

Minutes of the
BOUNTIFUL CITY COUNCIL
June 27, 2023 – 6:00 p.m.

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

Work Session – 6:00 p.m.
City Council Chambers

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| Present: | Mayor | Kendalyn Harris |
| | Councilmembers | Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson |
| | City Manager | Gary Hill |
| | Asst City Manager | Galen Rasmussen |
| | City Engineer | Lloyd Cheney |
| | City Attorney | Clinton Drake |
| | Planning Director | Francisco Astorga |
| | Finance Director | Tyson Beck |
| | Streets Director | Charles Benson |
| | Senior Planner | Amber Corbridge |
| | Recording Secretary | Maranda Hilton |
| Excused: | Councilmember | Cecilee Price-Huish |

Mayor Harris called the meeting to order at 6:03 p.m. and welcomed those in attendance.

PARKING ORDINANCE UPDATE AND DISCUSSION – MR. FRANCISCO ASTORGA

Mr. Francisco Astorga explained that he is looking for direction from the Council on whether or not they would like the Planning Commission to evaluate parking standards for the entire City, and if so, when, and what mechanisms they are interested in using to make changes. He said that they might consider A) reducing the current parking ratio, B) setting minimums and maximums, or C) eliminating parking requirements altogether.

Councilmembers Bradshaw, Bell, Bahr and Higginson all expressed interest in looking at parking in the Downtown Zone as soon as possible and then evaluating the rest of the City parking standards once the general plan is complete, as it will offer good insight.

Mr. Astorga pointed out that other zones have density restrictions, but the downtown zone does not have density restrictions; parking becomes the mechanism by which density is controlled. He asked which strategies the Council wants to pursue to make changes to the downtown parking standards. Councilmembers Bradshaw, Bell and Bahr all said they are interested in hearing suggestions from the Planning Commission about options A and B, reducing the parking ratio and setting minimums and maximums. They did not like the idea of leaving it up to the market by eliminating restrictions altogether. Mayor Harris added that Councilmember Price-Huish also expressed her wish to evaluate and reduce parking restrictions, but she was not in favor of eliminating

1 them altogether. Councilmember Higginson said that he was also in favor of option A, but was not in
2 favor of options B or C.

3 Councilmember Bell asked what the City can expect from Logan Simpson Design by way of
4 recommendations about parking. Mr. Astorga said that Logan Simpson will give the Council a staff
5 report with opinions based on the comments they received in their interviews and community
6 outreach events. Councilmember Bell asked if they could provide any case samples for the Council to
7 study. Mr. Astorga said they can do that.

8 Councilmember Higginson asked about the covered parking standards and asked if Mr.
9 Astorga wanted direction on that as well. Mr. Astorga said yes, and that the current standard requires
10 each unit in the downtown zone to provide at least one covered parking stall. Councilmember
11 Bradshaw said she is okay with getting rid of that requirement and letting the market determine how
12 many covered parking spots are provided; covered parking is an amenity.

13 Mr. Astorga said that he will have the Planning Commission evaluate the direction from the
14 Council at their next meeting and will bring back their recommendations.

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16 The meeting ended at 6:44 p.m.
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18 **Regular Meeting – 7:00 p.m.**
19 **City Council Chambers**
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- | | | |
|-------------|---------------------|---|
| 21 Present: | Mayor | Kendalyn Harris |
| | Councilmembers | Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard
Higginson |
| | City Manager | Gary Hill |
| | Asst City Manager | Galen Rasmussen |
| | City Engineer | Lloyd Cheney |
| | City Attorney | Clinton Drake |
| | Planning Director | Francisco Astorga |
| | Finance Director | Tyson Beck |
| | Power Director | Allen Johnson |
| | Parks Director | Brock Hill |
| | Streets Director | Charles Benson |
| | IT Director | Greg Martin |
| | Senior Planner | Amber Corbridge |
| | Recording Secretary | Maranda Hilton |
| 26 Excused: | Councilmember | Cecilee Price-Huish |

