

Minutes of the
BOUNTIFUL CITY COUNCIL

February 8, 2022 – 6:00 p.m.

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- 5 Present: Mayor Kendalyn Harris
- 6 Councilmembers Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee
- 7 Price-Huish
- 8 City Manager Gary Hill
- 9 Asst City Manager Galen Rasmussen
- 10 City Attorney Clinton Drake
- 11 City Engineer Lloyd Cheney
- 12 Planning/RDA Director Francisco Astorga
- 13 Streets Director Charles Benson
- 14 Water Director Kraig Christensen
- 15 Chief Building Official Don Simons
- 16 Recording Secretary Maranda Hilton
- 17 Davis County Commissioner Randy Elliott
- 18
- 19 Excused: Councilmember Millie Segura Bahr
- 20

21 Official notice of the City Council Meeting was given by posting an Agenda at City Hall and on
22 the Bountiful City Website and the Utah Public Notice Website and by providing copies to the
23 following newspapers of general circulation: Davis County Journal and Standard Examiner.

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25 **Work Session – 6:00 p.m.**
26 **City Council Chambers**
27

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

29
30 **DAVIS COUNTY COMMISSIONER RANDY ELLIOTT VISIT**

31 Commissioner Elliott was invited to give updates on Davis County happenings. He reported
32 on the courthouse remodel and restoration project. He said that Davis County received \$69M in
33 federal funds and they are planning to build an EOC (emergency operations center) in the Davis
34 County complex, which they hope will help fill a need in the county. They also plan to use about
35 \$15M in federal funds for putting sewer system infrastructure in rural areas in West Point and
36 Hooper, hoping to help those unincorporated pockets incorporate once developed. The additional jail
37 medical wing for the sheriff’s office will be finished this summer, which will be used for inmates that
38 may have drug or opioid issues.

39 Councilmember Bradshaw asked for an update on the animal shelter. Commissioner Elliott
40 explained that they will do a study to determine what size of facility they need for Davis County
41 based on how many calls they receive and projected population growth. They will use that
42 information when they go out to do the bonding to finance a new facility. They are working with
43 UDOT to find somewhere to build. He reported that the new director, Ashley Young, is doing a great
44 job.

1 Councilmember Bell asked about trails development on the bench, especially with the
2 Bonneville Shoreline Trail north of Bountiful. Commissioner Elliott explained that the plan is to have
3 one continuous trail that extends all the way to South Weber. They are working with UDOT to create
4 an underpass on US-89 to connect to Weber Pathways. There are still private property issues they
5 have to deal with, so they are tackling it section by section. They hope to create east-to-west
6 connectivity in the future as well, but there is not currently anything in the works.

7 The Mayor thanked Commissioner Elliott for his partnership on some of Bountiful's major
8 projects and he thanked the Council, Mayor and City staff for all they do.
9

10 **LEGISLATIVE UPDATE – MR. GARY HILL**

11 Mr. Gary Hill led a discussion on the latest legislative bills that could potentially affect
12 Bountiful City. He explained that the Utah League of Cities and Towns (ULCT) has been tracking
13 how many bills would create unfunded mandates for cities, preempt local authority, or create a
14 statewide standard in lieu of a local government standard. So far, they counted 27 bills that fall into
15 those categories. He expressed his concern that the state legislature increasingly views cities as
16 groups that need to be managed instead of seeing them as partners. He invited Councilmember
17 Bradshaw to give an update about the IPA legislation.

18 Councilmember Bradshaw reported that the City's outreach efforts have started making a
19 difference, but that this package of bills is still advancing. She explained that although they are not
20 yet out of peril, there is still a lot of time for this to play out. Mitsubishi, Chevron and Magnum have
21 committed many millions of dollars to be partners with cities on this problem and have come forward
22 to say they are concerned. She said that when cities come together, they can affect change, so she is
23 hopeful they will see a good outcome. Mr. Hill added an explanation about HB215 and why it makes
24 the possibility of bonding for this project very low. He also added that the Governor's office has
25 come on board with the repowering project, and although the legislature can overturn the Governor's
26 veto, it is very good news.

27 Councilmember Higginson asked whether it is feasible to continue using the coal plant and
28 also move forward with the retrofitting. Councilmember Bradshaw answered and elaborated on the
29 many reasons that is not a feasible plan. There are a lot of logistical hurdles involved in continuing to
30 run a coal plant and also finding an investor who could run it efficiently enough to keep it viable.

31 Mr. Hill went on to report about HB242 which would require all pressurized secondary
32 watering systems to be metered by 2030. Part of this bill would provide a matching grant, but it
33 would be a very small percentage of the actual cost of all the required retrofitting. He said that
34 although Bountiful City does not provide secondary water and this bill would not affect the City
35 directly, it affects Bountiful City residents.

