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Minutes of the
BOUNTIFUL CITY COUNCIL

March 17, 2020 – 6:00 p.m.

Present:	Mayor	Randy Lewis
	Councilmembers	Millie S. Bahr, Kate Bradshaw, Kendalyn Harris, Richard Higginson, Chris R. Simonsen
	City Manager	Gary Hill
	Asst. City Manager	Galen Rasmussen
	City Engineer	Lloyd Cheney
	City Planner	Francisco Astorga
	Asst. City Planner	Curtis Poole
	City Attorney	Clinton Drake
	IT Director	Alan West
	Recording Secretary	Maranda Hilton

Official notice of the City Council Meeting was given by posting an Agenda at the temporary City Hall locations (805 South and 150 North Main Street) and on the Bountiful City Website and the Utah Public Notice Website and by providing copies to the following newspapers of general circulation: Davis County Clipper and Standard Examiner.

Work Session – 6:00 p.m.
South Davis Metro Fire Station Conference Room

Mayor Lewis called the meeting to order at 6:02 p.m. and welcomed those in attendance.

DISCUSSION OF HOSPITAL ZONE – MR. FRANCISCO ASTORGA & MR. CURTIS POOLE

Mr. Poole explained that the zone was created in the 1970s as a place to have hospitals and medical offices. The standards for the buildings, setbacks, landscaping and signage in the zone have not changed significantly since it was created. Mr. Poole said that the reason for tonight’s work session is because property owners in the hospital zone have come to them with increasing reports of vacancies that they cannot fill.

Mr. Poole said that most cities in Utah do not have a hospital zone and that their hospitals are located in commercial or overlay zones which are farther from single-family residential zones and allow for more signage and a wider variety of uses than our hospital zone currently does.

Many people have approached the Planning Department about turning vacant buildings in the hospital zone into multi-family housing, but they have not received any offers from medical businesses (which is all that is allowed under the current code). To help solve the problem of economic decline in the hospital zone, the Planning Department proposes 4 options:

1. Leave the zone as is and wait for the economy to change.
2. Keep the zone as is but make changes to the standards (signage, setbacks, height, acceptable uses, etc.) so property owners have choices about their properties.
3. Get rid of the hospital zone entirely and rezone it to be a commercial (general or neighborhood) zone. This could be written for specific uses.

- 1 4. Leave the zone intact but create a subzone that would allow different uses around
2 the perimeter while leaving the central core of the hospital zone intact. Owners
3 could use it for professional offices (lawyers, architects, CPA's, convenience
4 stores, small retail shops, etc.)

5 Their recommendation to the Council is option 4, to allow for a subzone around the perimeter
6 of the hospital zone. After some discussion, the Council was very supportive of doing something to
7 revitalize the hospital zone and asked Mr. Poole and Mr. Astorga to take these options to the Planning
8 Commission and have them flesh out the details. The Mayor asked them to please look toward the
9 future and the expansion of the hospitals that will need to happen as the population grows along the
10 Wasatch Front. He hopes solving a short-term problem will not turn out to be a detriment when that
11 growth happens. Councilwoman Bradshaw asked that the neighbors be engaged to help them see the
12 need for the changes being made.

13
14 **BDAC UPDATE – MS. ALYSA REVELL**

15 Ms. Alysa Revell, BDAC Director, and Mr. James Bates, BDAC Events Coordinator,
16 addressed the Council about the upcoming Summerfest revisions. Ms. Revell said that in response to
17 many growing problems, they will discontinue Summerfest as it has previously been formatted and
18 instead hold a series of “deep dive” cultural nights for five consecutive Monday nights in June.
19 Instead of hosting performing groups from other countries, they have found local cultural groups to
20 perform and teach about their native lands including Germany, India, South Sudan, Hungary and
21 more. There will be native food, performing arts, art and storytelling. The plan right now is to have
22 some of the events hosted at the BDAC and have some performances take place at the new Town
23 Square.

24 The Councilmembers liked that Summerfest is not being cancelled altogether and thanked Ms.
25 Revell and Mr. Bates for their hard work organizing and coordinating all the details. Summerfest has
26 been one of the premier events in Bountiful for a number of years and they are excited to see how it
27 comes together this year. They advised that marketing the new format for Summerfest this year will
28 be extremely important for the success of the event.

29
30 The meeting was closed at 7:00 p.m.

