

Minutes of the regular City Council meeting held November 11, 1981 at 7:00 p.m. in the City Hall 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 Treasurer:	Ira H. Todd
Recording Secretary:	Nancy T. Lawrence

Excused: City Recorder: Arden F. Jenson

Mayor Barlow led the pledge of allegiance to the flag following which **the** invocation was offered by Councilman Winslow and the Mayor welcomed those in attendance.

Minutes of the regular City Council meeting held October 28, 1981 were presented and unanimously approved as **written** on a motion made by Councilman Bingham and seconded by Councilman Winslow.

Minutes of the special meeting to canvas **the** election held November 4, 1981 were then presented and unanimously approved as written on a motion made by Councilman Winslow and seconded by Councilman Allen.

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.

EXPENDITURES APPROVED FOR PERIOD OCTOBER 19-28, 1981

Mr. Todd presented the Expenditure and Expense Report for the Period October 19-28, 1981 in the amount of \$38,173.59. This report was unanimously approved on a motion made by Councilman Allen and seconded by Councilman Winslow.

KFAM RADIO STATION WELCOMED TO THE COMMUNITY

David Williams from KFAM radio, a new radio station serving the Bountiful area, was in attendance with other staff members from KFAM for the purpose of introducing the new station to the Council and community and offering their services to the city. Mayor Barlow welcomed the radio staff as a part of the community.

UPEA REQUESTS THAT MANAGEMENT EMPLOYEES BE PERMITTED TO JOIN UPEA

Mr. Hardy presented a request by the Utah Public Employees Association to allow management employees to join UPEA, which request resulted from a series of letters between himself and the UPEA representative, Don Clawson. He reviewed with the Council that certain city employees are considered as a part of management and that it has been the policy of the city since March of 1979 that these employees not participate as members of UPEA. Dr. Clark Puffer, representing UPEA, reviewed the nature of UPEA and pointed out the different incentives which it offers that would be reasons for employees to desire membership in it. He also noted that he considers UPEA to be different from a union and that all employees should be allowed to participate as members if they so desire. He stated that the city's policy of prohibiting management to become members of UPEA is a violation of the right to work laws (Section 34:34-7 and 34:34-9) and encouraged the Council to modify their policy.

CITY ATTORNEY TO STUDY UPEA REQUEST

Councilman Linnell spoke in opposition to management becoming a part of the bargaining team and following further discussion, Councilman Bingham made the motion that no action be taken in tonight's meeting regarding the UPEA request and that

this matter be referred to the city attorney for advisement in a future meeting. Councilwoman Southwick seconded the motion which carried unanimously.

**PROPERTY OF MORRIS KULMER AT 176 W 1500 S
REZONED TO R-3 FOLLOWING PUBLIC HEARING**

At 7:40 p.m. Mayor Barlow opened the public hearing to consider the request from Morris Kulmer to rezone the property located at 176 West 1500 South from residential R-2 to residential R-3. Mr. Boothe explained that the request, which would make it possible to construct a tri-plex on the property, was discussed by the Planning Commission and it is their recommendation that it be approved. There being no comments from the citizens in attendance, neither pro or con, Councilwoman Southwick made the motion that this rezoning request be approved, Councilman Winslow seconded the motion, and voting was unanimous.

**RDA DIRECTOR REQUESTS THAT COUNCIL APPROVE
ISSUANCE OF IRB INDUCEMENT LETTER**

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Mr. Bettilyon explained that in a recent meeting of Redevelopment Agency directors, it was brought to his attention that the possibility of using industrial revenue bonding as a source of inducement for commercial development could be denied as a result of a proposed bill in the US Senate which would strike the ability of cities to issue said bonds for this purpose. With this in mind and with advice from Dick Fox, legal counsel, it was Mr. Bettilyon's recommendation that the city take action this evening to keep this avenue of financing open to prospective developers (noting that he is not aware if there is anyone desirous of using these bonds in Bountiful). He recommended that inasmuch as there is no business at the present time which has requested the use of industrial bonds, that the Council approve issuance of the IRB inducement letter to the executive director of the Redevelopment Agency as a means of keeping this avenue of financing open. He noted that this approach might not be approved; however, if approved, it would not jeopardize the financial position of the city and possibly would be of benefit.

