

Minutes of the regular City Council meeting held August 11, 1982 at 7:00 p.m. in the City Hall of Bountiful, Utah.

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| 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 Engineer: | Jack P. Balling |
| Planning Director: | Jon Reed Boothe |
| City Recorder: | Arden F. Jenson |
| City Treasurer: | Ira H. Todd |
| Recording Secretary: | Nancy T. Lawrence |
| Excused: City Attorney: | Layne B. Forbes |

The pledge of allegiance to the flag was led by Mayor Stable following which Councilman Linnell offered the invocation.

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 regular City Council meeting held July 28, 1982 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Allen.

EXPENDITURES FOR JULY APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the Period July 1-31, 1982 totaling \$405,532.30 and Invoices for that same period (not included in the \$405,532.30) of \$75,777.71. These expenditures were unanimously approved on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

PETITION RE.: PIGEON ORDINANCE ACCEPTED

Councilman Barton presented a petition which had been given to him and was signed by those individuals opposing the proposed pigeon ordinance and he requested that this petition be made an official part of the record of this meeting.

PIGEON ORDINANCE DISCUSSED, CHANGES RECOMMENDED, AND ADOPTION RECOMMENDED

Discussion followed regarding said ordinance with a major focus on the distance from the pigeon loft to the nearest dwelling, the maximum number of birds which could be kept, and details of licensing and fee structure. After input from Mr. Hardy, the Council and Mayor, and Eldean Weight (pigeon uaner), Councilman Allen made the motion that the proposed ordinance be re-written with the following changes: (1) that the loft requirements apply whenever 10 or more birds are involved; (2) that a permit be required for 25 or more birds; (3) that the fee be set at \$50.00 annually; (4) that the loft distance from the nearest dwelling be 60 feet; and (5) that the maximum number of birds which can be kept be set at 75. Councilman Hill seconded the motion which carried by a majority. Councilwoman Southwick voted nay, stating that she felt the number of birds allowed was too many and 60 feet was not far enough away from the dwellings.

MOTION AMENDED TO EXCLUDE DISTANCE REQUIREMENT FOR OWNER'S DWELLING

The question was raised as to whether the distance requirement applied to the pigeon owner's residence and Rich Harvey from the County Health Department was consulted as to possible health problems. Mr. Harvey said that the presence of the birds should not pose a health problem and Councilman Allen modified his motion to read that the distance requirement (60 feet) apply only to adjacent lots (not the owner of the birds). Councilman Hill seconded the motion which carried by a majority; Councilwoman Southwick voted nay in consistency with her first vote.

NORM WELLS EXPRESSES DISAPPOINTMENT WITH ORDINANCE

Norm Wells expressed disappointment at the action of the Council, stating that the ordinance which they are planning to adopt is more liberal than the ordinance presently in place. However, it was pointed out that the existing ordinance had only recently been adopted (in response to problems arising from no ordinance) and it was found to be too restrictive for those whose hobby is pigeon racing and showing.

Discussion of the ordinance relating to cats was deferred for two weeks.

ROBERT PALMOUIST GIVES PRESENTATION ON RESOURCE RECOVERY FACILITIES - SITE VISITS IN EUROPE

Mayor Robert Plamquist from North Salt Lake reported on his recent trip to Europe to visit the resource recovery facilities. He said they visited a total of nine facilities and he stressed the efficiency with which they operate, together with having minimal impact on the community where they are located. He said that the plants were very clean, had little or no odor or visible emissions. The plants reduce waste by 20-25 percent based on weight, and 90-94 percent based on volume. Waste which will not burn is taken to a sanitary landfill for disposal. One ton of garbage will generate enough steam through the burning process to replace the equivalent of 64 gallons of heating oil. Mayor Palmquist pointed out that if a resource recovery facility could be constructed in the Layton area, the steam could very possibly be sold to Hill Air Force Base.

STUDY OF LANDFILLS TO BE AVAILABLE BY END OF OCTOBER

Will Jefferies, Wasatch Front Regional Council, said that consultants have been hired to evaluate the existing landfills to determine present and future costs and their expected life. The results from this study should be available by the end of October. He also noted that the major factors in determining future handling of waste material in Davis County will be cost and impact on the political entities involved.