31
32
33
34 **Regular Meeting – 7:00 p.m.**
35 **South Davis Metro Fire Station Conference Room**

36
37 Mayor Lewis called the meeting to order at 7:03 p.m., and welcomed those in attendance. Mr.
38 Gary Hill led the Pledge of Allegiance and Mr. Jim Bergstedt, High Councilor in the Bountiful Utah
39 Heights Stake, offered a prayer.

40
41 **PUBLIC COMMENT**

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

43
44 Dr. Raymond Ward (954 E. Millbrook Way) thanked the Council for their work on
45 revitalizing the Hospital Zone as he is hopeful it will help him fill vacancies in his building.
46 He thanked them for their work on the new Town Square and said he is excited for it to be

1 open. He cautioned Council about the exponential spread of COVID-19 and said the next
2 three weeks will be absolutely critical. He said there is minimal capacity in our hospitals to
3 treat victims of the virus and if drastic measures aren't taken, we are only 10 days behind
4 where Italy is now.

5
6 The public comment section was closed at 7:13 p.m.

7
8 **APPROVE MINUTES OF PREVIOUS MEETING HELD ON FEBRUARY 25, 2020**

9 Councilwoman Bradshaw made a motion to approve the minutes from the previous meeting
10 held on February 25, 2020 and Councilman Higginson seconded the motion. The motion passed with
11 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting "aye".

12
13 **COUNCIL REPORTS**

14 Councilman Higginson said he hopes the daily increase in measures that the government is
15 taking will help us break out of the exponential spread of COVID-19.

16 Councilwoman Bahr reported that due to virus concerns the USU Leadership Conference was
17 cancelled so the BCYC was unable to attend. She said that moving forward they will conduct their
18 business through email as necessary.

19 Councilwoman Harris did not have a report.

20 Councilman Simonsen cautioned that the virus is here in Bountiful and we need to be careful.
21 He reported that the granite for the Veteran's Park is on its way here from China. Lastly he said he
22 got to speak to a BSA Troop about the importance of our first responders and the role they play in our
23 communities.

24 Councilwoman Bradshaw reported that in light of the virus concerns, the grocery stores in
25 Bountiful will be offering senior-only hours for shopping. Smith's announced it will be open MWF
26 from 7:00-8:00 a.m. exclusively for seniors and Dick's will announce their schedule shortly.

27
28 **CONSIDER APPROVAL OF:**

29 a. **EXPENDITURES GREATER THAN \$1,000 PAID FEBRUARY 17 & 24 AND**
30 **MARCH 2, 2020**

31 b. **JANUARY 2020 FINANCIAL REPORT**

32 Councilwoman Bradshaw asked about the expenditure for a contract for the "Summer Concert
33 Series" and if contracts would be flexible in light of the virus concerns.

34 Mr. Galen Rasmussen answered that each contract is different from performer to performer
35 and that he would have a discussion with Mr. Gary Hill to determine how they would be proceeding
36 with the planning of the summer concerts.

37 Councilman Higginson made a motion to approve the expenditures paid February 17 & 24
38 and March 2, 2020, and the January 2020 Financial Report and Councilwoman Harris seconded the
39 motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen
40 voting "aye".

41
42 **CONSIDER APPROVAL OF THE PROPOSAL FROM BLACK FOREST PAVING FOR**
43 **THE 100 NORTH RECONSTRUCTION PROJECT – MR. LLOYD CHENEY**

44 Mr. Cheney said he was happily surprised to receive eight bids on the 100 North
45 reconstruction project. He said that Black Forest Paving is new to them, but their references have all

1 given positive reviews of their work. The Engineering Department recommends that the Council
2 accept their bid proposal and enter into a contract with them.

3 In response to Council questions Mr. Cheney also noted that the City is first on their priority
4 list and they are ready to begin work as soon as some necessary utility work is finished. Mr. Cheney
5 is also requiring that all the contractors working on the 100 North project notify the homeowners of
6 upcoming work dates and road closures as soon as dates are firmed up. They will put the
7 announcements in the e-newsletter and put paper copies on people's doors.

8 Councilwoman Bradshaw made a motion to approve the proposal from Black Forest Paving
9 and Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,
10 Bradshaw, Harris, Higginson and Simonsen voting "aye".

