

Minutes of the regular meeting of the City Council held October 26, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stable
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, Paul B. Allen and Bob Linnell
City Manager:	Tom Hardy
Ass't. City Attorney:	Russell Mahan
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
Planning Director:	Jon Reed Boothe
Dep. Recorder:	Lois Hoskins
Rec. Secretary:	Nancy T. Lawrence

Mayor Stahle welcomed those in attendance and led the pledge of allegiance to the flag, following which Councilman Allen offered the invocation. A special welcome was given to the visiting Boy Scouts.

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 October 19, 1983 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Barton.

WINTER DE LA MARE EXPRESSES CONCERN RE:
UNFINISHED HOME IN MAPLE HILLS CONDO AREA

Mr. Hardy introduced Mr. Winter DeLaMare who had requested to address the Council. Mr. DeLaMare briefly reviewed his professional background as an architect and then expressed his concern regarding the unfinished single family dwelling which is located near his Maple Hills condominium. He stated that this home has been under construction for over seven years and in addition to creating a hazard and being an eyesore to the neighborhood, it has not been constructed to meet the Uniform Building Code standards. He requested that the Council take appropriate action to have this house removed (with the rationale that it will not be saleable even after completion), or require that it be completed in an expeditious manner to meet UBC standards.

ENGINEERING DEPARTMENT TO MEET WITH MR. DE LA MARE;
THIS ITEM TO BE ON NEXT MEETING AGENDA

In response to questions from the Council, Mr. Balling reviewed the inspections which had been made on this home, noting that some construction had taken place since the last inspection was called for. He confirmed that the bricks placed on top of the foundation would not meet code and that the builder will be notified of problems which need to be corrected

before further construction can take place. Mayor Stahle suggested that Mr. DeLaMare meet with Mr. Balling and the Building Inspector regarding this matter and Councilwoman Southwick requested that this matter be placed on the Agenda for the next meeting for an update from the Engineering Department.

LEASE AGREEMENT WITH SUP FOR USE OF PROPERTY AT ORCHARD DRIVE AND MILL STREET TO BE CANCELLED

Mr. Hardy reviewed that he had been contacted by Mr. Charles Barlow, representing the Sons of Utah Pioneers, regarding the lease agreement which the City has with their group on a piece of property located on the southeast corner of Orchard Drive and Mill Street. Mr. Barlow stated that they have been paying taxes on this property and if the City is not going to improve the property as was intended when the lease was entered into with the SUP, they would like to have the property returned to them. This matter was discussed briefly and it was felt that since the property is rather small, it would be best to cancel the lease and return the property to the SUP's. Councilman Hill made the motion that since there are no plans for this property for use by the city, that the lease agreement be cancelled and the property turned back to the SUP's. Councilman Linnell seconded the motion which carried unanimously.

PUBLIC HEARING TO CONSIDER REZONING REQUEST SUBMITTED BY ROBERT A. SUNDERLAND

At 7:30 p.m. Mayor Stahle opened the public hearing to consider amending the zoning ordinance to allow a duplex as a conditional use in Neighborhood Zoning District 6-3, as requested by Robert A. Sunderland. Mr. Boothe reviewed that originally two-family dwellings were permitted in this area. However, the ordinance was revised in 1960 and duplexes were eliminated from this zone. Mr. Sunderland is desirous of converting his downstairs area into a basement apartment. Mr. Sunderland explained that he does not want the "duplex" look in this neighborhood, but noted that homes go through an evolution of needs--small children and older couples need less space, whereas a family with teen-agers needs more space. He stated that his children are smaller and he would like to be able to rent his basement to generate additional revenue. He noted that inasmuch as he would be occupying the upstairs of the home, he would be very careful in selecting tenants for the basement and in not destroying the integrity of the neighborhood.

