

KAYSVILLE CITY COUNCIL  
March 19, 2020

Minutes of a regular Kaysville City Council meeting held on March 19, 2020 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, Utah.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams (via phone), Council Member Michelle Barber, Council Member Andre Lortz, Council Member Tamara Tran (via phone), and Council Member Mike Blackham

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Secretary Heather Nielsen, Information Technology Assistant Jordan Hansen, Police Chief Sol Oberg, Public Works Superintendent Josh Belnap

**OPENING**

Council Member Blackham opened the meeting.

Mayor Witt commented that because of the recent outbreak of the COVID-19 they have had to restrict the number of attendees to ten. This has meant that they have not been allowed the public to attend the meeting in person, and therefore has been allowing comments to be taken via email previous to the meeting.

**DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

**CONSENT ITEMS**

Council Member Blackham made a motion to accept the following consent items:

- a. Approval of the Minutes of February 20, 2020.
- b. Approval of Agreement with UDOT for East Frontage Road (EFR) infrastructure work – Public Works.
- c. Approval of Agreement with UDOT for West Crestwood Tank Reimbursement – Public Works.

The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea

The motion passed unanimously.

D. AWARD OF BID FOR THE CONSTRUCTION OF A 1.0MG WATER TANK LOCATED ABOVE THE ORCHARD RIDGE DEVELOPMENT, AND CONSTRUCTION INSPECTION SERVICES – PUBLIC WORKS

Josh Belnap explained that as part of UDOT's Highway 89 project, the new East Frontage Road (EFR) will require the demolition of the west Crestwood water tank. The City has designed a replacement tank to be installed on the east end of the Orchard Ridge development, and UDOT and the developer have agreed to cover the costs associated with the project. The City pre-qualified contractors, and then bid for the project. The low bidder was FX Construction with a total of \$3,528,330. This total includes the portions of the funds reimbursed by UDOT and the developer. In addition to awarding the bid for construction, Public Works does not have sufficient experience on such work to internally manage the construction inspections for this project. For this reason the city is also wanting to enter into a contract with the design engineer, Sunrise Engineering, to perform these duties and help in overseeing portions of the overall project. The City is able to handle overseeing and inspecting the pipeline work. This amount is \$93,300, and would also be covered by UDOT and the developer.

Council Member Blackham commented that with the construction of the water tank there will also be a waterline installed. A section of that waterline is going to be located in the same area as of the roadways within the Orchard Ridge development. The grades on the south side of this project do not match the grades of the adjacent property. When this property entered into a development agreement it was with the stipulation that there be two access points to this property on the south side. Our ordinances require that the street arrangement, including access points, of developments shall not cause unnecessary hardship to adjacent property owners. The existing grade and the planned finish grade will have a difference of about ten feet above the other. In order for the adjacent owner to even match the grade of the new road, it would take hundreds of loads of dirt, which is unreasonable. We need to carefully review the construction and grading of this road.

Josh Belnap said that there have been concerns raised by the adjacent property owners to the developer about impact to their property and their future ability to develop their property. We have reviewed this issue and feel that there will be a way to work on the language of the document in order to address the grading issue of the road, while still not holding up the construction of the water tank itself. This item tonight would award a bid to allow staff to execute the contract with a party or parties, while still being able to work on that contract to adjust the language in order to address the concerns of both sides. We want to be respectful and cognoscente of the adjacent property owner, as well as the developer of the Orchard Ridge Development.

Council Member Blackham commented that in this area where the private road is being proposed there are some irrigation structures used by the adjacent property owner to access that irrigation water. Also, there will be other properties above this that will also take access off of this road.

Josh Belnap responded that the property owner to the south has expressed some concerns about the irrigation system as well and they want to continue the use that has been existing prior to the

project. There are city ordinances that address some of those concerns, but we want to continue to work together to find something that will work for both parties. This proposed road will be part of the Orchard Ridge Subdivision and is being discussed now because we are requesting to use it for construction access for the water tank and waterlines. Eventually it will serve as a permanent road for the residents and for maintenance on the tank site.

Council Member Barber commented that she feels that there might be too many unknowns and feels that the grading and roadway access concerns should be addressed before the bid is awarded.

Council Member Adams agreed that there seems to be questions that need to be answered before we approve this. Council Member Adams added that he had received emails from adjacent neighbors expressing their concerns about this project.

Nic Mills said that this item is to award the contractor the bid if we want them to build the water tank. When we are ready to have the road engineered, the city will then ensure that the contractor does it to make the property accessible to both this property and to the property to the south. We won't know that the grading difference will be until it's engineered fully.

Council Member Tran asked if there is a way to make sure that these concerns are addressed and still award the bid.

Council Member Blackham said that they could award the bid with the stipulation that the grading and irrigation concerns be addressed before construction of those items.

Josh Belnap said that this is a unique construction project because of the layout of the subdivision, but also because it the construction of a water tank. We aren't working with typical existing roadways and infrastructure. This has been a very long process starting even before the annexation of the property. There have been some unique things and many nuances about this development that has made it a challenging review process. But we are trying to look to the future to make sure we don't have impacts to the adjacent properties.

