Minutes of the BOUNTIFUL CITY COUNCIL

June 13, 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

12	Present:	Mayor Pro Tem	Millie Segura Bahr
13		Councilmembers	Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee
14			Price-Huish
15		City Manager	Gary Hill
16		Asst City Manager	Galen Rasmussen
17		City Engineer	Lloyd Cheney
18		City Attorney	Clinton Drake
19		Planning Director	Francisco Astorga
20		Finance Director	Tyson Beck
21		Streets Director	Charles Benson
22		Golf Professional	Kent McComb
23		Assistant Water Director	Jerry Wilson
24		Recording Secretary	Maranda Hilton

Excused: Mayor Kendalyn Harris

Mayor Pro Tem Bahr called the meeting to order at 6:04 p.m. and welcomed those in attendance.

<u>CREDIT CARD FEES AT GOLF COURSE – MR. GARY HILL</u>

Mr. Gary Hill explained that although the Council recently voted to adopt a City-wide credit card fee policy, staff has realized that there is one anomaly that should be evaluated and perhaps reconsidered: Bountiful Ridge Golf Course online reservations. He explained that during COVID, the golf course changed to pre-paid online tee-time reservations only, which means that people do not have a choice but to use credit cards to reserve their tee time. The policy would be unfair to enforce when customers do not have another payment option. He added, however, that the credit card fees would still be passed on to the customers who choose to pay with a card at the pro shop, where they do still have a choice of payment type.

Mr. Kent McComb, Bountiful Ridge Golf Pro, added that because Utah has so many public courses, patrons have a lot of options and it's vital that the golf course work hard to be competitive in pricing. No other golf courses in Utah pass on their credit card fees to the customer.

Mr. Hill said that staff is recommending and asking that the Council approve the absorbing of credit card fees at the golf course as part of the budget expenses, just as it has always been done.

Councilmembers Bradshaw and Bell asked how this change in policy would affect the golf

course budget. Mr. Hill answered that the budget was created before the new policy was adopted, so this would not affect the budget in that regard. The credit card fees will represent part of operating costs, just like they always have.

The Councilmembers all expressed approval of the change to the policy.

BOUNTIFUL FIBER UPDATE – MR. GARY HILL

Mr. Hill reported that UTOPIA Fiber has officially ratified the contract with Bountiful City and explained that the Council will need to approve a logo for the new Bountiful Fiber Department. He talked about the City's style guidelines regarding their various logos, presented five options for them to consider, and asked for further direction. After some discussion, the Councilmembers asked Mr. Hill to combine elements from some of the logos presented and bring those iterations back for further assessment.

Mr. Hill continued by talking about what the next steps in the fiber process will be. He first asked Mr. Lloyd Cheney to talk about his meeting with UTOPIA to look at hut sites.

Mr. Cheney reported that UTOPIA has all 10 huts ready and all the fiber and conduit in stock, so they are very ready to start. Together with staff, they have located all the sites for the fiber huts, which will all be located on City-owned property. The next step needed is to get utilities to each location and go through the permitting process for construction.

Mr. Hill said that they will hold their pre-construction meeting a week from Monday. Mr. Cheney added that the Engineering Department has been supplying UTOPIA with subdivision and PUD plats and utility information, and he expects the first hut site drawings to be submitted in about ten days or so.

Mr. Hill said that construction will not be based on chasing subscriptions, rather they will build the system in the most efficient way possible and will start in the Northwest section of the City. On the Thursday after the pre-construction meeting (June 29) they will hold a groundbreaking ceremony. Then on July 11 they will hold the public bond hearing at the Council meeting, and the bond should be funded by July 29.

Mayor Pro Tem Bahr closed the meeting at 6:48 p.m.

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

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7 Present: Mayor Pro Tem Millie Segura Bahr 8

Councilmembers Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee

9 Price-Huish 10 City Manager Gary Hill

Asst City Manager Galen Rasmussen 11 12 City Engineer Lloyd Cheney 13 City Attorney Clinton Drake 14 Planning Director Francisco Astorga Finance Director Tyson Beck 15 16 Streets Director Charles Benson 17 Power Director Allen Johnson **Assistant City Engineer** 18 Todd Christensen

19 Assistant Water Director Jerry Wilson 20 Amber Corbridge Senior Planner

21 Recording Secretary Maranda Hilton

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Excused: Mayor Kendalyn Harris

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WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER

Mayor Pro Tem Bahr called the meeting to order at 7:02 p.m. and welcomed those in attendance. Mr. James Harwell led the Pledge of Allegiance and Rev. Mark Schlamann, Cross of Christ Lutheran Church, offered a devotion and a prayer.

