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Minutes of the Bountiful City Council Meeting City Council Chambers March 8, 2005 - 7:00 p.m.

Present: Mayor: Joe L. Johnson
Council Members: Richard Higginson, Barbara Holt, R. Fred Moss, John S. Pitt and Thomas Tolman
City Manager: Tom Hardy
City Attorney: Russell Mahan
City Engineer: Paul Rowland
Admin. Systems Dir.: Galen Rasmussen
Planning/RDA Director: Aric Jensen
Department Representative: Neal Jenkins, Parks and Recreation
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 7:05 p.m. following a meeting of the Redevelopment Agency and welcomed those in attendance. Mr. Rowland led the pledge of allegiance to the flag, following which Mr. Rasmussen offered the prayer/thought.

MINUTES APPROVED FOR TWO FEBRUARY MEETINGS

Minutes of the regular City Council meetings held February 8, 2005 and February 22, 2005 were presented and approved as written on a motion made by Councilman Pitt and seconded by Councilman Tolman. Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voting "aye".

WEEKLY EXPENDITURES APPROVED FOR TWO PERIODS AND SUMMARY FOR FEBRUARY 2005

Mayor Johnson presented the Weekly Expenditure and Expense Report for the Periods February 17-23, 2005 (\$1,336,236.15) and February 24, 2005 - March 2, 2005 (\$156,671.41) and the Summary of Expenditures for the Month of February, 2005 totaling \$3,543,783.24. Following a brief discussion period, these reports were unanimously approved on a motion made by Councilman Moss and seconded by Councilman Higginson. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted "aye".

JEFF JERMAN RECOGNIZED ON RETIREMENT FROM CITY - GOLF COURSE PRO

Mr. Jenkins reported that Jeff Jerman will be retiring as golf pro and he reminisced that he and Jeff have worked together at the Bountiful golf course for 29 years. He said, "it will be tough to see him go". Mr. Jenkins credited Mr. Jerman for the success of the golf course, noting that he started the Junior Golf program 25 years ago which has helped to establish the golf clientele. This program has been used as a model for the State. Mr. Jenkins said that you would find Mr. Jerman at the golf course any time from 6:00 a.m. to 8:00 p.m. and that he had "never met a more dedicated golf professional". In addition, he was a great friend who will be missed a lot. Mr. Jenkins thanked Mr. Jerman's family for their attendance and support.

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Mr. Hardy also recognized the great asset that Mr. Jerman has been to the City and he expressed appreciation for his friendship. He stated that the success of the golf course is due in large part to the long tenure of Scot Whitaker and Mr. Jerman. At the invitation of the Mayor, Mrs. Jerman also expressed her admiration for the excellent work which Mr. Jerman has done, stating that he is a “very dedicated, incredible employee” who has loved the people he works with. Mr. Jerman credited the success of the course to the excellent maintenance and the decisions of Mr. Hardy and Mr. Jenkins in the development of the course. It was noted that the Bountiful course is listed in the Golf Digest as one of the courses to play in the United States. Mr. Jerman concluded by expressing appreciation to his family for their understanding of his love for the game and the time he put in. Mayor Johnson then presented Mr. Jerman with a gift of appreciation on behalf of the City and stated that Mr. Jerman will be greatly missed.

**PUBLIC HEARING TO CONSIDER ADOPTION OF
ORD. NO. 2005-04 AMENDING TITLE 14 OF ZONING ORDINANCE**

At 7:28 p.m. Mayor Johnson opened the public hearing to consider amending Title 14 of the Zoning ordinance. Rich Humphries, part owner of the land being developed on Medical Drive, spoke in favor of the amendment which would allow professional services in addition to medical and health services in the Hospital Zone. He noted that there are vacancies in existing professional buildings in that zone and since many medical and health service professionals are locating in other areas of the city, it is difficult to keep enough tenants to sustain the buildings if they are restricted solely to medical and health service professionals.

It was noted at this point that the discussion would be quite lengthy, and inasmuch as there were persons in attendance who had items of business that could be handled quickly, the hearing was temporarily discontinued to accommodate other agenda items.

**INTERLOCAL AGREEMENT WITH DAVIS
COUNTY SCHOOL DISTRICT APPROVED**

Mr. Hardy explained that Bountiful City and Davis School District have entered into an Interlocal Agreement which will provide for the construction and use of a gymnasium building addition to the proposed recreation center. The facility will be constructed in the proximity of the existing Armory building which is used by Bountiful Junior High School. The new gym(s) will be used by the School District during the day (during the school year) and in the evenings and summers by the City and recreational leagues. Consideration is also being given to constructing a softball diamond north of Bountiful Junior High which will be a replacement of the 400 North softball park. He reviewed the financial details of the Agreement, which include that Bountiful City will pay the initial cost of the construction of the new gym(s) and the term of the Redevelopment Agency will be extended and the RDA will pay the City back with taxes that otherwise would have gone to the School District.