OPPOSITION TO APPROVAL OF BOND INDUCEMENT LETTER EXPRESSED

Ken Newman spoke vigorously against the Council approving this request, noting that the procedure being asked for by the RDA director has never been taken before and to take action on what the Federal government might do is ridiculous. He pointed out that the reason for the pending legislation is due to the abusive use of IRB's and stated that this in itself would be reason enough not to use the bonds. Councilwoman Southwick suggested that the attempt to keep a door open for use of IRB's be considered in the light of individual projects which might participate with the RDA, not a blanket approach for any project. Councilman Allen reviewed that the matter of industrial revenue bonding has been discussed by the Council many times and considered to be of no risk to the city and that it would be foolish and irresponsible of the Council to pass up an opportunity to keep this financing option open.

COUNCIL VOTES TO APPROVE IRB INDUCEMENT LETTER

Following further discussion, Councilman Linnell received assurance from the city attorney that use of the IRB's would not impair the city's ability to borrow nor obligate the city in any way. He then made the motion that the Bond Inducement Letter be approved as submitted. Councilman Allen seconded the motion which carried by a majority. Councilwoman Southwick voted nay, stating that she would have supported the motion if Terteling (a known developer) had been considered individually.

LOW BIDS APPROVED FOR TWD TRUCKS AND BEDS FOR STREET DEPT.

Mr. Balling reported that bids had been received for the purchase of 2 new trucks & truck beds for the Street Department and he recommended that the low bid for the trucks from Rick Warner Ford in the amount of \$19,102 and the low bid on the beds from Williamsen Truck Equipment Corporation in the amount of \$5,466 be approved as recommended, Councilwoman Southwick seconded the motion and voting was unanimous.

REQUEST FOR RELOCATION OF STORM DRAIN PIPE CONSIDERED
BY COUNCIL: SITE VISIT SCHEDULED FOR NOV. 13th

Mr. Balling referred the Council members to a drawing in their packet regarding a request for the storm drain pipe at 2190 South Claremont Drive to be relocated. He explained that this pipe had inadvertently been placed diagonally across the lot, thereby placing it beneath the home constructed on the lot, and it is his recommendation that the pipe be relocated so as to not jeopardize the stability of the footings and foundation of the home. He reviewed the proposed plan for relocation and stated that the cost would be approximately \$3,500 with the city furnishing the labor. Greg Ward, owner of the property in question, reviewed his experience with this property, noting that he was not aware of the easement for the storm drain when he purchased the property. He noted that a portion of his lawn had been sinking for about five years, but it was not until the storm drain pipe broke on a neighbor's property that he became aware that the drain pipe was located under his home. He said that he had consulted with Dames and Moore regarding the proposed plan for relocation of the drain pipe and requested that the recommendations from that firm be included in the city's plan, and further, that he be able to work closely with the city engineer's office in this matter. On the recommendation of Mr. Balling, Councilman Winslow made the motion that the Council make a site visit to the property in question at 7:00 a.m. on Friday, November 13th. Councilman Allen seconded the motion with the request that firm estimates of the total cost of the project be determined before this matter comes back for final action. Voting was unanimous.

EXCESS PROPERTY FROM STREET CONSTRUCTION AT 1800

Mr. Balling explained that when 1800 South was constructed, excess properties were deeded to the contiguous property owner. However, the owner of the property at 1800 South 400 East did not want the responsibility for this property and he refused to assume the deed. The property has now changed ownership and it is the desire of the new owner that this property be deeded to him. Mr. Balling recommended that following research on the easement, that said property be deeded to the property owner. Councilman Linnell made a motion to this effect, Councilman Winslow seconded the motion and voting was unanimous.

RECREATION COMMITTEE RECOMMENDS AND
COUNCIL APPROVES REODE.ST FROM TEE ADS

Mr. Hardy reported from the Recreation Committee that a request from Tee Ads for advertising at the golf course hole markers had been discussed and it is the Committee's recommendation that this request be approved. The only liability which the city would assume by entering into the proposed six-year contract would be if an excessive number of markers were stolen and this possibility seems remote. Inasmuch as this request had been unanimously approved by the Recreation Committee, Councilman Allen made the motion that the Council approve the request and authorize the Mayor to sign the contract. Councilwoman Southwick expressed concern regarding use of private advertising on a public golf course constructed with Federal funds. Councilman Linnell seconded the motion and voting was unanimous.

