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Minutes of the regular City Council meeting held June 9, 1982 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stable
Council Members:	H. Keith Barton, 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
City Treasurer:	Ira H. Todd
Recording Secretary:	Beverly B. Hyde

Excused: Councilman: J. Dean Hill

Mayor Stable led the pledge of allegiance to the flag, after which Councilman Barton offered the invocation.

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 May 26, 1982 were presented and unanimously approved as written on a motion made by Councilman Linnell and seconded by Councilman Barton.

EXPENDITURE .& EXPENSE REPORTS FOR PERIODS

MAY 3-28 AND MAY 24-28, .2982 APPROVED

Mr. Jenson presented the Expenditure and Expense Reports for the periods May 3-28 in the amount of \$153,165.94 and May 14-28 in the amount of \$74,887.87. These reports were unanimously approved on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

RESTRICTION ON PIGEONS IN ANIMAL & FOWL ORDINANCE REVIEWED BY CITY MANAGER

The restrictions in the Animal & Fowl ordinance pertaining to pigeons were briefly reviewed by Mr. Hardy. He reported that the most recent amendment limited the number of pigeons to 25 for any one person in a residential area.

MEMBERS OF PIGEON CLUB TELL OF NEED FOR RAISING LIMIT ON PIGEONS TO 100

Dr. Richard Chidester of 790 East 550 North stated that he is secretary-treasurer of the Bountiful Racing Pigeon Club of which there are three members in Bountiful, four in Centerville and three in Woods Cross. He explained that the limitation of 25 pigeons makes it impossible to continue in the racing pigeon sport and he told of the raising, training and racing procedures, and of the sanitation and maintenance of the loft on his property. Dr. Chidester also spoke of his sizable investment in this sport. He feels that 100 pigeons is a bare minimum, and that they should be controlled but not prohibited.

John Townsend of 180 West 1800 South referred to a newspaper article in which a neighbor was disturbed about the "200" pigeons living next door and stated that this was exaggerated. He commented that most neighbors enjoy the pigeons.

Mention was made that the third Bountiful Club member is Eldean Weight of 268 West 1600 North.

Representatives of **the** Utah State Roller Club and Wasatch Roller Club were in attendance and expressed their support of the 100 or more pigeon limit.

CITY ATTORNEY AND PLANNING DIRECTOR COMMENT ON PIGEON OPERATION.

Mr. Forbes reported that the Townsend pigeon coop was clean and there was no noise at the time he, Mr. Hardy and Mr. Boothe

checked the property. Mr. Boothe explained an additional problem on the Townsend property. He said the coop is only 94 feet from the closest habital window or door whereas 100 feet is required by ordinance.

COUNCILMAN ALLEN SUGGESTS PIGEON OPERATION LICENSE

Councilman Allen felt that the City might control the pigeon operation in the city by requiring a license and this was discussed.

SITY COUNCIL REFUE ANJNAL 4 FOWL ORDINANCE AMENDMENT BACK TO PLANNING COMM;SSION .& CITY ATTORNEY FOR STUDY AND RECOMMENDATION

A motion was made by Councilman Linnell to refer the animal and fowl ordinance amendment back to the Planning Commission and the City Attorney for further study and recommendation of both the number of pigeons to be allowed and the distance of the coop to the nearest habital window or door. The motion was seconded by Councilwoman Southwick and voting was unanimous in the affirmative.

APPROVAL GRANTED FOR CLASS "D" BEER LICENSE AT KENNETH KNIGHTON'S PINOCCHIO PIZZA VILLAGE

Mr. Kenneth Knighton was in attendance to request a Class "D" beer license for the Pinocchio Pizza Village to be located in Colonial Square. Mr. Hardy explained Mr. Knighton's proposed operation including a video center, and he stated that after having reviewed the plans, the staff recommends the Class "D" beer license be permitted on the basis that Mr. Knighton constructs according to his plans. Police Chief, Larry Higgins, also expressed approval if it is constructed and operated as explained to him. Mention was made that a set of Mr. Knighton's plans should be on file with the City. Councilman Barton made a motion to accept the recommendations for issuance of the Class "D" beer license which allows consumption on premises. The motion was seconded by Councilwoman Southwick and carried unanimously.

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INCREASE IN WATER RATES APPROVED BY ADOPTION OF ORDINANCE NO. 82-10

Mr. Hardy spoke of the need for formalization of the water rate increase previously approved by the City Council. He then reviewed Ordinance No. 82-10 entitled: "AN ORDINANCE AMENDING TITLE XI, CHAPTER 4, SECTION 5, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, BY ESTABLISHING WATER RATES AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH." He explained that the ordinance provides for an increase of 50 cents in the base rate and a 10 percent increase in the rate per thousand gallons in excess of the allowed quantity. Ordinance No. 82-10 was unanimously adopted and authorization given for the Mayor to sign it on a motion made by Councilman Barton and seconded by Councilman Linnell.

