

Minutes of the regular City Council meeting held October 13, 1982 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	J. Dean Hill, H. Keith Barton, Paul B. Allen, and Bob Linnell
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
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: Councilwoman: Phyllis C. Southwick

Mayor Stahle welcomed those in attendance, following which he led the pledge of allegiance to the flag. 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 September 22, 1982 were presented and unanimously approved as written on a motion made by Councilman Barton and seconded by Councilman Allen.

EXPENDITURE AND EXPENSE REPORTS FOR SEPTEMBER APPROVED

Mr. Jenson presented Expenditure and Expense Reports for periods as follows: September 1-24, in the amount of \$42,272.61; September 24-30, \$30,332.70; September 1-30 (includes handchecks), \$327,361.62; and the Summary for September (which includes the payroll), totaling \$948,473.82. These expenditure reports were unanimously approved as presented on a motion made by Councilman Allen and seconded by Councilman Barton.

ORD. NO. 82-16 RE: REW ZONING ORDINANCE ADOPTED

Mr. Hardy stated that the proposed new zoning ordinance had been reviewed in depth at the public hearing (see minutes of previous meeting) and as a result of action taken by the Council at that meeting, an ordinance has been prepared to facilitate adoption of the new ordinance. He presented Ord. No. 82-16 entitled, "AN ORDINANCE AMENDING CHAPTER 2 WITH THE EXCEPTION OF SECTION 14-2-23, AND CHAPTERS 3, 4, 5, 6 and 7 OF TITLE XIV OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO ZONING AND LAND USE BY ENACTING NEW PROVISIONS TO BE DESIGNATED AS TITLE XIV, CHAPTERS 1 TO 10 AND 12 TO 18 INCLUSIVE, RELATING TO ZONING AND LAND USES AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", and recommended that it be approved. Councilman Linnell made the motion that this ordinance be approved and the mayor authorized to sign it. Councilman Hill seconded the motion and voting was unanimous. The ordinance will become effective upon first publication--October 20, 1982.

AMENDED AGREEMENT WITH AIR PRODUCTS & CHEMICALS APPROVED

Mr. Hardy reported that the Electrical Service Agreement between Bountiful and Air Products & Chemicals had been reviewed by both parties and changes compatible to both parties have been made where there were concerns. He recommended that the amended agreement be approved and on a motion by Councilman Linnell and seconded by Councilman Barton, this action was so taken and the Mayor and City Recorder were authorized to sign the agreement.

LICENSE AGREEMENT WITH ASCAP APPROVED

Mr. Forbes presented the proposed License Agreement between Bountiful and ASCAP (American Society of Composers, Artists and Performers) which is required to permit Bountiful to play copyrighted music on their public address system at the ice

arena. He stated that it has been brought to the city's attention that if the copyrighted music is used publicly without the benefit of this license, it is considered an infringement upon the copyright laws. After a brief discussion, Councilman Allen made the motion that the agreement be approved and the mayor authorized to sign it. The fee for the license, based on square footage and admission prices, is \$450.00 and will be effective for one year, commencing February 1982. On the recommendation of the city attorney, Councilman Allen made the motion for approval, Councilman Barton seconded the motion and voting was unanimous.

BACKGROUND ON TRIANGLE OIL REQUEST FOR PRELIMINARY APPROVAL.

Mr. Tom Mabey, representing Triangle Oil Company, reviewed that they had approached the Planning Commission for preliminary approval at the regular meeting of the Planning Commission on October 5th. It was determined by the Planning Commission at that meeting that, prior to the Commission taking action, it would be appropriate for the Redevelopment Agency to review the proposal being made by Triangle and make a recommendation as to whether or not the development as proposed fits into the RDA plan for this area. Subsequently, a special meeting of the RDA was held; however, no formal action was taken or recommendation given. The Planning Commission held a special meeting on October 12 to reconsider the request for preliminary approval. Inasmuch as the Planning Commission had not received a recommendation from the RDA, they indicated in formal motion that they could not give a recommendation for approval or disapproval until they had input from the RDA; however, they did acknowledge that the proposed project meets all of the ordinance and zoning requirements. Mr. Mabey said that Triangle is anxious to get started with this project in order to qualify for year-end tax benefits and he requested that the Council take action on this request as soon as possible.

