

1 Minutes of the  
2 Bountiful City Council Meeting  
3 City Council Chambers  
4 August 9, 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 Manager: Tom Hardy  
10 City Attorney: Russell Mahan  
11 Admin. Services Director: Galen Rasmussen  
12 Planning/RDA Director: Aric Jensen  
13 Administrative Intern: Joel Jenks  
14 Department Heads: Terry Thompson, Streets/Sanitation  
15 Recording Secretary: Nancy T. Lawrence  
16  
17 Excused: City Engineer: Paul Rowland  
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 7:00 p.m. and welcomed those in attendance.  
24 Austin Pace, visiting Boy Scout, led the pledge of allegiance to the flag, following which Mr.  
25 Jenks offered the prayer/thought.  
26

27 **APPROVAL OF MINUTES - JULY 12, 2005**

28 Minutes of the regular meeting of the City Council held June 28, 2005 will be presented for  
29 approval at a future meeting. Minutes of the City Council meeting held July 12, 2005 were  
30 presented and unanimously approved as written on a motion made by Councilman Pitt and  
31 seconded by Councilman Moss. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted  
32 "aye".  
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34 **WEEKLY EXPENDITURES APPROVED FOR PERIODS**  
35 **JULY 7 - AUGUST 3, 2005; SUMMARY OF JUNE, 2005**

36 Mayor Johnson presented the Weekly Expenditure and Expense Report for the Period July  
37 7 - August 3, 2005 in the amount of \$2,583,575.58 and the Summary of Expenses for the Month of  
38 June totaling \$4,199,140.63. Following discussion (which included accolades for the Handcart  
39 Days fireworks display) these expenditures were unanimously approved on a motion made by  
40 Councilman Moss and seconded by Councilman Higginson. Councilpersons Higginson, Holt,  
41 Moss, Pitt and Tolman voted "aye".  
42

43 **RE-CAP OF "EXTREME MAKEOVER" - MAYOR JOHNSON**

44 Mayor Johnson commented on the wonderful experience it was to have the "Extreme  
45 Makeover" event in Bountiful and the impact it had in bringing the community together. He  
46 specifically thanked Councilman Pitt for his efforts in taking the lead to serve as liaison between  
47 the "Extreme Makeover" officials, the City and the community. He noted that the Gordon  
48 Harrison family (recipients of the honor) were not in attendance because they were being  
49 presented with a cash award which was collected by local youth who sold drinking water to site  
50 workers and visitors. A plaque of appreciation was given to Mike Mayfield who spear-headed the

1 volunteer efforts of family, friends and the neighborhood; the Okland Construction team who  
2 accomplished the task of building the new home in 106 hours; and to the Extreme Makeover  
3 Location Manager who stated that he felt nothing but total support from the Bountiful community.  
4 He also praised Okland Construction for their excellent, expeditious work. Mayor Johnson also  
5 praised the City staff who helped to make things happen over the past several months.

6  
7 **PURCHASE OF AUTOMATED GARBAGE TRUCK APPROVED**

8 Mr. Thompson reported that a new (replacement) garbage truck was included in this year's  
9 budget and he recommended that the truck be purchased from A G Body in the amount of  
10 \$185,644.00. He noted that this was not the low bid, but it is recommended by the staff because of  
11 it's fuel efficiency and fleet maintenance advantages (an Autocar/Heil model). Following a brief  
12 discussion, Councilman Higginson motioned to approve the purchase of the 2006 Autocar/Heil  
13 automated sideloader garbage truck. Councilwoman Holt seconded the motion and voting was  
14 unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye"  
15

16 **LOT LINE ADJUSTMENT APPROVED -**  
17 **1048 WOODMOOR DR AND 1030 WOODMOOR DR**

18 Mr. Jensen reported that the residents of 1048 Woodmoor Drive and 1030 Woodmoor  
19 Drive desire to adjust the common lot line by transferring an area of property as shown in an  
20 illustration. The amended property boundaries will not create any non-conformities, and both lots  
21 will meet all of the minimum criteria for the R-1-8 zone. It is the recommendation of staff to  
22 approve this request. Councilman Moss made a motion to this effect, Councilman Higginson  
23 seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and  
24 Tolman voted "aye".  
25

26 **LOT LINE ADJUSTMENT APPROVED -**  
27 **98 EAST AND 108 EAST WICKER LANE**

28 Mr. Jensen noted that this request is similar to the one just approved - with the request  
29 being made by the residents of the two lots to create a more efficient use of the land. The amended  
30 property boundaries will not create any non-conformities and both lots will meet all of the  
31 minimum criteria for the R-1-6.5 zone. This request comes with a positive recommendation from  
32 staff. Councilman Higginson motioned for approval, Councilman Moss seconded the motion and  
33 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".  
34

