

Minutes of the regular meeting of the City Council held April 27, 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 Recorder:		Arden Jenson
City Treasurer:		Galen Rasmussen
Planning Director:		Blaine Gehring
Dept. Chairman:		Clifford Michaelis/Power
Rec. Secretary:		Nancy Lawrence
Excused:	City Engineer:	Jack P. Balling

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 Cushing called the meeting to order, following which Councilwoman Holt led the pledge of allegiance to the flag. The invocation was given by Councilman Fowler.

Minutes of the regular meeting of the City Council held April 20, 1994 were presented and unanimously approved as amended on a motion made by Councilman Shafter and seconded by Councilman Fowler.

Mayor Cushing welcomed those in attendance and recognized the visiting Boy Scouts and the member of the Youth City Council. He then reviewed information which will be helpful to the Scouts as they work on their citizenship merit badge.

**EXPENDITURES AND EXPENSES APPROVED FOR PERIOD
APRIL 15 TO 21,199**

Mr. Jenson presented the Expenditure and Expense Report for the Period April 15-21, 1994 in the amount of \$457,832.87. The staff responded to questions, following which the expenditures were approved as presented on a motion made by Councilwoman Holt and seconded by Councilwoman Wilcox. Voting was unanimous.

**RES. NO. 94-1 ADOPTED RE: PERSONNEL FAMILY
AND MEDICAL LEAVE POLI**

Pursuant to enactment of the Federal Family and Medical Leave Act of 1993, Mr. Mahan presented a proposed personnel policy dealing with family and medical leave issues. He recommended that this resolution be adopted. Councilman Moore made a motion to adopt Resolution No. 94-1 entitled "A RESOLUTION ADOPTING A PERSONNEL POLICY FOR BOUNTIFUL CITY TO IMPLEMENT THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993". Councilman Shafter seconded the motion and voting was unanimous.

ORD. NO, 94-8 ADOPTED RE: OUTSIDE WATERING RESTRICTIONS

Mr. Mahan reviewed that for the past several years Bountiful has adopted an ordinance *each year* to impose outside watering restrictions between April and October. This

ordinance has put the same restrictions on residents using culinary water for outside watering as those implemented by the Weber Basin Water Conservancy District (Weber Water). Because Weber Water is going to a permanent water restriction policy, it is proposed that a permanent watering restriction ordinance be adopted. Mr. Mahan reviewed Ordinance No. 94-8 entitled "AN ORDINANCE AMENDING THE BOUNTIFUL CITY CODE TO PROHIBIT WATERING OUTSIDE THE HOME WITH CULINARY WATER BETWEEN 10 A.M. AND 6 P.M." and recommended that it be adopted.

**APPROVAL GIVEN FOR HOME TO BE BUILT BEYOND 200 FT.
FROM PUBLIC STREET - ROSVALL/CHECKETTS, OWNERS**

Mr. Gehring reported that Trent Rosvall and Jackie Checketts, owners, have requested permission to build a home beyond the 200 foot limit at 1629 East Maple Hills Drive. This matter has been considered by the Planning Commission and comes with a favorable recommendation from that body subject to the following conditions:

Councilman Moore and Councilman Shafter noted that there is a certain amount of frustration to citizens who are in compliance with the watering restrictions, but notice that others do not comply and *there is no consequence*. Mr. Mahan explained that in the past, citations have been avoided and compliance has been encouraged in a spirit of cooperation. He noted that a penalty could be assessed to the water bill. Following discussion, Councilman Moore motioned for adoption of the Ordinance No. 94-8 with authority for the Mayor and City Recorder to sign. Councilwoman Holt seconded the motion and voting was unanimous. Mr. Mahan indicated that the staff will take their cue from the input of the Council as to the attitude of enforcement.

1. All improvements be installed as shown and in conformance with Section 1413-105 E of the Zoning Ordinance;
2. The 50-foot turnaround as shown shall be fully paved, not using any turf block as originally proposed.

