

1 Minutes of the regular meeting of the City Council held Wednesday, May 21, 1997 at 7:00
2 p.m. in 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 Wilcox
7 City Manager Tom Hardy
8 City Attorney Russell L. Mahan
9 City Engineer Jack P. Balling
10 Planning Director Blaine Gehring
11 Deputy City Recorder Kim Coleman
12 City Treasurer Galen Rasmussen
13 Recording Secretary Ellen H. Call
14
15 Excused: Arden F. Jenson City Recorder

16
17 Official Notice of this meeting had been given by posting a written notice of same and an
18 Agenda at the City Hall and providing copies to the following newspapers of general circulation:
19 Davis County Clipper, Deseret News, and Salt Lake Tribune.

20
21 Mayor Cushing called the meeting to order and asked Mr. Balling to lead the group in the
22 pledge of allegiance to the flag. Mr. Coleman offered the invocation.

23
24 Minutes of the regular meeting of the City Council held May 14, 1997 were presented. Mr.
25 Mahan noted that he was not in attendance and that J. C. Ynchausti, Assistant City Attorney, had
26 been at the meeting. Mr. Fowler made a motion to approve the minutes as corrected, seconded by
27 Councilmember Wilcox. Voting was unanimous.

28
29 **EXPENDITURES AND EXPENSES APPROVED**
30 **FOR PERIOD MAY 1-15, 1997**

31 Mr. Coleman presented the Expenditure and Expense Report for the period May 1-15, 1997
32 in the amount of \$451,788.40. The report was unanimously approved on a motion made by
33 Councilman Fowler, seconded by Councilman Shafter.

34
35 **SPECIAL PRESENTATION BY KEN BULLOCK**
36 **OF UTAH LEAGUE OF CITIES AND TOWNS**

37 Mayor Cushing introduced Kenneth H. Bullock, Executive Director of the Utah League of
38 Cities and Towns. Mr. Bullock stated that Bountiful plays a significant role with the League. He
39 expressed appreciation for the staff time allocated and the personal commitment given by Council
40 members to assist other cities as well as the League organization. He read a Resolution which his
41 staff had prepared, "Paying Homage to Tom Hardy." Mr. Bullock said that he works with Mr.
42 Hardy on a regular basis, and also other cities throughout the state recognize his contributions, and
43 they are all appreciative of his assistance, expertise, and abilities.

1
2 **ORDINANCE 97-12 ADOPTED, REZONING**
3 **PROPERTY AT 35 EAST 2200 SOUTH TO C-G**

4 Mayor Cushing reminded the Council that at last week's meeting a rezone at 35 East 2200
5 South was approved by majority vote, and it is necessary that an Ordinance be adopted to confirm
6 that action. Councilman Fowler made a motion to adopt Ordinance No. 97-12, AN ORDINANCE
7 AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE
8 OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-ZONE PROPERTY LOCATED AT 35
9 EAST 2200 SOUTH FROM R-3-16 TO C-G. Councilmember Johnson seconded the motion and it
10 passed by majority vote, with Councilmembers Fowler and Shafter voting nay.

11
12 **PURCHASE OF COPY MACHINE APPROVED**
13 **FOR POWER DEPARTMENT**

14 Mr. Vernile Hess, representing the Power Department, reported that the copy machine
15 currently being used is now seven years old and recent maintenance problems have caused
16 considerable down time. They have tested two machines and have considered the review recently
17 made by City Hall to select a new copier, and are requesting approval to purchase the Sharp SF2050
18 for \$11,323. The recommendation has the concurrence of the Power Commission. The money for
19 the machine will be taken from the transportation account of the Capital Improvements Fund
20 budget. The old machine will be used at the power plant, or sold if a buyer can be found.
21 Councilman Shafter made a motion to approve the purchase as requested, seconded by Councilman
22 Johnson, and voting was unanimous.

23
24 Councilman Shafter asked Mr. Hess to let him know when the adjustment on the
25 maintenance agreement is made so he can give a report to the Council.

