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**Minutes of the  
BOUNTIFUL CITY COUNCIL**

October 22, 2019 – 6:30 p.m.

Present: Mayor Randy Lewis  
Councilmembers Kate Bradshaw, Kendalyn Harris, Richard Higginson,  
Chris Simonsen  
City Manager Gary Hill  
Asst. City Manager Galen Rasmussen  
City Engineer Lloyd Cheney  
City Planner Francisco Astorga  
City Attorney Clinton Drake  
Finance Director Tyson Beck  
Assistant Finance Director David Burgoyne  
Power Director Allen Johnson  
Chief of Police Tom Ross  
Recording Secretary Maranda Hilton

Excused:  
Councilman John Marc Knight

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.

**Work Meeting – 6:30 p.m.**  
**South Davis Metro Fire Station Conference Room**

Mayor Lewis called the meeting to order at 6:37 p.m., welcomed those in attendance and excused Councilman Knight who is having health issues but is feeling better.

**MODERATE INCOME HOUSING PLAN (2019 SENATE BILL 34) DISCUSSION – MR. FRANCISCO ASTORGA**

Mr. Francisco Astorga explained that with the passing of Senate Bill 34 during the 2019 legislative session there are now additional requirements related to our moderate income housing plan. This new law is in response to the growth that is taking place along the Wasatch Front. In Salt Lake, Weber and Davis counties the expected growth is to 200,000 people by the year 2024. SB 34 requires local communities to plan for housing for residents of all income levels and to coordinate that housing with transportation. The biggest change to the Moderate Income Housing (MIH) plan is that local governments must now report annually to the Department of Workforce Services (DWS). Noncompliance means local governments will no longer be eligible for Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) grants.

By December 1, 2019, the City must make sure that the MIH portion of the General Plan complies with SB 34, is adopted as part of our General Plan, and is available on the City website. The City's MIH Plan must be submitted to the DWS using their reporting form. They will evaluate it and determine if the City is in compliance and eligible for state transportation funding. Mr. Astorga

1 explained that the Council will be able to adopt the MIH Plan on November 12<sup>th</sup> once it has had the  
2 chance to be evaluated by the Planning Commission on October 29<sup>th</sup>.

3 Other requirements of SB 34 are that the Transportation element of the City's General Plan  
4 must "provide the general location and extent of active transportation", "plan major commercial  
5 development around major transit investment corridors", "correlate the transportation plan around  
6 projections of population and employment" and "consider the regional transportation plan." Also, the  
7 Land Use element of the General Plan must "consider location of land for housing for residents of  
8 various income levels." The MIH element must "meet the needs of people of various income levels  
9 who live, work or desire to live or work in our community," "allow people with various incomes to  
10 benefit from and participate in all aspects of neighborhood and community life," and "provide a  
11 realistic opportunity for the development of MIH within five years." Cities must implement three or  
12 more strategies from a set menu of planning tools.

13 One of the strategies Bountiful City has already implemented is "allowing for and reducing  
14 regulations related to accessory dwelling units (ADU) in residential zones." An ordinance was passed  
15 a year ago that allows for ADUs in Bountiful. The City is also "allowing for higher density or MIH  
16 development in commercial and mixed-use zones, commercial centers or employment centers" by not  
17 having a density cap in the downtown zone, and by encouraging multi-family residential  
18 development in residential zones. Councilwomen Bradshaw asked who determines if the City is in  
19 compliance. Mr. Astorga answered that the DWS will get the chance to evaluate that once the report  
20 is turned in, and they can accept or dispute any of the claims based on their data.

21 Mr. Gary Hill asked what kind of public process the City will go through between now and the  
22 December 1<sup>st</sup> deadline. Mr. Astorga answered that a public hearing will be held at the Planning  
23 Commission meeting on October 29<sup>th</sup>, and another public hearing will be held at the Council meeting  
24 on November 12<sup>th</sup> before the Council takes action. Those meetings will both be noticed in the  
25 newspapers (SL Tribune, Deseret News and Davis County Clipper) and on the City website as usual.  
26 Anytime the General Plan is amended, which is what the City is doing, a public hearing must be  
27 held.

28 Councilwoman Bradshaw asked how much money in TIF and TTIF funding would potentially  
29 be lost if the City does not comply with the new requirements. Mr. Hill answered that it is not a set  
30 amount, but that the City would not be eligible for some major road projects; it would be millions of  
31 dollars overall.

32  
33 The meeting was closed at 7:00 p.m.

