KAYSVILLE CITY COUNCIL

Meeting Minutes

March 2, 2017

Kaysville City held a special meeting beginning at 6:00 p.m. on Thursday, March 2, 2017 followed by a regular City Council meeting at 7:00 p.m. in the Council Room of the Kaysville City Municipal Center, 23 East Center Street, Kaysville, UT.

CITY COUNCIL ASK THE COUNCIL – QUESTION AND ANSWER SESSION

Council Member Susan Lee held an open discussion and answered questions in regard to topics that relate to the community and the business of the City.

CITY COUNCIL MEETING

Meeting minutes of a regular City Council meeting at 7:00 p.m. in the Council Room of the Kaysville City Municipal Center, 23 East Center Street, Kaysville, UT.

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 Superintendent Cole Stephens, Chief Sol Oberg, Scott Riddle, Barbara Riddle, Ron Stephens, Luann Stephens, Margaret Brough, Dave Davies, Randi Von Bose Tammy Rider, Nannette Lowder, Kris Willy-High, Rustin Jesson, Brigg Lewis, Mike Nielsen, Jenny Garlick, Brett Garlick, Lydia Westover, H. Don Westover, Jed Barton, Jill Barton, Dan Bain, Ashley Alberts, Jayden Alberts, Kyla Alberts, Heidi Ross, Donovan Ross, Mike Ross, Laneah Ross, Emerson Ross, Mallory Ross, Alan Olsen, Vance S Garfield, Porter Archibald, Allen Archibald, Sun Yong Kim-Manzolini, Mike Manzolini, Curt Carlson, Jason Broadbent, Lanae Jeffreys, Travis Nokes, Darlene Carter, Dan Stephenson, Becky Hayward, Blake McBride, Kyle McDermott, Whitney Ballam, Maree Funk, Rebecca Olson, Pennie Terry, Scott Terry, Dahlene Mullins, Luke Francis, Noah Mullins, Brendon Baird, Kainoah Messika, Luke Otterson, Todd Christensen, Jay Christensen, Blake Williams, Devin Williams, Leslie Shimmer, and Katie Witt.

VOLUNTEER OF THE SEASON

Council Member Snell recognized Tammy Rider as the Volunteer of the Quarter. He explained that Tammy Rider has lived in Kaysville for approximately five years and that she and her husband, moved from West Valley City. She has been a volunteer for the City for years and has helped with the New Year's Eve Party, the Independence Day Event, the Miss Kaysville/Fruit Heights Pageant, Kaysville Idol, and most recently the Daddy Daughter Dance.

Council Member Snell expressed his appreciation for Tammy Rider and thanked her for her contribution in the success of many of the City events.

DHS BAND:MARCH TO MACY'S - REQUEST FOR COUNCIL SUPPORT

Steve Hendricks, Band Director, explained that 320 students are going to march and perform in the Macy's Day Parade in New York City. He explained that the costs are extensive and asked the City Council for their support. He explained that Council participation in fundraising events would be appreciated. He noted that May 13th is a 5K Color Run with colored corn starch. He asked for police support, EMT coverage and assistance with barricades the day of the event. He noted that June 10th is the March to Macy's Carnival and explained that assistance is needed from the City in regard to advertisement, yard signs, and booth space in the 4th of July event at no cost. He explained that there are other fundraising events for this trip currently being planned. He expressed appreciation for the Council and their support of the Davis High School band.

Council Member Snell volunteered to be dunked in the dunk tank. He noted that Davis High School is something that the City is proud of and is happy to assist as he is able.

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.

Margaret Brough expressed her thanks to Council Member Adams for his knowledge of City business and willingness to help the City.

Randy Rhodes stated that he agrees with Margaret Brough. He asked if the City Council was aware of the date and use of City resources toward the Roueche Ponds.

Ron Nielsen noted that the City Council should act professionally and put personal feeling aside.

Dave Davies complimented the Council and City Manager on their professional behavior.

Scott Riddle explained that the Roueche Ponds were dredged two years ago. He explained that their community could benefit by installation of a silt catch basin.

David Robinson explained that Health Insurance would be a good investment for people that serve the citizens of Kaysville.

Sharon Whitaker thanked Tammy Wursten for her fundraising efforts with Pickleball.

Brett Garlick thanked the committee and everyone who worked together to raise $125,000 for Pickleball Courts.

David Vance explained that in regard to the old library building, residents prefer having a Kaysville City Community Center and Museum in lieu of offices to house employees.

