

1 Minutes of the regular meeting of the City Council held April 23, 1997 at 7:38 p.m. in
2 the Council Chambers of the City Hall, Bountiful, Utah, following an open house and dedication
3 of the new Public Safety Building.

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5 Present: Mayor: John R. Cushing
6 Council Members: Samuel R. Fowler, Barbara Holt, Alan A.
7 Johnson, C. Harold Shafter, and Ann
8 Wilcox
9 City Manager: Tom Hardy
10 City Attorney: Russell Mahan
11 City Engineer: Jack P. Balling
12 City Recorder: Arden F. Jenson
13 Dep. City Recorder: Kim Coleman
14 Planning/RDA Director: Blaine Gehring
15 Department Head: Paul Rapp, Police
16 Recording Secretary: Nancy T. Lawrence
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18 Official Notice of this meeting had been given by posting a written notice of same and
19 an Agenda at the City Hall and providing copies to the following newspapers of general
20 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

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22 Mayor Cushing called the meeting to order, following which he led the pledge of
23 allegiance to the flag. The invocation was offered by Councilman Shafter.
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25 Minutes of the regular meeting of the City Council held April 16, 1997 were presented
26 and unanimously approved as written on a motion made by Councilman Shafter and seconded by
27 Councilwoman Holt.
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29 **EXPENDITURES AND EXPENSES APPROVED**
30 **FOR PERIODS IN MARCH AND APRIL**

31 Mr. Jenson presented the Expenditure and Expense Reports for the following periods:

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33 March 28-31, 1997 \$ 768,101.09
34 Summary for March 1997 3,015,855.46
35 April 1-10, 1997 397,951.26
36 April 11-17, 1997 137,276.37

37 The four reports were unanimously approved as presented on a motion made by Councilman
38 Shafter and seconded by Councilwoman Wilcox.
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40 **MAY 10, 1997 DESIGNATED AS LETTER**
41 **CARRIERS FOOD DRIVE DAY IN BOUNTIFUL**

42 Mayor Cushing recognized Cindy Stewart (representing the Letter Carriers for Branch
43 111) and expressed appreciation for the food drive which they have sponsored in the past and are
44 doing again this year. The letter carriers pick up nonperishable food donations which are left by
45 postal customers as the carriers deliver the mail. The food is then taken to a central postal station
46 for redistribution to local food banks. He signed a proclamation declaring May 10, 1997 as
47 *Letter Carriers Food Drive Day* and encouraged the community to support this project.

48 **ORD. NO. 97-9 ADOPTED RE: ANNEXATION**
49 **OF PROPERTY IN NORTHEAST PART OF CITY**

50 Mr. Mahan reviewed that the Council held a public hearing last week and then adopted
51 a Policy Declaration on annexation of seven acres of property in the northeast part of the City,

1 owned by Cody Fraughton. No protests have been filed during the week and it is recommended
2 that Ordinance No. 97-9, entitled AN ORDINANCE DECLARING THE ANNEXATION OF
3 TERRITORY TO THE CITY OF BOUNTIFUL, UTAH, be adopted. Councilman Fowler made
4 a motion to this effect, Councilwoman Holt seconded the motion and voting was unanimous.

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6 **PRELIMINARY AND FINAL SITE PLAN APPROVED**
7 **FOR FOUR-PLEX/DUPLEX, 441 WEST 200 NORTH**

8 Mr. Gehring presented the site plan for the proposed four-plex on property with an
9 existing duplex at 441 West 200 North, Kim Dunn, owner. Preliminary and final site plan
10 approval has been reviewed by the Planning Commission and it comes from that body with a
11 positive recommendation, subject to the following conditions:

- 12 ` 1. Installation of a fire hydrant as shown on the site plan (total cost, \$6,958.00).
13 2. Installation of a 1½-inch water connection, \$3,850.00.
14 3. Payment of storm detention fee of \$1,246.00 (\$2,100/acre for .5933 acres).
15 4. Payment of fees required by the Power Department.
16 5. Provision of the following easements:
17 a) 7' utility easement along frontage of street
18 b) 15' easement along centerline of waterline
19 c) 20' easement along centerline of the overhead power line
20 6. Final drawings to comply with the Building Code.
21 7. That the following items be shown on the site plan:
22 a) roadway with 3" of asphalt on 6" base
23 b) curb wall around the fire hydrant
24 c) detail of curb walls on site
25 8. Provision of a 6-ft. solid barrier fence around the east, south and west sides of the
26 property as required by ordinance.
27

