

KAYSVILLE CITY COUNCIL  
April 15, 2021

Minutes of a regular Kaysville City Council meeting held on April 15, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

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

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Systems Manager Ryan Judd, Information Technology Assistant Jordan Hansen, Community Development Director Lyle Gibson, Police Chief Sol Oberg, Public Works Superintendent Josh Belnap, Assistant Finance Director Levi Ball, Sargent Lacy Turner, Victim Services Program Director Jennifer Winchester, Detective Josh Steadman, K-9 Advocate “Walter”, Ashford Galbraith, Brenden Mead, Shawn Campbell, Mark Sheffield, Robert Patcheck, Dave Austin, Kevin Page, Stephen Lyon

**OPENING**

Council Member Barber opened the meeting with a thought and led the Pledge of Allegiance.

**PRESENTATIONS AND AWARDS**

**PROCLAMATION TO DECLARE APRIL 24, 2021 AS ARBOR DAY**

Mayor Witt read a proclamation declaring April 24, 2021 as Arbor Day and urged all citizens to plant trees to help promote the well-being of present and future generations.

**DEPARTMENT PRESENTATION, KAYSVILLE POLICE DEPARTMENT**

Sargent Lacy Turner presented the annual report for 2020 for the Kaysville Police Department and gave a summary of some of the activities that occurred in 2020. Sargent Turner stated that Kaysville saw a rise in burglaries in 2020. They also saw a decrease in the number of accidents, which they attribute to people having to work from home because of the pandemic. They had two vehicular accident fatalities, both of which were likely as a result of illegal substance use. They also had two children who were hit within school zones and since then the police department has been working with schools to bring more education and awareness about pedestrian crossing. The pandemic effected the general day-to-day operations of the police department. The officers love to engage in the community and do community outreach, but that wasn’t as possible with the pandemic occurring. Their officers were able to do a lot of online training. The officers that were brought on during the pandemic have had to learn a different way of doing things that were 2020 specific and it will be a challenge to train them to post-pandemic ways and have them relearn some of the ways we operate where we are face-to-face again. They have done more outreach on social media and have posted virtual police tours. The Kaysville Cash program was a great way for our officers to build relationships as well as stimulate our community. They were also able to help

provide families in need with food coupons. Officers were impacted because of the George Floyd incident in May and one of Kaysville's officers was impacted by a false accusation directed towards him and his family. As a result of the accusation, this officer took part of a legislative bill this year that would help officers to be able to charge someone because of their actions online. We have a great community here in Kaysville and our officers feel honored to serve our citizens. We are striving to be better and our community partnerships help to make us better. Our school resource officers work hard with their assigned schools. Officer Benson has been working with Davis Behavioral Health Care Receiving center, which has been a huge benefit to their department to have that partnership. We haven't had many options before this receiving center was put in place, but this provides a free service where people in a crisis have a place to get things under control and work on future care. Sometimes people can come to the center instead of going through the courts. Detective Steadman was selected as the Fraternal Order of Police Officer of the Year for Davis County in 2020. Assistant Chief Ellington received the NAACP First Responders Award in January 2020. Support Services Supervisor Jessica Busk was selected for the 40 Under 40 Leadership Award by the International Association of Chiefs of Police in September 2020.

Mayor Witt added that the Police Department was put under further stress by accommodating the city hall staff within the Police Station during 2020. Mayor Witt expressed appreciation to the department for being patient and understanding in having city hall there.

Jennifer Winchester, Victim Advocate, said that she has presented to the council in the past to give an annual update and as part of being able to continue to have a local grant in order to run the Victim Advocate Services Program. The grant runs for 2 years and she will be reapplying for it soon. During 2020, they were able to serve hundreds of victims in 2020. The highest number of these victims was because of domestic violence, with the next highest being from sexual assault and stalking. Through the grant, they have been able to have funding in help provide training to our officers so they can more adequately investigate these types of cases. It also helped with policy review to improve our response as a department. They also had a training to increase our officers' understanding of the dangers of strangulation, recognizing various signs and symptoms of strangulation, properly interviewing victims on strangulation and documenting it in reports. Detective Steadman was awarded 2020 Officer of the Year, as mentioned previously, for his work as the Department's first VAWA detective. The Davis County Attorney's Office recognized the Department's work to improve response to crimes of domestic violence, sexual assault and stalking. Our soft interview rooms were redone to help with better trauma informed response. This helps to create a space that is comfortable and allows the participant to feel physically and emotionally safe, which can have a significant impact on the interview process. As part of this, we were able to obtain a therapy dog, Walter, to help provide emotional support for victims of traumatic events, as well as witnesses and first responders. We were able to obtain Walter through one of our grants. He is currently in training but will be able to start working within the next few months.

