KAYSVILLE CITY COUNCIL

Meeting Minutes

January 19, 2017

Minutes of the Kaysville City Council meeting held Thursday, January 19, 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, Police Chief Oberg, Finance Director Dean Storey, Jeff Dunford, Ron Zollinger, Members of Cub Scout Troop 596, Rob, Nilsen, Alan Farnes, Loree Kamalu, Randi Vonbose, Andrea Richards, Phil Richards, David Hasson, Jerry Goodspeed, John Loveless, Hannah Loveless, Audrey Nybo, Leeann Ayer, Steve Kemeny, Austin Kemeny, Brad Chapple, Cerissa Thompson, Josie Sanders, Kate Niederhauser, Kyler Hansen, Duane Hansen, Emily Arrington, Trevor Dustin, Brooklynn Gallagher, Jonah Feigleson, Kate Stuart, Ryan Lindberg, Nick Haroldsen, Josh Foster, Preston Henrie, Bryson Hall, Lance Jeffery, Dane Dansie, Carole Walker, Katie Witt, Jeana Stockdale, and Robert Stockdale.

Opening provided by Council Member Larry Page.

BUSINESS SPOTLIGHT

Mayor Hiatt explained that the business was not able to be present.

POWER COMMISSION APPOINTMENTS

Mayor Hiatt explained the background, noting that the City Council has discussed the need to create a Power Board as an advisory board. He noted that there were many qualified applicants that have been narrowed down to seven members. The members include Council Member Susan Lee, Sean Chilcote, Allen Farnes, Patrick Hein, John Loveless, Jordan Stephenson, and Brock Thayn.

Council Member Lee made a motion to accept the appointments for the Power Board, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Not in attendance.
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

CALL TO THE PUBLIC

Mayor Hiatt explained that Call to the Public is the time for the public to address agenda or other items and asked the audience to limit comments to three minutes.

Katie Witt stated that she is involved with the Kaysville Rotary. She noted that Days for Girls will be held on Saturday, January 28th at Davis High School. She noted that they are hoping to have 2000-3000 volunteers. She expressed gratitude to Mayor Hiatt and advised that she will be streaming the State of the City Address, on February 8, 2017, on the Kaysville Condensed Facebook page.

Lorene Kamalu, Planning Commission, stated that she is excited about the Power Commission. She thanked the Mayor and City Council for the appointments of those in the community that are willing to serve.

John Loveless, stated that it would be helpful to have glass recycling within Kaysville City. After research, he found that glass recycling within Kaysville would be free of charge if the City would host a location, and keep the area clean and safe.

Ron Nielsen stated that he drove around the City and took pictures during the last snow storm. He noted that Chelsea drive, a cul-de-sac, was clear. He feels that main streets need to be cleared first for the safety of children, not cul-de-sacs.

Dean Wall explained that he was speaking on behalf of a Kaysville resident and neighbors, he is concerned about a power bill and is upset about the City staff not contacting him. He explained that he may file a complaint against the City.

Kate Hart stated that David Robinson, in a previous meeting, incorrectly claimed that Council Member Adams did not have a have a business license.

Jeff Dunford stated that he compliments City staff. He noted that he read the Agenda packet and explained that the proposal for parking around Davis High School is what citizens hoped for. He suggested that permits not be given to all residents, but on a case by case basis.

Kate Neiderhauser, PTA/Davis High School, noted that a City Ordinance for Parking should be extended to all residents and businesses, to include the Kaysville City Theater.

USU MASTER PLAN PRESENTATION – JERRY GOODSPEED

Jerry Goodspeed, Director of the Utah State University Botanical Center, explained the concept of the Master Plan for the center.

He explained that it is important to experience natural resources. He explained that the focus of the Utah State University Botanical Center is education and research on conservation and wise use of plant, water, and energy resources. He explained that the committee may build a new Visitors Center. He noted that they have the largest arboretum in the state of Utah.

He encouraged the City Council to come and offered to give them a tour.

PROPOSAL TO RETAIN 'NO PARKING' SIGNS NORTH OF DAVIS HIGH SCHOOL

City manager Shayne Scott explained that parking has been a highly discussed topic in Kaysville the past few years – specifically the 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 people on both sides of the issue have claimed safety as a priority. He noted that staff discussed four options: To remove all signs and allow parking in this area, to allow for only 2 hour parking, to allow for no parking from 10am – 2pm, or to allow for parking in the area by permit only.

