

1 Minutes of the regular City Council meeting held November  
2 13, 1985 at 7:10 p.m. in the City Hall of Bountiful, Utah  
3 following a field trip to review the remodeling of the Head-  
4 quarters Fire Station.

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6 Present: Mayor: Dean S. Stahle  
7 Council Members: C. Harold Shafter, Richard  
8 G. Sharp, Phyllis C.  
9 Southwick, Jerry K.  
10 Lawrence, and J. Dean Hill  
11 City Manager: Tom Hardy  
12 City Engineer: Jack P. Balling  
13 City Attorney: Layne B. Forbes  
14 City Recorder: Arden F. Jenson  
15 Planning Director: Jon Reed Boothe  
16 Dep. Recorder: Vernile Hess  
17 Rec. Secretary: Nancy T. Lawrence  
18

19 Mayor Stahle welcomed those in attendance, giving special  
20 recognition to the visiting Boy Scouts, following which he led  
21 the pledge of allegiance to the flag and Councilman Hill  
22 offered the invocation.

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.

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30 Minutes of the regular meeting of the City Council held  
31 November 6, 1985 were presented and unanimously approved as  
32 corrected on a motion made by Councilman Sharp and seconded by  
33 Councilman Lawrence.

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35 **EXPENDITURE REPORTS APPROVED**

36 Mr. Jenson presented the Expenditure and Expense Report  
37 for the Period October 25-31, 1985 in the amount of \$369,714.85  
38 and the Summary of Expenditures for October totaling  
39 \$2,086,106.83. Councilman Shafter made a motion for approval  
40 of both reports, Councilman Hill seconded the motion and voting  
41 was unanimous. Mayor Stahle then reviewed the major items on  
42 the expenditure reports.

43  
44 **COUNCIL VOTES TO NOT MODIFY UBC**

45 Councilman Hill reviewed that the present Uniform Building  
46 Code states that all buildings will have handicapped access to  
47 them and all space which has handicapped access should have  
48 rest rooms available for the handicapped (wheelchair specifica-  
49 tions). He explained that meeting handicapped specifications  
50 for restrooms can be quite costly when remodeling a building  
51 and suggested that the Council consider modifying the handi-  
52 capped requirements to be effective for buildings where there  
53 are more than five employees, or more then 16 employees for  
54 buildings which are being remodeled. Mr. Balling said that  
55 the UBC is the basic minimum standard for building and is  
56 prepared by architects and engineers on a yearly basis. He  
57 recommended that this Code not be weakened. Following a brief  
58 discussion of this matter, Councilman Lawrence made the motion

1 that the Code be left as is and that no changes be made with  
2 respect to requirements for restrooms for the handicapped.  
3 Councilman Sharp seconded the motion which carried by a  
4 majority. Councilman Hill voted "nay".  
5

6 **MAYOR REQUESTS VOLUNTEERS FOR SISTER CITY**  
7 **COMMITTEE**

8 Mayor Stahle explained that he would like to organize a  
9 committee which would help in formalizing the association we  
10 (Bountiful) have with Bethlehem, Israel (our sister city). He  
11 requested that anyone who is interested in traveling to  
12 Bethlehem and serving on this committee call him. It was noted  
13 by Mr. Hardy that any and all expenditures for the Sister City  
14 Program are covered by the individuals and not the City.  
15

16 **PUBLIC HEARING TO CONSIDER VACATING**  
17 **WALKWAY - 550-650 NORTH 775 EAST**

18 At 7:46 p.m. Mayor Stahle opened the public hearing to  
19 consider vacating a walkway at 550-650 North 775 East.  
20 Mr. Forbes explained that when Lake Hills Subdivision was  
21 recorded in 1962, a walkway was dedicated which also provided  
22 for a culvert for Dry Creek. Since that time the culvert  
23 collapsed and has been taken out and it is requested by the  
24 residents of the area that the walkway be vacated. Steve Love,  
25 772 East 650 North, whose property abuts the subject walkway,  
26 stated that inasmuch as the culvert has been removed and the  
27 walkway has deteriorated considerably, he would favor that it  
28 be vacated. Other residents whose property abuts the walkway  
29 also favored its being vacated. No one spoke in opposition to  
30 the requested vacating. Councilman Hill made the motion that  
31 the walkway be abandoned as has been identified by Mr. Forbes  
32 and that the necessary action be taken to complete that  
33 abandonment. Councilwoman Southwick seconded the motion which  
34 carried unanimously.  
35

