

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Minutes of the Bountiful City Council Meeting Planning Conference Room April 14, 1999 - 7:03 p.m.

18
19
20
21
22
23
24
25
26
27
28
29
30

Present:	Mayor:	John R. Cushing
	Council Members:	C. Harold Shafter, Samuel R. Fowler, Barbara Holt, Alan A. Johnson, and Stewart Knowlton
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim Coleman
	Planning/RDA Director:	Blaine Gehring
	Department Head:	Clifford Michaelis, Power
	Recording Secretary:	Nancy T. Lawrence

31
32
33
34
35
36
37
38
39
40
41

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.

42
43
44
45
46
47
48

Mayor Cushing called the meeting to order, following which Patrick Skorut (Boy Scout from Troop 220) led the pledge of allegiance to the flag. The invocation was offered by Councilman Johnson.

Minutes of the regular meeting of the City Council held March 24, 1999 were presented and unanimously approved as amended on a motion made by Councilman Shafter and seconded by Councilman Johnson. Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voted yea.

EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR THREE MARCH PERIODS

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000, with total disbursements for the following periods:

March 19-25, 1999	\$ 320,814.51
March 26 - April 1, 1999	258,466.47
Summary of Expenditures & Expenses for March, 1999	2,276,437.55

Following a brief discussion, Councilman Shafter made a motion to approve all three reports. Councilman Johnson seconded the motion which carried unanimously with Councilmembers Shafter, Johnson, Holt, Fowler, and Knowlton voting yea.

UAMPS AMENDED AND RESTATED
JOINT ACTION AGREEMENT APPROVED

Mr. Michaelis reported that the Planning Commission and staff have reviewed the UAMPS Amended and Restated Joint Action Agreement ("Joint Action Agreement") and have recommended that the Council approve it. He explained that over the past several months the Executive Committee of UAMPS (Utah Associated Municipal Power Systems) has been reviewing the Joint Action Agreement for the purpose of making recommended structure

1 changes to UAMPS. These changes are necessary so that UAMPS can operate in the best
2 interest of each municipality which is presently a member, and those municipalities who might
3 join. Mr. Michaelis reviewed the main points of the Joint Action Agreement and recommended
4 that it be approved via adoption of Resolution 99-2 entitled A RESOLUTION AUTHORIZING
5 THE EXECUTION AND DELIVERY OF THE UTAH ASSOCIATED MUNICIPAL POWER
6 SYSTEMS AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE
7 ACTION; AND RELATED MATTERS. Following discussion, Councilman Fowler made a
8 motion to adopt the resolution and Councilwoman Holt seconded the motion. Voting was
9 unanimous with Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voting yea.

10
11 **RE-PRELIMINARY RE-APPROVAL GRANTED TO**
12 **BRIDLEWOOD SOUTH SBDVN., PHASE 4**

13 Mr. Rowland explained that Bridlewood South Subdivision (Steve Randall and Merrill
14 Bunker, developers) was granted preliminary approval in May of 1996. As part of that approval,
15 exceptions were granted. Three phases (of four) of the work have been completed based on the
16 original preliminary approval. However, the developers are now requesting a new preliminary
17 approval for the final phase of the subdivision, based on the existing ground conditions.

18
19 A resurvey of the property establishes the overall slope at 15.02%, which is just under the
20 cut-off line for larger lots. This would allow for 12,000 square foot lots in this area. Other
21 exceptions which will also still apply in this last phase are:

- 22 1. There is an area of fill for the lower road that exceeds 10 feet;
- 23 2. The slope for the road will be at or just slightly over 12% for about 150 feet.
- 24 3. Allow the grading of lots to provide proper building pads per the original
25 preliminary approval.

26 (One lot on the resubmitted preliminary plat (lot 410) shows virtually all of the buildable
27 area on fill from Bountiful Blvd. This lot will be very difficult to build on as configured).

28 It is the recommendation of the Planning Commission and staff that re-preliminary re-
29 approval be granted to Bridlewood South, Phase Four, with the exceptions listed above and the
30 following conditions:

- 31
32
33 1. The City Engineer to review Lot 410 as to whether building on it will meet
34 building codes.
- 35 2. Eliminate the wall from the road fill on the west side of Lot 407 and provide
36 detail for option treatment.
- 37 3. Provide onsite detention for storm water or pay the storm detention fee of \$2,100
38 per acre. (The fee has been paid in the previous three phases.)
- 39 4. Pay all other fees and post required bond before final plats are recorded.
- 40 5. Compliance with all other applicable requirements in final approval of the
41 Subdivision.

