

Minutes of the regular meeting of the City Council held November 13, 1991 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, Renee Coon, Bob Gramoll, Barbara Holt, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Head:	Neal Jenkins

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 Councilman Gramoll. The Mayor then recognized the visiting Boy Scouts, introduced the elected officials and staff, and briefly explained their responsibilities. The Mayor also welcomed Councilman-elect John Cushing.

Minutes of the regular meeting of the City Council held November 6, 1991 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

#### EXPENSES AND EXPENDITURES APPROVED FOR OCTOBER 27-31, 1991 AND SUMMARY FOR OCTOBER

Mr. Jenson presented the Expenditure and Expense Report for the Period October 27-31, 1991 (totaling \$246,205.90) and Summary for October (\$2,213,976.34). Following discussion, these two reports were unanimously approved on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

#### COUNCIL VOTES ON LEGISLATIVE PROGRAM RE: 1991-92 LEGISLATIVE SESSION

Mayor Linnell reported that the legislators representing Bountiful are unable to meet with the Council on November 19th as discussed in last week's meeting, but are available on the 26th of November. He said that he would like to send the legislators a packet in preparation for that meeting and requested the Council's position on the issues. He reviewed that these issues (listed below) are mostly a hold-over from last year, and are being supported by the Utah League of Cities and Towns.

The issues presented and the Council's action was as follows:

1. Truth in Taxation: Councilman Shafter made a motion to support this issue, Councilman Foy seconded the motion and voting was unanimous.

2. Monthly Sales Tax Distribution: The Mayor stated that this bill has received wide support from small businesses. Councilman Shafter motioned for support and Councilman Foy seconded the motion. Councilwoman Holt expressed concern that the government will be collecting their money quickly; however, she questioned if businesses will receive the same consideration in getting their money from the government. Mr. Hardy noted that the bill deals only with sales tax (with businesses serving as the collection agent) and applies only to businesses having a liability over \$1,000.00. The businesses are given until the 15th day of the following month to remit, and therefore, could possibly have use of the money for 45 days. Councilman Shafter stated that he felt the monthly collection will result in less revenue lost through businesses which go under financially and are using the tax for their operating funds. The motion carried by a majority with Councilman Gramoll and Councilwoman Holt voting nay.

3. School Crossing Zones: Councilman Foy made a motion to support this issue. Councilman Shafter seconded the motion, subject to consistency throughout the State in the signage and markings for school zones. Mr. Hardy reviewed the proposed fine structure and Councilwoman Coon stated that she supported the safety issue involved; however, with the fines being as high as they are, it might lead to this being a source of generating revenue. She also asked how the bill would be funded. Mr. Hardy stated that the bill provides for an appropriation of \$500,000 to be used throughout the State. The cities would all put together their requests and if the total needed is less than the appropriation, the requests would be funded 100 percent. If more than \$500,000 is needed, it would be pro-rated and each city would be reimbursed proportionately to their request.

Councilwoman Coon also expressed concern that the fine structure provides for ticketing violators for 21 to 29 mph and she noted that one mile per hour over the speed limit would be quite severe. Mr. Hardy stated that it is the intent of Bountiful to enforce the school zones as has been done in the past. Councilman Gramoll pointed out that the configuration of school boundaries has not always been compatible with busy streets and Mr. Hardy explained that from now on the city will be involved with the School District in routing traffic. Following further discussion, the motion carried by a majority with Councilwoman Coon abstaining.

4. Amendments to the Redevelopment Law: The Mayor referred to a copy of the proposed amendments to the Redevelopment law which had just been provided to the Council. Councilwoman Coon indicated that she would prefer to have more time to study these amendments prior to taking a position. Mr. Hardy suggested that the proposed amendments be placed on the Agenda of the RDA meeting next week and a vote taken at

that time.

5. constitutional Amendment Limiting the Diversion of Gasoline Tax: Councilman Foy made a motion to support the amendments as presented, Councilman Shafter seconded the motion and voting was unanimous.

6. State Mandate for Fiscal Notes on Local Bills: Councilman Shafter made a motion to support this issue. Councilman Foy seconded the motion and voting was unanimous.

