

Minutes of the regular meeting of the City Council held March 7, 1990 in the Planning Conference Room of the City Hall, Bountiful, Utah.

Present:	Mayor:	Bob Linnell
	Council Members:	C. Harold Shafter, Rene6 Coon, Bob Gramoll, Barbara Holt, and Leslie T. Foy
	City Manager:	Tom Hardy
	City Attorney:	Layne B. Forbes
	City Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Dep. Recorder:	Lois Hoskins
	Planning Director:	Jon Reed Boothe
	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 and welcomed those in attendance, particularly Boy Scout Troop 876. He then introduced the elected officials and staff, following which the invocation was given by Mr. Forbes.

Minutes of the regular meeting of the City Council held February 28, 1990 were presented and unanimously approved as amended on a motion made by Councilman Gramoll and seconded by Councilman Shafter.

#### EXPENDITURE AND EXPENSE REPORT FOR PERIODS FEBRUARY 22-28, 1990 AND SUMMARY FOR FEBRUARY APPROVED

Mr. Jenson presented the Expenditure and Expense Report for the period February 22-28, 1990 (\$215,015.88) and Summary for February (\$2,502,645.06) and responded to questions from the Council. He noted that the Summary for February is a significant report because it contains the figures on which the budget projections for the next fiscal year are based. Following discussion, Councilman Shafter made the motion that both reports be approved as presented. He also requested that when the payment is received for clean-up of the Papanikolas property, that this be brought to the attention of the Council. Councilman Foy seconded the motion and voting was unanimous.

#### REPORT FROM BONNEVILLE RESEARCH RE: DEVELOPMENT SURVEY AND DISCUSSIONS POSTPONED FOR ONE WEEK

Bob Springmeyer, Bonneville Research, was in attendance to give a final report on the results of the economic development survey and discussions. Councilman Gramoll indicated that inasmuch as he had not had the opportunity to review the hard document which had been provided to the Council yesterday, he would prefer to table this matter for one week. Mr. Springmeyer was amenable to this request and this item was tabled until next week

## PRESENTATION AND REVIEW OF PROPOSED UNIVERSITY/ARTS FACILITY, DOWNTOWN AREA

Mayor Linnell reviewed that some time last year Mayor Stahle had given an assignment to Councilman Shafter to work on a proposed situation relating to the University of Utah Extension at Stoker School in combination with a community arts facility. Councilman Shafter brought the Council up-to-date on this proposal, stating that he had served as the leader for a group of five architects, representatives from the U of U, the Art Center, and the performing arts groups. Their task was to find out the needs of each of the entities and see what their desires were. With financial limitations being a basic matter of the issue, the result of this group's study and citizen input is a proposal for a joint venture between the U of U, the City of Bountiful, and private enterprise to provide a center for performing arts, together with additional facilities to enhance the U of U extension campus at Stoker School.

Dick Stringham, one of the architects on the above-referenced committee, was in attendance and presented a proposed site plan and architect's rendering of a three-building complex to be located in the block south of Stoker School. The proposal featured a performing arts building which fronted on Main Street, with an auditorium which would seat 300-600 people (related more directly to the city than the school); and two additional buildings for use by the University (classrooms, offices, computer labs, library, etc.). It was noted that the city presently owns the park area-- approximately 1/2 of the proposed project (presently used as a soccer field) and other properties would need to be acquired.

Mayor Linnell remarked that there is a great deal of enthusiasm from the community and the University regarding this proposal. Interested businessmen and concerned citizens were in attendance and asked questions regarding the timing of the project and the possible impact on their properties. The mayor emphasized that this is still in the formative stages and will be followed by a great deal more study. With regard to funding for the project, Mr. Hardy suggested that we would have to bond for the performing arts building (which would need to be on the ballot in a general election); and the buildings used by the University could be funded up front by the University or by the City on a long-term lease arrangement in which the lease payments would cover all costs. Councilwoman Holt pointed out that in addition to the cost for construction, it needs to be recognized that the community support would involve (1) purchasing the ground, (2) maintenance and operation once the building is constructed, and (3) possible continued subsidizing of the arts programs.

Mayor Linnell stated that this item was one of the highest as a result of the recent charettes and he asked Councilwoman Holt, chairperson of the Fine Arts committee, if she and Councilwoman Coon would proceed with the project through their committee. He requested specifically that they use an architect's rendering, and get a estimate of the cost of the project. Councilman Foy asked if consideration had been given to including a historical feature in the complex--such as a museum. Mr. Hardy summarized that the performing and arts groups will need to agree to a facility which is logical in terms of the City's capabilities, the City Council will need to make a decision as to how and when this project should proceed, and other interested

parties need to be contacted and contributions solicited. In order to place this item on the November ballot, the information for the proposed project would need to be finalized by the end of August. Councilman Gramoll mentioned a concern about the loss of tax revenue if the property is converted to the proposed use, noting that this is a major factor to analyze.

