

Minutes of the
BOUNTIFUL CITY COUNCIL
May 23, 2023 – 6:00 p.m.

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 Journal and Standard Examiner.

Work Session – 6:00 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee Price-Huish
	City Manager	Gary Hill
	Asst City Manager	Galen Rasmussen
	City Engineer	Lloyd Cheney
	City Attorney	Clinton Drake
	Planning Director	Francisco Astorga
	Finance Director	Tyson Beck
	IT Director	Greg Martin
	Streets Director	Charles Benson
	Assistant Planner	Nicholas Lopez
	Recording Secretary	Maranda Hilton

Mayor Harris called the meeting to order at 6:03 p.m. and welcomed those in attendance.

GENERAL PLAN UPDATE – PROCESS SUGGESTIONS – MR. FRANCISCO ASTORGA

Mr. Francisco Astorga reviewed all the meetings, interviews and public outreach that have taken place for the General Plan update, and then asked the Councilmembers for their direction in regard to recent comments and to requests that Councilmember Bell made via email.

Mr. Astorga asked if the Council would like to hold two additional joint meetings with the Planning Commission, two hours each, as proposed by Councilmember Bell. After some discussion, the Councilmembers all said they thought it was a good idea and recommended holding the two additional meetings, which will make a total of five joint meetings. Councilmember Bradshaw asked that one entire meeting be devoted to discussing the leakage study. Councilmember Price-Huish agreed and asked if they could also focus on economic development opportunities.

Mr. Astorga asked the Council if they would like to schedule an additional roundtable discussion with business owners and property owners, as proposed by Councilmember Bell. He explained that this meeting would be for the purpose of formulating strategy and receiving more input from those members of the community about obstacles to development. He added that holding this meeting, which is not part of the original scope of work for the consultants from Logan Simpson Design, would require an additional fee, however he does not believe the fee will be anything outlandish. After some discussion, the Council agreed that organizing a meeting with those stakeholders would be a good idea.

1 Councilmember Higginson reiterated his desire for a City-wide parking evaluation and
2 proposed that staff use the current Land Use Text Amendment application to look beyond just the
3 Downtown Zone and evaluate parking standards for the entire City. He does not want to see this
4 request delayed again and would like to understand what Bountiful needs to do to bring parking
5 standards in line with what other cities are doing.

6 Councilmember Price-Huish added that she likewise would like to look beyond the
7 Downtown Zone for areas of potential economic growth.

8 Mr. Astorga answered Councilmember Price-Huish, saying that the Steering Committee has
9 done just that as they have worked on the General Plan update and he is excited to show the Council
10 their work in that regard.

11 Mr. Astorga asked the Council if they supported Councilmember Higginson's proposal to
12 expand the Land Use Text Amendment application. Councilmember Bradshaw voiced her support.
13 Mr. Drake advised that the person who submitted the application has the right to a quick response, so
14 if the text amendment application is expanded to include the entire City, the Downtown Zone should
15 probably be addressed first, in order to satisfy that responsibility. Councilmember Bell agreed that it
16 is an important issue and supported the idea so long as it can be done efficiently. Councilmember
17 Bahr also voiced her support. Mr. Astorga was asked by Mayor Harris to put together a proposal for
18 how to complete that process in a way that satisfies those desires.

19
20 **UTOPIA CONTRACT FINAL REVIEW – MR. GARY HILL**

21 Mr. Gary Hill reviewed some of the details of the proposed contract with UTOPIA Fiber and
22 asked if the Councilmembers had any questions about it.

23 Councilmember Bradshaw asked some questions about the organizational structure of
24 UTOPIA which were answered by Mr. Roger Timmerman, CEO of UTOPIA Fiber.

25 The other Councilmembers did not have any questions, and thanked Mr. Gary Hill and other
26 staff for their efforts to bring this project about, saying that they felt the process has led them to a
27 good decision which will benefit the residents of Bountiful.

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29 The meeting ended at 6:40 p.m.
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Regular Meeting – 7:00 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee Price-Huish
	City Manager	Gary Hill
	Asst City Manager	Galen Rasmussen
	City Attorney	Clinton Drake
	City Engineer	Lloyd Cheney
	Finance Director	Tyson Beck
	Streets Director	Charles Benson
	Police Chief	Ed Biehler
	SDMFA Fire Chief	Dane Stone
	Recording Secretary	Maranda Hilton

WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER

Mayor Harris called the meeting to order at 7:00 p.m. and welcomed those in attendance. Mr. Mark Keyes led the Pledge of Allegiance and Mr. Gary Ruesch, Bountiful Stake High Councilor, offered a prayer.