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39 **WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER**

40 Mayor Harris called the meeting to order at 7:00 p.m. and welcomed those in attendance, Ms.
41 Ester Harris led the Pledge of Allegiance and Mr. Ken Redding, Bountiful Heights Stake, offered a
42 prayer.
43

44 **PUBLIC COMMENT**

45 The public comment section was opened at 7:04 p.m.
46

1 Mr. Ray Naud (144 Viewcrest Circle) said he does not think the fiber internet project is a
2 good idea because of how quickly technology changes and he does not want taxpayers burdened with
3 the cost of the project. He feels the decision should be voted on by the residents, and then if the
4 people feel that strongly about it, it can move forward in four months.

5
6 Mr. Paul Child (69 Viewcrest Circle) said that he agrees with Mr. Naud and feels that
7 anything of this size should be taken to the voters.

8
9 Ms. Stephanie Tingey (49 East 1300 South) said that she is in favor of the fiber bond
10 happening and believes it will be sustainable over many, many years.

11
12 Mr. Ron Mortensen (Bountiful) said he was approached by a signature gatherer and felt the
13 person gave good information about the fiber bond petition. He said that in his experience as a
14 signature gatherer in the past, he has found that many people do not Do their due diligence and sign
15 without knowing what they are signing.

16
17 The public comment section was closed at 7:11 p.m.

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19 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD JUNE 13, 2023**

20 Councilmember Bahr made a motion to approve the minutes from June 13, 2023, and
21 Councilmember Bell seconded the motion. The motion was approved with Councilmembers Bahr,
22 Bell, Bradshaw and Higginson voting “aye.”

23
24 **COUNCIL REPORTS**

25 Councilmember Bahr did not have a report.

26 Councilmember Bell expressed his gratitude to his fellow Councilmembers and the
27 community for their outpouring of support and kindness after a recent health diagnosis.

28 Councilmember Bradshaw reported that she is serving on the Utah League of Cities and
29 Towns (ULCT) board and has signed up to work on both the Land Use and Infrastructure work group
30 and the Housing work group this summer. She said she will be updating the Council throughout the
31 season leading up to the 2024 legislative session and offered to lead discussions about any of the
32 issues as requested.

33 Councilmember Higginson did not have a report.

34
35 **CONSIDER APPROVAL OF EXPENDITURES GREATER THAN \$1,000 PAID JUNE 5 &**
36 **12, 2023**

37 Councilmember Higginson made a motion to approve the expenditures paid June 5 & 12,
38 2023, and Councilmember Bradshaw seconded the motion, which passed with Councilmembers
39 Bahr, Bell, Bradshaw and Higginson voting “aye.”

40
41 **CONSIDER APPROVAL OF THE RE-APPOINTMENT OF MR. ALAN BOTT AND THE**
42 **APPOINTMENT OF MS. BEVERLY WARD TO THE PLANNING COMMISSION FOR**
43 **FOUR-YEAR TERMS – MR. FRANCISCO ASTORGA**

44 Mr. Francisco Astorga explained that thirteen people applied for the two open seats on the
45 Planning Commission, and these recommendations are made by the Mayor with the advice and
46 consent of the City Council.

1 Mayor Harris expressed how pleased she was with the quality of the applicants and said that
2 these two individuals will be wonderful to have on the Commission.

3 Councilmember Higginson expressed his appreciation for Ms. Sharon Spratley and her long
4 service on the Planning Commission and the expertise she brought to that position.

5 Councilmember Higginson made a motion to grant approval of the re-appointment of Mr.
6 Alan Bott and the appointment of Ms. Beverly Ward to the Planning Commission, and
7 Councilmember Bahr seconded the motion, which passed with Councilmembers Bahr, Bell,
8 Bradshaw and Higginson voting “aye.”
9

10 **CONSIDER APPROVAL OF THE APPOINTMENTS OF MR. AARON ARBUCKLE AND**
11 **MR. ANDREW HILL TO THE ADMINISTRATIVE COMMITTEE FOR TWO-YEAR**
12 **TERMS – MR. FRANCISCO ASTORGA**

13 Mr. Astorga explained that both Mr. Dave Badham and Mr. Scott Schlegel are stepping down
14 from the Administrative Committee and it has been recommended that Mr. Aaron Arbuckle and Mr.
15 Andrew Hill be appointed to replace them.

