

Present: Mayor:	Dean S. Stable
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, Paul B. Allen and Bob Linnell
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
Planning Director:	Jon Reed Boothe
City Recorder:	Arden F. Jenson
Deputy Recorder:	Mark O. McRae
Recording Secretary:	Nancy T. Lawrence

Excused: City Engineer: Jack P. Balling

Mayor Stahle led the pledge of allegiance to the flag, following which Mr. Boothe offered the invocation.

Mr. Hardy verified that 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.

Minutes of the regular City Council meeting held May 12, 1982 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilwoman Southwick.

EXPENDITURES FOR PERIOD MAY 1-14, 1982 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period May 1-14, 1982 with invoices totaling \$15,909.38 and these expenses were unanimously approved as given on a motion made by Councilwoman Southwick and seconded by Councilman Barton.

PROPOSAL FROM FOX & CO. TO PERFORM 1981-82 AUDIT APPROVED

Mr. Hardy reviewed the proposal from Fox and Company to perform Bountiful's audit for the 1981-82 fiscal year, noting that this is one of the largest auditing firms in the nation and that their name and certification would hold weight on the bond market if that means of financing were necessary for the city. He said that the proposal has been reviewed by the Public Safety and Finance Committee and has their endorsement. Councilwoman Southwick made the motion that the services of Fox and Company be retained to perform the 1981-82 audit at a cost not to exceed \$16,500. Councilman Allen seconded the motion and voting was unanimous.

SANJTATION PILOT STUDY DISCUSSED AND GO-AHEAD GIVEN

Mr. Hardy referred to a draft of a letter which had been prepared to send to residents of several garbage routes in the city to initiate a pilot study in an attempt to reduce costs of garbage collection. The study would consist of decreasing the number of stops which the trucks made--either by two or three neighbors placing their garbage together in a designated spot, or by collecting garbage on one side of the street only. It was suggested that the study be conducted for a period of three to five months. Concern was expressed regarding implementation of the program on a voluntary basis and Councilman Allen suggested that the location of the garbage collection stop should be designated by the city. Councilwoman Southwick made the motion that the recommendation of the City Manager to initiate a pilot study for garbage collection be adopted with the details of the study to be worked out by the Committee. Councilman Allen seconded the motion which carried unanimously.

CHAMBER OF COMMERCE EXPRESSES OPPOSITION TO UTILITY FRANCHISE TAX

Mayor Stahle read a letter from the Chamber of Commerce requesting that the Council remove the six percent utility franchise tax, inasmuch as this is a "hidden" tax which increases without review by the citizenry. The pros and cons of

the franchise tax were discussed, as well as alternative measures for collecting revenue. Boyd Ivory, president of the Chamber, stated that the letter was prepared after receiving numerous calls and letters from concerned citizens. Councilwoman Southwick requested that this item be placed on the agenda for discussion by the Council in a study session.

**PUBLIC HEARING TO CONSIDER 1982-83
BUDGET AND OPENING OF 1981-82 BUDGET**

At 7:37 p.m. Mayor Stahle opened the public hearing to consider the 1981-82 budget and opening of the 1982-83 budget had previously been reviewed by the staff, committees, and council and called for questions and comments from those in attendance. DeVon Steiner expressed opposition to using Light and Power funds to subsidize other city operations and suggested that utility rates be lowered and that property tax be increased so that a direct tax benefit could be realized. Mr. Hardy acknowledged the direct tax benefit to those who have high property tax values; however, he noted that the benefit from the user charge comes from the fact that commercial and industrial users contribute more than residential users. Councilman Linnell also noted that non-property owners also share in the cost through franchise taxes and utility payments; whereas they do not pay property taxes.

**DISCUSSION OF BUDGET RESOLUTION TO BE PREPARED TO
MAKE CHANGES IN 1981-82 BUDGET--NET EFFECT ZERO**

Concern was also expressed regarding the large amount budgeted for the Redevelopment Agency (\$10,707,602); however, Mayor Stahle explained that the actual budget for operation of the RDA is about \$149,000, with the additional monies budgeted to cover purchase of property (for resale) if all contemplated projects come to fruition. Following questions from Elmer Landsaw, Ron Barlow and Judy Vogel, Mr. Hardy called attention to the proposed changes in the 1981-82 budget and stated that a resolution would be prepared to facilitate adoption of these changes. The net effect to the 1981-82 budget after the changes is zero.

