

Minutes of the regular City Council meeting held October 28, 1981 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Elmer W. Barlow
Council Members:	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:	Beverly B. Hyde

Excused: City Councilman: Roger R. Winslow

The pledge of allegiance to the flag was led by Councilman Allen, following which Layne Forbes offered the invocation. The Mayor then welcomed all those in attendance.

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 October 14, 1981 were presented and unanimously approved as written on a motion made by Councilman Allen and seconded by Councilwoman Southwick.

EXPENDITURE REPORT FOR OCT. 1-19, 1981 APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the period of October 1-19, 1981 in the total amount of \$47,380.62. A motion to approve this report was made by Councilwoman Southwick, seconded by Councilman Linnell and favored unanithously.

Councilman Bingham arrived at 7:13 p.m.

CITY MANAGER TELLS OF BARD BOARD PROPOSALS

Mr. Hardy presented information on BARD (Bay Area Refuse Disposal), stating it had undergone some recent changes and they are running out of land at the present site, which will necessitate obtaining additional land, some stacking at present site, or some other type arrangement. He reported there had been some discussion and some preliminary commitments to go with the resource recovery facility at Hill Field. He reviewed the Inter-local Cooperation Agreement, entered into by all cities in South Davis County, to utilize land Bountiful had in the West Bountiful area of approximately 150 acres, and stated that this land needs to be brought to standard for closing the land fill. He reported on the proposals made in the recent BARD Board meeting pertaining to the consideration of an additional member of the board from Bountiful and to possible revisions in the existing contract. He stated that he was presenting these proposals for the City Council's consideration prior to making some decisions in the next few weeks.

MAYOR REPORTS ON CALLS FROM CITIZENS QUESTIONING VALIDITY OF CANDIDATES STATEMENTS, AND COMMENTS ON OTHER ISSUES

Mayor Barlow reported that there has been many calls received because of the information from the candidates to the citizens, asking if their statements were true. He then spoke about the authority of the Mayor and council members, mentioning that the Mayor does not have a vote and that his principal role is in public relations and keeping the council informed. He also spoke about the importance of keeping the citizens of the community informed and reported that his request to have a Mayor's column in the Davis County Clipper was denied. He then gave a resume of the background, qualifications and dedication

of each of the council members and that of himself, stating that the reason for this information was due to the lack of other means of notifying the public. He spoke of being disturbed about the information circulated on the candidates particularly with reference to the downtown mall, car-per-man program, taxes and services, redevelopment agency, industry west of Main Street and money for geothermal.

REX RILEY REPORTS THAT DAVIS CTY. ECONOMIC DEV. BOARD DESIRES TO GO ON RECORD AS SUPPORTING THE AMENDMENT

At 7:45 p.m. Mayor Barlow opened the public hearing for continuing the discussion on the proposed amendment to the zoning ordinance by adding an M-2 zone. He first asked Rex Riley, Chairman of the Davis County Economic Development Board to speak. Mr. Riley said his committee had done a lot of research into Air Products and they wish to go on record as supporting the amendment and the development of an industrial tax base for Bountiful City. He said it is their hope this will be the first of many such businesses to locate in the area.

BOYD IVORY REPORTS THAT BTFL. AREA CHAMBER OF COMMERCE FAVORS THE ORDINANCE AMENDMENT

Boyd Ivory, President of the Bountiful Area Chamber of Commerce, told of his concerns with the development of Bountiful and the South Davis area, and of trying to improve the tax base which is presently 80 percent from residents and only 20 percent from business and industry. He feels it should be a 50-50 mix. He said they have been trying to get a clean industry into the area and feel that Air Products could provide this type industry, and they are in favor of the ordinance amendment.

CITY MANAGER REVIEWS THE AMENDED ORDINANCE AS PROPOSED

Mr. Hardy reviewed the ordinance which he and Mr. Forbes had prepared. He stated that one main concern was the noise consideration and that some criteria on this had been established. He also referred to the provisions of the ordinance on other concerns such as vibration, odors, glare, fire hazards, air pollution and discharge. He reported that enforcement would be tied to the issuance of a business license which may be revoked if deficiencies occur.

