



CITY COUNCIL MEETING

Meeting Minutes

January 5, 2017

Minutes of the Kaysville City Council meeting held Thursday, January 5, 2017 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 E Center St., Kaysville, UT 84037.

Present: Mayor Hiatt, Council Member Snell, Council Member Page, Council Member Adams, Council Member Lee and Council Member Garn.

Others present: City Manager Shayne Scott, City Engineer Andy Thompson, City Recorder Maria Devereux, Parks and Recreation Superintendent Cole Stephens, Officer Paul Thompson, Public Works Director Josh Belnap, Dean Wall, Brittney Thompson, Cody Thompson, Katie Witt, Jeff Dunford, Ryan Wilk, Audrey Nybo, Kimmy Humpherys, Cerissa Thompson, Aaron West, Emma West, Marc Robinson, David Carlsruh, Braden Neeley, Todd Haggard, Alan Wayment, Carl Lund, Orson Ray, Jackson McBride, Duncan Jeppson, Samuel Clawson, Micah Yerman, Ben Horne, Phil Richards, Andrea Richards, Jana Acton, Bridget Olsen, John McCleary and Richard Olsen.

Opening provided by Council Member Lee.

Cub Scout Troup 360, led the audience in the Pledge of Allegiance.

VOLUNTEER OF THE SEASON

Council Member Snell explained that the award of Volunteer of the Season will be moving to a quarterly event. He noted that the award will be presented in March.

EMPLOYEE AWARD PRESENTATION

Mayor Hiatt awarded a Rural Water Certification to Public Works employee, Cody Thompson. He noted that the certificate will also will be awarded at the Rural Water Conference in September 2017. He recognized Cody Thompson for his strong work ethic and accomplishment.

Josh Belnap, Public Works Director, explained that he appreciates working with Cody Thompson and congratulated him on his efforts. He noted that crews worked 14 hours on Christmas and explained that they had worked continuously clearing the city roads this winter season. He stated that he appreciates the residents/citizens for their patience as they work to make the roads clear.

CALL TO THE PUBLIC

Mayor Hiatt noted that Call to the Public is the time to address agenda items and asked the audience to limit comments to three minutes.

Mayor Hiatt explained that he will allow the public to comment in regard to the parking proposal discussion later in the evening.

John Mcleary complimented the City lights. He explained that he enjoys the Holiday theme and recognizes that decorating trees takes many hours.

David Robinson read an exert from a speech delivered on Dec. 2, 2016, by the president of Hillsdale College at Hillsdale College Allen P. Kirby Jr. Center for Constitutional Studies and Citizenship in Washington DC.

David Robinson explained that an email was sent to Margaret Brough from Dave Adams at 9:22 a.m. He explained that within the email there is a veiled accusation of bribery against the City Manager and that he finds it offensive.

PRELIMINARY AND FINAL PLAT FOR THE WCP KAYSVILLE CONDOMINIUM SUBDIVISION

Andy Thompson, City Engineer, explained that WCP Investments, LLC has been building the new West Kaysville Medical Building just west of Angel Street on 200 North Street. The building itself was approved as a permitted use with the anticipation that the building may be made into condominiums so that individual units could be owned separately. The proposed plat does not modify anything on the site that has previously been approved through the site review and building permit process. He explained that a final plat has been submitted that identifies the common areas in the parking and within the building and 2 separate units in the building. In addition to the plat documents, a copy of the proposed covenants for the condominium has been submitted to establish an entity responsible for taking care of the maintenance.

Matt West, COO of Wee Care Pediatrics and WCP Manager noted that he has leased for many years and wanted to own now. He noted that the other suite is owned by an orthodontist and that they will own the other unit.

Council Member Snell made a motion to grant approval for the Preliminary and Final Plat for the WCP Kaysville Condominium Subdivision, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Abstains from vote due to conflict.
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed four to one.