USE OF FRS FUNDS IN 1982-83 BUDGET APPROVED

Mr. Hardy reviewed, by department, the proposed expenditure of Federal Revenue Sharing funds for 1982-83, stating that these monies (\$350,936 anticipated) will be used for capital equipment, not operating expenditures. These expenditures were unanimously approved on a motion made and seconded by Councilmen Linnell and Barton, respectively. A resolution will be prepared to ratify this action at the next regular meeting.

**CONTRIBUTIONS FROM LIGHT & POWER FOND
TO GENERAL & CAPITAL FUNDS APPROVED**

Upon the recommendation of Mr. Hardy, the following contributions from the Light and Power Fund were approved: (1) \$568,334 to the General Fund; and (2) \$240,998 to the Capital Improvement Fund (\$809,332 total). This action was taken on a motion made by Councilman Linnell and seconded by Councilwoman Southwick. Voting was unanimous.

STAFF COMPLIMENTED ON BUDGET PREPARATION

Council members complimented the staff on the excellent work done on the budget and they expressed appreciation to the citizens for the input which had been given.

DISCUSSION OF AIR PRODUCTS CONTRACT POSTPONED

Mr. Hardy requested that discussion of the Air Products contract be postponed for two weeks to allow for further study and negotiations.

CRSP RATE OF DELIVERY AGREEMENT FOR SUMMER SEASON APPROVED

Mr. Hardy presented the Colorado River Storage Project (CRSP) summer season contract and Rates of Delivery Agreement and stated that it is the recommendation of the Power Commission that this Agreement be approved. It provides for Bountiful to purchase 63,520,500 kwh for the summer season and 87,082,500 for the winter season, with a load factor of 58.2 percent. Councilman Hill made the motion that this Agreement be approved and that authorization be given for the Mayor and City Recorder

to sign it. Councilman Allen seconded the motion which carried 103 unanimously.

ITEMS FROM PLANNING COMMISSION PRESENTED

Mr. Boothe presented the following items as recommended by the Planning Commission:

(1) That approval be granted for two amusement devices for the "Corn Crib", 429 South Main. Councilwoman Southwick made the motion for approval, Councilman Barton seconded the motion, and voting was unanimous. With regard to this item, Councilman Hill stated that he felt the approval process for two, three or four game machines was "too much of a hassle" and the Mayor requested that this item be placed on the agenda for discussion at a future meeting.

(2) That approval be granted for two additional amusement devices for "The Scorer's Table" (golf course restaurant). Mr. Boothe pointed out that the golf course is in a residential zone and technically the game machines--and the restaurant--are not allowable uses. However, the city does not have to abide by the zoning ordinance. The Planning Commission made a second recommendation that the new zoning ordinance provide for public recreation facilities to be exempt from provisions of that ordinance. Mr. David Welch, a citizen in attendance, suggested that it would be better to amend the ordinance to allow for the city to provide those ancillary uses considered desirable in conjunction with the recreation facilities. Councilman Allen expressed concern regarding who is being catered to by having the game machines at the clubhouse--those who are playing golf or youth--and he recommended that this matter be referred back to the Recreation Committee for further study regarding both the specific request for the two game machines and amending of the ordinance. Again, Councilman Hill expressed disapproval of the Council being involved when small numbers of game machines are involved. Councilman Allen put his recommendation in the form of a motion which carried by a majority on the second of Councilwoman Southwick. Councilman Hill voted nay.

CONCEPTUAL APPROVAL GIVEN TO MAPLE HILLS PARCEL "D"

(3) That conceptual approval be granted to Maple Hills Parcel "D", 31 lots, (Norm Dobson developer), subject to (a) the most easterly road (ties to Maple Hills Plat 3) having a temporary turn-around; and (b) the useable area of Lot 31 being verified and approved. Councilwoman Southwick made the motion that conceptual approval be granted as recommended, Councilman Hill seconded the motion and voting was unanimous.

APPROVAL GIVEN TO "RAINBOW SNO" FOR TEMPORARY BUILDINGS AT THREE LOCATIONS

(4) That approval be given for three temporary buildings to house the "Rainbow Sno" business--located at Five Points, Smith's Food King (Orchard Drive, and 4th Street Games (400 North Main) in each respective parking lot. This approval is subject to adhering to the 30-foot setback requirements and approval by the Board of Health and owner of the property involved. Discussion focused on the possible proliferation of temporary businesses and it was requested that the Planning Commission study this matter. Councilman Linnell made the motion that approval be granted to "Rainbow Sno" as recommended, inasmuch as the proprietor, Mr. Scott VanLeeuwen, had been given the go-ahead by the Council for this business several months ago. Councilman Allen seconded the motion and voting was unanimous. Councilwoman Southwick recommended that the owners of the property where these buildings will be placed should be advised of the 30-foot minimum setback requirement.

