



AGENDA - BLUFFDALE CITY COUNCIL MEETING
Tuesday January 25, 2005– 6:30 p.m.

Notice is hereby given that the Bluffdale City Council will hold a meeting Tuesday, January 25, 2005, at the Bluffdale City Hall, 14175 South Redwood Road, Bluffdale, Utah scheduled to begin promptly at 6:30 p.m., or as soon thereafter as possible.

The Agenda will be as follows:

1. Mayors Report.
2. Public Forum.
3. Staff Reports.
4. Approval of January 4, 2005, January 6, 2005 and January 11, 2005 Meeting Minutes.
5. **PUBLIC HEARING:** Regarding Amendments to the Consolidated Fee Schedule (Brent Bluth).
6. Consideration and Vote Regarding Amendments to the New Consolidated Fee Schedule Ordinance No.2005-04 (Brent Bluth).
7. Consideration and Vote Regarding Resolution No. 2005-02 Appointment of Alternate Board of Adjustments Member (Blaine Gehring). 2005-03
8. Consideration and Vote on Change Order No. 1 and Balancing Change Order for "Improvement Projects for City Park, Phase 2 at 2200 West and 14400 South; Project #BLU.016" – H.E. Davis Construction , Inc. (Shane Jones).
9. Planning Commission Report (Craig Briggs).
10. Closed Meeting Pursuant to § 52-4-5 (if needed).
11. Adjournment.

Dated this 20th day of January, 2005



Brent Bluth, Administrative Services Director

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening's agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting.

In compliance with the American with Disabilities Act, Individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 254-2200.

**BLUFFDALE CITY COUNCIL
MEETING MINUTES
Tuesday, January 25, 2005**

Present:

**Members: Mayor Wayne Mortimer
Craig Briggs
Morris Clark
Jesse Kelley
Laurie Maxfield
Martha Speed**

**Others: Brent Bluth, Administrative Services Director
Blaine Gehring, City Planner
Dale Gardiner, City Attorney
Shane Jones, City Engineer
Teddie Bell, City Recorder**

Mayor Mortimer called the meeting to order at 6:30 p.m.

Staff Reports.

Administrative Services Director, Brent Bluth, reported that the postal mailbox situated outside of City Hall was broken into over the weekend. The last pickup took place at 11:15 a.m. on Saturday. The theft was not discovered until Monday. A photo of an individual who tried to wash some of the checks was taken.

City Engineer, Shane Jones, informed the Council that an RFP was sent out for a Pressurized Irrigation Study.

Closed Meeting Pursuant to §52-4-5.

Craig Briggs moved to go into a closed meeting to discuss potential and ongoing litigation. Morris Clark seconded the motion. Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

The Council was in closed session from 6:32 p.m. to 7:16 p.m.

Martha Speed moved to come out of closed session. Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

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Approval of January 4, 2005, January 6, 2005, and January 11, 2005, Meeting Minutes.

Laurie Maxfield moved to accept the January 4th and January 6th meeting minutes. Craig Briggs seconded the motion. Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

Martha Speed referenced page 2 of the January 11 minutes. It showed her as voting on the motion; however, she abstained, as she did not attend the meeting. Jesse Kelley referenced page 2 and indicated that "Laura Gardner" should actually be "Laura Garner". Martha Speed proposed an addition on page 5, immediately before the first motion and after the motion was passed. She suggested it be noted that Mayor Mortimer turned the time over to Craig Briggs. She asked that it be indicated in two places. She thought it was important to note since it actually occurred and was out of the norm of how the City Council Meetings are normally conducted. Mayor Mortimer's recollection was that it was mentioned only once. He asked that the tapes be studied to make sure.

Martha Speed moved to approve the minutes of January 11, 2005. Jesse Kelley seconded the motion.

Craig Briggs moved to amend the motion to ask Teddie to go back and review carefully the actual audio of the minutes to verify what Mrs. Speed has seen as actual. Morris Clark seconded the amendment.

Vote on amendment: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The amendment passed.

Vote on motion: Martha Speed-Aye, Craig Briggs-Nay, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

PUBLIC HEARING: Regarding Amendments to the Consolidated Fee Schedule (Brent Bluth).

Brent Bluth reported that staff proposed amendments to the consolidated fee schedule for the Council to consider. He wanted to ensure that appropriate building fees are being charged.

The proposed amendments noted on the copies provided were reviewed. Laurie Maxfield's understanding of the Consolidated Fee Schedule was that it covered the time and expense it cost the City to facilitate various services. The intent was not to generate revenue above actual costs.

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Brent Bluth explained that items not produced by the City would be charged accordingly. He referred to page 6 and remarked that State law allows for the disproportionate fees listed. Additions made to page 8 were reviewed. Inspection fee issues were discussed.

Mayor Mortimer opened the public hearing.

Mark Shea of Porter's Place LLC, representing the Independence of Bluffdale project, had gone over the fees with Mr. Bluth and found them to be fair and equitable. He asked that guidelines for the inspection procedures and fees be provided. Depending on how the work was going, he suspected they might not need to pay for a full-time person. He asked that more detail be given.