PUBLIC COMMENT

The public comment section was opened at 7:02 p.m.

Mr. Rusty Cannon (on behalf of the Utah Taxpayers Association) said he urged the Council to vote no on the contract with UTOPIA tonight, saying that he feels the estimated take rates are too optimistic. He referenced eleven other cities who are now paying \$15M a year to UTOPIA to finance their fiber projects and advised the Council to turn to other private providers who can offer competitive services for a lower cost.

Mr. Ron Mortensen asked why the City is raising power rates and still increasing the amount transferred from the Power Fund to the General Fund when the Power reserves are being drawn down. He asked why they do not use the \$468,000 additional funds being transferred out to either increase reserves or to limit the 15% power rate increase to residents. He also asked why the General Fund gets 10% of metered sales instead of 10% of power company profits. He encouraged the Council to rethink the proposed transfers before the June 13th public hearing on the budget.

Mr. Jay R. Holt (132 Sterling Drive) said he disagreed with the Utah Taxpayers Association and expressed his support of the contract and partnership with UTOPIA Fiber, saying that residents need those services, and it is time to vote yes.

Mr. Scott Albertson (1488 North 350 West) invited the entire Council to come walk the streets in his neighborhood on Friday so they can see the state of the streets, sidewalks, curbs and

1 gutters. He explained that his mother-in-law fell again on Sunday and asked why money is not being
2 directed toward this safety issue.

3
4 Mr. Russ Biehn expressed his concern that the Bountiful Fiber project will ultimately force
5 him to choose an ISP that he does not like for a higher price than he is currently paying for service.
6 He also expressed his concern that sales tax revenue is being used to back the bonds, because if take
7 rates are insufficient or if something else goes wrong, he will end up paying for the project with his
8 taxes.

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10 Mr. Jim Farr cautioned the Council against relying on the feasibility study as a guarantee. He
11 expressed his feeling that this project poses risks to the City. He also explained that due to federal
12 interest in the expansion of broadband internet, cost of materials is being driven up and the project
13 could cost more than anticipated.

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

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17 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD MAY 9, 2023**

18 Councilmember Bradshaw made a motion to approve the minutes from the meeting held May
19 9, 2023 and Councilmember Bell seconded the motion. The motion passed with Councilmembers
20 Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

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22 **COUNCIL REPORTS**

23 Councilmember Higginson reported that power is being generated at both hydro facilities, but
24 receiving so much snow this winter has made management of the streams and reservoirs complicated
25 and has affected how much power can be generated at this time of year. Staff is hopeful that stream
26 flows will moderate as the season goes on and that hydro power resources can be counted on more
27 consistently.

28 Councilmember Bahr did not have a report.

29 Councilmember Price-Huish reported that the Planning Commission has an opening and
30 applications will be accepted through the end of May. She reported that the BDAC will be holding
31 several events in the coming weeks: Kids Craft Camps, the 48th Annual Art Competition and
32 Summerfest. She explained that the BDAC is looking for volunteers for Summerfest. She also
33 reported that the Chalk Art Festival will be held May 31st - June 3rd on Main Street. Lastly, she
34 encouraged anyone interested in contributing their opinion on the general plan update to visit
35 bountifulgeneralplan.com and add their comments to the interactive map.

36 Mayor Harris reported that the South Davis Metro Fire Agency Administrative Board is
37 proposing a tax increase which they hope will help them retain firefighters with better pay.

38 Councilmember Bell reported that the Summer Concert series will begin June 23rd and there
39 will be seven concerts in total this year. He acknowledged the band Toast who held a benefit concert
40 and donated almost \$7,000 in proceeds toward the funding of the summer concerts, and thanked Mr.
41 Richard Watson from the Bountiful Community Service Council who organizes the concerts.

42 Councilmember Bradshaw reported that the Trails Advisory Committee is planning an event
43 for June 3rd which will include three different service projects that residents can volunteer for, as well
44 as a bike safety workshop at the library.

