



## MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, February 2, 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](http://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](mailto:publiccomment@kaysville.gov). Emailed comments will NOT be read out-loud at the meeting.

### **CITY COUNCIL Q&A – 6:30 PM**

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

### **CITY COUNCIL MEETING – 7:00 PM**

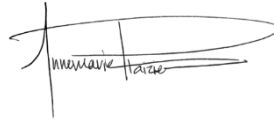
*The agenda shall be as follows:*

- 1) OPENING
  - a) Presented by Council Member John Adams
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
  - a) Library building proposals (30 minutes each)
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
  - a) Approval of Minutes of January 5, 2023
  - b) Approval of purchase of BrainMaster Freedom BrainAvatar - Kaysville Police Department
  - c) Award of design and coordination services for the 200 North Road and Utility Project - Kaysville Public Works
- 6) COUNCIL MEMBERS REPORTS
- 7) CITY MANAGER REPORT
- 8) CLOSED SESSION
  - a) Strategy session to discuss the purchase, exchange, or lease of real property, in conformance with Utah State Code §52-4-205.
- 9) 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.

A Closed Session may be called to order pursuant to Utah State Code §52- 4-204 and §52- 4-205. The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on January 27, 2023.

A handwritten signature in black ink, appearing to read "Annemarie Plaizier", written over a horizontal line.

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Annemarie Plaizier  
City Recorder

## KAYSVILLE CITY COUNCIL

January 5, 2023

Minutes of a regular Kaysville City Council meeting held on January 5, 2023 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, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, City Engineer Dexter Fisher, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Resource Director Kim Bosworth, Jason Robbins, Joey Green, Greg Nelson, Shauna Flint, John Flint, Joe Frodsham, Bridgette Frodsham, Brenda Green, Greg Flint, Darren Eyre, Brichelle Eyre, Ryan Ha(illegible), Lee Cammack, Sharon Garn, Jake Garn, Linda Francis, John Burch, David Erickson, Stephen Lyon, Jared Robbins, Ben Horne, Gil Miller

### **OPENING**

Council Member Jackson 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 ABOUT MERCY HOUSING – HANNAH PENDERGAST**

Nothing was brought under this item, as the presenter was absent.

### **CITY CENTER PARKING PLAN**

City Engineer Dexter Fisher explained that for the last couple of years the city has been working with a consultant about revitalizing downtown Main Street. For many years, the businesses in this area have expressed concerns about the lack of parking on Main Street and for their businesses. Last summer, the city held a meeting with the consultant and business/stakeholders in the area to discuss their concerns and receive feedback about what they would like to see happen to help address concerns. We received good feedback during the meeting, and soon afterwards the city hired a traffic engineering firm, Avenue Consultants, to help us put together concept drawings to add as many parking stalls as we could to help the businesses in this area. Those drawings are being presented to the council tonight. There are a couple of items being shown on the concept drawings that will not be able to be completed at this time, and those items include twenty on-street parking stalls with widened sidewalk along the west side of Main Street, as well as a

landscaped median running in the middle of downtown Main Street. Avenue Consultants is recommending that the area of Center Street, between Main Street and 100 East, be made into a one-way street where traffic would only be able to travel east on this portion of Center Street. This would allow us to be able to maximize parking and create seventeen diagonal parking stalls along Center Street here, as well as sixteen parallel parking stalls. Similarly, it is being proposed that 100 North Street, between Main Street and 100 West, also be made a one-way street with traffic only being able to head west on this portion of 100 North. This would allow us to create seven angled parking stalls along here. This project will not involve any concrete work but will only be to stripe these roads. If for some reason we find that the new striping is not working out the way we had planned, we can always revert back to how things were previously. Avenue Consultants have already completed the striping plan and we are hoping to be able to paint the roads this spring. We hope that by completing this project, stakeholders in this area can see that the city is attempting to put forth an effort to help our businesses in this area.

Council Member Blackham asked if there were plans to install a mid-block pedestrian crossing on Main Street as part of this project.

Dexter Fisher responded that they are not planning to do a mid-block crossing at this time.

Shayne Scott commented that city staff originally felt that it would be best to wait to see what decision is made on what the old library will be used for before making any improvements to Main Street. The city feels that a mid-block pedestrian crossing will be a very positive thing for this area, and is something we will look into doing as part of this striping project.

