

Minutes of the
BOUNTIFUL CITY COUNCIL
June 22, 2021 – 6:30 p.m.

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- Present: Mayor Randy Lewis
- Councilmembers Millie Segura Bahr, Kate Bradshaw, Kendalyn Harris, Chris R. Simonsen
- City Manager Gary Hill
- Asst. City Manager Galen Rasmussen
- City Engineer Lloyd Cheney
- Planning Director Francisco Astorga
- City Attorney Clinton Drake
- Finance Director Tyson Beck
- Water Director Kraig Christensen
- Streets Director Charles Benson
- Assistant Police Chief Dave Edwards
- SDMF Chief Dane Stone
- Recording Secretary Maranda Hilton

20 Excused: Councilman Richard Higginson

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

Work Session – 6:30 p.m.
City Council Chambers

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29 Mayor Lewis called the meeting to order at 6:32 p.m., welcomed those in attendance and
30 excused Councilman Higginson who is at a training for his Power Board assignment.

31
32 **FIBER RFI UPDATE – MR. GARY HILL**

33 Mr. Gary Hill gave the Council an update about the fiber-to-the-home project. He explained
34 that staff put out a Request for Information (RFI) and received eight responses. Mr. Alan West
35 collected the responses, staff fielded additional questions from the providers, and a special committee
36 reviewed and evaluated all the responses. After the review, there are three potential pathways
37 identified that the staff will ultimately need direction from the Council on, but there will also be a
38 second round of interviews in order to gather more information. The three options are having a City-
39 owned utility (either operated by the City or operated by a provider), having a provider-owned and
40 operated utility, or leaving the market to itself and doing nothing. The next round of interviews will
41 begin the week of July 12th. Mr. Hill went through some of the criteria and questions they identified
42 as a committee which they believe will help them move forward on making a recommendation to the
43 Council after the next round of interviews.

1 He explained that the responses were very enlightening and that overall, they feel very
2 pleased with the number of good options to choose from. The committee learned a lot through this
3 process.

4 Councilman Simonsen asked whether staff has reached out to other cities about their
5 experiences with these providers. Mr. Hill answered that that process has begun including looking
6 into why different cities chose what they chose, to generate more ideas to take into consideration
7 during this process.

8 Councilwoman Harris expressed how happy she is that the City is moving forward with this
9 project and taking the time to be thoughtful about it and make a wise choice. Mr. Hill agreed that
10 because this is a multi-million-dollar decision, they want to take the time and be deliberate in their
11 choice.

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13 The meeting was closed at 6:50 p.m.

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16 **Regular Meeting – 7:00 p.m.**
17 **City Council Chambers**

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19 Mayor Lewis called the meeting to order at 7:00 p.m. and welcomed those in attendance. Mr.
20 Steve Freebairn led the Pledge of Allegiance and Mr. Cory Frogley from the Mueller Park Stake,
21 offered a prayer.

22
23 **COUNCIL REPORTS**

24 Councilwoman Bradshaw did not have a report.

25 Councilman Simonsen reported that The Vietnam Vets Legacy Vets Motorcycle Club kicked
26 off an “Operation Zero” event at the Veteran’s Park. They will be touring all the veterans parks in
27 Utah as part of a suicide prevention campaign. Close to 200 people were in attendance and it was a
28 wonderful event. They thanked us for our beautiful park.

29 Councilwoman Harris thanked the pickleball community for always promoting their desires in
30 a positive way. She loves that they are campaigning for something healthy that families can do
31 together. She also reminded all local business owners about the Bountiful Business Symposium on
32 September 22, at 7:30 a.m.

33 Councilwoman Bahr expressed her appreciation for the skateboarding community and the
34 way they have interacted so positively and respectfully with the City.

35
36 **PUBLIC COMMENT**

37 The public comment section was opened at 7:08 p.m.

38
39 Claudia Lindeburg (2057 Penman Lane) said that she believes there should be transparency in
40 government, and that she was told incorrect information at the last meeting concerning how
41 much the City paid for the cemetery land purchase.

