

KAYSVILLE CITY COUNCIL  
PUBLIC HEARING  
February 7, 2019

Minutes of a Public Hearing held February 7, 2019 at 6:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center to consider the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Zoning Administrator Lyle Gibson, City Recorder Annemarie Plaizier, Amy Taylor, Sue Tice, Megan Mehr, Aaran Mehr, Janeel Henderson, Cam Preston, Doug Farr, Tommy Marcheschi, Bart Winward, Carson Ridd, Gus VanBrocklin, Seth Winward, Gary Rigby, Treygan Redington, John Pruess, Henrik VanBrocklin, Caleb Burton, Milo Andrus, Alan S. Bachman, Spencer Prince, Craig Larsen, Matt Briggs, Valerie Briggs, Darin Hammond, Brian Bolinder

**VACATION OF 0.14 ACRES OF RIGHT-OF-WAY ON 100 NORTH STREET AT APPROXIMATELY 650 EAST**

Lyle Gibson explained that in May 2017 the Kaysville City Council voted to approve the vacation of a portion of 100 North Street subject to final plat approval for the proposed Whisper Hollow Development. Since that time litigation has ensued from neighboring property owners in regards to the subdivision and the vacation of the right-of-way. At the behest of the court, Kaysville City has been asked to re-notice a public hearing and reconsider this street vacation. In accordance with this request, the City has received a new petition to vacate the street right-of-way and has sent notice as outlined by the court to all property owners within 300 feet of the right-of-way- in consideration. Mr. Spencer Prince is the developer and owner of the property at the east end of 100 North Street. Currently the pavement terminates but the right-of-way continues for another 200 feet or so. Mr. Prince has the property on the north and south sides of the right-of-way. The property being considered for development extends past the paved street about 147 feet. There is still another 50 feet or more of right-of-way east of that. If vacated, the right-of-way would go to the properties fronting the street to the north and south. The Briggs family also owns the property on both sides of the right-of-way on the east end and would acquire a portion of the vacated right-of-way, with Mr. Prince acquiring the other portion. It is required that when vacating a street, right-of-way, or easement the legislative body shall hold a public hearing to determine whether good cause exists for the vacation, and the public interest or any person will not be materially injured by the proposed vacation.

Mayor Katie Witt opened the Hearing.

Spencer Prince commented that he bought this property about two years ago and since then has

been attempting to find a way to develop it. The vacant parcels surrounding 100 North Street are not large enough to be developed on their own, and 100 North Street terminates into a dead end. Therefore he is requesting to vacate the road so that all of the properties here can be better utilized.

Alan Bachman said that he is the legal representative for the Briggs who own the property to the east abutting this road right-of-way. As mentioned, there has been litigation regarding this matter and it is still under the jurisdiction of the court. The Briggs are requesting that instead of vacating the street that the Briggs still be allowed access to that right-of-way.

Doug Farr said that he is the legal representative for the Taylors' whose property abuts the Prince's property to the west. The City Council needs to determine whether any person will be materially injured by this proposed vacation. Both the Taylor's and the Tice's feel that they will suffer damages by this street vacation because it will impact the water drainage. There has been a history of water drainage issues here for many years. There is an irrigation ditch that runs next to the right-of-way and the city built a berm alongside of it to try to help with water runoff. Removing that and the right-of-way will add to the problem. The developer has the burden of showing that the neighbors won't be materially impacted and so far they haven't done so. GeoStrata Engineering provided a report about the project which stated that the drainage or other method of control must be provided for a 100-year storm event, which was not satisfied with the submitted plat. A plan review summary was also provided by Ensign Engineering that commented that the planned detention pond on the plat wouldn't satisfy a 50-year storage volume. Because it is small and being relocated they feel that it will cause further water drainage problems than already exists. Haight's Creek has two eight-inch pipes which feed into this irrigation ditch and if their reservoir is filled over capacity they have the ability to open those up. If that were to happen, the current drainage plan for this development would not be able to handle that additional water capacity.

