

Minutes of the regular meeting of the City Council held July 11, 1990 at 7:00 p.m. in the City Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, ReNe6 Coon, Barbara Holt, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	City Treasurer:	Ira H. Todd
	Planning Director:	Jon Reed Boothe
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Heads:	Neal Jenkins, Parks/Rec Dave Wilding, Water/Sewer

Excused:	Councilman:	Bob Gramoll
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Official 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.

Mayor Linnell called the meeting to order, following which he led the pledge of allegiance to the flag. The invocation was given by Councilwoman Holt.

Minutes of the following meetings were presented and approved as noted by unanimous vote:

June 20, 1990: approved as corrected on a motion made by Councilman Shafter and seconded by Councilwoman Holt;

June 27, 1990: approved as corrected on a motion made by Councilwoman Holt and seconded by Councilman Shafter;

July 2, 1990: approved as written on a motion made by Councilman Shafter and seconded by Councilman Foy.

EXPENDITURES AND EXPENSES APPROVED FOR PERIODS JUNE 21-23, 1990 AND JUNE 23-25, 1990

Mr. Jenson presented the Expenditure and Expense Reports for the Periods June 21-23, 1990 in the amount of \$409,175.60 and June 23-25, 1990 totaling \$351,367.30. Following discussion of these reports, they were unanimously approved as presented on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

UPDATE AND REPORT FROM SO. DAVIS SEWER DISTRICT- DAL WAYMENT AND ARNELL HEAPS

Dal Wayment, South Davis Sewer District manager, presented a budget update and summary of current project costs for the north and south plants. At 80 percent complete, the north plant will cost approximately \$2 million less than originally budgeted (with a generous

amount of the savings attributed to the grant which was awarded to the District) . (Original estimate, \$10, 007, 000; current estimate, \$7,866,000). Construction costs at the south plant have been greater than anticipated due to increased deterioration from sulphur compounds and this problem is being addressed to attempt to eliminate it in the future. Addition of a co-generation facility at the south plant has also added to the total cost of the project. (Original estimate, \$2,195,000; current estimate, \$3,757,000).

Mr. Wayment also reviewed the source of funding for the plant expansion, required bonding, and debt service annual payments.

Mayor Linnell expressed appreciation to Mr. Wayment for his report and to Mr. Heaps for his service on the Sewer Board. Mr. Hardy requested that Mr. Wayment report briefly to the Council the frustrations at hand due to proposed EPA regulations. Mr. Wayment stated that the two major issues which the Sewer District is facing with EPA are (1) disposal of sludge; and (2) control of the discharge of toxins in the aquatic environment. Both matters could result in financial burden and are being studied to determine the most effective/least costly approach. Mr. Wayment invited the Mayor and Council to visit both plants and become familiar with the improvements which are being made.

REQUEST BY WEST BOUNTIFUL TO PERFORM BUILDING INSPECTION SERVICES

At the request of West Bountiful, this item was postponed.

ORD. NO. 90-4 RE: TEMPORARY BUSINESS LICENSE FEE ADOPTED

Mayor Linnell reviewed that the Council has previously discussed the temporary business license fee (see minutes of June 6, 1990 and June 27, 1990) and based on previous action, an ordinance has been prepared and is being presented for Council approval this evening. He presented Ord. No. 90-4 entitled, 'AN ORDINANCE AMENDING TITLE V, CHAPTER 1, SECTION 3e, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO TEMPORARY BUSINESS LICENSES, FEES LEVIED, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH". Councilman Shafter made a motion for approval with authorization for the Mayor and City Recorder to sign. Councilwoman Coon seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER PETITION FOR ANNEXATION AND POLICY DECLARATION-LEON BROWN PROPERTY

Mayor Linnell explained that comments will be received from the public regarding a petition for annexation, following which adoption of the Policy Declaration will be considered. Approximately 800 acres is being considered, of which approximately 160 acres would be developed and the remaining 640 acres would be deeded to the City. Meg Mayer, 449 South 150 North, spoke in opposition to the annexation request on the basis that additional development in that area could result in greater fire hazards, erosion and problems with storm drainage. She suggested that a moratorium be placed on development above a certain elevation.

Jack Billings, 249 West 1700 South, requested clarification on how the City would use the 640 acres and Mr. Hardy explained that this property is too steep for development and would

be preserved for recreational (hiking, etc.) purposes. Jerry Tulley, planning consultant for the developer, responded to the concerns of Ms Mayer and the public hearing was closed at 7:55 p.m.

