

Minutes of the regular meeting of the City Council held August 10, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	Dean Hill, H. Keith Barton, Phyllis C. Southwick, and Paul 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
Dep. Recorder:	Vernile Hess
Rec. 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. Mr. Boothe 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 regular City Council meeting held July 13, 1983 were presented and unanimously approved as written on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

**ORD. NO. 83-14 ADOPTED--MINOR TRAFFIC  
OFFENSES RECLASSIFIED AS INFRACTIONS**

Mr. Forbes reviewed Ord. No. 83-14 entitled, "AN ORDINANCE AMENDING TITLE VIII OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY ADDING A NEW CHAPTER DESIGNATED AS CHAPTER 9, PROVIDING FOR PENALTIES, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", and explained that this amendment would reclassify minor traffic offenses as "infractions", thus eliminating the option of a jury trial. He said that it is the recommendation of the staff that this ordinance be adopted to facilitate a significant savings in time and expense by being able to try a case just before the court and not a jury. Major offenses would still be classified as Class "B" misdemeanors and have the option of a jury trial. Councilman Allen expressed concern about this proposed change on the basis that in some instances an infraction could seriously affect an individual through license revocation or an increase in insurance rates. Because of the possibility of this situation, he felt that an individual should have the option of a jury trial. Following further discussion, Councilwoman Southwick made the motion that this ordinance be adopted as presented and the Mayor authorized to sign it. Councilman Hill seconded the motion which carried by a majority. Councilman Allen voted nay.

**NATIONAL FIGURE SKATING COMPETITION  
TO BE HELD IN SLC AND BOUNTIFUL**

Cora Lee Alder and Dorothy Bowers, representing the Utah Figure Skating Club, apprised the Council of the upcoming National Figure Skating Championships which will be held in Salt Lake City and Bountiful, January 17-22, 1984. Winners of this competition will participate in the olympics in Yugoslavia two weeks later. It was emphasized that this will provide positive publicity for Bountiful and Ms. Alder solicited assistance from the City in providing visual promotion. Haven Burningham, Bountiful Area Chamber of Commerce, pledged support toward this effort and expressed a willingness to work with the skaters and the city in promoting this event. It was recognized that the city is limited in giving financial assistance, but Mayor Stahle stated that the city would support them as much as they could.

**CIRCUIT COURT LEASE APPROVED**

Mr. Hardy presented the Circuit Court Lease Agreement for approval, reviewing that a total of 2,294 s.f. will be leased for \$22,933.94, in accordance with Section 78-4-20 of the Utah State Code. Councilman Barton made the motion that this agreement be approved and that the Mayor and City Recorder be authorized to sign it. Councilman Hill seconded the motion which carried unanimously.

**PUBLIC HEARING TO CONSIDER VACATING  
PORTION OF 100 EAST STREET**

At 7:42 p.m. Mayor Stahle opened the public hearing to consider vacating a portion of 100 East Street south of 500 South. Mr. Forbes explained that a strip of property 19.3' x 334' is necessary for the proposed project being constructed in that area by GFI Limited. He noted that this property was leased to the developer several weeks ago so that they could commence with their financing. Mayor Stahle called for comments from those in attendance; there were none.

**EXCHANGE OF TITLE DISCUSSED**

Councilman Barton questioned the manner in which title to the property would be handled and Mr. Forbes explained that it will accrue to the existing fee title owners without warranty deed; the city will retain any right-of-way which they may have on the property. Mr. Balling requested that the city preserve a one-ft. holding strip for utilities. Councilman Barton suggested that since 500 South needs to be widened for this development, that a trade be made between the developer and the city. Further consideration of this item was tabled pending discussion of the request of Albertson's for preliminary approval. (See next item).

