

Minutes of the regular City Council meeting held March 23, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Statile
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, Paul B. Allen
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
Planning Director:	Jon Reed Boothe
City Recorder:	Arden F. Jenson
Deputy Recorder:	Mark O. McRae
Recording Secretary:	Nancy T. Lawrence

Excused: Councilman: Bob Linnell

Mayor Stahle welcomed those in attendance, following which he led the pledge of allegiance to the flag. The invocation was offered by Councilman Hill.

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 March 9, 1983 were presented and unanimously approved as written on a motion made by Councilman **Barton** and seconded by Councilman Allen.

Mayor Stahle paid special recognition to the visiting Boy Scouts and briefly explained the function of the Council and staff to them.

EXPENDITURE REPORT FOR PERIOD MARCH 1-17 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period March 1-17, 1983 in the amount of \$57,641.78. These expenditures were unanimously approved on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

CITIZENS OPPOSING RESOURCE RECOVERY PROJECT GIVE REPORT

James Hurst, spokesman for a group of citizens from Clearfield and Layton, presented a report on "Factors Against the Resource Recovery Project", proposed for location near their area. Their major concerns were pollution (both visual and actual), additional traffic, and financing by the taxpayer. The study centered on tipping fees, total disposal costs, waste analysis, state law and ordinances, financing, additive project costs, and environmental aspects which would support the existing landfills as opposed to a resource recovery plant. Mr. Hurst and members of his group entertained questions from the Council, following which Mayor Stahle thanked them for their presentation.

PUBLIC HEARING TO CONSIDER AMENDING ZONING TEXT - JOHN HYATT PETITIONER

At 7:56 p.m., Mayor Stahle opened the public hearing to consider amending the zoning text (Table 5-800) to allow making automotive repair establishments a permitted use, and rental of auto, truck, recreational vehicle, and equipment (as well as sales), a permitted use instead of a conditional use. This petition was submitted by Mr. John Hyatt, dba J & D's Auto Repair and Pearson Tire, 295 South Main (Neighborhood 4, District 4). Mr. Boothe reported that it is the recommendation of the Planning Commission that the petition be denied on the basis that major engine overhaul should not be allowed in the downtown area and equipment rental should remain a conditional use.

DISCUSSION ON HYATT PETITION

Councilman Hill pointed out that the type of activity requested by Mr. Hyatt has been going on at that location for some twenty years and that most of the work is done inside, thus not making it unsightly. Mr. Hyatt stated that the majority of

his business is minor repairs and selling tires and that he overhauls about one engine per month. He stated that he does no body work. Mayor Stahle called for comments from anyone wishing to speak contrary to the petition in question; there were none.

COUNCIL APPROVES AM5NDIpo OF ZONING TEXT; TO BE PRESENTED IN ORDNANCE FORR AT NEXT MFEJIRA

Following further discussion by the Council, it was determined that major engine or transmission overhaul as proposed by Mr. Hyatt would not affect the downtown area adversely and Councilwoman Southwick made the motion that the zoning text be amended to allow major engine overhaul (as requested) as a conditional use and that equipment rental be left as a conditional use, and that the city attorney be directed to draw up an ordinance to this effect for the next meeting. Councilman Allen seconded the motion which carried unanimously.

NANCY GDURLEY BEQUESTS PERMISSION TO OCCUPY NEW HOME PRIOR TO COMPLETION OF WATER SYSTEM TO SUBDIVISON

Mr. Balling explained that Nancy Gourley, who has built a home in the Creekwood Subdivision, has requested permission to occupy that home even though the water system is still under construction. (The home will be completed in about one month and the water system will not be finished for two to three months.) He said it is the staff's recommendation that occupancy not be permitted until the water system is complete, based on the fact that there would be no fire protection and access to the property would be limited due to construction of the water lines.

REQUBST DENIED BASED ON ORDINANCE REQUIREMENTS

Ms. Gourley stated that there is a spring on the property which would provide the water necessary to live there and that she could run power lines from neighboring properties. She offered to exclude the city from the any liability as it relates to fire protection. Following discussion, it was determined that the ordinance would need to be changed to permit Ms. Gourley's request and it was felt that it would be a bad precedent to allow occupancy prior to completion of the water system. Based on the ordinance requirements, Councilwoman Southwick made the motion that Ms. Gourley's request be denied and she requested that the city work as quickly as possible to make it possible for the home to be occupied. Councilman Allen seconded the motion and voting was unanimous.

Councilman Allen made the motion that the Council ratify the agreement which had been discussed as a Redevelopment Agency in a meeting held immediately before this meeting regarding administrative costs and cash flow improvement, and authorized the Mayor to sign it. Councilman Hill seconded the motion and voting was unanimous.

