

KAYSVILLE CITY COUNCIL

Meeting Minutes

July 21, 2016

Minutes of a regular meeting of the Kaysville City Council held Thursday, July 21, 2016 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Steve Hiatt, Council Member Lee, Council Member Snell, Council Member Page, Council Member Adams and Council Member Garn.

Others present: City Manager Shayne Scott, City Engineer Andy Thompson, Zoning Administrator Lyle Gibson, City Recorder Maria Devereux, Parks Director Cole Stephens, Police Chief Sol Oberg, Eric Last, Gregg Richardson, David Robinson, Lauri Cragun, Marc Robinson, Dave Davies, Margaret Brough, Ben Leaver, Logan Huffman, Bo Atkinson, Jeff Bennett, Marty Jacks, Katie Witt, Brett Garlick, Sarah Mainor, Brandon Mainor, Brittney Mainor, Brook Mainor, Brian Mainor, Russell Mainor, Nevie Mainor, Bichna Mainor, Janice Marriott, Jolene Christiansen, Schyler Montgomery, Darin Farr, Brigg Lewis, Lee Perry Teresa Perry, Kevin Bailey, Cameron Garner, Elizabeth Garner, Gene Bailey, Roger Butterfield, Lorene Kamalu, Rick Jones, Russ Wilson, Bethany Hart, Ann Adams, Josh Sundloff, Jan Williams, Derek Raynor, Ryan Bruckman, Katharine Christensen, and Sam Christensen.

Council Member Lee recognized Alison and Preston Montgomery as winners of the Play Unplugged Brag Badge drawing.

BUSINESS SPOTLIGHT

Young Notes – Children’s Choir

Sarah Mainer explained that she is the mother of eight children and has taught music in schools throughout Utah and Nevada. She explained that the choir performs within the community to support many groups to include the Safe Harbor Crisis Center, local veterans, and the elderly and first responders. She expressed her thanks and stated that she appreciated the opportunity to share the joy of music with others. She and her children sang, ‘My Country Tis of Thee’. Her information will be shared on the City’s Facebook Page, and on the marquee and City website.

Mayor Hiatt praised Sarah Mainer and her children for their performance and thanked them for their attendance.

THE HOPE BOX THEATRE.

Jan Williams explained that the Hope Box Theatre is a place where creativity, vision, talents combined with love and support can give back to all those who need some new hope in their lives. She stated that she wanted to be able to help those like herself find joy and hope through the performing arts. She decided to create a “Hope Box Foundation” where family, friends, and community can come together to help and lift spirits. She invited the Council and community to attend one of their upcoming shows and encouraged them to support the theatre that helps so many in need.

Mayor Hiatt stated that he recently attended a performance of The Wizard of Oz and noted that he was impressed. He thanked Jan Williams for her service to the community and the hope she provides to many.

CALL TO THE PUBLIC

Mayor Hiatt stated that an independent party had been asked to assess the issues addressed in last week's meeting. He stated that until findings are proven, and for the sake of fairness, he asked that judgement be withheld at this time.

Mayor Hiatt stated that the City Council was not going to cancel the water parade and noted that some may want to speak in support of the water fight at the parade. He stated the purpose of the Call to the Public as addressing agenda items, and providing comments.

Dave Davies explained that he lives in West Kaysville and noted that there has been negative comments in the press lately in regard to Parks and Recreation Superintendent Vance Garfield and Council Member Adams. He stated that Kaysville City needs to come together. He noted that he enjoyed the water parade.

Roger Butterfield suggested that no approval should be made in regard to the Ethics and Code of Conduct for Elected Officials, until it is placed on the website and reviewed publicly.

Brett Garlic stated that the Code of Conduct should be on the website for the public to review. He shared his displeasure and stated that a Code of Conduct is needed.

Josh Sundloff noted that there is a light out at 50 W. and Main St. and 300 W. and 200 N. He explained that this has created a shortcut through his neighborhood and in turn, a heavy influx of traffic. He stated that there has been four accidents recently and asked to hear from the City about their plan to fix the issue and asked about traffic calming measures.

Katharina Christiansen explained that she was at the meeting to discuss annexation. She noted that she met with developer last Wednesday and that it was a semi-productive meeting. She noted that it may be more appropriate to speak during the applicable agenda item.

