

# KAYSVILLE CITY COUNCIL

April 18, 2019

Minutes of a regular Kaysville City Council held April 18, 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, City Recorder Annemarie Plaizier, Public Works Director Josh Belnap, Brett Tarbox, Andre Lortz, Ramona Porter, Carole Walker, Gloria Lopez, Hector Lopez, M. Cristina Cornejo, Fernando Cornejo, Nicole Gadd, Hailey Gadd, Cannon Gadd, Ashley Adams, Joshua Adams, Aaron Shupe, Todd Smith, David Burningham, Dan Udy, Paul Erickson, Karen Erickson, Dean Wall, Amy Jarman, Michael Arveseth, Eric Isom, Richard Proctor

## **OPENING**

Opening provided by Council Member Garn.

## **RECOGNITIONS AND PRESENTATIONS**

### **PHOTO CONTEST WINNERS**

Mayor Witt thanked those who participated in the photo contest and presented the winners with their awards. Mayor Witt explained that there six winners overall within three different categories.

### **PROCLAMATION DECLARING APRIL 27, 2019 AS ARBOR DAY**

Mayor Witt read a proclamation declaring April 27, 2019 as Arbor Day and urged citizens to support efforts to protect our trees and woodlands, and to support our urban forestry program.

### **UPDATE ON FIBER OPTICS IN KAYSVILLE**

Brett Tarbox explained that he is a resident of Kaysville and works in Information Technology. He was part of the city's Technical Advisory Committee to discuss the city getting fiber to the premises of homes and businesses. A Fiber Internet Feasibility Study is in the process of being completed by the consulting firm. The Technical Advisory Committee met with the consultant and went over some of the initial results of the survey. The response was very good for a mail-in survey. Of the residential response, more than 80% are interested in gigabit fiber internet and they feel that the city should help facilitate better internet. It would be very feasible to do internet in Kaysville, but the question is how to do it. There are a few options for the city, but the two most common models include a subscriber model and a utility model. In a subscriber model, those who

subscribe would pay for the fiber. Having less people subscribed means that the subscribers will end up paying more for the internet. The subscriber model has a high financial risk to the city. The city could probably pursue this model with just an approval by the City Council. The downside is that the success of the project would depend entirely on the percentage of people who subscribe to it. In the utility model everybody will pay something, but they will pay less for internet than in the subscriber model. The financial risk to the city is low in the utility model and it seems to be the better way to go because everyone wins. However, with the utility model we need more consensus from the citizens. Therefore it would most likely need to go to the ballot or a vote of the citizens, which by itself comes with its own risk. The telecoms will invest heavily to try to make sure that a vote for fiber to the home fails a citizen vote. Once fiber to the home is on the ballot, the city cannot sponsor any campaigns which means the push to support it would have to come from the citizens. The Technical Advisory Committee hopes to have the final results of the study from the consultant around the first of May. They would then like to hold another Open House so that the full report will be ready for the Public to review.

Andre Lortz said he is also a resident of Kaysville and also served on the Technical Advisory Committee. This fiber project would have Kaysville facilitate the fiber infrastructure to allow internet service providers to deliver better internet services to Kaysville. Many people believe that free market forces should be allowed to provide internet services to homes. The problem with this reasoning is it ignores the fact that by requiring various providers to install separate connections to homes customers, homeowners will ultimately end up paying multiple times for those installations. This is the primary reason why fiber to the home has not been installed already throughout our city. Companies are not willing to spend the capital without knowing they will get paid upfront for installation costs. So residents are left obtaining services from an unregulated monopoly provider, which is the highest long-term cost to the homeowner, with the lowest customer service levels. Many homes throughout Kaysville have only one broadband option. Those who do have more than one option find that each option has disappointing limitations. Having the city and the homeowners own the fiber network throughout the city allows the city and homeowners to be in complete control over the services provided to them, and can allow for true competition in broadband services to all homes within the city. It would be in the best interest of Kaysville homeowners to own the fiber network. In the utility model, the fiber network is treated like a utility for every home. The subscriber model is a partnership where people opt into the program to share the cost of the infrastructure. There is a third model, the outsource model, or a private company model. The biggest risk in a utility model is the total cost of project. The biggest risks in the other two models are total cost, as well as take-rate, or how many homes will sign up for connection. The most difficult obstacle in the utility model is the inclusion of all homes and businesses to participate in the infrastructure costs, even if they don't have any interest in using the internet services. The estimates of installing the fiber infrastructure throughout the city currently range from 15-30 million dollars. A tighter cost estimate will not be known until a formal engineering study is performed to identify the specifics of the project. There are three components of the cost: the cost for the infrastructure, the cost to operate the infrastructure, and the actual internet service cost. Currently internet services are not taxed. We can learn from other communities, such as Ammon, Idaho, who have created truly open competitive fiber infrastructures. Another concern that has been heard relates to the higher than estimated costs in fiber projects. Fiber infrastructure to the home will play a much bigger role in the future. Internet services will only increase, making fiber infrastructure more vital. In the future, homeowners will

