

**KAYSVILLE CITY COUNCIL
FEBRUARY 18, 2016**

Minutes of a regular meeting of the Kaysville City Council held February 18, 2016 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Steve Hiatt, Susan Lee, Chris Snell, Larry Page, David Adams and Jake Garn.

Others present: City Manager John Thacker, Finance Director Dean Storey, Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Power Superintendent Gary Hatch, Gil Miller, Gregory Frank, Walt Parrish, Hazel Parris, Margaret Brough, Orwin Draney, Dave Davies, Kenton Pies, Chance Cook, Marvin Ellis, David Church, Justin Jones, Max Jones, Bill Sanders, Sarah Tholen, Tyler Tholen, Lexi Tholen, Michelle Miles, Jackson Miles, Jack Harris, Michelle Tholen, Austin Kemeny, Elias English, Mitchell Nielsen, Jared Tholen, Tyler Nielsen.

REQUEST FOR KAYSVILLE CITY TO BECOME AN IDLE-FREE CITY

This item was postponed

PRESENTATION ON BRINGING PLAY UNPLUGGED TO KAYSVILLE

Mr. Chance Cook explained that Play Unplugged is a program to encourage young people to become more active. The program consists of giving a “Brag Badge” as young people participate in various activities. The City or a chamber owns the program. Kids can get online and check off the activities that they have completed. Businesses sponsor activities and the “Brag Badges” are given to participants from the sponsoring business. Businesses that participate can’t sell anything but can increase foot traffic and exposure. It started in Heber City then was shared with the League of Cities and Towns and was taken on by other cities such as Spanish Fork and now a total of eleven cities in the State of Utah participate. The program has received about seventy requests from parents in Davis County to bring this program to this area. The Davis Chamber of Commerce has already been approached but is not staffed to manage the program. If this is going to work in Davis County, it will have to be spearheaded by the cities of Davis County. When Heber City started their program they had their police force approach businesses about this opportunity because Heber City didn’t have staff to help the program take off otherwise. For cities in Davis County Play Unplugged would offer 200 lanyards and 200 copies of 12 different “Brag Badges”. Those twelve badges can be whatever the city prefers they be so long as there is no spending requirement for a kid to earn the badge. The program has been very positive for different cities which have been successful in getting other businesses to participate. It takes about \$2000 to get involved.

Council Member Snell asked about the age range of participants.

Mr. Cook stated that the target is for elementary and Jr. High age students. Participants can be of any age.

Council Member Adams asked if the tags come with someone to take the kids around to complete the activities.

Mr. Cook stated that parents have frequently done many activities then collect all the brag badges at once. Some businesses have found the benefit of the program to increase their marketing in unique ways.

Council Member Adams stated that he watched the stories regarding the program and can see the benefits of the program and believes that children would be anxious to participate.

Mr. Cook stated that the reality is that kids don't go outside to play anymore, not like they used to, this program helps to solve that problem. Other cities would testify of its success.

Councilwoman Lee stated that she believes it is a win-win program for the businesses and citizens of the community.

Mr. Cook stated that parents have really enjoyed the program and some families go outside their cities to find a place where they can participate.

Council Member Garn asked for clarification on how the program gets funded and operates.

Mr. Cook stated that when he says someone owns the program that doesn't mean that they have to run the program. He carries that responsibility. When a business chooses to participate they pay a fee to be able to hand out the brag badges. The four hundred dollar sponsorship for a business will allow for an unlimited number of brag badges. Not limiting the number of badges helps encourage kids to continue doing activities they enjoy. The lanyard does not pay for itself so the City would have to find a sponsor as lanyards cost about one dollar each.

Mayor Hiatt asked about the large badge that was provided as an example.

Mr. Cook stated that the explanation of the program is on the large badge on the lanyard and is provided as part of the cost of the one dollar lanyard. Ideally a sponsor for the lanyards would be able to provide enough for the number of school students expected to participate.

