

**KAYSVILLE CITY
COUNCIL MEETING
MINUTES**

Thursday, June 18, 2020

Minutes of a Public Hearing held on June 18, 2020 at 6:45 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

Present -

Mayor: Katie Witt

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

Council Members Excused: All in attendance.

Staff: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, Deputy City Recorder Maria Devereux, Community Development Director Lyle Gibson, Public Works Superintendent Josh Belnap, Information Systems Manager Ryan Judd, Police Chief Sol Oberg.

Attendees: None present

Mayor Witt opened the Public Hearing.

PUBLIC COMMENT: No comments.

**NOTICE OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
KAYSVILLE CITY ANNEXATION POLICY PLAN**

Shayne Scott, City Manager, explained that the proposed amendment will not alter areas the city is considering annexing, rather the city is looking to clarify within the policy that areas annexed into Kaysville City need to be serviced by Kaysville City Power. He explained that a public hearing is necessary requirement for the amendment to the Annexation Policy Plan.

Council Member Barber made a motion to close the public hearing at 6:49 p.m., seconded by Council Member Lortz.

The vote on the motion is as follows:

Council Member Adams, yea

Council Member Barber, yea

Council Member Lortz, yea

Council Member Tran, yea

Council Member Blackham, yea

The motion passes unanimously.

Minutes of a Kaysville City Council meeting held on June 18, 2020 at 7:00 p.m. The meeting was held in the Business Resource Center of the Davis Technical College, 450 South Simmons

Way, Kaysville, UT. In consideration of the COVID-19 pandemic, attendance is monitored by the Kaysville City Police Department and will be limited to less than 50 individuals, including Council, Staff and Applicants.

Present -

Mayor: Katie Witt

Council Members: Council Member John Swan Adams, Council Member Michelle Barber, Council Member Andre Lortz, Council Member Tamara Tran, and Council Member Mike Blackham.

Council Members Excused: All in attendance.

Staff: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, Deputy City Recorder Maria Devereux, Community Development Inspector Dan Jessop (remote), Public Works Superintendent Josh Belnap, Information Systems Manager Ryan Judd, Police Chief Sol Oberg.

Attendees: Jacob Willoughby, Manjot Masson, Jill Jones, Jim Nuener and Blake Bailey.

Mayor Witt opened the City Council meeting at 7:00PM. She welcomed the public and opened with prayer.

RECOGNITIONS AND PRESENTATIONS

A. SWEARING-IN OF KAYSVILLE POLICE OFFICERS KENDU GIVENS AND LOGAN NICHOLAS.

Chief Oberg introduced Logan Nicholas and Kendu Givens as new Kaysville City Officers. Though Officer Nicholas is new to law enforcement and went through the academy, he comes from a family of officers to include his father and uncle. Officer Givens has over six years of experience with Adult Probation and Parole and corrections. He explained that both officers are strong additions to Kaysville City PD and is proud to have them as part of the team. Mayor Witt swore in the officers. The Council praised their efforts and welcomed them to Kaysville City.

B. CENTRAL DAVIS SEWER DISTRICT KAYSVILLE REPORT.

Jill Jones, General Manager and Manjot Masson, Pretreatment Coordinator gave an overview of the Central Davis Sewer District, reviewed the history of the facility, described the flow model and anticipated growth.

She explained that the Central Davis Sewer District (CDS) wastewater treatment facility was originally placed in service in 1961. The plant was upgraded in the 1970's and in the 1980's a major upgrade was made. The design flow of the facility is 9.9 million gallons a day (MGD), with a design population equivalent of 65,000 people and an allowance for industrial waste. The CDS serves the cities of Farmington, Fruit Heights, and Kaysville. The facility is located in Kaysville, Davis County, Utah.

The council discussed high-density housing and how it effects the sewer; they asked for clarification concerning protocol with new developments and expressed their interest in a general plan, to plan ahead.

Jill Jones agreed to discuss or clarify any question about the Central Davis Sewer District (CDSD) as it pertains to the area to be developed. She offered continued assistance.

C. LEGAL SERVICES DEPARTMENT REPORT – NIC MILLS.

City Attorney Nic Mills presented an overview of the Legal Services Department. He explained that his department is the smallest department within the city; though he has hired an Assistant City Attorney who works primarily with domestic violence cases. He explained that the domestic violence grant has contributed to her being hired and that domestic violence cases are now getting much more attention.

Nic Mills explained that his duties range from prosecuting over 58 cases weekly, to updating code for each department, writing resolutions and ordinances and addressing all legal matters for the city. He stated that as his workload grows, he sees the need for a part-time paralegal and two full time employees, eventually.

