety Committee that the south side of Center Street be marked "No Parking" between 425 West and 500 West. Following discussion, Councilman Gramoll made the motion that the recommendation of the Committee and staff be upheld, Councilman Shafter seconded the motion and voting was unanimous.

**EARNEST MONEY AGREEMENT APPROVED TO SECURE USED 75 MVA TRANSFORMER - POWER DEPARTMENT**

Mr. Michaelis reviewed that the Power Department has located a used 75 MVA transformer which they are desirous of purchasing to replace the 40 MVA transformer at the 138 substation. The 75 MVA transformer is presently faulted and would be rebuilt and rewound by U.S. Transformer for a F.O.B. cost not to exceed \$357,050.00, with a two-year guarantee. Mr. Michaelis noted that the cost of a new transformer would be \$800,000 to \$1,000,000 and the guarantee would be for two years. He also mentioned that there is a back-up transformer at the 138 substation, which relieves any risk which might be present. The \$8,000 earnest money agreement would provide for the city to reserve the transformer for a 90-day period which would allow time for contracts to be drawn up and a purchase contract will be brought back to the Council. After a brief discussion, Councilman Barton made the motion that the \$8,000 earnest money agreement be approved, Councilman Gramoll seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER REQUEST TO REZONE PROPERTY AT 1950 SOUTH ORCHARD DRIVE - RESIDENTIAL TO COMMERCIAL (GLEN E. JESSUP)**

Mr. Boothe reported that the request of Glen Jessup for rezoning of the property at 1950 South Orchard from residential to commercial has previously been before the city and denied. In this request, Mr. Jessup is excluding 100 feet of property on the east

side of the 1 1/2 acre parcel, which would leave approximately one  
2 acre to be rezoned to commercial, and the remainder would serve as  
3 a buffer to the residential zone to the east. It is the  
4 recommendation of the Planning Commission that the request be  
5 approved. This recommendation was made on the basis that it is in  
6 accordance with the Bountiful Comprehensive Plan and the widening  
7 of Orchard Drive makes it feasible.

8  
9 Thomas Bowen, counsel representing Mr. Jessup, explained that,  
10 following the recommended approval of the Planning Commission, Mr.  
11 Jessup has made the financial investment necessary to have a site  
12 plan and preliminary drawings prepared and he noted that the  
13 proposed tenants of the in-line boutiques would be a dry cleaner,  
14 flower shop, copy and mail center, a beauty salon/barber shop, and  
15 one space not yet filled. Mr. Jessup has attempted to sell this  
16 property in the past and has been unable to do so and with the  
17 widening of Orchard Drive, the uses permitted in the present zone  
18 are not marketable. Therefore, he is desirous of a zone change  
19 which is compatible with the widened street and with the Master  
20 Plan which recommends extension of the commercial area to this  
21 property. The 100 ft. strip on the east is proposed as three  
22 residential lots to buffer the commercial development from the  
23 existing neighborhood to provide minimal impact. He noted that the  
24 proposed use is clean, and will provide sales tax revenues to the  
25 city.

26  
27 In response to concerns of the neighborhood, Mr. Bowen noted  
28 that it would be economically impossible for a convenience store to  
29 locate on the property if it were zoned commercial because it is  
30 within 600 feet of the Baptist Church to the north. He reviewed  
31 other citizen concerns, and stated that Mr. Jessup will develop it  
32 with sensitivity to the neighborhood and will provide extra  
33 landscaping and parking, as well as a residential format to the  
34 building. Councilman Gramoll pointed out that the discussion this  
35 evening should be strictly the zoning issue and that the site plan  
36 and drawings need to be reviewed by the Planning Commission prior  
37 to coming before the Council.

