

KAYSVILLE CITY COUNCIL
December 7, 2023

Minutes of a regular Kaysville City Council meeting held on December 7, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: City Manager Jaysen Christensen, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Public Works Director Josh Belnap, Power Resource Service Manager Bruce Rigby, Fire Chief Paul Erickson, Police Chief Sol Oberg, Assistant Police Chief Seth Ellington, Lieutenant Paul Thompson, Lieutenant Preston Benoit, Sergeant Jared Jensen, Officer Matthew Thurgood, Officer Blake Garrison, Officer Jacob Gobles, Information Systems Assistant Ardi Harsono, Bonita Lunt, Steve Lunt, Dale Baxter, Bradley Baxter, Aaron Shupe, Brandon Holt, Sydney Holt, Wes Daugherty, Karen Erickson, Colton Bascom, David Olson, Lea Wright, Brok Peck, Steffanie Peck, Maleia Cook, Dallin Peck, Michelle Cook, Cameron Bledsoe, Michael Hays, Audrey Hays, Garrett Matthews, Kylan Matthews, Colton Alvey, Hayli Alvey, Cameron McKinnon, Dana Taylor, Jason Taylor, Todd Smith, Lisa Marshall

6:40 P.M. - PUBLIC HEARING

FILING OF EMINENT DOMAIN ON CERTAIN MUTTON HOLLOW PROPERTIES FOR TEMPORARY CONSTRUCTION EASEMENTS

City Attorney Nic Mills explained that while the Public Hearing was noticed for the correct time, the notice mailed to affected property owners stated that the public hearing would be held at 7:00 p.m. The council would need to inquire again at 7:00 p.m. if there were any members of the public present wishing to speak on this item.

Mayor Tran opened the public hearing for this item.

Bonita Lunt commented that she lives on Mutton Hollow Road, and the city plans to utilize their front yard as a temporary construction easement during the widening construction of Mutton Hollow Road. The city also intends to install a traffic light at the intersection of Fairfield Road and Mutton Hollow Road. Mrs. Lunt said that they have tried to work with the city concerning the City's plans to restore their property after construction is complete. The city offered the assistance of landscaping architects to help restore the landscaping. The existing landscaping block walls were professionally installed and expensive. There are also big trees on their property. Mrs. Lunt said they have struggled to get this matter settled with the city because there have been no landscape plans presented to them by the city. The city proposed \$30,000 for the temporary easement over three years, but it is still unclear regarding the restoration of landscaping back to its

current state. They were informed that the council would vote that night on whether the city should initiate court hearings to condemn their property.

There were no further comments or questions received by the public.

Council Member Hunt made a motion to close the public hearing for this item at 6:47 p.m., seconded by Council Member Jackson and passed unanimously.

7:00 P.M. – OPENING

Mayor Tran opened the meeting and asked if there were any members of the audience wishing to speak in regards to the public hearing on tonight's agenda, and there were none.

Council Member Adams provided a prayer and led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Nothing was brought under this item.

PRESENTATIONS AND AWARDS

SWEARING-IN OF NEW POLICE OFFICERS JACOB GOBLES AND BLAKE GARRISON

City Recorder Annemarie Plaizier administered the Oath of Office to Officer Jacob Gobles and Officer Blake Garrison.

FIRE DEPARTMENT LIFE SAVE RECOGNITIONS

Fire Chief Paul Erickson made a presentation to the council giving recognition to Fire Department Staff who provided exemplary work during four incidents in 2023 in which the direct actions of the firefighters saved a life. Chief Erickson reviewed each incident and the firefighters involved were awarded a certificate and a save pin.

ANNUAL FISCAL YEAR 2023 AUDIT REPORT

This item was postponed until the next city council meeting.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Blackham made a motion to remove the following consent item for discussion:

- b) Authorizing the purchase of body cameras, dash cameras, and associated equipment for the City's Police Department.

Council Member Oaks seconded the motion.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea

The motion passed unanimously.

