

1 **Minutes of the**  
2 **Bountiful City Council Meeting**  
3 **City Council Chambers**  
4 **April 11, 2006 – 7:00 p.m.**

5  
6 Present: Mayor Joe L. Johnson  
7 Council Members Barbara Holt, John Pitt, Thomas Tolman  
8 City Manager Tom Hardy  
9 City Attorney Russell Mahan  
10 Assistant City Engineer Lloyd Cheney  
11 Admin. Serv. Director Galen Rasmussen  
12 Planning/RDA Director Aric Jensen  
13 Department Rep. Cliff Michaelis  
14 Terry Thompson  
15 Neal Jenkins  
16 Recording Secretary Ellen Call  
17  
18 Excused Council Members Richard Higginson  
19 R. Fred Moss  
20

21 Official Notice of this meeting had been given by posting a written notice of same and an  
22 Agenda at the City Hall and providing copies to the following newspapers of general circulation:  
23 Davis County Clipper, Deseret News, and Salt Lake Tribune.  
24

25 Mayor Johnson called the meeting to order at 7:02 p.m., following which Spencer  
26 Bryson, visiting Boy Scout, led the pledge of allegiance to the flag and Aric Jensen offered the  
27 prayer/thought.  
28

29 **MINUTES TO BE APPROVED AT NEXT MEETING**

30 Minutes of the regular City Council meeting held March 28, 2006 will be presented for  
31 approval at the next regular meeting.  
32

33 **EXPENDITURES AND EXPENSES APPROVED FOR**  
34 **PERIODS MARCH 23-29, 2006 AND MARCH 30-APRIL 5, 2006**

35 Galen Rasmussen presented the Report of Expenditures and Expenses Greater than  
36 \$1,000 for the period March 23-29, 2006 in the amount of \$1,335,839.86 and the period March  
37 30 - April 5, 2006 in the amount of \$700,050.67. Councilman Pitt motioned to approve the  
38 reports as presented and Councilman Tolman seconded the motion. Voting was unanimous with  
39 Councilmembers Holt, Pitt, and Tolman voting in favor.  
40

41 **APPOINTMENT MADE TO ADMINISTRATIVE COMMITTEE**

42 Aric Jensen introduced Cameron Wilson and recommended that he be appointed as an  
43 alternate for the Administrative Committee. Mr. Wilson completed his Doctorate in Planning at  
44 USC, and has recently moved with his family to Bountiful. He expressed his appreciation for  
45 being given the opportunity to serve the community. Councilmember Holt made a motion to  
46 approve the appointment, seconded by Councilman Tolman, and voting was unanimous with

1 Councilmembers Holt, Pitt, and Tolman voting “aye”.

2  
3 **PLAY STRUCTURE PURCHASE APPROVED**  
4 **FOR THE 1500 SOUTH PARK**

5 Jerry Wilson, Parks Superintendent, explained that the 20-year-old play structure at the  
6 1500 South Park is in need of replacement. After reviewing the bids that came in, the staff  
7 recommends purchasing the Miracle Play equipment from Sontag Recreation for \$45,000, which  
8 is the same amount that was budgeted. Councilman Pitt motioned to award the bid as  
9 recommended, seconded by Councilman Tolman, and voting was unanimous with  
10 Councilmembers Holt, Pitt, and Tolman voting “aye”.

11  
12 **PRESENTATION ON LEGACY PARKWAY**

13 Mayor Johnson introduced UDOT representatives Joe Walker and John Thomas, Project  
14 Director for the Legacy Parkway, who gave a slide show overview of the project. They first  
15 talked about the schedule, and reported that work is now being done on the south interchange in  
16 the area of I-215 and Redwood Road. By the end of the summer, they anticipate having design  
17 plans completed for the project, and they will be ready to begin full construction in the fall of  
18 2006. It will take about two years to construct the 14-mile roadway from I-215 and Redwood  
19 Road to the U.S. 89 / I-15 interchange in Farmington.

20  
21 Mr. Thomas described the many features planned, including a 18-foot-wide paved  
22 pedestrian trail system that runs the length of the project, landscaping, berms, visual screening,  
23 nature preserve with observation tower, lighting, wetland area with boardwalks, parking, etc.  
24 The parkway itself will have two traffic lanes running each way, with a median in between.  
25 Pedestrian overpasses and underpasses will allow access between trails which are planned for  
26 pedestrian, bike, or equestrian use.

