

Minutes of the regular meeting of the City Council held April 22, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah, following a meeting of the Redevelopment Agency.

Present:	Mayor:	Bob Linnell
	Council Members:	Harold Shafter, Renee Coon, John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne Forbes
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Ira Todd
	Planning Director:	Jon Reed Boothe
	Rec. Secretary:	Nancy Lawrence
	Department Heads:	Larry Higgins, Police

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 and noted that the pledge of allegiance to the flag and invocation were given in the RDA meeting earlier.

Minutes of the regular meeting of the City Council held April 8, 1992 were presented and unanimously approved as written on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED FOR PERIODS IN MARCH AND APRIL, 1992

Mr. Jenson presented the Expenditure and Expense Reports for the following periods, with respective totals: March 29-31, 1992: \$270,958.04; Summary for March: \$1,478,804.88; and April 1-16, 1992: \$360,560.95. He noted one correction to the annotation of the April listing, following which the expenditure and expense reports were unanimously approved on a motion made and seconded by Councilmen Shafter and Foy, respectively.

JAREN THOMAS TOLMAN RECOGNIZED FOR EAGLE SCOUT PROJECT

Jaren T. Tolman explained that for his Eagle Scout project he compiled a pictorial history of ten sites in the Bountiful area on which his ancestors had a major impact. He acknowledged the assistance of family members and others who contributed stories and pictures regarding each site and stated that the project was very rewarding. He presented the Mayor and each Council member with the booklet "Historical Tour of the Bountiful Area", as well as giving several booklets to the City Manager for distribution.

The Mayor thanked Jaren for his efforts on this project and for sharing it with the City officials, noting that it was particularly appropriate during this centennial season.

**HERITAGE PLACE REQUIRED TO CONSTRUCT
SIDEWALK ON 1050 SOUTH ST.**

Mr. Balling presented the site plan for Heritage Place, 1150 South Main, and reviewed that this business was granted conditional approval to construct an addition to their building. One of the conditions attached to the approval was that a sidewalk be constructed on 1050 South Street along the frontage of this property (approximately 200 feet). Since there would not be sidewalk on the contiguous east and west properties, the owner of the project approached the Planning Commission with a request to rescind the sidewalk requirement. This was discussed in the last Planning Commission meeting and after exploring the possibility of requiring the property owner to provide a deed to the property for the sidewalk (in lieu of constructing the walk), it was determined that the construction of the sidewalk would be the best way to handle this situation.

Councilwoman Holt made a motion that the Council accept the conditions as placed on this approval by the Planning Commission. Councilman Shafter seconded the motion which carried by a majority. Councilwoman Holt abstained from voting.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO 4-LOT
SUBDIVISION, 150 EAST 2450 SOUTH--GUY HASKELL, DEVELOPER**

Mr. Balling displayed an aerial photo of the area where a four-lot subdivision is being proposed by Guy Haskell at 2450 South 150 East. He reported that it is the recommendation of the Planning Commission that preliminary and final approval be granted as requested subject to the following conditions:

1. The Lots must be re-plotted to provide a minimum frontage of 70 feet at the building line.
2. Provide 7 ft. wide utility easements around the perimeter of the Subdivision.
3. Construct a 4 ft. wide sidewalk along the frontage of all Lots 4 ft. from the existing curb and gutter.
4. Replace all damaged curb and gutter along the frontage of the Lots.
5. Payment of the required fees for power, sewer, and water installation and connection.
6. Payment of the required fees for the asphalt repair of the road for the service connections.
7. Posting of required Bond to install the improvements as described above.
8. Payment of the required Subdivision Fees for checking, recording and administration of the Subdivision Plat.
9. Payment of a required storm detention fee of \$2,100.00 per acre equal to \$3,213.00.

