

1 Minutes of the regular meeting of the City Council held July 9, 1997 at 7:00 p.m. in the
2 Council Chambers of the City Hall, Bountiful, Utah.

3
4 Present: Mayor: John R. Cushing
5 Council Members: Samuel R. Fowler, Alan A. Johnson, C.
6 Harold Shafter, and Ann Wilcox
7 City Manager: Tom Hardy
8 City Attorney: Russell Mahan
9 City Engineer: Jack P. Balling
10 City Recorder: Arden F. Jenson
11 Dep. City Recorder: Kim Coleman
12 Planning/RDA Director: Blaine Gehring
13 Recording Secretary: Nancy T. Lawrence
14
15 Excused: Councilwoman: Barbara Holt
16

17 Official Notice of this meeting had been given by posting a written notice of same and
18 an Agenda at the City Hall and providing copies to the following newspapers of general
19 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.
20

21 Mayor Cushing called the meeting to order, giving a special welcome to the visiting
22 Boy Scouts. Councilwoman Wilcox led the pledge of allegiance to the flag. The invocation was
23 offered by Mr. Jenson.
24

25 Minutes of the regular meeting of the City Council held July 2, 1997 were presented
26 and unanimously approved as written on a motion made by Councilman Shafter and seconded by
27 Councilman Johnson.
28

29 **EXPENDITURE AND EXPENSE REPORT**
30 **APPROVED FOR PERIOD JUNE 21-24, 1997**

31 Mr. Jenson presented the Expenditure and Expense Report for the Period June 21-24,
32 1997 in the amount of \$939,287.61. He clarified amounts in several funds, following which
33 Councilwoman Wilcox made a motion to approve the report, as presented. Councilman Fowler
34 seconded the motion and voting was unanimous.
35

36 **COUNCIL ADOPTS FINDINGS OF FACT**
37 **ON RE-ZONE DECISION AT 2084 SO. ORCHARD DR.**

38 Mr. Mahan referred to the Findings of Fact which he had prepared regarding the
39 decision of the Council last week to deny the re-zone request at 2084 South Orchard Drive
40 (Mark Arnold, applicant). He recommended that the Findings of Fact be adopted if they
41 reflected accurately the decision of the Council. Councilman Fowler made a motion to adopt the
42 Findings of Fact, as presented. Councilman Shafter seconded the motion. Voting was by a
43 majority with Councilman Johnson voting nay in harmony with his previous action. (He had
44 voted against the motion to deny the rezone).
45

46 **AGREEMENT FOR STATE ADMINISTRATION OF**
47 **MUNICIPAL ENERGY SALES AND USE TAX APPROVED**

48 Mr. Mahan explained that part of the new State law on Municipal Energy Sales and Use
49 Taxes includes a provision for entering into an agreement with the State Tax Commission for
50 collection of taxes. This agreement is for the purpose of collecting taxes from small users and
51 sellers of energy that are not otherwise picked up by the City. He said it does not include the
52 taxes that are collected from Bountiful City Light and Power or Mountain Fuel. He

1 recommended that this Agreement be approved and noted that it *does not* increase taxes.
2 Councilman Johnson made a motion to approve the Agreement as recommended, Councilman
3 Shafter seconded the motion and voting was unanimous.

4
5 **PUBLIC HEARING TO CONSIDER ZONE CHANGE**
6 **AT 830 NO. 500 WEST - JONES NELSON ASSOC., APPLICANT**

7 Mayor Cushing opened the public hearing to consider the change of zone request
8 submitted by Jones Nelson Associates for the property at 830 North 500 West (Carrington Place
9 Apartments). The request is for the property to be rezoned from R-3-16 to R-3-25. Mr. Gehring
10 reviewed a memo which was sent to the Council giving the zoning history of the property.
11 When it was developed as Carrington Place in 1985, the property was divided into two zones--R-
12 3-25 contiguous to 500 West, and R-3-16 400 feet back from the street. The rationale for this
13 split zone was to provide a buffer of less dense development between the single family homes in
14 the contiguous subdivision and the R-3-25 frontage on 500 West. Not knowing the rationale for
15 this configuration, Mr. Gehring combined the property into one zone (R-3-16) when the new
16 zoning ordinance was adopted in 1992.

