

1 Minutes of the regular meeting of the City Council held  
2 December 10, 1986 at 7:07 p.m. in the City Hall of Bountiful,  
3 Utah, following a meeting of the Redevelopment Agency.  
4

5 Present: Mayor: Dean S. Stahle  
6 Council Members: C. Harold Shafter, 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 Department Head: Clifford Michaelis, Power  
17 Rec. Secretary: Nancy T. Lawrence  
18

19 Mayor Stahle welcomed those in attendance and led the pledge  
20 of allegiance to the flag, following which Mr. Jenson offered the  
21 invocation. Special recognition was given to the visiting Boy  
22 Scouts.  
23

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

30 Minutes of the regular City Council meeting held November  
31 19, 1986 were presented and unanimously approved as written on  
32 a motion made by Councilman Barton and seconded by Councilman  
33 Sharp.  
34

35 **EXPENDITURES APPROVED FOR NOVEMBER 13-20,**  
36 **20-28, AND SUMMARY OF NOVEMBER, 1986**

37 Mr. Jenson presented the Expenditure and Expense Report for  
38 the following periods, with expenditures as listed: November  
39 13-20, \$165,255.80; November 20-28, \$290,341.06; and Summary for  
40 November in the amount of \$1,605,178.02. These expenditures were  
41 unanimously approved as reviewed on a motion made by Councilman  
42 Sharp and seconded by Councilman Shafter. Mayor Stahle reviewed  
43 major items for the benefit of those in attendance.  
44

45 **APPROVAL GRANTED FOR TESTING OF**  
46 **TRANSFORMERS FOR PCB - POWER DEPARTMENT**

47 Mr. Hardy reported that the Power Department has done a  
48 sample survey of 426 transformers to determine the PCB (poly-  
49 chlorinated byphenol) level in them and Mr. Michaelis presented  
50 the results of that survey. (PCB is a suspected carcinogenic  
51 chemical found in the oil in some transformers). Mr. Michaelis  
52 explained that the EPA has placed certain requirements for PCB  
53 clean-up if the PCB level is greater than 50 parts per million;  
54 and if the level is greater than 500 parts per million, a more  
55 strict clean-up procedure is required. With consideration of  
56 these regulations and the safety of the power customers,  
57 Mr. Michaelis said that it is the recommendation of the Power

1 Commission and the staff that all transformers be tested to  
2 determine the PCB level so that action can be taken to reduce or  
3 eliminate the potential for a PCB spill. Based on the sample  
4 survey, Mr. Michaelis projected that it would cost \$76,546 to  
5 test the remaining transformers and he presented the  
6 recommendation of the Power Commission for Council approval of  
7 this expenditure, which would be funded from the Power Operating  
8 fund. Councilman Barton made a motion for approval as recom-  
9 mended, Councilwoman Southwick seconded the motion and voting was  
10 unanimous.  
11

#### 12 RESIDENT COMMENTS ON POWER RESOURCES

13 Halley Thomas, a resident in attendance, commented on **the**  
14 recent lawsuit filed by Utah Power and Light, and the proposed  
15 sale of hydros by the federal government and he urged other  
16 residents in attendance to contact our congressional represent-  
17 atives to request protection of our power resources.  
18

#### 19 PUBLIC HEARING TO CONSIDER REZONING

##### 20 REQUEST- DELBERT DUERDEN, 400 E. 500 SO.

21 At 7:35 p.m. Mayor Stahle opened the public hearing to  
22 consider the request filed by Delbert Duerden to rezone the  
23 southwest corner of 400 East 500 South to allow: sale of  
24 convenience goods and services; business and professional  
25 offices, fast food restaurants, and automotive self-service  
26 stations, as well as the existing multi-family "B" use.  
27 Mr. Boothe explained that Mr. Duerden has requested that  
28 Neighborhood 6 be amended to add a new district, No. 14, which  
29 would be comprised of the property which Mr. Duerden would like  
30 to develop with a 7-Eleven Store (approximately .36 acres).  
31 Mr. Boothe mentioned that Mr. Duerden previously made a similar  
32 request in July, 1984.  
33

