

**Minutes of the
BOUNTIFUL CITY COUNCIL
October 11, 2022 – 6:00 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 – 6:00 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Cecilee Price-Huish
	Asst. City Manager	Galen Rasmussen
	City Engineer	Lloyd Cheney
	City Attorney	Clinton Drake
	Planning Director	Francisco Astorga
	Streets Director	Charles Benson
	Asst. Planner	Nicholas Lopez
	Recording Secretary	Maranda Hilton

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

SUMMARY OF PLANNING COMMISSION LANDSCAPE RECOMMENDATIONS – MR. FRANCISCO ASTORGA

Mr. Francisco Astorga presented the proposed changes that the Planning Commission forwarded to the City Council regarding the Landscaping Section, Chapter 16, of the Bountiful City Land Use Code. He explained that an ordinance would be forthcoming and that a public hearing would be held at the next City Council meeting.

Mr. Astorga explained that the language about drip irrigation was given more specificity and that “street trees” would now be labelled “front yard trees” to add clarity.

Mr. Astorga said that it is recommended that City parks and open spaces not have the same frontage landscaping requirements as commercial and residential properties, simply because they are different and have landscaping spread throughout the entire property. Councilmember Bell disagreed with this proposal, saying he believes the focus on street trees should not vary from what the City expects from everyone else, even though parks are unique.

Next, Mr. Astorga explained that the Planning Commission felt concerned about not having a tree requirement for single-family dwellings and has proposed a minimum tree and shrub requirement for new developments.

Mr. Astorga continued that Weber Basin is mandating that new single-family and two-family dwelling developments cannot have lawn area that exceeds 35% of the total landscaped areas in the front and side yard.

Mr. Astorga added that the Planning Commission created a standard for shrubs in single-family and two-family dwellings. They propose one shrub for every 200 sq ft of non-impervious area

1 in the front yard. Councilmember Bradshaw asked if shrubs could include flowers, flowering plants
2 or decorative grasses, etc. Mr. Astorga said they would be open to substitutions; they simply want
3 anything that adds some greenery to the front yard. Councilmember Bell suggested they require
4 perennial plants that return every year. Councilmembers Bradshaw and Price-Huish agreed and also
5 asked that the language be changed to include a broader array of plants.

6 Councilmember Bell suggested they use a square-footage requirement instead of a number
7 requirement, since shrubs vary in size by quite a bit. He also expressed his concern that one shrub for
8 every 200 sq ft was not enough. Mr. Astorga answered that even if 50% of the front yard on an
9 average Bountiful residential lot was paved, this proposal would require a minimum of five shrubs.
10 He added that Bountiful currently does not have any shrub requirement, so the Planning Commission
11 wants to try this out and see how it goes as they approve new single-family developments this year.

12 Councilmember Bahr asked who is responsible for sidewalk maintenance if tree roots lift the
13 concrete. Mr. Clint Drake answered that according to City Code, it is the responsibility of the
14 property owner to take care of lifted sidewalks, but that the City does repair many sidewalks every
15 year.

16 Mr. Astorga continued that it is proposed that any substantial addition to a residence (750 sq ft
17 or more), would require compliance with these new landscaping standards. Councilmembers
18 Bradshaw and Bahr expressed their dislike of this proposal, saying it feels like an overreach.
19 Councilmembers Bell and Price-Huish said they liked the proposal and felt it would help residents
20 reevaluate their landscaping when they make a major change to their property. Mayor Harris
21 suggested the Council check in with Councilmember Higginson on this issue during the regular
22 session to hear his opinion.

23 Mr. Astorga said that Weber Basin would prohibit turf in small spaces and paths and on
24 slopes greater than 25% to be eligible for the Flip-Your-Strip program. Councilmember Price-Huish
25 said that “path” is not defined in the code, and Mr. Astorga said they could easily change that word to
26 “area” to make it clearer.

27 The next items simply defined which plants and aggregate materials could be used and added
28 the two-inch caliper at 48” standard to the code concerning front yard trees.

