

KAYSVILLE CITY COUNCIL  
May 21, 2020

Minutes of a regular Kaysville City Council meeting held on May 21, 2020 at 7:00 p.m. with a Special Comment session held at 6:00 p.m. The meeting was held electronically due to Governor Herbert's "Stay Safe, Stay Home" directive, and in line with the City's response to the COVID-19 pandemic. Council Members and City Staff participated live from remote locations, and the meeting was streamed live online.

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

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Recorder Annemarie Plaizier, Information Systems Manager Ryan Judd, Information Technology Assistant Jordan Hansen, Power Resource and Service Manager Bruce Rigby, Parks and Recreation Director Cole Stephens, Sylvia Haro, Brandon Barnedt, Camille Price, Sherri Jamieson, Mindy Smith, Amy Stevens, Nephi Harvey, Kimberly Morrison, Mike Flood, Brecken Cook, Shelly Van Noy, David Bowman, Jessica Rawson, Carson Robb, Sarah Johnson, Jason Sanders, James Salter, Jason Galloway, Blake Landrum, Chad Smith, David Brown, Kara Mullaley, Tom Nyman, Greg Lentz, Dave Adams, Alan Last, Angie Archibald, Becky Ginos, Benjamin Pace, Brandon Mitchell, Gil Miller, Cameron Garner, Debbie Jordan, Eric Jessen, Gary Hoffman, Hazel Parrish, Gary Uresk, Greg Hill, Jackie Petersen, Shelley Van Noy, Randi Von Bose

**SPECIAL PUBLIC COMMENT – 6:00-6:55 P.M.**

Brandon Barnedt commented that he had submitted earlier to the Council the results of a petition he conducted online to have the May 30<sup>th</sup> event at Barnes Park cancelled. He created the petition because there are many people concerned about bringing it to the city during the pandemic. Although it was announced this morning that the event would no longer be taking place in Kaysville, he still wanted to submit the petition to show that it wasn't just a fringe group trying to get the event cancelled, but that there was a good majority of citizens from all over the city who were opposed to the event. Mr. Barnedt encouraged the Council to read the comments made in the petition to see all of the reasons people were opposed.

Camille Price said that recently there was a car crash on Crestwood Road and she is the grandmother of one of the victims involved in the crash. Many families are mourning with the family that lost their loved one in this crash. She wanted to speak tonight about the worry that residents have for those who live along or travel on Crestwood Road. There needs to be more traffic engineering done on the road. Ms. Price added that she was in support of the proclamation on the agenda renouncing support of the May 30<sup>th</sup> event during this COVID emergency. Our city leaders need to have their priorities realigned to focus on the safety of the community.

Sherri Jamieson commented that she appreciated the Council allowing time for residents to make comments tonight, and wanted to thank those Council members who are concerned with the event and for the citizens. The event was for more than just a concert but was a political stunt, and the

citizens were made to be pawns in a game. Mrs. Jamieson said that she would like to see the economy reopen because she owns her own business in Kaysville. But there were many who have expressed concern with the event and is grateful for those who have stood behind the citizens of Kaysville.

Mindy Smith thanked the Council for taking the time to listen to the citizens of the city. There are many residents with immune compromised systems and are at risk if safety guidelines are ignored. This global pandemic has changed everyone's lives. Ms. Smith said she is a local elementary teacher and is looking forward to the day when all businesses can operate at full capacity. People's lives must take precedent over personal gain. If this type of event could be planned in a way to provide a safe shopping venue where social distancing measures could be maintained than it would be a good thing for the city. However, during this time our frontline workers would be greatly affected by an event with 1,000 attendees or more. We need to continue to send the message to our children and others that every life needs to be protected and has meaning. Ms. Smith thanked those who came forward and stood for the city.

Amy Stevens said that her husband is a frontline worker, and it's been hard on their family. As a representative of Kaysville our officials should be concerned that this event, which was a way to bring more publicity to a campaign, has hurt Kaysville. Kaysville has been trashed by many comments and much has been said to hurt our city and our residents. The proposed event was presented full of lies. It doesn't hurt to be overly cautious in this time of the pandemic. Permits are required for a reason; to protect the city and those who attend these events. It seems that permission was granted before all of the impacts resulting from the event could be considered. Our officials were elected to protect the citizens. The Utah Business Revival group is now planning to hold a protest against Kaysville on May 30<sup>th</sup>, and they continue to trash Kaysville.