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PUBLIC COMMENT

The public comment section was opened at 7:06 p.m.

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Mr. Gary Davis (2814 South 500 West) invited everyone to come to amateur radio field day the last weekend of June, at Bavela's Farm in Centerville. He explained that the exercise will run for 24 hours, starting Saturday, June 24 at noon and ending at noon on Sunday, June 25. He said that it is a chance for radio operators to showcase their capabilities to the public and to have some fun.

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Ms. Mary Jane Biehn (4062 Bridlewood Drive) explained that she was there concerning two recent letters that the City sent out. She said that she felt if there was excess money in the Power Fund being transferred to the General Fund, then that money ought to be kept in the Power Fund so that power rates could remain lower. She also thanked the Council for having prayer at their meetings.

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Ms. Tali Bruce (Owner of Robintino's) explained that a couple comments were made in the last Planning Commission meeting that were not in favor of her operating a bar in Bountiful. She

explained that her state liquor license will expire if she does not open Tino's Taproom soon, but she feels there have been a lot of hoops to jump through and the process is taking a long time.

Ms. Laura Pennock (1115 South Main Street) stated that she is in support of the taproom being opened, saying that she thinks it will be really good to keep more tax dollars in Bountiful rather than have people going to Salt Lake and spending their money there.

Ms. Jayna Powers (Farmington) also expressed her support of Ms. Bruce opening the bar in Bountiful, and said she thinks it will be a safe space for people to go and enjoy a glass of wine. She lauded Ms. Bruce's integrity as a business owner and said Ms. Bruce will be a positive light in the community.

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

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

Councilmember Higginson made a motion to approve the minutes from May 9 and Councilmember Bell seconded the motion. The motion was approved with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

COUNCIL REPORTS

Councilmember Bradshaw took a moment to explain that Councilmembers are restricted to talking about the topics that are posted on the agenda at the meeting, but that they do take notes during public comment time and are happy to find a time to address concerns that were not addressed during the meeting. Next, she explained that the Recreation Board met last night and continued their budget discussions. The proponents of a property tax increase have lowered their proposal from a 150% increase to a 100% increase, but she said she still has reservations about them not looking into cost cutting measures more heavily. They have proposed increasing the pass fees and having Farmington High School help pay for the cost of the pool. A decision on the budget will have to be made within the next 30-60 days. She noted that the board meetings are open to the public and encouraged people to come and share their opinions.

Councilmember Higginson did not have a report.

Councilmember Price-Huish reported that Summerfest held its first event the previous evening at Town Square and said there will be two more upcoming Summerfest events on June 19 and June 26. The Bountiful Rotary will hold its annual Car Show, which raises thousands of dollars for children in need, this Friday and Saturday on Main Street and at Bountiful Park. She encouraged everyone to go participate.

<u>Councilmember Bell</u> reported that the Bountiful Summer Concert series will begin June 23 with the Bountiful's Got Talent concert.

Councilmember Bahr did not have a report.

BCYC REPORT

Ms. Olive Yates, BCYC City Recorder, reported that the Youth Council hosted the Stomp on Main event last Friday, and that it was a successful event with over 200 students attending. They plan on holding it again next year. She also reported that the Youth Council recently volunteered at the Chalk Art Festival and will also help with Summerfest and the Car Show. The swearing-in ceremony

for their new BCYC officers will take place tomorrow, and they have 70 members this year, which makes them the second-largest Youth Council in Utah.

CONSIDER APPROVAL OF:

A. EXPENDITURES GREATER THAN \$1,000 PAID MAY 15, 22 & 29, 2023

B. APRIL 2023 FINANCIAL REPORT

Councilmember Price-Huish made a motion to approve the expenditures paid May 15, 22 & 29, 2023, and the April 2023 financial report. Councilmember Higginson seconded the motion, which passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

Councilmember Higginson noted that the staff report lists expenditures from May 30 instead of the 29, due to the Memorial Day holiday, and said that he supports whichever date applies to the motion. Mr. Tyson Beck confirmed that the date was the 30, due to the holiday.

CONSIDER APPROVAL OF RESOLUTION 2023-07 WHICH ALLOWS THE CITY TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE SOUTH DAVIS RECREATION DISTRICT FOR EMPLOYEE SERVICES – MR. TYSON BECK

Mr. Beck presented the interlocal agreement with the South Davis Recreation District for approval. He explained that the City began contracting with the Rec District in 2007 to provide them with various administrative, maintenance and other services. The agreements last for one year and are then renewed after evaluating the time each employee spends on District services. The City then gives the District a 10% discount off the total.

