

# Minutes of the Bountiful City Council Meeting

City Council Chambers

June 26, 2001 - 7:00 p.m.

Present:	Mayor	John R. Cushing
	Council Members	Samuel R. Fowler, Barbara Holt, Stewart Knowlton, John Pitt, and J. Gordon Thomas,
	City Manager	Tom Hardy
	City Attorney	Russell Mahan
	City Engineer	Paul Rowland
	City Recorder	Kim J. Coleman
	Planning/RDA Director	Blaine Gehring
	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 Cushing called the meeting to order at 7:00 p.m. and then lead the pledge of allegiance to the flag. Mr. Rowland offered the invocation.

## **MINUTES APPROVED FOR JUNE 19, 2001**

Minutes of the regular City Council meeting held June 19, 2001 were presented and unanimously approved as written on a motion made by Councilwoman Holt and seconded by Councilman Knowlton. Councilpersons Holt, Pitt, and Knowlton voted "aye". Councilmen Fowler and Thomas abstained because they were not in attendance at the subject meeting.

## **PRELIMINARY AND FINAL APPROVAL GRANTED TO JOE AND BETTE EGGETT SBDVN., PHASE 2**

Mr. Rowland presented the proposed Joe and Bette Eggett Subdivision, Phase 2, and stated that this subdivision has been reviewed by staff and the Planning Commission and comes to the Council with a recommendation for preliminary and final approval, subject to the following conditions:

1. Payment of all fees and the posting of a proper bond or letter of credit.
2. Submit a current title report.
3. Correction of minor errors on the subdivision plat and construction drawings.
4. Complete 1700 South Cul-de-Sac improvements as outlined by the City Engineer.

Councilman Thomas motioned for preliminary and final approval, as presented and recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Holt, Pitt, and Knowlton voted "aye". Councilmen Fowler and Thomas abstained from voting because they were not in attendance at the subject meeting.

## **PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED**

**TO BRICKYARD APARTMENTS, 1175 SO 200 WEST**

Mr. Rowland presented the plans for Brickyard Apartments at 1175 South 200 West (John Blosch, developer) and stated that preliminary and final site plan approval has been requested. This project ((2) two-bedroom units and (2) three-bedroom units with nine parking stalls) has been reviewed by the staff and Planning Commission and comes to the Council with a favorable recommendation, subject to the following conditions.

1. Replace any damaged curb and walk along the 200 West Frontage.
2. Provide the City with a 7-ft. wide easement along the west (200 West Frontage), east and south property lines. These easements must be recorded prior to building permit being issued.
3. Payment of the following fees:
  - a. Culinary Water: To cover necessary meter size. Credit impact fee from previous meter.
  - b. Sanitary Sewer: Per unit with credit for the one impact fee previously covering the demolished house. Use the existing lateral if possible.
  - c. Storm Water Fee: 0.302 acres at \$2,100.00 per ac = \$635.88
  - d. Building Permits: Fees per the UBC according to the valuation of the buildings.
4. All buildings meet the applicable codes and ordinances.
5. Garbage enclosure be of a material to match the main buildings and be properly screened.

Following discussion, Councilman Thomas made a motion that preliminary and final site plan approval be granted to Brickyard Apartments, as recommended. Councilman Pitt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted “aye”.

**PUBLIC HEARING TO CONSIDER ORD. NO. 2001-10**  
**RE: AMENDING FOOTHILL OVERLAY ORDINANCE**

Mr. Gehring explained that over the past few years there have been problems with part of the Foothill Overlay Zone as it refers to building on unusable ground. In an effort to clarify the ordinance, several amendments have been written and are being recommended by staff and the Planning Commission. Mr. Gehring reviewed the proposed amendments, following which the Mayor opened the public hearing (7:23 p.m.). Austin Russell, Boy Scout from Troop 156, asked for clarification of two items, and the hearing was closed at 7:25 p.m. Councilman Thomas made a motion to adopt Ord. No. 2001-10 entitled AN ORDINANCE AMENDING SECTIONS 14-3-102, 14-13-102, 14-13-103, 14-13-104, 14-13-106 AND 14-13-108 OF THE BOUNTIFUL CITY ZONING ORDINANCE PERTAINING TO THE FOOTHILL OVERLAY ZONE. Councilman Thomas motioned to adopt Ord. No. 2001-10, as presented and recommended. Councilman Knowlton seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted “aye”.

**PUBLIC HEARING TO CONSIDER ORDINANCE 2001-11,**  
**RE: BOUNDARY LINE WITH NORTH SALT LAKE -**  
**CANNON PROPERTY**

Mr. Mahan reviewed that Wilford Cannon has requested that North Salt Lake and Bountiful adjust their boundaries so as to include his property within the city of Bountiful. His property is bisected by the boundary line, leaving him partially in both cities and with limited access from North Salt Lake. Mr. Mahan reviewed the procedures for adjusting boundaries

between cities and noted that both cities have passed a resolution indicating the intent to adjust the common boundary. To proceed with the boundary line adjustment, Mr. Mahan presented Ordinance No. 2001-11, entitled AN ORDINANCE ADJUSTING THE BOUNDARY WITH NORTH SALT LAKE AS TO A CERTAIN PROPERTY CONTAINING APPROXIMATELY 11.02 ACRES LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, T1N, R 1 E, SLB&M, BY BRINGING IT WITHIN THE CITY LIMITS OF BOUNTIFUL.