Nephi Harvey said that he wanted to commend the City Council for being against this despite the Mayor publically demeaning them in the process. Discussion on this event has brought people together within the city, and they would like to see the Mayor step down. If the Mayor would like to run for Congress then she should do it, but if you want to continue to be the Mayor then the focus needs to be on our city and nothing else.

Kimberly Morrison thanked the Council for standing up against the Utah Business Revival organization. Many individuals and businesses are making sacrifices and following the social distancing guidelines. Utah has done well in being prepared against the coronavirus and we shouldn't risk all our work and how far we've gotten. People should have the ability to have the freedom of speech, but this pandemic is real and people are still dying from it. There was concern that having this event would create a spike in our coronavirus numbers and will put a risk to individuals within our community. The UBR organization never planned to do this event legally by obtaining permits. Having the event would take away from other needs of the city and would cost the city money. It doesn't solve the concerns of having the event by just telling people that if you're concerned about the coronavirus to just not attend. City staff and police officers would need to be there and will be exposed to the masses. This exceeds the advised number allowed for a mass gathering. Allowing for a concert will just bring more people to our city. It would create a danger for everyone.

Mike Flood commented that these digital city meetings are more difficult for the older generation of the city and now that we have been allowed to have larger gatherings we should be holding City

Council meetings in person. These are large important issues that are being considered. The city should not be proposing fiber when the world is in dire straits and could potentially get worse for our residents financially. Yesterday he hand-delivered a letter signed by several residents calling for the censure and resignation of the Mayor. They feel that the Mayor has violated the code of conduct and that the concert was to benefit Mayor Witt and her congressional race. It was to subvert any kind of city process or policy. Elected officials need to be working for the common good of the citizens of Kaysville and not for any private or personal interest.

Brecken Cook said that there needs to be a trust between the public and government, and we need to have the voice of the people represented for the city. When faced with these types of situations citizens lose confidence in our government and our constitution is used inappropriately. Mr. Cook said that he was glad to see that citizens can make a difference by speaking up to help keep our community safe.

Shelley Van Noy commented that she agrees with previous statements made and the Council needs to listen to the citizens of the city that they represent. This is not a fight that needed to be brought to the city.

David Bowman asked about emailed comments being read at tonight's meeting.

Mayor Witt responded that the Council had received a very large amount of emails before the meeting and there would be no way to read every email sent to them. Each has been read by the Council before the meeting and taken into consideration. However if a council member wishes to read a comment received out loud if they chose to.

Jessica Rawson commented that she first wanted to voice her support for all the Council and fiber committee has done towards considering bringing fiber to the city. She is excited to bring it to our community and is impressed by how citizens' concerns were responded to by the fiber committee. Ms. Rawson said that she wanted to echo the comments that have been heard tonight about the event. She has had the same concerns about safety, not only because of the COVID risks, but because of the police force and first responders that would have to be present at the event and would thereby possibly be exposed. This event was not something citizens felt comfortable with, and does not appear to be well-planned out ahead of time. Our citizens deserve to have events held in a safe and appropriate manner. There are concerns with how the permitting process was handled by the city. Our businesses have gone to great extent to try to comply with the guidelines of the state by creating social distancing within buildings, and having extra PPE and sanitation. They've gone to great expense and have made sacrifices to accommodate those restrictions. This event would not meet those restrictions and they should be held to the same standard. It seems the Mayor abused her power by using her position for personal or political gain, and allowing an event to not have to go through the proper permitting process.

Council Member Barber read Sylvia Haro's written comment to the Council.

Council Member Lortz read Keith Larsen's written comment to the Council.

Council Member Adams read Richard and Julie Bell's written comment to the Council.

Carson Robb commented that previously he had been part of the filming event for Mayor Witt's campaign videos and saw her love of the constitution through working with her. However, because of her involvement with this event the Mayor has used Kaysville and given us an example of what an unethical local leader looks like. He has been embarrassed to live in Kaysville and this whole issue has shown that our Mayor is a fake conservative. She was willing to risk the lives of our police officers. When he spoke with the Police Chief he said that this was thrown in his lap. If one claims to be a conservative and a lover of the constitution, does that not also make you a lover of the rule of law? Mr. Robb added that he supports the City Council and the proclamation they have on the agenda tonight.

