

KAYSVILLE CITY COUNCIL
September 17, 2020

Minutes of a regular Kaysville City Council meeting held on September 17, 2020 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams (via teleconference), Council Member Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran (via teleconference)

Others Present: City Manager Shayne Scott, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Technology Assistant Jordan Hansen, Community Development Director Lyle Gibson, Police Chief Sol Oberg, Power Resource and Service Manager Bruce Rigby, Gil Miller, Keith Potter, Steve Hiatt, Dave McClure, Kjersten Nay, Rusty Cannon, Briggs Lewis

**PUBLIC HEARING REGARDING THE POTENTIAL ISSUANCE OF
TELECOMMUNICATIONS BOND AND FIBER TELECOMMUNICATION PROJECT –
7:00 P.M.**

Gil Miller said that he is concerned about the financial aspect of the fiber project. There needs to be more education to both the city council and citizens about what is involved financially. The financial cons have been less publicized or discussed. Mr. Miller said that he is concerned by the fiber committee and council not involving the city's finance manager more. Our city's finances are very unique, and there needs to be more education to the Council, and hopes that this has been happening behind the scenes. The citizens need to be allowed to see the tough questions that are being asked, and to see the complete picture before voting. The council needs to continue to educate the public so they can make an informed decision.

Rusty Cannon said that he was with the Utah Taxpayer Association and that this project is going to be funded by taxpayer dollars. Provo had to walk away from their fiber project and lost thirty-nine million dollars. There are assumptions being made on the fiber website regarding the take rate. The fourteen cities participating in Utopia hasn't seen a take rate over forty percent, with the exception of two. Most of them are under thirty percent. Claiming this will be a self-sustaining project isn't realistic. When the take rate isn't met, the city will have to take money away from other departments in order to cover costs or will have to raise taxes for the citizens. This could lead to serious drainage of the general fund.

Briggs Lewis said that there are too many already struggling with their finances and is concerned about the city taking on such a high debt with no consideration of the people. Many people's income dropped this year, and this will make it that much harder on those with fixed incomes.

Council Member Blackham made a motion to close the Public Hearing at 7:10 p.m., seconded by Council Member Lortz and passed unanimously.

OPENING – 7:10 P.M.

Mayor Katie Witt opened the meeting with a prayer.

RECOGNITIONS AND PRESENTATIONS

Nothing was brought under this item.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Lortz made a motion to accept the following consent items:

- a. Approval of the minutes of August 20, 2020.
- b. Approval of purchase for police vehicles – Police Department.
- c. A Resolution approving the abandonment and relocation of a public utility easement in the Trailside Subdivision and authorizing the mayor to execute the same.

The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea

The motion passed unanimously.

ACTION ITEMS

CARBON FREE POWER PROJECT PARTICIPATION

Shayne Scott explained that over the last 5 years the city, in conjunction with UAMPS, has been discussing a nuclear power project in Idaho called the CFPP or Carbon Free Power Project. The intent of this project was to replace much of the city's carbon or coal-based resources. Unfortunately the project has had more than its share of hurdles and obstacles. City staff is asking that the Council make a decision before September 30, which is the deadline to stay in the project, to determine at what subscription level the city should stay or if we should get completely out of the project. The Kaysville City Power Commission made a recommendation to the Council to get completely out of the project at this time, but to further investigate nuclear and SMR technology.

Power Resource and Service Manager Bruce Rigby added that since the last council meeting where this item was discussed the deadline had changed from September 30 to October 31. We don't

have any further information regarding subscription statuses because other councils have delayed making a decision until the end of October. Only Logan and Lehi have made a decision to participate in this program at this point. Mr. Rigby said that the council could table this item and wait to see what happens with other councils between now and the end of October.

Council Member Barber asked what would need to change between now and the end of October that would give us enough confidence to also participate in this project.

Bruce Rigby said that we would need to see more of the subscription taken with cities committing to participating in this.

Council Member Lortz commented that UAMPS is in negotiation right now to try to help create a plan to lessen the risk for those cities who choose to participate. If they do come up with something then that might change the risk profile for us.

Bruce Rigby added that the reason the deadline was pushed back is because the Department of Energy hasn't committed yet.

Mayor Witt asked if the Council decided tonight to not participate in this project then could we reverse our decision later on.

Bruce Rigby said that later on the price might be different, but we likely could negotiate to be able to participate in the program later on.

Shayne Scott said that it seems unlikely that there will be much of a change before the end of October. Since the only Council meeting in October will be held on the 1st, Mr. Scott suggested that the Council make a decision tonight, and if something changes before the end of October then a special council meeting could be held to change whatever decision made.