36 Mr. Hill also reported on HB23 which would require cities to provide mental health services
37 for all first responders and their families for the rest of their lives. He said that although this is a well-
38 meaning bill, the fact that it does not have an end date is concerning and would cost a lot of money.

39 Mr. Hill added that the landscaping bill has not seen a lot of movement yet, but it will be in
40 committee tomorrow.

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42 The meeting ended at 6:49 p.m.
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4 **Regular Meeting – 7:00 p.m.**
5 **City Council Chambers**
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7 **WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER**

8 Mayor Harris called the meeting to order at 7:00 p.m. and welcomed those in attendance. Ms.
9 Sharlynn Thompson led the Pledge of Allegiance and offered a prayer.
10

11 **PUBLIC COMMENT**

12 The public comment section was opened at 7:03 p.m.
13

14 Mr. Alex Densley (443 Jeri Drive) voiced his concern that the person chosen to fill the
15 Planning Commission seat has a background in real estate development, as do several other planning
16 commissioners. He fears this will result in short-term decisions that benefit real estate developers but
17 are not good for the City long-term. He proposed they remove Ms. Gilmore and himself from the
18 applicants list and choose another candidate.
19

20 The public comment section was closed at 7:05 p.m.
21

22 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETINGS HELD ON JANUARY**
23 **11, 13, 14 & 25, 2022**

24 Councilmember Bradshaw made a motion to approve the minutes of previous meetings held
25 January 11, 13, 14 & 25, 2022 and Councilmember Price-Huish seconded the motion, which passed
26 with Councilmembers Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
27

28 **COUNCIL REPORTS**

29 Councilmember Price-Huish did not have a report.

30 Mayor Harris did not have a report.

31 Councilmember Bell reported that the BCYC will be accepting applications for the new
32 school year next month and expressed his excitement for all the wonderful things they are doing.

33 Councilmember Bradshaw did not have a report.

34 Councilmember Higginson did not have a report.
35

36 **BCYC REPORT**

37 Mr. Noah Wright, BCYC City Manager, reported on the BCYC’s “Day at the Legislature”,
38 and announced that they will be accepting applications for the new school year soon. He also said
39 they are planning the annual Bunny Hop for April 16th at Bountiful Park.
40

41 **CONSIDER APPROVAL OF:**

- 42 a. **EXPENDITURES GREATER THAN \$1,000 PAID JANUARY 10, 17 & 24, 2022**
43 b. **DECEMBER 2021 FINANCIAL REPORT**

44 Councilmember Price-Huish made a motion to approve the expenditures paid January 10, 17
45 and 24, and Councilmember Bradshaw seconded the motion. Mayor Harris asked if the motion also
46 included approval of the December financial report, and Councilmember Price-Huish added that to

1 the motion. Councilmember Bradshaw seconded the amended motion. The motion was approved
2 with Councilmembers Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
3

4 **CONSIDER APPROVAL OF THE APPOINTMENT OF MS. KRISSY GILMORE TO THE**
5 **BOUNTIFUL CITY PLANNING COMMISSION – MR. FRANCISCO ASTORGA**

6 Mr. Francisco Astorga explained that when Councilmember Bell was elected to the Council it
7 left a vacancy on the Planning Commission. They have decided to have this new term end on July 1st
8 2024. There were 12 applicants, and staff is recommending Ms. Krissy Gilmore for the position. He
9 explained that she currently works as a planner in Salt Lake City, and that she does not have a
10 background in real estate that would present any kind of conflict with her service on the commission.

11 Councilmember Bell added that he worked with Ms. Gilmore in his previous career, and he
12 knows her to be a hard worker who understands city dynamics and the issues that affect how
13 Bountiful residents live. He feels she will be a good asset to our Planning Commission.

14 Mr. Clinton Drake explained that the only qualification to be member of the Planning
15 Commission is to be a Bountiful resident. He added that he loves the depth of knowledge and
16 expertise that our current commission provides for the benefit of the City. Finally, he explained that
17 he provides conflict training to the Planning Commission and feels comfortable with the appointment
18 of Ms. Gilmore.

19 Councilmember Bell made a motion to approve the appointment of Ms. Krissy Gilmore to the
20 Planning Commission and Councilmember Higginson seconded the motion. The motion was
21 approved with Councilmembers Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

22 Ms. Gilmore expressed her excitement to serve and to be a part of the future of Bountiful. She
23 is looking forward to making Bountiful a better place and a great place to raise her family.
24

25 **APPOINTMENT OF COUNCILMEMBER CECILEE PRICE-HUIH TO THE**
26 **CENTERPOINT CONTROL BOARD – MR. GARY HILL**

27 Mr. Hill explained that they made a mistake and have since realized that they do need to
28 provide two appointments to the Centerpoint Administrative Control Board, so they have asked
29 Councilmember Price-Huish to fulfill that assignment.