Chief Sol Oberg said that we are a bedroom community where these types of crimes are happening in the home. It has always been a challenge to try to prevent these crimes when they are in the home, but this program has helped us to be one-step closer to helping with prevention. It helps us to have the resources to help get into the home and do better preventative work. This is an area where we have been leading out amongst our peers and is something we are proud of. Jennifer Winchester and Detective Steadman have done a great job with the program. National issues have taken an impact on our local department and there might be some decisions to be made which

would help our department. One need for our department is to staff a training sergeant who would help ensure that we are meeting professional standards and comply with needed trainings. There is a lot going on and the legislature passed some house bills this year, which requires more trainings, and we need someone dedicated to vetting our training and in making sure we are in compliance with our policies and training. Chief Oberg added that they also are in need of someone to do internal affairs investigations. It is very crucial to have someone like this for an officer to talk to and make a deliberate decision on whether we do something or not. They have been working on a strategic plan and have been obtaining a lot of input from officers. They have felt that they have lacked supervision in the patrol division and we don't have tenured officers to help step into these roles. It's unfair to place these young officers into positions on patrol with no supervision or training and expect them to do a very complicated job flawlessly. We are trying to take steps to mitigate some of that short-term, but it's a long-term issue. We also need a mental health coordinator position. Jennifer Winchester has done a lot for the city and we have a great reputation for the Victims Advocate program because of her. She's changed our department and our relationships with many of the victims in the city. There are many mental health issues within the city and Davis Behavioral Health can only do so much. A mental health coordinator would be a liaison with our mental health consumers and would respond to some of the calls. Some of the newly passed legislation says that the police department needs to have this type of mental health person on site at certain calls. This person would also be a resource for other police and fire fighters. This are stressful jobs that can affect behavior and productivity of our staff. We have had two officers that left and two other asked to resign their rank because of the stress. Our younger generation isn't as resilient with stress. We are failing our people in some regards.

Mayor Witt commented that our police department is known for their public outreach and our victims advocate program. We have had officers from around the state call to see if we are hiring because they want to work with Chief Oberg. Mayor Witt thanked the police department for all they do and for investing in our people.

### **DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

### **CONSENT ITEMS**

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

- a. Approval of Minutes of March 4, 2021.

The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed unanimously.

B. A RESOLUTION ADOPTING AND APPROVING THE PARALEGAL JOB DESCRIPTION

Nic Mills explained that the city has recently had some staff turnover which has led staff to reorganize the responsibilities of the Finance and Legal Departments. This proposed resolution would adopt and approve the position of paralegal within the Legal Department, which is a newly created position.

Council Member Barber asked about fulfilling the HR needs of the city.

Shayne Scott responded that an HR position would be filled through the Administrative/Finance Department. Because this paralegal position is new, the job description needed approval.

Council Member Barber commented that the needs for HR in the city is very apparent and we need to hire someone who has experience with best practices.

Council Member Adams made a motion to approve a Resolution adopting and approving the paralegal job description, seconded by Council Member Lortz.

The vote on the motion was as follows:

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

The motion passed unanimously.

C. APPOINTMENT OF NEW KAYSVILLE CITY POWER BOARD MEMBER, ED MIGNONE

Mayor Witt commented that she had interviewed Ed Mignone for one of the Power Board Member openings and is recommending his appointment. We have another seat that we are trying to fill and are still taking applications.

Council Member Lortz made a motion to appoint Ed Mignone as a member of the Kaysville City Power Board, seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

**ACTION ITEM**

**CONSIDERATION OF AN ORDINANCE AMENDING SECTION 17-18-7 “AREA, LOT COVERAGE AND YARD REQUIREMENTS”, OF CHAPTER 17-18 “PROFESSIONAL BUSINESS DISTRICT”, OF TITLE 17 PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY**

Lyle Gibson explained that an ordinance has been prepared at the direction of the Planning Commission to better accommodate potential business development while still providing appropriate buffering to residential zones in the Professional Business (PB) zone district. The PB zone is only allowed along Main Street and 200 North Street, and only for office uses. Very few properties in the city currently have this designation, nearly all of which have been built on. In reviewing a particular site that has struggled to develop, the Planning Commission felt that it would be appropriate to make a change to the zoning district regulations that they feel are appropriate for this particular site as well as other locations which might be considered in the future. The proposed change simply allows new and existing construction to have the same yard requirements, whereas in the current ordinance any new construction is more restricted.

