

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
June 28, 2000 - 7:00 p.m.**

Present:	Mayor	John R. Cushing
	Council Members	Samuel R. Fowler, Barbara Holt, Stewart Knowlton, John Pitt
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim Coleman
	Planning/RDA Director	Blaine Gehring
	Dept. Heads	Neal Jenkins, Parks & Recreation Terry Thompson, Streets
	Recording Secretary	Ellen H. Call
Excused:	City Council Member	J. Gordon Thomas

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 7:00 p.m. and invited Councilmember Pitt to lead the pledge of allegiance to the flag, after which Councilmember Holt offered the invocation.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held June 21, 2000 were presented. Councilmember Pitt noted that while acting as Mayor Pro Tem at that meeting he had voted with the other council members, but it was not recorded in the minutes. Councilmember Knowlton made a motion to approve the minutes with the correction as noted, Councilmember Fowler seconded the motion and voting was unanimous. Councilmembers Fowler, Holt, Knowlton, and Pitt voted "aye".

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR PERIOD JUNE 14-21, 2000**

Mayor Cushing presented the report of Expenditures and Expenses Greater than \$1,000 for the period June 14-21, 2000 with disbursements totaling \$374,744.52. The report was unanimously approved on a motion by Councilmember Pitt and seconded by Councilmember Holt, with Councilmembers Fowler, Holt, Knowlton, and Pitt voting "aye".

RETIRING EMPLOYEE GEORGE BEST RECOGNIZED

Mayor Cushing recognized George Best, who recently retired from the City's building maintenance department, and thanked him for the positive attitude and friendship he has exhibited during his tenure. He and his wife were presented with a gift of appreciation on behalf

of the City.

Neal Jenkins, on behalf of the Parks and Recreation Department, also thanked George for the 19 years of dedicated service he has given to the City, and conveyed his best wishes for an enjoyable retirement.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL GIVEN
FOR PROFESSIONAL OFFICE BUILDING AT 915 SOUTH MAIN**

Blaine Gehring reminded the Council that the property at 915 South Main was recently rezoned to allow the owners, Dean and Robyn Walton, to convert the existing home into legal offices. Changes will include removal of the carport and garage, widening of the driveway, and designated parking. The vacant portion of the property will not be developed at this time. The Planning Commission has reviewed this proposal and gives their recommendation for preliminary and final site plan approval with the following conditions:

1. *Widen the existing drive approach to match the new driveway width.*
2. *Any work in the street must be done by a bonded, licensed contractor.*
3. *Owner to obtain proper permits for any remodel work done inside the building.*
4. *A minimum 6-inch curb be constructed around the asphalt parking lot.*
5. *Provide one parking stall for the disabled.*

Councilmember Holt made a motion to give preliminary and final site plan approval as proposed by the Waltons, seconded by Councilmember Pitt, and voting was unanimous with Councilmembers Fowler, Holt, Knowlton, and Pitt voting “aye”.

**PRELIMINARY AND FINAL SITE PLAN APPROVAL GIVEN
FOR 10-UNIT CONDO AT 453 WEST 200 NORTH**

Paul Rowland noted that the owner, Jason Larsen, has been before the Planning Commission twice with his proposed condominium project at 453 West 200 North. This is a flag-shaped lot with legal frontage which is already zoned to allow for multiple units, and Mr. Larsen’s plan is to construct ten units in three buildings, all of which will have one attached garage with extra parking provided at the front of the property. The utilities have already been stubbed in, as well as the water and sewer lines, so there are no anticipated asphalt cuts. After review, the Planning Commission sends a favorable recommendation for preliminary and final site plan approval with the following conditions:

1. *No more than 50% of the exterior of each building be constructed of stucco or siding.*
1. *The dumpster enclosure be constructed of the same material as the buildings.*
2. *Payment of all required fees, posting of an acceptable bond or letter of credit and guarantee, and signing of a development agreement with the City.*
3. *Correction of the errors on the construction drawings.*
4. *Recording of a condominium plat with the County Recorder.*

Councilmember Pitt made a motion to give preliminary and final site plan approval for the 10-unit condominium project proposed by Mr. Larsen, as explained. Councilmember Fowler seconded the motion and Councilmembers Fowler, Holt, Knowlton, and Pitt unanimously voted

“aye”.

**PRELIMINARY APPROVAL GIVEN FOR
CEDAR SUBDIVISION AT 850 EAST 500 SOUTH**

Mr. Rowland explained that a four-lot subdivision has been proposed by Ben Rogers at 850 East 500 South. Because this is in a cul-de-sac and in an area that is already built up, it creates two conditions that require exceptions to the subdivision ordinance. One would be to allow a reduced setback on Lots 2, 3, and 4, and the second deals with a portion of the cul-de-sac circle which abuts the adjacent property, creating a double-fronting lot. It is the recommendation of staff that preliminary approval be given for the Cedar Subdivision with the following conditions and exceptions:

Exceptions

1. Grant reduced front yard setbacks of 20 feet on Lots 2, 3, and 4.
2. Allow a small portion of double-fronting lot on the Shirley Hansen property west of the cul-de-sac.

