

Minutes of the regular meeting of the City Council held June 22, 1994 at 7:00 p.m. in the Council Chambers of the City Hall, Bountiful, Utah.

Present:	Mayor:	John Cushing
Council Members:	Samuel Fowler, Barbara Holt, William Moore Harold Shafter and Ann Wilcox	
City Manager:	Tom Hardy	
City Attorney:	Russell L. Mahan	
City Prosecutor:	Matt Barneck	
City Recorder:	Arden F. Jenson	Assist. City Treasurer:
Lorna Hartvigsen		
Planning Director:	Blaine Gehring	
Dept. Heads:	Larry Higgins, Police Clifford Michaelis, Power	
Recording Secretary:	Nancy T. Lawrence	
Absent:	City Engineer:	Jack Balling

Official Notice of this meeting had been given by posting a of same and an Agenda at the City Hall and providing following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Cushing called the meeting to order, following which Matt Barneck led the pledge of allegiance to the flag. The invocation was given by Mayor Cushing.

Minutes of the regular meeting of the City Council held June 8, 1994 and June 15, 1994 were presented and unanimously approved as written on a motion made by Councilman Shafter and seconded by Councilman Moore.

**EXPENDITURES AND EXPENSES APPROVED FOR
PERIOD JUNE 10-16, 1994**

Mr. Jenson presented the Expenditure and Expense Report for the period June 10-16, 1994 in the amount of \$204,332.98. He stated that there were no corrections. Councilman Moore made a motion to approve the expenditures, Councilwoman Holt seconded the motion and voting was unanimous.

**PUBLIC HEARING ON ORDER TO SHOW CAUSE -
MAVERICK COUNTRY STORE BEER LICENSE**

Mr. Barneck referred to a memo and background materials regarding the failed compliance checks for the sale of alcoholic beverages to minors at Maverick Country Store, 1500 South Main Street. He reviewed the past procedure followed by the City--that if two of three compliance checks are failed--the establishment is notified that the City Council will consider suspension or revocation of their Class A beer license. He reviewed the details of the two failed checks (May 17, 1994 and November 16, 1993).

Chris Jensen, representing Maverick, explained that the clerk who made the sale on November 16 had checked I.D. of the customer and had refused to sell cigarettes; however, she did not realize that the wine cooler which was also purchased was alcoholic. (Mr. Jensen displayed bottles of wine coolers beside Mystic beverages as a visual for the Council to see how closely the two resemble each other). Inasmuch as the clerk had attempted to comply with the ordinance, he asked for leniency.

Mayor Cushing noted that a 30-day suspension would include the two upcoming holidays--July 4 and July 24--and he suggested that the Council consider this fact. Following discussion and recognizing that the clerk had attempted to be in

compliance, Councilman Moore motioned that the beer license of Maverick Country Store be suspended for two weeks, beginning June 15, 1994 at 12:01 a.m. The motion failed for lack of a second.

Councilman Shafter made a motion that the license be suspended for 30 days, commencing at 12:01 a.m. on June 25, 1994. Councilwoman Wilcox seconded the motion which carried by a majority. Councilman Moore voted nay.

**HEARING ON ORDER TO SHOW CAUSE TO CONSIDER SUSPENDING
BEER LICENSE OF ANDY'S SELF SERVICE**

Mr. Barneck referred to the packet materials on this item and stated that Andy's Self Service, 1265 South 500 West, had failed compliance checks regarding the sale of alcoholic beverages to minors on March 22, 1994 and May 17, 1994. In both instances the violation involved the sale of beer.

Brent Anderson, owner of Andy's, apologized that this violation had occurred and stated that he was shocked that the compliance training was not as effective as he perceived. Following discussion, Councilwoman Holt motioned that the beer license of Andy's Self Service be suspended for 30 days, commencing June 25, 1994 at 12:01 a.m. Councilman Moore seconded the motion and voting was unanimous.

Councilman Shafter requested that both Andy's and Maverick be monitored several times during their suspension period.

REPORT ON ACTIVITIES OF STRIKE FORCE, PAUL RAPP

Paul Rapp, Bountiful's representative on the Davis County Strike Force, presented a report to the Council on the work which is being accomplished by that group. The group is composed of five agents who work undercover to reveal drug dealers. The participating agencies take turns administering the program; Bountiful is currently the administering agency. He stated that 50 percent of the felony cases in Davis County in 1993 were drug related. He displayed graphs showing the case distribution by city, case distribution by drug type, arrest and prosecution record, and dollar value of seized drugs. One out of five drug cases involve minors. He thanked the Council for the past support which the Strike Force has received from Bountiful City and requested that this support continue. He summed up his presentation with the reminder that the problems with drugs know no boundaries and it is important for the cities to work together to fight this problem.

APPROVAL GIVEN FOR DELINEATION OF WELL PROTECTION ZONE

Mr. Hardy referred to a memo from David Wilding, Water Department, and stated that the Federal government has imposed groundwater source protection regulations. In an effort to be in compliance with the Federal regulations, it is proposed that the firm of Eckhoff Watson and Preator (EWP) be engaged to delineate the well protection zones of the City water resources. They have presented a proposal which would include six active wells (at an average cost of \$2,333 each) and 3 standby wells (total cost of \$20,997). He recommended that the Council authorize this proposal at a cost not to exceed \$21,000. Councilman Moore made a motion to this effect, Councilman Fowler seconded the motion and voting was unanimous.

