

1 Minutes of the regular meeting of the City Council held June  
2 24, 1987 at 7:30 p.m. in the City Hall of Bountiful, Utah.

3  
4 Present: Mayor: Dean S. Stahle  
5 Council Members: C. Harold Shafter, Richard  
6 G. Sharp, Phyllis C.  
7 Southwick, Jerry K.  
8 Lawrence, and H. Keith Brimin  
9 City Manager: Tom Hardy  
10 City Attorney: Layne B. Forbes (arrived  
11 9:25 pm)  
12 City Prosecutor: Russell Mahan  
13 City Engineer: Jack P. Balling  
14 City Recorder: Arden F. Jenson  
15 Dep. Recorder: Lois Hoskins  
16 Planning Director: Jon Reed Boothe  
17 Department Heads: Dick Duncan, Street &  
18 Sanitation  
19 Jerry Lemon, Fire  
20 Clifford Michaelis, Power  
21 Rec. Secretary: Nancy T. Lawrence  
22

23 Mayor Stable called the meeting to order and welcomed those  
24 in attendance, following which he led the pledge of allegiance  
25 to the flag. Mrs. Lawrence offered the invocation.  
26

27 Official notice of this meeting had been given by posting  
28 a written notice of same and an Agenda at the City Hall and  
29 providing copies to the following newspapers of general  
30 circulation: Davis County Clipper, Deseret News, and Salt Lake  
31 Tribune. \_\_\_\_\_  
32

33 Minutes of the regular meeting of the City Council held June  
34 17, 1987 were presented and unanimously approved as written on  
35 a motion made by Councilman Barton and seconded by Councilman  
36 Shafter.  
37

38 **EXPENDITURE AND EXPENSE REPORT**  
39 **APPROVED FOR PERIOD JUNE 11-18, 1987**

40 Mr. Jenson presented the Expenditure and Expense Report for  
41 the Period June 11-18, 1987 in the amount of \$334,351.93.  
42 Following a brief discussion, these expenditures were unanimously  
43 approved on a motion made by Councilman Shafter and seconded by  
44 Councilman Sharp.

45 **RES. NO. 87-12 PROVIDING FOR ANNEXATION**  
46 **OF VAL VERDA AREA PROPERTY ADOPTED**

47 Mr. Hardy presented Resolution No. 87-12, a resolution  
48 declaring the annexation of territory to the municipality of  
49 Bountiful, (said territory legally described within the  
50 resolution, approximately 2600 South to 3100 South, Orchard Drive  
51 to 625 West). He said that of the 159 property owners involved,  
52 94 (approximately 60 percent) signed the petition in favor of the  
53 annexation. Based on the plurality of those signing the  
54 petition, he recommended that the resolution be adopted.  
55 Councilman Barton made a motion to this effect, with  
56 authorization for the Mayor and City Recorder to sign.  
57 Councilman Lawrence seconded the motion. A citizen in attendance  
58 stated that there were a group of citizens who had attempted to

1 file a protest to the annexation; however, the County Boundary  
 2 Commission had referred them back to the City. Mr. Mahan  
 3 explained that the only protests which the Boundary Commission  
 4 receives are from entities affected by taxation--not individual  
 5 citizens. The citizen's protests are reflected by a refusal to  
 6 sign the petition for annexation. Following further discussion  
 7 on the protest procedure, the motion was voted on and carried  
 8 unanimously.  
 9

10 **RES. NO. 87-13 ADOPTED PROVIDING FOR**  
 11 **ANNEXATION OF VAL VERDA AREA**

12 Mr. Hardy presented Resolution No. 87-13, a resolution  
 13 declaring the annexation of territory (3400 South to 3800 South,  
 14 550 West to 325 West) to the municipality of Bountiful. He said  
 15 that of 126 property owners, 84 (64 percent) have signed the  
 16 petition requesting the annexation. Councilman Sharp made the  
 17 motion that this resolution be adopted and that the Mayor and  
 18 City Recorder be authorized to sign it. Councilman Shafter  
 19 seconded the motion and voting was unanimous.  
 20

21 **ORD. NO. 87-3 PROVIDING FOR AMENDMENT**  
 22 **TO CEMETERY ORDINANCE ADOPTED**

23 Mr. Mahan explained that the present cemetery ordinance  
 24 provides for fees to be set by ordinance; however, it is  
 25 recommended that the ordinance be changed to provide that fees  
 26 be established by resolution. He reviewed Ordinance No. 87-3,  
 27 entitled "AN ORDINANCE REPEALING SECTION 109, CHAPTER 1, TITLE  
 28 VI, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS  
 29 AMENDED, RELATING TO CEMETERY FEES" and recommended that it be  
 30 adopted. Councilman Barton made a motion for adoption, as  
 31 recommended, with authorization for the Mayor and City Recorder  
 32 to sign. Councilman Lawrence seconded the motion and voting was  
 33 unanimous.  
 34

