

Minutes of the  
BOUNTIFUL CITY COUNCIL

October 13, 2020  
7:00 p.m. – Regular Session

Present:

- |                     |  |
|---------------------|--|
| Mayor               | Randy Lewis  |
| Councilmembers      | Millie Segura Bahr, Kate Bradshaw, Kendalyn Harris,<br>Richard Higginson and Chris R. Simonsen |
| City Manager        | Gary Hill  |
| City Engineer       | Lloyd Cheney   |
| Planning Director   | Francisco Astorga  |
| City Attorney       | Clinton Drake  |
| Finance Director    | Tyson Beck   |
| Police Chief        | Tom Ross   |
| Power Director      | Allen Johnson  |
| Streets Director    | Charles Benson   |
| Recording Secretary | Darlene Baetz  |

Official notice of the City Council Meeting was given by posting an Agenda at the temporary City Hall locations (805 South and 150 North Main Street) 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 Clipper and Standard Examiner.

**Regular Meeting – 7:00 p.m.**  
**South Davis Metro Fire Station Conference Room**

Mayor Lewis called the meeting to order at 7:04 p.m. and welcomed those in attendance. John Eggett led the Pledge of Allegiance and President Lance Regis, 2<sup>nd</sup> Counselor in the Bountiful South Stake presidency, offered a prayer.

**PUBLIC COMMENT**

The public comment section was started at 7:06 p.m.

Ruth Cole (945 East 750 North) is concerned about the bond to acquire more public lands and would like to encourage the Council to look at how the current City properties can be well maintained. She gave the Council members pictures of the flower beds in the City that she feels need care.

John Eggett (Bountiful resident) is proud to be an American and to be associated with the Veterans’ Park. He is proud of how nice the park turned out.

The public comment section was ended at 7:14 p.m.

**CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD ON  
SEPTEMBER 22, 2020**

Councilwoman Harris made a motion to approve the minutes of the previous meeting held on September 22, 2020 with one correction to Page 5 Line 4 “Councilwoman ~~man~~ Bradshaw “. Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

1  
2 **COUNCIL REPORTS**

3 Councilman Higginson did not have a report.

4 Councilwoman Bahr did not have a report.

5 Councilwoman Harris did not have a report but did give a shout out for the Veteran’s Park.  
6 She thanked the members of the Board of Directors for the Veterans’ Park for all the support and help

7 Councilwoman Bradshaw reported that she serves on Lakeview Hospital board and noted that  
8 there is a drug take-back drive through on October 24 at 10:00 a.m. at the hospital.

9 Councilman Simonsen reported about the Veterans’ Park. Groundbreaking for the Veterans’  
10 Park was six months ago. On October 13, 2020, the monuments, walls, and center stage with the  
11 Columbia statue was placed. He introduced three members of the team that helped with the park.

12 Rob Vandegrift, Chief Designer of the Veterans’ Park. October 13, 2020 was a big day for  
13 the Park with the installation of 3700 veteran names on five of the seventeen walls. The park is  
14 beyond what he thought the park would look like. He thanked the City Council members for the  
15 opportunity to help with this.

16 Mike Eggett, Chief Overseer of the Construction. He was happy to be asked to help with the  
17 project and to be on the committee for the park and glad to be able to help with this great project.

18 Ron Mortenson oversees Veterans relationships and names for the wall. This Veterans’ Park  
19 was funded by private donors who contributed to this park and thanked all those who donated to  
20 make this happen.

21 Mayor Lewis thanked the men for all their hard work and expressed how spectacular the park  
22 is and that it far exceeded any expectation that he had.

23  
24 **BCYC REPORT**

25 Emma Moulton, City Manager of the Bountiful City Youth Council reported that the BCYC  
26 is back on a regular schedule and will meet on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays at North Canyon Park. The  
27 BCYC is currently planning for the annual Pumpkin Patch being held on Saturday, October 24 which  
28 she noted is a fun Halloween activity for the kids.

