

KAYSVILLE CITY COUNCIL
February 1, 2024

Minutes of a regular Kaysville City Council meeting held on February 1, 2024 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, Information Systems Manager Ryan Judd, Fire Chief Paul Erickson, Rob Dansie, Jennifer Borup, Marlon Borup, Kerry Hutchings, Janet Hutchings, Autumn Martinez, Angie Martinez, Kelly Martinez, Gordon Kraus, Emilie Egan, Brent Egan, Shari Nelson, Tyler Reece, Aaron Shupe, Cameron McKinnon, Colton Alvey, Kolten Smith, Cameron Bledsoe, Kasey Adams, Dallin Peck, Jason Taylor, Chad McCleery, Dawna McCleery, Laurene Starkey, Jason Largey, Russell N. Condie, Tarren Smoot

OPENING

Council Member Perry Oaks opened the meeting with a prayer and led the audience in the Pledge of Allegiance.

Mayor Tran commented that there has been some misinformation being spread about the potential temporary cold blue winter homeless shelter. Mayor Tran went on to give a report about the numerous discussions that have occurred, her involvement in the county task force, what action the county task force has been taking to address the state's mandates for a temporary homeless shelter, how the city is involved, and what plans the county task force has at this point for the future.

CALL TO THE PUBLIC

Tarren Smoot, a resident of Kaysville for fourteen years and a registered nurse in Utah for twenty-five years, shared her perspective on the homeless population. Having worked with the underserved in communities for decades, she understands their struggles, including substance abuse and untreated mental illness. These individuals face challenges in maintaining sobriety and participating in rehab programs successfully. These individuals are not consistent in maintaining a medical treatment program and it contributes to the exacerbation of their illnesses. They cannot complete the necessary tasks required to thrive well in daily life. Issues that go on within shelters include theft, illicit drug use, sexual assault, and the spread of illness and infections. If we are being tasked by the State to contribute to the homeless relief effort, what can Kaysville do to improve upon existing efforts that have been tried to help aid the homeless population? Ms. Smoot suggested leveraging resources from our local healthcare organizations, religious groups, humanitarian organization and educational institutions. The task force needs to work with

individuals with expertise in these areas to receive valuable input from them.

Jason Largey, a resident of Kaysville since 2010 who lives in a neighborhood near the emissions center, expressed concerns about the proposal to establish a homeless shelter in the emissions center. The safety and community environment in this area is what attracted his family to move here. Kaysville is not suitable for housing the homeless population. Mr. Largey raised concerns about potential impacts on nearby homes and businesses, as well as the risk of attracting homelessness to nearby Barnes Park, under the 200 North overpass, and other areas nearby. Mr. Largey shared insights from a friend in the hotel industry regarding challenges with accommodating homeless individuals in that they seem to leave rooms messy and vandalized. If the emissions center is turned into a temporary shelter, it will not remain temporary. If Kaysville is forced to have a temporary shelter here, a comprehensive plan needs to be put into place, including having transportation arrangements for individuals to be transported back to overflow shelters, if that is where they came from. There is no public transit available for the homeless in this area. The busing at the park and ride lot is not consistent, reliable, and does not run at convenient times for when the shelter would be open. Many residents would be willing to speak with the task force to contribute additional insights and ideas.

Russell Condie, a resident of Kaysville since 2001, said that he works with West Valley City and serves on a homeless task force and is familiar with issues that the city faces with homelessness. Because of the emissions center's close proximity to I-15, Kaysville will face a challenge of dealing with panhandling at the freeway on and off ramps, which will disrupt the flow of traffic. We will see more of it occurring along 200 North as well, and it is a very big safety concern.

Jennifer Borup, a resident of Kaysville for twenty years, stated that she is against having a homeless shelter in Kaysville, as well the process in considering a homeless shelter. Ms. Borup said that she had not received an email stating that the city council was in favor of a homeless shelter. Their neighborhood was unaware of any considerations for a shelter, and she had not heard about it until that evening. Their neighborhood has huge concerns about having a shelter here.

PRESENTATIONS AND AWARDS

PRESENTATION TO KALUB LEWIS FOR RECEIVING HIS SUPERVISING FIRE OFFICER DESIGNATION

Fire Chief Paul Erickson said that Kalub Lewis, a full-time firefighter with UFA who has also worked as a part-time firefighter for Kaysville Fire Department, is being awarded the Supervising Fire Officer Designation. This designation is achieved by documenting a comprehensive body of career development classes, higher education, certifications, competencies and experiences, as per the criteria developed by the IAFC. Kalub demonstrates his dedication to professionalism and ongoing path of continuing education. Chief Erickson emphasized the difficulty of being able to receive this designation and we are proud of Kalub and the work he has done to achieve it.

