

1 Minutes of the
2 BOUNTIFUL CITY COUNCIL

3 December 8, 2020
4 7:00 p.m. – Regular Session

5
6 Present:

7 Mayor	Randy Lewis
8 Councilmembers	Millie Segura Bahr, Kate Bradshaw, Kendalyn 9 Harris, Richard Higginson, Chris R. Simonsen
10 City Manager	Gary Hill
11 Asst. City Manager	Galen Rasmussen
12 City Engineer	Lloyd Cheney
13 Planning Director	Francisco Astorga
14 City Attorney	Clinton Drake
15 Parks Director	Brock Hill
16 Director of Streets, Sanitation	Charles Benson
17 Water Director	Kraig Christensen
18 Power Director	Allen Johnson
19 Recording Secretary	Maranda Hilton

20
21 Official notice of the City Council Meeting was given by posting an agenda at the temporary
22 City Hall locations (805 South and 150 North Main Street) and on the Bountiful City Website
23 and the Utah Public Notice Website and by providing copies to the following newspapers of
24 general circulation: Davis County Clipper and Standard Examiner.

25
26 **Regular Meeting – 7:00 p.m.**
27 **South Davis Metro Fire Station Conference Room**

28
29 **WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER**

30 Mayor Lewis called the meeting to order at 7:04 p.m. and welcomed those in attendance.
31 Councilwoman Bahr led the Pledge of Allegiance and Mr. Bryan Catherman, Pastor at
32 Redeeming Life Church, offered a prayer.

33
34 **PUBLIC COMMENT**

35 The public comment section was started at 7:08 p.m.
36 No comments were made.
37 The public comment section was ended at 7:08 p.m.

38
39 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETINGS HELD**
40 **NOVEMBER 10 & 17, 2020**

41 Councilwoman Harris made a motion to approve the minutes of the previous meetings and
42 Councilman Higginson seconded the motion. The motion was approved with Councilmembers
43 Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

44
45 **COUNCIL REPORTS**

46 Councilman Higginson reported that metered power sales are up from last year’s sales.

1 Councilwoman Bahr did not have a report.

2 Councilwoman Harris did not have a report.

3 Councilman Simonsen reported on the dedication of the Bountiful Veterans Park on
4 November 11, 2020, and thanked the City for the donation of the land for the park.

5 Councilwoman Bradshaw reported on a service activity that took place on November 21,
6 2020. 158 volunteers came together to help build a single downhill track at the North
7 Canyon trail.

8
9 **BCYC REPORT**

10 Councilwoman Bahr excused members of the BCYC from reporting this evening and
11 reported that they have a holiday party planned to be held at the new town square ice ribbon, and
12 that the BCYC will be volunteering at the Bar J Wranglers concert.

13
14 **CONSIDER APPROVAL OF:**

15 **A. EXPENDITURES GREATER THAN \$1,000 PAID NOVEMBER 2, 9, 16 & 23,**
16 **2020**

17 **B. OCTOBER 2020 FINANCIAL REPORT**

18 Councilwoman Bradshaw asked if the concrete repair expenditure was related to the
19 windstorm. Mr. Gary Hill answered that these are the normal expenses for end-of-season work,
20 and that there will be another bill for the windstorm expenses later. The City will apply to FEMA
21 for reimbursement for those when they come. Councilman Higginson made a motion to approve
22 the expenditures paid November 2, 9, 17 & 23, 2020 and the October 2020 financial report and
23 Councilwoman Bahr seconded the motion which passed with Councilmembers Bahr, Bradshaw,
24 Harris, Higginson and Simonsen voting “aye”.

25
26 **RECOGNITION OF BETTY LOUISE WIGHT**

27 Councilwoman Harris introduced Ms. Betty Louise Wight, owner and operator of Wight
28 House Clothing in Bountiful. Ms. Wight and her late husband opened the store on Bountiful’s
29 Main Street in 1967 and it has been run by her family until its recent closing. The store was
30 known for carrying nice clothing and offering conservative styles. Ms. Wight has always been
31 known for her integrity and honesty and at age 95 was still dancing with the “dancing grannies”
32 until the COVID-19 pandemic prevented them from practicing.

