

Minutes of the regular meeting of the City Council held February 14, 1996 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, Alan Johnson, and Harold Shafter.
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan (AR 7:25 p.m.)
	City Engineer:	Jack Balling
	City Recorder:	Arden Jenson
	City Treasurer:	Galen Rasmussen
	Planning/RDA Director:	Blaine Gehring
	Department Heads:	Dick Duncan, Streets/Sanitation Clifford Michaelis, Power David Wilding, Water and Sewer
	Recording Secretary:	Nancy Lawrence
Excused:	Councilwoman:	Ann Wilcox

Official Notice of this meeting had been given by posting a written notice of sa 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 offered by Councilman Fowler.

Minutes of the regular meeting of the City Council held January 24, 1996 and February 7, 1996 were presented and unanimously approved as written on a motion made by Councilman Johnson and seconded by Councilman Shafter.

**EXPENSES AND EXPENDITURE APPROVED
FOR PERIOD JANUARY 31, 1996**

Mr. Jenson presented the Expenditure and Expense Report for the Period January. 31, 1996 in the amount of \$630,031.00. Following a brief discussion, this report was unanimously approved on a motion made by Councilman Shafter and seconded by Councilman Johnson.

**FINDING OF FACT ADOPTED - REZONE HEARING FOR
PROPERTY AT 2084 SOUTH ORCHARD - MARK ARNOLD,
DEVELOPER**

Mr. Hardy reviewed that a re-zone public hearing was held last week regarding the request of Mark Arnold to rezone property at 2084 South Orchard from C-G to R-3-16. The Council voted to deny the request. In order to establish a firm legal basis for the decision in the event of a challenge, the City Attorney has prepared Findings of Fact and Conclusions of Law. Mr. Hardy presented the Findings and Conclusions for approval by the Council. Councilman Fowler motioned to adopt the Findings and Conclusions and Councilwoman Holt seconded the motion. Voting was in the affirmative with Councilman Johnson voting nay

**CITY TREASURER- AND CITY RECORDER
REAPPOINTED BY COUNCIL FOR TWO-YEAR PERIOD**

Mayor Cushing reviewed that the Council is required by law to (re)appoint the City Treasurer and City Recorder every two years. He asked Mr. Rasmussen and Mr. Jenson to come forward and called for a motion from the council. Councilman Fowler made a motion that Mr. Rasmussen and Mr. Jenson continue to serve as treasurer and recorder, respectively, for the next two years. Councilman Johnson seconded the motion and voting was unanimous.

**PUBLIC HEARING SET TO CONSIDER AMENDING
ZONING ORDINANCE - CREATE NEW COMMERCIAL
RESIDENTIAL (C-R) MIXED USE ZONE**

Mr. Gehring explained that the Planning Commission and staff have discussed the concept of creating a mixed commercial/residential zone. Application of this zone in the downtown area would accommodate its growth and development. Therefore, it is recommended that a public hearing be scheduled March 27, 1996 at 7:30 p.m. to consider this matter. He noted that the date has been set to allow for enough time to properly notify affected property owners and give the Council sufficient time to study the proposed ordinance. Since this matter was initiated by the City, it is the responsibility of the City to provide the Notice to property owners. Councilman Johnson made a motion to set the hearing as recommended, Councilman Shafter seconded the motion and voting was unanimous.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED TO
PARK SHADOWS MULTI-UNIT CONDOS - 900 No 150 WEST**

Mr. Balling presented the site plan for Park Shadows Multi-Unit Condominium at 900 North 150 West (Smoot Development Group) and reported that preliminary and final site plan approval is being requested by the developers. The project will be developed in three phases, with tri- and four-plexes totaling 58 single family units. The Planning Commission has reviewed this request and recommends that approval be granted with the following conditions:

1. Providing the City with utility easements as needed for all utilities and roadway access lanes.
2. Providing a temporary 70-foot diameter gravel turn around at the end of Phase I until the roadway is extended to 1000 North.
3. Final completion of all building plans for compliance with the building codes and City standards.
4. Payment of all required City fees.
5. Posting of a bond acceptable to Bountiful City for the guarantee of all site improvements.
6. Increase storm drain to 12 " + pipe.
7. Driveways to slope 2% to street.
8. Masonry pre-cast concrete wall or solid vinyl fence around perimeter.
9. Provide offstreet parking for 17 vehicles.
10. Provide single 1 " water lateral to each dwelling unit.
11. Put drain manhole and sewer manhole in parking lot between Units 9 and 10
12. Provide final construction drawings for: a. sanitary sewer b. culinary water c. storm drain d. curb & gutter e. street sections
13. Provide a current title report with the exact description of first phase.
14. Compliance with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended.

Following discussion, Councilman Fowler made a motion that preliminary and final site plan approval be granted, as recommended. Councilman Shafter seconded the motion and voting was unanimous.

Mr. Mahan arrived at this time.

PRELIMINARY AND FINAL SUBDIVISION APPROVAL

GRANTED TO ORCHARD CREST ESTATES SUBDIVISION

Mr. Gehring presented the site plan for Orchard Crest Estates Subdivision, an 11-lot subdivision on the northwest corner of Davis Boulevard and 500 South. He said the Planning Commission granted a conditional use permit to allow the creation of two flag lots in this subdivision on November 21, 1995 and reviewed it for preliminary and final subdivision approval on January 2, 1996. This is an 11 -lot subdivision which will allow for the extension of 1000 East through to 500 South (which will be the only street improvement). The Planning Commission has recommended that preliminary and final approval be granted, subject to the following conditions:

1. Completion of the engineering drawings as required by the City Engineer.
2. Submission of a title report with the same description as appears on the subdivision plat.
3. Payment of fees as outlined in the subdivision letter. (Addressed to Ernie Smith, SmithBrubaker, dated December 27, 1995 over Jack Balling's signature). Bountiful Power has given the estimate of \$40,776 to relocate the existing line underground.
4. Posting of a letter of credit in the amount as outlined in the subdivision letter.

It was noted that the developer, Eldon Haacke, was in attendance and was expecting his attorney to be present for this discussion. Inasmuch as the attorney had not yet arrived, further discussion was delayed until after the Executive Session of the Council.

EXECUTIVE SESSION TO CONSIDER PENDING LITIGATION

At the request of the Mayor, Councilman Shafter made a motion to adjourn this meeting to executive session for the purpose of discussing pending litigation. Councilman Johnson seconded the motion and voting was unanimous. Adjournment was at 7:31 p.m.

The meeting reconvened to public session at 8: 11 p.m.

CONTINUED DISCUSSION RE: ORCHARD CREST ESTATES

Mr. Gehring summarized the comments he had made earlier regarding Orchard Crest Estates. Bruce Nelson (counsel for the developer) stated that they were in agreement with all of the conditions placed on the approvals, *with the exception* of the fee to relocate the existing power line underground. He said they were willing to pay the approx. \$18,000 to relocate the power line above ground; however, the additional expense of \$22,000 to put the line underground should be the responsibility of the City. He said that requiring his client to put someone else's utilities underground was not right.

Discussion followed regarding the policy of the Council to require developers to bear the costs associated with development, as opposed to passing them on the general population of the City. Councilman Fowler made a motion that the preliminary and final approval be granted, as recommended, with the developer bearing the full cost of relocating the power line underground. Councilman Johnson seconded the motion and voting was unanimous.

The meeting adjourned at 8:30 p.m. on a motion made by Councilwoman Holt and seconded by Councilman Shafter.