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Minutes of the
BOUNTIFUL CITY COUNCIL

April 14, 2020 – 7:00 p.m.

Present: Mayor Pro Tem Kate Bradshaw
Mayor (electronic) Randy Lewis
Councilmembers Millie S. Bahr, Kendalyn Harris, Richard Higginson,
Chris R. Simonsen
City Manager Gary Hill
City Engineer Lloyd Cheney
City Planner Francisco Astorga
City Attorney Clinton Drake
IT Director Alan West
Recording Secretary Maranda Hilton

Excused:
Power Director Allen Johnson
Finance Director Tyson Beck
Assistant City Manager Galen Rasmussen
Chief of Police Tom Ross

23 Official notice of the City Council Meeting was given by posting an Agenda at the temporary
24 City Hall locations (805 South and 150 North Main Street) and on the Bountiful City Website and the
25 Utah Public Notice Website and by providing copies to the following newspapers of general
26 circulation: Davis County Clipper and Standard Examiner.

27 This meeting was held electronically via Zoom with as few attendees as possible due to the
28 social distancing and public gathering restrictions that are currently in place because of the COVID-
29 19 pandemic. Those in attendance were seated a minimum of six feet apart to comply with the
30 directive. A link to the electronic meeting was posted on the Bountiful City website for the public to
31 view the meeting.

32
33
34 **Regular Meeting – 7:00 p.m.**
35 **South Davis Metro Fire Station Conference Room**

36
37 Mayor Pro Tem Bradshaw called the meeting to order at 7:07 p.m. and welcomed those in
38 attendance. Mr. John Eggett led the Pledge of Allegiance and Councilman Higginson offered a
39 prayer.

40
41 **APPROVE MINUTES OF PREVIOUS MEETINGS HELD ON MARCH 17 AND APRIL 6**
42 **(BUDGET COMMITTEE MEETING), 2020**

43 Councilwoman Harris made a motion to approve the minutes from the previous meetings held
44 on March 17 and April 6, 2020, and Councilman Higginson seconded the motion. The motion passed
45 with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.
46
47

1
2 **COUNCIL REPORTS**

3 Councilman Simonsen reported that the “Coats for Kids Car Show” has been moved to the
4 weekend of August 28-29, 2020. The final Summer Concert in the Park will also be scheduled for
5 August 29, 2020.

6 Councilwoman Harris did not have a report, but thanked Mr. John Eggett for the gift he
7 presented the Council of handmade wooden clocks.

8 Councilwoman Bahr did not have a report.

9 Councilman Higginson asked that anyone with any symptoms of Coronavirus go and get
10 tested. He hopes that the more people getting tested the better data State and Federal leaders will have
11 to base reopening the economy on.

12 Councilwoman Bradshaw reported that the Lakeview Hospital and their Crisis Care
13 Committee are well-prepared with extra supplies and tests and are ready to take care of anyone with
14 the Coronavirus. They have segregated the hospital to keep others safe as well.

15
16 **CONSIDER APPROVAL OF:**

17 a. **EXPENDITURES GREATER THAN \$1,000 PAID MARCH 9, 16, 23 & 30, 2020**

18 b. **FEBRUARY 2020 FINANCIAL REPORT**

19 Councilman Simonsen made a motion to approve the expenditures paid March 9, 16, 23 & 30,
20 2020, and the February 2020 Financial Report and Councilwoman Bahr seconded the motion. The
21 motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

22
23 **CONSIDER APPROVAL OF PRIME MACHINE INC.’S PROPOSAL FOR REBUILDING**
24 **THE THREE TURBINE UNITS AT ECHO RESERVOIR IN THE AMOUNT OF \$475,302 -**
25 **MR. ALLEN JOHNSON**

26 Mr. Gary Hill presented for Mr. Johnson. Mr. Hill reported that this project is very near
27 completion and is coming out of the Retained Earnings budget.

28 Councilman Higginson commented that due to a delay in a new turbine arriving from China,
29 they opted to have the damaged turbine refurbished for the coming summer so there will be full
30 power generation from the reservoir this year. It will be a huge financial benefit this year, and the
31 new turbine will be installed for next year.

32 Councilman Higginson made a motion to approve the proposal from Prime Machine Inc. and
33 Councilwoman Bahr seconded the motion. The motion passed with Councilmembers Bahr,
34 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

35
36 **CONSIDER APPROVAL OF THE PURCHASE OF 33 TRANSFORMERS FROM ANIXTER**
37 **POWER SOLUTIONS IN THE AMOUNT OF \$78,535 - MR. ALLEN JOHNSON**

38 Mr. Hill explained that this purchase is a regularly scheduled replacement of inventory. They
39 received two bids for this purchase and recommend that the Council approves the bid from Anixter
40 Power Solutions.