36 **ORD. NO. 85-8 ADOPTED PROVIDING FOR**  
37 **VACATING WALKWAY (550-650 NO. 775 EAST)**

38 With respect to the previous action, Mayor Stahle reviewed  
39 Ord. No. 85-8, entitled AN ORDINANCE VACATING A PUBLIC ALLEY  
40 BETWEEN 550 NORTH AND 650 NORTH AT 775 EAST, BOUNTIFUL, UTAH.  
41 Councilman Shatter made the motion that Ord. No. 85-8 be  
42 adopted and that the Mayor and City Recorder be authorized to  
43 sign it. Councilman Lawrence seconded the motion. Councilman  
44 Sharp asked what will happen to the property in question and  
45 Mr. Forbes explained that it can be divided by mutual agreement  
46 among the abutting property owners and title conveyed by quit  
47 claim deed. The property is six feet wide. Mayor Stahle  
48 called for a vote and the motion carried unanimously.  
49

50 **MISCELLANEOUS PROGRESS REPORTS**

51 At the request of Councilman Hill, Mr. Balling reported  
52 the progress on the water treatment plant and then Mr. Hardy  
53 gave a status report on the electric revenue bonds and the  
54 insurance required for them.  
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1 **PUBLIC HEARING TO CONSIDER REPEALING**  
 2 **ORD. NO. 85-6 RE: NEIGHBORHOOD 9-10**

3 At 8:00 p.m. Mayor Stahle opened the public hearing to  
 4 consider repealing Ord. No. 85-6 which was adopted on September  
 5 11, 1985 to provide for creation of Neighborhood District 9-10  
 6 which allows planned unit developments with 10 units per  
 7 acre. Peter Guyon, counsel for the citizens of the neighbor-  
 8 hood involved, reviewed that consistency is fundamental to our  
 9 system of government. He then noted that the ordinance  
 10 provides that density per acre is determined by the highest  
 11 residential use allowed in an area, and for District 9-10, this  
 12 is single family "B". The ordinance provides that the highest  
 13 density for PUD's in single family "B" is seven units per acre;  
 14 and therefore, that more than seven units per acre is in  
 15 violation of the ordinance. He expressed appreciation for the  
 16 opportunity given to the residents to put before the Council  
 17 their position on repealing the ordinance and requested that  
 18 the Council repeal Ord. No. 85-6.

19  
 20 **CITIZENS SPEAK IN FAVOR OF REPEALING**  
 21 **ORDINANCE**

22 Berwyn Andrus, a member of the Planning Commission but  
 23 speaking as an individual, responded to reasons given by the  
 24 Council in previous meetings for allowing the increase in  
 25 density ("nice" development, 10 units is compromise, and the  
 26 need for affordable housing), and noted that this is not the  
 27 basic issue, but rather, consistency in following the ordinance  
 28 as explained by Mr. Guyon. He recommended that if the Council  
 29 is going to give a density as allowed in Multi-Family "A", it  
 30 should rezone the area to Multi-Family "A". Carma Bradshaw  
 31 (2368 South 150 East), Sid McNeely (233 East 2450 South), Marty  
 32 Nielsen (2336 South 150 East), Jan Gates (2298 South 250 East),  
 33 Craig Galloway (2276 South 150 East), Donna Sparks (2185 South  
 34 150 East) and Dean Luddington (295 East 2050 South) spoke in  
 35 favor of repealing the ordinance. They represented (un-  
 36 officially) the near-capacity group of residents who were in  
 37 attendance. The major concerns expressed by these individuals  
 38 were deterioration of real estate values, poor water pressure,  
 39 safety of children, over-crowded schools, more traffic, and  
 40 general overall impact on the residential area and the life-  
 41 style presently enjoyed by the residents. Concern was also  
 42 expressed that the Council was not responding to the wishes of  
 43 the electorate which they serve, but to the request of one  
 44 developer.

