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**Minutes of the
BOUNTIFUL CITY COUNCIL**

September 12, 2017 – 6:00 p.m.

Present: Mayor Pro-Tem John Pitt
Councilmembers Kendalyn Harris, Richard Higginson, John Marc Knight
City Manager Gary Hill
City Attorney Clinton Drake
City Engineer Paul Rowland
City Planner Chad Wilkinson

Department Directors/Staff:
Police Chief Tom Ross
Finance Director Tyson Beck
Water Director Mark Slagowski
Recording Secretary Nikki Dandurand

Excused: Mayor Randy Lewis
Councilmember Beth Holbrook

Official notice of the City Council Meeting was given by posting an Agenda at City Hall and on the Bountiful City Website and the Utah Public Notice Website and by providing copies to the following newspapers of general circulation: Davis County Clipper and Standard Examiner.

Work Session – 6:00 p.m.
Planning Conference Room

Mayor Pro-Tem Pitt welcomed those in attendance and called the session to order at 6:05 p.m.

LEGISLATIVE UPDATE

Mr. Gary Hill stated the legislature recently created a transportation task force to plan for future growth. Specific issues include funding, governance of UTA, and land use. This could have impacts on land use in Bountiful and new requirements for zoning and higher density zones in cities. The tone of this project is a little disconcerting, but there is nothing pending. Another item is a referendum bill. The current law is unclear, as we recently discovered with our City Hall proposal. Councilman Higginson asked if this would concern local or state levels. Mr. Hill replied that it would be local. The concern is what types of communications local governments can provide during the referendum process, i.e., the Orem/Provo UTA referendum. Referring back to the transportation task force, Councilman Higginson asked if the state could use eminent domain to change our zoning. Mr. Drake replied not under current laws.

Mr. Chad Wilkinson stated another subject discussed is business licensing, with particular concern to home occupation license fees. Currently there are no license fees for minors for businesses such as lemonade stands. There is a problem when people need a license to provide to lenders or such and there is no proof. Our business license fees are very low, but the City could do a study to provide additional information.

1 Mr. Wilkinson stated that short term rentals are still a concern. A recent law prohibits cities
2 from enforcing short-term rental law based on an advertisement. This is not a very big issue in
3 Bountiful, and the City does not currently have a law prohibiting short-term rentals. Chief Ross
4 stated that only noise or parking complaints are monitored at this point. Mr. Hill stated the City's
5 position up to this point has been to encourage the legislature to let local governments decide whether
6 or not short-term rentals are appropriate in their own cities.

7 Mr. Clinton Drake mentioned another topic is land use vesting. There have recently been
8 issues between private developers and cities in Salt Lake County regarding when a land use
9 application vests. Most of this issue has been worked out, but not completely. Private developers are
10 asking for clear language stating that an applicant vests in what the applicant applies for. This is
11 consistent with case law. There is a sunset clause that needs to be incorporated still which would
12 encourage a vested applicant to take reasonable measures to move the development along or it would
13 expire. Last year, SB-241 included a local plan review to be performed within a certain time period
14 depending on whether it is a residential or commercial subdivision. This year there is potential
15 legislation regarding a plan review sheet that would be used by inspectors as a tool as they review
16 various plans, which would basically be a summary sheet of what will be reviewed and can be
17 checked off. The Department of Environmental Quality is revising some of their fees. They have
18 been instructed to create an equitable and fair fee schedule. All proposed scenarios Mr. Drake has
19 seen have been favorable to Bountiful City's landfill. The Office of the Utah Property Rights
20 Ombudsman is swamped. They are currently taking six months to return an advisory opinion.
21 Typically issues related to land use are urgent and need a much quicker turn around. There is a need
22 to hire a full-time employee or the ability to contract with lawyers to write advisory opinions. There
23 is support from the Utah League of Cities and Towns and private organizations for this to happen
24