42
43 Mr. Kevin Olsen (1182 East 1850 South) said that he wants the Council to know that there is
44 still a great interest in and a need for pickleball courts in Bountiful. The pickleball committee
45 worked hard passing out fliers, putting up yard signs and talking to their neighbors to help
46 pass the Washington Park Bond because they are hopeful it will result in additional courts for

1 them to use. He explained that pickleball is not a fad, it is one of the fastest growing sports in
2 America. Most of our players play in Woods Cross, Farmington or Kaysville, but the courts
3 are packed every day.
4

5 Mr. Sterling Ripp (977 Oakwood Drive) expressed support for the creation of Washington
6 Park and insisted on the need for a skate park in Bountiful, saying that skateboarding is a
7 sport just like any other sport. He explained that the temporary park has been a huge success
8 and the skateboarding community has been grateful for it and treated it with respect. He
9 explained that they have been lobbying for a park since 1994 and urged the Council to
10 consider putting one in at Washington Park.
11

12 Mr. Dustin Atwood (no address given) said that he has skated his entire life, and he has skated
13 everywhere, but said that it is hard because no one wants you to skate anywhere. His children
14 now skate also and he is excited about the prospect that they will have somewhere to go that
15 is legal. He pleaded with the Council to give them somewhere to skate.
16

17 Mr. Michael Nielsen (1064 Woodmoor Drive) said he is associated with the AAU (former US
18 Olympic Committee) and that they would love to help us host an AAU pickleball tournament
19 here in Bountiful. He believes hosting a tournament will fill up our shops and restaurants and
20 get more people spending money on Main Street. He also expressed his love of pickleball and
21 said it helped him lose a lot of weight and saved his life.
22

23 Mr. Ethan Lowder (Time Machine Skate Shop, 505 West 2600 South) said there are so many
24 amazing skaters in Bountiful and it is sad that we do not have a place for them to call home.
25 He thanked the Council for the temporary park that was installed at Rocket Park and said it
26 has been wonderful, but that it is time for more. He believes a new park will positively impact
27 many lives.
28

29 The public comment section was closed at 7:22 p.m.
30

31 **CONSIDER APPROVAL OF EXPENDITURES GREATER THAN \$1,000 PAID MAY 31 &**
32 **JUNE 7, 2021**

33 Councilwoman Bradshaw made a motion to approve the expenditures and Councilwoman
34 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris and
35 Simonsen voting “aye”.
36

37 **CONSIDER APPROVAL OF AWARDING THE CONTRACT FOR ARCHITECTURAL**
38 **DESIGN SERVICES FOR WASHINGTON PARK TO MGB+A IN THE AMOUNT OF**
39 **\$106,650 AND TO BEGIN THE PROCESS OF SELECTING A CONSTRUCTION**
40 **MANAGER/GENERAL CONTRACTOR FOR THE PROJECT – MR. LLOYD CHENEY**

41 Mr. Lloyd Cheney explained that this is the first step in the development of Washington Park,
42 and they received five proposals from different firms. Their committee reviewed them and chose to
43 interview the two that were most qualified with a lot of experience building pickleball and tennis
44 courts. Staff recommends awarding the contract to MGB+A; they are highly qualified; they provide
45 an excellent value to the City and they have already proven to be supportive of the City’s best
46 interests. He added that they outlined some requirements for the public outreach process, including a

1 minimum of three public outreach activities that will give residents a chance to have their voices
2 heard.

3 Councilwoman Bradshaw asked when the public should expect that process to begin, and Mr.
4 Cheney answered that they hope to schedule the first outreach event next month. Events will be
5 advertised on the website and through social media. They want to complete the design by this coming
6 spring and begin construction as soon as weather permits.

7 Mr. Cheney added that they also wish to begin the selection process for a construction
8 manager. They feel it is important to find one early in the design process.

9 Councilman Simonsen made a motion to award the contract for architectural services to
10 MGB+A and to allow staff to begin the process of selecting a construction manager/general
11 contractor for Washington Park and Councilwoman Bradshaw seconded the motion. The motion
12 passed with Councilmembers Bahr, Bradshaw, Harris and Simonsen voting “aye”.

13
14 **CONSIDER APPROVAL OF ORDINANCE 2021-07 PROHIBITING THE USE OF**
15 **FIREWORKS EAST OF ORCHARD DRIVE/400 EAST – MR. CLINTON DRAKE**

16 Mr. Clinton Drake explained that Utah Code and the International Fire Code authorizes
17 municipalities to make restrictions based on “hazardous environmental conditions”. At this time, staff
18 is mindful of anything that increases the risk of fires. Coinciding with Governor Cox’s declaration of
19 a state of emergency regarding the extreme drought conditions, Fire Chief Stone and City staff
20 recommend approving Ordinance 2021-07 which will restrict the use of fireworks east of Orchard
21 Drive/400 East.

