

Minutes of the regular meeting of the City Council held April 8, 1992 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Barbara Holt
	Council Members:	Harold Shafter, Renee Coon, John Cushing, and Leslie Foy
	City Manager:	Tom Hardy
	City Engineer:	Jack Balling
	City Prosecutor:	Russell MAhan
	City Recorder:	Arden Jenson
	Planning Director:	Jon Reed Boothe
	Dep. Recorder:	Kim Coleman
	Rec. Secretary:	Nancy Lawrence
	Dept. Heads:	Dick Duncan Cliff Michaelis
Absent:	Mayor:	Bob Linnell
	City Attorney	Layne Forbes

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 Pro-tem Holt called the meeting to order, following which Mr. Mahan led the pledge of allegiance to the flag. The invocation was given by Mr. Michaelis. The Mayor Pro-tem then gave a special welcome to the visiting Boy Scouts and briefly reviewed with them the information necessary for their merit badge requirements.

Minutes of the regular meeting of the City Council held March 25, 1992 were presented and unanimously approved as written on a motion made by Councilman Foy and seconded by Councilman Shafter.

**EXPENDITURES AND EXPENSES APPROVED  
FOR MARCH 20-28, 1992**

Mr. Jenson presented the Expenditure and Expense Report for the period March 20-28, 1992 in the amount of \$146,620.00. After a short discussion, these expenditures were unanimously approved on a motion made by Councilman Shafter and seconded by Councilwoman Coon.

**ORD. NO. 92-1 ADOPTED RE:  
LOWERING AGE LIMIT FOR PUBLIC DANCE HALLS**

Mayor Pro-tem Holt reviewed that on March 25, 1992 the Council approved lowering the age to 14 years for people attending a public dance. With the ordinance having been prepared, Mayor Pro-tem Holt motion for its adoption. Councilman Cushing seconded the motion.

Councilman Foy presented a strong argument against lowering the age, stating that: (1) the Council should look beyond the present petitioners and recognize that future businesses

might not operate in the best interest of the youth; (2) government exists, in part, to strengthen families and promote general welfare. This ordinance suggests that parents are not welcome as chaperons; (3) local PTA and school officials do not favor lowering the age, and activities sponsored under the direction of these groups are held only in the daytime and are carefully chaperoned.

Councilman Foy went on to note that past experience with a local dance hall, as well as the experience at the local schools, has proven that there is a propensity toward fighting between the 14-year-old and older youth. He also expressed concern of the possibility of drugs, alcohol, and tobacco and gang activities. He summarized position statements from local school officials who are against lowering the age and stated he objected strongly to the proposed ordinance change. Councilman Shafter concurred with the arguments presented by Councilman Foy and requested that, if the ordinance is going to be approved, that it be amended to require a "Category I" police officer to provide supervision (See Title 5-3103 (b)).

Councilwoman Coon stated that, from the standpoint of a parent of a teenager, she favors lowering the age to 14 and having a wholesome environment in this community where she has a voice, as opposed to the youth going to Salt Lake City for their entertainment.

Although he acknowledged credibility on both sides of the issue, Councilman Cushing stated that he would favor the motion inasmuch as he had supported the motion to lower the age limit in the March 25<sup>th</sup> meeting. He said that the matter needs to be monitored carefully and he will personally be attending the proposed dance hall to determine whether or not the activities are appropriate. If there are any problems, he noted that the Council has the right and responsibility to take action to rectify the problems.

Mayor Pro-tem Holt acknowledged the change requested by Councilman Shafter for the ordinance to require a "Category I" officer, and Councilman Cushing re-affirmed his second to the motion. The ordinance, entitled "AN ORDINANCE AMENDING TITLE 5, CHAPTER 3, SECTION 103, OF THE BOUNTIFUL CITY CODE, RELATING TO THE AGE REQUIREMENTS OF DANCE HALLS" was adopted and authorization was given for the mayor and city recorder to sign. The motion carried by a majority with Mayor Pro-tem Holt, Councilwoman Coon, and Councilman Cushing voting "Aye". Councilmen Shafter and Foy voted "Nay".

### **CONSIDER REQUEST FOR DECORATIVE STREET LIGHTS IN RESIDENTIAL AREAS**

Mr. Hardy explained that a request has come from a residential neighborhood for street lights to be installed and to have a different type of fixture than is standard in the City. Mr. Michaelis explained that when citizens have requested decorative light fixtures in the past, they have been advised to circulate a petition which affirms the citizens' willingness to pay for any costs which would be above normal for the pole and its installation. He said that the residents of the area requesting the decorative lights have gathered signatures and money (approximately \$650/pole, which was the staff estimate for the cost difference between the standard fixture and decorative fixture).

Anticipating that other neighborhoods might make similar requests in the future, Mr. Michaelis stated that it is the recommendation of the Power Department staff that only one style of decorative fixture be used. This will reduce inventory requirements and provide for uniformity in installation and maintenance functions. Three types of street light fixtures were on display in the Council chambers (two decorative and the standard fixture presently used by the City) and Mr. Michaelis reviewed the efficiency and special features of each. He recommended that approval be given for the Power Department to continue to work with the citizen group and choose a suitable decorative light and this light will be the alternate for any future requests which come in for decorative street lighting. Randy Benson, representative of the citizens making this request, stated that they would be amenable to the staff recommendation on the style of light and it was clarified that this group would not be charged any more than they have collected, based on the stipulations given them by the staff. However, in the future, if decorative lighting is requested and installed, it will be the responsibility of the citizens to pay the difference between the normal cost of installation and maintenance and the costs associated with the special request.

