

Minutes of the regular meeting of the City Council held February 23, 1994 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	John Cushing
	Council Members:	Samuel Fowler, Barbara Holt, William Moore, Harold Shafter and Ann Wilcox
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Jack Balling
	City Treasurer:	Galen Rasmussen
	Planning Director:	Blaine Gehring
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept: Heads:	Larry Higgins/Police Neal Jenkins/Parks/Rec.
Excused:	City Recorder:	Arden Jenson

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 Cushing called the meeting to order, following which Mark Pickering, Boy Scout from Troop 733, led the pledge of allegiance to the flag. The invocation was given by Councilwoman Wilcox.

Minutes of the regular meeting of the City Council held February 9, 1994 were presented and unanimously approved as written on a motion made by Councilwoman Wilcox and seconded by Councilman Moore.

EXPENDITURES AND EXPENSES APPROVED FOR TWO JANUARY PERIODS

Mr. Coleman presented the Expenditure and Expense Reports for the Period January 1-10, 1994 (\$429,274.73) and January 11-17, 1994 (\$134,323.08). He noted one correction to the annotation and responded to questions from the Council. Both expenditure reports were then approved by unanimous vote on a motion made by Councilwoman Holt and seconded by Councilman Shafter.

PRESENTATION BY CENTENNIAL COMMITTEE-RICHARD LEMON, CHAIRMAN

This agenda item canceled.

PRELIMINARY APPROVAL GRANTED TO TEMPLE RIDGE SBDVN.; KENT HOGGAN, DEVELOPER

Mr. Balling reviewed an aerial photo which showed the site of the proposed Temple Ridge Subdivision, and said that Kent Hoggan, developer, is requesting preliminary approval. He reported that this matter has been reviewed by the Planning Commission and comes with their recommendation for preliminary approval, subject to the following conditions:

1. Lots 7 and 8 need to be increased in width to 120 feet at the 30-ft. set back line.
2. Lot 4 does not have enough buildable area less than 30% grade and should be adjusted.
3. Access to Lots 13 and 8 will need to pass through unusable property (over 30%

grade) . An exception should be granted.

4. There is 1,050 ft. of cut or fill over 10 ft. along the frontage. This is 29% of the total frontage. An exception should be granted.
5. Lot 9, 10, 11, 15, 16, and 17 have frontage on two streets. The declared frontage should be shown on the plat and an exception should be granted.
6. There is 380 feet of roadway that is on property over 30% slope. This is 20% of the roadway. An exception should be granted.
7. Because a substantial amount of this property is over 30% slope, the plat should define the usable space on each lot and the standard disclaimer should show on the plat.
8. Lots 2, 3, and 4 should define the limits of the landslide as determined by the Soils Engineer.
9. The drainage floodway should be defined through Lots 17, 18, 12, 3 and 4.
10. The lots should all comply with the Soils Engineering Reports for this property.

Mr. Balling noted that although some exceptions will need to be made to complete this subdivision, the benefit to the City will be to improve the traffic pattern below Bountiful Boulevard with another access between Bountiful Boulevard and 1500 East.

Discussion followed regarding the problem in this area with erosion and soil slippage. Mr. Balling reviewed that soils studies have been performed by Bruce Callister and Gordon Moore and their recommendations have been incorporated into the plat development. In response to a concern regarding potential liability to the City in the event of future soils slippage, Mr. Mahan stated that the fact that the City has granted approval to develop does not mean that the City is the guarantor. He said there is no liability issue for the City. Following discussion, Councilwoman Holt made a motion that preliminary approval be granted to Temple Ridge Subdivision, as recommended by staff and the Planning Commission. Councilman Shafter seconded the motion and voting was unanimous.

CONSIDER QUIT CLAIM DEED TO FRANKLIN DEVELOPMENT CORPORATION; CORNER OF 4TH NORTH AND MAIN STREET

Mr. Gehring explained that when the RDA sold its property at 400 North Main to Shipley and Associates some years ago, there was a small triangular piece of property which was inadvertently left out of the transaction (probably because it was in the name of the City and not the RDA). It is the recommendation of the staff that

this property (as shown on a map) be quit claimed to Franklin 2 Development Corporation (purchaser of all of Shipley's assets). 3 Councilman Moore made a motion to approve issuance of the Quit Claim 4 Deed as recommended, with authority for the Mayor and City Recorder 5 to sign. Councilwoman Wilcox seconded the motion and voting was 6 unanimous.

