

Minutes of the regular meeting of the City Council held July 13, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	Dean Hill, Phyllis C. Southwick, Paul Allen, and Bob Linnell
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
Dep. Recorder:	Vernile Hess
Planning Director:	Jon Reed Boothe
Rec. Secretary:	Nancy T. Lawrence

Excused: Councilman: H. Keith Barton

Mayor Stahle welcomed those in attendance, giving special recognition to the visiting Boy Scouts, following which he led the pledge of allegiance to the flag. The invocation was offered by Mr. Balling.

Mr. Hardy verified that 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 Salt Lake Tribune.

Minutes of the regular City Council meeting held June 22, 1983 were presented and unanimously approved as written on a motion made by Councilwoman Southwick and seconded by Councilman Allen.

**EXPENDITURES APPROVED FOR PERIODS**  
**JUNE 1-20 AND JUNE 1-30**

Mr. Jenson presented the Expenditure and Expense Report for the Period June 1-20, 1983 in the amount of \$64,913.61 and the Period June 1-30, 1983 in the amount of \$1,054,907.79. He explained that the second report includes all expenditures during that time period which were related to the flood. Councilman Hill made the motion that these expenditures be approved, Councilwoman Southwick seconded the motion and voting was unanimous.

**FINAL APPROVAL GRANTED TO ARBY'S**  
**RESTAURANT, 2489 SOUTH MAIN**

Mr. Boothe presented the site plan for the proposed Arby's Restaurant at 2489 South Main, and stated that it is the recommendation of the Planning Commission that final approval be granted subject to the following conditions: (1) payment of all required fees; (2) posting of a 2% landscape bond; (3) final plan check by Engineering Department; and (4) final plans to be stamped and approved by licensed architect or engineer certifying that they meet all applicable codes. Councilwoman Southwick made the motion that approval be granted as recommended, Councilman Allen seconded the motion and voting was unanimous.

**FINAL APPROVAL GIVEN TO "THE FRAME SHOP", 416 WEST 1250 SOUTH**

Mr. Boothe reviewed the request of "The Frame Shop", 416 West 1250 South, for final approval and stated that it is the recommendation of the Planning Commission that this request be approved subject to the following conditions: (1) posting of a 2% landscape bond; (2) payment of all required fees; and (3) final plan check by the Engineering Department for compliance with all applicable codes. The owner of this project is Seth Larsen. Councilman Allen made the motion that final approval be granted to "The Frame Shop" as recommended, Councilman Hill seconded the motion and voting was unanimous.

**PUBLIC HEARING SET FOR AUGUST 10TH, 7:45 P.M. TO CONSIDER AMENDING TITLE 14, CHAPTER 6**

Mr. Boothe reported that it is the recommendation of the Planning Commission that a public hearing be scheduled to consider amending Title 14, Chapter 6, "Foothill Development Regulations" so that the question of how to measure the 250 ft. requirement as stated in Section 6-4015 can be clarified and thus avoid further arguments with developers. Councilwoman Southwick made the motion that a hearing be so scheduled on August 10 at 7:45 p.m. Councilman Allen seconded the motion which carried unanimously.

**LEASE AGREEMENT WITH GASSER AND ASSOCIATES APPROVED**

Mr. Forbes explained that a public hearing is scheduled for August 10, 1983 to consider vacating a portion of 100 East Street in connection with the proposed development of Walt Gasser. On that date, if the Council finds it advisable, a portion of 100 East which has never been used will be vacated. However, due to time constraints and finalizing of contracts, Mr. Gasser needs an indication of a right of possession prior to August 10th. Therefore, a lease agreement has been drawn up which proposes to lease a 19.3 ft. strip of property along the west side of 100 East extending from 500 South approximately 334 feet. Further, that the lease will be for a period of 65 years, or at such time that the street is vacated. (Inasmuch as the property has been possessed by abutting property owners for some time, there may be a question of right of possession and this agreement will provide the necessary protection to all parties). A short discussion followed regarding the advisability of vacating the portion of the street as explained and it was noted that after the property is vacated, the street will still be 66 feet wide, the width of a collector street. Mr. Balling said that he could see no need for ever having to widen the street and that it is the recommendation of the staff that this action be taken. Councilman Linnell made the motion that the lease agreement with Gasser and Associates be approved and that the Mayor be authorized to sign it. Councilman Hill seconded the motion and voting was unanimous.

