

**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
April 23, 2002 -7:00 p.m.**

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

Excused: Councilman: R. Fred Moss

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 p.m. and gave a special welcome to Nancy Saxton, visiting councilwoman from Salt Lake City, District 4. The pledge of allegiance was led by visiting Boy Scout, Jordan Taylor. Councilman Pitt offered the invocation.

**MINUTES OF PREVIOUS MEETING**

Minutes of the regular meeting of the City Council held April 9, 2002 and the special City Council meeting held April 17, 2002 will be presented for approval at the next regular meeting.

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS  
APPROVED FOR TWO APRIL PERIODS**

Mayor Johnson presented the report of Expenditures and Expenses Greater than \$1,000 for the periods April 4-10, 2002 (\$456,596.25) and April 11 - 17, 2002 (\$297,128.34). Councilman Thomas motioned that both reports be approved as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, Thomas and Tolman voted "aye".

**ORDER TO SHOW CAUSE TO BE ISSUED FOR  
CHRISTOPHER'S RESTAURANT**

Mr. Mahan reviewed the State statute and City ordinances regarding the sale of hard liquor, specifically as it relates to prohibiting sales to minors. He then explained that since the early 1980's it has been the policy of the City, on a quarterly basis, to send underage people into businesses that sell beer to see if they can buy. Initially, if the business sold three out of four times, the City would suspend their license. Later, it was changed to two out of three times. The period of suspension has varied from seven days to ninety days. In 1997 it was decided that if a business went three years without coming back, the record would be cleared and if an illegal sale occurred again, the suspension would be for 30 days. He noted that these are matters of policy, not of statute. However, over the years, the policy has proven to be very successful in terms of

encouraging compliance by businesses.

Mr. Mahan then reported that Christopher's Restaurant has sold beer to minors twice in the last four months. It is, therefore, the recommendation of staff that the City Council issue an Order to Show Cause to Christopher's and that Christopher's be given the opportunity to appear and explain why their license should not be revoked or suspended. Councilman Pitt made a motion to issue the Order to Show Cause, as recommended by staff, and that Christopher's appear before the Council on May 28, 2002. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, Thomas, and Tolman voted "aye".

### **APPOINTMENTS TO PLANNING COMMISSION AND POWER COMMISSION APPROVED**

Mayor Johnson explained that Rod Nordfors has served as a member of the Planning Commission since July 1, 2001, but has recently indicated that he is unable to continue his service. The Mayor stated that he has talked with Larry A. Rigby, who is willing to serve on the Planning Commission, and he recommended that Mr. Rigby be appointed to fill the unexpired term of Mr. Nordfors (which expires on July 1, 2005). It was mentioned that Mr. Rigby's resumé had been provided for the Council.

The Mayor then explained that Keith Barton has been a member of the Power Commission since January 1990, serving as chairman for most of that time. Mr. Barton's term expired on January 15, 2002, but he is willing to continue on in that position for another four-year term (to end January 15, 2006). The Mayor recommended that the Council approve this appointment. Councilman Thomas motioned that Larry A. Rigby be appointed to complete the vacancy on the Planning Commission and that Mr. Barton be re-appointed to serve another four-year term on the Power Commission. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Holt, Pitt, Thomas, and Tolman voted "aye".

### **HIDDEN LAKE AT SUMMERWOOD SBDVN, PHASE 2 GRANTED FINAL APPROVAL**

Mr. Rowland explained that Ron Marshall, developer, has requested final approval of Hidden Lake at Summerwood Subdivision, Phase 2. This is a short cul-de-sac located on a small piece of land recently annexed into the City from North Salt Lake (which could not be served from any North Salt Lake roads). The Planning Commission and staff recommend that final approval be granted with the following conditions:

1. Posting of an acceptable bond, letter of credit or cash deposit as required by ordinance.
2. Signing of a Development Agreement with the City by the developer.
3. Payment of all required fees.
4. Completion of minor corrections on the plat and construction drawings.

