

Minutes of the regular meeting of the City Council held October 12, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor Pro Tempore:	Bob Linnell
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, and Paul B. Allen
City Attorney:	Layne B. Forbes
City Engineer:	Jack P. Balling
City Recorder:	Arden F. Jenson
Planning Director:	Jon Reed Boothe
Deputy Recorder:	Lois Hoskins
Recording Secretary:	Nancy T. Lawrence
Absent: Mayor:	Dean S. Stable
City Manager:	Tom Hardy

Mayor Pro Tern Linnell welcomed those in attendance, giving special recognition to the visiting Boy Scouts. He noted that Mr. Forbes will be serving as acting City Manager for this meeting.

Councilman Barton led the pledge of allegiance to the flag, following which Councilman Hill offered the invocation.

Mr. Forbes 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 meetings held September 28, and October 4, and the special meeting of the City Council held October 11, 1983 were presented and unanimously approved as written on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

JAN BOARDMAN REQUESTS ADOPTION OF ORDINANCE REGULATING DOG RUNS

Mr. Forbes explained that Mrs. Jan Boardman has requested that the City consider adopting an ordinance regulating the location of dog runs on residential lots. He reviewed that Mrs. Boardman has had a bad experience with the back yard neighbor and his maintenance with his dog, i.e., odor, unsightly, and occasional noise problems. She, therefore, is proposing that an ordinance be adopted which provides that such runs be at least 15 feet from the property line. Mr. Forbes stated that there is an ordinance in place regarding animals in general; however, household pets are excluded. Another ordinance prohibits unsightly or otherwise undesirable situations which are infringements on others rights.

COUNCIL SUGGESTS THAT FORMAL COMPLAINT BE FILED USING EXISTING ORDINANCE

Mrs. Boardman read a letter expressing her objections to the dog run, noting that it is located at the back of her

neighbor's deep rear yard and due to the sharp drop in elevation and a short rear yard of the Boardman's, the dog (and its related maintenance problems) is in close proximity to the second level deck and kitchen window of their home. She reasoned that the 15-foot restriction would provide an opportunity for proper landscaping, etc. to make the situation more pleasing to neighbors. The Council discussed the matter and suggested alternative solutions rather than creating an additional ordinance. Mayor Pro Tern Linnell pointed out that all persons should enjoy property rights-whether they own or do not own dogs. Councilwoman Southwick made the suggestion that Mrs. Boardman approach the City Attorney and file a formal complaint on the basis of the existing dog run creating a nuisance and that the matter be pursued on a legal basis.

**PUBLIC HEARING TO CONSIDER ISSUANCE OF IRB'S -
WALT GASSER REQUEST**

At 7:32 p.m. Mayor Pro Tern Linnell announced that a public hearing be opened for the purpose of receiving public comment on the proposed issuance by Bountiful City of its \$1,500,000 Industrial Development Revenue Bonds, Series 1983 (GFI II, Ltd. Project). The City Council was advised that pursuant to requirements of federal law the hearing was published on September 28, 1983 in the Davis County Clipper, a newspaper having general circulation in Bountiful City, said publication being not less than fourteen (14) days prior to the date hereof. A copy of the notice of the hearing has been on file in the office of the City Recorder during all regular office hours from September 28, 1983 to the date hereof, for the examination of any interested party. A copy of the affidavit of publication of the notice of the hearing is attached to these proceedings as Exhibit "A". At the beginning of the public hearing, an invitation was extended to all persons desiring to comment upon the issuance of the proposed industrial development revenue bonds to appear and voice comments or objection.

DISCUSSION OF IRB REQUEST

The names and titles or positions of all persons heard by the City Council are as follows:

<u>Name</u>	Title or Position
Walt Gasser	Project Developer
Jack Billings	Resident
John O'Hara	Resident
Jerry Lawrence	Resident
Gary Blodgett	Resident/Press

COUNCIL APPROVES IRB'S

After the City Council had heard each and every person who wished to be heard with respect to the issuance of said bonds, the public hearing was closed and the following resolution was introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Paul B. Allen and

seconded by Councilmember J. Dean Hill, adopted by the following vote:

YEA:

Bob Linnell, Paul B. Allen, J. Dean Hill, H. Keith Barton, and Phyllis C. Southwick.

