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# Minutes of the Bountiful City Council Meeting

City Council Chambers  
June 16, 1999 - 7:05 p.m.

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Present:	Mayor	John R. Cushing
	Council Members	Samuel R. Fowler, Barbara Holt, Alan A. Johnson, Stewart Knowlton, Harold Shafter
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim Coleman
	City Treasurer	Mark McRae
	Planning/RDA Director	Blaine Gehring
	Recording Secretary	Ellen H. Call

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

Mayor Cushing called the meeting to order at 7:05 p.m. following an RDA meeting, and welcomed the visiting Scouts and others in attendance.

## **APPROVAL OF MINUTES**

Minutes of the regular City Council meeting held June 9, 1999 were presented, and it was noted that the minutes should reflect that Councilmember Holt was excused. Councilman Shafter made a motion, seconded by Councilman Johnson, to approve the minutes as corrected, and voting was unanimous. Councilmen Shafter, Johnson, Fowler, and Knowlton voted "aye", and Councilmember Holt abstained.

At this time the pledge of allegiance to the flag was led by Mayor Cushing, and Councilman Fowler offered the invocation.

## **EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS APPROVED FOR PERIOD JUNE 4-11, 1999**

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000 for the period June 4-11, 1999, totaling \$404,949.57. Mr. Coleman explained that the unusually low payment for UAMPS power purchases was due to a refund credited to the city. Councilman Fowler made a motion to accept the report as presented, seconded by Councilmember Holt, and voting was unanimous. Councilpersons Fowler, Holt, Johnson, Knowlton, and Shafter voted "aye".

1 **RECOGNITION OF JANICE MC ILRATH**  
2 **RECENTLY RETIRED CITY EMPLOYEE**

3 *Mark McRae noted that Janice McIlrath has worked for Bountiful City for 23 years in the*  
4 *utility billing department, and during that time has seen many changes, including the switch-*  
5 *over to computerized billing. She has most recently held the position of utility billing supervisor,*  
6 *and has also served on the Employees' Committee, been the city's representative to the United*  
7 *Way, and for several years has assumed the responsibility of employee awards. He thanked*  
8 *Janice for her many years of service and the excellent job she has done.*

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10 *Mayor Cushing commended Janice for her faithfulness and for her effort to do her job*  
11 *well and assist her department in running efficiently. He presented her with a gift on behalf of*  
12 *the city. Janice said she has enjoyed her association with the employees and especially enjoyed*  
13 *working with the customers.*

14  
15 **ZONING ORDINANCE AMENDED TO MAKE**  
16 **CHURCHES A PERMITTED USE IN RESIDENTIAL ZONES**

17 *Mr. Gehring explained that for many years churches were considered as permitted uses*  
18 *in residential zones in Bountiful. When the Zoning Ordinance was re-worked, reviewed and*  
19 *adopted in 1993, churches were inadvertently designated as a conditional use. It is felt that the*  
20 *ordinance should be corrected to return churches to their former status as permitted uses in*  
21 *residential zones. This recommendation has been reviewed by the Planning Commission and is*  
22 *being sent to the City Council with their unanimous favorable support.*

23  
24 *At 7:21 p.m. Mayor Cushing opened the public hearing for comment. There was none,*  
25 *and the public hearing was closed. Councilmember Holt made a motion to adopt **Ordinance No.***  
26 ***99-15, AN ORDINANCE AMENDING SECTIONS 14-4-103, 14-5-103, AND 14-6-103 OF THE***  
27 ***BOUNTIFUL CITY ZONING ORDINANCE BY REMOVING CHURCHES AS CONDITIONAL***  
28 ***USES IN RESIDENTIAL ZONES AND AMENDING SECTIONS 14-4-102, 14-5-102, AND 14-6-***  
29 ***102 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY MAKING CHURCHES***  
30 ***PERMITTED USES IN RESIDENTIAL ZONES.** Councilman Johnson seconded the motion and*  
31 *voting was unanimous. Councilpersons Fowler, Holt, Johnson, Knowlton, and Shafter voted*  
32 *“aye”.*