<u>REQUEST TO REZONE 1.08 ACRES OF PROPERTY FROM A-1 (LIGHT AGRICULTURE) TO R-A (RESIDENTIAL AGRICLTURE) AT 1053 SOUTH ROUECHE LANE</u>

Andy Thompson, City Engineer, noted that the applicant is requesting to rezone the property to allow a possible subdivision or property line adjustment in the future. He explained that the R-A zoning district allows lots to be as small as 21,780 sq. ft. or ½ an acre. This would potentially allow the property to be divided to create one additional lot. He explained that there is one lot adjacent to the subject property which is already zoned R-A, with much of the bordering area being zoned A-1.

The request is consistent with the Kaysville City General Plan and similar to properties in the surrounding area.

Council Member Snell made a motion to approve the Rezone of 1.08 acres of property from A-1 to R-A at 1053 South Roueche Lane, 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.

<u>REQUEST TO REZONE 0.18 ACRE OF PROPERTY FROM (PROFESSIONAL BUSINESS) TO HC (HEALTH CARE) AT 579 SOUTH MAIN ST</u>

Andy Thompson, City Engineer, explained that the applicant is requesting to rezone the property for the purpose of running an adult day care business. The property, located just south of the DATC along the east side of Main Street, has been used as a commercial use property for many years. He explained that the requested use is primarily for the temporary care of individuals, typically providing assistance for a few hours at a time for someone who may be caring for an aging parent, for example.

Andy Thompson explained that the Planning Commission expressed that the use seemed to be appropriate for the property so long as the building would be verified to have appropriate ADA access.

Andy Thomson noted that there were concerns in regard to the close proximity to the school. He explained that care of the elderly will be in the home.

Council Member Garn made a motion to approve the request to rezone 0.18 Acres from a PB to HC, subject to ADA access and no overnight stays, second by Council Member Page.

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.

PRELIMINARY PLAT APPROVAL FOR CRESTWOOD SUBDIVISION AT 8 EAST CRESTWOOD ROAD

Andy Thompson, City Engineer, explained that starting a year ago in February of 2016, the property owner's intentions to subdivide this property were made known with an application for rezone. Originally the request was to rezone the property to the R-4 zoning district in order to construct 12 townhome style dwellings. After multiple meetings changes were made to the original proposal that placed a road on the west side of the property and the number of units reduced from 12 to 8. He explained that ultimately the City Council denied the request for the revised R-2 zone change to accommodate 8 dwellings. He explained that a new application has been made leaving the property in the R-1-8 zoning, and proposing a single family detached project with a private lane. A preliminary plat has been submitted which shows a private lane along the west side of the property and 5 lots each with at least 8,000 square feet.

Council Member Lee made a motion to approve the Preliminary Plat for Crestwood Subdivision at 8 East Crestwood Road, 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.

FINAL PLAT APPROVAL FOR 40 CRESTWOOD PUD SUBDIVISION AT 40 EAST CRESTWOOD ROAD

Andy Thompson, City Engineer, explained that this property is located on the south side of Crestwood Road between Main Street and Heritage Park. The property is roughly 0.44 acres or just over 19,000 sq. ft. in size. He explained that the property is zoned R-M and has recently received the PRUD overlay zone and preliminary plat approval. He explained that the plat consists of two three-unit buildings on pads, with the remainder of the property as common area. The units are proposed as two story with a double garage and three bedrooms.

Andy Thompson noted that the final plat complies with the zoning and preliminary plat. The Planning Commission voted unanimously to recommend approval of the Final Plat for 40 East Crestwood PUD Subdivision with the condition that the buildings be similar to what has been represented.

Council Member Page made a motion to approve the final plat for Crestwood Subdivision at 8 East Crestwood Road, 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.

AWARD OF CONTRACT FOR CONSTRUCTION OF PICKLBALL COURTS

Tammy Wursten expressed that these courts will not just benefit our community but will draw people into our City. She explained that great credit is to be given to the Pickleball Committee for their efforts in raising a substantial amount of money within a years' time. She noted that this project will be a great benefit to the Parks and Recreation system in Kaysville.

