

1 Minutes of the City Council meeting held Monday, December 21,
2 1987, 7:00 a.m., in the City Council Chambers, 790 South 100 East,
3 Bountiful, Utah.

4
5 Present: Mayor: Dean S. Stahle
6 Council Members: Richard G. Sharp, Jerry K.
7 Lawrence, Phyllis C. Southwick,
8 H. Keith Barton, C. Harold
9 Shafter
10 Councilwoman-elect: Barbara Holt
11 City Manager: Tom Hardy
12 City Attorney: Layne B. Forbes
13 Asst. City Attorney: Russell L. Mahan
14 City Engineer: Jack P. Balling
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16 The meeting was called to order by Mayor Stahle at 7:00 a.m.
17 Mayor Stahle then turned the floor over to City Attorney Layne B.
18 Forbes, who reviewed the legal actions taken to date, as well as
19 the need to file a lawsuit in Federal Court, as well as a motion
20 to stay the action filed in State Court. He further reviewed the
21 issues which were felt to be Federal in nature, and which could
22 only properly be heard in the Federal Court.
23

24 Mayor Stahle indicated that Bountiful has always had a desire
25 to work with the other cities to resolve the issues at BARD, but
26 the other cities have indicated a lack of interest in resolving the
27 problems that exist at BARD. Councilman Barton indicated his
28 feeling that whatever problems existed at BARD needed to be
29 illuminated now rather than risking liability problems in the
30 future. Mayor Stahle indicated that liability at the site exists
31 regardless of closure. Councilman Shafter referred to the vitro
32 tailings, indicating that their removal took place years after that
33 site was closed. He further indicated his feeling that the City
34 Council has been well informed on the BARD situation throughout and
35 resented the allegation by the other cities that the Bountiful City
36 Council was not well informed. Councilman Sharp indicated that he
37 felt that the other cities were trying to "divide and conquer" by
38 contacting Councilmen individually, and indicated that he had been
39 contacted by the Mayor of another city to find out if he really
40 knew what was going on.
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42 City Manager Tom Hardy indicated that with respect to the
43 issue of closing, which all of the cities are pressing, Bountiful's
44 position has been consistent throughout. The City of Bountiful
45 respected the rights of the other cities to choose whether or not
46 to go with the burn plant or to stay with BARD. We did not ask
47 them to leave, nor did we force them into the burn plant. We did
48 not ask them to join together to form BARD or to dump their garbage
49 on our land for the past 25 years. They requested the right to
50 do so. They simply do not wish to respect our right to continue
51 to operate the landfill as our solution to solid waste disposal.
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53 Councilman Sharp and Mayor Stahle both indicated that the
54 other cities were simply unwilling to accept the facts presented
55 to them by the various engineering reports, the County water
56 quality study, and the legal and moral obligations which they have
57 concerning the BARD. Councilman Sharp questioned the status of the
58 \$1.5 million dollar closure fund. City Attorney Layne Forbes

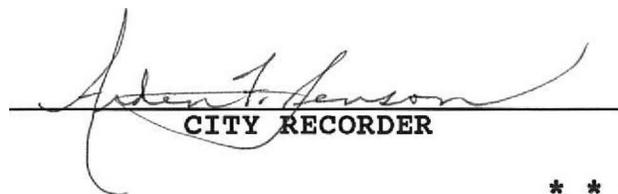
1 responded that the fund was presently tied up by the State suit,
2 and a similar request had been made in Federal Court.

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4 After additional discussion, Councilman Jerry Lawrence moved,
5 seconded by Councilman Richard Sharp, that Bountiful file the
6 appropriate Federal legal actions as outlined by the City Attorney.
7 Voting on the motion was unanimous in the affirmative.

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9 There being no further business to discuss, a motion to
10 adjourn was made by Councilman Richard Sharp and seconded by
11 Councilman Keith Barton. Motion passed unanimously, and the
12 meeting was adjourned at 8:00 a.m.

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16 MAYOR

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21 CITY RECORDER

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