22 Councilwoman Bahr made a motion to approve Ordinance 2021-07 prohibiting the use of
23 fireworks east of Orchard Drive and Councilwoman Bradshaw seconded the motion. The motion
24 passed with Councilmembers Bahr, Bradshaw, Harris and Simonsen voting “aye”.

25 Mr. Drake explained that due to the new restrictions, staff has been looking for a public space
26 that could be utilized for residents to discharge fireworks July 2-5. They feel the most appropriate
27 place is the parking lot in front of the public safety building. Dumpsters would be provided for
28 firework disposal. The Council agreed that it was a good idea and approved the use of that space.
29 They also asked about providing more than one location. Mr. Hill said he felt it would be best to start
30 with one location and, if needed, they would add a second one. He added, however, that staff hopes
31 the Council will encourage residents to forbear lighting their own fireworks this year, due to the high
32 risks, and opt to watch one of the public displays in a nearby city instead. They hope that residents
33 will use common sense. Chief Stone agreed.

34 Mr. Drake asked for Council direction regarding the enforcement of the fireworks restriction.
35 He explained that a violation of the ordinance is a class “B” misdemeanor. Council indicated that
36 they would leave it to the discretion of the officers whether or not to issue citations for violations, but
37 they agreed it needs to be enforced, especially in high-risk areas within the restricted zone.

38
39 **CONSIDER FOR ADOPTION FY 2021 AMENDED BUDGET AND FY 2022**
40 **TENTATIVE BUDGET WITH RELATED ITEMS – MR. GALEN RASMUSSEN**

41 Mr. Galen Rasmussen reviewed the key points of the FY2022 tentative budget for the
42 Council. The total budget is \$76.72M and is balanced between revenues and expenses as is required
43 by law. The majority of the revenue (57%) comes from user fees, and then taxes (23%), and some
44 smaller sources of revenue. The money is spent mostly on operations and maintenance (45%), then
45 personnel services (32%), capital (18%), transfers (4%) and reserves (1%). Tonight, public hearings
46 will be held regarding adoption of the FY2021 budget, and the fund transfers related to that, and the

1 FY2022 tentative budget with its related rates, user fees and long-term capital plan. A date and time
2 also needs to be established for a Truth-in-Taxation hearing.

3
4 **A. PUBLIC HEARING ON THE FY2022 TRANSFER OF FUNDS FROM THE**
5 **LIGHT AND POWER FUND TO GENERAL FUND**

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7 Public Hearing was opened at 8:20 p.m.

8
9 Mr. Ray Keller (819 Oakwood Circle) expressed his concern over an increase in
10 property taxes. He said he hopes the City is being wise in how they spend money.

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12 Public Hearing was closed at 8: 24 p.m.

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14 **B. PUBLIC HEARING ON THE FY2022 TRANSFER OF FUNDS FROM THE**
15 **LANDFILL FUND TO THE RECYCLING FUND**

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17 Public Hearing was opened at 8:24 p.m.

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19 Mr. Ray Keller (819 Oakwood Circle) said that if the recycling program is not worth
20 what we are paying for it, then we should take those items to the landfill instead.

21
22 Public Hearing was closed at 8:25 p.m.

23
24 **C. PUBLIC HEARING ON THE FY2021 AMENDED BUDGET AND THE FY2022**
25 **TENTATIVE BUDGET**

26
27 Public Hearing was opened at 8:25 pm.

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29 Mr. Alex Densely (443 East Jeri Drive) expressed his frustrations with the tentative
30 budget adoption. He said when the City passed the bond to purchase Washington Park,
31 they should have disclosed that they would need to hire more Park staff to maintain it. He
32 expressed frustration with the new Recreation District bond coming so quickly after
33 passing the Washington Park/trails bond, saying that everyone wants his money right now
34 but that his wages have not gone up. He asked the Council to please work hard to find
35 ways to keep the rising costs down and to be responsible in their budgeting, instead of
36 going over budget.

37
38 Public Hearing was closed at 8:28 p.m.

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40 **D. CONSIDERATION OF ORDINANCE 2021-06 ADOPTING AMENDED AND**
41 **TENTATIVE BUDGETS, APPROVING RATES AND FEES, RELATED**
42 **POLICIES, AND ADOPTING COMPENSATION SCHEDULES**

43 Councilwoman Harris asked about the dramatic increase in credit card merchant
44 services fees for the golf course. She said she hopes the City is getting the best deal
45 possible on those fees. Mr. Rasmussen explained that they do look at that and negotiate
46 the best deal they can, however it is hard to find a merchant who has compatibility with

1 the software used at the golf course, which limits options. The amount paid in fees jumped
2 this past year due to the change in the online pre-payment policy, so credit card usage was
3 up quite a bit from previous years.

