

Minutes of the regular City Council meeting held June 26, 1985 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	C. Harold Shafter, Richard G. Sharp, Phyllis C. Southwick, Jerry K. Lawrence, and J. Dean Hill
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
Planning Director:	Jon Reed Boothe
Dep. Recorder:	Vernile Hess
Recording Sec.	Nancy T. Lawrence

Mayor Stahle welcomed those in attendance, following which he led the pledge of allegiance to the flag. Mr. Forbes offered the invocation.

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

Minutes of the regular meeting of the City Council held June 12, 1985 were presented and unanimously approved as written on a motion made by Councilwoman Southwick and seconded by Councilman Shafter.

#### **EXPENDITURE & EXPENSE REPORT FOR PERIOD JUNE 3-20 APPROVED**

Mr. Jenson presented the Expenditure and Expense Report for the Period June 3 - 20, 1985, totaling \$459,814.88. He noted that he had provided an alternative format of the expenditure report for the Council and requested their input as to which format they would prefer that he use. After a brief discussion of the expenditures and the alternative formats, the Council expressed satisfaction with the manner in which the reports have been given in the past and voted unanimously to accept the expenditures as presented. Councilman Sharp made the motion of approval and Councilman Hill seconded the motion.

#### **CHIEF HIGGINS REPORTS ON "WX" PLACED ON HILLSIDE**

Police Chief Higgins reviewed with the Council that a Mr. Wm. C. McGregor had expressed concern regarding debris left on the hillside near his home when a large "WX" was placed on the hillside, presumably by Woods Cross High School students. He reviewed with the Council the investigation which had been made by the Police Department, and summarized that evidently the students had received permission to place the letters on the hill, but had not contacted the rightful property owner. He said that the school has been advised that the owner of the property does not want the letters placed on his property. Chief Higgins then read a letter of appreciation from

Mr. McGregor, complimenting the City staff and elected officials for their quick response to his concern.

**COUNCIL DENIES REQUEST OF ROBERT SCHIMMING TO BUILD ON GREATER THAN 30% GRADE**

Mayor Stahle referred to the request of Robert Schimming for permission to build a home on a portion of his lot which exceeds the ordinance requirements of 30 percent grade and noted that this matter has been discussed previously and the Council has made a site visit to the property in question. Councilman Sharp reviewed that it was evident from the site visit that there is considerable area on the lot which is buildable within the ordinance and as a matter of principle, he made the motion that the request for approval to build on property which exceeds 30 percent grade be denied. He also noted that Mr. Schimming had illegally graded his property in an attempt to provide his desired building location. Councilman Lawrence seconded the motion which carried by a majority. Councilman Hill voted "nay" based on his belief that development of the hillsides is preferable to using the lower elevations which can be used for orchards and property owners should be free to use their property as they desire.

**JENNY ENGLER WELCOMED**

Mayor Stahle gave special recognition to Jenny H. Engler, a young lady from Switzerland who is planning to become an American citizen and is interested in the responsibilities of citizens and the function of government.

**REQUEST FROM BACC FOR \$23,000 APPROVED**

Mayor Stahle presented the request of the Bountiful Area Chamber of Commerce for a donation from the City of \$23,000 for their upcoming budget. He noted that the City's budget was adopted prior to this request being received and that any donation which is made to the Chamber will have to come from the Contingency Fund. He also reported that the Council of Governments (COG) has authorized the Revolving Loan Fund Committee to study the possibility of setting up an economic development program which would assist in generating said activity in the County. He noted that this effort will also need financing and suggested that the two groups could and should correlate their efforts. Councilman Lawrence indicated that the Chamber is in a better position to promote economic activity than is government and inasmuch as Bountiful is in a position to realize a great benefit from the Chamber's proposed activities, he made the motion that a contribution of \$20,000 be made to the Chamber of Commerce. Councilwoman Southwick seconded the motion. Councilman Shafter said he would favor the motion if the RDA could provide an additional \$3,000 so as to satisfy the \$23,000 request which had come from the Chamber. The motion was then amended and seconded to provide for a \$23,000 contribution from the City. Mayor Stahle expressed concern regarding the amount of the proposed contribution and the proposed activities of the Chamber for the upcoming year and Councilwoman Southwick suggested that the

City ask for representation on the Chamber board. The motion carried by a majority with Councilman Sharp voting "nay" on the basis that the contribution was too large.