Council Member Blackham made a motion to approve an Ordinance amending Section 17-18-7 “Area, Lot Coverage and Yard Requirements”, of Chapter 17-18 Professional Business District, of Title 17 Planning and Zoning, of the revised ordinances of Kaysville City. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

**WORK ITEMS**

**950 NORTH CONSTRUCTION ACCESS PROPOSAL**

Shayne Scott explained that Farmington Bay Contractors (FBC) is proposing to use 950 North Street, on the border of Farmington and Kaysville, as a Construction Access. Trucks and other necessary equipment would travel on Shepard Lane from the east and would operate as far west as the west side of the “Mink Farm” interchange. FBC would perform subgrade and other road preparation work as well as include road base that would save the project a proposed \$600,000 or more. FBC could be in a position to be the contractor on the construction of 950 North as well. This detail is still being vetted out but, if chosen, Farmington and Kaysville could recognize another significant amount of cost savings on the project in mobilization as well as construction costs per mile that have been negotiated by UDOT for the highway that potentially our two cities

could recognize as well. The street 950 North being used this way would alleviate traffic on other construction access roads in the city as well as in Farmington. Distributing traffic in this way is good for traffic congestion and flow.

Robert Patcheck, with Farmington Bay Constructors, said that allowing 950 North to be a construction access would be a win for both cities as well as the contractor. FBC's joint venture is made up of three major contractors in Utah, giving them a lot of buying power and the ability to buy in bulk quantity, which in turn allows them to get things at lower prices. They hope to be able to negotiate with Kaysville City to give a competitive price in finishing 950 North Street.

Mark Sheffield commented that they are proposing to construct some of the future 950 North project. The 950 North access would come off Shepard and connect to 950 North Street. They would use this route to help bring and excavate materials to the new West Davis Corridor construction project. The biggest challenge they face is getting materials from I-15 to this point. By utilizing this road they would be able to create a good solution for everyone involved.

Shawn Campbell said that currently there is no access to the new corridor between 1525 West and 200 North. There are 6.25 miles between those two access points. That puts a heavier burden on these accesses than the rest of the project. If they were to use the 200 North access route, there are nine signalized intersections that would be impacted along the route. They would also be traveling through the high-traffic 200 North corridor. Utilizing the 950 North access route would alleviate 200 North traffic by over 10%. The 950 North Access Route from US-89 would travel via Shepard Lane and would only affect two signalized intersections. The distance traveled would only be 1 mile on city streets, a much shorter distance, and would result in shorter haul times and 25% less trucks needed to keep up with the project demand. Using the 950 North access would also lessen the miles traveled on Kaysville City streets by heavy trucks by approximately 23,000 miles. There will also be less traffic affecting 200 North Street and \$477,000 in work will be donated by the FBC.

Mayor Witt commented that this proposal makes sense for the region. Many residents, specific those neighbors living north and south of 950 North, have reached out to both Kaysville and Farmington expressing their comments and concerns about this project. What will the FBC do to help mitigate impacts to the surrounding neighborhoods?

Robert Patcheck said that to help keep the dust down they will have water trucks continuously on site. There are also chemical applications that can be sprayed to help keep the dust down as well. Directly next to the stop sign here is the pedestrian rail trail where they will place a flagger to help stop traffic to allow for pedestrian crossing. Additional stop signs will also be used. Mr. Patcheck said that they are trying to take the necessary precautions to ensure that no pedestrian is hurt. They plan to use 200 North in the evening hours and earlier in the day to avoid driving through the neighborhoods during those times. They will also adapt to anything else that comes up. This portion of the West Davis Corridor should be finished quickly.

Council Member Adams asked if the agreement could be changed after approval if other issues come up.

Shayne Scott commented that this agreement can be tailored to how we want it and address what each parties responsibilities would be.

Council Member Adams asked about the contractor meeting with the neighbors.

Mayor Witt said that she feels that the council has heard the concerns of the residents, most of whom have said that they aren't necessarily against having a road there but would like to see any impacts mitigated as much as possible. Mayor Witt asked about the amount of trucks traveling through here.

Robert Patcheck responded that traffic will be heavy for about 8 to 10 months, especially at the beginning and end of the project. The amount of trucks will fluctuate, and they will be driving through here from 8 to 10 hours a day. Traffic speeds will be very limited because the trucks will be stopping at all of the stop signs they will be putting up. They are not scheduled to work on the weekends but may end up working a few to make up construction days if needed.

Council Member Adams said that he hopes the connector roads will help with neighborhood traffic from people who are cutting through here from Farmington Station.

Council Member Barber commented that even if the 950 North access is approved, traffic will still be impacted. However, having the 950 North access will help to make less of an impact to traffic elsewhere. Road construction is never fun to live through but it will be better in the end.

