KAYSVILLE CITY COUNCIL

Meeting Minutes

April 20, 2017

Meeting minutes of a regular City Council meeting on April 20, 2017, 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 Lee and Council Member Garn, Council Member Adams.

Others present: City Manager Shayne Scott, City Engineer Andy Thompson, City Recorder Maria Devereux, Parks Superintendent Cole Stephens, Chief Sol Oberg, Katie Witt, Rustin Jessen, Randi Von Bose, Dave Davies, Kamryn Reynolds, Spencer Reynolds, Mike Blackham, David Robinson, Lauri Cragun, Todd Barton, Charles Von Bose, Mason Murray, Kaiden Terry, Jacob Peterson, Mason Watson, Kate Hart, Mike Flood, Dean Wall, Steve Hiatt Bean and Lorene Kamalu.

ARBOR DAY PROCLAMATION

Mayor Hiatt read the Arbor Day Proclamation and proclaimed April 29, 2017 as Arbor Day. He encouraged all citizens to support efforts to protect trees, and stated that trees increase property value, enhance the economic vitality of business areas and beautify the community.

Cameron Reynolds explained that the Boy Scouts will be planting trees at the local park on Saturday at 9:00 a.m.

CALL TO THE PUBLIC

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

Dave Davies read from a book titled 'Our Lost Constitution'. He encouraged the City Council to read the book and focus on our Constitution as they lead our community.

DEPARTMENT HEAD REPORT – COMMUNITY DEVELOPMENT

Andy Thompson, City Engineer, explained that the structure and role of the Community Development department. He then reviewed business license statistics for the year and reported on the number of building permits issued.

BOUNDARY ADJUSTMENT WITH FARMINGTON CITY

Andy Thompson, City Engineer, explained that the applicant has submitted a petition for adjusting a common municipal boundary with Farmington City which would add approximately 0.38 acres of property to Kaysville City. The property is UDOT surplus which the applicant has under contract to purchase. He explained that Mr. Johnson, the applicant, submitted a petition describing the reason for his interest in the property being in Kaysville City rather than Farmington City.

Andy Thompson explained that staff can further study the request to ensure that the City is capable of serving the property. The enclosed resolution will also direct staff to notice a public hearing at a future date where a final decision can be made by the City Council to approve or deny an ordinance formalizing the adjustment.

Council Member Snell made a motion to adopt the resolution of intent to further study the proposal and begin noticing a public hearing where a final determination can be made regarding the request, 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.

FINAL PLAT FOR THE CRESTWOOD PLACE SUBDIVISION

Andy Thompson, City Engineer, explained that in March of this year the City Council approved the preliminary plat and PRUD overlay for this project subject to final plat approval. During the public hearing in February, the Planning Commission requested in its recommendation to the City Council that a fence be installed along the west property line and that the developer meet with adjacent property owners to discuss fencing options.

Andy Thompson noted that the final plat which has been submitted is consistent with the preliminary plat which was approved. The applicant has affirmed the intention of installing fencing as requested by the Planning Commission.

Council Member Page made a motion to approve the final Plat for Crestwood Place Subdivision, 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.

CONSIDERATION OF DEVELOPMENT AGREEMENT LIMITING DEVELOPMENT TO A TOTAL OF TWO DWELLINGS

Andy Thompson, City Engineer, explained that The City Council reviewed the request for a rezone from the R-A zoning district to the R-1-14 zoning district during its meeting on March 16, 2017. Ultimately the Council passed a motion to approve the rezone subject to approval of a development agreement which would limit development on the property to two (2) total dwellings.

Staff recommends approval of the attached development agreement which would complete the rezone of the subject property and effectively limit the number of dwellings as desired by the Council.

Council Member Snell made a motion to approve the development agreement limiting development of the subject property, to two (2) dwellings, second by Council Member Lee.

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 passes four to one.

LEGAL SERVICES DISCUSSION

Shayne Scott, City Manager, explained that for many years in Kaysville the City has worked with the law firm of King and King to meet all legal service needs including both administrative legal issues as well as prosecutorial services. This relationship has operated on an "as-needed" basis where the city was billed only for the services utilized.

Shayne Scott explained that Kaysville City has several options to continue to meet its legal service requirements. These options include:

1) Continue with King and King in the same manner on an as-needed basis.
2) Contract with King and King on either an "as-needed" or retainer basis.
3) Bring legal services in house and hire a full time city attorney.
4) Go out to bid for legal services on either an "as-needed" or retainer basis.

Mayor Hiatt read letter from King and King, Attorneys at Law, resigning from service from Kaysville City, effective immediately.

Shayne Scott noted that staff would recommend either bringing in a full time City Attorney or going out to bid for legal services on a retainer or as-needed basis. He explained that option 3 would require at least $140,000 per year to pay a person capable of acting as both in-house legal counsel as well as prosecuting attorney and there is some question about whether or not it is reasonable to expect one attorney to cover both services. Shayne Scott noted that throughout the past five years the City has paid an average of $158,303 in legal services each year but that covered all legal services. He noted that another significant hurdle with this option is where an in-house attorney would maintain their office.

