

1 Minutes of the regular meeting of the City Council held January 27, 1999 at 7:00 p.m.
2 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, Stewart Knowlton and C.
7 Harold Shafter
8 City Attorney: Russell Mahan
9 City Engineer: Paul Rowland
10 City Recorder: Kim Coleman
11 Planning/RDA Director: Blaine Gehring
12 Recording Secretary: Nancy T. Lawrence
13
14 Excused: City Manager: Tom Hardy
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.
19

20 Mayor Cushing called the meeting to order, following which Councilman Shafter led
21 the pledge of allegiance to the flag. The invocation was offered by Councilman Johnson.
22

23 Minutes of the regular meetings of the City Council held January 13, 1999 and January
24 20, 1999 were presented and approved as written on a motion made by Councilman Fowler and
25 seconded by Councilman Shafter. Voting was unanimous for the January 20th meeting;
26 Councilman Johnson abstained from voting on the minutes of January 13, 1999.
27

28 **EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS**
29 **APPROVED FOR PERIOD JANUARY 15-21, 1999**

30 Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000
31 with total disbursements for the period January 15-21, 1999 in the amount of \$651,433.70. Mr.
32 Coleman explained that the expenditure for a 1999 4x4 emergency medical vehicle for the Fire
33 Department was for a new ambulance. Councilman Shafter asked about the drug testing
34 program for city employees and discussion followed. The expenditure report was unanimously
35 approved on a motion made by Councilman Johnson and seconded by Councilman Shafter.
36

37 **CONTRACT WITH CITY MANAGER RENEWED**

38 Mayor Cushing explained that the contract of the City Manager is reviewed on a two-
39 year basis and the Council has performed this review, both verbally and in writing, in a recent
40 executive session. He noted that Mr. Hardy has done an excellent job for the citizens of the City.
41 Councilwoman Holt made a motion to renew the contract with Mr. Hardy and that this contract
42 be reconsidered again in January, 2001. Councilman Fowler seconded the motion which carried
43 unanimously.
44

45 **PUBLIC HEARING TO CONSIDER ZONE CHANGE -**
46 **ELLEN WINEGAR PROPERTY AT 2084 SO ORCHARD DR.**

47 Mr. Gehring reviewed that this is the third zone change request associated with this
48 property to make the front and rear parcels the same zoning. For the first time, the subject
49 property is the rear parcel. He reviewed the zoning history of the property and explained that the
50 most recent change of zoning (from Neighborhood 6 District 8—a blend of
51 residential/commercial uses—to R-3-16) took place in 1992. At this time, the city initiated a

1 major change in the zoning ordinance and the subject property owner (Ellen Winegar) was not
2 aware that the rezoning had taken place. (The required legal notice was published in the
3 newspaper, but residents were not required to be notified as individuals). Mr. Gehring stated
4 that the proposed rezoning request, for the rear parcel to be rezoned from R-3-16 to commercial
5 C-G, has been discussed by the Planning Commission and comes to the Council with a
6 unanimous favorable recommendation.

7
8 Councilman Shafter asked if the rear property could be developed, and Mr. Gehring
9 noted that it lacks legal frontage. If both parcels were under one ownership, there is a possibility
10 that it could be developed, assuming that the 31-ft. right-of-way between buildings is not
11 encroached on.

12
13 At 7:15 p.m. Mayor Cushing opened the public hearing. Leon Hoffman, 2032 Penman
14 Lane, requested clarification as to whether or not the property is landlocked and the staff
15 explained that single ownership would permit development if the access has not been encroached
16 on. Mrs. Ellen Winegar, property owner, explained that she is a part-owner in the front parcel of
17 property and she reiterated that the property was down zoned in 1992 without her knowledge.
18 Jeremy Jenkins, lessee of the neighboring tire store building, expressed concern that he could
19 lose his lease and the investment he has made in the property if the Winegars decided to tear
20 down that building to accommodate building on the rear property.

21
22 Gary Lindeburgh, 2057 Penman Lane, expressed concern about drainage problems
23 which could result if and when the subject property is developed and he requested that the
24 rezoning approval be subject to the Winegars submitting a plan for development. Claudia
25 Lindeburgh (same address) challenged the wisdom of creating additional commercial zoning.
26 Laura Hoffman, 91 West 2200 South, said she was afraid that the area, if zoned and developed
27 commercial, would become blighted. Gerald S. Jordan, 2186 Penman Lane, stated that it was
28 frustrating to not know from year to year what is happening in their neighborhood and he asked
29 if this property could be developed into a small park. He expressed concern with the storm drain
30 on 2200 South and the back washing on Penman Lane. The hearing was closed at 7:52 p.m.

