

Minutes of the  
BOUNTIFUL CITY COUNCIL  
October 26, 2021 – 5:30 p.m.

Present:	Mayor	Randy Lewis
	Councilmembers	Millie Segura Bahr, Kate Bradshaw, Kendalyn Harris, Richard Higginson, Chris R. Simonsen
	City Manager	Gary Hill
	City Attorney	Clinton Drake
	City Engineer	Lloyd Cheney
	Planning Director	Francisco Astorga
	Finance Director	Tyson Beck
	Power Director	Allen Johnson
	IT Director	Alan West
	Police Chief	Ed Biehler
	Community Outreach Coord.	Rebecca Hatch
	Recording Secretary	Maranda Hilton

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 – 5:30 p.m.**  
**City Council Chambers**

Mayor Lewis called the meeting to order at 5:33 p.m. and welcomed those in attendance.

**MURAL ART PROPOSAL – MS. REBECCA HATCH**

Ms. Rebecca Hatch reported that the Bountiful Davis Art Center (BDAC) has received a grant which will allow them to have a mural painted on the north side of their building, located at 90 North Main Street. She said the Director of the BDAC, Ms. Alysa Revell, is ready to put out a call for entries as soon as they receive Council direction and approval for that mural location. The top entries will be reviewed by the Public Art Advisory Committee, and they will forward the top two choices for the Council to choose from. The theme of the mural will not be prescribed, but Ms. Hatch said they are hoping to end up with a mural that is uplifting and representative of the art community in Bountiful.

Ms. Revell added that they have wanted a mural for a very long time, and they feel confident that the proposals they get back from local artists will exceed any ideas they could come up with on their own.

Councilman Simonsen said he feels strongly that the mural should tie into the history of our great city, which is the second oldest in Utah, and was built upon farming, land use, and growing crops and trees.

Ms. Hatch explained that this will be the first of, hopefully, many murals in the City, and she feels there will be other spaces where a mural honoring Bountiful’s heritage will be more appropriate.

1 They would like a mural that represents the art center and the community of artists in Bountiful for  
2 this space. She asked the Council if they would approve a mural in this location and moving forward  
3 with the process. The Council all said they were excited to get this process started and approved the  
4 location for a mural. Councilman Simonsen reiterated his desire for a mural that honored Bountiful's  
5 heritage and Councilwoman Bradshaw said she would prefer a mural that represented the people who  
6 live here now, believing there will be another location that could focus on Bountiful's heritage.

7  
8 **BIRD SCOOTER DISCUSSION – MR. FRANCISCO ASTORGA**

9 Mr. Francisco Astorga brought follow-up answers to the questions posed by the Council at the  
10 September 14<sup>th</sup> meeting regarding a Bird Scooter one-year trial period.

11 He explained that Bountiful could impose a restriction regarding sidewalk scooter usage if  
12 they choose, however, it will have direct impacts on the Police force and City staff for enforcement.  
13 Council and staff discussed the implications of what it might look like to prohibit sidewalk usage for  
14 scooters and to keep them from being left in obnoxious places around town. They discussed the  
15 option of imposing impound fees for abandoned scooters (as Midvale did) and if this would offset the  
16 increased staff workload or not. The consensus was that it probably would not be worth it to try to  
17 enforce those restrictions, but that City staff was happy to figure it out if Council wished.

18 Mr. Astorga explained that in response to the question about Bird's GPS boundary system  
19 being precise enough, Bird answered that they operate very effectively in large and complex cities  
20 and feel they could operate in Bountiful just as effectively.

21 Councilwoman Harris asked the Council, staff and Mayor if anyone had received requests  
22 from residents for scooters in Bountiful. No one had received any requests.

23 Mr. Astorga continued with the third issue which is what will be done with scooters during  
24 the winter months. Bird has stated that winter scooter usage and availability would be at the  
25 discretion of the local fleet manager, and it would be unlikely that they would move forward with an  
26 MOU if the City insisted on winter-time restrictions.

27 After some discussion, the Council all agreed that they did not see a need for scooters in the  
28 City and had no interest in exploring it any further at this time. They decided that if they change their  
29 minds at a future date, they will look into it then, but for now there was no interest in using Bird or  
30 any other scooter services.

31  
32 **UTA PRESENTATION ON BRT AND MICRO TRANSIT – MS. BETH HOLBROOK**

33 Ms. Beth Holbrook, UTA Trustee, introduced her colleagues Mr. Hal Johnson, Manager of  
34 Systems Planning & Project Development, and Mr. Eric Callison, Manager of Service Planning.

35 Ms. Holbrook said one of the things they are looking at in their overall system is how to  
36 provide the necessary connective pieces to get people where they want to go. She said that as this  
37 area continues to grow the Bus Rapid Transit, the core bus route service and the Fronrunner will  
38 continue to be developed.