16 Councilmember Bradshaw made a motion to approve the appointments of Mr. Aaron
17 Arbuckle and Mr. Andrew Hill to the Administrative Committee and Councilmember Bell seconded
18 the motion, which passed with Councilmembers Bahr, Bell, Bradshaw and Higginson voting “aye.”
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20 **BOUNTIFUL FIBER IMPLEMENTATION UPDATE – MR. GARY HILL**

21 Mr. Gary Hill gave an update about the state of the fiber internet project. He explained that
22 the City recently became aware that a petition has been created which, if successful, would require
23 the bond to be put on the November ballot. He added that if 20% of registered voters in Bountiful
24 sign the petition before the 30-day deadline then that will happen.

25 Mr. Hill offered some information about bonds and the petition situation in order to help clear
26 up some of the misinformation that has been circulating. He explained that by state law, only general
27 obligation bonds are required to be placed on a ballot, because they create a property tax increase.
28 Revenue bonds and sales tax bonds, like the fiber bond being proposed, do not increase taxes and are
29 a very common way for cities and counties to fund large projects. Because of those reasons, they are
30 not required to be placed on a ballot, and the only way they can be placed on a ballot is through a
31 petition. Regarding the signature gatherers, Mr. Hill explained that he has learned they are not
32 Bountiful residents, but they are employees of a company called Gather Utah that was hired by The
33 Utah Taxpayers Association (UTPA). The UTPA is a group of businesses (primarily), but they do not
34 list who their members are or who sits on their board. Mr. Hill was able to find out that Century Link
35 (Lumen) and Comcast have been members in the past, and are potentially still members, and have
36 sponsored UTPA’s recent conferences. The UTPA has been a vocal critic of UTOPIA Fiber
37 throughout this process.

38 Councilmember Bradshaw said she has been frustrated that residents do not know who is
39 behind the signature gathering effort. She asked what requirements exist for the UTPA to disclose
40 their involvement. Mr. Hill answered that there is no requirement for them to do so. Councilmember
41 Bradshaw expressed her deep concern about the way the petition effort was being conducted and how
42 some of the gatherers are pretending to represent the City, some are saying that the petition is to sign
43 up for fiber internet, and it all seems very intentionally misleading. She said that the City, in contrast,
44 has tried to be very transparent throughout the entire process by holding public hearings and
45 discussions, sending out public requests for information and requests for proposals, and sharing
46 report and study findings. She said that the UTPA is not being transparent and is acting as a shield for

1 these two incumbent companies who showed no interest in doing business here when approached
2 three years ago about it. She said she finds it interesting that companies who didn't want to engage
3 with the City about expanding operations here are now paying thousands of dollars to fund a petition
4 effort.

5 Councilmember Bell expressed his disappointment that after all their hard work, the
6 groundbreaking ceremony has now been pushed back due to this petition. He asked Mr. Hill to
7 explain the timeline ramifications if the petition gets enough signatures. Mr. Hill said that if the bond
8 goes on the ballot in November the City will have to renegotiate their contract with UTOPIA Fiber,
9 because the City was supposed to secure financing within 90 days of the contract date. Construction
10 will be pushed back almost an entire year, which also means that construction costs will almost
11 certainly go up. He said that waiting until November for voters to weigh in is not a "free" option
12 without consequences; it will end up costing the City money to delay the construction.

13 Mayor Harris said that many people will be frustrated by the further delay; people who have
14 been waiting with anticipation for better internet options in the City.

15 Councilmember Higginson related that many people also reached out to him to share less than
16 ideal interactions with the signature gatherers. He asked Mr. Hill if there was anything people could
17 do to take their names off the petition in light of this new information. Mr. Hill said that anyone could
18 call City Hall or reach out to the Councilmembers and receive help with that process.

