

1 Minutes of the regular meeting of the City Council held March 5, 1997 at 7:00 p.m. in the  
2 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. Johnson,  
6 City Manager: Tom Hardy  
7 City Attorney: Russell Mahan  
8 City Engineer: Jack P. Balling  
9 City Recorder: Arden F. Jenson  
10 Dep. City Recorder: Kim Coleman  
11 Planning Director: Blaine Gehring  
12 Department Head: Jerry Lemon, Fire Chief  
13 Recording Secretary: Nancy T. Lawrence  
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15 Official Notice of this meeting had been given by posting a written notice of same and an  
16 Agenda at the City Hall and providing copies to the following newspapers of general circulation:  
17 Davis County Clipper, Deseret News, and Salt Lake Tribune.  
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19 Mayor Cushing called the meeting to order and recognized the visiting Boy Scouts.  
20 Councilman Shafter led the pledge of allegiance to the flag. Councilman Fowler offered the  
21 invocation.  
22

23 Minutes of the regular meeting of the City Council held February 19, 1997 will be  
24 presented for approval at a future meeting.  
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26 **EXPENDITURE AND EXPENSE REPORTS**  
27 **APPROVED FOR FEBRUARY**

28 Mr. Jenson presented the Expenditure and Expense Report for the following periods:  
29 February 14-20, 1997 (\$105,158.46) and February 21-27, 1997 (\$242,251.41). Following a short  
30 discussion, both reports were unanimously approved on a motion made by Councilman Shafter  
31 and seconded by Councilman Johnson.  
32

33 **CONSIDER THE RENAMING OF FREMONT ROAD**  
34 **IN BARTON WOODS PUD TO LAKECREST ROAD**

35 This Agenda item canceled.  
36

37 **RECONSIDER TEMPLE RIDGE SUBDIVISION CONDITIONS**

38 Mr. Balling explained that since Temple Ridge subdivision was approved for  
39 development in 1994, earth movements and land sliding began to occur throughout the  
40 subdivision in the spring of 1996. All building permits have been denied since that time and the  
41 developer has been required by the City to furnish an acceptable plan to stop the earth movement  
42 problems and complete the work necessary to protect the property, utilities and ownership from  
43 damages.

44 It is the perception of the staff that the conditions for approval of this subdivision have  
45 substantially changed because of the land sliding. Staff recommends that the City Council

1 review the subdivision and set new conditions to guarantee the completion of the subdivision.  
2 Following discussion, Councilman Fowler made a motion that the Council enter a preliminary  
3 finding that the physical conditions existing at Temple Ridge subdivision have changed  
4 substantially since the subdivision approval given in 1993; and that the health, safety and welfare  
5 of the citizens and the protection of property are at risk. He further moved that the City Council  
6 reconsider the conditions of approval of the Temple Ridge subdivision; that the matter be  
7 reviewed by the Planning Commission before coming back to the Council; and that pending  
8 Council review, no further construction, building or other permits are to be issued for work  
9 within the subdivision. The suggested dates for review of this matter were March 18 (Planning  
10 Commission) and March 26 (City Council), with an extension of time as may be requested by the  
11 developer. Councilwoman Wilcox seconded the motion and voting was unanimous.

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13 **CONSIDER AWARDING CONTRACT FOR PROVIDING**  
14 **AERIAL SURVEY MAPS TO BOUNTIFUL**

15 Mr. Balling reported that the City budgeted \$30,000 in the current budget year to replace  
16 the city aerial survey maps that are now ten years old. Bids were requested for this service and  
17 four firms responded. He reviewed the bid proposals and recommended that the contract be  
18 awarded to Olympus Aerial Survey in the amount of \$65,230.00. (This amount includes  
19 photography, digital images, and three sets of maps (1"=50'; 1"=100'; and 1"=200' w/contours).  
20 This recommendation was based on the amount of the bid, plus the fact that Olympus would  
21 produce high resolution plots.

22  
23 Mr. Balling requested that even though the budgeted amount is less than the proposal, the  
24 bid be approved at this time to permit the aerial flights to be made before the leaves come out on  
25 the trees. The maps can then be completed after July 1, 1997 and the remainder of the costs  
26 (\$35,230) can be included in the 1997-98 budget. Following discussion, Councilman Fowler  
27 made a motion to award the contract to Olympus Aerial Survey as recommended.  
28 Councilwoman Holt seconded the motion and voting was unanimous.