Mayor Hiatt stated that Kaysville City is about to open its tenth elementary school and wondered how this program might be initiated in all schools.

Mr. Cook stated that the more badges that can be created the better. A good number of badges would be to have a badge for every Saturday during the summer break. If the 200 lanyard Davis County model sponsorship isn't enough, Play Unplugged would be willing to explore different approaches to get the lanyards and badges dispersed accordingly. It will be a bit new and unique in Davis County since the Chamber wouldn't own the program.

Mayor Hiatt stated that in order to get enough lanyards for all elementary school students in Kaysville there would need to be enough for about 4,000 kids. The city does have different means of distributing information to the large number of businesses that have licenses in the city.

Mr. Cook stated that once the business is approached, their next point of contact is Play Unplugged to set up the sponsorship and get their badges. Mr. Cook has a lot of guest service experience so he will work hard to make sure involved businesses get the help they need.

Mayor Hiatt stated that if this were to get started in Kaysville City, he believes that it will likely be very successful and after distribution of about 4,000 lanyards businesses would need more than 200 badges as they would run out very fast.

Mr. Cook stated that the sponsorship by a business includes as many Brag Badges as they need up to 2,000 badges. So far no business has given out more than 1,000 badges. The badges are produced in Heber City.

Council Member Lee offered to volunteer her time and involvement to help look more into this program.

Council Member Garn stated he would be happy to be involved as well.

Mayor Hiatt asked how much time does the Council have to determine if the City can be involved and how to be involved.

Mr. Cook stated that it needs to be started soon, but he is available and willing to help get information and make things work.

Mayor Hiatt requested for clarification as to the type of investment that the City would be expected to start with.

Mr. Cook stated that the Davis County model would be for the City to pay \$2000, but if the City gets a sponsor for the lanyard then there would not be no cost to the City.

Mayor Hiatt stated that it sounds like a great project and asked the Council if they would support having Council Member Lee start looking more into Kaysville City's involvement in Play Unplugged.

The Council indicated support.

Mayor Hiatt stated that Council Member Lee will be in contact with Mr. Cook to explore this program.

CALL TO THE PUBLIC

There were no citizens who wished to speak during the Call to the Public.

**ACCEPTANCE OF IMPROVEMENTS IN THE HOMESTEAD AT HALES FARM
SUBDIVISION AT APPROXIMATELY 50 NORTH FLINT STREET – BRIGHTON
HOMES**

City Engineer, Andy Thompson explained that the developer of this subdivision has completed installing the required improvements and they have been inspected by the City's Public Works Department and found to be acceptable with the exception of some of the asphalt work on Flint Street. Matching the existing asphalt to the new curb left a couple of flat spots in the pavement. Because of this, the acceptance would be for the improvements with the 10% warranty and holding additional funds to cover the flat area in case it needs to be rebuilt.

Council Member Snell made a motion to accept the improvements with the conditions as outlined by staff, second by Council Member Lee.

The vote on the motion was as follows:

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

The motion passed unanimously.

REPORT ON TREE TRIMMING SERVICE

Mayor Hiatt explained why City staff is presenting on tree trimming services. This came from a discussion by the Council questioning whether or not there was a more cost effective way to provide this service.

Gary Hatch with Kaysville City Power reported that several years ago it was determined that there was a need to provide for additional tree trimming service. He reached out to multiple companies to provide the service at that time.

He believes that the City now only needs to keep one tree trimming company on contract based on reduced need for trimming. He also looked at the option of providing the service in house. He reviewed the costs and requirements with the Council and based on this information believes that it is more cost effective to hire out the work than to provide the service in house. Beyond these costs there are concerns such as what happens when a piece of equipment is out of service.

Mayor Hiatt stated that in 2011 with the strong wind storm it took some time to get things back in order based in large part due to trees taking out power lines.

Gary Hatch stated that the winds were strong enough that tree damage occurred regardless of the trees being trimmed appropriately.