35 **APPROVAL GRANTED TO AMENDED COMMERCIAL SITE PLAN -**  
36 **EL MATADOR RESTAURANT, 606 SOUTH MAIN**

37 Mr. Jensen presented the request of Artoosh Hasratian, for approval of the amended site  
38 plan for the El Matador restaurant at 606 South Main Street. He explained that the site was  
39 originally approved in April, however, Mr. Hasratian would like to increase the dining area by  
40 adding an extension onto the south side of the building. The staff recommendation was to forward  
41 a negative recommendation to the City Council. However, the Planning Commission chose to  
42 recommend approval of the amended site plan with the following conditions:

- 43 1. The applicant sign a waiver/letter of indemnification releasing the City of  
44 any liability for allowing construction in an area of potential flooding, and to record  
45 that waiver with the property deed.  
46 2. That the addition contain no openings of any kind on the east side of the

1 extension, and no doors on the south side. All window sills must be at least 3 feet  
2 from the floor.

- 3 3. The east facing wall shall be a solid masonry wall, as shall be the lower 3  
4 feet of the south facing wall (facing the creek). The reasoning is that if the culvert  
5 under Main Street ever became blocked and the water flowed over the top of the road,  
6 it would likely rush up against the side of the extension before flowing back into the  
7 channel.
- 8 4. A maximum of 237 seats be allowed, as per the standard of 3 seats per  
9 parking stall.
- 10 5. The applicant abide by conditions of the letter received from the Davis  
11 County Flood Control.

12  
13 Mr. Hasratian and Russ Naylor (architect) were in attendance and responded to questions  
14 from the Council, following which Councilwoman Holt motioned to grant approval to the  
15 amended commercial site plan, as presented. Councilman Higginson seconded the motion which  
16 carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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18 **PRELIMINARY AND FINAL SUBDIVISION APPROVAL**  
19 **GRANTED TO KELLY PARK OFFICE CONDO CONVERSION,**  
20 **16 WEST 1350 NORTH**

21 Mr. Jensen reported that Sterling Brimley is requesting approval for the conversion of his  
22 four unit professional office building into a four unit condominium complex. This matter was  
23 reviewed in Planning Commission and comes to the Council with a recommendation for approval,  
24 subject to the following conditions:

- 25 1. Minor correction to the condo plat and submission of a complete mylar plat.  
26 2. Payment of fees.  
27 3. Provide a current title report.  
28 4. A condominium association be created in conformity with the State law.
- 29 Councilman Moss made a motion to grant preliminary and final subdivision approval, as  
30 recommended. Councilman Tolman seconded the motion and voting was unanimous.  
31 Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted "aye".

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34 **PUBLIC HEARING TO CONSIDER ZONE MAP AMENDMENT**  
35 **FROM R-3-13 TO C-H (HEAVY COMMERCIAL): 478 W 400 N**

36 Mr. Jensen reviewed that the Planning Commission has considered the request of Dave  
37 Badham to rezone the property located at 478 West 400 North from R-3-13 to C-H. The property  
38 is currently improved with a single family home and is bordered on three sides by properties zoned  
39 C-H. Mr. Jensen explained that this dwelling is one of a group of four that front directly onto 400  
40 North and back onto an existing trailer park, and which are located between the Common Cents  
41 gas station and an extension of the J&L Nursery property. After analyzing this request, it was the  
42 recommendation of the Planning Commission to approve the rezone and to approve the ordinance  
43 effecting the change. Kirt Petersen, a member of the Planning Commission, was in attendance and  
44 stated that the heavy traffic on 400 North, together with surrounding commercial properties, results  
45 in a loss of property value for the single family homes.

46  
47 At 8:02 p.m. the Mayor opened the public hearing regarding this request. Representatives

1 from Common Cents reviewed their plans to add a car wash to their property in an effort to  
2 compete with the upcoming competition from Costco for selling gasoline. John Higginson, 324  
3 North 300 West, spoke in opposition to the rezoning, posing the question: “Who wants to live next  
4 to a business?” He pointed out that the four residential houses (which will most likely be rental  
5 properties in the near future) serve as a buffer zone between the businesses and owner-occupied  
6 homes. He also pointed out that approval of this request would result in the commercial zone  
7 creeping further east along 400 North. There were no others who wished to speak and the hearing  
8 closed at 8:05 p.m.