Council Member Jackson said that he hopes that these changes, along with the addition of a mid-block crossing, will help to encourage people to park at the city hall parking lot.

### **DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

### **CONSENT ITEMS**

Mayor Tran commented that under Consent Item “A”, Taylor Spendlove has removed their name from consideration as an Alternate Planning Commissioner.

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

- a. Appointment of Steve Lyon as Planning Commission member.
- b. An Ordinance amending several sections of Title 17 to remove household pets.

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.

## **ACTION ITEMS**

### **A RESOLUTION APPROVING ALTERATIONS TO THE CITY'S PERSONNEL POLICIES AND PROCEDURES MANUAL**

City Manager Shayne Scott explained that this item was reviewed in the council's last meeting as a Work Item. Recently 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 recommended changes 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. The cleanup of grammatical errors, and to degenderize individuals (changing "he" to "they", for example).

Most of the changes are minor. A spreadsheet of all proposed changes to the personnel manual has been provided to the Council for review.

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 Section 2.02 in regards to recruitment and selection of qualified candidates, and commented that the city may lose good candidates by not hiring from outside.

Shayne Scott responded that this section allows city Staff the ability to promote from inside if they already have a good candidate in mind who would like the job position and already has the job skills needed.

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.

### **REZONE APPLICATION OF 6.43 ACRES AT 391 NORTH FLINT STREET TO GO FROM A-1 (LIGHT AGRICULTURAL) TO THE R-M (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT WITH A MIXED USE ZONING DISTRICT OVERLAY OVER 1.84 ACRES OF THE PROPERTY – JOHN V. FLINT AND SHAUNA S. FLINT**

Community Development Director Melinda Greenwood explained that this property, located at 391 North Flint Street, is proposed to be rezoned from A-1 (Light Agricultural) to the R-M

(Multiple Family Residential) district, with a Mixed Use Overlay zoning district over approximately 1.84 acres of the east side of the property, adjacent to Flint Street. The applicant is proposing to include on the property a mix of five commercial buildings bordering Flint Street, with four of the commercial buildings having two floors of apartments over the commercial space, and the fifth commercial building only having one story of live-work space above. In total, 36 dwellings are being proposed on the R-M MU parcel. The 4.69 acres of R-M area of the parcel is being proposed to have sixteen single-family or twin-home units, and thirty townhome style residences. Overall, the project includes eighty-two dwelling units. The project also includes a public road connecting Flint Street into Pleasant View Drive, and provides a shared open space that includes a walking path and playground. A connection to the Denver and Rio Grand Western Rail Trail would be created as well and would be open to the public. The 2022 General Plan Future Land Use Map shows this property to be used as Single Family Residential, so this zone change is not consistent with this particular component of the 2022 General Plan. However, the fourth of the five Guiding Principles in the 2022 General Plan is to “provide diverse housing options”. Given the zoning and surrounding uses, a rezone of the subject property to R-M and Mixed Use Zoning District Overlay would provide more diverse housing options and serve as a transitional buffer between the incompatible uses of a commercial zone backing up to single-family homes. This rezone application is aligned with the guiding principles of the General Plan. The applicant has been particularly thoughtful as they designed this project to buffer the entire property with a walking path, placing townhomes towards the LI property to the south, and placing single-family homes or twin homes on the north portion of the project, where they would abut existing residential properties. Kaysville is limited in its existing housing options and affordability, so the provision of patio homes, twin homes, town homes and apartments would diversify housing options and costs. The General Plan reiterates the importance of having neighborhoods that are connected. Pleasant View Drive is a stubbed road abutting the subject property to the north and was meant to be connected to future development. The proposed development provides that connectivity with the extension of Pleasant View Drive through to Flint Street. A mixed-use project’s intent is to reduce vehicle travel. Those who live in the housing in the proposed development, as well as those who would work there, would have close and easy pedestrian access to grocery shopping, restaurants and a full-service park, which likely would reduce the amount of vehicle trips. Chapter 3: Housing and Neighborhoods of our 2022 General Plan was recently amended to account for state requirements for moderate-income housing elements. This project would provide needed housing outside the customary housing product offered in the city. The goals and objectives recently revised in this Chapter 3 offer great support for this rezone and project. This R-M and MU rezone would also give us the opportunity to report progress back to the state in the 2023 Moderate Income Housing Report. There are several principals, goals and objectives in the General Plan that support this requested rezone. The Mixed Use Zoning District Overlay requires a development agreement to be accompanied with the zone change application. Staff has completed a review of the proposed project in relation to the zoning regulations and believes the project and development agreement complies with zoning code. On November 23, 2022, sixty-two public notices were mailed to adjacent property owners. The city received a few comments, with some being in favor of the project, and others citing concerns in regards to density, traffic, parking and emergency vehicle access. A traffic study was conducted and showed that the capacity on Flint Street would only increase from approximately 2.5%-5%, which Staff felt did not warrant any traffic mitigation efforts. The Planning Commission reviewed this item at their December 8, 2022 meeting and held a public hearing. There were a handful of public comments made during the meeting and emailed comments were sent to the Planning Commission and City Council. The

