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Minutes of the
BOUNTIFUL CITY COUNCIL

November 12, 2019 – 6:00 p.m.

Present: Mayor Randy Lewis
Councilmembers Kate Bradshaw, Kendalyn Harris, Richard Higginson,
Chris Simonsen
City Manager Gary Hill
City Engineer Lloyd Cheney
City Planner Francisco Astorga
City Attorney Clinton Drake
Assistant City Manager Galen Rasmussen
Power Director Allen Johnson
Chief of Police Tom Ross
Assistant Chief of Police Ed Biehler
Parks Director Brock Hill
Communications Coordinator Angela Pitt
SDMFA Chief Jeff Bassett
Recording Secretary Maranda Hilton

Excused:
Councilmember 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 – 6:00 p.m.
South Davis Metro Fire Station Conference Room

Mayor Lewis called the meeting to order at 6:14 p.m., welcomed those in attendance and excused Councilman Knight who is still unwell. He turned the time over to Ms. Pitt for the discussion.

NAMING OF THE PLAZA/TOWN SQUARE DISCUSSION – MS. ANGELA PITT

Ms. Angela Pitt reminded the Council that previous discussions have narrowed down the naming choices to a few options. She turned the time over to the Council to discuss the names again and also to decide when and how they want to announce the name.

Councilwoman Harris asked if the Council could revisit the idea of calling the plaza the Stoker Town Square or the Stoker Plaza. She said she thinks that honoring the Stoker School would be a good idea and that hopefully people would realize that the intent would be to honor the school and would not to be hurtful in any way. She also hopes that it would encourage the younger generations to learn more about the Stoker School as part of our history.

The other Councilmembers still preferred “Bountiful Town Square” to the other ideas.

Councilman Simonson made a motion to name the plaza “Bountiful Town Square” and Councilman Higginson seconded the motion. The motion passed with Councilmembers Bradshaw, Higginson and Simonsen voting “aye” and Councilwoman Harris voting “nay.”

1 Councilwoman Bradshaw asked if they could name the ice resurfacer, which will be used for
2 the ice ribbon in the Square, in honor of Councilman Knight who will be leaving the Council at the
3 end of the year. Councilman Higginson liked the idea as well.

4 Councilwoman Bradshaw made a motion to name the ice resurfacer the “Fire and Ice
5 Resurfacer” and Councilman Higginson seconded the motion. Councilman Higginson asked to
6 amend the motion to name the machine the “John Marc Knight (JMK) Fire and Ice Resurfacer” and
7 that the branding be paid for with contributed funds only, not through the City budget. The motion
8 was amended and Councilwoman Harris seconded the motion. The motion passed with
9 Councilmembers Bradshaw, Harris, Higginson and Simonsen voting “aye.”

10 Mr. Gary Hill began a discussion about the opening date(s) saying that it is hoped the ice
11 ribbon can be opened sometime this winter but the rest of the Square and the landscaping will not be
12 done until the spring. He asked Mr. Lloyd Cheney to give some updates about recent construction
13 activity.

14 Mr. Cheney said concrete will be laid for the ice ribbon next Monday, and that it will need at
15 least 30 days of cure time before any skating can happen on it. In addition there is still a lot of work
16 that needs to be done on the buildings before they are ready for use. He said the end of December
17 would be an optimistic timeframe for the ice ribbon to be ready for use. He also explained that some
18 of the granite caps they received (which will be placed atop the bench-walls around the Square) had
19 manufacturing defects and they are working with the manufacturer to get those replaced, so they
20 can’t install all of them until the spring when the weather will be warm enough for the epoxy to set
21 properly. Likewise the landscaping will be largely done in the spring when the weather is more
22 suitable for laying sod and planting bushes. But he reiterated that they are excitedly looking forward
23 to opening the ice ribbon for use this winter.

24 Councilman Higginson asked when the lining for the water feature will be installed and Mr.
25 Cheney explained that everything needs to be stable before installing the lining so that there isn’t a lot
26 of dust in the air, which would dull the finish. They will most likely install it in the spring.

27 Councilwoman Bradshaw wanted to know if opening the ice ribbon before the rest of the
28 Square was complete would pose a problem with keeping people away from the ongoing
29 construction. Mr. Cheney said it should work out well, because during the winter there will be a
30 pause in construction so there won’t be any overlap.

31 Mr. Hill thanked Mr. Cheney for his optimism and added that it could be February before the
32 ice ribbon is ready. He explained that the last thing they want to do is rush the opening and have it be
33 a bad experience for residents.

34 Ms. Pitt asked the Council if they had any suggestions for the opening of the Square, saying
35 that some potential options are to have a soft opening when the ice ribbon is complete and then a
36 grand opening in the spring when everything is finished and the weather is more predictable.
37 We just want to make sure that if we do a soft opening that we can have it be a positive experience
38 for everyone and try to avoid having it look like a construction site surrounding the ice ribbon. She
39 said they could possibly do a grand opening similar to what they planned for Creekside Park when it
40 was opened and asked the Council for suggestions and thoughts. Councilman Simonsen said he
41 hoped that we can have food trucks at the grand opening and all of the other vendors open to make it
42 a fun atmosphere that will attract a lot of people. Councilwoman Bradshaw said she wanted to make
43 sure the name of the Square was put under the ice in the ice ribbon prior to use. She also wanted to
44 make sure that a soft opening will look put-together. Ms. Pitt also suggested that now that the plaza
45 has been named, it could be announced to the public, and let them know as well that the construction

1 is ongoing. She asked the Council to let her know at any point if they have more ideas from talking
2 with residents or potential vendors.