30 Councilmember Higginson made a motion to approve the appointment and Councilmember
31 Bradshaw seconded the motion. The motion was approved with Councilmembers Bell, Bradshaw,
32 Higginson and Price-Huish voting “aye.”
33

34 **CONSIDER ADOPTION OF RESOLUTION 2022-02 WHICH AMENDS FEES AND**
35 **CHARGES RELATING TO PLANNING AND DEVELOPMENT ACTIVITIES WITHIN**
36 **BOUNTIFUL CITY – MR. GALEN RASMUSSEN**

37 Mr. Galen Rasmussen explained that after doing an assessment of the City’s planning and
38 development fees, they realized that costs were not being covered by the fees, which means that
39 development costs are essentially being subsidized by taxpayers.

40 Councilmember Bradshaw said that she feels raising the fees is a good way to ensure the right
41 level of staffing to be able to review plans and complete inspections in a timely manner. She also
42 explained that she presented this agenda item to members of the Utah Taxpayers Association and
43 asked them for their opinion. They said that they support the way the study was conducted, and they
44 agree that any specific uses should be tied directly to their fees.

1 Councilmember Price-Huish voiced her concern that some of these fee increases might be too
2 prohibitive for residents who are trying to make changes to their properties. She wondered if fees
3 could be set differently for homeowners and for commercial developers.

4 Councilmember Higginson pointed out that the City subsidizes staff time with taxpayer
5 money in other ways, and suggested that perhaps there was a reasonable amount of subsidy that is
6 appropriate in this regard as well, in order to keep the fees from being too high. He did not feel that
7 trying to match other cities was a good justification for raising taxes.

8 Mr. Don Simons, Chief Inspector, explained that they did take into account the fees that
9 commonly apply to property owners, like lot line adjustments and finishing basements and kept those
10 to a minimum. He said they took all of that into account.

11 Mr. Hill added that these new fees do not actually cover the entire cost, but they get closer to
12 doing that. He said he does not want people to think that the City is trying to extract every penny or
13 keep up with the neighbors, because that is simply not the reasoning behind these changes. It is a
14 matter of trying to cover a reasonable amount of the cost or not.

15 Councilmembers Bradshaw and Bell expressed their support of the fee increases, saying they
16 do not seem to be unreasonable, and they will allow City staff to operate more effectively, especially
17 on those larger projects that consume a lot of staff time.

18 Councilmember Price-Huish reiterated her concern about fees being prohibitive for residents
19 and suggested they have tiered pricing to differentiate between commercial and residential projects.
20 She pointed out the cost of a land use appeal and said she feels it is exorbitant.

21 Mr. Hill and Mr. Drake explained that a land use appeal is a very time-intensive and
22 complicated process, usually consisting of many hours of preparation, meetings involving many staff
23 members and then a long hearing before the administrative law judge. It is the final action one takes
24 in trying to appeal a land use decision, and there are not very many of these. Mr. Hill added that there
25 are no fees for normal complaints, and residents are not charged to come and express their concerns
26 about a land use decision or a variance. An appeal like this is a legal proceeding. Mr. Drake said that
27 there is always an informal appeal process that happens to try to work things out before a formal
28 appeal takes place.

29 Mr. Hill explained that there are strict guidelines from the State about how the City's fees can
30 work, and some fees cannot arbitrarily be discounted and not others. He said that if the Council wants
31 to lower the fees, all the fees would need to be lowered.

32 Councilmember Bradshaw made a motion to approve the adoption of Resolution 2022-02
33 which amends the fees and charges related to planning and development activities and
34 Councilmember Higginson seconded the motion. The motion was approved with Councilmembers
35 Bell, Bradshaw, Higginson and Price-Huish voting "aye."
36

37 **TRUCK FROM YOUNG AUTOMOTIVE GROUP IN THE AMOUNT OF \$36,128 – MR.**
38 **KRAIG CHRISTENSEN**

39 Mr. Kraig Christensen explained that dealerships are not taking government orders right now,
40 so they decided to purchase a truck that was on the lot which will meet their needs. This purchase is a
41 budgeted item in the ten-year capital plan and staff recommends purchase of the Chevrolet 2500HD
42 pickup in the amount of \$36,128 from Young Automotive Group.