28 Following a brief discussion, Councilman Fowler made a motion to grant preliminary
29 and final approval, as recommended by staff and the Planning Commission. Councilwoman
30 Wilcox seconded the motion and voting was unanimous.
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32 **PUBLIC HEARING SCHEDULED TO CONSIDER**
33 **REZONE REQUEST - ROBERT WILLIAMS**

34 Mr. Gehring reported that Robert Williams has presented a request for the property at
35 35 East 2200 South to be rezoned from R-3-16 to C-G. The proposed use of the property is a
36 Blockbuster Video rental store and other retail shops. The Planning Commission has reviewed
37 this request and recommends that the Council set a public hearing. Mayor Cushing requested
38 that the hearing be set for May 14th at 7:15 p.m. Councilman Fowler made a motion to this
39 effect, Councilman Shafter seconded the motion and voting was unanimous.
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43 **PRELIMINARY SUBDIVISION APPROVAL**
44 **GRANTED TO LEWIS PARK SBDVN; AND**
45 **FINAL APPROVAL TO PHASE I, LEWIS PARK SBDVN**

46 Mr. Balling presented the plat of Lewis Park Subdivision, 2800 South 400 East (the old

1 Foss Lewis gravel pit) and noted that development of this 46 acres will provide the following
2 benefits to Bountiful City:

- 3 1. Completion of North Canyon Road which is a major collector road.
- 4 2. Provision of a neighborhood park of 8 acres for soccer fields.
- 5 3. Provision of a regional storm water detention basin.

6
7 The subdivision contains 109 lots. In order to meet the City objectives, the preliminary
8 subdivision plan was prepared *by the City* and the City has agreed to participate in the paving
9 cost of North Canyon Road. The Foss Lewis and Sons Company is doing the grading for the
10 North Canyon Road which is expected to be completed this summer. North Canyon Creek will
11 be channeled to meet the requirements of Bountiful City and Davis County Flood Control. The
12 City is also considering the purchase of 8.11 acres to be used as a City park and the southern
13 soccer field will act as a storm water detention basin during heavy storm periods. The Planning
14 Commission has reviewed this subdivision and recommends approval.

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16 Mr. Balling also reported that the first phase of this subdivision (31 lots along both
17 sides of North Canyon Road between Davis Boulevard and 400 East street) is ready for
18 development and has been reviewed by staff and the Planning Commission. Final approval is
19 recommended subject to the following conditions:

- 20 1. Final review and correction of the subdivision.
- 21 2. Payment of all required subdivision fees including but not limited to
 - 22 a) culinary water fee
 - 23 b) underground power fee
 - 24 c) storm detention fee
 - 25 d) subdivision fees
 - 26 e) street signs
- 27 3. Posting of a subdivision bond to guarantee the completion of all site improvements
28 except for the City's portion.
- 29 4. Providing a current title report.
- 30 5. Signing and recording of the subdivision plat by all owners of property involved as
31 per the title report.
- 32 6. Compliance with all other city ordinances and standards.

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34 Discussion followed regarding the subdivision fees and clear title to the property. Mr.
35 Balling reported that Larry Britton has presented documents regarding claim to a portion of the
36 property and these claims will need to be resolved prior to approval of the subdivision.
37 Councilman Fowler made a motion to grant preliminary subdivision approval to the Lewis Park
38 Subdivision and final approval to Phase I, Plat A, subject to the above conditions and resolution
39 of the property title question raised by Mr. Britton. Councilman Shafter seconded the motion
40 which carried unanimously.

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44 **PRELIMINARY AND FINAL APPROVAL GRANTED**
45 **FOR CONDITIONAL USE PERMIT FOR PUD AT**
46 **450 EAST HIGHLAND OAKS DR., D. HARRIS, DEVELOPER**

1 Mr. Balling presented the request of developer Douglas Harris for an 11-unit Planned
2 Unit Development at 450 East Highland Oaks Drive. The proposal was granted conceptual
3 approval by the Planning Commission on October 8, 1996. Mr. Harris has moved the entrance
4 road to the west eliminating the encroachment on the 30% sloping hillside. The layout sill
5 requires some variances to the foothill ordinance; however, the plan is much more compatible
6 with the terrain and following a review by the Planning Commission, comes with a positive
7 recommendation to the City Council, subject to the following conditions:

- 8
- 9 1. Granting an exception for a slight encroachment of two building pads of 7,500 sq.
10 ft. total (2% of project) on 30% slope.
- 11 2. Granting an exception for cuts to exceed 10 ft. on 12,000 sq. ft. of property (3% of
12 project).
- 13 3. Granting an exception to allow the private access road to be constructed to 15%
14 maximum grade.
- 15 4. Providing outlet piping to drain detention basin to the storm drain at 3650 South
16 Bountiful Boulevard.
- 17 5. Completion of final engineering drawings to the standards of Bountiful City.
- 18 6. Completion of the storm run-off report.
- 19 7. Posting of bond and payment of fees as required at final approval.
- 20 8. Submission of a title report and covenants at final approval.
- 21 9. Compliance with all other development standards, ordinances, and regulations of
22 Bountiful City.
- 23 10. Changing the entrance road to provide 20 ft. radius on curb returns.
- 24 11. Changing the retaining wall to meet the sight clearance at the corner and
25 constructing a two tiered wall where the cut height exceeds 8 feet with staff
26 approving final retaining wall design.
- 27 12. Security gate must meet access operation requirements for fire, police and garbage
28 collection subject to staff's approval.
- 29

30 Mr. Balling requested that a 13th condition be added to require granting an easement over the
31 property for installation of the improvements, to be effective until such time that the PUD is
32 recorded. Councilman Fowler made a motion to grant preliminary and final approval for the
33 conditional use permit for the PUD as recommended. Councilman Shafter seconded the motion
34 and voting was unanimous.

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36 **RES. NO. 97-3 ADOPTED AMENDING**
37 **BOUNTIFUL CITY SEWER FEES**

38 Mr. Hardy reviewed that the Water Committee met last week and following a review of
39 the Water and Sewer budget, it is the recommendation of that committee that a previously
40 authorized \$.25 per month fee increase be made. The Committee also recommended that South
41 Davis Sewer be contacted to see how they are charging their additional fees. It is recommended
42 that Resolution No. 97-3 be adopted which provides for an immediate fee increase of \$.25. After
43 information from South Davis Sewer is received, it is anticipated that specific allocation of the
44 fee may be addressed later in the summer or fall.

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46 Councilman Johnson made a motion that Res. No. 97-3, A RESOLUTION

1 AMENDING BOUNTIFUL CITY SEWER FEES, be adopted for the purpose of increasing the
2 sewer monthly fee by \$.25 per connection. Councilman Fowler seconded the motion and voting
3 was unanimous.

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5 **COUNCIL COMMITTEE REPORTS**

6 Mr. Mahan explained that last week he requested a change in one of the conditions of
7 final approval for Bountiful Ridges Subdivision, Phase I (see minutes of April 16, 1997, page 6--
8 7). That change was to require that completion of off site improvements be guaranteed by
9 posting of a letter of credit. The developer (Boyer Company) is the largest single developer in
10 Utah and this matter has been reconsidered. Mr. Mahan recommended that site improvements
11 for Phase 1 be guaranteed with a surety bond (in the amount of \$877,347.50), and that all
12 following phases be guaranteed by a Letter of Credit. Councilman Fowler made a motion to this
13 effect, Councilman Shafter seconded it and voting was unanimous.

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15 On behalf of every member of the Police Department, Chief Rapp expressed gratitude
16 for the unwavering support which the Council has given the Police Department. On behalf of the
17 Department, a cake was presented as a "thank you".

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19 Mr. Hardy reported that there is an increasing problem of used cars being parked in
20 highly visible (private) areas for the purpose of being sold. He asked the Council if they would
21 like to reconsider a previously prepared ordinance which would prohibit car sales on private
22 property. The basis for this action is to provide support for the dealers who operate from a
23 licensed location. The Council expressed support of this idea and Mr. Mahan indicated that he
24 will have an ordinance prepared for consideration as soon as notice requirements can be met.

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26 Councilman Shafter reported that the Colonial Lumber building which was purchased
27 by the Power Department will be used for storage and other Power Department needs and not
28 leased for a commercial site as previously reported.

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30 The meeting adjourned at 8:35 p.m. on a motion made by Councilwoman Holt and
31 seconded by Councilman Johnson.

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JOHN R. CUSHING, Mayor

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40 ARDEN F. JENSON, City Recorder

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