

1 Minutes of the regular meeting of the City Council held
2 February 19, 1992 at 7:30 p.m. in the Council Chambers of the City
3 Hall, Bountiful, Utah following a meeting of the Redevelopment

4 Agency.

5

6 Present: Mayor: Bob Linnell
7 Council Members: C. Harold Shafter, Renee Coon,

8 John Cushing, Barbara Holt, and

9 Leslie Foy

10 City Manager: Tom Hardy

11 City Attorney: Layne B. Forbes

12 City Engineer: Jack P. Balling

13 City Treasurer: Ira H. Todd

14 Planning Director: Jon Reed Boothe

15 Dep. Recorder: Kim Coleman

16 Rec. Secretary: Nancy T. Lawrence

17 Dept. Heads: Dick Duncan, Streets/Sanita.

18

19 Official Notice of this meeting had been given by posting a
20 written notice of same and an Agenda at the City Hall and providing
21 copies to the following newspapers of general circulation:
22 County Clipper, Deseret News, and Salt Lake Tribune.

Davis

23

24 Mayor Linnell called the meeting to order at 7:30 p.m.
25 explained that the invocation and pledge of allegiance to the
26 were given at the commencement of the RDA meeting. He recognized
27 the visiting Boy Scouts and reviewed with them the information which
28 would be pertinent to their merit badges.

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flag

29

30 Minutes of the regular meeting of the City Council
31 February 5, 1992 were presented and unanimously approved
32 corrected on a motion made by Councilwoman Coon and seconded
33 Councilman Shafter.

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35 **EXPENDITURES AND EXPENSES APPROVED FOR**
36 **PERIOD JANUARY 30-31, 1992 AND SUMMARY FOR JANUARY**

37 Mr. Coleman presented the Expenditure and Expense Report
38 the Period January 30-31, 1992 in the amount of \$55,216.42 and
39 Summary for January totaling \$1,828,045.49. These expenditures were
40 unanimously approved on a motion made by Councilman Shafter
41 seconded by Councilman Cushing.

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43 **REVIEW OF 1500 SOUTH ST. IMPROVEMENT PROJECT,**
44 **MAIN STREET TO ORCHARD DRIVE**

45 Mr. Balling welcomed the residents who were in attendance
46 regarding the 1500 South Street Improvement Project (Main Street
47 Orchard Drive). He gave a brief review of the project, stating that
48 the project will include removal and replacement of almost

to

49 percent of the concrete improvements on the north side of the street
50 and 10-15 percent of the concrete improvements on the south side.

100

51 He explained that due to the high crown of the street, the asphalt
52 will be removed and a new concrete street will be constructed.

53 adjustments necessary to make the new street compatible
54 existing improvements and roads will also be included

All
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55 project.

56

57 Bids will be opened on February 25th and the project

is

58 estimated to begin on March 15th and be completed in 90 days.

The

1 Bountiful Subconservancy District water system will be the first
2 item to be done. The second phase will be reconstruction of
3 concrete improvements. The road will remain open to local traffic
4 during both of these phases (except for possible brief periods of
5 time). The third phase of the project will be the excavation and
6 reconstruction of the street. This will be divided into three
7 segments (5-Points to 50 West, 50 West to 75 East, and 75 East to
8 Orchard). As each section is under construction, it will be closed
9 to all traffic (approximately three weeks/section). As the
10 construction crews move from one section to the next, both sections
11 will be closed simultaneously for about one week to allow for curing
12 in one section while the next section is being excavated. He said
13 that contractors will have some flexibility in scheduling of the
14 work, and if they have an alternate plan which will give the same
15 conveniences to the residents, it will be considered.

16

17 Mr. Balling noted that all property owners along the street
18 have been contacted regarding financing of the project. Under city
19 ordinance (No. 73-3), the City agrees to participate 50 percent with
20 property owners in the replacement of concrete improvements
21 (sidewalk, curb and gutter). The procedure of this ordinance will
22 be used for this project. (The alternative would be for the City to
23 form a special improvement district and the citizens would bear the
24 full cost.) The average cost for the participating property owners
25 will be \$500 to \$600. He requested that the payments be made by
26 March 1st. He acknowledged good support from the residents to this
27 point and stated that if there was not cooperation, the City would
28 then need to form the special improvement district.