39 Mr. Johnson spoke about how everything that UTA does is guided by the long-range plans  
40 established by the Wasatch Front Regional Council (WFRC). This helps them determine where to  
41 invest their resources including active transportation and roadway infrastructure.

42 Mr. Callison explained what the five-year service plan is for Bountiful. The current transit  
43 system includes the Fronrunner, the express bus routes that run from Ogden to Salt Lake (472 &  
44 473), and the core bus routes (455 & 470). He explained that they hope to implement an "on-  
45 demand" service in South Davis County by August of 2022. The on-demand service operates  
46 similarly to Uber and Lyft; with the use of an app, a rider can plan a trip from anywhere in the service

1 area to anywhere else in the service area for the UTA base fare of \$2.50. The service will be offered  
2 in partnership with a company called VIA and is a much more economical way to provide east-west  
3 connections for riders. One of the most exciting things about the new service is that it will provide  
4 UTA with a lot of information about where people want to go, which will help them know what the  
5 travel patterns are and what the needs in the community are.

6 Mr. Callison also explained that South Davis County is part of a small area study they kicked  
7 off last week which is researching the feasibility of their short-and long-term plans for this area, as  
8 well as making sure they are on track with their proposed transit service. The study is in conjunction  
9 with UDOT, WFRC, City staff and UTA. Part of this study will include public outreach, and he  
10 hopes they will have some great information to share with the City in a few months as a result.

11 Councilmember Higginson asked Mr. Callison questions about the on-demand service and  
12 said he was excited about the possibility of gathering more data from that service which will help in  
13 future planning. Councilwoman Bahr expressed how excited she was about the affordability of it  
14 compared to other ride services. The Mayor expressed his approval for all of the work they are  
15 doing.

16 Mr. Johnson gave an update about the Davis – SLC Connector (Bus Rapid Transit) project.  
17 He said they were given legislative funds a few years ago which allowed them to develop an  
18 environmental document and to work on their preliminary design. The objectives of the Davis-SLC  
19 Connector are to build on the successful routes (455 & 470), improve speed and reliability, make  
20 trips faster, address service gaps, support the growth that is happening in the area, and get people out  
21 of their cars and onto transit. This will be a great connector to downtown Salt Lake and to  
22 Farmington station where people need it. One of the key issues they have been working on is the final  
23 destination of the route. There is a strong desire for the connector to go all the way to Research Park  
24 at the University of Utah. He explained that north of Bountiful there will be bus stop improvements  
25 only, but in Bountiful and south there will be station improvements, which are larger and more  
26 obvious. They are also working on a proposed route along Orchard Drive. He added that the BRT  
27 will be coming every 15 minutes, and perhaps more depending on ridership.

28 Mr. Hill asked about the rumors regarding rails and dedicated bus lanes taking up City streets.  
29 Ms. Holbrook answered that there are no rails involved in this project and that the only places  
30 dedicated bus lanes are being considered is in North Salt Lake. There is no intention or ability to take  
31 homes or rezone any properties or anything like that. This is simply meant to help community  
32 connectivity on the east side of the corridor. There is a stretch on Highway 89 in North Salt Lake that  
33 could potentially have dedicated bus lanes since it is already wide enough to support them.

34 Mr. Johnson explained that the next steps in this project will be a policy committee meeting in  
35 December to finalize the route alignment, and then they will present to City Councils for adoption  
36 and start fundraising the local match. They feel this project will compete well for federal funds,  
37 which usually requires a 50% local funding match. Councilwoman Bahr asked what the final costs  
38 will be for the project. Mr. Johnson answered that if they do dedicated lanes it will cost around  
39 \$150M, if they do not have dedicated lanes it will be closer to \$75-80M. He said the cost will be split  
40 pretty evenly between Salt Lake County and Davis County, which is a great thing and will help with  
41 fundraising as well.

42 The Mayor and Council thanked them for their presentation.

43  
44 The meeting ended at 6:48 p.m.

45  
46 **Regular Meeting – 7:00 p.m.**

1 **City Council Chambers**  
2

3 Mayor Lewis called the meeting to order at 7:00 p.m. and welcomed those in attendance. Ms.  
4 Beth Holbrook, UTA Commissioner, led the Pledge of Allegiance, and former Mayor, Mr. Joe  
5 Johnson, offered a prayer.  
6

7 **PUBLIC COMMENT**

8 The public comment section was opened at 7:04 p.m.  
9

10 Mr. Jay Holt (132 Sterling Drive) said he was in favor of fiber being brought to Bountiful and  
11 he feels that UTOPIA is the only way to go. He said he was disappointed that Bountiful hired a  
12 consultant; that they should have asked Provo, Orem and Murray cities about their experiences  
13 instead. He thinks we are behind the times and need to get moving. He also said that our streetlights  
14 are not being maintained properly and that needs to get corrected.  
15