Following a brief discussion, Councilwoman Holt made a motion to grant final approval of Hidden

Lake at Summerwood Subdivision, Phase 2, as recommended. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, Thomas, and Tolman voted “aye”.

**PUBLIC HEARING TO CONSIDER ADOPTION OF ORD. NO. 2002-07  
VACATING LOT 5 FROM NO. CANYON HEIGHTS SBDVN.**

At 7:17 p.m. Mayor Johnson opened the public hearing to consider adoption of Ordinance No. 2002-07, vacating Lot 5 from North Canyon Heights Subdivision, Plat A, for inclusion in Poulson Subdivision. Doug Smith, owner of two vacant lots across the street from the subject property, stated that he thought this was a “step in the wrong direction”. He stated that it is Mr. Poulson’s intent to divide the lot in two parcels and build another house, which he stated would decrease the value of his (Mr. Smith’s) property. He also pointed out that the existing rentals which are owned by Mr. Poulson show signs of blight and lack of care and maintenance. He suggested a better use of the Poulson property would be to tear down the existing house and then build one larger home.

Mr. Mahan explained that, legally, Mr. Poulson meets the ordinance requirements for lot size and minimum frontage. Any problems with respect to the existing houses (lack of care and maintenance) should be addressed by ordinance enforcement. Construction of a new house would not be in violation of any ordinance.

At 7:33 p.m. the Mayor closed the public hearing and called for comments from the Council. Mr. Gehring reported that the Planning Commission has discussed this request and found that it meets all requirements of the ordinance. Following discussion, Councilman Thomas made a motion that Ordinance No. 2002-07, entitled AN ORDINANCE VACATING LOT 5 FROM NORTH CANYON HEIGHTS, PLAT A, SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON, FOR THE PURPOSE OF BEING INCORPORATED INTO THE NEW POULSON SUBDIVISION, be adopted. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Holt, Pitt, Thomas, and Tolman voted “aye”.

**PRELIMINARY AND FINAL APPROVAL GRANTED  
TO POULSON SUBDIVISION, 2515 SO 100 W**

Mayor Johnson presented the request of Mr. Poulson to consider Preliminary and Final approval of the Poulson Subdivision (two lots) at 2515 South 100 West. This matter has been reviewed by the Planning Commission and staff and comes to the Council with a favorable recommendation subject to the following condition:

1. Payment of the following fees:

Storm Water Impact fee	\$715.91
Subdivision Checking fee	200.00
Subdivision Recording fee	<u>50.00</u>
Total	\$965.91

(It was noted that both lots front on existing streets with full improvements, excluding sidewalk. Since there is no sidewalk in the entire area, there is no compelling reason to require a short piece of walk in front of only one or two lots. All utilities and improvements are already in place.

Because the street improvements are in place, no subdivision bond will be required.) Councilman Thomas made a motion to grant preliminary and final approval to the Poulson Subdivision, as recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, Thomas, and Tolman voted “aye”.

**CONSIDER PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR OFFICE TOWER - RENAISSANCE TOWNE CENTER**

This Agenda item was tabled.

**JMR CONSTRUCTION AWARDED ANNUAL CONCRETE BID**

Mr. Rowland reported that bids were opened today (April 23<sup>rd</sup>) for the annual concrete reconstruction projects. Five contractors responded. It is the recommendation of staff that the bid be awarded to low bidder, JMR Construction, in the amount of \$336,775.00 (based on fixed unit prices). Mr. Rowland responded to questions from the Council, noting that inasmuch as the contract does not tie the work to one specified project, the proposed total amount is based on the best estimate of the types and quantities of concrete and storm drain repairs that are expected to be done in the next year. He also noted that JMR Construction has been the successful bidder for this work for the past eight years and that the City has been well-pleased with their performance. After discussion, Councilman Thomas made a motion to award the annual concrete bid to JMR Construction for replacement and construction of sidewalk, curb and gutter and storm drain facilities at random locations at the unit prices proposed. Councilman Pitt seconded the motion which carried unanimously. Councilpersons Holt, Pitt, Thomas, and Tolman voted “aye”.