**ALBERTSON'S RECEIVES PRELIMINARY  
APPROVAL (50 EAST 500 SOUTH)**

Mr. Boothe presented the site plan for the proposed Albertson's Supermarket, 50 East 500 South, and stated that it is the recommendation of the Planning Commission that preliminary approval be granted subject to: (1) the developer

working with the city engineer to provide whatever design and construction is necessary to minimize the conflict which will result from a left turn access from 500 South; (2) deed to the city all necessary utility easements; (3) construction of a solid fence along 100 East to screen the service area from public view. (Fence design to be compatible with building architecture). Mr. Boothe reported that this matter has also been studied by the Traffic Committee and it is their recommendation that the developer be required to have a traffic study made to determine how best to handle the traffic on site and at 500 South Main. It was also the suggestion of this committee that the ingress and egress be divided with an island to prevent traffic from attempting to make a left-hand movement. Mr. Balling stated that the Council also needs to consider whether to require that the storm water be detained on site or to accept payment of a fee. He said that if Millcreek is widened, it would seem very logical for the storm water to be channeled to that creek and a fee paid. However, if the stream is not enlarged, it would have a significant impact on Millcreek. It was confirmed that any additional right-of-way which might be needed must be acquired by the developer. Councilwoman Southwick made the motion that preliminary approval be given as recommended, with the requirement from the Traffic Committee for a traffic study being included as a part of the motion. Councilman Barton seconded the motion which carried unanimously.

**ACTION ON REQUEST FOR VACATING  
PORTION OF 100 EAST ST. TABLED**

Based on the recommendation of the city attorney, Councilman Allen made the motion that a decision on vacating a portion of 100 East be tabled until arrangements can be worked out with the developer regarding widening of 500 South Street. Councilman Barton seconded the motion which carried unanimously.

**PUBLIC HEARING TO CONSIDER AMENDING  
BUDGET**

At 8:12 p.m. Mayor Stable opened the public hearing to consider amending the 1983-84 budget to include a department to handle flood expenses. Mr. Hardy reviewed that an additional 2 mills were levied to provide for flood control expenses and it is necessary to adopt a resolution authorizing establishment of a flood control department and expenditure of the 2 mills property tax for that purpose. Mayor Stable called for comments from those in attendance--there were none. Councilman Allen made the motion that Res. No. 83-18 be adopted, establishing a Flood Control Department and authorizing expenditure of the \$196,763.00 allocated for that purpose, and that the Mayor and City Recorder be authorized to sign the resolution. Councilman Hill seconded the motion and voting was unanimous.

**CROSSWALK APPROVED AT 2200 SOUTH  
250 EAST**

Mr. Barton reported that the Traffic Safety Committee met and recommends that a crosswalk be approved at 2200 South 250

East to give access to Smith's Food King for those who live south of that intersection. He made a motion to this effect; Councilman Allen seconded the motion which carried unanimously.

**LEASE AGREEMENT WITH DAVIS SCHOOLS  
CREDIT UNION APPROVED**

Mr. Hardy presented a proposed lease agreement between the city and Davis Schools Credit Union (Bountiful Branch) for use of the south portion (upper floor) of the Public Safety Building. The lease is for 485 s.f. at the rate of \$2,400 per year and is automatically renewed (with an escalation clause based on the CPI), unless either party wishes to cancel. Councilman Hill made the motion that this lease be approved, Councilman Barton seconded the motion, and voting was unanimous.

**PUBLIC HEARING TO CONSIDER AMENDING  
FOOTHILL ORDINANCE--250-FT. MEASUREMENT**

Mayor Stahle opened the public hearing at 8:20 p.m. to consider amending Title 14, Chapter 6, Section 6-4015, Lot and Access Design, of the Foothill Development Regulations. Mr. Boothe reviewed the current ordinance and noted that this matter had been discussed briefly by the Council in a recent meeting. He presented a proposed amendment which defines the point of measurement for the 250 feet and stated that if this concept were acceptable to the Council, an ordinance would be prepared for adoption at a future meeting. Mayor Stahle called for comments from the audience and there were none. Councilwoman Southwick made the motion that the city attorney be authorized to prepare an ordinance related to how the 250-foot distance will be measured in Title 14, Chapter 6, Section 6-4015, Councilman Allen seconded the motion, and voting was unanimous.