29 Councilwoman Bahr reported that the Youth Council was able to help with the Veterans’ Park  
30 and made some great memories of their service there.

31  
32 **CONSIDER APPROVAL OF EXPENDITURES GREATER THAN \$1,000 PAID**  
33 **SEPTEMBER 14, 21 & 28, 2020 AND AUGUST 2020 FINANCIAL REPORT**

34 Councilwoman Bahr made a motion to approve the expenditures greater than \$1.000 paid  
35 September 14, 21 & 28, 2020 and August 2020 Financial report and Councilwoman Harris seconded  
36 the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and  
37 Simonsen voting “aye”.

38  
39 **RECOGNITION OF GARY BLOWERS – MR. LLOYD CHENEY**

40 Lloyd Cheney recognized Gary Blowers, recently retired Streets, Storm Water, Sanitation,  
41 Landfill and Recycling Department Director, for his 30 years of service to the City. Mr. Cheney  
42 spoke of Mr. Blowers’ dedication and hard work as he spent summers with hot asphalt and winters  
43 driving snowplows. He acknowledged Mrs. Blowers support and thanked her for her support of Gary  
44 during his employment with the City.

45 Mr. Blowers thanked the City Council for the recognition and will miss the association with  
46 the City employees. He noted that he spent most of his working life in Bountiful and has worked  
47 through floods, snow, ice, windstorms and spent only one Christmas with his wife and family  
48 because of Christmas snowstorms.

1 Mayor Lewis noted that Bountiful City has 159 miles of roads and are snowplowed on each  
2 side of the road indicating how much plowing is done.

3  
4 **CONSIDER APPROVAL OF THE PURCHASE/PAYMENT OF THE FOLLOWING**  
5 **WINDSTORM-RELATED EXPENSES – MR. ALLEN JOHNSON**

6 Mr. Johnson explained that the remaining expenses to be paid that are related to the  
7 windstorm include 46 wood poles from McFarland Cascade/Stella Jones Corporation in the amount  
8 of \$29,400, the amount of \$50,040 to Hunt Electric for emergency services and Provo City for their  
9 mutual aid services of \$28,000.

10 Councilman Higginson made a motion to approve the purchase and payments of the  
11 windstorm-related expenses in the amount of \$107,440 and Councilwoman Bradshaw seconded the  
12 motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen  
13 voting “aye”.

14  
15 **CONSIDER APPROVAL OF ORDINANCE 2020-10 AMENDING THE LAND USE CODE**  
16 **REGARDING ADUs – MR. FRANCISCO ASTORGA**

17 Mr. Astorga explained that in September of 2018, the City Council amended the Land Use  
18 Code §14-14-124 and §14-3-102 regarding accessory dwelling units (ADUs). The Planning  
19 Department would like to fine tune these sections of the Code and has initiated this text amendment  
20 to do so. Accessory dwelling units are listed as a conditional use and are reviewed and approved by  
21 the Bountiful City Administrative Committee they agreed with these proposed changes. Since the  
22 changes made to the code in 2018, there have been 26 Conditional Use Permits approved for ADUs.

23 The Planning Department received several phone calls and visits from citizens from one  
24 neighborhood this week who were worried about an ADU in their area. The Planning Department  
25 staff held a question and answer meeting in the neighborhood.

26 Mr. Astorga presented each of the proposed amendments to the ADU Code and noted ADUs  
27 would not qualify as a duplex because the owner needs to occupy the home. Mr. Astorga showed a  
28 map of where current ADUs are located in Bountiful and compared data from other cities including  
29 the percentage of the primary dwelling and the ADU and the maximum square footage allowed.

30 Mr. Gary Hill stated the state legislature required cities to adopt regulations to provide more  
31 moderate-income housing. The Cities were given an opportunity to adopt a minimum of three of the  
32 regulations and Bountiful City made a choice to adopt four.

33  
34 Mayor Lewis opened the **PUBLIC HEARING** at 8:06 p.m.

35  
36 Ms. Darlene Baetz read three letters received by email from Bountiful residents (who chose  
37 this option of comment due to COVID concerns) asking to have their comments read during the  
38 public hearing (letters attached).