#### PUBLIC HEARING TO CONSIDER AMENDING ZONE BOUNDARY, NE CORNER 400 NORTH 400 EAST, DR. GLEN GOLD, JR.

Mr. Boothe displayed an aerial photo and site plan of the property located at 403 East 400 North and the surrounding properties. He gave a brief history of this property, stating that it had previously been in the R-2, R-3 zone where medical offices were permitted as a conditional use. In October of 1982 the zoning ordinance was changed and this property was classified as Neighborhood 1 District 6 allowing only single family dwellings. Dr. Gold has petitioned the City to change the property back to its former classification allowing medical clinics (N-1, D-10). He pointed out on the map the property originally included in the petition from Dr. Gold and the smaller area (shown inside the dashed red line) which the Planning Commission recommends be considered for rezoning.

Councilman Foy explained that one of the concerns of the Planning Commission was the intended use of the property and he said that Dr. Gold plans to use the existing structure to house his podiatry practice. There is adequate parking to meet ordinance.

At 7:45 Mayor Linnell opened discussion to the citizens in attendance. Sam and Betty Ross (470 East 400 North) asked what other uses would be allowed in District 10 and Mr. Boothe clarified that it would be only single family residential and medical offices. They also expressed concern about the possibility of increased traffic through the change of use. Dr. Gold stated that he will maintain a small single practice until he is ready to retire and then may bring in a partner the last year of his practice.

Robert and June Wallace requested clarification on the boundaries of the proposed changes. (The first proposal included a portion of their property). Councilman Foy made a motion to grant the zone change as recommended by the Planning Commission. The motion failed for lack of a second.

Councilwoman Coon then made a motion to table the issue for one week to permit further study. Councilman Gramoll seconded the motion and voting was unanimous. Councilman Shafter asked if anyone in attendance was opposed to the boundary change. There were none. Mr. Boothe stated that letters of opposition were received from Conrad and Loretta Irwin (515 East 400 North) and Elda Keddington (382 North 450 East).

## APPROVAL GIVEN TO CENTENNIAL COMMITTEE FOR BANNERS TO BE HUNG ON CITY POLES

Colleen Sessions, representing the Centennial Committee, was in attendance to request permission for banners to be hung on the mast arms of the City poles during the Centennial year celebration. Mr. Hardy reviewed that, in harmony with past policy, use of the mast arms is discretionary with the Council. Mrs. Sessions said that they would like the flags to hang for the whole year, coming down only when required by the display of other banners. Following a brief discussion, Councilman Gramoll made a motion that approval be given for the use of the poles as requested. Councilwoman Coon seconded the motion and voting was unanimous. Mr. Hardy directed Mrs. Sessions to work with Brent Thomas, BCL&P, to identify the poles which can be used and other details of the project.

## APPROVAL GIVEN FOR CITY TO MAINTAIN BASEBALL FIELDS FOLLOWING SODDING PROJECT BY MUELLER PARK BASEBALL ASSOCIATION

Councilwoman Holt reported that the Parks and Recreation Committee considered a request by the Mueller Park Baseball Association for the City to assume maintenance of the baseball fields at the 1800 South park if the Association would provide sod. The Association has been maintaining the park the past 5 or 6 years instead of paying for use of the field. The Committee recommends that the City make the following commitment to the Mueller Park Baseball Association:

1. Between now and February 1, the City staff will work with the Mueller Park Baseball Association to develop a master plan for the three ball fields located at 1800 South Park. This master plan will include an over-all field layout, dugouts, concession stand areas, seating, and other amenities which would be part of a master plan for those three fields. Additionally, the City and the Association will determine the type of infield desired for the three fields, and will prepare a multi-year capital improvements program which will detail improvements to be made by the City and by the Association.
2. The City will maintain all three fields, and will retain control over scheduling. It is recognized and understood that the Mueller Park Baseball Association will have primary scheduling priority for their season, but such scheduling will not imply or constitute "ownership" of the facilities in any way. Maintenance costs above and beyond normal ball field maintenance expenses will be paid to the City by the Association.
3. The capital improvements program for next year will include a cost estimate for sprinkling systems, dugouts, and possible fence repair, and those items will be considered by the Parks and Recreation Committee for inclusion in the 1992-93 budget, which begins July 1, 1992.

Councilwoman Holt clarified that there is no commitment on the part of the City to provide the sprinkling system, but that improvement will be considered as a part of the Parks and Recreation budget. Following discussion, Councilwoman Holt made a motion that the above

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recommendation be accepted. Councilman Foy seconded the motion and voting was unanimous.