Councilwoman Holt motioned for preliminary and final approval for the 4-lot subdivision as recommended by the Planning Commission. Councilman Foy seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED
TO ONE LOT AT 2282 SOUTH CAVE HOLLOW WAY-GLEN MC BRIDE**

Mr. Balling used an aerial photo to show the location of a parcel of property purchased by Glen McBride for the purpose of using it as a building lot. He explained that when Maple Hills was developed, this property was not included in the plat, but was set aside for future development. The lot meets the requirements of the Foothill Ordinance and it is the recommendation of the Planning Commission that preliminary and final approval be granted subject to the following conditions:

1. That building and improvements be placed only on usable area less than 30% slope as required by the Foothill Ordinance.
2. Provide 7 ft. wide utility easements around the perimeter of the Lot.
3. Replace all damaged curb and gutter and sidewalk along the frontage of the Lot.
4. Payment of the required fees for power, sewer, and water installation and connection.
5. Payment of the required fees for the asphalt repair of the road for the service connections.
6. Posting of the required bond to install the improvements as described above.
7. Payment of the required subdivision fees for checking and administration of the subdivision lot.
8. Payment of the required storm detention fee.

Councilwoman Holt motioned that preliminary and final approval be granted as recommended. Councilman Shafter seconded the motion and requested that the construction be watched carefully to make sure that the home is placed on the usable area only. Voting was unanimous.

**PRELIMINARY APPROVAL GRANTED TO SITE PLAN
FOR ORCHARD 6TH/14TH WARD LDS CHURCH-165 WEST MONARCH DR.**

Mr. Balling located the site of the proposed Orchard 6th/14 Ward LDS Church on an aerial photo (165 West 3700 South) and reported that it is the recommendation of the Planning Commission that preliminary approval be granted to the site plan and that the final plans be presented for review and compliance with the following requirements:

1. Compliance with all building codes and ordinances of the city.
2. Payment of the storm detention fee of \$7,005.00 (\$2,100 per acre for 3.34 acres).

3. Posting of a bond to guarantee the landscaping and site improvements.
4. Payment of all required fees for sewer, water, power, and repair of streets.

APPROVAL GIVEN FOR PRIVATE ROAD TO SERVE TWO FLAG LOTS AND ONE ADDITIONAL LOT WITH 500-FT. SETBACK-2853 SOUTH WOOD HOLLOW WAY

Mr. Balling explained that in 1983 the Planning Commission granted final approval for two flag lots with a 50-ft. access from Wood Hollow Way at 2853 South in Maple Hills. The 50-foot access also serves 43 acres of private property east of Wood Hollow Way which is proposed for development as a single family building lot. The owner is proposing that the flag lot access road be approved to also serve his property and that a 500-ft. setback be approved, as outlined in Ordinance 88-4.

The proposed development has been reviewed by the Fire Department and given the go-ahead. Mr. Balling said that it is the recommendation of the staff that the owner's proposal be approved, subject to the following conditions:

1. That the City Attorney review for compliance with the City Ordinance.
2. That a sediment/detention basin be constructed to prevent erosion damage and sediment washing on the public streets.
3. Payment of all required fees.
4. Posting of a bond to guarantee the completion of the private access road.
5. That the three buildings be allowed to use the 30-foot wide access road to junction point of their private access.
6. Compliance with all other building requirements.
7. That the owners be asked to donate the remainder of the 43 acres (which is un-usable property under the Hillside Ordinance) to the City for water shed protection and water rights.

He explained that the rationale for Item No. 7 is to preclude developers in the future from thinking that the property is developable. By donating the property to the City, the present owner would also be relieved of the tax burden on the property.

Mr. Balling explained that when Maple Hills was developed, there was a blanket easement for the reservoir and access road; however, a formal deed was never given to the City and this needs to be accomplished.

Ron Marshall, representing the owner of the 43 acres, stated that the owner is agreeable

to the first six items and would be willing to negotiate regarding the disposition of the 43-acre parcel. He pointed out that there is value to the owner in being surrounded with open space, and he (Mr. Marshall) asked if the City would consider letting the owner keep all the property and placing a restriction on the deed which would preclude any other development. Councilwoman Coon requested that action be tabled until the Council could make a site visit to the area in question.