Mr. Beck reported that this year's renewal will include a 13.47% increase from the prior fiscal year and explained that the increase was in large part due to the considerable amount of time staff has spent helping the District evaluate their budget issues.

Councilmember Higginson asked if this agenda item was delayed due to the District Board wanting to evaluate the agreement at their meeting. Mr. Beck answered affirmatively, saying that the Board wanted to review the reason for the increase and that he sat down with the Chair and the Director and went over all the calculations with them.

Councilmember Bradshaw added that although the contract was greater than the Board anticipated, she felt the City has been exceptionally transparent about the time they take on those services and they do give the District a 10% discount. She also spoke about how critical Mr. Beck has been to them as they have reviewed the budget.

Councilmember Higginson thanked Mr. Beck and Councilmember Bradshaw for their work on the Rec Board, saying it was critical and that they represent the values of the community well.

Councilmember Bradshaw made a motion to approve Resolution 2023-07 and Councilmember Higginson seconded the motion. The motion passed with Councilmembers Bahr, bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER APPROVAL OF THE ARCHITECTURAL SITE PLAN FOR RENAISSANCE TOWNE CENTER LOT 11 AT 1791 SOUTH RENAISSANCE TOWNE DRIVE – MS. AMBER CORBRIDGE

Ms. Amber Corbridge explained that this site plan is for Lot 11 at Renaissance Towne Center, a mixed-use residential zone, and will contain a multi-family development consisting of 17 townhouses, three apartments and two non-residential office/retail spaces. The Planning Commission

forwarded a unanimous positive vote with the following conditions: fix the inconsistencies by removing the patio fencing on the elevations, and address fire and engineering comments as requested.

Councilmember Higginson made a motion to grant preliminary and final approval for the architectural site plan for Renaissance Towne center Lot 11 and Councilmember Bell seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER APPROVAL OF RESOLUTION 2023-08 AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS FOR CAPITAL FIBER AND RELATED MATTERS – MR. GALEN RASMUSSEN

Mr. Galen Rasmussen explained that as a follow-up to the UTOPIA Fiber contract approval given on May 23, City staff is now authorized to move forward with the issuing of bonds. The City has enlisted the services of a financial advisor (Lewis, Young, Robertson & Burningham) and a bond council firm (Farnsworth Johnson). The resolution asks for a limit of \$47M in aggregate principal amount, for the purpose of financing the acquisition and construction of a City-wide fiber optic network. It also designates the officer who can make the housekeeping decisions on the bond issue; the City Manager, and as alternates, the Assistant City Manager and the Finance Director. The resolution also lays out the financial institutions, firms, bond counsels, and underwriters involved in the issuance. The paying agent will be U.S. Bank.

Councilmember Bradshaw made a motion to approve Resolution 2023-08 and Councilmember Price-Huish seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER FOR ADOPTION – FY2023 AMENDED BUDGET AND FY2024 FINAL BUDGET WITH RELATED ITEMS – MR. GALEN RASMUSSEN

Mr. Rasmussen explained that after many hours of work and many meetings, the budget is ready for adoption. He noted that the budget seeks to align with the policy priorities set forth by the Council every January. He explained the key points of this budget; the budget is balanced as required by law, no property tax increase is being proposed, fee increases have been proposed for Engineering, Planning, Recycling, Water, Power and the Cemetery, a 5% Cost of Living Adjustment is being proposed for employee salaries, eligible employees will receive their merit increases, a 7% increase for medical insurance is being proposed, and new positions have been proposed for Legal, Police and Recycling Departments, as well as a reclassification of a position in the Finance Department. He stated that the net revenues total \$108,150,755.00.

Mr. Rasmussen explained that tonight the Council must hold public hearings for the following items: an amended transfer from the light & Power Fund to the General Fund for FY2023, the transfer from the Light & Power Fund to the General Fund for FY2024, the amended FY2022-2023 budget, and the FY2023-2024 final budget. They must also consider adoption of Ordinance 2023-03 amending the FY2023 budget, adopting the FY2024 final budget and all related rates, user fees, long-term capital plan and property tax rates.

A. <u>PUBLIC HEARING ON THE FY 2022-2023 AMENDED TRANSFER OF FUNDS</u> FROM LIGHT AND POWER FUND TO GENERAL FUND

 Mr. Rasmussen gave an overview of the transfer, saying that the transfer amount is being changed from \$2,582,080 (8.4% of budgeted expenses) to \$2,800,000 (9.1% of budgeted expenses).

