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**Minutes of the**  
**BOUNTIFUL CITY COUNCIL**  
May 22, 2018 – 6:00 p.m.

Present: Mayor Randy Lewis  
Councilmembers Kendalyn Harris, Richard Higginson, Chris Simonsen  
City Manager Gary Hill  
Asst. City Manager Galen Rasmussen  
City Attorney Clinton Drake  
City Planner Chad Wilkinson  
City Engineer Paul Rowland  
Department Directors/Staff:  
Power Director Allen Johnson  
Police Chief Tom Ross  
Parks Director Brock Hill  
Finance Director Tyson Beck  
Information Technology Rex Pickett  
Recording Secretary Nikki Dandurand  
Excused: Councilmembers John Marc Knight, Beth Holbrook

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 Clipper and Standard Examiner.

**Work Session – 6:00 p.m.**  
**Planning Conference Room**

Mayor Lewis welcomed those in attendance and called the session to order at 6:00 p.m.

**TRUTH-IN-TAXATION DISCUSSION – MR. GARY HILL**

Mr. Hill apologized for not including Councilmembers Holbrook and Knight in tonight’s Council session. The Resolution to allow them to participate remotely/electronically was an oversight, and thus was not included in the agenda.

Mr. Hill reviewed with the Council initiatives by the State Legislature that have undermined local control over the last couple of years. In the latest session, a few hundred bills were tracked that affected local government. Mr. Hill reviewed some of the bills that were aimed at reducing local control including SB189- Small Wireless Facilities Deployment Act, SB167 – Food Truck Regulation Amendments, HB462 – Homeless Services Amendment, SB234 – Utah Inland Port Authority, HB256 – Electric Service District, SB120 – Local Government Fees and Taxes Amendments, HB361 – Billboard Amendments, HB174 – Utah Digital Health Service Commission Membership Amendments and SB235 – Homeless Shelter Funding Amendments.

Mr. Hill stated that SB235 will have a significant impact on the City. The new law will take a portion of the local option sales tax that is imposed by municipalities and redistribute it to communities with homeless shelters for public safety needs. The impact on Bountiful will be \$75,000 (plus inflation) annually. This revenue would otherwise go toward General Fund services. This

1 reduction in funding has not budgeted for and will harm the City's ability to provide basic services.  
2 Mr. Hill gave several examples of the services that already need attention. The streets are a well-  
3 known priority and the recent LTAP survey confirmed that. Without additional funding, a higher  
4 level of service will not be possible. Next would be the Parks department. The recent completion of  
5 Creekside Park, the upcoming Plaza and the other city parks all need resources to maintain their  
6 quality. Finally, the Police Department has been struggling with personnel needs for some  
7 time. There is a statewide shortage of officers, which leads to competition between agencies. The  
8 department has only been full-staffed 20% of the days in the past six and a half years. Chief Ross  
9 gave a short report of the overtime, depleted reserve officer program and the POP unit. There are less  
10 people applying for jobs in the department. Competitive wages and benefits need to be offered to  
11 maintain a full department. Mayor Lewis asked how many schools are outfitted with a police officer  
12 on duty. Chief Ross responded that we have 15 schools, but only the two high schools have full-time  
13 school resource officers. Councilman Higginson asked the Chief what keeps the officers here. Chief  
14 replied that the city has a great reputation and there's a great public relation with the  
15 residents/community. Councilman Simonsen said we need to hire more officers, find a way to pay  
16 them, keep our turnover rate low and keep the employees happy. The other members in attendance  
17 agreed.