Mayor Hiatt asked if the second tree trimming contractor came as a result of the wind storm of 2011 to help catch up on the maintenance around power lines to an acceptable standard and that if the current situation is sufficient to only maintain one contractor.

Gary Hatch confirmed that that was the reasoning for the second crew and that currently one crew would be sufficient. He also stated that he would recommend a contractor crew be retained instead of the city doing the service in house.

Mayor Hiatt asked if companies categorize trees and if there might be a system to pay per type of tree.

Gary Hatch stated that he has talked with three different companies about the best way to bid the process and was informed that the most common method for setting cost is by time and material or an estimate per specific trees. The latter would require city staff to identify the trees that would be in the estimate which requires significant time. The companies can look at sections of trees or individual trees for an estimate but the work of providing the estimate would mean an extra cost. Most utilities use time and material contracts but some very large utilities have staff to do per section estimates. He stated a concern that an estimate process would delay having a problem tree trimmed or removed in an emergency.

Council Member Garn asked about liability. If a contractor is doing the work, do they bare the risk and if the City took it over in house how would that work?

Gary Hatch stated that a contractor would be liable if they are doing the work and if the City did it, the work would need to be covered.

Council Member Garn asked for clarification that there are not bidders willing to give a flat price for their services throughout the city. That way they take the risk on the time and cost for the services. He stated that the per hour concern is legitimate so he wondered what kind of performance metrics exist and who on City staff monitors whether or not the private contractor is performing as expected.

Gary Hatch stated that his staff has observed issues and in the past he has asked for changes to the work crews to make sure they are performing and that the companies themselves often have measures in place to make sure their employees are performing.

Council Member Page asked what Gary expects will change by only having one company instead of the two currently being used. How many companies are there to choose from?

Mr. Hatch stated that he only knows of three companies. Two are currently being used by the City and the third is not currently in Utah. Reducing the number of crews would reduce the annual costs roughly by half to about \$265,000.

Council Member Snell asked that if we are reducing costs by half, does that reduce the quality and amount of work the City is receiving.

Gary Hatch stated that he believes one crew could provide the service for the entire City in one year and if they start to fall behind he may be before the Council to hire another crew to get caught up.

Council Member Snell asked about the length of contracts and termination terms.

Mr. Hatch stated that contracts are annual and the City can terminate the contract for any reason with a thirty day notice.

Council Member Lee asked if there are other provisions that might be considered for new contracts, like doing sections of the City and rotating.

Gary Hatch stated that he prefers to have the whole City done annually, but if there were consideration for only doing sections of the City each year then the trees need to be trimmed back further so that they do not grow into the lines before they are trimmed again.

Council Member Lee stated that she feels a set fee with a crew would be preferred.

Mayor Hiatt stated that he thinks that whatever the Power Department feels is appropriate is okay.

Council Member Adams thanked Gary for his research and for the information that was provided. He stated that citizens are willing to pay for what is needed but he just wants to make sure that we are getting the most for our money. If the City has expectations in place and holds the crews to those expectations then time and material is an appropriate method and having one crew reduces current cost and has moved things in the direction that he hoped to see.

Council member Garn stated the appropriateness for both time and material and a fixed contract price work. He expressed that he sees the advantage of time and material because that is the industry expectation and companies are more comfortable with it because of unforeseen costs. As long as there is appropriate management and oversight where companies are held to appropriate standards then the existing system is appropriate.

Council Member Page stated that he checked with other cities and one had two crews hired for some time as well. He stated that whoever the crew is that is working on the trimming should be treated fairly as that will motivate them to offer great work. A good relationship will motivate good work.

Gary Hatch stated that his staff does spot inspections and he believes that when a crew knows what they are expected to accomplish they will perform.

Council Member Garn stated that he believes asking for the entire City to be done each year seems to be the most appropriate method of trimming.

Council Member Adams stated that where there is currently a thirty day termination clause, maybe there could also be an underperforming clause that would allow immediate termination.