The public hearing opened at 7:53 p.m.

Mr. Ron Mortensen strongly encouraged the City to protect the Light & Power Fund by not transferring those extra funds to the General Fund. He commented on the raising of power rates and flat fees, putting Bountiful over Utah Power & Light's fee. He asked why we would take money from the Power Fund when their reserves are declining.

Mr. Chase Hathaway (360 North 300 West) said he would like to see more information about this transfer, especially what those funds will be used for. He wonders why the Power Fund is being descoped for other things.

Ms. Elaine Oaks (62 West 2700 South) said that the 15% increase in power rates seems unnecessary when funds are then being moved to other places. She said this feels like a tax increase, but without a Truth in Taxation being conducted.

Mr. Harrison Smith (112 West 2500 South) said he was really surprised by the 15% power rate increase, and said he wondered how the City Council is investing in power resources for the future. He is concerned that rates will continue to climb.

The public hearing was closed at 7:59 p.m.

Councilmember Higginson asked to address the last comment. He said that the transfer to the General Fund is a percentage of metered sales, and because metered sales were higher than expected, they are transferring the additional money from that. He also said that the power resource situation is dire right now, especially with the push in Washington D.C. to decarbonize everything with no adequate replacement of resources. He said he expects the prices to rise until the federal government invests in more carbon free resources.

Mr. Gary Hill added that the City's policy is to always transfer 10% of metered sales, and if the City did not make the transfer, it would significantly raise property taxes. Because there are entities in the community who do not pay property taxes, but who do pay for utilities, this is the more equitable way to distribute the costs of living in the City.

Mr. Allen Johnson addressed the power rate increase, saying that historically the City bought 43% of its power from the Colorado River Storage Project (CRSP), but due to compounded years of drought, that resource has been greatly impacted and the City will only be able to purchase about 26% of its power from the CRSP this year. The City will now have to purchase more of its power from the market, which is much more expensive, and buy its power at higher rates than it is sold for.

B. PUBLIC HEARING ON THE FY 2023-2024 TRANSFER OF FUNDS FROM LIGHT AND POWER FUND TO GENERAL FUND

Mr. Rasmussen explained what the Administrative Services Transfer is, then reported that the total transfer amount to the General Fund from the Light & Power Fund is \$3,050,000 for FY 2023-2024.

 The public hearing was opened at 8:02 p.m.

Mr. Ron Mortensen proposed that the transfer be based only on those entities who do not pay property taxes instead of based on all metered sales. He reiterated his desire that those funds stay in the Light & Power Fund where it is needed.

The public hearing was closed at 8:09 p.m.

Councilmember Bradshaw explained that in April during the public budget meetings, they had a lengthy discussion about power resources. She said that the City is facing powerful headwinds from both the federal and state governments. She noted that the City does have some solar projects in its portfolio, but that pandemic supply-chain issues have slowed those down considerably. She advised everyone to take a look at the minutes from that budget meeting if they want to know more about where those funds will be spent. She said they will find that it's going toward the police budget, parks budget, streets budget, etc. and that everyone utilizes those services. She also noted that although a Truth in Taxation is not being held, she believes the State requires this public hearing to approximate that process for instances like this. She encouraged anyone with questions to stick around after the meeting and she would be happy to help point them to those resources that can give answers.

Councilmember Higginson added that although there is an increase and high prices right now, the City has historically been able to make the transfer and enjoy some of the lowest power rates in the region, and he knows it will return to that. He believes the trade-off for lower property taxes is a good one and he supports it.

C. <u>PUBLIC HEARING ON THE FY 2022-2023 AMENDED BUDGET AND THE FY 2023-2024 FINAL BUDGET</u>

Mr. Rasmussen showed how the property taxes from all the taxing entities add up to the total and pointed out that the City only collects a small portion of a homeowner's tax. He explained that the City is not proposing a tax increase this year, which means that the rate will be reduced.

Mr. Rasmussen went over a list of the departments seeking an amendment to their budgets this year.