29 Councilmember Price-Huish asked what happened to the code proposals concerning artificial
30 turf they had discussed previously. Mr. Astorga answered that the Planning Commission felt there
31 was no real urgency to add artificial turf language to the code due to the low interest from residents.
32 The Planning Commission plans to research best practices concerning artificial turf and bring that to
33 the Council at a later date.

34 Councilmember Bradshaw asked why the new code specified “ball and burlap” for conifer
35 trees. Mr. Astorga said that it was simply the best language the Commission could find for that item,
36 but that they would be happy to remove or adapt that language as directed. Councilmembers Bell,
37 Price-Huish and Bahr agreed that it would be best to not use such specific language.

38 Mr. Astorga went on to explain that the Commission proposes removing the term “Xeriscape”
39 from the code and simply calling this section “Park Strip Standards.” They also recommend keeping
40 the 50% live vegetation requirement in the park strip. He added that staff requested rubber mulch be
41 added to the list of acceptable park strip landscaping materials and that they follow the advice of the
42 public works, streets and engineering staff to increase aggregate size to a two-inch minimum. This is
43 to help keep the storm drain system in good repair. Those same departments also added pavers,
44 flagstones and cobble, up to six inches in diameter, to the acceptable materials list.

45 Mr. Astorga said that they propose to allow poured concrete so long as it is not more than
46 50% of the width of the lot, including driveway approaches and drop-off locations.

Councilmember Bell asked about the prohibition of boulders in the park strip. Mr. Lloyd Cheney answered that the City must preserve the public right of ways and that large boulders in the park strip can present a hazard and cause injuries. Boulders will still be allowed in front yards. After some discussion, the Council asked staff to reconsider this proposal and perhaps incorporate a size limit instead of banning all boulders.

Mr. Astorga explained that the final proposal adds the provision that all areas susceptible to high flows would be subject to review by a public works inspector. This gives the City Engineer the ability to take a look at certain sites and give direction.

Councilmember Bradshaw, as a final thought, suggested the City Council look at item G again, and think about how many homes on the hillside have terraced areas smaller than eight feet wide in their yards, which would be impacted.

The meeting ended at 6:58 p.m.

Regular Meeting – 7:00 p.m.
City Council Chambers

Present:	Mayor	Kendalyn Harris
	Councilmembers	Millie Segura Bahr, Jesse Bell, Kate Bradshaw, Richard Higginson (via zoom), Cecilee Price-Huish
	City Manager	Gary Hill (via zoom)
	Asst. City Manager	Galen Rasmussen
	City Engineer	Lloyd Cheney
	City Attorney	Clinton Drake
	Planning Director	Francisco Astorga
	Streets Director	Charles Benson
	Asst. Planner	Nicholas Lopez
	Recording Secretary	Maranda Hilton

WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAAYER

Mayor Harris called the meeting to order at 7:04 p.m. and welcomed those in attendance. Mr. Jim Clark led the Pledge of Allegiance and President Scott Allen, Bountiful Stone Creek Stake, offered a prayer.

RESOLUTION 2022-18 ALLOWING ELECTRONIC PARTICIPATION BY RICHARD HIGGINSON – MR. CLINT DRAKE

Councilmember Bradshaw made a motion to approve Resolution 2022-18 with the following corrections: changing the date to October 11, 2022 after the second “whereas” clause and changing the pronoun from “her” to “him”. Councilmember Bahr seconded the motion, which passed with Councilmembers Bahr, Bell, Bradshaw and Price-Huish voting “aye.”

Councilmember Richard Higginson joined the meeting via Zoom and participated in the remainder of the meeting.

1 **PUBLIC COMMENT**

2 The public comment section was opened at 7:09 p.m.

3
4 Mr. Joel Powell (resident of Unincorporated Davis County) explained that he and his
5 neighbors are being annexed by the city of North Salt Lake but would rather be annexed by Bountiful
6 City. He asked the Council for direction regarding how they might seek Bountiful's annexation if
7 they can stop the annexation into North Salt Lake.

8
9 Ms. Rachel Coleman (1400 South) explained that a South Davis Junior High student was hit
10 by a car last week while crossing the street near the school. She said that her own son was almost hit
11 by a car while crossing at the crosswalk in front of his school. She said that the City needs to make
12 the streets safer and help change the mentality of drivers and pedestrians. She explained that although
13 some good suggestions were made at the traffic safety meeting, she feels we need something more
14 tactical that will help take people out of "autopilot."