Sarah Johnson thanked Council Member Barber for speaking with her before the meeting. This is a difficult position for our entire leadership to be in. Residents have been horribly mean to each other over this. Mistakes have been made, but that doesn't give citizens the right to attack our leadership. Our leadership seems to be willing to listen to others ideals and we don't know what goes on behind the scenes. We need to band together as a city and not be so cruel to each other.

Jason Sanders said that it is disturbing, as a Kaysville resident, to see this kind of behavior and see our city mocked and laughed at across the state and county. Mr. Sanders thanked those citizens who came together against this event. He has found that through this those who used to be on opposite sides previously have found themselves working together against this.

Council Member Barber read Brian Black's written comment to the Council.

Council Member Barber read Sarah Nicolson's written comment to the Council.

Council Member Tran read John Laskar's written comment to the Council.

Mayor Witt thanked those who have made comment tonight.

### **OPENING – 7:00 P.M.**

Council Member Tamara Tran opened the meeting.

### **RECOGNITIONS AND PRESENTATIONS**

#### **RECOGNITION OF GRADUATING SENIORS FROM YOUTH CITY COUNCIL**

Council Member Barber announced that the Council wanted to recognize our graduating Youth City Council seniors and give them a big thank you. They will be presented plaques as a way to show the city's appreciation for them. There will also be information published soon about how students can apply for this upcoming year to be part of the Youth City Council and get involved in our community.

#### **FIBER PRESENTATION**

Council Member Barber explained that the fiber project has been worked on for over two years and there has been a lot of learning and growth that has gone along with that. The Technical Advisory Committee committed at the end of 2019 that they would work towards a new plan that

would meet the needs of our residents. Residents will be able to vote on this project, and if it passes only residents that want to have fiber will have it and pay for it. One of the most heard comments from residents is they wanted to be part of this fiber project process and therefore the TAC committee has strived to be as transparent through this process as possible. As part of this, they have requested RFP and published those for residents to be able to view on the website. There is a scoring process for each of the RFP and it will be part of how a decision will be made. Tonight they are providing an opportunity for the two top bidders to come and make a presentation to the City Council. There will be no action taken tonight.

James Salter, AEG (Atlantic Engineering Group) President, said that he appreciates the Council taking their time to listen to their presentation and hopes that citizens can see that the city is leading the effort to do what is best for the city. Their company was founded in 1996 from a municipal utility background. Over the past 20 years they have exclusively focused on designing and building Fiber-To-The-Home (FTTH) networks. They provide full “turn-key” services, such as engineering and design, construction, project management, customer installations and operations. It is typical for them to engage with cities that have never been in the telecom business. They have completed 130 fiber projects, 60 of which were city-wide FTTH networks. AEG is family-owned, and self-funded. Decisions can be made quickly with clients and they are fierce advocates for their municipal clients. They don’t work for incumbents against municipals. They built the Provo network for Google fiber and were able to work with the city to meet the limitations the Utah Legislation placed on them to get the network built on time and on budget. Many of the cities they have worked with have gone with the retail service provider option because the legislation will allow it and they felt that option will be the best choice for their citizens. But they understand the challenges that come with an open-access model. They are not on any material vendors’ team and feel that the engineering decision points in a FTTH build should be about the city’s network efficiency. Over the last few months they have come to know more about what Kaysville is about and what the city is looking for and feel confident that they will be the lowest cost, least headache, fastest rollout, partner for designing and building Kaysville’s fiber network. They have studied the layout of Kaysville and feel they have a strong sense of the geology. They believe that the construction will easily take less than 24 months. Mr. Salter reviewed their proposed construction proposal for Kaysville with the Council.

Greg Lentz, the Market Development Manager with Corning said that their company has global experience with FTTH, and are industry leading innovators of optical components. They have several employees with varying groups of experience in fiber and telecommunications. Together this variety helps to make sure these projects are well managed and move smoothly. Their role in this proposed construction project is engineering and construction.

