

1 Minutes of the regular City Council meeting held October
2 16, 1985 at 7:00 p.m. in the City Hall of Bountiful, Utah.
3

4 Present: Mayor Pro Tempore: Richard G. Sharp
5 Council Members C. Harold Shafter, Phyllis
6 C. Southwick, Jerry
7 K. Lawrence, and J. Dean
8 Hill
9 City Manager: Tom Hardy
10 Asst. City Attorney: Russell Mahan
11 City Engineer: Jack P. Balling
12 City Recorder: Arden F. Jenson
13 Planning Director: Jon Reed Boothe
14 Dep. Recorder: Vernile Hess
15 Rec. Secretary: Nancy T. Lawrence
16

17 Excused: Mayor: Dean S. Stahle
18 (Mayor Stahle joined the meeting at 8:00 p.m. in
19 the Conference Room)
20

21 Mr. Hardy explained that the Mayor was involved in other
22 meetings related to his office and that it would be necessary
23 to appoint a mayor pro-tempore to conduct this meeting. On a
24 motion by Councilman Shafter and seconded by Councilwoman
25 Southwick, Councilman Sharp was elected to serve as mayor
26 pro-tempore. Voting was unanimous.
27

28 Mayor Pro-Tern Sharp welcomed those in attendance, follow-
29 ing which he led the pledge of allegiance to the flag. The
30 invocation was offered by Tom Hardy.
31

32 Mr. Hardy verified that official notice of this meeting
33 had been given by posting a written notice of same and an
34 agenda at the City Hall and providing copies to the following
35 newspapers of general circulation: Davis County Clipper,
36 Deseret News, and Salt Lake Tribune.
37

38 Minutes of the regular meeting of the City Council held
39 October 9, 1985 were presented and unanimously approved on a
40 motion made by Councilwoman Southwick and seconded by Council-
41 man Hill.
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43 **NO EXPENDITURE REPORTS PRESENTED**

44 There were no expenditures presented for approval.
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46 **PUBLIC HEARING SET TO CONSIDER VACATING**
47 **WALKWAY - 550-650 N. 775 E.**

48 Mr. Hardy explained that about two years ago, a group of
49 citizens expressed concern that the sidewalk was collapsing
50 between 550 and 650 North at 775 East and was causing debris
51 from Dry Creek to collect. Action was taken at that time to
52 alleviate the problem; however, it is necessary to vacate the
53 walkway. Mr. Hardy requested that a public hearing be schedul-
54 ed for November 13, 1985 at 7:30 p.m. to consider this matter.
55 Councilwoman Southwick made a motion to this effect, Councilman
56 Lawrence seconded the motion and voting was unanimous.
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1 **REZONING RECONSIDERATION REQUEST -**
2 **RENDELL MABEY PROPERTY**

3 Mayor Pro-Tern Sharp explained that a memorandum has been
4 received from Peter Guyon, counsel of the citizens requesting
5 that the rezoning request of Rendell Mabey (which resulted in
6 creation of Neighborhood 9, District 10) be reconsidered.
7 Mr. Hardy reviewed the property zoning history, noting that it
8 has changed from R-2 prior to 1981, to R-2M in May, 1981 which
9 provided for condominiums at a density of 8 units per acre
10 (minimum acreage for condo development was 10 acres). The
11 present zoning structure with neighborhoods and districts was
12 adopted in October, 1982, and this area was classified as
13 Neighborhood 9, District 7 which allows a condo density of 7
14 units per acre as a permitted use, with a minimum of six
15 acres. Following a request by Mr. Mabey to have the property
16 rezoned to permit a density of 13 units per acre, the Council
17 adopted an ordinance (85-6) which allows a density of 10 units
18 per acre. Mr. Mahan stated that the action which the Council
19 took in adopting Ord. No. 85-6 was legal; however, if the
20 Council wished to reconsider this action, the ordinance could
21 be rescinded following a public hearing procedure.
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23 **PUBLIC HEARING SET TO CONSIDER**
24 **RESCINDING ORD. NO. 85-6**

25 Mr. Guyon reiterated his position that the statute
26 provides that the maximum density that be allowed for planned
27 unit developments is 7 units per acre and that it is inconsis-
28 tent to permit 10 units and 7 units in the same zoning designa-
29 tion. He referred to the State Code, Section 10-9-2 which
30 provides for uniformity within districts and stated that he
31 felt the action taken by the Council in adopting Ord. No. 85-6
32 was in violation of this section. Councilman Shafter made the
33 motion that a public hearing be set November 13, 1985 at 8:00
34 p.m. to consider rescinding Ord. No. 85-6, noting that this
35 action has opened the City to the possibility of other similar
36 requests. Councilman Hill seconded the motion. Councilman
37 Lawrence stated that he would be opposed to rescinding the
38 ordinance because he feels that development as permitted by
39 that ordinance would be in the best interest of the City.
40 Mr. Hardy pointed out that the reason for adopting the new
41 zoning ordinance which created the neighborhoods and districts
42 was to provide for flexibility as opposed to uniformity.
43 Following further discussion the motion was voted on and
44 carried by a majority. Councilmen Sharp and Lawrence voted in
45 opposition.
46

47 A resident of the area in question requested permission to
48 speak and expressed concern that the city officials should be
49 more responsive to the desire of the residents of the area.
50

51 **A AND G AWARDED BID FOR DUMP BODY**
52 **FOR POWER DEPARTMENT**

53 Mr. Hardy reported that bids were received for the dump
54 body and chipper cover for the Power Department and he recom-
55 mended that the bid from A and G in the amount of \$7,155 be
56 approved. Councilman Lawrence made the motion to approve as

1 recommended, Councilman Hill seconded the motion and voting was
2 unanimous.