Chief Erickson presented Kalub Lewis his Supervising Fire Officer Designation award.

PRESENTATION TO CAMERON MCKINNON FOR FIREFIGHTER OF THE YEAR AWARD

Chief Erickson explained that the Kaysville Fire Department's "Firefighter of the Year" award operates on a peer-nominated basis. This year, out of three nominated employees, Cameron McKinnon stood out with two nominations from his peers. With over a decade of service under his belt, Cameron is an indispensable asset to the city and the department alike. Cameron's contributions to the department are multifaceted. He plays a crucial role in data collection for justifications, has helped in crafting their career development plan to guide their firefighters towards a successful future, and assists in compiling their annual report each year. Additionally, Cameron taught an ADO (Apparatus Driver/Operator) class which resulted in the certification of three individuals. Despite their department's size, Cameron's wit on their social media sites has helped them to become one of the most liked fire departments in the state. Furthermore, Cameron's part-time position at Davis County Dispatch adds value and is an asset to their department. His commitment to personal and professional growth is evident in his pursuit of continuous learning through additional classes. Cameron's recent promotion to Captain on January 29 underscores his exemplary work ethic and leadership qualities. It is with great pride that we honor Cameron McKinnon as the Firefighter of the Year for 2023, recognizing his outstanding contributions and unwavering commitment to excellence.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Approval of Minutes of January 4, 2024.
- b) A Resolution Appointing the Kaysville City Parade Chairperson.
- c) Acquisition of property and easements for a box culvert on Parcel No. 08-614-0311.

Council Member Jackson 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.

ACTION ITEMS

AN ORDINANCE AMENDING TITLES 6 AND 8 OF THE KAYSVILLE CITY CODE

Josh Belnap explained that when reviewing other ordinance changes, Staff identified additional ordinances that they felt needed to be amended. The first amendment is to Section 5-2-10 and is in regards to emergency access gates. Currently the Fire Chief uses the Fire Code to prevent the installation of new obstacles or barricades, such as gates or barriers, which would impact their department's ability to respond to emergencies. The proposed amendment will further clarify that the Fire Chief and the City do not allow these items, and to provide a means for evaluating potential hazards on previously approved items. This amendment was drafted with the help of the Police and Fire Chiefs. The second amendment item is housekeeping on the City's street designation plan. With US-89, several new frontage roads were added, the connector roads near the Farmington border have been added, and the West Davis Corridor has changed from SR-67 to SR-177. Staff wanted to reflect these, as well as other, changes in the plan, as it has not been updated in over a decade. This plan, among other things, helps solidify what road widths need to be maintained with future development projects.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Blackham made a motion to approve an Ordinance amending Titles 6 and 8 of the Kaysville City Code, seconded by Council Member Hunt.

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.

AMENDMENTS TO PERSONNEL APPEAL PROCEDURES

City Attorney Nic Mills explained that recently city Staff attended training regarding personnel appeals. There, the presenter advocated for cities using an outside hearing officer to determine personnel appeals. This does several things. It eliminates the appearance of bias against employees. Often, the process involves Department Heads, City Managers, and City Councils hearing these appeals. This leads to an argument that the process is biased against the employee, as City administrators frequently enjoy collegial relationships. It improves confidentiality for the employee. A Hearing Officer limits the number of people that hear about the alleged misconduct drastically. The Hearing Officer has more flexibility in how and when they hear the appeal. The Hearing Officer does not need to meet noticing requirements or closed meeting requirements. The