29

30 Time was given to the residents in attendance to express their
31 views and ask questions. Frank Wright (175 East 1500 South)
32 expressed frustration that the work which was done in the '50's was
33 substandard and the result is the deteriorated condition of the
34 improvements. He also cited construction by water utilities as
35 having damaged the concrete, and he urged the city to provide proper
36 inspections for the project. Mr. Balling then responded to
37 questions from Jim Feichko, Larry Porter, Robin Anderson, and Kay
38 Cleverly regarding the details of the project.

39

40 Councilwoman Coon asked for an explanation of the determining
41 factors which are considered when improvements are replaced and
42 repaired. Councilman Shafter requested that coordination be made
43 with the Power Department regarding the possibility of putting any
44 electrical service underground. In response to a question from
45 Councilwoman Holt, Mr. Balling stated that prior to issuance of a
46 contract for the project, an assessment will be made as to whether
47 it will be necessary to create a special improvement district.
48 Councilman Foy asked about the possibility of scheduling the work so
49 that the street in the area of Bountiful Elementary School could be
50 done after school lets out for the summer. Mr. Balling stated that
51 he will have to coordinate with the contractor to determine if this
52 is possible.

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54 Mayor Linnell summarized that this discussion was for
55 informational purposes only, with no formal action being necessary
56 this evening. He thanked the citizens for their attendance and

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1 participation and suggested that if they have questions or concerns, 2 they maintain
contact with the office of the City Engineer as the 3 construction time draws near.

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5 **HEARING TO DETERMINE RATE TO BE CHARGED**
6 **FOR GARBAGE COLLECTION IN AREA SURROUNDING**

7 **BOULTON SCHOOL ANNEXED IN 1987**

8 At 8:10 p.m. the Mayor opened a hearing to review the situation
9 which exists with garbage collection and disposal service in the
10 1987 annexed area surrounding Boulton School, and to determine the
11 rate to charge for this service. Mr. Hardy reviewed that when this
12 area was annexed (around January, 1987), Bountiful provided the
13 collection and disposal of garbage for the approximately 120 homes.
14 Although the Solid Waste Energy Recovery District(District) had
15 been formed at this time, the burn plant was not in operation and it
16 was not clear as to how aggressive the District would be in
17 identifying the garbage which would go to that facility.
18 Approximately three months after annexation, Bountiful was put on
19 notice by the District that garbage from the area in question must
20 go to the Burn Plant. However, since only 120 homes were involved
21 and weekly delivery was not economically reasonable, there have been
22 on-going negotiations between Bountiful and the District, the issue
23 has not been resolved and Bountiful has continued to provide garbage
24 service.

25
26 The new management at the District have contacted Bountiful
27 again to request that the garbage from the Boulton school area be
28 delivered to the burn plant. The garbage issue was not considered
29 when the annexation took place, and the garbage service has been
30 provided by the City since then. Based on these facts, Mr. Hardy
31 stated that if the Council felt inclined to continue to provide the
32 service for these residents, it could be done by funding it from the
33 Contingency fund (with the residents continuing to pay the rate as
34 charged other city residents. He noted, however, that the Val Verda
35 area residents are being charged \$9.25 as discussed in City Council
36 on January 22, 1992 (see minutes, page 4).

37
38 As chairman of the Sanitation Committee, Councilwoman Coon
39 clarified that the purpose of this meeting is to give the public an
40 opportunity to voice their opinions and for the Council to
41 disseminate information to the citizens as a group. She emphasized
42 that the city does not have the authority to take this area out of
43 the special District. The issue before the Council is to decide
44 whether the residents in the Boulton area pay their own
way
45 (\$9.25/home) or be subsidized by the city.