39 Doug and Marie Burke (1501 North 700 East)

40 Kamille Fox (Bountiful Resident)

41 Mark Gibbons (1524 North 725 East)

42  
43 Jace Riley (1567 North 700 East) moved to Bountiful because the City does allow accessory  
44 dwelling units. He spoke about the increase of home prices and feels that there is a need for ADUs to  
45 provide an opportunity for moderate income properties and others to live in Bountiful. He feels that  
46 the percentage of square footage for the ADU should be increased to a 50/50 or 49/51%.

1 David Hill (Bountiful resident) feels that the first two letters that were read were off the mark.  
2 The last letter was more in line with his feelings. The ADU would help renters get out of apartments  
3 and contribute to the neighborhood and community. Mr. Hill asked for clarification as to who is  
4 paying for bond signs.

5 Mayor Lewis said that the bonds signs around town are all privately funded.

6 Dalane England (671 Chelsea Dr) thanked the City Council as the restrictions that were  
7 removed to allow ADU's. She feels that governments exist to protect our liberties, and this is a step  
8 toward liberty. She was happy to see that Mr. Riley is thinking out of the box and is trying to be able  
9 to own his own home. Ms. England agrees that owners generally take better care of their property  
10 and the percentage for the primary and the ADU should be more open.

11 Kathleen Bailey (1272 Northridge Dr.) discussed the need to communicate changes. She  
12 spoke about an ADU that was proposed in her neighborhood. This ADU made her become more  
13 involved in the City meetings and receiving city information. She discussed a concern that the  
14 language of "contract purchaser" should be deleted and the concerns about large ADUs and parking.

15 Ray Ward (954 E Millbrook Way) feels that there is an affordable housing problem. He feels  
16 that there should not be a requirement on the percentage, square footage size or additional parking for  
17 the ADU.

18 Ben Tracker (Bluebell Dr.) loves living in Bountiful. He does support and agree that ADU's  
19 should be allowed in Bountiful and should be owner occupied. He does not feel that there should be  
20 a limit of the restrictions of percentage and square footage.

21  
22 Mayor Lewis closed the **PUBLIC HEARING** at 8:47 p.m.

23  
24 Councilwoman Bradshaw made it known for the record that she has no financial ties to any  
25 ADU, but she has a relative that is in the process of purchasing an ADU. She feels that the City staff  
26 has worked through a number of challenges with the ADU code and appreciates the improvements  
27 and changes made to this ordinance.

28 Mayor Lewis discussed the challenges and pressures that cities have to implement these  
29 changes.

30 Councilwoman Harris discussed several items that she feels are important. Owner occupancy  
31 is very important and if the dwelling looks like a single-family dwelling, including parking; that will  
32 preserve the feel of neighborhoods. On the other hand, details like square footage and bedroom  
33 requirements within the footprint of a home are not as important as those restrictions that have an  
34 impact on neighbors. She would like the city to lessen square footage requirements and parking  
35 requirements if the negative impact to neighbors is minimized through restrictions such as owner  
36 occupancy and parking requirements.

37 Councilman Higginson clarified that current code allows the owner to live in the ADU or the  
38 primary unit and the minimum size of an ADU is 350 square feet and would be 40% of the square  
39 footage of the dwelling. He asked Mr. Astorga to clarify the accusations made from the Burke's letter  
40 of Mr. Astorga's character, that citizens would be dismissed from public meetings and parking  
41 spaces not needed if the owner used public transportation. Mr. Astorga noted that he did inform the  
42 citizen that these meetings are public meetings and anyone could come to the meeting but that there  
43 would be no information to give if an application is not received by the Planning Department. He did  
44 not give any information to the citizen about a parking space not being needed if the owner uses  
45 public transportation. Mr. Higginson is concerned that older homes should not need to bring parking  
46 requirements to the current code and then need to increase the parking requirements and feels that  
47 this requirement may have a negative consequence.

