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**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
September 11, 2007 - 7:00 p.m.**

Present: Mayor Pro Tempore: Thomas Tolman  
Council Members: Richard Higginson, Barbara Holt, R. Fred Moss and Scott Myers  
City Manager: Tom Hardy  
City Attorney: Russell Mahan  
City Engineer: Paul Rowland  
Admin. Services Dir.: Galen Rasmussen  
Planning Director: Aric Jensen  
Department Rep: Jerry Wilson, Parks  
Recording Secretary: Nancy T. Lawrence

Excused: Mayor: Joe L. Johnson

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 Pro-tem Tolman called the meeting to order at 7:00 p.m., following which Councilman Myers led the pledge of allegiance to the flag. Councilman Moss offered the prayer/thought.

**MINUTES APPROVED FOR ONE AUGUST PERIOD**

Minutes of the regular City Council meeting held August 7, 2007 were presented for approval and unanimously approved as written on a motion made by Councilman Higginson and seconded by Councilman Moss. Councilpersons Higginson, Holt, Moss and Myers voted "aye". *Minutes of the regular City Council meeting held August 28, 2007 will be presented for approval at the next regular meeting.*

**EXPENDITURES AND EXPENSES APPROVED**

Mayor Pro-tem Tolman presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with totals as included: August 9 - 15, 2007 (\$145,844.46); August 16-22, 2007 (\$519,382.12); August 23-29, 2007 (\$1,849,527.96); and the Summary for June, 2007 (\$5,377,308.56). The staff responded to questions from the Council, following which Councilman Moss motioned to approve the reports, as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss and Myers voted "aye".

**PRESENTATION BY BOUNTIFUL/DAVIS ART CENTER,  
EMMA DUGAL, EXECUTIVE DIRECTOR**

Emma Dugal, executive director of the Bountiful/Davis Art Center, and Ida Mattingly (president of the Art Center Board) were in attendance to make a presentation to the City. Ms. Dugal expressed appreciation to the Mayor Pro-tem and Council for the tremendous support which was extended for the 2007 Summerfest activities. She said it was a landmark year and, as a result

1 of an increase in donations by the cities and other groups, the event was free to the public and  
2 attendance was greatly increased. She specifically thanked the Council for use of the new stage  
3 which elevated the quality of the Summerfest by increasing visibility. Ms. Dugal re-capped the  
4 artists who performed, vendors, etc., and thanked the community for the strong volunteer support  
5 of over 100 individuals. Jerry Wilson (Parks), John Miller (South Davis Recreation Center), and  
6 other City staff were thanked for their immeasurable support. As a token of formal appreciation,  
7 Ms. Dugal presented the Mayor Pro-tem with an original painting by Janet Clark featuring the  
8 Bountiful tabernacle. On behalf of the Mayor and Council, Mayor Pro-tem Tolman expressed  
9 appreciation for what the Summerfest event brings to Bountiful.

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11 **COUNCIL GIVES AMENDED SITE PLAN APPROVAL TO ORCHARD**  
12 **DRIVE BUSINESS AND CONDO COMPLEX, 2084 SO ORCHARD DR**

13 Mr. Jensen reviewed the request of Matt Carter (applicant) for an amended site plan  
14 approval for the Orchard Drive business and condo complex. The project was granted final  
15 approval earlier this year, but the design team would like to reorient the office building to provide  
16 better views for the proposed townhouse owners. This proposed change will necessitate shifting  
17 the building about 2 feet to the west. He said that this request has been reviewed by the staff and  
18 comes to the Council with a positive recommendation, subject to the following conditions:

- 19 1. All of the original conditions of approval still apply.
- 20 2. Shift the office building to achieve 20' setback from interior edge of existing sidewalk  
21 as shown on the site plan.
- 22 3. The applicant shall provide a final landscape plan prior to occupancy permit on any  
23 structure.

24 Councilman Higginson motioned to grant amended site plan approval to the project at 2084 South  
25 Orchard Drive, as presented. Councilwoman Holt seconded the motion and voting was  
26 unanimous. Councilpersons Higginson, Holt, Moss and Myers voted “aye”.

