

Minutes of the regular City Council meeting held December 9, 1981 at 7:00 p.m. in the City Pall of Bountiful, Utah.

Present: Mayor:	Elmer W. Barlow
Council Members:	Roger R. Winslow, Jay R. Bingham, Phyllis C. Southwick, 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
Deputy Recorder:	Mark O. McRae
Recording Secretary:	Nancy T. Lawrence

Boy Scout Troop 846 presented the flag ceremony and led the pledge of allegiance, following which the invocation was offered by Mr. Hardy. Mayor Barlow then welcomed those in attendance.

Minutes of the regular City Council meeting held November 11, 1981 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Winslow.

Minutes of the special study session of the Council held on November 18, 1981 were then presented and unanimously approved as written on a motion made by Councilman Winslow and seconded by Councilman Allen.

After the meeting had been duly called to order and the minutes of the preceeding meeting approved, the Recorder presented to the Governing Body an affidavit evidencing the giving of not less than twenty-four (24) hours public notice of the agenda, date, time and place of the December 9, 1981 meeting ("Meeting") in compliance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, by (1) posting written notice of the Meeting at the principal office of the Board and (2) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the Municipality or to a local media correspondent. The affidavit was ordered recorded in the minutes of the Meeting and is as follows:

STATE OF UTAH
COUNTY OF DAVIS)

I, the undersigned, the duly qualified and acting Recorder of the Governing Body, do hereby certify, according to the records of the Governing Body in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the Meeting held by the Governing Body of the Municipality by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the Governing Body on December 4, 1981, at least twenty-four (24) hours before the convening of the Meeting, in the form attaced hereto as Exhibit A; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Governing Body until the convening of the Meeting; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as Exhibit A to be provided on December 4, 1981, at least twenty-four (24) hours before the convening of the Meeting to Davis County Clipper, Salt Lake Tribune, and Deseret News, newspapers of the general circulation within the geographic jurisdiction of the Municipality, and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Governing Body of the Municipality.

IN WITNESS WHEREOF, I have hereunto subscribed by official signature and impressed hereon the official seal of the Municipality as of the date of the Meeting.

/s/ Arden F. Jenson
Recorder

(Seal)

Thereupon, after the conduct of other business, the following resolution was introduced in written form by Layne B. Forbes, was read in **full**, and pursuant to motion made by Councilman Allen and seconded by Councilwoman Southwick, was adopted by the **following** vote: Aye - Jay R. Bingham, Phyllis C. Southwick, Paul B. Allen, Bob Linnell, Roger Winslow; No - none.

The resolution was then signed by the Mayor in open session and recorded by the Recorder. The resolution is as **follows**:

RESOLUTION #81-17

A RESOLUTION FINDING AND DECLARING THAT THERE IS A NEED FOR THE DAVIS COUNTY HOUSING AUTHORITY TO EXERCISE ITS POWERS WITHIN THE MUNICIPALITY BY UNDERTAKING THEREIN A MULTI-FAMILY LOANS-TO-LENDERS PROGRAM: AND AUTHORIZING THE EXERCISE OF SUCH POWERS BY SAID AUTHORITY

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WHEREAS the Davis County Housing Authority ("Authority") has heretofore determined to adopt and implement a Multi-Family Loans-to-Lenders Program ("Program") in Davis County, Utah ("County"), pursuant to which the County Authority will make loans to lending institutions to enable such lending institutions to make mortgage loans to provide financing for multi-family residential rental projects located in the County to be occupied, in accordance with the applicable provisions of law, by persons or families who cannot afford to pay the amounts at which private enterprise unaided by appropriate assistance is providing a substantial supply of decent, safe and sanitary housing; and

WHEREAS the Authority will issue its Loans-to-Lenders Housing Revenue Bonds, Series 1981 ("Bonds"), in order to obtain moneys to carry out the Program; and

WHEREAS the Governing Body of the Municipality recognizes and finds that there is a need for the Authority to carry out the Program within the boundaries of the Municipality; and

WHEREAS the Governing Body of the Municipality wishes to cooperate with the Authority and have the Authority act on behalf of the Governing Body within the Municipality with respect to the Program;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Municipality as follows:

Section 1. That the Governing Body of the Municipality finds and declares that there is a need for the Authority to carry out the Program within the boundaries of the Municipality.