Chad Smith said that he is a local resident of the city and has been involved with Kaysville and the installation of fiber ring for several years. They have been working with Corning and Connex with the project, and has worked with several Fiber-To-The Home projects in Utah and has worked with telephone companies throughout Utah. Their company, Graybar, has stocking locations in Salt Lake and Orem, with 290 national warehouses. Their role in the project is materials and logistics.

Greg Lentz said that they wanted to make sure their components would be the best for Kaysville’s needs. Their company has a long history of innovation and they deliver industry-leading optical cable and components. They utilize a network of contractors, and build robust long-lasting

networks. It helps them to identify the best products for your needs now and for years to come. Building a high quality network will help to support your public by allowing them to do things like telework, and students to take online classes. It will help to provide stability and innovative technology which will allow your network to grow with the changing times. Our company prides themselves with coming in on their projects on time and on budget. They feel that the cost they are proposing will be just above what it will cost as a buffer in case they run into a problem later on. They anticipate the project will take 18 to 24 months, depending on the weather and any risks they run into.

Council Member Lortz asked about what kind of risks they might face.

Greg Lentz said that the areas that are most impactful are finding different soil conditions than what is expected. There are also risk with business connections and finding a lot of hardscape they would have to work around. That would escalate the costs.

Council Member Adams about costs for residents.

Council Member Lortz responded that they are still calculating those numbers, but should have those and the bonding rates for the next Council meeting to review.

Kara Mullaley said that one advantage is their cost is subscriber-based, meaning there is no annual fixed cost. They aim to drive as many consumer signups as possible.

Greg Lentz added that they are committed to this fiber build as a team and want to make it a valuable use of money for the city.

David Brown said he agreed that it was a great idea to bring these three companies together to bring the best of what they all have to offer. This assures that they will have the highest quality of materials, have a great network operation, great engineering and design, etc. It would be hard for one company to be able to provide the best in all of those fields.

Kara Mullaley added that the city will want to think about what they want their network to be in 10 or 15 years from now. If you want to bring in a wireless service provider to provide a 5g network, or implement smart city ideas, you will need to plan for that now and make sure it's being built into the network so you don't have to come back and rebuild it years from now.

Andre Lortz asked about a workmanship guarantee.

Kara Mullaley responded that they would offer a ten year at cost extended warranty for both workmanship and products.

Council Member Barber said that all of the information about this fiber project will be on the website.

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

Mayor Witt commented that she would be sitting out of Item "5a", Discussion and possible action on a Proclamation renouncing support of the May 30, 2020 Event at Barnes Park.

## **CONSENT ITEMS**

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

- a. Approval of the Minutes of April 16, 2020.
- b. Purchase request for Parks and Recreation Fall Soccer Jerseys.
- c. An Ordinance amending Chapter 7-1, Fire Department, of Title 7, Fire Protection, of the Revised Ordinances of Kaysville City.

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.

## **ACTION ITEMS**

### **DISCUSSION AND POSSIBLE ACTION ON A PROCLAMATION RENOUNCING SUPPORT OF THE MAY 30, 2020 EVENT AT BARNES PARK**

Mayor Witt excused herself from the meeting for this item. Mayor Pro Tem Michelle Barber took over conducting the meeting.

Mayor Pro Tem Barber explained that this proclamation is to articulate the City's official position on the Utah Business Revival (UBR) Concert. It expresses respect for the efforts taken by the State of Utah and the Davis County Health Department. This proclamation also recognizes the difficult position that local businesses find themselves in. It attempts to clarify the City's position due to some potential confusion based on recent media reports. Mayor Pro Tem Barber read the proclamation.

Mayor Pro Tem Barber asked for public comment on this item.

Eric Jessen said that he is in strong support of what the UBR is trying to do and feels that this proclamation is being driven by fear. Shutting down our businesses and production across the board will hurt the economy and the public. This event could have had tremendous potential and was executed and planned poorly. It makes the city look bad and scares everyone. A proclamation against the UBR group is unnecessary. We need to think of options to help rejuvenate our economic activity.

