

1 Minutes of the regular meeting of the City Council held May 14, 1997 at 7:00 p.m. in
2 the Council Chambers of the City Hall, Bountiful, Utah.

3
4 Present: Mayor: John R. Cushing
5 Council Members: Samuel R. Fowler, Barbara Holt, Alan A.
6 Johnson, C. Harold Shafter, and Ann
7 Wilcox
8 City Manager: Tom Hardy
9 City Prosecutor: J. C. Ynchausti
10 City Engineer: Jack P. Balling
11 City Recorder: Arden F. Jenson
12 Dep. City Recorder: Kim Coleman
13 Planning/RDA Director: Blaine Gehring
14 Recording Secretary: Nancy T. Lawrence
15

16 Official Notice of this meeting had been given by posting a written notice of same and
17 an Agenda at the City Hall and providing copies to the following newspapers of general
18 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.
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20 Mayor Cushing called the meeting to order, following which Thomas Carron, a visiting
21 Boy Scout, led the pledge of allegiance to the flag. The invocation was offered by
22 Councilwoman Wilcox.
23

24 Minutes of the regular meeting of the City Council held May 7, 1997 were presented
25 and unanimously approved as prepared on a motion made by Councilwoman Wilcox and
26 seconded by Councilman Shafter.
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28 **EXPENDITURES AND EXPENSES APPROVED**
29 **FOR TWO APRIL PERIODS**

30 Mr. Jenson presented the Expenditure and Expense Report for the Period April 28-30,
31 1997 (\$656,289.11) and the Summary for April in the amount of \$2,932,175.99. Following a
32 brief discussion, these reports were unanimously accepted as presented on a motion made by
33 Councilman Johnson and seconded by Councilman Shafter.
34

35 **ENERGY SALES AND USE TAX ORDINANCE**
36 **ADOPTED (NO. 97-11)**

37 Mr. Hardy reviewed that the 1996 State Legislature changed the statutory format for
38 levying and collecting a tax on utilities. This action replaces the utilities franchise tax with a
39 sales and use tax. The rate of 6% remains unchanged. He reviewed Ordinance No. 97-11,
40 entitled AN ORDINANCE IMPOSING A MUNICIPAL ENERGY SALES AND USE TAX TO
41 REPLACE THE UTILITY FRANCHISE AND OTHER SIMILAR TAXES, AND REPEALING
42 PRIOR SECTIONS OF THE BOUNTIFUL CITY CODE RELATING TO SUCH TAXES, and
43 stated that this ordinance is in conformity with a uniform act prepared in cooperation with the
44 Utah League of Cities and Towns and the energy industry attorneys. It is intended to implement
45 the new law on a basis acceptable to both the "taxer" and the "taxee." Councilwoman Holt
46 made a motion to adopt Ord. No. 97-11, as presented. Councilwoman Wilcox seconded the
47 motion and voting was unanimous.
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50 **PRELIMINARY AND FINAL SUBDIVISION APPROVAL**
51 **GRANTED TO CONDO PLAT - FIVE POINTS TOWNHOUSES,**

1 **BRIAN KNOWLTON, OWNER**

2 Mr. Gehring presented the site plan for the Five Points Townhouses at approximately
3 1600 South between Main Street and 200 West owned by Brian Knowlton. Mr. Knowlton is
4 desirous of recording the condominium plat so that he can sell individual units and has requested
5 preliminary and final subdivision approval. The Planning Commission has reviewed this request
6 and recommends approval, subject to the following conditions:

- 7 1. Final check of condominium plat and payment of fees required for checking.
- 8 2. Designation of private, common and limited common areas on the plat.
- 9 3. Show of easements and/or common property for Bountiful City utilities.
- 10 4. Provide a current title report for verification of ownerships and property
11 encumbrances.
- 12 5. Provide covenants to be recorded with condominium plat.
- 13 6. Approval of utility easements.
- 14 7. Compliance with all other City ordinances.
- 15 8. Payment of recording fees.

16
17 Councilman Fowler made a motion to grant preliminary and final subdivision approval, as
18 recommended. Councilman Johnson seconded the motion and voting was unanimous.