16 Mr. Bryan Potts (181 West 100 North) thanked Mr. Gary Hill and Ms. Shawna Andrus for  
17 putting the Bountiful City Service Council information on the City website. He said they are getting  
18 the message out to residents that they have a service council and are looking for volunteers.  
19

20 Ms. Sharon Hanson said that she was impressed by the well-mannered behavior of the skate  
21 park proponents at the last Washington Park meeting. In contrast, she felt that many of the Pickleball  
22 supporters were obnoxious. She said that she is in favor of the skate park being installed.  
23

24 The public comment section was closed at 7:10 p.m.  
25

26 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETINGS HELD ON**  
27 **SEPTEMBER 28 AND OCTOBER 12, 2021**

28 Councilwoman Bradshaw asked for a correction to the September 28 minutes on page 5, line  
29 38 where it should read “Bradshaw” instead of “BradshawHarris”.

30 Councilwoman Bahr made a motion to approve the minutes with the proposed correction and  
31 Councilman Higginson seconded the motion. The motion was approved with Councilmembers Bahr,  
32 Bradshaw, Harris, Higginson and Simonsen voting “aye”.  
33

34 **COUNCIL REPORTS**

35 Councilman Higginson reported that the meeting with Magellan (the consultant for the City-  
36 wide fiber project) went really well and he was comforted by the amount of knowledge and  
37 experience both representatives displayed. Mr. Alan West will be compiling the information from  
38 that meeting for the Council. Mr. West reported that the feasibility study should be completed in four  
39 to five months, which is less time than originally expected.

40 Councilman Higginson also reported that the mutual assistance agreement on the agenda  
41 tonight was presented to the Power Commission that morning, and that a lot of sister cities are  
42 declining to sign it due to past grievances. He urged the Council to look at this as an opportunity to  
43 move forward, create a better future and repair a relationship.

44 Councilwoman Bahr congratulated the BCYC members for being inducted into the National  
45 Honor Society that evening, which is why they were unable to attend and give their report. She

1 reported that they held a Halloween service project activity which was well-attended, and they  
2 received quite a few donations for the food pantry from it.

3 Councilwoman Harris reminded residents to make an appointment to visit the Bountiful  
4 History Museum on Main Street. She said it is a great place to visit.

5 Councilman Simonsen gave some time to Mr. Richard Watson from the Bountiful Service  
6 Council. Mr. Watson announced that the Bar J Wranglers would be giving their farewell performance  
7 in Bountiful on December 17. Tickets are \$25 each and will be available for purchase online and at  
8 City Hall. He thanked Mr. Galen Rasmussen for his help setting up the online ticket sales and  
9 thanked the Council for their support for these concerts over the years.

10 Councilman Simonsen reported that they will be installing a new wall of names at the  
11 Veterans Park on November 3<sup>rd</sup>, and they will hold a Veteran’s Day service on November 11<sup>th</sup> at  
12 11:00 a.m. He invited everyone to attend. He said he continues to be touched by the individual stories  
13 he hears from veterans, and he knows they appreciate this park very much. He thanked the Council  
14 and Mayor for the donation of the land and for their support.

15 Councilwoman Bradshaw reported that she participated in a walking audit of 500 South and  
16 attended a follow-up meeting with UDOT and the Wasatch Front Regional Council (WFRC) today  
17 about the future of the I-15 project. She said that it was very fascinating, eye-opening, and also  
18 terrifying to be a pedestrian attempting to cross 500 South under the freeway to get to the Frontrunner  
19 station in Woods Cross. They will have more workshops in April to further discuss the ways the I-15  
20 corridor serves and impacts our community, and she urged the community to pay attention so they  
21 can give feedback. She encouraged Councilmembers to walk some of Bountiful’s major intersections  
22 on foot as well.

23  
24 **CONSIDER APPROVAL OF:**

25 **A. EXPENDITURES GREATER THAN \$1,000 PAID SEPTEMBER 27, OCTOBER 4 &**  
26 **11, 2021**

27 **B. AUGUST 2021 FINANCIAL REPORT**

28 Councilwoman Harris made a motion to approve the expenditures and the August financial  
29 report, and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers  
30 Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

31  
32 **CONSIDER APPROVAL OF RESOLUTION 2021-21 APPROVING AN INTERLOCAL**  
33 **AGREEMENT FOR SCHOOL RESOURCE OFFICERS IN DAVIS SCHOOL DISTRICT**  
34 **SCHOOLS LOCATED WITHIN BOUNTIFUL – CHIEF ED BIEHLER**

35 Chief Ed Biehler recommended that the Council approve an interlocal agreement between  
36 Davis School District and Bountiful City which designates that the Bountiful Police Department will  
37 supply school resource officers for Bountiful High, Viewmont High, Bountiful Junior High, Mueller  
38 Park Junior High, Mill Creek Junior High, and South Davis Junior High. The agreement outlines the  
39 responsibilities of each party (the school district, the City and the police department) and will be in  
40 effect for five years. It closely resembles the previous agreement the City had with them, but changes  
41 have been made due to recent changes in state legislature and regarding new school security camera  
42 systems.