Councilwoman Holt requested that Franklin give the City a status report periodically.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO ZONING ORDINANCE TO

ALLOW 70-FT. LOT WIDTHS FOR SINGLE FAMILY DWELLINGS IN R-2 AND R-3 ZONES

At 7:35 p.m. Mr. Gehring reported that when a recent request was made for a flag lot, it came to the attention of staff that a problem existed with relationship to required lot widths for single family homes left over when new lots, flag or not, are created by a lot split. Following review by the staff, it is recommended that the ordinance be amended. Mr. Gehring reviewed Ord. No. 94-3, entitled "AN ORDINANCE AMENDING SECTIONS 14-5-105 AND f4-6-105 OF THE BOUNTIFUL CITY CODE TO ALLOW FOR 70-FT. LOT FRONTAGES FOR SINGLE FAMILY DWELLINGS IN R-2 AND R-3 ZONES". He stated that it is the recommendation of staff and the Planning Commission that this ordinance be approved.

Mayor Cushing called for input from those in attendance⁷ there was none. Councilwoman Holt motioned for adoption of the ordinance as recommended, with authority for the Mayor and City Recorder to sign it. Councilman Shafter seconded the motion and voting was unanimous.

Councilwoman Wilcox requested that the City Attorney provide the council members with copies of the revised ordinances.

**PUBLIC HEARING SCHEDULED TO CONSIDER CHANGES TO
FOOTHILL OVERLAY ZONE DEALING WITH DWELLINGS BUILT BEYOND
150 FEET FROM PUBLIC STREET AND FLAG LOTS**

Mr. Gehring reported that the Uniform Fire Code requires that certain approvals be given prior to any residential structure being built beyond 150 feet from the street as measured to the farthest point of the residential structure. There has been conflict with that provision in the Foothill Overlay Zone (Section 14-13-105 E). The flag lot provision also needs some attention and it is the recommendation of staff and the Planning Commission that a public hearing be scheduled March 23, 1994 at 7:30 p.m. to consider amendments to Section 14-13-105 E and Section 14-14-106. Councilman Shafter made a motion to set the hearing as recommended. Councilman Moore seconded the motion and voting was unanimous.

**RICH BOYCE AWARDED BID TO REPLACE SMALL BOWERY
AT 400 NORTH PARK**

Mr. Jenkins reported that bids were requested to replace the small bowery adjacent to the Recreation Center which was removed last fall. Three bids were received and it is recommended that the low bid from Rich Boyce in the amount of \$15,823.00 be accepted. (It was noted that although the bid from Garrett and Company was lower, it did not include installation). Councilman Shafter motioned for approval of the bid as recommended, Councilman Fowler seconded the motion and voting was unanimous.

**KAY RILEY AND SONS AWARDED BID TO REPLACE CARPET
FOR GOLF COURSE CLUB HOUSE**

Mr. Jenkins reported that bids were requested to replace the carpet in the Golf Course Clubhouse. Two bids were received and it is recommended that the low bid from Kay Riley and Sons in the amount of \$13,000 be approved. Councilman Moore motioned for approval of the bid as recommended. Councilman Fowler seconded the motion and voting was unanimous.

APPROVAL GIVEN TO PURCHASE NEW POLICE VEHICLES FROM 1993-94 BUDGET

Chief Higgins reviewed that it was the plan of the Police Department to order three replacement vehicles in April and specify

a July delivery date under the 1994-95 fiscal year budget. He reported that in order for the City to purchase full sized 1994 police cars through the State bid, it is necessary to , make that purchase by February 28, 1994. He also reported that if other avenues of purchasing were used, police package vehicles would not be available until January 1, 1995. Therefore, he requested that permission be given to order three patrol cars at \$13,407 each (1994 Ford LTD Crown Victoria 4-door police package) and ratify the purchase process which is ongoing at this time. Mr. Hardy stated that the budget will be opened in June and funds will be allocated from the legal fund and Street Department asphalt fund. Councilman Shafter motioned for approval of the purchase at this time as recommended. Councilman Moore seconded the motion and voting was unanimous.

