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Minutes of the  
BOUNTIFUL CITY COUNCIL

January 22, 2019 – 6:00 p.m.

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Present:	Mayor	Randy Lewis
	Councilmembers	Kate Bradshaw, Kendalyn Harris, Richard Higginson, John Marc Knight, Chris Simonsen
	City Manager	Gary Hill
	Assistant City Manager	Galen Rasmussen
	City Attorney	Clinton Drake
	City Planner	Chad Wilkinson
	City Engineer	Lloyd Cheney
	IT Director	Alan West
	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 Clipper and Standard Examiner.

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

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

**CITY COMMUNICATION – MR. GARY HILL**

Mr. Gary Hill reviewed the Bountiful City Communication Plan that was adopted by the Council in 2018 after finding that they wanted guidelines for how best to communicate with residents and to avoid poor communication about important City issues. The document emphasizes communicating with integrity, making information easily accessible, identifying the best methods of communication in different circumstances, dispelling misinformation, taking the time to educate, and which channels of communication are considered “approved”. He feels that they have already seen many good outcomes while using these principles and is very pleased with how several City-wide changes and announcements have been handled in the past year.

He then turned the discussion over to the Council. Much of the discussion focused on when it would be considered appropriate for members of the Council to send out communication to residents (via social media platforms, email newsletters, in person, in newspapers, etc.) and how they can avoid confusion about who the message is from (them personally, or on behalf of the City or Council). The following questions were covered during their discussion:

- a. What are the best ways for Councilmembers to communicate with constituents?
- b. Which items should be communicated by individual Councilmembers and what should be delivered by Staff on behalf of the whole Council?
- c. When is it important to clarify that a Councilmember is speaking for him/herself, and when he/she is speaking for the Council?
- d. When sharing individual viewpoints, is there a difference between a newsletter-type e-mail and a blog or Facebook page?

Councilwoman Bradshaw explained that she has a desire to start writing an email newsletter to be able to engage in a conversation with constituents about upcoming topics and things that have

1 already happened. She feels it would be a good avenue for her personal thought-sharing with  
2 residents on important City issues, and to increase resident engagement. Since many residents do not  
3 read the quarterly newsletter from the Mayor distributed in their utility bills, or look at the City  
4 webpage, she feels it can only be a good thing to have more communication across more channels.

5 Councilwoman Harris agreed that more communication would be a good thing. She feels that  
6 her constituents often look to her to know more about what's going on in the City, so she likes to post  
7 announcements on her Facebook page to help people be more aware of important topics. She feels  
8 that as elected officials, all of the Councilmembers are resources of information for their communities  
9 and constituents, and they should be communicating (and allowed to communicate) at whatever level  
10 and through whatever venue they are comfortable with. In the event that someone crosses a line, they  
11 can discuss it as a Council and decide what to do.

12 Councilman Higginson agreed that Councilmembers should be able to communicate through  
13 any form they deem good, and as often as they choose. He feels that the clarification should be made  
14 every single time they do, that they are expressing their own opinions and do not represent the  
15 Council as a body when they send out communication. The Council agreed to this idea and was  
16 willing to adopt it. He also asked that they further discuss "which items should be communicated by  
17 individual council members, and what should be delivered by staff on behalf of the whole council?"

18 The Council agreed that there are already official announcements going out through official  
19 City channels, so they should let the City make announcements first and then can link to or repost the  
20 City's communication if they want to spread the word in hopes of reaching more people.

## 21 22 **LEGISLATIVE UPDATE – MR. GARY HILL**

23 Mr. Gary Hill led a discussion about the upcoming legislative session and some of the bills  
24 and referenda that pose a concern for Bountiful City which it would be good for the Council to be  
25 aware of. One of these is the potential change in the Sales Tax Distribution Formula for Utah which  
26 is a priority for House leadership and for the Salt Lake Chamber of Commerce. Right now, cities like  
27 Bountiful that have a large population compared to retail base are protected by the current 50-50 sales  
28 tax distribution terms. The proponents of changing the formula feel that too many cities are  
29 incentivized to "chase" sales tax dollars by zoning for more retail and commercial areas instead of  
30 developing high-density housing to accommodate future population growth. Councilwoman  
31 Bradshaw expressed her opinion that it seems premature to be changing a formula that has kept the  
32 peace between Utah's cities for years, especially before the effects of recent changes to sales taxes  
33 regarding online sales are realized.