PRELIMINARY PLAT FOR THE 40 E CRESTWOOD PUD SUBDIVISION

Andy Thompson explained that in October of 2016 the City Council approved of the PUD overlay zone subject to approval of the plat for a six unit subdivision at the subject address. In short, as currently proposed each building could be owned separately but each unit could not. A homeowners association would be created to take care of the common areas.

Andy Thompson explained that staff has reviewed the proposed plat and site plan and feels comfortable that the plat and proposed plat can be considered for preliminary approval if the Unit A and Unit B configuration is acceptable as opposed to the originally perceived 6 lot subdivision. He noted that the Planning Commission voted to recommend approval of the Preliminary Plat for the 40 Crestwood PUD Subdivision with final setbacks to be determined at final plat review. The City Council should also provide direction regarding the building setbacks to be verified at final plat.

Council Member Garn made a motion to approve the Preliminary Plat for the 40 E Crestwood PUD Subdivision, 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.

PIONEER PARK CONSULTING AGREEMENT

Cole Stephens, Parks and Recreation Superintendent, explained that Pioneer Park will be a 10 acre park site located in the south west section of the City. The future park sits at approximately 1285 South Angel Street. The park is bordered by residential development (Sunset Equestrian Estates) on the north, east and south sides along with a charter school to the south.

He noted that the Pioneer Park Ad Hoc Committee was formed in October 2016 and has met monthly since then. The committee consists of 8 citizens, 3 Parks and Recreation staff and City Council advisor over Parks and Recreation. The committee was formed with the idea to help guide the development of future Pioneer Park site.

Cole Stephens explained that City staff solicited an RFP for engineering and design services in December 2016. Staff received 16 proposals from engineering and landscape architectural firms. After reviewing and scoring each firms proposal, a short list of four firms were invited to an interview/presentation phase. After meeting with each of the four firms, staff recommends contracting with Blu Line Design. He noted that he hopes to break ground in the summertime.

While all four proposals had ideas and concepts that could assist the city with the development of Pioneer Park. Blu Line Design presented a proposal that best suited the City's interests in master planning Pioneer Park.

Council Member Snell noted that many factors went into the decision to award the bid. He praised staff for their diligence.

Council Member Page made a motion to approve the Pioneer Park Consulting Agreement, 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.

SHEPHERD LANE IMPROVEMENT PROJECT

Andy Thompson explained that a resident expressed concern about the lack of sidewalk on Shepard Lane near the new subdivision, the Council asked staff to look into the issue. It was found that as homes in this area had resubdivided their property, the City had collected money for the street improvements with the intent to do the work all at the same time rather than in several 100 foot long sections. The City has had this area designed and bid. Realizing the need for much more work on Shepard Lane in the near future this project was kept to a minimum and the work that is included will fit with the overall Shepard Lane project when it is funded and built.

He stated that this project is needed, ahead of the overall project, to provide a safe route for the children in the new subdivision to get to the existing elementary school. He explained that Bowen Construction is the low bidder at \$47,160 and recommends the project be awarded to Bowen Construction.

Council Member Snell made a motion to approve the project with Bowen Construction, 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.

PARKING PROPOSAL DISCUSSION

City Manager Shayne Scott noted that parking has been a much discussed topic in Kaysville the past few years, specifically, parking in and around Davis High School. Since discussing parking issues on September 1 at the regular City Council meeting, various groups have met and discussed the aspects surrounding this issue. He explained that It is the proposal of the Kaysville City Staff that the City Council do the following: 1) Decide the fate of the No Parking signs on city rights of way around Davis High School. 2) Decide whether or not to

decriminalize parking and how this would work in the City outside of the judicial system all together.

He explained that it is the proposal of City Staff that the Council:

- 1) Instruct staff to remove all No Parking signs on city streets surrounding Davis High School. As part of this removal staff can also paint red curb paint showing clearly where drivers should and should not legally park.
- 2) If signs are allowed to stay, that we update the signs with clear intentions and instruct the police/enforcement arm how to proceed with parking enforcement.
- 3) Give feedback to staff on the proposed Parking Ordinance that is included in Council packets with various suggestions and proposals that have come from City staff from the aforementioned staff meetings including winter parking, fines, and appeals.

