

Minutes of the regular meeting of the City Council held July 20, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

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

Mayor Stahle welcomed those in attendance, following which he led the pledge of allegiance to the flag. Mr. Hardy offered the invocation.

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 special meeting of the Council held June 28, 1983 and of the regular meeting of the Council held July 6, 1983 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Barton.

EXPENDITURES FOR PERIOD ENDED JULY 30, 1983 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period Ended July 30, 1983 in the amount of \$317,722.07, and explained that the large amount was due to expenses for flood clean-up. Councilwoman Southwick made the motion that these expenses be approved, Councilman Allen seconded the motion and voting was unanimous.

RES. NO. 83-15 ADOPTING MILL LEVY APPROVED

Mr. Hardy presented Resolution No. 83-15, a "RESOLUTION DETERMINING THE RATE OF TAX LEVY AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BOUNTIFUL, DAVIS COUNTY, STATE OF UTAH, MADE TAXABLE FOR THE YEAR 1983". He explained that initially a projected increase of .02 mills was planned (from 10.37 mil to 10.39 mil), this increase being necessitated by an increase in the amount of delinquent property taxes not collected by the County. Since the flood, it is recommended that an additional 2 mills be levied for disaster recovery on a one-time basis. It is anticipated that there will be local expenses of **\$1,000,000** just for clean-up, with no repairs or major improvements. This resolution was discussed and it was the concensus of opinion that the two mill for disaster recovery was justified if it was clearly limited to a one-time basis, automatically repealed at the end of this

fiscal year. Councilman Linnell made the motion that this Resolution be adopted with the condition that paragraph 1(b) have a termination date at the end of the next tax year. Councilwoman Southwick seconded the motion and voting was as follows: AYE: Councilwoman Southwick, Councilmen Barton, Hill, Allen and Linnell; NAY, none.

**STREET CLOSURE APPROVED AT 350 EAST
1800-1950 SOUTH**

Mr. Hardy presented the request of a group of citizens represented by Ruth Counter for permission to close 350 East St. between 1800 and 1950 South on August 13, 1983 for the purpose of holding a street dance. He recommended that this request be approved subject to the following conditions: (1) that an access lane for emergency traffic be kept open; (2) that the music end as they represented at 10:00 p.m.; and (3) that those requesting the closure put up barricades. Councilman Allen made the motion that this request be approved, Councilman Barton seconded the motion and voting was unanimous.

**RES. NO. 83-16 ADOPTED RE: MOON LAKE
HYDRO LICENSE**

Mr. Hardy explained that it is required by the Federal Energy Regulation Commission (FERC) that the City Council formally accept the Moon Lake hydroelectric license, as well as its terms and conditions. He reviewed Resolution No. 83-16, which provides for this acceptance of Project No. 48-00-0001. Based on the recommendation this matter received from the Power Commission, Councilman Linnell made the motion that the resolution be approved and the Mayor authorized to sign it. Councilman Hill seconded the motion which carried unanimously.

**ORD. NO. 83-13 ADOPTED RELATING TO
DRIVING UNDER THE INFLUENCE OF ALCOHOL**

Mr. Forbes reviewed Ord. No. 83-13 entitled, "AN ORDINANCE AMENDING TITLE VII, CHAPTER 4, PART 5, SECTIONS 501-504 INCLUSIVE, BY MAKING IT UNLAWFUL: TO DRIVE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A COMBINATION THEREOF; TO DRINK ANY ALCOHOLIC BEVERAGE IN A MOTOR VEHICLE AND TO HAVE AN OPEN CONTAINER IN A VEHICLE, AND PROVIDING FOR PENALTIES IN VIOLATION THEREOF AND REPEALING ALL ORDINANCES, AND PARTS OF ORDINANCES IN CONFLICT THEREWITH," and recommended that this ordinance be adopted to bring the local statute into conformance with the State law. Councilwoman Southwick made a motion to this effect and Councilman Hill seconded the motion which carried unanimously.

**PUBLIC HEARING TO CONSIDER ZONE BOUNDARY
CHANGE**

Mr. Boothe reviewed the petition which had been submitted requesting that the Council consider amending the zone boundary between Districts 5-2 and 6-11, to provide for the northwest corner of 1500 South Main to be used for commercial purposes. The request was submitted by Caribou Four Corners, owners of Maverick gas and grocery businesses, and is represented by Dan Murray. Mr. Boothe reviewed the preliminary site plan, noting

that the building would be about the same as the Maverick business on 200 West. The single family home which is presently on the property would be rented for the present time and perhaps in the future this location would be used for an office building. Mayor Stahle called for comments from those in attendance and Ron Remigi, 982 Mill St., stated that the commercial business would be an undesirable neighbor for the contiguous residential zone. (He is the owner of a duplex and single family rental next to the proposed boundary change). He was particularly concerned about the late hours of the store and increased traffic.

Mention was made of the poor landscaping which the Maverick on 200 West has done and that if this project were approved, the landscape commitment would have to be fulfilled. Mayor Stahle indicated that his main concern is that he would like to see the entire parcel of property (next to the bank and north of 1500 South) developed as per a total plan in an effort to do it right. Councilman Allen indicated that he felt the additional traffic generated on this corner would be a problem and he suggested that the southwest corner of 1500 South Main would be more suitable for the business. After a lengthy hearing and responses from Mr. Murray, Councilwoman Southwick indicated that she felt the Planning Commission would not have given this a positive recommendation if they had been aware that the neighbors were in opposition. She, therefore, made the motion that the matter be sent back to the Planning Commission and that they assist Caribou Four Corners in selecting a more desirable location for their business in Bountiful and that the request to extend the commercial area be denied. Councilman Linnell seconded the motion. The regulation of whether or not denial of this zone-change request would make it impossible for Mr. Murray to submit another request within 12 months was discussed and the Council expressed concern that they did not want to take action which would arbitrarily block the progress of the development of this area. The motion carried by a majority with Councilmen **Barton** and Hill voting nay. They indicated that the motion was improper in terms of the 12-month restriction.

WILLY MARSHALL EXPRESSES VIEWS ON RDA

Willy Marshall presented some of his ideas regarding the RDA, including the question of whether or not the powers of eminent domain should be restricted. He suggested that more issues should be returned to the ballot to provide city officials with the true interests of their constituents.

CLOSED MEETING SCHEDULED

Councilman Hill made a motion that a closed meeting be scheduled immediately after this meeting to discuss personnel. Councilman Barton seconded the motion and voting was unanimous.

The meeting adjourned at 845 p.m.

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MAYOR


CITY RECORDER

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