26
27 **PUBLIC HEARING TO CONSIDER APPROVING OR**
28 **DISAPPROVING VACATION OF LOT 8 FROM**
29 **INDIAN SPRINGS ESTATES PLAT A**

30 At 7:17 p.m. Mayor Cushing opened the public hearing. Mr. Gehring showed a map of The
31 Domaine of Highland Oaks PUD, and indicated that Lot 8 of Indian Springs, which is located at the
32 entrance to and is now a part of the PUD, must be vacated from the Indian Springs Subdivision in
33 order to be included in the Domaine of Highland Oaks PUD when it is recorded. Lot 8 was
34 previously at the end of a short, stub road, which was eventually developed and extended to the
35 Highland Oaks Subdivision. The lot was formerly owned by Robert Vaughan, who has sold it to
36 Mr. Douglas Harris, and the road into The Domaine now passes through its center. When The
37 Domaine PUD was first being considered, the proposed access road to the development was to be
38 further up the hill, requiring extensive cuts. The developer, city, and neighbors worked together to
39 move the access road down to Lot 8, which is much less damaging to the hillside.

40
41 The public hearing is held by state law to allow those residents within the subdivision to
42 voice their opinions regarding the vacation of a lot from a subdivision so the City Council can
43 determine whether the public or any person will be materially injured by having the lot removed.
44 The Planning Department has also extended their notification mailing to 500 feet beyond the
45 subject property, although state law only requires that the owners within the subdivision be notified
46 of the public hearing.

1
2 Mr. Mahan pointed out that there will not be a home constructed on Lot 8, but it will be used
3 as an entry into The Domaine of Highland Oaks PUD, which is a separate subdivision with a
4 different developer from the Highland Oaks Subdivision. Mr. Harris owns The Domaine area and
5 also Lot 8. In answer to a question by Councilman Fowler, Mr. Mahan explained that if the
6 vacation is denied, then the owner would need to go back to the Planning Commission and City
7 Council and request permission to move the entrance further uphill, which was the original
8 proposal.

9
10 Mr. Gehring noted another positive by moving Lot 8 from Indian Springs to The Domaine is
11 that the Eyres, who live on the corner lot, have a problem in that their driveway hangs over part of
12 the right-of-way. Mr. Harris is now providing off of part of Lot 8 an uphill access into the back of
13 the Eyre's property so they can do away with the awkward driveway going into their home.

14
15 Mr. Mahan amended his earlier answer to Councilman Fowler, stating that if the vacation is
16 denied, Mr. Harris already owns Lot 8 and could still proceed with the roadway to The Domaine
17 going through it. It would not violate a city ordinance. However, it would make it much cleaner to
18 vacate it from Indian Springs and make it a part of The Domaine development for recording as one
19 plat.

20
21 Mayor Cushing then invited the public to comment. Cindy Turner of 3627 South Bountiful
22 Boulevard said that they were not aware that Douglas Harris owned Lot 8. However, after hearing
23 the discussion, their neighborhood is still concerned with drainage from the Highland Oaks
24 Subdivision as it is not being absorbed into the system. The drains seem to be plugged with
25 construction debris and need to be cleaned out. They would like assurance that this project is
26 properly planned and drained.

27
28 Kirk Turner asked for a definition of "materially injured" as stated in the Utah Code. Mr.
29 Mahan explained that it would mean an important or significant injury to property. Mrs. Turner
30 stated that there have already been three homes damaged as a result of flooding water and mud, and
31 they would like assurance that the new development will be planned to handle water run-off.

32
33 Mayor Cushing thanked Mrs. Turner for her comments. He referred to a letter (dated May
34 16, 1997) sent to Kent Hogan (developer of Highland Oaks Subdivision) from City Engineer Jack
35 Balling, outlining items that must be completed and giving dates for completion. A copy of the
36 letter was sent to Mr. Tueller of the "neighborhood committee", and Mr. Hardy gave a copy to Mrs.
37 Turner. Mr. Hardy said that several weeks ago he offered to meet with Mrs. Turner and her group
38 to go over any specific concerns they had on the Highland Oaks Subdivision, and that offer still
39 stands. Mayor Cushing then closed the public hearing.

