

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
August 26, 2003 -7:07 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 Coleman
	Planning/RDA Dir.:	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 7:07 p.m. following a joint meeting with the Bountiful Power Commission. The pledge of allegiance was led by Councilman Tolman, and Councilwoman Holt offered the invocation. Mayor Johnson noted that he and the City Manager have been attending ongoing meetings regarding the proposed fire district consolidation and he praised Mr. Hardy for the leadership which he provides. He said that Mr. Hardy provides a good viewpoint of the past and a good perspective for the future.

APPROVAL OF MINUTES DELAYED

Minutes of the City Council meeting held August 12, 2003 will be presented for approval at the next regular meeting.

**EXPENDITURES, EXPENSES, AND TOTAL DISBURSEMENTS
APPROVED FOR PERIOD JULY 31 -AUGUST 13, 2003**

Mayor Johnson presented the report of Expenditures and Expenses Greater than \$1,000 for the period July 31 - August 13, 2003 in the amount of \$700,122.33. Following a short discussion, Councilman Thomas motioned to accept the expenditure report as presented. Councilwoman Holt seconded the motion and voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

**BID AWARDED TO "MOST WANTED" -
PHASE FOUR TRANSMISSION LINE REBUILD**

Councilman Moss reviewed that the construction process for Phase Four of the transmission line rebuild is beginning and bids were requested for cement foundations for four steel poles – two which span the freeway and two that span the Union Pacific railroad tracks. It is the recommendation of the Power Commission and staff that the bid be awarded to low bidder, Most Wanted (Salt Lake City) in the amount of \$48,400.00. Councilman Moss motioned to award this bid as recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**UPDATE ON SOUTH DAVIS SEWER DISTRICT -
ARNELL HEAPS**

Arnell Heaps, Bountiful's representative on the South Davis Sewer District Board, presented an update on the Sewer District. He noted that the name has recently been changed (through action of the Legislature) from Davis County Sewer Improvement District to South Davis Sewer District (SDSD), effective December 2, 2002. In addition, the logo and letterhead has also been changed.

Although the Legacy Highway legal issues have not been resolved, the Sewer District has obtained all necessary easements for relocating their facilities to the east side of the road. The aerial mapping system has been updated to a computer-based GIS and the master plan of the GIS is complete, including man hole locations and lines. Line sizes and slopes are being included in the system this year. The change-over will necessitate purchasing a computer and software to run this system.

Utah is the second most arid state in the nation and re-use water is receiving strong consideration. The District has prepared a re-use plan and received a permit for irrigation needs along the Legacy Highway. Plans are also under way with neighboring jurisdictions regarding construction of re-use water facilities and water rights. The District is also in the process of reducing the \$5.5 million dollar bond indebtedness through a new bond issue.

Mr. Heaps stated that Dal Wayment, plant manager is very capable and doing a great job in managing the plant.

Mayor Johnson thanked Mr. Heaps for his report and also passed on a word of thanks for the trunk line that the District recently installed in the City.

PUBLIC HEARING TO CONSIDER REZONING PROPERTY
AT 94 N 100 W FROM MULTI FAMILY RES TO PROFESSIONAL
OFFICE - MICHAEL CROUCH, APPLICANT

At 7:27 p.m. Mayor Johnson opened discussion on the rezoning request of Michael Crouch to change the zone at 94 North 100 West from multi-family residential to professional office. It would be his intent to use the building as a home design and planning office. Mr. Gehring reviewed that this property had been involved in a rezone request at the beginning of this year to change to a commercial use (C-G). The proposed change was denied by the City Council following strong neighborhood opposition.

Mr. Gehring reviewed that the Professional Office zone was created in 1998 to provide a zone which would act as a buffer between residential and commercial uses and has been used in several instances in the City. He pointed out that, as presently zoned, the single family home on the property could be demolished and replaced with apartments, without any neighborhood input. He said that he felt the use of the home as a professional office would put an automatic control on low impact uses in this area and be a good compromise between the existing R-3-16 zone and the earlier requested C-G zone. He said it is the recommendation of staff and the Planning Commission to approve this request.

Mayor Johnson invited input on this issue and the following persons spoke in opposition to the rezone: LaMar Barlow (62 South 300 West; owner of property at 73 West 100 North) – opposed to encroachment of businesses into residential zone; Vera Sondelski (143 W 100 N), representing the Downtown Neighborhood Alliance – opposed to encroachment of businesses into residential neighborhood; stated that buffer was not needed for one-block area; considered this to be spot zoning; no need for additional commercial space – many vacant commercial properties in the City; and lack of socialization if house is not occupied at night. Also in opposition with concerns about not being occupied at night and additional traffic were the following: Carolee Bride (145 W Center); Ben Horsley (195 N 100 W); Charles Wright (145 W Center); and Nathan Smart (153 W 100 N).

