

1 Minutes of the
2 Bountiful City Council Meeting
3 City Council Chambers
4 March 22, 2005 - 7:00 p.m.
5

6 Present: Mayor: Joe L. Johnson
7 Council Members: Richard Higginson, Barbara Holt, R. Fred
8 Moss, John S. Pitt and Thomas Tolman
9 City Attorney: Russell Mahan
10 City Engineer: Paul Rowland
11 City Recorder: Kim J. Coleman
12 Planning/RDA Director: Aric Jensen
13 Department Representative: Allen Johnson, Power
14 Mark Franc, Engineering
15 Recording Secretary: Nancy T. Lawrence
16 Excused: City Manager: Tom Hardy
17

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

22 Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance.
23 Cache Hawkes, visiting Boy Scout, led the pledge of allegiance to the flag, following which Mr.
24 Jensen offered the prayer/thought.
25

26 **MINUTES APPROVED FOR MARCH 8, 2005**

27 Minutes of the regular City Council meeting held March 8, 2005 were presented and
28 approved as amended on a motion made by Councilman Pitt and seconded by Councilwoman Holt.
29 Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voting "aye".
30

31 **WEEKLY EXPENDITURES APPROVED FOR TWO PERIODS**

32 Mayor Johnson presented the Weekly Expenditure and Expense Report for the Periods
33 March 3 - 9, 2005 (\$346,591.66) and March 10-16, 2005 (\$566,681.61). Following a brief
34 discussion period, these reports were unanimously approved on a motion made by Councilman
35 Tolman and seconded by Councilman Higginson. Councilpersons Higginson, Holt, Moss, Pitt, and
36 Tolman voted "aye".
37

38 **INTERLOCAL COOPERATION AGREEMENT WITH**
39 **DAVIS METRO NARCOTICS STRIKE FORCE CONSIDERED;**
40 **ACTION TABLED TO FUTURE MEETING**

41 Mr. Mahan explained that the Interlocal Cooperation Agreement with the Davis Metro
42 Narcotics Strike Force includes all cities in Davis County. The Strike Force has been in existence
43 since 1995 and the Agreement before the Council this evening is basically the same, but includes
44 several slight changes. One proposed modification is that the chairman of the Strike Force
45 Committee serve longer than two years, as has been the practice in the past. (This change is
46 necessary to meet funding requirements). Other changes are: (1)the rank of the commander will be
47 changed from Sergeant to Lieutenant, with an indefinite term of service; (2)over-time pay will only
48 be paid by cities if there is not enough grant money; and (3) any expenditure over \$7,500 must be
49 approved by the Board.

50 Councilman Higginson questioned the fairness of three cities (Bountiful, Layton and
51 Clearfield) providing a person (which would equate to more than \$50,000 each), and the other

1 eleven cities contributing a total of \$50,000.00. Following discussion of the financial arrangements
2 in the Agreement, it was the consensus of the group to table the matter to a later meeting and that
3 the police chief be invited to assist the Council in determining the fairness of the Agreement.
4

5 **EXTENSION OF GROUNDWATER MONITORING CONTRACT APPROVED**

6 Mr. Franc explained that in order to comply with the requirements of the Class I Solid
7 Waste Landfill Permit issued by the State, ground water monitoring is required at the landfill site.
8 For the past several years the City has retained the services of ERM Rocky Mountain, Inc. to
9 perform the field sampling and laboratory analysis of the groundwater at the site and their work has
10 been very satisfactory. Because of the required statistical analysis of groundwater data, any
11 variation in procedures can cause perceived changes in the groundwater quality. Therefore, as
12 much consistency as possible is desirable in collecting and analyzing samples. ERM has assigned
13 consistent personnel to the City project and they have employed consistent procedures. They have
14 offered to extend their contract with the City with the same pricing structure for work as this past
15 year.

16 It is the recommendation of staff that the Council extend the current contract for the 2005
17 calendar year (anticipated to be approximately \$16,800 for the coming year). Councilman
18 Higginson made a motion to extend the contract with ERM-Rocky Mountain, Inc. as recommended.
19 Councilman Moss seconded the motion and voting was unanimous. Councilpersons Higginson,
20 Holt, Moss, Pitt, and Tolman voted “aye”.
21

22 Mayor Johnson asked what the projected life of the landfill is and Mr. Franc stated that it
23 should be at least 40 - 50 years. The mayor asked if additional thought has been given to capturing
24 the methane gas and Mr. Franc indicated “yes” – either for use by the City or for re-sale.
25