John Hunt, a boy scout, gave his address as 13835 South 2200 West. He expressed concern about the lack of police protection in the community. His understanding was that there was police coverage only 8 hours per day. Mayor Mortimer explained that a public hearing was meant to address items on the agenda. The correct time to present other matters was under the Public Forum portion of the meeting. Craig Briggs acknowledged that the matter was not set forth on the agenda, however, he thought the question deserved an answer. Mayor Mortimer responded that the City has 1.5 patrolmen in the community. One works 40 hours per week, and the other 20 hours per week. Full detective coverage was also available. If an emergency occurred when no patrolman was on duty, the Salt Lake County Sheriff's Department would respond.

Morris Clark moved to close the public hearing concerning consolidated fees. Laurie Maxfield seconded the motion. Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

Consideration and Vote Regarding Amendments to the New Consolidated Fee Schedule Ordinance No. 2005-04 (Brent Bluth).

Laurie Maxfield referred to 1-2-102 and suggested that there be consistency with page 4. Item number 2 on page 7 was referenced under Parks and Recreation. She remarked that the cost of a burial during regular business hours costs \$400, which is triple what was previously charged. If burial takes place on weekends or after business hours, the cost was \$500. She viewed that as a huge increase. Brent Bluth pointed out that that didn't even cover the City's costs. Craig Briggs viewed the costs as very reasonable. He reported that the full cost on a burial during regular business hours was actually \$620. The City absorbs the difference.

Council Member Maxfield visited the Herriman City Park recently. She reported that a cleaning deposit of \$250 is charged, which is refunded if certain things are done. She viewed a \$100 deposit as too low and suggested it be higher. Garbage collection costs were discussed as shown on page 8. Ms. Maxfield asked if somehow citizens could be

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rewarded for recycling. Brent Bluth remarked that traditionally, garbage disposal companies don't make a profit on recycling and do it as a convenience. He knew of no way to reduce the costs.

Jesse Kelley asked about CERT training. Mayor Mortimer indicated that it was done in the past. Council Member referenced page 3, item D, and asked what Complaint Inspection involved. Brent Bluth responded that typically that fee is not charged. Jesse Kelley questioned whether it should be on the fee schedule. Section 1-2-104 under Finance on Page 5 was referenced. He asked about the Penalty Fee for New Businesses. It was believed to be a late fee for failing to obtain a business license. Mr. Bluth suggested that be confirmed and clarified. Council Member Kelley asked that the penalty fee amount also be verified.

With regard to disproportionate business fees, Jesse Kelley questioned whether businesses that serves alcohol, such as taverns; really cost the City more or whether the additional fee was charged as a penalty. Craig Briggs' recollection of a previous discussion was that the fee was higher as a result of concern about increased policing of places that serve alcohol since people congregate in an inebriated stated. Council Member Kelley was aware that gas stations and grocery stores also have the same disproportionate fee attached to them. He was unsure whether any of it was justified. He explained that in many areas hotels and motels were looked at only as "cash cows" with very little political clout. As a result, room fees were tacked on simply to provide more revenue. In the interest of fairness, he didn't think that was right. He compared hotels to conventional restaurants that have no additional fees attached to them.

Jesse Kelley also asked why additional fees were tacked onto sexually oriented businesses. He asked if it was because they were undesirable or because there really was an additional expense involved. He wanted to ensure that justifiable guidelines are in place.

Jesse Kelley referenced 1-2-108 at the bottom of page 8. He asked for clarification as to who serves as the City Administrator. Mayor Mortimer responded that he serves in that capacity. Council Member Kelley suggested the language be changed to clarify that.

Jesse Kelley next referenced item (b) of the same section. With regard to "executive orders", he asked how they were tracked and whether they were written down and numbered. He also asked that more detail be added to specify exactly what an executive order entails. As a matter of record, he asked that they be actual written orders with rationale and content. Morris Clark's recollection was that there is a State law addressing that issue in which the Mayor would have the ability to forgive fees imposed by the City.

Laurie Maxfield referenced "animal control" on page 2 and asked whether the numbers in Pati Hoglund's contract were current, particularly with regard to adoption fees. The Mayor believed they were. With regard to item 3 on the same page, she stated that she

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recently had a horse die and the cost was much higher than \$50. She questioned whether the fee for large livestock should be more than \$50. Brent Bluth agreed to bring the matter back for the Council's review. He suggested the Council pass the document as-is and items discussed be put on as action items for the next round.

Morris Clark moved to adopt Ordinance Number 2005-04, an ordinance adopting an amended Consolidated Fee Schedule for administrative, service, and development fees charged by Bluffdale City. Laurie Maxfield seconded the motion.

