

Minutes of the
BOUNTIFUL CITY COUNCIL

June 16, 2020
6:00 p.m. – Work Session
7:00 p.m. – Regular Session

- Present: Mayor Pro Tem Kendalyn Harris
- Councilmembers Millie S. Bahr, Kate Bradshaw, Kendalyn Harris, Richard Higginson, Chris R. Simonsen
- City Manager Gary Hill
- Asst. City Manager Galen Rasmussen
- City Engineer Lloyd Cheney
- Planning Director Francisco Astorga
- City Attorney Clinton Drake
- Finance Director Tyson Beck
- Asst. Police Chief Ed Biehler
- Parks Director Brock Hill
- Asst. City Engineer Todd Christensen
- Recording Secretary Maranda Hilton

- Excused: Mayor Randy Lewis (attended via electronic meeting)

Official notice of the City Council Meeting was given by posting an Agenda at the temporary City Hall locations (805 South and 150 North Main Street) 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.
South Davis Metro Fire Station Conference Room

Mayor Pro Tem Harris called the meeting to order at 6:06 p.m. and welcomed those in attendance.

PUBLIC SURVEY BY Y2 ANALYTICS – MR. GARY HILL

Mr. Hill explained that Davis School District has given right of first refusal to the City concerning purchasing the property where Washington Elementary School was recently demolished. The Council has discussed different options for purchasing the land, one of which is a general obligation bond, and would like to know how the public feels about purchasing the land with a bond prior to that being voted on. He introduced Ms. Kyrene Gibb from Y2 Analytics who is here to help us figure out how public surveys and forums might help us in this decision.

Ms. Gibb explained that Y2 Analytics is proposing a two-phase approach to this process. It can be helpful before conducting a survey to get to know what concerns voters have and to probe those in depth. So Phase 1 would be qualitative research using focus groups and Phase 2 would be quantitative research by conducting a survey from a sampling of general election voters.

Councilwoman Bahr asked if any municipalities in a similar situation have forgone the focus group phase and if that had a large effect on the results. Ms. Gibb answered that so far all the

1 municipalities they have worked with have chosen to do both phases and there would have been
2 many important points of discussion that were overlooked on the survey (in most cases) had they not
3 chosen to proceed with both phases.

4 Councilman Simonsen asked how individuals would be selected to participate in focus
5 groups. Ms. Gibb answered that they will be randomly selected from a likely voter pool and then
6 screened to make sure they fit the ideal criteria. They want to find voters who are undecided on the
7 issue ideally.

8 Councilwoman Bradshaw noted that the proposed timeline for conducting focus groups and
9 surveys does not leave much time afterwards before ballot language would need to be submitted to
10 the County and asked if there was any way to condense it. Ms. Gibb said that would be largely
11 dependent on how soon Y2 is allowed to move forward with the process. If they had approval to start
12 finding focus group participants tonight, then yes it is possible to shorten the timeline by a few days.

13 Councilwoman Bradshaw asked how they would conduct focus groups in a way that people
14 were comfortable with in the midst of this global pandemic. Ms. Gibb said they could hold virtual
15 focus groups or practice social distancing by holding their groups in a larger room.

16 Mr. Hill asked how Y2 would navigate asking residents about a potential tax increase during
17 this economic crisis. Ms. Gibb answered since this level of uncertainty has never been felt before it is
18 unknown how people will react, so the focus groups will help with that.

19 Councilwoman Bahr asked how often vote results match up with what the surveys predicted.
20 Ms. Gibb answered that Y2 has only lost one bond election in seven years so they feel very confident
21 in their ability to predict public opinion.

22 Mr. Hill asked if there is any value in holding focus groups but not doing a survey. Ms. Gibb
23 said she would advise against it, and if they had to choose one she would definitely choose the survey
24 over small focus groups.

25 The Council briefly discussed the costs of both phases and which fund the City would use to
26 fund it.

27
28 **FISCAL YEAR 2020 INTERNAL ASSESSMENT OF RISKS DISCUSSION – MR. TYSON**
29 **BECK**

30 Mr. Tyson Beck explained that the State Auditor's Office recently issued a new requirement
31 to all local government entities to help them understand and mitigate their own fraud risk. The
32 requirement is in the form of a checklist that must be completed yearly and then reported back to the
33 State. The assessment has been completed for Bountiful this year and he is here to present it to the
34 Council.

35 Mr. Beck explained what fraud is and that under the right circumstances anyone is capable of
36 committing fraud, so it is an issue that Bountiful City has taken very seriously for a long time. He
37 explained that each department is capable of assessing their weaknesses, which they do regularly. In
38 addition, the Finance and Treasury Departments have also taken the time to meet with each
39 department to help them evaluate where they might need to make some procedural changes. He said
40 implementing internal controls that take away opportunities for fraud is one of the best things we can
41 do to mitigate the risk of fraud. One of the most effective internal controls is separation of duties.