Public Works Superintendent Josh Belnap said that it might sound disingenuous but we appreciate the concerns and feedback that we have received from residents and we are trying to make this work for everyone. We appreciate the FBC and what they are willing to do, not just for Kaysville City, but for the immediate residents who live here. The FBC has said they are willing to do what they can to mitigate any impacts and we appreciate that and feel that they will follow through. They have also said they are willing to look into installing raised medians along here to help with traffic control. The cost savings that the FBC is willing to offer to us in construction will likely help the city to be able to complete another road project. Extensive geotechnical work has been done in this area and it is good to see the infill data. Being able to potentially use their contractors to do work on Sunset and Angel Street will also be an additional savings to the city. Working with the FBC will also help to ensure that this project will both look and function great.

Council Member Barber made a motion to move the 950 North Construction Access Proposal to action item with the request that an agreement be drafted and presented when it comes before the council. The motion was seconded by Council Member Blackham.

Council Member Tran commented that she understands why the neighborhoods would be upset by a decision such as this, but this will benefit our region and will help us to save a substantial amount of money.

Council Member Adams asked that the presentation be posted on the city website.

Council Member Blackham commented that a project of this magnitude will always have negative impacts. This company has brought several of their employees here tonight to discuss this with us and they are willing to listen to concerns and make a proposal that will work for both. This will be a great project once completed and it will benefit the whole county.

Council Member Lortz said that this decision will be a benefit to all of our residents because it will lessen haul trucks on other major roads. If this access weren't available we would be putting a bigger burden on 200 North and other city streets.

The vote on the motion was as follows:

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

The motion passed unanimously.

PROPOSED AMENDMENTS TO TITLE 17, PLANNING AND ZONING, TO CLARIFY WHAT FLEXIBILITY A PLANNED UNIT DEVELOPMENT MAY BE ELIGIBLE FOR, THE PROCESS FOR PERMITTING FLAG LOT SUBDIVISIONS, AND AMENDMENTS TO WHAT IS REQUIRED IN COMMON OPEN SPACE SUBDIVISIONS FOR OPEN SPACE AND AMENITIES

Lyle Gibson explained that in the past there has been some debate on how much power and flexibility the city has when reviewing a Planned Residential Unit Development (PRUD). Staff was asked to review the PRUD ordinance and add some clarity by putting a clear cap on the potential number of homes in a common open space subdivision, not to exceed the density allowed by the underlying zoning district. Staff was also asked to identify items that may be altered by only a limited amount, such as cul-de-sac length, block size, and yard requirements in relation to a street. The changes also require that common open space be improved, with only allowing 30% to include natural areas within the whole development. It clarifies the standards of a private street subdivision and clarifies that the minimum front yard permitted is 20 feet. It also allows flag lot development as a use by right as long as existing criteria such as lot size and frontage requirements are met, rather than continuing to consider them on a case-by-case basis as a legislative decision. By amending this ordinance staff feels that it not only helps to make it clearer to the city but to developers so they know what is expected.

Council Member Tran asked about the reason to change the flag lot language.

Lyle Gibson responded that in the past flag lots requests became highly political and this amendment to the language just makes it clearer on the specific requirements.

Council Member Adams asked about the open space percentage requirement.

Lyle Gibson responded that this amendment doesn't change the need for an open space requirement for PRUD developments, but it gives the city a better way to see plans of what they are doing with that open space and if it's going to be a useable area for the residents.

Council Member Blackham commented that oftentimes developers will request a PRUD type subdivision showing open space areas but with little to no intent of improving those open space areas. They are doing the PRUD for the smaller lots, not the open space. Whatever is approved

by the city the homeowners who live in that benefit will ultimately have to pay for and we need to make sure it will be a benefit to them.

Council Member Barber added that oftentimes the developer would propose certain improvements to the open space and then never install those improvements like they said they would. Then the space becomes unusable and is not improving or beautifying the area. There needs to be some kind of follow-up through the development. The developer needs to show us and define how their open space areas will benefit the community.

Mayor Witt thanked the Planning Commission for their work in reviewing and addressing these concerns and problems.

Council Member Adams made a motion to move this item to action item with the change that as part of the requirements, that it be clearly stated what will be used in open spaces, and how it will benefit the residents.

Lyle Gibson asked at what point the developer would be required to provide those open space details.

Council Member Adams said that he feels it would be most appropriate to see it at the beginning of the process, when the PRUD is being considered for approval.

