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Minutes of the
BOUNTIFUL CITY COUNCIL

March 28, 2017– 6:00 p.m.

Present: Mayor Randy Lewis
Councilmembers Kendalyn Harris, Richard Higginson, Beth Holbrook,
John Pitt
City Manager Gary Hill
City Attorney Clinton Drake
City Engineer Paul Rowland
City Planner Chad Wilkinson

Department Directors/Staff:

Finance Director Tyson Beck
Water Director Mark Slagowski
Power Director Allen Johnson
Recording Secretary Nikki Dandurand

Excused: Councilmember John Marc Knight

Official notice of the City Council Meeting was given by posting an Agenda at City Hall, on the Bountiful City and the Utah Public Notice Websites and by providing copies to the following newspapers of general circulation: Davis County Clipper and Standard Examiner.

Work Session – 6:10 p.m.
Planning Conference Room

COUNCIL MEETING RULES OF ORDER REGARDING PUBLIC COMMENT – MR. GARY HILL

Mayor Lewis welcomed those in attendance and called the session to order at 6:10 p.m. Mr. Gary Hill stated he reached out to other cities and inquired of their policies and rules for holding public comment sessions in City Council meetings and that this is only a discussion and no action will be taken tonight. Mr. Hill presented their statements and suggestions and asked the Council their feedback and ideas. Mayor Lewis asked which cities in Davis County allow public comment opportunities in City Council sessions. Mr. Hill replied only a few. The Council discussed the various points they liked and disliked about the ideas presented. The Council agreed they would like to move forward with implementing this into an upcoming session. The Council discussed possible time limits, a first come/first serve status or signup sheets, how to ensure consistency that the time not be used as a campaign platform. Mr. Hill will organize and present the ideas discussed in a future work session with the intent to include a public comment period on future City Council agendas.

AFTER HOURS RESPONSE DISCUSSION

Mr. Johnson stated that only a few departments are staffed 24 hours a day, the Power Department being one of them. There is a live operator at all times, except in emergency situations when the call volume is high. During emergency situations, a recording or voicemail is put in place to direct calls. Mr. Johnson said all the utility turn-on requests are held until later in the evening and

1 are done at one time to avoid multiple trips during the day. Residents appreciate talking to a person,
2 rather than a machine. Councilwoman Harris appreciates the detailed recording when calling in
3 about an emergency.
4

5
6 **Regular Meeting – 7:05 p.m.**
7 **City Council Chambers**
8

9 Mayor Lewis called the meeting to order at 7:05 p.m. and welcomed those in attendance.
10 Kale Swensen, Troop 218, led the Pledge of Allegiance; Pastor Jason Krause of The Cross of Christ
11 Lutheran Church, gave a prayer.
12

13
14 **APPROVE MINUTES OF PREVIOUS MEETINGS FEBRUARY 9 & 10 AND FEBRUARY**
15 **28, 2017**

16 Mayor Lewis presented the minutes as printed. Councilwoman Harris moved to approve the
17 February 9 & 10th minutes, but asked to make some additional changes to the February 28, 2017
18 minutes and to postpone that approval until next council meeting. Councilman Pitt seconded the
19 motion, but Councilman Higginson also asked to make changes, which were noted and will be
20 amended. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook and Pitt voting
21 “aye”.
22

23 **COUNCIL REPORTS**

24 Councilman Higginson asked for an update on Creekside Park. Mr. Clint Drake stated that
25 construction has been stopped and the contract with the general contractor has been terminated. The
26 City hopes to have it resolved within two to four weeks. Mayor Lewis added that the project is
27 insured and the delay will not cost the City any additional money. No other reports were given.
28

29 **BCYC REPORT**

30 Landon Haslam, Asst. Parliamentarian, reported on the USU Leadership Conference and
31 announced the upcoming Bunny Hop on April 18th.
32

33 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES > \$1,000 PAID FEBRUARY 20 &**
34 **27 AND MARCH 6 & 13, 2017 AND THE JANUARY 2017 FINANCIAL REPORT**

35 Mayor Lewis presented the expenditures and financial report and asked for a motion to
36 approve. Councilman Higginson moved to approve them as presented and Councilwoman Holbrook
37 seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook and
38 Pitt voting “aye”.
39

