

Minutes of the regular meeting of the City Council held October 10, 1984 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	C. Harold Shafter, Richard G. Sharp, Jerry K. Lawrence, Phyllis C. Southwick, and J. Dean Hill
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
Planning Director:	Jon Reed Boothe
Dep. Recorder:	Lois Hoskins
Rec. Secretary:	Nancy T. Lawrence

Mayor Stahle called the meeting to order and led the pledge of allegiance to the flag, following which Mr. Hardy offered the invocation.

Official 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: Deseret News, Davis County Clipper, and Salt Lake Tribune.

Minutes of the regular meeting of the City Council held September 26, 1984 were presented and unanimously approved as written on a motion made by Councilman Lawrence and seconded by Councilwoman Southwick.

#### **EXPENDITURES APPROVED FOR SEPTEMBER**

Mr. Jenson presented the Expenditure and Expense Reports for the following periods: September 4-27, 1984, totaling \$1,051,178.61; September 27-30, 1984, totaling \$68,563.76; and Summary for September in the amount of \$2,017,253.88. These expenditures were unanimously approved as presented on a motion made by Councilman Hill and seconded by Councilman Lawrence.

#### **JERI DRIVE RESIDENTS AIR COMPLAINT REGARDING SKATING DEVICE**

Michael Denning, 1863 Jeri Drive, served as spokesman for a group of citizens (approximately 12 in attendance) concerned about a problem on their street. He explained that the problem is that a skating apparatus has been constructed in the backyard of Frank Moscon, a contiguous neighbor, and that the activity as a result of the skating machine causes noise pollution to the extent that it does not permit the neighbors to enjoy their privileges as homeowners. He further indicated that it is not the loudness of the noise which is annoying, but the nature of it and the constancy throughout the day. Councilman Lawrence stated that he felt this was a neighborhood problem and did not fall under the scope of Council business. Mr. Forbes explained that he has worked closely with the Moscons and with the other neighbors during the past summer regarding this problem and he indicated that an agreement had been reached with the Moscons wherein the use of the skateboard

would be curbed to only certain days and times. He also indicated that following significant research, it is his opinion that the Moscons are not in violation of land use regulations nor in violation of city ordinances. He suggested that if the neighborhood is not able to resolve the problem in a friendly manner, that their recourse would be to submit a complaint in the civil court. Following a lengthy discussion and comments from other members of the neighborhood, Mayor Stahle recommended that the City staff work with this group and the Moscons in an attempt to resolve the problem in a friendly manner. Several of the residents of the Jeri Drive area recommended that the Council consider amending the ordinance to provide other neighborhoods protection from this type of activity.

**MAYOR DISPLAYS PLAQUE WHICH WILL  
BE PRESENTED IN NEW ZEALAND**

Mayor Stahle displayed the plaque which will be presented to the governing officials of Whangarei, New Zealand by the delegation from Bountiful which is going there this month. Appreciation was expressed to Mr. Jenson and those who worked with him in the creation of this momento.

**BOUNTIFUL FIRE DEPARTMENT RECEIVES  
RECOGNITION FROM IIAU**

Lee Parks, president of the Independent Insurance Agents of Utah, presented Fire Chief Jerry Lemon with a plaque recognizing the Bountiful Fire Department as the "Fire Department of the Year" as awarded by the IIAU. He reviewed the selection process and explained that the award was based on the Department's continued fire training under adverse climatic conditions, a progressive training program, and for being strong in the fireman certification efforts. Chief Lemon expressed appreciation, following which the Mayor thanked Mr. Parks and indicated the City's pride in the Fire Department.

**MAYOR CALLS FOR OPINION OF COUNCIL  
RE: WINTER OLYMPICS IN SALT LAKE CITY**

Mayor Stahle alerted the Council to the fact that he had been asked by the Mayor of Salt Lake City to attend a meeting to discuss the possibility of holding the winter olympics in Salt Lake City. Mayor Stahle expressed a positive reaction to this topic and received similar support from the Council.