3
4 **MODERATE INCOME HOUSING PLAN (2019 SENATE BILL 34) DISCUSSION – MR.**
5 **FRANCISCO ASTORGA**

6 Mr. Francisco Astorga explained that after their discussion a month ago, the Planning
7 Commission had a chance to review the Moderate Income Housing (MIH) Plan on October 29th and
8 they have four menu items they recommend for the plan to satisfy SB34. These four items are taken
9 from the state menu that was given and include:

- 10 1. Create or allow for, and reduce regulations related to, accessory dwelling units
11 (ADU's) in residential zones;
- 12 2. Allow for higher density or moderate income residential development in commercial
13 and mixed-use zones, commercial centers, or employment centers;
- 14 3. Encourage higher density or moderate income residential development near major
15 transit investment corridors;
- 16 4. Preserve existing MIH

17 Mr. Astorga explained that the City's current ordinance is already satisfying all of these items,
18 which is why they will be used for the compliance report. He explained that in the Council meeting
19 following this meeting they will hold a public hearing prior to taking action to update the plan.

20 The Mayor asked if there are any more bills expected to be passed that pertain to housing
21 mandates since it is such a big issue right now. Mr. Astorga said that this was a really big one and he
22 believes the State will wait and see what the outcomes of this bill are before passing more. Mr. Hill
23 agreed. The State wants to be able to help communities plan for the future and create their MIH
24 plans.

25 Councilman Higginson noted that the four items selected were universally supported by the
26 Planning Commissioners and that they all had a real desire to understand what is going to be
27 quantifiable moving forward, but that it's just not knowable right now. The reports need to be put
28 together and the progress tracked and see what happens. Mr. Astorga agreed and added that the
29 requirement is simply for the City to report, and there is no penalty for failure on any of the items.
30 The reporting is the requirement.

31 Councilwoman Bradshaw asked if there is anything that can be asked for from the legislature in
32 the reporting to make sure the targets are being met. Mr. Hill answered that the City needs to make
33 sure the Department of Workforce Services (DWS) is not overreaching and asking for information
34 beyond what the bill requires. Councilwoman Bradshaw said that she feels if there is any way the
35 legislature could improve the process it should be asked about it during the upcoming session and
36 make them partners with the City. Councilman Higginson added that he would like it to be the case
37 that they are satisfied with this ordinance fulfilling housing supply for what our projected growth is
38 and nothing more.

39
40 The work session ended at 6:46 p.m.

1 McKinley (Bountiful High School) reported that the BCYC Halloween Carnival activity was
2 a success. They hosted a spook alley, cookie decorating, face painting and trick-or-treat bag
3 decorating for the kids in Bountiful. They had a really good turn out and everyone enjoyed
4 themselves.

5 Emma Moulton (Bountiful High School) reported that the recycling video the BCYC made
6 recently has been popular and has helped educate many people on what can and cannot be recycled.

7
8 **CONSIDER APPROVAL OF:**

9 a. **WEEKLY EXPENDITURES >\$1,000 PAID OCTOBER 14, 21 & 28, 2019**

10 b. **SEPTEMBER 2019 FINANCIAL REPORT**

11 Councilman Simonsen made a motion to approve the expenditures and the financial report
12 and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers
13 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

14
15 **CONSIDER APPROVAL OF A PAYMENT TO BRAHMA GROUP INC. IN THE AMOUNT**
16 **OF \$144,945 TO REPAIR THE TAILRACE AT ECHO HYDROELECTRIC PROJECT –**
17 **MR. ALLEN JOHNSON**

18 Mr. Allen Johnson explained that due to the failure of turbines at the Echo Dam they are in
19 the midst of doing a very thorough inspection. During this inspection they found damage to the
20 tailrace, which is where the water comes out of the hydro. The concrete is damaged and the rebar is
21 starting to be exposed. They want to fix this before it becomes worse and it makes sense to fix it
22 while the dam is closed for other repairs and before the spring runoff begins. We have contacted
23 Brahma Group to fix it because they are the only local company authorized to use Belzona (a
24 concrete-grout mix that works well for this type of repair) and they have fixed this for the City
25 several times over the years. They will have to pump all the water out of the tailrace and tent the area
26 to get it up to 55 degrees in order to fix it. Due to the immediacy of the repair, materials have already
27 been ordered (as permitted by the City Manager) and the Power Department is asking for forgiveness
28 and permission to order more. The Power Commission gives their full recommendation that the
29 department proceed with this repair. The budget may need to be reopened at the end of the year to be
30 able to fund it.

31 Councilwoman Bradshaw asked if there is a way to screen the tailrace reservoir to prevent
32 debris and rocks from entering and causing more damage in the future. Mr. Johnson said that the area
33 is fenced off, but the problem is that when people walk past they often throw rocks over the fence for
34 fun. He said it would be difficult to screen beyond what is there but it might be a possibility on one of
35 the sides. He said the main thing that can be done is pumping out the water to get in there and clean
36 out the debris as often as possible.

37 Councilman Simonsen asked what the shortfall estimate would be if they pushed the repair
38 until next year. Mr. Johnson answered that their contingency fund can handle this repair just fine, but
39 more damage has been found recently and he should have final numbers for how much it will cost to
40 make other repairs by December, but it could be as much as \$400,000-\$500,000 total for all of the
41 hydro dam repairs.

