

Minutes of the regular meeting of the City Council held June 19, 1996 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor Pro Tempore:	Samuel Fowler
	Council Members:	Barbara Holt, Alan Johnson, Harold Shafter and Ann Wilcox
	City Manager:	Tom Hardy
	City Prosecutor:	Mike Nielsen
	City Engineer:	Jack Balling
	City Treasurer:	Galen Rasmussen
	Dep. City Recorder:	Kim Coleman
	Planning/RDA Director:	Blaine Gehring
	Recording Secretary:	Ellen Call
Excused:	Mayor:	John Cushing
	City Attorney:	Russell Mahan
	City Recorder:	Arden Jenson

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 Tempore Sam Fowler called the meeting to order, following which Councilman Shafter led the pledge of allegiance to the flag and Councilwoman Holt offered the invocation. Mr. Fowler then welcomed members of the Bountiful City Youth Council who were in attendance. Councilwoman Ann Wilcox introduced the 1996-97 Youth Council Mayor, Rich Oborn, and four of the Council members, Jason Steorts, Cydney McDermott, Amy Gardner, and Eric Jones. She announced that July 15 will be Youth in Government Day, when the Youth Council members will work and interact with the city officials and staff.

Minutes of the regular meeting of the City Council held June 5, 1996 and June 12, 1996 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilwoman Wilcox.

EXPENDITURES AND EXPENSES APPROVED FOR PERIOD JUNE 1-13,1996

Mr. Coleman presented the Expenditure and Expense Report for the period June 1-13, 1996 in the amount of \$147,796.32. There were no corrections or questions, and on a motion made by Councilwoman Holt, seconded by Councilman Johnson, the report was unanimously approved.

PRESENTATION OF WETLANDS PRESERVATION PLAN BY DAVIS COUNTY

Mayor Pro Tem Fowler introduced Sid Smith, Davis County Public Works Director. He also noted that the Bountiful City Planning Commission had been invited to the meeting, and he welcomed members Mark Green, Dean Jolley, and Don Milligan, who were in attendance. Mr. Smith recognized members of his steering committee who were present: Clark Johnson, formerly with Federal Fish and Wildlife and presently a consultant doing work for Davis County; Preston Jensen, representing property owners; Rosemary Frost, Davis County; and Phil James, State Division of Wildlife Resources. A draft copy of the preservation plan was given to each Councilmember and the department heads who were present.

Mr. Smith stated that wetlands and open space preservation is a very important issue, and the wetlands along the Great Salt Lake are recognized as having major significance internationally as well as being valuable locally. Wetlands are protected by the federal government and cannot be disturbed without a permit, and this can become a very time-consuming process.

The county received a study grant to determine those areas most critical for preserving, and out of that process came the aspect of a corridor along the shore of the Geat Salt Lake, with some additional areas beyond that corridor. The only area affecting Bountiful City is along the lake shore around the landfill, so the preservation plan would actually have no direct impact on the city. The basis for the preservation plan is a team approach between the wildlife entities, the Corps of Engineers, the EPA, the cities, county, citizens, and property owners.

Mr. Smith referred to the map included in the draft copy and said although it is not totally accurate, it does give a general idea of the quantity of wetlands and the general areas and the amount of uplands included. Uplands are important because of the need for a buffer between development and the wetlands and also for nesting and feeding areas for habitat. Flood control is also important as people must be protected from the lake.

The plan itself has no legal authority, so no property will be taken and no one will be forced to sell, but it may create a better market for some of the property in the preservation area if it contains wetlands. The Utah Reclamation Mitigation Conservation Commission (URMCC) has budgeted \$5 million to aid in the acquisition of key wetland properties along the lakeshore for preservation.

In summary, the plan is an attempt to identify wetland protection zones which would ensure that wildlife habitat, flood control, and open space could be preserved. It is their feeling that cities should become involved in this preservation plan because it would assist them (the cities) in managing floodplains and shaping appropriate development of their communities.

Phil Jones of the State Division of Wildlife Resources stated his opinion that this plan insure the preservation of wildlife habitat areas for many years to come. Despite the current regulatory process, there are many shortcomings in its effectiveness, and thus this steering committee was brought together. Their main focus is on wildlife habitat, flood control, and open space preservation, with the possible addition of streamlining the process which is currently in place and which has been fairly complicated, It is their hope that landowners, private developers, city governments, and natural resource agencies will endorse the plan, and to a lesser degree assist financially. They will welcome any comments and input in preparing their final draft.

In answer to a question asked by Councilman Fowler, Sid Smith said they will be taking input on the draft up through September. Harold Shafter asked if any thought had been given to the proposal made by architect/resident Don Johnson after the floods of 1983 to dike the Great Salt Lake and make a fresh water lake, similar to the Willard Bay area. Mr. Smith said this process would require an Environmental Impact Statement, which could cost from \$3-\$5 million, and which could also prove detrimental to that process. No one has been interested in pursuing it.