Section 2. That the Governing Body of the Municipality in cooperation with the Authority authorizes the Authority to act, in the name of the Authority, within the Municipality with respect to the Program and the issuance of **the** Bonds.

Section 3. That this resolution shall become effective immediately upon its adoption.

Passed and approved December 9, 1981.

/s/ Elmer W. Barlow
Mayor

Attest:

/s/ Arden F. Jenson
Recorder

(Other business not pertinent to the above appears in the minutes of the meeting).

Upon motion duly made and carried, the meeting was adjourned.

/s/ Elmer W. Barlow

Mayor

Attest:

/s/ Arden F., Jenson

Recorder

(Seal)

OCTOBER & NOVEMBER EXPENDITURES APPROVED

Mr. Jenson presented the Expenditure and Expense Reports for the following periods:

October 1-30, 1981 - \$175,872.25
 October 31, 1981 - \$822.89
 Summary for Month of October - \$710,818.80
 November 2-20, 1981 - \$60,005.85
 November 23-30, 1981 - \$143,780.09

These reports were unanimously approved as presented on a motion made by Councilwoman Southwick and seconded by Councilman Winslow.

RES. NO. 81-18 SUPPORTING SALES TAX REDISTRIBUTION APPROVED

Mr. Hardy referred to the discussion which the Council had had in its last study session regarding pending legislation which would better distribute tax revenues to local governments. He recommended, as had been concurred in that study session, that the Council adopt Res. No. 81-18, which indicates Bountiful's support of said legislation, providing that revenue from sales tax would be distributed based fifty percent on population and fifty percent on point of sale. An additional option in this legislation would permit local governments to raise the sales tax levy within their jurisdiction by 1/4 percent. Councilman Linnell made the motion that Res. No. 81-18 be adopted and that the Mayor be authorized to sign it. Councilman Winslow seconded the motion which carried unanimously.

COUNCIL ADOPTS RES. NO. 81-19 TO SOLID WASTE PROJECT

Mr. Forbes reviewed Res. No. 81-19, "A Resolution Approving and Authorizing the Execution of an Inter-Local Cooperation Agreement for a Joint or Cooperative Action with Other Public Agencies in Davis County for Solid Waste Management Purposes". He stated that adoption of this resolution would authorize execution of a financing contract; however, that Bountiful (or any other of the local governments) could withdraw anytime prior to the execution of the main contract and issuance of bonds which would finance the project. Mayor Barlow added that this would provide for authorization to go on with the study of the solid waste project. Councilman Winslow made the motion that approval be given to this resolution and that the Mayor be authorized to sign it. Councilwoman Southwick seconded the motion which carried unanimously.

NAYOR BARLOW APPOINTED TO SERVE ON SOLID WASTE PROJECT STUDY

Mayor Barlow stated that someone from the city should be appointed to represent Bountiful from now until the end of the year in the solid waste studies and Councilman Linnell made the motion that the Mayor be appointed to serve in this capacity. Councilman Allen seconded the motion and voting was unanimous.

**PUBLIC HEARING TO CONSIDER REZVING
 REOUEST OF LYMAN CALL PROPERTY**

AT 7:30 p.m. Mr. Hardy opened the public hearing to consider rezoning of the property belonging to Lyman Call in the northwest portion of the city from R-3 to 14-2. Mr. Hardy defined the boundaries and reported that the Planning Commission has recommended approval of the rezoning request which would provide a better economic base for the city and yet not have an adverse effect on the neighborhood involved. Representatives from Air Products were then given time to explain the nature of

the proposed business which will be located on subject property. They covered sub-topics of plant operation and safety, layout of the plant, and real estate impact. The plant will be constructed on six of the company's 18 acres and will operate 24 hours a day, 365 days a year. There will be approximately 28 employees with approximately 25 of those being hired locally.

REZONIK REQUEST APPROVED

Berwyn Andrus, a resident of the neighborhood involved, reported that he had made a site visit to a similar plant in Wisconsin and found nothing objectionable other than the visual impact. The plant will produce liquid nitrogen, oxygen, and argon. With no further input from the citizens in attendance, Councilwoman Southwick made the motion that approval be granted to the rezoning request based on the recommendation from the Planning Commission. Councilman Allen seconded the motion which carried unanimously.

