

Minutes of a special meeting of the City Council held September 17, 1990 at 5:30 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, ReNee Coon, Bob Gramoll, Barbara Holt, and Leslie Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Recorder:	Arden F. Jenson
	City Treasurer:	Ira H. Todd
	Rec. Secretary:	Nancy T. Lawrence

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

Mayor Linnell called the meeting to order, following which Mr. Jenson led the pledge of allegiance to the flag. The invocation was given by Mr. Forbes.

Mayor Linnell referred to materials which had been presented to the Council members for discussion in the forthcoming City Council meeting on Wednesday, September 19th, at which time a public hearing is scheduled to consider opening the budget. The purpose of this action is to provide funding to pay the indebtedness of the RDA and enable dissolution of that agency. He then commented that the meeting this evening had been called to consider putting the RDA matter on the ballot in November, and in the event that this matter received a majority approval from the Council, he asked the following questions:

- 1 . Would there be a binding effect of the outcome of the election on public officials?
2. What liability would public officials have? Would there be an immunity?
3. What would be the cost of the election process?
4. What kind of education process would be taken prior to the election?

In answer to these questions, Mr. Forbes responded:

1. The result of the election would be advisory, not binding;
2. If the voters requested dissolution of RDA, there would be no legal immunity for the elected officials;

The cost for printing the ballots and covering County expenses in the election process was estimated to be less than \$5,000.00.

Councilwoman Holt stated that the issue of acquiring the \$27 million to bail out of the financial obligations of the RDA had presented more of an obstacle than she had realized it would, and rather than having the public hearing to open the budget as provided by motion in the September 5th meeting (see minutes of said meeting, page 8, line 47) she moved that said motion be rescinded. Councilman Foy seconded the motion.

Councilwoman Coon commented that the State legislature has created a monster by providing for an agency with no accountability to the taxpayer (capable of issuing bonds without public approval) and without providing a means for timely and legal dissolution of the said agency. She praised Councilwoman Holt for her courage to bring to light these RDA issues and expressed appreciation to her for all that she has done in regard to this matter.

Councilman Shafter stated that he felt the motion was unfair inasmuch as there was a large number of citizens who planned to attend the Wednesday night public hearing so that they could voice their opinion regarding the RDA issue. He said that to rescind the motion in this meeting is a "bigger travesty of justice than to wait and open the budget then". He requested that the public hearing be left on the Wednesday night agenda in consideration of those who wished to give input that night.

Mayor Linnell asked Mr. Forbes if it is legally necessary for the City to provide notice of cancellation of a public hearing and Mr. Forbes stated that the City has no affirmative obligation to provide such notice.

Councilman Shafter stated that he felt the Council has a moral obligation to the people who are planning to be in attendance at the meeting Wednesday night (September 19th) to have this matter on the Agenda, and he again stated that he was opposed to rescinding the motion for a public hearing. Councilman Foy acknowledged the rationale of Councilman Shafter and withdrew his second to the motion. Councilman Gramoll then seconded the motion of Councilwoman Holt which was still on the floor.

Councilwoman Holt acknowledged the attendance of Senator Lane Beattie in this meeting and directed the following remarks to him. She said it was unfortunate that when the State created the vehicle for organization and implementation of the Redevelopment Agency, that it also did not provide for a systematic, legal closure procedure. And further, that the Legislature did not provide for financial accountability to the taxpayer. She requested that the following options be considered by the Legislature: (1) procedure for orderly closure which would not endanger the credit rating of a city; (2) bonds should be required to go to the electorate; and (3) provision should be made for citizens to petition an RDA project. (Current statute provides only for petition of project area). At this time Councilman Foy called for the motion.

Councilman Gramoll stated that he felt it was important to consider tonight the motion to rescind. He stated that, with the assistance of the press, it is early enough for most citizens to receive word that the hearing has been canceled. Handling of this matter this evening would save

an inconvenience and avoid the possibility of an angry situation. He stated that as responsible officials, they have recognized that this issue is more encompassing than initially visualized and it should be resolved with dispatch to save any more inconvenience to the public. He called for the vote on the motion to rescind. The motion carried by a majority with Councilman Shafter voting "nay".

Councilman Shafter asked for clarification of the position of the Council regarding RDA, and the Mayor summarized that the RDA board will continue to have board meetings, discuss issues, and determine the future direction of the Agency. Councilman Shafter expressed his displeasure of the events surrounding RDA discussion the past 6 weeks and the negative impact it has had on the reputation of the City. He expressed a hope that such occurrences would be avoided in the future.

Councilman Foy presented a summary statement of the purpose of the RDA (identifying blighted areas and correcting the blight through economic development and/or beautification or housing developments or similar projects) . He cited the RDA projects in the City (Gateway, ShopKo, and Shipley) and noted that they have been composed of both economic and beautification facets and stated that the beautification in the downtown area has been a positive improvement to Bountiful. He expressed appreciation that the motion to open the budget in anticipation of dissolution of the RDA has been rescinded and stated that now the RDA board can get back to a posture of putting ideas on the table, thinking, research, and then making motions after coming to a consensus.

Councilwoman Holt reiterated her request that the State legislature consider the matters as she presented them and she said that she is content to go into a "holding position" with RDA. Councilwoman Coon said that the only reason she voted to rescind the action on the public hearing is that there are no laws in place which provide for dissolution in a manner beneficial to the citizens. She stated that she is still opposed to the RDA and would like to have the existence of the RDA made a matter of choice by the electorate.

Councilman Gramoll said it was important for the Council to work together, respecting one another and the varying viewpoints of each. He expressed a hope that opposite ideas could be explored in the future without divisive remarks or degrading statements and an end result which will be in the best interest of the City.

Councilwoman Holt moved for adjournment at 6:03 p.m. Councilwoman Coon seconded the motion.