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**Minutes of the
Bountiful City Council Meeting
City Council Chambers
March 27, 2012, 7:00 p.m.**

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Present: Mayor: Joe L. Johnson
Council Members: Richard Higginson, Beth Holbrook, John Marc Knight,
Fred Moss, and Thomas Tolman
City Manager/Attorney: Russell Mahan
City Engineer: Paul Rowland
Admin. Services Director: Galen Rasmussen
Planning/RDA Director: Aric Jensen
Environ. Engineer: Todd Christensen
Department Heads: Allen Johnson, Power
Brett Eggett (representing Water Department)
Tom Ross, Police
Recording Secretary: Nancy 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, Standard Examiner, and on the Utah Public Notice Website.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Nick Hatch, a visiting Boy Scout, led the pledge of allegiance to the flag, following which Councilman Tolman offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held February 28, 2012 and the Joint Meeting of the RDA and City Council held March 21, 2012 were presented and approved as amended on a motion made by Councilman Higginson and seconded by Councilman Moss. Councilpersons Higginson, Holbrook, Knight, Moss and Tolman voted "aye".

COUNCIL REPORTS

Councilwoman Holbrook reported that the South Davis Emergency Preparedness Fair will be held at Woods Cross High School on Saturday, October 13, 2012 from 8:00 a.m. to 2:00 p.m. She requested that anyone interested in participating as a vendor please contact the City.

Mayor Johnson noted that the Rotary Club has scheduled their annual Coats for Kids car show on June 15-16, 2012.

YOUTH COUNCIL REPORT

Camille Bridge (Social Chair) and Hanna Goodwin (City Liaison) reported that the Youth Council participated in the 5K Freeze-Out which was a great success. They also met with the Highland and Sandy youth councils for a UAYC (Utah Association of Youth Councils) event where they placed first in competition. A "Bunny Hop" was held, but will be sponsored again in two weeks in an effort to involve more people. The Youth Council will be helping with the Coats for Kids in June and will hold their annual Stomp on Main at the end of the school year.

1 **EXPENDITURE REPORTS APPROVED FOR FIVE PERIODS**

2 Mayor Johnson presented the following Expenditure and Expense reports for approval (with
3 totals as noted): February 16-22, 2012 (\$2,942,668.27); February 23-29, 2012 (\$1,319,263.02);
4 February 2012 Monthly Summary (\$6,611,772.85); March 1-7, 2012 (\$180,895.68); and March 8-
5 14, 2012 (\$469,080.73). The staff responded to questions, following which Councilman Knight
6 made a motion to approve the reports, as presented. Councilman Higginson seconded the motion
7 and voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted
8 “aye”.
9

10 **BEER LICENSE APPROVED FOR CORNER 22, 2193 SO. ORCHARD DR.**

11 Mayor Johnson presented the application of L5 Corporation dba Corner 22 (2193 South
12 Orchard Drive) for a Beer License. Mr. Mahan noted that this convenience store has had a beer
13 license, but that there has been a change in ownership and the new owners have submitted the
14 application in their name (Amber and Jeffrey Lefler). Mr. Mahan stated that the staff has
15 reviewed the application and recommends approval. Councilman Moss made a motion to this
16 effect, Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons
17 Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
18

19 **FINAL SITE PLAN APPROVAL GRANTED FOR MIXED USED**
20 **BUILDING (ORCHARD PINES COMMERCIAL PHASE 3) – 2155 SO ORCHARD DR.,**
21 **BRIAN KNOWLTON**

22 Mr. Jensen reviewed that Brian Knowlton is requesting final site plan approval for a
23 commercial/residential mixed-use building in the partially completed Orchard Pines mixed-use
24 development. He explained that all of the residential phases of this development had been
25 approved; the commercial had not and the Planning Commission has now met with the developer
26 and sends a positive recommendation to the City Council, subject to the Council’s review of a color
27 rendering of the architectural renderings of the building. He reviewed the drawings with the
28 Council and responded to questions. Councilwoman Holbrook made a motion to grant final site
29 plan approval for a mixed-use building at 2155 South Orchard Drive, with the conditions that: (1)
30 all redline corrections are made; and (2) the south drive approach adjacent to Corner 22 be replaced.
31 Councilman Higginson seconded the motion which carried unanimously. Councilpersons
32 Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
33