Council Member Adams said that this is the only time we will be seeing this, and as a Council we are representing the people so we need to make sure that the people's voice is heard.

Council Member Barber asked about the cost of the road.

Josh Belnap said that the cost of the road is included in the bid with the cost of the water tank project.

Council Member Blackham made a motion to accept the Award of Bid for the construction of a 1.0MG water tank located above the Orchard Ridge Development and construction inspection services, with the stipulation that the irrigation structures and the road elevation be constructed at the grade of the adjacent property as much as possible. The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea

The motion passed unanimously.

#### E. AWARD OF BID FOR ASPHALT SEAL COAT SUBCONTRACT – PUBLIC WORKS

Josh Belnap explained that Public Works has bid out a contract to install 560,000 square feet of preventative maintenance seal coat. Prior to any preventative treatments, all of the cracks must be sealed and any asphalt patching done. The City's streets department is comprised of four individuals to perform this work, and they end up only finishing about seventy-percent of all the asphalt repair needed in a given year. For that reason, crack seal and asphalt repair was included in the bid. These staff members will then be utilized elsewhere to help their department get further with other responsibilities. Staff advertised the bid with the potential to operate as a multi-year contract and with optional renewal years. Other cities have adopted this approach with some of their more routine maintenance tasks, and Staff feels it will help to be able to lock in good pricing, streamline the process, and have a better ability to take advantage of winter work. The first optional renewal year, 2021, would keep the same unit prices, and allow for a discussion on minor pricing adjustments if extended for another year after that in 2022. Staff doesn't anticipate extending beyond 2022, and instead re-bidding the contract again after that, to ensure best pricing and to allow for other products that the city may decide to use. Staff has estimated about \$210,000 for the project and two bids were received. The low bid was for \$212,580, but the bidder's material submittals did not meet the bid requirements that were advertised. The other bid from Morgan Paving did meet the submittal requirements, and came in at \$227,050. Therefore Staff is proposing that the city award the bid to Morgan Paving. These funds were budgeted for in Fiscal Year 2020.

Council Member Lortz said it seems that we are getting the best value for what we are looking for.

Council Member Barber asked if through the procurement process Staff had documented the reasoning behind why specific bids were chosen.

Nic Mills said that we have explained our reasoning before when there has been concerns brought up. We would need to review our procurement policy, but Mr. Mills said that the city doesn't have to document their reasoning in every case.

Council Member Lortz stated that he hopes that residents understand that Staff went through a thorough process to get to this point to make this recommendation. They look at what will work best for the city and presents the Council what will give the city the best value.

Council Member Lortz made a motion to accept the Award of Bid for asphalt seal coat subcontract, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea

The motion passed unanimously.

### **ACTION ITEMS**

#### **AN ORDINANCE AMENDING PROVISIONS OF THE KAYSVILLE CITY CODE REGARDING PARTICIPATING IN MEETINGS BY TELEPHONE**

Nic Mills explained that currently the City Code establishes a procedure whereby the City Council can conduct telephonic meetings. This ordinance amends that code section and allows greater latitude in holding these meetings. Notably, it expands this authority to all public bodies, allows for technology other than a telephone, and eliminates some of the self-imposed restrictions. Mr. Mills added that the Council had only received one comment in regards to this proposed amendment.

Council Member Adams commented that this would just be used in emergencies, and asked if the ordinance reflected this.

Nic Mills responded that it states within the ordinances that this would only be used in an emergency or when the Council cannot have a full quorum present.

Council Member Tran asked if the ordinance specifies who would make the decision on when these electronic or telephonic meetings would take place.

Nic Mills responded that it typically would be the Mayor who would make that decision, and they would amend the language of the ordinance to specify that.

Council Member Blackham asked if this ordinance supersedes the Utah State Code.

Nic Mills responded that it does not.

Mayor Witt asked if a device could be considered as an anchor location.

Nic Mills responded that under the current executive order recently issued by Governor Herbert, a city could consider an electronic device as the location. However, under normal circumstances entities are required to have a physical location where the public would be able to assemble and comment within the meeting. That, of course, is not allowed today because of the COVID-19 restrictions. Under normal circumstances, should an electronic meeting be held there would be at least one person at the anchor location who would provide the technology so the public could

attend and make comment as usual. The current executive order allows for public comment to be taken via electronic measures instead.

Council Member Barber made a motion to approve an Ordinance amending provisions of the Kaysville City Code regarding participating in meetings by telephone, clarifying that participating will be by electronic communication, and with the addition that the Mayor will determine when these electronic meetings will be allowed. Council Member Lortz seconded the motion.

The vote on the motion was as follows:

Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea

The motion passed unanimously.

## **WORK ITEMS**

### **KAYSVILLE CITY PERSONNEL RULES AND REGULATIONS – CHANGES TO SECTION 3.17 BENEFITS ADMINISTRATION, WAIVER OF COVERAGE**

Shayne Scott explained that the Kaysville City Personnel Rules and Regulations manual requires that all full-time employees enroll in City health insurance plans at the employee level of coverage. Occasionally there are situations where an employee may want to waive coverage because coverage is provided by a spouse or a family member where the employee is covered as a dependent. We have reviewed this with our health insurance provider and they don't believe that with the size of our group that there would be a negative effect on the underwriting of our plan. Staff is recommending that no additional financial allowance be provided for an employee that elects to waive coverage.

