

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
January 8, 2002 - 7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, John S. Pitt, J. Gordon Thomas and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim J. Coleman
	Planning/RDA Director:	Blaine Gehring
	Recording Secretary:	Nancy T. Lawrence

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 Johnson called the meeting to order at 7:00, following which Joe Brock, Boy Scout from Scout Team #734, directed the honor guard in presenting the colors and he led the audience in the pledge of allegiance to the flag. The invocation was offered by Rick Stark.

Minutes of the Special Meeting of the City Council held January 7, 2002 will be presented at the next regular meeting for approval.

ANNUAL MEETING SCHEDULE APPROVED FOR 2002

Mr. Hardy presented the proposed meeting schedule for the City Council for the year 2002. The schedule provided for regular meetings on the second and fourth Tuesdays of each month at 7:00 p.m., with a provision for NO meeting on July 23 or December 24. It also provided for meetings of the Redevelopment Agency, as needed, and special sessions, subject to legal public notice. Councilman Thomas made a motion to adopt the meeting schedule as presented. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

**EASEMENT RELEASED AT 102 WEST 2500 SOUTH,
LINETTE SMITH**

Mr. Rowland explained that Linette Smith, owner of the property at 102 West 2500 South, has requested to have the easement released on the property line between two adjacent lots that she owns to permit her to build a house which will cross the property line. He said that the owner has received permission from all utilities affected and it is the staff recommendation to approve the request. Councilwoman Holt made a motion to release the easement as requested. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted "aye".

CINGULAR TELECOMMUNICATIONS LEASES APPROVED

Mr. Mahan reported that Cingular Wireless has requested telecommunications leases for two sites in Bountiful. He reviewed that the City has previously entered into similar leases with other companies and noted that the revenue from the lease is similar to the franchise fees paid by the utility companies. In an effort to reduce the number of poles/towers in the City, the lease provides for more than one provider to use a pole or tower. He noted that there is no federal law that requires the City to lease to the telecommunication companies; however, it does provide some revenue and control over the project. Cingular Wireless has requested leases for sites at 195 South Bountiful Boulevard and at the Upper Williams water tank.

The Council discussed this matter briefly, following which Councilman Pitt motioned to approve the lease agreements with Cingular at the rate of \$500 per month, as explained. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

**PUBLIC HEARING TO CONSIDER ORD. NO. 2002-01 -
RE: FENCING REGULATIONS ON SECONDARY DRIVEWAYS**

Mr. Gehring reviewed the present fencing ordinance as it relates to driveways, and noted that there is no provision for properties where driveways access both a primary and secondary parking area. It was recently discovered via the request of a homeowner that the fence would need to be held back 20 feet from the sidewalk (for a secondary parking area) and would result in a considerable part of the back yard being lost. Inasmuch as the secondary driveways are not used regularly (RV parking and extra vehicles), it was the consensus of the Planning Commission that secondary driveways be exempted from the 20-ft. setback subject to (1) the driveway access is separate from and not on the same street frontage as the primary driveway, and (2) the fencing will not constitute a hazard to traffic or pedestrians.

Mayor Johnson opened the public hearing to consider this ordinance at 7:20 p.m. There were no comments from the audience and the hearing was closed. Based on the recommendation of the staff and Planning Commission, Councilman Thomas made a motion to adopt Ordinance No. 2002-01, entitled AN ORDINANCE AMENDING SECTION 14-17-104 C.2 OF THE BOUNTIFUL CITY ZONING ORDINANCE TO PROVIDE SPECIAL PROVISIONS FOR FENCING ADJACENT TO SECONDARY DRIVEWAYS. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

**OUTDOOR DISPLAY OF MERCHANDISE DISCUSSED AND
REFERRED BACK TO PLANNING COMMISSION**

Mr. Hardy referred to the previous discussion which was held regarding outdoor display of merchandise and that an effort had been made to try to meet the needs of the merchants on Main Street without creating liability issues for the City. He reviewed a handout recommending that the Council refer the matter back to the Planning Commission to consider outdoor display of merchandise under certain guidelines *if* they (the Council) felt comfortable with those guidelines. Following discussion, Councilman Thomas motioned that the suggested guidelines be referred to the Planning Commission. Councilman Pitt thanked Mr. Hardy and Mr. Gehring for their extra work on this issue and then seconded the motion. Voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

RESOLUTION 2002-01 RE: LEGACY HIGHWAY ADOPTED

Mayor Johnson presented Resolution 2002-01 entitled A RESOLUTION REQUESTING THAT THE SIERRA CLUB, UTAHNS FOR BETTER TRANSPORTATION, AND ROCKY ANDERSON, WITHDRAW THEIR REQUEST FOR A STAY, IN REGARD TO THE CONSTRUCTION OF LEGACY HIGHWAY, AS CURRENTLY BEING PURSUED IN THE FEDERAL 10TH CIRCUIT COURT OF APPEALS. Mr. Hardy explained that the Chamber of Commerce in Davis County and the Council of Governments have recommended that each city adopt a resolution similar to this to show a united front to those who oppose and *our support* of those who support the Legacy Highway.

Discussion followed regarding the wording of the Resolution and several recommended changes were favored. Councilman Pitt motioned to approve the resolution with the changes as discussed. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

The meeting adjourned at 7:50 p.m. on a motion by Councilman Thomas and seconded by Councilman Tolman. Councilpersons Holt, Moss, Pitt, Thomas, and Tolman voted “aye”.

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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