**APPROVAL GIVEN TO APPROPRIATE \$1200 FROM COUNCIL CONTINGENCY FUND FOR PUBLISHING QUARTERLY NEWSLETTER TO BE DISTRIBUTED TO CITIZENS -- ONE-TIME BASIS**

Mayor Linnell reported that the Public Safety and Finance Committee feels a strong need to be able to communicate with citizens on a regular basis and it is the unanimous recommendation of that committee that a quarterly newsletter be prepared and sent to each residence. It was also the recommendation of that committee that on a one-time basis, \$1,200 be appropriated from Council Contingency fund to provide 14,000 copies of the newsletter. During the budgeting process, this expenditure can be included for consideration as a quarterly expenditure for the next fiscal year. Councilman Gramoll made a motion for approval of the \$1,200 appropriation from the Contingency Fund as explained, with future funding to be considered during the budget process. Councilman Shafter seconded the motion which carried unanimously. It was noted that the Council will have opportunity to review a draft of the newsletter prior to its final preparation and distribution.

**COUNCIL VOTES TO INCLUDE C.O.L.A. IN INITIAL BUDGET RECOMMENDATIONS**

Mayor Linnell referred to the frustration which resulted during the budgeting process last year in an effort to address a cost of living adjustment (COLA) for employees. He noted that the budget was put together first, with consideration of a COLA coming at the end of the budget process. He reported that it is the recommendation of the Finance Committee that a cost of living adjustment of 4 percent be included as a target figure in each department's initial budget figure. He emphasized that the 4 percent is only a target that we will try to reach and is not an established criteria. He said that it is the committee's rationale that this will provide for a more smooth budget process and will eliminate putting the budget together twice.

Mr. Hardy noted that the city employees do not work with any outside organizations in salary negotiations and he complimented the city personnel on their willingness to work with the Council in a partnership, noting that they felt the Council would be fair with them. Mr. Hardy pointed out that this approach will enable us to consider separately and apart the requests for existing and new personnel. The department heads and all personnel in general were complimented by councilpersons and the mayor for their dedication and outstanding service to the community, following which Councilman Foy made a motion to accept the recommendation of the Finance Committee to have as a top priority in budget preparation a target of a four percent COLA for all employees as discussed. Councilwoman Coon asked if it would be a big disappointment if this target couldn't be reached, and Mr. Hardy acknowledged that there would be disappointment ' but that he felt the employees would recognize the honest effort of the Council to achieve the goal. Councilman Gramoll seconded the motion which carried unanimously. It was noted by the Mayor that raising taxes is a NON-alternative in accomplishing

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the proposed salary increase.

Mr. Hardy reviewed that the department heads will be preparing budgets during the month of March for committee review commencing April 19th. Councilwoman Holt commended the department heads for their support of one another, noting that we are fortunate that there is no friction between departments and that there is a positive working relationship between the departments. The Mayor recognized Mr. Hardy as a key person in accomplishing this factor, and Mr. Hardy, in turn, passed the credit on to the department heads.

#### REVIEW OF CURRENT STATUS OF EMERGENCY PREPAREDNESS IN BOUNTIFUL

Mayor Linnell reported that the Public Safety Committee discussed the status of Bountiful's emergency preparedness program and it is their desire that this area receive focus. Mr. Hardy briefly reviewed the emergency preparedness plans of the State and County and the existing status of Bountiful's capabilities. He discussed the plan and operations which were implemented during the floods of 1983 and stated that the plan, per se, has not been updated since then, although much of the communications facilities have upgraded significantly. Mr. Hardy referred to the brochures which are available through the utilities, Red Cross, and distributors of 72-hour survival kits and he suggested that one objective of the City might be to put these materials in the hands of citizens. He referred to the neighborhood district plan which was implemented during the floods, stating that it needs to be updated.

Mr. Balling reported on information which has come about as a result of the recent San Francisco earthquake and how an earthquake would affect Bountiful as projected through soil studies. The majority of Bountiful is located on an alluvial fan which is a deposit of sand and would result in minimal earthquake damage. The Council expressed the following as areas of focus for emergency preparedness: (1) getting brochures in hands of citizenry and calling attention to information which is included in South Davis Directory; (2) updating neighborhood groups; (3) as a manual is put together, have it in a flexible format (e.g. ring binder), date each page and identify each page with "Bountiful City". Councilwoman Coon requested a copy of the grid maps used by Mr. Balling.

#### COUNCIL REAFFIRMS POSITION RE: "MUELLER PARK MOUNTAIN FAMILY WINTER PARK"

Mayor Linnell referred to a draft of a letter which has been prepared in response to a request from Del Rowe, local citizen and member of Utah Winter Olympics committee. Mr. Rowe had suggested that a possible win/win solution to the Kern River/WyCal pipeline dispute would be to ask the pipeline affiliates to assist in building a family winter park area for the benefit of Bountiful citizens. The draft response recognized positive points of the proposal; however, due to liability on the part of the city, lack of snow or unpredictable snowpack, increased traffic impact on contiguous residential areas, etc., the city assumed a negative position to the suggestion. There was consensus from the Council on the draft response.