Cole Stephens, Parks and Recreation Superintendent, expressed gratitude to Tammy and Allen Wursten for their fundraising efforts and praised the Pickleball committee. He explained that in January 2017, after the committee had raised over $110,000, Parks and Recreation solicited bids for the Barnes Park Pickleball court project. On February 15, 2017 bids were received and opened in public at City Hall. He explained that Staff has reviewed the competitive bids submitted and recommends awarding the construction contract to Parkin Tennis Construction for the Base Bid amount of $173,621.02. He explained that they have reviewed the options of lighting four courts and recommends the authority be given to staff to purchase the lights from Musco Sports Lighting, LLC, subject to Kaysville City Purchasing Policy and Procedures. He noted that the lights will be user activated and can set the parameters of the lights and that lights will shut off at 11:00 p.m.

Council Member Garn noted that parks are essential to each city, and stated that it keeps the community healthy. He stated that the Pickleball Courts will be a great benefit to the community.

Council Member Snell noted that it is impressive to see the community come together to raise such a substantial amount of money.

Council Member Adams noted that this has been a beneficial project and a good use of funds.

Council Member Snell made a motion to award the contract of Pickleball Courts contract to Parkin Tennis Construction for eight courts and authorize staff to purchase lights directly from Musco Sports lighting, LLC, second by Council Member Page.

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.

REVIEW OF ROUECHE LANE PONDS PROJECT

Shayne Scott, City Manager, explained that over the last couple of years, City Staff has been working with residents near the ponds just south of Roueche Lane to reduce flooding potential in the area. Some dredging of the ponds has previously been conducted. The issue identified as the next step is to modify the spillway between the lower two ponds in order to help regulate the maximum water level in the upper ponds. He explained that in discussion with the residents, the general consensus has been that since the ponds receive significant storm water from the City, the City would clean the ponds, install this spillway, and install one storm drain cleaning structure upstream of the ponds.

Andy Thompson, City Engineer, stated that the proposal is to put in a box culvert in the dam area so that elevation of upstream ponds would be elevated to the box culvert. He noted that this is the next step. He noted that they can also add a structure, a clean out facility, and that a vactor can be used to extract sediment and garbage.

Shayne Scott explained that a resident submitted a letter, in regard to concerns related to the Ponds.

Marilee Roueche, explained that original pathways of the ponds came down between Webb and Smith Lane. She noted if a culvert was installed, it would reduce possible flooding.

Scott Hirschi explained that area needs to be reviewed to determine flooding risks. He explained that in case they need to drain the pond there is a relief valve that can be opened. He asked that the Council consider to clean it out before homes are affected.

Mayor Hiatt explained that Council Members learned about the Ponds a couple of years ago when it was first discussed. He explained that at that time there was a meeting to discuss how the City could assist with the Ponds. He explained that the City Manager at that time, decided to move forward with removal of silt. He noted that the project was put out for bid and an administrative decision was made to authorize work.

Council Member Adams noted that he learned about this matter in the spring of 2015 and discussed the matter of the ponds with Council Member Lee.

Shayne Scott explained that residents would be responsible for the future maintenance of the ponds. This understanding would be formalized in an agreement between the property owners and the City. He stated that staff is seeking direction from the Council to assure that the agreement and associated projects are acceptable. He explained that staff will be accepting bids for this project in the future and will ask Council to review them at a later time.

Mayor Hiatt noted that the City Manager is asking for direction and staff acknowledges an agreement may be needed. He stated that there is a perception of work being done for a previous City Council Member. He noted that the Utah State Auditor and the Davis County Attorney have reviewed this matter and determined that there is no question of ethical wrongdoing.

Ron Stephens, former City Council Member, noted that once the decision was made to handle the ponds, he did not have any further involvement. He explained that if the City would commit to removing silt a few times a year, it would be beneficial. He expressed his thanks to the city council for their patience and willingness to listen to this issue.

Council Member Snell noted that it is reasonable part of the City's storm drain system and that this is a good approach.

Council Member Lee made a motion to direct staff to proceed by working with the pond owners to come to agreement with the City, with consideration of reaching out to the Utah State Property Rights Ombudsman for advice as needed, 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.

AWARD OF CONTRACT FOR ANGEL STREET IRRIGATION PROJECT

Andy Thompson, City Engineer, noted that there were 15 bidders on this project. He noted that the project was approved and asks the Council to award the bid to C.E. Butters Realty & Construction, Inc. for their Bid Amount of $417,408.75. He explained that based upon the criteria they have established he recommends that the project be awarded to C.E. Butters Realty & Construction, Inc.

Council Member Snell made a motion to award the contract for the Angel Street Irrigation Project to C.E. Butters Realty and Construction, Inc., second by Council Member Lee.

A 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.

