

Minutes of the
BOUNTIFUL CITY COUNCIL
October 10, 2023 – 6:30 p.m.

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 – 6:30 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee Price-Huish (via Zoom)
	City Manager	Gary Hill
	Asst City Manager	Galen Rasmussen
	City Attorney	Clinton Drake
	Streets Director	Charles Benson
	Power Director	Allen Johnson
	Electrical Engineer	Luke Veigel
	Operations Superintendent	Jess Pearce
	Recording Secretary	Maranda Hilton

Mayor Harris called the meeting to order at 6:32 p.m. and welcomed those in attendance.

LUMEN FRANCHISE AGREEMENT UPDATE – MR. GARY HILL

Mr. Gary Hill explained that Lumen (formerly CenturyLink) has been operating for many years in the City, providing telecommunication services. A portion of their work is allowed under a pole attachment agreement that was made with the City in 1936, and a franchise agreement was made in 1965. Earlier this year they began a process of bringing fiber to residences in Bountiful, but it was mutually discovered that they do not have a franchise agreement to provide those services. This situation provided an opportunity to look at some of the issues the City has encountered throughout the years with them not honoring the pole attachment agreement and not removing old attachments or poles as they should. Lumen has proposed that as part of this new franchise agreement for fiber, they will clean up all the sites that have not yet been cleaned up as they move through the City installing fiber. City staff has concerns with Lumen’s ability to meet that stipulation and told them so in a recent meeting.

Mr. Allen Johnson showed some pictures of old pole attachments and unfinished pole transfers that can be found around the City. He explained that when Bountiful City erects a bigger pole, they transfer their lines onto it, then they notify Lumen and Comcast to transfer their lines, so the old pole can be removed. The City currently has 158 notifications entered into Lumen’s system, but Lumen is behind by about 400 poles. Mr. Johnson explained that Lumen now wants to add fiber cables to the poles, adding more weight, but not removing any of their old cables. He explained that this is worrisome, since some of the poles are very old and should not hold so much weight.

1 Mr. Luke Veigel showed a map of the poles that the City shares with Lumen and Comcast
2 around the City. He showed how many poles from the past three years still need to be transferred,
3 which is just over 300. He explained that it takes quite a bit of prodding and discussion with Lumen
4 and Comcast to get things to happen.

5 Mr. Hill thanked Mr. Johnson and Mr. Veigel for the information. He advised the Council that
6 a new franchise agreement should only be entered into after taking this information into
7 consideration, and it should be determined if a new pole attachment agreement is needed since the old
8 one has been largely ignored for many years.

9 Mayor Harris asked if the City can wait for a new agreement until Lumen comes into
10 compliance. Mr. Clint Drake said he would have to do more research to see what can be done. He
11 will look into it and get information from the Council.

12 Councilmember Bradshaw said she has major concerns about moving forward with Lumen
13 since they have ignored infrastructure updates and have not been good partners in general. She agrees
14 that revamping both the franchise and pole attachment agreements should happen and that the
15 backlog of pole attachments and old cables should be taken very seriously. She also suggested taking
16 a look at franchise agreements with other carriers as well.

17 Councilmember Bell agreed with Councilmember Bradshaw's suggestions.

18 Councilmember Higginson asked Mr. Drake what would compel the City to sign a new
19 franchise agreement. Mr. Drake answered that any entity that would like to operate in the right of
20 way and complies with the terms of the City's existing franchise agreement, can do so. So, the
21 question becomes what to do with a company who has not complied with the franchise agreement in
22 the past. He said he would like to investigate more and see what options the City has moving
23 forward.

24 Councilmember Price-Huish said that she agrees with her colleagues. She voiced her concerns
25 about the additional liability and risk from adding more weight to the poles. She said she puts her full
26 faith in City staff to protect the infrastructure and interests of the City as they navigate this process.
27 She asked if the City can require that Lumen pays for the cost of staff time that it takes to put together
28 a new agreement.

29 Mr. Hill said the City cannot require Lumen to pay that cost. He explained that the City will
30 be responsive and diligent in working on this, but not at the exclusion of other City priorities, like
31 maintaining the power system.

32 Councilmember Bahr asked if a timeline was discussed at the recent meeting City staff had
33 with Lumen. Mr. Hill said that no timeline was discussed, only that they requested a new franchise
34 agreement and provided a couple of drafts. He believes Lumen would like it to be resolved as soon as
35 possible.

36 Councilmember Bradshaw asked Mr. Drake to research if the franchise agreement can contain
37 a fine schedule for failure to remove poles in a timely fashion.