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2 **CONSIDER APPROVAL OF EXPENDITURES GREATER THAN \$1,000 PAID MAY 1 & 8,**
3 **2023**

4 Councilmember Bahr made a motion to approve the expenditures paid May 1 & 8, 2023, and
5 Councilmember Price-Huish seconded the motion. The motion passed with Councilmembers Bahr,
6 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
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8 **CONSIDER APPROVAL OF ORDINANCE 2023-02 WHICH PROHIBITS THE**
9 **DISCHARGE OF FIREWORKS EAST OF 400 EAST AND ORCHARD DRIVE – MR.**
10 **CLINTON DRAKE/CHIEF DANE STONE**

11 Mr. Clinton Drake explained that the recommendation for the fireworks restriction zone is the
12 same as last year. Fireworks will not be allowed east of Orchard Drive/400 East, which is based on
13 Chief Stone’s assessment of fire risks in the City.

14 SDMFA Chief Dane Stone explained that even with the significant snowfall this winter, there
15 are still concerns about uncontrolled fires being caused by fireworks and he feels the boundary should
16 stay the same as it was last year to keep the east benches safe. He said he has conversed with Chief
17 Biehler about the enforcement of the boundary and they both feel it is an appropriate
18 recommendation that the police can reasonably enforce.

19 Councilmember Bradshaw asked if the boundaries in North Salt Lake and Centerville will be
20 consistent with Bountiful’s boundary. Chief Stone said the boundary for Centerville will be the same
21 as it was last year, and North Salt Lake will use Orchard Drive as they always do.

22 Councilmember Price-Huish made a motion to approve Ordinance 2023-02 and
23 Councilmember Higginson seconded the motion. The motion passed with Councilmembers Bahr,
24 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
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26 **CONSIDER APPROVAL OF THE PURCHASE OF 54 RADIOS FROM MOTOROLA IN**
27 **THE AMOUNT OF \$175,716 – CHIEF ED BIEHLER**

28 Chief Ed Biehler explained that in order to preserve interoperability and meet new state
29 requirements for land mobile radios, the City needs to switch over to P25 compliant radios. He said
30 that the Police Department did not seek multiple bids, because they would like to be consistent and
31 keep using Motorola radios with their new system. He explained that they did receive a grant to fund
32 part of the purchase, so the net cost to the City will be \$60,843.

33 Councilmember Bell made a motion to approve the purchase of the radios from Motorola and
34 Councilmember Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bell,
35 Bradshaw, Higginson and Price-Huish voting “aye.”
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37 **CONSIDER APPROVAL OF THE PURCHASE OF 34 BODY-WORN CAMERAS AND 18**
38 **VEHICLE CAMERAS FROM MOTOROLA IN THE TOTAL AMOUNT OF \$284,756 TO BE**
39 **PAID OVER FIVE YEARS – CHIEF ED BIEHLER**

40 Chief Biehler explained that the current system they use for body and car cameras is called
41 Watchguard, which was purchased by Motorola and is out of date. They are requesting to purchase
42 18 bundles of body cameras and car cameras, and an additional 13 body cameras for officers who do
43 not need a car camera. They received three bids back for pricing and Motorola had the lowest price. It
44 includes a subscription to store video footage in the cloud and a warranty on all cameras and parts.
45 The IT Department will no longer need to store footage on the City servers and the price will be paid
46 over the span of five years.

1 Councilmember Price-Huish made a motion to approve the purchase of the cameras from
2 Motorola and Councilmember Bradshaw seconded the motion. The motion passed with
3 Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
4

5 **CONSIDER APPROVAL OF A FIBER NETWORK CONSTRUCTION AND**
6 **MANAGEMENT CONTRACT WITH UTOPIA FIBER – MR. GARY HILL**

7 Mr. Gary Hill went over the process the City went through as they researched and ultimately
8 decided upon a partner to manage a City-owned fiber network. He explained that if the Council
9 approves the agreement with UTOPIA tonight, it will begin a two to three year construction process,
10 and the City will issue just under \$43M in bonds to pay for the cost of the project. The contract term
11 will be for ten years. City staff anticipates that four to five years after they begin operations the
12 network will begin generating a profit, at which time those profits will go toward paying off the debt
13 and making the system more affordable. UTOPIA will be the general contractor on the project and
14 they are hiring B. Jackson Construction to build it. The process should begin very quickly because
15 UTOPIA has availability in their schedule right now and has already procured materials. Mr. Hill said
16 that if the agreement is approved tonight, staff will bring a super parameters resolution for the bond
17 to the next meeting.