#### 34 CITIZENS VOICE OPPOSITION TO 35 REZONING REQUEST

36 Mr. Duerden said that he has requested this change because  
37 he feels the highest and best use of the property would be to  
38 use it commercially, which would provide additional taxes to the  
39 City and a convenience to the neighborhood. He also mentioned  
40 that new jobs would be created and the aesthetics of the property  
41 would be improved. Mayor Stahle read letters of opposition to  
42 this request from Lawrence Welling, Superintendent of Schools;  
43 Dr. W. Gardner Schmutz, 311 East 500 South; Celia Allsop, 666  
44 East 2000 South; Cheryl Allen, president of the School Board.  
45 Citizens in attendance who spoke against the request were:  
46 Arnold R. Augustin (262 East 600 South), Heinz J. Mahler (556  
47 South 400 East), Andrew A. Odoardi (134 East 400 North), Grant  
48 R. Walker (320 Peach Lane), Mont Mickelson (560 Brentwood  
49 Circle), Gwen Horsley (324 Peach Lane), Norma Newbould (550 South  
50 447 East), and Robert Hazen (a dentist practicing in the medical  
51 center across the street from the subject property). Their  
52 concerns were traffic congestion, decrease in property value,  
53 spot zoning (Mr. Forbes clarified that he felt it would not be  
54 considered spot zoning), no need for the convenience store

1 proposed, inconsistent with master plan, insufficient parking,  
2 and a negative influence for Bountiful High and Mill Creek Junior  
3 High students.

4  
5 COUNCIL VOTES TO DENY REZONING REQUEST

6 Councilman Sharp reported that the Planning Commission  
7 considered this request and it is their unanimous  
8 recommendation that it not be approved. He then made the motion  
9 that the request be denied and Councilman Shafter seconded the  
10 motion. Councilman Barton made the observation that there seems  
11 to be ample opportunity to turn the property into a better income  
12 source than it presently is. The motion carried by a unanimous  
13 vote.

14  
15 PUBLIC HEARING SET TO CONSIDER  
16 ANNEXATION REQUEST - VAL VERDA AREA

17 Mr. Hardy recommended that a revised public hearing date  
18 for the annexation request concerning the Val Verda area be set  
19 for January 14, 1987 at 7:30 p.m. The hearing was set as  
20 recommended on a motion by Councilman Lawrence and seconded by  
21 Councilman Shafter. Voting was unanimous.

22  
23 BOUNTIFUL TO NOTIFY OTHER SOUTH DAVIS  
24 CITIES RE: BARD AGREEMENT

25 Mayor Stahle reported that written notification has been  
26 received from Centerville, Farmington, and the unincorporated  
27 area of the County of their intent to withdraw from the BARD  
28 contract as of July, 1987. Mr. Hardy reviewed that withdrawal  
29 of any party to the Bard Agreement terminates the entire  
30 Agreement unless the other parties agree to continue it, and upon  
31 that condition, he recommended that the cities of West Bountiful,  
32 Woods Cross, and North Salt Lake be put on notice to this  
33 effect. He reviewed that the Agreement requires that the  
34 property be returned to Bountiful in a state that will meet all  
35 Resource Recovery Conservation requirements and provides that  
36 assets be divided. He said that there is some question as to  
37 whether the Closure Fund should be divided, noting that the cost  
38 to the withdrawing parties will probably be greater than their  
39 share of the fund. Following discussion of this matter,  
40 Councilman Lawrence made a motion that letters be prepared to  
41 send to cities presently participating in the Bard Agreement to  
42 advise them of Bountiful's position. Councilman Sharp seconded  
43 the motion and voting was unanimous.

44  
45 COUNCIL VOTES TO SWITCH TO NON-CONTRIBUTORY  
46 SYSTEM - STATE RETIREMENT PROGRAM

47 Mr. Hardy reported that the State Retirement System has  
48 given the City employees the opportunity to make a choice of  
49 being on a contributory or non-contributory system. He said he  
50 has met with all of the departments over the past four weeks and  
51 about 94 percent of the employees suggested that a recommendation  
52 be made to the Council to switch to non-contributory.  
53 (All employees are on this retirement system, with the  
54 exception of police and fire department personnel). Discussion

1 focused on the differences between the two options and Mr. Hardy  
2 noted that if the choice is made to switch to non-contributory,  
3 he would recommend that the 2.65 percent difference between the  
4 amount presently paid to the State Retirement System and that  
5 which would be required under non-contributory be required to be  
6 placed in another retirement system, such as a 401-k account.  
7 Councilman Barton made a motion to this affect and recommended  
8 that Resolution No. 86-24, which would provide for the change,  
9 be adopted, with authorization for the Mayor and City Recorder  
10 to sign. Councilwoman Southwick seconded the motion which  
11 carried unanimously.  
12