33 Councilwoman Harris expressed appreciation on behalf of the City for Ms. Wight’s
34 contribution and thanked her for her years of doing business in Bountiful. Ms. Wight said it has
35 been a pleasure to do business here.

36
37 **INTRODUCTION OF MR. DANE STONE AS NEW SDMFD CHIEF – MAYOR RANDY**
38 **LEWIS**

39 Mayor Lewis invited Chief Stone to introduce himself. Chief Stone expressed his gratitude
40 to be serving a community where he has lived his entire life and that he has a great love for. He
41 has served the last nine years as Deputy Fire Chief and has been with SDMFD for 27 years total,
42 starting as a college student for a free place to sleep in the firehouse. He said this was an
43 opportunity he did not expect, but he loves his department and is excited to continue the level of
44 service they have offered into the future.

45 Mayor Lewis said they are thrilled to have him serving as the Chief and are grateful for his
46 years of experience.

1
2 **INTRODUCTION OF MR. CHARLES BENSON AS STREETS DIRECTOR AND MR.**
3 **KRAIG CHRISTENSEN AS WATER DIRECTOR – MR. LLOYD CHENEY.**

4 Mr. Cheney explained that with the retirement of Mr. Gary Blowers from the Streets
5 Department and Mr. Mark Slagowski from the Water department, he was given the opportunity
6 to appoint two new directors. He said it was a very weighty decision for him considering the
7 necessary functions that these departments perform for the City. He said that as they interviewed
8 candidates, he appreciated how well prepared these men were to lead their departments and to
9 continue providing excellent service to the City. He turned the time over to Mr. Charles Benson
10 and Mr. Kraig Christensen to introduce themselves.

11 Mr. Benson expressed thanks for this opportunity to continue providing service to the City
12 and explained that the Streets and Water Departments must work together as a team and they will
13 continue to do that.

14 Mr. Christensen said that his last 14 years with the Water Department have been educational
15 and he has enjoyed building relationships with employees in all departments in the City. He is
16 excited to keep providing quality water to Bountiful’s residents.

17
18 **CONSIDER APPROVAL OF RESOLUTION 2020-21 AUTHORIZING THE STEEL**
19 **SOLAR PROJECT TRANSACTION SCHEDULE UNDER THE MASTER FIRM**
20 **POWER SUPPLY AGREEMENT WITH UAMPS AND AUTHORIZING THE MAYOR**
21 **TO SIGN IT – MR. ALLEN JOHNSON**

22 Mr. Johnson explained that they have been working for years to get additional solar power
23 purchased and this is an opportunity to purchase six megawatts (MW) at a good price. This
24 project is a 25-year contract with no escalation in price, so it will help keep power prices stable
25 into the future. The Power Commission gives its full recommendation for approval of this
26 Resolution.

27 Councilwoman Bradshaw asked what the total MW is from solar power with the purchase of
28 this project. Mr. Johnson answered that it is 11 MW total, which is right where the Power
29 Department wants it to be.

30 Mr. Gary Hill asked Mr. Johnson to share what percentage of “clean” power Bountiful has
31 now. Mr. Johnson said that with the Colorado River Service Project (CRSP) and Hydro power
32 the City is at 42% green power, but that the hydro power does not meet the definition of “clean”
33 because the plant was built one year too early. The purchase of this solar project will put the
34 City’s power a little over 50% carbon-free power and over the state-mandated 20% clean power
35 requirement.

36 Councilwoman Bradshaw made a motion to approve Resolution 2020-21 and Councilman
37 Higginson seconded the motion which passed with Councilmembers Bahr, Bradshaw, Harris,
38 Higginson and Simonsen voting “aye”.

39
40 **CONSIDER APPROVAL OF \$50,800 TO PURCHASE FLOW METER CONSOLES**
41 **FROM ACCUSONIC – MR. ALLEN JOHNSON**

42 Mr. Johnson explained that the City’s hydroelectric projects are run by computers, and when
43 they tried to order replacement parts after a failure this past year at the Pineview plant, they
44 found out the same parts are no longer available. So, they wish to purchase the updated versions
45 of the flow modules which will be compatible with their systems. If they find themselves without

1 extra parts, it will mean shutting down the hydro plant. The Power Commission recommends this
2 purchase.