Shayne Scott explained that it is the staff's recommendation to go with Option 3 and restrict parking from 10am – 2pm. He recommended we take the following actions and 1) Decriminalize parking violations in Kaysville by passing the proposed ordinance, 2) Update all signs to reflect new parking hours in all locations, 3) Enforce the No Parking at least once each school day with Kaysville Police Officer staff (keeping in mind that this no parking extends to any and all cars during posted hours) 4) Install additional signs in additional areas around DHS as needed, 5) Encourage DHS staff and administrators to perform the tasks they have committed to performing and continue to address the parking problem at Davis High School.

Council Member Garn acknowledged it would take extra work to do permitting. He acknowledged that residents have valid concerns with safety and access. He noted that the role of the city is to manage the resource. He explained that costs could be cut by the cost of permitting. He stated that permits could be available to both residents and students at a cost. He noted that there should be adequate parking and as a body, the City Council should find a safe resolve for residents and students.

Council Member Adams noted that the school has opened their doors for City events, and a solution is needed. He noted that he approves of painting curbs, and asked that the students come up with a solution as well. Council Member Adams noted that this parking issue is not the fault of the students. He noted that the Davis High Parking lot could be restriped with angled parking. He encouraged students to be respectful, eliminate littering, and keep driveways clear.

Council Member Lee noted that parking needs to be uniform throughout the City.

Council Member Page explained that he isn't convinced that there is a need for uniformity throughout the City. He recognized the severe parking issue that exists during the day, in front of residents homes. He noted that the residents should have the same parking options the students have.

Council Member Snell noted that he has spoken with Principal Swanson and the residents as well. He noted that the City Council and the community are trying to find common ground. He noted that they could offer incentives for carpooling, consider issuing reserved parking spaces, if there are two or more students per carload. He noted that he would like the Council to find a solution that works, then possibly expand this to other areas.

Council Member Garn made a motion to have staff prepare a plan that would allow both students and residents to park on the streets, probably by use of parking permits, second by Council Member Snell.

Council Member Adams made a substitute motion to put bags over the signs for a year and see if any reconciliation can be made with specific conditions and alternative methods, such as booting a car or towing a vehicle if violating the parking ordinance. Motion fails for lack of a second.

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.

Andy Thompson, City Engineer, advised that he will have information for the Council to review in two weeks.

PARKING ORDINANCE 17-01-01, REVISING AND AMENDING PROVISIONS OF THE REVISED ORDINANCES OF KAYSVILLE CITY.

Shayne Scott, City Manager, explained that regardless of the outcome of the signs, staff believes that moving parking violations from a criminal to a civil offense will allow for better enforcement and easier collection. Parking offenses tend to be more minor offenses and there is a significant time and cost savings in moving these offenses to civil matters. The burden of proof on a parking violation is also removed from the court system.

Council Member Snell made a motion to adopt the Parking Ordinance 17-01-01 revising and amending provisions of the revised ordinances of Kaysville City, 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.

ORDINANCE 17-01-02, AMENDING SECTION 17-31-2, ACCESSORY BUILDINGS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Andy Thompson, City Engineer, explained that in regard to the existing requirements pertaining to accessory buildings, staff has been asked to research possible modifications to the ordinance that may more appropriately accommodate accessory structures such as sheds and detached garages that residents are proposing. He noted that it is not uncommon to have a request for larger and taller accessory buildings in order to house or accommodate large recreation vehicles, RV's, boats, etc. The current ordinance allows for such structures to be built up to the maximum allowed height in the zone, but based on the way it is measured currently often requires such buildings be set back and positioned from property lines such that the access to such buildings is no longer suitable. ie: garage positioned so that maneuvering a boat or RV is all but impossible.

He explained that staff has researched ordinances of other cities throughout the State and discussed internally different concerns and means of modifying the current ordinance. Based on this research and discussion the following amendment is proposed by staff.

Council Member Snell made a motion to amend Ordinance 17-01-02, Amending Section 17-31-2, Accessory Buildings, of the Revised Ordinances of Kaysville City**,** 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.