27  
28 **PRELIMINARY AND FINAL SITE PLAN APPROVED FOR**  
29 **PROFESSIONAL OFFICE SITE PLAN - MARV BLOSCH**

30 Mr. Jensen presented the request of Marv Blosch for preliminary and final site plan  
31 approval for two professional office buildings at 172 East and 184 East on 500 South Street. He  
32 said the site plan is in keeping with the goal of improving the appearance and functionality of 500  
33 South. The project consists of a shared parking lot with a shared driveway replacing three existing  
34 driveways. There is already existing landscaping, but it will require an updated landscaping plan.  
35 This request has been reviewed by the staff and Planning Commission and comes to the Council  
36 with a positive recommendation subject to the conditions that the applicant pay the required storm  
37 water fee and provide an updated landscaping plan to meet staff’s satisfaction. Councilwoman  
38 Holt motioned to grant preliminary and final site plan approval for 172 East and 184 East 500  
39 South. Councilman Higginson seconded the motion. Voting was unanimous with Councilpersons  
40 Higginson, Holt, Moss and Myers voting “aye”.

41  
42 **PRELIMINARY AND FINAL CONDO PLAT APPROVED**  
43 **AT 1175 SO 200 WEST (DANIEL GILLETTE, APPLICANT)**

44 Mr. Rowland reported that Daniel Gillette has requested approval for the conversion of his  
45 four-unit apartment building into a four-unit condominium complex (Brickyard Condominiums).  
46 The Planning Commission and staff reviewed this request and recommend to the Council that it be

1 approved, subject to the following conditions:

- 2 1. Minor correction to the condo plat and submission of a complete mylar plat.
- 3 2. Provide a current title report.
- 4 3. Payment of the following fees:

5	Storm Water Impact Fee (0.303 acres at \$2,400/acre)	\$727.20
6	Engineering Checking Fee (4 units at \$100/unit)	400.00
7	Recording Fee (2 sheets at \$50/sheet)	<u>100.00</u>
8		\$1,227.20

9

10 In response to a question from the Council, Mr. Rowland indicated that there is only one water  
 11 meter at this location, and the power is individual. Councilman Higginson made a motion to grant  
 12 preliminary and final condominium plat approval, as recommended. Councilman Myers seconded  
 13 the motion and voting was unanimous. Councilpersons Higginson, Holt, Moss and Myers voted  
 14 “aye”.

15

16 **PUBLIC HEARING TO CONSIDER ADJUSTING BOUNDARY**  
 17 **BETWEEN BOUNTIFUL AND NORTH SALT LAKE; ORD. NO. 2007-15**

18 Mr. Mahan reviewed that Bountiful City and North Salt Lake have been in discussions for  
 19 months about adjusting the boundary between the two cities. He reviewed the legal process for  
 20 changing the boundary and noted that this process has been followed. The proposed boundary  
 21 change would put the new fire station into North Salt Lake and will be to the mutual convenience  
 22 of both cities. He reviewed Ordinance No. 2007-15 entitled, “AN ORDINANCE ADJUSTING THE CITY  
 23 LIMITS BOUNDARY BETWEEN BOUNTIFUL AND NORTH SALT LAKE, WITH 2.97 ACRES BEING CEDED  
 24 BY BOUNTIFUL TO NORTH SALT LAKE, AND 3.81 ACRES FROM NORTH SALT LAKE TO BOUNTIFUL.  
 25 THESE PROPERTIES ARE LOCATED ON THE NORTH SIDE OF EAGLEWOOD DRIVE, FROM  
 26 APPROXIMATELY 600 WEST TO DAVIS BOULEVARD IN BOUNTIFUL AND FROM 675 EAST TO WOOD  
 27 LANE IN NORTH SALT LAKE”.

28

29 The Mayor Pro-tem opened the public hearing to consider this request at 7:23 p.m. There  
 30 were no comments and the hearing was closed. Councilman Moss made a motion to adopt  
 31 Ordinance No. 2007-15, as reviewed and recommended. Councilman Myers seconded the motion  
 32 and voting was unanimous. Councilpersons Higginson, Holt, Moss and Myers voted “aye”.

33

34 **PUBLIC HEARING TO CONSIDER ORD. NO. 2007-16**  
 35 **RE: TITLE 14, LAND USE ORDINANCE**

36 Mr. Mahan reviewed that at the August 28<sup>th</sup> meeting the Council discussed a number of  
 37 proposed changes to the Land Use Ordinance. The majority were housekeeping items  
 38 recommended by staff and the Planning Commission. However, there were three items for which  
 39 the Council recommended that the Planning Commission have further discussion: decreasing the  
 40 minimum PUD size in residential and multi-family zones, allowing assisted living in the  
 41 Commercial zone, and new language regarding illegal uses. He reviewed the outcome of the  
 42 additional study by the Planning Commission and briefly reviewed all proposed changes in  
 43 Ordinance No. 2007-16.