He noted that City staff believe that there is no answer to parking in the City that will make every resident happy. Currently the signs that are up are confusing and unenforceable. While many residents that live near Davis High School would be unhappy with the removal of the No Parking signs, staff believe this is the correct thing to do to treat all residents fairly, regardless of where in the City they live. He noted that Davis High School has proposed striping and making available parking stalls on campus that presently unavailable. They have agreed to provide enforcement assistance with parking on the streets.

Council Member Snell noted that parking is hard to enforce and often it is hard to adjudicate the ticket. He noted that making this matter a civil issue will make it more enforceable. He recommends to staff to move forward to put on future agenda the draft language to made that change and make it a civil matter.

Andy Thompson, City Engineer, explained that initially, he was in favor of angled parking. He explained that after review there was not much advantage since the number of stalls didn't increase. He noted that creating clear signs or painting curbs, may be the most enforceable solution. He explained that a ticket would be issued and a fine would have to be paid if parking was violated. He noted that the impact to neighborhoods would be reduced.

Council Member Snell made a motion to make parking a civil issue to make it more enforceable, and directed staff to draft language to support that change, second by Council Member Lee.

Mayor Hiatt noted that a map may be helpful to easily show the public which locations will be effected.

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.

CALL TO THE PUBLIC IN REGARD TO PARKING PROPOSAL

Emma West noted that taking the signs down would impact their neighborhood. She noted that clear verbiage may assist with the parking signs.

Ron Zollinger noted that he lives two houses down from the school and stated that if the signs come down that he will not be able to park in the street in front of his home.

John Mcleary stated that the parking signs are working. He stated that if they were monitored more frequently and if they had clearer verbiage, the signs would be much more effective. He also suggested to have the Police Department put warnings on each car.

Cerissa Thompson explained that she was representing the Davis High School administration. She explained that the school will be opening up the driving range for parking. She noted that they have a minimal 6-12 spaces that can be created. The school has discussed ride sharing and possibly incentivizing carpooling for staff. She noted that making parking a civil matter assists the school, and explained that the school is willing to assist in painting curb. She explained that the school wants a good partnership with Kaysville City and the community.

Mark Robinson noted that his daughter gets up every morning to find parking at the school. He noted that the new Farmington High School opens February 2018 and that some parking challenges may be alleviated.

Ben Horne, a Davis High School teacher, explained that students are learning to be more responsible. He hopes that this matter can be resolved without issue.

Diana Barton, Community Council Member, noted that safe parking options are important for students.

Jody Mills noted that the signage needs to be enforced. She asked the Council not to take down the signs.

Jana Acton stated her concern the safety of students as well as the option of parking in front of her home. She explained that she would like signs to stay up.

David Robinson noted that parking only be granted to senior high school students, not juniors. He suggested this may eliminate the parking problem.

Jeff Dunford noted that taking the signs down is not a solution to the parking problem. He noted that a school is no different than a business. He feels that surrounding neighborhoods shouldn't be affected. He implored the City Council not to take down signs.

Robert Stock, explained that he is directly impacted by the parking issues. He noted that if signage is removed there would be more of a problem.

Bob Winegar noted that if signs are taken down, it will affect elderly, children, and all residents. He noted that the council has the responsibility to take care of the community.

Dean Wall explained that he represents owner of a property. He noted that the owner is against taking the signs down. He stated that he is upset with garbage left around and is frustrated that nothing has been done.

Audrey Nybo explained that if permits were only given to seniors it would exacerbate the issues.

Andrea Richards, Community Council, noted that she lives by the school. She noted that the school should pay for a bigger bond and the shoulder the cost of building a parking structure. She stated that students should learn to be more responsible.

Council Member Garn noted that he agrees with many opinions and appreciates the different perspectives. He explained that he agrees with Mayor Hiatt, that signs should not be taken down until they have something valid to replace them with.