PUBLIC HEARING TO CONSIDER REZONING REQUEST FOR PROPERTY LOCATED AT 1500 SOUTH ORCHARD DRIVE

At 8:30 p.m. Mayor Stahle opened the public hearing to consider the request from Dr. Melvin Erickson and others (owners of the medical/professional building at 1500 South Orchard Drive) to include as a legal use in the Residential-Professional R-2P zone "business offices". Mr. Boothe reported that the Planning Commission recommended approval of this change which would expand the use to business offices, with no warehousing or retail selling. Wm. Stell, 270 East 1500 South, stated that he would have no objection to the ordinance, if the hours of occupancy and operation could be regulated to 8 a.m. to 5 p.m. daily. This idea was discussed and it was felt that it would be impossible to accomplish this type of a regulation. Mr. Stell reviewed past attempts to change the zoning of this neighborhood and it was pointed out that when approval was given for the medical complex, the neighbors were given the understanding that it would be used for that purpose only. Since then the zoning has been enlarged to permit professional offices which he voiced no objection to.

REZONING REQUEST DENIED

Mayor Stahle recalled the promise by the past Council that normal business office hours would be adhered to and Councilman Allen pointed out that the Council is being asked to respond to an economic need of the owners of this building rather than to the question of what is best for the neighborhood. Dr. Erickson said that a tentative tenant is lined up for the one vacant space in the building and it is a computer business. It was felt that the hours of operation of this business (and possible others which would follow) would not be compatible with the neighborhood and Councilman Allen made the motion that this request be denied. Councilman Linnell seconded the motion which carried by a majority. Councilman Hill and Councilwoman Southwick voted nay in support of the Planning Commission.

CITY HONORED BY MUNICIPAL FINANCE OFFICERS ASSOCIATION FOR EXCELLENCE IN FINANCIAL RECORDS KEEPING AND REPORTING

Mr. Hardy presented a plaque to Mayor Stahle and a Certificate of Conformance in Financial Reporting to Arden Jenson on behalf of the Municipal Finance Officers Association of the United States and Canada. Mr. Hardy explained that this is the highest award for financial reporting which a city can receive and was presented to Bountiful for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1981. He said that as of last year, only two other cities in the State had received this award and he commended Mr. Jenson for setting the goal to achieve this award for the city. Mayor Stahle expressed appreciation for the concerns of those responsible for providing accurate, complete, and timely financial records and he commended Mr. Jenson and his staff on this accomplishment.

20,000 APPROVED FOR BEAUTIFICATION PROJECT AND RETAINING WALL IN CONJUNCTION WITH 400 NORTH 400 EAST INTERSECTION PROJECT

Mr. Balling reported that at the last Traffic Safety Committee meeting the enlargement and design of the 400 North 400 East intersection was discussed with the possibility of including a landscape strip in the middle of 400 North between Main and 400 East (similar to the treatment at 400 North Main). In order to achieve the landscape strip (\$15,000) and to cover higher costs than originally planned for the retaining wall along the church property, Mr. Balling requested authorization to get additional funding of \$20,000 from the capital contingency fund to add to the \$100,000 budgeted for that project. Councilman Barton noted that in the committee meeting the possibility of using help from service clubs on the beautification project was discussed and favored. Councilman Linnell made the motion that an additional \$20,000 be approved for the 400 North 400 East intersection project, Councilwoman Southwick seconded the motion, and voting was unanimous.

DIXIE ENGINEERING AWARDED BID FOR ASPHALT SLURRY SEAL OF FIVE ROADS

Mr. Balling reported that bids were opened for laying the asphalt slurry seal on five streets and the low bid was from Dixie Engineering Slurry Seal in the amount of \$11,025. (Intermountain Slurry Seal, the only other bidder, bid \$21,375.00). He recommended that the bid from Dixie Engineering be approved and on a motion by Councilman Linnell and seconded by Councilwoman Southwick, this recommendation was unanimously approved.