11
12 **CONSIDER PRELIMINARY AND FINAL APPROVAL OF THE EVANS SUBDIVISION –**
13 **MR. LLOYD CHENEY**

14 Mr. Cheney explained that the new subdivision will be in an R-3 zone and the proposed lots
15 meet all requirements for that zone. He said that due to the steep slope on the east side of Lot 1, parts
16 of the lot will be identified as "unusable land" (>30% grade) and will have greater restrictions for
17 what can be developed on them.

18 He also pointed out that the sewer line has not been extended to this area, due to development
19 never being anticipated and the discouraging grade of the plot. He explained that the Council has the
20 authority to require property owners to connect to the sewer if it comes within 300 feet of their
21 property line. There is one neighboring property that has never connected to the sewer and currently
22 uses a septic tank. Once the subdivision is developed, this property will be within 300 feet of the
23 sewer line and he recommends the Council require the owner to connect to the sewer. This will
24 require an easement on the frontage of Lot 2 (due to the grades and slopes involved), but it will likely
25 be the last opportunity for this owner to connect to the sewer and it will be significantly less
26 expensive to do it now instead of waiting. Granting the City this easement on Lot 2 has been
27 designated as a condition of approval and the developer has agreed to it.

28 One other characteristic of note for this land is that it lies very close to a large fault line. It is
29 also at the elevation of the former shore of Lake Bonneville and so there are many different soil types
30 that converge here. Because of the earthquake hazard conditions there will be greater restrictions on
31 any building permits submitted for this site in the future.

32 Mr. Cheney explained that the final issue to discuss has to do with accessory structures. This
33 subdivision approval will essentially be creating a lot that does not currently have a primary structure
34 on it, but which does have some accessory structures. This scenario is expressly prohibited in the City
35 Code but they will grant a 120-day grace period to allow for the owner to resolve it, as they have
36 done in other instances. The owner may submit plans for a primary structure in those 120 days or
37 remove the accessory structures.

38 After the Council asked Mr. Cheney some clarification questions and were satisfactorily
39 answered, the Mayor opened up the Public Hearing.

40
41 **a. PUBLIC HEARING**

42 The public hearing was opened at 7:51 p.m.

43
44 Nathan Evans (developer of the subdivision) said he was happy to answer any questions
45 the Council might have.
46

1 The public hearing was closed at 7:52 p.m.
2

3 **b. ACTION**

4 Councilman Higginson made a motion to give preliminary and final approval of the Evans
5 Subdivision with the staff-recommended conditions and Councilwoman Bahr seconded the motion.
6 The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting
7 “aye”.
8

9 **CONSIDER PRELIMINARY APPROVAL OF THE TOWNS AT ORCHARD & 500 SOUTH**
10 **P.U.D. – MR. LLOYD CHENEY**

11 Mr. Cheney explained that the proposed P.U.D. would incorporate existing lots to create a lot
12 of 2.17 acres in an R-13 zone. The P.U.D. would create 28 townhomes (the legal limit for that zone),
13 77 parking stalls, and include 50 square feet of private outdoor space for each unit. The developers
14 will also add a park strip along Orchard Drive which will be a big improvement for pedestrians and
15 will aid in snow removal during the winter. They will also build retaining walls along the east and
16 south sides of the buildings in order to leave pedestrian access to the development.

17 The main concern for this development site is drive access. The distance between the
18 proposed drive on 500 South and the middle of the intersection at Orchard will be the minimum
19 standard, which most likely will cause traffic issues on 500 South. The Engineering Department feels
20 a median should be installed just north of the left turn lane on 500 S and be extended for 180 feet in
21 order to restrict movement to right-in / right-out only at that driveway. The developer would pay for
22 the installation of the median.

23 Connecting utilities to the site is not an issue. Instead of connecting to the City storm drain
24 system they will utilize an underground retention basin. The planned basin size more than meets
25 requirements.

26 Councilwoman Bahr asked about the drive on 500 South. Mr. Shawn Poor, Brighton Homes,
27 addressed those concerns and explained that there were many contributing and limiting factors that
28 led to the design being created as it is. He said they tried several different configurations in order to
29 have the drives be farther from the intersection on both streets but there was no way to achieve that
30 without decreasing the number of units. Councilwoman Harris said that they discussed the same issue
31 in Planning Commission as well.

32 Councilman Simonsen voiced concerns that this will exacerbate traffic problems that already
33 exist on 500 South and wondered if too many homes are being put on an already busy street.

