

Minutes of the BOUNTIFUL CITY COUNCIL

April 25, 2023 – 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 (via Zoom), Richard Higginson, Cecilee Price-Huish
	City Manager	Gary Hill
	City Engineer	Lloyd Cheney
	City Attorney	Clinton Drake
	Planning Director	Francisco Astorga
	Finance Director	Tyson Beck
	IT Director	Greg Martin
	Recording Secretary	Maranda Hilton

Mayor Harris called the meeting to order at 6:01 p.m. and welcomed those in attendance.

BOUNTIFUL FIBER PROJECT UPDATE – MR. GARY HILL

Mr. Roger Timmerman and Ms. Kim McKinley from UTOPIA Fiber presented information about the marketing strategy for Bountiful's fiber project. Ms. McKinley, the Chief Marketing Officer for UTOPIA, explained all of the strategies they will be using to ensure that Bountiful residents know what is coming and help the take rate be high enough to make the project successful. She talked about holding a groundbreaking ceremony, placing construction awareness door hangers, attendance at community events, posting yard signs, sending welcome boxes, creating social media campaigns, and the use of an informational website.

Mr. Timmerman added that the website will be very useful for residents who want to know when their neighborhood will be built out, and that UTOPIA strives to have transparency about the construction process and timelines. Ms. McKinley said residents can reserve a spot through the website at any point and they will receive emails when it is time for their neighborhood to be built-out.

Mr. Timmerman said that UTOPIA will be persistent in marketing, but he expects that the service providers will be doing marketing as well and suggests that Bountiful also create its own marketing campaign.

Mr. Timmerman said that UTOPIA has more construction capacity than ever and they expect the buildout to be pretty fast, if the Council decides to contract with them.

Mr. Gary Hill went through the timeline of Bountiful's fiber project and explained that the City is looking at a bond of \$47M to pay for the project which includes the contract cost and the

1 buyout cost for existing infrastructure and customers. He reminded the Council that the reason the
2 City decided to look into owning a fiber network was to provide a service that is not being provided,
3 and to do so at a breakeven rate. He assured the Council that although some believe the project will
4 never be viable and others think it will be a “cash cow”, he feels very confident that although it will
5 never be a massive revenue generator, it will pay for itself. The City is committed to paying off the
6 debt service as quickly as possible and then putting extra revenues toward reducing the cost of the
7 network.

8 Mr. Hill went on to explain that they will issue an excise/sales tax bond which requires a
9 public hearing and they will make sure it is a very public process. This type of bond will secure the
10 City a much better interest rate and save money.

11 Councilmember Bahr asked Mr. Hill to please explain how he became so confident in this
12 project being a sound investment. Mr. Hill answered that the take rates that UTOPIA partners have
13 seen have been well over 30%, and the take rates for UIA cities within the first two years has been
14 over 35% on average. He said he feels the City’s breakeven take rate is very achievable. Mr.
15 Timmerman added that using Centerville as a comparable city, which now has a take rate of 49.2%,
16 indicates that Bountiful will do really well.

17 Councilmember Bell asked what happens if the take rate is higher than the contracted 40%.
18 Mr. Hill said that the project will make fiber available to 100% of the city and includes customer
19 connections up to a 40% take rate, and anything over that the City pays per installation. The cost of
20 each installation is about \$1,300, but that will be paid for with the system revenues without impacting
21 debt service.

22 Councilmember Price-Huish asked if Mr. Hill felt this service would be a better service for
23 most residents. Mr. Hill said that people who have UTOPIA report experiencing much better
24 reliability than with any other providers, and that the pricing will be about equal to what people pay
25 on average right now.

26 Councilmember Bahr wished to reiterate that even though the bond will be a sales tax bond, it
27 does not mean that taxes will be increased to pay off the bond. She explained that the network and
28 bond will be paid off entirely by subscribers and that the marketplace will still be competitive, and
29 that residents can still choose any provider they want.