4 Councilwoman Bradshaw asked if Mr. Rasmussen would mind explaining the
5 “certified rate” for property taxes and how it is arrived at and what it means. Mr.
6 Rasmussen explained that every year the County and the Utah State Property Tax Division
7 goes through a process where they assess the property values in each area. Once they have
8 the total values locked down, after adjustments and abatements have been made, they look
9 at the amount of tax dollars that each taxing entity is requesting (the same dollar amount
10 as the previous year) and figure out the percentage that amount of money is of the total
11 property value. So, the certified tax rate is the rate set by the State and Davis County that
12 Bountiful is allowed to use to collect no more in property taxes than it did in the prior year
13 with the exception of new growth, unless they go through a Truth-in-Taxation process to
14 request an increase. He explained that property values increasing do not increase a
15 resident’s property tax expense, nor does it affect how much the City collects in taxes
16 unless one or more taxing entities increase their tax rates. Tax Property Tax revenue can
17 only be increased from new growth, resulting from new homes, businesses or from
18 improvements, without going through a Truth-in-Taxation process and public hearing. As
19 property values increase the certified rate actually decreases, so that Bountiful does not
20 capture more revenue than it is due. Mr. Hill added that a complicating factor to
21 understanding this is that there are several entities that receive a portion of your property
22 tax, the school district being the largest. Bountiful City has increased its tax rate for
23 general purposes only one time in the last 20 years.

24 Councilwoman Bradshaw asked if the Parks & Recreation Budget Committee’s
25 recommendation to use unawarded funds toward resurfacing the pickleball courts at
26 Cheese Park, was included in the budget somewhere. Mr. Rasmussen said yes, it was
27 included in the RAP Tax portion of the tentative budget.

28 Councilwoman Bradshaw made a motion to approve Ordinance 2021-06 adopting the
29 budgets, approving rates and fees, related policies, and compensation schedules and
30 Councilwoman Bahr seconded the motion. The motion passed with Councilmembers
31 Bahr, Bradshaw, Harris and Simonsen voting “aye”.

32
33 **E. SETTING OF A PUBLIC HEARING FOR TRUTH-IN-TAXATION IN**
34 **RELATION TO GENERAL PROPERTY TAXES ON AUGUST 11, 2021, AT 6:00**
35 **P.M.**

36 Councilman Simonsen made a motion to set the Truth-in-Taxation hearing for August
37 11, 2021 at 6:00 pm and Councilwoman Bradshaw seconded the motion. The motion
38 passed with Councilmembers Bahr, Bradshaw, Harris and Simonsen voting “aye”.

39
40 **CONSIDER ADOPTION OF RESOLUTION 2021-13 WHICH APPROVES A WATER**
41 **REGULATION AND CONSERVATION PROGRAM FOR BOUNTIFUL CITY, IMPOSING**
42 **PENALTIES FOR VIOLATIONS, AND AUTHORIZES THE MAYOR TO SIGN A**
43 **PROCLAMATION DECLARING WATER SCARCITY – MR. LLOYD CHENEY**

44 Mr. Cheney explained that the City is in a dire situation concerning its water. The water
45 treatment plant is already being supplemented with well water at a rate that is usually not seen for
46 another month, due to runoff declining so quickly this year. Although there is another well that can be

1 implemented and the City has been able to purchase water from South Davis Water, the very best
2 thing that can be done is to try to change the culture around water usage. Mr. Cheney showed a chart
3 of millions of gallons of water used last year in Bountiful, as billed by the Water Department for
4 culinary water. A majority of Bountiful homes have secondary water for irrigation use, but there is a
5 portion of the City that uses culinary water for irrigation, and residents need to cut back on excessive
6 usage there. He explained that there were many factors involved in the decision to enforce a water
7 restriction, which will affect 1300 homes. His staff came up with the following restrictions: even
8 numbered houses will water on even dates and odd numbered houses will water on odd dates,
9 watering three times a week total and taking Wednesdays off. Councilwoman Harris asked whether it
10 could be amended to a system that is easier for a sprinkler system to adapt to, since they usually can
11 only be set on a weekly schedule. After some discussion it was decided that even numbered houses
12 would water on Mondays, Thursdays and Saturdays, and odd numbered houses would water on
13 Tuesdays, Fridays and Sundays. Mr. Cheney added that more restrictions might need to be
14 implemented at a later date by taking away one day per week, but staff felt good about this being
15 enough for now.