35 **DISCUSSION ON RES. NO. 87-14 PROVIDING**  
 36 **FOR CEMETERY FEES**

37 Mr. Mahan then presented Resolution No. 87-14, a resolution  
 38 establishing cemetery fees and charges, effective July, 1987.  
 39 Councilman Sharp made the motion that this resolution be adopted,  
 40 Councilwoman Southwick seconded the motion. Councilman Barton  
 41 questioned the definition of "resident" in Section 7, and action  
 42 on this matter was postponed to provide for clarification by the  
 43 City Prosecutor.  
 44

45 **MAPLE HILLS NO. 4 PRESENTED FOR**  
 46 **PRELIMINARY APPROVAL**

47 Mr. Boothe presented the site plan for Maple Hills  
 48 Subdivision No. 4 (54 lots), 2750 South 1600 East, Norm Dobson,  
 49 developer. He said that an extensive review has been made of  
 50 this subdivision by the City Engineer and developer, and it is  
 51 the recommendation of the Planning Commission that preliminary  
 52 approval be granted subject to the following conditions:  
 53

- 54 1. All lots are to conform to the Foothill Development Zone
- 55 with a minimum of 5,000 sq. ft. of usable space or property
- 56 in each lot with a minimum dimension of that usable space

1 to be 50 ft. wide. It appears that lots 4, 44, 31 and 16  
 2 may not qualify. A disclaimer will be required on the final  
 3 plat as prepared by the City Attorney indicating that some  
 4 of the lots may not qualify, and the responsibility of this  
 5 lies with the developer. Permits will not be issued for  
 6 those lots that do not qualify.

7  
 8 2. An exception be granted for the street grade on Maple  
 9 Hills Drive to have a maximum grade of 15 percent.

10  
 11 3. Grant an exception to cuts and fills in excess of 10  
 12 ft. There are several locations where this applies, even  
 13 though we've tried to bring them to a minimum. The frontage  
 14 of lots 39, 40, 19, and 28 has an excess cut; and lots 4 and  
 15 5 have an excess of fill.

16  
 17 4. Exception be granted to the Maple Hills Drive as it ties  
 18 to the Cave Hollow area, because of the cut and fill problem  
 19 for a narrower road section at the rear of lots 24 through  
 20 28 inclusive. Planning Commission recommends a  
 21 54-ft. right-of-way with a roadway of 34 ft. back to back  
 22 of curb and a 5-ft. wide sidewalk on the downhill side of  
 23 the road against the curb.

24  
 25 5. The utilities, streets, curbs, and all engineering to  
 26 conform to the requirements of the Engineering Department.

27  
 28 6. All other requirements of the final plat should conform  
 29 to the Foothill Ordinance.

30  
 31 7. Between the curb and walk, a 4-ft. park strip in lieu  
 32 of the 6 ft. (Mr. Balling noted that this condition applies  
 33 to the entire project).

34  
 35 Councilman Shafter expressed concern about the exceptions which  
 36 are recommended in Items 1, 3, and 4 above. Mr. Balling said  
 37 that the attorney for the developer indicated that they would  
 38 assume the risk of the possibility of having some building lots  
 39 denied building permits. He also said that exceptions to the cut  
 40 and fill requirements go as high as 20 feet (two times that  
 41 allowed by ordinance) and he referred to several possible ways  
 42 of addressing this problem. Councilman Shafter also expressed  
 43 opposition to the provision for sidewalk on one side of the road  
 44 (rear of lots 24-28), and Mr. Balling pointed out that no homes  
 45 front on this section of road.

46  
 47 **EXCEPTIONS RECOMMENDED FOR**  
 48 **MAPLE HILLS NO. 4 DISCUSSED**

49 Councilman Barton noted that lot 39 has a questionable drive  
 50 approach and usable space, and he suggested that this lot be  
 51 included in condition number 1. He also felt that lots 4 and 5  
 52 would not be buildable due to excessive fill. Councilwoman  
 53 Southwick made the motion that action on this matter be tabled  
 54 and a field trip be scheduled for next week. Councilman Shafter  
 55 seconded the motion. Further discussion followed regarding other  
 56 concerns. Hans Roelof, a resident of the area, suggested that