9  
10 Councilwoman Holt noted that residents in the area of 2200 South where a Dick’s Market  
11 was recently constructed have commented that the business is not a bad neighbor. She stated that  
12 the Planning Commission vote on this matter was 3:2 and she expressed concern about how far the  
13 Council should permit the commercial zone to “creep” east on 400 North. Inasmuch as the heavy  
14 traffic on 400 North will make it difficult to maintain the four residential properties as residential,  
15 she suggested that a firm line be established east of those homes and that commercial zoning not  
16 be permitted any further to the east. A lengthy discussion followed regarding this proposal and  
17 how it relates to the City Master Plan. Councilman Moss stated that it is time to evaluate the  
18 current master plan and avoid “hodgepodge” development. Following further discussion,  
19 Councilwoman Holt made a motion to approve the rezone request and to adopt Ordinance No.  
20 2005-10 entitled *An Ordinance amending the Bountiful City Zoning Map to re-zone property at*  
21 *478 West 400 North from Residential Multi-family (R-3-13) to Heavy Commercial (C-H0.*  
22 Councilman Tolman seconded the motion which carried by a majority. Councilpersons Holt, Pitt,  
23 Moss and Tolman voted “aye” Councilman Higginson voted “nay”.

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25 **PUBLIC HEARING TO CONSIDER ORD. NO. 2005-11**  
26 **TEXT AMENDMENT TITLE 14 AND TITLE 7**

27 Mr. Mahan presented Ordinance No. 2005-11 and explained that for several months the  
28 Planning Commission, City Council, and staff have been discussing options for amending our  
29 zoning code to bring it into conformance with and/or to take advantage of options now available  
30 under the revised Land-Use Development Management Act text. As a result of zone text  
31 amendments from earlier this year, staff is proposing updates to portions of the Subdivision  
32 Ordinance (Title 7) to make it consistent with the Zoning Ordinance (basically, a housekeeping  
33 matter).

34  
35 Mr. Jensen reviewed the proposed changes to Title 14 (zoning ordinance) as they relate to  
36 duties of the Planning Commission and City Council regarding land use development  
37 management, and the newly created Administrative Subcommittee which replaces the Board of  
38 Adjustment. He reviewed the appeals process and variances for each category. It is the  
39 recommendation of staff to adopt this ordinance. Mr. Jensen requested that the matrix which  
40 summaries this ordinance be included in the adoption.

41  
42 Following the review of the proposed ordinance changes by Mr. Jensen, Mayor Johnson  
43 opened the public hearing at 9:00 p.m. to receive input from interested parties. There were no  
44 comments and the hearing was closed at 9:01 p.m. Councilman Higginson expressed appreciation  
45 for the work which Mr. Jensen has done on this ordinance and he made a motion to adopt  
46 Ordinance No. 2005-11, entitled *An Ordinance amending (1) The Bountiful City Zoning*

1 **Ordinance, Title 14, Chapter 2, pursuant to recent changes in the Utah Land Use Development**  
2 **Management Act (LUDMA) (2) Title 7 Subdivisions, of the Bountiful City Code, to make it**  
3 **consistent with changes made previously to Title 14, reserving the right to bring back the matrix**  
4 **in two weeks to be included into the ordinance. Councilwoman Holt seconded the motion and**  
5 **voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.**

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8 **COUNCIL COMMITTEE REPORTS**

9 Mayor Johnson noted that Summerfest starts tomorrow evening and he briefly summarized  
10 the schedule of events for the week. He also praised the Council for their dedication and input on  
11 City matters and re-affirmed his respect for each of them.

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13 Mr. Hardy confirmed that the next City Council meeting will be August 30, 2005.

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15 The policy regarding Water Department service was discussed as it relates to bills that  
16 appear to be larger than they should. Mr. Hardy explained how the water meter works and stated  
17 that if the existing policy is abandoned (bills that appear to have a problem are split 50/50 by the  
18 owner and the City), he would recommend that disputed bills be written off.

19  
20 At 9:20 p.m. Councilman Moss made a motion to adjourn to executive session for the  
21 purpose of discussing litigation. Councilman Higginson seconded the motion and voting was  
22 unanimous. Councilpersons Higginson, Holt, Moss, Pitt and Tolman voted “aye”.

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24 **Attendance at Executive Session**

- 25 Mayor Johnson
- 26 Councilpersons Higginson, Holt, Moss, Pitt and Tolman
- 27 Mr. Hardy
- 28 Mr. Mahan

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33 \_\_\_\_\_JOE L. JOHNSON, Mayor

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38 KIM J. COLEMAN, City Recorder

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