40
41 Mr. Balling referred to Mrs. Turner's question concerning drainage for The Domaine at
42 Highland Oaks. He stated that the developer is responsible to provide storm water detention for all
43 water in excess of the natural run-off before development takes place. Both The Domaine
44 development and the Highland Oaks Subdivision have provided the necessary detention basins.
45 The drainage system is being worked on by the Highland Oaks developers but has not yet been

1 completed, and the letter of May 16 referred to earlier addresses the issues yet to be finished. In the
2 event the developer does not complete the improvements as specified by September 1, the city can
3 use the bond money and finish the work. Mayor Cushing pointed out that the detention basins are
4 designed and approved by professional engineers who conduct soil tests, compaction and density
5 tests, and rely on past experience for successful design. They must be structurally and scientifically
6 sound before they are approved for use.

7
8 Councilman Fowler thanked the staff for their work and for the information they provided,
9 and made a motion to adopt Ordinance No. 97-13, AN ORDINANCE VACATING LOT 8 FROM
10 INDIAN SPRINGS ESTATES PLAT A SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY,
11 UTAH, AND RELEASING THE EASEMENTS THEREON. Councilman Shafter seconded the
12 motion. Mr. Harris stated that although there will not be a home constructed on Lot 8, there will be
13 a small entrance gatehouse built there. Voting was unanimous in favor of vacation of Lot 8.

14
15 **CITY COUNCIL GIVES FINAL ACCEPTANCE**
16 **OF FAIRWAY OAKS SUBDIVISION**

17 Mr. Balling referred to a drawing and report on the Fairway Oaks Subdivision, which is
18 located west of the golf course, south of 2300 South at 900 East, being developed by Clark Jenkins
19 (Keith Stahle property). He reported that all the work has been completed and all improvements
20 installed, and a final inspection found the work to meet city standards and specifications and ready
21 to be taken over by the city for maintenance and upkeep of streets, utilities, and drainage facilities
22 and release of the Letter of Credit. Councilman Fowler made a motion to grant final acceptance and
23 release the bond for the Fairway Oaks Subdivision, Councilman Johnson seconded and voting was
24 unanimous.

25
26 **CITY COUNCIL GIVES FINAL ACCEPTANCE**
27 **OF BOUNTIFUL SHADOWS NO. 1 SUBDIVISION**

28 Mr. Balling reported that the first half of the Bountiful Shadows Subdivision, located south
29 of Pages Lane and east of 200 West, being developed by the Papanikolas Brothers, has been
30 completed and meets all of the city standards and specifications. After a final inspection, staff
31 recommends final acceptance be granted and the Letter of Credit be released. Councilman Fowler
32 made a motion to grant final approval, releasing the Letter of Credit, of Bountiful Shadows No. 1
33 Subdivision, Councilmember Holt seconded the motion and voting was unanimous.

34
35 **DISCUSSION OF ENTERPRISE FUNDS IN 1997-98 BUDGET**

36 This item tabled until June 4.

37
38 **MISCELLANEOUS**

39 Mr. Balling reported that, during a meeting with UDOT representatives, it was announced
40 that they are going ahead with the completion of left-turn signals and widening of the intersection
41 of 400 North and 500 West. Plans for left-turn signals to be installed at Main Street and 400 North
42 should be completed and placed for bid by April of next year.

43
44 By unanimous vote, meeting adjourned to Executive Session at 7:50 p.m. on a motion made
45 by Councilman Johnson and seconded by Councilmember Holt.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Attending Executive Session: Mayor John R. Cushing
Councilmembers Fowler, Holt, Johnson, Shafter, Wilcox
City Manager Tom Hardy
City Attorney Russell L. Mahan

JOHN R. CUSHING, Mayor

ARDEN F. JENSON, City Recorder

* * * * *