Mayor Hiatt clarified that there doesn't seem to be a desire to provide the service in house, he also stated that the discussion has led to the Council being okay with only one crew being on

contract and that they trust staff to put together the contract as they best feel so long as they are conscious regarding oversight and ensuring expectations are met.

Mr. Hatch asked that concerns be brought to his attention immediately when they arise as this makes it easier to address issues appropriately.

Mayor Hiatt asked if it might be possible to get more specific notice to owners as to when the tree trimming company would work in their area.

Council Member Adams stated that Gregory Frank has done some research and asked him to share his findings.

Gregory Frank stated that he spoke with other agencies and doesn't believe that what is being proposed is really offering any changes. He is concerned that if the Council had not asked about the issue, that this wouldn't have even been brought up. Logan has a very straight forward contract and system that could be considered. It is a flat rate contract. By informing their contracted crew that a change in their rate would require a bid process which has held their current contractor to get things done without rate increases.

Council Member Adams stated that he understands now that there was a need for multiple crews in order to catch up on maintenance.

Council Member Lee asked if Gary would be open to other cost methods if the current requested direction is not working.

Gary Hatch stated that he is open to different methods if the current direction does not work. He believes that what is being proposed is not really different than what is done in Logan.

Council Member Page stated that it all comes down to having good crews and it is important to keep them happy once we have good crews.

Mayor Hiatt again stated that after the large storm there was a need for an increased expense to have a second crew to get the tree trimming in the City up to par. He doesn't believe that previous costs were inappropriate.

Council Member Page stated that he believes the power grid has worked well this year and hasn't had brownouts like years past so commended Gary and his Department for their work.

DISCUSSION OF PAYMENT RESPONSIBILITY FOR GEOTECHNICAL TESTING

Council Member Adams explained geotechnical testing as a requirement as part of development in the City. He stated that Kaysville City is the only city he is aware of that covers the cost of those test instead of the developer covering the cost of those tests. He believes that the total costs should be on the shoulders of the developer or builder.

Andy Thompson stated that the City does pay for the service but has the developers pay a development fee that covers the cost. The city did pay out \$60,000 for services last year and collected over \$40,000 in fees, so there was a gap. When the deficit was recognized the

development fees were increased to close the gap. The City likes to have control over when the tests are taken, how often they are done, and at what point in the construction it is done.

Council Member Garn wanted to know if the City liked control because developers aren't doing the test correctly.

Andy Thompson stated that he doesn't believe test are not being done correctly, but the ability of the City to determine when tests take place helps keep contractors accountable.

Council Member Lee stated that she believes having control is appropriate but the deficit is concerning.

Mr. Thompson stated that the fees are reviewed annually.

Council Member Lee stated that if the contractor was responsible for the cost then there wouldn't be the risk of a deficit.

Council Member Adams stated that there may be other ways for the City to maintain control without bearing the risk. If the City continues to hire out the service maybe a bid for service providers is appropriate or perhaps after the service is completed a bill could be sent to the contractor. Because each job is unique, paying for specific service costs instead of a flat development fee rate would be welcomed by contractors.

Council Member Page stated that bidding the work is a good idea, and then the developer could be required to cover the cost.

Councilman Snell asked how long we have used the current process.

Andy Thompson stated that as long as he has been on staff the City has used this process.

Council Member Snell asked if there had been problems in the past that caused the City to use its current methods.

Andy Thompson explained that specific utility fees had been used in the past but where the City requires essentially the same utilities in all subdivisions a flat fee was determined to be appropriate.

Council Member Garn stated that he prefers to see things explained very specifically before a decision is made as to the appropriate direction. Additional information is needed and time should be allotted before this decision is made.

Council Member Adams stated that he feels it is okay to make a decision because either way developers expect to pay the cost and it is just a simple change to put the burden and risk all on the developer.

Mayor Hiatt stated that it would be prudent to have more information before a decision is made to better understand if there is still a gap and what needs to happen with the fee structure if a change is to be made. He also explained that there is a perception that when developers pay for studies that the results may be tainted. He then asked staff if it could be determined how much has been collected and spent.