The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

#### DISCUSSION REGARDING A FIBER LEASE AGREEMENT

#### DISCUSSION REGARDING THE ESTABLISHMENT OF FIBER LEASE RATES

Shayne Scott explained that the City installed a fiber ring in various locations throughout the city in 2017. This ring connected several power substations and other city facilities and provided fiber connectivity for automated reporting, monitoring and other management of these facilities. At the time of installation, conduit and dark fiber were also installed for future city use as well as any other unknown future use that would benefit the City and our residents. An existing local company has recently approached Staff and proposed to lease fiber from the City. Because this lease would benefit not only the city financially but also would potentially increase connectivity in the city for residents and businesses, Staff is proposing an agreement to be entered into with any public or private organization that can meet the expectations and obligations of the agreement. Also included in tonight's discussion are the proposed rates to be associated with this lease. Once

adopted these rates would live in the Consolidated Fee Schedule to be reviewed by the council annual and adjusted from time to time as the council sees fit.

Council Member Lortz said that the Council has reviewed this in a couple of meetings now and has reviewed multiple revisions. Council Member Lortz reviewed the proposed amendments with the City Council and Staff.

Council Member Blackham commented that he feels that a few definitions need to be added to include city or cities, contracted vendor, lessee and lessees. Also, the city shouldn't be contacted if there's a problem with maintenance of the lines, but rather the contracted vendor should be. Kaysville City is only leasing the strands of dark fiber and the city's IT department shouldn't have to deal with being the one to contract the contracted vendor. That should be the responsibility of the contractor. We don't do any of the physical work on the fiber lines. The city should also not be involved in splicing a line.

Council Member Lortz commented that the city wants to control how and who splices a fiber line and needs to be involved. If we remove the city as an option to do work on the fiber lines, then the city could never be able to work on our own fiber. By leaving the city in this document, we are still allowing the city to dictate if the work is done by a contracted vendor or if it's something we could handle on our own.

Council Member Blackham asked if the city had the resources to splice fiber strands.

Information Systems Manager Ryan Judd responded that the cost of the equipment needed to splice a fiber strand has decreased and would only cost the city about \$500. There are also employees on staff now that have experience in splicing fiber.

Council Member Blackham said that the city's responsibility should be leasing the fiber and then have the contracted vendor do the work on the line. It shouldn't be the city's responsibility.

Ryan Judd commented that the city still wants to maintain a lot of control over the fiber, who has access to it, and what is done with it. We want to be a point of contact at every point so we know what is going on.

Council Member Lortz added that the vendor will need to speak with the city to find out which strands they are attaching to anyway, so the city will still need to be involved.

Council Member Tran commented that she would like to see the monetary incentives removed from the agreement.

Council Member Adams said that he liked the idea of incentivizing companies to help to bring fiber to residents, especially those who don't have access to great internet. It would help to benefit our community. It shouldn't be a long-term incentive but just a one time.

Council Member Tran said she'd rather see the wording revised so these are more like expectations than incentives.

Council Member Adams made a motion to move the Fiber Lease Agreement to an action item with the suggested changes as discussed, seconded by Council Member Lortz.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member Lortz said that the Power Commission will be reviewing the pole attachment fee and will be making a recommendation for it to the Council in the near future.

Council Member Adams made a motion to move the Fiber Lease Rates to an action item, with the removal of the pole attachment fee for consideration at a future date. The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed unanimously.

### **CALL TO THE PUBLIC**

Nothing was brought under this item.

### **COUNCIL MEMBER REPORTS**

Council Member Barber said that the city will be having a new park soon between Wellington Drive and Bonneville Drive off of 200 North and the city is asking residents to submit their recommendations for names for the park. The winning name will be selected by the Kaysville Parks and Recreation Advisory Board.

Council Member Adams thanked all those who participated in the Annual Easter Egg Hunt. It was great to see so many come and everyone seemed to have a great time.

Council Member Lortz commented that there is still an empty member seat on the Power Commission and encouraged interested residents to submit their application soon. The Power Commission has been discussing implementing electricity rates based on time usage in Kaysville.

Council Member Blackham commented that Y2 Analytics presented their survey responses at a recent Planning Commission meeting and hopes they will present the results at a future council meeting as well. The information collected was surveyed from random residents and asked very good questions.

Mayor Witt said that there is a coloring contest for the kids going on until April 28<sup>th</sup> and it is open to kids 10 years of age or younger.

### **CITY MANAGER REPORT**

Shayne Scott said that the Council will be meeting for a budget work session this Saturday, April 17. The council will also be attending a conference sponsored by the Utah League of Cities and Towns in St. George next week.

### **ADJOURNMENT**

Council Member Barber made a motion to adjourn the City Council meeting at 9:59 p.m., seconded by Council Member Tran and passed unanimously.