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Minutes of the
BOUNTIFUL CITY COUNCIL

August 7, 2018 – 6:00 p.m.

Present: Mayor Randy Lewis
Councilmembers Kendalyn Harris, Richard Higginson, Beth Holbrook,
John Marc Knight, Chris Simonsen (Mayor Pro-Tem)
City Manager Gary Hill
Asst. City Manager Galen Rasmussen
City Prosecutor Jake Fordham
City Planner Chad Wilkinson
City Engineer Paul Rowland

Department Directors/Staff:

Police Chief Tom Ross
Assist. Police Chief Ed Biehler
Finance Director Tyson Beck
Information Tech. Director Alan West
Parks Director Brock Hill
Asst. City Engineer Lloyd Cheney
Public Works Engineer Todd Christensen
Cemetery Superintendent Geno Flanary
Recording Secretary Nikki Dandurand

Others:

Deputy Fire Chief Dane Stone
Deputy Fire Chief Dave Powers

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

Work Session – 6:00 p.m.
Planning Conference Room

Mayor Pro-Tem Simonsen welcomed those in attendance and called the session to order at 6:02 p.m.

SUMMERWOOD FIRE AND FIREARMS DISCUSSION – MR. JACOB FORDHAM & MR. GARY HILL

Mr. Hill reviewed the incident that started this fire and burned approximately 56 acres last year. Personnel on scene could also hear “popping” noises coming from the fire. Deputies Stone and Powers from South Davis Metro Fire presented video/pictures of the fire from KSL news coverage. They were able to see the topography, estimate wind, weather, etc. and effectively stop the fire. Flame retardant was also dropped in an effort to curb the fire. The United States Forest Service has moved forward with charges and are expected to have a resolution later this month which will include

1 restitution.

2 Mr. Hill stated the City is waiting for the Forest Service to finish their investigation and then
3 the City will move forward with its investigation. Although there were complaints from the
4 neighbors, City personnel could only reply that it was located on the Forest Service property and
5 could not provide enforcement outside City limits. Mr. Hill stated they will take another look into the
6 language of the proposed changes and come back to the Council at a later date.

7
8 **Regular Meeting – 7:00 p.m.**
9 **City Council Chambers**

10
11 Mayor Lewis called the meeting to order at 7:00 p.m. and welcomed those in attendance.
12 Will Smith, local Scout, led the Pledge of Allegiance; Father Rene of St. Olaf Catholic Church gave a
13 prayer.

14
15 **PUBLIC COMMENT**

- 16 • Resident – asked for reduced fees for High school students playing on
17 City golf course
- 18 • Debbie Miller – Liberty Hills School, this will be a missed opportunity
- 19 • Jared Vance – student at Liberty High School
- 20 • Student – commented on Liberty High School
- 21 • Suzanne Bates – resident – children at Liberty High School

22
23 **APPROVE MINUTES OF PREVIOUS MEETING – JULY 10, 2018**

24 Mayor Lewis presented the minutes from the previous meeting. Councilman Higginson
25 moved to approve the minutes and Councilwoman Harris seconded the motion. Voting was
26 unanimous with Councilpersons Harris, Higginson, Holbrook, Knight and Simonsen voting “aye”.

27
28 **COUNCIL REPORTS**

29 Councilman Simonsen announced the next Concert in the Park performers and that
30 Summerfest was that weekend. Councilwoman Harris announced an open house on August 16th for
31 the High school parking issue at City Hall.

32
33 **BCYC REPORT**

34 Kenley Dandurand and Leena Rucker reported on the Handcart Days Parade, serving
35 breakfast the next morning and that the Youth Council will be handing out flyers for the school
36 parking open house meeting.

37
38 Mr. Jake Fordham recognized Mr. Bill Albright as the City’s public defender for the past 22
39 years.

40
41 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES > \$1,000 PAID JUNE 18, JULY 2,**
42 **9, 10, 16, 17, 23 & 24, 2018**

43 Mayor Lewis presented the expenditures and asked for a motion to approve. Councilman
44 Knight moved to approve the weekly expenditures and Councilman Higginson seconded the motion.
45 Voting was unanimous with Councilpersons Harris, Higginson, Holbrook, Knight and Simonsen
46 voting “aye”.

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2
3 **CONSIDER APPROVAL OF RESOLUTION 2018-10 SETTING A PROPERTY TAX RATE**
4 **OF 0.000880 FOR 2018 TAXES AND ORDINANCE 2018-06 WHICH ADOPTS THE FISCAL**
5 **YEAR 2018-2019 TENTATIVE BUDGET AS THE CITY’S FINAL BUDGET – MR. GALEN**
6 **RASMUSSEN**

7 Mr. Gary Hill recapped the latest bills that were passed in the 2018 Legislative session
8 including the over reach of government authority. Tonight, the City is asking for additional money
9 for specific needs for our community.

