

**Minutes of the
Bountiful City Council Meeting
City Council Chambers
April 1, 2003 - 6:30 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 p.m., following which Councilman Pitt offered the invocation. Zach Novak, visiting Boy Scout, led the pledge of allegiance to the flag.

APPROVAL OF MINUTES POSTPONED

Minutes of the regular City Council meeting held March 25, 2003 will be presented for approval at the next regular meeting.

**EXPENDITURES AND EXPENSES APPROVED FOR
PERIOD MARCH 20-26, 2003**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the period March 20 - 26, 2003 in the amount of \$1,065,094.66. The staff responded to questions, following which Councilman Thomas motioned to approve the expenditures as presented. Councilwoman Holt seconded the motion. Voting was unanimous with Councilmembers Holt, Moss, Pitt, Thomas and Tolman voting "aye".

**CLASS A BEER LICENSE APPROVED FOR
MOOSMAN INVESTMENTS, INC. (ANDY'S)**

Mr. Gehring reported that Moosman Investments, Inc. has recently purchased the gas station/convenience store at 1265 South 500 West (formerly known as "Andy's") and they need to have the Class A beer license for the business granted in their names. An application has been completed and the request has been reviewed by the Chief of Police and given a favorable recommendation. Councilman Tolman motioned to approve granting a Class A beer license to Moosman Investments, Inc. (1265 South 500 West). Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted "aye".

**FINDINGS OF FACT ADOPTED FOR PUBLIC HEARING -
REZONE REQUEST: 461 S 350 W AND 460 S 285 W**

Mr. Mahan presented the Findings of Fact regarding the rezoning request submitted by the owners of adjacent properties located at 461 South 350 West and 460 South 285 West in Bountiful. He noted that the Findings of Fact reflect the intent of the City Council in its vote. Councilman Moss motioned to accept the Findings of Fact as presented. Councilwoman Holt

seconded the motion which carried by a majority. Councilpersons Holt, Moss and Tolman voted “aye”. Councilman Thomas voted “nay”, based on his negative vote regarding the rezoning request. Councilman Pitt was not in attendance for the public hearing and abstained from voting on the current motion.

**APPROVAL GRANTED TO ACKNOWLEDGMENT, WAIVER
AND CONSENT AGREEMENT, - SPECIAL IMPROVEMENT DISTRICT #2002-01**

Mr. Hardy reviewed the Acknowledgment, Waiver and Consent Agreement which acknowledges on the part of Bountiful City, Davis County and the developer (Renaissance Town Center) that the Special Improvement District being put together is acceptable to all parties in its terms and in its final anticipated result. He reviewed this Agreement and noted that the bonds for this project could be issued prior to the improvements being made based on cost estimates or after construction when costs are firm. He noted that the bonds will be needed to do the construction for this project. The Agreement being considered also provides that the City can contest costs at a later time. The Agreement was drafted by Ballard Spahr Andrews and Ingersoll and Mr. Hardy noted that they feel it has all points that need to be included.

Discussion followed regarding the funding process between the City and the developer (Bruce Broadhead) and Mr. Broadhead responded to questions from the Council. Councilman Pitt motioned to approve the Agreement as discussed. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Pitt, Thomas and Tolman voted “aye”.

**ORD. NO. 2003-04 APPROVED RE: ASSESSMENT
ROLLS FOR PROPERTIES IN SPECIAL IMPROVEMENT
DISTRICT NO. 2002-01**

Mr. Hardy reviewed Ordinance No. 2003-04 entitled AN ASSESSMENT ORDINANCE CONFIRMING THE ASSESSMENT ROLLS AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN BOUNTIFUL SPECIAL IMPROVEMENT DISTRICT No. 2002-1, DAVIS COUNTY, UTAH FOR THE PURPOSE OF PAYING THE COSTS OF ROAD IMPROVEMENTS, WATER IMPROVEMENTS, WASTEWATER IMPROVEMENTS, SEWER IMPROVEMENTS, LIGHTING IMPROVEMENTS, PUBLIC PARKING IMPROVEMENTS AND OTHER RELATED IMPROVEMENTS (COLLECTIVELY, THE “IMPROVEMENTS”) AND COMPLETING ANY MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER; ESTABLISHING A RESERVE FUND; ESTABLISHING THE EFFECTIVE DATE OF THIS ASSESSMENT ORDINANCE; AND RELATED MATTERS. He said that the bonds will be issued for \$2,710,000.00 and the total amount of work to be done is estimated at \$3,113,000.00. He reviewed the use of the funds and financial obligations and responsibilities of the City as they relate to this project. It is the staff recommendation that Ordinance No. 2003-04 be adopted.