19 Councilmember Bahr reiterated some of the main points of the discussion; there was no way
20 outlined in state code for the City to place this bond on the ballot and that UTPA is the lobbyist group
21 behind the signature gathering and that Century Link and Comcast are members of UTPA. She
22 expressed to the residents that the Councilmembers are their neighbors and always have the best
23 interest of the residents in the forefront of their decisions. She asked residents to trust that they have
24 not made this decision lightly and feel it will be a good thing for their community.

25 Councilmember Bradshaw pointed out that one of the most important parts of the City's
26 agreement with UTOPIA Fiber was which entity would collect the refresh fee. She said it was a hard-
27 fought part of the arrangement for the City to collect that refresh fee and thus have the means to
28 upgrade the infrastructure at such a time as it becomes necessary. No other business would make that
29 guarantee, but the Council knew it would be a benefit to the residents.

30 Councilmember Bell added that another unique part of the plan is that the network will be
31 owned by the City, which will benefit the residents for years to come.

32 Councilmember Bradshaw ended by stating that of course residents are free to sign the
33 petition, but she hopes that people will seek good information and do their due diligence.
34

35 **CONSIDER APPROVAL OF ORDINANCE 2023-04 AMENDING DOWNTOWN BUILDING**
36 **WIDTH STANDARDS – MS. AMBER CORBRIDGE**

37 Ms. Amber Corbridge explained that an application was submitted to request a Land Use
38 Code text amendment to "encourage efficient, practical and compatible downtown land uses and
39 structures." The Planning Commission reviewed the application in their meeting on June 6, 2023, and
40 determined that the amendment was necessary for the best interest of the public and is in harmony
41 with the objectives and purposes of the code. They forwarded a positive recommendation of the
42 ordinance. The Planning Commission feels that this amendment will help new downtown buildings
43 be more compatible with existing historic structures.

44 Councilmember Bradshaw said she liked the Sanborn maps that were included in the staff
45 report and would like to come see them if she could. She also expressed her interest in anything that

1 helps the City achieve a vibrant and visually appealing downtown, so she is happy to support this
2 change to the text.

3 Councilmember Higginson agreed with Councilmember Bradshaw’s assessment and said he
4 thought this was a great balance of keeping the original spirit of the vision for downtown and a way
5 to help developers with economies of scale.

6 Councilmember Bell agreed as well, saying that when he was on the Planning Commission,
7 they worked on the general plan worried about having a large number of buildings downtown. This
8 amendment really solves that issue.

9 Councilmember Bell made a motion to approve Ordinance 2023-04 and Councilmember Bahr
10 seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw and Higginson
11 voting “aye.”

12
13 **CONSIDER APPROVAL OF THE PURCHASE OF 15 TRANSFORMERS FROM ANIXTER**
14 **POWER SOLUTION IN THE TOTAL AMOUNT OF \$70,625 – MR. ALLEN JOHNSON**

15 Mr. Allen Johnson explained that the Power Department looks at all of the City’s transformers
16 this time of year to see how many need to be replaced and then they update their inventory. He said
17 that they were able to find 15 transformers that were in stock, so they purchased them. The low
18 bidder was less expensive but had a 72 week wait time. These transformers are a little larger than
19 normal, so they will be used for bigger homes that need more capacity.

20 Councilmember Bradshaw asked if there are any signs of the market normalizing or if it is
21 still unpredictable. Mr. Johnson said it is still pretty bad, but he sees signs of it getting better in the
22 future. He said the City used to be able to just go see what was in stock and buy it, but now there is
23 nothing in suppliers’ stockyards. He said his purchasing agent is doing a really good job of keeping
24 an eye out for any inventory that becomes available.

25 Councilmember Bradshaw made a motion to approve the purchase of the transformers and
26 Councilmember Higginson seconded the motion. The motion passed with Councilmembers Bahr,
27 Bell, Bradshaw and Higginson voting “aye.”

