



KAYSVILLE CITY COUNCIL

Meeting Minutes

January 18, 2018

Meeting minutes of a regular City Council meeting on January 18, 2018 at 6:00 p.m. in the Council Room of the Kaysville City Municipal Center, 23 East Center Street, Kaysville, UT.

Present: Mayor Witt, 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, City Attorney Nic Mills, Parks and Recreation Director Cole Stephens, Bruce Young, Amy Taylor, Ashley Taylor, Marian Storey, Jann Leonard, Kerry Byack, MaryAnn Boyack, Ramona Porter, Carole Walker, Kris Willey High, Janae Knighton, Jason Knighton, Dean Wall, Gary Hatch, Josh Belnap, David Robinson, Lauri Cragun, Chris Snell, Randi Von Bose, Jeremy Cantor, Briggs Lewis, Brett Bass, DeRay Taylor, Elisha Peterson, Chad Peterson, Kelly Van Noy, Elijah Ribera, Isaac Hedquist, George Little, Luke Mangone, Keith Paget, Marty Asay KC Norseth, Jim Cannon, Caleb Stroh, Gregory Carlile, Robert Pugh, Brian Simpson, Reuben Cook, Cruz Rushton, Preston Spencer, Josh Wood, Matt Yeates, Heidi Yeates, Chaleh Trujillo, Chris Trujillo, Nadine Harper, Gregory B Ferguson, Dwight Rigby, Keith Larsen, Emma Francis, and Anna Thompson.

CITY COUNCIL MEETING

US 89 PRESENTATION

Michael Romero gave a brief detailed overview of the Gordon connection and the US-89 State Environmental Study.

Council Member Barber encouraged the public to lobby at the legislative level and keep open the lines of communication.

Michael Romero stated that he enjoys working with municipalities in regard to enhanced landscaping, and looks forward to the different avenues in which to work together.

PARKS DEPARTMENT

Parks and Recreation Superintendent Cole Stephens gave a presentation of the Parks Department and land use, the Recreation Department and programs and the Kaysville City Cemetery.

Cole Stephens noted that burials in the Kaysville City Cemetery are higher this year than ever, and gave projections of future interments based on past history.

CONSENT ITEMS

Mayor Witt called for a vote on the Consent Items to include: Minutes from the Dec. 21, 2017 Council meeting, and Final Plat approval for the Hill Farms Subdivision.

Council Member Garn made a motion to approve the Consent Items, second by Council Member Page and passed unanimously.

Council Member Hansen noted that Minutes from the January 4th meeting should be corrected to state that a motion was made to approve the Substation Technician item and forward to the next meeting as an action item.

Council Member Hansen made a motion to approve the January 4th, 2018 Minutes with noted correction, second by Council Member Page.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

Council Member Adams addressed Award of Bid for the 2018 Water Line Project, and asked if there are guidelines to notice the bids in the paper.

Josh Belnap, Public Works Director explained that the consulting engineers said they put it in the paper.

Council Member Garn made a motion to award the bid for the 2018 Water Line Project to Sorensen Construction, second by Council Member Page.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed four to one.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

There were no conflicts disclosed by the Council.

ANNEXATION AGREEMENT

Andy Thompson, City Engineer, explained that staff has been working with the applicant for several months on a proposed annexation. All required notices have been given and necessary public hearings have previously been held and the City Council is now able to take action on the annexation petition. Several important issues have arisen over this time including how to supply services such as power or water to this area. City staff has worked with the petitioners to create an annexation agreement in which those issues have been mitigated sufficiently for annexation.

Andy Thompson stated that while every detail has not been completely decided at this time, city staff believe this agreement gives the staff the comfort level to continue to negotiate with the applicant during the development review process on how and when certain activities take place while also granting the applicant acceptance into our city with the assurance that services will be delivered as outlined in the agreement.

Nic Mills, City Attorney, explained that two weeks should be sufficient for the City to work with the developer regarding the agreement.

Council Member Garn made a motion to table the Annexation Agreement to allow time for the City to continue working with the developer, second by Council Member Page.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea

Council Member Adams, Nay
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed four to one.

**A RESOLUTION APPROVING THE ACCEPTANCE OF PROPERTY FROM THE
SUNSET EQUESTRIAN HOA ALONG THE FRONTAGE OF PIONEER PARK
ABUTTING ANGEL STREET**

Andy Thompson, City Engineer, explained that Pioneer Park is a 10.56 acre park site located in the south west section of the City. This park is located 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. As development of the Park has progressed, it was discovered that the Sunset Equestrian Estates HOA owned a parcel of property along Angel Street. This parcel was from the original plat dating to the beginning of development of the Sunset Equestrian Estates in 2007. A quit-claim deed has been submitted to transfer the property to the City.