33  
34 **AGENDA ITEM #5 TO ADOPT**  
35 **1999-2000 FISCAL YEAR BUDGET TABLED**

36 *Mr. Hardy reported that the County has not yet provided the information necessary to*  
37 *complete the City's budget process. The State Tax Commission will waive the deadline to adopt*  
38 *the budget, and this ordinance will be considered when the figures are complete.*

39  
40 **HEARING TO CONSIDER PROJECT IMPROVEMENT**  
41 **FEES ON HIGHLAND OAKS SUBDIVISION**

42 *At 7:23 p.m. Mayor Cushing prefaced the hearing by informing those present that the*  
43 *Council had been given background information concerning the Highland Oaks Subdivision*  
44 *matter to review and study prior to this meeting. He then opened the hearing to anyone who had*  
45 *a desire to address the Council, and also invited them to submit any written information that*

1 they would like the Council to review.

2 **Attorney Mark Poulson**, counsel for Highland Oaks LLC, stated that his client, George  
3 Hatsas, purchased the property previously owned by the developers, John Clark and Kent  
4 Hoggan, for \$2.4 million. The standard purchase agreement promised him a fully completed  
5 project. He further stated that everyone knew there were some minor improvements that needed  
6 completion, and he even observed a sag in the sewer line. He contends that the City's  
7 recommendation to remedy the situation was further compaction, and in order to comply the  
8 contractor brought in a pile driver type machine, and that was what obliterated the pipe. The  
9 city's attempt to make repairs within the bond amount was not possible, and therefore a shortfall  
10 occurred.

11  
12 His client has been paying interest on the \$2.4 million since 1997, and there is no hope of  
13 selling lots with the development in its present condition. He is unable to sustain the \$7,500-  
14 per-lot surcharge being proposed by the City. It is his feeling that the cost over-run is a result of  
15 remedial repairs, not completion costs, and it should not be paid by the property owners. He  
16 suggested that the City draw from its General Fund and assume the responsibility of making the  
17 repairs.

18  
19 **Joe Luke** is the owner of one of the lots in Highland Oaks and has done everything  
20 required by the City to prepare his flag lot for building. He feels as though he is being singled  
21 out for attempting to build a beautiful home on the east bench, as the location gives the  
22 impression that they are wealthy. It is also his opinion that the damage was done by  
23 compression over the sewer line, ordered by the city, and that the city should absorb the repair  
24 cost inasmuch as they had already approved the sewer line installation. It is his belief that the  
25 mistake was made by the city. He bought the lot with the understanding that the development  
26 would be finished by the following September, and that they would be protected by the  
27 development bond.

28 **Mrs. Carolyn Luke** referred to the Notice of Hearing they received, itemizing the cost  
29 over-run as basically repair work to the sewer.

30  
31 Mr. Mahan stated that the Engineering Department had prepared a memorandum and  
32 materials regarding the Highland Oaks problem in addition to the information he had provided,  
33 and these were all given to the Council members for their review prior to this meeting, along  
34 with a letter from Mike McLelland, a resident in Highland Oaks. He emphasized to Mr.  
35 Poulson, Mr. Hatsas, and Mr. and Mrs. Luke that if they wanted to submit something in writing  
36 in the next few days it would be distributed to the Council as well. They had all received copies  
37 of the printed information which was supplied to the Council members, and it is available to  
38 anyone else who would be interested.

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40 No action was taken on the matter, and it will be taken under advisement for further  
41 review. Mayor Cushing closed the hearing at 7:48 p.m.

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43 **EXECUTIVE SESSION**

44 At 7:50 p.m. Councilman Shafter made a motion to adjourn the meeting to Executive  
45 Session to discuss personnel and pending litigation. Councilman Johnson seconded the motion

1 *and voting was unanimous, with Councilmembers Fowler, Holt, Johnson, Knowlton, and Shafter*  
2 *voting "aye".*

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4 *Attendance at Executive Session*

5 *Mayor John Cushing*

6 *Councilmembers Fowler, Holt, Johnson, Knowlton, and Shafter*

7 *Tom Hardy*

8 *Russell Mahan*

9 *Paul Rowland*

10 *Mark Franc*

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15 *JOHN R. CUSHING, Mayor*

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20 *KIM J. COLEMAN, City Recorder*

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