**BOUNTIFUL RECOGNIZED IN FOUR AREAS  
BY TRIBUNE CIVIC BEAUTIFICATION PROGRAM**

Mr. Hardy reported that Bountiful had been presented with four separate awards in the Salt Lake Tribune's Civic Beautification Program, co-sponsored by Utah State University, Utah Associated Garden Clubs, and Utah Association of Nurserymen. The awards were for the following areas: Bountiful City Hall parking area landscaping, Bountiful City street islands, the Bountiful rose garden, and Rocket Park. He recognized Scott Tueller as the person responsible for these awards and expressed appreciation to Mr. Tueller for his personal time and

interest in behalf of the City. A plaque was presented to the Mayor in recognition of these awards and certificates were presented to Mr. Tueller. Mayor Stahle thanked Mr. Tueller on behalf of the Council, residents, and visitors to Bountiful who are uplifted as a result of the beautification efforts.

**ELMER BARLOW REPORTS FROM BARD  
AND SO. DAVIS SEWER DISTRICT**

Elmer Barlow reported to the Council that the State is going ahead in their plans to dike the area around the BARD which would provide protection to the BARD and extend its life considerably. Plans are presently underway for this matter to come before the legislature and Mr. Barlow expressed a positive attitude that the dikes will be built. As Bountiful's representative on the South Davis Sewer Board, he also reviewed the attempts which are being made by the District to conform with State standards and noted that consideration is being given to set up policies which will be variable between agencies. He reported that under the present policies, the Sewer District can meet the State standards by enlarging the plant and increasing the pumping area. This would be at a cost of approximately \$1 1/4 million. Mr. Barlow also noted that the County is anticipating that the BARD will be shut down for inability to meet standards.

**DISCUSSION RE: FLOOD CONTROL PROJECTS**

There was a brief discussion on the items surveyed on the tour of the flood control projects and Mr. Hardy reviewed the status of the participation that Bountiful is expecting from the County. It was noted that if the County refuses to participate or fails to fund projects which they previously committed to, the City can possibly approach the State directly.

**EXECUTIVE SESSION SCHEDULED**

Councilwoman Southwick made the motion that an executive session be scheduled immediately after this meeting for the purpose of discussing litigation. Councilman Shafter seconded the motion and voting was unanimous.

**RES. NO. 84-14 RE: APPROPRIATION OF  
FUNDS TO FUTURE POWER FUND ADOPTED**

Mr. Hardy explained that when electric rates were increased in July of 1983, a portion of that increase was to be contributed to the Future Power fund, as reflected in the City Council minutes. However, the Resolution reflecting the increase in revenues was not amended to reflect this contribution. Therefore, he recommended that Resolution No. 84-14 be adopted to provide for the appropriation of funds from the Bountiful Light and Power Fund to the Future Power Resources Fund. This action increases the contribution from 10 percent to 13 percent, retroactive to July 1983. Councilman Hill made the motion that this resolution be adopted, Councilman Lawrence seconded the motion and voting was unanimous.

**EARL TINGEY APPOINTED TO SERVE  
ON POWER COMMISSION**

Mayor Stable recommended that Earl Tingey be appointed to fill the vacancy on the Power Commission for a six-year term. He reviewed Mr. Tingey's background and indicated his willingness to accept this responsibility. Councilman Sharp made the motion that this appointment be made as recommended, Councilman Hill seconded the motion and voting was unanimous.

**AGREEMENT BETWEEN D U COMPANY AND  
COUNTY AMENDED TO REFLECT CITY PARTICIPATION -  
STONE CREEK DEBRIS BASIN**

Mr. Forbes explained that one of the Agreements which was entered into regarding the Stone Creek debris basin was executed between the D U Company and Davis County. Inasmuch as Bountiful will become the contracting party in this agreement, he recommended that the Agreement be amended to reflect this, changing "County" to "City". Councilman Hill made a motion to this effect, Councilwoman Southwick seconded the motion and voting was unanimous.