HALLEY THOMAS FAVORS NEW INDUSTRY

Halley Thomas, a resident of the City, spoke in favor of increasing the tax base with this new industry.

DALE CARPENTER, DIR. OF ECONOMIC & COMMUNITY DEV. FOR UTAH, STRESSES NEED FOR INDUSTRIAL DEVELOPMENT TO INCREASE TAX BASE

Dale Carpenter, Director of Economic and Community Development for Utah, spoke about the decline of jobs for the graduates and stated that it takes a wide diversity of jobs to make a sound economy. He stressed the importance of elected officials looking for ways to increase the tax base and whole economic base of the community and state, and feels industrial development should be encouraged. He stated that Bountiful, as well as the state, has a well-educated work force to offer to the business climate and has an abundance of energy which is continuing to be developed. He reported that the Air Products firm would supply 25 jobs and that the business would probably entice other similar industry into the area.

ROBERTA DABBLING, DES. NEWS REPORTER, ASKS ABOUT LIFE OF PLANT AND POST PLANS

Roberta Dabbling, Deseret News reporter, inquired as to the life span of the plant, stating she understood it to be 20 years, and she asked what happens to the plant after that time.

SANDY JOHNSON, UTAH MGR. FOR AIR PRODUCTS, TELLS OF PLANT PLANS

Sandy Johnson, Utah Manager for Air Products, answered the inquiry concerning the life of the plants, stating that most of them are on a 15-year plan, after which the equipment is torn apart and scrapped. He further reported that they have rebuilt on some sites where plants have become inefficient.

BERWYN ANDRUS, RESIDENT OF AREA IN QUESTION,
RESPONDS TO LIST OF SUGGESTED ORDINANCE INSERTIONS.

Berwyn Andrus had supplied the Mayor and council members with a list of suggestions for insertion in the ordinance. Councilman Linnell referred to the suggested change under Section 4-d of the ordinance pertaining to special yard regulations and asked Mr. Andrus for clarification of his proposal. Mr. Andrus said the suggestion was to not permit any type of land usage for building any portion of their plant or parking area within 50 feet of an existing residence and he stressed the need for this buffer zone. This consideration was discussed and also the lot size minimum of 25,000 square feet.

CITIZEN EXPRESSES CONCERN OF PLANT
PROPERTY BECOMING EYESORE

A citizen in attendance commented on the possibility of this plant property becoming an eyesore to the few residents of that area. Councilwoman Southwick suggested that the ordinance perhaps should require all developers on projects of this type to dismantle the building and that other uses for the land be made.

GEORGE BAKER, PROD. MGR. FOR AIR
PRODUCTS TELLS OF PLANT OPERATIONS

George Baker, Production Manager for Air Products and Chemicals, of Allentown, Pa., said they operate about 93 of these plants around the world, the first one being in 1956 which is still operating. He said they have shut down 3 and have found a ready market for these plants, and on those which were shut down, they have returned the plant site to the same state it was prior to construction of the plant.

MR. ANDRUS QUESTIONED ON LIGHTING AND SIGN SUGGESTION

Councilman Linnell again referred to Mr. Andrus' list of suggestions and questioned the requested change under Section 8-d pertaining to lighting, which he interprets as meaning not permitting a sign in front of their building. Mr. Andrus spoke of being concerned about not stating a limitation on the glare. Mr. Boothe gave information on the present sign ordinance provision.

BETTY NIEBUHR ASKS ABOUT INCREASED TRAFFIC

The problem of increased traffic was questioned by Betty Niebuhr.

ROSS STECKEL, REP. OF AIR PRODUCTS, EXPLAINS TRAVEL PLAN

Ross Steckel, a representative of Air Products, explained that 100 percent of their product will be leaving by truck and the entrance planned is on the frontage road. No other entrances are planned now or in the future. He said trucks will enter on 1-15 and it is economically cheaper to proceed with the present plan.

