

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
February 11, 2003 - 7:12 p.m.**

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| Present: | Mayor Pro Tempore: | John S. Pitt |
| | Council Members: | Barbara Holt, R. Fred Moss, J. Gordon Thomas and Thomas Tolman |
| | City Manager: | Tom Hardy |
| | City Attorney: | Russell Mahan |
| | City Engineer: | Paul Rowland |
| | Admin. Services Director: | Galen Rasmussen |
| | Recording Secretary: | Nancy T. Lawrence |
| Excused: | Mayor: | Joe L. Johnson |

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 ProTem Pitt called the meeting to order at 7:12 p.m. following a meeting of the Redevelopment Agency. Jerome Bradbury, Boy Scout from Troop 108, led the pledge of allegiance to the flag, following which Councilman Tolman offered the invocation.

MINUTES OF JANUARY 28, 2003 APPROVED

Minutes of the regular City Council meeting held January 28, 2003 were presented and unanimously approved as written on a motion made by Councilman Tolman and seconded by Councilwoman Holt. Voting was unanimous with Councilmembers Holt, Moss, Pitt, Thomas and Tolman voting "aye".

**EXPENDITURES AND EXPENSES APPROVED FOR
JANUARY 2003 PERIODS**

Mayor ProTem Pitt presented the Report of Expenditures and Expenses Greater than \$1,000 for the Period January 23 - 29, 2003 (\$1,163,771.48) and the Summary of January 2003 Expenditures and Expenses (\$3,382,276.74). The staff responded to questions, following which Councilman Thomas motioned for approval. The motion was seconded by Councilman Moss and carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

SINGLE EVENT PERMITS APPROVED FOR ST. OLAF'S

Mayor ProTem Pitt presented the requests of St. Olaf Catholic Church for a Local Consent Single Event liquor permit and a Single Event Beer Permit for Saturday, May 17, 2003, from 6:30 p.m. to 1 a.m. He noted that this is an annual event and that the staff recommends approval. Following a short discussion, Councilwoman Holt motioned to approve the requests as presented. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**COUNCIL APPROVES RENEWAL OF ANIMAL CONTROL
CONTRACT WITH DAVIS COUNTY FOR 2003 SERVICE YEAR**

Mayor ProTem Pitt presented the Animal Control Contract between Bountiful and Davis

County for the 2003 service year for the Council's consideration. Mr. Mahan explained that the contract is basically the same as last year and there is no increase in fees. He noted that the County Animal Control Department has done a good job over the years with this service and he recommended that the Contract be approved. Councilman Moss motioned to approve the contract, which provides for the County to provide animal control services to the City, in the amount of \$36,174.00 (approximately \$3,000 per month). Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

RESOLUTION IN SUPPORT OF HILL AIR FORCE BASE APPROVED

The Mayor ProTem presented a Resolution in Support of Hill Air Force Base and explained this resolution was adopted by the County Commission and all cities in Davis County are encouraged to do the same. Mr. Hardy explained that closure of military bases is once again being considered and this resolution is our effort to support keeping Hill Air Force Base open. The base is the largest single employer in the State of Utah and represents a significant part of Davis County. Councilman Moss motioned to give strong support to Hill AFB and its mission and operations in our community through adoption of the Resolution. Councilwoman Holt seconded the motion. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

PUBLIC HEARING TO CONSIDER VACATING LOT 1 FROM MAPLE HILLS NO. 2, PLAT A, SBDVN

Mayor ProTem Pitt explained that the owner of Lot 1, Maple Hills No. 2, Plat A, Subdivision has petitioned the City to vacate his lot from the existing subdivision in order to be included in a new subdivision to be called Club House Court Subdivision. Councilman Moss requested to be excused from discussion of this topic to avoid possible conflict of interest and he excused himself from the Council bench.