42
43 Following consideration by the Council, Councilwoman Holt made a motion that the
44 recommendation of the Planning Commission be accepted and re-preliminary re-approval be
45 granted. Councilman Shafter seconded the motion. The motion passed by unanimous vote with
46 Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voting yea.
47

1 **PUBLIC HEARING TO CONSIDER ORD. 99-7 RE:**
2 **TWIN HOLLOWES SUBDIVISION**

3 Mr. Rowland explained that a request has been received from Steve Phipps to divide
4 Twin Hollowes Lot 2 into two separate lots. The lot can be vacated by ordinance and reapproved
5 as a new subdivision. He noted that there is an existing home on this lot. When and if the lot is
6 divided (Lots 202 and 201), both lots would meet the ordinance requirements regarding square
7 footage. However, Lot 202 would be an odd-shaped corner lot and could have a 30-foot and a
8 20-foot setback off either of the streets contiguous to the lot. The Planning Commission has
9 reviewed this matter and recommends preliminary and final subdivision approval of this request
10 along with the vacation of Lot 2 of the Twin Hollowes Subdivision, with the following
11 conditions:

- 13 1. Granting of an exception to allow for a 20-foot setback from either street to be
14 placed on the plat prior to recording.
- 15 2. Payment of the required checking and recording fees.

16
17 At 7:23 p.m. Mayor Cushing opened the public hearing regarding this matter. Steve
18 Phipps, developer, explained that the original large lot (Lot 2 of Twin Hollowes Sbdvn.) was
19 owned by his mother and she requested in her will that the lot be split to accommodate homes for
20 two of his siblings.

21
22 Larry Elkington, owner of Lot 3, read an e-mail from the owner of lot 5 (Glen Pace). Mr.
23 Pace indicated that he would object to this action if the proposed new home was two-story. Mr.
24 Elkington further stated that the owners of the homes on the circle built on what was then vacant
25 property (the unused portion of Lot 2) because they thought it would never be built on.

26
27 Mr. Gehring read a letter of opposition to the request to vacate based on the fact that the
28 other lots in the area would be de-valued by splitting Lot 2 into two small lots.

29
30 Mr. Phipps explained that the proposed home to be built on the newly-created lot would
31 not be as high as the existing pine trees. The hearing was closed at 7:35 p.m.

32
33 Mr. Mahan reviewed Ordinance No. 99-7 entitled AN ORDINANCE VACATING
34 PORTIONS OF LOTS 1 AND 2 FROM TWIN HOLLOWES SUBDIVISION IN BOUNTIFUL,
35 DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE
36 PURPOSE OF BEING INCORPORATED INTO THE NEW TWIN HOLLOWES PHASE 2
37 SUBDIVISION. He emphasized that the conditions necessary for granting permission to vacate
38 the lots are: (1) *good cause* and (2) *that such action would not materially injure the public nor*
39 *any person*.

40
41 Following discussion, Councilwoman Holt made a motion to approve Ord. No. 99-7 as
42 presented and to grant preliminary and final approval of Twin Hollowes Phase 2 as recommended
43 by the Planning Commission. Councilman Johnson seconded the motion which carried
44 unanimously. Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voted yea.

45
46
47 **PUBLIC HEARING TO CONSIDER VACATING PORTION**

1 **OF VAL VERDA SBDVN; PRELIMINARY AND FINAL**
2 **APPROVAL OF GUNTHER SUBDIVISION**

3 Mr. Rowland explained that when Davis Boulevard was extended, portions of Lots 38, 39
4 and 40 of Val Verda Plat A Subdivision were taken for the road. Ronald and Louise Gunther are
5 the owners of the remnants of those lots and are proposing a 5-lot subdivision, excluding the
6 remaining portion of Lot 38 where their home is. Another home was recently built on what will
7 be Lot 1. The other proposed lots are vacant and will face improved streets with curb, gutter and
8 sidewalk, so that this plat can be recorded without the posting of a bond.

9
10 Mayor Cushing opened the public hearing at 7:37 p.m. No one was in attendance to
11 speak to this matter and the hearing was closed. Mr. Rowland reported that the Planning
12 Commission has reviewed the request and recommends preliminary and final approval be
13 granted to the Gunther Subdivision and that the vacation of the affected portions of Lots 38 and
14 39 of Block 3 of Val Verda Plat A Subdivision be approved, along with the payment of the
15 required subdivision fees, and receipt of the title report and all required signatures for recording.