44

45 At 7:34 p.m. the Mayor Pro-tem opened the public hearing to consider the proposed  
 46 ordinance. Kathy Durrans (2170 East Roosevelt Ave, SLC) was in attendance and spoke as a real

1 estate agent against the provision to require the zone designation to be posted on all signs and  
2 literature marketing real estate in Bountiful, designed to protect potential consumers. She said it is  
3 the responsibility of the buyer to exercise due diligence when purchasing property. She also  
4 expressed concern about the proposal to require five acres for a PUD development and suggested  
5 that a nice design could be incorporated on a two-acre site. Mr. Jensen noted that Centerville  
6 adopted two acres as the minimum site for a PUD. He also noted that final approval of the PUD  
7 rests with the City. There were no other comments and the hearing was closed at 7:40 p.m.

8  
9 Discussion followed regarding the appropriate minimum size for a PUD development and  
10 the matter of real estate signs. Councilwoman Holt made a motion to approve Ordinance No.  
11 2007-16 entitled, "AN ORDINANCE ENACTING PROPOSED AMENDMENTS TO TITLE 14 OF THE  
12 BOUNTIFUL CITY CODE (*The Bountiful City Land Use Ordinance*)", with rewording on 14-1-106  
13 (H) to clarify that it does not include signs. Councilman Higginson seconded the motion and  
14 voting was unanimous with Councilpersons Higginson, Holt, Moss and Myers voting "aye".

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16 **COUNCIL CONCURS WITH PLANNING COMMISSION; REQUEST**  
17 **FOR ZONE CHANGE DENIED (KEVIN MENLOVE)**

18 Mr. Jensen reviewed that Kevin Menlove, representing himself and other property owners,  
19 came before the Planning Commission to request a zone map amendment from R-4 to RM-13 for  
20 several parcels of property located on the north side of 400 North between 275 East and 400 East  
21 and for the existing Colonial Garden condominiums. The Planning Commission reviewed Mr.  
22 Menlove's proposal and recommended that it be denied for the following reasons: (1) the  
23 possibility of starting an undesirable trend; (2) the Council has enacted ordinances limiting the  
24 development of multi-family uses in this area of town, and this request seems contrary to those  
25 decisions. Mr. Menlove was invited to attend this meeting but was not present.

26  
27 Following a short discussion, Councilman Higginson made a motion that the Council  
28 concur with the Planning Commission and deny the requested zone change. Councilman Moss  
29 seconded the motion. Voting was unanimous with Councilpersons Higginson, Holt, Moss and  
30 Myers voting "aye".

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32 **TWIN HOMES AT 1260 NORTH 200 WEST GRANTED PRELIMINARY**  
33 **AND FINAL SBDVN PLAT APPROVAL**

34 Mr. Rowland reported that Eric Beard has requested preliminary and final subdivision plat  
35 approval for the Twin Homes at the Orchard condominiums, an 8-unit twin home development at  
36 1260 North 200 West. This request was reviewed by staff and the Planning Commission and  
37 comes to the Council with a positive recommendation, subject to the following conditions:

- 38 1. The redlines are corrected and returned. (already done)  
39 2. The following fees are paid:  
40 Checking Fees - (8 units @ \$100 each) \$ 800.00  
41 Recording Fees - (2 sheets @ \$40 each) 80.00  
42

43 Councilman Higginson made a motion to grant preliminary and final subdivision plat approval to  
44 the Twin Homes, as presented and recommended. Councilman Moss seconded the motion and  
45 voting was unanimous. Councilpersons Higginson, Holt, Moss and Myers voted "aye".  
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1 **COUNCIL COMMITTEE REPORTS**

2 It was noted that the Utah League of Cities and Towns will be celebrating it's 100<sup>th</sup>  
3 anniversary with special activities this week and details of the events were reviewed.

4 The meeting adjourned at 8:05 p.m. on a motion made by Councilman Higginson and  
5 seconded by Councilman Moss. Voting was unanimous with Councilpersons Higginson, Holt,  
6 Moss and Myers voting "aye".

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11 THOMAS TOLMAN, Mayor Pro Tempore  
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16 KIM J. COLEMAN, City Recorder  
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