43 Councilmembers asked Chief Biehler about the officer selection process and expressed how  
44 much they appreciate this program and the dedication of the officers involved in it.

1 Councilman Higginson made a motion to adopt Resolution 2021-21 and Councilwoman Bahr  
2 seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson  
3 and Simonsen voting “aye”.

4  
5 **CONSIDER APPROVAL OF THE PURCHASE OF HP NIMBLE STORAGE EQUIPMENT**  
6 **FROM NETWIZE FOR POLICE VIDEO EXPANSION IN THE AMOUNT OF \$ 21,418 –**  
7 **MR. ALAN WEST**

8 Mr. Alan West explained that one of the unforeseen side effects of the COVID-19 pandemic  
9 is that court dates are being delayed, which means much more police body- and car-camera footage  
10 for use in those cases is having to be stored. Due to this, storage capacity needs to increase and he is  
11 requesting to purchase an HP Nimble storage device which will increase storage by an additional 21  
12 terabytes. He said they already have two pieces of HP Nimble equipment, and it has been a very  
13 good, stable platform.

14 Councilwoman Bahr made a motion to approve the purchase of HP Nimble storage and  
15 Councilman Higginson seconded the motion. The motion passed with Councilmembers Bahr,  
16 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

17  
18 **CONSIDER APPROVAL OF ORDINANCE 2021-10 AMENDING THE LAND USE CODE**  
19 **OF BOUNTIFUL CITY RELATED TO ACCESSORY DWELLING UNITS (ADUS) – MR.**  
20 **FRANCISCO ASTORGA**

21 Mr. Francisco Astorga explained that the Planning Commission reviewed the following  
22 changes to the Land Use Code regarding Accessory Dwelling Units (ADUs) on October 5<sup>th</sup> and  
23 forwards a positive recommendation. He briefly explained what ADUs are and how they differ from  
24 short-term rentals. He reviewed the history of changes to the Land Use Code regarding ADUs and  
25 explained that although the City recently amended the code, due to changes in state legislation, the  
26 City is now being forced to change a couple more things. The first change to the code is that internal  
27 ADUs will no longer require a conditional use permit from the City, which means that a public  
28 hearing will not be held and the City will no longer have the ability to notify neighbors. The other  
29 change will eradicate a minimum square footage requirement for internal ADUs.

30 Mr. Astorga explained that the Planning Commission recommends granting permits for  
31 internal ADUs now that conditional use permits (CUPs) are no longer allowed. External or detached  
32 ADUs will still use the CUP system as the new state laws do not pertain to them. The permitting  
33 process will allow the Planning Department to track ADUs and will trigger the deed restriction  
34 process where property owners inform the county that they have an ADU in their home. The deed  
35 restriction would then be tied to the property if it were to sell. In contrast, if the City instigated a  
36 business license tracking system for ADUs, property owners would have to renew yearly, and the  
37 property would not have anything tied to it.

38 Mr. Astorga explained that the state is allowing municipalities to prohibit the rental of internal  
39 ADUs as short-term rentals (spaces rented for a period of less than 30 consecutive days) if they  
40 choose. The Planning Commission recommends that the use of ADUs as short-term rentals is  
41 prohibited for the purposes of following as closely as possible the intent of the State mandate, which  
42 is to create more long-term rentals. They also recommend this prohibition as a way to mitigate the  
43 lack of communicating the City has with applicants now that CUPs have been taken out this process.  
44 He added that he believes a majority of short-term rentals are for the rental of the entire house, not for  
45 a portion of it.

1 Mr. Astorga added that the State has also given municipalities the ability to hold a lien against  
2 a property that contains a non-compliant ADU, and the Planning Commission proposes lien language  
3 is added to the Code for this purpose.

4 Mr. Astorga explained that the Council may also wish to put a “Sunset Clause” on short-term  
5 rentals, which would allow anyone who currently runs a short-term rental to have a grace period  
6 before being shut down. Councilmembers wished to hear more about that topic. He showed them the  
7 three options before them; prohibiting short-term rentals effective immediately, prohibiting short-  
8 term rentals with an “effective date” in the future, or simply not prohibiting short-term rentals and  
9 keeping the Code as it currently is.