13 **COUNCIL APPROVES CONTRACT WITH DAVIS CO.**  
14 **FOR ANIMAL CONTROL SERVICES AND ADOPTS ORD.**  
15 **NO. 86-13**

16 Mr. Forbes reviewed that animal control services have been  
17 provided by Davis County Animal Control for the past few years  
18 and it is their desire (and Bountiful concurs) that it would be  
19 best for this service to be defined by contract. He reviewed  
20 the proposed contract and Ordinance No. 86-13 entitled, "AN  
21 ORDINANCE AMENDNG TITLE VIII CHAPTER 4 OF THE REVISED ORDINANCES  
22 OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO THE PUBLIC  
23 HEALTH, ANIMALS AND FOWL AND REPEALING ALL ORDINANCES AND PARTS  
24 THEREOF IN CONFLICT THEREWITH," as referenced in the Contract.  
25 Following discussion of this item and on the recommendation of  
26 the City Attorney, Councilman Sharp made the motion that the  
27 Contract be approved and Ordinance No. 86-13 be adopted, with  
28 authorization for the Mayor and City Recorder to sign.  
29 Councilman Shafter seconded the motion and voting was unanimous.  
30

31 **COUNCIL REAFFIRMS SUPPORT TO STAFF**  
32 **IN ENFORCING ORDINANCE RE: BUSINESS LICENSING**

33 Mayor Stahle reported that there are several businesses in  
34 Bountiful who do not have business licenses and/or who are not  
35 in compliance with the Uniform Building Code and he requested  
36 reaffirmation from the Council on their support of enforcement  
37 of these items. The Council unanimously expressed their desire  
38 that these regulations be enforced.  
39

40 **KENNY KNIGHTON REFERRED TO PLANNING**  
41 **COMMISSION RE: CONDITIONAL USE PERMIT,**  
42 **DETAIL SHOP - 310 SOUTH MAIN**

43 Kenny Knighton, who presently leases the property at 310  
44 South Main and operates a detail shop there, presented a request  
45 to the Council to consider an exception to the landscape  
46 ordinance as it relates to his desire to sell cars at that  
47 location. He explained that he will only be in that location for  
48 two or three years and he felt that the 10 percent landscape  
49 requirement would be somewhat of a waste, if in the near future,  
50 the landscaping is removed. He also noted that there would not  
51 be enough room left to effectively park the cars if landscaping  
52 were required. /tr. Boothe noted that Mr. Knighton has not yet  
53 received approval from the Planning Commission for the  
54 conditional use permit to sell cars at that location and he

1 mentioned that he also needs to comply with the Uniform Building  
2 Code. Mayor Stahle explained that the Council does not have the  
3 authority to change the landscape ordinance and he referred  
4 Mr. Knighton to the Planning Commission for consideration of the  
5 conditional use permit.  
6

7 **EXECUTIVE SESSION APPROVED**

8 At the request of the Mayor, Councilman Shafter made the  
9 motion that an executive session be held immediately after this  
10 meeting for the purpose of discussing personnel. Councilman  
11 Barton seconded the motion and voting was unanimous.  
12

13 **CONTRACT FOR CONSTRUCTION OF PUMPHOUSE**  
14 **FOR OLD CITY HALL WELL APPROVED**

15 Mr. Balling explained that, with the work which has been  
16 done by Doug Smith automobile dealership at 190 North Main, it  
17 is necessary to construct a pumphouse for the old city hall  
18 well. He said that a set of drawings has been prepared and has  
19 been reviewed by the contractor doing the work at Doug Smith's,  
20 who bid \$9,960 to do the job. Mr. Balling noted that inasmuch  
21 as the contractor can provide matching materials and this is a  
22 small job which would require additional expenses if a different  
23 contractor were brought on the site, he recommended that approval  
24 be given to Smith's contractor (Scott Robinson) to do this work.  
25 The structure is 12'x16'. Councilman Sharp made a motion for  
26 approval as recommended, Councilman Shafter seconded the motion,  
27 and voting was unanimous.  
28

29 **HEARING SET TO CONSIDER REVOCTAION OF**  
30 **LIQUOR LICENSE - TRIANGLE OIL, 400 NO. 500 W.**

31 Mr. Forbes reported that during the past 12 months there  
32 have been three violations of the liquor control ordinance at  
33 Triangle Oil, 400 North 500 West, and based on policy, he  
34 recommended that a hearing be scheduled on January 7, 1987 at  
35 7:30 p.m. for the purpose of considering suspension or revocation  
36 of the liquor license held by that establishment. Councilman  
37 Shafter made a motion to this effect, Councilman Barton seconded  
38 the motion and voting was unanimous.  
39

40 **COUNCIL APPROVES CLAY LINING ON**  
41 **BOUNTIFUL BLVD. AS RECOMMENDED IN**  
42 **DAMES AND MOORE STUDY**

43 Mr. Balling reported that a report was received from Dames  
44 and Moore two weeks ago regarding the slippage at 1500 South 1500  
45 East. He said that the City has been working on Bountiful  
46 Boulevard, which traverses above this area, and a ditch has been  
47 cut on the east side of the road. He said that the Dames and  
48 Moore report recommends that this ditch be lined with clay and  
49 he asked for the Council's direction as to whether or not this  
50 recommendation should be followed. Following a brief discussion,  
51 Councilman Lawrence made the motion that the recommendation for  
52 clay, as discussed, be complied with. Councilman Sharp seconded  
53 the motion which carried unanimously.