Councilman Fowler asked if anyone from Bountiful City is on their committee, and Mr. Smith said that Mayor Johnson of Kaysville is the committee representative from the Davis County Council of Governments. It was pointed out that this study was done independent of the study presently being done on the proposed West Davis Highway.

BUDGET AND
COMPENSATION SCHEDULES AND
SETTING OF USER FEES

ass the 1996-97 budget. Ordinance 96-5

adopts the budget and establishes the compensation schedule, a copy of which has been provided to the Councilmembers. The schedule reflects a 4% increase, and upgrades in some positions as approved by the Council, and lists the grades and classifications of each position within the City of Bountiful. There are no new positions authorized in this budget; in fact the number has been reduced by one. Councilman Fowler expressed appreciation for the work that has been done to prepare the budget, and for the input received during the public hearing. Councilwoman Wilcox made a motion to adopt Ordinance 96-5, AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BOUNTIFUL FOR THE FISCAL YEAR JULY 1, 1996 THROUGH JUNE 30,1997, PURSUANT TO THE UNIFORM FISCAL PROCEDURES ACT FOR UTAH CITIES, INCLUDING ESTIMATES OF ANTICIPATED REVENUES, APPROPRIATIONS FOR EXPENDITURES, ADJUSTED COMPENSATION SCHEDULES FOR CITY OFFICERS AND EMPLOYEES, AND THE SETTING OF USER FEES FOR CITY FACILITIES AND SERVICES. The motion was seconded by Councilman Shafter, and voting was unanimous.

At this point, Bountiful resident Dave Piggott came forward and asked if he was misinformed that there wasn't a public hearing this evening. He was reminded that the hearing was held two weeks ago, and that the budget was available to the public ten days prior to that time. Councilman Fowler invited him to meet one-on-one with anyone concerning the budget, which offer was declined by Mr. Piggott. Mr. Hardy informed Mr. Piggott that the public hearing and the adoption of the budget were segregated into two separate nights because of criticism received from Mr. Piggott, and to allow for any public input or changes to be incorporated into the budget before adoption.

**ORDINANCE NO. 96-6 ADOPTED,
AMENDING
THE 1995-96 FISCAL YEAR
BUDGET**

Mr. Hardy again reviewed that a public hearing was held two weeks ago to review changes to the General Fund, Capital Projects Fund, and Enterprise Funds of the 1995-96 Budget. He recommended that the Council adopt Ordinance No. 96-6, AN ORDINANCE AMENDING THE BUDGETS OF THE CITY OF BOUNTIFUL FOR THE FISCAL YEAR BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996. Councilman Johnson motioned for adoption of this ordinance, Councilwoman Holt seconded the motion and voting was unanimous.

**CONSIDER ORDINANCE 96-7, SETTING
THE
TAX RATE FOR THE 1996-97 BUDGET**

Mr. Hardy noted that the County does not have the certified tax rate yet, but that it will not be necessary to re-open the budget as has been done in previous years to modify the property tax collection projection. This matter will be delayed until a future meeting. Councilwoman Holt asked if the delay would interfere in our compliance with state law in getting our budget to the state on time. Mr. Hardy stated that the budget has been adopted and can be sent in on time, but the certified tax rate segment of the budget cannot be complied with. However, the state is aware of the reason and will not require an additional hearing process in order to accomplish this.

**ORDINANCE 96-7 ADOPTED, VACATING
LOT 23,
BLOCK 6, FROM IRFRED PARK
SUBDIVISION**

City Prosecutor Mike Nielsen reviewed the material which City Attorney Russell Mahan gave to the Council, in which he listed three alternatives suggested by the Legal Department:

1. Approve the vacation by a motion to adopt the Ordinance.
2. Disapprove the vacation.
3. Take no action pending resolution of the lawsuit.

Mr. Nielsen noted that neither Mrs. Litster nor her legal counsel was present, and inasmuch as this action has

already been delayed a week at their request he felt it appropriate to go ahead with a decision tonight. Both the Planning and Engineering Departments have recommended approval, and he stated the Legal Department's position that should the Council wish to take action there is nothing to prohibit it. A law suit has been filed, but Mr. Nielsen reported that the city is on firm legal ground and the court has imposed no legal restraints on the city for taking action. Mr. Nielsen noted that the staff met at the site and has considered the arguments and positions taken. Councilman Shafter made a motion to accept Ordinance 96-7, AN ORDINANCE VACATING LOT 23, BLOCK 6, FROM THE AMENDED PLAT OF IRFRED PARK SUBDIVISION IN BOUNTIFUL, DAVIS COUNTY, UTAH, AND RELEASING THE EASEMENTS THEREON. Councilwoman Holt seconded the motion and the voting was unanimous.

Councilman Johnson commended Rusty Mahan for the thorough manner in which he presented the facts and opinions on this case.

COUNCIL, COMMITTEE REPORTS

There were no Committee reports.

Mayor Pro Tem Fowler again thanked the Youth Council members for their attendance and interest in being involved in city government.

The meeting adjourned at 8:02 p.m. by unanimous vote on a motion by Harold Shafter, seconded by Alan Johnson