

Minutes of the regular meeting of the City Council held April 20, 1994 at 8:08 p.m. in the Council Chambers of the City Hall, Bountiful, Utah, following a meeting of the Redevelopment Agency.

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 Recorder: Arden Jenson  
Planning Director: Blaine Gehring  
Dep. Recorder: Kim Coleman  
Rec. Secretary: Nancy Lawrence

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 and noted that the pledge to the flag and the invocation had been included at the commencement of the RDA meeting.

Minutes of the regular meeting of the City Council held April 6, 1994 were presented and unanimously approved as amended on a motion made by Councilman Moore and seconded by Councilman Shafter.

**EXPENDITURE REPORTS APPROVED FOR THREE PERIODS**

Mr. Jenson presented the Expenditure and Expense Reports for the following periods, with respective totals: March 30-31, \$253,636.02; Summary for March, \$1,769,684.48; and April 1-14, \$132,936.68. He noted that the March summary is smaller than usual due to the payroll being included in the February report to accommodate the 8-month budget analysis. Following discussion, all expenditure reports were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Wilcox.

**WASTE MANAGEMENT OF UTAH PRESENTS CHECK TO CITY FOR CURBSIDE RECYCLING**

Jim Jones, Waste Management of Utah, presented the City with a check for \$1,173.99 for the proceeds of various commodities which were placed in curbside recycling containers and then sold. He commended the 318 homes who participate in this program and noted the impact that such a small portion of the population can have. He stated that through their efforts the following natural resources were conserved: 1,341 trees, 552,580 gallons of water, and 279.48 c.f. of landfill space. Mayor Cushing accepted the check on behalf of the residents who had participated and expressed appreciation for their efforts.

Councilman Fowler noted that a citizen's group is working on a project to increase participation in curbside recycling and he asked Weldon Thacker, a member of the group, to comment. Mr. Thacker stated that a Bountiful Beautification sub-Committee is putting packets together for neighborhood chairpersons to distribute to encourage participation in the program.

**REQUEST TO AMEND ZONING ORDINANCE RE: FRONT YARD SETBACK IN SF RESIDENTIAL ZONES DENIED**

Mayor Cushing commented that the Planning commission had considered a request for an ordinance change to reduce the 30-foot front yard setback in single-family residential zones to allow for extension and modernization of existing homes. It was their unanimous recommendation that this request not be

approved. Councilwoman Holt made the motion that the Council concur with the Planning Commission's recommendation, which includes the fact that the issue is dead and the public hearing not necessary. Councilman Moore seconded the motion and voting was unanimous.

**APPROVAL GIVEN TO BUILD BEYOND 200 FT. FROM STREET -  
2867 SO COVE LANE: MONTE CASSEL, OWNER**

Mr. Gehring presented the plat of the property owned by Monte Cassel at 2867 South Cove Lane (Lot 11) . He explained that Mr. Cassel has requested permission to build beyond 200 feet from a dedicated street in order to accommodate a driveway shared by four lots. Mr. Cassel's plan meets all of the requirements of Section 14-13-105 E of the zoning ordinance, with the exception of a turnaround. He can easily modify his plan to meet the turnaround requirement. The Planning Commission considered this request and recommended approval, subject to the following conditions:

1. All improvements be installed as shown and in conformance with Section 14-13-105 E. of the Zoning Ordinance.'
2. A 60-foot turnaround as shown in Figure 13-1 of the Zoning Ordinance be provided.

Councilwoman Holt motioned for approval of the request to build beyond 200 feet from the public street, as recommended by the Planning Commission. Councilwoman Wilcox seconded the motion and voting was unanimous.

**TWO-LOT SUBDIVISION APPROVED, D. FREDERICKSON, OWNER 190 EAST 1100 SOUTH**

Mr. Gehring reported that Mr. and Mrs. Daniel R. Frederickson are desirous of dividing their lot at 190 East 1100 South into two lots so that the west half of the lot can be used as a second building lot. Each lot would have 70-ft. frontage. The Planning Commission has considered this request and it is their recommendation that approval be given, subject to the following conditions:

1. Payment of a \$560 storm detention fee
2. Payment of a \$30 checking fee
3. Provide 7-ft. wide utility easements at the front and rear of the property.
4. Record the survey with the County Surveyor's Office.

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

**PRELIMINARY AND FINAL APPROVAL GRANTED TO  
TWO-LOT SUBDIVISION: VIOLET BRYSON, DEVELOPER**

Mr. Gehring reviewed that Mrs. Violet Bryson came before the Planning Commission in January, 1994 and received a conditional use permit to create a flag lot behind her home on Main Street. The problem at the time was the remaining lot width proposed at 70 feet. The ordinance has since been amended to allow for 70-ft. widths on single family homes in the R-3 zone and the Planning Commission recommends preliminary and final approval be granted, subject to the following conditions:

1. Provide a 7-ft. utility easement along the frontage of both lots on Main Street.
2. Provide utility easements as required by power and telephone companies.
3. Payment of Davis County Storm Detention Fee for the flag lot of \$514.00.
4. Payment of a development fee of \$30.00 for the flag lot.
5. Record the plat with the County Surveyor's Office.

