Meeting Notice and Agenda

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, January 19, 2023, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, “Call to the Public”, or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 P.M.

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

1) OPENING
   a Provided by Council Member Abbigayle Hunt
2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
3) PRESENTATIONS AND AWARDS
   a Presentation of Employee of the Quarter, Jason Tubbs
   b Swearing-In of Youth Court Judges
   c Swearing-In of new police officer, Aaron Velasquez
4) DECLARATION OF ANY CONFLICTS OF INTEREST
5) CONSENT ITEMS
   a Approval of Minutes of December 15, 2022
   b Fraud Risk Assessment
   c A Resolution appointing an Interim City Manager
6) ACTION ITEMS
   a Presentation about secondary water from Davis and Weber Counties Canal Company and approval of a Resolution amending the City's Consolidated Fee Schedule for FY 2023 to amend secondary water fees
7) WORK ITEMS
   a Power Commission discussion
8) COUNCIL MEMBERS REPORTS
9) CITY MANAGER REPORT

10) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on January 13, 2023.

Annemarie Plaizier
City Recorder

KAYSVILLE CITY COUNCIL
December 15, 2022

Minutes of a regular Kaysville City Council meeting held on December 15, 2022 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson and Council Member Perry Oaks

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Systems Manager Ryan Judd, Power Superintendent Brian Johnson, Human Resource Director Kim Bosworth, Officer Preston Benoit, Nathan Rich, H. Lynn Galbraith, Margaret Brough, Susan Lee, Laurene Starkey, Sam Jeppson, David Nielsen, Aaron Hixson, Brigg Lewis, Chris Colohan, Janel Colohan, Christina Castro, David A. Johnson, Karen Hart, Dawn Steele, Trek Loveridge, Bryan Carling, Richard Lenz

CITY COUNCIL CITIZEN MEETING – 6:30 P.M.

The City Council was available to answer questions or discuss any matters the public may have. Several citizens spoke regarding the electric fund transfers.

OPENING – 7:00 P.M.

Mayor Tran opened the meeting with a thought and a prayer, and led the audience in the pledge of allegiance.

CALL TO THE PUBLIC

Nothing was brought under this item.

PRESENTATIONS AND AWARDS

PRESENTATION AND PROCLAMATION DECLARING DECEMBER 15, 2022 AS MIKAYLA COLOHAN CLUFF DAY

Mayor Tran read a proclamation declaring December 15, 2022 as “Mikayla Colohan Cluff” day and presented a plaque to her parents since she could not attend tonight.

PRESENTATION ABOUT WASATCH INTEGRATED AND RECYCLING

Nathan Rich, Executive Director of Wasatch Integrated and Recycling, presented an overview of what their facility offers for residents of Davis and Morgan counties, and what the future of their facilities looks like. One of their main goals is to reduce the amount of waste as much as possible. They also work towards finding ways to reuse, recycle and recover waste that is generated. Doing so will help to extend the life of the landfill. However, even by doing these things, the lifespan of the landfill is limited. When the landfill does reach capacity, there will be substantial system cost increases because an additional transfer station will be needed. Mr. Rich said that they are working on several different plans to help educate the public on how to reduce their waste. They also plan to implement a robust single stream recycling system, create a way to recycle construction and demolition debris, expand curbside waste collection, transfer more waste offsite, and find ways to incentivize curbside recycling throughout the district.

Council Member Jackson asked about expanding the landfill.

Nathan Rich responded that because of its proximity to the air force base land, and neighboring residences, the landfill cannot be expanded further beyond its current footprint. A transfer facility will have to be built into order to send waste to a different location.