1 Maple Hills Drive be constructed completely of concrete.  
2 Mr. Balling briefly reviewed the recommendations which have been  
3 given to the City by Northern Testing Labs regarding the road  
4 construction in the subdivision to the west (one of which is  
5 1/2" concrete). He noted that if concrete is used, it would only  
6 be fair for the City to bear 50 percent of the difference between  
7 concrete and asphalt (with a maximum of \$.20 per sq. ft.), as has  
8 been done for other subdivisions.  
9

10 **ACTION ON MAPLE HILLS NO. 4 TABLED**  
11 **PENDING FURTHER STUDY**

12 Councilman Lawrence made the recommendation that Mr. Boothe  
13 revise the conditions of approval to reflect the concerns of the  
14 Council and it was emphasized that all of the lots included in  
15 the subdivision should be buildable. If this information cannot  
16 be determined from the aerial survey, then a certified survey of  
17 each lot should be made. Councilman Sharp noted that a  
18 suggestion from the Planning Commission was for lots to be  
19 combined if they are determined to be not buildable.  
20 The Mayor called for vote on the motion to table, and the motion  
21 carried by a majority. Councilman Sharp voted nay.  
22

23 Councilman Lawrence then made the motion that the additional  
24 provisions which have been discussed be included as requirements  
25 prior to preliminary approval being granted. Councilman Barton  
26 seconded the motion and voting was unanimous.  
27

28 **PRELIMINARY APPROVAL GRANTED TO**  
29 **GRANADA HILLS PLAT 6**

30 Mr. Boothe presented the site plan for Granada Hills Plat  
31 6 (50 lots), 1750 East 100 South, Bill Smith, developer and  
32 explained that due to the one-year requirement, this plat is back  
33 for a re-newed preliminary approval. He said that 9 lots were  
34 completed last year. Councilman Barton made a motion for  
35 preliminary approval as recommended, Councilman Lawrence seconded  
36 the motion and voting was unanimous.  
37

38 **GRANADA HILLS PLAT 7 GRANTED**  
39 **PRELIMINARY APPROVAL**

40 Mr. Boothe presented the site plan for Granada Hills Plat  
41 7, (9 lots), 300 South 1750 East, Bountiful City, developer. He  
42 explained that it was cheaper for the City to buy the entire  
43 property than to purchase an easement for the power line. It is  
44 the recommendation of the Planning Commission that preliminary  
45 approval be granted, without condition. Councilman Sharp made  
46 a motion for approval as recommended, and Councilman Shafter  
47 seconded the motion which carried unanimously.  
48

49 **HALE OAKS SUBDIVISION PRESENTED**  
50 **FOR PRELIMINARY APPROVAL: ACTION TABLED**

51 Mr. Boothe presented the site plan for Hale Oaks Sub-  
52 division, (5 lots), 3700 South 75 East, Ray Hale owner/  
53 developer, and reported that it is the recommendation of the  
54 Planning Commission that preliminary approval be granted subject  
55 to the following conditions:  
56

1 1. The access road from Oakridge Drive into the property  
 2 will be by a cul-de-sac which has an 18 percent grade. It  
 3 is recommended that the cul-de-sac be regraded to a 17  
 4 percent grade. This would also require that there be a  
 5 grade change for the existing home that is in this  
 6 subdivision.

7  
 8 2. The storm detention fee of \$2,100.00 per acre be  
 9 required.

10  
 11 He noted that this project was started when it was under the  
 12 jurisdiction of the County and, hence, did not come under the  
 13 ordinance requirements of Bountiful. Councilman Barton expressed  
 14 concern that the recommended 17 percent grade is not permissible  
 15 within the City ordinance (12% grades allowed, with exceptions  
 16 up to 15%). Mayor Stahle called for an opinion from the legal  
 17 counsel and Mr. Mahan indicated that he would research the  
 18 matter. Councilman Sharp made the motion that this matter be  
 19 tabled pending an opinion from the City Attorney  
 20 and he suggested that this property be included in the field trip  
 21 next week. Councilwoman Southwick seconded the motion which  
 22 carried unanimously.

23  
 24 **PRELIMINARY APPROVAL GRANTED TO COMMERCIAL**  
 25 **BUILDING - 500 SOUTH 500 WEST**

26 Mr. Boothe presented the plot plan for a proposed commercial  
 27 building at 500 South 500 West (southwest corner), Amsource,  
 28 developer, c/o John Gaskill. He reviewed the plans and stated  
 29 that it will be developed in two phases. It is the  
 30 recommendation of the Planning Commission that preliminary  
 31 approval be granted to Phase I, subject to the following  
 32 conditions:

