

1 Minutes of the regular meeting of the City Council held
2 January 14, 1987 at 7:00 p.m. in the City Hall of Bountiful,
3 Utah.

4
5 Present: Mayor: Dean S. Stahle
6 Council Members: C. Harold Shatter, Richard
7 G. Sharp, Phyllis C.
8 Southwick, and H. Keith
9 Barton
10 City Manager: Tom Hardy
11 City Attorney: Layne B. Forbes
12 City Engineer: Jack P. Balling
13 City Recorder: Arden F. Jenson
14 Planning Director: Jon Reed Boothe
15 Dep. Recorder: Lois Hoskins
16 Rec. Secretary: Nancy T. Lawrence
17
18 Department Heads: Jerry Lemon, Fire Chief
19 Planning Commission
20 Member: Cheryl Okubo

21
22 Excused: Councilman: Jerry K. Lawrence
23

24 Mayor Stahle called the meeting to order and welcomed those
25 in attendance, following which he led the pledge of allegiance
26 to the flag. The invocation was given by Councilman Shatter.
27

28 Official notice of this meeting had been given by posting
29 a written notice of same and an Agenda at the City Hall and
30 providing copies to the following newspapers of general
31 circulation: Davis County Clipper, Deseret News, and Salt Lake
32 Tribune.
33

34 Minutes of the regular City Council meeting held January 7,
35 1987, were presented and unanimously approved as written on a
36 motion made by Councilman Shatter and seconded by Councilwoman
37 Southwick.
38

39 **EXPENDITURES APPROVED FOR DECEMBER**

40 Mr. Jenson presented the Expense and Expenditure Report for
41 the Period December 30-31, 1986 in the amount of \$234,698.07 and
42 responded to questions from the Council. Funding for the
43 Bountiful/Davis Art Center was explained, following which these
44 expenditures were unanimously approved on a motion made and
45 seconded by Councilmen Sharp and Shafter, respectively. The
46 Summary of Expenditures for December was then presented in the
47 amount of \$1,823,027.25 and this report was given unanimous
48 approval on a motion made by Councilman Shatter and seconded by
49 Councilman Barton.
50

51 **KEN KNIGHTON APPEALS DECISION**
52 **OF PLANNING COMMISSION - PROPERTY**
53 **AT 310 SOUTH MAIN**

54 Mr. Boothe explained the appeal procedure which is available
55 to persons desiring to appeal a decision of the Planning
56 Commission and reported that Ken Knighton comes before the
57 Council with an appeal this evening. The Planning Commission

1 voted to grant Mr. Knighton a conditional use permit to allow new
2 and used car sales at 310 South Main, subject to nine (9)
3 conditions. Mr. Knighton is appealing two of those
4 conditions--(1) posting of a \$2,000 cash bond to guarantee
5 landscape construction per revised landscape plan; and (2)
6 posting of a \$3,570 cash bond to guarantee replacement of
7 deteriorated walk, curb, and gutter, per ordinance. Mr. Boothe
8 further explained that the ordinance allows for three types of
9 bonds--cash, surety or letter of credit and guarantee.

10
11 **MOTION TO REDUCE AMOUNT OF BOND**
12 **FAILS**

13 Mr. Knighton explained that he does not have the \$5,570 as
14 required by the Planning Commission and requested that the
15 Council waive the requirement for concrete replacement and that
16 this burden be placed on the property owner (Davis County Bank).
17 He referred to a practice of the City to participate 50 percent
18 with property owners for repair and replacement of damaged
19 concrete and suggested that this procedure be followed for this
20 property. He also requested that a surety bond be accepted to
21 guarantee the landscaping, instead of a cash bond requirement.
22 The matter was discussed at length, and based on input from
23 Mr. Balling and on the discussion, Councilman Barton made the
24 motion that the requirement regarding **concrete** repair be revised
25 to posting of a **surety bond in the amount of \$1,500**; and that the
26 **landscape bond of \$2,000 be in the form of a surety bond**; all
27 other conditions to remain as recommended by the Planning
28 Commission, as follows: (1) landscape and sprinkler plans to be
29 revised to meet ordinance; (2) garbage storage area, if outside,
30 to be screened from public view with a 6-ft. high wall to match
31 existing building, per ordinance; (3) obtain a 1987 business
32 license; (4) landscaping to be installed and automatic sprinkler
33 system constructed and operational by June 30, 1987; (5)
34 conditional use permit not to be issued until the bonds are
35 submitted to Bountiful City (by January 30, 1987) and the
36 business license obtained by the same date; (6) if the bond
37 submittal and business license are not forthcoming by the above
38 date, the Conditional Use permit is null and void; and (7) the
39 concrete curb to be installed around perimeter of all landscape
40 areas, per revised landscape plan.
41 Councilwoman Southwick seconded the motion which was defeated.
42 (Councilmen Shafter and Sharp voted "nay" and Mayor Stahle voted
43 "nay" to break the tie).