**RES. NO 85-10 ADOPTED SETTING MILL  
LEVY AT 9.13 MILLS**

Mr. Hardy reported that the City has received the assessed valuation for the City and based on that and pursuant to City Council direction, he presented Resolution No. 85-10, A RESOLUTION DETERMINING THE RATE OF TAX LEVY AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BOUNTIFUL, DAVIS COUNTY, STATE OF UTAH, MADE TAXABLE FOR THE YEAR 1985. This resolution sets the mill levy for the fiscal year ending June 30, 1986 at 9.13 mills. Councilman Shafter made the motion that Res. No. 85-10 be accepted and that the Mayor and City Recorder be authorized to sign it. Councilman Sharp seconded the motion and voting was unanimous.

**CITY ENGINEER TO AWARD BID FOR  
ROUGH GRADING OF BOUNTIFUL BOULEVARD**

Mr. Balling reviewed with the Council that in order to complete the rough grading of Bountiful Boulevard through the State Retirement Board property and Memorial Estates, an agreement was proposed whereby the City would finance the project if the developers would secure the contractor, with the understanding that the City would be reimbursed \$51,000 by the developers when their respective properties are developed. He explained that the State decided they didn't want to do that, but agreed that they would deed the necessary property to the City for construction of the road (with the City to provide the plans and specifications and call for the bid) and with the stipulation that they will reimburse the City \$51,000 when they develop the property. He reported that bids were received for this project and that the low bid was from M. C. Green and Sons in the amount of \$136,882.50. He said that the City is prepared to award the bid based on the deed coming from the State; however, Memorial Estates has used the services of Foss Lewis and Sons Construction (the second low bidder - \$152,721.00) during the past year and would prefer to continue to use them for this project. If Foss Lewis is used, it will be necessary for the City to pay half of that bid. However, he explained that there is a mobilization cost of \$7,854 which would be added to the M. C. Green bid as Bountiful's share if the two contractors were used. He called for a recommendation from the Council as to which bid should be approved and after a short discussion, Councilman Lawrence made the motion that the City Engineer award the bid as can best be negotiated, with authorization for \$59,000 to be used if necessary and with the understanding that the State Retirement Board will repay \$51,000.00 when they develop their property. Councilwoman Southwick seconded the motion which carried unanimously.

**BERWYN ANDRUS AND ROGER SEARS APPOINTED  
TO FIVE-YEAR PLANNING COMMISSION TERMS**

Mayor Stahle reported the partial terms of Berwyn Andrus and Roger Sears on the Planning Commission expire June 30, 1985 and he recommended that these two men be reappointed to a five year term on the Planning Commission. Councilman Hill made the motion that this recommendation be upheld, Councilman Sharp seconded the motion and voting was unanimous.

**REVIEW OF REQUEST TO AMEND ZONE 6-13  
TO ALLOW HEALTH CARE CENTER AS CONDITIONAL  
USE**

Mayor Stable reviewed that a public hearing was held June 5, 1985 to review the request of Development Enterprises, Inc. to amend the zoning ordinance to allow health care centers as a conditional use in Neighborhood Zoning District 6-13. Following that hearing, the matter was tabled to permit further study by the Council and he called for comments from the Council with regard to this request. Councilman Shafter noted that the impact would not be just on the five acres in question, but that it could affect the entire district (following a hearing by the Planning Commission). He reported that he recently polled the residents in this district and he presented the statistics from this poll, with a vast majority requesting that the ordinance not be changed. Discussion followed regarding other possibilities for development of the subject five acres, and the Mayor indicated that he felt if the health care facility were not placed there, it would probably be developed multi-family and definitely not single family.