Council Member Oaks made a motion to approve the following consent items:

- a) Approval of Minutes of October 19, 2023.
- c) Authorizing Project Reimbursement Agreement with Davis County for Wilderness Park parking lot project.
- d) A Resolution Authorizing a Tax Certificate and Agreement for UAMPS' Payson Power Project.

Council Member Hunt seconded the motion.

The vote on the motion was as follows:

Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

AUTHORIZING THE PURCHASE OF BODY CAMERAS, DASH CAMERAS, AND ASSOCIATED EQUIPMENT FOR THE CITY'S POLICE DEPARTMENT

Police Chief Sol Oberg explained that the Police Department is seeking approval to purchase a new body camera and a dash camera system, which includes the hardware, software and storage. Their current equipment has reached its end-of-life and was no longer supported Motorola, the parent company. This has necessitated the replacement of all existing hardware and storage for digital content. The majority of camera companies, including Motorola, in which they had contact with have indicated that they had transitioned to a subscription-based model. The proposed model encompasses storage, warranty, and new equipment under a five-year agreement. Despite Motorola's bid being \$33,409 higher than the lowest bid, equating to a \$6,681 increase per year, their system offers additional services and benefits. Their system also includes interoperability with the department's computer-aided dispatch system and radios, which are also Motorola products. The agreement includes replacement hardware for damaged equipment, provides new equipment periodically, and digital storage for video content, replacing the current server in need of replacement. Funds from beer tax money are available to help cover the first-year cost, and

they have submitted a grant application to bridge the additional \$15,000 required for the remaining costs. For the subsequent four years, the annual cost under the agreement would be \$93,018, of which \$25,000-\$28,000 from beer tax funding could be applied each year. The use of beer tax money for dash cameras is consistent with past expenditure patterns and will not impact other programs or services. By remaining with Motorola, it will eliminate the need to transfer data to a different company's system, and will ensure seamless operations to the new Motorola program without the need for additional training. While the initial payment will not be due until July 1, 2024, formalizing the agreement before December 22, 2023 will secure the quoted pricing, which results in a \$70,000 savings for the city. Chief Oberg emphasized that although the purchase would not impact the current budget, it would affect future budgets. Chief Oberg added that the replacement of the body cameras and dash cameras have been part of their capital improvement plan for years and was anticipated to be included in the FY 2025 budget.

Council Member Adams asked about other bids received.

Chief Oberg responded that the department had initially explored other vendors due to Motorola's initial bid being much higher, even though they have had a positive history working with Motorola. Motorola's equipment is very robust and they feel good about contracting with them again. Additionally, the interconnectivity between the radios and cameras offered by Motorola was deemed highly beneficial, further supporting their decision to continue the partnership.

Council Member Hunt commented that she had a conversation with Chief Oberg before the meeting and expressed appreciation for the efforts made to find the most cost-effective system that meets the needs of the department. Committing to this will contribute to budget savings.

Council Member Hunt made a motion to approve the authorization of the purchase of body cameras, dash cameras, and associated equipment for the police department. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea

The motion passed unanimously.

ACTION ITEMS

REZONE OF 7.74 ACRES AT 367 SOUTH ANGEL STREET FROM A-5 TO R-1-20 FOR DW MANAGEMENT

This rezone application for 367 South Angel Street was withdrawn by the applicant.

A RESOLUTION AUTHORIZING THE FILING OF EMINENT DOMAIN FOR MUTTON HOLLOW PROPERTIES, AS NECESSARY, FOR TEMPORARY CONSTRUCTION EASEMENTS

Mayor Tran opened the public comment period for this item.