Councilwoman Coon reported that she has talked with the Salt Lake City administrator over watershed and she recommended that prior to making a decision on this matter, that the Bountiful City Council meet with Salt Lake City personnel to see how Salt Lake has handled hillside development. Councilman Foy stated that annexation of the property in question and subsequent development could enhance the culinary water service in this area and would provide better fire protection due to a second access road from the canyon. Councilwoman Holt pointed out that the City would have more control over development of the area if the property is annexed; whereas, if it is left in the County, it will develop under County ordinance. A question regarding fire liability of adjacent properties was raised and it was clarified that the City is not responsible for damage to other people's property from fire which originates on City property.

Councilwoman Coon made a motion to not accept the Policy Declaration until there has been a review with the Water Department and to provide further study of hillside development. This motion died for lack of a second.

Councilman Foy made the motion to adopt the Policy Declaration regarding annexation with the stipulations which have been outlined. Councilwoman Holt seconded the motion. Mr. Hardy clarified that if any taxing entities which are affected wish to file a project, they will have five days in which to do so. The motion carried by a majority with Councilwoman Coon voting nay.

PUBLIC HEARING TO CONSIDER AMENDING ZONING ORDINANCE-GLEN ANDERSON, PETITIONER, 51 WEST 300 NORTH

Mr. Boothe reviewed that Glen Anderson has petitioned to have the property located at 51 West 300 North (approximately ½ + acre) developed in a multi-family use with four four-plexes. The present zoning allows multi-family under the "CX" land use designation which requires a minimum of 40,000 sq. ft. Mr. Anderson is requesting that R-2 multiple unit dwelling be deleted as a conditional mixed use ("CX") and that it be a permitted use ("PD"), which carries a multi-family density of 25.7 units per acre. If that request is not acceptable to the City Council, Mr. Anderson's petition requests that the minimum lot size for multi-family development be changed from 40,000 sq. ft. to 20,000 sq. ft.

It is the recommendation of the Planning Commission that the following be considered:

1. The CX classification remain untouched. The Planning Commission feels that it would appreciate having a greater say as to how multi-family development is integrated into Neighborhood 4 District 4. This can be accomplished into leaving the Conditional Use classification intact.
2. Chapter 5, Section 7011 Minimum Lot Size be amended to reduce the minimum lot size for mixed use development from 40,000 sq. ft. to 20,000 sq. ft. The Planning Commission felt that since the area or project in question falls outside

the RDA 100 acre project area, that the minimum lot size could effectively be the lower figure without jeopardizing the unified design theme trying to be accomplished in N4 D4.

At 8:20 p.m. the Mayor opened the meeting for public comment. Don Johnson, co-developer, stated that the basis for the request was the fact that there are no large parcels of property in the N4 D4 area which make multi-family projects feasible. Don Clayton, 139 West 400 North, said he would like to keep the zoning as it is because the proposed change would adversely affect the character of the neighborhood. Berwyn Andrus, Planning Commission member, spoke in favor of not changing the CX classification because it could negatively impact development of the downtown area and increase the multi-family development in the entire area. Rich Peterson (131 North 100 East) said he was against the rezoning because it would decrease the property values. He also requested that the public notices which are sent out be worded so that they are easier to understand. Dave Lindsay, 321 North 100 East, said that he presently owns apartments in this area and it has become difficult to keep them occupied. Therefore, he would be against encouraging the construction of more apartments. The Mayor concluded the public hearing at 8:37 p.m.

Councilwoman Coon said that she felt the Master Plan should be upheld and the ordinance left as it is and not bend to the requests of developers. Councilman Foy pointed out that in order for a multi-family complex to be constructed in this area, it would be necessary for a developer to deal with several property owners. Therefore, reducing the minimum square footage would make this development easier. Following further discussion, Councilman Foy made the motion that the ordinance be changed to support the recommendation of the Planning Commission as stated above (see items 1 and 2 on pages 3 and 4, underlined areas). Councilwoman Holt seconded the motion which carried by a majority with Councilman Foy, Councilwoman Holt, and Mayor Linnell voting aye and Councilman Shafter and Councilwoman Coon voting nay. Councilman Shafter stated that he felt the larger square footage requirement (40,000 sq. ft.) is needed to accomplish a quality project.

APPROVAL GIVEN FOR BUSINESS LICENSE TO HOLD AUCTION-CLIPPER BUILDING, 96 SOUTH MAIN

Mayor Linnell reported that a request has been made for a one- day, one-time business license for an auction to be held on July 28, 1990 at the Clipper building, 96 South Main, for the purpose of disposing of some of their equipment. The ordinance requires Council action on this request. In response to questions from the Council, Mr. Boothe explained that the auction will be held indoors, it has been approved by the Police Department, and it will be to dispose of printing and office equipment which is in place in the building. Councilman Shafter made a motion for approval, Councilwoman Holt seconded the motion and voting was unanimous.