- 33  
 34 1. A landscape plan is required in conformance with the  
 35 ordinance.  
 36  
 37 2. The proposed access into the Gateway project in the  
 38 southwest corner to be approved by the Gateway developer  
 39 and owner.  
 40  
 41 3. Proposed signs to be shown.  
 42  
 43 4. The area is in the flood plain of Mill Creek and all  
 44 building elevations and openings must be set above the flood  
 45 line, and approval from the Davis County Flood Control  
 46 engineer must be received as well as approval from the City  
 47 Engineer.  
 48  
 49 5. A storm detention fee of \$2,100.00 per acre is required  
 50 if storm detention is not provided on site.  
 51  
 52 6. All access openings on state highways, 500 South and  
 53 500 West, are to be approved by UDOT in writing.  
 54  
 55 7. Final grading plan to show all curbs, drives and  
 56 sidewalks, and existing and proposed contours.

1  
2 8. An architect's stamp is required on the plans.  
3

4 9. All existing utility easements must be shown and any  
5 easements required by any city department (water, power,  
6 sewer) must be deeded to the City. If any existing utility  
7 needs to be moved, it must be paid for by the developer.  
8

9 10. Architectural elevations of the building, type and color  
10 material to be shown and indicated on the final drawings.  
11

12 11. Inasmuch as this in the RDA project area, it must be  
13 approved by the RDA Board.  
14

15 Councilman Barton made the motion that preliminary approval be  
16 granted to Phase I as recommended by the Planning Commission,  
17 Councilman Lawrence seconded the motion and voting was unanimous.  
18

19 **REQUEST FOR PRELIMINARY APPROVAL ON**  
20 **FRED OSTERLOH COMMERCIAL BUILDING TABLED**

21 Mr. Boothe reviewed the site plan and elevations for a  
22 proposed commercial building at 401 West 500 South, Fred Osterloh  
23 developer. He noted that the type of tenant is not known at this  
24 time, and the building will be shelled in if and when a building  
25 permit can be issued. The Planning Commission recommends that  
26 preliminary approval be granted subject to the following  
27 conditions:  
28

29 1. Site plans to show in more detail the existing and  
30 proposed contours and the method of handling the storm water  
31 runoff.  
32

33 2. The plans should show more elevation detail on Mill  
34 Creek, showing the location of the channel in relation to  
35 this property, and elevations of the top and bottom of said  
36 channel.  
37

38 3. The proposed method of discharging the water into the  
39 channel.  
40

41 4. Payment of the storm detention fee.  
42

43 5. Approval of the storm detention drainage system by Davis  
44 County Flood Control engineer and Bountiful City engineer.  
45

46 6. Required grading plan to show correction of a low area  
47 in the parking lot which presently will not drain.  
48

49 7. Signage to be shown.  
50

51 8. The elevation of the door in the southeast corner of  
52 the building to be set one ft. above the adjacent ground to  
53 provide protection against sheet flooding along Mill Creek.  
54

55 9. Landscape ordinance to be complied with.  
56

10. Any required utility easements to be deeded to the City. Any utilities needing to be moved is at the developer's expense.

The Council expressed concern about the landscaping, location of the garage, and the elevations as submitted. After discussion, Councilman Shafter made the motion that the plans be returned to the developer and Planning Commission and that the following items be addressed:

- 1. The landscaping be modified so that a minimum of 70 percent is forward of the rear building line.
- 2. The garage be moved to the middle of the lot (adjacent to the rear lot line) to provide access to the garage and parking.
- 3. More detail be shown on the elevations.
- 4. Plans to show how this project relates to adjacent properties.
- 5. An explanation of why the building is as high as it is.
- 6. All other conditions recommended by the Planning Commission to be addressed.

Councilman Barton seconded the motion which carried unanimously.

**MR. MAHAN TO FOLLOW THROUGH ON ENFORCEMENT OF LANDSCAPE ORDINANCE**

During the course of discussion on the Fred Osterloh building, it was noted that the landscaping has never been completed on the Harrison International property. Mr. Mahan indicated that he will follow through on enforcement of the landscape ordinance if Mr. Boothe will provide names and addresses for him.

**EXECUTIVE SESSION SCHEDULED**

Councilman Shafter made the motion that an executive session be scheduled immediately after this meeting for the purpose of discussing pending litigation. Councilman Barton seconded the motion and voting was unanimous.

**RESOLUTION NO. 87-14 ADOPTED PROVIDING FOR CEMETERY FEES**

Following a revision made by Mr. Mahan on Resolution No. 87-14, this resolution was adopted on a motion made by Councilman Sharp and seconded by Councilwoman Southwick, with authorization for the Mayor and City Recorder to sign. Voting was unanimous.

The meeting adjourned at 7:00 p.m.

  
MAYOR

  
CITY RECORDER \* \* \* \* \*