34  
35 **Regular Meeting – 7:01 p.m.**  
36 **South Davis Metro Fire Station Conference Room**

37  
38 Mayor Lewis called the meeting to order at 7:01 p.m. and welcomed those in attendance. The  
39 Mayor led the Pledge of Allegiance, and President Gregory Nichols, First Counselor in the Bountiful  
40 North Stake, offered a prayer and expressed gratitude for the City; for our first responders and for the  
41 Mayor and City management for their preparation that helped us get through the Gun Range Fire  
42 without more losses. He also thanked them for their support in the Handcart Days parade and  
43 festivities.

1 **PUBLIC COMMENT**

2 The public comment section was opened at 7:05 p.m.

3  
4 Michelle Smith (1454 Skyline Drive), asked the Council to assign a liaison with the Forest  
5 Service in order to help make some changes regarding safety in the foothills. She feels working with  
6 the Forest Service to create and enforce stricter rules will improve conditions for homeowners and  
7 recreational users alike. She suggested a no-open-flame restriction during the dangerous summer  
8 months and a small buffer zone between the homes and the areas where camping and shooting is  
9 allowed. She hopes some good practices can be put in place in order to decrease the risk of another  
10 wildland fire like we experienced with the Gun Range fire.

11  
12 Kathleen Bailey (1272 Northridge Drive), stated that she has a concern about the Accessory  
13 Dwelling Unit (ADU) zoning change that was approved last September. Bountiful City regulation  
14 states that ADUs can be up to 40% of the square footage of the main dwelling; however no upper  
15 limit was explicitly set. Other cities have set upper limits, i.e. Salt Lake City (650 sq. ft.), Park City  
16 (1000 sq. ft.), Utah County (1000 sq. ft.), Boulder, CO (1000 sq. ft.), Portland, OR (800 sq. ft.), Santa  
17 Cruz (800 sq. ft.), etc. So far fewer than half of all the ADUs filed for in Bountiful in the last year are  
18 less than 1,000 sq. ft. Many of these units are very large (1600 sq. ft., 1444 sq. ft., 1410 sq. ft., 1281  
19 sq. ft., 1200 sq. ft., etc.), which she believes is not the intention of the zoning change and she feels it  
20 should be reconsidered and changed.

21  
22 Rick Gelhart (354 West 1500 South), stated, in regards to complying with the new SB 34  
23 Moderate Income Housing law changes, that he does not think we should be “held hostage” by the  
24 State. He said he would rather taxes be raised on his property to pay for road projects than have to  
25 implement their rules for more dense housing in our City. We don’t want them dictating how to  
26 operate our bedroom community.

27  
28 Ashley Fitzgibbons, who came to represent Mr. Allred’s civics class, thanked the Council for  
29 their service.

30  
31 Jameson Miller, said he would like to know if Bountiful is considering switching to more  
32 renewable sources of energy like solar or wind. Councilman Higginson answered by explaining that  
33 we are leaps ahead of what most communities (even progressive states like California) have set for  
34 themselves as a standard moving forward, and that we have many renewables in our portfolio right  
35 now and also just approved a major solar power contract. Mr. Allen Johnson (Bountiful City Light &  
36 Power Director) and the Council all want to have even more renewables in our portfolio and we are  
37 actively working on it.

38  
39 The public comment section was closed at 7:13 p.m.

40  
41 Mr. Gary Hill, in response to Ms. Smith’s comments, said that it is difficult to put restrictions  
42 on land in the foothills since so much of it is not City-owned. However, the City have a good  
43 relationship with the Forest Service and Staff has already been in talks with them concerning moving  
44 the open fire limit several thousand feet up the mountain. We have also been working with the  
45 County and other partners to help with the vandalism and parking issues there. The Forest Service

1 doesn't have enough man-power to enforce and patrol everything, but the City is hoping to make  
2 some changes soon.

3 Councilwoman Bradshaw asked if they will be re-seeding the area the Gun Range fire  
4 destroyed on our hillside. Mr. Hill said that, yes, they have decided to do that.

5  
6 The Mayor also noted that the population growth cannot be stopped, and especially since so  
7 many people love living here, there needs to be affordable housing for our kids and our grandkids.  
8 And it needs to be planned for now.  
9

10 **APPROVE MINUTES OF PREVIOUS MEETING HELD ON OCTOBER 8, 2019**

11 Councilwoman Harris made a motion to approve the minutes from October 8, 2019, and  
12 Councilman Higginson seconded the motion. The motion passed with Councilmembers Bradshaw,  
13 Harris, Higginson and Simonsen voting "aye".  
14

15 **COUNCIL REPORTS**

16 Councilman Higginson announced that on Friday, October 25<sup>th</sup> there will be a service  
17 opportunity at the Bountiful History Museum. They will be laying sod at 3:30 p.m.; and invited all to  
18 come and help. Mr. Spencer Cox, Utah's Lieutenant Governor and a candidate for Utah Governor,  
19 will be there as well. Councilman Higginson also stated that the City is being led by a good City  
20 Planner and the Planning Commission is determined that as Bountiful grows, it will still look and feel  
21 like Bountiful. The growth will not look like Sugarhouse or anywhere else.