PRESENTATION OF THE ANNUAL FISCAL YEAR 2022 AUDIT

Aaron Hixon, with HBME P.C., explained that it is required by the state that the city conduct a yearly audit with an independent auditor. During the fiscal year, it was determined that the Ambulance Enterprise Fund and the Road Utility Enterprise fund would best be reported as governmental funds. The ambulance fund was combined with the public safety function in the general fund, while the road fund continues to be a separate fund. There was no lost revenue by doing this, but rather just a transfer of funds. The city's unrestricted net position increased from the prior year, mainly due to the ARPA grant funds for the fiber project, and a significant increase in sales tax revenues, as well as an increase in property taxes as residential values continue to increase. The city's utilities funds are all operating at a positive cash flow. It is important that the city continue to conduct a fee analysis regularly for these enterprise funds. Operationally, the city is doing well. All of the departments are being very fiscally responsible. As part of the audit, we look at the internal control environment of the organization and we are impressed with the City's internal control environment. Most of the errors that they come across in any organization is usually the result of human error and we are required by the State to report any errors in their findings. They found three findings as part of the audit. All of them would be considered minor findings. State law says that certain portions of the city's equity in the general fund cannot exceed 35%, and the first finding is in regards to an overage exceeding this percentage. The overage was due to an unanticipated sale of property at the demand of UDOT. Had the transaction not occurred, the calculated equity percentage would have been 32.4%. The City intends to transfer funds in FY2023 to the Capital Projects Fund for ongoing planned projects, which will decrease the percentage of equity in the general fund. The second finding is in regards to budgetary compliance. State law requires that the city's actual expenses should not exceed the city's appropriated expenses. The auditors found that the General Fund and the Road Fund had actual expenditures that exceeded final appropriated expenditures. The city's management has responded to this finding and indicated that they will continue to monitor the budgets and make necessary amendments. The last finding is in regards to the Risk Fraud Assessment that the State Auditor's Office requires that every city conduct with their audit. There are many questionnaires as part of this assessment that look at the internal control environment. They are required to be completed and sent to the State Auditor's Office, but it is also required that the assessment be presented in a public meeting on a yearly basis. Mr. Hixon said that he had read the State Auditor's Compliance Guide and it is unclear that the city had to present the assessment in a public meeting. He called the State Auditor's office to discuss this confusion. The city is now aware of this requirement and an updated Fraud Risk Assessment will be presented to the Council to meet the annual reporting requirement. Mr. Hixon said that overall, they are very impressed with the city, the city employees and their expectation for complying with policies.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Oaks made a motion to approve the following consent items:

a. Approval of Minutes of November 17, 2022.

The motion was seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea

The motion passed unanimously.

ACTION ITEMS

Council Member Hunt made a motion to move Item "D" to be considered prior to Item "A". The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea

The motion passed unanimously.

D. AN ORDINANCE AMENDING KAYSVILLE CITY ORDINANCE 4-2-7 "ELECTRIC REVENUES AND RATES", REGARDING ELECTRIC FUND TRANSFERS

Mayor Tran commented that the City Council held a citizens' meeting prior to tonight's Council meeting to discuss this item with the public and allow time for the public to speak.

City Attorney Nic Mills said that this item was discussed previously as a work item and is in regards to an ordinance amendment to Section 4-2-7 "Electric Fund Transfers" which would allow for potential fund transfers, but also provides gentle guidance regarding when such transfers would be appropriate. This amendment does not require any fund transfers. Any fund transfer would require further Council action, along with proper noticing.

Council Member Jackson said that there has been some legal concerns expressed by some citizens in regards to this item being passed.

Nic Mills responded that in 2013 the citizenry of Kaysville passed a proposition called "Proposition 5", which created the current version of Section 4-2-7 restricting fund transfers out of the power funds. It would be legal for the City Council to change ordinances that are passed by Proposition. It has been done previously on a state level and in other cities. There is nothing illegal with amending the ordinance after it has been codified. It exists just like any other ordinance, which the council can amend or repeal at any point.

Mayor Tran opened the meeting for public comment for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Council Member Oaks asked about other cities that have their own power companies, and if they do fund transfers.

City Manager Shayne Scott responded that city Staff has reached out to other members of UAMPS and received varying answers. Some entities do not transfer any money, while others have transferred up to four million dollars at one time. Some have policies that provide guidance on how a transfer could be done. Some cities will consider if funds should be transferred or not each year, and others will do a blanket percentage of transfer each year. It would be fair to say that the vast majority of entities have conducted some kind of transfer at some point.

Mayor Tran said that the council has discussed the consideration of transferring funds from the power fund balance for over six months. The idea was brought up for several reasons, but mostly because of our current economy and inflation costs. Transferring funds was suggested as an option to try to keep from having to ask more financially of our citizens. Nothing has been transferred from the power funds as of yet. Tonight we are considering an ordinance amendment that would allow the city to be able to go through the process of proposing a transfer of funds from the power fund balance. It does not guarantee that any transfer would happen.

