

1 Minutes of the regular meeting of the City Council held December 10, 1997 at 7:00
2 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

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4 Present: Mayor: John R. Cushing
5 Council Members: Samuel R. Fowler, Barbara Holt, Alan A.
6 Johnson, C. Harold Shafter, and Ann
7 Hardy
8 City Manager: Tom Hardy
9 City Attorney: Russell Mahan
10 City Engineer: Paul Rowland
11 City Recorder: Arden F. Jenson
12 City Treasurer: Galen Rasmussen
13 Planning/RDA Director: Blaine Gehring
14 Department Heads: Jerry Lemon, Fire
15 Clifford Michaelis, Power
16 Paul Rapp, Police
17 Recording Secretary: Nancy T. Lawrence
18

19 Official Notice of this meeting had been given by posting a written notice of same and
20 an Agenda at the City Hall and providing copies to the following newspapers of general
21 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.
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23 Mayor Cushing called the meeting to order, following which Councilman Fowler led
24 the pledge of allegiance to the flag. The invocation was offered by Councilwoman Holt.
25

26 Minutes of the regular meeting of the City Council held November 19, 1997 were
27 presented and unanimously approved as prepared on a motion made by Councilwoman Hardy
28 and seconded by Councilman Johnson.
29

30 **EXPENDITURES AND EXPENSES APPROVED**
31 **FOR TWO NOVEMBER PERIODS**

32 Mr. Jenson presented the Expenditure and Expense Reports for the Period November
33 14-20, 1997 (\$246,746.88) and the Period November 21-25, 1997 in the amount of \$629,683.65.
34 Following a brief discussion, these reports were unanimously accepted as presented on a motion
35 made by Councilman Johnson and seconded by Councilman Shafter.
36

37 **INTERLOCAL AGREEMENT WITH DAVIS COUNTY APPROVED**
38 **FOR BILLING AND COLLECTION OF AMBULANCE FEES**

39 Mr. Hardy explained that there has been a problem in the past with the billing situation
40 wherein an emergency call comes in and both the City ambulance and the County paramedics
41 respond. Medicare will not pay two bills, and the patient is left as the responsible party, for what
42 seems to be a duplicate service. The proposed agreement provides that the City will bill for both
43 the City and the County fees. When those bills are recovered, the City will keep its own fee,
44 then deduct an administrative fee and pay the remainder of the County fee to the County. The
45 basis for both agencies responding is that the City can get there more quickly and provide *basic*
46 emergency services, but the County provides *advanced* life support services which are greater
47 than the City can provide. If the County personnel do not ride the ambulance, there is no charge
48 from them.

49 Following a brief discussion, Councilman Shafter made a motion to approve the
50 Interlocal Agreement with Davis County regarding ambulance billing, as reviewed by Mr.
51 Hardy, and authorize the Mayor to sign it. Councilman Johnson seconded the motion and voting

1 was unanimous.

2
3 **A & G TRUCK EQUIPMENT CO AWARDED**
4 **BID FOR SERVICE BODY FOR POWER DEPARTMENT**

5 Mr. Michaelis reported that bids were received from three vendors for a new service
6 body for a new truck included in the budget. It is the recommendation of staff and the Power
7 Commission that the low bid from A and G Truck Equipment be accepted in the amount of
8 \$11,045.00. He noted that the overall transportation budget is \$7,773 over the budget estimate;
9 however, by taking money out of the special equipment fund, the budget will still be in balance.
10 Councilman Shafter made a motion to approve the bid as presented, Councilman Fowler
11 seconded the motion and voting was unanimous.

12
13 **PRELIMINARY AND FINAL SITE PLAN APPROVAL**
14 **GRANTED FOR NORTH POINT CONDOMINIUMS -**
15 **360 North 500 West - Brian Knowlton, Developer**

16 Mr. Gehring presented the site plan for the proposed North Point Condominiums at 360
17 North 500 West and stated that the Planning Commission has reviewed this project and
18 recommends preliminary and final site plan approval, subject to the following conditions:

- 19
20 1. Provide a blanket public utilities easement over all common ground for the installation
21 and operation of all required utilities.
22
23 2. Show all required fencing or existing fences and/or buildings in lieu of new fencing.
24
25 3. Drive approach onto 500 West must be Bountiful standard approach.
26
27 4. Impact fees will be assessed for water and sewer based on current impact fee
28 ordinances. No storm drain impact fee will be assessed because storm water detention
29 is provided on site.
30
31 5. Provide draft of homeowners association organization and covenants with final
32 subdivision plan.
33
34 6. Easement and access to 400 North subject to review and approval of the City
35 Attorney.
36
37 7. Dumpster enclosure to match the exterior materials of the condominiums.

38
39 Councilman Fowler made a motion to grant approval as recommended, Councilwoman Holt
40 seconded the motion and voting was unanimous.