Following discussion, Councilman Foy made a motion to grant approval as outlined above, Items 1-6; and that the developer and staff work out an acceptable arrangement to guarantee that the 43 acre parcel would have only one single family home placed on it (whether by deed restriction or property donation). Councilwoman Holt seconded the motion. As requested by Mr. Balling, the motion was formally amended to include that a formal deed be presented to the city for the reservoir and water lines. Voting on the motion was in the majority with Councilwoman Coon voting "nay". She stated that she was not against the motion but wanted to see the property before voting.

PUBLIC HEARING TO CONSIDER ISSUANCE OF HOSPITAL REVENUE BONDS (SO DAVIS COMMUNITY HOSPITAL PROJECT). SERIES 1992

At 7:45 p.m. the Mayor announced that pursuant to the published Notice of Public Hearing, the time was at hand to consider the proposed issuance by the City of up to \$9,000,000 Hospital Revenue Bonds (south Davis Community Hospital Project) Series 1992 (pursuant to Section 147 [f] of the Internal Revenue Code of 1986, as amended) . Mr. Forbes explained that the purpose of the bonds would be to provide funds for the purpose of lending the proceeds of the bonds to South Davis Community Hospital, Inc. (Hospital) to finance the costs of acquiring, constructing and equipping certain health facilities of the Hospital, consisting of the construction of a three-story addition of approximately 33,000 sq. ft. to the Hospital's existing hospital facility located at 401 South 400 East in Bountiful, Utah, the remodeling of such existing hospital facility and the acquisition of all fixtures, furniture, equipment and appurtenances related to such construction and remodeling, providing certain reserves with respect to such Bonds and paying certain costs of issuance thereof.

Mr. Hardy explained that there is no financial obligation on the part of the city and the matter has received proper approvals from the Planning Commission and City Council. He noted that this financing would be similar to that approved for Heritage Place and Lakeview Hospital.

Mr. Jim Burr, representing the Hospital, stated that adoption of a resolution is necessary to complete this transaction. However, the Hospital and the investor are waiting to get a fixed cost of construction on the project prior to the resolution being adopted and the resolution will be brought back to the Council in two-three weeks. (Agenda Item No. 12, "Consideration of Resolution..." postponed for two to three weeks). Mr. Burr re-emphasized that there will not be a debt or obligation to the city through participation in this project. No action was required on the part of the Council and the hearing concluded at 7:55 p.m.

COUNCIL REVIEWS FINAL PLANS FOR SPRING HOLLOW PUD.0 REFERRED BACK TO PLANNING COMMISSION

Mr. Balling displayed the site plan for Spring Hollow PUD at the Woods condominiums,

3900 South 400 East. He explained that when Newport Heights was initially proposed, it was in five phases. The first phase was a PUD and the remainder of the property will be developed as single-family units on a private road. The Planning commission granted conditional approval in May, 1991 subject to the plans coming back to them for review. They now have met all conditions. However, the requirement for two accesses as required by the Foothill ordinance is causing some concern. The developers are proposing that a gate be placed across the road between the single family area and the contiguous condominium area (Cordiff Way). The access could be used for emergency purposes, but the condominium residents do not want it to be a through street for day-to-day traffic. Although this is not the most desirable situation, it has been reviewed by the Fire, Police, and Engineering departments and has received their approval.

Mr. Balling reviewed the following conditions for allowing Cordiff Way to be closed, as negotiated between the staff and the developer, and the existing condominium owners:

1. The developer agrees that the gate will be closed except for emergency purposes.
2. The lot owners in the newly developed area are responsible for advising the contractors and subcontractors that Cordiff Way is not to be used as access during construction.
3. The provisions regarding the road are to be included in the restrictive covenants of the PUD--that the gate will be closed at all times, except when maintenance is required or during an emergency.
4. Cordiff Way is to be considered a private road at all times. Nothing can be construed to give permission for any other use.