42 Councilwoman Bahr, referencing the checklist, asked why the City received zero points for
43 item eight regarding a formal audit committee. Mr. Beck explained that this item referred to whether
44 or not the City had an independent body that audited each department and then reported to an audit
45 committee. Simply put, the City does not have enough staff to support that. Bountiful does a lot to
46 train about and monitor for fraud risk, but having an auditing body is not justified by the cost benefit
47 analysis.

1 Councilman Simonsen asked about item four on the list which also merited zero points
2 regarding employees and elected officials being required to sign an ethical behavior statement each
3 year. Mr. Beck explained that he felt this item did nothing to actually stop anyone from committing
4 fraud and that it would not be worth the cost of implementing. The City does have an ethical behavior
5 clause in the new employee manual that everyone is required to read and sign upon being hired by the
6 City, but a yearly signing is not required of anyone. The City is focusing on items from the checklist
7 that are more likely to actually make an impact on lowering fraud risk at the City.

8 Mr. Beck explained that fraud will never be eliminated completely from any organization but
9 he feels the City is doing its best, is meeting the needs of Bountiful and keeping risks low.

10 Mr. Hill explained that in the Council meeting tonight the Council will be asked to adopt a
11 few changes that have come about as risk factors were assessed and that will help in this effort.

12 Mr. Beck was asked to hold the rest of the discussion until the Council meeting since they
13 were out of time for the work session.

14
15 The work session was ended at 6:58 p.m.

16
17 **Regular Meeting – 7:00 p.m.**
18 **South Davis Metro Fire Station Conference Room**

19
20 Mayor Pro Tem Harris called the meeting to order at 7:03 p.m. and welcomed those in
21 attendance. Mr. Ron Mortensen led the Pledge of Allegiance and Mr. Lloyd Cheney offered a prayer.

22
23 **PUBLIC COMMENT**

24 The public comment section was started at 7:06 p.m.

25
26 Lynette Larsen (1290 Oakridge Lane) asked the Council to help make Bountiful a place
27 where People of Color (POC) feel safe and at home. She is the mother of 4 adopted children
28 of color and asked what the Bountiful Police are doing to make sure that everyone who might
29 find themselves in trouble is protected and feels safe. She recommended the list of policies
30 found at www.8cantwait.org, which include; banning chokeholds and strangleholds, requiring
31 de-escalation, requiring warning before shooting, requiring exhausting all alternatives before
32 shooting, requiring the duty to intervene, banning shooting at moving vehicles, requiring the
33 use of force continuum and requiring comprehensive reporting.

34
35 The public comment section was ended at 7:08 p.m.

36
37 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD MAY 26, 2020**

38 Councilwoman Bradshaw made a motion to approve the minutes of the previous meeting held
39 May 26, 2020 and Councilman Higginson seconded the motion. The motion passed with
40 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

41
42 **COUNCIL REPORTS**

43 Councilwoman Harris commented on the closing of Pizza Pie Café on 500 South after eight
44 years of operation. She said she is saddened by the news and wanted to thank them for being a
45 gracious host to the community and employing so many of our kids over the years. The closing is due
46 to consequences of COVID-19.

47 Councilwoman Bradshaw reported that there will be a rally at Bountiful Park on Friday
48 evening hosted by “Friends for Justice”. The rally will be a good opportunity to engage in dialogues

1 about policing and how to help minority members of our community. It will be a family-friendly
2 event that fosters communication and strengthens our community as a whole.

3 Councilman Simonsen reminded everyone that members of the Service Council volunteer as
4 HAM Radio operators and help during disaster relief efforts. He recognized Ms. Lorna Koci who is
5 retiring as Executive Director of the Bountiful Food Pantry and thanked her for her years of service.
6 He thanked the three LDS wards that volunteered to remove dead trees from the Mueller Park area as
7 a service day. He announced that the “Columbia” statue for Bountiful Veterans’ Park has been
8 completed and arrived in Bountiful on Monday. He reported that we are hoping to start the “Concert
9 in the Park” events on July 31st and a one-day event on August 29th for the “Coats for Kids Car
10 Show”.

11 Councilwoman Bahr reported that the BCYC had a wonderful service project on Saturday
12 which the BCYC will report on momentarily.

13 Councilman Higginson did not have a report.

14 Mayor Lewis reported that at the Fire District meeting, Chief Basset said the Fire Department
15 had made five rescues in Bountiful’s canyons in the last week and half. In the course of these rescues
16 they found three unattended fires. He said he finds it unbelievable in the wake of the Gun Range fire
17 last year that people are doing this sort of thing.

18 Mr. Gary Hill commented that currently it is legal to have fires above 5,000 feet (as long as
19 they are not left unattended) but Chief Basset has been working for the last year and a half with the
20 Forest Service and Davis County to change the ordinances to be more restrictive. They hope the new
21 proposal will prevent 95% of the fire danger, with the next steps being education and enforcement of
22 the new ordinance.