10 Councilwoman Bradshaw suggested hearing from the public before beginning Council  
11 discussion on this topic.

12  
13 **A. PUBLIC HEARING**

14 The Public Hearing was opened at 7:58 p.m.

15  
16 Mr. Ken Aird (1231 East 1725 South) explained that he and his wife supplement their fixed  
17 income by operating a short-term rental through the website Airbnb. He said that prohibiting  
18 short-term rentals in Bountiful will impact them and also be a detriment to the City. He said  
19 that they have an average of two to three renters per month from all over the world and that  
20 they have never had any problems with their renters abiding by their strict house rules. He  
21 said that he feels there is a need for short-term rentals in Bountiful that is not being filled in  
22 any other way; that there is nowhere to stay in the City. He believes the City benefits from  
23 these renters coming here, spending their money and being introduced to this wonderful City.  
24 He feels that businesses will suffer if we send the message that short-term renters are not  
25 welcome here.

26  
27 Mr. Chris Doherty (54 Bountiful Blvd) spoke in favor of short-term rentals, saying that he and  
28 his wife operate a short-term rental from their home. He explained that short-term rentals have  
29 many benefits as compared to long-term rentals; they can immediately remove renters if they  
30 have an issue, they bring people who spend money in our city, and they motivate property  
31 owners to keep their rentals nice since they depend on good reviews. He said long-term  
32 rentals have no “skin in the game” and that short-term rentals are a much safer alternative.

33  
34 Mr. Dustin Seidl (3512 South 100 East) said that he runs a short-term rental out of his home,  
35 which allowed him to supplement his income when the pandemic hit and it provides  
36 affordable housing for him and for tourists who come to visit. He explained that he takes good  
37 care of his home to keep it appealing, and he has never had any complaints from neighbors.  
38 He feels that prohibiting short-term rentals is government overreach, that it places undue  
39 burdens on the middle-class, and that renting to tourists in no way impacts long-term housing.  
40 He asked the Council to please find a more compromising solution.

41  
42 Mr. Ron Brown (33 East 2750 South) said that he has a short-term rental which allows him to  
43 introduce people to Bountiful. He sees no benefit to restricting people who stay under 30  
44 days, it will only increase his taxes and cost him more. He said he really likes doing short-  
45 term rentals and likes having people in his home, most of which are tourists.

1 Ms. Joy Gowns (1477 Vineyard Dr) said that she doesn't know of anyone who rents their  
2 entire home through Airbnb, and that she rents out only one room in her home. She explained  
3 that most of her guests are in transition and need a room for a week before school starts, or  
4 they have internships or just got a new job. She said she has never had complaints from her  
5 neighbors and would gladly open her doors again to any of her previous renters. She said she  
6 does not know any reason why Bountiful should eliminate this function, which she believes is  
7 helping our community. She said that taking this away will hurt more people than they  
8 realize, and it would be ridiculous to take it away at this time.  
9

10 Mr. Robert Sunderland (150 E 1100 South) said that although he has never operated a short-  
11 term rental, he stays at them every time he travels, and he supports having them in Bountiful.  
12 He recognizes that many people need them in order to afford their homes, including his next-  
13 door neighbor. He said he supports the other comments that have been made and his only  
14 suggestion for the Council would be to make sure parking doesn't become an issue.  
15

16 Ms. Debra Brown (33 East 2750 South) asked why the City was motivated to make this  
17 change at this time.

18 Mr. Astorga answered that the State mandated that cities allow internal ADUs, but that  
19 the Council will decide tonight whether or not to exercise the right to prohibit short-term  
20 rentals.

21 Ms. Brown explained that after her husband became a schoolteacher, being able to do  
22 short-term rentals with the extra rooms in their home has helped them immensely. She said  
23 that they have had wonderful guests who are usually professionals who need a short-term  
24 place to stay. She said they have strict rules and make sure that their guests do not park on the  
25 street. She also added that Airbnb has been very supportive of them as hosts, which she likes.  
26 She echoed that this would have a big financial impact for many people if they prohibit it in  
27 Bountiful.  
28

29 Mr. Oswaldo Morino (981 East Arlington Way) said he has been doing Airbnb for a couple of  
30 years, and he feels he is helping people by providing a room in a nice, clean, safe area that is  
31 way less expensive than a hotel room. He said his guests come from all over the world to visit  
32 our national parks, to work at the airport or to work at the refineries. These people eat at our  
33 restaurants and go to our movie theaters, which helps our community. He said that he  
34 wouldn't be able to afford his house without the Airbnb, even though he works for the Air  
35 Force, and it will affect a lot of people. He said America is changing for the worse right now,  
36 with increasing taxes and more and more restrictions that take away their freedoms. He said  
37 he has done a lot of construction on his home, getting all the permits needed, that he has  
38 plenty of parking for his guests and has never had complaints from his neighbors.  
39

40 Mr. Doherty commented that his current guests are someone who just moved here from  
41 Georgia for a new job and the other is a travelling nurse.  
42

43 Ms. Darlene Thomas (24 East 1400 South) said that she loves Bountiful, and it has been a  
44 wonderful place to raise a family. She explained that operating a short-term rental allows her  
45 to have the extra space in her home available for her family when they visit. If she operated a  
46 long-term rental she wouldn't have that flexibility. She said she feels for people whose homes



1 have become too big for their current circumstances and who can no longer afford to stay in  
2 their homes without renting out the extra space. If we prohibit them from renting and staying  
3 in their homes, it would be very unfriendly. It would suggest that they no longer belong in the  
4 neighborhood.