42 Councilman Higginson made a motion to approve the payment of \$144,945 for the tailrace
43 repair and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers
44 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

1
2 **CONSIDER APPROVAL OF ORDINANCE 2019-06 UPDATING THE GENERAL PLAN**
3 **MODERATE INCOME HOUSING PLAN AS REQUIRED BY SENATE BILL 34 – MR.**
4 **FRANCISCO ASTORGA**

5 Mr. Astorga explained that the Planning Commission has recommended that the Moderate
6 Income Housing (MIH) Plan be amended as part of the General Plan, and that the following elements
7 be incorporated into the plan:

- 8 1. Create or allow for, and reduce regulations related to, accessory dwelling units
9 (ADU's) in residential zones;
- 10 2. Allow for higher density or moderate income residential development in
11 commercial and mixed-use zones, commercial centers, or employment centers;
- 12 3. Encourage higher density or moderate income residential development near major
13 transit investment corridors;
- 14 4. Preserve existing MIH

15 Mr. Astorga said he feels the City is in good shape in regards to this matter. Staff has already
16 been proactively working on increasing higher densities in the downtown zone, and have been
17 passing ordinances that allow for ADUs and help preserve the large volume of pre-1980's single
18 family homes currently in Bountiful. All of these things will help the City comply with the newly
19 passed SB34 requirements.

20 Councilwoman Harris asked if certain contractors end up not adding as many housing units as
21 they initially planned, will the new State requirements still be met. Mr. Astorga said the State
22 requirements will definitely be met because the zoning of that area was changed in order to allow
23 higher densities along transit lines which is what the State is looking at.

24 Councilwoman Bradshaw asked Mr. Astorga if he would explain what the current population
25 growth projections are for Bountiful and what the benefits of complying with the new State law are.
26 He answered that Bountiful's current population is 43,568, and according to the curved projection
27 from the Department of Workforce Services it should grow to 44,019 people by the year 2024. Mr.
28 Hill explained that complying with this law makes the City eligible for Transportation Investment
29 Funds (TIF) and Transit Transportation Investment Funds (TTIF) in the future which can amount to
30 millions of dollars in road projects.

31
32 a. **PUBLIC HEARING**

33 The Public Hearing was opened at 7:30 p.m.

34
35 Kathleen Bailey (1272 East North Ridge Drive), said she is not enthusiastic about ADUs
36 now being permissible in all three residential zones in Bountiful. She feels that the
37 demand does not support the need for creating a lot more moderate- to low-income
38 housing. She said that if the issue is wanting to attract more public servants to live here,
39 then the solution would be to provide some sort of mortgage assistance program so that
40 people can own homes rather than to increase the number of rentals. She also doesn't feel
41 like investing in mixed-use/commercial-residential areas is the way to go. She would be
42 more supportive of investments made in strictly moderate income housing areas.

43
44 Earl Thomas (1287 North East Hills Drive) said that the new ADU ordinance does not
45 take into consideration how it affects property owners and landlords. He has had to pay
46 for business licenses, property taxes, liability insurance, pay for extra trash cans, extra

1 utilities and provide off-street parking for many years for his tenants, and now there will
2 be more direct competition by anyone who wants to rent out their homes. He doesn't feel
3 the City has thought about the consequences enough and that it is not fair to people who
4 have paid thousands of dollars doing things the right way for many years.

5
6 Tim Jones (1385 East North Ridge Drive) said that his biggest concern with the new ADU
7 ordinance change is that the language is too relaxed and it can easily lead to
8 outsiders/corporations buying property and renting it without living on-site. He has
9 already seen people violating the code in his neighborhood and feels there is not a way to
10 police it properly. Our neighborhoods could easily turn into something we don't want.

11
12 Lindsey Harper (1260 North 850 East) said that she feels ADUs have both pros and cons.
13 They can be beneficial to younger families allowing them to live in established
14 neighborhoods, but they can also pose major safety issues when they aren't being
15 inspected. She saw many instances where people rented out apartments in Provo that were
16 not safe to live in. She has seen instances of death and hospitalizations due to carbon
17 monoxide poisoning. She hopes the proper safety protocols will be put in place.

18
19 Jesse Bell (7 East 1000 South) said he thinks ADUs can be very helpful in solving
20 housing problems in Bountiful. He said there are many long-time residents of Bountiful
21 who find themselves with large, empty homes and the high costs that come along with
22 that. They now have the opportunity to rent part of their home and have some of that
23 burden alleviated, and that in turn enables them to stay in their communities instead of
24 downsizing and moving away from friends and neighbors. He said he appreciates that now
25 the City requires people to apply for a permit before renting their homes and thinks it is a
26 good idea as long as it is policed adequately.

27
28 Joseph Cutler (2763 South 400 East) said that he and his wife wanted to return to
29 Bountiful, where they grew up, but they couldn't find anywhere to rent, so they lived in
30 Farmington for about a year. Only recently were they able to find a place to live, in an
31 ADU, in Bountiful. He thinks it would be nice to have even more ADUs available for
32 people like them who really want to make Bountiful their home again.

33
34 MaryLynne Larson (1130 South 800 East) said that her and her husband chose to live in
35 Bountiful because of its beauty and its safety. She said that she lived in San Jose for many
36 years and that the city grew very quickly and allowed ADUs which created a really bad
37 parking problem. There were so many cars parked on the streets that it became very
38 unsafe and the neighborhood didn't feel the same anymore. It was a big problem. She
39 hopes that allowing ADUs in Bountiful will not adversely affect our City and that it can
40 stay safe and beautiful.