22 Councilwoman Harris announced that on Friday, October 25<sup>th</sup> the BCYC will have its  
23 Halloween Carnival at North Canyon Park from 4-5:30 p.m. It is for kids aged 2-12, and will have a  
24 lot of fun activities. She also reminded everyone to vote in the upcoming municipal elections.

25 Councilman Simonsen said that the three high schools (Bountiful, Viewmont and Woods  
26 Cross) had a celebration of local veterans last week. Each school also raised about \$1000 towards the  
27 Veterans Park, and challenged themselves to buy benches in the park.

28 Councilwoman Bradshaw urged people to sign up for meeting and agenda notices on the Utah  
29 Public Meeting Notice website. Agendas will be emailed directly to you and there is no limit on how  
30 many notices you can sign up to receive. It's a great way to stay informed on City, County and State  
31 issues.  
32

33 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES >\$1,000 PAID SEPTEMBER 30 &  
34 OCTOBER 7, 2019**

35 Councilman Simonsen made a motion to approve the expenditures and Councilwoman  
36 Bradshaw seconded the motion. The motion passed with Councilmembers Bradshaw, Harris,  
37 Higginson and Simonsen voting "aye".  
38

39 **CONSIDER APPROVAL OF THE BID FROM HUNT ELECTRIC FOR DIRECTIONAL  
40 DRILLING IN THE AMOUNT OF \$34,118 – MR. ALLEN JOHNSON**

41 Mr. Allen Johnson explained that this bid would be to hire Hunt Electric to do additional work  
42 for the City (above what they are currently contracted to do). The work would be connecting more  
43 lines to the main feeder line on 10<sup>th</sup> North and on 5<sup>th</sup> West. This will allow them to move some lines  
44 underground so that they can rebuild the overhead line. This project is included in their budget for  
45 this year, and staff recommendation is that they approve the bid.

1 Councilwoman Bradshaw asked what the impact will be to the road. Mr. Johnson explained  
2 that it is not very much impact to the road. There will be trenching mainly on the park strips and  
3 minimal holes made in the road. The work would be completed by late next week. Councilman  
4 Simonsen asked if the City is converting more power lines to underground lines, especially in light of  
5 what has been happening in California lately. Mr. Johnson said that, with the exception of new  
6 construction, they are not aggressively converting to underground power; it is a huge cost and it also  
7 places power boxes where people are not used to having them. Some places in Bountiful have high  
8 winds, which is an issue, so they are building things to sustain high winds. The Mayor asked if  
9 people can have their power moved underground if they want that, and Mr. Johnson said they  
10 definitely can if they pay for it.

11 Councilman Higginson made a motion to approve the bid from Hunt Electric and  
12 Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bradshaw,  
13 Harris, Higginson and Simonsen voting “aye”.

14  
15 **FISCAL YEAR 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND**  
16 **INDEPENDENT AUDIT PRESENTATION – MR. TYSON BECK**

17 Mr. Tyson Beck presented the finalized CAFR for fiscal year 2019 to the Council. He  
18 explained that the process begins in June and finalizes in October. He recognized Assistant Financial  
19 Director, David Burgoyne and Assistant City Manager, Galen Rasmussen for their crucial roles in  
20 completing this 122-page document. He explained that all municipalities with revenues or expenses  
21 over \$1million has to be audited each year and submit their CAFR to the State and other regulatory  
22 entities. He said the CAFR is available on the City website for anyone to access. They also submit  
23 this document to the Government Finance Officers Association (GFOA) to review it and see if it  
24 qualifies in the award program. We have been awarded the highest achievement the GFOA offers for  
25 38 consecutive years and hope to extend that this year as well.

26 He explained that overall the City has increased its financial well-being. The cash balance and  
27 the equity position of the City have both increased. However in three instances the City had net losses  
28 in FY 2019. The first was in the Redevelopment Agency (RDA); the bulk cost for the new downtown  
29 Plaza was through our RDA funds, so this was a planned loss. The second was at the Golf Course;  
30 due to the major damage done to the greens and the costs of repairing the greens and loss of business  
31 while they were being repaired, resulted in a significant net loss this year; however revenues have  
32 improved through September 2019 and hopefully fiscal year 2020 will be a much better year for the  
33 course. The third was in the Recycling Fund; this one was also a planned loss as the City is  
34 subsidizing the recycling program with the Landfill Fund until the recycling industry can recover  
35 from a drop off in the recycle market. We expect that this year will see the similar losses, but  
36 hopefully by next year (FY2021) that will turn around.