41
42 **PUBLIC HEARING TO CONSIDER REZONING**
43 **THE CONTINENTAL TOWNHOUSE CONDOS**
44 **AT 1310 SO 200 WEST FROM R-3-13 TO R-3-25**

45 Mr. Gehring reviewed that the Continental Townhouse Condominiums were originally
46 built in the late 1970's under an existing R-3 zone which allowed development at approximately

1 19 units per acre. In 1983 the zone was changed to allow up to 12 units per acre. And in 1993
2 (the current ordinance), this area was established as R-3-13, allowing 13 units. Due to these
3 changes, there are problems with financing on these units as they are being sold. And to add to
4 the problem is the fact that these are condominiums - the owners only own their units and NOT
5 the ground they sit on. So, if the building cannot be rebuilt under a nonconforming status, the
6 owner could lose everything. The Planning Commission has reviewed this matter and
7 recommends that the zone be changed on the Continental Townhouses from R-3-13 to R-3-25,
8 which matches the existing density, and also make it a conforming use.

9
10 At 7:21 p.m. Mayor Cushing opened the public hearing to receive input from those in
11 attendance. There was none, and the hearing was closed. Councilman Fowler made a motion to
12 approve the rezoning request as reviewed and recommended and to adopt Ordinance No. 97-33
13 entitled AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY
14 CODE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO RE-
15 ZONE PROPERTY LOCATED AT 1310 SOUTH 200 WEST ALSO KNOWN AS THE
16 CONTINENTAL TOWNHOUSE CONDOMINIUMS FROM R-3-13 TO R-3-25.
17 Councilwoman Hardy seconded the motion and voting was unanimous.

18
19 **PRELIMINARY AND FINAL SITE PLAN APPROVAL**
20 **GRANTED TO ORCHARD POINTE TOWNHOUSES -**
21 **17 EAST 2200 SOUTH - W. JONES, DEVELOPER**

22 Mr. Gehring presented the site plan for the proposed Orchard Pointe Townhouses (9 units)
23 at 17 East 2200 South and stated that Win Jones, developer, is requesting preliminary and final
24 site plan approval. This project has been reviewed by the Planning Commission and comes to
25 the Council with a favorable recommendation, subject to the following conditions:

- 26
27 1. The drive access off 2200 South to the rear units be 20 feet as per the Bountiful Fire
28 Marshall and have a standard approach.
29
30
31 1. Specific topography for drainage of the rear yard area for units 7-9 be provided to
32 show adequate drainage to the north and to the west drainage swale.
33
34 2. Upsize the water service to units 7-9 from 2 inch to size required by City Engineer.
35
36 3. Install manholes on the 8-inch sewer main at the following locations:
37 A. Connection to the existing 8-inch sewer main on the west side of the driveway.
38 B. Junction with new 6-inch sewer main from units 7-9.
39
40
41 5. Impact fees will be assessed for water and sewer based on current impact fee
42 ordinances.
43
44 6. Pay storm drain impact fee for .7279 acres X \$2,100 per acre = \$1,528.59.
45
46 7. Provide necessary utility easements as required by the City Engineer.
47
48 8. Provide a dumpster in the northwest corner of the project screened and enclosed

1 to match the exterior materials of the buildings.

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3 Councilman Fowler made a motion to grant approval as recommended, Councilman Johnson
4 seconded the motion and voting was unanimous.

5 **ADOPTION OF RES. NO. 97-12 IMPLEMENTS CHANGES**
6 **TO WASATCH FRONT REGIONAL COUNCIL AGREEMENT**

7 Mayor Cushing referred to the significant changes which have been proposed regarding
8 the Wasatch Front Regional Council Agreement and noted that the process of updating this
9 agreement has been going on for a number of years. An Executive Summary of Changes,
10 prepared by the County Attorney's office, was provided to each councilmember for review.
11 Following a short discussion, Councilman Johnson made a motion to approve the changes to the
12 Agreement, with the exception of paragraph 5 (deleting the requirement that WFRC obtain
13 recommendations of governments deemed to be affected). Councilman Shafter seconded the
14 motion and voting was unanimous. Councilman Johnson then made a motion to adopt Res. No.
15 97-12, A RESOLUTION OF CITY OF BOUNTIFUL CONSENTING THAT THE
16 CHAIRMAN OF THE COUNTY COUNCIL OF GOVERNMENTS EXECUTE AN
17 AMENDMENT TO THE AGREEMENT WHICH ESTABLISHED THE WASATCH FRONT
18 REGIONAL COUNCIL AND RE-AUTHORIZING THE CHAIRMAN OF THE WASATCH
19 FRONT REGIONAL COUNCIL TO EXECUTE CERTAIN CONTRACTS FOR PLANNING
20 ASSISTANCE WHEN DULY AUTHORIZED BY THE WASATCH FRONT REGIONAL
21 COUNCIL. Councilman Shafter seconded the motion and voting was unanimous.