23 **BCYC REPORT**

24 Ms. Halley Robinson (BCYC City Planner) reported that they just finished selecting all the
25 BCYC Council members and they are excited about the coming year.

26 Ms. Emma Moulton (BCYC City Manager) reported that they held their first event of the
27 year, a service project helping to clean up garbage and paint benches around Bountiful Pond.

28 Councilwoman Bahr expressed how impressed she was with the initiative shown by the
29 BCYC in organizing and executing the service project. They did a great job.

30 **CONSIDER APPROVAL OF:**

- 31
32 A. EXPENDITURES GREATER THAN \$1,000 PAID MAY 18 & 25 AND JUNE 1, 2020
33 B. APRIL 2020 FINANCIAL REPORT

34 Councilwoman Bradshaw asked about the Sales Tax Revenues for April 2020 (pg. 37) shown
35 as being significantly higher than for April 2019 and April 2018. She wondered how this could be
36 since we expected less revenue this year from the effects of COVID-19. Mr. Beck answered that the
37 April 2020 data does not account for the split that will happen at the end of the fiscal year where
38 some of those revenues will be reallocated into the Capital Projects Fund from the General Fund. The
39 previous years’ data already show that reallocation, so those numbers are smaller.

40 Councilman Simonsen made a motion to approve the expenditures paid May 18 & 25 and
41 June 1, 2020 and the April 2020 financial report and Councilman Higginson seconded the motion.
42 The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting
43 “aye”.
44

45 **CONSIDER ADOPTION OF ORDINANCE 2020-04 AMENDING CHAPTER 15, TITLE 6** 46 **OF THE BOUNTIFUL CITY MUNICIPAL CODE – MR. TODD CHRISTENSEN** 47

1 Mr. Todd Christensen explained that this ordinance is in direct response to new regulations
2 that have been issued from the State. The new regulations are to help manage water from smaller
3 rainfall events, whereas previous regulations have focused more on water management after larger
4 storms. The goal is to improve water quality and more closely mimic the natural water cycle. The
5 new regulations were first proposed five years ago but have been delayed numerous times for
6 discussions and revisions. He said that the ordinance will have an impact on developers and City
7 Staff as was detailed in the staff report.

8 Mayor Pro Tem Harris asked how much of an imposition these new regulations are and
9 whether or not the City would be doing these things anyway. Mr. Christensen answered that he
10 doubts the City would have instigated these changes. The State is requiring a formal plan from
11 developers along with documented regular inspections and corrective actions. The regulations will
12 require more time and work for developers and staff.

13 Councilwoman Bradshaw commented that she was involved in this process last summer
14 because of her concern that these new regulations might be onerous for Cities and developers to
15 comply with. She said through the efforts of many cities and developers coming together they were
16 able to get the standards set to something a bit more reasonable.

17 Councilman Higginson asked if these new standards would result in a fee increase for
18 building permits. Mr. Christensen said it will and it has already been figured into the FY 2021
19 budget.

20 Councilman Higginson made a motion to adopt Ordinance 2020-04 as presented and
21 Councilwoman Bahr seconded the motion. The motion passed with Councilmembers Bahr,
22 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

23
24 **CONSIDER APPROVAL OF THE PURCHASE OF A GENIE 50’ ARTICULATING MAN-**
25 **LIFT FROM EQUIPMENT SHARE IN THE AMOUNT OF \$49,636 – MR. BROCK HILL**

26 Mr. Brock Hill explained that this purchase would be used by the building maintenance
27 supervisor and Parks Department staff. It will be very useful in caring for trees, sports lighting and
28 tall buildings around town that they have difficulty maintaining with their current 25’ lift. He said
29 they received three bids for equipment and decided to go with the low bid from Equipment Share.

30 Councilman Higginson made a motion to approve the purchase of the 50’ Lift as presented
31 and Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr,
32 Bradshaw, Harris, Higginson and Simonsen voting “aye”.

33
34 **CONSIDER APPROVAL OF A FIVE-YEAR LEASE AGREEMENT FOR TORO**
35 **EQUIPMENT FROM TURF EQUIPMENT & IRRIGATION, INC. IN THE ANNUAL**
36 **AMOUNT OF \$81,472 – MR. BROCK HILL**

37 Mr. Brock Hill explained that the equipment they use for maintaining the Bountiful Ridge
38 Golf Course is getting older (based on operating hours) and is becoming difficult to maintain and find
39 replacement parts for. The cost of maintenance of these 13 pieces of equipment is starting to outpace
40 their usefulness and it was time to replace them. They did research and felt that utilizing an
41 equipment lease was the best option. This would allow them to downsize to nine pieces of equipment
42 (some of which are multi-use) and would save around \$23,000 over a year’s time. The five-year lease
43 agreement from Turf Equipment & Irrigation also allows the City to purchase the equipment for \$1 at
44 the end of it, and they feel they could maintain the equipment for another five years after that.