41
42 Ted Feinauer (440 North 1025 East) asked for clarification about business licenses in
43 regards to renting properties. Mr. Astorga answered that if you rent out four or more
44 properties you are required to have a business license, but you can have up to three rental
45 properties without needing a license. If you decide to add an ADU you have to apply for
46 and be granted a conditional use permit by the City and you must live on site. Mr.

1 Feinauer said that he wonders who was driving the zoning change to allow for ADUs,
2 because he thinks it was not the residents who wanted this change but that it was done for
3 economic reasons and is being driven by developers. He believes single-family
4 neighborhoods will become apartment neighborhoods and that's not what they were
5 designed for. He feels with all of the new apartments being built there are enough places
6 to rent in Bountiful and he doesn't want our community to change into something other
7 than what it is.

8
9 Jim Cutler (1158 South 800 East) said he feels that these fears and concerns are warranted
10 based on things that have already been happening without this ordinance in place, and
11 believes that this ordinance will address these issues and make it so fewer people are
12 going rogue. He thanked the Council for taking care of it because there is definitely a real
13 shortage and a need for more housing.

14
15 The Public Hearing was closed at 7:53 p.m.

16
17 Mr. Astorga read the definition of an ADU as found in the Bountiful City code for the benefit of
18 those in attendance. "ACCESSORY DWELLING UNIT (also "Accessory In-Law Apartment"): A
19 self-contained dwelling unit within an owner occupied single-family residence or located on an
20 owner occupied property that is either incorporated within the single-family residence or in a
21 detached building which maintains complete independent living facilities for one or more persons,
22 including permanent provisions for living, sleeping, eating, cooking and sanitation including a
23 separate kitchen and/or laundry facilities." He explained that they will come inspect ADUs and
24 advise residents to call the Planning office if they suspect someone is violating the law.

25 Mr. Hill affirmed that policing does happen and said to let the City know if there is an
26 unpermitted ADU in a neighborhood. He said ADUs are subject to all the same regulations as
27 everyone else in the community; they also pay their fair share of utilities and other costs. He clarified
28 that the action before the Council tonight is not whether or not to allow ADUs, but to approve ADU's
29 as a strategy to be included in the General Plan for Moderate Income Housing. He also explained that
30 ADUs were allowed in Bountiful for many years and it was only about 20 years ago that zoning was
31 changed to restrict them to family members only. So this is not something that changes the
32 fundamental character of the City, it is something that has been done before. This change will allow
33 inspection of these properties and make sure they are safe now that a permit is required beforehand.

34 Councilman Higginson thanked Ms. Kathleen Bailey for her recommendations on how to
35 improve the ordinance on ADUs and invited anyone else to help by pointing out flaws. He also
36 explained that the actions tonight are not to approve any ordinances, it is simply to tell the State the
37 things that Bountiful City is doing to comply with their mandate.

38 Councilwoman Bradshaw explained that the legislature is requiring all cities in Utah to
39 comply with this mandate and they are using a carrot and stick approach that is somewhat on the light
40 end. The City has likewise chosen to implement three items from the state menu that will affect the
41 City the least. Any of the menu items chosen will have an impact, but they have chosen the lightest
42 ones. The State can always choose to increase the requirements and give worse punishments for non-
43 compliance or a bigger reward that is harder to turn down. She urged everyone to watch this issue at
44 the legislative level if they are concerned about it.

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b. ACTION

Councilman Higginson made a motion to approve Ordinance 2019-06 updating the General Plan Moderate Income Housing Plan and Councilman Simonsen seconded the motion. The motion passed with councilmembers Bradshaw, Harris, Higginson and Simonsen voting “aye”.

CONSIDER APPROVAL OF RESOLUTION 2019-11 ADOPTING THE BOUNTIFUL CITY TRAILS MASTER PLAN – MR. FRANCISCO ASTORGA

Mr. Astorga reminded the Council that they had a good discussion about this item at the October 8th Council meeting and gave a quick summary of the progression of the Trails Master Plan (TMP) from 2009 to the present. He said City Staff, the trails committee and Blū Line Designs have worked really hard to create this plan in order to meet the wants and needs of the residents of Bountiful who have expressed that having more trails is a big priority. He recognized that there have been flaws in the process, like not making the plan available to the public prior to the October 8th meeting, but overall he is pleased with the outcome. Since the October 8th meeting where the Council chose to continue this item instead of voting on it, the plan has now been on the City website for 30 days and people have had a chance to review it. He clarified, because the proposed Creekside Trail was a big part of the discussion on October 8th that the Creekside Trail was included in the 2009 plan. He said it did not have good resolution and was perhaps difficult to see, but it was in the plan. He also said that he had Police Chief Ross and Fire Chief Bassett weigh in on the issues of crime rate increase and fire risks associated with the creation of Creekside Trail. He reminded the Council that there will be no taking of property (with or without compensation) because the City does not have the right to take property for the purpose of creating trails. He also explained that if the plan is adopted, the City would be required to create an official Trails Advisory Committee with members who have defined terms, and that a public notification/input process would be put in place as well. He said this plan has a lot in it, and the alignment of each trail will need to be worked on as each trail is starting to be planned. The RAP tax will be a big source of funding for the proposed trail projects, but the General Fund will likely need to be used as well, so there will be further discussions about funding and budgets for each project. One other item to note is that trail accessibility has been brought up recently and staff recommends making changes to increase accessibility at trailheads allowing wheelchair users with trail adaptive equipment the ability to use the trails. He said that Staff’s final recommendation for Council is to keep the proposed Creekside Trail in the plan, saying it is important to have an East-West trail that connects the rest of the trail system to the City.