34 **BEER LICENSE AND LIQUOR PERMIT APPROVED FOR**
35 **EATERY, 1025 SOUTH 500 WEST**

36 The Mayor presented the application of Liam Connelly and Chelsa Best for consent to the
37 issuance of a restaurant liquor license (which must be approved by the State); and also an
38 application for a beer license. Mr. Jensen explained that the location had the same approvals;
39 however, the business which is now located there is new (Eatery 1025). The applications have been
40 reviewed by staff and come to the Council with positive recommendations. Councilwoman
41 Holbrook made a motion to approve issuance of a beer license and for consent for the issuance of a
42 restaurant liquor license for Eatery 1025. Councilman Moss seconded the motion and voting was
43 unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
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1 **PURCHASE OF TRUCK/CRANE APPROVED FOR WATER DEPT.**

2 Brett Eggett presented a request for the Water Department to purchase a truck mounted
3 crane, as included in the 2011-12 budget. He noted that there will also need to be modifications to
4 the truck bed where the crane will be mounted. Staff has located a crane which fits the required
5 specifications and, together with truck modifications, falls within the amount budgeted. It is the
6 recommendation of staff to purchase the crane from Semi Service, Inc. at a total cost (equipment
7 plus installation) of \$17,667.70. Following a short discussion, Councilman Higginson made a
8 motion to approve the purchase/installation of the crane. Councilman Knight seconded the motion
9 and voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted
10 “aye”.
11

12 **2012 WATER LINE CONTRACT EXTENSION APPROVED**

13 Mr. Rowland presented the proposal from M. C. Green & Sons to extend their contract with
14 the City to include the water line replacement projects planned for the 2012-2013 fiscal year. Mr.
15 Rowland explained that this company has been a good one to work with and they have provided the
16 City with a high quality installation without the compaction issues which have existed with other
17 contractors. It is the recommendation of staff to approve extension of the contract, using the unit
18 prices in their 2012 proposal based on C-900 PVX pipe. Increases from last year’s contract are in
19 brass and cast iron fittings. The City anticipates approximately \$400,000.00 for water line
20 replacement projects for the 2012-13 year. Councilman Moss made a motion to extend the contract
21 of M.C. Green & sons, as recommended. Councilwoman Holbrook seconded the motion and voting
22 was unanimous with Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting
23 “aye”.
24

25 **EXPENDITURE REQUESTS FROM POWER DEPARTMENT APPROVED**

26 Allen Johnson presented the following Summary of Expenditures which have been reviewed
27 by the staff and Power Commission and come to the City Council with a positive recommendation:
28

- 29 a. Wagstaff Crane Service (placement of new Titan generators for installation in the
30 Plant), at a cost of \$35,380.00.
- 31 b. Intermountain Riggers and Heavy Haulers (Titan generators), \$37,585.00 to haul and
32 install generators.
- 33 c. 1,237 gallons of lube oil (initial installation of new generators); low bid from
34 Cardwell (Shell), \$69,095.10.
- 35 d. Oil filtering (new generators); low bid from Western Filtration, \$19,325.00.
- 36 e. 24 cable terminations to be installed in new substation to terminate 5,000 kV and
37 15,000 kV cables from the generator output to the substation buss; low bid from
38 Alpha Power, \$14,576.76.
- 39 f. Repair of plant exhaust stack (wind damage from December 1st); recommended
40 supplier from Solar Turbines (Universal Acoustic Emission Technologies, Inc.),
41 \$85,913.00.
- 42 g. Electrical Consultants, Inc. for upgrade of 138 Substation; \$55,678.00.
- 43 h. Four (4) 46 kV breakers for the 138 substation upgrade; low bid from Alstom Grid,
44 Inc., \$139,060.00.
45
46