Council Member Jackson said that a citizen had mentioned to him that during the process of Proposition 5, some residents were told that they would receive a portion of the excess power funds that were in the fund balance. Would the city ever give funds back to the residents if there were excess power funds?

Mayor Tran responded that it is unlikely because the city's operating costs haven't changed.

Council Member Jackson asked how much money is in the power fund.

Council Member Oaks responded that there is a little more than nine million in the fund.

Council Member Jackson said that he would like the city to keep no less than eight million dollars in the power fund reserves.

Council Member Hunt said that it seems that there are too many unanswered questions and would like to hear from the Power Commission about their thoughts on transferring power funds, and raising power rates. Council Member Hunt added that she would also like to see more specific data regarding power outages in the city, specifically after the new power system software is implemented.

Council Member Blackham commented that the power company is owned by the citizens of Kaysville. When the citizens decided to take on the responsibility to own and operate our own power company, they took on part of a corporation that they hoped would be profitable but also provide rates at an equal or reduced amount. Our current power rates are likely lower than most other companies that are owned by citizens. Last year when the council was reviewing the FY2023 budget, the budget had about a million dollar deficient and Council Member Blackham said that he does not feel that the answer to such financial situations should always be that the city needs to raise taxes. We do not want to take funds away from the power company if it would hurt the power company. Looking at the reliability index for our power, in the last two years we have had 99.998% and 99.993% of reliable power. It has never dropped below 99% in the last ten years. We have a reliable power system, and upgrades are currently being done or are planned to be completed soon. Our power company has been able to build up some financial reserves over the years and it would be in our community's best interest to be able to take some of those reserves and reinvest it into our community. This will help prevent the city from having to raise taxes, or raise them as high as needed. The state has implemented more regulations to make it more difficult for cities to transfer enterprise funds. There is a process that the city will have to follow to transfer enterprise funds, and we have to be very specific and transparent on what those funds are being transferred for. Amending the proposed ordinance tonight would allow the city to be able to go through the process of considering the transfer of enterprise funds if we need to.

Council Member Jackson said that he would like to see that if the city does consider transferring funds, that there be strict regulations and protocols in place on how it can be done. Council Member Jackson said that he would also like to see that there be ongoing discussion with our power department to ensure that we continue to have functioning and reliable power. The city has so many varying expenses, and the ability to transfer funds to an area that is in needs of funds would be a good tool for us to have.

Council Member Oaks said that while he feels it would be beneficial to be able to use reserve funds rather than having to raise taxes, we need to be careful that we do not encroach on the power funds too much.

Council Member Adams commented that power rates would need to be increased at some point as power is getting more expensive and coal plants will eventually be shut down. Our power operation costs are different from our reserve costs, and that is something we need our citizens to understand. From what he understands about the history of Kaysville, the Kaysville citizens did not start the power company in order to get cheaper power, but rather because no power companies were coming into Kaysville to provide power. We started a power company so that citizens had some control over it and could make sure all citizens could get power. There needs to be a strict policy in place for how we could use the power reserves and any transfer of funds.

Council Member Blackham said that it would vary from year to year on what our city's needs are. Any reserves that would be used need to be used towards one-time purchases. There will be some years where our power department will have more projects than other years. However, any excess funds should be reinvested back into the community.

Council Member Hunt said that whether or not we have raised taxes often in the past shouldn't be proved as causation. We also should not think that just because someone might be opposed to using power funds, we therefore want to raise taxes instead. We are seeing progress in the power fund and getting to a good place with our power projects. However, a power rate could be considered as just another tax on our residents. We still have some large city projects, including a renovation to the operations center, to consider how we will get the funding. There are still a lot of questions that need to be answered before action should be made on this item.