40 **CONCERTS IN THE PARK 2017 SCHEDULE – MR. RICHARD WATSON**

41 Mr. Watson announced the 2017 summer concert schedule. The auditions for “Bountiful’s
42 Got Talent” will be in May. Mr. Watson stated he has been doing this for nine years.
43

44 **PUBLIC HEARING – CONSIDER ORDINANCE 2017-02 APPROVING A TEXT**
45 **AMENDMENT TO SECTION 14-14-126 OF THE BOUNTIFUL CITY LAND USE**
46 **ORDINANCE ELIMINATING THE REQUIREMENT FOR A CONDITIONAL USE**

1 **PERMIT FOR INSTALLATION OF SOLAR ENERGY SYSTEMS – MR. CHAD**
2 **WILKINSON**

3 Mr. Wilkinson stated that over the past several years, Bountiful City has seen a steady
4 increase in the number of solar power applications submitted for review and approval. The City is
5 currently on pace this year to double the 2016 total. Currently the Code requires that any application
6 for solar energy systems generating over 10 watts be reviewed as a conditional use permit with a
7 public hearing at an Administrative Committee meeting. It is extremely rare for a neighboring
8 property owner to attend a public hearing for solar panels. In order to efficiently process the growing
9 number of solar applications, Bountiful City Planning, Engineering and Power Department staffs
10 have created an internal review process that ensures that the applications are complete and all
11 necessary materials are submitted up front. This allows for a review process that is purely
12 administrative and consists primarily of ensuring that standards are met. Because of the growing
13 acceptance of solar panels and improvements to the internal review process for solar panels, it is
14 recommended that the requirement for a conditional use permit for solar panels be removed from the
15 Bountiful Land Use Ordinance. The Planning Commission reviewed the proposal on March 7, 2017,
16 and recommends approval.

17
18 *PUBLIC HEARING – OPEN* 7:28 p.m.
19 *CLOSED* 7:29 p.m.
20

21 Councilman Pitt asked if the elimination of the tax credit will decrease the number of
22 requests. Mr. Wilkinson answered the elimination process will be phases, but people still like the
23 idea of solar. Councilwoman Holbrook asked about placement on residents’ rooftops, how effective
24 it is. Mr. Wilkinson stated that the professionals have ways to maximize the efficiency and the
25 placement is usually the same. Councilman Pitt moved to approve Ordinance 2017-02 and
26 Councilwoman Harris seconded the motion. Councilman Higginson stated that with the state code,
27 the conditional use permit was not required and when the tax credits go away the solar applications
28 will definitely go down. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook
29 and Pitt voting “aye”.
30

31 **POSTPONED – PUBLIC HEARING – CONSIDER APPROVAL OF A TEXT AMENDMENT**
32 **TO SECTION 14-16-126(c) OF THE BOUNTIFUL CITY LAND USE ORDINANCE TO**
33 **ALLOW CONCRETE OR OTHER HARDSCAPE MATERIALS IN PARK STRIPS ALONG**
34 **CERTAIN STATE MAINTAINED ROADS IN BOUNTIFUL – MR. CHAD WILKINSON**

35 Mr. Wilkinson stated the Planning Commission would like to discuss this item more and the
36 public hearing will be postponed until further notice.
37

38 **CONSIDER APPROVAL OF THE PURCHASE OF A PUMP, MOTOR, COLUMN PIPE**
39 **AND CABLE FROM NICKERSON COMPANY IN THE AMOUNT OF \$62,683 FOR THE**
40 **100 EAST WELL – MR. MARK SLAGOWSKI**

41 Mr. Slagowski stated that the 100 East well failed in February and a replacement motor has
42 been ordered, as well as other related equipment. The decision to order the motor was made because
43 it takes eight to ten weeks for delivery and the timing did not work out to present it at a previous City
44 Council meeting. Councilwoman Harris asked if this well was productive and the expected date of
45 around May 1st is realistic. Mr. Slagowski stated this well provides 20% of the City’s water and that
46 is why the motor was ordered first to arrive as quickly as possible. Councilman Higginson asked if