3 Councilman Higginson made a motion to approve the purchase and Councilwoman
4 Bradshaw seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw,
5 Harris, Higginson and Simonsen voting “aye”.

6
7 **CONSIDER APPROVAL OF CEMETERY FEES AND CHARGES ASSOCIATED WITH**
8 **URN BURIAL OPTIONS – MR. BROCK HILL**

9 Mr. Brock Hill explained that they have seen a substantial increase in urn burials at the
10 cemetery in the past few years, so they researched urn burial options and pricing and are ready to
11 bring them before the Council for approval. They recently installed a columbarium and are
12 working on creating a Healing Garden which will offer more urn burial options as well. They
13 have already seen quite a bit of interest in the columbarium. The Council is being asked to
14 approve pricing for urn burial in the columbarium, in natural boulder niches and in granite niches
15 tonight, with the probability that they will develop more options and pricing in the future.

16 Councilwoman Bahr made a motion to approve the cemetery fees and Councilman
17 Higginson seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw,
18 Harris, Higginson and Simonsen voting “aye”.

19
20 **CONSIDER APPROVAL OF ORDINANCE 2020-11 AMENDING THE LAND USE**
21 **CODE REGARDING ACCESSORY STRUCTURES – MR. FRANCISCO ASTORGA**

22 Mr. Astorga asked that the Council continue this item to the next City Council meeting on
23 January 12, 2021 to allow staff time to review this item further. However, this item was noticed
24 as a public hearing, so the Council will take public comment tonight and then continue the item
25 to the next meeting.

26 **A. PUBLIC HEARING**

27 The Public Hearing was opened at 7:49 p.m.

28
29 Mr. David Lindsay (484 East 1600 South) said that he and his wife wish to expand
30 their home and applied for a variance in October of 2016. The Planning Commission
31 told them they had a good project but voted against the variance and instead sent a
32 recommendation to the City Council to amend the Land Use Code regarding
33 accessory structure setbacks in order to approve his project without the need for a
34 variance. He said they are still waiting for the amendment to the code and cannot
35 move forward until it is approved. He urged the Council to allow this change because
36 many of his neighbors are in a similar situation and cannot add on to their homes
37 without this action being taken.

38
39 Mr. Julio Garcia (no address given) said that he is Mr. Lindsay’s architect, and that he
40 sees this problem quite often. It is getting harder and harder for people who wish to
41 expand their current home when they outgrow it. It becomes a safety issue when the
42 code does not allow older homes to be expanded, because homeowners start doing
43 projects without approval and without the proper engineering inspections. He feels
44 the law needs to be changed to respond to the economic pressures and challenges that
45 we have right now.

1 Mr. Alex Densley (no address given) said that his house was one that was affected by
2 the decision issued and wished to thank the planning staff for reaching out to him for
3 his input. He also thanked the Council for going through this process to make needed
4 changes and to bring his house back into compliance.

5
6 The Public Hearing was closed at 7:57 p.m.

7
8 **B. ACTION**

9 Councilwoman Harris made a motion to continue this item to the next meeting and
10 Councilwoman Bahr seconded the motion. The motion passed with Councilmembers Bahr,
11 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

12
13 **CONSIDER AN AMENDMENT TO THE LAND USE CODE TO PERMIT**
14 **TEMPORARY SALES OFFICES IN TRAILERS WITHIN RESIDENTIAL ZONES –**
15 **MR. FRANCISCO ASTORGA**

16 Mr. Astorga explained that our current code expressly prohibits temporary sales trailers in
17 residential zones. The Planning Commission voted at their last meeting 4-3 against amending the
18 code to allow trailers, stating that they did not find compelling enough reason to make the
19 amendment. Staff agrees with this assessment. The applicant requesting this change, Mr. Shawn
20 Poor of Brighton Homes, requested that the code be changed to say,

21 *“Temporary sales offices incidental to a specific residential project may be*
22 *located on the site of such a project. The trailer may remain for the duration of*
23 *the project and shall be removed within thirty (30) days after substantial*
24 *completion of the project.”*