Brandon Barnedt said that he spoke earlier about the petition that he had created. Unlike the previous speaker, he questions the motives of the UBR group and does not support them. We do need to get people back to work to support their families, but this is not the way to do it. Mr. Barnedt said he feels that the Mayor thought that this group intended to follow some rules, but the

UBR used the Mayor's position. Mr. Barnedt said that he had tried to reach out to Eric Moutsos with the UBR with the idea that they would get both sides together to try to find some common ground. The city and citizens have been called all kinds of derogative things because of this.

Camille Price said that she supports the Council in not allowing large public events in Kaysville during the pandemic. This event has divided us and pulled our attention away from the important things that the city needs to focus on right now. We need to put our citizens first and think about their safety. The city needs to spend their time and energy elsewhere rather than try to work with people only trying to take advantage of the city for their own purposes.

David Bowman read a statement that he had prepared. Mr. Bowman stated that this event should have never been approved and doing so had violated state and county regulations. The timing of the event seemed rushed. The Mayor has every right to engage in a protest, but she doesn't have the right to circumvent city permits and laws that are in place. Patriotism and constitutionalism is being used to divide the people. This pandemic has been a challenge for our times and there has been a lot a whining about individuals' rights. Mr. Bowman encouraged the passage of the proclamation to document the stance of the city.

Nephi Harvey deferred his time to Dave Adams.

Dave Adams played an audio recording.

Randi Von Bose commented that the Council should not have allowed the recording as part of public comment as it was inappropriate for this meeting. Mrs. Von Bose said that as a result of the proposed event she had seen an outpouring of comments from residents. A group of five residents, including herself, has put together a citizen's censure for the Mayor because they feel it important that their grievance be documented. They had about 475 people who agreed with the censure and that what Mayor Witt has done in allowing this event was a violation. Mrs. Von Bose said that she wanted to formally submit the resolution for public record and request that action be pursued. She would also like to see that Mayor Witt state that she would be willing to withdraw her authorization of the event. This will help show that she is willing to help to protect Kaysville and its citizens. Many members of the Council have given countless hours over this. Mrs. Von Bose read their citizen resolution.

Mayor Pro Tem Barber thanked those who made comments.

Council Member Tran made a motion to approve a Proclamation disavowing support of the Utah Business Revival Concert at Barnes Park, seconded by Council Member Blackham.

Council Member Blackham said that the information he had initially received about the event changed significantly the more he found out about it. He appreciates all those who spoke with him about this event and helped him to see what was really going to happen. From serving in the fire service for over 35 years, it has always been his intent to keep people from harms way. It has been the recommendation from the County Health Department that the event not happen during this time. This pandemic is serious and there are hundreds of more cases every day. Allowing for an event such as this would have brought harm to our community.

Council Member Lortz said that scientists have said that one of the biggest causes of the COVID

virus spreading is because of mass gatherings. They are still learning about this virus and how it is spreading. Fear can do terrible harm to vulnerable people, and fear during a pandemic can cause more damage. The most disappointing part of everything leading up to this point for this event was that councilmembers were trying to find a way to have the event, as long as it was done properly and went through the due process. But none of the event plans were ever brought forward or discussed with the Council. The UBR only said that they would be encouraging social distancing and letting people wear masks if they wanted to. Council Member Lortz said that he would have liked to see the event happen, but pushing it through like they were trying to was not appropriate. There should be an apology to the citizens. Council Member Lortz said he would like residents to know that the Council wanted to do the right thing for the city.

Council Member Adams said that he is appreciative to see that the UBR has changed venues, but is discouraged by how things were handled by them. Council members have gone through a lot the last few days and have their names dragged through the mud. They work hard for the city and spend many hours working for the people of the city. Council Member Adams said he hopes there will be an apology from our Mayor because of the way she has treated our citizens through this, our city in general, and our City Council. One of his biggest frustrations is that the Mayor has not represented the city or its people. Council Member Adams hopes that the Council's intent for this proclamation is clear to the residents.

Mayor Pro Tem Barber said that everything that happened as a result of this event and the Mayor's actions has been hurtful and not something that our city needed. Council Member Barber said that she fears that the repercussions as a result of how this has turned out will continue long past May 30<sup>th</sup>. She hopes to show residents that the Council is committed to move forward and show that they have the citizen's best interest at heart. We don't support the way this happened or the way it was communicated. The Mayor used her position for this event. Council Member Barber said she has learned through this to appreciate the due processes that are in place. Had the UBR gone through the correct process and got the community involved things likely would have turned out differently.