18 Mr. Gary Hill asked the City Council if they would like to consider a truth in taxation  
19 hearing and property tax increase to recover the \$75,000 appropriated by the state, and include an  
20 additional amount for other general fund needs including police. He mentioned that Bountiful City  
21 has the second lowest individual property tax rate in the county. Mr. Hill asked the Council about the  
22 scope of the increase and their philosophy to enact it. He suggested we don't wait for several years  
23 and then enact a large tax. The City Council direct staff to proceed with a property tax increase and  
24 truth-in-taxation hearing to recover the \$75,000 and also enough to hire two additional police  
25 officers. Mr Hill suggested this would be roughly \$300,000. Councilman Higginson additionally  
26 suggested the city hold a truth-in-taxation hearing each year, not necessarily to increase taxes each  
27 year, but to look at needs annually. The other council members agreed to an annual review and  
28 property tax hearing. They hate to make increases, but a stable source of revenue is  
29 best. Councilwoman Harris stated it's almost irresponsible to let it go for too long. Mayor Lewis  
30 agreed that a bit of an increase at a time sounds much better, and to look at the needs annually would  
31 be good. Mr. Hill suggested this will be a less aggressive approach. The Council can adopt the  
32 tentative budget in the upcoming session, give the county a tentative rate that we wish to generate.  
33 The Council then agreed to look at the property tax once the plaza was built to consider needs for  
34 park personnel and resources. Mr. Hill proposed to come back with a solid number at the budget  
35 hearing on June 12th.

36  
37 **Regular Meeting – 7:06 p.m.**  
38 **City Council Chambers**

39  
40 Mayor Lewis called the meeting to order at 7:06 p.m. and welcomed those in attendance.  
41 Weston Agnew, scout, led the Pledge of Allegiance; Larry Porter, Bountiful resident gave a prayer.

42  
43 **PUBLIC COMMENT**

- 44 • Dan – lives on 900 North-concerned about speed , possibly post speed limit signs

45  
46 **APPROVE MINUTES OF PREVIOUS MEETING – MAY 8, 2018**

1 Mayor Lewis presented the minutes from the previous meeting. Councilwoman Harris moved  
2 to approve the minutes and Councilman Simonsen seconded the motion. Voting was unanimous with  
3 Councilpersons Harris, Higginson and Simonsen voting “aye”.

4  
5 **COUNCIL REPORTS**

6 Councilwoman Harris said that the ceremony for the new inductees for Bountiful City Youth  
7 Council (BCYC) will be tomorrow night and briefly mentioned all the activities they will be involved  
8 with in the upcoming school year. Councilman Simonsen stated that the Chalk Art Festival last week  
9 was a big success, the 20<sup>th</sup> Annual Coats for Kids is coming in June and he personally wanted to  
10 thank the City for their support, the police and all the City departments that will be helping. Concerts  
11 in the Park will be starting soon as well.

12 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES > \$1,000 PAID APRIL 30 & MAY**  
13 **7, 2018**

14 Mayor Lewis presented the expenditure reports and asked for a motion to approve.  
15 Councilman Higginson moved to approve the weekly expenditures and Councilman Simonsen  
16 seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson and Simonsen  
17 voting “aye”.

18  
19 Mayor Lewis stated that the quarterly City newsletter went out with a picture of the crosses  
20 displayed at Bountiful cemetery on Memorial Day and he wanted to mention that over 1600 crosses  
21 will be displayed. The front page of the Davis County Clipper displays the playground at the newly  
22 opened Creekside Park, located here in Bountiful.

23  
24 Councilman Higginson asked about the \$32,999 adjustment made to the FEMA grant and if it  
25 was a budgeted item. Mr. Gary Hill responded that it was a semi-surprise to repay that, but the grant  
26 needed to be closed out and finalized. Mr. Galen Rasmussen provided further details on the  
27 repayment. It was noted that the repayment was made since FEMA provided advance funding for  
28 anticipated grinding of trees and other vegetation into compost and wood chips which ultimately  
29 never happened. Due to a management decision, it was determined that the Landfill had an ongoing  
30 sufficient supply of brush, trees and other vegetation to grind at the Landfill without further grinding  
31 of the stockpile of this type of debris from the 2011 Wind event.