Councilman Foy made a motion that this request be processed as recommended by Mr. Michaelis, and that it be presented to the Power commission for their input. Councilman Cushing seconded the motion which carried unanimously. Mr. Benson expressed appreciation to the Power Department for their cooperation on this request and Councilwoman Holt also thanked Mr. Michaelis for his efforts to provide customer satisfaction.

#### **PUBLIC HEARING RE: ADOPTION OF POLICY DECLARATION--PROPOSED ANNEXATION**

At 7:45 p.m. Mayor Pro-tem Holt opened the public hearing to consider the adoption of a Policy Declaration regarding the proposed annexation of property in the Val Verda area. She expressed appreciation to those in attendance for their interest in the community, and stated that she would be pleased to have them in the City or if they petition failed, would also consider them as good neighbors. Mr. Balling reviewed that the petition for annexation which was originally submitted contained the signatures of 349 property owners of 584 properties involved from the Val Verda area (approximately 60 percent). However, about 4:00 p.m. today a list of 81 signatures was submitted requesting to be withdrawn from the petition. This left only 46 percent on the petition for annexation, insufficient to meet the requirements of 50 percent or greater.

Mr. Hardy reviewed the process which was followed by those initiating the annexation request and noted that 40 percent of the Val Verda area has been annexed into Bountiful in the last ten years. Ninety-six percent of the County is incorporated and the Val Verda area is the largest area of urbanized development not incorporated. About five years ago the County Commission did a study on the Val Verda area to determine if it could become a city of its own and it was determined that it does not have adequate tax base to support the cost of services. The county is now under mandate by the state to begin charging residents for the true costs of services.

Although there were insufficient signatures to consider the Policy Declaration, Mayor Pro-tem Holt opened the meeting for public input as a forum for exchange between the proponent and opponent groups and for the information of the Council. Neal Gooch, George Naegle, D. Arthur Haycock, Diane B. Copeland, and Edith Goodrich, spoke as proponents of

annexation. Vernal Thompson, Kathy Thurston, Vernal Smith, Ralph Fisher, and Dan Lewis spoke in opposition. Bob Lindsay took a neutral position but asked what the disposition of the petition would be. Mr. Hardy explained that if annexation were still desired, another petition would need to be submitted with significant signatures and another public hearing would be advertised to consider adoption of a policy declaration.

Councilman Foy responded to comments from the residents, focusing particularly on the issue of animals. He said that horses, birds, etc., are a use that goes with the property and would be permitted in Bountiful unless they are removed from the property for a period of time. In response to concerns regarding the ability of older citizens to maneuver the black garbage containers, he affirmed that his 93-year-old mother is able to handle hers and put it out for garbage pickup.

Councilwoman Coon noted that the citizens have had a forum and although she can see both sides of the issue, if another annexation petition is submitted, she would not vote for annexation unless it can be shown that it will benefit Bountiful. Councilman Shafter commented on proper taxation and he stated that as a representative of Bountiful residents, he is doing everything he can to correct the problem of double taxation of Bountiful citizens. He stated that it is not fair for Bountiful residents to subsidize other parts of the county.

Mayor Pro-tem Holt stated that she has attempted to take a neutral position and let the democratic process work and she commended the citizens in attendance for the respectful manner they conducted themselves. In response to a comment from one Val Verda citizen questioning the financial position of the Bountiful, Mayor Pro-tem Holt stated that Bountiful's financial position is second to none in the state. Mr. Hardy affirmed this statement, adding that Bountiful has less than \$300,000 in indebtedness, which will be paid off in two years (as compared with Davis County debt of \$80 million).

### **CONSIDER PCB STORAGE AND DISPOSAL SITUATION-FREEPORT CENTER**

Mr. Michaelis explained that in 1985 an aggressive program was put in place to remove all transformers from the electrical system that had a PCB count of over 50 PPM. As a part of this program, 35 drums of PCB contaminated oil of 500 ppm and 1 drum of PCB capacitors which were picked up by North American Environmental and placed at the Freeport Center in Clearfield have not yet been destroyed. North American was paid in advance to perform proper disposal; however, they recently filed a Chapter 11 bankruptcy and cannot fulfill this responsibility. In compliance with PCB storage guidelines, the contaminated material cannot be stored for longer than 30 days and must be removed, and Bountiful becomes the responsible party.

Bids were received for this disposal project from three companies, all approved by the EPA, and it is staff recommendation to accept the bid of HELPER (from South Dakota) in the amount of \$12,475.00. Additional costs to locate the materials at the Freeport Center (\$720.00), package and load them (\$3,700), and Freeport Center storage costs (\$4,680) will bring the total cost to destroy these PCB items to \$21,575.00.

Councilman Shafter stated that the City should not pay HELPER for their services until the PCB materials are destroyed. However, Mr. Hardy and Mr. Michaelis noted that prepayment is standard in this industry. Mr. Michaelis said he would try to negotiate the terms of payment. He said that HELPER has guaranteed to destroy the materials in 48 hours and that this portion of the agreement serves as protection to Bountiful that the work will actually be accomplished. HELPER will also provide a Certificate of Completion when the task has been finished.

Councilman Cushing made a motion to approve awarding the bid to HELPER as recommended by Mr. Michaelis. Mayor Pro-tem Holt seconded the motion. Councilman Shafter suggested that one of the Power Department personnel personally accompany the PCB shipment to make sure that it is properly disposed of and Mr. Hardy acknowledged that if there were any discomfort with the situation that this would be considered.

The meeting adjourned at 9:00 p.m. on a motion made by Councilman Shafter and seconded by Councilman Cushing.