Council Member Lortz made a motion to withdraw from the Carbon Free Power Project, with the stipulation that if there is a significant change before the end of October then the council hold a special meeting to discuss the changes and the impacts they have. Council Member Blackham seconded the motion.

Council Member Lortz said that this decision is not because we don't believe in the project. It is an innovative project that is important for the future. It will transform our ability to use renewables and have on-demand power generation, and it will provide steady power with a renewable source. Council Member Lortz said that he wants to emphasize that the council feels this is an important project that we will want to participate in in the future, but at this point we don't want to take the risk.

Council Member Barber said that the city will continue to watch this project and are excited to see how it grows from this point.

The vote on the motion was as follows:

Council Member Barber, yea

Council Member Lortz, yea

Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

AN ORDINANCE AMENDING SECTION 17-31-2, ACCESSORY STRUCTURES, OF TITLE 17 PLANNING AND ZONING, OF THE KAYSVILLE CITY ORDINANCES

Lyle Gibson explained that this ordinance has been reviewed by the city council in previous council meetings. The council indicated its support of the ordinance as originally presented, but was not in support of a change in the way accessory building height was determined as presented in the draft ordinance. The ordinance had been changed to eliminate the language that would have changed the way it was regulated, and to leave the building envelope that is currently used in place. In the council's previous meeting the Council decided to table the item until staff could meet with Council Member Blackham to ensure that the language of the ordinance was in compliance with IRC codes, and to make sure that the wording was very clear on its intent.

Council Member Tran made a motion to approve an Ordinance amending Section 17-31-2, Accessory Structures, of Title 17 Planning and Zoning, of the Kaysville City Ordinances. Council Member Barber seconded the motion.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea

The motion passed unanimously.

WORK ITEMS

Council Member Blackham requested that the next two items on the agenda be considered in reverse order.

SIDEWALK TRIP HAZARD REPAIR PROGRAM

Lyle Gibson explained that the City's ordinances require that property owners maintain the sidewalk(s) adjacent to their homes and businesses within the city right-of-way. Unless a business owner or resident is simply willing to take care of an issue as they see a need, most sidewalk problems are managed through complaints received. A staff member then verifies the issue and if it is deemed a problem, a notice is sent to the adjacent landowner to have the sidewalk replaced. The city's participation has been to help have the problem section of walk removed, and then the owner must have it re-poured in a timely manner. This manner will continue to exist for particularly bad sections of sidewalk, but the proposal allows for an additional option to make more cost-effective repairs and will put the city in a more proactive position in keeping our

sidewalks clear of tripping hazards. Rather than always having sidewalks torn out and replaced, the city has worked with a local contractor to consider a program where uneven surfaces along the sidewalk may be saw-cut to remove tripping hazards. Precision Concrete has completed a survey of a test neighborhood where staff is aware of multiple concerns with sidewalk condition. This neighborhood data showed some 380 trip hazards along roughly ¼ mile of sidewalk. While some of these hazards will still require full removal and replacement of sections of sidewalk, many can be resolved with a saw cut. It is anticipated that this program would be something the city can use each year to improve safety on our sidewalks in different neighborhoods. Two cost scenarios have been presented. It is the opinion of staff that spending the extra money to remove all hazards and not just those at ¾ an inch or greater is the appropriate option to make the walks as safe as possible and reduce liability potential to the city. The cost of this program for this first neighborhood is \$25,108 and a contract has been prepared for the council's consideration of this program. If the results are positive, a similar amount would be anticipated for other sections of town each budget year. These funds would come from money in the general fund. There is currently \$30,000 that has already been allocated for sidewalk repairs.

Council Member Lortz asked about slabs that have shifted or sunk and if they'd be raised rather than cut down.

Lyle Gibson said that each issue would be looked at on a case by case basis to determine the best way to resolve it. One of the most common reasons a sidewalk ends up needing replacing is because of nearby tree roots. Oftentimes we will work with the homeowner to have a tree removed in order to prevent future issues from occurring. Hiring an outside contractor to help remove the larger issues in sidewalks would do a lot of good for our communities and therefore city staff would like to see this continue as an ongoing program.

Council Member Lortz asked about participation from the residents for this.

Lyle Gibson responded that Public Works currently has money allocated within their budget for sidewalk repair, but that money has never been utilized in this manner before. This money would be used so that residents wouldn't have to pay for these smaller repairs to their sidewalk. If the damage is too substantial that it needs to be replaced, then the resident will have to pay for the replacement of the slab. They feel that they can do more for residents through this type of program than what they are currently using the money for. The Council can place limits or caps on how much money is allocated or what type of damage would be repaired by the contractor through this program.

