

1 Minutes of the  
2 Bountiful City Council Meeting  
3 City Council Chambers  
4 November 9, 2004  
5

6 Present: Mayor: Joe L. Johnson  
7 Council Members: Richard Higginson, Barbara Holt, R. Fred Moss,  
8 and Thomas Tolman  
9 City Manager: Tom Hardy  
10 City Attorney: Russell Mahan  
11 City Engineer: Paul Rowland  
12 Administrative Services Dir.: Galen Rasmussen  
13 Planning/RDA Director: Aric Jensen  
14 Department Heads: Neil Jenkins, Parks/Recreation  
15 Clifford Michaelis, Power  
16 Recording Secretary: Nancy T. Lawrence  
17 Excused: Councilman: John S. Pitt  
18

19 Official Notice of this meeting had been given by posting a written notice of same and an  
20 Agenda at the City Hall and providing copies to the following newspapers of general circulation:  
21 Davis County Clipper, Deseret News, and Salt Lake Tribune.  
22

23 Mayor Johnson called the meeting to order at 7:05 p.m. and welcomed those in  
24 attendance. Denzel Young, visiting Boy Scout, led the Pledge of Allegiance to the flag,  
25 following which Councilman Moss offered the prayer/thought.  
26

27 **APPROVAL OF MINUTES DELAYED TO**  
28 **NEXT MEETING**

29 Minutes of the regular meeting of the City Council held October 26, 2004 will be  
30 approved at the next regular meeting.  
31

32 **WEEKLY EXPENDITURES APPROVED**

33 Mayor Johnson presented the Weekly Expenditure and Expense Report for the Period  
34 October 7 - 27, 2004 in the amount of \$2,075,642.15. The staff responded to questions from the  
35 Council, following which Councilman Higginson made a motion to approve the report.  
36 Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons  
37 Higginson, Holt, Moss and Tolman voted "aye".  
38

39 **PURCHASE OF TRUCK FOR CEMETERY APPROVED**

40 Mr. Jenkins reported that the 1989 dump truck that is used at the cemetery for the  
41 opening and closing of graves, plowing snow, and general ground maintenance is basically worn  
42 out and this year's budget includes a replacement. Bids were received from three dealers to  
43 replace the 1989 vehicle and it is the recommendation of staff to purchase a 4 x 4 1-ton truck  
44 from Butterfield Ford in the amount of \$27,108.00 (State bid list). Councilman Tolman made a  
45 motion to approve this purchase, as requested. Councilwoman Holt seconded the motion and  
46 voting was unanimous. Councilpersons Higginson, Holt, Moss and Tolman voted "aye".  
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48 **COUNCIL APPROVES EMERGENCY MUTUAL AID**  
49 **INTERLOCAL COOPERATIVE AGREEMENT**

1 Mayor Johnson reported that an Emergency Mutual Aid Interlocal Cooperative  
2 Agreement is proposed between Box Elder, Cache, Davis, Morgan, Rich, and Weber Counties  
3 and the cities therein. Mr. Hardy reviewed the Agreement which provides that the parties will  
4 provide assistance to each other, when requested, for emergencies. The Agreement outlines  
5 assistance, responses, command, immunity, compensation, lawful responsibilities,  
6 indemnification and hold harmless, recovery of expenses, etc. The Agreement is part of the  
7 “State Strategy” required by the State Division of Emergency Services and Homeland Security.  
8

9 Mr. Mahan reviewed a concern that he has regarding indemnification as it relates to a  
10 problem resulting from an “intentional” decision. However, he said that it is not significant  
11 enough to hold up signature on the Agreement and he said it is the recommendation of staff to  
12 approve the Agreement. Councilman Moss made a motion to this effect, Councilman Higginson  
13 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss and  
14 Tolman voted “aye”.  
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16 **FINAL SITE PLAN APPROVED FOR SUBDIVISION**  
17 **AT 430 WEST 1600 NORTH - GARY NICHOLLS, APPLICANT**

18 Mr. Jensen presented the request of Gary Nicholls for final site plan approval to construct  
19 storage units in a metes and bounds subdivision located at approximately 430 West 1600 North.  
20 He reported that this request has been reviewed by the Planning Commission and comes to the  
21 Council with a positive recommendation, subject to the following conditions:  
22