19
20 **PUBLIC HEARING SET TO CONSIDER ZONE CHANGE;**
21 **2034 SO ORCHARD DRIVE - FROM C-G TO R-3-16**

22 Mr. Gehring stated that the Planning Commission has reviewed the request of Mark
23 Arnold for the property at 2034 South Orchard Drive to be rezoned from C-G to R-3-16. Mr.
24 Arnold has had opportunities to lease subject property for uses which seem incompatible with
25 the neighborhood (used car sales, quick lube station, etc.). The building on the property has been
26 vacant and has been used by transients for shelter. If approved, the rezoning would allow for
27 better development of the property behind it which is already zoned R-3-16.

28
29 The Planning Commission has reviewed this matter and sends a favorable
30 recommendation for the rezone. Mr. Gehring suggested that a public hearing be set for June 4,
31 1997 at 7:15 p.m. to consider this request. Councilman Fowler made a motion to this effect,
32 Councilwoman Holt seconded the motion and voting was unanimous.

33
34 **FINAL SITE PLAN APPROVED FOR COLONIAL**
35 **POINTE APARTMENTS — B. K. ENTERPRISES**

36 Mr. Gehring presented the final site plan for Colonial Pointe Apartments (additional 12
37 units) and stated that all the necessary plans have been received, including a landscaping plan.
38 The plans have been reviewed and come to the City Council with a favorable recommendation
39 from staff and the Planning Commission, subject to the following conditions:

- 40 1. Sanitary sewer receive approval of South Davis Sewer District.
- 41 2. Culinary water system receive approval of South Davis Water District.
- 42 3. The 6-inch water line needs to be extended to the west side of the parking lot and
43 another fire hydrant added.
- 44 4. Provide the City with the following easements: (see next page)
45 a) 20-foot wide along the centerline of the sewer main and water main.
46 b) along the centerline of all power lines, both underground and overhead, and

- 1 around all transformers as required and approved by the Bountiful Power
- 2 Department.
- 3 c) as required by all other utility providers
- 4 5. Receive approval for the secondary water system.
- 5 6. Provide details of dumpster enclosure to meet ordinance requirements.
- 6 7. Provide details of the required solid barrier fence along the east, south and west
- 7 sides of the property.
- 8 8. Complete all plans in compliance with the Building Code.
- 9 9. Payment of all required fees.
- 10 10. No occupancy to be allowed until all on site improvements, including landscaping,
- 11 are completed.
- 12 11. The new 2x2 foot clean-out box west of the existing units be eliminated or
- 13 redesigned to avoid flooding of the existing units on the west side of the complex.
- 14 This should be coordinated with the City Engineer.
- 15

16 Councilman Fowler made a motion that final site plan approval be granted for the 12 additional
17 units at Colonial Pointe apartments, as recommended. Councilman Shafter seconded the motion
18 and voting was unanimous.

19
20 **REZONE REQUEST FOR ROBERT WILLIAMS PROPERTY**
21 **APPROVED; FROM R-3-16 TO C-G**

22 Mayor Cushing reviewed that the request for property at 35 East 2200 South to be
23 rezoned from R-3-16 to C-G has been considered by the Planning Commission and it is their
24 recommendation that the rezoning be approved. Mr. Gehring explained that the request for the
25 zone change would permit a better parking, landscaping, and traffic flow at the commercial
26 development just east of the subject property. He noted that if the zone change is not approved,
27 the number of multi-family units on the west end of the property may be increased .

28
29 At 7:30 p.m. the Mayor opened the public hearing, following which neighboring
30 property owners and the proposed developer each made statements. Mr. Gary Howland,
31 representing the developer, explained that the housing units will be rented until they can be sold.
32 He also clarified that the small food businesses proposed for the subject rezone property would
33 be very small--something like Zuka Juice or Papa Murphy's Pizza.

34
35 The following individuals expressed concern regarding the proposed development.
36 . Thalia Ashby, (64 West 2200 South), expressed concern regarding the increase in
37 traffic and lack of safety for
38 neighborhood children..

39 Les Merrill, 2347 South Orchard Place, indicated that property values have been
40 impacted very negatively and he reviewed that the purpose of rezoning is to
41 correct errors or in the case of necessity. He questioned if either of these conditions
42 exist.

