

Minutes of the regular meeting of the City Council held October 25, 1995 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
	Asst. City Engineer:	Paul Rowland
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Planning/RDA Director:	Blaine Gehring
	Dept. Head:	Clifford Michealis, Power
	Recording Secretary:	Nancy Lawrence
Absent:	City Engineer:	Jack 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 Mr. Gehring led the pledge of allegiance to the flag. The invocation was offered by Councilman Shafter.

Minutes of the regular meeting of the City Council held October 18, 1995 were presented and approved as written on a motion made by Councilman Fowler and seconded by Councilman Moore. Voting was by a majority with Councilwoman Wilcox abstaining since she was not in attendance at that meeting.

**EXPENDITURES AND EXPENSES APPROVED
FOR PERIOD OCTOBER 13-19, 1995**

Mr. Jenson presented the Expenditure and Expense Report for the Period October 13-19, 1995 in the amount of \$655,286.59. He made one correction to the annotation (which did not affect the totals). Councilwoman Holt asked if the payment to M.C. Green was a final payment and Mr. Rowland explained that this was a progress payment and the final payment will be made in two weeks. Mr. Hardy noted that the final payment will be decreased by the penalty (approximately \$13,000) for late completion. Councilman Shafter made a motion that the expenditures be accepted as presented, Councilwoman Holt seconded the motion and voting was unanimous.

**CONSIDER PRELIMINARY AND FINAL APPROVAL
FOR HIGHLAND OAKS SUBDIVISION, PLAT C AMENDED**

This item cancelled.

**CONSIDER PRELIMINARY AND FINAL APPROVAL
FOR HOLMES ESTATES #2 SUBDIVISION**

This item cancelled.

**CONSIDER PRELIMINARY APPROVAL FOR
BOUNTIFUL SHADOWS PLAT B**

Mr. Gehring reported that the Planning Commission considered the request of Bountiful Shadows, Plat B, for preliminary approval and referred to the site plan of the property. The Planning Commission recommends preliminary approval, subject to the following conditions:

- 1 Lots 92 and 93 be eliminated from the plan. (These lots are in the commercial zone.) A rezoning request may be used to change the boundary.

2. A 20-ft. wide dedicated right-of-way be provided to Bountiful City between Lots 88 and 89 for access to the detention basin and the power substation. Bountiful City will pave the right-of-way and install chain link fence along the sides. This right-of-way will replace the right-of-way used by Bountiful City for the past 20 years.
3. Existing sewer and water lines which bisect some of the lots shall be relocated at the developer's expense as approved by the City Engineer.
4. Lots 77, 78, 79, 80, 86, and 87 shall define the building limits on the final plat.
5. Buildings placed on Lots 75 through 88 will have no openings into the building below the flood line. (One foot above the top of the finish street grade or the top of the concrete channel wall on Stone Creek, whichever is greater.)
6. All existing utilities shall be located by position and elevation and field verified on the final construction drawings.
7. Existing power poles on Pages Lane shall be relocated as needed at the subdivision's expense.
8. The sidewalk shall be located four feet from the curb on Pages Lane.
9. All damaged curb and gutter on Pages Lane shall be replaced.
10. The storm drain on Pages Lane must be protected from damage or replaced as per the agreement in the first phase of development.
11. The final drawing to meet all provisions of the subdivision ordinance and approval by the City Engineer.
12. Provide a 10-ft. walkway to the high school between Lots 86 and 87 to be paved and fenced with chain link fencing.

Councilwoman Holt reported that this request received unanimous approval from the Planning Commission and she made a motion to grant preliminary approval as recommended.

Mr. Louis Falvo, representing the owners (Papanikolas Brothers), explained that he was not in attendance at the Planning Commission meeting and he questioned the existence of a previous 20-ft. right-of-way used by the City. He asked to speak with the City Attorney regarding his (Mr. Mahan's) opinion on that issue. He stated that the inclusion of the 10-ft. walkway to the high school would be a negative factor in marketing the lots. He questioned the need for the walkway, especially since there is a paved sidewalk along 200 West and there is a long distance between the subdivision and the school. He pointed out that the walkway could lead to students congregating in the area, lack of privacy, street parking in the subdivision to gain access to the football field, etc., as some of his concerns. Mr. Falvo requested that action be delayed until he has time to further research this matter.