25 **PLAT A PROCESS UPDATE – MR. CHAD WILKINSON**

26 Mr. Wilkinson would like to update the Council on this process and already provided
27 recommendations to the Planning Commission on September 5, 2017. Currently the plat is
28 residentially zoned and needs to be re-zoned to single family district. There will be a large mailing
29 next week to notify the residents in this area that a public hearing will be held on October 3, 2017. A
30 draft ordinance will be published tomorrow to include various changes including height requirements,
31 parking and minimum lot size. Councilman Higginson stated the code requires a 50 ft. setback on
32 Main Street, which is not conducive to some businesses and would be good to review. Another
33 suggestion is to have the buildings face Main Street, but as Mayor Pro-Tem Pitt pointed out, the
34 Wight House has a double entry. Mr. Hill asked about the impact on heights of the buildings. Mr.
35 Wilkinson replied the new ordinance would allow an additional 10 feet in height with provisions.
36 Councilwoman Harris asked about the Eye Center that was recently built. Mr. Wilkinson was not
37 sure on those requirements. Mr. Wilkinson stated the next meeting will be a Planning Commission
38 meeting on September 19, 2017. Councilman Higginson asked if these documents will be available
39 online. Mr. Wilkinson said yes, tomorrow. Councilman Higginson asked if we need to move the
40 decorative planters on Main Street. Mr. Wilkinson replied that there was some discussion of that
41 idea, possibly move them more toward the north end of Main Street. Councilman Higginson also
42 asked about the trees and what other options are available. Mr. Wilkinson replied they will look into
43 it, but within the last week, all the trees have been trimmed and pruned along Main Street.
44

45 **Regular Meeting – 7:05 p.m.**
46 **City Council Chambers**

1
2 Mayor Pro-Tem Pitt called the meeting to order at 7:05 p.m. and welcomed those in
3 attendance. Local scouts Addison Rupp and Ethan Leyba, Troop 1480, led the Pledge of Allegiance;
4 President Dan Hammon, North Canyon Stake, gave a thought.
5

6 **APPROVE MINUTES OF PREVIOUS MEETING – AUGUST 22, 2017**

7 Mayor Pro-Tem Pitt presented the minutes from the previous meeting. Councilman
8 Higginson moved to approve the minutes and Councilwoman Harris seconded the motion. Voting
9 was unanimous with Councilpersons Harris, Higginson, and Knight voting “aye”.

10
11 **COUNCIL REPORTS**

12 Mayor Pro-Tem Pitt wanted to thank all of those who helped with the many summer activities
13 during the summer. No other reports were made.
14

15
16 **PUBLIC COMMENT**

- 17 -Gary Davis – various comments regarding items on the agenda
18 -Tonya Bascom – concerned about Plat A
19

20 **BCYC REPORT**

21 Ethan Thomas reported the Youth Council is planning the Pumpkin Patch Carnival on
22 October 13, 2017.
23

24 **CONSIDER APPROVAL OF:**

- 25 a. **WEEKLY EXPENDITURES > \$1,000 PAID AUGUST 14, 15, 21, 28, 29, 30 & SEPTEMBER 4,**
26 **2017**
27 b. **JULY 2017 FINANCIAL REPORT**
28

29 Mayor Pro-Tem Pitt presented the expenditures/financial report and asked for a motion to
30 approve. Councilman Higginson moved to approve the weekly expenditures/reports and Councilman
31 Knight seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson and
32 Knight voting “aye”.
33

34 **CONSIDER APPROVAL OF THE BOUNTIFUL CITY WATER CONSERVATION PLAN –**
35 **MR. MARK SLAGOWSKI**

36 Mr. Slagowski stated this is a regulation item required by the State and he is asking for the
37 Council to adopt the plans which have been included in the packet. Mayor Pro-Tem Pitt asked Mr.
38 Slagowski to give the highlights of the plan. Mr. Slagowski stated that when implemented, the plan
39 helps in the City’s water conservation, which is needed in Bountiful, and it is good to have a
40 formalized document to follow. Councilman Higginson asked if the City subscribes to any services,
41 advertising, etc. Mr. Slagowski replied that we are fortunate to have enough resources available and
42 the Water Department is currently working with Weber Basin as well. Councilman Higginson asked
43 if the plan includes treating the deep well water with chlorine at this point. Mr. Slagowski replied if
44 the water reads okay, then no. However we keep a small chlorine residual to avoid extra measures if
45 the water becomes contaminated. Councilwoman Harris made a comment about adequate water
46 supply as described on page 7 in the plan, to which Mr. Slagowski responded that a new reservoir

1 would be good. Mayor Pro-Tem Pitt also stated the plan will be online for the public to view as well.
2 Councilwoman Harris moved to approve the plan and Councilman Higginson seconded the motion.
3 Voting was unanimous with Councilpersons Harris, Higginson and Knight voting “aye”.