- 23 1. The building be constructed according to the final site plan, using primarily split  
24 face block as recommended by the Planning Commission.
- 25 2. The storm drain connection to Centerville City meet all of their criteria.
- 26 3. The property transaction take place as indicated by the attorney for Air Products.
- 27 4. The metes and bounds subdivision match the boundaries of the approved site  
28 plan.
- 29 5. The appropriate storm drain fee be paid to Centerville City.
- 30 6. The payment of water installation fees, impact fees, and any other required fees.  
31

32 Following a short discussion, Councilwoman Holt made a motion to grant final site plan  
33 approval to the metes and bounds subdivision as presented. Councilman Higginson seconded the  
34 motion which carried unanimously. Councilpersons Higginson, Holt, Moss and Tolman voted  
35 “aye”.  
36

37 **FINAL APPROVAL GRANTED TO 5<sup>TH</sup> SOUTH DENTAL**  
38 **PLAZA CONDOMINIUM SUBDIVISION PLAT - MARK BLAISDELL**

39 Mr. Rowland presented the request of Mark Blaisdell for final condominium subdivision  
40 plat approval for an existing medical office building located at 625 East 500 South. There are  
41 nochanges proposed to the existing site or structure, and the Planning Commission and staff  
42 recommend approval subject to the following conditions:  
43

- 44 1. Any necessary changes be made to staff’s approval (completed prior to coming to  
45 the City Council).  
46

1 2. Any outstanding fees be paid.

2 It was noted that parking and landscaping are within common areas and are controlled by  
3 covenants of the condominium association. Councilman Tolman made a motion to grant final  
4 condo plat approval, as recommended. Councilwoman Holt seconded the motion and voting was  
5 unanimous. Councilpersons Higginson, Holt, Moss and Tolman voted "aye".

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7 **ORD. NO. 2004-20 APPROVED RE: AMENDMENTS TO**  
8 **ZONING ORDINANCE**

9 Mr. Jensen explained that Ordinance No. 2004-20 includes several proposed changes to  
10 the Zoning Code, to (1) update the list of zone classifications, (2) establish criteria regarding  
11 applications to appear before the Planning Commission, and (3) create a new zone classification  
12 to allow for mixed-use development. The Planning Commission has reviewed the proposed  
13 ordinance and sends a positive recommendation to the Council. Mr. Jensen reviewed the basic  
14 points of the proposed ordinance. Councilman Moss expressed concern that drive-up windows  
15 were prohibited at fast food restaurants in the Mixed-Use Zone (MXD). Mr. Jensen explained  
16 that the rationale for the prohibition was that this zone should be friendly to pedestrian traffic  
17 and drive-up windows encourage vehicular traffic.

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19 Following discussion, Councilman Moss made a motion to approve Ordinance No. 2004-  
20 20 entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE TO (1) UPDATE  
21 THE LIST OF ZONE CLASSIFICATIONS (2) ESTABLISH CRITERIA REGARDING APPLICATIONS TO  
22 APPEAR BEFORE THE PLANNING COMMISSION (3) CREATE A NEW ZONE CLASSIFICATION TO ALLOW  
23 FOR MIXED-USE DEVELOPMENT, **subject to removal of the text under Section 14-22-105b**  
24 **Prohibited Uses "Fast-food restaurants with drive-up window" and "Rent-to-own stores"**  
25 and changing the number of days in Section 14-2-505 from sixty (60) to forty-five (45), with a  
26 maximum of one meeting. Councilwoman Holt seconded the motion and voting was unanimous.  
27 Councilpersons Higginson, Holt, Moss and Tolman voted "aye".

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29 **COUNCIL COMMITTEE REPORTS**

30 Councilman Tolman reported on the promotional materials which have been generated to  
31 be used at the National League of Cities and Towns convention.

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33 The meeting adjourned to executive session at 8:02 p.m. on a motion made by  
34 Councilman Higginson and seconded by Councilman Moss. Voting was unanimous with  
35 Councilpersons Higginson, Holt, Moss and Tolman voting "aye".

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37 **Attendance at Executive Session**

38 Mayor Johnson  
39 Councilmembers Higginson, Holt, Moss, Tolman  
40 Mr. Hardy  
41 Mr. Mahan  
42 Mr. Rowland  
43 Clifford Michaelis, Power Department

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JOE L. JOHNSON, Mayor

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KIM J. COLEMAN, City Recorder

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