Mayor Tran commented that a couple of years ago the city council decided to use some of the funds from the general funds so that taxes did not have to be raised as much as was needed. We also had a situation with a neighboring city that decided to not contract with us further for fire protection services, and that put another deficit in our budget. In order to cover that cost, more money was taken from our general funds. It has become a trend in how the city will cover costs. While we still have some reserve funds in our general funds, we cannot continue to rely on the ability to pull from that balance or we will deplete our reserves. The city has some high cost capital projects that we need to figure out how to fund those. We, as a council, understand why Proposition 5 happened and we are sensitive to it. The council has had many discussions with both our power department and state agencies regarding clean energy projects and where we will have to get power from in the future. Taking money from our power reserves and then raising our power rates within the next year seems to be taxing our city. We need to be transparent and let our citizens know that we will need to capture some additional taxes. Years ago, the residents made the decision to make Kaysville a hometown city. We don't have a huge commercial base and every time we have tried to talk about having a bigger commercial entity or increasing density for housing, our residents get very upset because they don't want to see Kaysville change. The Proposition 5 was a valid initiative, however times have changed since 2013 and it might be time to reconsider allowing the transfer of enterprise funds.

Council Member Oaks made a motion to table the consideration of an Ordinance amending Kaysville City Ordinance 4-2-7 "Electric Revenues and Rates", regarding electric fund transfers. Council Member Hunt seconded the motion.

Council Member Adams commented that he does not want to see this postponed indefinitely and asked if a timeline could be set for when the council would review this again.

Council Member Oaks made a substitute motion to table the consideration of an Ordinance amending Kaysville City Ordinance 4-2-7 "Electric Revenues and Rates" until February 2023. Council Member Hunt seconded the motion.

Council Member Adams said that he is concerned about going against the trust of those individuals who worked so hard on Proposition 5 and would like to see those who worked on Proposition 5 come together with the city to try to come to an agreement. He would like to know what more people in our community have to say about this.

Council Member Jackson agreed that he would like to hear more from our citizens.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea

The motion passed unanimously.

A. REZONE OF 0.34 ACRE OF PROPERTY AT 97 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – BRYAN CARLING

Community Development Director Melinda Greenwood explained that Bryan Carling is requesting the property located at 97 East Crestwood Road be rezoned from R-1-8 (Single Family Residential) to R-1-6 (Single Family Residential) for the purpose of constructing an additional dwelling on the property. There is currently an existing single-family home on the property that faces south. The majority of the area surrounding this property is zoned for single-family residences. At the November 10, 2022 Planning Commission meeting, the Planning Commission held a public hearing and voted 5-0 to recommend approval of the rezone request. No public comments were received regarding this rezone request.

Mayor Tran opened the meeting for public comment for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Bryan Carling said that the lot line was drawn in order to make this a clean lot split. Because of this, a portion of the existing garage will need to be removed to accommodate the new property line. It is his intent to allow one of his sons to live in the existing home, and build a second home for another son. There is a large tree on the southeast corner of the property that they would like to try to preserve. They plan to build the second home on the southwest corner of the property with frontage to be taken off Fairfield Road in order to meet the width and setback requirements.

Council Member Jackson asked if the existing garage would still be usable.

Bryan Carling responded that there is currently a shop that sits on the south end of the garage and they plan to remove a portion from that area, leaving the rest of the garage intact.

Council Member Jackson made a motion to approve a request to rezone 0.34 acre of property at 97 East Crestwood Road from R-1-8 (Single Family Residential) to R-1-6 (Single Family Residential) for Bryan Carling. The motion was seconded by Council Member Hunt.

The vote on the motion was as follows:

Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

B. PRELIMINARY PLAT APPROVAL FOR MANOR ESTATES SUBDIVISION LOCATED AT 67 NORTH ANGEL STREET – PHIL HOLLAND

Melinda Greenwood explained that the property located at 67 North Angel Street was recently rezoned to the R-1-14 zone. It is currently 5.27 acres and has one existing single family dwelling on the property, facing east. The applicant is proposing a preliminary plat, which includes eleven lots ranging in size from 15,243 square feet to 24,799 square feet. All lots meet the minimum square footage and frontage requirements of the zone. The subdivision plan is proposing that the existing home remain, facing Angel Street, with two lots that will face Bonneville Lane, and the remaining eight lots facing Preston Street. The plat is showing a proposed seventy-five foot temporary turnaround for a future road connection when development continues on the properties to the north. The Planning Commission held a public hearing at their meeting on November 10, 2022 and voted 5-0 to recommend approval of the preliminary subdivision plat with the following conditions:

1. Adding a note and a dashed line showing the stubbed road as a future connection to any future road to the north.
2. Adding a notation that sidewalk be added to Angel Street.