Planning Commission is recommending approval of the requested rezone and development agreement.

Greg Nelson, with Millstream Partners who is working with the Flints on this development project, said that they have tried to work with the neighbors and appreciates that the neighbors have been engaging and respectful in their conversations.

John Flint commented that their family has been living in Kaysville for many generations and it is hard for them to sell their property but it has become too hard to farm and maintain the property. It is time to move on. They have tried to consider what would be best for this property and for the city, and they have tried to be supportive of their friends and neighbors, and with what they want to see done with the property. It is a hard decision with a lot of emotion behind it.

Greg Nelson said that John and Shauna Flint have worked hard to get feedback from the surrounding neighbors as much as practical. They have felt that this property is unique and they wanted to create something that will be transitional from the commercial uses to the south, to the residential uses to the north. They also wanted to create housing for people who are in all different stages of their lives. They wanted to plan for economic realities in order to upkeep this project long-term. At the first meeting where they met with the neighbors, their architect for the project was present and they took notes about comments made so that he could revise the development drawings based off the comments. They felt it best to create the road connection to Pleasant View Drive so that there would be more than one way in and out of this neighborhood. There were some concerns about vehicles speeding along this road, which is why they are proposing a couple bulb-outs on the street. The road will be thirty feet in width and will be fully improved with curb, gutter and sidewalk. After hearing more comments from the residents at the Planning Commission meeting, they have made further adjustment to their concept plans. They have tried to be proactive in speaking with the neighbors. Many phone calls have been made, visits to neighbor homes, emails, meetings with city staff, and more, to fine-tune this project so as to be as realistically responsive as possible to neighbor input. The planned townhomes will be located along the south edge of the property, adjacent to Smith's Marketplace. The mixed-use buildings will be along Flint Street, and the single-family homes will be along the northern edge, adjacent to the existing residential. The city regulations calculate that they have 103 parking spaces for this project. They have only planned for 101 stalls with the idea that they feel it is unlikely that all 101 parking spaces will be needed at one time. This site has the necessary sewer capacity available along Flint Street. There will be a reduction in overall water use as the property changes from a heavy agricultural use. Some of the existing neighbors asked if an emergency access gate could be installed as part of this project, but the fire chief was not in favor of installing one here. This is a unique project and we want to ensure that the property continues to be maintained long-term; therefore, they will be creating an HOA. The revenue from the HOA fees will be used to upkeep common areas, walking trails and other development amenities. The proposed patio homes will help to provide housing for those in later stages in life. The town homes and apartments could be nice options for young adult children and young married couples. A traffic study was conducted by Hales Engineering, who performed the study in accordance with the National Cooperative Highway Research program professional methodologies. As a result of the traffic study, no mitigation measures were recommended for the proposed development. The traffic study showed that by connecting to Pleasant View Drive, it not only provides an additional ingress/egress for the existing neighborhood, but it will improve safety and emergency access to the area, and it will create an additional left hand turn lane from this neighborhood onto Flint Street.

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

John Bunch said that he has lived in Kaysville for eighteen years in the Quail Hollow subdivision. Mr. Bunch said that he is in favor of this development and it has been well thought-out. The amenities of this project will be a great asset to Kaysville for years to come.

