

Minutes of the regular meeting of the City Council held December 15, 1993 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell (Arrived 7:27 p.m.)
	Council Members:	Harold Shafter, John Cushing, Barbara Holt and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	Planning Director:	Blaine Gehring
	Deputy Treasurer:	Lorna Hartvigsen
	Rec. Secretary:	Nancy Lawrence
	Department: Heads:	Neal Jenkins
Absent:	Councilwoman:	Ranee Coon

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.

Councilman Cushing noted that Mayor Linnell was expected to be late for the meeting and he made a motion that Councilwoman Holt serve as Mayor Pro Tempore until the Mayor arrived. Councilman Shafter seconded the motion and voting was unanimous. Mayor Pro-tem Holt called the meeting to order, following which Councilman Shafter led the pledge of allegiance to the flag. The invocation was given by Councilman Foy.

The Mayor recognized the following councilpersons elect who were in attendance: Ann Wilcox, Sam Fowler and Bill Moore.

Minutes of the regular meeting of the city council held December 1, 1993 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

Minutes of the regular meeting -of the City Council held December 8, 1993 were then presented and unanimously approved as amended on a motion made by Councilman Cushing and seconded by Councilman Shafter.

EXPENDITURES AND EXPENSES APPROVED
FOR PERIOD DECEMBER 1-9, 1993

Mr. Jenson presented the Expenditure and Expense Report for the Period December 1-9, 1993 which totaled \$682,656.02. Councilman Cushing made a motion that this report be accepted, Councilman Foy seconded the motion and voting was unanimous.

APPROVAL GIVEN TO RELEASE EASEMENT ON MARK SHAFFER DEVELOPMENT

Mr. Mahan explained that there is an easement which traverses the Mark Shaffer development (area of 3950 South and Davis Boulevard) which is no longer needed and Mr. Shaffer has requested that the easement be released. The development being proposed by Mr. Shaffer has an easement around the perimeter which will serve the needs of the city and the subdivision. It is the staff recommendation that the easement be released as requested. Councilman Shafter made a motion to this effect, Councilman Foy seconded the motion and voting was unanimous.

**PRESENTATION OF AWARD FROM MUELLER PARK BASEBALL
ASSOCIATION - BRUCE DICKAMORE**

Bruce Dickamore, representing the Mueller Park Baseball Association, reviewed that Bountiful was chosen by the United States Baseball Association, to

Receive the "Best Facilities" award for the World Series tournament which was held here this past summer (1993). He noted that Bountiful was recognized by those who participated in the tournament for the warm reception and the strong community support. Due to the strong success of the 12-year old tournament last summer (1993), Bountiful has been chosen to host both the 12 and 14-year old tournament for 1994.

Mr. Dickamore recognized the Parks Department, the Street Department, and all who helped make the tournament a success and he presented a plaque from the United States Baseball Association. Mr. Jenkins accepted the plaque on behalf of the City and stated that it was an honor to work with the citizens of the Mueller Park Baseball Association. Mayor Pro-tem Holt thanked Mr. Dickamore for his strong leadership and for the positive recognition which is coming to Bountiful through the baseball association.

CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT

This item postponed until first meeting in January.

**APPROVAL GIVEN FOR BUILDING LOT AT 3457 SO BOUNTIFUL BLVD. -- GLENDON HOMES,
DEVELOPER**

Mr. Gehring presented the site plan for a building lot at 3457 South Bountiful Boulevard and explained that although it would not be considered a legal lot under the Foothill ordinance, it would have been accepted as legally sized when it was created (spring of 1977). He affirmed that there is a small pocket of 30%+ slope buildable area and reported that the Planning Commission has reviewed the lot request and recommends approval with the following conditions:

1. A 7-foot utility easement be granted to the City along the entire frontage of the lot.
2. The Davis County Drainage Easement be increased to include all property up to the 102 ft. elevation.
3. The required Davis County Storm Fee of \$2,100 an acre for undeveloped property be paid. This is \$628.40 (.2992 acres x \$2,100).
4. The new survey plat of the lot as shown be filed with the Davis County Recorders Office as per State law.
5. All required utility and hook-up fees be paid prior to issuance of a building permit.
6. A subdivision checking fee of \$30.00 be paid.
7. All building and other pertinent city ordinances and codes must be met.
8. No building, grading or other change of the drainage channel or easement may take place other than planting a groundcover type of material.