46
47 Mayor Linnell responded to a handout which Ken Searcy (Val
48 Verda area resident) had given to those in attendance. He stated

49 that Bountiful has **never** been in the energy recovery district and
50 the only way to have the district dissolved is payment of its bonds.
51 The mayor then opened the meeting for input from those in
52 attendance. Dan Lawrence, Nancy Ketcham, Marlaine Metcalf, Joleen
53 Barker, George Christensen, Rick Smith, David Carter, Candy Vigil,
54 Ken Searcy, Reed Roberts, and Chuck Hubley (residents of the Boulton
55 and Val Verda areas) and former mayor, Elmer Barlow, expressed **Ohmaid**
56 opinions regarding the rate to charge the Boulton area residents.
57

1 Council woman Coon said she has researched this matter
 2 thoroughly and feels that it would be unfair to the Val Verda
 3 residents if they were required to pay for their garbage services
 4 and the Boulton area residents were subsidized. She stated that
 5 this could also set a precedent for future annexations. She said
 6 that the city chose to not participate in the District at the time
 7 of its formation and Bountiful should not become affiliated with it
 8 in any way now. With consideration of fairness and equity to all
 9 residents, 9s made a motion that the Boulton residents be charged
 10 a fee of \$9. , with \$3.00 for a second container, recognizing that
 11 the prices mi ht fluctuate if there are increases from the burn
 12 plant. Council man Foy seconded the motion. Following discussion,
 13 the motion carr'ed unanimously.

14
 15 **COUNCIL ADOPTS RES. NO. 92-1 RE: PETITION**
 16 **FOR ANNEXATION FROM JACK BANGERTER (1400 NO MAIN ST)**

17 Mr. Balling explained that Jack Bangerter has presented a
 18 subdivision plat for approval which includes a small area (about 2/3
 19 of an acre) which is in the unincorporated area of the county
 20 located at 1400 North Street between Main Street and 200 East. He
 21 has prepared an Annexation Plat and is requesting that the City
 22 accept this property into the city. Mr. Forbes stated that inasmuch
 23 as the property involved is less than 5 acres, a hearing is not
 24 necessary and the action required by the Council this evening is to
 25 consider Resolution 92-1, entitled "RESOLUTION ACCEPTING A PETITION
 26 FOR ANNEXATION FOR THE PURPOSE OF PREPARING A POLICY DECLARATION".
 27

28 Councilman Shafter asked where the subject property falls
 29 within the subdivision and if it would raise a question
 regarding
 30 the garbageservice. Mr. Balling said the property is in the back
 31 yards of the lots and the area where the homes will be built (where
 32 the garbage will be generated) is presently in city limits.
 33 Councilman Foy made a motion to adopt Resolution No. 92-1 and
 34 authorizethe mayor and city recorder to sign it. Councilman
 35 Shafter seconded the motion which carried unanimously.
 36

37 **RELEASE OF EASEMENT APPROVED BETWEEN**
 38 **LOTS 24 AND 25. NEWPORT HEIGHTS. PLAT A**

39 Mr. Balling reported that a petition to release a utility
 40 easement between Lots 24 and 25 in Newport Heights, Plat A, has been
 41 received from the developer. He explained that when the lots were
 42 sold, Lot 24 was split (1/2 to go with Lot 23 and 1/2 to go with Lot
 43 25) and the utility easement between the lots has not been used.
 44 All utilities have been contacted and recommend to the Council that
 45 the easement be released. Councilman Shafter made a motion to
 46 approve the release as explained, Councilwoman Holt seconded the
 47 motion and voting was unanimous.
 48

49 **ADOPT ANNEXATION RESOLUTION AND SET HEARING**

50 Mr. Hardy explained that this matter will not be considered
 51 tonight because sufficient signatures have not been obtained on the
 52 annexation petition.
 53

54 **MISCELLANEOUS FROM MAYOR AND COUNCIL**

55 Mayor Linnell reported that he contacted the State Attorney

56 General's office regarding the matter of Committee meetings and

1 whether or not they fall under the Open Meetings law. He was
2 advised by Rick Weiss that Bountiful is in full compliance in
3 providing Notice. However, we would be more in compliance if
4 minutes were kept of each meeting, to include a record of attendance
5 and a brief summary of items discussed. He suggested that the
6 chairman of the committee could fulfill this requirement. It was
7 noted that the Agendas for these meetings are posted 24 hours in
8 advance at the City Hall.

9
10 Councilman Foy reported that South Davis Junior High School has
11 indicated a willingness to be a collection area for recycling units
12 for the Boulton/Val Verda area.

13
14 A meeting of the Parks and Recreation Committee was confirmed
15 for next Tuesday at 4:00 p.m.

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17 The meeting adjourned at 9:36 p.m. on a motion made by
18 Councilman Cushing and seconded by Councilwoman Coon.