OFFICERS OF AIR PRODUCTS RESPOND TO INQUIRY
ON BACKGROUND MADE BY DARRELL HANCOCK

Darrell Hancock asked about the background of the Air Products people. Each of the officers gave a resume of their qualifications, educational degrees, and previous employment experience. One of the officers stated that only liquid oxygen, liquid nitrogen and argon would be produced, and he gave additional information on the operation of the plant.

ORDINANCE NO. 81-18 REVIEWED BY MR. FORBES AND ADOPTED BY
CITY COUNCIL: ORDINANCE PROVIDES FOR MEDIUM IND. M-2 LAND USE

The suggested ordinance revisions were further discussed, after which Mr. Forbes reviewed Ordinance No. 81-18 entitled:

AN ORDINANCE AMENDING TITLE XIV, CHAPTER 2, OF THE
REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS
AMENDED, BY ADDING A NEW SECTION DESIGNATED AS
SECTION 14 A WHICH PROVIDES FOR A MEDIUM INDUSTRIAL
M-2 LAND USE

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Councilman Allen then made a motion that Ordinance No. 81-18 be adopted, with the following changes to be made by Mr. Forbes:

1. Lot size be changed from no minimum to 25,000 square feet minimum.
2. The development not be built any closer than 50 feet to an adjoining residence, including the building, parking and driveway.
3. The section on Fire and Explosion Hazards be revised by changing the word any to all points and adding at the end "The City Fire Dept. shall determine adequacy of such provisions."

Councilman Allen included in the motion that authorization be given the Mayor to sign the ordinance. Councilman Linnell seconded the motion and it was approved unanimously.

MAYOR REPORTS ON ABSENCE OF COUNCILMAN WINSLOW

Mayor Barlow reported that Councilman Roger Winslow could not be in attendance this evening due to a death in the family.

COUNCILMAN ALLEN EXPRESSES APPRECIATION TO ALL CONCERNED

Councilman Allen expressed appreciation for the concern of the citizens and their input, and thanked the people from Air Products who came from Allentown, Pa. to answer questions, and also thanked the other interested parties in attendance.

MR. BALLING MAKES RECOMMENDATIONS FOR LEWIS HANSEN'S FENCE REQUEST

Mr. Balling reported that paving was 95 percent complete on North Canyon Road. He said Mr. Lewis Hansen owns property on the north side of the project and there is a section of his property, about 700 feet long, where sidewalk was not installed because of building condemnation. Mr. Hansen is now requesting that he be allowed to install a fence through the back section of the property and Mr. Balling gave details on the property involved. After an explanation of the situation, Mr. Balling recommended that Mr. Hansen be required to have a 5-foot clearance around the fire hydrants; that he allow the City access from the street to the fire hydrants; that the fence be no closer than five feet from the fire hydrants and that he place the fence back at least a foot from the curb so the City can maintain the area along the curb; that he landscape this strip; and that in the event he develops his property, that he be required to construct the five feet of sidewalk at his expense; also that he not be allowed to install a barbed wire fence but that it be a smooth or chain-link fence.

FENCE REQUEST NOT GRANTED TO LEWIS HANSEN

Councilwoman Southwick made a motion that a contract be drawn up by the City Attorney stating the conditions Mr. Balling has recommended for permission to be granted Lewis Hansen on the construction of this fence. The motion was seconded by Councilman Allen and voting was as follows:

Yea: Councilwoman Southwick and Councilman Allen
Nay: Councilmen Bingham and Linnell

The Mayor abstained from voting so Mr. Hansen's request for a fence was not granted. Mr. Balling was instructed to inform Mr. Hansen that his fence should be placed on the property line.