CLARIFICATION OF COUNCIL MEMBER REQUESTS FROM STAFF

Shayne Scott, City Manager, explained that earlier in 2016, a concern was raised by staff about the volume and frequency of requests made by Council Members to staff for various information. At that time a motion was made to limit council requests to two hours or the request must be brought back to council for their review. He explained that Staff is looking for direction on the two hour rule. He asked for clarification in regard to continuing requests.

Council Member Adams noted that he felt a sense of duty in regard to the items that he requested and the research that he was doing.

Council Member Garn noted that the letter from the GRAMA Ombudsman states that the Council has the same rules as the public. However, he feels that in regard to big projects, that it should probably be brought back to the Council. He noted that if a member of the Council is requesting a document, then it should probably be sent as a request via GRAMA.

Shayne Scott, noted that he would like a definition of the *two hour rule*, so staff and City Council have a clear expectation of time in a work week that would be required to meet any such requests that may arise.

Mayor Hiatt noted that complete discretion may be given to the City Manager.

Council Member Snell noted that when this rule was established a year ago, the concern was the voluminous requests. He noted that in general, they don't need rules for everything, but thinks it a good idea to empower the City Manager to determine if the requests are too large, or are taking up too much staff time. If so, then they should be brought to the Council for review.

Shayne Scott explained that he would appreciate the responsibility of disseminating this request. He noted that many requests operate outside the regular GRAMA rules and requirements, and suggests that City Council requests continue to be made through the City Manager for proper vetting.

CANCELLATION OF APRIL 6, 2017 CITY COUNCIL MEETING

Mayor Hiatt explained that the majority of the Council will be out of town for the April 6, 2017 City Council meeting. He suggested the meeting be cancelled. He noted that due to pressing Agenda items, another meeting may be held on Thursday, March 30, 2017.

Council Member Snell made a motion to cancel the April 6th meeting and to schedule a special meeting on March 30, 2017, 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.

DISCUSSION OF CITY COUNCIL HEALTH INSURANCE BENEFITS

Shayne Scott, City Manager, noted that Elected Officials can be added to the City health insurance group. This can be done as follows: 1) Elected officials are added to the existing city policy in lieu of receiving any monthly pay, 2) Because Mayors are paid more, a Mayor choosing to be covered by health insurance would continue to receive the difference between a council member pay and Mayor pay each month, 3) Elected officials are added to the existing City policy but pay the entire premium for their coverage, 4) Elected officials are added to the existing city policy and treated like all other full time staff who currently pay about 10% of the family premium from their paycheck.

Shayne Scott, noted that Staff recommends that one of the above options be chosen by Council to provide health insurance to elected officials. Once authorized, each elected official could choose to join the city plan or remain insured at their own expense. He explained that Health Insurance is a relatively easy way to acknowledge the long hours and time away from other commitments made by our elected officials. Providing health insurance is also a great way to incentivize good and varied people from all backgrounds to run for elected office. Many other Utah cities offer health insurance to their elected officials including other Davis County cities, such as Woods Cross, Bountiful, Layton, and Clearfield.

Council Member Garn noted that offering health benefits is a great incentive to offer candidates. He noted that a suggestion may be to have this take place after the election.

Council Member Lee stated that she against incurring additional costs.

Mayor Hiatt noted that this is a reasonable request, and other cities do offer Health Insurance for their Council Members. He agreed that it is a good incentive for those that may want to run for office.

Council Member Garn made a motion move forward with Health Insurance Benefits (option 2) being provided to City Council Members, 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

Mayor Hiatt noted that the Davis County burn plant has been operating for 30 years, and that their board voted to close the burn plant effective May 31st of this year.

Council Member Snell noted that there will be an Open House held at City Hall on March 8th. He noted that the public is welcome to discuss feedback in regard to the proposed Pioneer Park: 7:00p.m.-8:30p.m.with Blu Line Design.

MINUTES

Mayor Hiatt asked for a motion to approve the Minutes of February 16, 2017.

Council Member Lee made a motion to approve the Minutes for February 16, 2017, 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.

CALENDAR ITEMS

The current calendar items are listed on the website.

CLOSED MEETING

Council Member Snell made a motion to move into a closed session for the purpose of discussing the potential Purchase, Sale or Exchange of Real Property, second by Council Member Lee and passed unanimously.

Closed Session to discuss the potential Purchase, Sale, or Exchange of Real Property.

ADJOURNMENT

Council Member Snell made a motion for adjournment at 12:13 a.m., second by Council Member Garn and passed unanimously.