34 Another possible change being voted on this session has to do with zoning and difficult land  
35 use decisions. It's an issue that has been debated recently due to a dispute over zoning for the  
36 Cottonwood Mall in Holladay, Utah, and would take some decision-making power away from local  
37 government and move it to the state level. Obviously this would have a huge impact on all of Utah's  
38 cities.

39 Mr. Hill turned some time over to Mr. Chad Wilkinson to talk about three other bills that are  
40 going to be on the table that he thinks Council should be more familiar with. One is from  
41 Representative Daw, the "Initiatives, Referenda, and other political activities" bill, which would  
42 amend the provisions of the Election Code. The second one is from Representative Thurston, the  
43 "Citizen Political Process" bill that amends the initiative and referendum provisions and nomination  
44 petition provisions. The third is from Representative Nelson, the "Statewide Initiative Process  
45 Amendments" bill, which would amend provisions related to signatures for a statewide initiative

1 petition. These bills all change the initiative and/or petition processes in ways that cause citizens and  
2 residents of Utah to be more removed from the decision-making process.

3 The last item Mr. Hill reviewed with the Council had to do with possible changes to  
4 Government Immunity Caps, which would make cities much more susceptible to lawsuits and large  
5 payouts, affecting where tax dollars are going and costing cities a lot of money. For Bountiful, in  
6 particular, it would probably mean the end of being a self-insured city.

7  
8 The work session of the City Council was adjourned at 7:01 p.m.  
9

10 **Regular Meeting – 7:00 p.m.**  
11 **City Council Chambers**  
12

13 Mayor Lewis called the meeting to order at 7:06 p.m. and welcomed those in attendance.  
14 Mr. Steve Freebairn led the Pledge of Allegiance; Reverend Lyn Briggs, Episcopal Church of the  
15 Resurrection, offered a prayer and invited the Council to attend and help serve at the Church of the  
16 Resurrection’s 100<sup>th</sup> consecutive Community Dinner on March 20, 2019.

17  
18 **PUBLIC COMMENT**

19 Mayor Lewis opened up the meeting for Public Comment at 7:10 p.m.

20 Mr. Steve Freebairn (2992 South 400 East) stood and shared his experience using Utopia as  
21 his internet provider in the past. He was very satisfied with his experience with Utopia and hopes that  
22 the City will consider bringing Utopia in to compete with the other two providers in the area.

23 Mr. Ron Mortensen (583 Chelsea Drive) stood up to urge the Council not to allow Bountiful  
24 to enter into a contract with Utopia for citywide internet services. He feels that things have not turned  
25 out well for cities that have already signed on to their “failed system”.

26 Public Comment was closed at 7:13 p.m.  
27

28 **APPROVE MINUTES OF PREVIOUS MEETING – JANUARY 8, 2019**

29 The Mayor asked for a motion to approve the minutes of the previous meeting held on  
30 January 8, 2019. Councilman Higginson asked that the correction be made to the attendees listed on  
31 the minutes. Susan Becker was erroneously noted as being in attendance, but was in fact not present  
32 that evening.

33 Councilman Higginson made a motion to approve the minutes with that correction and  
34 Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bradshaw,  
35 Harris, Higginson, Knight and Simonsen voting “aye”.

36  
37 **BCYC REPORT**

38 High School students, Catherine Peterson and Aubrey Tenney, addressed the Council as  
39 representatives of the BCYC. Catherine thanked the Council for meeting with them during the Work  
40 Session on January 8 and for being so informative and giving them a better understanding of the  
41 functions of local government. Aubrey reported that the BCYC will be attending “A Day at the  
42 Legislature” on February 26, and will have the opportunity to go to the State Capitol to see the  
43 legislative process, ask questions, watch the proceedings, and learn more about how bills are passed  
44 into laws.