Cam Preston, with Ensign Engineering, said that he was hired by the Tice's to review the subdivision plans regarding drainage. This subject property currently looks like it was built as a detention pond. The developer has indicated that he plans to pipe the irrigation ditch up to the Brigg's property, but doing so would cut off any access should the city need to do maintenance on the pipe opening to ensure that water is flowing correctly. It will just create problems for drainage on Lot 1 and Parcel 1.

Craig Larsen said that he is a civil engineer and is working with the developer on this development. Currently this right-of-way is a dead end because it ends adjacent to the Fruit Heights city boundary. Vacating the right-of-way will allow the surrounding parcels to be developable. There is no material injury that comes with a right-of-way vacation. We are here tonight for the approval of the right-of-way vacation only, and not the other concerns mentioned. The developer feels that they have come up with good solutions and have tried to work with adjacent property owners. They have property rights just like anyone and want those to be recognized. They have followed the city's ordinances and regulations as directed. The city ordinances does not require a 100-year storm but only a 10-year storm, which they have provided.

Matt Briggs said that he has owned the property to the east of the right-of-way for fifteen years and when he bought it he knew that the City owned this right-of-way parcel. He then spoke with the City and was told that because he owns the property adjacent to it that whenever he was ready

to develop his property the City would likely vacate the property to him. He was also assured that he'd have access to his property from that right-of-way. Mr. Briggs said that he feels that it would be best for everyone involved if the City kept the right-of-way as is. If vacated, the developer would become the owner of the right-of-way property and they have offered to deed Parcel 1 to them in order to give them access to their property. However, Mr. Briggs said he was told he would not be allowed to fence Parcel 1, that he would be expected to maintain the property, pay taxes on it, and accept the liability of owning that piece of property. The city could keep the property, and then give both he and the developer access off of the right-of-way. The neighbors have spent the last eighteen months spending thousands of dollars trying to protect their properties and their rights.

Valerie Briggs said that she feels that the developer is motivated by greed and they are not trying to develop the property for the benefit of everyone. Mrs. Briggs said that all she and her husband want is access to their property as promised to them for years by the city. They feel they are being taken advantage of and harmed by this development.

Darin Hammond said that he is the legal counsel for the developer. State Statute 10-9a-609.5 states that the legislative body needs to determine whether good cause exists for this vacation and that nobody will be materially harmed as a result of it. The comments regarding water issues are irrelevant for what is being reviewed tonight. This right-of-way is a dead end road and is not usable for anyone right now because it's not paved and sits vacant. Parcel 1 would grant access for the Briggs to replace the right-of-way. It would give them the access to their ground that they don't currently have as the property sits. Nobody is being harmed by this right-of-way vacation, and nobody is taking away anyone's rights.

Janeel Henderson said that in 1956 her parents purchased the property at 719 East Center Street, and eventually three acres of the bottom half of their pasture was sold to the Briggs. Ever since there has been discussion of developing this property she has been harassed and threatened about selling her property for building. She is concerned about what will happen with the creek, which runs along the south side of her property. They rely on the creek as a water source as well as enjoy the aesthetic aspect of the creek. This property is beautiful and quiet. There is a flooding issue there, but they've dealt with it over the years. The neighbors are here tonight to try to fight to maintain the quality of life they've had on their properties.

There were no further comments or questions from the public. Mayor Katie Witt closed the Public Hearing.

# KAYSVILLE CITY COUNCIL

February 7, 2019

Minutes of a regular Kaysville City Council held February 7, 2019 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Zoning Administrator Lyle Gibson, City Recorder Annemarie Plaizier, Public Works Director Josh Belnap, Parks and Recreation Director Cole Stephens, Andy Hartvigsen, Milo Andrus, Caleb Burton, Henrik VanBrocklin, John Pruess, Gary Rigby, Seth Winward, Gus VanBrocklin, Carson Ridd, Craig Larsen, Darin Hammond, Spencer Prince, Tamra Prince, George Snell, Lydia Westover, Don Westover, Daniel Westover, Tammy Edwards, Jill Dredge, Brian Bolinder, Allan Wursten, Tammy Wursten, Verl Kingsford, Tracy Murray, Maree Funk, Mike Roundy, Valerie Briggs, Matt Briggs, Alan Bachman, Stephen Seelos, Mark Seelos, Ramon Morgan, Craig Jacobsen, Matt Yeates, Chaleh Trujillo, Chris Trujillo, Tyler Jackson, Jeremy Hart, Samuel Saltern, Adam Hart, Ethan Pease, Parker Stone, Curtis Mortensen, Carter Thal, Sean Thal, Jane King, Ethan Burton, Amy Taylor, Sue Tice, Megan Mehr, Aaran Mehr, Janeel Henderson, Cam Preston, Doug Farr, Tommy Marcheschi, Bart Winward, Treygan Redington