1 It was noted that the Agenda also included an item related to electrical acceptance testing. This
2 matter has been delayed.
3

4 Following a brief discussion of the recommendations from the Power Department staff and
5 Power Commission, Councilman Moss noted that when the Power Plant upgrade is complete, the
6 output of power will double and the air pollution will be reduced by half. It was also noted that
7 FEMA will be paying the City nearly all of the costs (approximately \$1.1 million) incurred from the
8 December wind storm. Councilman Moss made a motion to approve the expenditures presented by
9 Mr. Johnson (totaling \$456,612.86). Councilman Higginson seconded the motion and voting was
10 unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
11

12 It was noted that much of the money which will be paid to the City via FEMA is the result
13 of volunteer labor. Documentation of the expenses and the labor has been extensive and the Mayor
14 and Council extended appreciation to Mr. Rasmussen, Kim Coleman and Jay Christensen for their
15 time and expertise in providing this documentation.
16

17 **STORM WATER MANAGEMENT ORDINANCE REVISIONS APPROVED**

18 Mr. Christensen reviewed that in 2003 the City of Bountiful was initially required to obtain
19 a municipal storm water permit from the State of Utah in order to discharge storm water from the
20 City into the creeks. In 2010, a renewal permit was issued with many additional requirements, and
21 allowed the City time to implement the new requirements. In order to comply with the new
22 conditions, the ordinance needs to be revised. He reviewed highlights of the proposed revisions and
23 stated that they have been reviewed by the City Attorney and he has approved them as to form. It is
24 the recommendation of staff that the changes to the Bountiful City Ordinance for Storm Water
25 Management be approved and that this be done through adoption of Ordinance No. 2012-02 entitled
26 AN ORDINANCE AMENDING THE BOUNTIFUL CITY CODE TO MODIFY THE CITY’S STORM WATER
27 UTILITY AND STORM WATER ORDINANCES. Councilman Higginson motioned to adopt Ordinance No.
28 2012-02, as presented. Councilman Moss seconded the motion and voting was unanimous.
29 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
30

31 **RES. NO. 2012-04 APPROVED RE: INSPECTION FEES REQUIRED** 32 **BY STORM WATER ORDINANCE**

33 Mr. Rowland praised Mr. Christensen for his work on the storm water requirements outlined
34 by ordinance, stating that monitoring the storm water quality is dictated by EPA and requires very
35 detailed procedures and documentation. He stated that Mr. Christensen is recognized at the State
36 level for his expertise.
37

38 Mr. Rowland reviewed major points of compliance which are required, citing the SWPPP
39 (Storm Water Pollution Prevention Plan) as being extremely detailed and required for any operation
40 that disturbs one acre or more of property. The process of monitoring storm water quality has
41 become very costly and the City is proposing a fee structure which will offset those costs. He
42 reviewed Resolution No. 2012-04, entitled A RESOLUTION ESTABLISHING FEES FOR STORM WATER
43 POLLUTION PREVENTION PLAN PERMITS AND INSPECTIONS and recommended that it be adopted.
44 Councilman Higginson made a motion to adopt Res. No. 2012-04, as recommended.
45 Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons
46 Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.

1 **COUNCIL GRANTS PRELIMINARY AND FINAL APPROVAL TO**
2 **BOUNTIFUL BENCH ESTATES, PLAT A, AMENDED**

3 Mr. Rowland reviewed that Jay Wiseman, et.al. has submitted a request to amend Bountiful
4 Bench Estates Plat A to provide for lot line adjustments which will allow him to sell some of his
5 property located in that subdivision. The proposed modifications also provide needed easements to
6 cover the culinary water system. The request has been reviewed by the Planning Commission and
7 comes to the Council with a positive recommendation for preliminary and final approval of the
8 amended plat, subject to the following conditions:
9

- 10 1. Any and all redlines shall be corrected.
 - 11 2. Any and all fees shall be paid.
 - 12 3. Applicant shall submit a current title report.
- 13