27  
28 Mayor Johnson expressed concern with the mixture of traffic and pedestrians on the  
29 frontage road in the area of the Bountiful Pond and landfill which would occur at the proposed  
30 Mill Creek underpass. This concern, as well as gaining access to the pond, were discussed at  
31 length. Mr. Thomas said there would be advance signage and a clear line of sight, as well as  
32 markings on the pavement to alert both pedestrians and motorists of the crossing.  
33 Councilwoman Holt also voiced her concern for the safety of the children who will be using the  
34 trail and the crossing.

35  
36 Mr. Thomas said they would work with the city staff in an attempt to make the plan more  
37 acceptable and safe in that area. After taking Bountiful’s concerns into consideration, they will  
38 come back and report how they intend to resolve them. He then continued the slide show and his  
39 description of the proposed project. UDOT’s presentation ended at 7:52 p.m.

40  
41 **FINAL APPROVAL EXTENDED**  
42 **ON LEWIS PARK PHASE 6 SUBDIVISION**

43 Lloyd Cheney explained that the deadline for recording the plat on Lewis Park Phase 6  
44 Subdivision is approaching, but there is still some work to do to complete the process. The  
45 Lewises have therefore asked for a two-month extension to get the plat recorded. Councilwoman  
46 Holt made a motion to grant their request for a 60-day extension, seconded by Councilman Pitt,  
47 and voting was unanimous with Councilmembers Holt, Pitt, and Tolman voting “aye”.

1  
2 **PRELIMINARY AND FINAL APPROVAL GIVEN**  
3 **ON SITE PLAN AT 79 EAST CENTER STREET**

4 Aric Jensen said that Richard Miles, one of the owners of the Bountiful House Assisted  
5 Living Center at 79 East Center Street, has requested site plan approval to add on to the east and  
6 north of their facility, parallel to the creek. The Planning Commission has reviewed the plan and  
7 sends a favorable recommendation, taking notice of a couple of issues. Mr. Jensen explained  
8 that because of the creek elevation, it will be necessary to go up an additional story in order to  
9 keep the living space above the flow line of the creek. The proposal is for a three-story structure  
10 with basement. The Planning Commission was concerned that the northwest end might be too  
11 tall, and have asked that the developer make it less obtrusive by adding windows, landscaping,  
12 and other features to dress it up and make it more attractive. The parking provided is adequate  
13 and well within the required amount of spaces, and the Conditional Use Permit specifies that  
14 employees must park in the rear of the building and all deliveries will be made during daytime  
15 hours in the rear of the building. It will also be necessary to make a lot line adjustment with the  
16 neighbor to the southeast.

17  
18 Preliminary and final site plan approval is recommended with the following conditions:

- 19 1. Provide an easement between the proposed new property line and the building for  
20 maintenance access to the channel.  
21 2. Obtain lot line adjustment approval from the adjacent property owner and Administrative  
22 Committee.  
23 3. All delivery vehicles shall park and unload completely onsite in the parking area located  
24 to the north of the building. Hours and manner of delivery shall conform to Bountiful  
25 ordinances and the provisions of the conditional use permit.  
26 4. There shall be no habitable space below the property grade.  
27 5. Plant an appropriate number of shrubs meeting the provisions of the Zoning Ordinance  
28 along with the trees shown on the landscaping plan, and construct the dumpster enclosure  
29 consistent with the perimeter fencing or of masonry block.  
30 6. Add buffering and design features to the northwest end of the addition to the satisfaction  
31 of the Planning Director.

32  
33 Richard Miles, developer, addressed the Council to answer questions and give his  
34 assurance that all precautions have been taken to insure the safety of the residents. Councilman  
35 Tolman made a motion to grant preliminary and final amended site plan approval as explained  
36 with the six conditions listed, Councilmember Holt seconded the motion and voting was  
37 unanimous with Councilmembers Holt, Pitt, and Tolman voting "aye".