## **OPENING**

Opening provided by Council Member Larry Page.

## **RECOGNITIONS AND PRESENTATIONS**

### **PICKLEBALL COURT UPDATE – TAMMY WURSTEN**

Verl Kingsford said that he was asked by Tammy Wursten to come tonight to speak with the City Council about how beneficial having the pickleball courts at Barnes Park have been to not only him, but to the community. Mr. Kingsford thanked the City and everyone who helped provide the opportunity to have them in the city.

Tammy Wursten commented that she met Mr. Kingsford at the pickleball courts when he first started playing the game, and he's now playing in tournaments. Mr. Kingsford had expressed to her that he wanted to write a letter to the City Council to thank them for the courts, and decided to invite him here tonight instead. It's people like Verl who help feed the passion for pickleball both in and outside of the community, and she has seen how it's improved the quality of people's lives. Ms. Wursten thanked the City for their support and effort towards building the pickleball courts. When they first started their fundraising efforts for the courts not many had heard of pickleball and now their courts are constantly filled. Only four of the eight courts are currently lit, and it's

unsafe for these players to play on the unlit courts after dark. They are currently looking for funding to build additional courts, which they feel will help bring more revenue to the city. Last year the Parks and Recreation Department were unable to get the money needed to install lighting on the additional four courts and hope to be able to obtain that this year. Ms. Wursten mentioned that they are having a fundraiser this Friday and Saturday at Bowman's Market to raise money for more pickleball courts and invited all to attend.

DEPARTMENT REPORT, COMMUNITY DEVELOPMENT – LYLE GIBSON

Lyle Gibson gave a report on the Community Development Department, what their department does and what their focus is for 2019. The Community Development Department is one of the smaller departments in the City and have had a lot of changes happen within it over the last year. Both City Engineer Andy Thompson and Secretary Marsha Cook retired after many years of service. We have seen more basement finishes and remodels in 2018 with the shift in the housing market. Most of the businesses licensed by the city are home businesses. The Community Development Department also works with the Planning Commission, who holds their meeting twice a month. In 2019 they plan to continue strategic planning efforts as well start to review and update the General Plan.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items.

Council Member DeCaire asked that the following items be pulled for discussion:

- b. Appointment of Annemarie Plaizier as Kaysville City Recorder.
- c. Appointment of Maria Devereux as Kaysville City Deputy Recorder.
- e. Award of Bid for the Schick Lane Storm Water Project.

Council Member Garn made a motion to accept the following Consent Items:

- a. Minutes from January 17, 2019.
- d. Service Trucks Purchase – Power Department.

The motion was seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Page, yea  
Council Member Garn, yea  
Council Member Barber, yea  
Council Member DeCaire, yea.

The motion passed unanimously.

Council Member DeCaire stated that, in regards to Items B and C, he wanted to publicly congratulate both Annemarie Plaizier and Maria Devereux on their recent promotions, and thank them for their service over the years.

Council Member DeCaire made a motion to approve the appointment of Annemarie Plaizier as Kaysville City Recorder, and the appointment of Maria Devereux as Kaysville City Deputy Recorder, seconded by Council Member Garn.

The vote on the motion was as follows:

Council Member Page, yea  
Council Member Garn, yea  
Council Member Barber, yea  
Council Member DeCaire, yea  
Council Member Adams, yea

The motion passed unanimously.