41 Councilman Higginson made a motion to approve the purchase from Anixter Power Solutions
42 and Councilman Simonsen seconded the motion. The motion passed with Councilmembers Bahr,
43 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

44
45 **CONSIDER APPROVAL OF THE MICA STEELWORKS BID FOR SEVEN STEEL POLES**
46 **IN THE AMOUNT OF \$160,060 - MR. ALLEN JOHNSON**

1 Mr. Hill explained that this purchase is for the Feeder 575 replacement project on 3100 South
2 between Orchard Drive and 400 East which the Council approved last year. The project includes the
3 purchase of 30 new poles in total but this bid is for seven steel poles that are 24” in diameter. The
4 Power Department recommends purchasing from MICA Steelworks since they are the only company
5 that could meet the 24” diameter request.

6 Councilwoman Harris made a motion to approve the purchase from MICA Steelworks and
7 Councilwoman Bahr seconded the motion. The motion passed with Councilmembers Bahr,
8 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

9
10 **CONSIDER APPROVAL OF THE AMERICOM TECHNOLOGY, INC. BID FOR**
11 **DIRECTIONAL BORING IN THE AMOUNT OF \$261,077 - MR. ALLEN JOHNSON**

12 Mr. Hill explained that this project will help improve underground distribution circuits and
13 streetlight circuits in the City and increase redundancy. Directional boring helps to be able to replace
14 those circuits more economically without having to trench. Bids were received from three companies
15 and accepting the bid from Americom Technology is recommend.

16 Councilwoman Harris made a motion to approve the bid from Americom Technology and
17 Councilman Higginson seconded the motion. The motion passed with Councilmembers Bahr,
18 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

19
20 **CONSIDER APPROVAL OF THE PACIFICORP INVOICE FOR THE 138 SUBSTATION**
21 **UPGRADE IN THE AMOUNT OF \$31,205 - MR. ALLEN JOHNSON**

22 Mr. Hill reported that the rebuild of the 138 substation has recently been completed, and the
23 final step is to reimburse time and material costs to PacifiCorp for the inspections they performed on
24 the pad that the City shares with them.

25 Councilman Simonsen made a motion to approve payment of the invoice from PacifiCorp and
26 Councilman Higginson seconded the motion. The motion passed with Councilmembers Bahr,
27 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

28
29 **CONSIDER APPROVAL OF PRECISION CONCRETE’S PROPOSAL FOR TRIP HAZARD**
30 **MAINTENANCE - MR. LLOYD CHENEY**

31 Mr. Lloyd Cheney explained that at the Council’s request they opened the trip hazard
32 maintenance project up for bids this year and received three proposals. After reviewing the two
33 eligible proposals and investigating the quality of each company’s work, they are recommending
34 approval of Precision Concrete’s proposal again this year. There is \$80,000 set aside in the budget for
35 this project and that’s how much they plan on spending by the end of the year.

36 The Council requested more details about the disqualified proposal and about the choice to
37 not go with the lowest bidder. Mr. Cheney explained that one proposal was disqualified for trying to
38 change their proposal after the submission deadline, and the lowest bidder did not have the ability to
39 meet the job quality standards.

40 Councilwoman Bahr made a motion to approve the proposal from Precision Concrete and
41 Councilman Higginson seconded the motion. The motion passed with Councilmembers Bahr,
42 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

43
44 **CONSIDER APPROVAL OF LINE 29 ARCHITECTURE’S PROPOSAL FOR**
45 **ARCHITECTURAL SERVICES FOR THE 2020 STREET DEPARTMENT CARWASH**
46 **REPLACEMENT - MR. LLOYD CHENEY**

1 Mr. Cheney explained that in the Street Department’s 2020 Capital Improvements budget is a
2 project for the replacement of a 50-year-old building. The current building is a masonry block
3 building used for storage and also has a wash bay for City vehicles. The building is in very poor
4 condition. An RFP was issued for architectural services to replace that building and six proposals
5 were received. The recommendation is to accept the bid from Line 29 Architecture. Although they
6 are an unknown company to the City, Staff has looked at their work and talked to references and feel
7 they are qualified to complete this project. Mr. Cheney warned the Council that as this project
8 progresses there may be some surprises, since in the past they have found that the soils on this site are
9 bad and that will need to be quantified appropriately in the final design.