**COUNCIL VOTES TO VACATE OLD EASEMENT  
AND ESTABLISH NEW EASEMENT -- WALT  
GASSER DEVELOPMENT**

In conjunction with the previous matter, Mr. Forbes reported that the south property line of the area in question is five feet south of where it was anticipated as a result of a five-foot easement running through the property. This easement has never been used and inasmuch as it runs through the property and is not on the perimeter, it would encroach on the area where the developer intends to place a building. Therefore, it is proposed by the developer and is acceptable to staff that a 5-ft. easement be granted contiguous to and along the new south boundary and that the existing inside 5-ft. easement be vacated. Councilman Linnell made a motion to this effect, Councilman Allen seconded the motion and voting was unanimous.

**BOB ROBINSON APPOINTED TO BOARD  
OF ADJUSTMENT**

Mayor Stable recommended that Bob Robinson be appointed to serve a 5-year term on the Board of Adjustment. He stated that Mr. Robinson ran for City Council at the last election, has worked for Mountain Bell for 17 years in marketing and sales, and has an interest in serving the community. Councilwoman Southwick made the motion that Mr. Robinson be appointed as recommended, Councilman Hill seconded the motion and voting was unanimous. Mr. Robinson will replace Melvin Pearson who has moved from the community.

**JUNE DUFFIN APPOINTED TO PLANNING  
COMMISSION**

Mayor Stahle recommended that June S. Duffin be appointed to a five-year term on the Planning Commission to replace William Monay, who has served on that Commission for the past 18 years. Ms. puffin is a life-long resident of the City who works in real estate sales and has been active in community affairs. Councilman Hill made the motion that this recommendation be upheld, Councilman Allen seconded the motion and voting was unanimous.

**RESIDENT SUGGESTS THAT 400 NORTH  
PARK BE RE-NAMED "VOLUNTEER PARK"**

Mayor Stahle reported that he received a letter from a resident who lives next to Stone Creek in the upper areas who suggested that the 400 North Park be renamed "Volunteer Park" in an effort to show appreciation to the many who volunteered their time and means during the recent flood. It was also recommended that an appropriate monument be erected at the park and a check for \$250.00 was enclosed. The Council members were requested to consider this matter further.

**PUBLIC HEARING TO CONSIDER AMENDING  
TITLE 14, CHAPTER 5, SECTION 800**

At 7:30 p.m. Mayor Stahle opened the public hearing to consider amending Title 14, Chapter 5, Section 800, "Table of Land Use Regulations" as requested by R. L. Williams.

**COUNCIL VOTES TO ALLOW "WAREHOUSE,  
WHOLESALE, & STORAGE AS CONDITIONAL  
USE IN NEIGHBORHOOD ZONE 6-8**

Mr. Boothe reviewed that Mr. Robert L. Williams, dba K & W Linoleum, 2196 South Orchard Drive, has requested that neighborhood zone 6-8 be changed to allow as a permitted use, "Wholesale, Warehouse, and Storage". A portion of the existing building will be used as a distribution center for the Newspaper Agency Corporation. The uses permitted under the ordinance currently are similar to the retail sales in the downtown area. Mr. Boothe stated that it is the recommendation of the Planning Commission that the use as petitioned be allowed in Neighborhood District 6-8 as a "conditional use" and not allowed as a permitted use as requested. Following a brief discussion, Mayor Stahle called for comments from those in attendance. There being none, Councilwoman Southwick made the motion that the recommendation from the Planning Commission be upheld, Councilman Hill seconded the motion and voting was unanimous.