Stephen Lyon commented that this project brings an opportunity to approve good planning development alignment in one project. It is not often that cities see this happen and this is an ad hoc project coming before us. This development is appropriate for neighborhood planning and has been well planned. The developer has thought through the elements of design. Mr. Lyon encouraged the council to consider looking at this area along 200 North and Flint Street, and the area of the West Davis Corridor interchange to Main Street and consider a small area plan for that area. The council can look at design elements and other features that the city feels would encourage future mixed-use development throughout the city. Projects like these increase neighborhood development, business retention and increase jobs. Taxable value from homes does not always maintain taxable rates, whereas commercial development does. Small area plans would help to maintain and increase development, as it would create standards of development. This proposed project is a great one and will bring these elements to the city that the city needs.

Darren Eyre said that he is a resident of Kaysville as well as licensed professional engineer in the State of Utah. He has designed or reviewed development plans on behalf of government entities. There are some great benefits to this project and it has been well thought-out. This project will create a buffer between the commercial use and existing residential uses, will create economic development for the city, will help to fund city infrastructure maintenance and will help to establish more affordable housing. Mr. Eyre said that he hopes that the city would approve this and other similar projects to help our children to be able to afford to live in Kaysville. The developers have reduced their proposal by 1/3 of the density of what they could be proposing. This is a reasonable and fair plan that is being presented and it would be great for the city.

Jake Garn commented that he lives adjacent to the development and expressed his thanks to the Flints. They have been great neighbors and willing to listen to their neighbors in regards to this project. Greg Nelson and his company have been great to work with and have good conversations with. They have made themselves available for the neighbors to be able to talk to, and they changed their development plans to help mitigate some of the concerns that the neighbors have had. A project such as this can be a frightening prospect for existing neighbors, and for those of us who have lived here a long time, this project doesn't seem to be transitional. It seems more abrupt to go from the existing half-acre lots, to six-and-a-half times the density that we currently have. There is no other development like this in west Kaysville and it is likely we will continue to see more projects like this in the future. The neighbors have been very respectful in expressing their concerns in a constructive way. One of the concerns that the existing neighbors have is in regards to the current intersection of Flint Street and Flint Meadow Drive, and the struggle it is to be able to turn left at this intersection onto Flint Street. The neighbors would like to see the city consider other options that might help traffic flow better here, especially with more homes being built.

Dave Erickson expressed gratitude to the developer that the neighbors have been allowed to give a lot of input in regards to this project. More existing residents are becoming more interested in

moving into patio homes in Kaysville. Many of our residents have children looking for homes in the city, and projects such as these will give them more of an opportunity. Mr. Erickson said that he liked the walkability of the project, as well as the opportunity to bring more commercial to the city. They have seen many positives with the planning of this project.

Ben Horne said that the developer has put a lot of work into perfecting this development and they have presented a beautiful plan. Mr. Horne said that he lives on the east side of the city and feels that this project will be a great thing for the west side. Smith's Marketplace was built here because of the Flint family and it's great to see their family give back to Kaysville again through this project. It is an impressive development and it will give back to the community. There are many who would love to find a home in Kaysville and this may give some of them the opportunity.

Jared Robbins said that he wanted to voice his support for this rezone. It's a well thought out rezone and the city is in a real need for more diverse housing projects. This project offers different housing opportunities for people in different times of their lives.

Gil Miller said that he wanted to voice his support for this rezone development. He had reviewed the proposed development plans with the Economic Development Committee and the vast majority, if not all, of the committee members were in support of the requested zone change. Mr. Miller said that he was serving on the Kaysville City Council with the city purchased the Flint Street property that now encompasses Smith's Marketplace and the surrounding businesses. Whether you were living in Kaysville at that time or not, developing that corner was a heated debate. Some residents resisted any form of change, while others saw the need for development in west Kaysville. Even the majority of them, the naysayers, now look at the Smith's Marketplace development and could not imagine the west side without it. The resulting sales tax dollars and RDA money, now close to over a million dollars, have also had a very positive impact on the city budget and will continue to create new economic development opportunities. One compelling reason to approve the rezone is that it is in keeping with what the city council and residents to the north believed years ago to be the eventual model for development between Smith's Marketplace and the residents to the north. At the time, we spoke clearly of a mixed-use model where some form of slightly higher density housing would be a buffer between the homes to the north and the Smith's marketplace property. The rezone being proposed is exactly what a former city council and impacted residents thought the future would bring as the property developed. Mr. Miller added that during his time in Kaysville, he couldn't think of another family besides the Flints that has done more for the city in terms of economic development and overall contributions to the city.