CONSIDER WATER CONSERVATION POLICY ON USE OF CULINARY WATER FOR IRRIGATION, BALANCE OF,,@1990

Mr. Wilding reviewed that the Weber Bpr6in Water Subconservancy District and their customers who buy ,water for irrigation have noticed water users of a restriction o not water on Wednesday, beginning July 18th, for the balance of 1990. In an effort to conserve culinary water and provide support to enforcement of this policy, it is the recommendation of Mr.

Wilding that Bountiful place a similar restriction on culinary water which is used outside. (He explained that some Bountiful residents do not have irrigation water and must use culinary water for outside purposes). Following a brief discussion, Councilman Foy made the motion that the water restriction policy be adopted as recommended for the balance of the irrigation year. Councilman Shafter seconded the motion and voting was unanimous.

GOLF CART BID AWARDED TO HIGHLAND EQUIPMENT COMPANY

Mr. Jenkins reported that bids were received for 10 gas powered golf carts and it is the staff recommendation to accept the alternate bid from Highland Equipment Company in the amount of \$27,730.00 for ten G2A Yamaha carts. He said that it is a budgeted item and is within budget (\$28,000.00). Councilwoman Coon made a motion for approval as recommended, Councilman Shafter seconded the motion and voting was unanimous.

Mr. Hardy stated that it is also staff recommendation to award the bid for a golf course maintenance vehicle to the low bidder, Ruttco, in the amount of \$3,595.00. The budget included \$4,500 for this vehicle. Councilman Shafter made a motion for approval as recommended, Councilwoman Holt seconded the motion and voting was unanimous.

AWARD OF FINANCIAL REPORTING ACHIEVEMENT PRESENTED TO ARDEN JENSON

Mr. Hardy reported that for the 9th consecutive year the City of Bountiful has been given a Certificate of Achievement for Excellence in Financial Reporting. He noted that this achievement is the highest form of recognition in governmental accounting and financial reporting and of 13 cities in Utah which have received the award, Bountiful holds the record of being the longest continually running recipient of the award. In conjunction with this certificate, an Award of Financial Reporting Achievement has been presented to Arden Jenson, the person primarily responsible for its having earned the certificate. He thanked Mr. Jenson for the many hours which he spends in seeing that the accounting systems are totally proper, following which Mayor Linnell presented Mr. Jenson with a certificate. Councilwoman Coon expressed appreciation to Mr. Jenson and the accounting staff and stated that she is proud of the high level of integrity in the City.

CONSIDER AGREEMENT WITH BOUNTIFUL WATER SUBCONSERVANCY DISTRICT

This item was postponed for one week.

DON JOHNSON REPORTS ON LAKE WASATCH PROPOSAL: COUNCIL DENIES REQUEST

Don Johnson reviewed with the Council the need and desirability for a fresh water lake, as proposed by the conversion of a portion of the Great Salt Lake. He noted recent findings and attitudes supportive of the proposal and showed the Council a set of four large charts informational to the proposal. He asked permission to display the charts in the City Hall building for public viewing. Councilwoman Holt complimented Mr. Johnson on the excellent job he has done in putting the materials together; however, she said she would object to them being displayed in the City Hall because it would imply approval by the Council and this approval belongs to the people. Following a short discussion, she made a motion of denial to Mr. Johnson's request to assure that the City maintains a neutral position. Councilwoman Coon

seconded the motion which carried by a majority. Councilman Shafter voted "nay".

MAYOR REPORTS ON BID FOR ICE SHEET

Mayor Linnell complimented the staff for the superior job they did in compiling and making the presentation for Bountiful to provide an ice sheet for the 1998 Olympics. He referenced their professionalism and technical expertise and stated that everything which could have been done by the community and staff was done. He acknowledged that Bountiful's not receiving the bid was a fact of politics and the number of representatives from each of the counties from which a bid was submitted. He then reviewed the press coverage on this matter and confirmed its accuracy. Following discussion, Councilwoman Holt stated that even though there is disappointment, frustration and anger over the outcome of the bidding and a feeling that Bountiful has been used, she would rather not be the user and she praised the integrity of city staff and officials. Councilwoman Coon also expressed her appreciation to the staff on this effort.

The meeting adjourned at 9:35 p.m. on a motion made and seconded by Councilwomen Coon and Holt, respectively.