18 Councilmember Price-Huish asked if Mr. Hill would clarify how the hook-up fees will work
19 for customers. Mr. Hill answered that every customer will pay the same amount to the City for a debt
20 service fee, regardless of when they sign up for service, and that the City will pay for any hook-up
21 fees. The only change might be that debt service fees go down in the future once the debt is paid off.

22 Councilmember Bell asked if there is a commitment once customers sign up. Mr. Hill said
23 that service will be on a month-to-month basis and that customers can cancel at any time.

24 Councilmember Price-Huish asked if the City intends to reduce the amount customers pay
25 once the debt is paid off. Mr. Hill said that was correct. He explained that the intent is to pay off the
26 debt as soon as possible and then any excess revenues will go into the affordability of the system.

27 Councilmember Bradshaw shared her thoughts about the final decision to partner with
28 UTOPIA and to have the City own the network. She pointed out that some key factors for her
29 decision were the expertise of UTOPIA in this field, Bountiful’s experience running a utility,
30 Bountiful having an asset in owning the network and having the power to take care of customers, and
31 the “refresh fee” which will mean money is already there when the system needs upgrades.

32 Councilmember Price-Huish thanked everyone involved in the process and stated that she
33 feels it will be a good investment and will help solve the issue of having affordable and reliable
34 internet. She spoke about the Council’s careful considerations throughout the process and promised
35 that Bountiful will “hustle” to keep their customers’ business in this competitive market

36 Councilmember Bahr said that she understands the weight of this decision and thanked Mr.
37 Cannon from the Taxpayers Association for his concern and comments. She asked Mr. Roger
38 Timmerman, UTOPIA CEO, to address the concerns about the City not achieving a high enough take
39 rate and defaulting on their loan. Mr. Timmerman explained that projects UTOPIA did from 2004-
40 2009 had a lot of struggles and it was a time when high internet speeds were not as in demand. The
41 cities who did projects were unable to achieve the take rates they needed and are still on the hook for
42 those projects. He explained that since 2009 UTOPIA has had a 100% track record of success with
43 cities achieving the needed take rates and seeing revenues and making debt payments and operation
44 costs as anticipated.

45 Councilmember Bell asked if the recent federal government interest in this industry will affect
46 the cost of materials. Mr. Timmerman said that UTOPIA has already purchased most of the materials

1 for the project in anticipating that either Bountiful or another city would need them soon. Material
2 costs have been going up, but that will not affect this project.

3 Councilmember Bell explained that high speed internet has become a need for everyday life
4 and he is happy that Bountiful will be making it a locally available resource for residents while still
5 allowing for competition in the market. He understands that the Council is making a calculated risk,
6 but he feels the system will generate enough revenues to not rely on taxpayer funds.

7 Councilmember Bahr said that some people have said other cities are offering fiber with no
8 cost to their residents, and she explained that there is always a cost, it's just a matter of who you end
9 up paying. She said that she is excited for Bountiful to own their own asset and to be able to benefit
10 the City in the long-term. She further explained that no one is required to sign up.

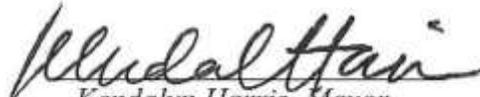
11 Councilmember Higginson explained that in the beginning of the process he was irritated that
12 everyone was pushing for UTOPIA, and he felt the City needed to do more research to find the best
13 option. He said after being on the committee it became clear that UTOPIA was going to be the best
14 option and he commended them for their openness with information and their willingness to work
15 with the City. He said he was glad the City went through this process to arrive at this decision and
16 that Bountiful will have an asset to show for it.

17 Councilmember Higginson made a motion to approve the contract with UTOPIA Fiber and
18 Councilmember Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bell,
19 Bradshaw, Higginson and Price-Huish voting "aye."

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21 **ADJOURN**

22 Councilmember Price-Huish made a motion to adjourn the meeting and Councilmember
23 Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw,
24 Higginson and Price-Huish voting "aye."

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26 The regular session was adjourned at 8:22 p.m.
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Kendalyn Harris, Mayor


City Recorder