Steve Lunt said that he lives on Mutton Hollow, and the city is seeking to use a portion of their front yard as a temporary construction easement. Mr. Lunt said that they are uncertain of how much property the city is looking at using as they have received varying answers during discussions. The city requested that they provide an estimate for landscaping replacement costs after the city completes their construction project, but providing an accurate estimate is challenging without knowing the amount of area that will be encroached on their property. The city mentioned a \$30,000 payment, but Mr. Lunt said that it is unclear whether this amount is solely for leasing the temporary easement or intended to cover yard repair costs. There has been a question regarding who would be responsible for the repairs, to which the city has indicated they would handle it. However, given that much of the existing landscaping is custom work, Mr. Lunt expressed that they would prefer to handle the repairs themselves. When asked for an estimate, Mr. Lunt said that they had contacted different groups, and they provided an estimate of around \$120,000 for the repairs. The city has expressed the opinion that the offered \$30,000 amount is generous. Mr. Lunt said that their property, measuring at about an acre, would be significantly affected by the temporary easement. He expressed disappointment at both sides having to spend money on lawyers on this matter. Mr. Lunt said that they do not oppose the construction project, but want assurance that their yard will be restored to its original state. As of now, they have not received any guarantees regarding the outcome.

Dale Baxter, residing at the corner of Mutton Hollow and Fairfield Road, expressed concern about the impact of the road widening and the installation of a traffic signal at the nearby intersection. Due to these changes, there would no longer be space for street parking near his home. Additionally, the widening of the road would result in a shorter driveway on his property, making it challenging for him to park his vehicles without obstructing the sidewalk. This will make it more difficult for him to maneuver in and out of his property, raising concerns about safety. He will no longer have any visitor parking. Mr. Baxter said that he recognized the necessity of road widening and sidewalk installation here, but this encroachment makes it more difficult for him to effectively manage his own property.

Lisa Marshall said that she also lives on Mutton Hollow and received a notice about the public hearing tonight, but had not received much information prior to receiving the notice. Ms. Baxter said that she had come tonight to get more information about what this was about and get more insight on how this would impact her property.

There were no further comments or questions from the public.

Public Works Director Josh Belnap explained that the city has been working on this project for a few years and in the past year completed a project replacing underground utilities on Mutton Hollow Road. As part of the project, they have considered installing traffic control devices at the intersections of Mutton Hollow Road and Fairfield Road, and Mutton Hollow Road and Main

Street. Efforts have been made to contact affected property owners. There are three properties in the Mutton Hollow and Fairfield Road area without sidewalks, and the city would like to install sidewalks due to their proximity to the junior high and elementary school, and safety concerns for students walking to and from school. The reason for this item on tonight's agenda is not to definitively state the city's pursuit of condemnations on these properties. It is our intent to continue working with each property owner to find a mutually agreeable solution. This step in the process is necessary to keep the project moving forward, especially if an impasse is reached with property owners.

Attorney Nic Mills added that the city has been working with J-U-B Engineers for a number of years now on this Mutton Hollow road project. Negotiations with several other property owners in the area for temporary easements have been ongoing, with these three properties being the last to finalize agreements. The city hopes to commence with the road project in May, and we are hopeful and optimistic that we can successfully find resolutions with all three property owners.

Council Member Jackson asked about how much of the land would need to be used as a temporary easement on these properties.

Nic Mills responded that the city is still in negotiations with the property owners. They are still in the process of determining the extent of the property to be used and deciding who will be responsible for making the repairs to the properties after the completion of the project.

Mayor Tran added that this also allows the city the ability to announce any bids for the project so that the project is completed in a timely process and not put on hold longer while we wait for both parties to finish negotiations.

Council Member Adams asked if any other property owners received compensation for the use of their land.

Nic Mills responded that any compensation offered has varied based on the degree of impact to the frontage of their properties. Some property owners have received in-kind compensation, including the replacement of landscaping elements like sprinkler lines or trees that may have been removed or damaged. Other compensation has included monetary amounts. The nature of compensation has been tailored to specific circumstances of each property and potential impact.

Josh Belnap added that these three properties are more impacted because the city requires a larger construction easement to facilitate the installation of street improvements.

Nic Mills said that both the Lunt's and the Baxter's are represented by counsel, and negotiations with them will continue. Efforts have been made to make contact with Ms. Marshall, and since she is in the audience tonight, the city will contact her to provide more information and initiate negotiations. The aim is to keep everyone informed about the proceedings to avoid any surprises.