45 Councilwoman Bradshaw thanked Mr. Hill and the golf course staff for finding this solution
46 which will save the City a lot of money.

1 Councilwoman Bradshaw made a motion to approve the lease agreement from Turf
2 Equipment and Councilman Simonsen seconded the motion. The motion passed with
3 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.
4

5 **CONSIDER FINAL APPROVAL OF THE STONE CREEK ESTATES SUBDIVISION,**
6 **PHASE III – MR. LLOYD CHENEY**

7 Mr. Lloyd Cheney gave a summary of the history of the Stone Creek subdivision development
8 which was first approved in 2017. Phases I and II have now been completed and the developer is
9 looking for approval for Phase III which will be a cul-de-sac on the north side of Bountiful Blvd. In
10 the original subdivision plan this cul-de-sac was the final phase; however the developer, Rainey
11 Homes, is now asking that Phases III and IV be switched due to complications moving forward with
12 the original Phase III. The implications for this change include a postponement of the completion of
13 Eagle Ridge Drive which will impact traffic flow in the area, as well as the postponement of a parcel
14 of five acres being given to the City for trail use. Those things will now take place only if Phase IV is
15 developed at a later date. Mr. Cheney explained that Phase III meets all zoning requirements and has
16 already had all utilities extended to the site, so staff recommends that Council give final approval
17 with the seven conditions listed.

18 Councilwoman Bradshaw asked what the requirements are when a developer applies to build
19 a subdivision. Mr. Cheney answered that they are mainly concerned with the grades for the roads
20 (12% or less), having a building pad of 3,000 sq. ft. for each lot, and minimum frontage and size
21 requirements for each lot.

22 Councilwoman Bradshaw asked if the developer must prove they have clear title to the land at
23 the time of application. Mr. Cheney answered that they do not. He further explained that the City
24 only inquires about land ownership right before a plat is recorded when all owners on record are
25 required to sign. The developer must submit a title report at that time in order to meet the
26 requirement.

27 Councilwoman Bradshaw asked how quickly the City is required to respond after an
28 application is submitted. Mr. Drake answered that it needs to be reasonable, but is not a designated
29 number of days. However, postponing or delaying a response could bring on a lawsuit.

30 Councilwoman Bradshaw asked if the Phase III application meets all the requirements and
31 Mr. Cheney answered that it does.

32 Councilman Higginson said that when the subdivision was first approved, the completion of
33 Eagle Ridge Drive was an integral part of the approval process, especially the timing of it. He knows
34 it is a very important part for many of the stakeholders and residents who live nearby. He wondered
35 how he should feel about it being postponed without a guarantee of completion. Mr. Cheney
36 answered that although there is some vesting at the time of a preliminary plan, there is no obligation
37 for a developer to complete all of it. Sometimes things change and it doesn't always work out. In this
38 case they are under no contractual obligation to complete Eagle Ridge Drive, but it was proposed in
39 good faith and they intended to do it. Mr. Drake added that it is not possible to require a developer to
40 put in any infrastructure that is not directly related to the phase they are currently building; to do so
41 would be an unlawful exaction.

42 Mayor Lewis commented that he feels the developer should be required to give some sort of
43 assurance that they will still build the road. He feels the residents have waited a long time and that it
44 needs to be done.

45 Mayor Pro Tem Harris invited Mr. Brock Johnston of Rainey Homes to speak about why they
46 were switching the phases of development.

47 Mr. Johnston thanked the Council for the chance to speak. He explained that when they first
48 made a deal with the Keller family for the land and proposed the subdivision there was a lot of

1 excitement from the former City Engineer (Mr. Paul Rowland) and from residents. They committed
2 to build their subdivision exactly as the zoning required them, and from the start wanted to dedicate a
3 parcel of land for the City to use for trails. He reiterated that they will still gift that parcel of land, no
4 matter what. He explained that the reason for the change in phasing is that it came to light that people
5 own property east of the Keller's land. He noticed a "land for sale" sign about a 1 ½ years ago and
6 followed up on it. It turns out those property owners were granted a blanket easement 30 years ago
7 which guarantees them access to their land through the Keller's land. The easement was never
8 defined, so now it means that Rainey Homes must find a place to provide that easement and connect
9 it to the new road. This task is proving difficult and they have been working on it for 18 months. The
10 current plan is to provide access to a 66' future road on their property, but it is not final yet. He feels
11 they are making good headway, but in an effort to move forward on the subdivision they asked the
12 City if they could start building Phase IV in the meantime. He has approached Mr. Cheney about
13 helping find a creative solution, but he has hit a roadblock for the time being. He said he understands
14 the urgency to get the road built and still has the intention to build the road. He wishes he could build
15 it right now, but they don't have the funds to do so. He said he is happy to have another community
16 meeting to talk about what's going on at any time.