Councilman Moss motioned to approve the Assessment Ordinance, No. 2003-04. Councilwoman Holt seconded the motion and voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting “aye”. Jason Burningham, representing Bond Counsel, was in attendance and responded to questions from the Council.

COUNCIL COMMITTEE REPORTS

Councilman Pitt reported that the recent participation of the Bountiful City Youth Council in the Leadership Conference held at Utah State University was a very worthwhile experience and

that the youth enjoyed it. He noted that funding for this activity comes from the Council allocation to the Youth Council and he expressed appreciation for the Council support. There was a delegation of 15 members from Bountiful, one of the largest in attendance. New members for next year's Youth Council are presently being selected.

Mr. Hardy stated that he needed to schedule Council Committee meetings to discuss the budget and the following meetings were agreed upon:

- Power Committee will meet with the Power Commission in its regular meeting on April 15, 2003 at 6:30 p.m.
- Police and Fire budgets - Public Safety Committee, April 21, 4:00 p.m.
- Art Center, Community Theater, Choir and Orchestra and Historical Committee budgets - meet with *Fine Arts, Parks and Recreation Committee* April 22, 4:00 p.m.
- **Traffic Safety Committee Meeting**, April 22, 6:00 p.m.
- Streets, Landfill and Storm Water budgets, Street Department, April 30, 4:00 p.m.
- Water and Sewer budget, Water and Sewer Department, April 23, 4:00 p.m.
- Legal, Administrative, Planning and other budgets, Public Safety and Finance Committee, April 24, 4:00 p.m.
- Recreation Center, Golf Course, Cemetery, Government Buildings - Parks and Recreation Committee, April 28, 4:00 p.m.

On a motion made by Councilman Thomas and seconded by Councilman Pitt, the meeting adjourned to executive session at 7:13 p.m. for the purpose of discussing acquisition of real property.

The open meeting reconvened at 8:48 p.m. and the following two items which had been addressed in the Planning Commission regarding the Renaissance Towne Center were brought before the Council.

APPROVAL OF REVISED SITE PLAN - RENAISSANCE TOWN CENTER

Mr. Gehring explained that when the site plan for the Sports Mall (a part of the total project) was approved, the intent was for the Sports Mall to take over the old Insta Care building as a day spa. Xcel Fitness will only be taking the site where the Sports Mall building was to be constructed. The existing medical office building will remain for now with future uses such as an upgraded medical office building, a restaurant or fast food restaurant being considered.

The Planning Commission and staff send a favorable recommendation to the Council for approval of the revised final site plan. Councilwoman Holt motioned to approve the revised site plan, as presented. Councilman Thomas seconded the motion and voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting "aye".

PRELIMINARY AND FINAL PUD SUBDIVISION PLAT APPROVAL, PHASE 2, PLAT 1 - RENAISSANCE TOWN CENTER

Mr. Gehring presented the request for preliminary and final PUD subdivision plat approval for the Renaissance Town Center, Phase 2, Plat 1 and reviewed with the Council that the plat meets the ordinance requirements for parking, landscaping, and buffer to residential uses. It is the

recommendation of staff and the Planning Commission that preliminary and final PUD subdivision plat approval be granted, subject to the following conditions:

1. Any revised use of the southeast corner of the site be subject to available excess parking of 21 stalls.
2. Payment of all fees.
3. Record any minor corrections to the plat.
4. Parking stalls and landscaping may not be changed to less than shown on the site plan and will be recorded as such.
5. Any changes to the bank building and the medical office building will require Planning Commission and City Council approval.

Councilman Thomas motioned to grant preliminary and final PUD subdivision plat approval, as recommended. Councilman Tolman seconded the motion and voting was unanimous with Councilpersons Holt, Moss, Pitt, Thomas and Tolman voting “aye”.

The meeting adjourned at 9:00 p.m. by official action.

Attendance at Executive Session

Mayor Johnson

Councilpersons Holt, Moss, Pitt, Thomas and Tolman

Mr. Hardy

Mr. Mahan

Mr. Rowland

Mr. Gehring

JOE. L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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