38 Councilmember Bell asked about the history of liability claims for damage with Lumen. Mr.
39 Johnson explained that Lumen has billed the City many times over the years for events that have
40 damaged their equipment, and the City has paid some and fought some. The City has billed Lumen
41 before as well, but trying to bill them and get paid is a very difficult process.

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43 The work session ended at 7:04 p.m.
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Regular Meeting – 7:00 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson, Cecilee Price-Huish (via Zoom)
	City Manager	Gary Hill
	Asst City Manager	Galen Rasmussen
	City Attorney	Clinton Drake
	Planning Director	Francisco Astorga
	Streets Director	Charles Benson
	Police Chief	Ed Biehler
	Senior Planner	Amber Corbridge
	Recording Secretary	Maranda Hilton
Excused:	City Engineer	Lloyd Cheney

WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER

Mayor Harris called the meeting to order at 7:08 p.m. and welcomed those in attendance. Ms. Stacey Segura led the Pledge of Allegiance and Mr. Thomas Segura offered a prayer.

PUBLIC COMMENT

The public comment section was opened at 7:10 p.m.

Mr. Gary Davis (2814 South 500 West) said it has been a very eventful few weeks and thanked all the public servants (first responders, police, EMS, firefighters, medics, the Power Department staff and City staff) that have done a good job. He also thanked the Council for their judicious handling of public funds and stated there are great people working for the City.

Mr. Alan West encouraged the Council to take into consideration Lumen’s history of not honoring their previous agreements when contemplating a new franchise agreement with them. He said he feels Lumen should be required to take care of their pole attachments before the City allows them to move forward.

The public comment section was closed at 7:12 p.m.

CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD SEPTEMBER 26, 2023

Councilmember Bahr made a motion to approve the minutes from September 26, 2023, and Councilmember Bradshaw seconded the motion. The motion was approved with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

BCYC REPORT

1 Mr. Carter Black (BCYC Interim Mayor) reported that the BCYC recently worked on graffiti
2 clean-up projects and is currently planning their Halloween activity (October 28th at North Canyon
3 Park) and trying to find ways to do food and supply drives for the teen centers in Woods Cross and
4 Bountiful. The BCYC wants to focus on teen homelessness and poverty this year.

5
6 **COUNCIL REPORTS**

7 Councilmember Bahr did not have a report.

8 Councilmember Price-Huish did not have a report.

9 Mayor Harris reminded everyone about the Business Symposium taking place the following
10 morning at City Hall at 7:30 a.m. The event will be a chance for business owners to connect to one
11 another, get an update about development from the City and listen to a keynote speaker about
12 branding. A complimentary breakfast will be served.

13 Councilmember Bell encouraged people to attend the business symposium.

14 Councilmember Bradshaw reported that the South Davis Recreation District Truth in Taxation
15 public hearing will be held November 6 at 6:00 p.m. in the public rooms on the second floor of the
16 Rec Center. She also reported that the grand opening ceremony for Washington Park will be held this
17 Friday, October 13 at 5:00 p.m.

18 Councilmember Higginson also encouraged people to attend the grand opening of
19 Washington Park.

20
21 **CONSIDER APPROVAL OF:**

22 **A. EXPENDITURES GREATER THAN \$1,000 PAID SEPTEMBER 20 & 27, 2023**

23 **B. AUGUST 2023 FINANCIAL REPORT**

24 Councilmember Higginson made a motion to approve the expenditures paid September 20 &
25 27, 2023, and the August Financial Report and Councilmember Bell seconded the motion, which
26 passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
27

28 **UDOT I-15 PRESENTATION – MR. GARY HILL**

29 Mr. Gary Hill explained that UDOT has spent some time doing an environmental impact
30 study (EIS) of I-15 between Farmington and Salt Lake and recently released a draft that is open for
31 public comment. He turned the time over to Ms. Siobhan Locke and Mr. Larry Reasch from UDOT
32 to present the information.

33 Ms. Locke talked about the main goals of the expansion project and that it was instigated
34 because this section of I-15 is aging and needs improvements. They are looking out to the year 2050
35 and trying to predict what future transportation needs will be as population growth occurs. She
36 explained that they have tried to address safety concerns and make better connections between
37 communities for all modes of transportation. There was a lot of public outreach as part of the process,
38 and now that the draft EIS has been released there will be more outreach. She encouraged everyone
39 to give feedback about the study and the proposed changes. All the open houses will have a kid’s
40 corner, free food, Spanish language interpreters, and free transportation to and from the events. There
41 are also online open house options. They anticipate that the study will be fully complete in 2024, and
42 funding has been identified in 2026 for the projects that are chosen.