14 Councilman Tolman made a motion to grant preliminary and final approval to Bountiful
15 Bench Estates Subdivision, Plat A, Amended. Councilwoman Holbrook seconded the motion and
16 voting was unanimous with Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman
17 voting “aye”.
18

19 **FINAL APPROVAL GRANTED TO STONE CREEK VILLAGE, PHASE 2,**
20 **APPROXIMATELY 1692 NORTH 200 WEST**

21 Mr. Jensen presented the request of Robert Gibson (applicant) for final site plan approval for
22 PH 2 of the existing Aliwood Condominium development, soon to be renamed Stone Creek Village.
23 He reviewed that the City Council granted this project preliminary approval on February 28, 2012
24 and the Planning Commission recommended final approval on March 20, 2012. All of the
25 conditions required by the City have been met with the exception that the demolition plan still
26 doesn't show removal of the carport in front of the single family residence.
27

28 Mr. Jensen noted that the Planning Commission was not satisfied with the proposed color
29 scheme/materials board and requested that it be presented to the Council at this time to assure the
30 materials and color will be the same as originally recommended. With that notation, the Planning
31 Commission recommended final site plan approval for PH 2 of Aliwood Condominiums with the
32 following conditions:

- 33 1. Correction of any redlines.
- 34 2. Submission of a revised materials and color scheme to staff that incorporates the
35 colors and materials approved by the Council.
36

37 Following a review of proposed color/materials board and discussion by the Council,
38 Councilwoman Holbrook made a motion to grant final site plan approval for Aliwood Condo, PH 2
39 (Stone Creek Village). Councilman Knight seconded the motion and voting was unanimous.
40 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted “aye”.
41

42 **COUNCIL APPROVES REQUEST FOR STONE CREEK VILLAGE (ALIWOOD**
43 **CONDOMINIUMS) PUD PHASE 1 CONVERSION**

44 Mr. Rowland reviewed that the Aliwood Condominiums Homeowners Association has
45 requested preliminary and final approval of the Stone Creek Village Planned Unit Development
46 Phase 1 subdivision plat, approximately 200 West Pages Lane, for the purpose of providing access

1 to financing. The Planning Commission reviewed the request and sends it to the Council with a
2 positive recommendation, subject to the following conditions:

- 3 1. Submit a current title report.
- 4 2. Make any minor changes to the plat per red lines.
- 5 3. Pay all required fees.

6
7 Councilman Higginson made a motion to approve the PUD conversion of Stone Creek Village PUD
8 Phase 1 (formerly Aliwood Condominiums), with conditions as noted. Councilwoman Holbrook
9 seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook, Knight,
10 Moss, and Tolman voted “aye”.

11
12 **PRELIMINARY AND FINAL PLAT APPROVED FOR STONE CREEK**
13 **VILLAGE PUD PHASE 2**

14 Mr. Rowland reported that the Planning Commission has reviewed the request of Robert
15 Gibson and the Aliwood Condominium Homeowner’s Association for final approval of the Stone
16 Creek Village Planned Unit Development Phase 2 Subdivision plat (approximately 200 West Pages
17 Lane). He noted that because this is new construction, rather than a conversion from an existing
18 condo to a PUD, a bond and development agreement are required with this phase of the project. It
19 is the recommendation of staff and the Planning Commission to grant preliminary and final plat
20 approval, as stated, subject to the following conditions:

- 21 1. Submit a current title report.
- 22 2. Make any minor changes to the plat per red lines.
- 23 3. Pay all required fees and post a bond per the bond letter which will be prepared.
- 24 4. Sign a development agreement with the City.

25
26 Councilwoman Holbrook made a motion to grant preliminary and final plat approval for Stone
27 Creek Village PUD Phase 2, as recommended. Councilman Tolman seconded the motion and
28 voting was unanimous. Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voted
29 “aye”.