MAYOR EXPRESSED CONCERNS RE: MOTEL EFLOIECI

Mayor Stahle expressed his concerns regarding the proposed RDA motel project at approximately the same site, and noted that he felt it would be in the best interest of the city to have a more extensive plan for development than just a 100-unit motel. He referred to the referenced project being considered between the combined RDA's of Woods Cross and Bountiful which could eventually include a convention center and restaurant and asked if Triangle would be willing to produce more extensive plans to the city with regard to possible future development and possibilities for expansion.

COUNSEL FOR TRIANGLE STATES WILLINGNESS TO PROVIDE GUARANTEE TO CITY TO ASSURE SERIOUSNESS

George Diument, counsel for Triangle, stated that there is not a present need in Bountiful for a facility with more than 100 units and he said that Triangle is ready to proceed and could in fact do so without approval by the city, with the city only able to stop them by issuing an injunction. He further stated that Triangle is willing and prepared to do anything necessary to provide assurance to the city that they are serious and if given a permit, their footings could be started by December 15th. He explained that notice of eviction must be served on the existing tenants of their property and if that notice is not given by October 15th, then it will be another 30 days before eviction can be completed.

COUNCILMAN LINRELL EAMS DEVELOPMENT WITH PRIVATE FUNDS

Mayor Stahle again expressed concern about how the proposed Triangle project would fit into the other businesses and properties around it and the possibilities for landlocked or undeveloped property. Councilman Linnell stated that he felt the city should favor a proposal which can be done with private funds as opposed to using RDA assistance and he noted that it would be possible for Triangle to plan a phased project (providing for expansion as does the proposal being considered between the city and Flying J) if the economy so dictates. He stated that if the RDA has played a part by accelerating the development of a motel in Bountiful, then "we can consider it a success." He said it would be a moral victory for the development to happen with private funds. Mayor Stahle said

that if approval is given to Triangle for the 100-unit project only, not much consideration would have been given to the future. Councilman Allen expressed similar concerns to that of the Mayor and noted that the Council is not in a position to make an intelligent decision until further study and consideration could be given to the matter.

COUNCILMAN BARTON REQUESTS FORM OF GUARANTEE FROM TRIANGLE ON SERIOUSNESS OF THEIR PLANS

Councilman Linnell pointed out that the overriding factor is that Triangle meets all of the zoning and ordinance requirements and the city has no legal basis on which to deny their request. Councilman Barton pointed out that Flying J, the proposed developer to work with the RDA, has only presented what the proposed project would look like. He asked Mr. Diumentti if Triangle would be willing to sign an agreement with the RDA that they would start construction by the end of December (1982) or agree to sell their property to the RDA at the highest of two fair appraisals. Mr. Diumentti stated that he could not speak on behalf of the developer, Doug Allred; however, he was certain that Mr. Allred would have no problem with posting a bond to guarantee their intent. Councilman Hill stated that he would favor the development being done with private funds. He had one reservation, however, and that was that there needs to be a plan for the development of the total area around the motel to provide for future expansion of the motel facilities if the economy so dictates. Mayor Stahle also expressed concern regarding the city's position with Woods Cross, inasmuch as an agreement has been signed with Woods Cross with regard to a joint RDA development of that project.

GARY WILLEY EXPLORES THE POSSIBILITY OF EXPANDING THE PROPOSED 100-UNIT MOTEL

Considerable discussion followed regarding the possibility of the plan submitted by Triangle being expanded, both with regard to the acquisition of surrounding property and to the design of the 100-unit motel and its adaptability to an addition. Gary Willey, a developer of motels similar to the plan being used by Triangle, referred to a similar motel being constructed in Salt Lake City and pointed out how the motel could be added on to provide for a convention center and restaurant and an additional 200 rooms, as well as the required parking.