COUNCIL VOTES TO AMEND NEIGHBORHOOD DISTRICT 6-3 TO ALLOW DUPLEX AS A CONDITIONAL USE

Discussion followed regarding the intent and implementation of a conditional use and it was emphasized that the hearing tonight was just to make it possible for Mr. Sunderland to apply for the conditional use of using his home as a two-family dwelling. Paul Tucker, Bob Geilder, and Roy Kelsey spoke in favor of Mr. Sunderland's request. Kelly McIlrath and

Mary Rhodes requested that the zone be left as a single family with no conditional use for duplexes. Other citizens in attendance asked questions regarding the ordinance and the conditional use concept. Mayor Stahle called for a vote of those in favor of granting Mr. Sunderland's request; 12 responded. Seven voted against the request. Based on the petition submitted by Mr. Sunderland with 90 signatures favoring the request, and a majority of those in attendance giving a favorable response, Councilman Linnell made the motion that the ordinance be amended to allow duplexes in Neighborhood Zoning District 6-3 as a conditional use. Councilman Hill seconded the motion which carried unanimously. The Council expressed the desire that one of the conditions if this use is applied for is that the owner of the home must also occupy the home. Mr. Mahan indicated that this restriction would need to be researched to determine if it would be legal. The hearing concluded at 8:29 p.m.

CHILD BROTHERS, INC. AWARDED BID FOR BARTON CREEK
FLOOD CONTROL PROJECT

Mr. Balling reported that bids were opened for culvert replacements at 300 Stouh 400 East and 200 South 300 East and he recommended that the bid be awarded to Child Brothers, Inc., the low bidder. He reviewed that this will include the related work which will be done on Barton Creek between 500 South and 200 South, Larson Drive to 300 East. Following a brief question and answer period, Councilman Hill made the motion that the bid of \$220,446.85 be awarded as recommended, Councilman Allen seconded the motion and voting was unanimous.

APPROVAL GIVEN FOR SEAGULL RECYCLING TO
PROVIDE NEWSPAPER COLLECTION SERVICE

Seagull Recycling, a Salt Lake City-based newspaper collection business, presented a request for permission to work within the city of Bountiful to gather newspapers for recycling. David and Jay Groen, owners of the business, stated that they would first educate the citizens regarding the opportunity of disposing of their papers and suggested that the program could be implemented similar to the manner in which it is being done in Salt Lake City with their carriers coming through the various neighborhood areas the same day as garbage is picked up. They reported that this program is working very successfully in Salt Lake and aids a great deal in reducing the amount of waste going to the landfill. They responded to questions from the Council following which Councilman Linnell made the motion that the staff recommendation to approve the request of Seagull be adopted for a probationary period of one year with an agreement considered appropriate by the City Attorney. Councilwoman Southwick seconded the motion which carried unanimously.

ENGINEERING SERVICE AGREEMENTS APPROVED WITH THE CONSORTIUM AND JOHN CALL ENGINEERING

Mr. Balling reviewed that the Council considered using outside firms for engineering services and he reviewed the proposed Service Agreements between the city and The Consortium and John Call Engineering for Council approval. Councilman Barton made the motion that the two engineering services agreements be approved as presented with authorization for the Mayor to sign. Councilman Hill seconded the motion and voting was unanimous.

EXECUTIVE SESSION SCHEDULED TO CONSIDER ACQUISITION OF REAL PROPERTY

Councilman Linnell made the motion that an executive session be scheduled immediately after this meeting to discuss acquisition of real property. Councilman Barton seconded the motion which carried unanimously.

MURDOCK CHEVROLET GIVEN APPROVAL FOR TEMPORARY USE OF MOBILE TRAILER

Mayor Stahle explained that Murdock Chevrolet has requested permission to use a mobile trailer on a temporary basis while their business is in a transitional state. He recommended that if this request is granted, that a cut-off date of April, 1985 be established. Councilman Linnell made a motion to this effect, Councilman Hill seconded the motion and voting was unanimous.

MAYOR REQUESTS PROGRESS REPORT ON ORCHARD DR.

Mayor Stahle referred to a letter he had received from a "Concerned Citizen" regarding the progress which is being made on the Orchard Drive project. Mr. Balling reviewed the approvals and plans which are in progress and indicated that construction should begin in April of next year.

The meeting adjourned at 9:20 p.m.

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MAYOR


CITY RECORDER

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