4
5 **CONSIDER APPROVAL OF THE PROPOSAL FROM STANTEC CONSULTING IN THE**
6 **AMOUNT OF \$25,000 TO HELP COMPLETE BOUNTIFUL CITY’S SOURCE**
7 **PROTECTION PLAN – MR. MARK SLAGOWSKI**

8 Mr. Slagowski stated that Bountiful City’s Source Protection Plan is more involved and a
9 consultant is required. The Zesiger well was operating, but the permit was denied until there is a
10 plant to support it. Mr. Slagowski stated he and his staff are doing as much as they can, but a
11 consultant would be very helpful. Mayor Pro-Tem Pitt asked if the well had any manmade
12 contamination. Mr. Slagowski replied yes. Two proposals were submitted, but Stantec helped with
13 the original plan so they are able to do it at a lower cost as they already have much of the needed data
14 on file to complete the project. Councilman Higginson moved to approve the proposal and
15 Councilwoman Harris seconded the motion. Voting was unanimous with Councilpersons Harris,
16 Higginson and Knight voting “aye”.

17
18 **CONSIDER APPROVAL OF THE PURCHASE OF FOUR POLICE VEHICLES FROM**
19 **PERFORMANCE AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$104,152 –**
20 **CHIEF TOM ROSS**

21 Chief Ross is requesting approval to purchase four vehicles to be assigned to the Patrol
22 Division. All bids used the Utah State contract pricing, and are budgeted in the FY2018 budget.
23 Councilman Higginson asked if there has been any problem with the CO2 levels in the Ford
24 Explorers. Chief Ross replied there have been no complaints from the employees. There are nine
25 vehicles which needed to be outfitted for this monitoring device. They all have been installed and
26 there have been no negative readings. Mayor Pro-Tem Pitt said he appreciates and supports getting
27 local bids and using the State contract pricing. Councilman Knight made a motion to approve the
28 purchase and Councilman Higginson seconded the motion. Voting was unanimous with
29 Councilpersons Harris, Higginson and Knight voting “aye”.

30
31 **CONSIDER FINAL SITE PLAN APPROVAL FOR BRISTOL VILLAGE, A 19-UNIT**
32 **MULTIFAMILY TOWNHOME UNIT DEVELOPMENT AT 1910, 1940 AND 1950 SOUTH**
33 **200 WEST, TAYLOR SPENDLOVE REPRESENTING BRIGHTON DEVELOPMENT**
34 **UTAH LLC, APPLICANT – MR. CHAD WILKINSON**

35 Mr. Rowland presented this item in place of Mr. Wilkinson. Mr. Rowland stated the final site
36 plan that was submitted substantially conforms to the preliminary site plan which received approval
37 from the Planning Commission and City Council last month. The previously submitted building
38 elevations have not changed and the applicant will be required to follow the design approved by the
39 City Council. This is a single access, T-entrance development. The Planning Commission reviewed
40 the application on September 5, 2017, and recommends approval of the request for final site plan
41 approval. Councilman Higginson asked if there was any reference to the letter from the adjacent
42 property owner regarding the mitigation of the shared fence line. Mr. Rowland replied that Brighton
43 Homes has offered to move the fence inside their property line to maintain it, and to relieve the
44 homeowner of that obligation. Councilman Higginson made a motion to approve the final site plan
45 and Councilman Knight seconded the motion. Voting was unanimous with Councilpersons Harris,
46 Higginson and Knight voting “aye”.