COUNCIL ADOPTS ORD. NO. 81-19 PROVIDING FOR AMENDMENT TO ZONE MAP TO PROVIDE FOR M-2 ZONE

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In a second motion, Councilwoman Southwick moved that Ordinance No. 81-19 entitled, "AN ORDINANCE AMENDING TITLE XIV, CHAPTER 2, SECTION 5(a) RELATING TO BOUNDARIES OF DISTRICTS AND ZONES THEREIN BY AMENDING THE ZONING MAP SO AS TO CHANGE FROM RESIDENTIAL ZONE R-3 TO MEDIUM INDUSTRIAL ZONE M-2, THE REAL PROPERTY HEREIN DESCRIBED AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH," be adopted and that the Mayor be given authorization to sign it. Councilman Linnell seconded the motion which carried unanimously.

NEW CRIMINAL CODE ADOPTED VIA ORD. NO., 81-21

Mr. Forbes referred to copies of the proposed new criminal code which had been given to the Council for their review several weeks ago. He explained that State law provides for cities to define criminal conduct up to a Class B misdemeanor and the proposed criminal code will bring Bountiful statute in harmony with State statute as revised. Councilman Linnell made the motion that Ordinance No. 81-21 entitled "AN ORDINANCE AMENDING CHAPTERS 1,2,5,7,8,9,10,11,12,14,15,17, and 18 OF TITLE X OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO THE CRIMINAL CODE BY ENACTING NEW PROVISIONS TO BE DESIGNATED AS TITLE IV, CHAPTERS 1 TO 12 INCLUSIVE AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH" be adopted and the Mayor be authorized to sign it. Councilman Winslow seconded the motion which carried unanimously.

COUNCIL APPROVES AGREEMENT WITH STATE SOCIAL SERVICES DEPT. RE: FINANCIAL ASSISTANCE WITH UTILITY PAYMENTS

Mr. Forbes reported that the Utah Department of Social Services has requested Bountiful to enter into an agreement with them to provide for them to pay the electrical utility payments in behalf of qualifying low-income households. Mr. Forbes stated that it would not require the city to do anything more than is already provided its customers and he recommended that the formal agreement be approved. Based on this recommendation, Councilman Linnell made the motion that the agreement with the Department of Social Services be approved, Councilman Allen seconded the motion and voting was unanimous.

PUBLIC HEARING ON NON-CONFORMING USE ORDINANCE CONTINUED UNTIL DEC. 23, 1981 AT 7:30 P.M.

Mr. Hardy reported that further research is necessary regarding the public hearing on the Non-Conforming Use Ordinance and he recommended that the public hearing be continued until December 23rd at 7:30 p.m. Councilman Allen made a motion to this effect, Councilman Winslow seconded the motion and voting was unanimous.

ORD. pg. 81-20 RELATED TO ZONE CHANGE AT 176 WEST 1500 SOUTH ADOPTED

Mr. Boothe referred to the proposed ordinance regarding the requested zone change of property at 176 West 1500 South from

R-2 to R-3 and reviewed that this matter had been discussed by the Council in a previous study session and given unofficial approval. He requested that formal action be taken to adopt the necessary ordinance, and on a motion made by Councilman Bingham and seconded by Councilman Winslow, Ord. No. 81-20 entitled "AN ORDINANCE AMENDING TITLE XIV, CHAPTER 2, SECTION 5(a) RELATING TO BOUNDARIES OF DISTRICTS AND ZONES THEREIN BY AMENDING THE ZONING MAP SO AS TO CHANGE FROM RESIDENTIAL R-2 TO RESIDENTIAL R-3 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH," was unanimously adopted and the Mayor was given authorization to sign it.

FINAL APPROVAL GIVEN TO FOUR-BLEX
AT 176 WEST 1500 SOUTH

Mr. Boothe presented the plot plan for the proposed four-plex at 176 West 1500 South and stated that the Planning Commission recommends that final approval be granted to this project subject to the following conditions: (1) relocation of a utility pole at the developers expense; (2) payment of the culinary water and sanitary sewer fee in the amount of \$720; (3) payment of the storm detention fee of \$804; (4) payment of the street impact fee of \$400; (5) posting of the bond to guarantee curb and gutter and sidewalk in the amount of \$436; (6) posting of a two percent landscape bond; (7) construction of a fence around the perimeter of the property in accordance with the fence ordinance; and (8) that the building permit not be issued until the zone change is effective (not before January 15). Based on the recommendation of the Planning Commission, Councilwoman Southwick made the motion that final approval be granted to this request as detailed by Mr. Boothe. Councilman Winslow seconded the motion which carried unanimously.