MR. BALLING STATES CONDITIONS FOR PURCHASE OF L.D.S. CHURCH PROPERTY TO RE-ALIGN INTERSECTION AT 400 NO. 400 EAST

Mr. Bailing had prepared drawings along with an earnest money receipt and offer for purchase which came from the L.D.S. Church pertaining to the intersection of 400 North and 400 East. He said that in order to re-align this intersection for a signal when warranted, a portion of the church property on the

southeast corner would need to be acquired and this amounts to 4,334 square feet. The funds would be transferred in the budget from the Capital Contingency Fund to make this purchase. Mr. Balling reported that the church has now placed the building for sale and their appraisers have presented a purchase price of \$9,493.00, or approximately \$2.19 per square foot. He explained that the church is willing to sell this property to the City under the following conditions:

1. It be approved by their legal department.
2. City replace curb, gutter, sidewalk and steps on the north side of the building, and restore the landscape.
3. The City grant a waiver of any use of the building by a future buyer where square feet of the site may be critical only to the extent of square feet in the sale.

Mr. Forbes expressed some concern on the condition as to the restrictions of land use, and he feels this provision should be deleted.

OFFER FOR PURCHASE OF L.D.S. CHURCH PROPERTY TO BE REFERRED BACK TO CHURCH WITH DELETION OF ONE CONDITION

Councilman Linnell said this consideration had originally come before the Traffic Safety Committee and that committee had made the recommendation that the City purchase the land; therefore he made a motion that Mr. Forbes refer this back to the church with the recommendation for purchasing the property for the appraised price but that they delete the condition in question. Councilman Bingham seconded the motion which carried unanimously.

CITY COUNCIL GRANTS FINAL APPROVAL TO PHASE 7 OF PHASE 4 CONDOMINIUMS IN MAPLE HILLS

Mr. Balling reported that Phase 7 of Phase 4 of the Maple Hills condominiums had been given approval by the Planning Commission but it has come to our attention by the Davis County Recorder's office that prior to recording this plat, they need final acceptance and approval from the City Council. He told of the necessary requirements for completion, one of which was to provide as-built drawings of the water and sewer system and release of easements. He said that the drawings were received at 5:00 today and the Maple Hills developers are requesting that we take action on this tonight. He recommended that final approval be granted to Phase 7 of the Phase 4 condominiums in Maple Hills subject to the final release of easements and review of the as-built drawings. Councilman Linnell made a motion to grant final approval on the conditions stated by Mr. Balling. The motion was seconded by Councilman Allen and approved unanimously.

APPROVAL GRANTED FOR FILING LETTER OF INTENT TO WITHDRAW FROM SOCIAL SECURITY

Mr. Hardy presented a proposal to file with the Social Security Administration a letter of intent to withdraw from Social Security. He explained that this does not commit or bind the City to withdraw but simply puts the Social Security Administration on notice that the City is considering this and intend to have a vote when eligible, which is two calendar years from the time of our notice to file. He recommended that during the interim period the City devote some resources to bring some people with expertise in to counsel with the employees on the pros and cons of whether or not to withdraw. Councilwoman Southwick made a motion to authorize the City Manager to file a letter of intent to withdraw from Social Security. The motion was seconded by Councilman Allen and approved on a 3 to 1 vote, Councilman Bingham voting nay.

MEETING SCHEDULED AT 6:45 P.M. NOV 4th TO CANVASS ELECTION RETURNS

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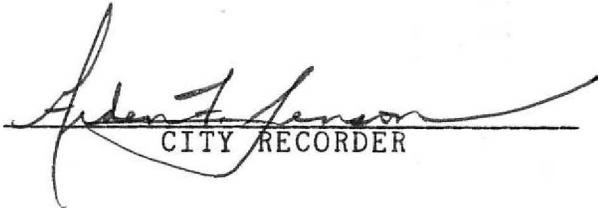
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Mr. Jenson reported the need for a meeting next Wednesday evening to canvass the ballots on election returns. It was determined that this meeting would commence at 6:45 p.m., prior to the 7:00 redevelopment meeting on Wednesday, November 4, 1981.

The meeting adjourned at 940 p.m.



MAYOR



CITY RECORDER

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