17 Councilman Higginson thanked him for being a gentleman throughout the entire process and
18 for his explanation. He said he is excited for the project to be completed.

19 Councilwoman Bradshaw asked Mr. Johnston what the plan is now for solving the easement
20 problem. Mr. Johnston answered that he had a good discussion with the three landowners involved on
21 Wednesday, along with representatives from Dominion Energy and Weber Basin Water. He hopes
22 they have now realized how expensive it will be to build a road on and develop their property which
23 might help the process along. The other option is to find a price that they are willing to sell for and
24 buy their land.

25 Councilwoman Bahr asked about the possibility of building Eagle Ridge Drive and only
26 constructing the lots on the west side for the time being. Mr. Johnston said they looked at that option
27 but that they simply can't afford to build all the infrastructure there without having all the proposed
28 lots to sell. They would be in the red for millions of dollars.

29 Mayor Pro Tem Harris opened the meeting to the public to make comments at 8:24 p.m.

30
31 David Petersen (785 Eagle Ridge Drive) said that he has been dealing with the issues caused
32 by the inadequate road up there for 25 years. He feels this is the biggest item that needs to be
33 addressed. He sees kids getting hurt, people speeding, animals getting killed, and emergency
34 vehicles having a hard time accessing the area for rescues. He proposed that the Council
35 postpone the decision for 30 days so that the community can come together to work on the
36 issues and find solutions.

37
38 K. Mohammad Hosseini (Paris1 LLC, Holladay, UT) said he wanted to make it clear that the
39 "land for sale" sign has been up for over 10 years. He noticed the Rainey Homes sign about 1
40 ½ years ago and called Mr. Johnston to make him aware that they had an easement granted to
41 them over 10 years ago and also discussed price. He said he has talked to the County and to
42 the City about annexing the property as one parcel, and while the City does not have an
43 annexation plan in place he feels it would be very easy to get one if they decide to do that. He
44 said the City recommended building a 60' wide road, so that's what they were looking into,
45 but he would be fine with a 25' width. He reiterated that they are only asking for access to
46 their property and that he has many interested buyers, so if the City would annex the land then
47 they would get a lot of revenue from property taxes.
48

1 Andrew Odoardi (1377 E Skyline Drive) said he is afraid of there being a serious accident on
2 Skyline Drive due to people speeding and the way the road is constructed. He said it is his
3 understanding that the road off of Skyline Drive isn't technically a road, but a paved trail that
4 was created to provide emergency vehicle access and allow egress for the homes built there.
5 He feels all of these issues could be easily resolved if the road across the dam to 400 North
6 was built. He asked if there is any way for the City to exercise eminent domain in the name of
7 public safety to do something about it.
8

9 Michelle Smith (1454 E Skyline Drive) told the Council that they are at a critical point right
10 now and will lose their leverage if they approve the phasing switch at tonight's meeting. She
11 asked them to please table the vote to allow more time for due diligence and conversation on
12 this issue. She listed seven items that she feels validate the Council delaying their vote
13 tonight. She referenced the original documents from September 2017 which stated that the
14 "developer will be required to construct a paved roadway to the end of Eagle Ridge Plat C
15 improvements", a meeting held in the community in which Rainey Homes failed to disclose
16 that a critical parcel of land had not yet been acquired, and said the developer broke ground
17 on the earlier phases of the development without being able to fulfill the obligations of the
18 later phases. She also feels that the Gun Range fire last year showed just how critical that road
19 is for the health and safety of those residents. She believes this risk will only be exacerbated if
20 more houses are added without there being a second point of egress.
21

22 Mayor Pro Tem Harris closed the public comment time at 8:38 p.m.

23 Mayor Lewis commented that Rainey Homes has a really good reputation and a good name.
24 He feels the problem goes back to the developer not doing their due diligence on the land they
25 purchased, and he advised the Council to not reward them for not doing their homework.

26 Mr. Hill explained that the City has little to no "wobble room" when it comes to taking action
27 on this item. He agreed that it is very disappointing to not have the road built in the next phase, but
28 the fact is that property owners have rights, and developers are property owners as well. Unless
29 someone can show that Rainey Homes does not meet the ordinance somehow, there is no wiggle
30 room. He does, however feel it is worthwhile to ask Mr. Johnston about his intention to complete the
31 project and when.

32 Mr. Drake agreed and added that even if the Council delayed or denied his application, there
33 is nothing to stop him or any other developer from submitting a new application for this parcel
34 tomorrow, and the Council would be obligated to approve it if it met all zoning requirements.
35 Postponing or denying them could open the City up to a lawsuit.