Council Member Tran said that it's good to look back to our ancestors and what sacrifices they had to make to put us where we are now. They helped to create this great community where we support each other. We can be civilly behaved and come together as a community and a Council. Council Member Tran said she feels that the Mayor got excited about the event and got ahead of herself. We have a process in place and we need to adhere to it. The Council didn't have a chance to meet and discuss this event until tonight. Things like this need to have an open discussion and we can't commit to anything until we are given an opportunity to meet. This has united us as a community and hope it will continue to unite us against COVID. COVID has put us all in different situations and we need to take what we have learned and commit to work together for the community, as well as provide a way to support our businesses through this.

The vote on the motion was as follows:

Mayor Pro Tem Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea

The motion passed unanimously.

Mayor Witt rejoined the meeting and resumed conducting the meeting.

Mayor Witt said that she made the mistake of not including the Council on the event plans sooner as well as waiting for information from the organizers. When she spoke to the organizers originally it was the intent that the event would meet regulations because they wanted this event to be a model that could be implemented across the state. That fell apart with the exit of one of the members of their team. Their intent was to always look towards defending the constitution, and feel that we need to look after the rights that are afforded us at this time. Mayor Witt said that she regrets that she did not lean more on the Council, which we to help gather wisdom from multiple people. She is grateful for this community because we can see that our constitutional rights are alive and well because of the citizens speaking out and coming forward. Just because we disagree on how to reopen our country and restore our freedoms does not mean that this is a political issue. Mayor Witt said that she wanted to emphasize that she did this for the reasons she had stated, and appreciates the opportunity to serve. She added that she didn't take money from anywhere, she didn't do anything illegal and apologizes that feelings were hurt as part of this.

DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION PLACING A MORATORIUM ON SPECIAL EVENT PERMITS UNTIL SUCH TIME AS THE GOVERNOR OR COUNTY HEALTH DEPARTMENT HAVE APPROVED MASS GATHERINGS

Nic Mills stated that the proposed resolution places a moratorium on the City's issuance of special event permits. Due to the COVID-19 pandemic, the Parks Department has not hired seasonal staff in the way they normally do. Further, the State and County have issued directives and orders limiting mass gatherings. This resolution would suspend issuance of special event permits in the City until the Council takes further action. The resolution also adopts a sunset provision so that the Council is not required to take further action to terminate this resolution. This resolution shall expire when the governor of Utah declares a "green" level health risk, the Davis County Health Department has rescinded its orders related to COVID, or on September 30, 2020, whichever is sooner.

Mayor Witt asked for public comment on this item.

Eric Jessen commented that the Council should not approve this proclamation. It is not clear on the city's website what the process for a special event permit is, and who has approval authority for them. The process needs to be refined to be clearer. It's not a good idea to place a blanket moratorium when there's already a process in place the city which can decide to turn permits down.

Debbie Jordan said that it's important to have our city processes in place. The city states that a permit application needs to be submitted at least 30 days before the event. If the UBR submitted a permit application in a timely manner there would have had time for the Council to review the permit and possibly approve the permit under certain provisions in place. There are a lot of things we are not doing during this pandemic. There are gatherings we are not holding and places we don't go. We need to be reasonable, but we also need to keep to the processes that are in place for our protection, even outside of the pandemic. There is a proper course of action with these things. Ms. Jordan said she appreciates the Council for their service and hopes that Mayor Witt is being

truthful.

David Bowman said that it's sad that the city has to create a resolution of this nature because of one member who decided to act under their own authority. Mr. Bowman said that he supports the resolution because we need assurance that this won't be repeated in our city. The Mayor should be censured for her behavior and how she's treated other members, both current and formal, of the Council.

Mayor Witt thanked those members of the public who commented.

Council Member Adams asked if this resolution could be reversed in the future, if approved.

Nic Mills responded that it could be reversed at any time.

Council Member Blackham made a motion to approve a Resolution placing a moratorium on the issuance of special event permits, seconded by Council Member Adams.