Council Member Blackham said that he is concerned that this amendment would allow employees to drop the city's insurance because they've found a better price for insurance elsewhere.

Shayne Scott said that in speaking with our health insurance representative, a few employees dropping off of our insurance won't affect our cost of insurance. We shouldn't be dropping below the one-hundred mark and employees would only be allowed to waive coverage in specific situations.

Council Member Lortz made a motion to move this item to an action item, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Blackham, yea

Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea

The motion passed unanimously.

WEBER BASIN WATER CONSERVANCY DISTRICT SALES CONTRACT WITH  
KAYSVILLE CITY FOR PURCHASE OF TREATED DISTRICT WATER FOR MUNICIPAL  
USE

Josh Belnap explained that several years ago Kaysville City purchased the right to use 286 acre feet of water for the City's future culinary water supply needs. At that time there was no formal agreement in how the water can be utilized and made available when needed. The City is approaching the time when we need to call on the additional water, and Weber Basin desires to formalize the terms of the utilization of the water resource. These terms of this agreement are similar to other water sales contracts with Weber Basin Water. It also formalizes the amount the city will be required to pay for the water.

Council Member Blackham commented that this reiterates how important it is to have pressurized irrigation throughout the city. We are paying around \$650 per acre foot for non-treated water, and about \$247 per acre foot for non-treated water. That is a huge cost difference between the two. In the future when we need more water we will have to pay even more money for the water needed. There was a huge bond that the city went into many years ago when there was only about two-thousand homes existing in Kaysville. Those homeowners entered into an agreement for about a twenty-million dollar bond to put pressure irrigation into the city so they could make sure that they had enough water for drinking and enough for our yards so we wouldn't have to pay that extra amount to put that water in our yards.

Council Member Barber made a motion to move this item to an action item, seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea

The motion passed unanimously.

**COUNCIL MEMBER REPORTS**

Council Member Lortz thanked the Power Department for their hard work after the earthquake that occurred this week. They were great to make sure everything was up and working.

Council Member Blackham asked Josh Belnap to update the Council with the Public Works Department projects.

Josh Belnap said that Public Works has many projects either underway or happening in the near future. They are working with UDOT on the Highway 89, West Davis Corridor, and connector road projects. They will also be working on preventative maintenance, chip-seal, and seal coat on our roads this year. The design of the remaining section of Sunset Drive will be finished shortly.

Council Member Blackham said that yesterday we had an earthquake in the Wasatch Front. The Public Works Department was out in full-force within minutes after the earthquake checking the water systems. If we had had a major water break it could've drained our water tanks. Council Member Blackham said he was glad to see the employees out working to take care of our city, and is grateful for our Staff and all they do.

Council Member Barber said that the Fiber Citizens Panel had their first meeting recently and it went well. It is comprised of a diverse group of residents with different perspectives and experiences. They are scheduling their future meetings, which will be held virtually, and plan to invite residents to participate. The RFP for the fiber project was submitted a couple of days ago and is available to be viewed on the website.

Council Member Tran commented that it's been great to see citizens come together and helping each other during these times of need. This is a great city to live in.

Council Member Adams said that he's enjoyed getting to work with the Youth Council and hearing their ideas.

Mayor Witt said that we are in unprecedented times and going forward things are going to change. This will give us the opportunity to make things better. It is an honor to serve in Kaysville and work with people who are forward-looking and finding ways to connect with our residents. We want to recognize the sacrifices that are being made at this time. We need to try to support our small businesses as much as we can right now.

### **CITY MANAGER REPORT**

Shayne Scott explained that this is a challenging time and we soon will be discussing the upcoming budget for FY 2021. We have been meeting with the city's Finance Director and Department Heads and are proposing to the Council that we use the same budget as was proposed for FY 2020, with some minor adjustments made to it. Times are uncertain and we don't know what is going to happen in the nearby future. We don't know what kind of revenues we will have coming in, especially from sales tax. It doesn't seem that now is the right time to consider any type of increases or allowed in the budget. It might be better to wait until the end of the calendar year, and then revisit the budget again. We currently have scheduled a budget retreat for the Council on April 10, 2020, to further discuss this.

Council Member Blackham commented that he doesn't want to make a decision that would hurt



the city's employees. The city needs to be fair and smart with our money, but we ask so much of our employees. Even recently we've made them go full years without any kind of increase in compensation. The Council needs to wait a month or two before making that final decision. We know that the city runs lean in spending their money and we shouldn't just make a blanket statement right now that says we won't be increasing their compensation this year. If there's any possible way that we could give our employees their cost of living raises, the Council has an obligation to do so.

Council Member Barber added that the Council also needs to discuss if we are having a Truth in Taxation this year.

### **ADJOURNMENT**

Council Member Blackham made a motion to adjourn the City Council meeting at 8:27 p.m., seconded by Council Member Barber and passed unanimously.