**PUBLIC HEARING SCHEDULED TO CONSIDER REZONING REQUEST SOUTHWEST CORNER OF ORCHARD
DRIVE AND WICKER LANE**

Mr. Gehring explained that the property on the southwest corner of Orchard

Drive and Wicker Lane was originally zoned multi-family. However, when a new zoning ordinance was adopted in 1982, the zone disappeared and the apartments which had legally been developed on contiguous property became non-conforming. This matter was reviewed by the Planning Commission and inasmuch as the subject property was once zoned for multiple family use and the two contiguous properties are non-conforming, it was the unanimous recommendation to recommend the rezoning. Based on that direction, Mr. Gehring recommended that a public hearing be set at 7:30 p.m. on January 5, 1994 to consider this rezoning request. Councilman Cushing made a motion to this effect, Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
HEATHER NORTH SUBDIVISION - DIGITRANS TRAINING, INC.**

Mr. Balling presented the site plan of Heather North Subdivision, 50 West 2200 South (Digitrans Training, Inc., developer). He stated that it is staff recommendation that preliminary and final approval be granted to this subdivision, subject to the following conditions:

1. Correction of the following items as listed in a letter to engineer (Hill, Jamison and Associates):

Submit the centerline design from 200 West Street to Orchard Drive. Use Bountiful City co-ordinates supplied by the Engineer's office for monuments in 200 West Street and Orchard Drive.

Include in the plat the dedication of 2200 South to the centerline of the street.

Change the City Engineer's approval to match what Bountiful City has been using.

After the plat has been changed to take in one-half of the street, and the centerline design has been approved by the City Engineer's office, a Title Report is required before a complete check can be made. NOTE: The title report should use the subdivision boundary description.

The curb and gutter is to be removed (because of its poor condition) and placed parallel to the walk. This should be shown on the plans.

Show the 4-inch water line to be replaced with 6-inch water line on the construction drawings.

Show the asphalt street to be patched where trenches will exist and the entire street to receive an overlay.

2. Posting of bond and payment of fees as outlined in the bond letter.

3. Compliance with all provisions of the bond letter.

4. Compliance with all ordinances, Codes, and Policies of Bountiful City.

He noted that the Planning Commission gave approval to this subdivision on December 7, 1993. Councilman Cushing made a motion that preliminary and final approval for Heather North Subdivision (10lots) be approved, as presented. Councilman Foy seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO
COUNTRY STATION PUD, PHASE 7 - LANDFORMS DEVELOPMENT**

Mr. Balling presented the plat map of Country Station PUD, Phase 7, being developed by Landforms Development (Clark Jenkins and Mark Sandburg). He explained that this development consists of six completed phases, Phase 7 will consist of one duplex and one fourplex, and the final phase will be developed in the spring of 1994. The Planning Commission has reviewed this development and it is the recommendation of staff and the Planning Commission that preliminary and final approval be granted, subject to the following conditions:

1. Payment of past storm detention fee of \$2,265.00 for Phase 3, 4, and 5;
2. Payments for Phase No. 7, as follows:
 - A. Sewer Connection Fee (6 units @ \$600 ea.) \$3,600
 - B. Storm Detention Fee (0.39 acres @ \$2,100/ac) \$ 810
 - C. Payment of Water Connection Fee and Meter
as required by Water Department
3. Completion of plat as per condominium ownership requirements;
4. Update Title Report;
5. Compliance with P.U.D. Ordinance;
6. Compliance with building codes.

Councilman Cushing made a motion to grant preliminary and final approval as recommended. Councilman Shafter seconded the motion which carried unanimously.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO SITE PLAN
FOR 16-UNIT APARTMENT DEVELOPMENT - KILL HOLLOW ASSOCIATES**

Mr. Balling presented the site plan of the proposed 16-unit apartment building at 598 South 100 East, Mill Hollow Associates, developer, and stated that preliminary and final approval is being requested. He reviewed that a *conditional use* permit was issued to this development on August 4, 1992 and all conditions have been met, with the exception of a six-foot-high solid barrier fence along the south property line. He said it is the staff recommendation that preliminary and final approval be given to the site plan, subject to the following conditions:

1. A six-foot high solid barrier fence along the south property line; and
2. Payment of a Storm Water detention fee of \$1,548.00 (0.7372 acres @ \$2,100/acres).

Councilman Foy motioned for approval as recommended, Councilman Shafter seconded the motion and voting was unanimous.

Mayor Linnell arrived at this time (7:27 p.m.) and conducted the remainder of the meeting.

