

Minutes of the regular City Council meeting held March 6, 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, and Jerry K. Lawrence
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
City Treasurer:	Ira Todd
Rec. Secretary:	Joan Young
Absent: Councilman:	J. Dean Hill

Mayor Stahle welcomed those in attendance and then led the pledge of allegiance to the flag. The invocation was offered by Tom Hardy.

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.

Mayor Stahle introduced City elected and appointed officials to those visiting, particularly the Boy Scouts.

**RES. NO. 85-1 RE: ADOPTING 1984 CDBG
COMMUNITY DEVELOPMENT AND FURTHERING FAIR
HOUSING NEEDS POLICY PLAN**

Rany Sant, Redevelopment Director, said that one of the requirements for our \$100,000 grant is to develop a Community Development and Furthering Fair Housing Needs Policy Plan. This has been done with information from the 1978 Comprehensive Plan and from the Housing Authority. He recommends that Resolution No. 85-1 be adopted. Councilwoman Southwick made the motion that Res. No. 85-1 be adopted and authorized the Mayor and City Recorder to sign. Councilman Shafter seconded the motion and voting was unanimous.

REVIEW 1985 LEGISLATIVE SESSION RESULTS

Mr. Hardy reviewed those activities of this year's legislative session which affect us. H.B. No. 102 was passed but has not yet been signed by the Governor. If this bill had not been passed, our citizens would have been paying significantly more for sewer treatment without much improvement in the quality of effluent. S.B. No. 191 will allow us to go to the County and get a franchise agreement from them to provide electrical service in the County. We would have the opportunity to negotiate with Utah Power and Light to purchase facilities or to build and own. Regarding the bill on interstate transmission of electricity, an agreement was made with Utah Power and Light to accept (on a case-by-case basis) petitions to wheel electricity. There is some concern about the reduction in our sales tax in the years 1987-89. Money that was

to have come to the City will be applied toward the State's flood problem.

Some bills defeated in Committee were: a bill that would have modified or gradually reduced our franchise tax; a major annexation bill making it more difficult for people in unincorporated areas to annex to cities; an increase in retirement contribution rates; a bill that would have taxed municipally--owned generating facilities; a bill that would have eliminated the powers of eminent domain to acquire electrical systems. The bill allowing the collection of interest on the sales tax money was not passed and the Attorney General has been asked to render an opinion if we are legally entitled to that money.

There was a change in the law regarding the fund balance in our General Operating Fund. It is now 18% of the total General Fund budget that may be retained as a reserve contingency which gives a slight increase. Mr. Hardy then explained the legislative process and reviewed the time schedule of the Interim and Standing Committees. Both Mayor Stahle and Mr. Hardy stated that our legislators served us extremely well and met the concerns of the City and are to be commended.

**DISCUSSION OF 30% SLOPE VARIANCE -
FOOTHILL ORDINANCE, LOT 132 MAPLE HILLS**

Mr. Hardy explained this discussion was on the agenda at the request of Mr. Bob Schimming through his attorney and engineer, to review a proposal to build on Lot 132 which was approved in the Maple Hills Subdivision No. 2, Plat H (9/21/77). He reviewed the past attendance of Mr. Schimming before the Council where he proposed to build a home high enough on the lot to have a view of the lake (east side of Bountiful Boulevard across from the Ridgewood of Maple Hills Condos). It is a developable lot with approximately 11,000 sq. ft. of buildable space under the 30% grade which is very comfortable as a lot size.

A review of a letter sent to Mr. Schimming from Mr. Boothe, Planning Director, and maps identifying the areas to be developed as lots and areas that were to remain an open space, designed by the developers engineer and the subdivider's engineer, were discussed. Mr. Schimming appealed to the Board of Adjustment (July 10, 1984) requesting exception to the driveway grade; this request was denied. On November 13, 1984, he appeared before them requesting an exception to the 30% slope requirement and it also was denied. He also has been before the Planning Commission.

In violation of City rules and regulations, Mr. Schimming cut a road and an area out for his home. He has disturbed the slope to the extent that it would be difficult right now to ascertain whether the slope was 30% greater or not. Due to the problems and the sensitivity of the hillside and the intent of the ordinance that building not take place on slopes above 30% grade, it is the recommendation of the Planning Commission that the ordinance not be changed and that Mr. Schimming be required

to follow the original plot plan and develop his home on that portion of the property which is clearly below the 30% grade. Cutting out of the hillside to achieve less than 30 percent grade does not make building on that area legal.