5  
6 Mr. Kevin Olsen said he agreed with what had been said.

7  
8 Mr. Lynn Jacobs (46 E 300 South) said that he is very sympathetic to the pleas of those who  
9 have commented, but he also feels for the neighbors who will no longer be notified about a  
10 short-term rental going into their neighborhood. As a member of the Planning Commission,  
11 he explained that they really struggled with what to do about this new legislation and their  
12 ability to notify residents being take away.

13  
14 Ms. Lisa Fawcett suggested that the City could compromise by permitting short-term rentals  
15 and taking a permit away if there are too many complaints against a property owner.

16  
17 Mr. Alex Densely (443 Jeri Drive) said that he sees good and bad in this policy. He said we  
18 need a policy that protects us from real estate agents flipping houses and destroying  
19 neighborhoods, as he has seen happen in his parents' neighborhood for the last seven years.  
20 But he also does not want to see people having to leave their homes. He pleaded with the  
21 Council to tweak the policy to find a win-win situation.

22  
23 Mr. Seidl agreed that those are valid concerns and suggested that the code distinguish  
24 commercial entities from owner-operators in an effort to find a middle ground.

25  
26 Mr. Aird said that West Valley City has used a permitting system very effectively to manage  
27 their short-term rentals for many years and asked the Council to look at their example.

28  
29 The Public Hearing was closed at 8:39 p.m.

30  
31 **B. ACTION**

32 Mr. Astorga explained to the Council that if they decided to prohibit short-term rentals in  
33 Bountiful, it would only apply to new ADUs, so anyone with a previously permitted ADU could  
34 continue to operate as a legally non-conforming property. This would also mean that if the  
35 Council decided to use a sunset clause, property owners would have time to legalize their ADUs  
36 and get a permit before the prohibition began.

37 Councilwoman Harris made a motion to strike the prohibition on short-term rentals and adopt  
38 the rest of the ordinance, in order to allow more time to study out this issue.

39 Councilwoman Bradshaw made a substitute motion that the Council move on to the next  
40 agenda item and bring this ordinance back at the November 9<sup>th</sup> Council meeting. After some  
41 discussion about the impending deadline to adopt this ordinance, the motion was withdrawn.

42 Councilwoman Harris' motion failed to obtain a second.

43 Councilman Higginson asked how many short-term rentals there are in Bountiful, which Mr.  
44 Astorga did not know, but Ms. Fawcett answered that there are 79 units. Councilman Higginson  
45 asked Chief Biehler how many complaints he gets from neighbors of short-term rental properties.  
46 Chief Biehler answered that they defer any complaints like that to the Planning Department. He

1 added that they may answer calls from short-term rentals, but they would need a list of addresses  
2 to determine that information. Mr. Astorga said that they receive complaints from neighbors very  
3 seldomly; four complaints in 2019, zero complaints in 2020, and zero complaints so far in 2021.  
4 Councilman Higginson said he did not want to preemptively solve a problem that does not exist,  
5 or restrict a property right based on just the potential of a problem.

6 Councilman Higginson made a motion to adopt the rest of the ordinance and leave the short-  
7 term rental issue for further discussion. Councilwoman Harris seconded the motion.

8 Councilwoman Bradshaw asked if they were to put a delayed effective date into the  
9 ordinance, if they could change it at a later date. Mr. Astorga answered affirmatively. She asked  
10 how soon the Planning Commission could bring this issue back for discussion and  
11 recommendations. Mr. Astorga felt the Planning Commission could come back with more  
12 information in six months. Councilwoman Bradshaw voiced her concerns over not having a short-  
13 term rental policy in place for six months, since HB-82 had taken away their ability to use  
14 conditional use permits to track these units and to notify neighbors. She felt that the City had a  
15 very solid ADU policy in place before the State stepped in, and she is very frustrated by the  
16 legislator who decided to make a new policy. She feels that the State has made ADUs as close to  
17 becoming duplexes as they possibly could, and this was accomplished by taking away the City's  
18 ability to notify neighbors about new ADUs. She believes that the tools the City has left are tools  
19 that should be seriously considered.