36 Councilwoman Bradshaw asked Mr. Johnston when the 18-month takedown for Phase IV is
37 scheduled to be. He answered that he doesn't remember exactly when they closed on Phase III, but he
38 estimates takedown for Phase IV will be possibly July or August of next year.

39 Councilwoman Bradshaw asked for clarification about 60' versus 20' roads on the property
40 east of the development. Mr. Cheney said that in his discussions with the landowners they asked what
41 the City would require of them *if* the land were to be annexed into the City. He said the minimum
42 road width required of the Fire Marshal is 20' and he doesn't think he ever said they would need a
43 60' road. However all of this was hypothetical since the City does not have a mechanism in place to
44 be able to annex the property.

45 Mr. Francisco Astorga agreed and said that staff never gave any positive response about the
46 possibility of annexation, nor does he feel the City should be looking to annex more land for single-
47 family dwellings.

1 Councilman Higginson said that the land use code states that if a plan meets our code the
2 Council “shall approve it”. It is very clear.

3 Councilwoman Bahr asked if Rainey Homes has thought about purchasing those lots
4 themselves. Mr. Johnston answered that they simply cannot afford to. He added that building Phase
5 III will only help speed up the process, since cul-de-sac lots sell very quickly. He believes that being
6 allowed to move forward with Phase III is the fastest way to get the road built.

7 Councilman Simonsen expressed his disappointment that Skyline Drive has been an issue for
8 so long and that the City has done nothing to improve it. He said he sympathizes with the residents.

9 Councilwoman Bradshaw told the public that the Council has a set of rules they must operate
10 within and that if anyone would like to help change that she urged them to ask our state legislators to
11 give more power to City Councils.

12 Councilwoman Bahr expressed regret that the situation ended up like this. She hopes people
13 will talk to the state legislators about their concerns and that Rainey Homes will continue to be
14 transparent and work with the City. She said she understands that the City has made a commitment
15 which will be upheld and hopes that Rainey Homes will do the same.

16 Councilman Higginson made a motion to grant final approval of the Stone Creek Subdivision
17 Phase III and Councilwoman Bradshaw seconded the motion. The motion passed with
18 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

19
20 **CONSIDER APPROVAL OF THE PURCHASE OF A POLICE VEHICLE FROM TONY**
21 **DIVINO TOYOTA IN THE AMOUNT OF \$26,383 – ASST. CHIEF ED BIEHLER**

22 Asst. Chief Ed Biehler asked the Council to approve the purchase of a 2020 Toyota Rav4 to
23 be used by the detective division of the Police Department. Funding for this vehicle has been
24 approved in the FY2020 budget.

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

28
29 **CONSIDERATION FOR ADOPTION – FY 2020 AMENDED BUDGET AND FY 2021 FINAL**
30 **BUDGET WITH RELATED ITEMS – MR. GALEN RASMUSSEN**

31 Mr. Galen Rasmussen presented the FY2021 final budget to the Council. He explained that
32 the budget is based off of the Policy Priorities document given to them by the Council and went over
33 a few key points. He explained what the property tax rate will be, the fee increases for Engineering,
34 Planning, Storm Water and Power, the removal of Cost of Living Adjustment for salaried employees,
35 and changes to employee medical and retirement plans. He also explained that the proposed budget
36 would include a forgiveness of the loan to the Water Fund from the Landfill Fund.

37 He explained where revenue comes from and where it gets spent. He went over the
38 distribution of sales and gasoline taxes between the State and the City. He explained the total budget
39 amounts for each of the City Funds (Power – 42.2M, Water – 6.2M, Streets – 8.3M, Sanitation &
40 Landfill – 3.3M, Public Safety/Police – 8.6M, Fire – 2.2M, Storm Water – 1.8M, Cemetery – 639K)
41 and talked about the RAP Tax distribution among this year’s applicants.

42 Mr. Tyson Beck explained that another component of adopting the FY 2021 budget is
43 approving a change in the Fund Balance and Reserve Policy. This policy is important for ensuring the
44 City stays out of debt and has enough reserved for a rainy day. The latest policy was drafted in 1982
45 and staff felt it was time to make some much needed updates. The policy includes target reserve
46 levels for each of the major funds, stipulations for how reserves may be used and a plan for how to
47 get back to the target if the City falls short. He explained that they used Government Finance Officers
48 Association (GFOA) guidelines and City historical data to draft the policy and to determine the target

1 reserve levels for each fund. The Reserve Policy will be monitored and reviewed every year and will
2 also help guide the budgeting process.

3 Mr. Gary Hill explained that one budgetary result from this new policy is the recommendation
4 of forgiving the loan from the Landfill Fund to the Water Fund. Forgiving the loan puts the Water
5 Fund in a much better position to reach its target reserves without needing to increase fees, while the
6 Landfill Fund has ample reserves without the repayment of the loan.