38  
39 **SITE PLAN APPROVAL GIVEN FOR**  
40 **BOUNTIFUL LINCOLN/MERCURY/SUZUKI**

41 Aric Jensen explained that the owners of the Bountiful Lincoln/Mercury/Suzuki (Mike  
42 MacDonald, applicant) are asking for approval to tear down their existing showroom building  
43 and construct new showroom buildings to accommodate the addition of a Suzuki dealership.  
44 Mr. Jensen described the project plan, landscaping, design and location of signs, as well as the  
45 recommendations of the Planning Commission. The site plan has received the endorsement of  
46 the Planning Commission, with the following conditions:

1. Any retaining walls 4 feet or higher shall be designed by a licensed engineer.
2. Any work in the right-of-way will require UDOT approval.
3. No trees are to be planted in the park strip.
4. The landscape island in the parking lot to the south of the proposed building shall be reduced to accommodate a fire truck turn radius.
5. The landscape plan shall be revised to include a total of 24 trees, of which at least 5 shall be located along the frontage at a spacing consistent with the adjoining Mazda dealership, and the site shall contain at least 10% irrigated planting area.
6. The relocated existing pole sign and proposed pole sign shall be located at least 30 feet from a side property line and in an area of irrigated landscaping, as discussed in the staff report and at the Planning Commission meeting of April 4.
7. The dumpster enclosure shall be 6 feet tall and constructed of solid fencing or masonry, and shall include solid gates.

Both Mayor Johnson and Councilman Pitt expressed their concern for the neighborhood to the east, and wanted assurance that the landscaping done on the project will be an aesthetically favorable addition to the area. Councilmember Holt made a motion to give preliminary and final approval to the site plan as described, with the seven conditions listed. Councilman Pitt seconded the motion and voting was unanimous with Councilmembers Holt, Pitt, and Tolman voting “aye”.

**BID AWARDED FOR MATERIALS TESTING  
AND CONSTRUCTION INSPECTION SERVICES –  
200 WEST RECONSTRUCTION PROJECT**

Lloyd Cheney reported that three proposals were received to supply the materials testing and construction inspection services for the 200 West reconstruction project, as well as the new Water Department buildings and the building planned for construction by the Police/Courts building. It was recommended that AMEC, who submitted the low proposal, be awarded the contract. This company has done work for the city in the past, and it is felt that they are well qualified to do the work on this project as well. Councilman Pitt made a motion to approve the materials testing and construction inspection services contract with AMEC, seconded by Councilman Tolman, and voting was unanimous with Councilmembers Holt, Pitt, and Tolman voting “aye”.

**BID AWARDED FOR 2006 SLURRY SEAL CONTRACT**

Mr. Cheney said that as part of the annual street maintenance it is necessary to locate a supplier for slurry seal product. Morgan Pavement has completed the City’s projects for the last two years, and were again the low bidder this year. Councilman Tolman made a motion to award the 2006 contract for slurry seal to Morgan Pavement at the unit price of 63¢ per sq. yd. Councilman Pitt seconded the motion and voting was unanimous with Councilmembers Holt, Pitt, and Tolman voting “aye”.

**FINDINGS OF FACT ADOPTED –  
VARIANCE AT 180 EAST NORTH CANYON RD.**

Russell Mahan explained that at the last Council meeting the City Council considered and gave approval to a variance at 180 East North Canyon Road for Mike Crosby. He has

1 prepared Findings of Fact and Conclusions of Law based on the presentation, and is requesting  
2 they be adopted by the Council. A motion was made by Councilman Pitt to adopt the Findings  
3 of Fact, seconded by Councilmember Holt, and voting was unanimous with Councilmembers  
4 Holt, Pitt, and Tolman voting “aye”.

5  
6 **JOHN CUSHING APPOINTED TO POWER COMMISSION**

7 Mayor Johnson reported that Paul Summers, who has served on the Power Commission  
8 since 2003, will be resigning from that position to accept a mission call for the LDS Church. It  
9 is Mayor Johnson’s recommendation that John Cushing, former Mayor, be appointed to  
10 complete Mr. Summers’ unexpired term on the Power Commission, which will end on January  
11 15, 2007. Councilmember Holt made a motion to appoint John Cushing as a Power  
12 Commissioner, seconded by Councilman Tolman, and voting was unanimous with  
13 Councilmembers Holt, Pitt, and Tolman voting “aye”.