OED. NO. 82-13 RE: REZONING OF PROPERTY AT 1000 NORTH 200 WEST FROM D-1 TO R-4 APPROVED

Mayor Stahle presented Ordinance No. 82-13, AN ORDINANCE AMENDING TITLE XIV OF THE REVISED ORDINANCE OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO ZONING BY AMENDING THE ZONING MAP SO AS TO CHANGE FROM COMMERCIAL ZONE D-1 TO RESIDENTIAL ZONE R-4 THE REAL PROPERTY HEREIN DESCRIBED AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. This ordinance was discussed and recommended for approval at the last meeting and on a motion by Councilman Hill and seconded by Councilman Barton, this ordinance was adopted by majority vote and the mayor was authorized to sign it. Councilman Allen voted nay.

(See discussion from last meeting for basis of nay vote; minutes of 28 July, 1982).

OED. No. 82-14 RELATING TO FLAG LOTS APPROVED

Ordinance No. 82-14, entitled "AN ORDINANCE AMENDING TITLE XIV, CHAPTER 7, SECTION 5 (a)(4)(b) and (k) OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AMENDED, RELATING TO FLAG LOTS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, previously discussed and recommended for adoption, was presented and Councilman Linnell made the motion that it be adopted and the mayor authorized to sign it. Councilman Allen seconded the motion and voting was unanimous.

BID FROM RICK WARNER FORD ACCEPTED FOR TWO PICKUP TRUCKS FOR WATER DEPARTMENT

Councilman Hill presented the bids which had been received for two pickup trucks and one compressor for the Water Department. He recommended that the low bid of \$14,627.96 from

Rick Warner Ford be approved for one 1/2-ton 4x4 pickup and one 3/4-ton pickup. He made a motion to this effect which was seconded by Councilman Linnell and carried unanimously.

BID FOR COMPRESSOR FOR WATER DEPT. AWARDED TO CATE EQUIPMENT CO.

Councilman Hill made the motion that the low bid from CATE Equipment Company for a portable compressor be approved in the amount of \$9,224.45. (Without trade-in this amount would be \$10,674.45 and it is recommended that the old compressor be transferred to the Street Department). Councilman Allen seconded this motion and voting was unanimous.

COUNCIL CONSIDERS PURCHASE OF ADDITIONAL POWER TO PERMIT OPERATION OF AIR PRODUCTS FACILITY IN BOUNTIFUL

Councilman Linnell introduced Ed Sherry, Colin Tam, and Robert Frees, Air Products & Chemical, Inc. representatives, and explained that their interest in being at tonight's meeting rests with the Council's decision on whether or not to purchase additional power, thereby permitting them to operate in Bountiful. In order to have the amount of power necessary to accommodate the Air Products operation, it will be necessary for the City to purchase power from the Hunter No. 1 project, an alternative which ultimately would require a decision, but hastened by Air Products. Councilman Linnell stressed the weightiness of this item of business, that it will necessitate a major increase in power rates. He reported that after having been thoroughly discussed by the Power Commission in its meeting last evening, it is their recommendation, together with the staff's, that the city go ahead with the Air Products contract on the basis that Bountiful would enter into the Hunter No. 1 project.

CONTRACT WITH AIR PRODUCTS HINGES ON POWER SOURCE

Mr. Hardy discussed the present status of the city with regard to its power resources and projections for the future based on the present economy. Mr. Hutchings emphasized that Air Products cannot finalize their plans from coming into Bountiful until the power issue is resolved and he requested that a decision be made as quickly as possible in consideration of them (Air Products) and the capital which they currently have invested. It was also pointed out that should Utah Power and Light elect to sign the Hunter contract now, Bountiful could be forced to make a decision at this time anyway.

STUDY SESSION WITH POWER COMMISSION SCHEDULED

Discussion of this matter ensued and it was determined that it would be of benefit to the Council to have a study session in conjunction with the Power Commission. Councilman Linnell made the motion that a study session be so scheduled within the next week and that conceptual approval be given on progressing toward consummation of the Hunter contract as well as the contract with Air Products, subject to "fine tuning" of that contract. Councilman Hill seconded the motion and voting was unanimous.

Planning Commission items on the agenda were deferred to the next meeting and the meeting adjourned at 9:59 p.m. on a motion by Councilman Hill and seconded by Councilman Barton.

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MAYOR


CITY CORDER