**APPROVAL GIVEN TO REQUEST TO REZONE PROPERTY AT 620 SOUTH 14AIN
FROM R-3-25 TO C-G**

At 7:48 p.m. Mr. Gehring displayed an aerial photo and reviewed that shortly after the new zoning ordinance and map were adopted, Mr. Ken Flake, owner of the remaining properties in the Carriage Crossing development, presented a possible development of an office building on the property next to Bountiful office Supply, fronting on Main Street. The new ordinance would not permit this development and Mr. Flake stated that his property was zoned commercial when he purchased it and he requested that it be changed back to that zoning.

Following further consideration, Mr. Flake presented a formal request for a zone change on the portion of the property he would like to develop into an office building. The remainder of the property will be used for more units in Carriage Crossing. Mr. Gehring stated that it is the recommendation of staff and the Planning Commission to favor the rezone request based on the fact that (1) a "right" was taken from Mr. Flake when the zone was changed from commercial to residential; and (2) the portion he is requesting to be commercial is adjacent to commercial property to the north and the City/County complex is directly east. He recommended adoption of Ordinance No. 94-4, entitled "AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED AT APPROXIMATELY 620 SOUTH MAIN STREET FROM R-3-25 TO C-G11.

Mr. Mahan reviewed that the rezoning would not take away any of the rights presently enjoyed by the owners of the Carriage Crossing units. Mr. Flake reviewed his proposal for development, and James Burns, Craig Trottier, Darrell Moser, Ron Barlow, and Melvin Ives participated in the public hearing. The residents requested the opportunity to be involved as the development is presented for future approvals. The hearing ended at 8:25 p.m. and Councilwoman Holt motioned for approval of the zone change as recommended and adoption of Ord. No. 94-4, with authorization for the Mayor and City Recorder to sign it. Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO 3-LOT SUBDIVISION:
200 EAST 1950 SOUTH**

Mr. Gehring reviewed that last fall the property east of this was rezoned to allow an animal hospital and the proposal for a 3-lot development was discussed at that time. The subdivision has been reviewed by the Planning Commission and it is their recommendation that preliminary and final approval be granted, subject to the following conditions:

1. Final approval granted by the Planning Commission and City Council;
2. Correction of the Subdivision Plat to the requirements of the City Engineer;
3. Posting of a Letter of Credit and Guarantee, Surety Bond, or a Cash Deposit with Bountiful City in the amount of \$5,758.00;
4. Payment of the required fees in the amount of \$9,732.29;
5. Furnish Bountiful City with a current Title Report to insure proper signatures on the plat.

Mr. Gehring also noted that the name of subdivision is being changed because of a conflict with other subdivision names and the final name is still pending.

Councilwoman Holt motioned for preliminary and final approval, as recommended, Councilman Moore seconded the motion and voting was unanimous.

APPROVAL GIVEN TO TRAFFIC SAFETY COMMITTEE ITEMS

Mr. Balling reported that the following items were reviewed by the Traffic Safety Committee and recommended for approval:

1. Stop signs along Bountiful Boulevard. Due to the increase in traffic on Bountiful Boulevard, it is recommended that all side streets have a stop sign placed at the intersection with Bountiful Boulevard.
2. Lighted stop sign at 1800 South 200 West. Mr. Balling reported that this intersection does not meet the requirements for a signal. However, due to the heavy traffic flow, it is recommended that a lighted stop sign be placed at this intersection to improve the safety of that intersection.
3. Stop sign at Main Street and 400 North. Due to the high incident of accidents created by northbound traffic turning right on to 400 North, it is recommended that the "Yield" sign be replaced with a "Stop" sign.

Councilwoman Wilcox motioned for approval of the three recommendations from the Traffic Safety committee as presented by Mr. Balling. Councilman Moore seconded the motion and voting was unanimous.

UPDATE OF 1994 LEGISLATIVE SESSION

Mr. Hardy reported on legislation which is presently in committee or on the floor which will impact the city. He noted that tomorrow is the last day for committee review and any bills which do not come out of committee by the end of the day will not be considered.

The bills which he felt could greatly impact local government are those dealing with governmental immunity, the option for stricter gun laws, and changes to the open meetings law. He said that the light rail issue is not doing well; the provision for initiative and referendum is being considered, contingent on the person signing having voted in the last election. A bill is proposed which would require the City to pay sales tax on materials used for building. If passed, this would have a significant impact on the budget. He mentioned several other bills and noted that most of the bills being considered will not pass (about 80% mortality rate).

The meeting adjourned at 9:07 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Moore.