25 **A. PUBLIC HEARING**

26 The Public Hearing was opened at 8:00 p.m.

27 No comments were made.

28 The Public Hearing was closed at 8:00 p.m.

29 **B. ACTION**

30 Mr. Astorga recommended that Council allow the applicant to speak. The Mayor asked
31 him to come forward.

32 Mr. Poor explained that the main reason they wish to make this change is because they
33 like working with Bountiful City and plan on building here a lot in the future. He said they have
34 used their sales trailer for a couple of years and have been able to use it in North Salt Lake,
35 Layton and Centerville, as well as some cities in Salt Lake County. Bountiful and Farmington
36 are the only cities in the area that expressly prohibit it in their code. He said they use the trailer to
37 help bridge the gap between when construction starts and when they can start selling units.
38 Having the trailer on site speeds up their projects and, in this way, it benefits the City as well. He
39 asked the Council to please consider amending the code to allow sales trailers in residential
40 zones. He added that if the language suggested for the amendment is too broad, then perhaps
41 they would consider issuing a conditional use permit with a time limit, as he has seen other cities
42 do.

43 The Mayor asked why trailers might have been prohibited in the code in the first place.
44 Mr. Astorga answered that their best guess is that sales trailers are often quite unattractive, and
45 that having one on site might take away from the landscaping requirement. Mr. Cheney added
46 that many of these sites are so small and the projects are happening so fast that the extra supplies

1 and vehicles spill out onto the street, and there isn't space to accommodate a sales trailer on site.
2 He believes Brighton's current project could probably accommodate a trailer, but he feels this is
3 an exception to the rule.

4 Councilwoman Harris added that the discussion at the Planning Commission meeting was
5 largely like what was just heard with good points made on both sides and that the vote was split
6 4-3. Many commissioners felt this would be better as a conditional use permit with parameters in
7 place to mitigate some of the issues that were discussed. She feels it is in the City's best interest
8 to help these companies sell their homes quickly.

9 Councilwoman Bradshaw asked about some of the specific wording in the proposed
10 amendment, and Mr. Astorga answered that if the Council wishes to approve the amendment, the
11 best course of action would be to give Staff more time to draft a new version that could address
12 some of the issues that could be avoided, and a conditional use permit could be issued in the
13 meantime. Councilwoman Bradshaw said she is not opposed to amending the code but would
14 prefer language that fits the circumstances of Bountiful City better, as most projects here will
15 likely be near surrounding homes and will impact neighborhoods.

16 Councilwoman Harris agreed that some parameters should be set, and that it should be
17 referred back to the Planning Department to come up with those parameters. However, she feels
18 it will be best executed under a conditional use permit rather than a code amendment.

19 Mr. Astorga made the point that Bountiful has been almost completely built out for some
20 time, and that has been accomplished without allowing sales offices in trailers. However, if the
21 Council wishes to allow this, he asked them to give Staff time to come up with the right language
22 and added that they would most likely recommend a conditional use permit.

23 Councilwoman Bradshaw made a motion that this issue be referred to the Planning
24 Department and ask them to explore options for temporary sales offices that involve a
25 conditional use permit and Councilwoman Bahr seconded the motion.

26 Councilman Higginson asked if more direction to Staff about parameters should be given.
27 The Mayor suggested that Council send ideas to Mr. Astorga via email. Councilwoman
28 Bradshaw added that direction to her motion. The motion passed with Councilmembers Bahr,
29 Bradshaw, Harris, Higginson and Simonsen voting "aye".

30 Councilwoman Bradshaw made a motion that this item be brought back for the January
31 12th, 2021 meeting and Councilman Higginson seconded the motion. The motion passed with
32 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting "aye".

33
34 **CONSIDER APPROVAL FOR THE FINAL SITE PLAN FOR THE BROOKS, A**
35 **MIXED-USE MULTI-FAMILY DWELLING LOCATED AT 220 NORTH MAIN**
36 **STREET – MR. FRANCISCO ASTORGA**

37 Mr. Astorga presented the site plan for final approval. The Planning Commission has
38 reviewed this project several times and forwards a positive recommendation. One item of note is
39 that the parking study requires they provide 38 parking spaces, but they are proposing 34 spaces.
40 The Planning Commission is very pleased with the architectural details and the amount of brick.

41 Councilman Higginson made a motion to approve the final site plan approval and
42 Councilman Simonsen seconded the motion. The motion passed with Councilmembers Bahr,
43 Bradshaw, Harris, Higginson and Simonsen voting "aye".