1 Councilwoman Bradshaw asked the young women to come find her when they are there and  
2 she'll be happy to help answer questions and supplement any tours or discussions they will have at  
3 the Capitol that day.

4  
5 **COUNCIL REPORTS**

6 Councilman Higginson reported that the Historic Preservation Commission had met and has  
7 asked that information about their Commission and the projects they are working on be more easily  
8 accessible on the City's webpage. Mr. Hill said he will look into making sure their information is  
9 added to the website.

10 Councilman Knight did not have a report.

11 Councilwoman Harris did not have a report.

12 Councilman Simonsen commented that he was very pleased with the way the Streets  
13 Department had cleared the snow from the streets yesterday after a heavy snowfall. They always do  
14 such a great job, it would be nice if everyone would wave at them as they go by in their trucks and  
15 thank them.

16 Councilwoman Bradshaw reported that she attended her first Mosquito Abatement meeting,  
17 and she feels she has big shoes to fill taking over the appointment from Councilman Knight. She  
18 looks forward to learning more about mosquitos and what we are doing to control them.

19  
20 **CONSIDER APPROVAL OF:**

21 **A. WEEKLY EXPENDITURES >\$1,000 PAID DECEMBER 31, 2018 and JANUARY**  
22 **7, 2019**

23 **B. NOVEMBER 2018 FINANCIAL REPORT**

24 The Mayor asked for a motion to approve the weekly expenditures greater than \$1,000 and  
25 the November 2018 Financial report. Councilwoman Harris asked a question about a particular item  
26 and Mr. Galen Rasmussen answered her question that the expenditure in question was paid to have  
27 our City listed in the Davis County Directory (phone book).

28 Councilman Higginson made a motion to approve the expenditures paid December 31, 2018  
29 and January 7, 2019 and the November 2018 Financial Report and Councilwoman Harris seconded  
30 the motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson, Knight and  
31 Simonsen voting "aye".

32  
33 **CONSIDER APPROVAL OF FIBER AND TELECOM SERVICE CONTRACTS WITH**  
34 **UTOPIA FIBER AND VERACITY NETWORKS IN THE TOTAL MONTHLY AMOUNT OF**  
35 **\$2,217 – MR. ALAN WEST**

36 Mr. Alan West gave some background information to the Council about the need for  
37 redundant fiber networks as decided upon several years ago during the "Great Utah Shakeout"  
38 emergency earthquake drill. Due to the challenge of maintaining communications during natural  
39 disaster situations, the IT Department made the goal of establishing at least two redundant fiber  
40 connections. This would allow quickly rerouting phones, internet and signals if necessary through  
41 another provider during an emergency. Currently there is a fiber connection at the Police Department  
42 with Century Link, but there is not a second redundant fiber connection. So they have been  
43 investigating different providers and the costs of installing another fiber network for quite a while.  
44 Most of the options have been very cost prohibitive. However, Utopia would be able to run a fiber  
45 network from City Hall, down to the fire station, up to the temporary City Hall location, and then  
46 eventually to the new Downtown Plaza, for a very good price. This contract proposes that Utopia is

1 used as the City’s Internet Service Provider and Veracity for phone services. Fire Chief Jeff Bassett  
2 would very much like to have Utopia at the fire station, and is willing to split some of the costs of this  
3 contract with the City (however that is still in negotiations and not represented in the final numbers in  
4 this report). The City currently pays around \$2,375/month with Comcast for about 200 mbps, and  
5 would pay \$2,217/month with Utopia for about 1 gig. Just as a clarification, this contract would not be  
6 for a fiber network extended throughout Bountiful and available for residents and businesses of  
7 Bountiful, it would be solely for the City’s official internet and phone needs. No residents would be  
8 under obligation to sign a contract with Utopia.