The following individuals spoke in favor of the rezone based on their positive experience of having a professional office in their neighborhood: DeLoa Sharp (315 N 400 East), Richard Patterson (131 N 100 E), and Jim Hadlow (106 N 100 E). Others who favored the rezone based on the fact that the well-kept existing home would be a positive influence in the neighborhood: Nancy Cooper (106 W 200 N), Nathan Figaro (73 W 100 N); Carrie Newbold (former owner of subject property) who noted that property values of neighborhood have increased through the sale of the home; Joyce Benard (92 W Center); Renae Baldwin (74 W 100 N); Nola VanWagonen (96 W 100 N); McKenzie Newbold (former owner);

Michael Crouch (245 N 130 E – applicant), stated that he has been a Bountiful resident his entire life and would not do anything to damage the City. He reviewed his plans for the property and stated that the charm of the older home is very compatible with his home design and planning office. The Mayor closed the public input at 8:37 p.m.

Councilwoman Holt reviewed that her concern when the previous rezone request came before the Council was the introduction of commercial uses into the residential neighborhood. However, with the present proposal, she feels that the use of the property as a professional office would be better for the neighborhood than if the property were developed into rental units (as presently allowed in that zone). She noted that this has become a very emotional issue and expressed hope that whatever the decision of the Council this evening, that the residents of this neighborhood “would be able to reach across the aisle and be friends”. She then made a motion to approve the re-zone as presented, subject to the condition that the existing home not be demolished within the next 10 years. Councilman Pitt expressed appreciation for the suggestion of preserving the existing home, as did Councilman Tolman who noted that the proposed use of the property will not ruin the historical flavor of the neighborhood. Councilman Pitt seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted “aye”.

Councilwoman Holt then made a motion to approve adoption of Ordinance No. 2003-12 entitled “AN ORDINANCE AMENDING SECTION 14-2-102 OF THE BOUNTIFUL CITY ZONING ORDINANCE BY AMENDING THE OFFICIAL ZONING MAP OF BOUNTIFUL CITY TO REZONE PROPERTY LOCATED AT 94 WEST 100 NORTH FROM R-3-16 TO P-O”. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted “aye”.

Mayor Johnson called for a short recess at 8:50 p.m. The meeting reconvened at 9:02 p.m.
HEARING ON ORDER TO SHOW CAUSE - UNFINISHED HOME AT 1367 E GRANADA DR

At 9:03 p.m. Mayor Johnson requested that Carl Richardson report regarding the progress on his home at 1367 East Granada Drive. Mr. Richardson reported that 35-plus volunteers had

worked with him and installed the sprinkler system and landscaping, which is now complete. The Mayor commented that the appearance of the property has improved tremendously. However, he noted that the front door and several windows in the back of the home have not yet been installed and asked Mr. Richardson if those items could be completed by the end of the year. Mr. Richardson agreed to have this work done and Mr. Hardy agreed to send a letter documenting this arrangement. Councilman Moss expressed appreciation to those who assisted in moving this project along and to Mr. Richardson for accepting the help.

A citizen in attendance requested to speak and the Mayor noted that the Agenda item was not a public hearing.

**AMENDMENT TO VOICE STREAM LEASE
(UPPER WILLIAMS RESERVOIR) APPROVED**

Mr. Mahan reviewed that the City already has a lease with Voice Stream and they are requesting permission to set up another antenna at the Upper Williams Reservoir. He said there does not seem to be a reason to reject this request and Voice Stream has agreed to increase the monthly payment of \$750.00. Rocky Schuster was in attendance representing Voice Stream. It was noted that this would have no impact on the neighborhood. Councilman Tolman motioned to approve the amendment to the Voice Stream lease. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**SINGLE EVENT PERMIT APPROVED FOR
ST. OLAF'S CATHOLIC CHURCH**

Mayor Johnson stated that St. Olaf's Catholic Church has requested a Local Consent Single Event liquor permit for Friday and Saturday, November 7 and 8, 2003 from 6:00 p.m. to 1:00 a.m. They will be holding their annual event where alcoholic beverages will be served.. He noted that this has been presented for approval for many years and there has never been a problem. Councilman Pitt made a motion to approve issuance of the Single Event Permit as requested. Councilwoman Holt seconded the motion which carried unanimously. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

COUNCIL COMMITTEE REPORTS

Councilman Moss expressed appreciation for the time spent with the Power Commission and staff this evening. He noted that events in the power industry are critical to Bountiful and he is anxious for the City to explore all options.

Councilman Pitt expressed appreciation to Mr. Hardy, the Police Department, Power Department, Street Department, Parks Department and all those who helped to make the Summerfest and Street-fest successful.

The meeting adjourned to executive session at 9:19 p.m. for the purpose of discussing pending litigation. Councilman Thomas motioned for adjournment, Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman

voted "aye".

Attendance at Executive Session

Mayor Johnson

Councilpersons Holt, Moss, Pitt, Thomas, Tolman

Mr. Hardy

Mr.. Mahan

Mr. Rowland

Bob Stell

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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