Mr. Balling stated that it is the staff recommendation that the conditional use permit be approved as outlined below:

Planning Commission Requirements:

1. The termination of the road in a 44 ft. radius cul-de-sac 1500 ft. from the public street is not in compliance with the Subdivision Ordinance. Provisions must be made to allow traffic to exit-enter through the existing Newport Heights Condos. The Foothill Ordinance requires two entrances, and Mr. Jenkins indicated this would be done. Mr. Jenkins also stated there was an agreement with Newport Condominiums that this would be accessible for the public as well as emergency vehicles.
2. A Title Report is required before the plat can be recorded.
3. Lots 12, 14, and 15 (preliminary No.'s 14, 15, and 16) do not appear to have enough buildable area in a useable place. (Ordinance requires 5,000 sq. ft.) Lots 4 and 5 must be carefully planned to avoid the unusable land.
4. There is a proposed cut of 10-12 ft. in front of Lots 5 and 6 (preliminary plat Lots 6 and 7). Since the final plans don't show any ground lines under the curb and gutter (both

sides) it is very hard to tell what the actual cut or fill is. Existing ground lines are required to be shown under the curb and gutter on both sides of the road.

5. Every PUD shall provide common open space accessible to all other Lots or Units. This common space must be at least 30% of the gross area of the development site. The entrance to the common area is approximately 18% downhill and is very hard to use. Final plans will have to show the development of this common area, with parking, access, and landscaping to be shown on the plans.

6. Items to be completed in the Grading and Drainage Report:

A. Provide a landscape plan. Location and identification (by species) of existing vegetation, and indication of vegetation for removal and revegetation proposal.

Also, a planting plan showing proposed trees and shrubs for the entire site to be developed.

B. Final plans to show description of methods to be employed to achieve stabilization and compaction, i.e., roads, cuts and fills, grading, etc.

C. Location and capacities of proposed drainage, structures, and erosion control measures. (This is done.)

7. The Planning Commission has required a parking area for R.V. storage on the property.

Engineering Department Requirements:

1. The PUD of Newport Heights Condo's Phase 3 dedicates the common areas as utility easements, only. Therefore, Bountiful City wouldn't have the legal right to cross over the two ft. distance between the two cul-de-sacs since no right-of-way exists.

2. Name the street Cordiff Way since it already has been named Cordiff Way through Newport Heights Condominium Phase 3. Also show the house numbers on each lot as directed on the check sheets.

3. The developer has the option of designing and constructing a detention basin on the property or paying \$2,100.00 per acre to Bountiful City to take care of the water.

4. If the City Council accepts the common area to be a park, a Deed to Bountiful City will need to be prepared for said park.

5. Bountiful Boulevard has been dedicated. The developer must match the dedication plat as it has been recorded (Davis County Recorder's Office) where the PUD joins into Davis Boulevard.

6. The easement covering the creek has to be at least 10 ft. wider than the creek on one side for vehicular traffic. The present easement isn't wide enough.

7. Make street tangent bearings match the deltas of the curves throughout the project.
8. Provide an easement for the storm drain outfall line as it passes through Lot 10.
9. Show a blow-up of the school property access road as directed on the check sheets.
10. The owner's dedication will have to be changed as directed by the Bountiful City Engineering Department.
11. Draw the creek easement through Lots 16, 17, 18, 19, and 20 in its proper location.
12. Show ground line under each curb and gutter on all sheets.
13. Show House No.'s on each lot as directed by the Bountiful City Engineering Department.
14. Show the water system design as directed by the Bountiful City Engineering Department.

Councilwoman Holt noted that the Planning Commission has not had the opportunity to review the conditions of the gate agreement. She suggested that the City attorney review the agreement and refer it back to the Planning Commission for their review and approval. In response to a question from Councilwoman Coon, Mr. Balling confirmed that the plans have been reviewed and approved by the Police and Fire Department. Councilman Shafter pointed out that inasmuch as the gate will be for emergency purposes only, the existing PUD area will not be able to use it for access to the common area designated for recreation.