9 Councilwoman Harris asked the City Attorney, Mr. Clinton Drake, about the legality of  
10 entering into a contract with Utopia as a municipality. He answered that as he has looked into it, he  
11 has no concerns about the legality of a contract with them. Many cities around us have entered into a  
12 contract with Utopia and there is no problem with municipal corporations using them for internet  
13 services.

14 Councilman Higginson said he loves the opportunity that this gives us to provide better  
15 services to the City at a lower cost. He also stated that he is still 100% opposed to obligating taxpayer  
16 funds to extend Utopia fiber to residents and businesses of Bountiful.

17 Councilwoman Bradshaw echoed Councilman Higginson’s remarks about not obligating  
18 residents, and hopes that if that discussion arises in the future, it will take place over a long period of  
19 time and won’t be decided hastily. She also wondered if Utopia’s low cost compared to the other bids  
20 had anything to do with them expecting the City to extend the fiber network in the future and sign on  
21 to a more extensive contract.

22 Mr. West said that it was possible. Another reason he believes the cost is so low, is that  
23 Utopia has a lease agreement with UDOT to use some existing conduit on 400 North to run their  
24 fiber, which will be cost savings for them.

25 Councilman Simonsen asked what would happen to the monthly cost at the end of the nine-  
26 year contract. Mr. West answered that the contract would be renegotiated then, and although there is  
27 no sort of promise about costs going up or down at that time, a majority of the current monthly  
28 payment is going towards the installation and construction costs. After the nine-year contract is up,  
29 and the installation is paid for and complete, it is very likely that the City’s costs will go down  
30 significantly.

31 Councilman Higginson made a motion to approve the contract with Utopia and Veracity as  
32 listed in the report and Councilman Knight seconded the motion. The motion passed with  
33 Councilmembers Bradshaw, Harris, Higginson, Knight and Simonsen voting “aye”.

34  
35 **CONSIDER APPROVAL OF ST. OLAF’S SPECIAL EVENT LIQUOR PERMIT FOR**  
36 **SATURDAY, APRIL 27, 2019 – MR. CHAD WILKINSON**

37 Mr. Wilkinson asked the council to approve this semi-annual request for a special event liquor  
38 license for St. Olaf School. The City routinely approves these licenses for the school, and has never  
39 had any issues with them in the past.

40 Councilman Knight made a motion to approve the license and Councilman Higginson  
41 seconded the motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson, Knight  
42 and Simonsen voting “aye”.

43  
44 **CONSIDER APPROVAL OF A RELEASE OF EASEMENT AT 122 W. MONARCH DR AND**  
45 **AUTHORIZING THE MAYOR TO SIGN THE RELEASE DOCUMENT – MR. LLOYD**  
46 **CHENEY**

1 Councilman Higginson made a motion to approve the release of easement at 122 W Monarch  
2 Drive and for the Mayor to sign the release document and Councilman Knight seconded the motion.  
3 The motion passed with Councilmembers Bradshaw, Harris, Higginson, Knight and Simonsen voting  
4 “aye”.

5  
6 **CONSIDER APPROVAL OF THE AQUAFICIENCY PROPOSAL FOR A ONE YEAR**  
7 **WATER EFFICIENCY STUDY IN THE NOT-TO-EXCEED AMOUNT OF \$40,633 – MR.**  
8 **LLOYD CHENEY**

9 Mr. Cheney explained that Aquaficiency is a company made up of an industrial consultant  
10 and a local civil engineering firm that’s well known for its hydraulics/municipal water expertise.  
11 They have consulted with many of the large cities nearby and specialize in looking at water systems  
12 to finding places where energy is being lost and where money can be saved. Bountiful has a fairly  
13 complex water system due to its unique topography, and it would be beneficial for Aquaficiency to  
14 spend time working with the Water Department, conducting seminars and educating staff about good  
15 energy-saving principals. They will also look at Bountiful’s computer water model. Mr. Brad  
16 Clawson from the Engineering Department will be assigned to this project due to his experience with  
17 computer modeling, and will work with Aquaficiency to coordinate with the City. It is hoped that this  
18 process will identify places in Bountiful’s system where money can be saved, and that the savings  
19 realized from this study will more than pay for the cost of the study.