20 Councilman Higginson thanked Councilwoman Bradshaw for her heavy lifting on this bill. He  
21 said he agreed with almost everything she said, but he still felt they should not be preemptively  
22 solving a problem that will restrict property rights when they might be able to solve those  
23 problems administratively. He said that if this becomes a terrible issue, they can make changes  
24 immediately if needed. He does feel they should exercise control over ADUs that will be used as  
25 businesses (e.g., short-term rentals) by using permits for them.

26 Councilwoman Bradshaw said that because the City does not have a robust code enforcement  
27 department, she does not agree that they can solve this administratively.

28 Councilwoman Bahr said she lived in a neighborhood with an Airbnb that became a frequent  
29 headache for the neighbors, but she recognizes that there are many responsible short-term rental  
30 hosts as well. She said she does not want to impose on property rights, but that zones are there  
31 for a reason. People cannot operate businesses out of their homes unless they get permits. She  
32 echoed the frustration about the state taking away the City's ability to notify neighbors. She said  
33 that she would like a more robust discussion about this before making a decision.

34 Mr. Astorga added that if the Council does not add prohibitive language tonight, they still  
35 need to make a decision about whether they use a permitting system or a business license system  
36 to track and record ADUs, otherwise there will be no system in place and deed restrictions will  
37 not be recorded either. Councilwoman Harris said that was why she recommended striking that  
38 language and adopting the rest of the ordinance.

39 Councilwoman Bahr asked Councilwoman Harris about what was discussed at the Planning  
40 Commission and why this was a unanimous decision with the Commission. Councilwoman  
41 Harris answered that the short-term rental issue was not a part of the discussion, but she now has  
42 more information about it and she would like to discuss it further before adopting the ordinance  
43 as presented. Mr. Astorga said that it was discussed at Planning Commission, and that they  
44 wanted to stay in line with the intent of the state mandate which is to create more long-term  
45 rentals and mitigate the loss of the public hearings regarding ADUs.

1 Councilman Higginson withdrew his motion. He said he was frustrated that a public hearing  
2 was held on this at Planning Commission, but no one commented, and that the entire Commission  
3 voted to pass the restriction, but now alternate positions are being presented tonight.

4 Councilwoman Harris asked the Council if they have any other reservations about the  
5 ordinance. There were none. She asked what the drawback is to wait to discuss the short-term  
6 rental issue further while passing the rest of the ordinance. Councilman Higginson answered that  
7 the loss of control is a drawback, as well as the potential impact to neighbors' property.

8 Councilwoman Bradshaw added that the number of unknown ADUs could grow very large  
9 between now and when a policy is finally put in place and if the decision is not made right now,  
10 there will be no way to track them. Councilwoman Bahr suggested that the best course of action  
11 would be to extend the sunset clause. The other Councilmembers agreed. Councilman Higginson  
12 added that it was imperative that the Planning Commission think through whether or not the City  
13 can find a way to protect neighbors while allowing owners to do short-term rentals with their  
14 property. After some discussion about the timeframe, April 1<sup>st</sup>, 2022 was agreed upon.

15 Councilman Higginson thanked all the commentors for being kind and presenting their cases  
16 civilly. Councilwoman Bahr added that she liked Ms. Fawcett's suggestion about permits being  
17 revoked based on complaints.

18 Councilwoman Bradshaw made a motion to approve Ordinance 2021-10 amending the Land  
19 Use Code regarding Accessory Dwelling Units and changing the effective date in section six to  
20 April 1, 2022. Councilman Higginson seconded the motion and advised residents to get their  
21 ADUs permitted and compliant by that date. Councilwoman Bradshaw amended her motion to  
22 include a request that the Planning Commission commence a process to broadly study short-term  
23 rentals and that the discussion be concluded before April 1, 2022. Councilman Higginson  
24 seconded the amended motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,  
25 Higginson and Simonsen voting "aye".

26  
27 **CONSIDER APPROVAL OF AN EASEMENT RELEASE AT 114 SOUTH BOUNTIFUL**  
28 **BLVD AND AUTHORIZING THE MAYOR TO SIGN THE RELEASE OF EASEMENT**  
29 **DOCUMENT – MR. LLOYD CHENEY**

30 Councilman Higginson made a motion to approve the easement release and Councilwoman  
31 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,  
32 Higginson and Simonsen voting "aye".

33  
34 **CONSIDER ADOPTION OF RESOLUTION 2021-20 AUTHORIZING A SUBRECIPIENT**  
35 **AGREEMENT WITH SOUTH DAVIS SEWER DISTRICT FOR ARPA FUNDING IN THE**  
36 **AMOUNT OF \$160,000 – MR. GARY HILL**

37 Mr. Gary Hill explained that this resolution would authorize the City to share \$160,000 of  
38 ARPA funds with the South Davis Sewer District.

39 Councilman Higginson made a motion to adopt Resolution 2021-20 and Councilwoman  
40 Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,  
41 Higginson and Simonsen voting "aye".