Council Member DeCaire asked for clarification on Item E in regards to the scope of the storm water project.

Public Works Director Josh Belnap explained that the Schick Lane Storm Water Wetlands project is a joint venture between Kaysville City and the Nature Conservancy of Utah. The purpose of the project is to attenuate inconsistent and extreme flows that are transmitted to Nature Conservancy Property via Kaysville City's storm drain network. The City operates under an MS4 permit with the State of Utah, which allows the City to collect storm water and convey it into pipes and other networks, then discharge it into public water bodies. As that MS4 permit was recently renewed there was a new requirement included called Low Impact Development. This requires more retention and not as much water to leave a site being developed. The major focus with this requirement is water quality. The City saw this as an opportunity to work the Nature Conservancy to find something that works for both parties, while better meeting the requirements of the MS4 permit. This project proposes treating water by routing it through a concrete structure designed to catch debris and trap sediment for removal by maintenance crews. This water will then be routed from the sediment structure to a series of basins for further storage and additional water treatment before finally entering the Great Salt Lake Wetlands. This treatment will also remove heavy metals, nitrogen, phosphorus and hydrocarbons from the water. In the fiscal year 2018 the City pursued a grant with the State of Utah which would cover roughly half of the funding. We were unable to obtain that grant and therefore this project was put on hold until now. Since last year we have been able to make some changes to their plans, and found a way to decrease the estimated cost of the project. After the project is complete, the water basin in the Schick Lane area will be able to taken offline and the city will be able to utilize it for a different purpose.

Council Member Adams asked what the City planned to do with the basin after it's taken offline.

Josh Belnap responded that they have discussed a few options with the Parks Department, but nothing has been decided for sure.

Council Member Adams if the lack of that retention might cause issues elsewhere.

Josh Belnap responded that it shouldn't cause any problems. The Nature Conservancy has said that they can take on our storm water as long as it is being filtered.

Council Member Adams asked about using a less expensive piping system.

Josh Belnap responded the Nature Conservancy will need to be able to cross the pipes in certain areas in order to get equipment across. Those pipes will need to be able to structurally handle the weight of that equipment and therefor at these access point the city will be installing a fusion pipe with a thicker weld.

Council Member Adams asked who is being recommended as the contractor for this project.

Josh Belnap responded that J Rock Construction was the low bidder.

Council Member Barber made a motion to approve the Schick Lane Storm Water Wetlands Project, seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member Garn, yea  
Council Member Barber, yea  
Council Member DeCaire, yea  
Council Member Adams, nay  
Council Member Page, yea

The motion passed with a vote of four to one.

### **ACTION ITEMS**

#### **VACATION OF 0.14 ACRES OF RIGHT-OF-WAY ON 100 NORTH STREET AT APPROXIMATELY 650 EAST**

City Attorney Nic Mills explained that this item was discussed during the Public Hearing held earlier tonight. One of the issues mentioned during that Hearing were concerns about water drainage, however those issues can be addressed during the platting phase of the development. If the City Council decides to approve this vacation tonight, they would need to state their findings of fact and conclusions of law for their approval. Staff feels that those findings of fact would be: that 100 North Street terminates and does not connect to another road at the east end, good cause exists to vacate 100 North Street, no material harm to others would come by vacating the road, vacating the road would allow for the development of this property which would be a benefit to the city, and that access should be granted to the homeowners, the Briggs, to the east. The

conclusion of law would be that vacating the road will not affect any existing access or easements based on Utah Code 10-9a-609.5 in the case South Salt Lake v. Potter 2018 UT 21.

Council Member Barber said that this seems to not meet the stated conclusion of law because it appears that this vacation would affect existing access for the Briggs.

Nic Mills responded that there are explicit easements and prescriptive easements that people have on their properties. The vacating of this road doesn't affect any of those easements that are in existence. It takes the existing road from a public road and distributes it to the adjacent property owners. We are not blocking access to the property by vacating the road. People have the right to access the property, and can still traverse the property.

Council Member Barber asked what kind of stipulations can be put in place to ensure that the Briggs will have adequate access and rights to their property. Can the access be defined as to what it is and how much it would be?