Police Chief Tom Ross was invited to address the Council about his findings on trails and crime rate correlation. Chief Ross explained that he is not advocating for or against trails in Bountiful, but that he does not feel that a trail system will significantly take away from the public safety that is enjoyed today and that it might actually increase public safety. The most significant study on the effects of trails on crime rate was done in 1998, the Rails and Trails study. It showed that crime was reduced in places with trails, perhaps because it brings more people to an area. He does not feel that there is a crime problem in the area of Millcreek Canyon currently and does not expect that to change. He did caution the Council however, about the increasing homelessness problem, and said he expects that as the homeless population increases, more of them might be found camping out in secluded spots where water is available. He has talked with other Chiefs of Police who have mitigated that problem by turning secluded areas into public trails in order to discourage homeless people from hiding out there.

1 SDMF Chief Jeff Bassett also stated that he is not for or against trails in Bountiful. He
2 explained that trails that are wide enough (4-6' wide) create a fire break and can help stop the spread
3 of a wildland fire. Wider trails also give the fire department better access to sections of the canyon
4 that are unreachable otherwise which means stopping fires faster and giving quicker access to
5 medical attention if someone gets injured. He said that there has not been an increase in fires from
6 trails or the trails system; we usually see fires from illegal camping spots where people are hiding
7 out. He then explained that there is a State mandate for the fire department to provide around \$20,000
8 each year of in-kind mitigation work for decreasing fire risks. In Bountiful that amounts to about
9 \$9,000 each year. The fire department works with homeowners to help them clear out brush and
10 create defensible space around their homes. He said that if Creekside trail gets put in, he would love
11 for it to be wide enough to get a brush truck up there.

12 Councilwoman Bradshaw said that some of the homeowners have fire retardant cannons they
13 can use. She asked Chief Bassett if those are useful in fighting fires. He was unsure what kind of
14 equipment that was or how it operated, but he said if it sprays fire retardant foam, then yes, those can
15 be useful to slow a fire and protect your home. A pump system that shoots water can also be useful.
16 The fire department has limited access to that canyon right now and getting a hose down there is very
17 difficult.

18 Councilman Simonsen asked when the last time there was a fire in that canyon was. Chief
19 Bassett said that it has been a very long time since there's been a fire anywhere on the east bench and
20 there's never been one in Millcreek Canyon that he knows of.

21 Councilwoman Bradshaw asked Mr. Astorga to explain what a "pump track" is for the benefit
22 of the Council and the attendees. Mr. Astorga showed a few pictures and explained that a pump track
23 is a track of rolling hills that helps you work on mountain biking skills. The purpose is to ride through
24 it without pedaling. It can be small or large and can be a paved or a dirt track. There is a lot of
25 variation possible.

26
27 **a. PUBLIC COMMENT**

28 The Public Comment section was opened at 8:40 p.m.
29

30 Randall Edwards (1519 North East Hills Drive) expressed thanks to the firefighters and those
31 who had a hand in helping save his home during the Gun Range Fire emergency. He explained that
32 three years ago the Council voted against developing the mountainside behind their homes (Twin
33 Hollow/Cheese Park area), and it's because that land is already "perfect". He does not like that
34 people are now trying to take that land again and turn it into a pump track. He reiterated that the land
35 is already a great place to recreate, that nothing would improve it because it is already perfect. He
36 warned the Council that putting anything on that land would destroy it. He asked that the pump track
37 in the Trails Master plan be removed from the plan, even if the plan is just "a vision" he knows that if
38 it's in the plan it will happen.
39

40 Earl Thomas (1287 North East Hills Drive) explained that he helped procure the land in Twin
41 Hollow Park from the Forest Service many years ago, and that if they try to use that land for anything
42 other than a park it will be returned to the Forest Service as part of their agreement. He complained
43 that communication between the City and its residents has been lost and many people are offended
44 that they haven't been notified and included in the conversation. He said that Twin Hollow Park has
45 been left in disrepair and feels that the problem will continue with the pump track. He asked who

1 would police it to make sure motorcycles don't use it. He suggested putting it in 4th North park
2 instead.

3
4 Bo Foreman (1456 East Brentwood Lane), a coach on the high school mountain bike team,
5 said he is in support of putting in a pump track. He uses the one in Draper and thinks it is a good
6 place for families and people of all ages to hone their skills. He said that if we can find common
7 ground it would be a great thing to have. He feels we need one in Bountiful.

8
9 Lindsey Harper (1260 North 850 East) said that she loves trails and that they help her get her
10 kids outside. She would also be in support of having a pump track in Bountiful. Her main concern is
11 that the location (Twin Hollow Park) cannot support any more traffic and use than it has already. The
12 park has the only outdoor pickle ball courts in town and is the trailhead for the Bonneville Shoreline
13 Trail, so parking and traffic become a big issue at peak usage times during the day. The entire street
14 doesn't have any sidewalks or crosswalks, doesn't have a middle turn lane and has blind
15 intersections. She asked the Council to try to find a location that already has the infrastructure in
16 place to handle having a pump track installed. She said she would love that amenity but would rather
17 have a safe neighborhood for her children than an extra amenity.