TYLER MEADOWS SUBDIVISION ACCEPTANCE OF IMPROVEMENTS AT 550 SOUTH KNIGHT'S WAY AND 988 WEST SMITH LANE.

Council Member Page made a motion to accept the improvements for Tyler Meadows Subdivision at 550 South Knights Way and 988 West Smith Lane, second by Council Member Snell.

Council Member Adams made a substitute motion to accept the improvements for Tyler Meadow Subdivision with an additional warranty, a 6-12 month period, for the areas that are compromised by the road cuts, second by Council Member Snell.

The vote on the substitute 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.

QUARTERLY BUDGET UPDATE – DEAN STOREY, FINANCE DIRECTOR.

Dean Storey, Finance Director, gave an overview and update of the Quarterly Budget Report and reported that the City is in solid financial standing. The Quarterly Budget 2017 is included in the Staff Report.

CELL TOWER LEASE WITH AMERICAN TOWER ASSET.

Shayne Scott, City Manager, 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 onetime payment of $50,000, establish the rent to be paid, and 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.

At the January 5, 2017 meeting there were two items that Council instructed staff to ask about including in the agreement in addition to two typo type corrections. The typos have been corrected.

The first of the additional requests was a provision that the tower be maintained in good condition. This section has been added to the agreement. The second was to ask if there was potential in any sort of visual shield for a tower like this that is so near the downtown Kaysville area. Shayne Scott recommends that we accept the agreement with American Tower Asset Sub, LLC. After negotiating $20,000 more than initially offered, we feel like this is the best deal for Kaysville City. Although it is hard to compare apples to apples in a case like this, staff has also checked with other cities on recent negotiations for cell tower leases and believe we have negotiated a fantastic deal for the City compared to similar situations in other Davis County Cities. We acknowledge the changes to the contract since the last meeting and believe this is a fair and equitable deal for both parties.

While expiration of this lease is not eminent, being able to re-up and receipting the down payment now is a good deal for Kaysville. City staff does not believe another use of this tower is imminent. Legal has had the chance to review this lease and has signed off on this agreement from a legal perspective.

Council Member Page made a motion to approve the Cell Tower Lease with American Tower Assett, 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 DISCUSSION AND ACTION OF POSSIBLE CODE OF CONDUCT VIOLATION.

A copy of the letter was given to the City Council and those in attendance.

Mayor Hiatt noted that Council Member Adams has not had a chance to read the letter that has been presented and noted that he is due, due process. He noted that he will give equal time to Council Member Adams and Council Member Garn, he granted them ten minutes each.

Council Member Garn suggested that this matter be postponed to give Council Member Adams time to respond over the next two weeks.

Council Member Page stated that delaying this matter and giving Council Member Adams time to prepare is just decision.

Council Member Adams noted that he is willing to discuss this matter. He noted that there isn't an appeal process and feels that is a fault with the Code of Conduct. He stated that he feels the accusations are false.

Mayor Hiatt noted that notification should have been given to Council Member Adams. He explained c Counsel on the process going forward.

Council Member Adams noted that he is due, due process and expects to be represented or given a chance for rebuttal.

Council Member Garn noted that the intent was not for formal action, but for discussion.

Council Member Adams made a motion to continue with the discussion of admonishment. Motion fails for lack of a second.

Council Member Adams made a motion for this matter to be stricken from the Council agenda indefinitely, second by Council Member Lee.

Kate Hart, proposed the emails and letter be put on the website.

The vote on the motion was as follows:

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

The motion failed three (3) to two (2).

Mayor Hiatt noted that he will reach out to David Church, Attorney, for recommendations and will report back to City Council.

<u>COUNCIL MEMBER REPORTS.</u>

Council Member Snell noted that they had a meeting with Blu Line Design and the process for design at Pioneer Park has been started. He noted that they will have a public open house to discuss further development.

MINUTES

Mayor Hiatt asked for a motion to approve the Minutes of January 5, 2017.

Council Member Lee made a motion to approve the Minutes for January 5, 2017, 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.

CALENDAR ITEMS

The current calendar items are listed on the website.

CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.

Closed meeting.

ADJOURNMENT

Council Member Garn made a motion for adjournment at 10:45 p.m., second by Council Member Lee and passed unanimously.