At 7:36 p.m. the Council took a brief recess.

**PUBLIC HEARING TO CONSIDER AMENDING  
TITLE 14, CHAPTER 5, SECTION 800; SAMUEL  
C. ROSS REQUEST**

At 7:40 p.m. Mayor Stahle opened the public hearing to consider amending Title 14, Chapter 5, Section 800, "Table of Land Use Regulations" as requested by Samuel C. Ross. Mr. Boothe referred to the Planning Commission report to the Council and noted that Mr. Ross is desirous of sharing his single family home with two people (such as LDS missionaries who do not have cars but need housing). The area has been zoned single family since zoning came to Bountiful. It is the recommendation of the Planning Commission that this use (multi-unit A--duplex) be allowed in District 3-5 as a "conditional use" and not allowed as a permitted use as petitioned. The staff recommends that the request be denied in an effort to protect the integrity of the single family zone.

**DISCUSSION RE: ALLOWING MULTI-FAMILY A--  
DUPLEX IN DISTRICT 3-5**

Mayor Stahle called for comments from those in attendance and Mr. Ross explained that he and his wife developed a basement apartment which has been used in the past by student teachers who need housing on a short-term basis (six or eight weeks) and is currently being used by LDS missionaries. He said that the rent which has been and is currently being charged to their tenants is well below market value and the renting of the apartment has been more or less as a favor to these individuals. June Wallace, neighbor across the street, stated that the home does not appear to be a multi-family unit and that its appearance or use as such has not depreciated the value of her property. Mayor Stahle read a letter from J. Martin Keddington, 382 North 450 East, stating that he has no objections to the Ross's proposed use of the property;

however, he does object to opening up the entire district for the possibility of additional mutli-family units.

**REQUEST FOR ORDINANCE AMENDMENT REFERRED  
BACK TO PLANNING COMMISSION**

The Council discussed at length the affect which would be rendered if the ordinance were amended as requested and it was the general concensus that the use as proposed by the Ross's is not objectionable. **However**, there was great concern that the integrity of the single family neighborhood should not be jeopardized, and should, in fact, be protected by the City. It was also determined from the discussion that proper notice had not been given inasmuch as the notice had gone to the property owners within 500 feet of the lot in question, and it should have gone to those who live within 500 feet of said District. Councilwoman Southwick made the motion that this matter be referred back to the Planning Commission for further study, Councilman Hill seconded the motion, and voting was unanimous.

The meeting adjourned temporarily at 8:11 p.m. to permit the Council to meet with residents who live along Barton Creek. This meeting had previously been scheduled for **8:00 pm**

**PRESENTATION ON RESOURCE RECOVERY - GASIFICATION  
PROCESS -- RON HEYNS**

Following the meeting with the Barton Creek residents, the Council reconvened at 10:36 p.m. Ron Heyns and Steve Martinez gave a slide presentation which explained the gasification process involved in the proposed resource recovery project for Bountiful. It was emphasized that this process is simple to operate, proven reliable, has a high carbon conversion rate, and produces a high energy level. In response to a question from the Mayor, Mr. Martinez stated that the down-time on a comparable plant was four days after being used for 20 years. The gasification process would produce 6 megawatts of power proposed for Bountiful's purchase. Mr. Heyns said that the company would pay for the plant (\$8-10 million) and in return Bountiful would pay tipping fees (\$6 per ton for 5 years; then to be negotiated); and purchase the 6 megawatts of power. The plant could be operated on two to three acres. Councilman Linnell mentioned that Bountiful could remain a member of the BARD and use that facility to dump the ash from the gasification plant.

**CLOSED MEETING SCHEDULED**

Councilman Linnell made a motion that a closed meeting be held to discuss personnel, Councilman Allen seconded the motion and voting was unanimous.

The meeting adjourned at 11:15 p.m. by official action.

  
CITY RECORDER

  
MAYOR