

Minutes of the regular City Council meeting held June 22, 1983 at 7:00 p.m. in the City Hall of Bountiful, Utah.

Present: Mayor:	Dean S. Stahle
Council Members:	J. Dean Hill, H. Keith Barton, Phyllis C. Southwick, Paul B. Allen and Bob Linnell
City Manager:	Tom Hardy
City Attorney:	Layne B. Forbes
Planning Director:	Jon Reed Boothe
City Recorder:	Arden F. Jenson
Deputy Recorder:	Vernile Hess
Recording Secretary:	Nancy T. Lawrence

Mayor Stahle welcomed those in attendance following which he led the pledge of allegiance to the flag and Rod Shumway, former Power Commission member, offered the invocation.

Minutes of the regular City Council meeting held June 8, 1983 were presented and unanimously approved as written on a motion made by Councilman Barton and seconded by Councilwoman Southwick.

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.

EXPENDITURES FOR MONTH OF MAY APPROVED.

Mr. Jenson presented the Summary of Expenditures for the Month of May in the amount of \$785,332.10 and following a brief discussion, these expenditures were unanimously approved on a motion made by Councilman Linnell and seconded by Councilman Barton.

CLASS "A" BEER LICENSE APPROVED FOR TRIANGLE OIL

Mr. Hardy presented the application of Triangle Oil, 280 West 500 South, for a Class "A" beer license and stated that it is the recommendation of the police chief that this application be approved. Based on the recommendation of the Chief, Councilman Barton made the motion that this application be approved. Councilwoman Southwick seconded the motion and voting was unanimous.

LIQUOR CONSUMPTION LICENSE APPROVED FOR D & J CLUB

Mr. Hardy reviewed the application of D & J, 2837 South Main, for a liquor consumption license and stated that the premises have been inspected and it is the recommendation of the staff that this application be approved. He stated that while this business was located in the unincorporated area, it had a similar license and that the request is within the terms of the ordinances of the city and state. Councilwoman Southwick made the motion that approval be granted as recommended, Councilman Hill seconded the motion, and voting was unanimous.

RESOLUTION OF APPRECIATION AWARDED TO LAMAR PARKIN

Mayor Stahle presented a Resolution of Appreciation for Lamar Parkin and reviewed Mr. Parkin's involvements within the community over the past years. It was noted that while serving on the Power Commission from December 1978 until March 1983, Mr. Parkin did not miss one meeting. Mr. Parkin expressed appreciation for the recognition and stated, "I have always felt Bountiful is one of the greatest cities. Any service I have given has been a joy to me."

ORD. 83-11 REI FIREWORKS APPROVED

Mr. Forbes reviewed Ordinance No. 83-11 entitled, AN ORDINANCE AMENDING TITLE IV, CHAPTER 13 OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, RELATING TO THE REGULATION OF FIREWORKS AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH, and recommended that it be adopted so that the City's ordinance will comply and create no conflict with the State Fireworks ordinance. Councilman Linnell made the motion that this ordinance be adopted and the Mayor authorized to sign it. Councilman Hill seconded the motion and voting was unanimous.

AGREEMENT WITH AIR PRODUCTS RE: RIGHT-OF-WAY EASEMENT GIVEN APPROVAL

Mr. Forbes explained that it is necessary for Air Products Company to grant a right-of-way easement to the City for the purpose of transmitting utilities and he recommended that the motion be made to authorize the Mayor to execute the necessary document. Air Products has already signed the two-party document. Councilman Linnell made a motion to this effect, Councilman Barton seconded the motion, and voting was unanimous.

DISABILITY INSURANCE PROGRAM WITH aniz LEPROYED

Mr. Jensen referred to a work-session discussion regarding Bountiful's participation with the Utah State Retirement Board in a new disability insurance program. He stated that money has been allocated in the budget for this purpose; however, approval by the Council and the Mayor's signature is required. Councilwoman Southwick made the motion that the Agreement with the Utah State Retirement Board be approved and the Mayor authorized to sign it. Councilman Barton seconded the motion which carried unanimously.