APPROVAL GIVEN FOR VACATING ACCESS ROAD IN NO. POINT COVE SUBDIVISION

A diagram of the North Point Cove Subdivision was displayed and Mr. Balling explained the need for vacating an access road in this area. He gave information on the past and present ownership of the land and the use of a right-of-way thereon which the City took over from the County at the time of annexation of this area. The present owner of the land, Leon Peterson, has negotiated with the Davis County School Board to sell 8 to 10 acres of his property for an elementary school site. Mr. Balling explained that in order for the school board to use this ground adequately, it is necessary that this graveled right-of-way be relocated; however, the City's present rights will not be affected. Councilwoman Southwick made a motion to grant approval for vacating the access road in the North Point Cove Subdivision with the changes explained and pointed out on the map. The motion was seconded by Councilman Barton and favored unanimously.

RESOLUTION NO. 82-6, AMENDING THE 1981-82 BUDGET, ADOPTED

Mr. Hardy reviewed Resolution No. 82-6 providing for changes in the 1981-82 budgeted revenues and expenditures to

account for increases and decreases, and he recommended adoption of this resolution amending the 1981-82 budget. On a motion made by Councilman Linnell and seconded by Councilman Allen, Resolution No. 82-6 was unanimously adopted and authorization given for the Mayor to sign the document.

1982-83 BUDGET ADOPTED AND MILL LEVY SET BY RESOLUTION NO. 82-7

Resolution No. 82-7 was presented by Mr. Hardy. He explained that this resolution provides for adoption of the 1982-83 budget as presented and sets a mill levy of 10.37 mills which is the same mill levy set by the City Council last year. He further stated that the total budget of \$24,405,649 includes the 10.7 million dollars to the Redevelopment Agency. Inasmuch as the RDA (Redevelopment Agency) portion has not been reviewed by the City Council, Councilman Barton felt this should not be adopted at this time. After further discussion, Councilman Linnell made a motion to adopt Ordinance No. 82-7 and to give authorization for the Mayor's signature. The motion was seconded by Councilman Allen and approved on a 3 to 1 vote, Councilman Barton voting nay.

CITY COUNCIL ADOPTS RESOLUTION NO. 82-8 WHICH DETERMINES RATE OF TAX LEVY

Mr. Hardy then presented Resolution No. 82-8 entitled: "RESOLUTION DETERMINING THE RATE OF TAX LEVY AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY IN THE CITY OF BOUNTIFUL, DAVIS COUNTY, STATE OF UTAH, MADE TAXABLE FOR THE YEAR 1982." Mr. Hardy reported that the assessed valuation figure which should have been provided by Davis County before June 1st has not yet been received. However, in order to abide by the law, it is necessary to pass this resolution on or before June 15th. The possibility of an extension of time for setting the mill levy was discussed. Mr. Forbes stated he had reviewed the statute and there is no provision for granting an extension of time and he explained the reasons he felt it should remain the same as the past year. Councilman Linnell made a motion to adopt Resolution No. 82-8 and to authorize the Mayor to sign it. The motion was seconded by Councilman Barton and favored unanimously.

AUTHORIZATION GIVEN FOR EXECUTING AGREEMENT IN SETTLEMENT OF SUIT BY DEL ROWE AGAINST CITY

Mr. Forbes reported that Del Rowe, as plaintiff, has brought a suit against the City of Bountiful, Chelsea Development Company and Western Holding Corporation, and that various aspects of that case have been before the City Council on prior occasions. He stated that after lengthy negotiations, they have now arrived at a settlement and a written agreement has been prepared which involves all previously-mentioned parties and also one that is not a party to the suit which is North Canyon Properties. The agreement requires the City to pay Dell Rowe \$5,000.00. Mr. Forbes explained that this \$5,000.00 is the remaining proceeds of a bond posted by Western Holding Corp. on the North Canyon Estates "B" Subdivision development; that the City filed on that bond and received these funds which, according to the agreement, will be paid to Del Rowe for any damages he has sustained for property he alleges was used as an embankment on North Canyon Road. The agreement also requires the City to grant Chelsea Development Co. the use of an existing storm drainage basin for the purpose of draining Chelsea Cove Plat 7 Subdivision. Mr. Forbes then recommended that the agreement be executed.

At the conclusion of questions and comments on the Del Rowe suit, Councilwoman Southwick made a motion to execute the agreement and authorize the Mayor to sign for the City. The motion was seconded by Councilman Barton and carried unanimously.