26 **APPROVAL GIVEN FOR REPAIR OF PORTABLE**
27 **TRANSFORMER - POWER DEPARTMENT**

28 Mr. Johnson explained that the portable transformer which is currently being stored in the
29 Central Substation developed an oil leak. He explained that this transformer is critical to the
30 operation of the Power Department because it can be transported to the substations if problems
31 occur with the stationery transformers. He described the process necessary to repair this leak,
32 noting that the repair was initially approved through the Power Commission (at \$9,244.93) and the
33 repair was started. Once into the repair project, it was found that additional bushings needed to be
34 ordered and the project was extended six days. This resulted in added costs for the rented tanker
35 truck where the oil was being stored, bringing the total cost to \$10,724.98. In compliance with City
36 policy, this project (which now exceeds \$10,000) needs to be approved by the Council.
37 Councilman Moss motioned to approve the expenditure, Councilman Pitt seconded the motion and
38 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “aye”.
39

40 **PRESENTATION OF PARK PROPOSAL - PRINCIPAL TANNER,**
41 **MILLCREEK JUNIOR HIGH SCHOOL**

42 Principal Tanner, Millcreek Junior High School, said that the Millcreek Jr. High School
43 Community Council has discussed a proposal wherein the Davis School District and Bountiful City
44 would partner in development of a park/educational training station/amphitheater on two acres of
45 school-owned property contiguous to the school. He said that the school would use the area during
46 school hours and it could be available for City use during non-school hours (afternoons, evenings
47 and summers). He displayed a landscape/architectural rendering of the proposed project which

1 would include picnic tables, an amphitheater with a stage, walking paths and areas suitable for
2 science instruction, including a weather station which would be used in conjunction with Channel
3 5.

4 Mr. Tanner suggested that the partnership would consist of the City contributing \$75,000 to
5 \$100,000, providing maintenance, and assuming the utility bill (lighting and pumps for waterfall
6 features). It is anticipated that the total cost of the project will be \$150,000 and the school is in the
7 process of getting donations from contractors and vendors, as well as doing fund raisers. Mayor
8 Johnson questioned the “partnership” status of the proposal, noting that it seemed that the City
9 would be carrying the major load of the proposal. The Council voiced support for the over-all
10 concept, but requested that Mr. Tanner gather more specific information as to the costs which the
11 City would be responsible for (maintenance and utilities). It was noted that the Parks and
12 Recreation committee will soon be meeting to consider next year’s budget and Mr. Tanner was
13 encouraged to provide information, via Councilman Pitt, for the Committee.
14

15 **SINGLE EVENT PERMIT APPROVED FOR**
16 **ST. OLAF’S CATHOLIC CHURCH**

17 Mr. Mahan reviewed that St. Olaf’s Catholic church is having its annual fund raising event
18 and has requested a single event liquor permit. He noted that the permit is actually issued by the
19 State; however, the City must give local consent prior to issuance. This event has been held for
20 many years and based on the fact that there have never been problems, it is staff recommendation to
21 give approval. Councilman Higginson made a motion to this effect, Councilman Tolman seconded
22 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman
23 voted “aye”.
24

25 **CONTRACT WITH COUGHLIN CO. FOR ROTOMILLING**
26 **SERVICES EXTENDED FOR 2005 CONSTRUCTION SEASON**

27 Mr. Rowland reviewed that last year the annual rotomilling contract was with Coughlin
28 Company and the City has been pleased with their work. Coughlin has offered to extend the
29 contract with the City at the same prices as last year, and it is the recommendation of staff to accept
30 this offer. Mr. Rowland explained that the budget for rotomilling has been increased to make it
31 possible to do more work this season; however, the unit prices will remain the same as last year.
32 Councilman Tolman made a motion to approve extending the rotomilling contract with Coughlin,
33 as discussed and recommended. Councilwoman Holt seconded the motion and voting was
34 unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “aye”.
35

36 **FINAL SITE PLAN APPROVED FOR CALL MEADOWS PUD,**
37 **PHASE 3, – BRIAN KNOWLTON, APPLICANT**

38 Mr. Jensen presented the request of Brian Knowlton for final site plan approval of Call
39 Meadows PUD, Phase 3. He noted that preliminary site plan approval was granted (with
40 conditions) several years ago and the project has been in construction since then. As the last phase
41 of the project came for approval, it became apparent that there were several items which needed to
42 be addressed, and he reviewed them with the Council. He reported that the Planning Commission
43 has thoroughly reviewed this request and sends a recommendation for final site plan approval,
44 subject to the following conditions:

- 45 1. 58 parking stalls be constructed, as per the correct standard of 2.75 parking
46 stalls per unit.
- 47 2. Construct a solid, 6' high fence, meeting City standards, around the three

1 exterior sides of this phase.

2 3. Loop the water line to the Pages Place Condominium development to the
3 west.

4 4. Loop the road to the Pages Place Condominium development.

5 5. No construction other than foundation work may occur on Buildings 13, 14,
6 and 15 until the asphalt road is completed.