Mr. Tyson Beck went over the details of the Interfund Loan between the Capital Projects Fund and the new Fiber Fund. He explained that the City's agreement with UTOPIA Fiber requires the City to pay UTOPIA \$5.1M before the end of the fiscal year. This payment is specifically to pay for the existing fiber infrastructure that the City is purchasing from them, and for the inventory they have already acquired for the construction of the new network. The bond to finance the fiber project will not be funded by that time, so the City needed to find another funding source. Staff has decided that instead of borrowing from an outside entity, the City should borrow that money from the Capital Projects Fund, and as a result the City will pay less in interest and avoid paying any typical loan transfer fees. The term of the loan will be 15 months and the interest rate will be 5.06%. Once the bonds are issued, the Capital Projects Fund will be paid back with interest.

The public hearing was opened at 8:29 p.m.

No comments were made.

The public hearing was closed at 8:30 p.m.

D. <u>CONSIDERATION OF ORDINANCE 2023-03 ADOPTING AMENDED AND FINAL BUDGETS, PROPERTY TAX RATES, COMPENSATION SCHEDULES, AND RELATED ITEMS</u>

Mr. Rasmussen explained that this Ordinance basically encompasses everything that was discussed this evening for the budgets.

Councilmember Higginson made a motion to approve Ordinance 2023-03 adopting amended and final budgets, property tax rates, compensation schedule and related items and Councilmember Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

Councilmember Higginson thanked the financial staff for their exemplary behavior in wanting the interfund loan details and terms to be made public before the vote.

CONSIDER APPROVAL OF RESOLUTION 2023-09 ESTABLISHING AN INTERFUND LOAN BETWEEN CAPITAL PROJECTS FUND AND FIBER FUND – MR. TYSON BECK

Councilmember Bell made a motion to approve Resolution 2023-09 and Councilmember Price-Huish seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER APPROVAL OF THE BID FROM NORTHEND BUILDERS TO BUILD THE 2023 MUELLER PARK STRUCTURES – BRIDGES #2 & #3 IN THE AMOUNT OF \$354,319 – MR. TODD CHRISTENSEN

Mr. Todd Christensen explained that bridges #2 and #3 are ready to be installed in Mueller Park Canyon. Staff decided that due to their similarities, location, length, style and material, they should be combined into one contract. Northend Builders came back with the lowest bid. The City is unfamiliar with them, but the references were very positive, and showed that Northend Builders has a good deal of experience with projects that require helicopter assistance. Staff expects that the installation of at least one of these bridges will require helicopter assistance so that is a good thing.

Councilmember Price-Huish asked what the timeline is for the installation of the bridges. Mr. Christensen answered that the deadline for installation is the end of October, and they expect it will be met.

Councilmember Bell asked if the bid price included everything, including installation. Mr. Christensen said that it did.

Councilmembers Bradshaw and Bell asked Mr. Christensen for updates on more of the trail projects. Mr. Christensen gave them updates on project timelines and answered all their questions.

Councilmember Bell made a motion to approve the bid from Northend Builders and Councilmember Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER APPROVAL OF M.C. GREENE & SONS, INC.'S PROPOSAL FOR THE 2023 WATERLINE PROJECTS AT THE UNIT PRICES SUBMITTED IN THE PROPOSAL – MR. LLOYD CHENEY

Mr. Lloyd Cheney explained that he was happy to see that M.C. Greene & Sons had the lowest bid on this project, because the City has a good working relationship with them. He pointed

Mudal Han Kendalyn Harris, Mayor

out that costs are still going up, as shown in the table he included in the staff report, but not as steeply as costs climbed last year. He added that the Water Department has seen improvements in the availability of materials so he is hopeful that this project can be completed without delays for materials.

Councilmember Price-Huish thanked Mr. Cheney for his extra work to include the price comparison chart and said she was happy to see that some of the supply issues are getting better.

Councilmember Price-Huish made a motion to approve the contract with M.C. Green & Sons and Councilmember Bell proposed amending it to include the phrase "at the unit prices outlined in the staff report", which was accepted by Councilmember Price-Huish and seconded by Councilmember Bell. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

CONSIDER APPROVAL OF A ONE-YEAR EXTENSION TO THE APPROVED PUD PLAT FOR DESERET FIRST LOCATED AT 260/262 NORTH 500 WEST – MR. FRANCISCO ASTORGA

Mr. Francisco Astorga explained that the applicant can apply for a one-year extension to record this plat, and they were previously granted a six-month extension, but they now feel they need more time and wish to receive another six-month extension. However, the issue with the adjacent property line has been causing the delay but will be solved in just a few weeks. He said that staff recommends granting them the requested extension.

Councilmember Higginson made a motion to approve the extension to Deseret First Credit Union and Councilmember Price-Huish seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

ADJOURN

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

The regular session was adjourned at 8:52 p.m.

Shawnaludruf City Recorder