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30 **CONSIDER ACCEPTANCE OF ANNEXATION PETITION**  
31 **FOR LOT ON THE NORTHEAST END OF CITY**

32 Mr. Mahan reviewed that a Request for Annexation petition was presented to the City on  
33 October 22, 1996 for an undeveloped area on the northeast corner of the city near Bountiful  
34 Boulevard. Statute requires a 120-day waiting period before any action can be taken on the  
35 petition and that time has passed. The next step in the annexation process, if the Council feels so  
36 inclined, is to adopt a resolution accepting the petition and set a public hearing. He  
37 recommended that the public hearing be set for April 16, 1997 at 7:30 p.m. Councilman Johnson  
38 made a motion to adopt Resolution No. 97-1 entitled A RESOLUTION ACCEPTING A  
39 PETITION FOR ANNEXATION FOR THE PURPOSE OF PREPARING A POLICY  
40 DECLARATION, and to set the hearing as recommended. Councilman Shafter seconded the  
41 motion and voting was unanimous.

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43 **PUBLIC HEARING TO CONSIDER AMENDING ZONING**

1 **ORDINANCE RE: REAR and SIDE YARD SETBACKS AND APPEALS**  
2 **TO BOARD OF ADJUSTMENT**

3 Mr. Gehring reviewed that the 1983 version of the zoning ordinance included a provision  
4 that does not provide a corrective action for long established uses. The ordinance, as written,  
5 provides for permanent roofs or canopies to be added to a building after the original  
6 construction, diminishing the rear and/or side yard setback by one half. He noted that he had no  
7 problem with the affect on rear yards. However, it could result in a side yard of only 4 feet,  
8 which does not provide for adequate fire protection and other purposes of the ordinance. The  
9 Planning Commission has reviewed this matter and recommends that the ordinance be changed  
10 to allow for specifically defined uses to extend into the rear yard, but that side yards not be  
11 changed.  
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13 Another matter needing attention was a section of the ordinance relating to appeals to the  
14 Board of Adjustment. There is an existing subsection in the ordinance which allows for appeals  
15 for final decisions on site plans from the Planning Commission. Inasmuch as the Planning  
16 Commission only makes recommendations to the City Council, this section is not only in error  
17 but unnecessary. It is proposed that any reference to decisions by the Planning Commission in  
18 this section be removed as a housekeeping measure.  
19

20 To make the corrections to the ordinance as proposed, Mr. Gehring recommended that  
21 Ord. No. 97-5 entitled AN ORDINANCE AMENDING SECTIONS 14-4-110 B., 14-5-110 B.,  
22 AND 14-6-110 B. REGARDING REAR SETBACKS FOR ROOFS AND CANOPIES AND  
23 SECTION 14-2-607 REGARDING APPEALS TO THE BOARD OF ADJUSTMENT be  
24 adopted.  
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26 The Mayor opened the hearing and called for comments from those in attendance. There  
27 were none. The hearing was closed and Councilman Fowler made a motion to adopt Ord. No.  
28 97-5 as recommended. Councilman Johnson seconded the motion and voting was unanimous.  
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30 **COUNCIL COMMITTEE REPORTS**

31 Councilman Shafter reported that the former Colonial Lumber building which the City  
32 owns has had improvements made to it and will house an antique business.  
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34 **EXECUTIVE SESSION APPROVED**

35 At the request of the Mayor, Councilwoman Wilcox made a motion to adjourn to  
36 executive session for the purpose of discussing personnel. Councilman Shafter seconded the  
37 motion which carried unanimously.  
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39 The meeting adjourned to executive session at 7:34 p.m.  
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41 **Attendance at executive session:**

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43 Mayor Cushing

1 Councilmembers Shafter, Johnson, Holt, Fowler, and Wilcox  
2 City Manager, Tom Hardy  
3 City Attorney, Russell Mahan  
4 Fire Chief, Jerry Lemon

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JOHN R. CUSHING, Mayor

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ARDEN F. JENSON, City Recorder

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