44
45 **CONDITION USE PERMIT APPROVED**
46 **FOR NEW & USED CAR SALES**

47 Following further discussion, Councilman Sharp made a motion
48 that the conditional use permit be granted subject to the seven
49 conditions listed above, and with the two conditions being
50 appealed as follows: (1) a **cash bond of \$2,000 to guarantee**
51 **landscape construction** per revised landscape plan; and (2) a
52 **surety bond of \$3,570 to guarantee replacement of deteriorated**
53 **walk, curb and gutter** per ordinance, with approval of the bonding
54 institution by the City Attorney. Councilman Shafter seconded

1 this motion which carried by a majority. Councilman Barton voted
2 "nay."
3

4 **PUBLIC HEARING TO CONSIDER ADOPTION**
5 **OF POLICY DECLARATION RE: ANNEXATION**
6 **OF BOULTON SCHOOL AREA**

7 At 7:53 p.m. Mayor Stahle opened the public hearing to
8 consider adoption of the Policy Declaration regarding the
9 Proposed Annexation of the property in the Boulton School area
10 (Res. No. 86-22, adopted November 12, 1986, provided for formal
11 acceptance of the annexation petition). Mr. Hardy pointed out
12 the property proposed for annexation on an aerial map and
13 reviewed the annexation (and protest) procedure. He also noted
14 that revenues received from property taxes of this area would
15 not be in excess of the cost of extending municipal services.
16

17 **INPUT FROM CITIZENS IN ATTENDANCE;**
18 **POLICY DECLARATION ADOPTED**

19 Nancy Ketchum, 200 West south of Boulton school, spoke in
20 opposition to annexation, stating that she felt the high density
21 allowed by Bountiful in the foothill area was a problem. Don
22 Nish, 62 West 2700 South, said that he favored annexation, and
23 70 percent of the people that he contacted also were in favor.
24 Gordon Houston, Paul Oborn, Terry Bailey, and Larry Sanders
25 requested information regarding the proposal and how utility and
26 other services would be handled. Discussion continued on this
27 proposal, specifically, as well as the future annexation of the
28 Val Verda area into the cities of Bountiful and North Salt Lake.
29 Mayor Stable called the hearing to a close at 8:40 p.m. and
30 Councilman Sharp made the motion that the Policy Declaration be
31 accepted, that the staff be directed to follow through with the
32 matter, and that the Mayor and City Recorder be authorized to
33 sign the Policy Declaration. Councilman Shafter seconded the
34 motion, which carried unanimously.
35

36 **MAYOR HANDLES MISCELLANEOUS BUSINESS**

37 Mayor Stahle said that he would be out of town next week
38 and he recommended that Councilman Barton be appointed to serve
39 as Chairman Pro Tempore for the meeting of the Redevelopment
40 Agency, in his absence. Along with that, he made Councilman
41 Barton aware of the fact that he needed to plan to attend a
42 ribbon cutting ceremony on January 21st for the real estate
43 company located on South Main Street.
44

45 **COUNCIL INFORMED OF WINTER GAMES**
46 **COMPETITION TO BE HELD AT REC CENTER**

47 For the information of the Council, Mr. Hardy announced that
48 the Bountiful Recreation Center **will** be hosting the figure
49 skating competition for the Winter Games this Friday and Saturday
50 and that tickets for this event (\$1.00) are available for those
51 who would like to attend. He noted that Holly Cook will be
52 putting on a skating exhibition Saturday evening.
53

REQUEST FOR REIMBURSEMENT FROM
LARRY ECKMAN REDIRECTED TO COUNTY

Mr. Balling explained a series of events following the 1983 flood relating to damage to the Larry Eckman property. Based on Mr. Balling's statement that there was money available to repair the damages, Mr. Eckman constructed a new culvert, as per plans drawn up by the City. However, the federal monies were terminated prior to the work being completed. Mr. Balling asked if the City would feel inclined to reimburse Mr. Eckman for the amount which would have come from FEMA funds (\$3,797). Mayor Stahle asked if a request has been made to the County for reimbursement and suggested that the County be contacted first.

(The total cost of the work done by Mr. Eckman was approximately \$15,000; however, he has requested reimbursement only of that portion which was initially covered by the FEMA estimate of damages--\$3,750).

The meeting adjourned at 8:49 p.m. on a motion made and seconded by Councilmen Sharp and Barton, respectively.

Dean S. Stahle

MAYOR

Arden F. Benson
CITY CORDER

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