1
2 **CONSIDER PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE SQUARE AT**
3 **2600 SERVICE ALLEY IMPROVEMENTS, 500 WEST 2600 SOUTH, KEVIN ALCOTT,**
4 **APPLICANT – MR. CHAD WILKINSON**

5 Mr. Rowland stated the owners of The Square at 2600 are requesting to refurbish the parking
6 area behind the buildings, and to build a garage to accommodate a snow plow and other necessary
7 maintenance items. The development was originally constructed around 1976 and therefore the
8 landscaping does not meet current code standards. The applicant proposes to bring the site into
9 greater compliance with current standards by installing landscaping throughout the rear of the site.
10 The Planning Commission reviewed the request on September 5, 2017, and recommends preliminary
11 and final site plan approval as requested. Councilman Higginson stated he drove through the
12 development recently and noted the access road is almost dirt and definitely needs improvement.
13 Councilwoman Harris made a motion to approve the preliminary and final site plans and Councilman
14 Higginson seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson and
15 Knight voting “aye”.

16
17 **CONSIDER PRELIMINARY APPROVAL OF THE STONE CREEK ESTATES**
18 **SUBDIVISION LOCATED AT APPROXIMATELY 1500 EAST AND 400 NORTH, BROCK**
19 **JOHNSTON REPRESENTING RAINEY HOMES, APPLICANT – MR. PAUL ROWLAND**

20 Mr. Brock Johnston, of Rainey Homes is requesting preliminary approval of the Keller
21 Property Subdivision, a 50 lot subdivision of the long vacant Keller property located at the top of 400
22 North Street. This proposed development includes 50 single family lots on 33.5 acres of ground and
23 is located in the R-3 zone. Rainey Homes is proposing to develop the property in four phases and is
24 requesting an overall preliminary approval for the entire property, with final approval coming for
25 each of the phases as they are ready for construction and sale. Mr. Rowland stated that Phase 2 has
26 some skinny lots and when Bountiful Blvd. was constructed the property owner declined the
27 opportunity to install all of the utilities with the road construction, resulting in the need to now close
28 and completely dig up the street in order to install the needed lines. This is a very busy road to the
29 Bountiful Temple and will need to have detours. This will hopefully be complete in one construction
30 season. Phase 3 will affect Eagle Ridge Dr. and Skyline Dr. This phase will start in two or three
31 construction seasons. Phase 4 is a single cul-de-sac development.

32 There are sewer lines and utilities available to some areas already. FEMA recently completed
33 the flood zones and we should not have any houses in flood plains. There is no common ground to
34 provide onsite water detention for this development. The developer will pay the storm water fees.

35 Computer modeling of our water system shows that we currently have enough reservoir
36 capacity to meet the needs of both this development and the future development of the Kingston
37 property on the north side of Stone Creek. However, our computer model has also shown that this
38 development and the future Kingston property development will force a need to increase our ability
39 to get water from the City’s wells and other sources, all of which are located below Davis Blvd., to
40 the Temple View reservoir which is above Davis Boulevard. These improvements include a new
41 pump house at the Hannah Holbrook Elementary school reservoir, new pump lines from that point to
42 our existing trunk line running across Bountiful Blvd/Eaglewood Drive and eventually a new pump
43 house located at a new 1.5 million gallon reservoir that the city is going to construct on the Kingston
44 Property just west of where Moss Hill Drive meets Bountiful Blvd. Councilman Higginson noted
45 that there are plenty of water resources, just not enough distribution to supply it at the same time.
46 Mr. Rowland agreed. We have the water, just in the wrong place. They are negotiating for help with

1 the pump lines/house, sharing preliminary costs. Councilman Higginson also advised that there be
2 some provision attached to the deed or recorded to include those costs in the property purchase.

3 The construction of Eagle Ridge Drive as part of Phase 3 will require the extension of the
4 paved travel surface all of the way to the end of the pavement on the north side of Ward Canyon
5 under the "B". The City has agreed to install the paving, curb and walk over the Stone Creek debris
6 basin and the developer will be required to construct a paved roadway, similar to the section of
7 temporary road on Skyline Drive below, to the end of the Eagle Ridge Plat C improvements. That
8 will provide an all-weather surfaced road connecting both sides of the canyon. Additionally, the
9 developer will be required to construct a 10 ft. wide sidewalk along the east side of the new Eagle
10 Ridge Drive extension and along the west side of Bountiful Blvd. from Eagle Ridge Drive to its
11 current end at the Granada Hills Subdivision, completing the existing walking trail along Bountiful
12 Blvd.