34 Councilwoman Bahr wondered how the median would affect entering the buildings on the
35 North side of 500 South and if U-Turns would still be legal at this intersection. Mr. Cheney answered
36 that drivers would be encouraged to access those buildings from 300 West, and that U-Turns would
37 still be legal.
38

39 **PUBLIC HEARING**

40 The public hearing was opened at 8:15 p.m.
41

42 Mr. Douglas Smith (a business owner on 500 South & Orchard) was concerned that access
43 to his building might be blocked with the installation of the proposed median, but his
44 concerns were addressed by Mr. Cheney earlier in the meeting, so he does not have a
45 problem with the new development.
46

1 The public hearing was closed at 8:17 p.m.
2

3 **a. ACTION**

4 Councilman Higginson asked Mr. Cheney if the use of a triangular island (pork chop) in the
5 drive approach could be successful instead of installing a median. Mr. Cheney answered that it's a
6 possibility and agreed that it would be prudent to look at the option.

7 Councilwoman Bradshaw said she would be interested in knowing Chief Ross' opinion about
8 which option would cause more safety issues.

9 Mr. Gary Hill suggested that a condition be added to the motion asking staff to look at other
10 restricted left-turn options.

11 Councilman Higginson made a motion to grant preliminary approval of the Towns at Orchard
12 & 500 South subdivision with the conditions as set forth and also asking staff to look at other left turn
13 restriction options and Councilwoman Bradshaw seconded the motion. The motion passed with
14 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting "aye".
15

16 **CONSIDER APPROVAL OF THE PRELIMINARY SITE PLAN FOR ORCHARD DRIVE**
17 **TOWNHOMES – MR. CURTIS POOLE**

18 Mr. Poole explained that the townhomes will be the craftsman architectural style with
19 porches, balconies and lots of exterior articulation. The exterior surfaces will be a mixture of stone,
20 stucco and wood siding. The plan for landscaping meets all requirements and a fence will be added to
21 separate the subdivision from the homes to the west. Each townhome will have private garbage bins
22 so no dumpster will be on site.

23 Councilwoman Bahr made a motion to approve the preliminary site plan for the Orchard
24 Drive Townhomes and Councilman Simonsen seconded the motion. The motion passed with
25 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting "aye".
26

27 **CONSIDER APPROVAL OF A SINGLE EVENT ALCOHOL PERMIT FOR ST. OLAF**
28 **CATHOLIC CHURCH – MR. FRANCISCO ASTORGA**

29 Due to the uncertain nature of public events at this point in time, Mr. Astorga recommended a
30 blanket approval of this single event beer license for this specific event either on the date as currently
31 scheduled or a future date if the event needs to be postponed because of the COVID-19 outbreak,
32 subject to the new date being submitted to the Planning Director in writing.

33 Councilwoman Bahr made a motion to approve the alcohol permit as amended to include the
34 blanket approval recommended by Mr. Astorga and Councilman Higginson seconded the motion.
35 The motion passed with Councilmembers Bahr, Bradshaw, Harris and Higginson voting "aye" and
36 Councilman Simonsen voting "nay".
37

38 **CONSIDER APPROVAL OF A BEER LICENSE FOR EMSG FOOD SERVICES AT**
39 **BOUNTIFUL RIDGE GOLF COURSE – MR. FRANCISCO ASTORGA**

40 Mr. Astorga explained that this beer license is for the new concessionaire at Bountiful Ridge
41 Golf Course.

42 Councilman Simonsen asked if the beer license pertained to the entire golf course or if it was
43 restricted to the clubhouse. Mr. Clinton Drake answered that it allows for alcohol to be taken
44 anywhere on the golf course and that it has always been that way.

45 Councilwoman Bradshaw made a motion to approve the beer license for EMSG Food
46 Services to be used at the Bountiful Ridge Golf Course and Councilman Higginson seconded the

1 motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris and Higginson voting
2 “aye” and Councilman Simonsen voting “nay”.

3
4 **CONSIDER APPROVAL OF ADOPTING THE PLANNING COMMISSION RULES OF**
5 **ORDER AND PROCEDURES – MR. CURTIS POOLE**

6 Mr. Poole explained that the Planning Commission felt it was time to update their Rules of
7 Order and Procedures document. The last update was made in 2009. In addition to adopting a section
8 about agenda items, public hearings and temporary chairperson procedures, Mr. Astorga explained
9 that everything pertaining to the Planning Commission was consolidated into one document. This
10 new document contains code pertaining to the Planning Commission, rules of order, procedures and
11 sample resolutions.