18
19 Tyson Heaton (1520 North East Hills Drive) said he thinks it would be great if Bountiful
20 could "up its game" and take a more serious approach to parks and recreation. He feels the biggest
21 problem we face in America is obesity. His only request is that if we do it, to make sure we do it right
22 because doing it incompletely will only result in a system that isn't used. If we do it right then many
23 people will use it and many people will help regulate it and care for it.

24
25 Laura Preston (1077 East Millstream Way) explained that she has spent many hours creating a
26 secret garden on her parent's land in Millcreek Canyon and it has become a place of healing and a
27 sacred place for her and her family. If the Creekside trail is built it would mean the loss of her garden
28 which would be heartbreaking. She told the Council that if they build the Creekside trail it would
29 help people, but it would also hurt many people.

30
31 Bret Milburn (264 East London Road, Centerville) applauded the Councilmembers for the
32 hard work they do in their elected office and thanked them for being forward thinking. He said he
33 feels the mountain belongs to all of us and it's imperative that they look forward to plan for its future
34 use. Communities are enhanced as a whole when we build trails; they give us an opportunity to
35 engage with one another and to take ownership over what we have.

36
37 Thomas Evans (1130 East Millbrook Way) said he feels that it is wrong for the City to make
38 public plans for private property. He wonders why the Creekside trail is still on the plan when it
39 would require the landowners to give over their land, which is clearly not going to happen. He urged
40 the Council to strike it from the plan and move forward with projects that aren't on private property.

41
42 Ryan Nakaya (2422 South Claremont Drive) said that he sees nothing wrong with putting the
43 pump track in at Twin Hollow Park. He wants to see his children out riding their bikes. He asked the
44 Council to please start building projects that aren't being argued over. He hasn't seen any new trails
45 in Bountiful in his lifetime and feels we need them. He urged them not to have to resort to "a" and
46 "b" days on the Mueller Park trail.

1
2 Debbie Myers (470 East Mill Street) said that no one from the City has ever come to talk to
3 her about her property or the plan for the proposed trail. She fought long and hard to get that property
4 and she will not give it up. She is not okay with anyone taking her property or asking her to cooperate
5 or talking down to her.
6

7 Tyler Harvey (4526 South Spring Meadow Drive) thanked the Council for considering
8 adoption of the Trails Plan, it is a really important issue for his whole family who all love to get out
9 and enjoy nature by biking and hiking. He feels that we desperately need more trails, and that we
10 should utilize the great resource we have in the mountain biking team. There are over a hundred
11 students who are willing to help with trail development and maintenance.
12

13 Kip Cutler (minor) said in regards to the proposed pump track that he doesn't see the point in
14 having a mountain if we can't use it. He said we should be putting trails up and hiking, biking and
15 walking dogs, etc. on the mountain. His backyard is on Millcreek Canyon and he said there have been
16 quite a few trespassers in his yard over the years and it hasn't improved now that Creekside Park has
17 been built, so he doesn't believe having a trail there would be any better. He also said that he supports
18 the right of people to defend their property as an inalienable right from God. He hopes the City won't
19 try to take that away from anyone.
20

21 Bill Erickson (912 North 1000 East) said he loves the open space of the mountainside north of
22 the firebreak road entrance, but that he is also in support of putting a pump track there. He is
23 passionate about getting kids outside and it is our job (Bountiful residents) to get the kids of
24 Bountiful outside and off of their TVs and phones. He agrees that sidewalks are needed in that
25 neighborhood, but that if we wait for the "stars to perfectly align" then it won't happen. He wants to
26 get things built and get things up and going.
27

28 Jim Cutler (1158 South 800 East) said he has grown up hiking the trails in the foothills his
29 whole life and his kids hike and bike the trails a lot too. He has no opposition to having more trails
30 whatsoever. He supports the rights of the property owners and asked why the City is being so
31 stubborn when it's clear the property owners will not consent. He thinks we should just take the
32 Creekside Trail out of the plan. The precedent that is being set by leaving it in is that eventually when
33 homes are sold the City will build a trail and that's a slippery slope. Private property should not and
34 does not belong to all of us.
35

36 Angela Moon (1023 East Millstream Way) said she stands in support of the Trails Plan. She
37 was surprised that the Creekside Trail was still in the plan after last month's meeting, but since
38 learning that the City cannot take her land, she has nothing to fear and supports the plan. Her biggest
39 complaint about Bountiful is that there is a lack of trails. Mueller Park trails is way too crowded. We
40 want more trails and our community will be better for it.
41

42 Kimberly Fadden (1120 East 1500 South) said she appreciates the City giving land for the
43 Veteran's Park and explained that her father and grandfather both served and sacrificed to protect our
44 individual rights given in the Constitution. She said that her land along Millcreek Canyon will be in a
45 trust for a very long time and the next generation will not be able to sell it. She recommends
46 removing the Creekside Trail from the Trails Plan.