PRELIMINARY APPROVAL GRANTED TO MAPLE HILLS PLAT NO. 4,  
1800 EAST MAPLE HILLS DRIVE, RONN MARSHALL, DEVELOPER

Mr. Balling presented the site plan for Maple Hills Plat No. 4, 1800 East Maple Hills Drive, and stated that the developer (who recently acquired the property after it had gone into receivership) is desirous of modifying the plat which was given preliminary approval in 1987. The original plat provided for development of 26 lots and the revised plat has eight lots, made feasible through the extension of two cul-de-sacs from lengths of 800 and 900 feet to 1,000 and 1,100 feet, respectively. This would require that the Council grant an exception to the ordinance regarding cul-de-sac lengths.

Following discussion, Councilman Shafter made a motion that the recommendation of the Planning Commission be accepted for granting of preliminary approval, to include an exception to the cul-de-sac lengths. Councilman Foy seconded the motion, noting that the developer must follow through in development of the first phase of the project before this plat is developed. The motion carried by a majority with Councilwoman Coon abstaining. She expressed concern that the extension of the cul-de-sacs would make it difficult to provide adequate emergency protection and she suggested that they be left as they are presently platted. Outside of the motion Councilman Shafter recommended that the City look at purchasing the steep property included in this plat as a watershed resource.

PRELIMINARY AND FINAL APPROVAL GRANTED TO EAGLE RIDGE PLATS A AND  
B--1400 EAST 1000 NORTH

Mr. Balling presented the site plan for the proposed development of the first two plats of the Eagle Ridge Subdivision, 1400 East 1000 North. He explained that there is the possibility that flooding could occur along the north fork of Stone creek called Dry Hollow, and one way to reduce flood potential is to construct a detention basin where Northridge Drive crosses Dry Hollow. The County has refused to participate in this project. It is the recommendation of the Planning Commission and staff that approval be granted, subject to the following conditions:

1. Payment of all required fees, to include \$37,400 for Plat A and \$52,000 for Plat B, plus additional fees necessary to bring the water from the end of the existing line in Granada Hills across Bountiful Boulevard to the Stone Creek debris basin.
  2. Posting of the required bond (\$396, 000); plus an interim bond to provide for work to go ahead on the detention basin before the subdivision is recorded (\$85,000). This bond could be dropped when the subdivision is recorded, but would provide for revegetation if the project were not to be carried to completion.
  3. Providing the necessary easements to the City.
  4. Completion of the construction plan, including the detention basin, to the satisfaction
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- of the City Engineer.

5. Submission of a title report.
6. Payment of all required costs the City may accrue due to the development of these two plats.
7. This recommended approval will also include the detention basin costs to be paid for between the City and developer.

Councilman Foy reported that the Planning Commission supported this development and motioned for approval as recommended. Councilwoman Holt seconded the motion which carried by a majority. Councilwoman Coon voted nay.

#### APPROVAL FOR NORTH CANYON ESTATES PLAT A REFERRED BACK TO PLANNING COMMISSION (JERRY JAMES AND TOM MABEY).

Mr. Balling presented the site plan for North Canyon Estates Plat "All and reviewed that the Planning Commission denied approval of this subdivision on a 4/3 split vote based on the long dead-end street and only one access. He said that Jerry James and Tom Mabey, developers, were in attendance to appeal that denial. Mr. Balling said that when the first part of Canyon Creek Estates was approved, it was known that the road was a long dead-end street and the street was required to be constructed 60 feet wide to allow for two-way traffic with parking along both sides. The proposed Plat A would provide the same standard.

The staff recommended preliminary approval because there is no other way the property could be developed (six lots in the bottom of North Canyon which can be served by the existing water reservoir and all other utilities). He said that the lots which are above the east boundary of this property will be developed under County ordinance. The staff recommendation still holds, with inclusion of the construction of a temporary 70-foot diameter turnaround at the end of the paved portion of the road. Councilwoman Coon stated that she was concerned about only one access, especially with the threat of wild fires, and she said that putting more homes up the canyon would be foolish.

Councilman Foy stated that the three main concerns of the Planning Commission were: (1) that the area is thickly wooded; (2) the long dead-end street; and (3) the inability to turn around at the end of the street. He questioned whether or not the Planning commission was cognizant of the temporary turn-around as they discussed this matter. Following discussion, Councilman Gramoll made a motion that this matter be remanded back to the Planning Commission for their review (with the thinking that the 70-foot turn-around might not have been realized) and that the matter then come back to the Council. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Coon voted nay. Mr. Hardy stated that this will be put on the Planning Commission Agenda for next Tuesday (November 19th).