BUILDING PERMIT FEES TO BE WAIVED FOR FLOOD DAMAGE REPAIR

Mr. Hardy explained that there are several dozen homes in the community where a building permit will be required in order to complete flood damage repairs. He recommended that the City waive all building permit fees for these properties and that the building permits be clearly marked as a repair to make sure that taxes will not be increased by the County. Following a brief discussion, Councilman Barton made the motion that this recommendation be upheld and that a one-year time limit be imposed on this matter. Councilwoman Southwick seconded the motion which carried unanimously.

RES. NO. 83-14 ADOPTED PROVIDING FOR ISSUANCE OF IRB'S FOR CHANTILLY LIMITED PARTNERSHIP

At 7:30 p.m. Mayor Stehle opened the public hearing to consider adoption of a bond resolution regarding the use of Industrial Revenue bonds for acquiring property in Colonial Square. Mr. Forbes explained that Chantilly Limited Partnership has requested authorization to execute a bond purchase agreement and security agreement. He stated that this will not constitute an impairment of credit to the City nor an expense on the part of the City. Mayor Stehle called for comments from those in attendance, and there being none, Mr. Forbes stated that he had reviewed the Bond Resolution and its exhibits which provide for issuance of \$225,000 of IRB's. He recommended adoption of this resolution, No. 83-14, entitled, "A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF BOUNTIFUL, UTAH INDUSTRIAL DEVELOPMENT REVENUE BOND (CHANTILLY LIMITED PARTNERSHIP PROJECT) IN THE PRINCIPAL AMOUNT OF \$225,000 TO FINANCE THE ACQUISITION OF A COMMERCIAL FACILITY BY CHANTILLY LIMITED PARTNERSHIP, OR SUCCESSORS, ASSIGNEES OR DESIGNEES: AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF BOUNTIFUL, UTAH OF A BOND PURCHASE AGREEMENT, A LOAN AGREEMENT, AN ASSIGNMENT AND SECURITY AGREEMENT, THE BOND, AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; AND CONFIRMING THE SALE OF SUCH BOND TO THE PURCHASER THEREOF; AND RELATED MATTERS." Councilwoman Southwick made the motion that this resolution be adopted and the Mayor authorized to sign it. Councilman Linnell seconded the motion and voting was as follows: Councilmen Hill, Barton, and Linnell and Councilwoman Southwick voted "aye"; there were no "nay" votes.

SPECIAL MEETINGS TO BE HELD WITH RESIDENTS ALONG STONE CREEK.

Mayor Stehle stated that special meetings will be held next week with those residents whose properties abut Stone Creek. Those whose property is west of 400 East will meet at Viewmont High School at 7:00 p.m.; those living above 400 East will meet at Hannah Holbrook Elementary School at 8:30 p.m.

EXECUTIVE SESSION SCHEDULED.

Councilman Hill made the motion that an executive session be scheduled immediately after this meeting to discuss personnel. Councilwoman Southwick seconded the motion which carried unanimously.

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Mr. Boothe presented the following recommendations from Planning Commission:

LAKEVIEW TERRACE SUBDIVISION GIVEN PRELIMINARY APPROVAL

(1) That preliminary approval be granted to Lakeview Terrace Subdivision amended, 1500 East Lakeview Drive. This amendment will provide for five large lots to be combined and re-divided into seven lots. Councilwoman Southwick made the motion that this recommendation be upheld, Councilman Hill seconded the motion and voting was unanimous.

STONECREEK HILLS SUBDIVISION RECEIVES PRELIMINARY APPROVAL

(2) That preliminary approval be granted to Stonecreek Hills Subdivision, 200 North 1400 East, (Gibb Hatch, developer), subject to the following conditions: (a) that access be provided from the west (1300 East) as well as Moss Hill Drive. The access easterly from 1300 East be dedicated at a width of 34 ft. with a private holding strip on each side. This will allow the developer to recoupe some of his costs at a future time from the abutting property owners when they develop their property; (b) that said 34 ft. strip to be hard surfaced, curb and gutter constructed, and the installation of sewer and water required by the developer; (c) that the sidewalk be deferred on said 34 ft. wide road at present time, and required to be installed by abutting property owners before any building permit is granted by the City to those affected owners; and (d) that the required bonds be posted and fees be paid. Councilman Hill made the motion that preliminary approval be granted to Stonecreek Hills Subdivision, as recommended, Councilman Barton seconded the motion and voting was unanimous.