22
23 **APPROVAL GRANTED TO REQUEST OF DICK'S MARKET**
24 **FOR ACCESS ON TO 2200 SOUTH STREET**

25 Mr. Rowland reported that the Traffic Safety Committee met yesterday and discussed the
26 request of Dick's Market (2200 South Orchard Dr.) for permission to construct an access to their
27 property from 2200 South Street. Inasmuch as some of the members of that committee were
28 absent, it was recommended that the matter be brought to the Council.

29
30 Kent Winegar, petitioner, reviewed the logic for the request. He said that the traffic flow
31 on Orchard Drive has increased substantially during the past year, making it dangerous when
32 customers leave the Dick's Market parking lot and attempt to turn left on Orchard Drive. He
33 suggested that if the customers exit the parking lot via 2200 South, they would then have the
34 benefit of the traffic semaphore on Orchard Dr. and 2200 South. A traffic analysis prepared by
35 The Sear-Brown Group for Winegar's showed the impact of a proposed new driveway from
36 Dick's Market parking lot onto 2200 South. The study also included the projected impact
37 created by the trip generation for the new development at the northwest corner of Orchard
38 Drive/2200 South intersection. This study concluded that the proposed driveway from Dick's
39 Market on to 2200 South would help move traffic between the market and the new commercial
40 development. It would also aid those who currently turn left out of the existing Dick's Market
41 driveway and then turn left again onto 2200 South westbound. Vehicles presently exiting Dick's
42 Market and wishing to travel east on 2200 South must cross five lanes of traffic. The new
43 driveway, in combination with the semaphore at the intersection, would create a less complicated
44 route for people wanting to go east on 2200 South.

45
46 Mr. Rowland reviewed the request and reported that it is the staff recommendation to

1 approve the driveway on to 2200 South because it would provide added safety. He
2 recommended that two conditions be attached to the approval: (1) that “No Delivery” be allowed
3 on 2200 South (and as this was discussed, it was noted that it would be up to the merchants to
4 monitor and control this); and (2) that the driveway be aligned with the driveway into the strip
5 mall on the north.

6
7 For the record, the Mayor noted that the proposed driveway is not being required by the
8 City, as verified by the planning director and fire chief. Leslie Merrill, 2347 South Orchard
9 Place, referenced the City Council minutes of April 4, 1995 where Dick’s Market was granted
10 approval, subject to NO access on 2200 South. He suggested that Mr. Winegar withdraw his
11 request in a gesture of good faith. Reed Hubbard, 132 West 2200 South, pointed out that the
12 City should have completed their own traffic study and not relied on the one prepared for
13 Winegar’s. He also noted that it was inappropriate that this matter not go before the Planning
14 Commission.

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16 Following further discussion, Councilwoman Holt stated that inasmuch as there is an issue
17 of safety at hand and based upon the recommendation of the police chief and city engineer, she
18 made a motion to approve the request for access from Dick’s to 2200 South Street, subject to
19 posting a “No Left Turn” sign and the following conditions:

- 20
21 1. The driveway onto 2200 South should be approved in order to accommodate the
22 variety of users who would benefit from it.
23 2. The driveway from Dick’s Market on to 2200 South should be located in line with the
24 driveway to the new commercial development.
25 3. Safe pedestrian routes should be created from the new driveway to the store front.
26 4. Delivery trucks should be specifically instructed not to use 2200 South west of the
27 driveway to access Dick’s Market or the new development.
28

29 Councilman Johnson seconded the motion which carried by a majority. Councilman Shafter
30 voted nay.

31
32 **APPROVAL GRANTED TO CONTRACT WITH**
33 **DAVIS COUNTY FOR ANIMAL CONTROL SERVICES - 1998**

34 Mr. Hardy reported that it is time to consider renewal of the animal control contract with
35 Davis County. He said that this matter has been reviewed by the police chief, planning director
36 and himself and comes with a recommendation for approval. The contract includes an increase
37 from Bountiful in the amount of 5 percent, which recognizes increased population and level of
38 services. Councilwoman Hardy recognized Davis County Animal Control for the fine job that
39 they do and noted their high level of professionalism. Councilman Shafter made a motion to
40 approve the contract, as presented, for the 1998 calendar year. Councilman Johnson seconded
41 the motion and voting was unanimous.
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43 **COUNCIL COMMITTEE REPORTS**

44 Mayor Cushing recognized Councilman-elect Knowlton and thanked him for his
45 attendance this evening. Councilman Shafter commented on the great performance at the
46 Community Church “Tis the Season” which ended Monday night.

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The meeting adjourned at 8:49 p.m. on a motion by Councilman Fowler and seconded by Councilman Shafter.

JOHN R. CUSHING, Mayor

ARDEN F. JENSON, City Recorder

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