RECOMMENDATIONS OF TRAFFIC COMMITTEE FOR STOP SIGNS
AT 650 AND 900 EAST CHELSEA DR. W "NO STOPPING OR STAND3NG"
SIGNS BETWEEN 400 E. AND 200 W. ON 500 SOUTH APPROVED

Mr. Balling reported that the Traffic Committee had considered the request of several property owners for stop signs to be placed at 900 East (north and southbound lanes) as it approaches Chelsea Drive and 650 East (northbound lane) where it approaches Chelsea Drive and it is the recommendation of that Committee that this request be approved. He also noted that it is the recommendation of the committee that "No Stopping or Standing" signs be erected to control the area between 200 West and 400 East on 500 South. Councilwoman Southwick made the motion that these two recommendations be approved, Councilman Winslow seconded the motion and voting was unanimous.

PUBLIC HEARING SET TO CONSIDER AMENDING
NON-CONFORMING USE ORDINANCE

Mr. Boothe reported that a request has been received to consider amending of the Non-Conforming Use ordinance as it relates to amusement arcades and he recommended that a public hearing be set for December 9th at 8:00 p.m. to consider this request and that this matter be referred back to the Planning Commission. Councilman Allen made the motion that the hearing be set as recommended, Councilman Linnell seconded the motion and voting was unanimous.

BARD DISCUSSION RESCHEDULED

The item to consider use of land adjacent to the BARD was rescheduled for a study session one week from tonight (November 18th) on the recommendation of Mr. Hardy.

PUBLIC HEARING SET 591 CONSIDER REZONING
CALL PROPERTY FROM F-3 TO M-2

Mr. Hardy reported that a request has been received from Lyman, Leah and Louella Call for consideration of an ordinance rezoning property from R-3 to M-2 and it was his recommendation that a public hearing be set for 7:30 p.m. on December 9th to consider this request and that it be referred back to the Planning Commission for their consideration and recommendation. Councilman Bingham made a motion to this effect, Councilman Linnell seconded the motion and voting was unanimous.

AMUSEMENT DEVICES APPROVED AT TWO TRIANGLE OIL LOCATIONS

Mr. Boothe reported that a request has been received for approval of two amusement devices at each of the following locations for Triangle Oil Company: 516 West 500 South and 2563 South Main. He said that this request has been reviewed and approved by the police chief and the Planning Commission recommends that they be approved. On this recommendation, Councilwoman Southwick made the motion that the recommendation of the Planning Commission be ratified and Councilman Winslow seconded the motion which carried unanimously.

CONDITIONAL APPROVAL GIVEN FOR PLACEUNT
OF CONVENIENCE BENCHES AT IGH SCEDDLS

Mr. Boothe also reported from Planning Commission a favorable recommendation of the request of Lew Nord, representative of First Marketing Group, for three convenience benches to be located at the bus stop of both Bountiful and Viewmont High Schools. The recommendation was conditional on the approval of the principal of each respective school and an agreement between the city and First Marketing Group on obtaining the ten percent commission promised to the city. Councilman Allen questioned why this matter was coming before the Council based on his understanding that approval of the benches would be a staff decision and he noted that he would discuss the matter further with the city attorney following the meeting. Councilman Winslow made the motion that approval be given for the benches as requested subject to the conditions listed. Councilwoman Southwick seconded the motion and voting was unanimous.

CITY EMPLOYEES RECOGNIZED FOR OUTSTANDING CIVIC CONTRIBUTIONS

Mayor Barlow read a letter from the Indian Hills District of the Boy Scout Council commending Mr. Balling for his dedication and work in the Boy Scout program. Councilpersons added their congratulations to that of the Mayor and other city employees, Bob Bruhn and Bob Fames, were also recognized for outstanding service.

LEWIS HANSEN FENCE MATTER TO BE RECONSIDERED
AT NEXT WEEK'S COUNCIL MEETING

Lewis Hansen referred to the decision from the Council in their last regular meeting regarding placement of his fence at least one foot from the curb and he requested the Council's indulgence in reconsidering and allowing the fence to be placed next to the curb. This request will be placed on the Council agenda next week for action.