Councilwoman Holt made a motion that this matter be referred back to the Planning Commission so that they can review the gate agreement prior to the Council taking action. Councilman Shafter seconded the motion and voting was unanimous.

**APPROVAL GRANTED TO BUILDING LOT 33, BOUNTIFUL HILLS
SUBDIVISION PLAT C, 1098 EAST 1500 SOUTH**

Mr. Balling explained that when Bountiful Hills Subdivision Plat C was recorded, a note was attached to the plat which restricted building on Lot 33 (1098 East 1500 South) because the City did not have the ability to serve the lot with water. Since that time, the water line has been extended. official action needs to be taken to authorize taking the note off the plat. In response to a question from Councilwoman Coon, Mr. Balling confirmed that the water pressure was the only problem with the lot. Councilman Foy made a motion to remove the note from the plat and grant approval for building on the Lot 33. Councilman Shafter seconded the motion and voting was unanimous.

**APPROVAL GIVEN FOR RELEASE OF EASEMENT--LOT 16, AMBY
BRIGGS SUBDIVISION--PHASE 2**

Mr. Balling reported that when Amby Briggs Sbdvn., Phase 2 was recorded, a 20-ft. wide easement was recorded across Lot 16 for the Weber water supply line. The owner of the lot is

desirous of moving the easement and has talked with Weber Basin and received their approval. Based on this, it is the staff recommendation that the existing twenty-foot-wide easement across Lot 16 be released by the City Council and a new twenty-foot-wide easement be recorded on Lot 16 along the center line of the existing water pipe line, and that these easements be recorded simultaneously. Councilman Shafter made a motion to this effect, Councilman Cushing seconded the motion and voting was unanimous.

EASEMENT RELEASED ON LOT 301, BOUNTIFUL BENCH ESTATES

Mr. Balling stated that the owner of Lot 301 of Bountiful Bench Estates, 375 South Bountiful Boulevard, has acquired 40 feet of property along his north boundary line. He would now like to include this property as part of the building lot and is requesting that the City release the utility easement along the north boundary line. He explained that the easement is not needed by any utilities and recommended release of the seven-ft. easement as requested and shown on the plat. Councilman Cushing made a motion to this effect. Councilman Shafter seconded the motion and voting was unanimous.

MAYOR RECOGNIZES BOY SCOUTS

Mayor Linnell extended a special welcome to the visiting Boy Scouts at this time and reviewed with them the information pertinent to their merit badge requirements.

ANNUAL REPORT FOR POLICE DEPARTMENT GIVEN BY CHIEF HIGGINS

Chief Higgins presented a summary of the Annual Report for the Police Department, which is composed of 39 full-time personnel, 11 certified reserve officers, and 18 crossing guards. He reviewed the training requirements for certified officers and dispatchers, as well as additional training which is required on a yearly basis.

He reviewed the responsibilities which are handled by each department and the crime statistics for 1991. Calls for service were up three percent in 1991. Included in these ' calls were traffic stops, homicide ' rape, robbery, assault, burglary, and arson. On a comparative five-year study, the national crime statistics were up 9.6 percent, Utah was up 6.9 percent, and Bountiful was up 3.3 percent. There were no traffic fatalities in Bountiful in 1991. Drug arrests were up from 1990 to 1991 (from 7 to 16 in the youthful age; and from 20 to 24 for adults). He complimented the police personnel for the fine job which they are doing.

Each of the councilpersons praised the Bountiful Police officers and requested that the Chief pass the compliments on to them. Councilman Shafter also requested that the Chief gather statistics regarding off-duty assists and responses made as this relates to the car-perman program.

Dave Nance, representing the Davis County Strike Force, explained the composition of that body and the nine-member executive board which supervises it. He gave a slide presentation which depicted the activities of the Force and summarized the types of drugs involved and property seized (both in numbers and dollar value).

The meeting adjourned at 8:55 p.m. on a motion made by Councilman Cushing and

seconded by Councilman Shafter.