**ORD. NO. 83-15 ADOPTED RE:  
WHOLESALE, WAREHOUSE & STORAGE AS  
CONDITIONAL USE IN DISTRICT 6-8**

Mr. Boothe reviewed that the Council approved the preparation of an ordinance which would provide for "wholesale, warehouse and storage" as a conditional use in Neighborhood District 6-8. He then presented Ord. No. 83-15, entitled "AN ORDINANCE AMENDING TITLE 14, CHAPTER 5, SECTION 800, THE TABLE OF LAND USE REGULATIONS, NEIGHBORHOOD 6, DISTRICT 8, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, PROVIDING THAT C-47 WHOLESALE, WAREHOUSE, STORAGE BE A CONDITIONAL USE THEREIN AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH". This ordinance was unanimously adopted and the Mayor was authorized to sign it on a motion made by Councilman Allen and seconded by Councilman Hill.

**FINAL APPROVAL GIVEN TO GRENN CLARK  
MULTI-FAMILY DEVELOPMENT--1160 NORTH  
200 WEST**

Mr. Boothe presented the plot plan of the proposed multi-family development of Grenn Clark at 1160 North 200 West and stated that it is the recommendation of the Planning

Commission that final approval be granted subject to: (1) payment of a \$1,325 storm drain fee; (2) presentation of a site plan showing location of culinary water and sanitary sewer lines and fire hydrant; and (3) payment of required fees; all items to be accomplished prior to issuance of the building permit. Councilwoman Southwick made the motion that final approval be granted as recommended, Councilman Hill seconded the motion, and voting was unanimous.

**CONTRACT FOR CONCRETE REPAIR WORK  
AWARDED TO MC NEIL CONSTRUCTION CO.**

Mayor Stable explained that in order to proceed with the flood control work in Maple Hills, Plat F, it is necessary to finalize the annual contract for concrete work for the city. Mr. Balling reported that seven contractors responded to a call for bids for the concrete work and he recommended that the low bid from McNeil Construction Company in the amount of \$116,580 be approved. This will include all flood damage to curb and gutter, sidewalk, inlet boxes, waterways, etc. Councilman Barton made the motion that the bid be awarded as presented, Councilwoman Southwick seconded the motion and voting was unanimous. Mr. Balling noted that the bid costs were down this year from last year.

**EXECUTIVE SESSION SCHEDULED**

Councilwoman Southwick made the motion that an executive session be scheduled immediately after this meeting to discuss the acquisition of real property. Councilman Allen seconded the motion and voting was unanimous.

**WOODS CROSS STUDENTS REQUEST  
ASSISTANCE FROM CITY**

Mayor Stable read a letter received from the senior class at Woods Cross High School requesting assistance from the city in obtaining land on the hillside for the purpose of placing the initials "WX" as has been done by the other local high schools. Councilmen Barton and Allen expressed support of this project if the school can find the desired property.

**AGENDA ITEMS CANCELLED**

In response to a question from J. R. Roelofs, Mr. Hardy explained that agenda items regarding Lakeview Terrace and Sunset Hollow subdivisions had been dropped because the bonds have not been posted and other paperwork has not been finalized.

**CONCERN RE: CHILDREN PLAYING  
IN MILL CREEK**

Wm. Earl, 626 South 100 East, explained to the Council that he is concerned about the children playing in the creek behind his property and requested assistance from the city in alleviating this problem. Mr. Hardy suggested that a police officer might check the area and "No Trespassing" signs could be posted.

**MISC. POWER DISCUSSION**

Councilman Barton read an article from the ICPA newsletter regarding the cost of CRSP power, following which the meeting adjourned at 9 p.m. on a motion made by Councilman Allen and seconded by Councilman Barton.

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MAYOR

  
CITY RECORDER

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