7
8 A. PUBLIC HEARING ON THE FY 2021 TRANSFER OF FUNDS FROM LIGHT &
9 POWER FUND TO GENERAL FUND

10 Mr. Galen Rasmussen explained that the Utility Transfer details must be made public and
11 require a public hearing each year. This year's transfer will be almost 7% of the total budgeted
12 expenses of the Light & Power Fund and is based on 10% of metered sales. This transfer helps us to
13 keep property taxes low for residents and helps fund essential General Fund services such as the
14 Police, Fire, street maintenance and snow removal. The transfer is essentially a dividend back to the
15 taxpayers for their investment in the Light & Power Fund over the years.

16 The Public Hearing was started at 9:34 p.m.

17
18 There were no comments made.

19
20 The Public Hearing was ended at 9:34 p.m.

21
22 B. PUBLIC HEARING ON THE FY 2021 TRANSFER OF FUNDS FROM THE
23 LANDFILL FUND TO THE RECYCLING FUND

24 Mr. Rasmussen explained that the significant difference between what was in the tentative
25 budget and what is in the final budget is the prioritization of fee increases that were decided during
26 the budget discussions with the Council. The decision to not increase the recycling fee resulted in the
27 transfer increasing from \$127,595 to \$238,056 in order to balance the budget. The reason for the
28 transfer is to help subsidize the cost of operations of the recycling program until the global recycling
29 market recovers.

30 The Public Hearing was opened at 9:36 p.m.

31
32 There were no comments made.

33
34 The Public Hearing was ended at 9:36 p.m.

35
36 C. CONSIDERATION OF RESOLUTION 2020-06 FORGIVENESS OF INTERFUND
37 LOAN BETWEEN THE LANDFILL FUND AND THE WATER FUND

38 Mr. Rasmussen explained that because the details of this was covered in earlier discussion he
39 will simply add that the total forgiveness amount is \$2,468,371.

40 Councilman Higginson made a motion to approve Resolution 2020-06 to forgive the loan and
41 Councilwoman Bradshaw seconded the motion. The motion passed with Councilmembers Bahr,
42 Bradshaw, Harris, Higginson and Simonsen voting "aye".

43
44 D. PUBLIC HEARING ON THE FY 2020 AMENDED BUDGET AND THE FY 2021
45 FINAL BUDGET

46 Mr. Rasmussen showed the Councilmembers what was amended in the FY 2019-2020 budget
47 as shown in Exhibit A of Ordinance 2020-03 up for adoption tonight.

1 Mr. Rasmussen presented the FY 2020-2021 budget to Council and explained that total
2 revenues and expenses are set at \$81,940,705

3 The Public Hearing was opened at 9:39 p.m.
4

5 There were no comments.
6

7 The Public Hearing was closed at 9:40 p.m.
8

9 **E. CONSIDERATION OF ORDINANCE 2020-03 ADOPTING AMENDED AND FINAL**
10 **BUDGETS, APPROVING RATES AND FEES, RELATED POLICIES AND**
11 **ADOPTING COMPENSATION SCHEDULES**

12 Councilman Higginson made a motion to approve Ordinance 2020-03 and Councilwoman
13 Bahr seconded the motion which passed with Councilmembers Bahr, Bradshaw, Harris, Higginson
14 and Simonsen voting “aye”.
15

16 **FISCAL YEAR 2020 INTERNAL ASSESSMENT OF RISKS – MR. TYSON BECK**

17 Mr. Beck finished his discussion from the work session by going over the State Auditor’s
18 checklist and Bountiful’s score. He explained that we assessed a score of 335 out of 395 possible
19 points, putting us squarely in the “Low Risk” category. The City feels comfortable with that score
20 and does not feel that implementing any other items on the checklist would be worth the cost.
21 However, approval is being requested tonight for two ordinance updates that will help lower the
22 City’s fraud risk.

23 Councilwoman Bahr said she was impressed with the City’s score on the very first yearly
24 assessment and congratulated Mr. Beck and staff on their work.
25

26 **CONSIDER APPROVAL OF UPDATES TO THE CITY’S PERSONNEL POLICY MANUAL**
27 **– MR. CLINTON DRAKE**

28 Mr. Drake explained that this item is a follow-up to the fraud risk assessment that was just
29 presented. It was necessary to make some changes to the personnel policy manual, adding content to
30 sections 311, 504 and 507 of the manual and adding section 508.

31 Councilwoman Bradshaw made a motion to adopt Resolution 2020-07 and Councilman
32 Higginson seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,
33 Higginson and Simonsen voting “aye”.
34

35 **CONSIDER APPROVAL OF THE CITY CODE UPDATES AS THEY APPLY TO**
36 **PROCUREMENTS – MR. CLINTON DRAKE**

37 Mr. Drake explained that this is a change to the City Procurement Code, adding
38 subparagraphs [4] and [5] to section 2-5-102, and also adding paragraph [d] to the same section.
39 These changes dictate when purchases do not require additional bids and also cover unethical
40 purchasing practices.