10 Councilman Higginson made a motion to approve the proposal from Line 29 Architecture and
11 Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,
12 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

13
14 **CONSIDER APPROVAL OF JMR CONSTRUCTION’S PROPOSAL FOR THE 2020**
15 **CONCRETE REPLACEMENT PROJECTS – MR. LLOYD CHENEY**

16 Mr. Cheney explained that almost every year the Engineering Department bids out several
17 concrete replacement projects to repair damage done in the course of completing various City-wide
18 improvements. Thus this contract will be in collaboration with almost every other City department
19 and mostly consists of curb and gutter replacements and drive approach repairs. Only three bids were
20 received for this contract but he is happy to recommend JMR Construction for approval. He knows
21 them well and they have done a great job for the City in the past. There are about 50 items included
22 in this contract which will be billed to the individual departments as the work is done and will be paid
23 from their budgets.

24 Councilman Simonsen expressed his approval in using JMR Construction for this project and
25 thanked them for giving the City a good bid and for doing such good work for us.

26 Councilman Simonsen made a motion to approve the contract with JMR Construction and
27 Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,
28 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

29
30 **CONSIDER APPROVAL OF THE PRELIMINARY SITE PLAN FOR A MIXED USE**
31 **DEVELOPMENT LOCATED AT 220 NORTH MAIN STREET – MR. FRANCISCO**
32 **ASTORGA**

33 Mr. Francisco Astorga presented a site plan for 220 North Main Street and explained that the
34 current buildings on site will be taken down and three parcels will be consolidated into one. The new
35 plan will include residential and mixed-use buildings which require a conditional use permit in the
36 Downtown Zone. They were also granted a variance for the site to allow parking along the front
37 setback of the site on the condition that a wall is constructed to hide it from view. In total the plan
38 includes five new buildings, two buildings will be mixed-use and three buildings will be townhomes.
39 There will be 31 residential units and 2400 sq. ft. of office space. The site has some difficulties,
40 including the location of Barton Creek which runs through it, and a related easement that belongs to
41 the County where buildings are not permitted to be erected. They have completed a parking analysis
42 and staff has requested to see the parking management plan to make sure it works well for this site.
43 They also need to have the flood zone reevaluated by FEMA.

44 The Planning Commission forwarded a positive recommendation for the site plan if
45 conditions are met.

46 Councilmembers asked more details about access to certain parking spots and about
47 articulations on the sides and backs of the buildings. Mr. Astorga answered their questions.

1 Councilwoman Harris requested that the City find a way to honor the owners of Brooks
2 Fabric Store which will be replaced by this new development. They have been a Bountiful business
3 for many decades and should be recognized for their service to the community.

4 Councilwoman Bahr made a motion to approve the preliminary site plan for a mixed-use
5 development at 220 North Main Street and Councilwoman Harris seconded the motion. The motion
6 passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

7
8 **CONSIDER APPROVAL OF THE PRELIMINARY AND FINAL SITE PLAN FOR A**
9 **PROPOSED CREDIT UNION BRANCH OFFICE LOCATED AT 260 NORTH 500 WEST –**
10 **MR. FRANCISCO ASTORGA**

11 Mr. Astorga explained that Deseret First Credit Union (DFCU) will be relocating from Main
12 Street to 260 North 500 West, which is in the Commercial-Heavy district. It will be replacing the
13 current site of Crystal Pools and Spas and a yard art shop. He said the Planning Commission is very
14 pleased with the design of the new building, and after a discussion about street trees, changes have
15 been made and the plan now meets the requirements for that condition of approval.

16 Councilwoman Harris asked why DFCU is leaving their Main Street location. DFCU
17 Representative, Spencer Park, said the Main Street location was getting too old, and it was more
18 financially viable to build a new location than to renovate.

19 Councilman Simonsen made a motion to approve the preliminary and final site plan for
20 DFCU located at 260 North 500 West and Councilman Higginson seconded the motion. The motion
21 passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

22
23 **CONSIDER ADOPTION OF RESOLUTION 2020-03 WHICH APPROVES AMENDMENT**
24 **NO. 4 TO THE 2016 INTERLOCAL COOPERATION AGREEMENT BETWEEN**
25 **BOUNTIFUL CITY AND DAVIS COUNTY FOR ANIMAL CONTROL SERVICES – CHIEF**
26 **TOM ROSS**

27 Mr. Gary Hill presented for Chief Ross. He explained that the interlocal agreement between
28 Davis County and the City is simply an update to the fees associated with animal control services. He
29 stated that even though the rates have gone up, staff is very happy with this agreement, because it
30 allows the City to provide animal control services for much less than could be done if the City did it.