AGREEMENT WITH WOODS CROSS GOTIVUNI ON OTHER CONDITIONS

Mr. Hardy reported that Mr. Forbes has researched the question of the status of the agreement between Bountiful and Woods Cross and inasmuch as there are conditions precedent to the continuation of the agreement (such as the fact that the agreement does not become effective until Bountiful has contracted with the developer), legally the contract is not yet binding.

CITIZENS SPEAK IN FAVOR OF PRIVATE ENTERPRISE.

John O'Hara and Larry Eckman spoke in favor of letting private development go ahead with the project without government intervention. Councilman Barton made the motion that preliminary approval be given to Triangle to construct a motel on the subject property (500 West 500 South) with the stipulation that prior to the footings going in that Triangle work with the city on additional expansion plans to provide a better scope of the over-all project and that Triangle agree to post a bond (or give similar guarantee) that they would start construction prior to the end of the year or sell the property to the RDA. Councilman Linnell seconded the motion. Question was raised regarding the lack of a recommendation from the planning Commission and Mr. Forbes stated that this does not prevent the Council from taking action. Voting on the motion was unanimous. Mr. Mabey requested a time for Triangle to meet with the city and Mayor Stahle indicated that they would get together with Triangle later.

MR HARO TO ATTEND HUD CONFERENCE.

As briefly discussed in the last City Council meeting, the request was presented for permission for Mr. Hardy to attend a HUD conference on "Changing Fiscal Conditions". Councilman

Linnell made the motion for approval, Councilman Barton seconded the motion, and voting was unanimous.

PUBLIC HEARING SET TO CONSIDER POLICY

DECLARATION RE: ANNEXATION.

Mr. Boothe presented the request from Dixie Karoulis and Dan Eastman for annexation of property at 2700 South Highway 89 and he said that the Planning Commission gave a favorable recommendation to this request. He suggested that a public hearing be set for December 8th at 7:30 p.m. to consider the Policy Declaration regarding annexation. This recommendation was unanimously upheld on a motion made by Councilmen Linnell and Barton, respectively.

CONTRACT WITH ICPA FOR WINTER RATE OF DELIVERY APPROVED

Mr. Hardy presented the Agreement between Bountiful and ICPA for the Winter Season Contract Rates of Delivery which calls for 29,000 kilowatts of firm power and he recommended that it be approved. Councilman Hill made the motion for approval and authorization of the mayor's signature. Councilman Linnell seconded the motion and voting was unanimous.

BERRY HUTCHINGS APPOINTED TO REPRESENT CITY AT ANNUAL IPA MEETING

Mr. Hardy explained that it is necessary for Bountiful to appoint a representative to attend the annual IPA business meeting and he recommended that inasmuch as Berry Hutchings is on the Board of that organization, that he be appointed to officially represent the city. Councilman Linnell made the motion that this appointment be made as recommended, Councilman Barton seconded the motion and voting was unanimous.

REPORT FROM TRAFFIC SAFETY COMMITTEE

Councilman Barton reported that the Traffic Safety Committee met on September 30th and discussed the property by Slim Olsen's. It was recommended that nothing be done at this time regarding an off or on-road to Main Street, but that Mr. Balling be asked to talk with Mr. Olsen to see if he would help bring the road up to make it more level and safe.

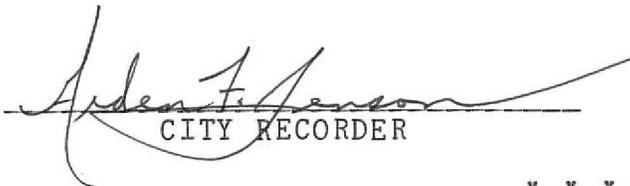
REPORT ON PROGRESS IN NEGOTIATIONS WITH UDOT

Councilman Hill reported on the progress with negotiations between UDOT and the city regarding property exchange.

The meeting adjourned at 9:20 p.m. on a motion made by Councilman Linnell and seconded by Councilman Barton.



MAYOR


CITY RECORDER

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