Nic Mills responded that defining that access would be very difficult to define. There are regulations in place that state when something is vacated, neighboring access needs to be provided in the same manner. For instance, if you're vacating a road you can't provide neighboring access via a sidewalk. With the findings of fact, the Briggs would still be given access to their property and this street vacation will not change that.

Council Member DeCaire made a motion to approve the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East with the findings of the City Attorney as outlined, seconded by Council Member Garn.

Council Member Adams said that he feels that the City should keep the right-of-way until we see a use and some engineering that would appeal to all parties involved. Once the right-of-way is vacated any leverage the city has is gone. There are other options to develop the property that would benefit everyone. We shouldn't give away city property without requiring any stipulations of the developer. We could ask them to extend the right-of-way to the Briggs property.

Council Member DeCaire said that he saw this item when he was serving on the Planning Commission. He reviewed it from every angle then and has done the same again now. There seems to be no reason to not approve the street vacation as it will benefit to all parties, and will allow all surrounding properties to be developable.

Council Member Garn said that the vacation simply allows the property to be developed. Providing the most appropriate access to the Briggs property seems to be more appropriately addressed with the development plans.

Council Member Page commented that this is a sensitive deal and there are a lot of legitimate concern mentioned by the residents in the area. Every one of these concerns will be addressed as we go through the development process. This process is in place to help protect all who live in that area.

Council Member Adams said that the right-of-way is a control point for all the flooding issues that occur here. Hights Creek Irrigation pond is classified as a high-risk pond, and sits adjacent to this property. These concerns need to be addressed before the city gives up our leverage by vacating the property. Council Member Adams asked if the plat would be going back through the Council for approval.

Brian Bolinder, with Richards Brandt Miller Nelson, said that he was hired by the City's insurance company as outside council to defend the lawsuit involved with this development. Mr. Bolinder said that the final plat was approved in December 2017 by the City Council. During the legal proceedings, the court asked that their findings of fact and conclusions of law be presented to the Council to support or explain their conclusion of the approval. If those findings of fact and conclusions of law are adopted by the Council, this matter would then likely continue before the court. Since no ordinance was entered following the street vacation in 2017 the court requested that this matter be renoticed, presented in Public Hearing and an ordinance be entered with the findings of fact and conclusions of law to determine whether substantial evidence supports the conclusion made by the Council.

Council Member Barber asked if the Council could request that the plat be resubmitted to them for review.

Shayne Scott responded that the applicant could always bring it back to the Council on his own but we cannot legally require him to at this time since he's already received final plat approval

Council Member Adams asked about the timeframe on when plat approvals expire.

Lyle Gibson responded that approval would expire after twelve months from the date of the Council's approval if a plat is not pursued with the city.

Nic Mills said that in this instance the lawsuit has frozen that expiration because the developer cannot legally continue in the development process.

Council Member Adams asked about the Briggs having access to utilities. There are a lot of things on the table here and there needs to be some criteria satisfied before we make a decision.

Council Member Barber asked why an ordinance wasn't created after the original street vacation approval.

Shayne Scott responded that the original street vacation was approved upon final plat approval. When the final plat was approved, it was an oversight to create the street vacation ordinance as well. This was recognized by the judge and is why we are here reconsidering it again tonight.

Council Member Adams made a substitute motion to table the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East until the city can have a more exact idea of how the property will be developed.

The motion died for lack of a second.

The vote on the original motion was as follows:

Council Member Barber, yea  
Council Member DeCaire, yea  
Council Member Adams, nay  
Council Member Page, yea  
Council Member Garn, yea

The motion passed with a vote of four to one.

## **WORK ITEMS**

### **HISTORIC PRESERVATION COMMITTEE ORDINANCE DISCUSSION**

City Manager Shayne Scott said that at their recent City Council Retreat the Council discussed starting a Historic Preservation Committee. This committee would be a conduit for grants and other funding which in turn could be used for a museum. There would also be other historic preservation activities that this committee would be responsible for that would be a benefit to the city. Staff has compiled the proposed ordinance establishing the committee, addressing the process for adding members to it and outlining their role in historic efforts within the city.