REAFFIRMATION OF PRELIMINARY APPROVAL GIVEN TO LAKEVIEW TERRACE CONDOS

(3) That reaffirmation of preliminary approval be given to Lakeview Terrace Condominiums (1500 East 600 South, Prowswood, developer). He explained that since preliminary approval was granted to this project in March of 1978, only ten units of the 70 have been constructed and the Prowswood developers are requesting reaffirmation of the approval since they are interested in finishing the project. Councilman Barton made the motion that this recommendation be upheld, Councilwoman Southwick seconded the motion and voting was unanimous.

PUBLIC HEARING TO CONSIDER AMENDING ZONING TO ALLOW CONVENIENCE GOODS AND SERVICES AND GENERAL

COMPARISON MERCHANDISE SALES IN DISTRICT 6-2.

At 7:51 p.m. Mayor Stahle opened the public hearing to consider amending Title XIV, Chapter 5, Section 800 of the ordinance to allow "convenience goods and services" and "general comparison merchandise sales" as permitted uses in Zoning District 6-2, 500 South Main Street. The petition for this proposed zoning change was submitted by Walt Gasser, representing Albertson's Food and Drug. Mr. Gasser stated that he has acquired an option on all of the properties east of Main Street on the south side of 500 South and it is his intent to develop a neighborhood shopping center, with Albertson's serving as the major anchor (42,000 sq. ft.). He explained the manner in which he intends to develop the property, noting that only one opening on to 500 South is proposed, with a right-hand turn lane and a 45-ft. entrance. As a resident of the community, he said it is his intent to make this development one of quality and to please as many neighbors as we can. Dennis Sheehan, representing Albertson's pointed out that the addition of this store would generate new employment opportunities, create an improved tax base, and provide one-stop shopping in the downtown area.

COMMENTS PRO AND CON THE ZONING CHANGE

Wm. Phipps, representing the Mill Stream Apartments, expressed concern regarding noise, lights, and garbage, as well as the parking area abutting the apartments, and he questioned the need for another Albertson's store in Bountiful. Mr. Gasser said that decorative brick is proposed for all sides of the store to make it more attractive and the lights will be canted to the fence line in an attempt to reduce the direct lighting onto the apartments. He also noted that landscaping or a

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decorative masonry wall will be used to screen the shopping area from the adjoining properties. Lane King and Earl King, joint owners of some of the property involved, spoke in favor of the development, stating that it would help the downtown area, as well as give them the opportunity to use their property to its full potential. George Gibson, 605 South Main, spoke in opposition to the proposal on the grounds that area which is presently zoned for this type of development should be used and not "spoil all of the city". LaVon Howe, 735 South 100 East, stated that she opposed the development on the basis that it would further fracture the shopping areas of the City. With no further comments from the audience, Mayor Stahle closed the hearing at 8:29 p.m.

ORD. NO. 83-12 ADOPTED TO AMEED USES ALLOWED IN DISTRICT 6-12

Councilwoman Southwick reported that it is the recommendation of the Planning Commission that the ordinance be amended as requested and following a brief discussion, Councilman Hill made the motion that Ord. No. 83-12 entitled "AN ORDINANCE AMENDING TITLE XIV, CHAPTER 5, SECTION 800, THE TABLE OF LAND USE REGULATIONS, NEIGHBORHOOD 6, DISTRICT 2, OF THE REVISED ORDINANCES OF BOUNTIFUL, UTAH, 1965, AS AMENDED, PROVIDING THAT C-15, CONVENIENCE GOODS AND SERVICES, AND C-22, GENERAL COMPARISON MERCHANDISE SALES, BE PERMITTED USES THEREIN AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", be adopted and the Mayor authorized to sign it. Councilman Linnell seconded the motion and voting was unanimous. It was noted that a portion of the property in question allowed food and drug retailing under the old C-I zoning.