43 Mayor Harris asked when residents will be able to see the specific impacts of this project. Ms.
44 Locke said that it is all available right now and encouraged everyone to go online and look at the
45 impact map at their own homes and neighborhoods and then give feedback about the plan.

1 Councilmember Bell thanked them for their work and asked how they anticipate funding this
2 project. Mr. Reasch explained that they estimated the cost to be \$3.7B and they currently have \$1.7B
3 allotted for it. UDOT is looking into additional funding sources and how to make up the difference
4 right now.

5 Mayor Harris thanked them for the wonderful information.
6

7 **CONSIDER APPROVAL OF THE PURCHASE OF A JOHN DEERE 744 K LOADER FROM**
8 **JOHN DEERE FINANCIAL IN THE AMOUNT OF \$51,277 – MR. CHARLES BENSON**

9 Mr. Charles Benson explained that the lease is up on a 2015 John Deere loader they have been
10 using at the landfill, and the City must now decide if they want to exercise the option to purchase it or
11 return it. He said that they need a reliable backup loader at the landfill and feel purchasing this loader
12 for \$51,277 would be a good value. They expect the loader to last another 5-7 years in this capacity
13 and recommend purchasing it.

14 Councilmember Higginson made motion to approve the purchase of the 744 K loader from
15 John Deere and Councilmember Bahr seconded the motion. The motion passed with Councilmembers
16 Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
17

18 **CONSIDER APPROVAL OF THE PURCHASE OF FIVE POLICE VEHICLES IN THE**
19 **TOTAL AMOUNT OF \$224,001 – CHIEF ED BIEHLER**

20 Chief Ed Biehler explained that it has been difficult to purchase new vehicles for the Police
21 Department for several years, and he recently had the opportunity to purchase five vehicles (three
22 Dodge Durangos and two Ford F-150s) so the City Manager approved the purchase.

23 Councilmember Bell asked when the vehicles would be delivered. Chief Biehler answered
24 that the Durangos are supposed to be ready within a month or two, according to the dealership. The
25 F-150s still need to be built, so that will take longer.

26 Councilmember Bahr made a motion to approve the purchase of the police vehicles and
27 Councilmember Bradshaw seconded the motion. The motion passed with Councilmember Bahr, Bell,
28 Bradshaw, Higginson and Price-Huish voting “aye.”
29

30 **CONSIDER APPROVAL OF A CONTRACT WITH GOULD PLUS ARCHITECTURE FOR**
31 **THE REMODEL OF THE POLICE DEPARTMENT RESTROOMS IN THE AMOUNT OF**
32 **\$21,400 – CHIEF ED BIEHLER**

33 Chief Biehler explained that the public safety building is over 25 years old and needs some
34 improvements, including the remodeling of four restrooms on the ground floor. The PD obtained bids
35 from two architectural design companies, which were reviewed by City staff, and they recommend
36 accepting the low bid from Gould Plus Architecture. He explained that this approval is for
37 architectural design fees, and the next phases of the remodeling project will come before the Council
38 at a later date. Funds have been approved in the budget for this project.

39 Councilmember Bell made a motion to approve the contract with Gould Plus Architecture and
40 Councilmember Higginson seconded the motion. The motion passed with Councilmembers Bahr,
41 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
42

43 **CONSIDER APPROVAL OF A LOT LINE ADJUSTMENT TO LOTS 18 AND 19 OF THE**
44 **OAK HOLLOW SUBDIVISION, 515 EAST AND 551 EAST 3550 SOUTH – MR.**
45 **FRANCISCO ASTORGA**

1 Mr. Francisco Astorga explained that a surveying error caused the misplacement of the lot
2 line between Lots 18 and 19 in the Oak Hollow Subdivision. The lot line adjustment being requested
3 at this time would help reduce the level of non-compliance of the side-yard setback for the home on
4 Lot 19. The adjustment will change the current four-foot setback to a seven-foot setback, while full
5 compliance would be an eight-foot setback. Staff recommends approving the lot line adjustment.