30
31 **KENSINGTON COURT SUBDIVISION PLAT GRANTED FINAL APPROVAL**

32 Mr. Rowland presented the request of Kensington Court Subdivision for final subdivision
33 plat approval (Brighton Homes, developer) and stated that the Planning Commission has reviewed
34 this request and sends it to the Council with a positive recommendation, subject to the following
35 conditions:

- 36 1. Make all required red line corrections.
- 37 2. Post Letter of Credit to cover the cost of the public improvements per the bond
38 letter.
- 39 3. Pay all required fees.
- 40 4. Sign a Development Agreement with the City.
- 41 5. Submit a current title report.
- 42 6. Receive written flood channel/storm drain approval from Davis County Flood
43 Control and fulfill all conditions of approval.

44
45 Councilwoman Holbrook made a motion to grant final plat approval to Kensington Court
46 Subdivision (approximately 640 East 400 North), as recommended. Councilman Higginson

1 seconded the motion which carried unanimously. Councilpersons Higginson, Holbrook, Knight,
2 Moss, and Tolman voted “aye”.

3
4 **PUBLIC HEARING TO CONSIDER ORD. NO. 2012-03 RE: CHAPTER 16 OF**
5 **LAND USE ORDINANCE – FENCES AND LANDSCAPING**

6 Mayor Johnson explained that the ordinance requirements related to fences have been
7 reviewed with particular focus on the issue of property owners mitigating the problem with deer .
8 Mr. Jensen reviewed proposed changes to Chapter 16 of Title 14 related to landscaping and fencing
9 and he noted that the Planning Commission has approached the changes with consideration of how
10 the fences would look. Specifically, they don’t want the fences to look like bunkers, but the fence
11 would still have enough height to keep deer out. Following Mr. Jensen’s review of the proposed
12 changes, the Mayor opened the public hearing at 8:15 p.m. There were no comments from the
13 audience and the hearing was closed.

14
15 The Council briefly discussed fences for corner lots, following which Councilman
16 Higginson made a motion to approve the proposed changes through adoption of Ordinance No.
17 2012-03 entitled AN ORDINANCE AMENDING CHAPTER 16 OF TITLE 14, THE BOUNTIFUL CITY LAND
18 USE ORDINANCE. Councilman Tolman seconded the motion. Voting was unanimous with
19 Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting “aye”.

20
21 **PUBLIC HEARING TO CONTINUE DISCUSSION OF AMENDMENTS TO**
22 **TITLE 14, LAND USE ORDINANCE**

23 The staff indicated that this item needs to be postponed and this action was taken on a
24 motion made and seconded by Councilpersons Higginson and Holbrook, respectively. Voting was
25 unanimous with Councilpersons Higginson, Holbrook, Knight, Moss, and Tolman voting “aye”.

26
27 **COUNCIL APPROVES REFUND OF TELECOMMUNICATIONS TAX OVERPAYMENT**

28 Mr. Rasmussen explained that through the errors of two telecommunications companies and
29 the State Tax Commission, the City has been significantly overpaid in tax revenues. It is the
30 recommendation of staff that the City Council approve the refund of the overpayments to the State
31 in a lump sum. The amount of the refund has not yet been determined because one of the
32 telecommunication companies has not yet filed the amended return, as requested by the State.
33 Councilman Tolman made a motion that the staff be authorized to refund (in a lump sum payment),
34 the tax overpayment which has been made to the City. Councilwoman Holbrook seconded the
35 motion which carried unanimously. Councilpersons Higginson, Holbrook, Knight, Moss, and
36 Tolman voted “aye”.

37
38 **STAFF AND CALENDARING ITEMS**

39 None

40
41 **PUBLIC HEARING RESCHEDULED TO CONSIDER ZONE MAP AMENDMENT**

42 Mr. Mahan requested that the public hearing to consider the zone map amendment from R-4
43 to R-4-PDO at approximately 600 North 400 East (Gary Wright, applicant) be rescheduled.
44 Councilman Higginson made a motion to reschedule said hearing to April 24, 2012. Councilman
45 Knight seconded the motion and voting was unanimous. Councilpersons Higginson, Holbrook,
46 Knight, Moss, and Tolman voted “aye”.