Hearing Officer gives the parties a solid legal analysis of the issue. The Hearing Officer will issue a written opinion. This opinion helps frame the legal issues and helps to limit litigation costs if the administrative appeal does not resolve the case. It avoids potential conflicts of interest. In some cases, the City Council may be required to sanction and authorize severance efforts early on. This may create an awkward situation should the council later become the appeal authority in that situation. For these reasons, Staff believes that this amendment would be in the City's best interest. Mr. Mills added that city Staff researched what other cities and the county do in these types of situations. Their investigation revealed that five cities in the County have adopted an approach involving a hearing officer, akin to what is being proposed in the ordinance. Among these cities, West Bountiful offers a little flexibility in their approach where the mayor may hear the appeal, or a hearing officer may be appointed. Alternatively, both the mayor and the hearing officer could preside over the appeal. In contrast, four cities employ a mixed panel consisting of two members from the city council and three employees from different departments. In three cities, the matter was not explicitly addressed in their code, while in three others the city council serves as the appeal board. It is city staff's belief that appointing an external hearing officer would be most advantageous for the city, aligning with the prevailing trend observed across organizations.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Hunt said that she had spent some time considering this proposed amendment and feels that keeping the city council as the appeal board would bring many issues. It could appear that the council may have a conflict of interest, particularly during election years, which could create a negative appearance on the council's impartiality. Council Member Hunt proposed granting appellants the option to have their cases heard by a mixed board or a hearing officer. This flexibility could empower appellants and potentially lead to fairer outcomes. It is important that the council maintain public trust in the city by keeping the council removed from personnel-related matters.

Council Member Jackson expressed concern about removing authority from the council in such situations, even if they are rare. The council is accountable to both the people and the employees of Kaysville. What makes Kaysville great is because we are like a big family. The council can remain impartial, has the capacity to reach decision through majority vote, and can handle personnel appeals effectively. Council Member Jackson said that while he feels strongly that the retention of power should remain within the council, he would also be in favor of having a mixed board with some council members involved, or having the mayor hear appeals. It is important to ensure that our employees have a voice in the process.

Council Member Blackham echoed Council Member Jackson's sentiments, expressing similar concerns. He acknowledged the rarity of such situations and raised doubts about the efficacy of a hearing officer, noting their lack of familiarity with the employee's history and contributions to the city, which may lead to a narrow consideration of the incident at hand. The council has the ability to take a more comprehensive view of the situation, aligning with the city's character of maintaining a familial organizational culture. He argued against the need to engage external resources for personnel matters, asserting the council's capability to handle discretionary issues

internally.

Council Member Oaks disagreed, asserting his belief that the city manager and department heads ability to adhere to disciplinary procedures. However, it is necessary to involve someone with human resource expertise in such personnel appeals. It is important to have thorough consideration of all pertinent details, including the incident itself, employee actions and compliance, the efficacy of any improvement plans, and resulting recommendations. We need an individual who is experienced in reviewing appeal cases, because the council members have little to no experience in this regard. It is unpredictable who our future city councils will be, and it is more beneficial to establish a process that involves professionals because it will lead to more professional decision-making outcomes.

Council Member Adams concurred with Council Member Oaks and emphasized the need to consider whether the council possesses the expertise necessary to handle appeals effectively. Council Member Adams expressed concern that emotional factors might influence council decisions if they remain the hearing board, which is a risk. Maintaining the council in this role could compromise their position. From a legal standpoint, it would be best to have a professional review appeals. Council Member Adams suggested allowing council members to submit comments or opinions to the hearing officer.

Nic Mills said that it would be possible to allow the council to submit comments to the hearing officer for consideration.

Council Member Oaks asked about liability issues.

Nic Mills responded that if the council were to remain the hearing board, they could be subject to being deposed and might have to testify in an employment trial. They would also be responsible for responding to any subpoenas. A hearing officer, on the other hand, would strictly adhere to what is w and apply it accordingly. They would produce findings of fact and conclusions of law, thus limiting the scope of any potential lawsuit to errors in the hearing officer's process. Otherwise, any lawsuit would be more broadly open-ended.

Council Member Jackson expressed concern about having the necessary advanced notice and support for employees, and providing them with the necessary tools for success and following proper procedures before legal action becomes necessary. Council Member suggested considering the retention of a hearing officer in addition to involving the council or mayor. He added that he approved of Council Member Hunt's suggestion of granting appellants the choice of having their appeal heard by an internal mixed board, the council, or a hearing officer. He proposed moving the item back to a Work Item to allow further review and discussion.

Council Member Adam disagreed with the idea of allowing employees to choose who hears their appeal, expressing concern that it could potentially expose the city to risks. Such a system might lead to perceived biases and legal complications. There needs to be a predetermined plan in place to address these situations when they arise so we have an exact procedure to follow.

Mayor Tran stated that personnel appeals are administrative matters, and the council, as a

legislative body, should be separate from that process. It is important to delineate roles and responsibilities clearly to establish a better legal precedent and ensure transparency. This separation will result in a cleaner process for the city, while still showing value to the relationships and sense of belonging with city employees.

Council Member Oaks made a motion to approve the proposed amendments to Personnel Appeal Procedures. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed with a vote of three to two.