10 Mr. Galen Rasmussen presented an overview of how the property tax system in Utah operates
11 including a one taxing entity illustration to show the effects of various assessed valuations and tax
12 rates upon residential properties.

13 Mr. Tyson Beck reviewed how Property Tax is assessed for the average home. Bountiful has
14 the second lowest rate in Davis County. Chief Ross also spoke about the need for this increase, the
15 impact on the Police Department’s morale and that this is the right time to do it.

16
17 ***PUBLIC HEARING – OPEN: 7:55 p.m.***

- 18 • John Kuntz – effects on fixed income residents
19 • Ron Mortensen – interfund transfers necessary, new electric rate
20 • Phill Wright – definition of taxes
21 • Shay Young – there is not a justification for increase
22 • Earl Thomas – need the police protection, where did Fire Department money go?
23 • Joe West – concerned about inflation
24 • Terry Eggett – need a better tax base
25 • Alex Densley - find funding somewhere else
26 • Robert Hood – explain power transfer better
27 • Jeff Upholdt – do our due diligence

28 ***CLOSED: 8:36 p.m.***

29
30 Mr. Gary Hill answered some of the public’s questions that were asked in the public hearing.
31 Councilman Higginson responded that the power transfer gives the residents cheaper power that is
32 more reliable, doesn’t like property tax, but it is right to make this small adjustment. Councilwoman
33 Harris is sensitive to fixed income families, but we have to be responsible as well. Councilwoman
34 Holbrook commented that Staff and City leaders have done an amazing job to balance the City
35 budget. Councilman Simonsen commented that as the newest Council member, he is impressed with
36 all the departments, but there comes a point that we need to adjust taxes to fund needed services,
37 Councilwoman Holbrook made a motion approve Resolution 2018-10 and Ordinance 2018-06 and
38 Councilman Knight seconded the motion. Voting was unanimous with Councilpersons Harris,
39 Higginson, Holbrook, Knight and Simonsen voting “aye”.

40
41 **CONSIDER CONFIRMING THE PLANNING COMMISSION RECOMMENEDATION OF**
42 **DENIAL OR HOLDING A PUBLIC HEARING TONIGHT TO CONSIDER A ZONING**
43 **TEXT AMENDMENT TO SECTION 14-7-103 OF THE BOUNTIFUL CITY CODE TO**
44 **ALLOW FOR PRIVATE SCHOOLS IN THE DN (DOWNTOWN) ZONING DISTRICT,**
45 **JILL THOMPSON REPRESENTING LIBERTY HILLS ACADEMY, APPLICANT – MR.**
46 **CHAD WILKINSON**

1 Mr. Chad Wilkinson reviewed the current zoning in the DN area. The Planning Commission
2 sent a recommendation for denial on this action. The Council has a few different actions they can
3 take tonight. Councilwoman Harris hopes that if this passes, the bottom floor of the building can
4 remain as a reception center, but wondered how that action would affect the sales tax revenue of the
5 City. Councilman Knight moved to accept the Planning Commission's recommendation of denial for
6 a public hearing and Councilwoman Holbrook seconded the motion. Councilman Higginson asked if
7 the Council would like to hear from the public. Councilman Knight withdrew his original motion.
8 Councilman Higginson made a new motion to hold a public hearing, held immediately. Councilman
9 Simonsen seconded the motion. Councilman Knight asked Mr. Gary Hill if proper advertising was
10 done for this public hearing. Mr. Hill responded that it was. Voting was unanimous with
11 Councilpersons Harris, Higginson, Holbrook, Knight and Simonsen voting "aye".
12

13 ***PUBLIC HEARING – OPEN: 9:15 p.m.***

- 14 • Jill Thompson – principal of Liberty Hills Academy, overview of master plan
- 15 • Caleb – student – great school
- 16 • Emily Jackson – great school for special needs, don't funnel them back into public schools
- 17 • Peter Cannon – loves the deeply religious institution training
- 18 • Tiffany House – Assistant Principal – would like to emphasize the uniqueness of the building
- 19 • Gary Nelson – helped with another private school and is in favor of the school