13 Rather than creating large, odd-shaped and mostly unusable lots, Rainey Homes has proposed
14 that the Parcel 3 property be dedicated to the City to be used as open space. The Bountiful Trails
15 Committee is very excited about the prospect of improving the old road and constructing a trail which
16 would connect Bountiful Blvd. at Moss Hill Drive to Eagle Ridge Drive at the Stone Creek Detention
17 Basin. Although a short section, it would be the first step in providing a trail which could eventually
18 be built from Rocket Park along Stone Creek to the detention basin and tying into the trails which
19 access the mountain through Ward Canyon.

20 Mayor Pro-Tem Pitt asked about the off-road traffic, i.e., ATV's, etc. Mr. Rowland stated
21 there is some traffic from residents, but the construction and development will cut out most of that
22 traffic.

23 The Planning Commission sends the recommendation for preliminary approval of the Stone
24 Creek Estates Subdivision with the written conditions being met.

25 Councilman Higginson made a motion to approve the preliminary site plan and Councilman
26 Knight seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson and
27 Knight voting "aye".
28

29 **CONSIDER APPROVAL OF FINAL SUBDIVISION AND FINAL SITE PLAN FOR 5TH**
30 **WEST OFFICE PARK COMMERCIAL SUBDIVISION, LOCATED AT 1065 SOUTH 500**
31 **WEST, JEFF BECK REPRESENTING UNION AVENUE LLD, APPLICANT – MR. PAUL**
32 **ROWLAND**

33 Mr. Rowland stated Jeff Beck has completed the plat map and site plans and is now
34 requesting final approval for the four lot 5th West Office Park Commercial Subdivision. The Planning
35 Commission sends a positive recommendation for final approval to the City Council. Councilwoman
36 Harris asked if a crosswalk was going to be made available to cross that section of the street on 500
37 West. Mr. Rowland replied not at this time. Councilman Higginson made a motion to approve the
38 final site plans and Councilwoman Harris seconded the motion. Voting was unanimous with
39 Councilpersons Harris, Higginson and Knight voting "aye".
40

41 **CONSIDER APPROVAL OF ORDINANCE 2017-09, VACATING SHAW SUBDIVISION**
42 **LOCATED AT 672 AND 680 EAST 400 NORTH – MR. PAUL ROWLAND**

43 Mr. and Mrs. Shaw no longer have a need to sell off a portion of their property and now wish
44 to build a detached garage across the existing property line between lots 1 and 2. Councilman
45 Higginson made a motion to approve the vacation of the Shaw Subdivision and Councilman Knight
46 seconded the motion. Mr. Rowland stated there also needs to be an approval of Ordinance 2017-09,

1 which Councilwoman Harris seconded. Voting was unanimous with Councilpersons Harris,
2 Higginson and Knight voting “aye”.

3
4 **CONSIDER APPROVAL OF A CEMETERY STATUE PURCHASE FROM MAIN STREET**
5 **ART, INC. IN THE AMOUNT OF \$55,441 - MR. GARY HILL**

6 Councilman Higginson noticed the invoice states payment in full, although he thought it was
7 only a partial payment made up front. Mr. Gary Hill replied the down payment has already been
8 paid. The statue will be installed in approximately 10 days. A dedication will be announced.
9 Councilman Higginson asked about the donations made. Mr. Gary Hill responded that they have
10 already been made available and those are tax deductible. Mr. Hill also mentioned that this project
11 could not have been possible without the help of donations. Councilman Higginson made a motion to
12 approve the cemetery statue purchase and Councilman Knight seconded the motion. Voting was
13 unanimous with Councilpersons Harris, Higginson and Knight voting “aye”.

14
15 Mayor Pro-Tem Pitt asked for a motion to adjourn the regular session of City Council and
16 move to an RDA meeting. Councilman Higginson made a motion to adjourn the regular meeting and
17 Councilwoman Harris seconded the motion. The regular session of the City Council was adjourned
18 at 8:18 p.m.

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20


Mayor



City Recorder