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#### RES. NO.91 PROVIDING FOR INTENTION TO ISSUE MULTI-FAMILY HOUSING REVENUE BONDS ADOPTED - HERITAGE PLACE

Mayor Linnell explained that Councilwoman Holt has presented a disclosure statement

that she owns property which is adjacent to and leased by Heritage Place and therefore, she will abstain from discussion and from voting on this request. Mr. Hardy reviewed that Heritage Place (1150 South Main) is planning a major addition to their facility and they would like to utilize multi-family housing revenue bonds. These bonds are only available to them if they are able to get an allocation from the State and they can only be issued through the City because they are tax exempt. Issuance of the bonds places the City under no liability or responsibility and the bonds are payable and redeemable solely through payment of revenues by Heritage Place to the bond holders. He said that the city has approved a similar request in the past (South Davis Community Hospital) and he reviewed the process necessary to acquire the funding. He said he and the City Attorney have worked with bond counsel and refined the resolution to clarify that the City will not be at risk.

It is the staff recommendation to approve the inducement resolution with the understanding that Heritage Place can then proceed with the next step, and that the closing documents will have to come back to the Council for approval. Richard Jensen, representing Heritage Place, responded to questions from the Council following which Councilman Foy made a motion to accept the staff recommendation and adopt Res. No. 91-9 entitled, "RESOLUTION DECLARING THE INTENTION OF THE CITY OF BOUNTIFUL TO ISSUE ITS MULTI-FAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF AN ADDITION TO AN EXISTING ELDERLY HOUSING DEVELOPMENT LOCATED IN BOUNTIFUL, UTAH". He also motioned for approval for the Mayor and City Recorder to sign the resolution. Councilman Gramoll seconded the motion which carried by a majority with Councilwoman Holt abstaining.

#### CITIZEN REQUEST TO CHANGE ORD. NO. 80-12, STANDARDS FOR ROOFING MATERIALS--SHANNON MILLER

Mr. Hardy explained that Shannon Miller is building a home in the Maple Hills area and is concerned about the Restrictive Covenants (enforced by the homeowners' association) and the Uniform Building Code which allow both Class A and Class B roofs. She is desirous of upgrading the City ordinance to permit only Class A roofs (excluding fire retardant wood shingles which are permitted as Class B roofs). Mr. Balling reviewed the tests which are administered to Class A and Class B roofs as they relate to fire protection and noted that since 1980 the Foothill area has been restricted to these two classes.

Ms. Miller was in attendance and expressed her concern about safety from wild fires, particularly since the recent disaster in Oakland, California. She said she has studied the matter extensively and recommends that only Class A roofs be permitted in the interface area, and that existing roofs be brought up to standard if more than 10 percent is replaced. She asked for permission to show a video regarding Class A, B, and C roofs and their fire rating process. However, due to the late hour, it was decided to not use the video.

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Mike Barfuss, Bountiful City Fire Department, and Jim Cook, U.S. Forest service, made presentations. Capt. Barfuss explained the tactics which are used when fighting a fire on a wood shingle roof, noting that this type of shingle contains air pockets which creates a higher fire danger. He also expressed concern about the potential fire threat which exists in our foothill area

due to the thick foliage and undergrowth. He said that forest fire fighting requires specific training and apparatus, and the possibility of a lack of a source of water is a real concern. For this reason, extra precautions in the foothill area are prudent. Discussion followed on fire-related problems in the foothill area, in addition to the type of roof. Councilman Foy suggested that the proper forum for the discussion would be with the Planning Commission and he recommended that it be referred back to the Commission.

Mr. Cook stated that his assignment is to curb the interface between the forest and developed areas. He said he can provide training in fire protection in the foothill area and requested to be involved in planning with the City for the foothill area.

Mr. Hardy suggested that the Council consider the foothill area in terms of fire safety at a work session and he said he will schedule this for the first week in December.

C. W. Fink, a resident of Maple Hills, read a prepared statement in support of the present Building Code and requested that the City consider banning fireworks in the foothill area, and further restrict the construction of buildings on steep slopes where slippage can occur and trigger fires through the disruption of utility lines.

#### EXECUTIVE SESSION SCHEDULED TO CONSIDER PENDING LITIGATION

Councilman Shafter made a motion to approve an executive session for the purpose of considering pending litigation. Councilman Foy seconded the motion. The motion carried by a majority with Councilman Gramoll voting nay.

The meeting adjourned to executive session at 10:13 p.m.

Attendance at executive session:

Mayor Linnell  
Councilpersons Shafter, Coon, Gramoll, Holt, and Foy  
Councilman-elect John Cushing  
Layne B. Forbes, City Attorney