be grateful for the fiber infrastructure. Another concern raised is that fiber is an old technology and we should wait for the next best thing, such as 5G wireless. The one benefit of 5G is it doesn't require any underground installation, however wireless carriers will only be able to deploy 5G networks where they have access to the fiber infrastructure. If Kaysville will want to get 5G services in the future, installing a fiber infrastructure around our city will make this more likely. Plus it could become an additional revenue source to lower the cost of operating the fiber network. Mr. Lortz said that he feels very comfortable recommending that the city continue to pursue a fiber infrastructure project and feels that the utility model presents the lowest risk, lowest cost approach for the project, and the best long-term value for the residents. If the utility model is not supported by the residents, then the city should go with another model in order to allow those wanting to participate in the fiber optic infrastructure.

Mayor Witt stated that she appreciates all those who served on the Technical Advisory Committee and thanked them for their service. They hope to be able to hold another Open House sometime mid-May to share their findings with the public.

### FIRE DEPARTMENT REPORT

Fire Chief Paul Ericson presented a report of the Kaysville Fire Department from the 2018 year and explained that they are a full-service fire department providing services to Kaysville City, Fruit Heights City, the Mutton Hollow Township, and areas of unincorporated Davis County. Our service area is approximately 13 square miles, and has a live-in population of nearly 40,000 residents. They operate out of a single fire station, which is staffed twenty-four hours a day, seven days a week. Currently all of their staff carry the minimum certifications required of their jobs. Many of the firefighters carry additional certifications in specialty areas, some with higher education at the university level as well. We conduct annual training with our firefighters, as well as joint training sessions with surrounding agencies. The Department also conducted 1,020 annual fire inspections in 2018 on commercial and home businesses, as well as food trucks. In 2018 our agency responded to 1,578 incidents. Of those incidents, 1,020 were emergency medical incidents and 558 were fire, rescue, hazardous material, or citizen assist calls. The National Fire Protection Agency Standard gives response standards for fire responses and emergency medical responses, in include response times to these incidents. Agencies should be compliant with these standards 90% of the time. In 2018 the Kaysville Fire Department was compliant with the NFPA standard on 64% of our responses. Operating out of one centrally located fire station has proven to hamper our response times. We are actively looking at options to build additional fire stations in the near and long-term future to help us get to our residents quicker. Also, back-to-back incidents quickly overwhelm our system. We currently only have four firefighters on duty at a time. On most incidents all four duty-crew members respond, meaning we rely on off-duty firefighters coming from home or on the mutual-aid of Farmington or Layton Fire Departments to cover second-out calls. Our hopes is that in the next five years we will be able to add more on-duty firefighters to staff additional units. Last fall we started the build process on a brand new piece of fire apparatus through Pierce Manufacturing. They are hoping to be able to receive the new rescue engine by August 2019.

Mayor Witt thanked the Fire Department for their service and all the hard work they do for the city.

## **DECLARATIONS OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

## **CONSENT ITEMS**

Mayor Witt asked for a vote on the Consent Items, but asked that the following item be pulled for discussion:

- g. Award of Bid for Shepard Lane Gutter and Sidewalk Project.

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

- a. Minutes from the March 7, 2019 and March 21, 2019 meetings.
- b. Power Department Materials Purchase for Underground Sectionalizing Cabinets.
- c. Small Cell Infrastructure Design Standards.
- d. Acceptance of the Utah Department of Environmental Quality Grant for an Electric Vehicle Charging Infrastructure Project.
- e. Acceptance of Improvements for Phases 16A and 19 of the Sunset Equestrian Estates Subdivision.
- f. Award of Bid for 300 East Waterline and Road Reconstruction.

The motion was seconded by Council Member Garn.

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

- a. Minutes from the March 7, 2019 and March 21, 2019 meetings.
- b. Power Department Materials Purchase for Underground Sectionalizing Cabinets.
- c. Small Cell Infrastructure Design Standards.
- d. Acceptance of the Utah Department of Environmental Quality Grant for an Electric Vehicle Charging Infrastructure Project.
- e. Acceptance of Improvements for Phases 16A and 19 of the Sunset Equestrian Estates Subdivision.