38  
39 Ed Rawley spoke in opposition to the zone change and presented  
40 a petition which had been signed by 325 residents who also oppose  
41 the request. Mr. Rawley commented on the notice which had been  
42 given to residents and stated that he felt he should have received  
43 notice, even though he resides further than 500 feet from the  
44 subject property. Mr. Hardy clarified that the ordinance requires  
45 that only citizens residing in Neighborhood 9 District 5 be  
46 notified, as well as those within 500 feet. The following citizens  
47 also spoke in opposition to the request: Lorraine Counter, Lois  
48 Pangman, Doug Boss, Virginia Rawley, Jim England, Dorothy Hadden,  
49 BeNon White, Cherry Shosted, Carol Bennett, and Colleen Poulson.  
50 A written protest from Lloyd Bryner, Reverend of the Lutheran  
51 Church, was also read by Mr. Rawley. The chief concerns of those  
52 in opposition were: (1) reduction of property value; (2) fear of  
53 further encroachment of the commercial zone; and (3) traffic  
54 congestion. It was also contended by several that there is not a  
55 need for more commercial space in Bountiful and there would be a  
56 risk of business spaces being vacant and inviting vandalism.

1 Mr. Hardy pointed out that the vacant lot has been a problem  
2 for Mr. Jessup to maintain because it has served as a "dumping"  
3 area. He said that this will continue until the property is  
4 allowed to be developed at its highest and best use economically.  
5 Mr. Jessup stated that he has tried to sell this property in the  
6 past and has been unsuccessful and he said that maintenance of the  
7 vacant lot has been a problem.

8  
9 Joan Stewart, Pastor of the Baptist Church, asked what  
10 considerations would be made by the Planning Commission for the  
11 proposed commercial development, if the rezoning request is  
12 approved. Mr. Hardy reviewed that landscaping, parking, setbacks,  
13 access, etc. would be considered, and he also went over the  
14 conditional use concept.

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16 The Council deliberated the request at length and it was  
17 pointed out that every property owner takes the risk of a favorable  
18 economic investment; however, the integrity of the neighborhood  
19 should not be compromised. Councilman Shafter made the motion that  
20 the request to rezone Neighborhood 9 District 5 to Neighborhood 9  
21 District 6 (residential to commercial) be denied in an effort to  
22 maintain the integrity of the neighborhood. Councilman Gramoll  
23 seconded the motion which carried unanimously on a vote of 3 to 0.  
24 Mayor Pro-tern Hill abstained from voting. The hearing and action  
25 concluded at 9:22 p.m.

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27 **RES. NO. 89-14 ADOPTED - APPROVAL OF**  
28 **SETTLEMENT AGREEMENT - BARD**

29 Mr. Hardy reviewed the proposed Settlement Agreement between  
30 Bountiful and West Bountiful, Woods Cross, Farmington, North Salt  
31 Lake, Centerville, and Davis County relating to the past, present  
32 and future operation of the Bay Area Refuse Disposal landfill  
33 (BARD). Most notable of the settlement is the condition that all  
34 legal actions between the subject entities will be dropped. He  
35 said that the formal agreement will be adopted by resolution within  
36 the next two weeks and he presented Res. No. 89-14 which provides  
37 for authorization for the Mayor and City Recorder to sign the  
38 Settlement Agreement on behalf of Bountiful. Mr. Forbes said that  
39 it was his understanding that all parties will adopt the necessary  
40 Resolution this week. Following discussion, Councilman Barton made  
41 the motion that Res. No. 89-14 be adopted. Councilman Shafter  
42 seconded the motion and voting was unanimous.

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44 **MISCELLANEOUS - COMMENTS FROM OUTGOING OFFICIALS**

45 Councilman Barton expressed appreciation for the opportunity  
46 of serving on the Council and working with the other elected  
47 officials and City staff. Councilman Gramoll expressed  
48 appreciation to Mayor Stahle and the other Council members and  
49 pointed out that the good financial shape of the City attests to  
50 the fact that good management has taken place. Councilman Hill  
51 said he felt honored to have been selected to complete the  
52 unexpired term of Councilwoman Southwick. He said he loved  
53 Bountiful and was hopeful of having made a positive contribution to  
54 the City. Councilman Shafter expressed appreciation to the other

1 elected officials and said he will miss those who will no longer be  
2 serving.

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4 The meeting adjourned at 9:40 p.m.

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6 Dean S. Stahle

7  
8 MAYOR

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10  
11 Arden F. Benson  
12 CITY RECORDER  
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