**COUNCIL VOTES TO AMEND ORDINANCE  
TO ALLOW HEALTH CARE CENTERS AS CONDITIONAL  
USE**

Although this was not a public hearing, there was a large group of residents in attendance and the Mayor called on several to speak. Ray Briscoe said that he would not be opposed to the health care center on the subject five acres, but did not want the possibility of that conditonal use eroding the single family neighborhood any further. He pointed out that the residents of this area worked hard to become annexed into the City of Bountiful and it was mainly because they felt the City would assist them in safeguarding their single family status. Following further discussion, Councilman Shafter made the motion that the request to amend the ordinance to include health care centers as a conditional use in Neighborhood District 6-13 be rejected. This motion died for lack of a second. Councilman Hill then made the motion that health care centers be allowed as a conditional use in said district and the ordinance be so amended. Councilwoman Southwick seconded the motion which carried by a majority. Councilman Shafter voted "nay".

**GRANADA HILLS SUBDIVISION GIVEN  
RE-AFFIRMED PRELIMINARY APPROVAL**

Mr. Boothe presented the site plan for Granada Hills Subdivision, 1600 East and Center Street, and stated that it is the recommendation of the Planning Commission that preliminary approval be reaffirmed (originally given preliminary approval in 1983) subject to the following conditions: (1) submission of a new title report; (2) submission of engineering drawings for final review by the Engineering Department; (3) the developer to pay 50 percent of the cost of the culinary reservoir proposed for the area, with the pumping station and supply mains to serve the development and the fees to be reimbursed to the developer when other areas are added to the system; (4) final approval by the City Council should not be granted until the culinary water is available to serve the property and the land secured to construct the reservoir; and (5) construction of the detention basin by the developer. He noted that the detention basin will be constructed where lots 39 and 40 are shown on the plat. Councilman Hill made the motion that preliminary approval be reaffirmed as recommended, Councilwoman Southwick seconded the motion and voting was unanimous.

**PRELIMINARY APPROVAL GRANTED TO DARYL  
PACK MULTI-FAMILY PROJECT**

Mr. Boothe reviewed the site plan for a multi-family project (142 units) on the Daryl Pack property at 950 North 500 West and stated that it is the recommendation of the Planning Commission that preliminary approval be granted subject to the following conditions: (1) the traffic access on 500 West to be approved in writing by UDOT; (2) culinary water line to be tied in with 500 West and 1000 North; (3) storm detention to be provided and the calculations for same to meet city and county ordinances; or payment of the storm detention fee; (4) final engineering drawings to show the streets, curbs and gutters, paving, storm drainage, sewer and culinary water, and other site improvements required for final approval; (5) a solid fence to be provided around the perimeter of the project; (6) all required utility easements to be provided with 15 ft. width; (7) cost for relocating utilities to be paid by the developer; (8) landscape plan to be submitted and posting of a cash or surety bond to guarantee landscaping and sprinkler system; and (9) if the density will allow 142 units, approval will be for same; if not, approval will be for 140 units (depending on the accuracy of the deed). Councilman Sharp requested that additional landscaping be added and he noted that the landscaping should be defined as trees, shrubs, and grass. He then made a motion for preliminary approval as recommended and with the added condition for landscaping. Councilman Hill seconded the motion which carried unanimously.

**RAM CONSTRUCTION GIVEN PRELIMINARY  
APPROVAL FOR OFFICE BUILDING**

Mr. Boothe presented the plans of Ram Construction, 390 North 200 West, for an office building, and stated that it is the recommendation of the Planning Commission that preliminary

approval be granted subject to the following conditions: (1) payment of storm detention fee of \$2,100.00; (2) developers to provide structural plans for the bridging of Barton Creek; (3) City to grant permission to lease its property as shown on the plan for part of the development (to be used for parking); (4) detailed landscape plan to be submitted; (5) posting of a bond to guarantee repair of all existing curb, gutter, and sidewalk on both 200 West and 400 North and bring them into compliance with city standards; (6) posting of a bond to guarantee landscaping and on-site improvements; (7) payment of all applicable fees; and (8) compliance with ordinance regarding parking requirements. Councilman Hill made the motion that preliminary approval be granted as recommended, Councilman Lawrence seconded the motion and voting was unanimous.