1 this is the same pump that was fixed/replaced a couple years ago. Mr. Slagowski replied yes. This
2 well runs 24 hours a day. Mayor Lewis asked if the amount of moisture received this year is good for
3 the wells. Mr. Slagowski replied that all the City's wells are running great. Councilwoman Harris
4 made a motion approve the purchase and Councilman Higginson seconded the motion. Voting was
5 unanimous with Councilpersons Harris, Higginson, Holbrook and Pitt voting "aye". Councilman Pitt
6 asked about having an extra motor on hand should it fail again. Mr. Slagowski stated that every
7 motor is built differently to handle the production needed, so this new one will be sufficient for now.
8

9 **CONSIDER APPROVAL OF THE PURCHASE OF A BACK HOE FROM HONNEN**
10 **EQUIPMENT IN THE AMOUNT OF \$95,350 – MR. ALLEN JOHNSON**

11 Mr. Johnson stated that the Light & Power Department 2016-17 budget includes the purchase
12 of a new backhoe. Unit #5016 is being replaced which is a 1998 John Deere backhoe. This unit will
13 be primarily used for trenching, pulling wire and snow removal. Bids from three state bid suppliers
14 were requested. Councilwoman Holbrook made a motion to approve the purchase and Councilman
15 Higginson seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson,
16 Holbrook and Pitt voting "aye".

17 Councilman Pitt asked Mr. Johnson about the growth of the use of solar panels and how it
18 affects the City's power. Mr. Johnson replied that it is becoming a big issue and the Power
19 Department has to decide with how much power to buy, hold back and give back. It is a growing
20 concern for City staff. Councilwoman Holbrook stated this item will be discussed next month.
21

22 **CONSIDER PRELIMINARY SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A**
23 **15-UNIT MULTI-FAMILY DEVELOPMENT AT 450 WEST 200 NORTH, BRIAN**
24 **KNOWLTON, APPLICANT – MR. CHAD WILKINSON**

25 Mr. Wilkinson stated the applicant, Knowlton General, is requesting preliminary and final site
26 plan approval for a 15 unit townhouse style multifamily development. The Planning Commission
27 reviewed the item on March 7, 2017, and recommends approval of the request for preliminary and
28 final site plan review subject to the following conditions:

- 29 1. Complete any and all redline corrections.
- 30 2. Prior to issuance of a building permit, complete the following:
 - 31 a. Consolidate the parcels and complete any proposed parcel boundary
 - 32 adjustments.
 - 33 b. Submit a final landscape plan meeting the requirements of Chapter 16 of the
 - 34 Bountiful City Zoning Ordinance.
 - 35 c. Any modifications required by conditions of the Planning Commission and
 - 36 City Council.
- 37 3. Replace all sidewalk along the 200 North frontage.
- 38 4. Pay for slurry seal of 200 N. Street along the full frontage of the property.
39

40 Councilman Higginson asked if the current homeowner will have adequate privacy. Mr.
41 Wilkinson responded that the site plans provide good setbacks, additional landscaping and the rear of
42 the homes will be facing the homeowner. Councilman Higginson made a motion to approve the
43 preliminary and final site plans and Councilwoman Holbrook seconded the motion. Voting was
44 unanimous with Councilpersons Harris, Higginson, Holbrook and Pitt voting "aye".
45

1 **CONSIDER APPROVAL OF ORDINANCE 2017-03 ADOPTING A SIX-MONTH**
2 **TEMPORARY LAND USE REGULATION PROHIBITING NEW DEVELOPMENT AND**
3 **CONSTRUCTION WITHIN THE AREA BOUNDED BY 400 NORTH, 500 SOUTH, 400**
4 **EAST AND 200 WEST COMMONLY REFERRED TO AS “PLAT A” – MR. CHAD**
5 **WILKINSON**