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31 The Work Session closed at 6:56 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 (via Zoom), Richard Higginson, Cecilee Price-Huish
City Manager Gary Hill
City Engineer Lloyd Cheney
City Attorney Clinton Drake
Planning Director Francisco Astorga
Finance Director Tyson Beck
Recording Secretary Maranda Hilton

WELCOME, PLEDGE OF ALLEGIANCE AND THOUGHT/PRAYER

Mayor Harris called the meeting to order at 7:03 p.m. and welcomed those in attendance. Ms. Kara Blanchard, Woods Cross HS, sang the national anthem, Ms. Charlotte Murray, Bountiful HS, led the Pledge of Allegiance and Ms. Taylor Donaldson, Flourishing Grace Church, offered a prayer.

PUBLIC COMMENT

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

Mr. Brian Richardson (93 Penman Lane) explained that his neighborhood lost a park 25 years ago for housing development and it was never replaced. He said that he and his neighbors are proposing a park be constructed next to Boulton Elementary school just off Orchard Drive. He feels there is a great need for the park and that many people would benefit from it.

Mr. Gary Davis (2814 South 500 West) thanked the Council and City staff for an enlightening week of budget meetings.

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

CONSIDER APPROVAL OF MINUTES OF PREVIOUS MEETING HELD APRIL 11, 2023

Councilmember Price-Huish made a motion to approve the minutes from April 11, 2023, and Councilmember Higginson seconded the motion. The motion was approved with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

COUNCIL REPORTS

Councilmember Bell did not have a report.

Councilmember Bradshaw did not have a report, but expressed her happiness that she could participate from Washington D.C. via Zoom.

Councilmember Higginson did not have a report.

1 Councilmember Bahr did not have a report but said how much she enjoyed having the high
2 school students here this evening.

3 Councilmember Price-Huish reminded everyone to participate in the Bountiful General Plan
4 update process, and announced the final public open house will be held at the BDAC on Thursday
5 from 6:00-8:00 p.m. She also encouraged everyone to go see the Davis School District art exhibition
6 that will be up until April 29.

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8 **CONSIDER APPROVAL OF EXPENDITURES GREATER THAN \$1,000 PAID MARCH 27**
9 **& APRIL 3 & 10, 2023**

10 Councilmember Bahr made a motion to approve the expenditures paid March 27 & April 3 &
11 10, 2023, and Councilmember Higginson seconded the motion, which passed with Councilmembers
12 Bahr, Bell, Bradshaw, Higginson and Price-Huish voting “aye.”

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14 **HIGH SCHOOL STUDENT RECOGNITION**

15 Mayor Harris welcomed all of the students from the local high schools who came to be
16 recognized. Principal Kapetanov recognized the Sterling Scholars from Woods Cross High School.
17 Principal Hogge recognized Bountiful High School’s Sterling Scholars, the girls’ drill team, the
18 National Merit finalists and students who received Seals of Biliteracy. He also made mention of the
19 E-Sports Mario Kart team, the girls’ basketball team, the girls’ volleyball team, the hockey team and
20 the girls’ soccer team for their respective accomplishments.

21 Mayor Harris thanked them all for coming and expressed how amazed she is by these students
22 and their accomplishments.

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24 **CONSIDER APPROVAL OF A FIVE-YEAR COMMERCIAL LEASE AGREEMENT WITH**
25 **FIIZ DRINKS HOLDING LLC – MR. FRANCISCO ASTORGA**

26 Mr. Francisco Astorga explained that the lease agreement with Fiiz Drinks at Town Square
27 will be for five years and specifies a rent of \$2,000 per month or 6.5% of gross sales tax generated,
28 whichever is greater. He added that there is one amendment to the agreement, which specifies that
29 standard hours of operation for the summer season will be from 10:00 a.m. until 9:30 p.m., and
30 standard hours for the non-summer season will be from 4:30 p.m. to 9:30 p.m. Monday through
31 Friday, and 12:00 p.m. to 9:30 p.m. on Saturdays.

32 Councilmember Bahr asked when summer hours begin and end. Mr. Astorga said that it will
33 correspond to when the water feature at Town Square is operational (May through October),
34 however, they may experience staffing issues after school begins and need to adjust hours before
35 October.

36 Councilmember Bradshaw asked if the agreement should be amended to show that Fiiz will
37 be open during both Food Truck League nights each week during the summer. Mr. Astorga said he
38 could add a clause to accommodate that request, however, the Food Truck League’s additional night
39 is a pilot program, and they are unsure if it will continue the entire season, so he does not want the
40 language to be too specific.