16
17 Councilwoman Holt made a motion to adopt Ord. No. 99-8 entitled AN ORDINANCE
18 VACATING PORTIONS OF LOTS 38 AND 39 FROM VAL VERDA PLAT A SUBDIVISION
19 IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS
20 THEREON, FOR THE PURPOSE OF BEING INCORPORATED INTO THE NEW
21 GUNTHER SUBDIVISION. The motion continued to grant preliminary and final approval to
22 Gunther Subdivision as recommended. Councilman Shafter seconded the motion. Voting was
23 unanimous with Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voting yea.

24
25 **PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED**
26 **TO 4-PLEX - 300 EAST 500 SOUTH (ALLEN & COOK, DEV.)**

27 Mr. Gehring reported that a request for a 4-plex on the northwest corner of 300 East and
28 500 South was presented by Allen and Cook Construction, developers. The Planning
29 Commission has considered this request and recommends preliminary and final site plan
30 approval, subject to the following conditions:

- 31 1. Make changes to the plans as per the City Engineer's review;
- 32 2. Payment of the storm drainage fee of \$2,100/acre (\$623.00)
- 33 3. Payment of the water impact fee based on water lateral size.
- 34 4. Payment of the sewer impact fee based on \$1,556/ERU
- 35 5. Posting of street improvement bond with building permit.
- 36 6. Provide 7-ft. wide public utility easement along east, south, and west property
- 37 lines.
- 38 7. Compliance with the Uniform Building Code and City ordinances including site
- 39 retaining wall.
- 40 8. The exterior of the 4-plex to meet the provisions of the Zoning Ordinance that not
- 41 more than 50% of the exterior be in siding or stucco type material.
- 42 9. Reduce the front landscape setback 5 feet and add it to the rear setback.
- 43 10. Provide a garbage enclosure out of material to match the four-plex on the north
- 44 side of the parking lot.
- 45 11. Provide vinyl fencing along any street frontages.
- 46
- 47

1 Councilwoman Holt made a motion to grant preliminary and final site plan approval as
2 recommended; Councilman Knowlton seconded the motion. The vote on the motion was
3 unanimous with Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton voting yea.

4
5 **PRELIMINARY AND FINAL SITE PLAN**
6 **APPROVAL GRANTED TO RITE-AID PHARMACY**

7 Mr. Rowland reviewed that Rite Aid Pharmacy is desirous of relocating at 55 West 500
8 South. The Planning Commission has reviewed their plans and recommend that preliminary and
9 final site plan approval be granted, subject to the following conditions:

- 10 1. Payment of all appropriate building, checking and impact fees. Depending on the
11 water and sewer laterals currently serving the Dees Restaurant building, the
12 developer may not need to pay new impact fees for water and sewer. Onsite
13 storm water retention is provided; therefore, no storm drain impact fee is required.
14 Staff is to provide a review for overall discharge from the site.
- 15 2. Provide and record a seven foot wide Public Utility Easement along all sides of
16 the property except along the 500 South frontage, where an 11-foot easement is
17 required.
- 18 3. Provide, record, and protect the Emergency Access Easement in favor of Carriage
19 Crossing condos.
- 20 4. Relocate *and underground* (as recommended by Councilman Shafter) the existing
21 overhead power and telephone lines running east/west across the property.
22 Provide and record necessary easements.
- 23 5. Proper Demolition permits be issued for the demolition of the Western States
24 Title Building and the Dees Restaurant building.
- 25 6. Curbs to be installed along the Key Bank parking lot if the access through Key
26 Bank is closed off.
- 27 7. Landscaping along the frontage of Lane Realty to provide street trees as per
28 ordinance.

29
30 **The Council also included:**

- 31 8. That an outlet structure be provided at one of the drive approaches to replace the one
32 which will be lost from the Lane Realty office drive approach.

33
34 Councilwoman Holt made a motion to grant preliminary and final site plan approval to
35 Rite Aid Pharmacy, as recommended by the Planning Commission and amended by the Council.
36 Councilman Fowler seconded the motion which carried unanimously on a yea vote by
37 Councilpersons Shafter, Johnson, Holt, Fowler, and Knowlton.

38
39 **COUNCIL COMMITTEE REPORTS**

40 Councilman Johnson complimented the Boy Scouts who were in attendance on their
41 appearance and their good conduct.

42
43 Mr. Hardy called attention to the Budget Committee hearings. Mayor Cushing stated that
44 he will be out of town April 23rd (returning late afternoon/early evening).

45
46 The Council will meet with the Power Commission on April 27 at 6:30 p.m.