**APPROVAL GIVEN FOR BUILDING PERMIT,  
MARC OLIVER, 1229 EAST CANYON CREEK DR.**

Mr. Boothe reviewed that Marc Oliver is desirous of constructing a home on his lot in North Canyon, 1229 East Canyon Creek Drive, said home to be 265 feet from a public street. It is the recommendation of the Planning Commission that permission to construct this home be given subject to Mr. Oliver meeting the following requirements: (1) driveway to be 15' wide as required by ordinance; (2) driveway to have maximum grade of 15% as required by ordinance; (3) driveway to be hard surfaced with 2-1/2" of asphalt over a 6" layer of compacted road base, or 5" thick concrete on compacted base (owner option); (4) there is to be a 20' x 60' asphalt area for fire truck turnaround at end of driveway, next to home, as required by ordinance; (5) if home is on fill, compaction tests to be provided to the city. If compaction is not proper, a building permit is not to be issued; UBC requires home to be on undisturbed soil; (6) property owner to grant to the city an easement along the course of the access roadway and 15' wide for emergency and service vehicles; (7) property owner to construct and hard surface the access roadway before building permit is issued or post a \$6,000.00 cash or surety bond with the city to guarantee access roadway will be hard surfaced; (8) installation of fire hydrant at owner's expense. NOTE: Owner can eliminate all above requirements except for items 1, 2, and 5 if he will move the home forward to 250' or less from the public street.

Mr. Oliver expressed concern to the City that these conditions are very restrictive and costly to him as a potential resident and suggested that the City should require lots to be buildable before approval is given to the plats presented by developers. Mr. Balling pointed out that the lot is buildable; however, by placing the home beyond the 250' limitation, additional requirements are enacted. Mr. Oliver

requested "some relaxation" on the eight requirements. However, following a brief consideration of this item, Councilwoman Southwick made the motion that approval be granted as recommended by the Planning Commission and Councilman Lawrence seconded the motion. The motion passed by a majority with Councilman Hill abstaining.

**CAVANAUGH'S CANDIES GIVEN PRELIMINARY AND FINAL APPROVAL FOR ADDITION**

Mr. Boothe presented the request from Cavanaugh's Candies for an addition to their store at 170 West 500 South and indicated that it is the recommendation of the Planning Commission that preliminary and final approval be granted subject to approval from the County Board of Health. Councilman Sharp made a motion for approval as recommended and Councilman Shafter seconded the motion. Voting was unanimous.

**ORD. NO. 84-13 ADOPTED RE: DEFINITION OF MOVABLE SIGN**

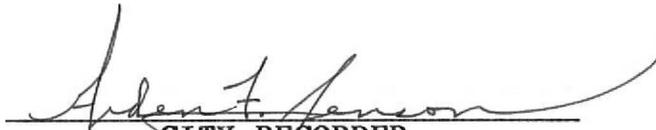
Mr. Boothe noted that the Council took action last week to amend the ordinance regarding movable signs and he presented Ordinance No. 84-13, entitled AN ORDINANCE AMENDING TITLE XIV, CHAPTER 2, SECTION G-52, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED BY DEFINING "MOVABLE SIGNS", AND REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT THEREWITH, for official adoption. Councilman Lawrence made the motion that this ordinance be adopted and the Mayor authorized to sign it, Councilwoman Southwick seconded the motion and voting was unanimous.

**MR. HARDY CALLS ATTENTION TO FIRE PREVENTION WEEK**

Mr. Hardy called the Council's attention to the fact that it is Fire Prevention Week and he invited them to visit the Fire Department, particularly to see the new fire truck.

The meeting adjourned at 8:54 p.m.

  
MAYOR

  
CITY RECORDER

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