Councilman Shafter stated that he felt there could be some problems caused by the walkway and he suggested that this matter be revisited by Mr. Falvo and the Planning Commission. With concurrence from Mr. Falvo, Councilwoman Holt withdrew her motion and made a second motion to send this matter back to the Planning Commission for further consideration. Councilman Moore seconded the motion and voting was unanimous.

**PUBLIC HEARING SCHEDULED TO CONSIDER
AMENDING ORDINANCE REQUIREMENTS
RE: LANDSCAPING IN PARK STRIP**

Mr. Gehring reported that it has come to the attention of the City Engineer and himself that the ordinance is unclear regarding the definition of "landscaping" in parkstrips. This matter has been discussed by the Planning Commission and it is the recommendation of that body and staff that the ordinance be clarified through an amendment and that a public hearing be scheduled for November 15, 1995 at 7:30 p.m. to consider this matter.

Councilman Shafter pointed out that if the ordinance is changed, it will be difficult to enforce unless the City knows which parkstrips were changed to a non-conforming state prior to the ordinance change. Mr. Mahan explained that the burden of proof of non-conformance is the responsibility of the property owner, unless there is a lapse in that non-conforming state, and then it becomes the burden of the City. Councilman Shafter said that he has received a number of

complaints regarding the parkstrips and Mr. Gehring requested that these complaints be routed to his office for enforcement. Councilwoman Holt made a motion that the public hearing be scheduled as recommended, Councilwoman Wilcox seconded the motion and voting was unanimous.

**COUNCIL APPROVES THREE AGREEMENTS
WITH UTAH ASSOCIATED MUNICIPAL POWER
SYSTEMS (UAMPS) ASSOCIATION**

Mr. Michaelis reported that with the consolidation of ICPA and UAMPS, three agreements are being proposed which incorporate the functions formerly provided by ICPA to be provided through UAMPS. He reviewed the following agreements and stated that it is the recommendation of the staff and Power Commission that they be approved:

CRSP Power Project Supply Agreement: This agreement provides for UAMPS to become the agent to administer Bountiful's purchase of power from CRSP. All of the procedures in the Agreement are the same as they were when ICPA was the purchasing agent.

UAMPS Government and Public Relations Agreement: This Agreement provides for the municipal power agencies to work together jointly in the best interest of public power. It concerns items of local, state, and federal interest such as federal power, annexation, hydro project licensing, etc. The term of the Agreement is 50 years, with a 30-day written termination provision on the part of the City or by UAMPS with a unanimous vote.

UAMPS Member Services Project Agreement. This Agreement was formed to allow different entities within UAMPS to participate in special service-related projects for mutual benefit. He cited the shared ownership and costs of the infra-red camera, portable substation, and safety demonstration trailer as three examples of service projects which are shared. The terms and conditions of this Agreement are the same as the UAMPS Government and Public Relations Agreement.

Councilman Shafter made a motion to authorize approval and execution of the three agreements as presented. Councilman Moore seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER PROPERTY REZONE -
ROBERT ARBUCKLE, 450 WEST 200 NORTH**

At 7:30 p.m. Mayor Cushing opened the public hearing to consider rezoning the property at approximately 450 West 200 North from R-3-13 to C-H. Mr. Gehring reported that Robert Arbuckle, owner of Freeway Heating and Air Conditioning (260 North 500 West) and the home at 450 West 200 North, has requested this rezone for the purpose of allowing for an improved access road to the rear portion of the 260 North 500 West parcel (which extends 738.25 east from 500 West). He is desirous of developing small business/offices on the eastern portion of that parcel. Mr. Gehring indicated that the Planning Commission has reviewed this proposal and finds it to be compatible with the surrounding and adjacent uses and recommend favorably the rezoning.

Mayor Cushing called for input from those in attendance; there was none and the hearing was closed at 7:35 p.m. Councilwoman Holt made a motion to approve the rezone as recommended, and to adopt Ordinance No. 95-20 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 450 WEST 200 NORTH FROM R-3-13 TO C-H" and authorize the Mayor and City Recorder to sign it. Councilwoman Wilcox seconded the motion and voting was unanimous.

The meeting adjourned at 7:36 p.m.