D. ANNUAL OPEN MEETING ACT TRAINING – NIC MILLS.

City Attorney Nic Mills explained that the Open and Public Meetings Act (OPMA) requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104). This training is intended to facilitate compliance with that requirement and to help legislators understand Open and Public Meetings Act rules. Nic Mills provided training and guidance to the Council.

DECLARATION OF CONFLICTS OF INTEREST

No conflicts disclosed.

ACTION ITEMS

a. NEW KAYSVILLE FIBER

Mayor Witt introduced the item.

Public Comment: Jacob Willoughby stated that he handed out flyers and encouraged public participation with the survey. He feels that the community wants fiber to go to a vote and is pleased with the process.

Council Member Lortz referred to the TAC document below:

As the Technical Advisory Committee for the New Kaysville Fiber project, we would like to provide our recommendation to the City Council for the awarding of the project. We were pleased with the responses from bidders. Below is a summary of our conclusions and recommendation.

Construction Proposals:

The top 2 proposals were very similar in total cost with some minor differences as identified in the Bid Highlights document. Either construction proposal would be acceptable. Certain details would need to be vetted during negotiation of the contracts. AEG has done many fiber network installations. The lower materials proposal by AEG raises some concern of lower quality components which is not where we would recommend cost savings are derived. More details on materials bid would need to be vetted prior to contracting. AEG's proposal did not specifically identify generators for each fiber cabinet and would need to be confirmed. Corning is an industry leader in fiber optics and has proposed using some of the best components (MST - multiport Terminals). They are a very respected company with a long history in fiber optics. It is recommended that the construction contract pay the bidder based upon milestones like Huts/Cabinets and premises passed. This should ensure that progress payments are in line with completion of the project. If less than 9,500 premises are passed, the savings would stay with the City. If more are completed, then the bidder would be paid the same rate for any additional premises passed.

Construction bid Recommendation:

The Kaysville City Council should approve the notice of award of the Kaysville Fiber Construction to Corning, contingent on an agreed upon contract between the City and the bidder and the passing of the proposition on the November ballot. If staff can not arrive at a finalized contract within 60-90 days that is at least equal to or better than the submitted proposal, then staff may negotiate with AEG under the same guidelines.

Operations & Maintenance Proposals:

The top 3 bidders have different models in their proposals. AEG is a stepped level fixed amount based upon subscribers. It is important that the timing of measurement and implementation of steps is clearly outlined in the contract. Connex is a per subscriber per month flat charge. This kind of proposal seems to align the interests of the City with the bidder to acquire subscribers as quickly as possible and shifts some financial risk to the bidder. Strata is a hybrid of the other 2 bids with both a fixed and variable component. All companies have experience in operating networks, although AEG has sold this portion of their business and would need to build this from the ground up. Connex is currently operating as an ISP offering fiber optic service in parts of Roy and East Ogden. Strata is currently operating a Network Operations Center in Vernal UT. It is suggested that staff discuss possible conflicts of interest should Connex or Strata function as both the Network Operator and an ISP on the network. It is suggested that the home connection portion of the proposals be moved to the Operations & Maintenance award from the Construction award. This would align with an ongoing deployment of home installations after the construction of the outside plant network is completed.

Operations & Maintenance Recommendation:

The Kaysville City Council should approve the notice of award of the Kaysville Fiber Operations & Maintenance to Connex, contingent on an agreed upon contract between the City and the bidder and the passing of the proposition on the November ballot. If staff can not arrive at a finalized contract within 60-90 days that is at least equal to or better than the submitted proposal, staff may consider negotiating with Strata under the same guidelines. If neither of these negotiations are successful, then staff may negotiate with AEG under similar guidelines.

The Council discussed the process of change orders, how they work, why they are needed and how city staff can approve or deny them with guidelines in place.

Council Member Barber expressed that she is in favor of empowering staff to negotiate the best contract possible.

Council Member Barber made a motion to approve the Technical Advisory Committee (TAC) recommendations on RFP bids, contingent on a public vote, and to empower staff to move forward with the project acting in the best interest of the City. Council Member Lortz seconded the motion.

Council Member Blackham expressed appreciation for Council Members Lortz and Barber and the TAC Committee for their hard work.

Council Member Lortz stated that he appreciates citizen involvement, those who engaged and came forward to help the city in the process.

Mayor Witt expressed excitement for this project and praised the community for their participation and contribution.