41 Councilmember Bell made a motion to approve the lease agreement as written and including
42 the amendments proposed by Mr. Astorga and Councilmember Price-Huish seconded the motion.
43 The motion passed with Councilmember Bahr, Bell, Bradshaw, Higginson and Price-Huish voting
44 “aye.”

CONSIDER APPROVAL OF A LOT LINE ADJUSTMENT FOR LOT 208, LOT 209 AND THE CITY-OWNED PROPERTY LOCATED AT 4316 SOUTH SUMMERVIEW CIRCLE AND 4322 SOUTH SUMMERWOOD CIRCLE – MR. LLOYD CHENEY

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

CONSIDER PRELIMINARY APPROVAL OF THE BEMENT SUBDIVISION LOCATED AT 1400 EAST CANYON CREEK DRIVE – MR. LLOYD CHENEY

Mr. Lloyd Cheney explained that this request is for a one-lot subdivision in the foothill zone. The 71-acre property has been undeveloped for decades, but staff feels that the cul-de-sac and road extension that were built to support the Canyon Creek Drive trailhead would accommodate the proposed two-acre subdivision as well. He said that the applicant’s engineer has determined that the average slope of the lot requires a lot size of at least two acres and the applicant is lucky to have enough buildable land on the lot for this development to work. Mr. Cheney went on to explain that all street improvements will be required to be dedicated as public right-of-way. An extension of utilities intended to serve a restroom at the trailhead will also serve the new subdivision.

Councilmember Bell asked if the utilities would need to be upgraded in any way in order to serve both the trailhead and the subdivision. Mr. Cheney said it would not be necessary to upgrade it, that there is plenty of capacity.

Mr. Cheney explained that one issue with the property is the serving of culinary water to it. Due to its altitude, getting the minimum water pressure required by state law (40 psi) will be a challenge, and staff has recommended that Mr. Bement locate the house within a certain area on the lot and that he install additional equipment (pump and booster tank) if the house is taller than one story. These precautions will help the home have adequate water pressure. He said that most of the homes nearby deal with the same issue.

Mr. Cheney explained that subdivisions in the Foothills Zone are required to obtain a conditional use permit and are required to provide a second access. However, staff has looked at the second access requirement and recommends that the applicant apply for a variance for relief from that requirement. He explained that the extension of the roadway provides adequate access to Mr. Bement’s lot and there is no way to create a second access.

Councilmember Price-Huish expressed her hesitance is granting a variance to the requirements, as it may set a precedence for future applicants.

Councilmember Bradshaw asked if the water pressure improvements were paid for by the applicant or if the City was responsible for those. Mr. Cheney said the applicant would be responsible for those, and that Mr. Bement is fully aware of the circumstances.

Councilmember Bradshaw asked who would bear the costs of extending utility infrastructure to additional lots if they choose to develop more lots in the future. Mr. Cheney said the developer would pay for it all, as is the case with every subdivision.

Councilmember Bell asked if the developer could develop more lots on this property. Mr. Cheney said he feels it is highly unlikely. Mr. Clinton Drake added that staff has been very clear with the applicant that they do not think there is another buildable lot on the property.

Councilmembers Bell and Price-Huish expressed concerns about not having a second access if more lots are built in the future. Councilmember Higginson said he feels comfortable with the granting of the variance based on staff’s assessment.

1 Mr. Francisco Astorga added that this is just a preliminary subdivision approval, and that it
2 will go back to the Planning Commission for final subdivision approval. After that it will come back
3 to the City Council along with the variance and conditional use permit approval.

4 Councilmember Bell made a motion to grant preliminary approval to the Bement Subdivision
5 with the conditions outlined in the staff report and Councilmember Higginson seconded the motion.
6 The motion passed with Councilmembers Bahr, Bell, Bradshaw, Higginson and Price-Huish voting
7 “aye.”
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9 **ADJOURN**

10 Councilmember Bahr made a motion to adjourn the regular session and Councilmember
11 Higginson seconded the motion. The motion passed with Councilmembers Bahr, Bell, Bradshaw,
12 Higginson and Price-Huish voting “aye.”
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14 The regular session was adjourned at 8:04 .pm.
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Mayor Kendalyn Harris

City Recorder