7 6. Post bond for all improvements and pay all of the applicable fees.

8 7. No unit may be closer than 10' to any roadway.

9
10 Councilwoman Holt noted that the Planning Commission has reviewed this development a number
11 of times and she made a motion that final site plan be granted for Call Meadows PUD Phase 3, with
12 the conditions as recommended. Councilman Pitt seconded the motion which carried unanimously.
13 Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

14
15 **PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED**
16 **TO DEL TACO - 196 WEST 500 SOUTH - NOVA SOURCE DEVELOPMENT**

17 Mr. Rowland reported that the Power Commission and the City planning and engineering
18 staffs have been working with Nova Source Development and Mrs. Cavanaugh's Candies on
19 preliminary and final site plan approval for the proposed Del Taco business at 196 West 500 South.
20 This project comes to the Council with the following recommendations:

21
22
23 1. Grant preliminary and final site plan approval for the Del Taco at 196 West 500
24 South, including the shared parking and access provided on the Mrs. Cavanaugh's
25 property, as follows:

- 26
27 a. That the applicant provide any outstanding
28 information required for final site plan approval to the satisfaction of City staff;
29 b. That the City Engineer and Planning Director be given
30 discretion to make minor adjustments as necessary.
31 c. That any and all outstanding fees be paid.
32 d. That the applicant obtain and record written approval
33 of a cross access easement and shared parking agreement with Mrs. Cavanaugh's.

34
35 2. Recommend preliminary site plan approval for the drive through on the Mrs.
36 Cavanaugh's property, with the following conditions:

- 37 a. Final site plans and elevations meeting the minimum
38 requirements of the Bountiful City Zoning Code be provided showing:
39 i. All off-street parking and loading areas,
40 including the proposed drive through circulation pattern and all on-site parking
41 stalls;
42 ii. A footprint of all of the buildings on
43 site and elevations of any proposed modifications to those buildings.
44
45 b. That Mrs. Cavanaugh's submit for and receive a
46 building permit for all modifications to the site.
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52 Discussion followed regarding alternate proposals for access and accommodation of traffic
53 flow and the City staff reflected that the plans, as presented, incorporate as many improvements as

1 can be made to the site plan. Councilwoman Holt made a motion to grant preliminary and final site
2 plan approval with the conditions as listed for Del Taco and Mrs. Cavanaugh's properties.
3 Councilman Higginson seconded the motion which carried by a majority. Councilman Pitt voted
4 "nay", expressing a concern about the traffic flow. Councilpersons Holt, Higginson, Moss and
5 Tolman voted "aye".
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7

8 **PRELIMINARY AND FINAL SITE PLAN GRANTED TO**
9 **RENAISSANCE TOWNE CENTRE, PAD A**

10 Mr. Jensen presented the request of John Tebbs for a mixed commercial/office building on
11 Pad A at Renaissance Towne Centre Phase 2. The bottom floor will be commercial and the top
12 three will be offices. It was noted that inasmuch as this is part of the existing Renaissance Towne
13 Centre PUD, most of the major site work issues, such as utilities, parking, etc., have already been
14 constructed. New, unanticipated utility work will be to install a couple of catch basins in the
15 walkway adjacent to the retail space along 1500 South, and to expand the irrigation system to
16 include new planter boxes. New landscaping will include low, spreading plants (Vinca minor) in
17 the clear view area near the loading ramp, and vertical growth such as currant and grape plantings
18 with trellises in the planter boxes. He said that the Planning Commission and staff have reviewed
19 this request and recommend approval, with the condition that any outstanding fees be paid.
20

21 Councilwoman Holt made a motion to grant preliminary and final site plan approval to the
22 proposed project of Mr. Tebbs, as presented. Councilman Pitt seconded the motion and voting was
23 unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".
24

25 **COUNCIL DENIES REQUEST FOR FINAL SITE PLAN**
26 **APPROVAL - MEDICAL OFFICE/COMMERCIAL BLDG.,**
27 **391 NO 200 WEST, DAN GEORGE, APPLICANT**

28 Mr. Rowland presented the request of Dan George for final commercial site plan approval
29 of the proposed medical office/commercial building on the southwest corner of 400 North and 200
30 West. He said that the staff and Planning Commission have reviewed this project and recommend
31 final site plan approval, subject to the following conditions:

- 32 1. The total net floor area of the building shall not exceed 5,200 sq. ft. (the maximum
33 amount for 26 parking stalls).
 - 34 2. "Bump out" the curb and gutter adjacent to the westerly handicap stall such that it meets
35 ADA requirements.
 - 36 3. Show the location of the underground storm water storage area at the bottom of the
37 basement access ramp.
 - 38 4. Show a 6' solid fence along the boundary with the residential zone.
 - 39 5. Add an additional six shrubs (in a location that best fits the site).
 - 40 6. Show the location of the proposed pole sign.
 - 41 7. Provide a permit from UDOT Region 1 showing permission for right-in right-out access
42 on to 400 North prior to issuance of a building permit.
 - 43 8. Use existing water and sewer laterals, if possible, and pay any required impact fees to
44 Bountiful City Water and/or South Davis Sewer.
 - 45 9. Record a 7' public utility easement along 400 North and along 200 West.
 - 46 10. Pay required storm water impact fee: 0.567 acres x \$3,500.00/acre = \$1,984.50.
- 47

1 Councilman Higginson asked what consideration was given to items considered in the
2 process of the zone change and Mr. Mahan responded that the re-zone was based on the fact that the
3 property would be used primarily for professional office space, with limited commercial; the front
4 and main entrance would face 200 West; and that these conditions would apply until such time that
5 the property might be rezoned. Discussion followed regarding the formulas used in determining
6 square footage for commercial vs. office use and the relationship of these factors to parking.

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9 Councilman Higginson also expressed concern that there is an access to the building on 400
10 North Street, as well as the fact that 50 percent of the orientation of the second access is on 400
11 North. He stated that this was in direct opposition to the conditions placed on development by the
12 Council at the time of the rezoning request. A lengthy discussion followed regarding the site plan
13 and the proposed location of the building. Staff pointed out that due to the grade of the property,
14 the building was oriented in such a way that it would be least obtrusive to the residential
15 neighborhood on 400 North, and yet permit access restricted by grade considerations. Councilman
16 Pitt pointed out that the commercial appearance of the building should be more toward 200 West
17 and not on 400 North. Discussion revealed that expectations by the Council had not been met by
18 staff and Mr. George in placement of the building on the site. Councilman Moss made a motion to
19 deny the request for final commercial site plan approval and that the plans be re-evaluated by staff
20 and the Planning Commission to meet the Council expectation that there would be “no access on
21 400 North street”. Councilman Higginson seconded the motion which carried by a majority.
22 Councilmen Higginson, Pitt, Moss and Tolman voted “aye”. Councilwoman Holt voted “nay”.

23 **ORD. NO. 2005-5 ADOPTED RE: ZONING ORDINANCE -**
24 **DESIGN STANDARDS**

25 Mr. Jensen reviewed that at the last City Council meeting a paragraph from the proposed
26 Design Standards chapter being considered was referred back to the staff and Planning Commission
27 for revision. He explained the draft language that had been changed and recommended that Ord.
28 No. 2005-5, entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE TO
29 CLARIFY AND MODIFY SECTION 14-23-102 (DESIGN STANDARDS), be adopted. Councilman Moss
30 made a motion to this effect, Councilman Higginson seconded the motion and voting was
31 unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “aye”.

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33 **PROPOSED LAND USE ADMINISTRATION PROCESS**
34 **REVIEWED - MR. JENSEN**

35 Mr. Jensen reported that recently adopted legislation opens the door to different ways of
36 doing the approval process, which can be decided by each city. He reviewed a chart which
37 provided a suggested approval/review process by staff, an administrative committee, the Planning
38 Commission and the City Council. Mr. Mahan noted that in the past the Planning Commission and
39 City Council have carried the majority of the workload in the approval process and the proposed
40 changes would free these bodies to address general plan amendments, zone amendments, ordinance
41 text amendments, etc. Councilman Higginson requested that the staff prepare a comparable table of
42 the current approval process. No action was taken.

43
44 **COUNCIL COMMITTEE REPORTS**

45 The Mayor reminded the Parks and Recreation Committee of a budget committee working
46 meeting tomorrow at 3:30 p.m. at City Hall.

47
48 Councilman Pitt reported on the recent Youth Council leadership conference at Utah State

1 and expressed appreciation to the Mayor for his support there.
2

3 Councilman Higginson indicated that the Emergency Preparedness Training will be held on
4 May 21st and requested that the Council Chambers be scheduled for that event.
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6 Councilman Pitt stated that the Youth Council Swearing-In ceremony will be on May 10th at
7 6:30 p.m. (prior to the regular meeting) and he invited all to attend.
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13 **EXECUTIVE SESSION APPROVED**

14 At the request of the Mayor, Councilman Higginson made a motion to adjourn at 9:27 p.m.
15 to Executive Session for the purpose of discussing personnel. Councilwoman Holt seconded the
16 motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted
17 “aye”.
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19 **Attendance at Executive Session**

20 Mayor Johnson
21 Councilpersons Higginson, Holt, Moss, Pitt and Tolman
22 Mr. Mahan
23 Mr. Coleman
24 Mr. Rowland
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29 JOE L. JOHNSON, Mayor
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34 KIM J. COLEMAN, City Recorder
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