6 Councilmember Higginson made a motion to approve the lot line adjustment and
7 Councilmember Bell seconded the motion. The motion passed with Councilmembers Bahr, Bell,
8 Bradshaw, Higginson and Price-Huish voting “aye.”
9

10 **CONSIDER APPROVAL OF ORDINANCE 2023-06 WHICH MODIFIES THE**
11 **COMMERCIAL USE TABLE IN THE LAND USE CODE – MS. AMBER CORBRIDGE**

12 Ms. Amber Corbridge explained that the goal of this land use code change is to create more
13 low-impact uses for a Neighborhood Commercial (C-N) Zone. She explained that the following uses
14 would be allowed if the Ordinance is approved: banks and institutions, medical/dental laboratory,
15 general retail, medical/dental office, personal services, professional services, tailor/seamstress, shoe
16 repair, tutoring, dance, and preschool/daycare. The Planning Commission reviewed this Ordinance
17 and held a public hearing on October 3, 2023, and forwarded a positive recommendation. The City
18 does not currently have any C-N Zones, but the next agenda item is seeking approval to rezone a
19 particular property to a C-N Zone.

20 **A. PUBLIC HEARING**

21 The public hearing opened at 7:51 p.m.

22 No comments were made.

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

24 **B. ACTION**

25 Councilmember Bahr asked to see a current zoning map of the City. The map was
26 projected, and Mr. Astorga explained the current zones on the map.

27 Councilmember Higginson made a motion to approve Ordinance 2023-06 and
28 Councilmember Bradshaw seconded the motion. The motion passed with Councilmembers Bahr,
29 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”
30

31 **CONSIDER APPROVAL OF ORDINANCE 2023-07 WHICH REZONES THE PROPERTY**
32 **AT 1840 SOUTH ORCHARD DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO C-**
33 **N (NEIGHBORHOOD COMMERCIAL) – MS. AMBER CORBRIDGE**

34 Ms. Amber Corbridge explained that the owner of Bountiful Professional Plaza at 1840 South
35 Orchard Drive applied for a rezoning of his property from an R-4 (single-family residential) to a C-N
36 (neighborhood commercial) zone. No changes have been proposed to the building or the site. The
37 Planning Commission forwarded a positive recommendation. The approval of this ordinance will
38 bring the building into compliance with City code, since businesses currently there are not allowed to
39 operate in an R-4 zone.

40 Councilmember Bell asked when the zone became R-4. Mr. Astorga answered that in 1992
41 the area was rezoned to be single-family residential (R-4 did not exist yet) but staff does not know
42 exactly why this property was included in that rezoning. So, at that time, the property became a legal
43 non-conforming site. The rezone to a C-N Zone will fix this issue and allow more businesses to be
44 able to operate there.

45 **A. PUBLIC HEARING**
46

1 The public hearing was opened at 8:01 p.m.

2
3 Ms. Rachel Coleman (202 East 1400 South) spoke in favor of the rezone. She said she
4 believes this rezone will allow the property to attract more local services and fulfill the
5 needs of the neighborhood. She also asked the Council for assistance in making
6 Orchard Drive a safer place for pedestrians, bikers and drivers.

7
8 Mr. Gary Wall (210 East 1400 South) also spoke in favor of the rezone. He said that
9 he was concerned about the property being an R-4 zone, as it would impact traffic and
10 noise if the site were turned into housing. He enjoys the low traffic in the evenings and
11 on weekends. He and his neighbors agree that this rezoning will be a better fit for this
12 property and help the community also.

13
14 The public hearing was closed at 8:08 p.m.

15 **B. ACTION**

16 Councilmember Higginson said that he feels the fact that the City would be
17 fixing a mistake it made decades ago should be a primary consideration for the
18 approval of this Ordinance.

19 Councilmember Bradshaw assured Ms. Coleman that Orchard Drive is a big
20 concern for the Council as well and is being addressed in the General Plan update.

21 Councilmember Bell said he thinks any commercial uses the City currently has
22 should be protected and preserved. He was in favor of the Ordinance.

23 Councilmember Bell made a motion to approve Ordinance 2023-07 and
24 Councilmember Higginson seconded the motion. The motion passed with
25 Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

26
27 **CONSIDER APPROVAL OF A LIQUOR LICENSE FOR NUMBER ONE THAI FUSION**
28 **LOCATED AT 575 WEST 500 SOUTH – MR. FRANCISCO ASTORGA**

29 Mr. Astorga explained that this license is for Number One Thai Fusion restaurant located at
30 575 West 500 South and will allow them to serve beer and wine.

31 Councilmember Bell made a motion to approve the liquor license and Councilmember Bahr
32 seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and
33 Price-Huish voting “aye.”

34
35 **ADJOURN**

36 Councilmember Bradshaw made a motion to adjourn the meeting and Councilmember Bahr
37 seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw, and Higginson
38 voting “aye.”

39
40 The regular session was adjourned at 8:12 p.m.


Kendalyn Harris, Mayor


City Recorder