Shayne Scott explained that option 4 would allow the city to formalize a legal services relationship with King and King or another competitive firm using a formal RFP process on either an "as-needed" or retainer basis. Staff would recommend a retainer system.

Council Member Garn noted that 50 years of service provided by King and King, is appreciated. However, he noted that having in-house council and having the ability for the attorney to give advice to Council and attend Council Meetings makes sense. He explained that he is in favor of option 3.

Council Member Snell noted that Felshaw King and his office have been very good to work with throughout the years. He noted that this change shouldn't reflect on King and King, it is only that the scope for legal services, within the City, has changed. He explained that he is in favor of a full time, in-house attorney.

Council Member Adams noted that he has mixed feelings. He noted that King and King were operating in the manner they were asked to. He noted that on average, the City is paying them approximately $110,000 per year.

Council Member Lee noted that a full time attorney may be beneficial to the City.

Mayor Hiatt explained that Kaysville City has had a good working relationship with King and King for many years. He noted that though King and King have withdrawn their services, they stated that they would help with transitioning.

Steve Bean, resident, noted that he has been a practicing attorney for years. He explained that he feels that the City may not be able to hire a good attorney for the price that the City is willing to pay. He explained that it is hard to find quality counsel and stated that it can be expensive.

Council Member Adams noted that initially an in-house attorney could be more expensive.

Council Member Garn made a motion to direct City staff to move forward with option 3 and hire an in-house attorney, second by Council Member Page.

Council Member Adams made a substitute motion to table this matter for now and keep King and King on a retainer. The motion fails for lack of a second.

Mayor Hiatt noted that the substitute motion fails for lack of a second and asked for a vote on the original motion.

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 passes four to one.

NATURAL HAZARD PRE-DISASTER MITIGATION PLAN

Shayne Scott, City Manager, noted that in case of an emergency, the City can ask for help through FEMA. He noted that a Natural Hazard Pre-Disaster Mitigation plan this can be adopted via Resolution and it would ensure help for the community in the case of a natural disaster. He explained that the Fire Chief is the Emergency Manager for Kaysville City.

Council Member Garn noted that this is an important matter that could save lives and mitigate property damage.

Council Member Lee made motion to adopt the Resolution for the Natural Hazard Pre-Disaster Mitigation plan, 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.

2017-2018 INTERLOCAL COOPERATION AGREEMENT FOR DISPATCH SERVICES

Shayne Scott, City Manager, explained that beginning fiscal year 2017-2018, Davis County has put together an lnterlocal Cooperation Agreement for Communication Services with Davis County, and the agencies they service. This document has been in the works for the past year with the legal assistance from Davis County Attorney Michael Kendall to meet the legal standards of this document.

Council Member Lee made a motion to accept the 2017 Interlocal Cooperation Agreement for Dispatch Services, second 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.

COUNCIL MEMBER REPORTS

Council Member Adams noted that projects within Public Works are coming together nicely. He noted that he appreciates being the liaison for the Public Works department. He explained that his background is a benefit to the department and that he has enjoyed serving in that role.

Council Member Snell stated that the 2017 Easter Egg Hunt was well attended. He noted that the City is already planning for biggest event of the year, the 4th of July event.

Council Member Lee explained that Healthy Kaysville has gained much community support. She noted that many people want to become involved and that it is a growing committee.

MINUTES

Mayor Hiatt asked for a motion to approve the Minutes of March 30 2017.

Council Member Snell made a motion to approve the Minutes for March 30, 2017, 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.

CALENDAR ITEMS

The current calendar items are listed on the website.

He noted that Saturday, April 22nd is the Budget Session beginning at 8:00 a.m.

CLOSED SESSION

Mayor Hiatt asked for motion to move into closed session.

No motion was made.

COUNCIL MEMBER RESPONSIBILITIES

Mayor Hiatt explained that the City Manager suggested making a change to Council Member responsibilities. He noted that he asked and received an opinion letter from Attorney David Church. He noted that the recommendation is to remove Council Member Adams as liaison for the Public Works Department.

Council Member Adams stated that he doesn't understand why this has come about.

Council Member Snell noted that there have been incidents with Council Member Adams and the Public Works department. He noted that the role of liaison to any department is not an administrative role. He explained that he is in agreement with the Mayor, that Council Member Adams be removed as the Public Works liaison.

Council Member Garn made a motion to temporarily remove Council Member Adams as liaison to the Public Works department, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Abstained from vote.
Council Member Garn, Yea
Council Member Lee, Yea

The motion passes four in favor to one abstention.

ADJOURNMENT

Council Member Snell made a motion for adjournment at 9:38 p.m., second by Council Member Lee and passed unanimously.

Maria Devereux
Maria T Devereux/City Recorder