1 Mr. Astorga discussed the current parking requirements are four parking spaces plus one for  
2 the ADU parking needs. Gary Hill explained that the majority of the complaints that come into the  
3 City for ADUs is over parking and it is challenging to regulate the number of additional parking  
4 spaces for an ADU. Mr. Astorga discussed the non-conformity issues with older homes for the code  
5 prior to the 1965.

6 Councilwoman Bradshaw would like to table this item tonight and continue it to a later date  
7 and give the staff direction to amend the proposed ordinance.

8 Councilman Simonsen likes the opportunity for families to have an ADU but is concerned  
9 about the proposed parking requirements. He does like the requirement for the property to be owner  
10 occupied. He would also like to table this item with recommendations to have a clean ordinance.

11 Mayor Lewis asked Mr. Riley what are the items that he is the most concerned about. Mr.  
12 Riley noted he feels that the 60/40 rule is a concern – he feels that 50/50 is easier, and he is  
13 concerned about the strict parking requirements.

14 Mr. Astorga discussed the Councilmembers’ comments that include the square footage of  
15 45% for the ADU, a maximum of 1250 square feet and a maximum of three bedrooms. He will look  
16 into the code prior to 1965 and mentioned that these changes do not need to go back to the Planning  
17 Commission.

18 Councilwoman Bahr noted that she is in favor of the code that limits the number of unrelated  
19 roommates. She is comfortable with the 45% square foot cap and the parking requirements that have  
20 been proposed.

21 Councilwoman Bradshaw made a motion to table this item to the October 27, 2020 City  
22 Council meeting to clarify the discussed changes and Councilman Higginson seconded the motion.  
23 The motion passed with Councilmembers Bahr, Bradshaw, Harris Higginson and Simonsen voting  
24 “aye”.

25  
26 **CONSIDER PRELIMINARY AND FINAL APPROVAL OF BOUNTIFUL**  
27 **CEMETERY PLAT R – MR. LLOYD CHENEY**

28 Mr. Cheney noted that this plat will include 1,364 plats for this portion of the cemetery.

29 Councilman Higginson made a motion to approve the preliminary and final of Bountiful  
30 Cemetery Plat R and Councilman Simonsen seconded the motion. The motion passed with  
31 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

32  
33 **CONSIDER APPROVAL OF AN EASEMENT RELEASE AT 331 SOUTH 1550 EAST**  
34 **AND AUTHORIZATION OF THE MAYOR TO SIGN THE RELATED DOCUMENTS – MR.**  
35 **LLOYD CHENEY**

36 Councilman Higginson made a motion to approve the easement release at 331 South 1550  
37 East and authorization of the mayor to sign the related documents as presented. Councilman  
38 Higginson made a motion to approve the easement release and Councilwoman Harris seconded the  
39 motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen  
40 voting “aye”.

41  
42 **CONSIDER APPROVAL OF WADMAN CONSTRUCTION’S PROPOSAL OF THE**  
43 **GUARANTEED MAXIMUM PRICE OF \$1,790,970 FOR THE STREET DEPARTMENT**  
44 **GARAGE/WASH BAY – MR. LLOYD CHENEY**

45  
46 Mr. Cheney discussed the proposal from Wadman and noted that the proposed price is lower  
47 than the Street Department had budgeted.

1 Councilwoman Bradshaw made a motion to approve the Wadman Construction's proposal of  
2 the guaranteed maximum price of \$1,790,970 for the Street Department garage/wash bay as presented  
3 and Councilman Higginson seconded the motion. The motion passed with Councilmembers Bahr,  
4 Bradshaw, Harris, Higginson and Simonsen voting "aye".  
5

6 **ADJOURN TO AN RDA MEETING WITH A SEPARATE AGENDA**

7 Councilman Higginson made a motion to adjourn the meeting and Councilwoman Bahr  
8 seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson  
9 and Simonsen voting "aye".  
10

11 The regular session of City Council was adjourned at 9:44 p.m.

  
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Mayor

  
\_\_\_\_\_  
City Recorder