Council Member Adams noted that he understands all the viewpoints presented tonight. He noted that the Council and those in attendance should keep an open mind. He suggested that the adults need to figure this out and take the stress away from the students since lack of parking spaces is not their fault. He noted that the community needs to be invested and find a solution to alleviate the parking issue.

Council Member Lee noted that her solution would be taking the bus, walking, carpooling or having a parent drop students off. She noted that we have to put up signs in all neighborhoods or have to allow it for all.

Mayor Hiatt noted that they have unanswered questions. He stated the need to find the cost of fines, the possibility of creating better signs or amending signs, he asked if 'limited parking' signs or 'resident's only' signs really make a difference. He stated he is empathetic for both sides.

Council Member Snell noted that lack of parking forces students to park in front of residents homes. He noted that making change to go to civil route will require a component for enforcement. He stated his concern for painting curb and explained that most of the calendar year it would be enforceable with the exception of winter. He noted that safety is the primary concern and stated that rigorous enforcement may be needed.

Council Member Page noted that students have options. He explained that students go early. He noted that tickets are a good consequence. He noted that enforcement of parking rules is important at all high schools. He noted that clear signs help with parking enforcement as well.

Mayor Hiatt asked the consensus of the Council.

Council Member Garn stated that he is not in favor of taking down signs.

Council Member Adams stated that red paint on curbing may assist with parking issues.

Council Member Lee stated that she is willing to go along with the majority since a solution is needed.

Council Member Snell noted that he is not in favor of taking the signs down.

Council Member Page is in agreement to leave the signs up for now.

Council Member Garn made a motion to table item and allow time for the City Council to review and address parking issues without taking down signs, 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.

CELL TOWER LEASE WITH AMERICAN TOWER ASSET.

City Manager Shayne Scott explained that American Tower Asset Sub, LLC reached out to Kaysville City and expressed a desire to extend the current lease we have with them for a cellular tower on land owned by Kaysville City. This agreement would extend the lease until 2040. For extending the lease, the City would receive a one-time payment of \$50,000. It also allows for some Revenue Sharing on the part of the City as the lease company adds on any additional sub lease tenants to this tower.

Shayne Scott noted that staff recommends that we accept the agreement with American Tower Asset Sub, LLC. After negotiating \$20,000 more than initially offered. He explained that while expiration of this lease is not eminent, being able to re-up and receipting the down payment now is in Kaysville's best interest. Legal has had the chance to review this lease and after suggesting a few minor changes has signed off on this agreement from a legal perspective. He noted that he would add a request to the agreement to keep the tower maintained and aesthetically pleasing.

Council Member Adams made a motion to approve the Cell Tower lease, second by Council Member Lee.

Council Member Snell made a substitute motion to table this item for two weeks pending clerical changes and adding a maintenance component to the contract, 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.

COUNCIL MEMBER REPORTS

Council Member Garn noted that the New Year's Eve celebration was an enjoyable event. He explained that Youth City Council and others were volunteering.

Council Member Snell noted that a Code of Conduct was passed last year and noted that transparency is a priority. He noted that side discussions and whispering at a public Council meeting shouldn't happen.

Council Member Lee stated her appreciation for the comment and agrees that transparency is important within the city.

Mayor Hiatt noted that Officer Lacy Turner was caught helping someone clear their driveway. He explained that a video was taken from a home security camera and has been viewed 95,000 times on Facebook and is posted on the Kaysville City website.

MINUTES

Mayor Hiatt asked for a motion to approve the Minutes for December 1, 2016.

Council Member Lee made a motion to approve the Minutes for December 1, second by Council Member Adams.

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.

CALENDAR ITEMS

The current calendar items are listed on the website.

Mayor Hiatt noted that January 7, 2017, Saturday, is an annual work meeting.

Council Member Snell made a motion for adjournment at 10:23 p.m., second by Council Member Lee and passed unanimously.

Maria T. Devereux, City Recorder