32  
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34 **CONSIDER APPROVAL OF THE PROPOSED AGRICULTURAL PROTECTION AREA AT**  
35 **APPROXIMATELY 1280 NORTH 400 EAST**

36 **a. PUBLIC HEARING**

37 **b. ACTION**

38 Mr. Wilkinson stated the Bangerter family has applied for the creation of an agricultural  
39 protection area for their family farming business. State Code Section 17-41-305 provides criteria for  
40 evaluating a proposal for creation of an agriculture protection area. Although the City does not have  
41 a specific agricultural zone for this purpose, it is not a problem to approve this application and the  
42 specific property use can exist forever if needs be. All the criteria has been met, with the exception  
43 of the zoning. Because the existing property use (and business) has been operating for over 100  
44 years, the agriculture use is considered to be a legal existing nonconforming use. The Planning  
45 Commission recommends approval. Councilman Higginson asked what other final actions have been  
46 taken. Farmington City has already approved the motion, the Advisory Board was a unanimous

1 approval as well as the Planning Commission. Councilwoman Harris asked if there was an entity that  
2 oversees farm land use. Mr. Wilkinson stated the Advisory Board does that.

3  
4 ***PUBLIC HEARING – OPEN: 7:30 p.m.***

- 5 • Allen Bangerter – would just like to take advantage of this protection, this has been a  
6 huge generational farm and would like to preserve it and continue farming. Tonight’s  
7 vote would be the final vote, there have been a lot of wages paid, but most importantly  
8 a lot of produce supplied to the community
- 9 • Randall Edwards – lawyer for the Bangerter family – appreciates the farming, public  
10 petition was signed to keep the land, all other boards/commissions have recommended  
11 approval
- 12 • Jeff Kirkham – 622 Crestwood Circle – his sons worked on the farm, good produce,  
13 unique area to preserve
- 14 • Jane Joy – loves the amount of produce, their hard work is inspiring, wrote a poem  
15 about them
- 16 • Janice Kasparian – loves the farm and wants more generations to work there

17 ***PUBLIC HEARING – CLOSED: 7:44 p.m.***

18  
19 Councilman Higginson asked what action needs to be taken. Mr. Wilkinson stated just a vote.  
20 Councilman Higginson moved to approve the protected area and Councilwoman Harris seconded the  
21 motion. Voting was unanimous with Councilpersons Harris, Higginson and Simonsen voting “aye”.

22  
23 **CONSIDER APPROVAL OF A BEER LICENSE FOR CORNER 22 FOOD MART, 2065**  
24 **SOUTH ORCHARD DRIVE, MANTINDER S. AND KIRAN DOSANGH, APPLICANTS –**  
25 **MR. CHAD WILKINSON**

26 Mr. Wilkinson stated as background, the applicants are new owners for this existing  
27 convenience store business. State and local law require a new license when ownership changes. The  
28 Police Department and City Attorney have reviewed the proposed application and have not found any  
29 criminal record or other obstacle that would prevent approval of the application. Councilwoman  
30 Harris moved to approve the license and Councilman Higginson seconded the motion. Voting was  
31 unanimous with Councilpersons Harris, Higginson and Simonsen voting “aye”.

32  
33 **CONSIDER ADOPTION OF RESOLUTION 2018-03 AUTHORIZING S. TED ELDER, CITY**  
34 **TREASURER AND GALEN D. RASMUSSEN, ASSISTANT CITY MANAGER, AS**  
35 **ADMINISTRATORS OF THE CITY’S PTIF ACCOUNTS, AND AUTHORIZING GARY R.**  
36 **HILL, CITY MANAGER, TO SIGN THE PUBLIC ENTITY RESOLUTION ON BEHALF**  
37 **OF THE MAYOR AND CITY COUNCIL – MR. GALEN RASMUSSEN**

38 Mr. Rasmussen stated that S. Ted Elder, City Treasurer and Galen D. Rasmussen, Assistant  
39 City Manager, currently administer the day-to-day aspects of the City’s four PTIF accounts. A new  
40 requirement of the State Treasurer’s Office is to request the completion of a Public Entity Resolution  
41 Form which specifies the individuals who are authorized to administer the day-to- day activities of  
42 each public entity’s PTIF accounts. Mayor Lewis asked if any other needed protections or internal  
43 controls are enforced. Mr. Rasmussen replied that these four accounts are subject to procedures and  
44 internal controls set by the State Treasurer’s Office to protect the funds. These accounts are always  
45 subject to independent review/audit. Councilman Simonsen made a motion to approve Resolution

1 2018-03 and Councilman Higginson seconded the motion. Voting was unanimous with  
2 Councilpersons Harris, Higginson and Simonsen voting “aye”.

