

1 Minutes of the regular meeting of the City Council held February 4, 1998 at 7:00 p.m.
2 in the Council Chambers of the City Hall, Bountiful, Utah.

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4 Present: Mayor: John R. Cushing
5 Council Members: Samuel R. Fowler, Barbara Holt, Alan A.
6 Johnson, Stewart Knowlton, and C.
7 Harold Shafter
8 City Attorney: Russell Mahan
9 City Prosecutor: J. C. Ynchausti
10 City Engineer: Paul Rowland
11 City Recorder: Kim Coleman
12 Department Heads: Clifford Michaelis, Power
13 David Wilding, Water/Sewer
14 Recording Secretary: Nancy T. Lawrence
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16 Excused: City Manager: Tom Hardy
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18 Official Notice of this meeting had been given by posting a written notice of same and
19 an Agenda at the City Hall and providing copies to the following newspapers of general
20 circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.
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22 Mayor Cushing called the meeting to order, following which Mr. Rowland led the
23 pledge of allegiance to the flag. The invocation was offered by Mayor Cushing.
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25 Minutes of the regular meeting of the City Council held January 21, 1998 were
26 presented and unanimously approved as written on a motion made by Councilman Shafter and
27 seconded by Councilman Johnson.
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29 **EXPENDITURES AND EXPENSES APPROVED**
30 **FOR TWO JANUARY PERIODS**

31 Mayor Cushing presented the Expenditure and Expense Report for the Periods January
32 16-22, 1998 (\$147,654.55) and January 23-27, 1998 (\$184,723.63). Following a short
33 discussion, both reports were unanimously approved as presented on a motion made by
34 Councilwoman Holt and seconded by Councilman Shafter.
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36 **HEARING ON ORDER TO SHOW CAUSE;**
37 **MAVERIK COUNTRY STORE BEER LICENSE SUSPENDED**

38 Mayor Cushing referred to a memorandum from Mr. Ynchausti to the Council related to
39 this Agenda item, and called on Mr. Ynchausti to review the main points of the matter. Mr.
40 Ynchausti reviewed the policy which the Council has followed in the past regarding enforcement
41 of the beer license ordinance. He reported that employees of Maverik Country Store (105 South
42 200 West) have sold alcoholic beverages to minors on June 17, 1997 and December 30, 1997,
43 thus failing two of three consecutive compliance checks. Inasmuch as this is the second time
44 that this establishment has appeared before the Council in a three-year period, (the previous
45 hearing on or about May 8, 1996), Mr. Ynchausti recommended that their license be suspended
46 for 60 days.
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49 Chris Smith, representing Maverik, stated that Maverik is totally supportive of the
50 City's ordinance and the Council's policy of license suspension. He apologized for the
51 violations which have occurred and stated that they (Maverik) are in the process of making

1 personnel changes. In response to the Mayor's statement that the City wants to work with
2 establishments in enforcement compliance, Mr. Smith stated that it would be helpful if the City
3 had a law that requires ALL purchasers of beer to show identification. Councilman Fowler made
4 a motion to suspend the beer license of Maverik for 60 days, commencing at 12:01 a.m. on
5 February 7, 1998 and ending on April 8, 1998 at 12:00 p.m. Councilman Shafter seconded the
6 motion and requested that this establishment be monitored during that time period to check
7 compliance with this suspension order. Voting was unanimous.

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9 At this time the Mayor welcomed the visiting Boy Scouts and made them aware of
10 handouts designed to assist them with their merit badges.

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12 **REVIEW OF ELECTRICAL DEREGULATION AND**
13 **ITS POTENTIAL IMPACT ON BOUNTIFUL**

14 Mr. Michaelis reviewed that there is a major change under way in the power industry to
15 deregulate and give customers the choice of whom they purchase their power from. Because of
16 the major impact this will have on the industry, the State legislature created HB 313 last year
17 which established a committee charged with reviewing electrical utility deregulation and how
18 this issue should be approached in the State of Utah. He said that nine states have passed
19 legislation deregulating, at some point in time, the electrical utility industry. Most of the other
20 states are considering whether or not to adopt legislation that sets forth the terms and conditions
21 under which deregulation will take place.

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23 Key issues that cities need to consider are: Who will benefit, and who will be harmed;
24 cities served by public power (municipals and REA's) could be adversely affected by
25 deregulation; and cities served by private power (investor-owned utilities) could lose their
26 franchising control and authority. He explained that SB 67 (special interest driven), presently
27 under consideration by the Utah State legislature, pre-empts the task force that was established
28 last year and hastens deregulation. He said that UAMPS (Utah Association of Municipal Power
29 Systems) is working very closely with the APPA (American Public Power Association) and
30 other public power entities across the nation to make sure that every class of customer
31 (residential, commercial, and industrial) is protected. He stated that it is the goal of Bountiful
32 Light and Power to continue to provide electricity at a low cost with excellent service and still
33 maintain a reliable system. Mayor Cushing thanked Mr. Michaelis for his report and his
34 expertise in guiding the city through this possible change of business.

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36 **COUNCIL COMMITTEE REPORTS**

37 Councilman Johnson reported that the Youth Council held an activity where they made
38 valentines for the residents of the South Davis Community Hospital and then delivered them. He
39 said it was a great activity, with the majority of the Council participating.

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41 **EXECUTIVE SESSION SCHEDULED**

42 At the invitation of the Mayor, Councilman Johnson made a motion to adjourn to
43 executive session immediately after this meeting for the purpose of discussing pending litigation.
44 Councilman Shafter seconded the motion and voting was unanimous.

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46 The meeting adjourned to executive session at 7:42 p.m.

1 **Attendance at executive session:**

- 2 Mayor Cushing
- 3 Councilmembers Fowler, Holt, Johnson, Knowlton and Shafter
- 4 Mr. Mahan
- 5 Neal Jenkins (Parks/Recreation)

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JOHN R. CUSHING, Mayor

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15 KIM COLEMAN, City Recorder

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