15
16 Mr. Kort Delost (310 South 750 East) explained that he and his neighbors have been
17 concerned about trespassing at 425 Medical Drive, which has been abandoned for one and a half
18 years. He said he set up a camera after noticing tracks going through a gap in the fence and has seen
19 many trespassers and different groups of youth coming and going since January 2022. He asked the
20 Council to please address this safety issue.

21
22 Mr. Thomas Call (Unincorporated Davis County) told the Council that being annexed by
23 North Salt Lake would be a burden to him and his neighbors, most of whom have Bountiful addresses
24 and own businesses in Bountiful. He reiterated that they would rather be annexed by Bountiful than
25 North Salt Lake if they must be annexed.

26 The public comment section was closed at 7:18 p.m.

27 **CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETINGS HELD SEPTEMBER**
28 **27, 2022**

29
30 Councilmember Bahr made a motion to approve the minutes from September 27, 2022, and
31 Councilmember Price-Huish seconded the motion. The motion was approved with Councilmembers
32 Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

33
34 **BCYC REPORT**

35 No report was given.

36
37 **COUNCIL REPORTS**

38
39 Councilmember Higginson gave his remarks about the landscaping code changes. He
40 suggested staff write the ordinance concerning home additions in a way that it could be easily
41 removed or retained depending on what the Council decides the night of adoption. He said he would
42 report back about his trip when he gets back.

43 Councilmember Bahr did not have a report.

44 Councilmember Price-Huish thanked the Planning Commission for all of the time, effort and
45 research they put into the landscaping suggestions.

1 Mayor Harris reported that she attended the Utah League of Cities and Towns (ULCT)
2 convention last week and was grateful for the opportunity to learn about things going on around the
3 State. She said the ULCT is a great partner, and she appreciates the work they do.

4 Councilmember Bell reported that the BCYC will be hosting a “Pumpkin Walk” at North
5 Canyon Park on October 22. He also announced that tickets for the annual Christmas concert will go
6 on sale November 1st. The concert will be performed by a group called the Crescent Super Band and
7 will be Christmas themed.

8 Councilmember Bradshaw reported that the SDRD board met last week and has begun the
9 work of addressing the budget for the next fiscal cycle. She said that the Recreation District reached
10 out to residents who no longer have access to warm water pools for therapy and offered them passes
11 to try out the Rec pools.

12 Councilmember Price-Huish added a comment, that she attended the Utah Outdoor
13 Recreation Summit last week and it was a wonderful opportunity to see the coordination and efforts
14 to enhance connectivity and alignment of trails along the Wasatch Front.

15 **CONSIDER APPROVAL OF:**

16 **A. EXPENDITURES GREATER THAN \$1,000 PAID SEPTEMBER 19 & 26, 2022**

17 **B. AUGUST 2022 FINANCIAL REPORT**

18 Councilmember Higginson made a motion to approve the expenditures paid
19 September 19 & 26, 2022 along with the August 2022 Financial Report and Councilmember
20 Price-Huish seconded the motion. The motion was approved with Councilmembers Bahr,
21 Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

22 **CONSIDER APPROVAL OF IN-HOUSE RECYCLING PROPOSAL – MR. CHARLES**
23 **BENSON**

24 Mr. Charles Benson reported on the recommendation to move recycling collection in-house
25 once the City’s contract with Ace Recycling expires in November. Ace Recycling agreed to let the
26 City lease and ultimately purchase their cans, which will save the City money. The City has two
27 refuse trucks it can use for recycling collection until the time they can budget for and purchase new
28 trucks for this purpose. The City also has staff who could be utilized until new employees are hired
29 and trained. The funds for the trucks, the cans and the new employees would be diverted from funds
30 that would have been paid to Ace. Mr. Benson explained that staff recommends moving recycling
31 collection in-house, combining the recycling fund into the current sanitation and landfill fund for
32 budgeting and reporting purposes, authorizing the lease agreement with Ace Recycling for the cans,
33 and authorizing the hiring of two new full-time employees beginning December 1st.