The vote on the motion is as follows:

Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Adams, yea
Council Member Blackham, yea
The motion passes unanimously.

b. A RESOLUTION ADOPTING THE KAYSVILLE CITY MODIFIED TENTATIVE BUDGETS FOR FISCAL YEAR 2021 AND THE ADOPTION OF A CITY CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2021.

Dean Storey, Finance Director, gave an overview of the modified tentative budgets. He explained increased and decreased revenue, enterprise funds and discussed the Truth and Taxation Hearing set for August 6th. Additional information can be found in the Council packet.

Council Member Lortz made a motion to approve the resolution adopting the Kaysville City modified tentative budgets for Fiscal Year 2021 and the adoption of a city consolidated fee schedule for Fiscal Year 2021. Council Member Tran seconded the motion.

Council Members Barber and Lortz commended the Finance Director Dean Storey.

The vote on the motion is as follows:

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

The motion passes unanimously.

c. A RESOLUTION OF THE KAYSVILLE CITY COUNCIL AUTHORIZING THE 'PICK UP' OF THE EMPLOYEE PORTION OF THE UTAH RETIREMENT SYSTEMS TIER 2 PUBLIC SAFETY AND FIRE FIGHTER RETIREMENT SYSTEM 2020 ENHANCEMENTS.

Dean Storey, Finance Director, explained that the 2019 Utah State Legislature made enhancements to the Tier 2 Public Safety and Firefighter Retirement Systems to take effect on July 1, 2020. The enhancements apply to new and current employees in the System for benefits earned after July 1, 2020.

Due to the cost of the enhancements, contributions to the plan are made by the employer (an additional 2%) and the employee (2.27%). An employer may "pick up" the employee's portion of the retirement contribution and treat it as an employer contribution under IRS Code. A few years ago, in an effort to equalize the contribution benefit between Tier 1 and Tier 2 Public Safety employees, the City makes a supplemental 401-k contribution. With the additional enhancement, the additional required contributions can be made by reducing the supplemental contribution by an equivalent amount and thus equalizing the City contribution to the Tier 1 and Tier 2 Systems.

Council Member Adams made a motion to adopt a resolution 'pick up' of the Employee portion of the Utah Retirement Systems Tier 2 Public Safety and Fire Fighter Retirement System 2020 Enhancements and continue to look at additional benefits. Second by Council Member Lortz.

The vote on the motion is as follows:

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

The motion passes unanimously.

d. CONSIDERATION FOR A PRUD OVERLAY ZONE TO ALLOW ACCESS TO NEW LOT FROM A PRIVATE STREET AND PRELIMINARY PLAT FOR THE BAILEY SUBDIVISION AT 1480 WILLOW DRIVE.

Dan Jessop, Community Development, explained that the property which is located at 1480 W Willow Drive, is currently zoned R-1-20. The existing lot is 66,806 square feet in size. The applicant, Blake Bailey, is anticipating creating a new lot of 21,929 square feet with 143.5 feet of frontage. This will leave the existing home on a 45,672 square foot lot. The new proposed lot will face the private road in the new subdivision, which is under construction to the south. Both the existing and new proposed lot meet the frontage and square footage requirements for the existing R-1-20 zoning district, however the PRUD overlay is needed as the access for the new lot will be off of the new private street. The owner has coordinated with the developer of developer of the property to the south for permission and ability to get utility services to the new proposed lot.

The new lot facing Wooden Shoe Way North is deep enough to provide a building pad that meets the minimum dwelling size requirements of [17-31-16, Dwellings](#).

He noted that all setbacks are standard for the R-1-20 zone with the exception of a 20 foot front yard setback requested along the private road consistent with 17-34-8 (d).

Public Comment: Jim Nuener explained that he has spoken with the developer and has negotiated an easement agreement. He noted that the agreement is ready to be signed once the council members agree on the project. Applicants Blake and Pam Bailey concur.

City Attorney Nic Mills noted that many adjoining properties would not agree to entitlements until the rezone is approved.

Council Member Blackham made a motion to approve the PRUD overlay zone to allow access for the new lot, from a private street, and approve the preliminary plat for the Bailey Subdivision at 1480 Willow Drive, Kaysville, Utah. He recommended the final plat to have an easement provided for access to Lot 1 and that Lot 1 also be made part of the Home Owners Association within the Green Manor Subdivision. Council Member Adams seconded the motion.