20 ***CLOSED: 9:37 p.m.***

21
22 Councilman Higginson appreciates the information from the City Manager and the Planning
23 Commission. Mr. Wilkinson stated it is tempting to look at this one use, but the long term needs to
24 be considered as well. There is limited commercial space/tax base, a vibrant commercial district with
25 a master plan. This decision will impact other buyers. The City is already 80% zoned for private
26 school use, just not in the DN area. Mayor Lewis suggested a motion to include the bottom floor for
27 commercial use. Councilwoman Holbrook has met with other potential buyers and the challenge for
28 the City is limited space, the practicality of density and if other businesses have the same mindset. A
29 school is a different business model. Councilman Higginson asked if they could pass a motion for a
30 mixed use development. Mr. Wilkinson said it would limit any further commercial development.
31 Mr. Hill also confirmed that it would not be consistent with the economic development of the area.
32 City Council and Staff continued discussing the pros and cons of changing the zone including parking
33 issues, taxes, etc. Councilwoman Holbrook made a substitute motion to uphold the Planning
34 Commission's vote of denial and Councilman Knight seconded the motion. Councilmembers
35 Holbrook and Knight voted "aye", Councilmembers Harris and Simonsen voted "nay." Councilman
36 Higginson abstained, which would leave the Mayor to vote with a tied vote. The Council again
37 addressed Ms. Thompson with different questions of mandating the basement to have commercial use
38 or going to a different location. Mayor Lewis concluded the discussion. Councilman Higginson
39 made a substitute motion to uphold the Planning Commission's vote as "nay."

40 The original motion is now back to vote on for the City Council. Councilmembers Harris,
41 Higginson and Simonsen voted "aye" to amend the code and Councilmembers Holbrook and Knight
42 voted "nay." The zoning text amendment was passed with a 3-2 vote.

43 Mr. Wilkinson stated there will also need to be an Ordinance passed to finalize the change and
44 that will be brought to the Council at their next meeting.
45

46 Mayor Lewis asked for a short recess before continuing the remainder of the meeting.

1
2 **CONSIDER APPROVAL OF A LEASE AGREEMENT WITH MAIN STREET**
3 **INVESTMENT, LLC FOR A TWO-YEAR LEASE OF OFFICE SPACE AT 150 NORTH**
4 **MAIN STREET, BOUNTIFUL IN THE AMOUNT OF \$210,708 - MR. TODD**
5 **CHRISTENSEN**

6 Mr. Christensen stated this is where City staff will be relocated for the renovation of City
7 Hall. There are unique benefits to this building including the central location, two office areas,
8 allowing overnight parking and a two year lease. Councilman Knight asked if the rental fee includes
9 signage. Mr. Christensen replied that we would need to provide that. Other options were looked at,
10 but this is the most reasonable. Councilman Higginson made a motion to approve the lease
11 agreement and Councilwoman Harris seconded the motion. Voting was unanimous with
12 Councilpersons Harris, Higginson, Holbrook, Knight and Simonsen voting “aye”.

13
14 **CONSIDER APPROVAL OF AN ALCOHOL LICENSE FOR FAT FISH 2 LLC, 595 WEST**
15 **2600 SOUTH, MR. SON DANG, OWNER – MR. CHAD WILKINSON**

- 16 a. **PUBLIC HEARING**
17 b. **ACTION**
18

19 Mr. Wilkinson stated the ownership/name has changed which requires a new license. There
20 does not need to be a public hearing. Councilman Knight made a motion approve the license and
21 Councilman Higginson seconded the motion. Councilpersons Harris, Higginson, Holbrook and
22 Knight voting “aye”, Councilman Simonsen abstained from the vote.

23
24 **CONSIDER APPROVAL OF THE ANNUAL TYLER TECHNOLOGIES SOFTWARE**
25 **MAINTENANCE CONTRACT IN THE TOTAL AMOUNT OF \$79,393.81 – MR. ALAN**
26 **WEST**

27 Mr. West stated that keeping the software up to date is critical, and we have used Tyler since
28 2012. Tyler Technologies provides support for all Bountiful City financial software. Software
29 Support Maintenance Agreements (SSMA) is usual and customary in the computer software industry.
30 Councilwoman Harris made a motion to approve the contract and Councilman Higginson seconded
31 the motion. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook, Knight and
32 Simonsen voting “aye”.

33
34 **CONSIDER PRELIMINARY AND FINAL SUBDIVISION APPROVAL FOR HAYWARD**
35 **SUBDIVISION LOCATED AT 153 S 300 EAST, MR. ROBERT ZESIGER, APPLICANT -**
36 **MR. PAUL ROWLAND**

37 Mr. Rowland stated this two lot subdivision proposes to split the existing residential property
38 at 153 South 300 East Street. The property is currently occupied by a single home with an attached
39 garage which will end up on one of the two proposed lots. The Planning Commission sends a
40 favorable recommendation for preliminary and final approval of the Hayward Subdivision with the
41 following conditions:

- 42 1. Provide a current title report.
43 2. Make all necessary red line corrections.
44 3. No Bond is required until a building permit is issued on the new lot 2, at which
45 time the bond will cover the repair of any damaged improvements on that lot,
46 whether caused by the construction or preexisting.