Mayor Tran opened the meeting for public comment for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Council Member Adams asked about the Parcel A located on the plat.

Trek Loveridge, representing The Holland Group, responded that they are working with the adjacent property owners to see if they would be interested in purchasing that sliver of property.

Council Member Blackham said that if neither neighboring property owner is interested in purchasing Parcel A, he would like to see that area be included in Lot 7. Council Member Blackham asked about installing street improvements at the temporary turnaround.

Nic Mills said that the City Engineer had spoken with the developer and there will be provisions in a bond that will be withheld so that when the street is extended, the cost will not fall onto the property owners of those two lots.

Council Member Blackham made a motion to approve the preliminary plat for Manor Estates Subdivision located at 67 North Angel Street for Phil Holland with the following conditions:

1. Parcel A be made part of Lot 7 if the adjacent property owners do not wish to purchase the land.
2. The city collect money from the developer to be held in escrow to be used when the temporary turnaround is removed and street improvements are extended.

Council Member Adams seconded the motion.

The vote on the motion was as follows:

Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea

The motion passed unanimously.

<u>C. PRELIMINARY PLAT APPROVAL FOR JOHNSON FARMS SUBDIVISION LOCATED AT 602 SOUTH ANGEL STREET – DAVID NIELSEN</u>

Melinda Greenwood explained that this property, located at 602 South Angel Street, was recently rezoned to the R-1-14 zone with a PRUD overlay. The Evelyn L. Johnson Trust is now submitting a preliminary plat proposing four lots with a private lane PRUD. The existing home will be demolished in order to accommodate the new subdivision. The private drive will have hammerhead turnarounds for public safety. This proposed subdivision meets the requirements of the city ordinances and R-1-14 zone. At their November 10, 2022 meeting, the Planning Commission held a public meeting and voted 5-0 to recommend approval of the preliminary plat for Johnson Farms with the following conditions:

1. The subdivision title include the term “PRUD”.
2. The private road be dedicated to the HOA.
3. Utility signature blocks be removed from the plat.
4. A note be added stating that maintenance on the private road is the responsibility of the HOA.
5. An easement be added for public safety access.
6. A note be added indicating that the turnaround area is not included in the area of the lots.
7. The turn radii be depicted from Angel Street onto the private drive.
8. Public improvements be shown on Angel Street outside the boundaries of the subdivision plat.

Mrs. Greenwood added that Items 7 and 8 are not commonly shown on subdivision plats, and therefore Staff is not recommending that they not be included.

Mayor Tran opened the meeting for public comment for this item.

There were no comments or questions from the public. Mayor Tran closed the public comment for this item.

Melinda Greenwood added that Item 7 would likely be shown on the construction drawings for this development.

Nic Mills commented that a subdivision plat is a legal document that will be filed with the county to establish property boundaries and ownership. Item 8 is unnecessary because any items on the plat that are shown outside the subdivision boundaries won't be held to anything.

Council Member Adams made a motion to approve the preliminary plat for Johnson Farms Subdivision located at 602 South Angel Street for David Nielsen with the following conditions:

1. The subdivision title include the term "PRUD".
2. The private road be dedicated to the HOA.
3. Utility signature blocks be removed from the plat.
4. A note be added stating that maintenance on the private road is the responsibility of the HOA.
5. An easement be added for public safety access.
6. A note be added indicating that the turnaround area is not included in the area of the lots.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea

The motion passed unanimously.

<u>WORK ITEMS</u>

<u>DISCUSSION REGARDING CHANGES TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL</u>

Shayne Scott explained that city Staff makes every effort to reflect actions in managing personnel with policies established by the City Council. To that end, an annual review to the city's personnel policy manual was completed by our Human Resources team and they are recommending changes to the Council. Most of the changes recommended fall into one of two major categories:

1. Adapt to changing laws (for example, changes in the definitions of family members for bereavement leave, per state code).
2. Clean up of grammatical errors, and to degenderize individuals (changing "he" to "they", for example).

Most of the changes are very small. A spreadsheet of all proposed changes to the personnel manual have been provided to the Council for review.

Mayor Tran asked about filling vacant positions with qualified applicants from our existing workforce.