31
32 Councilman Knowlton said he would feel more comfortable if he knew how the
33 property would be developed; however, Mr. Mahan clarified that the City cannot require that it
34 be zoned for a specific plan. Councilwoman Holt made a motion to approve the request for a
35 zone change and that Ordinance No. 99-2 entitled AN ORDINANCE AMENDING SECTION
36 14-2-102 OF THE BOUNTIFUL CITY CODE BY AMENDING THE OFFICIAL ZONING
37 MAP OF BOUNTIFUL CITY TO REZONE PROPERTY LOCATED AT 2084 SOUTH
38 ORCHARD DRIVE (REAR) FROM R-3-16 TO C-G, be adopted. Councilman Fowler
39 seconded the motion which carried by a majority. Councilmen Shafter and Knowlton voted
40 “nay”.

41
42
43 **PUBLIC HEARING TO CONSIDER AMENDING**
44 **SUBDIVISION PLAT - CREEKWOOD PLAT A AND**
45 **NORTH CANYON ESTATES PLAT C; PRELIMINARY**
46 **AND FINAL APPROVAL FOR CREEKWOOD**

OF INDIAN SPRINGS PLAT D

At 7:56 p.m. Mayor Cushing opened the public hearing to consider preliminary and final approval for Creekwood of Indian Springs Plat D. Mr. Rowland explained that this three-lot subdivision will be formed by combining property from Creekwood of Indian Springs Plat A and North Canyon Estates Plat C. The staff and Planning Commission have reviewed the plat and it comes to the Council with a recommendation for approval, subject to the following conditions:

- 1. Resubmit the plat with the appropriate corrections.
- 2. Payment of Bountiful City Fees.
- 3. All homes must be built outside of and above the 100-year flood plain.
- 4. All other requirements of the zoning ordinance and the Uniform Building Code are met by any new buildings.

There was no input from the public and the hearing was closed at 8:01 p.m. Councilwoman Holt made a motion to adopt Ordinance No. 99-3 entitled AN ORDINANCE VACATING LOT 1 FROM NORTH CANYON ESTATES PLAT C SUBDIVISION, AND VACATING LOTS 2, 3 AND 4 FROM CREEKWOOD OF INDIAN SPRINGS PLAT A, IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE PURPOSE OF BEING INCORPORATED INTO A NEW SUBDIVISION, and to grant preliminary and final approval for Creekwood of Indian Springs Plat D, as recommended. Councilman Shafter seconded the motion and voting was unanimous.

STATE OF THE CITY REPORT - MAYOR CUSHING

Mayor Cushing reported that Bountiful is in a solid and stable position with a bright outlook for the future. He said that the mission statement of the City has been to provide citizens with the highest quality services at the lowest cost; and to provide value to the citizens in the services that are provided. He noted that Bountiful has one of the lowest property tax rates in the State and Davis County. The rates charged by the City for water, sewer, sanitation and electricity are lower than many other cities in Davis County and among the lowest in the state. He reviewed examples of the outstanding quality of services which are provided and noted that the Master Plan has been followed to provide for orderly development and to assure that there will be sufficient capacity of all utilities to support build-out. The health and well-being of the citizens ranks high compared to other cities in the county, and the financial condition of the City is excellent.

The Mayor cited three challenges which the City will face, if the outstanding quality of life is to continue to be enjoyed: (1) the general and capital improvement funds have not grown at the rate of expenditures over the past several years due to the slow growth of sales tax and property tax. To continue to provide essential services of police, fire and street maintenance, the City will be challenged to become more efficient and to find new opportunities to expand the tax base. The City continues to be imposed upon by State and Federal regulations that require costs, supply no funding, and do not improve the quality of life. (2) In the area of deregulation of power, Bountiful must find ways to provide a competitive resource or risk losing customers to

1 other providers. (3) Bountiful recreational facilities are facing new competition from private
2 facilities and must step up to the competition to maintain the revenue stream experienced in the
3 past. The Mayor summarized by stating that he is optimistic about Bountiful's future and he said
4 that it will be recognized as a world class city for which we must exercise vision, wisdom, and
5 prudent stewardship.

6
7 The meeting adjourned at 8:20 p.m. on a motion made by Councilman Johnson and
8 seconded by Councilwoman Holt.

9
10
11
12
13 JOHN R. CUSHING, Mayor
14
15
16

17
18 KIM J. COLEMAN, City Recorder
19

20 * * * * *