Council Member Garn made a motion to Adopt Resolution 18-1-5 accepting the Quit-Claim deed from Sunset Equestrian Estates HOA, second by Council Member Adams

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

**SUBSTATION TECHNICIAN JOB DESCRIPTION AND AUTHORIZATION FOR
HIRING**

Shayne Scott, City Manager, noted that this matter had been thoroughly discussed last week. He explained that routine substation maintenance has not taken place in the city within the past four years. City staff believe that we are at the point where we need an in-house employee. With an in-house Sub Tech, the City would have had someone during the last power outage that would have verified the substations were unharmed by the outage or could have repaired them during the outage so the subsequent outage the next week would not have taken place.

Council Member Barber made a motion to approve the Substation Technician position and give staff authorization to hire, second by Council Member Page.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

REZONE OF 4.52 ACRES OF PROPERTY FROM THE A-1 (LIGHT AGRICULTURAL) TO THE R-1-LD (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT AND PRELIMINARY PLAT.

Lyle Gibson, Zoning Administrator, explained that the applicants are requesting a rezone of their property in order to accommodate a new Private Street Subdivision. The requested zoning district allows a net density of 2 units per acre thus based on the total property area could permit as many as 9 dwellings. The requested subdivision creates a new private cul-de-sac street which provides access to 7 new lots. The total number of lots in the subdivision including 2 existing homes is 9 lots. The smallest lot as proposed is over 14,000 sq. ft. in size. All lots include or exceed the minimum square footage for the requested zone and meet or exceed the minimum frontage requirements of the requested zone.

Lyle Gibson explained that the PRUD overlay is necessary to permit a private street. The private lane would be owned and maintained by an association of owners within the subdivision granting an access easement to each lot. He noted that due to the nature of a rezone, the City Council has broad discretion in its decision making ability. Ultimately the Council should determine if the requested zoning is in line with the City's General Plan and appropriate for the specific location.

Council Member Adams stated that it is a burden to require sidewalk and fencing from the developer.

Council Member Page explained that he is concerned about the sidewalks.

Council Member Page made a motion to approve the Rezone of 4.52 acres of property from the A-1 (Light Agricultural) to the R-1-LD (Single Family Residential) zoning district, second by Council Member Garn.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

Council Member Page made a motion to approve the Preliminary Plat for 849 and 881 South Sunset Drive with fencing to be discussed with property owners to the north and south to determine what is appropriate, second by Council Member Hansen.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

**A RESOLUTION DECLARING THE NECESSITY FOR AND AUTHORIZING USE OF
THE RIGHT OF EMINENT DOMAIN FOR ACQUISITION OF REAL PROPERTY
EASEMENTS FOR KAYSVILLE CITY PURPOSES. (18-1-2)**

Shayne Scott, City Manager, explained that at the November 2nd City Council Meeting, city staff received direction to move forward with a “Friendly Condemnation” process. That process includes several steps including the passing of a Resolution by the city council. It should be noted that the city is not condemning property in this case but merely condemning a temporary construction easement (TCE) to be able to complete the proposed work. The city council also should understand that going through the condemnation process obligates the city to pay whatever the court says the city will pay while obligating the resident to accept this same amount and grant the TCE to the city.

Shayne Scott noted that since notices were mailed to each affected property owner, the city has 30 days to pass a resolution before the city can file a condemnation order with the court. In this order the city will ask for immediate occupancy to be able to get the work done as quickly as possible. Kaysville City Staff is open to continued negotiations but believes the condemnation process will have two major effects:

1, it will give the homeowner piece of mind that a neutral third party will be telling the city what it should pay in this case for the Temporary Construction Easement and 2, it will allow the city to begin work on the project at the earliest possible moment.

Public comment

Caleb Stroh explained that he would like to see this project come to fruition he explained that he feels as if Kaysville City didn't have the authorization to work on this property initially.

Greg Carlisle noted that months ago the City trespassed on their property. He noted that they spoke with the Land Use Ombudsman about this matter.

Council Member Garn noted that he can commiserate but feels that further delay benefits no one. He feels that the City should move forward with condemnation to possibly reach a conclusion.

Council Member Garn made a motion to adopt Resolution 18-1-2 as proposed, second by Council Member Page.

Nicholas Mills, City Attorney, stated that before the condemnation process can be done, it needs to be approved by the Council. He explained that negotiations would not cease by authorizing the condemnation.

Shayne Scott, City Manager, explained that the City would contract with an engineer to address ongoing issues and noted that the City is open to discussion.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed four to one.