**RON HEYNS PRESENTS RESOURCE RECOVERY PROPOSAL--
GASIFICATION PROCESS WITH GENERATION OF POWER**

Ron Heyns presented a proposal for resource recovery which would implement a gasification process. He read a formal proposal which stated that the financing and equipment would be provided by national and international firms. Further, that the process would generate its own power, with excess power which could be purchased by the City. He noted the following advantages which the City would derive from this proposal: (1) the life of the landfill would double; (2) assurance of maintaining a reasonable tipping fee; (3) provision of a major source of electrical energy at competitive rates; and (4) in an emergency situation with temporary loss of power, 50 percent of the City's power needs could be met. He emphasized that with gasification (no open burning), there would be no pollution problems. The project would generate its income from (1) selling recycleable materials, (2) tipping fees, and (3) selling power.

**DON CURTIS PRESENTS RESOURCE RECOVERY PROPOSAL
WHICH WOULD PROVIDE LOCKED-IN TIPPING FEE**

Don Curtis, representing Biomass International from Ogden, presented a resource recovery proposal which would also implement the gasification process. However, in this process, the major income for the project would be the sale of ethynol fuel. He said that his main objective this evening was to determine the level of interest of the Council in resource recovery and the proposed burn plant in the north end of the County prior to conducting further research and study. He noted that a tipping fee could be locked in and only 10 percent of the original volume of tonnage would be committed to the landfill; the other 90 percent would be converted to fuel or as a recycleable item. If properly operated, he said that there should not be any odors from the process proposed.

MESSRL, NEYNS AND CURIIS 1.0 MEET WITH COUNCIL AGAIN

After hearing the two proposals, it was divided that another meeting would be held with Mr. Heyns and Mr. Curtis to give financial and economic comparisons. The meeting adjourned at 9:35 p.m. for a five minute break.

**POWER COMM REERESANTATIVE & OTHERS REQUEST MAYOR
& COUNCIL TO ACT IQ RETAIN BERRY HUTCHINGS**

Upon reconvening, Jay Bingham, representing the Power Commission, read two letters into the minutes (see following) requesting that the Council act to retain the service of Berry

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Hutchings as head of the Power Department, and to use the resources available in finding a solution to the problem which precipitated Mr. Hutchings' retirement request. Former Mayor Elmer Barlow, Byron Stubbs, and John O'Hara spoke in support of Mr. Hutchings and the statements read by Mr. Bingham. Mayor Stahle and members of the Council recognized the valuable person Mr. Hutchings is to the City; however, it was noted that when someone **wants** to retire, they are free to do so. Mayor Stahle said that he has not officially received the resignation and is hopeful of keeping Mr. Hutchings with the City.

The meeting adjourned at 10:10 p.m. on a motion made by Councilman Linnell and seconded by Councilman Barton.

BOUNTIFUL POWER COMMISSION

22 June, 1983

An open letter to the Mayor and members of the Bountiful City Council:

I appreciate this opportunity to discuss a very important matter with you. My colleagues on the Bountiful Power Commission who are here with me concur in the comments I am about to make.

Our reason for appearing here is prompted primarily by our sense of responsibility as members of the Power Commission and our profound concern for the welfare of Bountiful and its citizens.

A request for retirement by a city employee is not usually a cause for concern. However, Berry Hutchings' contributions to this city and the valuable service he can yet render at this critical time makes this matter worthy of your careful consideration.

WHAT IS HE WORTH

This man administers a service to Bountiful that in its utility function is the envy of the state and region.

The recurring economic benefits to the citizens of Bountiful because of his efforts amount to a whopping 6 million dollars each year. This does not automatically happen - it has been earned by unflagging dedication, sweat and persistence.

A BIG CUSTOMER

Consider if you will, that what will be Bountiful's largest single customer, Air Products Company, is just coming on line. This new facility can be a blessing or curse depending how it is handled, and more importantly, where and under what conditions the added power supply is coming from.