37 Councilwoman Harris asked if the City had to subsidize the losses at the Golf Course with the  
38 General Fund and Mr. Beck answered no. The Golf Course had adequate cash reserves to absorb their  
39 own losses.

40 Mr. Beck also explained that the City has been able to remain a pay-as-you-go entity, which is  
41 an excellent position to be in. There is currently only one outstanding bond (a \$10 million light and  
42 power electric revenues bond) which is an extremely low amount of debt for a City the size of  
43 Bountiful.

44 He then turned the time over to Mr. Marcus Arbuckle, (Keddington & Christensen CPA firm)  
45 to talk about the independent financial audit they performed for the City and the associated audit  
46 finding.

1 Mr. Arbuckle explained that as auditors they are required to report certain items to the  
2 governing body of the City (the City Council), and that their audit does not absolve the Council or  
3 City management of their duties to oversee the processes and the governance. He said that as far as  
4 internal controls are concerned, the auditors did not see any need for improvement or changes to the  
5 internal controls being used currently. This year they were required to audit the City in the following  
6 areas of State compliance: budgetary, Utah Retirement System, the Open and Public Meetings Act,  
7 cash management, fund balance, restricted taxes, the treasurers' bond, and impact fees. There were  
8 three funds that were found to be over budget; the Landfill Fund, the Workers Compensation Fund  
9 and the Golf Fund. He said that this happens a lot because it can be difficult to estimate the amount of  
10 expenses that will come through, and he encouraged City Staff to watch for that in the future. He said  
11 that overall the City has a reliable accounting system and sound policies. The audit was performed  
12 without any disagreements or difficulties, and he thanked the Finance Department and Mr. Beck for  
13 their assistance.

14 Councilman Higginson asked about how to correct the three funds that were over budget. Mr.  
15 Beck answered that unfortunately nothing can be done about those funds for FY2019, but he has  
16 already been working with Mr. Gary Hill and Mr. Galen Rasmussen about how to change the budget  
17 planning process for the future so that department managers are better able to anticipate their own  
18 expenses. They will try to mitigate this problem moving forward. Councilman Higginson also asked  
19 what the total budget for FY2019 was and Mr. Rasmussen said it was around \$65 million all funds  
20 combined. Councilman Higginson pointed out that the budget overrun was less than 0.3% of the total  
21 budget , so it was not a big disparity.

22 The Mayor thanked Mr. Arbuckle for coming and presenting to the Council.  
23

24 **CONSIDER APPROVAL OF THE PRELIMINARY SITE PLAN FOR THE PROPOSED**  
25 **ALPHAGRAPHS BOUNTIFUL SITE LOCATED AT 265 SOUTH MAIN STREET – MR.**  
26 **FRANCISCO ASTORGA**

27 Mr. Astorga presented the new preliminary site plan for the AlphaGraphics building on Main  
28 Street. He reminded the Council that they had remanded the previous plan back to the Planning  
29 Commission and asked the owner to either comply with the conditions (removing the connecting  
30 piece between the buildings being a main condition) or to come up with new plans that would help  
31 them comply with the code. He was happy to report that the architects and the owner were able to  
32 work together to reconfigure the layout of the new building and the proposed site plan is in complete  
33 compliance with the codes for the downtown zone. The two buildings will not be connected, but there  
34 will be a screening wall to help visually connect the buildings and to add privacy. The two lots will  
35 need to be consolidated into one lot. The Planning Commission now sends their recommendation that  
36 the site plan be approved.

37 Councilwoman Harris thanked the owner of AlphaGraphics and their architects) for their  
38 patience and hard work on this project, stating it is a going to be a beautiful building.

39 Councilwoman Harris made a motion to approve the site plan, and Councilman Higginson  
40 seconded the motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson and  
41 Simonsen voting “aye”.  
42

43 **ADJOURN**

44 Before adjourning, Mr. Hill explained that the Council needs to meet to canvass the election  
45 results on Tuesday, November 19<sup>th</sup> at 6:00 p.m. The Councilmembers were in agreement with that, so  
46 the date and time were set.

1 Mr. Astorga also told the Council that the Planning Commission would be happy to look at  
2 the ADU square footage regulations and see if there are changes that should be considered. The  
3 Council thanked him.

4 Councilwoman Harris made a motion to adjourn and Councilman Simonsen seconded the  
5 motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson and Simonsen voting  
6 “aye”.  
7

8 The regular session of City Council was adjourned at 7:58 p.m.

  
\_\_\_\_\_  
Mayor

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