12 Councilwoman Bahr made a motion to approve the Planning Commission Rules of Order and
13 Procedures and Councilwoman Harris seconded the motion. The motion passed with
14 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

15
16 **CONSIDER APPROVAL OF RESOLUTION 2020-02 ALLOWING THE BOUNTIFUL CITY**
17 **COUNCIL AND ALL COMMISSIONS AND COMMITTEES TO ELECTRONICALLY**
18 **ATTEND ALL PUBLIC MEETINGS DURING THE MONTHS OF MARCH, APRIL AND**
19 **MAY OF 2020 – MR. CLINTON DRAKE**

20 Mr. Clinton Drake explained that State Law allows for meetings to be held electronically, but
21 that it requires a resolution to be signed by the Council. In the past, resolutions were for specific
22 meetings where there were attendance conflicts. This resolution is being made out of caution, so that
23 if the COVID-19 epidemic progresses and things get worse, all City committees and commissions, as
24 well as the Council, will still be able to conduct their meetings electronically. This resolution will
25 pertain to the months of March, April and May of 2020.

26 Councilwoman Harris asked why the resolution does not address staff members being able to
27 attend electronically. Mr. Drake explained that staff does not have the same requirement to notice
28 their meetings because they are not a public body so no resolution is needed for staff to be able to
29 attend electronically.

30 Councilman Higginson made a motion to approve Resolution 2020-02 and Councilman
31 Simonsen seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,
32 Higginson and Simonsen voting “aye”.

33
34 **BOUNTIFUL CITY COVID-19 OPERATIONS UPDATE – MR. GARY HILL**

35 Mr. Hill explained new policies that the City is putting into place in response to the COVID-
36 19 situation. The guiding principles are first to provide City services with as little disruption as
37 possible to residents, second to protect our employees and the public and third to keep as much
38 normalcy as possible.

39 In light of protecting the employees and the public the City is asking the public to not visit
40 City offices in person if at all possible. City doors will be closed and signs will be posted.

41 There are a number of yearly events that are being cancelled; curbside spring clean-up, the
42 employee awards banquet, the City-wide day of service, the Air Force Jazz Band concert, the
43 business symposium and the Coats for Kids Car Show.

44 The Police Department will be cancelling its upcoming training events, is not allowing visits
45 from groups and will not be providing elective fingerprinting services. Police will also not be

1 responding to medical emergencies in order to protect the officers. Trained EMTs will respond to
2 those calls.

3 Councilwoman Bradshaw asked about the tentative Memorial Day weekend opening event for
4 Bountiful Town Square. Mr. Hill said plans are still in place for that unless the window of time set
5 forth on gathering restrictions changes.

6 Mr. Hill asked the Council how they feel about holding public meetings moving forward.
7 They said it is a complicated situation but agreed overall that their main objective should be
8 remaining as transparent as possible. They agreed that for the time being physical meetings should
9 still be held with the option for any Councilmember to attend electronically if need be. The meetings
10 will be livestreamed so that the public can watch from the safety of their homes as well.

11 In regards to the RAP Tax grant presentations, Mr. Hill explained that those will cancelled
12 this year and the committee will work from the applications only.

13 The Community Service Council will not meet for the time being.

14 Mr. Hill said the golf course will be open as they feel it meets social distancing requirements
15 and provides a real benefit for the community at this time. The clubhouse will not allow people to
16 gather and will serve only prepackaged foods. No tournaments will be held for the time being.

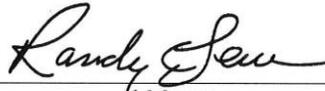
17 The parks are remaining open but the restrooms will stay closed. The dog park will open
18 again soon after being closed for repairs. At the request of Councilmembers Bradshaw and Higginson
19 they will post notices on the City website about safe social distancing practices and information about
20 the dog park and the restrooms.

21 The City will allow local businesses to use sandwich board signs, etc., to help advertise that
22 they are still open in order to help Bountiful business owners get through this crisis.

23
24 **ADJOURN**

25 Councilman Higginson made a motion to adjourn and Councilwoman Harris seconded the
26 motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen
27 voting “aye”.

28
29 The regular session of City Council was adjourned at 9:11 p.m.



Mayor



City Recorder