PRELIMINARY WHICH CONSTITUTES FINAL APPROVAL GRANTED ON TWO LOTS OWNED BY NORM DOBSON

(5) That preliminary which constitutes final approval be granted to two lots which front on Cave Hollow Way (near the fire substation), Norm Dobson, developer. Councilman Linnell made the motion for approval as recommended, Councilman Hill seconded the motion and voting was unanimous.

RECOMMENDATION FOR FOOTHILL ORD. TO BE AMENDED TO BE BROUGHT INTO CONFORMITY WITH UNIFORM FIRE CODE

(6) That the Foothill Ordinance be amended to bring apt6A into conformity with the Uniform Fire Code which was a ordinance by the city. He explained that the conditions of the fire code are more stringent than the foothill ordinance and that this conflict has posed a problem in issuing a building permit to Nick Smith for development of a lot which he ()Tans. A lengthy discussion followed with Chief Jerry Lemon reinforcing the desirability of bringing the Foothill Ordinance into conformity with the Fire Code. Mr. Forbes stated that the city has liability for fire protection and must have access; and in an instance where two ordinances are in conflict, that ordinance which is the most severe would supercede the other. Mr. Smith expressed a desire to work with the city and to build extra fire protection into his home to offset the exceptions being requested with regard to access. He said they would install sprinklers in their home (as is done in commercial buildings), as well as the grounds, and would use tile for their roof. Chief Lemon indicated that there could still be a problem if they lost their water pressure. At the request of Mr. Smith for urgency in starting with their building, Mr. Hardy indicated that a foundation permit could be granted, permitting them to get started with construction; however, the issue of access and conforming with the fire code would have to be worked out prior to further approvals. Mr. Hardy stated that the city will work with Mr. Smith to make it as least onerous as possible. Councilwoman Southwick made the motion that the Foothill Ordinance be amended to conform with the Uniform Fire Code and that a public hearing be scheduled for June 23, 1982 at 8:30 p.m. to consider this ordinance and that the matter be referred back to the Planning Commission. Councilman Linnell seconded the motion subject to the understanding that Mr. Smith is not being locked out of using his property if proper fire prevention measures are followed. Voting was unanimous.

PRELIMINARY APPROVAL GRANTED TO DAVIS COUNTY MENTAL HEALTH CENTER, 470 EAST MEDICAL DRIVE

(7) That preliminary approval be granted to the new Davis County Mental Health Center, 470 East Medical Drive. Councilwoman Southwick made a motion for approval, Councilman Barton seconded the motion and voting was unanimous.

REQUEST OF FIRST BAPTIST CHURCH FOR ALTERNATE SIDEWALK PLAN APPROVED

(8) That approval be granted to the First Baptist Church, 1900 South Orchard, to eliminate all but 160 feet of the previously required 450 feet of sidewalk contiguous to their property. This recommendation was made on the basis that concrete bumper guards would be installed around the perimeter of the parking lot eight feet from the curb and this would provide for an asphalt sidewalk area. Councilman Linnell made the motion that approval be granted to this request and Councilman Hill seconded the motion. Councilman Barton recommended that sidewalk also be required for the southeast corner of the property north to the driveway (approximately 50 feet) if it is not already there. This recommendation was incorporated into the motion and voting was unanimous.

ACTION OF PREVIOUS CDDMIL IN APPROVING CHELSEA COVE PLAT 11 RATIFIED

(9) That the action of the previous council to give final approval to Chelsea Cove Plat 11 be ratified by the new mayor. (Authorization had previously been given subject to posting of the bond, payment of the fees and the signature of Mayor Barlow. Inasmuch as the plat had not been presented for signature until after Mayor Stahle took office, this action becomes necessary). Councilman Hill made the motion for approval as recommended, Councilwoman Southwick seconded the motion and voting was unanimous.

NEW ZONING ORD. TO BE DISCUSSED AT STUDY SESSION ON JUNE 22

Mayor Stahle requested that the new zoning ordinance be considered and suggested that another study session be scheduled for the benefit of those who have recently taken office. A study session was so scheduled on June 22, 1982.

The meeting adjourned at 9:52 p.m. on a motion made by Councilman Barton and seconded b Councilman Linnell.

Dean S. Stahle

MAYOR

Adrian F. Benson
CITY CORDER