Shayne Scott responded that the city tries to make every effort to promote from within where we can, but this document does not tie our hands so that we have to do so.

Council Member Jackson asked about the additional language added for gender and sexual orientation.

Human Resources Director Kim Bosworth commented that the language being added would match what the state has included in their requirements. By adding this language, it helps to include and accommodate those who may feel that they were not being included in our previous language, which could have opened us up to further liability.

Council Member Blackham asked if these changes had been presented to employees and if there had been any feedback given.

Shayne Scott responded that they have discussed these changes with some staff and have not received any negative comments.

Council Member Oaks made a motion to move this item to an Action Item. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Mayor Tran thanked Mindi Edstrom for all of her work with Kaysville GIVES, not just this year but for several years now, as well as all of the other volunteers and city staff that were involved.

Council Member Blackham added that it is a big effort and it takes someone like Mindi and her volunteers to take it on and make sure that it gets done.

Mayor Tran also thanked Melinda Greenwood, Mindi's department director, because it takes time out of Mindi's typical work schedule to devote to the cause, and we are very appreciative of all effort given.

Council Member Hunt said that she has been involved in the Janet Quinney Lawson Institute for Land, Water and Air with the Utah State University, and they recently released the 2022 report to the Governor on Utah's Land, Water and Air. There is a lot of great information about the state's drought, the Great Salt Lake, wildfires, and other land, water and air issues.

Council Member Jackson said that on Saturday, December 17, 2022 at 10:00 a.m. there would be a "Wreaths Across America" event at the Kaysville City Cemetery. Volunteers will be placing over 150 wreaths on Veteran's graves and it's open to the public to volunteer.

CITY MANAGER REPORT

Shayne Scott commented Mayor Tran was also very instrumental in the Kaysville GIVES and we are appreciative of the work she did as well. Mr. Scott added that he was able to attend the UAMPS meeting with the Mayor and Council Member Adams on Wednesday where they had a tribute to Mr. Doug Hunter who is retiring after being the UAMPS director for 43 years. Mr. Scott also added that the city received some RFPs for the old library building and will have two of the applicants present at a council meeting in the near future.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 9:33 p.m., seconded by Council Member Oaks and passed unanimously.

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Dean Storey

SUBJECT/AGENDA TITLE: Fraud Risk Assessment

EXECUTIVE SUMMARY:

The Utah State Auditor has developed a tool for local governments to evaluate internal controls and assessment of financial risk.

The Utah State Compliance Audit Guide requires that the City complete the Fraud Risk Assessment and present it to the Council during a public meeting on an annual basis. The last presentation to the Council was on November 5, 2020.

The Assessment is included herein for review. The Assessment measured a very low risk.

One area of recommendation is an internal audit function. The State Auditor's recommendation is a full-time internal auditor or contracted internal audit independent of Management and the Finance Department.

Staff believes the costs are not justified and the annual comprehensive audit serves much of this purpose.

City Council Options:
Approve, Deny, Table for more information

Staff Recommendation:
Approve as Consent Item

Fiscal Impact:
None

ATTACHMENTS:

1. Assessment

Fraud Risk Assessment

Continued

*Total Points Earned: 375 /395 *Risk Level:

Very Low	Low	Moderate	High	Very High
> 355	316-355	276-315	200-275	< 200

[illegible]	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	200	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	5	5
b. Procurement?	5	5
c. Ethical behavior?	5	5
d. Reporting fraud and abuse?	5	5
e. Travel?	5	5
f. Credit/Purchasing cards (where applicable)?	5	5
g. Personal use of entity assets?	5	5
h. IT and computer security?	5	5
i. Cash receipting and deposits?	5	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	20	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	10	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	20	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date? provided by City Attorney	20	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	20	20
7. Does the entity have or promote a fraud hotline?	20	20
8. Does the entity have a formal internal audit function?	-	20
9. Does the entity have a formal audit committee?	20	20

*Entity Name: Kaysville City

*Completed for Fiscal Year Ending: 2022 *Completion Date: 1/11/23

*CAO Name: ____________ *CFO Name: Dean Storey

*CAO Signature: ____________ *CFO Signature: Dean G. Storey

*Required

Basic Separation of Duties

See page 2 of this questionnaire for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	✓			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?	✓			
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".	✓			
4. Are all the people who have access to blank checks different from those who are authorized signers?	✓			
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	✓			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	✓			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	✓			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	✓			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	✓			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	✓			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	✓			