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4 **CONSIDER APPROVAL OF RESOLUTION 2018-04 AND AUTHORIZING THE MAYOR**  
5 **TO SIGN FOR THE APPROVAL OF ALTERNATIVE REPOWERING FOR THE IPP**  
6 **PROJECT – MR. ALLEN JOHNSON**

7 Mr. Johnson said this has discussed in previous City Council meetings. The Intermountain  
8 Power Project (IPP), administered by the Intermountain Power Agency (IPA), is losing its California  
9 power purchasers in 2027 for all coal-generated electricity. However, the California entities are  
10 willing to continue as customers for natural gas-fired power. The solution, then, is to convert the IPP  
11 to a natural gas facility. On October 23, 2012, the City Council approved two of the necessary  
12 agreements, known as the Second Amendatory Power Sales Contract and the Fourth Amendment to  
13 the IPA Organization Agreement. The project size and design has changed enough from the contracts  
14 that are needed to again approve the revised alternative repowering to meet the current description.  
15 Councilman Higginson asked if coal will continue to be used after this plant goes online. Mr.  
16 Johnson replied no. Councilman Higginson asked how long will it take for the turbines to stop  
17 spinning. Mr. Johnson said a couple hours. Councilman Higginson made a motion approve  
18 Resolution 2018-04 and Councilwoman Harris seconded the motion. Voting was unanimous with  
19 Councilpersons Harris, Higginson and Simonsen voting “aye”.

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21 **CONSIDER APPROVAL OF RESOLUTION 2018-05 APPROVING THE FIFTH**  
22 **AMENDMENT TO THE INTERMOUNTAIN POWER AGENCY ORGANIZATION**  
23 **AGREEMENT – MR. ALLEN JOHNSON**

24 Mr. Johnson stated this resolution is to update the current needs or concerns for this project.  
25 There are 12 items that needed to be clarified, which are listed in the packet. Councilman Simonsen  
26 made a motion to approve Resolution 2018-05 and Councilman Higginson seconded the motion.  
27 Voting was unanimous with Councilpersons Harris, Higginson and Simonsen voting “aye”.

28  
29 **CONSIDER APPROVAL OF RESOLUTION 2018-06 WHICH APPROVES THE POWER**  
30 **SALE CONTRACT FOR THE CFPPP AND THE BUDGETED PLAN OF FINANCE AND**  
31 **AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION – MR. ALLEN JOHNSON**

32 Mr. Johnson reviewed details for the Council regarding the CFPPP Small Scale 600 MW  
33 Nuclear Reactor that will be located in Idaho on the Idaho National Laboratory Property located near  
34 Idaho Falls. The Department of Energy (DOE) has been a key partner in the development of the  
35 project. DOE is currently paying 50% of the cost to develop the National Regulatory Commission  
36 (NRC) license application for the project. The UAMPS board has approved a Budget & Plan of  
37 Finance to limit the first year of the contract to \$6,000,000, or approximately \$100,000 to the City of  
38 Bountiful. The decision to proceed with signing the Power Sales Contract is not a decision to  
39 construct the CFPP. This will allow the City to remain in the project. Councilman Higginson asked  
40 for a clarification of the second paragraph. Councilman Simonsen asked when it will be off full coal  
41 power. Mr. Johnson replied there is a 2027 date. Councilman Higginson made a motion to approve  
42 Resolution 2018-06 and Councilwoman Harris seconded the motion. Voting was unanimous with  
43 Councilpersons Harris, Higginson and Simonsen voting “aye”.

44 Mr. Johnson also gave an update on the 138 substation that they are a little behind schedule,  
45 but still on budget.

1 Mayor Lewis asked for a motion to adjourn the regular session of City Council. Councilman  
2 Higginson made a motion to adjourn the meeting and Councilwoman Harris seconded the motion.  
3 The regular session of the City Council was adjourned at 8:05 p.m.  
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Mayor

  
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City Recorder