34 After asking a few questions, Councilmembers thanked Mr. Benson for his work and said
35 they felt this proposal would be a benefit to the City and the residents.

36 Councilmember Bell made a motion to approve the in-house recycling proposal and its
37 components as presented by Mr. Benson. Councilmember Price-Huish seconded the motion. The
38 motion was approved with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting
39 “aye.”

40 Mayor Harris explained that the City has a policy that rewards employees who find tax
41 savings for the City and asked that the Council consider awarding this to Mr. Benson for his idea.

42 Councilmember Bradshaw made a motion that staff explore the awarding of the incentive to
43 Mr. Benson and Councilmember Bahr seconded the motion. The motion was approved with
44 Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

1
2 **CONSIDER APPROVAL OF ORDINANCE 2022-09 AMENDING THE DEVELOPMENT**
3 **PLAN FOR RENAISSANCE LOT 11 – MR. FRANCISCO ASTORGA**

4 Mr. Francisco Astorga explained that Lot 11 of Renaissance Towne Center is being changed
5 to townhomes with a non-residential space instead of apartments with a parking garage, and this
6 change in the development plan constitutes holding a public hearing for the legislative amendment to
7 the plan.

8 Mr. Astorga went through the proposed changes from the Planning Commission for the
9 development plan. The Planning Commission asked that the developer create a better transition in
10 heights between the townhomes and the tower on the corner, and the developer agreed. He explained
11 that the Planning Commission was divided on the minimum setback for the townhomes along Main
12 Street; three commissioners voted for a 10' setback and three voted to keep the 20' setback. The
13 developer, Mr. Brian Knowlton is asking for a 10' setback. The Commission then unanimously
14 approved a recommendation for a 15' setback. Mr. Astorga continued that Staff recommended
15 removing the four townhomes in the middle of the site, but the Planning Commission did not agree
16 with that recommendation. The final recommendations for the developer consisted of having more
17 architectural details and windows on the tower and a heavy use of brick, for aesthetic purposes.

18 Councilmember Bahr asked Mr. Lloyd Cheney why he recommends keeping a 20' setback for
19 the Main Street townhomes. Mr. Cheney explained his personal opinion that a 20' setback for
20 residential properties on a busy street is still too close, especially when the intended outcome is to
21 create a nice, walkable area. His other concern is accessing the utilities, saying that a short setback
22 will make it more difficult for City crews to do maintenance work without causing damage, and
23 perhaps even put private property in jeopardy in the event of a water line break. After some
24 discussion, the Council asked to hear from the developer, Mr. Knowlton, about the request for a 10'
25 setback and other questions that were asked.

26 Mr. Knowlton said the reasoning behind having a 10' setback for the three units on Main
27 Street is that those three units are only two-stories above street level, making a shorter setback just
28 fine. He added that the three feet between the sidewalk and the back of the curb and gutter is where
29 the gas line is located. He said the water line is in an eight-foot strip of land the City owns on the
30 property-side of the sidewalk. Which means that the 10' easement is only being used for the power
31 lines and all the requirements for spacing are being met. He feels the fear that crews will do damage
32 to private property is unfounded and he complimented the City for their excellent crews. He added
33 that after all the easements and setbacks add up, the buildings end up being 23' away from the street,
34 which is a long way. Mr. Knowlton said that pushing the setback farther in would mean making the
35 driveways on the backside of the buildings smaller than required by code and would cause problems.

36 Mr. Knowlton then addressed the recommendations for brick use and windows. He explained
37 his reservations about requiring brick as the primary material, saying he would like to leave that up to
38 the architect to be determined in the site plan. He also said that some of the proposed windows on the
39 tower cannot be done, due to the placement of the firewall, but that they will have some windows
40 there. He asked it to be on the record that he does not like the bold paragraph included in the staff
41 report on this item which is on page 54 of the City Council packet. He added that keeping the four
42 townhome units in the middle are very important for the development and losing them is not an
43 option.