RESOLUTION NO _____

A RESOLUTION APPOINTING AN INTERIM CITY MANAGER

WHEREAS, the office of City Manager has been created by the City Council of Kaysville City *(City Code 2-4-1)*; and

WHEREAS, City Manager Shayne Scott has submitted a letter of resignation with an effective date of February 6, 2023; and

WHERAS, the City Council has not completed its selection for a new long term City Manager: and

WHEREAS, the Council desires to appoint an Interim City Manager to serve as the chief administrative officer and assume the duties of the City Manager until the selection is complete.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. Finance and Administrative Services Director, Dean Storey be appointed as the acting City Manager with an effective date of February 6, 2023 on an interim basis until the selection for a new City Manager is complete.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **19th day of January, 2023.**

____
Tamara Tran, Mayor

ATTEST:

____
Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT

MEETING DATE: January 19, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Dean Storey

SUBJECT/AGENDA TITLE: Presentation about secondary water from Davis and Weber Counties Canal Company and approval of a Resolution amending the City's Consolidated Fee Schedule for FY 2023 to amend secondary water fees

EXECUTIVE SUMMARY:

The Davis and Weber Counties Canal (DWCC) serves approximately one third of the City with secondary water. Kaysville City provides the billing for DWCC and remits the collected fees each month. Kaysville City collects a minor administrative fee for services.

The Agreement with DWCC states that rates “may be amended periodically by Kaysville City and the Canal Company to reflect changes in operations and maintenance, changes in the Service Area and other expenses”.

Rick Smith, General Manager, will present to the Council a request to amend the fees. Included herein is a summary of the rate proposal. If approved, City staff suggests that a minor change be added to the Kaysville Administrative Fee.

DWCC is requesting an immediate rate change. A Resolution amending the Consolidated Fee Schedule is included.

City Council Options:
Approve, Deny, Table for more information

Staff Recommendation:
The Council may accept the proposal or request additional information.

Fiscal Impact:
Collection Pass Through to DWCC

ATTACHMENTS:
1. Resolution - Consolidated Fee Schedule FY23

RESOLUTION NO. _____

A RESOLUTION AMENDING THE KAYSVILLE CITY CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2023

WHEREAS, Kaysville City and Davis and Weber Counties Canal Company have an Agreement for DWCC to provide secondary water to certain areas of Kaysville City and the City collects a fee for the service and remits the fee to Davis and Weber Counties Canal; and

WHEREAS, Davis and Weber Counties Canal Company has presented to the Kaysville City Council a request to amend the fees as soon as practicable; and

WHEREAS, the Kaysville City Council has adopted a FY 23 Consolidated Fee Schedule and included in said Fee Schedule are rates for Secondary Water provided by Davis and Weber Counties Canal Company; and

WHEREAS, the Kaysville City Council determines that it is advisable to amend the fees.

NOW THEREFORE, BE IT RESOLVED BY THE KAYSVILLE CITY COUNCIL:

1. The City Council hereby amends the Consolidated Fee Schedule for Fiscal Year 2023.

2. The amendment to the Schedule is attached hereto as Exhibit A and incorporated herein by this reference.

3. The effective date of this ordinance shall be February 1, 2023.

APPROVED and ADOPTED this 19th day of January, 2023.

____
Tamara Tran
Mayor

ATTEST:

____
Annemarie Plaizier
City Recorder

CITY COUNCIL STAFF REPORT

Kaysville City

MEETING DATE: January 19, 2023

TYPE OF ITEM: Work Items

PRESENTED BY: Mayor Tran

SUBJECT/AGENDA TITLE: Power Commission discussion

EXECUTIVE SUMMARY:

Power Commissioner Alan Farnes will be in attendance at the meeting to speak with the council to provide an update about the Power Commission, provide information about how power fund transfers work in Bountiful, and what he's learned serving on the Kaysville Power Commission. Mr. Farnes has served on the Power Commission for 6 years and has worked for Bountiful Power for 45 years.

City Council Options:

Staff Recommendation:

Fiscal Impact:

ATTACHMENTS:

None