**PRELIMINARY & FINAL APPROVAL GRANTED  
TO HOLLADAY COMMERCIAL BUILDING**

The plans for a commercial building at 436 West 1150 South (Hollis Holladay developer) were presented for preliminary and final approval and Mr. Boothe reported that it is the recommendation of the Planning Commission that said approval be granted subject to the following conditions: (1) payment of the storm detention fee of \$735.00; (2) the completed plans to be stamped by a licensed architect and the final plan review by the Engineering Department to see that all codes are met; (3) submission of a landscape plan and sprinkler plan; and (4) posting of a bond to guarantee on-site improvements, landscaping, and a cash deposit to insure repair of sidewalk, curb and gutter if damaged during construction or any existing damage. (These are to be two separate bonds). Councilwoman Southwick made the motion that preliminary and final approval be granted as recommended, Councilman Hill seconded the motion and voting was unanimous.

**PUBLIC HEARING SET FOR AUG. 7, 1985  
TO CONSIDER AMENDING ZONING ORDINANCE -  
NEIGHBORHOOD DISTRICT 9-7**

Mr. Boothe reported that a request has come from Rendall Mabey to consider amending the zoning ordinance to allow a condominium density of 13 units per acre in Neighborhood Zoning District 9-7 and he recommended that a public hearing be set for August 7, 1985 at 7:30 p.m. to consider this matter. Councilman Sharp made a motion to this effect, Councilwoman Southwick seconded the motion and voting was unanimous.

**COUNCIL REQUESTS THAT STAFF STUDY  
MATTER OF BUS BENCH AGREEMENT**

Mr. Hardy reviewed that about three years ago, the City reached an agreement with Lou Nord (advertising agency) regarding the placement of bus benches in the city for advertising purposes. He said that there is a question as to whether or not there is a legal agreement (due to the contract not being signed) and he requested input from the Council regarding the bus benches. Following a brief discussion, Councilman Hill made the motion that the staff make a further review of the matter, to include contact with Mr. Nord, and

report back to the Council. Councilwoman Southwick seconded the motion which carried unanimously.

**SIGN ORDINANCE TO BE STUDIED**

Mr. Hardy expressed that he and the Mayor have had some concern regarding signage in Bountiful and he noted that considerable time and attention was given to this matter when the new ordinance was adopted. He emphasized that signage is a real indicator of the quality of a community and suggested that inasmuch as the downtown area is facing major changes, it would be a good time to review the sign ordinance, if the Council feels so inclined. This matter was discussed and then Councilman Sharp made the motion that the staff proceed with the matter of possibly revising the sign ordinance and get copies of ordinances from "model communitites" and that a work session be scheduled to discuss the matter further. Councilman Shafter seconded the motion which carried unanimously.

**UPDATE ON REVENUE/POPULATION STUDY**

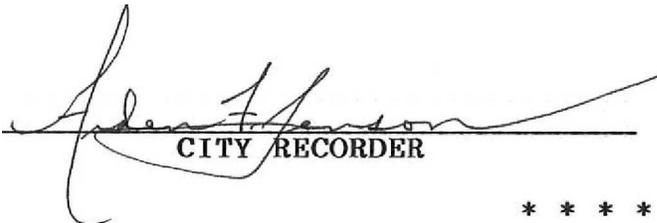
Brent Allenbach, intern working with Mr. Hardy, presented his findings regarding a recent study of the relationship between revenue generated through sales tax and population. His study included other Davis County cities and a direct correlation was noted in the amount of sales tax generated when the Layton Hills Mall was opened. He discussed direct and indirect sales tax and referred to the major big money items which occur in Bountiful as well as other cities. A copy of the study was given to each Council member.

**EXECUTIVE SESSION SCHEDULED**

At the request of Mr. Hardy, Councilman Lawrence made the motion that an executive session be held immediately after this meeting for the purpose of discussing pending litigation. Councilman Hill seconded the motion and voting was unanimous.

The meeting adjourned at 9:20 p.m.

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MAYOR

  
CITY RECORDER

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