Council Member Blackham said that he feels this would be a great program and would benefit both the resident and the city. Right now if someone calls to complain about a tripping hazard because of a sidewalk, the city has to take time to verify the complaint, write a letter to the homeowner requesting to have it fixed, and if the homeowner needs to replace it then they have to get on a schedule to have the crew come tear out the sidewalk. It's difficult to find contractors willing to come out to fix one or two panels of sidewalk. Council Member Blackham asked how long it would take the contractors to fix all of the trouble spots within this neighborhood.

Lyle Gibson responded that it will likely take them a few weeks.

Council Member Adams asked if this had been put out to bid.

Lyle Gibson responded that it hadn't been yet because this potential project was presented to staff to consider and we wanted to see how city council felt about it.

Council Member Blackham suggested seeing if we could have a 3 year contract with the contractor that is awarded the bid.

Council Member Barber asked about communication to residents about this.

Lyle Gibson responded that most of the problems will be fixed by the contractor and wouldn't need to involve the residents. However if a sidewalk must be in place then the homeowner would be given a letter and the city would work with them to get it repaired.

Council Member Tran asked about when this work would be done.

Lyle Gibson responded that because of the time it takes to obtain bids and estimates, it likely won't be completed until spring.

Council Member Tran asked how neighborhoods would be chosen to have their sidewalks fixed through this project.

Mayor Witt responded it's likely that areas would need to be ranked by their needs based on observation and complaints made. Our Public Works department is the most familiar with our infrastructure and would know of the most concerns.

FISCAL YEAR 2021 BUDGET DISCUSSION

Dean Storey explained that the FY2021 budget had been reviewed several times earlier in the year but because of the pandemic the council decided to not make any changes to it until they had a better idea of how the pandemic would affect the city's finances. It was anticipated that revenue, particularly from sales tax, would be negatively impacted. However, the city saw an increase in sales tax from the prior year. As a result of this, staff is proposing that the council approve needed additional staffing, including: a utility billing clerk, an information systems analyst, 2 maintenance workers for the water department, 3 full-time firefighters, and a power locator.

Mayor Witt commented that with the recent windstorm there was some confusion from our residents about what the city was doing to help. There could have been better communication efforts to our citizens and the city should consider hiring a communications director as well.

Dean Storey presented a proposed compensation plan for FY2021 and explained that earlier in the year the city conducted a compensation study. The council has reviewed this plan previously but it was postponed with the budget because of the pandemic. The council did approve a 1% cost of living increase for the employees with the approval of the FY2021 budget. As part of the compensation plan, a pay progression plan is also being proposed. Most employees will fall within a standard merit range and based on performance could be adjusted. Each department is also allotted money that would be given to employees at the department head's discretion for outstanding performance. Guidelines have been made which outline how employees would be eligible for it.

Council Member Barber asked if there was a limit to the amount an employee could be compensated.

Dean Storey responded that an employee wouldn't be paid above their salary bracket, but could receive bonus pay above that.

Council Member Blackham said that the Council approved a 1% cost of living increase with the FY2021 and he would like to see another 1% cost of living added now. He would also like to see merit increases implemented for outstanding employees, and see that employees who should have gotten a step raise this year still be eligible for that.

Council Member Tran asked if this compensation plan could be made retroactive to July 1, 2020.

Shayne Scott responded that it would be staff's recommendation to make it retroactive.

Council Member asked about employee reviews.

Dean Storey responded that reviews were completed by department heads by the end of June. If this compensation plan is approved then we will implement the compensation plan to employees based off of their reviews.

Council Member Blackham said that hiring 3 full-time firefighter will only cover one position on a rotating 24-hour shift. This doesn't help to protect our whole city. Adopting this compensation plan is a step in the right direction but it's not enough. In order to cover two positions we need to hire 6 more full-time firefighters. There are many staffing needs throughout the city, but this is critical for the safety of our citizens. Our city has changed significantly over the last 20 years and we have more residents and calls to respond to. Other departments have been able to increase their staffing over the years, and for some reason the fire department hasn't been able to. It's concerning and is putting us further behind as our city continues to grow.

Council Member Lortz asked if the council approves the budget for 6 full-time firefighters now, will we have enough revenue next year to cover the cost for these additional positions. Council Member Lortz asked how much more this new compensation plan will cost the city.

Dean Storey responded that he didn't know the exact amount, but when the market study was conducted earlier this year it was determined that our current employees' compensation was on average under the market price by about 6 1/2% over the life of the compensation plan.

Shayne Scott added that the proposed compensation plan is getting our employees salary up to where it needs to be for our existing employees.