ORD. NO. 81_7 RE: TEMPORARY BUSINESS LICENSE ADOPTED

Mr. Forbes reviewed Ordinance No. 83_7, entitled "AN ORDINANCE AMENDING TITLE V, CHAPTER 1, SECTION 1, DEFINITIONS OF TEMPORARY BUSINESS AND PERMANENT BUILDING; SECTION 3e, RELATING TO TEMPORARY LICENSES AND SECTION 8, RELATING TO LICENSE PERIODS, DELINQUENT DATE AND PENALTY, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH". He explained the definitions of "temporary business" and "permanent building" and noted that the license fee was left open to be set by the Council. After thorough discussion of the proposed ordinance and its intent, Councilman Barton made the motion that the ordinance be adopted with a temporary license fee of \$150 to be effective for a 120-day period, and that the Mayor be authorized to sign the ordinance. Councilman Allen seconded the motion which carried unanimously.

EXECUTIVE SESSION APPROVED

Councilwoman Southwick made the motion that an executive session of the Council be held immediately after this meeting to discuss strategy with regard to collective bargaining. Councilman Barton seconded the motion and voting was unanimous.

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ROBERT DEWEY APPOINTED TO SIX-YEAR TERM ON POWER COMMISSION

Mayor Stahle explained that LaMar Parkin, a member of the Power Commission, is experiencing poor health and has resigned from serving in that capacity. The Mayor acknowledged the many years of service and the expertise which Mr. Parkin has brought to the city and expressed appreciation for same. He then Presented the name of Robert Dewey to succeed Mr. Parkin for a six-year term. Councilman Allen made the motion that Mr. Dewey be appointed to the Power Commission as recommended, Councilman Barton seconded the motion and voting was unanimous.

PRELIMINARY AND FINAL APPROVAL GRANTED TO ROBERT GOODFELLOW FOR CONVERSION OF SINGLE-FAMILY HOME TO DUPLEX

Mr. Boothe reported that it is the recommendation of the Planning Commission that preliminary and final approval be given to conversion of a single family home to a duplex at 1220 North Main (Robert Goodfellow, owner), subject to the following conditions: (1) payment of the storm drain fee of \$217.00; (2) payment of the impact fee of \$100; (3) posting of a two percent bond to guarantee completion of off-street parking; and (4) that the bond and fees be posted before the building permit is issued. Councilman Allen made the motion that this recommendation be upheld, Councilwoman Southwick seconded the motion, and voting was unanimous.

PRELIMINARY AND FINAL APPROVAL GIVEN TO JAY BROWN FOUR-PLEX, 280 EAST 100 NORTH

Mr. Boothe reviewed that Mr. Jay Brown is desirous of constructing a four-plex at 280 East 100 North, and it is the recommendation of the Planning Commission that preliminary and final approval be granted to this project subject to: (1) payment of the \$663 storm drain fee; (2) payment of the \$400 impact fee; (3) posting of a two percent cash bond to guarantee landscaping and the parking area; and (4) that the bond and fees be posted prior to issuance of the building permit. Councilwoman Southwick made the motion that approval be granted as recommended, Councilman Barton seconded the motion and voting was unanimous.

MR. BOOTHE REVIEWS BACKGROUND ON USE OF ABANDONED PORTION OF 1000 NORTH; PRESENTS REQUEST OF DON COY TO USE PORTION OF SAID PROPERTY FOR LANDSCAPE AREA

Mr. Boothe reviewed that when the freeway was constructed through Bountiful, a portion of 1000 North (approximately 130 feet was abandoned by the city where it formerly tied into 500 West and has since been used by the 5th Amendment for parking area. Don Coy, proprietor of the Bountiful Upholstery Shop just north of said parking, has petitioned for a conditional use permit from the Planning Commission for storage units to be constructed south of his existing upholstery building and he has requested permission to use the north 1/2 of the abandoned portion of 1000 North as a landscaped area in connection with the storage units. Mr. Boothe reported that the Planning Commission was very favorable toward this idea and accepted it as part of the conditional use permit, subject to the concurrence of the City Council.

JEX HEPWORTH EXPRESSES CONCERN RE: LOSS OF PARKING FOR 5TH AMENDMENT; COUNCIL TABLES FOR FURTHER STUDY

Mr. Jex Hepworth, owner of the 5th Amendment, was in attendance and expressed concern that he will not have adequate parking if the request of Mr. Coy is approved. He noted that he attempted to purchase this property from the city and upon the city's refusal (due to location of the utilities), he improved the parking area and has paid Mr. Coy for use of some of his property which will now be absorbed by the storage unit project. He noted that at the time he tried to purchase the property from the city he was given verbal approval that he could use the area for parking. Following further discussion, Councilman Allen made the motion that this matter be tabled for further consideration. Councilman Barton seconded the motion which carried unanimously.

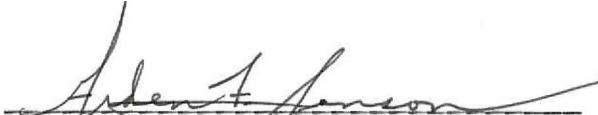
APPROVAL GIVEN FOR PLANNER TO ATTEND
APA CONFERENCE IN SEATTLE

Mr. Hardy recommended that permission be given for the Planning Director to attend the APA Conference with Randy Sant in Seattle. Funds are included in the budget. Councilwoman Southwick made a motion to this effect, Councilman Barton seconded the motion and voting was unanimous.

The meeting adjourned at 9:12 p.m. on a motion by Councilman Barton and seconded by Councilwoman Southwick.



MAYOR


CITY RECORDER

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