

Minutes of the regular meeting of the City Council held September 12, 1990 at 7:00 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 Engineer:	Jack P. Balling
	City Recorder:	Arden F. Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy T. Lawrence
	Dept. Heads:	Larry Higgins, Police Dick Duncan, Streets/Sanita.

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 the group pledged allegiance to the flag. The invocation was given by Mayor Linnell.

Minutes of the regular meeting of the City Council held September 5, 1990 were presented and unanimously approved as corrected on a motion made by Councilman Gramoll and seconded by Councilwoman Holt.

#### EXPENDITURE AND EXPENSE REPORT APPROVED FOR PERIOD AUGUST 29-31, 1990

Mr. Jenson reviewed the Expenditure and Expense Report for the period August 29-31, 1990 in the amount of \$1,058,176.70. He and Mr. Hardy responded to questions from the Council regarding several of the expenditure items, following which this expenditure listing was unanimously approved on a motion made by Councilman Foy and seconded by Councilwoman Coon.

#### COUNCIL CONSIDERS USE OF CITY HALL BASEMENT FOR THEATER; STAN SMITH, BOUNTIFUL COMMUNITY THEATER, WITHDRAWS REQUEST

Councilwoman Holt reported that a request was made by Stan Smith, Bountiful Community Theater (BCT) president, that the BCT be able to use the basement of the City Hall building for their upcoming production of Quilters. She said that the request was considered by the Fine Arts Committee, and inasmuch as there were unanswered questions regarding the City's liability, the Committee recommended approval on a one-time basis only, subject to a positive recommendation from the City Attorney.

Mr. Smith briefly reviewed the proposed direction of the BCT for the coming year (Quilters in the fall, and a production written by Kim Burningham entitled "Quadrille" (based on the history of Bountiful between 1890 and 1910] in the spring or early summer) . He said that

both shows are designed for small audiences and the BCT would like to "test the waters" of the desirability of using the basement of the City Hall (as had previously been explored by former Mayor Dean Stahle) for the theater. He said that if that location were successful, it would be the intent of the BCT to work with the City in attempting to make this a permanent home for the Theater.

Mr. Hardy reviewed with the Council a set of preliminary plans which had been drawn up by Dick Stringham at the request of former Mayor Stahle, noting changes which would have to be made to bring the building to meet minimum fire and life safety code requirements on a permanent basis. The estimated cost of these improvements would be \$100, 000 to \$110, 000. It was noted that on a temporary basis, not all improvements would be necessary. Mr. Hardy said that it is the long-range plan for the basement of City Hall to be used for expansion of the business offices, and the required improvements would then provide mutual benefits. Mr. Smith stated that it would be the desire of the BCT to assist in fund raising for this project, not only to assist in accomplishing the goal of a permanent home for the theater, but to strengthen the commitment to the theater.

Councilman Gramoll stated that he felt strongly against the request which had been made, noting that (1) code requirements for a theater would be very stringent; (2) the security of the building happens at the front and rear door, causing special security problems; and (3) the operation of the City will eventually need all of the space which is available. He expressed support for the theater, but stated that he would rather assist the BCT financially in helping them to find another location.

Mr. Forbes reported that the City would bear full liability for physical defects of the building which may cause injury, as well as fire safety. He noted that the City is self-insured and in the errors and omissions policy, physical bodily injury is an exclusion. Councilman Shafter expressed concern regarding the Code requirements for a theater and reiterated that the City Council has tried to set the example and conform to any requirements that businesses and individuals within the City are required to meet.

Mr. Smith concurred that if the City is self-insured, this would be a big risk and he respectfully withdrew his request for use of the basement. He recommended that the Council consider looking at the budget in the future to see if it would be possible to make the necessary improvements in the basement so that this use might be reconsidered in the future. He also recommitted the support of the BCT in fund raising for this project. Councilwoman Holt thanked Mr. Smith for his gracious attitude. She then invited Mr. Forbes to attend Fine Arts Committee meetings in the future so that when items which require legal counsel are discussed, the answers can be obtained during the meeting.

#### DISCUSSION RE: COUNCIL DECISION TO ABOLISH THE REDEVELOPMENT AGENCY (Councilman Gramoll)

Mayor Linnell stated that, at the request of Councilman Gramoll, this item was put on the  
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Agenda for this evening for the purpose of receiving input from staff and updating the council on the status of the matter. He referred to a letter which had been received from Woods Cross city today (distributed to each member of the Council) and read the letter into the minutes of the meeting. (See attached letter from WX City Administrator to Tom Hardy, dated September 10, 1990).

Mayor Linnell commented on the letter, following which Councilman Gramoll stated that he had requested that this item be on the Agenda because, due to its complexity, it needs constant monitoring. He also stated that he hoped the Council would be more selective in future remarks on the subject of RDA dissolution with regard to legal exposure.