Mayor Johnson thanked Mr. Hardy for helping to bring the parties together for this common benefit and he indicated that the School Board unanimously adopted the Agreement. In response to a question from Councilman Higginson, Mr. Hardy stated that the Interlocal Agreement could be shifted to the Recreation District in the future, if that were the decision of all parties. Councilman Pitt made a motion to adopt the Interlocal Agreement as presented. Councilman Higginson seconded the motion and voting was unanimous. Councilpersons

1 Higginson, Holt, Moss, Pitt, and Tolman voted “aye.”

2
3 **INTERLOCAL COOPERATION AGREEMENT WITH**
4 **DAVIS METRO NARCOTICS STRIKE FORCE TABLED**

5 The background information on this Agenda item had not been included in the packet and
6 on a motion by Councilman Higginson and seconded by Councilwoman Holt, discussion was
7 tabled to the next regular meeting. Voting was unanimous with Councilpersons Higginson, Holt,
8 Moss, Pitt and Tolman voting aye.

9
10 Councilman Higginson requested that an analysis be made, by city, of what the Strike
11 Force has accomplished in each jurisdiction during the past five years.

12
13 **PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED**
14 **AT 1853 EAST MUELLER PARK RD. - MARK & LANE ANTRY**

15 Mr. Rowland reviewed that Mark and Lane Antry purchased the lot at 1853 East Mueller
16 Park Road and following submission of the site plan in summer 2004 and issuance of the building
17 permit in November, construction was started. Not until a building inspection was underway was
18 it discovered that the home should have a sprinkling system inasmuch as it is located beyond 200
19 feet from a public street. (Because the Planning and Engineering reviewers were not personally
20 familiar with this lot and since the submitted site plan did not show the 320 ft. of driveway that
21 crosses the neighbor’s lot, the fact that the proposal needed to come before the Planning
22 Commission and Council prior to issuance of the building permit was missed). At this point, the
23 Antry’s were advised of the proper process and the matter was heard by the Planning Commission
24 and given a recommendation for approval, subject to the following conditions:

- 25
26 1. Provide residential fire sprinklers in the house as required by the Zoning Ordinance
27 and per the approval of the Fire Marshall.
28 2. Construct the ordinance required fire access and turn-around as shown on the plans.
29 3. That this does not prevent the Antry’s from making a claim against the City.
30

31 Mr. Mahan explained that when the Antry’s met with the Planning Commission, they
32 requested that since they were not aware of the sprinkler system when they arranged financing for
33 their home, that the City either waive the sprinkler requirement or pay for it. It was Mr. Mahan’s
34 recommendation that this issue be handled separately and that the Antry’s file a claim against the
35 City and that a decision be reached through due process. He noted that the sprinkling system
36 requirement is not a new one and that it is particularly needed in the Foothill Zone.
37

38 Lane Antry explained that the property was purchased in Fall, 2001 and she applied for the
39 building permit in March, 2004, without knowledge of Foothill Requirements. She reviewed the
40 history of the application, noting that a second plan was required in order to move the location of
41 the home. However, not in this process nor during three building inspections was it made known
42 that they needed a sprinkling system. A lengthy discussion followed regarding the application and
43 inspection process and possible ways to resolve this situation. Based on the recommendation of
44 the City Attorney and in an effort to not hold the Antry’s up in the construction of their home,
45 Councilwoman Holt made a motion to grant preliminary and final site plan approval to the Antry
46 request, subject to the conditions listed above. Councilman Higginson seconded the motion and
47 voting was unanimous. Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voted “aye”.

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**PRELIMINARY SITE PLAN APPROVED FOR CONVALESCENT/
REST HOME SERVICE AT 621 E MEDICAL DR, BRUCE MORRISON**

Mr. Jensen presented the request of Bruce Morrison for preliminary site plan approval for the proposed convalescent and rest home service to be located at 621 East Medical Drive. He noted that typically a request is not brought before the City Council unless it already has preliminary and final review by the Planning Commission. However, Mr. Morrison is required by the State to have an approval from the City before he can get his approval from the State, and by the current City ordinances only the City Council can grant approval for a commercial site plan. For this reason, Mr. Morrison is requesting just preliminary site plan approval at this time.

Mr. Jensen reviewed the points of the site plan and based on a checklist/redline of issues that will need to be corrected before final site plan approval can be granted, prepared by the City Engineer, recommended that preliminary approval be granted, subject to the following conditions:

1. Any outstanding fees be paid
2. Show the location and approximate height of on-site lighting fixtures
3. Provide complete mechanical engineering so that the final size of the culinary and fire service lines can be determined
4. Revise/complete the grading plan (specifically on the west side of the smaller building) to assure that all runoff flows into approved storm drain facilities and not onto neighboring properties
5. Provide a 7' wide utility easement along all street frontages
6. Provide preliminary floor plan drawings.