**REPORT ON NATIONAL TOWN MEETING ON MAIN STREET IN FORT WORTH - JOHN PITT AND BLAINE GEHRING**

Councilman Pitt and Mr. Gehring reported on their recent attendance at the conference presented by the National Town Meeting on Main Street which was held in Ft. Worth. Councilman Pitt stated that 1,500 city planners and elected officials, plus business owners, were in attendance at the conference. The Town Meeting organization was established in 1980 for the purpose of assisting in revitalizing downtown areas. Since that time 79,000 buildings have been refurbished through this program and \$15.2 billion has been reinvested. NMSC has access to grants and provides methods where local towns can participate with other stakeholders in revitalizing downtown areas.

Councilman Pitt narrated a Powerpoint presentation which focused on the reasons for using the NMSC , the 4-point approach which is used in the program (organization, economic structure, design, and promotion), and the eight different principles included in its operation. The program is comprehensive in nature but can be approached incrementally. It encourages self-help, a public/private partnership that builds on existing strengths and encourages high quality.

A suggested approach for the first year is to establish a board of directors, identify a program director (a professional outside of the merchant group), form committees, attend state and national training, establish a 3-year budget (typically including 1/3 participation by the city), complete a needs assessment, determine short-term and long term goals, and have work plans put in place. It was suggested that if this program were used in Bountiful, the following groups could

be included: merchants, property owners, financial institutions, city officials, historical society, civic groups, consumers, schools and youth groups, churches, and the media. The contribution of the city would be as a committed partner with a representative on the Board, political support, some financial assistance, promotion via a city newsletter, etc. Councilman Pitt stated that he felt this program would be very worthwhile to pursue.

Councilman Pitt suggested that Redevelopment funds could be used to provide the initial activities. NMSC stands ready to provide an orientation meeting with the city officials and local businesses. It was stressed that the part of the city is to help get the program started, but eventually the city would step out. Following further discussion, Mayor Johnson thanked Mr. Gehring and Councilman Pitt for their presentation and suggested that they continue working on the program.

### **RELEASE OF EASEMENT APPROVED FOR TIM MC CULLOUGH**

Mr. Hardy explained that Tim McCullough (274 West 1300 North) is desirous of constructing a detached garage on property that has a 10-ft. easement on it. The only utilities that are involved are the overhead power lines. Inasmuch as the Council does not meet for another three weeks, and Mr. McCullough is desirous of getting started on this project, staff recommends that 3 feet of a 10-ft. easement be released (leaving a 7-ft. wide easement). Councilwoman Holt made a motion to this effect, Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, Thomas and Tolman voted “aye”.

### **COUNCIL COMMITTEE REPORTS**

Councilman Thomas reported that the Bountiful Community Service Council is in the process of developing a survey which can be sent out to citizens regarding a proposed new recreation center. The BCSC also requested the support of the each councilperson for the Neighborhood Watch program and the meetings which are under way. He also asked if anyone was aware of where the BCSC lap top computer is.

Mayor Johnson reported that on May 10<sup>th</sup> Channel 2 TV will be staging their early morning program (5:30 - 8:00 a.m.) from Carmacks on 500 South.

The Mayor reminded the Council members of their respective budget meetings with the city manager and departments. He then expressed appreciation to the Council for their hard work and dedication and he thanked them for the opportunity to work with them. He also acknowledged the fine staff that assists in directing City business.

The meeting adjourned at 8:34 p.m. on a motion made by Councilman Thomas and seconded by Councilman Tolman. Voting was unanimous with Councilpersons Holt, Pitt, Thomas and Tolman voting “aye”.

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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