Mr. Hardy reported that a public hearing has been set for September 19th at 7:30 p.m. to consider opening the budget and further research has been done regarding legal requirements which must be met. He then reviewed action beyond September 19th and the appropriate notice necessary to open the RDA budget and adopt motions and resolutions for prepayment of the bonds. He said that he has had follow up conversations with Bill Oswald to make sure that everything which is being done will be handled as orderly and expeditiously as possible.

Mr. Hardy also reported that he has met with the staff and will meet again tomorrow in a comprehensive study of the reserve funds of the City. He said that a report will be ready for discussion in next week's public hearing regarding the available funds, the legality of appropriating them for RDA use, and the impact on the accounts for which they have been set aside. Councilman Gramoll requested that this financial information be given to the Council prior to the meeting to provide time for study. Mr. Hardy said it would be ready for this Friday night's packet or by Monday evening at the latest.

Mayor Linnell informed the Council that the RDA would be meeting at 6:30 p.m. next Wednesday, and that the City Council meeting would be set at 7:00 p.m. Councilwoman Holt requested a long-range timetable for dissolution of the RDA and Mr. Hardy reviewed the order in which each step must be taken, suggesting that the process would take 60-90 days. Councilwoman Holt also requested that Mr. Forbes be prepared to help the Council walk through any options which he lists for them, and Mr. Hardy stated that this would be most easily accomplished if Mr. Forbes is given advance notice of the items for which counsel is sought. Mr. Hardy stated that the staff would provide the best legal advice they can, but cautioned that they cannot guarantee that the City will be free from liability.

Councilmen Shafter and Foy stated that they feel very uncomfortable about personal liability which may result from the dissolution of RDA, with Councilman Shafter indicating that he has placed all personal property in his wife's name and Councilman Foy stated that he would resign from the Council before he would put himself in a position which could result in personal loss. Discussion followed regarding the possibility of discussing some of the liability-related issues in executive session and Mr. Hardy asked the pleasure of the Council regarding scheduling of closed

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sessions. Councilman Shafter stated that he feels a decision of the magnitude of this needs to be

in open meeting.

#### COUNCIL APPROVES GRANTING OF EASEMENT FOR MOUNTAIN STATES TELEPHONE AT WASHINGTON ELEMENTARY

Mr. Balling reported that Mountain States Telephone has requested that the City grant them a 6-ft. easement on city-owned property which is south of Washington Elementary and becomes contiguous with the school property where 650 South and 350 West tie together. They will place underground wires in that easement for the purpose of serving the Bountiful Park area. It is the recommendation of staff that the easement be granted. Councilman Gramoll made a motion to this effect and subject to meeting city standards of construction. Councilwoman Holt seconded the motion which carried unanimously

#### COUNCILWOMAN HOLT TO SERVE AS MAYOR PRO TEMPORE

Mayor Linnell said that he will be out of town for about three weeks and will miss the regularly scheduled meetings of the Council on October 3rd and October 10th. He requested that authorization be given for Councilwoman Holt to serve during that time period (fourth quarter) as Mayor Pro Tempore. Councilman Gramoll made a motion to this effect. Councilman Foy seconded the motion and voting was unanimous.

The meeting adjourned at 8:20 p.m. on a motion made by Councilman Foy and seconded by Councilman Gramoll.

1555 SOL-TH 800 WEST W(X)L)S CROSS. UTAH 8401S7 - (901) 292-4411

HAND DELIVERED

September 10, 1990

Thomas R. Hardy

City Manager Bountiful City 790 South 100 East

Bountiful, UT 84010

Dear Tom:

The action taken by the Bountiful City Redevelopment Agency on August 22, 1990, to dissolve the City's Redevelopment Agency has raised some serious concerns regarding the Gateway Redevelopment Project. The City of Woods Cross and the City of Bountiful have spent vast amounts of time and effort to insure this project's success. The City of Woods Cross feels that this joint project has brought a unity between Woods Cross and Bountiful City. It was the first joint redevelopment project between two cities in the State of Utah. To insure the continued success of the Gateway Project and our joint Redevelopment efforts, I would propose the following be considered by both Redevelopment Agencies:

1. Bountiful City consider de-annexing their portion of the Gateway Project into Woods Cross City.

2. Woods Cross City Redevelopment Agency consider assuming all the debt owed to the Gateway Project that both redevelopment agencies are liable for, thus relieving Bountiful of this debt obligation.

The de-annexation would provide the following benefits:

- a. Bountiful City would not have to pay the Gateway Developer for the debt of both the Bountiful and Woods Cross City in the amount of approximately \$800,000.00.
- b. This would insure that the Gateway Project would continue to be a success.
- c. Woods Cross City would benefit from the proposed de-annexation in added commercial property.
- d. This de-annexation would straighten up confusing City boundary lines.

It appears at face value that this proposal may be a simple solution to a very complex problem that will impact both communities. If your Council feels it has merit, I would gladly present it to our Redevelopment Agency for their consideration. If you have any other questions please call me.

Sincerely,

Bret Wahlen  
City Administrator

BW:bm  
cc. Mayor David H. Wright, Jr.  
Mayor Robert D. Linnell