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4 **YIELD SIGN APPROVED ON BEVERLY WAY**
5 **AND NO PARKING APPROVED FOR CROSSWALK**
6 **AT MEADOWBROOK SCHOOL**

7 Mr. Balling reported that the Traffic Safety Committee
8 met recently to consider changes as requested by area residents
9 and school officials and it is their recommendation that the
10 following changes be made in traffic markings: (1) that a
11 yield sign be placed at the 1150 East Beverly Way intersection
12 (allowing Beverly Way to be the through-street); and (2) that
13 "No Parking" be posted for 50 feet each side of the crosswalk
14 on the east side of the street at the 200 West crosswalk to
15 Meadowbrook school. Councilman Lawrence made the motion that
16 the traffic signs be approved as recommended, Councilman Hill
17 seconded the motion and voting was unanimous.

18
19 **EXECUTIVE SESSION SCHEDULED**

20 At the request of the Mayor Pro-Tern, Councilman Shafter
21 made the motion that an executive session be scheduled immedi-
22 ately after this meeting for the purpose of discussing the
23 acquisition of real property. Councilman Lawrence seconded the
24 motion and voting was unanimous.

25
26 **PERMISSION GRANTED FOR STAFF TO**
27 **REALLOCATE FUNDS FOR STORM DRAIN**
28 **PROJECTS - BAYVIEW SUBDIVISION AND**
29 **800 EAST RIDGEVIEW DRIVE**

30 Mr. Hardy said that there is a storm drainage project
31 that the staff would like to have done, which is not included
32 in the budget. However, there is an offsetting project
33 included in the budget which the city will not be able to do
34 and the approved funding for this project could be reallocat-
35 ed. Mr. Balling explained that the budget includes \$40,000 to
36 be used for storm drainage facilities in conjunction with the
37 Prowswood development which would carry the water from 200 West
38 Street and put it into the 500 West 1000 North facilities.
39 However, the State will not permit the City to put more water
40 into the 500 West facilities and Prowswood is handling their
41 water. He suggested that this money can be reallocated to
42 provide for storm drainage facilities at 800 East Ridgeview
43 Drive and in the Bayview Subdivision (400 West area) where
44 underground springs are causing drainage problems. After
45 discussion of this matter, Councilman Lawrence made the motion
46 that the staff be permitted to reallocate the funds as
47 recommended. Councilman Hill seconded the motion which carried
48 unanimously.

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50 At this time (7:57 p.m) the meeting moved to the Conference
51 Room.

52
53 **FIRST QUARTER FINANCIAL REPORT**
54 **REVIEWED**

55 Mr. Hardy reviewed the quarterly financial report for the
56 first quarter of the 1985-86 fiscal year, noting that expendi-

1 tures exceeded income by \$600,000. He said that expenditures
9 and revenues are in line with what was expected and bulgeted,
3 pointing out that about 3/12 of the budget has been expended;
4 however, revenues are received very sporadically, with 90
5 percent of the property tax being collected in December an"
6 sales tax coming in in quarterly allotments. Discussion
7 followed on the decrease in sales tax as a result of losing the
8 sales tax from Murdock Chevrolet, revenue received from
9 building permits, and revenues from the Circuit Court.
10 Receipts from the County for the Bountiful Area Restoration
11 Fund and Capital Improvement expenditures were also discussed.
12 There was no action necessary on this item.

13
14 **MAYOR AUTHORIZED TO SIGN LETTER**
15 **OF CREDIT FOR FINANCING HYDRO PROJECTS**

16 Mr. Hardy reviewed the terms and conditions of two letters
17 of credit which support fixed rate and variable rate bonds to
18 be issued by the City for financing the hydroelectric projects
19 and transmission line. This financing is proposed by the
20 Long-Term Credit Bank of Japan, Ltd. (LTCB). The proposed
21 bonds provide for an amount up to \$17,300,000.00, or more if
22 agreed upon, to be financed. He also reviewed other fees and
23 conditions of the proposed financing. Following lengthy
24 discussion, Councilman Lawrence made the motion that the
25 Council accept the terms and conditions as presented by the
26 LTCB for the variable portion only and authorize the Mayor to
27 sign an acceptance letter. Councilman Hill seconded this
28 motion and voting was unanimous.

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30 The meeting adjourned at 8:58 p.m.

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34 MAYOR

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39 CITY RECORDER

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