The vote on the motion is as follows:

Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Adams, yea
Council Member Blackham, yea
The motion passes unanimously.

e. CONSIDERATION OF A REZONE OF APPROXIMATELY 10 ACRES OF PROPERTY ACRES OF PROPERTY AT APPROXIMATELY 1700 SOUTH 550 WEST FROM THE R-A AND A-5 (RESIDENTIAL AND AGRICULTURAL) TO THE R-1-6 (SINGLE FAMILY RESIDENTIAL) ZONING.

Dan Jessop, Community Development, gave an overview of the lot and area. He noted Ivory Homes is interested in a rezone at the subject property to establish a level of confidence for future development such as the concept included with this report. He explained that roughly 3 acres of the subject property is currently zoned A-5, where the remainder is located in the R-A zoning district. The existing zoning would allow for development of 2 units per acre with some agricultural rights in the R-A zone while the property zoned A-5 could not be further subdivided.

The requested zoning would allow for single-family development with lots as small as 6,000 sq. ft. in size. The concept provided by the applicant would ultimately require the approval of the PRUD overlay zone as well in order to create a common open space subdivision on private streets that would also allow for some flexibility in the final lot size.

Dan Jessop explained that Kaysville City has, for several years, indicated to those interested in developing this area that additional access would be needed into and out of the area before development occurs. The applicant is aware of this concern, but with the anticipation of the West Davis Corridor and the extension of Angel Street in the near future, they hoped to establish the base zone now and expect to come back at a later date once the access is resolved to work through the specific details of the development through the subdivision process and PRUD overlay zone if they receive the green light with the current request.

Wilf Summercorn, Planning Commission Chair, explained that details need to be reviewed with this project. He explained that it is very likely the project could not move forward since the connection to Angel Street is a critical component. He explained that right-of-way (ROI) from Angel Street has not been acquired yet and stated that they have concerns about the sewer system being overloaded. He recommended that the city discuss what might be appropriate going forward since the city has now embarked on an update to the General Plan.

Council Member Barber made a motion to deny the rezone of approximately 10.6 acres of property at approximately 1700 South 550 West from the R-A and A-5 (Residential and Agricultural) to the R-1-6 (Single Family Residential). Council Member Tran seconded the motion.

The vote on the motion was as follows:

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

The motion passed unanimously.

AMENDMENT TO THE KAYSVILLE CITY ANNEXATION POLICY PLAN

Shayne Scott, City Manager, explained that Kaysville City has recently gone through an Annexation Process. When so doing, city staff recognized some ways in which our policy could be clearer. The primary change is a requirement in our policy document 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. Affected entities such as neighboring cities, the county, other taxing entities, Rocky Mountain Power, etc. have been mailed notice of this hearing. As of the date of this report staff has not receive any comments from those entities.

Council Member Lortz made a motion to deny the rezone of approximately 10.6 acres of property at approximately 1700 South 550 West from the R-A and A-5 (Residential and Agricultural) to the R-1-6 (Single Family Residential). Council Member Blackham seconded the motion.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
The motion passed unanimously.

CALL TO THE PUBLIC

No one signed up to speak at Public Comment.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 9:41PM second by Council Member Lortz.

REDEVELOPMENT AGENCY BOARD MEETING

A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2021.

Mayor Witt opened the Redevelopment Agency Board meeting.

Dean Storey, Finance Director, explained that a Public Hearing was held for this item previously and it is now ready for adoption.

Board Member Blackham made a motion to approve a resolution to adopt a budget for the Kaysville City Redevelopment Agency for Fiscal Year 2021. Second by Board Member Tran.

The vote on the motion is as follows:

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

The motion passes unanimously.

Board Member Blackham made a motion to adjourn the meeting at 9:42PM for the Kaysville City Redevelopment Agency, second by Board Member Tran.

The vote on the motion is as follows:

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

The motion passes unanimously.

MUNICIPAL BUILDING AUTHORITY BOARD MEETING

A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY MUNICIPAL BUILDING AUTHORITY FOR FISCAL YEAR 2021.

Mayor Witt opened the Municipal Building Authority Board meeting.

Dean Storey, Finance Director, explained that a Public Hearing was held for this item previously and it is now ready for adoption.

Board Member Lortz made a motion to approve a resolution to adopt a budget for the Kaysville City Building Authority for Fiscal Year 2021. Second by Board Member Adams.

The vote on the motion is as follows:

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

The motion passes unanimously.

Board Member Barber made a motion to adjourn the meeting at 9:43PM for the Kaysville City Municipal Building Authority, second by Board Member Lortz.

The vote on the motion is as follows:

Board Member Blackham, yea

Board Member Adams, yea

Board Member Barber, yea

Board Member Lortz, yea

Board Member Tran, yea

The motion passes unanimously.