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30 **CONSIDER APPROVAL OF THE PURCHASE OF A FORD F250 4X4 4-DOOR CREW**
31 **WORK TRUCK FROM YOUNG AUTOMOTIVE GROUP IN THE AMOUNT OF \$48,917 –**
32 **MR. BROCK HILL**

33 Mr. Brock Hill said that this truck is a Ford F250 which was ordered by the Streets
34 Department three years ago, but they have since been able to find other trucks and no longer need it.
35 The Parks Department was having trouble getting a truck from the dealerships, so the Streets
36 Department offered them this one, which will meet their needs.

37 Councilmember Higginson made a motion to approve the purchase of the Ford F250 and
38 Councilmember Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bell,
39 Bradshaw and Higginson voting “aye.”

40
41 **ANNUAL FRAUD RISK ASSESSMENT PRESENTATION – MR. TYSON BECK**

42 Mr. Tyson Beck explained that per a requirement from the State Auditor’s office, he has
43 completed the Annual Fraud Risk Assessment and is presenting it to the governing body of the City.
44 The assessment is a checklist that assigns a score ranging from Very Low Risk to High Risk.
45 Bountiful has obtained a score of “Low Risk”. Mr. Beck explained that Bountiful has always taken its
46 fraud risk very seriously and has many controls in place to help mitigate any fraud risk, but that every

1 entity is different and there is no one-size-fits-all solution. There are a couple of items on the
2 checklist that Bountiful has evaluated the cost-benefit ratio of doing and has determined they are not
3 worth it at this time, such as having an internal audit team. He said he does not know of any entity in
4 the State that has that. One checklist item that he would like to implement in the future is “employees
5 and elected officials are required to commit in writing to abide by ethical behavior.” He said that staff
6 would like this to be more than just a signed piece of paper and would like to develop a code of
7 ethics, but it has not been a priority project at this time. He stated that staff is happy to report the
8 City’s Low Risk score to the Council.
9

10 **CONSIDER APPROVAL OF THE CONTRACT FROM HUNT ELECTRIC FOR THE**
11 **REPLACEMENT OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF 2600 SOUTH**
12 **AND 200 WEST AT THE UNIT PRICES NOTED IN THE BID TABULATION – MR.**
13 **LLOYD CHENEY**

14 Mr. Lloyd Cheney explained that the traffic signal at 200 West & 2600 South needs to be
15 replaced and they were fortunate to receive a low bid from Hunt Electric. He said the challenge will
16 be to finish the job before school starts again, since it is very close to a couple of schools. He noted
17 that \$69,000 in poles and other parts will be funded by UDOT, and that the curb, gutter and street
18 improvements will come from the Streets Department concrete budget.

19 Councilmember Higginson made a motion to approve the contract with Hunt Electric and
20 Councilmember Bell seconded the motion. The motion passed with Councilmembers Bahr, Bell,
21 Bradshaw and Higginson voting “aye.”
22

23 **CONSIDER APPROVAL OF AN EMPLOYMENT AGREEMENT AMENDMENT – MR.**
24 **CLINTON DRAKE**

25 Mr. Clint Drake explained that after a positive evaluation from the City Council, it has been
26 proposed that Mr. Gary Hill’s employment agreement be amended to include a larger severance
27 package (if Mr. Hill is fired without cause) and the ability to golf with a companion and use a golf
28 cart for free at Bountiful Ridge Golf Course.

29 Councilmember Bradshaw made a motion to approve the employment agreement as explained
30 and Councilmember Higginson seconded the motion, The motion passed with Councilmembers Bahr,
31 Bell, Bradshaw and Higginson voting “aye.”
32

33 **ADJOURN**

34 Councilmember Higginson made a motion to adjourn the regular session and Councilmember
35 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw and
36 Higginson voting “aye.”
37

38 The regular session was adjourned at 8:33 p.m.


Kendalyn Harris, Mayor


City Recorder