FINAL APPROVAL GIVEN TO DUPLEX
OF ROGER GINES AT 120 EAST 400 SOUTH

Mr. Boothe presented the site plan for the proposed duplex of Roger Gines at 120 East 400 South and stated that it is the recommendation of the Planning Commission that final approval be granted subject to the following conditions: (1) payment of the culinary water and sanitary sewer fee in the amount of \$720; (2) payment of the \$463 storm drain fee; (3) payment of the street impact fee of \$100; (4) posting of a curb and gutter and sidewalk bond in the amount of \$280; (5) posting of a two percent landscape bond; and (6) construction of a fence around the perimeter of the property in accordance with the fence ordinance. Councilwoman Southwick made the motion that this recommendation be ratified, Councilman Winslow seconded the motion and voting was unanimous.

CONCEPTUAL APPROVAL GIVEN TO SCOTT
VAN LEEUWEN FOR SNO-CONE BLDGS.

Mr. Boothe displayed a rendering of a Sno-Cone building and explained that Scott VanLeeuwen has requested an opinion from the Council regarding locating at least one of these structures within city limits. He noted that the structures are of a temporary nature and would have to be located in a commercial zone. They meet the Uniform Building Code with the exception of restroom facilities. They are approximately 5 1/2' x 8' and serve a walk-up business operation. Councilwoman Southwick said that the Planning Commission had considered this item and gave conceptual approval with the understanding that Mr. VanLeeuwen would need to come back to the Council and Commission with further details. Councilman Linnell made the motion that conceptual approval be given subject to meeting all of the zone requirements, Councilman Winslow seconded the motion and voting was unanimous.

COUNCIL SALARY SURVEY DISCUSSED

Councilman Allen reported on the salary survey which had been conducted with regard to the salaries of councilpersons in surrounding municipalities. Salaries (plus compensation benefits) range from \$100 per month in South Jordan to \$467 in Sandy. The average councilperson salary for the cities surveyed

(excluding Bountiful) was \$316.50 per month. Councilman Allen noted a need for the salary to be set at a level which would attract the most qualified people and he proposed that the salary of the council members in Bountiful be set at \$300 per month (including compensation), effective January 1982. He further proposed that the ratio between the Mayor and council members salaries be kept as it presently exists and he recommended that the Mayor's salary be set at \$600 per month. Mr. Hardy noted that these recommendations were very much in line with the cost-of-living index since the last salary change in 1977-78, without giving consideration to the growth of the community and the responsibility of the officials.

APPROVAL GIVEN FOR INCREASE OF MAYOR & COUNCIL SALARIES

Councilman Bingham asked if the budget was capable of handling this proposal and Mr. Hardy confirmed that funds could be taken from the Contingency Fund. Councilman Linnell suggested that if increases were to be approved, that they be allocated in areas of car allowance (or other compensation) rather than salary to relieve the city of providing matching funds for taxes and retirement. Councilman Bingham made the motion that the council salaries be set at \$100 per month with a \$200 per month car allowance and that the Mayor's salary be set at \$200 per month with a \$400 car allowance per month. Councilman Winslow seconded the motion and made the recommendation that the salary of elected officials be reviewed on a regular basis and made subject to cost-of-living increases which city employees receive. John O'Hara questioned the propriety of the council members changing their own salary (as is the case with three council seats) and Councilwoman Southwick stated that she felt a citizens committee should be involved in making salary changes of this nature. The Mayor called for a vote on the motion and it carried by a majority; Councilwoman Southwick abstained.

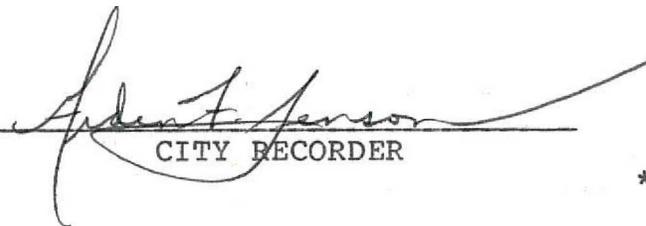
CLOSED MEETING SET TO DISCUSS PERSONNEL

Councilman Winslow made the motion that a closed meeting be set for immediately after this meeting for the purpose of discussing personnel. Councilman Bingham seconded the motion and voting was unanimous.

The meeting adjourned at



MAYOR



CITY RECORDER

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