20 Councilman Higginson made a motion to approve the proposal and Councilwoman Bradshaw  
21 seconded the motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson, Knight  
22 and Simonsen voting “aye”.

23  
24 **CONSIDER FINAL APPROVAL OF THE SEIFERT SUBDIVISION LOCATED AT 3300**  
25 **SOUTH 725 WEST – MR. LLOYD CHENEY**

26 Mr. Cheney brought the final plans of the Seifert subdivision before the Council. There aren’t  
27 any issues that would make this unfit to approve, however Mr. Cheney feels that one element of the  
28 plan (a rock retaining wall on the south right-of-way line for the cul-de-sac) might cause restrictions  
29 if a sidewalk is installed in the future. He has been working with the engineers on the plan and  
30 suggested that instead of rock they use a vertical product for the retaining wall, such as concrete or a  
31 modular unit, which will take up less space. They have also suggested that the grade be changed  
32 slightly in order to allow for the wall to be shorter. The Planning Commission recommends approval  
33 as is.

34 Councilman Higginson wondered if Mr. Seifert was aware of the suggested changes. Mr.  
35 Cheney answered that he has been in communication with the engineer working on the plans, and has  
36 no reason to think that they will not be okay making those changes. The costs are very similar and he  
37 hasn’t felt any hesitancy on their part.

38 Councilman Simonsen made a motion for final approval of the Seifert Subdivision with  
39 conditions as listed and Councilwoman Harris seconded the motion. The motion passed with  
40 Councilmembers Bradshaw, Harris, Higginson, Knight and Simonsen voting “aye”.

41  
42 **CONSIDER APPROVAL OF THE PURCHASE AND COST OF EQUIPPING A VEHICLE**  
43 **FOR THE ENGINEERING DEPARTMENT FROM LARRY H. MILLER FORD IN THE**  
44 **TOTAL AMOUNT OF \$35,234 – MR. LLOYD CHENEY**

45 Mr. Cheney explained to the Council that the time has come to retire one of the vehicles from  
46 the engineering fleet, and after much discussion it was decided that the best one to retire is the 2001

1 Ford F150. They went and received bids from dealerships in the area for a new vehicle (equipped  
2 with XL trim, 3.6L V-6, super crew short bed) and received three bids back, all from Ford dealers.  
3 The new vehicle will be primarily used by the Public Works inspector, Mr. Reed Bangerter, and  
4 money has been set aside in the budget to equip the vehicle with the necessary accessories (floor  
5 mats, seat covers, truck bed shell, deck unit, and bed storage system). He recommends that the low  
6 bid from Larry H. Miller Ford for \$29,934 be approved and authorize the Engineering Department to  
7 equip the vehicle for a cost of \$5,300.

8 The Council discussed possibly giving priority to dealerships that are within Bountiful city  
9 limits, especially since the bids are so close in price. Mr. Cheney explained that they went back to  
10 Performance Ford with a list of slightly different options to see if that would make a difference in  
11 price, but that they were unable or unwilling to come down on the price. The Council agreed that  
12 although they like supporting local Bountiful businesses, every opportunity was given to Performance  
13 Ford to be the supplier, so it was best to go with the lowest bid at this time.

14 Councilman Simonsen made a motion to approve the purchase and cost of equipping a vehicle  
15 for the engineering department in the total amount of \$35,234 and Councilwoman Bradshaw  
16 seconded the motion. The motion passed with Councilmembers Bradshaw, Harris, Higginson, Knight  
17 and Simonsen voting "aye".

18  
19 **ADJOURN**

20 The Mayor asked for a motion to adjourn the meeting. Councilman Higginson made a motion  
21 to adjourn and Councilwoman Bradshaw seconded the motion. The motion passed with  
22 Councilmembers Bradshaw, Harris, Higginson, Knight and Simonsen voting "aye".  
23

24 The regular meeting of City Council was adjourned at 8:05 pm.  
25

  
\_\_\_\_\_  
Mayor

  
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City Recorder