Tracy Brown stated that the water portion of the parade should continue. He noted that he enjoys supporting the parade each year.

Jackie Robinson explained that she lives on Sunset Drive and noted that Vance Garfield has supported the community in many ways. She expressed her appreciation for Vance, his superb work ethic and community spirit.

Melissa Macintyre echoed a similar statement. She noted her appreciation for a strong community. She expressed her support for Council Member Adams and thanked the Council for the sacrifices they make.

ANNEXATION OF APPROXIMATELY 13.42 ACRES OF PROPERTY AND PRELIMINARY PLAT APPROVAL FOR STREAMS EDGE SUBDIVISION

Andy Thompson, City Engineer, explained that Symphony Homes is requesting annexation of approximately 13.42 acres of property with the intent to subdivide approximately 10 acres. He explained that the City Council reviewed this project at their last meeting and tabled the items

asking the developer to meet with the neighbors to discuss their concerns. He noted that the main issues were the zone designation and traffic impacts.

Russ Wilson, Symphony Homes, gave an update and noted that pertaining to the annexation and zoning, the consensus of the residents was that the LD zone would yield a better layout with less constraints. He noted that the meeting, last Wednesday, went well and can answer questions in regard to plat approval.

Katharina Christiansen noted that the meeting was productive in part, and noted that the access point to Philips Street is the main issue. She noted that they would like to speak with the owner in regard to the road and access but have been unable to reach him.

Russ Wilson stated that he spoke with the owner and he is against putting the road in. He noted that he is happy to arrange a meeting with the owner and discuss the matter with him.

Katharina Christiansen asked that the City Council table this item for two weeks due to concerns of safety and to allow the neighbors to reach the owner of the property.

Council Member Garn noted that an access point is preferable.

Council Member Snell noted that the zone designation does not affect the density of the property.

Council Member Page made a motion to approve the annexation of approximately 13.42 acres of property with a zone designation of R-1- LD, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

Council Member Lee made a motion to table approval of the preliminary plat for the Streams Edge Subdivision until the August 4th Council Meeting, second by Council Member Garn.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

INTERLOCAL AGREEMENT FOR FIRE PROTECTION SERVICES

City Manager Shayne Scott noted that they presented this document to Fruit Heights several weeks ago, and that they are currently reviewing the document. He stated that the City has made a commitment to move forward in a timely manner.

Council Member Snell made a motion to table the Interlocal Agreement with Fruit Heights for Fire Protection Services until the next City Council meeting, second by Council Member Lee.

Shayne Scott stated that Fruit Heights is very open and willing to paying their fair share. They just asked for time to approve and add to their budget.

Mayor Hiatt stated that it may be beneficial for the Council to make a motion for approval tonight and that the City understands that the document is open for review.

Council Member Garn made a substitute motion to approve the agreement subject to Fruit Heights approval, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

REZONE OF 1.61 ACRES OF PROPERTY FROM A-1 TO R-A.

Andy Thompson, City Engineer, explained that Mr. Clifton has an acre and a half of property, zone A-1 and would like to rezone the property so that he may subdivide the property in order to put another home behind the existing house.

Council Member Snell made a motion to approve the rezone of 1.61 acres of property from A-1 to R-A, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

CONSIDERATION OF UTAH LTAP

Shayne Scott, City Manager, explained that Transportation Asset Management Software (TAMS) is a system that will help the City with an initial analysis of the conditions of our roads. He noted that LTAP will present the initial report and that funding for this will come from Class C funds.

Council Member Lee asked if this program accounts for the infrastructure under the roads.

Shayne noted that may be a GIS process, however, LTAP would be able start evaluation in August, tentatively.

Mayor Hiatt noted his appreciation for Shayne Scott for bringing this to the Council.

Council Member Snell made a motion to adopt the agreement with Utah LTAP to provide an asset management system, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Yea
 Council Member Page, Yea
 Council Member Adams, Nay
 Council Member Garn, Yea
 Council Member Lee, Yea

The motion passed four to one.

CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS.