43 Councilmember Higginson made a motion to approve the purchase of the truck and
44 Councilmember Bradshaw seconded the motion. The motion was approved with Councilmembers
45 Bell, Bradshaw, Higginson and Price-Huish voting "aye."
46

1 **CONSIDER FINAL APPROVAL OF THE CREEKSIDE VIEWS SUBDIVISION LOCATED**
2 **AT APPROXIMATELY 1350 SOUTH DAVIS BOULEVARD – MR. LLOYD CHENEY**

3 Mr. Lloyd Cheney explained that this item came before the Planning Commission last week
4 and they recommend final approval of the subdivision. He explained the plans for water retention and
5 said that he feels they have done an adequate job accommodating those concerns. He also explained
6 that the bottom of the property lies along the creek bed, which gives us a good opportunity for
7 connectivity with Bountiful’s trails system. He has spoken with the property owners, and they also
8 have a desire to dedicate some of the property for trail use. Mr. Cheney feels the best way to
9 accomplish this will be through the dedication of an easement for a footpath.

10 Mr. Cheney explained that this property is located right next to the Millcreek reservoir, which
11 is a lynchpin in the City’s culinary water system. This development will give the City the opportunity
12 to create some redundancy in the water system, which is very important. If there is ever a line break,
13 service would be able to continue.

14 He added that the City Council will eventually have to authorize the granting of an easement
15 to the Sewer District for the extension of the sewer line.

16 He finished by saying that all other standards for development have been met and he thinks it
17 will be a great project.

18 Councilmember Higginson made a motion to approve the final approval of the Creekside
19 Views subdivision and Councilmember Price-Huish seconded the motion. The motion was approved
20 with Councilmembers Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

21
22 **CONSIDER APPROVAL OF THE BID FROM ADVANCED PAVING FOR THE**
23 **RECONSTRUCTION OF 200 SOUTH IN THE AMOUNT OF \$325,746 – MR. LLOYD**
24 **CHENEY**

25 Mr. Cheney said that they had eight responses for this bid request, and they are excited that
26 Advanced Paving was the low bidder. We have worked with them before and been happy with their
27 work.

28 Councilmember Higginson said he was glad to read that the City is “first in line on Advanced
29 Paving’s schedule.” And he congratulated the Engineering Department for how close their estimate
30 was to the actual cost.

31 Councilmember Bradshaw asked if the water pipe project will set the City back on this project
32 at all. Mr. Cheney said that is always a possibility, but that they are trying to time the water pipe to be
33 finishing just before they need to pave.

34 Mr. Cheney also explained that part of the contract includes the requirement that Advanced
35 Paving communicate with the neighbors and those affected by the street paving projects. In the past
36 they have had issues with upset neighbors, so they are doing their best to get the word out this time
37 and work on PR. We will expect a weekly update from them about their communication efforts and
38 results.

39 Councilmember Bell made a motion to approve the bid from Advanced Paving in the amount
40 of \$325,746 and Councilmember Higginson seconded the motion. Mr. Cheney asked if
41 Councilmember Bell would please use the unit prices in the bid in his motion, instead of the total
42 amount. Councilmember Bell amended his motion to approve the bid with the unit prices as listed in
43 the bid and Councilmember Higginson seconded the amended motion. The motion was approved
44 with Councilmembers Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
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1 **CONSIDER THE APPROVAL OF A BEER LICENSE FOR EL DORADO LOCATED AT**
2 **435 SOUTH 500 WEST – MR. FRANCISCO ASTORGA**

3 Mr. Astorga explained that El Dorado restaurant located at 435 South 500 West has applied
4 for a Class D Beer License.

5 Councilmember Higginson made a motion to approve the beer license for El Dorado and
6 Councilmember Price-Huish seconded the motion. The motion was approved with Councilmembers
7 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

8
9 **CONSIDER APPROVAL OF ORDINANCE 2022-01 AMENDING THE LAND USE CODE**
10 **TEXT MAKING THE CITY COUNCIL APPOINTMENT TO THE PLANNING**
11 **COMMISSION BY THE MAYOR MANDATORY – MR. FRANCISCO ASTORGA**

12 Mr. Astorga explained that in the work session on January 11, 2022, the Council expressed
13 their preference to keep a member of the Council on the Planning Commission, so staff is
14 recommending a change to the text of the land use code which would make it a requirement. The text
15 will simply change to say, “the mayor shall appoint one of the five other members of the city council
16 as a full member of the planning commission.”

17 Councilmember Bradshaw made a motion to approve Ordinance 2022-01 and Councilmember
18 Higginson seconded the motion. The motion was approved with Councilmembers Bell, Bradshaw,
19 Higginson and Price-Huish voting “aye.”

20
21 **ADJOURN**

22 Councilmember Higginson made a motion to adjourn, and Councilmember Bradshaw
23 seconded the motion. The motion was approved with Councilmembers Bell, Bradshaw, Higginson
24 and Price-Huish voting “aye.”

25
26 The regular session was adjourned at 8:35 p.m.


Mayor, Pro-Tem Harris


City Recorder