1
2 Dan Fenton (1406 East Millbrook Way) said he has an issue with private property being
3 disregarded. He heard that there is a State bill, if passed that will give cities the right to use eminent
4 domain for trails. If we leave the Creekside Trail on the plan it leaves the door open for land to be
5 taken against people's will, so we need to take it out. He said he supports the rest of the plan and
6 loves trails and thinks we need more. Taking Creekside out of the plan will show the residents that
7 the Council supports private property as well.
8

9 Glen Plazier (649 East 1130 North) said he likes the Trails Plan; the problem is that we need
10 to get it built. He feels if we have more trails then we won't have crowding all in one spot and it
11 would be great to be able to bike to the trails system and not have to use a car to get there. The more
12 people we get riding bikes then the fewer cars there will be, and thus less noise and it will be safer for
13 everyone. Let's get it done.
14

15 Cheryl Preston (1071 East Millstream Way) asked where all the people are going to park. She
16 sees how crowded it is at the Mueller Park trailhead and is concerned about where people will park to
17 use the Creekside Trail if it is built. It is already a safety issue on her street with the soccer fields
18 nearby; kids almost get hit by cars, cars line both sides of the street and people park in her driveway
19 as it is. She said that unless there's a plan to provide adequate parking then the trail should not be
20 built.
21

22 Jesse Bell (7 East 1000 South) said that he respects everyone's position on this issue and that
23 he respects private property rights. However, he believes we should leave the Trails Plan as it is. He
24 said our community is changing and growing and it is becoming more and more important to promote
25 a sense of community so that people can connect with their friends and neighbors in an uplifting way.
26 Trails do that. Land everywhere has already been acquired by someone, but that doesn't negate a
27 city's obligation to plan for the future. Communities who have grown more dense without preserving
28 public space have issues with safety and crime rate increases. He believes that in the future land
29 transfer will occur and that could provide an opportunity for the City to get the land they need in a
30 respectful way. The best time to start would have been 20 years ago, but the next best time to start is
31 today. If we don't get going building these trails now it will be too late.
32

33 Brent Chapman (947 East Millstream Way) said he strongly opposes the Creekside Trail
34 being built in his backyard because the planners have not given sufficient thought about the fact that
35 that area has been labeled as a "high flood hazard" zone by FEMA. FEMA states that it's important
36 to preserve the natural resources and functions of the flood plain, treating land to hold as much rain as
37 possible so that it can infiltrate the soil instead of running off and preserving natural functions and
38 habitats. He feels that the local government has a responsibility to uphold these guidelines and
39 prevent loss due to flood. It is a safety hazard and an economic hazard. He feels the Creekside Trail
40 should be removed from the Trails Plan.
41

42 Jeremy Holt (56 West 1200 South) said he loves the Trails Plan, that it is well thought-out and
43 holds a lot of opportunities for the residents of Bountiful to have a happy and healthy future. He has
44 worked for 15 years connecting communities to healthcare and said that if everyone in the room
45 walked two miles a day they would save \$2,000/year on individual healthcare costs. He said that he
46 can ride his bike to the trails system and not park in anyone's yard. He feels we need this plan in

1 order to move Bountiful into the future and to preserve our access to the trails and to healthy lives. It
2 is obvious that everyone here is in support of trails; some just have issues with small parts of the plan.
3 He hopes we can adopt the plan and then have great conversations about the problems with it and get
4 started on the five priority projects.

5
6 Terry Eggett (1311 E 1700 S) said that he is in support of trails, but he is not in support of the
7 Creekside Trail. He feels that we could make a compromise and instead of using Millcreek Canyon as
8 the trail site, we could install painted bike lanes along 1800 South in order to accommodate the same
9 connectivity to the trail system. He has noticed that many other trails move to being on public land
10 once they reach Bountiful Boulevard, so why not take this approach with the west end of the
11 Creekside Trail? Bike lanes could be installed on 1800 South and on 400 North and in other places so
12 that people can ride to the trails system and the canyons more easily.

13
14 The Mayor thanked everyone there for their kind and respectful remarks and said it is a
15 testimony to the good character of the residents of Bountiful.

16
17 The Public Comment section was closed at 9:47 p.m.

18
19 **b. ACTION**

20 Mr. Gary Hill answered some questions that were brought up during the comment period. He
21 explained that cities in large part make public plans for private property and it is not unconstitutional
22 or inappropriate. Cities regularly have to make plans for 30-50 years in the future, and it should not
23 be alarming to anyone that plans have been made for private property. All road easements, sewer
24 easements, street easements and even trail easements all start with plans like this and cross private
25 property at some point. Before any projects happen studies for parking, topography, cost, etc. are
26 required. The Creekside Trail is still being considered simply for the reason that we have to plan for
27 future generations and not just for current property owners.

28 Councilman Higginson added that this Trails Plan is not just for mountain bikers. He said that
29 most of the trail users are hikers and walkers and this plan is also for them. He thanked the Trails
30 Committee and City Staff for their work and for trying to look to the future. He said he is excited for
31 many of these projects but he also acknowledges that many people have been hurt and frustrated and
32 haven't felt heard. He feels that the best thing to do is to stop injuring and that means taking
33 Creekside Trail out of the Plan. He believes that the conversation should happen again in the future
34 and when it's time it will begin with the property owners. He feels there needs to be some time to
35 heal and in the meantime the other projects in the Plan can be started which will provide a lot more
36 recreation to a lot of people.

37 Councilwoman Harris explained that there are five projects that are high priority (Holbrook
38 Canyon trail connection to Ward Canyon trail, Mueller Park downhill trail, North Canyon single
39 track trail, North Canyon trailhead and Holbrook Canyon bridges) because they are the most feasible
40 projects right now. She understands why people are upset about the Creekside Trail and is supportive
41 of property owners being unwilling to give property for the trail. However, she feels that leaving the
42 Creekside Trail in the Plan simply leaves us the option for the future and taking it out of the Plan
43 takes options away. She explained that eminent domain for trails is illegal and she does not foresee
44 that changing anytime soon. She would like to make it clear that Bountiful City is against taking
45 property. She believes that if everyone is patient then maybe it can happen in the future. She feels the
46 Creekside Trail should be left as an option.