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.

## **F. AWARD OF BID FOR 300 EAST WATERLINE AND ROAD RECONSTRUCTION**

Council Member Adams asked about the number of bids that had been received for this project.

Public Works Director Josh Belnap commented that with the 300 East Waterline and Road Reconstruction project they had around ten bids. Staker Parsons was the low bid for the project to replace a faulty and undersized water mainline in 300 East, as well as a subsequent repave after the pipe work is complete. In the upcoming years, this area will continue to be the focus of joint water and paving projects, as these water lines area almost all in excess of 75 years old. The 300 East mainline will be replaced by a larger diameter pipe, as well as all of the service lines to the meters.

Council Member Adams made a motion to accept the Award of Bid for 300 East Waterline and Road Reconstruction, second by Council Member DeCaire.

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.

#### G. AWARD OF BID FOR SHEPARD LANE GUTTER AND SIDEWALK PROJECT

Council Member Adams asked how many bids was received for this project.

Josh Belnap responded that they had received about seven bidders, and Wardell Brother's Construction was the low bid to install curb and sidewalk along Shepard Lane from 50 East to near the Farmington City border. They will also be installing some storm drain piping and repave the road surface from the creek to Farmington. Deferral agreements were signed when the area was initially developed, requiring the subsequent installation of improvements and payment for said improvements. In line with these agreements, the City will be seeking to collect funds from the property owners for the City's cost of just the curb and sidewalk. Payment will be allowed in installments for up to six years, and will not exceed the City's cost for those two items.

Council Member Adams said that he would like to see what the bids were, as well as the plans for the project.

Mayor Witt said that this past week there has been some discussion with the neighbors along Shepard Lane who would like further information about this project. Mayor Witt suggested tabling this item until we can provide that information, as well as receive the information requested by Council Member Adams.

Council Member DeCaire made a motion to table the Award of Bid for Shepard Lane Gutter and Sidewalk Project, second by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed unanimously.

### **CALL TO THE PUBLIC**

Richard Proctor said that this last week Ben Carson, with the Department of Housing and Urban Development charged a social media company with housing discrimination for allegedly allowing those in the housing industry to exclude specific groups from seeing ads for housing. The UN went after Mr. Carson for trying to do the right thing. People don't seem to know what the Constitution of the United States is or what it says anymore. We need to start educating people and start now.

Dean Wall thanked the Council for what they do serving the city. We may not always agree with each other but he is proud to be a citizen of Kaysville.

### **COUNCIL MEMBER REPORTS**

Council Member Garn commented that the Mayor and a few of the Council Members were able to meet with some of the neighbors along Shepard Lane about the improvement project that is planned. There are other road improvement projects planned and construction will likely start soon.

Council Member Barber said that Kaysville's Annual Easter Egg Hunt will be on Saturday, April 20, 2019 at 9:00 a.m. Pioneer Park will also be opening on May 16<sup>th</sup>, and there will be a ribbon cutting ceremony at 5:30 p.m.

Council Member DeCaire said that the Power Commission will hold their next meeting on May 7, 2019 where they plan to tour power substations and the operations center with the Power Department. It will be a good opportunity for the new Commission Members to become more familiar with the city's operations. There will also be a Council Q & A Session on Saturday, April 20, 2019 at 10:00 a.m. at City Hall.

Mayor Witt said that the City Hall remodel is progressing and the Council will be looking at the parameters for the bond at their meeting on May 2, 2019. Mayor Witt thanked the Council Members who will be attending the Utah League of Cities and Towns annual conference on April 24 – 26. The Planning Commission and the Historic Preservation Committee will both be accepting applications starting May 1, 2019. Anyone who might be interested can download an application off of the city website, or pick up an application at City Hall. The Council will also be holding their budget retreat tomorrow, April 19, 2019 at the new Cemetery Office on Crestwood Road.

Council Member Adams commented that in the past the Council would hold their budget retreats in the Council Chambers. Using the Council Chambers not only allows the meetings to be recorded via video camera and would allow more people to be able to attend. It seems that extracurricular meetings are being held off-site more often.

Mayor Witt responded that the city is following the state statute on where meetings can be held, and they are recorded as is mandated. Mayor Witt added that she feels that it's good to change locations as sometimes we can get stuck in the same mentality when we remain in the same place. There is plenty of room for the public to come to the Cemetery Building and attend should they choose to.

### **ADJOURNMENT**

Council Member DeCaire made a motion to adjourn the meeting at 7:50 p.m., seconded by Council Member Garn and passed unanimously.