Council Member Adams said that this proclamation will help to protect Staff and give them direction regarding special event permits during this time.

Council Member Barber commented that she doesn't like creating ordinances in response to one person's actions or on an individual event. It's not a good process. However, if this resolution will help Staff short-term and there won't be any long lasting consequences then this seems to be a good option.

Council Member Lortz said that if there was an event planned to support our businesses, but was done with the proper process, then he would like to see that event happen.

Council Member Tran asked if there was a way to add some flexibility to the resolution.

Nic Mills said that we want to be careful so as to not raise claims for discrimination against specific groups. The Council could chose to alter the September 30<sup>th</sup> date, but the resolution is intended to be in place as a way to give direction from Council to Staff.

Council Member Adams asked if a permit had ever been submitted prior to 30 days and been approved.

Nic Mills responded that if it was for an event that the Parks Department felt would have very minimal impact it could potentially be approved faster than the 30 days. That is up to the discretion of whomever is approving the special event permit.

Council Member Blackham commented that this resolution makes it clear to everyone. If we are still not in the "green" level by September 30<sup>th</sup> then the Council will review this again.

Council Member Barber asked what the city is doing for city-sponsored events.

Cole Stephens responded that they are following the County regulations and recommendations.

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.

### 2020 EVENTS PLAN

Shayne Scott commented that the City Administration, in conjunction with the Parks Committee, Mayor Witt and Council Member Barber as Parks liaison, determined to severely limit and cancel Memorial Day and Independence Day events in light of concerns over the COVID-19 pandemic. City officials also coordinated with other cities in the County in making determination to cancel events where large groups of individuals may be tempted to gather and could potentially spread the coronavirus from one person to another. Mayor Witt has requested a review of the cancellations and changes that were made.

Mayor Witt commented that one reason she wanted to bring this up was because she had heard from other mayors in the County who felt that their cities could be more creative, more specifically in regards to their fireworks shows. One city has thought of having several fireworks displays throughout the city rather than their one big show. There is another city considering doing a drive-in fireworks show. It is a concern of our Police Department that if our city were to put on our fireworks show that we would be receiving thousands of other people from neighboring cities that cancelled their own fireworks shows.

Council Member Barber said that as the liaison for the Parks and Recreation Department she has been a part of the committee meetings to plan these city events. Our Youth Council will be putting flags out in the Kaysville and Farmington cemeteries for Memorial Day. They will also be there to welcome people and we are excited to have them there this year. It was hard to make the decision to cancel the city's Independence Day events, but their committee is planning other activities for that week in consideration of the pandemic and social distancing regulations. She is proud of the volunteers and Staff that are working on these activities and we are trying to be as accommodating as we can. We will not be bringing back any of our typical celebration events because we don't want to have to put any Staff or volunteers in a harmful situation during these times. Some of the activities they have planned include a live broadcast stream celebrating our hometown heroes, a "parade" through the city with our city fire and police department, as well as other activities to be announced later.

Mayor Witt asked for public comment on this item.

David Bowman encouraged the city to put in stronger ordinances or laws so city Staff has a better direction on how to respond to potential events. The Staff shouldn't have to worry about potential ramifications, but rather should be working with Council on events within the city.

Mayor Witt thanked those who commented on this item and for Council Member Barber's update

on the upcoming events.

## **WORK ITEMS**

### **DISCUSSION OF A PROPOSED ORDINANCE AMENDING TITLE 2, CHAPTER 2, SECTION 12 REGARDING TERMINATION OF ELECTRICAL SERVICE**

Nic Mills explained that under currently, Staff spends a significant amount of time personally informing power customers prior to the termination of their power service. Under the current code, employees will place a red tag on the door of homes before termination of power service to notify residents of their delinquent utility account. There have been some months where employees must go to hundreds of homes to deliver a red tag notice. This amendment to the code does several things; first, it updates the methods that the Power Department can use to effectuate notification prior to termination. Second, it allows, during summer months, for less restrictive notification procedures. Staff has surveyed other power suppliers and feels that these proposed amendments generally reflect the current policy regarding shut-off procedures in the market.