6 Mr. Wilkinson stated the Historic Downtown area of Bountiful, contained within the
7 boundaries of the original “Plat A”, is the cultural and civic heart of the City. The neighborhood,
8 bounded by 400 North, 500 South, 400 East and 200 West, has seen tremendous changes over the
9 past several years as redevelopment has occurred along Main Street and the surrounding
10 neighborhood. Residents and business owners within the Plat A neighborhood have voiced concerns
11 over preserving the character of Bountiful’s historic downtown and have expressed a desire to revisit
12 the allowed uses and density of development in the neighborhood. A six month moratorium on new
13 development in the area would allow for the City Council to review these issues and make desired
14 changes to zoning and development regulations prior to new development moving forward. The
15 proposed ordinance does not include a prohibition on construction of new legally permitted single
16 family residential development on existing lots. The Council asked staff if the moratorium could be
17 lifted if six months was too long and involved in this process. Staff answered there are time frames
18 to notify people of a public input process, the Planning Commission would need time to review any
19 changes and staff would need to prioritize other projects in order to complete the planning for the
20 downtown area within the six months. Staff advised the Council to take the time recommended with
21 the possibility of lifting the moratorium sooner if needed. The most recent downtown project was
22 highly criticized for being too quick with not enough public involvement. Councilman Higginson
23 made a motion to approve Ordinance 2017-03 and Councilwoman Holbrook seconded the motion.
24 Councilpersons Higginson and Holbrook voted “aye” and Councilpersons Harris and Pitt voted
25 “nay”. Mayor Lewis cast his vote as “aye.” Ordinance 2017-03 passed with a 3-2 vote. Councilman
26 Higginson re-stated that staff will do everything possible to accomplish what needs to be done
27 quickly so the moratorium can be lifted as soon as possible, that other projects will not be neglected
28 and to make sure residents understand the waiting period. He sincerely wants to listen to the
29 residents. Councilman Pitt clarified his “nay” vote was more about not putting a moratorium in place
30 and not that he did not have confidence in staff being able to accomplish what was needed within the
31 six month time period. Mayor Lewis invited anyone with concerns or questions to talk to a member
32 of the Council after the meeting since this was not a public hearing.

33 Councilman Higginson stated there are significant stake holders with concerns for this area
34 and establishing a development plan would be ideal. This time could be used to include these ideas
35 and provide a written and well publicized development plan and have a positive approach for the
36 future. Councilman Pitt is supportive of the vote and would like to be involved in the process to
37 lighten the load.

38
39 **CONSIDER ACCEPTANCE OF PROPOSAL FOR THE MUELLER PARK WATER**
40 **TREATMENT PLANT MEMBRANE EQUIPMENT – MR. PAUL ROWLAND**

41 Mr. Rowland stated this is the third part of the process for this project, and the project has
42 already been very productive. The next step in the process is to get bids and select a membrane filter
43 system manufacturer. These filters are the heart of the process and represent a very large expense and
44 a long lead time to manufacture. Three bids were received from three qualified suppliers. The
45 Engineering Department and the consultants from JUB and SPI took 24 hours to review the proposals
46 to see that they meet the specifications. As part of the review, the proposals were placed into a matrix

1 designed to weight the bids based on price, proximity of service, experience, conformity to
2 specification, etc. After the weighting process, Wigen had the highest number of points as well as the
3 lowest bid. Councilwoman Harris asked if the location of the company makes an impact on the
4 project. Mr. Rowland replied they do take that into consideration, however, this particular company
5 can remotely access and monitor the new system. Councilman Higginson made a motion to approve
6 the proposal and Councilwoman Holbrook seconded the motion. Voting was unanimous with
7 Councilpersons Harris, Higginson, Holbrook and Pitt voting “aye”.

8
9
10 **CONSIDER RESOLUTION 2017-04 APPROVING A FRANCHISE AGREEMENT WITH**
11 **UTOPIA AND UIA – MR. CLINT DRAKE**

12 Mr. Drake reviewed that franchise agreements are contracts between the City and a company
13 to allow the company to use the public rights of way to deliver their service or product. Franchise
14 agreements are common with organizations that provide products and services such as natural gas,
15 telephone, internet and cable television services. The companies pay for the use of the rights of way
16 by charging the consumer for a product or service delivered. UTOPIA is interested in looking at ways
17 it might provide fiber services to various Bountiful City locations and facilities such as City Hall.
18 Councilman Higginson asked if residents, not just commercial customers, would be able to utilize
19 their services as well. Mr. Drake responded yes, but UTOPIA is targeting larger commercial areas
20 and has no commitment or contract with the City right now. Councilwoman Harris made a motion to
21 approve Resolution 2017-04 and Councilman Higginson seconded the motion. Voting was
22 unanimous with Councilpersons Harris, Higginson, Holbrook and Pitt voting “aye”.

23
24 Mayor Lewis asked for a motion to adjourn the regular session of City Council.
25 Councilwoman Holbrook made a motion to adjourn the meeting and Councilman Pitt seconded the
26 motion. The regular session of the City Council was adjourned at 8:43 p.m.
27
28



Mayor Pro Tem Richard Higginson



City Recorder