Dean Storey said that temporary or seasonal positions will continue to be on a grade and step plan based on an hourly wage. The proposed budget amendments are based mostly on employee compensation. Through this proposed budget we will also be removing the fund balance allocation that was put in previously as we no longer need to rely on taking fund balance. A full annual implementation of the compensation plan and performance matrix will cost \$285,000 in a worse-case scenario. There is a credit of \$100,000 which was for the already included 1% cost of living

increase that was implemented before. For 3 full-time firefighter positions it will cost the city \$280,000. The only operating expenses for job positions is a crossing guard position for Jefferson Academy, which will be reimbursed to the city by the school.

Council Member Lortz commented that even if it benefits the city to hire 6 more full time firefighters, we still need to make sure we can balance for those positions within our budget. Approving them now could limit us next year because we've already committed those positions.

Council Member Blackham said that he understands that every department has needs and will try to fight to get those needs filled. However, he feels that the fire department has been left behind in being allowed to increase their staff. When the pager went off 15 years ago the city would have at least 10 firefighters showing up at the station to respond to the call. Now when the pager goes off we only have 4. As the city has grown we have gotten more calls, but our coverage has gone down and we have been left to rely on other cities. Hiring 3 more firefighters is only going to cover one position, which won't be enough to man an ambulance.

Council Member Lortz responded that if we approve the hiring of 6 more firefighters, we may have to dip into our reserves in order to balance our FY 2022 budget, and it might also restrict us in approving any kind of cost of living increase or raises for our employees next year.

Dean Storey said that Staff is not as concerned about covering the costs for 6 firefighter positions within this budget, but for future budgets. Valid concerns have been expressed, but there are several departments within the city that have also gone several years without necessary additional employees.

Council Member Barber commented that she feels that this needs to be made a priority because these positions provide an essential service to our citizens.

Dean Storey presented a list of suggested capital equipment improvements to be used from the FY 2021 budget, including adding lights at the pickle ball courts, installing improvements at the Schick Farm arena property, additional vehicles, signal upgrades, snow plows, and a water loading station.

Council Member Lortz commented that the Parks and Recreation Superintendent also recently suggested that the city consider creating a playground equipment program to update or replace our playground equipment.

Council Member Tran added that she had recently met with the rotary club who asked if there were any parks they could help raise money for.

Council Member Barber suggested working with the Parks and Recreation Superintendent to determine where the biggest need is.

Council Member Blackham made a motion to direct Staff to adjust the compensation plan for FY 2021 to include 6 full-time firefighter positions, seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea
The motion passed unanimously.

Council Member Blackham asked about the water rate increase that has been discussed in previous meetings.

Dean Storey said that the city will likely need to raise water rates a total of 15% in order to cover costs. We will propose to do a 7% rate increase over the next few months, and then after the water rate study is completed then determine if funds need to be increased by 7% by July 1st.

Council Member Lortz made a motion to approve the one-time fund allocation for the proposed capital equipment to include the proposed signal upgrades, additional police vehicle, and to allocate \$500,000 to the Parks department for where they feel would be best spent within the parks. 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 Barber, yea
Council Member Lortz, yea
Council Member Tran, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Lortz thanked the Public Works department with all of their help with the residents and in helping put together a dump site for residential yard waste from the storm. It was great to see the community come together, as well as the National Guard coming to help us clean up our city. If they hadn't have come it would have likely taken months to clean up what they helped us clean in a matter of a few days. We also appreciate neighboring cities who came to help our Power department in restoring power through the city. We had about 20% of residents without power, and most of those were able to have power restored within 24 hours.

Mayor Witt also thanked those in the city who worked together to help each other. There has been a feeling of comradery around the city. Mayor Witt also thanked all of the city staff who worked long hours to help where they can. While there was many things that we did well, there were some instances where things could have been done better. We tried to do a good job at communicating

our efforts to our residents, but we could do better and it is why she feels we need to consider hiring someone who could play that role. Our residents cannot rely on our website to have current information. We need someone who can help spread the word throughout the city by different means. All of our departments would benefit from this. We also need to more people within our community involved in the Certified Emergency Response Team. If anyone is interested they need to contact Loretta Cole who is our CERT contact in Kaysville. Also if anyone has spent time helping our community with the storm cleanup they need to contact Ms. Cole so she can keep track of those hours.

CITY MANAGER REPORT

Shayne Scott commented that the city hall renovation is nearly complete and employees have started moving over to the building today and will continue through tomorrow.

Mayor Witt added that an open house will be held in October for those wishing to see the renovations made.

ADJOURNMENT

Council Member Lortz made a motion to adjourn the City Council meeting at 9:02 p.m., seconded by Council Member Barber and passed unanimously.