14  
15 **PUBLIC HEARING ON COMPREHENSIVE**  
16 **REVISION OF ZONING CODE**

17 Aric Jensen offered his recommendation that the City Council and Planning Commission  
18 meet together to discuss the Zoning Code in order to have a more specific discussion and  
19 eliminate any potential confusion on issues. A two-hour dinner meeting/study session will be  
20 scheduled for May 9 at 5 p.m. prior to City Council meeting for this purpose. However,  
21 inasmuch as notice of a public hearing has been sent out, public comment will be heard and  
22 considered tonight, and another public hearing will be scheduled for May 23 at 7 p.m.

23  
24 Mayor Johnson opened the public hearing on the Zoning Code at 8:30 p.m. and invited  
25 comments from those in attendance. There were none, and the hearing was closed. Councilman  
26 Pitt made a motion to continue the public hearing to May 23 at 7 p.m. Councilmember Holt  
27 seconded the motion and voting was unanimous with Councilmembers Holt, Pitt, and Tolman  
28 voting “aye”.

29  
30 **SKATEBOARD RAMPS DISCUSSED**

31 After the City Council field trip on March 28, Mr. Mahan was asked to prepare some  
32 alternative courses of action for the Council to consider with respect to skateboard ramps. He  
33 reviewed those alternatives as follows:

- 34  
35 1. Do nothing.  
36 a. People could handle the problem with neighbors on a private nuisance basis.  
37 b. Any complaint could be analyzed under the noise ordinance.  
38 c. Any ramp greater than 200 sq. ft. requires a building permit  
39 2. Adopt an ordinance that approaches skateboard ramps from the standpoint of noise.  
40 a. By prohibition in the noise ordinance.  
41 b. Variables in construction and use  
42 3. Adopt zoning restrictions to regulate skateboard ramp construction and use  
43

44 Mayor Johnson then invited Mrs. Dorothy Cox to address the Council. She expressed her  
45 feeling that skateboard ramps have no place in a residential neighborhood – they are an eyesore,  
46 they attract outsiders who may not be invited, they cause a parking problem, they are a hazard

1 for children who can access them easily as they are not secure, they are noisy, and she feels they  
2 belong in a public park.

3  
4 Councilmember Holt said she feels it is not a community problem and that the city should  
5 not adopt an ordinance prohibiting skateboard ramps at this time. It is her opinion that it is a  
6 neighborhood problem that should be handled on that basis. Tom Hardy suggested the problem  
7 could be handled under the existing noise ordinance without amending it, but it is questionable  
8 whether it would stand up in court without additional evidence. However, the noise ordinance  
9 could be augmented with more restrictions specific to skateboard ramps. Councilman Pitt  
10 offered his opinion that they be regulated by requiring a building permit. Councilman Tolman  
11 said he feels it is a neighborhood problem and no ordinance should be adopted to regulate it.  
12 Mayor Johnson advised that the city not get involved in such neighborhood disputes.

13  
14 After further discussion on ways to handle the problem, it was the consensus of opinion  
15 that the city should handle each incident administratively by sending a letter to the skateboard  
16 ramp owners when a complaint is received, advising them of their noise ordinance or building  
17 code violation and asking for their cooperation in solving the problem.

### 18 19 **COUNCIL COMMITTEE REPORTS**

20 Councilman Pitt reported that the Youth Council-sponsored "Bunny Hop" was held  
21 Saturday on the Bountiful Tabernacle grounds with about 300-400 people in attendance. The  
22 downtown merchants participated with displays, art projects, candy, etc., and reported that it was  
23 a successful event which boosted their shopping traffic considerably that day.

24  
25 Aric Jensen said that the Historic Downtown Committee has finalized a draft of the  
26 downtown plan that they will be recommending to the Planning Commission at their meeting on  
27 April 18, and he invited anyone who is interested to attend that meeting.

28  
29 Tom Hardy reminded the Council that committee budget meetings will begin next week,  
30 and he reviewed the tentative schedule for their approval.

31  
32 Meeting adjourned to Executive Session by unanimous vote at 9:07 p.m. on a motion by  
33 Councilman Tolman, seconded by Councilmember Holt. Councilmembers Holt, Pitt, and  
34 Tolman voted "aye".

### 35 36 37 **In attendance at Executive Session**

38 Mayor Joe Johnson  
39 Councilmember Barbara Holt  
40 Councilman John Pitt  
41 Councilman Tom Tolman  
42 Russell Mahan  
43 Tom Hardy  
44 Aric Jensen

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JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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