Councilwoman Holt made a motion to grant preliminary approval to the assisted living center at 621 East Medical Drive, as recommended. Councilman Higginson seconded the motion. Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voting "aye".

REPORT ON 2005 LEGISLATIVE SESSION

Mr. Hardy reviewed legislative issues which will affect the City, noting that the Land Use Development and Management Act will be addressed by Mr. Jensen in a future meeting as to how it will impact the City. Roles of the Planning Commission and City Council will be revised and the Board of Adjustment may be done away with. The issues relating to transportation funding were discussed as it relates to Utah, Salt Lake, Davis and Weber counties and it was noted that Utah and Salt Lake counties are still diverting transportation monies into their county projects. The redistribution of sales tax was referred to a two-year tax study (which will include all taxes). He referred to several other bills, following which the Mayor expressed appreciation for the time and effort that Mr. Hardy spent at the Legislature on behalf of the City.

PUBLIC HEARING CONTINUED - ZONING ORDINANCE

At 8:35 p.m. the public hearing continued regarding proposed changes to the zoning ordinance. Mr. Jensen reviewed each proposal and responded to questions from the Council. Julian Finlinson and Fred Cox requested clarification on proposed changes, but did not express opposition. Although several items were somewhat controversial, it was the consensus of the Council that the ordinance be adopted as presented and then changes can be made later if they are deemed necessary. Councilwoman Holt made a motion to adopt Ordinance No. 2005-04 entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY ZONING ORDINANCE TO (1) UPDATE

1 ADMINISTRATIVE PROCEDURES (2) MODIFY SECTIONS OF THE CODE AS PER CHANGES IN THE IBC,
2 IRC, IFC, AND THE NEW METRO FIRE DISTRICT (3) TO CONSOLIDATE AND CLARIFY THE MINIMUM
3 BUILDABLE AREA STANDARDS IN ALL RESIDENTIAL ZONES (4) ALLOW "PROFESSIONAL OFFICE" USES
4 IN THE HOSPITAL ZONE (5) CLARIFY AND MODIFY THE TEMPORARY SIGN STANDARD (6) REMOVE THE
5 UNDEFINED TERM OF "COMMON DRIVE" FROM THE ZONING ORDINANCE AND CLARIFY WHO APPROVES
6 A SHARED DRIVEWAY (7) ESTABLISH A NEW "DESIGN STANDARDS" SECTION. Councilman
7 Higginson seconded the motion and then requested discussion on the proposed change of noticing
8 requirements for zoning amendments, conditional use permits and Board of Adjustment items. He
9 suggested that the requirement be left at 500 feet, and not changed to 300 feet, based on the
10 rationale that it is better to involve more people than less. He made a motion to amend the motion
11 on the floor to provide that the notice requirement be left at 500 feet. Councilman Pitt seconded
12 this motion and it carried unanimously. Councilpersons Higginson, Holt, Moss, Pitt and Tolman
13 voted "aye".
14

15 The Mayor then called for a vote on the motion to adopt the ordinance. Voting was
16 unanimous with Councilpersons Higginson, Holt, Moss, Pitt, and Tolman voting "aye".
17

18 **COUNCIL COMMITTEE REPORTS**

19 Councilman Higginson reported that there was good attendance at the Emergency
20 Preparedness training session that he attended and that it appears there is a rejuvenated interest in
21 this matter.
22

23 Councilman Pitt reminded the group that the Youth Council Leadership Training in Logan
24 will be held one week from Friday and he invited the Mayor to attend.
25

26 Phill Wright was in attendance from BPAC and it was clarified that the design for the
27 proposed directional sign should be given to the staff for their review. He thanked the Council for
28 their attendance at "Nunsense" and mentioned that the next performance, "Honk", will be in June.
29

30 Mr. Hardy requested that the Arts budget committee meet prior to Councilman Pitt going to
31 India and it was agreed that the meeting would be on March 23 (Wednesday) at 3:30 p.m. It was
32 noted that the Historical Commission representatives should also attend this meeting.
33

34 Mayor Johnson asked who would be going to the conference in St. George. Councilman
35 Pitt said he would not and Councilman Tolman was undecided. Others confirmed attendance.
36

37 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

38 At 9:27 p.m. the meeting adjourned to executive session, for the purpose of discussing
39 pending litigation, on a motion made by Councilman Higginson and seconded by Councilman
40 Moss. Voting was unanimous with Councilpersons Higginson, Holt, Moss, Pitt and Tolman
41 voting "aye".
42

43 **Attendance at Executive Session**

44 Mayor Johnson
45 Councilpersons Higginson, Holt, Moss, Pitt and Tolman
46 Mr. Hardy
47 Mr. Mahan

1 Mr. Rowland

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4 _____JOE L. JOHNSON, Mayor

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7 KIM J. COLMAN, City Recorder

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