31 Councilwoman Harris made a motion to adopt Resolution 2020-03 which approves
32 Amendment No. 4 to the 2016 Interlocal Cooperation Agreement between Bountiful City and Davis
33 County for animal control services and Councilwoman Bahr seconded the motion. The motion passed
34 with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

35
36 **CONSIDER APPROVAL OF A TAKEOVER AGREEMENT BETWEEN BOUNTIFUL CITY**
37 **AND ZURICH AMERICAN INSURANCE COMPANY FOR THE COMPLETION OF THE**
38 **BOUNTIFUL CITY HALL REMODEL PROJECT – MR. CLINTON DRAKE**

39 Mr. Clinton Drake explained that the contract with Ascent Construction for the City Hall
40 Remodel Project has been terminated and the City has made request to the surety (Zurich American
41 Insurance Company) to perform under the bond. The surety has opted to perform via a takeover
42 agreement. They are in the process of entering into ratification agreements with subcontractors to
43 keep as many of the subcontractors as they can on the project.

44 He asked the Council to take note that Mr. Cheney has asked for a new substantial completion
45 date of August 1, 2020 and a final completion date of September 1, 2020 in order to allow a grace
46 period where the City will not assess liquidated damages. However, the estimated final completion
47 date is more estimated to be at the beginning of December 2020. The disparity of these dates allows

1 the City, if they wish to do so, assess liquidated damages after September 1st and it would help
2 motivate the contractors to finish the project in a timely manner.

3 Mr. Drake said that he and Mr. Cheney have both had many meetings with the surety and feel
4 confident in the team that they have assembled to takeover this project and to get it done quickly.

5 He asked that the Council approve the takeover agreement with the addition of the following
6 numbers that need to be included, and authorize staff to complete negotiations regarding the scope of
7 work, allowing the City Engineer to sign the remaining contracts as needed.

8	Original Contract amount:	\$7,184,110.00
9	Remaining Contingency:	\$160,290.79
10	Due and Owing:	\$305,553.75
11	Balance to Finish:	\$3,672,203.26

12 Councilwoman Bradshaw asked about whether or not the subcontractors have or will be paid,
13 and Mr. Drake said that the surety has paid out \$1.2 million to subcontractors with \$400,000 left to
14 pay, so most of them have been paid already under the payment bond that was in place.

15 The Council thanked Mr. Drake and Mr. Cheney for all of the hours they have spent working
16 on this so the project can be finished as soon as possible.

17 Councilman Higginson made a motion to approve the takeover agreement with Zurich
18 American Insurance Company with the addition of the numbers given by Mr. Drake and authorizing
19 staff to negotiate all exhibits, including the scope of work, and to sign documents on behalf of the
20 City and Councilwoman Bahr seconded the motion. The motion passed with Councilmembers Bahr,
21 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

22
23 **CONVENE IN A CLOSED SESSION TO DISCUSS THE ACQUISITION OR SALE OF**
24 **REAL PROPERTY, PENDING LITIGATION AND/OR TO DISCUSS THE CHARACTER**
25 **AND/OR COMPETENCY OF AN INDIVIDUAL(S) (UTAH CODE §52-4-205)**

26 Councilman Higginson made a motion to convene to a closed session to discuss the
27 acquisition or sale of real property, pending litigation and/or to discuss the character and/or
28 competency of an individual(s) (Utah code §52-4-205) and Councilman Simonsen seconded the
29 motion. The motion passed with the following roll call vote:

30	Bradshaw	“aye”
31	Simonsen	“aye”
32	Higginson	“aye”
33	Bahr	“aye”
34	Harris	“aye”

35
36 The regular meeting was closed at 8:16 p.m.

37
38 The closed session of City Council was convened at 8:25 p.m. Mayor Lewis was excused
39 from the closed session.

40
41 Councilman Higginson made a motion to adjourn back to the regular City Council meeting
42 and Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,
43 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

44
45 The closed session of City Council was adjourned at 8:55 p.m.

46
47 **ADJOURN TO AN RDA MEETING WITH A SEPARATE AGENDA**

1 Councilman Higginson made a motion to adjourn the meeting and Councilwoman Harris
2 seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson
3 and Simonsen voting “aye”.

4

5 The regular session of City Council was adjourned at 8:56 p.m.



Mayor



City Recorder