Council Member Blackham commented that adding the sidewalks and street improvements here will make it safer for students traveling to and from school. This road project will be for the betterment of the city.

Council Member Hunt asked about the safety concerns mentioned about the Baxter's driveway.

Josh Belnap responded that they had explored the possibility of reevaluating the planned road layout for the Mutton Hollow and Fairfield Road intersection. The idea was to consider consolidating some turn movements in the road plan to potentially minimize the required road widening. Additional survey work was conducted, and traffic models were drafted to explore this possibility. However, it was ultimately recommended to stick with the original plan for safety reasons. It is best if we align both sides of Mutton Hollow as closely as possible at this intersection. We are trying to work with property owners alleviate the impacts on their properties. To address safety concerns regarding the Baxter's driveway, one potential resolution is to install a circular driveway or add another access point to the property, facilitating better entry and exit. It is not ideal that the Baxter's will lose their roadside parking, unfortunately there has not been another identified way to install a signal at this intersection while maintaining roadside parking for their property.

Mayor Tran expressed her hope that residents can see the city's genuine concern for them and their properties and that the city is making efforts to negotiate as best we can to address residents' concerns and find equitable solutions.

Council Member Adams made a motion to approve a Resolution authorizing the filing of eminent domain for Mutton Hollow properties, as necessary, for temporary construction easements. The motion was seconded by Council Member Blackham.

Council Member Adams commented that in the end we are not taking any of the land from these property owners because we will be temporarily utilizing Kaysville's right-of-way of these properties.

Josh Belnap added that the initial road design indicates that we will be able to fit the curb, gutter and sidewalk installation within the city right-of-way. We do not want to overburden landowners on things that are theirs to begin with, which is why we are working to negotiate to find a way to mitigate the impacts on their properties.

Council Member Jackson commented that there are many children that walk to the schools here and multiple crossing guards overseeing the nearby Fairfield Road intersection. Installing the sidewalk and road improvements is very important for the safety of the children.

Council Member Hunt stated that she hopes that both parties can come to a resolution so that the city does not have to file eminent domain on any of these properties.

The vote on the motion was as follows:

Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea

Council Member Hunt, yea

The motion passed unanimously.

COUNCIL MEMBERS REPORTS

Council Member Blackham shared that he and Council Member Hunt had the opportunity to attend the opening of a local business, Gigi Pip. Those in attendance were excited to have this business had come to our city. This business started in 2015 in the owner's home, and now have a warehouse off Deseret Drive.

Mayor Tran thanked all who participated in Kaysville Gives this year. The program saw an increase in requests from families experiencing hardships this year, and the program will be able to provide Christmas assistance to over 140 families in our area. Young Automotive has been working with Kaysville Gives for the last couple of years to allow the use of their building as a staging area. We have some amazing volunteers and are grateful for their help. They received over 700 gift requests, with majority of those requests focused on basic needs. This is the seventh year of the Kaysville Gives program, and the community has consistently demonstrated generosity in supporting the program.

CITY MANAGER REPORT

City Manager Jaysen Christensen said that city Staff would potentially like to hold a work session with the city council on December 21 to discuss the agreement for the use of the old library property. This discussion will likely take some time, and therefore would like to begin the meeting at 5:30 p.m. The developer hopes to open their Bamberger Food Hall by July 4, which will bring six new food eateries to Kaysville. The developer has indicated that they have had many businesses interested in locating here. Mr. Christensen added that Staff also wants to initiate discussions in January in regards to the FY 2025, and are proposing to conduct these discussions over several work sessions.

The Council decided to hold a work session on Friday, February 2 beginning at 8:00 a.m.

Jaysen Christensen said that city Staff is excited to introduce the new outage management system to the public. A mock outage is scheduled for December 14, and he invited the council members to participate in this simulation.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the city council meeting at 8:24 p.m. The motion passed unanimously.