Mr. Gehring reported that the owners requested that the requirement for an inside sprinkling system be waived inasmuch as the home will be constructed from masonry and steel. However, it was the consensus of the Council that the contents of the home could burn and fire from the windows could ignite shrubbery. Therefore, this request was not approved. Councilwoman Holt made a motion that approval be given to place the home beyond the 200 foot limit as recommended (including the requirement for the inside sprinkling system). Councilwoman Wilcox seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER REZONING OF PROPERTY AT 404-406 WEST 2700 SOUTH AND 339 WEST 2600 SO FROM R-1-6.5 TO R-3-1

At 7:32 p.m. Mayor Cushing reported that a request has been received from the owner of the property at 401-406 West 2700 South to re-zone this property from R-1-6.5 to R-3-13. Mr. Gehring reviewed that the request was made because the owner has attempted to sell the property and the prospective buyer cannot get bank financing because the property is nonconforming. Inasmuch as the property next to 339 West 2600 South is contiguous to the R-313 zone, the staff and Planning Commission recommend that the 339 **West property (where the Woods Cross City water tank is located)** and the subject property be re-zoned to the R-313 zone, which would eliminate the non-conforming status. Mayor Cushing stated that the current owner of the property is almost "held hostage" because of the affect the nonconforming status has on re-sale of the property. It was the rationale of the Planning Commission that the use of the property will not change, and therefore, there is no significant impact on the neighborhood if the zone designation is changed.

The Mayor then opened the public hearing to consider this matter. Gary Blodgett, Karen McKay, Carl Bell,

Mrs. Bell, Halver Ross, and Lee Ericksen all spoke in **strong** opposition to the proposed rezoning. They pointed out that the non-conforming property has not been compatible with their neighborhood over the years and they were anxious to not continue the duplex as a permitted use. They also expressed concern that this would open the door to other encroachments in the neighborhood. At the request of the citizens, Mr. Mahan read his analysis of the situation. He recommended that the request based on the possibility of it being considered spot zoning and the fact that it appears that a bank is trying to dictate Bountiful zoning for its commercial benefit.

It was asked if Woods Cross had requested rezoning of their property and Mr. Gehring said “no”.

Karen Call and Lyle Cole, realtors representing the owner, pointed out that the property has been used as a duplex for 31 years, and there are other duplexes on the street which are non-conforming. The property will be a duplex regardless of the zoning; therefore, it seems reasonable to zone it compatible with its use and thereby permit financing as explained.

Councilwoman Holt reviewed the position of the Planning Commission, noting that they did not feel it was spot zoning and the recommended approval seems like a reasonable solution to a citizen's problem. She said that the Planning Commission did not have the statement from the City Attorney regarding the spot zoning issue, and she noted that the Planning Commission was addressing a citizen request, not a bank policy. Councilwoman Wilcox expressed concern regarding the feelings of the citizens who were in opposition; however, she noted that having a duplex or a single family home does not assure the quality of lifestyle associated with a property.

Councilmen Fowler and Shafter stated that they were against the zone change. Councilman Shafter said that this will open the door for many more similar requests and he felt it was unwise to establish the precedent (even though it was emphasized that, if approved, the subject request would NOT establish precedent). After a lengthy discussion, Councilwoman Holt made a motion to approve the rezone request as recommended by the Planning Commission. Councilman Moore seconded the motion which carried by a majority. Councilmen Shafter and Fowler voted nay.

PRELIMINARY APPROVAL GRANTED TO BOUNTIFUL SHADOWS

SBDVN., 200 WEST PAGES LANE - MAGNA INVESTMENTS & DEVELOP., INC

Mr. Gehring reviewed that the owners of approximately 16 acres of property at 2004 West Pages Lane (Magna Investments and Development, Inc.) have presented a 53-lot subdivision (Bountiful Shadows) for preliminary approval. This was considered by the Planning Commission and it is their recommendation that preliminary approval be given subject to the following conditions:

1. Existing sewer and water lines which bisect several of the proposed lots be relocated along lot lines or in proposed streets as approved by the Bountiful City Engineer. If the utilities are not relocated, lots which contain lines must be reviewed for buildable area.
2. A 4-ft. walk be placed along 200 West separated by a 4-ft. planting strip. The additional width to accommodate the walk will be required in the dedication.
3. Future street approaches entering 1600 North Street must be designed in such a manner as to protect the 4' x 8' concrete box and the 54" pipe that exists 29.25' south of centerline of 1600 North Street at all street crossings.
4. All existing utility lines not relocated must be field located before any

subdivision will be approved for recording.