Mayor Witt added that this would be an advisory board composed of seven members. The mayor and a city council member would be participants of the committee, as well as five professional members who are exceptionally interested in the history of Kaysville. The members would be appointed by the mayor and at least five of the members would reside within the city.

Council Member Garn said that this will have no fiscal impact as it would be a volunteer committee and there are many residents who are interested in the heritage of the city.

Council Member Barber asked about public notification for historic sites to be demolished and if there should be public comment allowed beforehand.

Mayor Witt said that allowing public comment on the demolition of private properties could create unwanted problems. The intent of requiring a time frame before demolition is to be able to obtain photographic history before a building is demolished.

Council Member Adams said that the ordinance needs to be clarified in regards to what properties this committee would have jurisdiction over, and if it involves city properties. It should also be clear as to what the process would be for private properties and for city property, if different. Also, in section 107(c), it only gives property owners a one week timeframe to obtain the necessary historic documentation. That timeframe should be extended to thirty days.

Shayne Scott said that if we want to establish rules for how we demolish city property than the Historic Preservation Committee Ordinance is not the place to do it.

Council Member DeCaire made a motion to move this item to an action item with the discussed changes, seconded by Council Member Garn.

The vote on the motion was as follows:

Council Member DeCaire, yea  
Council Member Adams, yea  
Council Member Page, yea  
Council Member Garn, yea  
Council Member Barber, yea

The motion passed unanimously.

#### KAYSVILLE/FRUIT HEIGHTS MUSEUM COMMITTEE COLLECTION REQUEST

Mayor Witt explained that she has been meeting with the Kaysville/Fruit Heights Museum Committee. They have done a lot of work to catalog items from the old library as well as other historic items that have been set aside for many years. The Committee is requesting that the city donate these items so that the Committee can take ownership and preserve them. Their hope is to eventually display the items in a museum. That Committee would like to call the collection the Linda Ross Collection because she was a former City Recorder who collected these items over many years.

Council Member Barber asked if we will have a way to track the items so if the committee were to ever dissolve we would be able to get the items back.

Mayor Witt said that they will have a contract with them that will state that if they were to ever dissolve that Kaysville City would have the ability to take the collection back.

Council Member Barber commented that she hopes that more citizens might be willing to donate historical items as they see there is an organization and place where they will be taken care of.

Council Member Garn made a motion to move this item to an action item.

Council Member Adams asked if there were items in the Zions Bank vault.

Mayor Witt said that the LeConte Stewart paintings that were located in the old library were moved to the Bank's vault so that they may be kept safe until we have a place to put them.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Page, yea  
Council Member Garn, yea  
Council Member Barber, yea  
Council Member DeCaire, yea

The motion passed unanimously.

AMENDMENT TO THE AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF LAND BETWEEN KAYSVILLE CITY AND COMPASS HOLDINGS DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT, LLC

Lyle Gibson explained that the subject property is located just east of US 89 and has previously been approved for annexation by the City Council subject to terms of the original development agreement. More specifically a portion of that property has been under review for development as the Orchard Ridge Subdivision. During subdivision review, additional engineering details and external factors have given reason to consider amendments to the original agreement. First, Kaysville City (among other jurisdictions) has been contacted by Weber Basin Water District requesting that development occurring east of the highway not be serviced by secondary water systems. Furthermore, as utility providers have reviewed the proposed plans, their requirements for placement of their lines have forced a change in the profile of the public street right-of-way. Through the preliminary plat process, it was determined that the developer would only be required to install sidewalk on one side of the public streets in the development. However since they will be required to bring the right-of-way to grade the same as if there were sidewalk on both sides to accommodate the needs of utility services, the amended agreement asks that sidewalk be installed on both sides of the public street. Finally, some additional language has been added to ensure that access to the newly proposed water tank facility is in place and maintained through all phases of development.

Council Member Adams asked about Sections 4.1.2.1 and 4.1.3.2 regarding the payment schedule and asked why the city is shouldering costs.