41 Councilman Higginson made a motion to approve Ordinance 2020-05 and Councilwoman
42 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,
43 Higginson and Simonsen voting “aye”.
44

45 **CONSIDER APPROVAL OF RENAISSANCE TOWNE CENTER PAD SITE 16 (LOT 12)**
46 **FINAL ARCHITECTURAL AND SITE PLAN REVIEW – MR. FRANCISCO ASTORGA**

47 Mr. Francisco Astorga explained that this is for a multi-family residential building with 30
48 units that complies with all zoning standards. The Planning Commission forwards a positive

1 recommendation and everyone is excited to see some development on the south end of the
2 Renaissance site.

3 The Council and Mayor expressed their excitement about this project. The Mayor thanked
4 staff for all of their hard work and Mr. Hill lauded Mr. Brian Knowlton for his work on the project.

5 Councilman Higginson made a motion to approve final architectural and site plans for
6 Renaissance Towne Center Pad Site 16 (Lot 12) and Councilman Simonsen seconded the motion.
7 The motion passed with Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting
8 “aye”.

9
10 **CONSIDER APPROVAL OF ORDINANCE 2020-06 AMENDING THE ZONE MAP AT 189**
11 **SOUTH 200 WEST FROM GENERAL COMMERCIAL (C-G) TO MIXED-USE**
12 **RESIDENTIAL – MR. FRANCISCO ASTORGA**

13 Mr. Astorga explained that a public hearing will be held for this item because it involves a
14 zoning change. For the site in question they are asking to change it from General Commercial (C-G)
15 to Mixed-Use Residential (MXD-R). The site plan for this new building meets all requirements for
16 the MXD-R zone, and they have asked for a 20’ setback instead of a 30’ setback which is allowed in
17 the flexibility of the MXD-R zone. The 2009 General Plan recognized this area of Bountiful as ripe
18 for development and the Planning Commission agrees that it will be a good project for this area. The
19 plan also meets all parking and landscaping requirements, and will not require a pedestrian
20 circulation plan because of its small size and proximity to Main Street. He explained that this will
21 come back to the Council for site plan review later on.

22 Councilwoman Bradshaw referenced an email from a neighbor asking to put in a crosswalk,
23 and asked Mr. Astorga to please follow up with that issue by doing a traffic study. He said Planning
24 Commission discussed this issue and fully agreed that this is a difficult place to cross the street and
25 will see that a traffic study is done.

26 Councilwoman Harris asked about the name of the building (Bountiful City Power Lofts) and
27 the developers said they are happy to change the name if the City or Bountiful City Light & Power
28 don’t like it.

29 The public hearing was opened at 10:05 p.m.

30
31 Ryan Stewart (360 N 100 E) said that he is in favor of the development going up in this area
32 and thanked the Council and staff for being in favor of high-density multi-family housing.

33
34 The public hearing was closed at 10:06 p.m.

35 Councilman Simonsen made a motion to approve Ordinance 2020-06 and Councilman
36 Higginson seconded the motion. The motion passed with Councilmembers Bahr, Bradshaw, Harris,
37 Higginson and Simonsen voting “aye”.

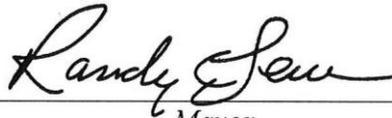
38
39 **CONSIDER AWARDED THE CM/GC CONTRACT FOR THE STREET DEPT. CAR**
40 **WASH REPLACEMENT PROJECT TO THE WADMAN CORPORATION – MR. LLOYD**
41 **CHENEY**

42 Mr. Cheney explained that they are ready to hire a contractor for the replacement Street
43 Department car wash project. He said they received 14 responses to the RFP and by doing their usual
44 analysis they have decided to award the contract to Wadman Corporation. They had the lowest bid
45 for both a six month and nine month hypothetical timeframe and they also have very good references.

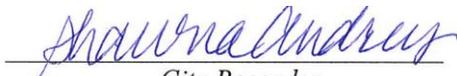
46 Councilman Higginson made a motion to award the CM/GC Contract to Wadman
47 Corporation and Councilwoman Bradshaw seconded the motion. The motion passed with
48 Councilmembers Bahr, Bradshaw, Harris, Higginson and Simonsen voting “aye”.

1
2 **ADJOURN TO AN RDA MEETING WITH A SEPARATE AGENDA**
3 Councilman Simonsen made a motion to adjourn to an RDA meeting with a separate agenda.
4 Councilman Higginson seconded the motion, which passed with Councilmembers Bahr, Bradshaw,
5 Harris, Higginson and Simonsen voting “aye”.

6
7 The regular session of City Council was adjourned at 10:10 p.m.



Mayor



City Recorder