AMENDMENTS TO THE KAYSVILLE CITY ORDINANCES CHANGING SMALL FARM ANIMALS FROM A CONDITIONAL USE TO A PERMITTED USE WITH ADDITIONAL REQUIREMENTS.

Andy Thompson explained that for many years Kaysville City has permitted Farm Animals throughout the community. Over time the type and number of farm animals has been modified to allow animals such as chickens on smaller lots in much of the city. Currently farm animals are allowed on lots as small as 8,000 sq. ft. in size as a Conditional Use requiring approval from the Planning Commission. Each year, the Planning Commission reviews a large number of Conditional Use permits, particularly for small farm animals such as chickens, and has

determined that this can be dealt with as a permitted use. There are essentially 2 parts in the proposed ordinance. First it states that an enclosure is now a requirement for such all farm animals. Second, the ordinance separates the smaller farm animals from larger animals into the permitted use category in multiple (single family) zoning districts.

Council Member Adams made a motion to approve the proposed Ordinance 2018-01-02 as written, second by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

SUBSTATION FIBER OPTIC PROJECT

Ryan Judd, IT Manager, explained that Kaysville City has an existing fiber network connecting 5 buildings including City Hall, Recreation Center, Operations Center, Fire and Police Station. The proposed fiber optic project extends the existing network to all four power substations via fiber in a ring configuration back to the City server room housed at the Police Station. The extension of the fiber network to the substations is needed to support critical operations related to the Power Departments current and future needs. He explained that the project RFP had four respondents with the recommendation going to Connex.

Ryan Judd noted that high cost of installing fiber is the labor.

Council Member Barber made a motion to move the fiber project to an action item next meeting, second by Council Member Garn.

Council Member Barber stated that she feels is appropriate to bring fiber to the city and is glad the city provided the actual contract.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed four to one.

ADVANCED METER INFRASTRUCTURE

Shayne Scott, City Manager, explained that the proposed Advanced Meter Infrastructure (AMI) replaces our existing Automatic Meter Reading (AMR) System and software. AMI is capable of two-way communication, measuring cumulative, daily and peak kWh usage, voltage profiles, and voltage lag in addition to recording time of use and peak kWh use. All of this data and more will be available real-time to support, billing, planning, operations, customer service, remote disconnects, outage and asset management. This AMI project would enable the City to meet the needs of the new rate structure.

Over the course of the last year and a half, staff has been evaluating AMI solutions from several vendors. Landis & Gyr, Elster, Eaton and Senses. Eaton and associated Yukon software is hardware agnostic, allowing the City to be more flexible with the choice of meters and other peripheral hardware. The Eaton system will provide insight and a real time view into the operation of the power infrastructure. Outages will be managed more proactively. Meter disconnect that have required a truck roll in the past will be software driven and handled by clerical staff. Options

Council Member Hansen, made a motion to forward Advanced Meter Infrastructure as an action item, second by Council Member Adams.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed unanimously.

Council Member Hansen made a motion to extend the meeting past the 10:00 pm deadline, second by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Hansen, Yea

The motion passed four to one.

CALL TO THE PUBLIC

Mayor Witt opened Call to the Public and explained that the public may address agenda items. She asked the audience to limit comments to a 15 minute period at 3 minutes each. She explained that the public must sign up prior to the meeting to speak at Call to the Public.

Briggs Lewis stated his dislike for public comment at the end of the meeting. He noted that he received the road fee information in the mail. He feels that the extra cost is taxing to Kaysville citizens.

Dean Wall explained that the parking fees to park in front of his home are expensive and would like the City Council to consider an alternative.

Jeremy Cantor addressed the UDOT presentation and noted that UDOT is implementing 3 major highways in a condensed area within Davis County. He explained that this development will exacerbate the poor air quality.

COUNCIL MEMBER REPORTS

Council Member Garn noted that appreciates working with Youth City Council and explained they have multiple service projects they are busy with this year.

Council Member Barber explained that she is excited to work with the Parks and Rec. Department and stated that there are many upcoming events and ways for residents to volunteer.

Mayor Witt encouraged the public to attend the Open House in regard to the Road Fee that will be held on January 24th with a Public Hearing on February 1st.

CLOSED MEETING

Council Member Garn made a motion to adjourn to closed session, second by Council Member Page.

Council Member Adams made a motion to adjourn the closed session, second by Council Member Hansen.

ADJOURNMENT

Council Member Garn made a motion to adjourn the meeting at 9:15 pm, second by Council Member Page. The motion passed unanimously.

Maria T. Devereux
Maria Devereux/City Recorder