Is this the time to put untested hands on the controls?

LANDMARK RELICENSING

Bountiful City has made application for relicensing of the Weber Plant. Because of the expert preparation and prosecution of Bountiful's application, this landmark case has been approved by the Federal Energy Regulatory Commission and withstood three court tests.

Is this the time to terminate the architect of this future revenue source?

ECONOMIC HYDROPOWER

Looking to the future and the inevitable escalation of fuel costs and the costly power from external sources, Berry Hutchings has launched a program to acquire a future power supply that will be escalation-proof. Last week Bountiful was awarded a License for the Moon Lake Project. There are four other hydro power projects in the licensing process.

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With a winning team making such progress, does it make sense to retire the quarterback when he is throwing a touchdown?

HUNTER ONE

You should be aware that Bountiful is the only entity with a Public Service Commission authorization to participate in Hunter One - the most favorably priced thermal power available. The competition is keen, the complexities are great.

Who can best orchestrate the fine tuning and integration of this power source into Bountiful system?

THE KEY - TRANSMISSION

We are limited in our ability to generate power with our local facilities - so how do we get additional power? By transmission. Again this requires great skill and experience.

Should the man who has established the only municipal contract in Utah to cover wheeling inexpensive Northwest Hydropower to Bountiful be idled?

LEADERSHIP

I must cite the valuable leadership Berry brings to state and regional organizations. Important as his leadership is to these groups, it follows that advantages flow to Bountiful because of this association.

CONSULTANT RELATIONSHIP

Some may say "let's retain him as a consultant". Let me ask you - would you be interested in being a consultant to your successor?

Is the place for an active proficient player on the playing field or on the bench?

Be wary of those who want to wave aside 40 years of service of a proven servant who is available for years of productive service. This is no time for a quick fix.

PAST COSTLY MISTAKE

This man was removed from office once before and the Power Department suffered a loss of \$600,000. I sat where you sit and agonized when it was necessary to transfer general funds to the power department to cover a deficit. This once-profitable department got in trouble quick. Retain the man who restored good management and made the Power Department profitable again.

YOUR OPPORTUNITY

If you act without careful consideration and retire Berry Hutchings you will not only do a disservice to a great man, you will rob the citizens of Bountiful of a heritage of inexpensive power.

Act while you have the opportunity to bless the future.

OUR PLEA

The Power Commission has, because of its long and close-up experience, an interest and a role to play in this matter. Let us help you resolve the potential leadership crisis we face.

Do not make a hasty decision that ignores proven performance.

Act to retain his valuable service.

Respectfully submitted,

Robert Dewey
Stanley M. Smedley
Harold Pope
Jay R. Bingham

June 22, 1983

Dear Mayor and Members of the Bountiful City Council:

The events of the past week have prompted us, as employees of the Power Department, to attempt to inform you of our position concerning the retirement request submitted by Mr. Berry Hutchings.

At this time, may we say that Mr. Hutchings has been, and is doing an excellent job as head of our Department. Under Mr. Hutchings' leadership abilities, we have felt united and supported in all our efforts to continue the efficient operation, and provide low cost power to the citizens of Bountiful, to whom we are dedicated to serve.

We feel that at this time, the importance of retaining Mr. Hutchings when so many critical issues are upon us which require the expertise and knowledge that only Mr. Hutchings could give will allow these events to proceed in Bountiful's favor (CRSP reallocation 1989, Bountiful City's hydroelectric program, Air Products industrial load, and Hunter I negotiations, just to name a few).

We are grateful for Mr. Hutchings efforts, and he has our respect for his broad electrical knowledge, and for the dedicated hard work he has put in for the department and the City in our behalf.

We want you to know of our continued support for Mr. Hutchings, and respectfully suggest that Mr. Hutchings continue as Manager of Bountiful Light and Power.

Respectfully,

BOUNTIFUL LIGHT & POWER EMPLOYEES

Dean S. Stahle

MAYOR

Alden T. Jensen
CITY RECORDER

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