Nic Mills responded that those are provisions that the City's already agreed to and is not what is being recommended for amendment tonight. We can only change that if the developers were to agree to a renegotiation.

Council Member Adams said that in Section 4.1.3.1 it discusses the owner being responsible for costs of the pump, pump-house, and piping connected to the water-tank, and asked if that includes covering the engineering costs.

Shayne Scott responded that in the agreement it states that the developer is responsible for any costs not reimbursed by UDOT, including the costs to install a pump, pump-house, piping and any other associated improvements connected with pumping and delivering water to the water-tank. Whether or not they are reimbursed by UDOT, they are responsible for all the costs associated with the tank.

Council Member DeCaire made a motion to move this item to an action item.

The voting on the motion was as follows:

Council Member Page, yea

Council Member Garn, yea  
Council Member Barber, yea  
Council Member DeCaire, yea  
Council Member Adams, nay

The motion passed with a vote of four to one.

#### REVIEW OF SERVICE LINE WARRANTIES OF AMERICA AGREEMENT

Mayor Witt said that this item has been previously discussed by the City Council as the City was introduced to a Service Line Warranty Program. The program was free to the city and allows residents to insure the water service lines that are used to deliver city water service, but are not the responsibility of the City to repair if they leak or are damaged. The City agreed to participate in this program, which included allowing Service Line Warranties of America to use the City's logo on their correspondence sent to residents. The first mailer recently was sent out, and resulted in much confusion from the residents. This has caused us to ask if there is something we could do to better explain the program to residents. The city has signed up for three years with this company, and have two years remaining. There will be another letter going out to the residents soon and there needs to be clearer communication to our residents.

Council Member Garn commented that many people have to replace their sewer or water lines and it's very expensive. There was a lot of confusion with the first mailer that was sent out, but we can improve the communication process and give this program a chance to work.

Council Member Barber commented that this is a good program for the city, and educating and communicating with the residents about what the program is important. The comments and questions we've received shows that we need to do better, but we also need to be careful about who we allow to use the city's logo and how they use it. The letter that was mailed out looks very similar to city correspondence and would like to see the next mailer formatted differently.

Council Member DeCaire said that communication is key and agreed that the city shouldn't give up on this program. We just need to have a better way of broadcasting things to the public.

Council Member Adams said that when this program was first presented to us it the coordinators mentioned that the city would be able to scrutinize the information sent out and asked if that was done before the first letter was mailed.

Shayne Scott responded that it was. Mr. Scott commented that he had spoken with the company recently and they are willing to modify their next mailer so that it's better clarified that they are an independent company providing this service.

Council Member Barber said that there was an insert also sent in the mailer which had the city's logo on it as well as a number that residents could call for more information or to opt out of future mailings. Council Member Barber said she feels that this insert was well done and was a proper use of the city's logo.

Katie Witt said that when she first heard about this program she spoke with other cities who had participated in it and felt that it was worth pursuing. Water is a finite resource and if there's ever a water break we are losing water. It is catastrophic for these families who aren't expecting it and the program would be beneficial.

### **CALL TO THE PUBLIC**

There was no public comment.

### **COUNCIL MEMBER REPORTS**

Council Member Page commented that the legislature is currently in session and there are a lot of land use changes that will likely pass, and it might create some tough decisions for many cities.

Council Member DeCaire said that the Power Commission held a meeting this past Tuesday, February 5, 2019 where they introduced the new members of the board.

Council Member Barber reported that the Parks and Recreation Department are already busy planning the city events for 2019. There is also a public information meeting that will be held on Monday, February 11 at 7:00 to discuss fiber-optic service options and answer any questions.

Council Member Garn said that this spring the Public Works Department will be working toward improving certain sidewalks and streets within the city, and urged the public to be patient as these projects move ahead.

Mayor Witt commented thanked the Council for attending their recent City Council Retreat. It was very productive and a lot of planning took place for the upcoming year.

### **ADJOURNMENT**

Council Member Page made a motion to adjourn the meeting at 9:02 p.m., second by Council Member DeCaire.