17
18 Potential buyers of the property cannot get financing because of the non-conforming
19 status of the development; therefore, the zone change was requested. It has been suggested that
20 the split zone be re-established to facilitate the re-financing and still maintain the buffer desired
21 by the neighboring residents. Jim Parker, Reuben Anderson, Julie Addedell, Fred Davies, and
22 Sheryl Henderson spoke in favor of the R-3-16 zone. Their concerns were density, property
23 values, traffic, the impact on the school community, and integrity of the neighborhood.

24
25 The Mayor closed the hearing at 7:35 p.m. and thanked the citizens for their input and
26 the manner in which they presented themselves. Councilman Fowler made a motion to adopt
27 Ordinance No. 97-20 entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE
28 BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF
29 BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED AT 830 NORTH 500 WEST
30 FROM R-3-16 TO R-3-25. (It was noted that the ordinance describes only that portion of
31 property from 500 West back to 400 feet from the street). Councilman Shafter seconded the
32 motion and voting was unanimous.

33
34 **DISCUSSION RE: PROPOSED PROPERTY**
35 **TAX INCREASE; TRUTH IN TAXATION HEARING SET**

36 Mr. Jenson explained that when this year's budget was put together, it was determined
37 that projected revenues were not sufficient to meet proposed expenditures in the General Fund.
38 An increase in property taxes has been proposed to fund an increase in the Fire Department. He
39 explained the procedure which must be followed when the proposed tax rate exceeds the
40 certified rate and recommended that a Truth in Taxation hearing be set for August 20, 1997 at
41 7:15 p.m. Councilman Shafter made a motion to approve the tax rate at .001325 and to set the
42 hearing as proposed. Councilwoman Wilcox seconded the motion and voting was unanimous.

43
44 **CLASS "D" BEER LICENSE APPROVED FOR**
45 **SIZZLER RESTAURANT - 575 WEST 500 SOUTH**

46 Mr. Gehring reported that the Sizzler Restaurant, 575 West 500 South, has submitted an

1 application for a Class D Beer License. The application has been reviewed by Lt. Steve Gray of
2 the Police Department and he found no problems. It is the recommendation of staff that the
3 license be approved. Councilman Shafter made a motion to this effect, Councilman Johnson
4 seconded the motion and voting was unanimous.

5
6 **COUNCIL COMMITTEE REPORTS**

7 Councilman Johnson reported that there will be a Recycling Committee meeting
8 tomorrow night at 7:30 p.m. and he invited the Council to attend.

9
10 For the benefit of the press and the Council, Mr. Hardy reviewed the following:

11
12 (1) It is City policy that chairs cannot be placed on the Handcart Days parade route
13 prior to 10:00 a.m. on the day of the parade.

14
15 (2) The Bountiful Community Theater is sponsoring a musical , "Polly", which was
16 written by Steven Kapp Perry depicting the life of his great-great-great grandmother. The play
17 will be performed on July 12th and 14th, at the North Canyon Park amphitheater.

18
19 (3) City policy prohibits vending along the parade route or within one mile of the
20 fireworks display.

21
22 **EXECUTIVE SESSION APPROVED**

23 At the request of the Mayor, Councilman Johnson made a motion to adjourn to
24 executive session for the purpose of discussing personnel. Councilman Shafter seconded the
25 motion and voting was unanimous. The meeting adjourned at 7:57 p.m.

26
27 **Attendance at executive session:**

28 Mayor Cushing
29 Council members Shafter, Johnson, Fowler and Wilcox
30 Mr. Hardy
31 Mr. Mahan

32
33
34
35 _____
36 JOHN R. CUSHING, Mayor

37
38
39 _____
40 ARDEN F. JENSON, City Recorder

41
42 * * * * *
43