43 Bob Williams, owner of the subject property, stated that the property was originally
44 zoned C-2, and recently the western
45 portion was re-zoned to R-3-16. He said
46 that he was not aware that the zoning had

1 2200 South is a long stretch of road that over the years has had three permitted uses - R-
2 1, multi-family residential, and commercial. All three uses are there and could be developed.
3 The question is which is the best use. She reasoned that more apartments would result in
4 temporary housing (with inherent problems); a small business would be permanent. She stated
5 that she felt the uses as presented by the developer would be in the best interest of the property
6 and surrounding neighbors. Inasmuch as only 70 feet is involved in this request, she noted that
7 the commercial portion of the project would be stronger and there would still be a buffer to the
8 single family neighborhood, thus achieving the best of both worlds. Councilman Johnson
9 seconded the motion.

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11 Councilwoman Wilcox expressed her agreement with the logic and reasoning of
12 Councilwoman Holt and expressed the hope that the neighborhood would not suffer from
13 contention through this matter.

14
15 Councilman Johnson also agreed with Councilwoman Holt and expressed the hope that
16 the neighborhood could "bind up its wounds". Councilman Shafter stated that the negative
17 feelings in the neighborhood will be long-lasting. The motion carried by a majority, with
18 Councilmen Shafter and Fowler voting nay.

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20 Mr. Gehring noted that he will have the ordinance with the legal description ready for
21 signature at next week's meeting.

22
23 **PRELIMINARY AND FINAL SITE PLAN APPROVED**
24 **FOR LEGACY HOUSE, 100 EAST CENTER STREET**

25 Mr. Gehring reported that the Planning Commission reviewed the request of Legacy
26 House, 100 East Center Street, an assisted care living facility (Western States Lodging,
27 applicant) and recommends preliminary and final site plan approval subject to the following
28 conditions:

- 29 1. Sanitary sewer connection fee to be based on final plans.
- 30 2. Culinary water (a) to show meter size and main; and (b) fire sprinkling line requires
31 a tap and valve = \$1,438.
- 32 3. Storm drainage (a) pay storm detention fee or provide detention on site (\$3,020);
33 and (b) the drain system is absolute minimum grade. This should be increased if
34 possible. Show elevations in canal and increase grades.
- 35 4. Show details on the site plan for:
 - 36 a. Curb and gutter on site.
 - 37 b. Parking and drive areas (3" asphalt on 6" base).
 - 38 c. Catch basins.
 - 39 d. Storm drain piping.
- 40 5. Retaining wall to meet the Building Code required on the west and north perimeter
41 of property as determined by the City Engineer.
- 42 6. New curb, gutter and sidewalk is required along Center Street. All other curb,
43 gutter and sidewalk must be replaced to City standards as required.
- 44 7. Easements:
 - 45 a. Provide 7' utility easements along both streets.
 - 46 b. Provide 7' easement along north property line and 14' along centerline of power

- 1 line from 100 East for Power Department.
- 2 8. Obtain approval from County Flood Control.
- 3 9. Obtain approval from Health Department for food service.
- 4 10. Fire sprinkling system for entire building required.
- 5 11. Final plans to comply with Building Code.

6
 7 Following a short discussion, Councilman Fowler made a motion to grant preliminary and final
 8 site plan approval, as recommended. Councilwoman Holt seconded the motion and voting was
 9 unanimous.

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 11 **COUNCIL COMMITTEE REPORTS**

12 Councilwoman Wilcox invited the Council to attend the swearing in ceremony for the
 13 Youth City Council this week.

14 Councilman Johnson reported that the Recycling Committee will meet tomorrow night
 15 at 7:30 p.m. and all are invited to attend.

16
 17 **EXECUTIVE SESSION APPROVED**

18 Councilwoman Wilcox made a motion to adjourn to executive session at 8:41 p.m. for
 19 the purpose of discussing the acquisition of real property. Councilman Fowler seconded the
 20 motion and voting was unanimous.

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 22 **Those attending executive session:**

- 23 Mayor Cushing
- 24 All Council Members
- 25 Mr. Hardy
- 26 City Prosecutor, J.C. Ynchausti

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 31 _____
 JOHN R. CUSHING, Mayor

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 35 _____
 ARDEN F. JENSON, City Recorder

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