Andy Thompson stated that it may be difficult to ascertain based on when developments received entitlement.

Dean Storey explained that when the deficiency gap was discovered a dozen subdivisions were reviewed and the fee schedule was changed to meet the average per lot cost.

Council Member Lee asked why the City couldn't just send the invoice of the work commissioned by the City to the developer for that specific project.

Andy Thompson stated that in a subdivision project, the developer covers the cost and hires out required services.

Mayor Hiatt asked if there was a concern from the development community about the current process.

Council Member Adams stated he has heard concern and experienced it.

Mayor Hiatt stated that if there is concern then we should look into things.

Council Member Adams stated that he still thinks billing the developer is an easy change without a significant difference to the current process.

Andy Thompson stated that a year ago when the fee structure was reviewed many of the ideas that are being discussed this evening were considered but concerns were identified. They are not strictly opposed to something different but believe the current method works.

Council Member Lee stated that she understands the desire to control the process and timing but the true cost should be on the developers.

Council Member Garn stated that in order to have the surety desired there could be a flat fee up front per the fee schedule then once the job is complete true cost could be reconciled.

Council Member Adams made a motion to have the cost of geotechnical work moved from the taxpayers to the developers.

Council Member Lee stated that perhaps this should be discussed again in a couple of weeks with more information.

Andy Thompson stated that the City already places the cost and burden of development on the developer. How this is done is more the question.

Council Member Adams changed his motion to rescind the current policy where Kaysville City pays for geotechnical studies and charges a flat development fee for the service and places the true cost on the developer.

Mr. Thompson stated that he would be hesitant to recommend the motion because a change to the fee schedule requires certain due process.

Council Member Garn stated that he agrees that this should not be voted on this evening because there hasn't been enough information and time provided to the Council and there has been a lack of due process.

Council Member Snell stated that he would like to have staff do more research regarding options and implement the proper noticing before a vote is made. He stated that there seems to be a consensus amongst the council that the cost should be on the shoulders of the developers.

Mayor Hiatt recommended that the motion be to direct staff to research the issue and return to the Council with a recommendation to have the cost of the geotechnical studies be accurately assessed to the developer.

Council Member Adams made a motion to direct the staff to review the process for geotechnical work to ensure that developers pay for this cost and report back to the Council within one month, second by Council Member Garn.

The vote on the motion was as follows:

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

The motion passed unanimously

COUNCIL MEMBER REPORTS

Mayor Hiatt mentioned an opportunity for the Council to tour the County Jail possibly a couple hours before the next council meeting. The Chief of Police and other officers may also join.

Council Member Lee asked about the status of the vehicle use policy and the use of logos as requested in the last meeting.

Dean Storey stated that a draft policy has been created and will be reviewed during the special Council meeting on Saturday.

MINUTES

Council Member Garn requested a change on page three, second sentence to change the word from steamed to streamed. He made a motion to approve the minutes subject to this change, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Lee, yea
Council Member Snell, yea
Council Member Page, yea

Council Member Adams, yea
Council Member Garn, yea

The motion passed unanimously

CLAIMS

Council Member Snell made a motion approving the claims in the amount of \$1,629,100.24, second by Council Member Page.

The vote on the motion was as follows:

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

The motion passed unanimously.

CALENDAR

The Council Members reviewed a three month calendar.

CLOSED MEETING TO DISCUSS STRATEGY FOR PENDING OR REASONABLY IMMINENT LITIGATION

Council Member Lee made a motion to adjourn the City Council Meeting at 9:45 p.m. and reconvene into a closed meeting to discuss pending litigation, second by Council Member Snell.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member Lee made a motion to adjourn the closed meeting at 11:44 p.m. and reconvene into the City Council Meeting, second by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member Snell made a motion to adjourn the City Council Meeting at 11:45 p.m., second by Council Member Lee.

The vote on the motion was as follows:

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

The motion passed unanimously.