**COUNCIL APPROVES FIVE-CENT PER DECA-THERM DISCOUNT
FROM MOUNTAIN FUEL**

Mr. Michaelis reported that Mountain Fuel is offering a fivecent per deca-therm discount to interruptible transportation customers who have qualifying gas suppliers. The purpose of this discount is so that in periods of high gas usage and interruptions, Mountain Fuel has the ability to purchase transportation gas for their own use in supplying gas to their firm customers during periods of

interruptions. This procedure is available to all customers that have gas suppliers that meet Mountain Fuel's minimum requirements. Bonneville Fuels meets that requirement and has agreed to provide the gas during periods of curtailment.

It is the recommendation of staff and the Power Commission that the city sign the contract with Mountain Fuel to receive the five cent discount as explained. Councilman Shafter motioned for approval of the contract providing a five-cent discount as explained. Councilwoman Holt seconded the motion and voting was unanimous.

APPROVAL GIVEN TO EXTEND LONG-TERM GAS SALES AGREEMENT

Mr. Michaelis reported that Bountiful City Light and Power has been purchasing gas for use in the generation plant for the last several years under Mountain Fuel's transportation rate. When using the transportation rate, the gas is purchased directly from a supplier (Bonneville Fuels has provided the fuel for the past year) and Mountain Fuel and Questar Pipeline are paid only for transportation of the gas. The contract with Bonneville Fuels ends June 30, 1994; however, there is a provision in the contract that will permit extension of the same contract for one year. It is the recommendation of staff and the Power Commission that this contract be extended.

Following a short discussion, Councilman Shafter made a motion to approve extension of the Bonneville Fuels contract for one year (to June 30, 1995), with authorization for the Mayor and City Recorder to sign. Councilwoman Holt seconded the motion and voting was unanimous.

APPROVAL GIVEN TO INCREASE POWER CONNECTION/DISCONNECTION FEES

Mr. Michaelis requested that the Council approve an increase in user connection and disconnection fees to facilitate recovery of costs for providing this service. He reviewed a memo which compared the existing fees with the proposed fees and stated that it is the recommendation of staff and the Power Commission that the fees be increased. Councilman Shafter motioned for adoption of Resolution No. 94-6 entitled "A RESOLUTION ADOPTING FEES FOR RESIDENTIAL AND COMMERCIAL CONNECTION AND RE-CONNECTION OF ELECTRICAL SERVICE", with authorization for the Mayor and City Recorder to sign. Councilwoman Holt seconded the motion and voting was unanimous.

Mr. Michaelis also reported to the Council that he received a memo from the Bureau of Reclamation regarding the EIS on the Glen Canyon Dam. The preferred alternative will be modified to include two changes in the operating flows which will be favorable to the power rates. He thanked the Mayor and Council for their support and stated that this decision by the BOR has reaffirmed his confidence in the public process.

APPROVAL GIVEN FOR MAIN STREET LIGHT POLES TO BE USED FOR HANDCART DAYS BANNERS

Mr. Hardy reported that in 1988 the Council adopted a policy which requires approval by the City Council for the installation of banners on the street light poles. The 1994 Handcart Days Committee has requested permission to hang banners on the Main Street light poles in July. The design will be pioneers pulling handcarts. It is the staff recommendation to approve this request. Councilman Fowler made a motion to approve the Handcart Days banners. Councilman Moore seconded the motion and voting was unanimous.

PRELIMINARY AND FINAL SITE PLAN APPROVAL GRANTED TO TIRE WAREHOUSE AND STORAGE UNITS - BURT BROTHERS TIRES

Mr. Gehring presented the site plan for the proposed tire warehouse and

storage units for Burt Brothers Tires at 2885 South Main Street. He reported that the Planning Commission recommended preliminary and final site plan approval, subject to the following conditions:

1. The ordinance requires a solid fence along the back property line subject to the approval of the Planning Director.
2. They must install a fire hydrant as shown on the plan and pay the required fees to South Davis Water District.
3. The sanitary sewer fees and conditions as required by South Davis Sewer District must be met.
4. A 15-foot wide utility easement is required along the south property line for the proposed utilities.
5. The storm run-off calculations for the detention basin need to be submitted to the City Engineer for review, prior to issuance of the building permit.
6. Approval of the plans by the Building Inspector.
7. Payment of all fees and bonds as required by City ordinances.

Councilwoman Holt motioned for preliminary and final site plan approval, as recommended. Councilwoman Wilcox seconded the motion and voting was unanimous.

COUNCIL REPORTS

Councilman Fowler reported that he met with the Mayor and Mr. Hardy at the Recreation Center last week for a presentation by the Lion's Club of a small snack facility north of the swimming pool. He noted that this will relieve the congestion and traffic inside the Recreation Center and he expressed appreciation to the Lion's Club for this donation.

The meeting adjourned at 8:45 p.m. on a motion made by Councilman Shafter and seconded by Councilman Fowler.