CHELSEA COVE PLATS 10-A & 10-B SUBDIVISIONS GIVEN FINAL APPROVAL AND ACCEPTANCE

Mr. Balling reported that Bruce Broadhead has requested that the City grant final acceptance of Chelsea Cove Plats 10-A and 10-B Subdivisions. He explained that Plat 10-A is located at 650 East 2800 South, has 8 lots, and it meets with the City's

standards and specifications; Plat 10-B is located at 650 East 3000 South, has 49 lots, and also meets the City's standards and specifications. He therefore recommended that the City Council accept these as completed projects and assume the maintenance and upkeep of the public improvements; that Mr. Broadhead be relieved of any further responsibility and that the remaining bond funds be released to him. Councilwoman Southwick made a motion to accept Chelsea Cove Plats 10-A and 10-B as completed subdivisions and grant release of the bond funds as recommended by Mr. Balling. The motion was seconded by Councilman Allen and unanimously approved.

APPROVAL GIVEN CARL RUPP FOR THREE TEMPORARY SNO SHACK STRUCTURES IN CITY

Mr. Boothe presented information on a request by Carl Rupp to install three temporary sno shack structures within the City at the following locations: 2193 South Orchard Drive, 399 North Main and 425 W. 500 South in the Sunset Sport Center parking lot. He reported that the Planning commission recommends the license be approved subject to an electric panel diagram being submitted and the buildings be set back 30 feet from front property line. On a motion made by Councilwoman Southwick and seconded by Councilman Allen, unanimous approval was given for the three temporary sno shack structures.

NEW POWER COMMISSION CHAIRMAN, VAUGHN BATES, WILL BE ASKED TO ATTEND IPA MEETING

Mr. Hardy reported that there would be a meeting of the Intermountain Power Agency on Friday, June 11th, at 2:30 p.m., with an election to be held for a new member of the board and that Berry Hutchings will not be able to attend. After considering other possibilities for a voting member to attend this meeting, Councilman Linnell suggested that the new Power Commission Chairman, Vaughn Bates, be asked to attend, and the Mayor and Council members concurred with this suggestion. It was determined that the Mayor would have to submit a letter authorizing Mr. Bates as a voting member.

COUNCILMAN ALLEN REPORTS ON PARKS AND REC., COMMITTEES'S TOUR OF PARK FACILITIES

Councilman Allen reported that the Parks & Recreation Committee is continuing their tour of the park facilities Thursday morning, June 10th, meeting at the 1800 South Park at 7:00 a.m., and he invited any others who would wish to join them on this tour.

CITY COUNCIL OBJECTS TO SENDING BARD BOARD MEMBERS TO EDROPE AND ARE ONLY LUKE WARM TOWARD THE RESOURCE RECOVERY PLANT IN THE NORTH END OF DAVIS COUNTY

Councilman Linnell brought to discussion the BARD activities and stated that he had called Commissioner Eberhard, as a citizen, objecting to the plan for sending several members of the BARD Board over to Europe to look at the resource recovery plants. He feels the board members would not gain much expertise but perhaps a consulting engineer or someone who really understands the operation should be sent. He asked that the City take the position of objecting to the present plan. Interest in the resource recovery plant was also reviewed by Councilman Linnell and the land situation for refuse disposal was discussed as to meeting the future needs of Bountiful. Councilman Linnell then made a motion that the City Council instruct the Bountiful BARD Board member to report back to the Board that the Council wishes to have them cancel the BARD Board members trip to Europe the end of June and that Bountiful City is, at very best, luke warm toward the resource recovery plant in the north end of the county. The motion was seconded by Councilwoman Southwick and unanimously approved.

MOTION PASSED FOR RECOMMENDING THAT BARD ELIMINATE THE \$2.00 PER LOAD CHARGE

Councilman Barton made a motion to recommend to BARD that the \$1.00 per load charge for Bountiful and surrounding areas be permanently eliminated. The motion was seconded by Councilman Allen and voting was unanimous in the affirmative.

MAYOR EXPRESSES FEELINGS ON BARD BOARD MEMBERS TRIP

Mayor Stahle reviewed events leading to the BARD Board members trip to Europe and expressed his concurrence in sending someone who fully understands the operation, as it was not his desire to make the trip.

CITY MANAGER REPORTS ON TRAFFIC PROBLEMS

Mr. Hardy spoke about some traffic problems at particular locations in the City, such as "U" turns on Main Street from 500 South to 900 South, "No Parking" striped in front of a chapel, and proper placement being designated for garbage pickup. These items were discussed but no action was taken.

NO STUDY SESSION TO BE HELD NEXT WEEK

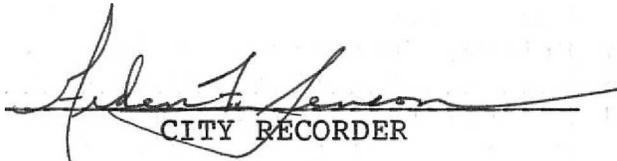
It was determined that a study session could not be held next week inasmuch as at least two members of the City Council will be out of town.

MEETING ADJOURNED AT 8:53 P.M.

Councilman Allen made a motion to adjourn at 8:53 p.m. The motion was seconded by Councilman Barton and favored unanimously.

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MAYOR


CITY RECORDER