Council Member Page explained that this Code of Conduct has been in process of creation for the past three months. He explained that many professionals have reviewed this manual and has had many drafts. He stated that they are ready to give this to the Council and the public for review. He noted his appreciation to those that have assisted in creation of the document thus far.

Mayor Hiatt asked for action items and comments from the Council.

Council Member Snell stated that initially, Council Member Garn, Council Member Page and himself assisted in putting this together. He stated his appreciation for a local professional that assisted in compiling and formatting the document.

He stated the Code of Ethics and Conduct is online at the City website, and has been posted on Facebook. He explained that the standards will apply equally to all members of the Council and Planning Commission. He stated that the standards, once approved, will go into effect going forward.

Mayor Hiatt noted that there are items on pg. 10, unprofessional conduct and engagement, subsection I; he noted that due process is important, and may need to defer to another body, or discuss more proper appeal rights. He noted that it may be beneficial for the document to be reviewed by David Church, ULCT. He also stated that there may be an appropriate level of text messaging.

Council Member Lee noted that the Council should have their own code of conduct. She noted that there should be more of a clarification on pg. 9, line 2, in regard to an unnecessary disruption of City Staff, she doesn't want this to be preventative going forward. She stated that there should also be a provision for whistleblowers. She stated that on pg. 8, item L: repeatedly attending meetings being unprepared. She noted that they need adequate advanced notice. Council Member Lee noted that she was also concerned about unprofessional conduct. She noted there must be due process and that the accused should hear the charges before made public. She stated her other concerns are dress standards, sexual misconduct and swearing in and asked if these should also be discussed further.

Council Member Adams stated a neutral party is needed. He stated his concern for only three authors instead of including more of a local committee.

Council Member Snell noted that different governmental entities looked at this document, and stated that Chapter 58 of the Utah Code and Administrative Rules were used to reference the document. He noted that the person who typed and formatted the document is David Robinson. He emphasized that the content was provided by the committee. He stated that he supports this document being reviewed by David Church, ULCT Attorney.

Council Member Adams asked if Council Members can be grandfathered in.

Council Member Snell stated that State Code allows the governing body to adopt rules and ordinances to have an orderly way to conduct business within the Council.

Council Member Adams addressed concerns throughout the document to include: nick names, limited snacks and Facebook. He stated that Council Members should not use Facebook, he stated there is room for further discussion. He stated that a 30-60 day review by the public is a fair process.

Council Member Garn noted that they need to be more respectful of the common good. He noted that a policy is common for cities and addresses everyone.

Council Member Garn noted that derogatory statements are not permitted and noted that as long as the Council is guided by rules that Facebook usage may not have to be limited.

Mayor Hiatt recommended the Council table this item for 30 days, and will be posted on the website, allow for public comment and address comments at the Sept. 1st Council meeting. He stated that the public can email comments and give feedback ethics@kaysvillecity.com and stated that the latest version of the Code of Ethics will be posted online.

Mike Flood noted that having a private citizen making changes to a City document may be a liability.

Sharon McKinley noted that this is a living document with the ability to be updated and changed.

Josh Sunloff noted that as an attorney it is his opinion that the City should follow a higher standard and agrees that input by David Church may be beneficial.

Council Member Page made a motion to table the Code of Ethics, to make it available for public review and comment and to discuss it again at the Sept. 1, meeting, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

No Council Member Reports at this time.

MINUTES

Mayor Hiatt asked for a motion to approve the Minutes for July 7, 2016.

Council Member Snell referred to pg. 12, and explained that a grammatical error should be corrected. The sentence should read; 'Council Member Snell stated that he would like a detailed report of the charges.'

Council Member Snell made a motion to approve the Minutes for July 7, 2016 with the noted amendment, second by Council Member Garn.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

CLAIMS

Mayor Hiatt asked for a motion to approve the July 7, 2016 FY16/FY17 claims.

Council Member Snell made a motion to approve the current set of claims, second by Council Member Garn.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Lee, Yea
Council Member Adams, Yea
Council Member Garn, Yea

The motion passed unanimously.

CALENDAR ITEMS

The current calendar items are listed on the website.

Council Member Snell made a motion for adjournment at 10:25 p.m., second by Council Member Garn, and passed unanimously.