NAY: None

RESOLUTION NO. 83-20 ADOPTED AUTHORIZING MEMORANDUM OF AGREEMENT

The resolution was then signed by the Mayor Pro Tern in open meeting and recorded by the City Recorder in the official records of Bountiful City, Utah. The resolution is as follows: RES. NO. 83-20, A RESOLUTION AUTHORIZING AND INDUCING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH GFI II, LTD., A UTAH LIMITED PARTNERSHIP, REGARDING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR A COMMERCIAL PROJECT.

ENGINEERING PICKUP TRUCK BID AWARDED TO MURDOCK CHEVROLET

Mr. Balling reported that two bids were received for replacement of the 4-wheel drive survey truck which was lost during the flood. Although the low bid was from Marion Willey and Son Ford, it was not for a 4-wheel drive as was specified. Therefore, he recommended that the bid from Murdock Chevrolet in the amount of \$8,999.95 be accepted. He said that federal funds are available which will cover 75 percent of the difference between the insurance coverage and the replacement value, leaving a balance of approximately \$1,000 which could come from the budget if other emergency funds are not available. Councilman Barton made the motion that this bid be accepted as recommended, Councilman Allen seconded the motion and voting was unanimous.

PUBLIC HEARINGS SET TO CONSIDER SIGN CHAPTER OF ZONING ORDINANCE AND SATELLITE TV ORDINANCE

Mr. Boothe reported that the following two public hearings have been requested: (1) to consider amending the sign chapter of the Zoning Ordinance regarding political signs; and (2) to consider the satellite television antenna ordinance. He recommended that these hearings be scheduled November 9th, with the political sign matter at 7:30 p.m. and the satellite TV ordinance at 7:45 p.m. and that this matter be referred back to the Planning Commission. Councilman Barton made a motion to this effect and Councilman Allen seconded the motion. John O'Hara and Berwyn Andrus commented on the confusion on interpretation of the zoning ordinance as it relates to the size of political signs. Mayor Pro Tern Linnell explained that it is the opinion of the Council, as discussed in last week's meeting, that an error was made when the ordinance was printed which defines political signs as having a maximum size of 4 sq. ft. instead of 16 sq. ft. He said it is the recommendation of the City Attorney that this administrative error be corrected by holding a public hearing

and amending the ordinance. He then called for a vote on the motion and voting was unanimous in the affirmative. It was requested that Mr. Boothe send a letter to all municipal election candidates advising them that political signs can measure 16 sq. ft. and that a copy of this letter also be sent to the Councilmembers.

CRSP CONTRACT APPROVED RE: WINTER & SUMMER POWER ALLOTMENTS

Mr. Forbes reported that it is necessary that the City contract on an annual basis for the power allotted on a firm and peaking basis from Colorado River Storage Project. He presented the contract between the U.S. government and Bountiful which provides for: (1) firm power of 24,920 kw for the summer season and 34,150 kw for the winter season; and (2) peaking power of 1951 kw for the summer (none for winter). Mayor Pro Tem Linnell said that this matter was reviewed by the Power Commission and unanimously approved by them and he recommended that it be approved by the Council. Councilwoman Southwick made the motion that the power contract be approved as recommended, Councilman Allen seconded the motion and voting was unanimous.

MAYOR PRO TEM REPORTS FROM POWER COMMISSION

Mayor Pro Tern Linnell reported from Power Commission meeting that the City was not successful in its bid for the Lost Creek hydro project. However, Mr. Forbes is reviewing the matter and an appeal process will be followed if he feels it is advisable.

The meeting adjourned at 8:23 p.m. on a motion made and seconded by Councilmen Barton and Hill, respectively.


MAYOR


CITY RECORDER

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