42  
43 **CONSIDER APPROVAL OF ORDINANCE 2021-11 ADOPTING AND AMENDING THE**  
44 **CONSOLIDATED FEE SCHEDULE AS IT PERTAINS TO CERTAIN RATES FOR**  
45 **BOUNTIFUL CITY LIGHT & POWER – MR. ALLEN JOHNSON**

1 Mr. Allen Johnson explained that there had been no changes to this Ordinance since he  
2 presented it to the Council at the last meeting. Councilman Higginson commented how fair this  
3 agreement is to the solar generators and to the Power company.

4 Councilman Higginson made a motion to approve ordinance 2021-11 and Councilwoman  
5 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,  
6 Higginson and Simonsen voting “aye”.

7  
8 **CONSIDER APPROVAL OF THE QUOTE FROM INTEGRATED POWER SERVICES TO**  
9 **REMANUFACTURE THREE THRUST BEARINGS FOR THE ECHO TURBINES IN THE**  
10 **AMOUNT OF \$261,868 – MR. ALLEN JOHNSON**

11 Mr. Johnson explained that while doing a lot of work rebuilding the Echo Hydro plant, they  
12 replaced the wheels which were old and cracking from pressure. Due to the change in wheels, there  
13 was more pressure on the thrust bearings, which then stopped operating within the normal operating  
14 range. Replacing the bearings with slightly larger ones made of a different, cooler material, will solve  
15 the problem. He added that very few companies work on hydro plants anymore which is why there  
16 were not more quotes. They recommend the quote from Integrated Power Solutions which is for both  
17 labor and parts.

18 Councilman Simonsen made a motion to approve the quote for the bearings and  
19 Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,  
20 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

21  
22 **CONSIDER APPROVAL OF RESOLUTION 2021-19 ADOPTING THE ONE UTAH**  
23 **MUTUAL ASSISTANCE AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN IT**  
24 **ON BEHALF OF BOUNTIFUL CITY – MR. ALLEN JOHNSON**

25 Mr. Johnson explained that a few changes were made to this agreement since he last presented  
26 it to the Council. Some of the changes are small changes to definitions in the contract which was not  
27 a problem. They also changed Article 1 regarding how the requesting party would get into contact  
28 with the assisting party. The biggest change was that now they can charge for equipment costs when  
29 providing mutual aid as long as they give their rates. They also added a \$3M insurance provision. He  
30 said they still believe it is a great contract and will be a good move politically and operationally.

31 Councilwoman Bradshaw asked a follow-up question about who inserted the equipment  
32 charges into the contract. Mr. Johnson said he was not sure, but he believes it came from the  
33 Investor side.

34 Councilwoman Harris made a motion to approve Resolution adopt Resolution 2021-19 and  
35 Councilman Higginson seconded the motion. The motion passed with Council members Bahr,  
36 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

37  
38 **CONSIDER ADOPTION OF RESOLUTION 2021-22 WHICH APPROVES AN**  
39 **INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY CITIES AND**  
40 **DAVIS COUNTY FOR A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
41 **GENERAL PERMIT – MR. CLINTON DRAKE**

42 Mr. Drake explained that this is a mutual aid agreement that includes other cities in Davis  
43 County as well as the County. The entities involved all have the same requirements for storm water,  
44 so this Resolution will allow cities and the County to combine forces and be more efficient. It is  
45 virtually the same as the City’s previous agreement.

1 Councilwoman Bradshaw made a motion to adopt Resolution 2021-22 and Councilman  
2 Simonsen seconded the motion. The motion passed with Council members Bahr, Bradshaw, Harris,  
3 Higginson and Simonsen voting “aye”.

4  
5 **ADJOURN TO A CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR**  
6 **LEASE OF REAL PROPERTY, REASONABLY IMMINENT LITIGATION AND/OR TO**  
7 **DISCUSS THE CHARACTER AND/OR COMPETENCY OF AN INDIVIDUAL(S)(UTAH**  
8 **CODE §52-4-205).**

9 Councilwoman Bahr made a motion to adjourn to a closed session to discuss the purchase,  
10 exchange or lease of real property, reasonably imminent litigation and/or to discuss the character  
11 and/or competency of an individual(s) in the Council conference room. Councilwoman Harris  
12 seconded the motion. The motion passed with the following roll call vote:

13 Harris Aye  
14 Higginson Aye  
15 Bahr Aye  
16 Bradshaw Aye  
17 Simonsen Aye

18  
19 The regular session was adjourned to a closed session at 9:39 p.m.

20  
21 The closed session started at 9:48 p.m.

22  
23 Councilman Higginson made a motion to return to the regular session and Councilman  
24 Simonsen seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,  
25 Higginson and Simonsen voting “aye”.

26  
27 The regular session was reconvened at 11:01 p.m.

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

32  
33 The regular session was adjourned at 11:01 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Recorder