1 4. Pay all fees, including the Storm Water Impact Fee.
2

3 Councilman Higginson made a motion to approve the preliminary/final subdivision and
4 Councilwoman Holbrook seconded the motion. Voting was unanimous with Councilpersons Harris,
5 Higginson, Holbrook, Knight and Simonsen voting “aye”.
6

7 **CONSIDER PRELIMINARY AND FINAL PLAT APPROVAL FOR 5TH WEST FLEX**
8 **OFFICE CONDOMINIUMS LOCATED AT 1051 SOUTH 500 WEST, MR. JEFF BECK,**
9 **APPLICANT – MR. PAUL ROWLAND**

10 Mr. Rowland stated that Mr. Jeff Beck, applicant, requests preliminary and final plat approval
11 for the 5th West Flex Office Condominiums The building meets all of the requirements that were in
12 place at the time of the original commercial subdivision approval and this change is solely for the
13 purpose of producing a condominium plat of this lot so that the individual units can be sold
14 independently. Councilman Higginson made a motion to approve the preliminary/final plat approval
15 and Councilwoman Holbrook seconded the motion. Voting was unanimous with Councilpersons
16 Harris, Higginson, Holbrook, Knight and Simonsen voting “aye”.
17

18 **CONSIDER APPROVAL OF THE FOLLOWING EQUIPMENT PURCHASES FOR THE**
19 **PARKS DEPARTMENT – MR. BROCK HILL**

- 20 a. **A FORD F250 4X4 4-DOOR CREW WORK TRUCK FROM YOUNG FORD IN THE**
21 **AMOUNT OF \$29,607 AND KUBOTA KX057 MINI EXCAVATOR WITH**
22 **ATTACHMENTS FROM BONNEVILLE EQUIPMENT COMPANY IN THE**
23 **AMOUNT OF \$63,149.63**
24 b. **TWO NEW GRASSHOPPER MOWERS FOR THE CEMETERY FROM RMT**
25 **EQUIPMENT IN THE AMOUNT OF \$26,000**

26
27 Mr. Hill stated that Bountiful City has always been committed to providing fun, beautiful, and
28 well maintained parks and facilities for its citizens. The maintenance equipment in the fleet is
29 heavily relied on and Staff works hard to maintain and keep that equipment in safe and reliable
30 working condition. The Parks Department is requesting approval to purchase a new 4-door work
31 truck to assist the Department in its assigned maintenance responsibilities. In the past, equipment has
32 been borrowed from other departments including the Water and Streets Departments. Scheduling this
33 equipment has been a challenge because of the amount of projects the other departments are
34 completing. Further, it puts them in a bind and behind schedule if the equipment is used for more
35 than a day. With the purchase of a mini excavator, projects will be able to be completed as well as
36 assist with maintenance tasks and projects at the Cemetery and Golf Course. Bonneville Equipment
37 Company is the supplier and State Contract holder for Kubota equipment. Councilman Knight asked
38 if these are budgeted items. Mr. Hill replied the work truck and mini excavator have been budgeted
39 for and there are sufficient funds in the capital equipment budget to cover the costs associated with
40 this purchase. Councilman Knight made a motion to approve the purchase and Councilman
41 Higginson seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson,
42 Holbrook, Knight and Simonsen voting “aye”.
43

44 **CONSIDER APPROVAL OF THE PURCHASE OF TWO POLICE VEHICLES FROM**
45 **PERFORMANCE AUTOMOTIVE GROUP IN THE AMOUNT OF \$71,094 – CHIEF TOM**
46 **ROSS**

1 Assistant Police Chief Ed Biehler is requesting approval of the purchase of two police
2 vehicles. Funding for these vehicles is included in the Police Department FY 2019 budget. The
3 vehicles to be purchased are two 2018 Ford F150 Pickups assigned to the Patrol division. The
4 Pickups will be purchased from Performance Automotive Group at the Utah State Contract price.
5 Councilman Knight asked if the trade-ins can be sold for revenue. Councilwoman Holbrook made a
6 motion to approve the purchase and Councilman Higginson seconded the motion. Voting was
7 unanimous with Councilpersons Harris, Higginson, Holbrook, Knight and Simonsen voting “aye”.
8

9 Mayor Lewis asked for a motion to adjourn the regular session of City Council. Councilman
10 Higginson made a motion to adjourn the meeting and Councilman Simonsen seconded the motion.
11 The regular session of the City Council was adjourned at 10:47 p.m.
12
13
14



Mayor Pro Tem



City Recorder