1 It was also recommended that Mr. Hardy share the Dames and Moore  
2 report with citizens of the neighborhood who are directly  
3 affected.

4  
5 UPDATE ON FLOOD CONTROL PROJECTS

6 Mr. Balling reported that all of the items which were the  
7 result of the August 20th flood have been completed and he  
8 reviewed a letter from the County regarding what will be done  
9 with the grates on Barton creek, and the damage to the caissons  
10 on Davis Boulevard. He also reported that the City has drawn up  
11 plans for construction of a sedimentation basin at Mill Street  
12 and Orchard Drive which have been presented to the County for  
13 their approval. Councilman Shafter recommended that the citizens  
14 on Barton creek be notified of the intended work to be done by  
15 the County.

16  
17 FINAL APPROVAL REAFFIRMED FOR HOWARD  
18 ESTATES SBDVN. - 1225 E. 400 NO.

19 Mr. Boothe presented the site plan of Howard Estates  
20 Subdivision, 1225 East 400 North (12 lots), Dan Bridenstine,  
21 developer, and said it is the recommendation of the Planning  
22 Commission that reaffirmation of final approval be given to this  
23 subdivision (originally given approval in April, 1980) subject  
24 to (1) payment of the required fees, (2) posting of the bond, and  
25 (3) working out a few engineering details with the City Engineers  
26 office. Councilman Lawrence made the motion that final approval  
27 be reaffirmed, as recommended. Councilman Barton seconded the  
28 motion and voting was unanimous.

29 LIQUOR CONSUMPTION LICENSE, CLASS "C"  
30 BEER LICENSE, AND AMUSEMENT DEVICE LICENSE  
31 APPROVED FOR BUGSEY'S - 2837 SO. MAIN

32 Mr. Boothe reported that the business formerly known as D  
33 & J's at 2837 South Main has changed ownership, and is therefore  
34 required to obtain a new liquor consumption license, Class "C"  
35 beer license, and amusement device license. He said that Police  
36 Chief Higgins has considered the request of "Bugsey's" for the  
37 licenses as noted and recommends their approval. Based on this  
38 recommendation, Councilman Barton made the motion that approval  
39 be granted, Councilwoman Southwick seconded the motion and voting  
40 was unanimous. (It was noted that there are seven amusement  
41 device machines because they were there prior to adoption of the  
42 ordinance limiting the number to four, and the non-conforming use  
43 goes with the property--not the ownership).

44  
45 RES. NO. 86-25 ADOPTED RE: RESCINDING OF  
46 TRANSFER - FLOOD CONTROL FUNDS

47 Mr. Hardy explained that when Resolution No. 86-17 was  
48 adopted, it provided for a transfer of \$600,000 regarding flood  
49 control expenditures in the General and Capital Improvements  
50 funds. The auditors recommended that this action be rescinded  
51 and Mr. Hardy reviewed Resolution No. 86-25 which provides for  
52 this action. Councilman Barton made a motion of approval of  
53 Res. No. 86-25 with authorization for the Mayor and City Recorder

1 to sign, Councilwoman Southwick seconded the motion, and voting  
2 was unanimous.  
3  
4

5 **MAYOR, COUNCIL, AND MR. HARDY REPORT**  
6 **ON RECENT ATTENDANCE AT NLC CONVENTION**

7 Mayor Stahle, Councilmen Barton and Sharp, Councilwoman  
8 Southwick, and Mr. Hardy reported on their recent attendance at  
9 the National League of Cities convention which was held in San  
10 Antonio. Each had attended different sessions and expressed that  
11 their attendance had been very worthwhile. They all noted the  
12 beautiful job which has been done in San Antonio in integrating  
13 the commercial district with the environment and the excellent  
14 manner in which the river has been handled.  
15

16 The meeting adjourned at 9:50 p.m.  
17

18 *Dean S. Stahle*  
19  
20

21 \_\_\_\_\_  
MAYOR

22  
23  
24 *Arden F. Jensen*  
25 \_\_\_\_\_  
26 CITY RECORDER  
27  
28  
29  
30