WORK ITEMS

CHANGES TO EMPLOYEE DISCIPLINARY PROCEDURES

Nic Mills explained that the proposed amendment would expand the ability to give written reprimands to authorized supervisors. City policy anticipates graduated sanctions for employee misconduct. The current sanctions (ordered from least to most severe) are verbal warning, written reprimand, suspension, demotion, and dismissal. Under the current policy, supervisors can give verbal warnings only. This amendment would allow department heads to authorize supervisors to give written reprimands. The proposed policy includes two oversight functions. First, department heads need to authorize which supervisors may issue written reprimands. Second, the department head needs to agree that the misconduct warrants a written reprimand. City Staff believes that this change appropriately balances the need to maintain high-standards of employee conduct, whilst freeing department heads from having to handle every situation requiring this low-level of discipline.

Council Member Oaks asked about verbal reprimands.

Nic Mills responded that verbal reprimands would still be documented by the department head.

Council Member Oaks asked about disciplinary actions after written reprimands.

Nic Mills said that anything after a written reprimand requires the department head's determination. A decision to terminate would require would require the department head with the city managers authorization.

Council Member Blackham added that now if that employee were to submit an appeal, it would go to a hearing officer.

Council Member Adams made a motion to move the changes to Employee Disciplinary Procedures to an action item, seconded by Council Member Hunt.

The vote on the motion was as follows:

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

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Council Member Mike Blackham mentioned that he had been attending legislation meetings at the capitol alongside Council Member Jackson and the Mayor. With numerous bills under consideration by the legislature, he expressed gratitude for the efforts of the ULCT. Many of the bills are being written to be detrimental to cities, and attending these meetings enables cities to engage in discussions with legislators and advocate for the city.

Council Member Jackson expressed appreciation to the Mayor for efforts in strongly advocating for what is best for Kaysville in regards to the proposed temporary homeless shelter. He added that if residents had any concerns about any of the bills being considered by the legislature, they should reach out to the council so that they could be a voice for them.

CITY MANAGER REPORT

City Manager Jaysen Christensen reported that the city's Historic Preservation Committee has been exploring the possibility of creating a space for a city museum. Their proposal involves converting some space in City Hall's lobby area into a dedicated museum space. They are also considering installing display cases throughout the building to display more items. The Committee intends to fundraise for the construction of the space, but is seeking permission from the City to proceed. This proposal has been shared with department heads, but they are seeking feedback from the council.

Rob Dansie, representing the Historic Preservation Committee, commented that Kaysville holds the distinction of being the first incorporated city in Davis County, yet lacks a dedicated museum. It is important to preserve the city's history or we may lose it without proper preservation measures. They were able to find an architect who drew up construction drawings for free. Currently, the Committee possesses more items than the proposed space can accommodate, but having the space would enable them to begin to preserve and display items for public viewing. Their long-term objective is to secure a permanent location where items can be stored indefinitely, rather than being kept in storage units as they are currently. The Committee feels that by obtaining a commitment from the City to remodel the space in City Hall for museum, they will have more

success in their fundraising efforts.

Jaysen Christensen stated that additional details are currently being gathered about the museum space, which will be brought back to the council for further discussion. He mentioned that earlier in the week, Davis Technical College held a meeting where they officially announced the termination of the sandbox they had planned to build for their equipment program. They are still seeking solutions for their CDL program and actively exploring alternative sites within the county. Mr. Christensen added that the Mayor and Melinda Greenwood had a meeting with the county regarding the proposed community reinvestment area. This item will be listed as an Action Item on the agenda for the next month. He also mentioned that the city had received a proposed agreement with Alchemy Group, who will be constructing a food hall inside the old library building. Due to the uniqueness of the situation, the city has engaged an outside attorney to review the extensive agreement. Once the details are finalized, the agreement will be presented to the Council for consideration. Mr. Christensen announced that the city council would be holding a work session on Friday, February 2, starting at 8:00 a.m. to review and discuss the tentative FY 2025 budget, particularly focusing on capital projects and infrastructure related to Public Works.

CLOSED SESSION

Council Member Jackson made a motion to recess the city council meeting at 8:10 p.m. and convene into a closed session to discuss pending or reasonably imminent litigation, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Oaks and passed unanimously.

Council Member Oaks made a motion to adjourn the closed session at 8:44 p.m. and reconvene into the city council meeting, seconded by Council Member Hunt. The motion passed unanimously.

ADJOURNMENT

Council Member Hunt made a motion to adjourn the city council meeting at 8:44 p.m. The motion passed unanimously.