16 Mr. Cheney then explained the penalties that will be inflicted for violations. The first offense
17 will result in a warning. The second offense will result in a \$100 fine, which can be waived if the
18 homeowner is willing to have someone come analyze their system, educate them about it, and/or
19 make upgrades to it. The third offense will result in a \$250 fine. The fourth offense will result in a
20 \$500 fine and would terminate their irrigation water service. The fifth offense would terminate all
21 water service for the remainder of the season. He explained that this is a very serious matter and
22 although he does not want to seem heavy-handed, it is important for people to understand the severity
23 of the consequences.

24 Mr. Cheney explained that the State is going through a water conservation process right now
25 and will be coming out with recommendations and a plan for the Weber/Davis area. Their goal is to
26 reduce water consumption by another 20% over the next 20 years.

27 The Council agreed that this is an important issue and that these restrictions need to be in
28 place to safeguard the City from an emergency water situation. Councilman Simonsen asked if they
29 could place a door hanger on the affected homes. Mr. Cheney said yes, they could.

30 Councilwoman Bahr made a motion to approve Resolution 2021-13 with the following
31 changes: replacing “even numbered days” with “Monday, Thursday and Saturday”, and replacing
32 “odd numbered days” with “Tuesday, Friday and Sunday” and Councilwoman Bradshaw seconded
33 the motion. The motion passed with Council members Bahr, Bradshaw, Harris and Simonsen voting
34 “aye”.

35
36 **CONSIDER APPROVAL OF THE REAPPOINTMENT OF MR. JIM CLARK TO THE**
37 **PLANNING COMMISSION, MR. DAVE BADHAM AND MR. SCOTT SCHLEGEL TO THE**
38 **ADMINISTRATIVE COMMITTEE – MR. FRANCISCO ASTORGA**

39 Mr. Astorga asked the Council to approve the reappointment of Mr. Jim Clark to the Planning
40 Commission for another four-year term, and Mr. Dave Badham and Mr. Scott Schlegel to the
41 Administrative Committee for two-year terms.

42 Councilwoman Harris made a motion to approve all three reappointments as presented and
43 Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr,
44 Bradshaw, Harris and Simonsen voting “aye”.

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CONSIDER ADOPTION OF RESOLUTION 2021-12 WHICH APPROVES AN INTERLOCAL COOPERATION AGREEMENT BETWEEN BOUNTIFUL CITY AND SOUTH DAVIS RECREATION DISTRICT FOR BOUNTIFUL CITY SERVICES – MR. TYSON BECK

Mr. Tyson Beck explained that the Recreation Board met last night to approve the new interlocal agreement between the City and the Rec District, outlining the services provided by the City and the compensation due for those services. This agreement will be in place for FY2022.

Councilwoman Bahr made a motion to adopt Resolution 2021-12 and Councilman Simonsen seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris and Simonsen voting “aye”.

Mayor Lewis praised Mr. Beck’s work, saying that it is difficult to stand before the Recreation Board at times, but that he does an excellent job for them.

REVIEW OF BOUNTIFUL CITY’S FY2021 OPERATIONS – MR. TYSON BECK

Mr. Beck explained that the fraud risk assessment, which is now an annual requirement from the State Auditor’s Office, gives the City an opportunity to review the risks that are inherent in the operation of local government. He reported that the City is in a good position as far as fraud risk is concerned. We scored in the “low risk” category on the assessment.

Councilman Simonsen asked about the items the City scored a zero on. Mr. Beck explained that one of those items, requiring all employees and elected officials to sign an annual statement of ethical behavior, staff has determined to be not worth the cost of implementation. All employees are required to sign an ethical behavior agreement upon employment and provide ongoing training, but there is little benefit to requiring yearly signing. The City has other policies and procedures in place that help reduce the City’s fraud risk to an acceptable degree.

ADJOURN TO AN RDA MEETING WITH A SEPARATE AGENDA

Councilwoman Harris made a motion to adjourn to an RDA meeting and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris and Simonsen voting “aye”.

The regular session was adjourned at 9:29 p.m.



Mayor



City Recorder