Mayor Cushing called for input from those in attendance; there was none and the hearing was closed at 7:29 p.m. Councilman Thomas motioned to adopt Ord. No. 2001-11 as presented. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted "aye".

**PRELIMINARY AND FINAL SITE PLAN APPROVAL  
GRANTED TO MULTI-FAMILY UNITS AT 300 NO 100 WEST  
(ALLEN AND COOK, DEVELOPERS)**

Mr. Gehring presented the plans for a duplex and a six-plex on the southeast corner of 300 North and 100 West and stated that the developers (Allen and Cook Construction) are requesting preliminary and final site plan approval. This matter has been reviewed by staff and the Planning Commission and comes to the Council with a favorable recommendation, subject to the following conditions:

1. Construct new 4-ft. wide sidewalk along the 300 North frontage.
2. Provide the City with a 7-ft. wide easement along the north (300 North frontage), west (100 West frontage), east and south property lines. These easements must be recorded prior to building permit being issued.
3. Install a new fire hydrant along the 300 North frontage as shown on the plans.
4. Payment of the following fees:
  - a. Culinary Water: To cover necessary meter sizes and the fire hydrant.
  - b. Sanitary Sewer: Per unit with credit for the one impact fee previously covering the demolished house. Use the existing lateral if possible.
  - c. Storm Water Fee: 0.511 acres at \$2,100.00 per ac = \$1,073.86.
  - d. Building Permits: Fees per the UBC according to the valuation of the buildings.
5. Garbage enclosure be of a material to match the main buildings and be properly screened.
6. All buildings meet the applicable codes and ordinances.

Councilman Thomas made a motion to grant preliminary and final site plan approval to this project, as presented and recommended. Councilman Fowler seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted "aye".

**HEARING ON ORDER TO SHOW CAUSE - UNFINISHED HOME  
OF CARL RICHARDSON, 1367 E. GRANADA DRIVE**

Mayor Cushing reviewed that on April 24, 2001 an Order to Show Cause was issued regarding the unfinished home of Carl Richardson at 1367 East Granada Drive and whether or not it should be declared a nuisance. He recommended that if this proceeding determines the home to be a nuisance, that a motion be passed to the effect that the owner be required to complete it by June 30, 2002; or if not completed by June 30, 2002, that the home be demolished

by the City at the expense of the owner. He referred to the memo from the City Prosecutor regarding the definition of a nuisance and the opinion that the current condition of the home is a significant detriment to the neighborhood.

Discussion focused on the fact that the home has been under construction for nearly twenty years, and that no meaningful progress has been made on its completion in many years. It was also noted that the building permit has expired. Complaints have been registered with the City since the 1980's and Mr. Richardson came before the Council in 1995. Representations were made at that time that the home would be completed in a timely manner, but the Council did not take formal action.

At 7:50 p.m. the Mayor opened the public hearing and neighbors Christine Siddoway, Demont Pierce, David Harris, Kent Hyde, Darren Menlove, and Debbie Orton expressed concern that the unfinished home created a safety hazard, devalued neighboring properties, is an eyesore, and presents a fire danger. All requested that the Council take action to declare the house a nuisance and proceed with action that will remedy the situation.

Mr. Richardson explained that he is scheduled for early retirement and will be able to work full-time on the home. He apologized that it has taken so long and expressed a desire to finish the home. Lindsay Clark spoke in defense of Mr. Richardson stating that he has worked regularly on the home and that he has incurred damage to his property from the neighbors. The hearing closed at 8:15 p.m.

The Council discussed the matter at length, following which Councilwoman Holt made a motion to declare the property at 1367 East Granada Drive a nuisance and order abatement as follows: completion inside and out prior to six months from today with a current building permit to be required; and if not completed in that time frame, that it be demolished by the City at the expense of the owner. Mr. Mahan recommended that the findings be written up for consideration of the Council on July 10<sup>th</sup>, and that the six month period begin that date, to end January 10, 2002. Councilman Knowlton seconded the motion which carried unanimously. Councilpersons Fowler, Holt, Pitt, Knowlton, and Thomas voted "aye".

#### **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

At the request of the Mayor, Councilman Pitt made a motion to adjourn to executive session for the purpose of discussing pending litigation. Councilman Thomas seconded the motion and the public meeting adjourned at 8:40 p.m.

#### **Attendance at Executive Session**

Mayor Cushing  
Councilpersons Fowler, Holt, Knowlton, Pitt, and Thomas  
Tom Hardy  
Rusty Mahan

JOHN R. CUSHING, Mayor

*(C.C. minutes June 26, 2001)*

KIM J. COLEMAN, City Recorder

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