The Council adjourned at 9:30 p.m. to an executive session and study session to discuss personnel and review the salary survey proposal.

**ADDENDUM TO THE MINUTES OF COUNCIL
MEETING HELD NOVEMBER 11, 1981**

The Council reconvened at 10:05 p.m., from Executive session. The Mayor convened the meeting and asked the City Manager to review the salary proposal plan submitted to the Council. Mr. Hardy then reviewed the proposed salary schedule, as well as a history of the different types of salary schedules used by the different departments in the city. It was noted that an independent salary review had been performed by each department of the city, reviewing 10 separate cities, 5 larger than Bountiful and 5 smaller than Bountiful. Comparable positions in those cities were compared with positions in Bountiful based on job descriptions filled out by each employee in the city. Each department head was in charge of conducting the salary survey for his department.

After considerable discussion and review it was recommended that all employees of the city go to a common salary schedule which would have 5 steps of 5% each in annual increments of 1 year, with three 5% longevity steps for 5 year longevity terms. Several other aspects of the salary plan were reviewed with the Council.

Don Clawson, Business Representative for the Utah Public Employees Association, presented several concerns which UPEA had. Their primary concerns were lack of incentive for longevity and the 1 year probationary period. They felt that additional incentives for longevity should be granted and that the 1 year probationary period should be reduced to 6 months.

Councilman Linnell moved that the salary survey, the proposed grade classifications, and the salary adjustments necessary be made and that monies be appropriated from the appropriate funds to implement the salary proposal as set forth by the City Manager. Councilman Winslow seconded the motion.

Councilman Bingham then moved to amend the motion to exempt the power department employees from the salary survey and to distribute the money appropriated to the power department according to a schedule prepared by the power department, aligning the department with Utah Power & Light's salaries. Councilman Bingham noted that the total amount necessary to adjust the power department's salaries under this plan was less than that proposed under the city's plan. The motion to amend was seconded by Councilman Allen. Councilwoman Southwick then asked several points of clarification and moved to table the entire salary issue for 2 weeks. Motion died for lack of a second.

Mayor Barlow then called for a vote on the amendment to the motion. The amendment was approved 3 to 2, Councilmen Bingham, Southwick, and Allen voting for the motion, Councilmen Winslow and Linnell voting against the amendment.

The original motion to approve the **salary** schedule as **proposed** by the City Manager, with the necessary adjustments, appropriations and transfers, was then considered. Councilmen Bingham, Southwick and Allen voted for the original motion, Councilmen **Linnell** and **Winslow** voted against **the** original motion.

There being no further matters of business to come before the Council, it was moved by Councilman Linnell, seconded by Councilman Allen, to adjourn the meeting. The meeting was declared adjourned at 10:45 p.m.



 Mayor



 City Recorder

ADDENDUM TO THE MINUTES OF NOVEMBER 18, 1981

A meeting of the City Council was called to order at 7:10 P.M. by Mayor Barlow. Present were Councilmen Winslow, Southwick and Allen. Councilmen Bingham and Linnell were excused as they were out of town. Also present were Tom Hardy, City Manager, Jack Balling, Public Works Director, Mayor-elect Dean Stahle, and Councilman-elect Keith Barton.

The first order of business was consideration of a request by Lewis Hansen to install a fence within 1 foot of the curb on North Canyon Road. Staff recommended approval of the fence installation subject to the following conditions:

1. That the fence be jogged around the fire hydrants to allow direct access to the hydrants from the street, with the fence being installed no closer than 5 feet to the fire hydrants.
2. Whenever any property is sold in whole or in part or developed or a building permit for dwelling unit issued, Mr. Hansen would be required to extend the sidewalk along his entire frontage at his expense.
3. That the land now being condemned by Davis County for North Canyon Road be reduced by 5 feet so that the property line will conform with the fence line that will be installed.

After considerable discussion, it was moved by Councilman Winslow, seconded by Councilman Allen, that the request be granted subject to the conditions set forth above, with the understanding that Layne Forbes, City Attorney, would draw up an agreement containing the above reference provisions and that said agreement would be signed by Mr. Hansen and would be filed with the Plat in the Engineering office. The question was called for and the motion passed unanimously.

The Council then adjourned to a study session to review sales tax redistribution and proposals concerning BARDland.

Respectfully submitted,



M H DY
City Manager