Mr. Hans (J. H.) Roelofs, representing the Maple Hills Development Committee, expressed concern that if permission is given for Mr. Schimming to develop above the 30% slope, other similar applications could follow which would give a potential for erosion or a precedent for building on the hillsides. Mr. Boothe noted that the ordinance does not allow for building on the slopes above 30% and this was merely a request by a citizen for a variance. It was also pointed out that the lot provides ample room to build a beautiful home without a variance. Councilman Lawrence made the motion that we accept the recommendation of the Planning Commission and not change the ordinance and allow building beyond a 30% slope. The motion was seconded by Councilman Sharp.

William Lindsley, counsel for Mr. Schimming, questioned the accuracy of the maps and contended that if Mr. Schimming were to sell the property, it would be his moral responsibility to advise the purchaser of the changes which had been made. Councilman Shafter pointed out that the area where the dirt had been put is very unstable and would require special pilings to stabilize a home. Voting on the motion was unanimous.

REPORT ON COUNTY FLOOD CONTROL COMMISSION MEETING

Mr. Hardy said a proposal previously given to the Council requesting \$403,000 was given to two of the Commissioners who were meeting with the consulting engineers. They desired to take this under consideration and would let us know what final action would be taken. Mr. Balling has finalized the plans on the area by the Northeast Sub-Station and plans are being finalized by the Mueller Park Stake Center so these projects can be done before the heavy water anticipated for this year. Bids will be let and it is hoped there will be a reply before the bid is awarded.

PREPARATION FOR EARTHQUAKE EMERGENCY

Mayor Stahle reported that he, the Fire Chief, Police Chief, and the Police Lieutenant attended a meeting March 5, 1985, on earthquake emergency to prepare for help and direction in the event of an earthquake. A table-top emergency study is scheduled for March 27th followed by their coming to the City to go through this procedure. It allows us an opportunity to look at some of the areas and be prepared.

REPORT ON 2600 SOUTH

A report was made by Mr. Hardy on the improvements to be made on 2600 South. He said Mr. Balling has expended every effort to have the revisions the State requested and required. The planned specifications and engineering are completed in the form they desired. The latest timetable for the project bid

should be around April 1st, to be awarded by May 1st, and construction will be by June 1st ending about October 15th.

**VIEWING ON TV THE SANITARY AND STORM
SEWER LINES**

Completion of using TV for viewing the sanitary sewer and storm sewer lines should be completed this week. They will be available for the Council and neighbors of the area to see if so desired. The Bountiful Sub-Conservancy District has retained Community Consultants of Provo to examine the Weber water line on April 23rd to find any leaks. The sanitary sewer, storm sewer, our own water line and the Weber Basin line will either be TV'd or in case of non-pressure, it will be handled by the Community Consultant group. Daines & Moore will assist in determining where they want to sink the two deep test holes and notification will be given to property owners if public property is involved.

EXECUTIVE SESSION TO DISCUSS PERSONNEL

Councilman Sharp made the motion that an Executive Session be scheduled following this meeting to discuss personnel. It was seconded by Councilman Shatter and approved unanimously.

MAYOR EXPLAINED "A DAY IN THE LIFE OF BOUNTIFUL"

Mayor Stahle referred to the upcoming photo competition "A Day in the Life of Bountiful", and explained that the Fine Arts Committee will be handling some of the advertising. Everyone is encouraged to participate in this project.

REVIEW "IN SEARCH OF EXCELLENCE" TAPE

Mr. Hardy reviewed In Search of Excellence, and explained that the department heads had been asked to read this book. He noted that although the book was about private business, a direct application could be made to the city government. The Council then watched one-half of the tape by the same title. The other portion of the tape will be viewed next week.

**LIQUOR LICENSE SUSPENSION HEARINGS: 9:00 P.M. -
SMITH'S FOOD KING AND ANDY'S MILK DEPOT**

Last week the matter of selling beer to minors was tabled until tonight to allow more consideration and thought to the matter. Councilman Lawrence made the motion that we place the two firms in question -- Smith's Food King and Andy's Milk Depot -- on suspension for one week. The motion was seconded by Councilwoman Southwick. Discussion followed regarding the importance of enforcing the law as it relates to the sale of beer to minors. The motion carried by a majority with Councilman Shafter voting nay. He contended that the 30-day suspension period would be more appropriate.

The manager of Smith's Food King, Mr. Zane Day, asked if the beer could be left on the shelves and covered. This was agreeable to the Council and Mayor Stahle said the order would be prepared March 7th and Councilman Sharp made the motion that the suspension would begin midnight of March 11, 1985, commensurate with the business day of Monday morning and run for