Council Member Blackham commented that in 10-2-12(4) it is proposed that "...a limiter should be installed", and said that he would like that changed to state that a limiter "would be" installed. Turning off the power completely in the colder temperatures could potentially create damage to the home.

Council Member Lortz asked about noticing.

Nic Mills responded that they anticipate on giving notice to residents when they sign-up for utilities notifying them that the city would be contacting them via the given email and phone number, and also having them affirm that they will keep their email and phone number updated with the city. Delinquent accounts are notified with their power bill, and then receive a separate notice ten days later. They receive another notice 48 hours before their power is limited.

Council Member Tran suggested after a second notice on the resident's bill, possibly having the city allow a partial power loss on the house.

Council Member Barber said that there are a lot within our community that are in hard situations. We have generous people who will donate money to others who aren't able to pay their bills. It's a great thing that these people do for others.

Council Member Lortz asked about repeat offenders and if the notification process is the same.

Nic Mills responded that at the moment the process is still the same, but it is something that the city can look into if the Council feels it is needed.

Council Member Adams said that maybe with those repeat offenders that the city can somehow reach out and try to help give them other avenues that might be able to utilize to help with their bill.

## DISCUSSION OF PROPOSED ANNEXATION PLAN CHANGES

Shayne Scott explained that the City had recently gone through an annexation process, and in doing so Staff recognized some ways in which our policy could be clearer. The primary way is a requirement in our policy document which states that annexed property be served by all utilities provided by Kaysville City. While the City Council may make an exception to this policy at the time of annexation, having this requirement in a policy plan will give both Staff and any proposed annexation landowner an expectation of what it means to be in Kaysville. If acceptable, this document will need to go through a public process, and also be reviewed by the Planning Commission.

Council Member Blackham asked that the word “possible” be removed from item #2 under Statement of Specific Criteria. It seems to leave some ambiguity otherwise.

## CALL TO THE PUBLIC

Eric Jessen said that he is relatively new to Kaysville and is retired from the Marine Corps where he was a fighter pilot. There are a lot of people who are taking advantage of the current crisis in order to pass a lot of bad laws. While he doesn't feel this has happened here, the resolution for the moratorium that was passed tonight was unnecessary when there is already a permitting process in place which would be sufficient to regulate event applications. The city needs to be cautious and not allow one individual event to cause the city to make a blanket regulation.

David Bowman said that there are still questions to consider with the fiber RFP. The RFP stated that the city would like to own the fiber utility and the Council never voted to approve that policy or limitation. As a result of that, some internet companies weren't able to respond to the RFP. This has created a very limiting situation. How were the fiber committee members selected? Why were none of the members behind the referendum allowed on the committee? They would have been able to represent many residents in the city. It will be hard for any company to come in and be able to get a fifty-percent response rate for subscriptions. Also, power limiters should also be used in the summer because we live in the desert. The city should be working with residents with their power utilities during this pandemic.

Gil Miller thanked the Council for their service and the many hours they put in. There has also been several hours spent by city employees dealing with this issue. Our police officers could have been put in harms way by granting this event. Our employees need to be considered because they will be the ones who will be put on the frontlines.

## COUNCIL MEMBER REPORTS

Council Member Blackham commented that there is a lot of development going on, and Public Works is working on several road projects. Council Member Blackham added his thanks to the city staff and their hard work.

Council Member Tran said that the Planning Commission has been working with the Community Development department in finalizing a website for the General Plan review where the community can interact and give input. Council Member Tran also added her thanks to the Staff who have been taking phone calls day and night, and have been working with the Council to make sure that

what is decided is what is best for the community and everyone is kept safe.

Council Member Barber said that she is proud of our Parks and Recreation staff who has been working hard to put a plan together for the city's recreational sports. They are planning to bring things back carefully, and the information for those sports will be on the city's website. The splash pad will also be opening next week. The fiber website addresses how the fiber panel was formed, and has contact information if there are any questions about the project.

### **CITY MANAGER REPORT**

Shayne Scott thanked the Mayor and Council for their support of Staff. Recently evaluations were held for the department heads and we have a great group of employees.

### **ADJOURNMENT**

Council Member Blackham made a motion to adjourn the City Council meeting at 9:57 p.m., seconded by Council Member Adams and passed unanimously.