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

**REQUEST FOR CONCEPTUAL AND PRELIMINARY APPROVAL TABLED  
PENDING SECOND ACCESS FOR SUBDIVISION - JOHNSONMURRAY SUBDIVISION**

Mr. Mahan explained that Robert Johnson and Pepper Murray are desirous of developing a 4-lot subdivision and have presented the plat for conceptual and preliminary approval. However, the ordinance requires two access ways to this development and

one of the accesses they intend to utilize is not yet improved or dedicated. Furthermore, acquisition of the required property is hinged on the condemnation proceedings of the Bountiful Boulevard construction project. Although a positive recommendation has come from the Planning Commission, Mr. Mahan recommended that action on this matter be tabled until we know there is a second access.

Mr. Murray asked if a conditional approval could be given so that he could coordinate the construction of the road in the subdivision at the same time the Bountiful Boulevard project is being done. Following consideration of this request, Mr. Mahan restated his recommendation to table the matter at this time. Councilman Moore made a motion that the Council uphold the recommendation of the City Attorney and that this matter be tabled. Councilman Fowler seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED  
TO LAKEVIEW MEDICAL CENTER SUBDIVISION**

Mr. Balling presented the site plan for the proposed Lakeview Medical Center (office building and physical therapy center) to be located west of the hospital. The plan has been reviewed by the Planning Commission and it is their recommendation that preliminary and final site plan approval and preliminary subdivision approval be granted subject to the following conditions:

1. Payment of the water development fees for 1,035 feet of water line extension from 500 South Street at \$15/ft. (\$15,525.00) ;
2. Payment for a 3-inch water meter (\$11,146.50);
3. Payment of a sewer connection fee, to be determined at the issuance of the building permit (approximately \$20/fixture unit);
4. Payment of a storm detention fee at \$2,100/acre for 2.28 acres (\$4,788);
5. Provide utility easements to Bountiful City as follows:
  - a. Creek drainage easement as shown on sheet C 3. 01 of the plans;
  - b. Water line easement as shown on sheet C 5.01;
  - c. A 7-ft. wide utility easement along the north and west property lines.
6. The final checking of the construction drawings and payment of the required building fees and bonds.
7. Posting of a Letter of Credit to guarantee the completion of the site improvements in the amount of 5% of the building valuation.
8. All other items meet the City ordinances reviewed as follows:
  - a. Landscaping shown in 20% of area which exceeds the required 10%.
  - b. Storm sewer meets all engineering standards.
  - c. Parking shown is 190 new stalls (137 required).

Councilwoman Holt made the motion that approval be granted as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

**CONCEPTUAL AND PRELIMINARY SUBDIVISION APPROVAL GRANTED  
TO KEITH STAHLER PROPERTY: 2500 SOUTH 900 EAST**

Mr. Balling reviewed a vicinity map which showed the location of the Keith Stahle property at approximately 2500 South 900 East. The proposed development contains 48 single family lots on 38.74 acres of property and is located in the Foothill Zone. The average slope of the property is 15-20%, which will require lots to have a minimum area of 16,000 sq. ft. and a minimum width of 100 feet. This development has been reviewed by the Planning Commission and it is their recommendation, together with staff, that conceptual and preliminary approval be granted, subject to the following conditions:

1. Exception be granted to 1250 feet of street frontage with fills in excess of 10 feet (18% of frontage);
2. Exception be granted to 800 feet of street frontage with cuts in excess of 10 feet (12% of frontage);
3. Exception be granted to 300 feet of street grade in excess of 12% grade, not to exceed 15% (9%

of streets);

4. Lots 34, 33, and 44 do not have enough area of usable property to qualify for a building pad. Because of the extensive grading required for the roadway, it is recommended that the developers be allowed to re-grade these lot areas to establish usable building pads on the slopes over 30% grade subject to presentation of a grading plan to be reviewed and approved by the City Engineer;

5. The proposed drainage outlet piping be relocated in a more direct route along the floodway ravine and the floodway be defined and graded with erosion controls through Lots 49, 9, and 12. Lot 8 could then be divided into two usable lots.

6. Submission of a grading plan for the entire site showing the grading for the building pads on each lot and confining the grading to the usable ground (30% or less) on each lot, except for Lots 33, 34, 44 as outlined in Item #4. The grading plan should also include erosion control, retaining walls, and revegetation plans.

7. Lots 22, 23, 24, and 25 were developed by Bountiful City in 1978 under an agreement with Mr. Keith Stahle so as to provide access to property to the East. Mr. Stahle agreed to pay for the improvement costs for these four lots before the subdivision was recorded. The fees totaling \$10,581.78 in 1978 were never paid and the subdivision was never recorded. The fees at today's prices are \$28,919.00 and are still due and payable to Bountiful City.

It is recommended that Lots 22, 23, 24, and 25 be approved as shown on the plat of 1978, (which does not meet the Foothill Ordinance on width and area) and that the fee of \$18,919.00 be paid to these four lots along with all other required subdivision fees before the final plats are recorded.

Upon the recommendation of Mr. Balling, condition No. 8 was also included:

8. That the land behind Lots 18, 19, and 20 be purchased to provide access to the power substation.

Councilwoman Holt made a motion that conceptual and preliminary subdivision approval be granted to this request, as recommended. Councilman Shafter seconded the motion which carried unanimously.

#### **EXECUTIVE SESSION SCHEDULED TO DISCUSS PENDING LITIGATION**

At the request of the Mayor, Councilman Shafter motioned for adjournment to executive session for the purpose of discussing pending litigation. Councilwoman Holt seconded the motion and voting was unanimous. The meeting adjourned at 9:05 p.m.