45  
 46 **TOM MABEY POINTS OUT THAT PROPOSED**  
 47 **DEVELOPMENT WILL PROVIDE GOOD TRANSITION**

48 Tom Mabey, representing the developer, recognized that  
 49 many changes have taken place in Bountiful since he was a child  
 50 here and that many people have moved in. He explained that  
 51 there needs to be a transition between higher and lower density  
 52 and that the development as proposed by the developer with the  
 53 higher density (10 units per acre) would provide a good  
 54 transition. He added that an increase in population will  
 55 provide an opportunity for new schools and said that is a part

1 of growth. He also noted that they have shown that there is  
2 adequate transportation facilities.

3  
4 **COUNCIL DENIES REQUEST TO REPEAL**  
5 **ORD. NO. 85-6**

6 Mr. Forbes reviewed the legal position of the City, noting  
7 that he felt everything had been done properly and if the  
8 matter were taken to court, it would be defensible. He did  
9 note that it would be easier to defend if the ordinance  
10 provided for single family "B" areas to have 10 units and not  
11 just this particular district. Councilman Hill stated that he  
12 felt that all that was done was legal; however, it does not  
13 satisfy the will of the people. Mayor Stahle responded to the  
14 concerns of the residents regarding property values and noted  
15 that ordinances are not to be considered rigid, but must be a  
16 "living thing" to meet needs as they arise. Councilman Shafter  
17 said that he felt the Council has a responsibility to respond  
18 to the wishes of the people which are most directly affected.  
19 Councilman Hill then made the motion that Ord. No. 85-6,  
20 entitled AN ORDINANCE AMENDING TITLE XIV OF THE REVISED  
21 ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED IN THE FOLLOW-  
22 ING PARTICULARS; (1) AMENDING SECTION 5-800, TABLE OF LAND USE  
23 REGULATIONS, BY CREATING A NEW DISTRICT IN NEIGHBORHOOD 9  
24 DESIGNATED AS DISTRICT 10 AND BY PROVIDING FOR LAND USES IN  
25 SAID DISTRICT 10 WHICH SHALL INCLUDE AMONG OTHERS THAT MAXIMUM  
26 DENSITY FOR R-4 PLANNED UNIT DEVELOPMENT SHALL BE 10 UNITS PER  
27 ACRE; (2) AMENDING THE NEIGHBORHOOD DISTRICT MAP BY CREATING A  
28 NEW DISTRICT OF PART OF DISTRICT 7 IN NEIGHBORHOOD 9, WHICH NEW  
29 DISTRICT SHALL BE DESIGNATED AS DISTRICT 10; AND PROVIDING FOR  
30 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN  
31 CONFLICT THEREWITH, be repealed and that property affected by  
32 this ordinance be returned to the original ordinance as it  
33 was. Councilman Shafter seconded the motion. Councilman  
34 Lawrence stated that his position on this matter has been made  
35 on the basis of his judgement for the best interest of the  
36 development of the city of Bountiful. He said he feels he was  
37 elected to use his judgement on the issues which come before  
38 the Council, and if a decision is contrary to the wishes of a  
39 particular group, it is not based on the individuals involved.  
40 Mayor Stahle noted that a letter was received from Bill and  
41 Etta Melby supporting the position that the ordinance not be  
42 repealed. Mayor Stahle called for a vote on the motion and it  
43 failed. Councilmen Shafter and Hill voted "aye" and Councilmen  
44 Sharp and Lawrence and Councilwoman Southwick voted "nay".

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46 The meeting adjourned at 9:28 p.m. on a motion made and  
47 seconded by Councilmen Sharp and Lawrence, respectively.

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50 e.641et-

MAYOR

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54 CITY RECORDER  
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