1 Councilman Simonsen said that as a child in Brigham City he could go spend a day in the
2 mountains and that he loves the mountains. He is bothered by the fact that he can't go out hunting
3 ducks and geese anymore like he did with his dad. But he spent many hours looking over the Trails
4 Plan and cannot get past the importance of people's property rights. He feels that the Creekside Trail
5 needs to come off the plan. He also feels that Twin Hollow Park is not the right location for the pump
6 track. He wants to get it right and although the Trails Committee and the City did a great job on the
7 plan, there has been too much division and heartache so it needs to be changed.

8 Councilwoman Bradshaw said she loves being in a room full of people who care about this City.
9 She feels very strongly that the City has not used enough of its resources to communicate to the
10 residents, although strides have been made, and it has been a goal of hers since joining the Council to
11 increase the communication outlets in the City. She said everyone loves the trails and she doesn't
12 think the City has done an appropriate job of planning for trails. She wishes Bountiful had planned
13 for trails 20 years ago when she was a kid and had preserved land so that there were more options
14 now, but they didn't, so now the choices are very limited and harder. The City needs to start now. She
15 feels that within the Master Plan process there is flexibility to adjust if something isn't feasible or
16 isn't the right location or isn't the right time. She said the formation of a formal Trails Advisory
17 Committee (with publicly noticed and open meetings) is something that has been added to the plan,
18 as well as some stipulations about communication with the residents. The plan also now says that
19 trails that adjoin private property will require additional public input and that property owners will be
20 invited to comment before any final design is started. She feels that with the addition of those two
21 items she is comfortable adopting the Trails Master Plan as is.

22 Councilwoman Harris made a motion to approve the Trails Master Plan and Councilwoman
23 Bradshaw seconded the motion. The vote was tied with Councilmembers Bradshaw and Harris voting
24 "aye" and Councilmembers Higginson and Simonsen voting "nay."

25 Mayor Lewis explained that active transportation is the future and he feels very strongly that
26 it is not going away. He sees other cities in our area facing the same issues in trying to connect their
27 trails systems to the Legacy Trail and has realized that it is a good idea. He is voting to adopt the Plan
28 because he feels that the City needs to seek for the ideal and in an ideal situation (if it didn't hurt
29 anyone's family or take anyone's property) the Creekside trail would be built and have that east-west
30 connectivity. He expressed his love for Bountiful and for the people of Bountiful. He hopes that they
31 can see that the future is going to bring changes, and it's going to bring more active transportation.
32 He hopes they can see that this plan will bring a benefit for the future.

33 The motion passed with Mayor Lewis voting "aye."

34 Councilman Higginson pointed out that the motion did not include the approval of Resolution
35 2019-11. Councilwoman Harris amended her original motion to include the approval of Resolution
36 2019-11 and Councilwoman Bradshaw seconded the motion. The motion passed with
37 Councilmembers Bradshaw and Harris and Mayor Lewis voting "aye" and Councilmembers
38 Higginson and Simonsen voting "nay."

39
40 **CONSIDER APPROVAL OF ENGINEERED FLUID, INC.'S PROPOSAL FOR THE**
41 **MANUFACTURE OF THE 400 NORTH BOOSTER STATION IN THE AMOUNT OF**
42 **\$360,916 – MR. LLOYD CHENEY**

43 Mr. Lloyd Cheney explained that they have received a proposal from EFI for a booster station
44 to be installed at 400 North and that EFI is the only viable option for the booster station. EFI's
45 product has been used by the City before for the booster station at Maple Hills and know they will do

1 a great job. The proposal is more than our budgeted amount of \$350,000, but about \$7,000 (2%) will
2 be saved by prepaying, which will be done if approved.

3 Councilwoman Bradshaw made a motion to approve the proposal from EFI, Inc. for \$360,916
4 and Councilman Higginson seconded the motion. The motion passed with Councilmembers
5 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

6
7 **CONSIDER APPROVAL OF AN ALCOHOL LICENSE FOR ROBINTINO’S LLC**
8 **LOCATED AT 1385 SOUTH 500 WEST – MR. FRANCISCO ASTORGA**

9 Mr. Astorga explained that with Robintino’s restaurant changing to a different management
10 company they need to transfer the alcohol license to the new company.

11 Councilman Higginson made a motion to approve the alcohol license for Robintino’s LLC
12 and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers
13 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

14
15 **CONSIDER APPROVAL OF RESOLUTION 2019-12 ADOPTING AMENDMENT NUMBER**
16 **FOUR TO THE BOUNTIFUL CITY CORPORATION CAFETERIA PLAN – MR. CLINTON**
17 **DRAKE**

18 Mr. Clinton Drake explained that this amendment to the Bountiful City employee benefits
19 plan is to adhere to federal law. The first change clarifies who is considered to be a part-time
20 employee and the second change allows the City to offer Health Saving Accounts.

21 Councilwoman Harris made a motion to approve Resolution 2019-04 amending the Bountiful
22 City Cafeteria Plan and Councilwoman Bradshaw seconded the motion. The motion passed with
23 Councilmembers Bradshaw, Harris, Higginson and Simonsen voting “aye”.

24
25 **ADJOURN**

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

29
30 The regular session of City Council was adjourned at 10:20 p.m.



Mayor



City Recorder