Mr. Mahan clarified that the Council has two items to consider: (1) vacating Lot 1 from existing subdivision; and (2) approval of the new subdivision (Club House Court Subdivision). He reviewed the findings necessary for the Council to pass the ordinance to vacate the lot from the subdivision: ...that there is good cause, that the new lots to be created in the proposed subdivision are in conformity with applicable zoning requirements, that such action will not materially injure the public nor any person, and that it is in the best interest of the City of Bountiful and its citizens to take such action. At 7:27 p.m. the Mayor ProTem opened the public hearing to consider this matter. He noted that the City has received two letters of opposition from contiguous neighbors, and these same individuals (Reed Burningham and Boyde Gallagher) were in attendance. Mr. Burningham indicated that he was not opposed to vacating the lot, but he expressed concern that the small lots in the proposed new subdivision were different from the surrounding area and could de-value his property. Mr. Gallagher expressed similar concerns, as well as the fact that the configuration of the proposed subdivision would place the lot line of two lots just a short distance from his home. He stated also that much of the existing vegetation that gives privacy to his home would be destroyed in the development process.

Mr. Duerden noted that other lots on Bountiful Boulevard are of similar size as those proposed in the Club House Court subdivision. He said that the proposed subdivision will be a quality development and is in compliance with all codes. Councilman Thomas asked if consideration had been given to a different configuration with only four lots and discussion

followed regarding the design of the proposed subdivision. The public hearing was closed at 7:55 p.m. Based on the fact that the proposed subdivision meets the ordinance, Councilwoman Holt motioned to adopt Ordinance No. 2003-01 entitled AN ORDINANCE VACATING LOT 1 FROM MAPLE HILLS NO. 2, PLAT A, SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH AND RELEASING THE EASEMENTS THEREON, FOR THE PURPOSE OF BEING INCORPORATED INTO THE NEW CLUB HOUSE COURT SUBDIVISION. Councilman Tolman seconded the motion which carried by a majority. Councilman Thomas voted “nay” and Councilpersons Holt, Pitt and Tolman voted “aye”.

FINAL APPROVAL GRANTED TO CLUB HOUSE COURT SUBDIVISION

Mr. Rowland stated that the staff and Planning Commission have reviewed the request for final subdivision approval of the proposed Club House Court Subdivision (Keith Duerden), 2475 South Bountiful Blvd. and send a favorable recommendation to the Council, subject to the following conditions:

1. Provide a current title report.
2. The Developer sign a Development Agreement with the City.
3. Post the proper bonds and pay the required fees.
4. Make minor corrections to the construction drawings and plat, and present a signed mylar copy of the plat for recording.

Councilman Tolman made a motion to grant final subdivision approval, as recommended, and Councilwoman Holt seconded the motion which carried by a majority. Councilman Thomas voted “nay” and Councilpersons Holt, Pitt and Tolman voted “aye”.

INTERLOCAL AGREEMENT WITH WEST BOUNTIFUL CITY, WEST BOUNTIFUL CITY RDA, BOUNTIFUL CITY, AND BOUNTIFUL CITY RDA APPROVED

Mayor ProTem Pitt presented the proposed Interlocal Agreement between the Cities of Bountiful and West Bountiful and the Redevelopment Agencies of both entities, which provides for a combined redevelopment project in the northwest area of Bountiful. This project had been discussed in the Redevelopment Agency meeting prior to the Council and given a positive recommendation. Based on that recommendation, Councilman Moss made a motion to approve the Interlocal Agreement and authorize the Mayor and City Recorder to sign it. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted “aye”.

REVIEW AND UPDATE ON 2003 LEGISLATIVE SESSION

Mr. Hardy reported that the streamlined sales tax issue has been resolved by adopting a new format for reporting and keeping the old format for distribution; the final draft has not yet been written. A battle between Draper City and the governing Water District has resulted in proposed legislation that would allow Special Districts to ignore local zoning regulations. The Truth in Taxation legislation has passed the House and is going to the Senate.

COUNCIL COMMITTEE REPORTS

Councilman Thomas reported that there will be a Neighborhood Watch meeting Thursday night at 7:00 p.m. at the Police Station and all citizens are invited.

EXECUTIVE SESSION APPROVED

Councilman Thomas made a motion to adjourn to executive session at 8:10 p.m. for the purpose of discussing pending litigation. Councilman Moss seconded the motion. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted “aye”.

Attendance at Executive Session

Councilpersons Holt, Moss, Pitt, Thomas and Tolman
Mr. Hardy
Mr. Mahan

JOHN S. PITT, Mayor Pro Tempore

KIM J. COLEMAN, City Recorder

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