44
45 **REVIEW OF 2020 MODERATE INCOME HOUSING PLAN REPORT – MR.**
46 **FRANCISCO ASTORGA**

1 Mr. Astorga explained that each year the City is required to report to the State how
2 moderate-income housing strategies are being implemented within the City. He reported that
3 they fulfilled that requirement to report and submitted it on December 1st. It has also been posted
4 on the City website.

5 The Mayor and Council thanked him for his efforts.
6

7 **CONSIDER APPROVAL OF 2021 CITY COUNCIL MEETING SCHEDULE – MR.**
8 **GARY HILL**

9 Mr. Hill presented the proposed 2021 City Council meeting schedule.

10 Councilwoman Harris made a motion to approve the 2021 meeting schedule and
11 Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr,
12 Bradshaw, Harris, Higginson and Simonsen voting “aye”.
13

14 **CONSIDER APPROVAL OF RESOLUTION 2020-23 APPROVING BOUNTIFUL**
15 **CITY’S ADOPTION OF THE INDUSTRIAL PRETREATMENT STANDARDS**
16 **ESTABLISHED BY THE SOUTH DAVIS SEWER DISTRICT – MR. LLOYD CHENEY**

17 Mr. Cheney explained that every city that contributes to the sewer system must apply for
18 participation with the South Davis Sewer District. This resolution defines what kind of pre-
19 treatment processes they accept. Engineering staff identified one concern in the language of the
20 resolution regarding misdemeanors and have been granted permission to omit that section of the
21 resolution while still fulfilling the state requirement.

22 Councilman Simonsen made a motion to approve Resolution 2020-23 as amended and
23 Councilwoman Harris seconded the motion. The motion passed with Councilmembers Bahr,
24 Bradshaw, Harris, Higginson and Simonsen voting “aye”.
25

26 **CONSIDER APPROVAL OF RESOLUTION 2020-22 AUTHORIZING AN**
27 **INTERLOCAL PROJECT REIMBURSEMENT AGREEMENT WITH DAVIS COUNTY**
28 **– MR. GARY HILL**

29 Mr. Hill explained that after working with Davis County for some time, they have allowed
30 the City to use County tourism tax money for the North Canyon Trailhead and Trail project.
31 They will be providing up to \$500,000 for the project and the City will be required to complete it
32 within 18 months and contribute no less than \$250,000 towards the project as well. He said they
33 have talked to the neighbors (the Slatters) and will continue to do so as the process to design the
34 parking lot progresses. The waterways and floodplain there are issues that will need to be
35 addressed. He explained that as the project progresses it will come before the Council for needed
36 approvals.

37 Mr. Stephen Slatter thanked the Council and the City Staff for working with them and
38 coming to check out the site. He asked that they take into consideration the parking issues that he
39 feels will increase once a trailhead and parking lot is created.

40 Councilwoman Bradshaw made a motion to approve Resolution 2020-22 and Councilman
41 Higginson seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw,
42 Harris, Higginson and Simonsen voting “aye”.
43
44
45
46

1 **ADJOURN**

2 Before adjourning, Mr. Hill asked the Council if they were interested in holding an open
3 house for the newly renovated City Hall. The Mayor expressed his desire to have the public
4 come see the completed project and what was done with their suggestions.

5 Council consensus, taking COVID-19 gathering restrictions into account, was to hold a
6 virtual open house in January or February, and then a physical open house later in the spring.

7 Mr. Hill also asked the Council about holding a Council Retreat this year. There are
8 concerns about finding a space that can safely accommodate that many people. One option is to
9 hold it later in the year when the pandemic is more under control and spaces are easier to find.
10 Another option is to break it down into several work sessions instead of one big session. The
11 Council felt that holding the retreat is valuable to them and they would like to have it in person
12 still. They decided to hold a half-day session on January 14th and to schedule a more in-depth
13 session sometime in the months to follow.

14 Councilman Higginson made a motion to adjourn the meeting and Councilwoman Bahr
15 seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,
16 Higginson and Simonsen voting “aye”.

17
18 The regular session of City Council was adjourned at 9:12 p.m.
19
20
21


City Recorder


Mayor