**SCOTT MACHINERY AWARDED BID FOR BACKHOE
FOR POWER DEPARTMENT**

Brent Thomas, representing the Power Department, reported that bids were opened on November 24, 1993 for a backhoe to replace a 1977 Case 580 loader backhoe. He referred to a bid tabulation sheet and stated that it is the recommendation of staff and the Power Commission that the bid be awarded to low

bidder, Scott Machinery, in the amount of \$45,740.00. This year's budget includes \$60,000 for the purchase. Councilman Cushing made a motion that the bid be awarded as recommended. Councilman Shafter seconded the motion and voting was unanimous.

APPROVAL GIVEN TO PURCHASE BACKHOE FOR OPERATION AT BARD

Mr. Balling explained that one of the requirements of EPA for the continued operation of the sanitary landfill (BARD) is the containment of all surface runoff water, on site, from the landfill operation. Bids which were received from two contractors for the construction of an evaporation pond ranged from \$116,196 to \$120,414. After evaluating those bids and considering the future operation of BARD, it is the staff recommendation that it would be in the best interest of the city to purchase our own backhoe and have the pond constructed by the Street crew during the winter months. The backhoe could also be used for continued excavation of the dumping cells in the BARD operation, construction of a slurry wall around the BARD perimeter, re-construction of city streets during summer construction season, cleaning of creek channels, and water and sewer excavations for maintenance, line extension repairs, etc.

He stated that two used backhoes have been located (KOBELCO backhoe with only 1050 hours for \$86,000, and a John Deere for \$76,000). He said he would like the opportunity to look for more machinery and asked for direction from the council. Following a short discussion, Councilman Foy made a motion that Mr. Balling be given authorization to purchase a backhoe, as explained, not to exceed \$86,000. Councilman Shafter seconded the motion and voting was unanimous.

ANNUAL BEAUTIFICATION AWARDS PRESENTED

Mr. Gehring reported that the Bountiful Gift Committee submitted the nominees for the annual beautification awards. Mayor Linnell presented plaques to the following home-owners for their beautification projects: Mark and Denise Buchi, Val and Dorine Staker, Morris and Merrily Kulmer, David and Julia Horsley, Carl and Helen Feller, Kerry and Charlotte Davis, W.G. and Elke Kriegbaum, Mark and Kim Coons, Richard and Dixie Peterson, Jay and Larie Deering, Jewell and Marjorie Wright, Alan and Sonia Noall, Darrell and LaDean Nish, Bernell and Eva Wrigley, and Clifton and Margaret Clark. Also recognized for beautification honors were: Doug Smith Chrysler Plymouth, Stone Ridge Subdivision, St. Olaf Catholic Church, Bountiful Community Church, and Bountiful Parks and Recreation Department. As each plaque was presented, Mayor Linnell thanked the recipients for their contribution to the community.

Mr. Gehring noted that 35 other properties were also selected to receive a certificate of award for their beautification efforts. These certificates will be mailed. He acknowledged the efforts of Elaine McKay as the chairman of the Bountiful Gift Committee during the centennial year and credited her with much of the accomplishments of the community.

EXECUTIVE SESSION SCHEDULE

Mr. Hardy reported that an executive session is necessary for the purpose of considering pending litigation. Councilman Shafter motioned that the meeting adjourn to executive session at 7:54 p.m. Councilman Foy seconded the motion and voting was unanimous.

Attendance at executive session: Mayor Linnell; Councilpersons Shafter, Cushing, Holt, and Foy; Mr. Hardy, Mr. Mahan, Mr. Gehring; and councilpersons-elect Ann Wilcox and Sam Fowler and Bill Moore, Councilman-appointee (in the capacity of observers only).

STAFF DIRECTED TO PURSUE LITIGATION

The open meeting reconvened at 8:10 p.m. and Mr. Mahan reviewed the basis of the suit filed by Vern Thompson against the City in opposition of annexation. He then stated that it is the staff recommendation that this suit be resisted. Councilman Foy made a motion to this effect, with authority for the staff to pursue the matter. Councilman Shafter seconded the motion and voting was unanimous.

REVIEW OF UPCOMING MEETING SCHEDULE

Mayor Linnell reviewed that the next meeting of the Council will be on January 3, 1994 at 12 noon for the purpose of handling any pending business of the present council and swearing in the new council.

The meeting adjourned at 8:13 p.m. on a motion made by Councilman Shafter and seconded by Councilwoman Holt.