Craig Briggs asked whether the ordinance should be approved with changes as discussed or provide more detail on the action taken. Morris Clark's understanding was that the motion was the draft given with the changes. Additional changes would require an amendment. He acknowledged that it would come back to the Council with the changes discussed. Craig Briggs indicated that at some point the Council would need to review it in final form, which would then need to be adopted by ordinance. Brent Bluth anticipated that the fee schedule would be reviewed and amended annually.

Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

Consideration and Vote Regarding Resolution No. 2005-03 Appointment of Alternate Board of Adjustment Member (Blaine Gehring).

Mayor Mortimer proposed that Jim Shaw, an alternate Board Member, be made a voting member. Craig Briggs asked whether another alternate would be appointed. The Mayor confirmed that one would. City Recorder, Teddie Bell, suggested there be two resolutions, one for the Board of Adjustment and one for an alternate.

Craig Briggs confirmed that Mr. Shaw had been performing his duties and responsibilities as an alternate. Mr. Shaw would be asked to serve a four-year term. Mayor Mortimer remarked that Jim Shaw had served on the Planning and Zoning Commission and had been an alternate Board of Adjustment Member for approximately three years.

Craig Briggs moved to approve Resolution Number 2005-03 which is a resolution appointing Board of Adjustment Member Jim Shaw. Jesse Kelley seconded the motion.

Martha Speed suggested the Board of Adjustment at some point meet with the City Council to introduce themselves. She was somewhat uncomfortable voting for someone without knowing who they are.

Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

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Mayor Mortimer recommended that Volma Heaton be appointed as an alternate member of the Board of Adjustment. He noted that Volma was a long-term resident who had asked to serve in some manner. Mr. Heaton would also be asked to serve a four-year term.

Laurie Maxfield moved to approve Resolution Number 2005-02, a resolution appointing an alternate Board of Adjustment Member, Volma Heaton. Craig Briggs seconded the motion. Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

Consideration and Vote on Change Order No. 1 and Balancing Change Order for "Improvement Projects for City Park, Phase 2 at 2200 West and 14400 South; Project #BLU.016" – H.E. Davis Construction, Inc. (Shane Jones).

Shane Jones explained that the change order referred to the park improvements that were completed last summer. The project was awarded on April 15 and got under way the end of May or first of June. The project was completed the first part of July. In May the Fire Station was completed and the City Administrative Offices were relocated there. A quick redesign was done of the parking lot for the fire station. A sidewalk was required for accessibility.

Change order number one identified mostly additions to the contract due to unforeseen conditions. One deduction was included for a meter. The net contract change was for \$16,650.86. Balancing change order number two looked at all of the items and showed increases and decreases. The end result was a \$32,000 decrease and a \$25,000 increase resulting in a \$7,057.99 decrease. The result was a \$9,582 difference.

Morris Clark moved to approve change order number one and a balancing change order for improvement projects for the City Park Phase II, Project #BLU.016 and that the amount be changed by \$9,492.87. Craig Briggs seconded the motion.

Jesse Kelley asked how accurate the turban meters are at low levels. Shane Jones responded that there is a smaller meter on the bypass. In response to a question raised with regard to handicap ramps, Mr. Jones reported that back in the 1990s the ADA required bumps on handicap ramps. In the past few years, the ADA had modified those requirements.

Vote on motion: Martha Speed-Aye, Craig Briggs-Aye, Jesse Kelley-Aye, Morris Clark-Aye, Laurie Maxfield-Aye. The motion passed.

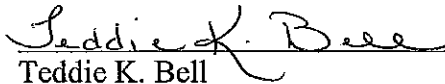
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Planning Commission Report.

Craig Briggs indicated that he was out of town and did not attend the last Planning Commission Meeting. As a result, there was no report.

Adjournment.

The meeting adjourned at 8:25 p.m.



Teddie K. Bell
City Recorder

Approved: February 22, 2005

**BLUFFDALE CITY COUNCIL
CLOSED MEETING MINUTES
Tuesday, January 25, 2005**

Present:

Members: Mayor Wayne Mortimer
Craig Briggs
Morris Clark
Jesse Kelley
Laurie Maxfield
Martha Speed

Others: Brent Bluth, Administrative Services Director
Blaine Gehring, City Planner
Dale Gardiner, City Attorney
Teddie Bell, City Recorder

At 6:32 p.m. Mayor Mortimer called the meeting to order.

Motion: Craig Briggs moved to go into a closed meeting to discuss potential and ongoing litigation.

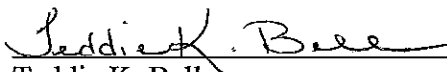
Second: Morris Clark seconded the motion.

Vote on Motion: Laurie Maxfield-Aye, Morris Clark-Aye, Jesse Kelley-Aye, Craig Briggs-Aye, Martha Speed-Aye. The motion passed.

The City Council was in closed session from 6:32 p.m. to 7:16 p.m.

Potential and ongoing litigation issues were discussed.

The City Council returned to the City Council chambers to resume the open portion of the meeting at 7:16 p.m.



Teddie K. Bell
City Recorder

Approved: February 22, 2005