Conditions:

1. Because no onsite storm water detention is available, payment of the standard storm drain impact fee will be required.
2. All of the lots will have utility services off of the new street.

After a brief discussion, Councilman Fowler made a motion to grant preliminary approval for the Cedar Subdivision as submitted, with the exceptions and conditions, seconded by Councilman Knowlton. Voting was unanimous with Councilmembers Fowler, Holt, Knowlton, and Pitt voting “aye”.

**PUBLIC HEARING TO CONSIDER ORDINANCE 2000-10
REGULATING SEXUALLY-ORIENTED BUSINESSES**

Mr. Mahan explained that this ordinance is proposed to regulate and establish a licensing procedure for sexually-oriented businesses. The purpose is to restrict such businesses only to heavy commercial zones and also to set up licensing procedures, disclosure requirements, and operating conditions. Council members have been provided with a summary sheet and a copy of the ordinance.

Councilman Pitt asked what type of businesses would be allowed under the ordinance, and with the number of restrictions outlined, what is prohibiting the City from denying sexually-oriented businesses altogether. Mr. Mahan answered that the law will not allow a blanket prohibition; however, these businesses are subject to regulation. In answer to Councilman Pitt's question regarding the proposed zoning and what areas would be open to sexually-oriented businesses, Mr. Mahan referred to a map which he had prepared, indicating those areas which are allowable for this type of business.

At 7:31 Mayor Cushing opened the public hearing for comment. Arley Curtz, Director of the Bountiful/Davis Art Center stated that the classes offered at the Art Center appear to follow the guidelines as explained in the proposed ordinance.

Jack Billings, 249 West 1700 South, said that he does sculpting in his home, and is concerned that his use of nude models may be in violation of the law. Mr. Mahan assured him that his is not a business but a hobby, and he would therefore not be regulated by the ordinance. Mayor Cushing stated that the City's main concern is sexually-oriented businesses, and each business will be dealt with on an individual basis.

There were no further comments and the public hearing was closed at 7:37 p.m. Ordinance 2000-10, AN ORDINANCE REGULATING AND ESTABLISHING A LICENSING PROCEDURE FOR SEXUALLY ORIENTED BUSINESSES, was adopted by unanimous vote on a motion by Councilman Pitt, seconded by Councilman Fowler. Councilmembers Fowler, Holt, Knowlton, and Pitt voted "aye".

COUNCIL APPROVES INCREASE IN PRICE FOR ASPHALT PATCHING

Paul Rowland reported that the price of asphalt has gone up, and they are therefore asking for approval to increase the amount charged for patches made by City crews. Last year the cost of asphalt was \$14.35/ton, compared to \$17.45/ton this year, and the proposed new price schedule will bring the costs in line with the prices being charged in the market. Councilman Knowlton made a motion to approve the new price schedule, Councilmember Holt seconded the motion and voting was unanimous, with Councilmembers Fowler, Holt, Knowlton, and Pitt voting "aye".

TEN-YEAR CAPITAL IMPROVEMENT PLAN ADOPTED

Mayor Cushing noted that each of the Council members had been provided with a copy of Bountiful City's ten-year Capital Improvement Plan for 2001-2010 for their review.

Mr. Hardy explained that the report itemizes what the city will need, require, or desire in the next ten years, and includes about \$94 million of projects, at an average of about \$10 million a year. He pointed out that this is not out of line with the amounts that have been spent in previous years. The proposed method of payment for these projects is not included in the report. For the utility funds it has traditionally come from bonding or from reserve replacement funds. For the general and capital funds it has come from either bonding or current revenues. Some of the projects listed in the report will require bonding, as they are beyond the capacity of city funds to accomplish. Others can be done within the confines of our existing rate structure.

Mr. Hardy assured the Council that adopting the plan does not bind them to completing the projects, but simply serves as a guideline of what to expect for the next ten years that may come before the Council for decision-making purposes.

There was no further discussion, and Councilmember Holt made a motion to adopt the 10-year Capital Improvement Plan as presented. Councilman Knowlton seconded the motion and voting was unanimous with Councilmembers Fowler, Holt, Knowlton, and Pitt voting "aye".

COUNCIL COMMITTEE REPORTS

Councilman Fowler reported that he had gone on the Olympic Venue Tour on June 26 sponsored by the South Davis Area Chamber of Commerce. The tour included the ice rink in

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Ogden, Snow Basin via Trappers Loop, Rice-Eccles Stadium, the sports area near Park City, and the Delta Center. He noted that there is still much work to be done.

Mr. Hardy reminded the Council of the meeting at UAMPS on Wednesday, July 5, at 1 o'clock where they will be discussing a planned project, and encouraged all of them to attend.

Councilman Pitt reported that the "Buy It In Bountiful" project is progressing well. They plan a kick-off on July 17 with a press conference at 10 a.m. He also noted that the merchants outside of the Main Street area have expressed an interest in being involved in the annual Sidewalk Days with booths set up in the vacant areas along Main Street.

Meeting adjourned at 7:53 p.m. on a motion by Councilman Fowler, seconded by Councilman Knowlton. Councilmembers Fowler, Holt, Knowlton, and Pitt voted "aye".

JOHN R. CUSHING, Mayor

KIM J. COLEMAN, City Recorder

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