44
45 **A. PUBLIC HEARING**

46 The public hearing was opened at 8:37 p.m.

1
2 No comments were made.
3

4 The public hearing was closed at 8:37 p.m.
5

6 **B. ACTION**

7 Councilmember Bell said that he feels strongly that the setback should not be
8 shortened to 10' because, he feels, in urban areas setbacks should not be tied to building
9 heights and they should be consistent for the entire block. He did say he could approve a 15'
10 setback.

11 Councilmember Higginson said he is comfortable with the 10' setback because of the
12 accumulation of setbacks and easements that add up to more. He also said the four middle
13 townhome units should stay in the plan.

14 Councilmember Bahr said she agreed with Councilmember Higginson's remarks.

15 Councilmember Price-Huish agreed also and said that she is happy to see townhomes
16 added to this site and would like to keep the momentum moving forward on this project.

17 Councilmember Bradshaw made a motion to amend item four in Ordinance 2022-09
18 to read 10' instead of 15' and otherwise adopt the ordinance. Councilmember Higginson
19 seconded the motion. The motion was approved with Councilmembers Bahr, Bradshaw,
20 Higginson and Price-Huish voting "aye." Councilmember Bell voted "nay."

21 **PRESENTATION OF MODERATE INCOME HOUSING REPORT – MR. FRANCISCO
ASTORGA**

22 Mr. Astorga explained that the State changed the reporting process this year and the City was
23 simply required to fill out a form indicating which strategies they adopted. The deadline was October
24 1st. He reported that Bountiful adopted strategies E, F, G and L, but due to HB462 drastically
25 changing the language of strategy L, they omitted it from the report and still met the requirement to
26 have at least three.

27 Mr. Astorga said he would work with the City Manager to schedule work sessions to discuss
28 implementation strategies in order to conform to HB462 changes in the 2023 report.

29 Councilmember Bradshaw added that HB462 was one of the big omnibus bills of the
30 legislative session and that it is an issue worthy of keeping an eye on. She believes the legislature will
31 continue using it to dole out penalties and give rewards as cities choose to comply or not.

32 **CONSIDER APPROVAL OF LOT LINE ADJUSTMENT AT 1848 EAST MAPLE HILLS
DRIVE – MR. LLOYD CHENEY**

33 Mr. Cheney explained that to stay in accordance with State law, a lot line adjustment for an
34 existing subdivision must be brought before the Council now. He said that Mr. Ashworth is the owner
35 of the three lots, which were platted in the 1970s when the foothill zone did not have as many
36 restrictions. He explained that Mr. Ashworth would like to construct a detached accessory structure
37 on Lot 103 and the Planning Commission has forward a positive recommendation for the line
38 adjustment to combine Lot 102 and the remaining portion of Lot 103.

39 Councilmember Price-Huish made a motion to approve the lot line adjustment at 1848 Maple
40 Hills Drive and Councilmember Bahr seconded the motion. The motion was approved with
41 Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting "aye."

1 **CONSIDER APPROVAL OF THE REIMBURSEMENT AGREEMENT WITH THE**
2 **RAINEY FAMILY FOR THE CONSTRUCTION OF EAGLE RIDGE DRIVE – MR. LLOYD**
3 **CHENEY**

4 Mr. Cheney explained that it is exciting to have this item come before the Council and that
5 construction is very close to beginning on Eagle Ridge Drive. The City proposed to the Rainey family
6 that the City complete the public improvements and have the Raineys reimburse the City. The terms
7 and conditions of the reimbursement are in this agreement. The City estimates that the expenses will
8 be \$1.1M, which will be repayable within 15 years depending on their timeline to develop the
9 subdivision. He explained that this agreement will remain with the property.

10 Councilmember Bahr made a motion to approve the reimbursement agreement with the
11 Rainey family for Eagle Ridge Drive and Councilmember Higginson seconded the motion. The
12 motion was approved with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting
13 “aye.”

14 **ADJOURN**

15 Councilmember Bradshaw made a motion to adjourn the regular session and Councilmember
16 Bahr seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw,
17 Higginson and Price-Huish voting “aye.”

19 The regular session was adjourned at 9:02 p.m.
20
21



Kendalyn Harris, Mayor



Shawna Andrews
City Recorder