#### COMMENDATION GIVEN ON BOUNTIFUL ICE RINK - UNITED STATES FIGURE 5 (C.C. minutes March 7, 1990)

#### SKATING ASSN

Mayor Linnell referred to a letter from Joseph L. Serafine, Ice Technician for the recent National Figure Skating Championships, in which praise was given to the staff at the Ice Rink for their "attitude and willingness to make this a memorable Nationals". Special commendation was given to John Miller, Doug Killam, George Best and Adam Rosenlund, in addition to the night managers, monitors and snack bar employees.

#### MAYOR APPOINTS COUNCILMAN SHAFER AS MAYOR PRO TEMPORE FOR NEXT WEEK

Mayor Linnell stated that he will be out of town next week and that Councilman Shafter will serve as Mayor Pro Tempore.

#### REPORT ON WASHINGTON, D.C. MEETINGS MAYOR LINNELL AND MR. HARDY

Mayor Linnell commented that he received a "real education through his attendance at the National League of Cities and Towns convention in Washington, D.C. He briefly touched on several issues pertinent to Bountiful (solid waste, EPA standards, sales tax on mail order houses) and expressed appreciation to Mr. Hardy for being his "tutor and guide".

Mr. Hardy reported on proposed legislation which will impact Davis County and Bountiful as follows: tighter inspections on the emissions program through the Clean Air Act (to include that any new industry will have to purchase from another industry the pollution capability) ; a possible surcharge on Kwh of energy produced through coal-fired power throughout the nation to help fund pollution control in the mid-west where high sulphur coal is used; legislation regarding landfills (which will be "liveable" for Bountiful); ash from burn plants is to be considered as a potential hazardous waste and the construction of burn facilities has been stopped. He mentioned that the legislative process is discouraging in that key individuals can control which issues come to the floor, resulting in a loss of fairness to the nation as a whole.

The Mayor and Mr. Hardy both commented on their meeting with the congressmen and senators regarding the Kern River pipeline Wasatch Variation, and stated that Congressman Hansen and Senators Garn and Hatch have stated their support of Bountiful's position. Congressman Nielson declined to take a position and Congressman Owens stated that he is not in favor of either Bountiful or the Kern River position; however he is in favor of the oversight investigation. Federal Energy Regulatory Commission (FERC) representatives refused to meet with the Mayor and Mr. Hardy, as originally scheduled by Congressman Hansen, in compliance with a policy that they do not meet with an intervening party.

Mr. Hardy stated that he and the Mayor have a meeting with representatives from the pipeline and their attorney (Scott Matheson), tomorrow morning and he requested direction from the Council on the position he should take. Following a lengthy discussion regarding the alternative routes which have been suggested, Councilwoman Coon made the motion that Mr. Hardy take a position that we are not ready to negotiate until after the Forest Service amendment hearing and the oversight investigation have been completed. Councilman Shafter seconded the  
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motion.

In further discussion, the other members of the Council and the Mayor expressed the concern that a refusal to negotiate at this time might result in loss of the opportunity to participate in selection of the pipeline route. Councilwoman Coon amended her motion as follows: that the Council is not ready to negotiate at this time, but would like to hear their (Kern River) proposal and have the opportunity to discuss it and get back with them later. Councilman Shafter seconded the motion which carried by a majority. Councilman Foy voted "nay", expressing concern that he doesn't want to run the risk of losing the posture for negotiation. (Councilman Gramoll had left the meeting shortly before the motion was made and was not included in the vote).

#### EXECUTIVE SESSION SCHEDULED TO DISCUSS PENDING LITIGATION

At the request of the Mayor, an executive session was scheduled immediately after this meeting for the purpose of discussing pending litigation. This was done on a motion made by Councilman Shafter and seconded by Councilwoman Holt. Voting was unanimous.

#### MISCELLANEOUS FROM CITY MANAGER

Mr. Hardy reported that a request for a conditional use permit was discussed by the Planning commission on March 6th and the action which was taken has caused considerable concern to Councilmen Shafter and Foy. ordinance provides for an appeal of a decision made by the Planning Commission and Mr. Hardy called for direction from the Council. Both councilmen expressed serious concern regarding this matter in general and it was requested that Mr. Hardy notify the applicant (Lakeview Memorial Park) that the matter is being appealed by the City Council and will be on the agenda next week.

The meeting adjourned to executive session at 10:23 p.m.

#### Attendance at Executive Session:

Mayor Bob Linnell

Councilpersons Coon, Shafter, Foy, and Holt

City Manager, Tom Hardy

City Attorney, Layne B. Forbes