5. The following must be discussed and any relocation of the same approved by the Power Department:
 - a. At least two of the light poles existing just behind the walk on 1600 North Street will be in the center of proposed streets. All of the poles will be in awkward places in the frontage of the lots. Such poles will need to be either removed or relocated.
 - b. There are five large (46 KV and 12.5 KV) power poles eleven feet east of the curb and gutter on 200 West Street that are in problem locations. The Power Department will only allow them to be moved north or south but not west. These poles should be relocated so they do not interfere with the lots.
 - c. Lots 16 and 17 have 46 KV and 12.5 KV overhead power lines running through them. Also Lots 15, 52, and 53 have 12.5 KV overhead lines running angularly through them with Lot 15 having an anchor on it. These lines need to be relocated or the lots reviewed as buildable if they are not.
6. There are to be no driveway accesses on to 1600 North Street.
7. Lots 6, 7, 15, 16 and 20 should have the buildable area on each lot shaded on the final plat.

Councilwoman Holt motioned that preliminary approval be granted, as recommended by staff and the Planning Commission. Councilman Shafter seconded the motion and voting was unanimous. 6

**PRELIMINARY AND FINAL APPROVAL GRANTED TO COUNTRY STATION PUD
PHASE 8 - 499 NORTH 200 WEST**

Mr. Gehring reported that a request has been received from Clark Jenkins, developer, for preliminary and final approval of Country Station PUD Phase 8, 499 North 200 West. He reviewed the site plan and reported that the Planning Commission has reviewed this request and it is their recommendation that approval be granted, subject to the following conditions:

1. Payment for Phase 8 of sewer connection fee (\$2,400); storm detention fee (\$534); payment of water connection fee and meter as required by the Water Department.
2. Completion of plat as per condominium ownership requirements.
3. Updated title report.
4. Compliance with the PUD ordinance *that was in place at the time of the original approval*
5. Compliance with the building codes.
6. Completion of all visitor parking spaces as originally approved.

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

PUBLIC HEARING SET TO CONSIDER CHANGES TO CHAPTERS 7 AND 8 OF ZONING ORDINANCE - DEVELOPMENT STANDARDS FOR PUDS

Mr. Gehring reviewed that when the Council and Planning Commission were in the process of reviewing the zoning ordinance, it was determined that Chapters 7 and 8 be left mostly as they were, with just a few modifications. It has been noted by developers that the PUD standards were quite rigid for PUD's with owner status (as opposed to renters). This has been discussed by the staff and Planning Commission and it is their recommendation that adjustments can be made to the ordinance and still maintain the integrity of the zoning chapter. Therefore, it is recommended that a public hearing be set for May 25, 1994 at 7:30 p.m. to consider changes to Chapters 7 and 8 of the zoning ordinance.

Councilman Moore motioned for approval of the public hearing as recommended. Councilman Fowler seconded the motion and voting was unanimous.

PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED FOR CORPORATE OFFICE AT 620 SO MAIN, CARRIAGE CROSSING DEVELOPMENT

Mr. Gehring reported that the Planning Commission considered the request of Carriage Crossing Development for a corporate office at 620 South Main. It is the recommendation of that body that approval be granted, as requested, subject to the following conditions:

1. Compliance with the County Flood Control Ordinance and providing a 20-foot wide easement along the north and south side of Mill Creek.
2. Payment of a storm run-off fee of \$2,100 per acres for 1.13 acres as required by ordinance (\$2,373.00).
3. Sanitary sewer will be served from the Carriage Crossing Development. If this is separated from the Carriage Crossing PUD, a separate utility easement will be required.
4. Submit detail of the storm drain outlet structure.
5. The completion of the plans as per the requirements of the Uniform Building Code.
6. Payment of fees and posting of bond as required.
7. Provide two more parking spaces to meet the ordinance.
8. The access to the dumpster to be paved.

Councilwoman Holt motioned for preliminary and final site approval as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

LAMB ENGINEERING AWARDED BID FOR INSTALLATION OF 75 MVA TRANSFORMER AT 138 SUBSTATION

Mr. Michaelis reported that part of the 138 Kv project is the required installation of a larger capacity transformer to supply energy to Bountiful citizens. He explained the complexity of this work and the extreme care and experience which will be required to complete the work while the surrounding structures and buss in the substation will need to remain energized at all times. On April 12, 1994 bids were received from four firms to do this work. It is the recommendation of the staff, ICPE (the engineering firm overseeing the design of the

138 project) and Power Conu-nission that the bid be awarded to lowest qualifying bidder, Lamb Engineering in the amount of \$269,000. Budget for this phase was \$265,000. Councilman Shafter motioned for approval of the bid from Lamb Engineering as recommended. Councilman Moore seconded the motion and voting was unanimous.

The meeting adjourned at 9:00 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Shafter.