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

Mayor Tran commented that she likes developments with mixed uses incorporated into them, and feels that this project is ideal for this property. This development has been well thought out and the developer has been very conscientious.

Council Member Oaks said that he was originally hesitant about how the development of this property could be done, but as he has seen the developer continue to adjust the plans, he now feels that the proposed development will be a good use of the property. This will help to show our residents that higher density developments can work when put in the right place. Council Member Oaks said that he appreciates the neighbors working with the developer, and expressed their

concerns openly and honestly. He is also appreciative that the developer considered their concerns and made changes to the plans as a result. This development will help the city to be able to bring in more revenue.

Council Member Adams asked if the units would be rented or individually owned.

Greg Nelson responded that because of the increase in interest rates, and anticipating that they will continue to increase, purchasing homes has gotten harder. They plan to have some of their units that would be for sale, and some would be for rent, depending on how the market is. They have always been concerned about the long-term upkeep and maintenance for this project. As home affordability goes down, sometimes over a period of time you will also see upkeep and maintenance with individual ownership go down. They want to see at least half of the units remain for rent so that they can maintain control of the HOA, thereby maintaining control of the upkeep and maintenance of the property in a manner that we feel is reflective of the Flint family legacy. We feel that there will be a high demand of people who would like to be able to purchase a patio home in this development.

Council Member Adams asked if the city has any regulations on how many can be rented or sold.

Melinda Greenwood responded that the Fair Housing Act does not allow the government to stipulate or require ownership versus renting.

Council Member Adams asked if the development agreement stipulates the number of homes that can be built.

Melinda Greenwood responded that the development agreement will specify how many units and what kind of homes can be built. If they want to build more than what is outlined in the development agreement, they would have to come back to the council to have the development agreement approved for an amendment.

Council Member Jackson said that he would like to see a larger setback between the northernmost units and the existing residential properties to the north. Sometimes these new developments create buildings that tower over existing residences adjacent to the property.

Greg Nelson said that they are trying to create meaningful separation between the existing residents as well as the new homes, not just with setbacks, but also with the addition of a fence and a tree barrier along the property line. They are trying to be as responsive as they can with the neighbors. The development agreement will also specify the tree width that will be required to be planted.

Council Member Jackson said that we need to ensure that there is enough space for the residents that will live here, including parking. We want this area to feel like a community, and not split between the existing half-acre lots and smaller townhome lots. It is important that there is a smooth transition between the two. Council Member Jackson commented that he appreciates the considerations and modifications that have been made so far, and appreciates the time and effort that has gone into this development plan. This development has set the standard for other developments. Council Member Jackson said that he would like to see more dispersed parking within the development. There needs to be enough adequate parking so that developments are not

relying on on-street parking. There needs to be more accessible parking for those units located on the west side of this project.

Greg Nelson said that they would be willing to consider installing approximately seven visitor parking spots in two or three areas on the west side of the development. Mr. Nelson said that they had discussed putting visitor parking spots near the furthest west units, but because the Rail Trail has a lot of pedestrian traffic on it, there were some concerns expressed about the safety of those that would use those parking spots.

Melinda Greenwood said that Staff would craft language to be added into the development that encapsulates the City Council's intent and have it reviewed by our city attorney as well as the developer to make sure that it is acceptable by all parties. Mrs. Greenwood reviewed the setback requirements of this zone, as well as what is being proposed for this development.

Council Member Adams commented that the Flint family has done a lot for the community. It is admirable that they were willing to spend months speaking with the neighbors and holding meetings to get as much feedback as they could. It speaks volumes of what they are willing to do to make this a good development. We haven't heard many objections in regards to this development. Council Member Adams suggested that with the proposed two-story homes adjacent to the existing residential homes, that there not be windows installed on the second story that would face the neighboring homes. This is a big difference in density from what the property has been zoned. Even though a traffic study was conducted, it was done at the developer's behest and Council Member Adams said that he would like the city engineer to look at the Flint Meadow Drive and Flint Street intersection prior to preliminary plat approval for this subdivision to see if something could be done to help with traffic flow. This is a common concern of residents in this area that needs to be addressed.

Mayor Tran said that because that intersection is not part of this project, anything that potentially needs to be done with the intersection should not be placed on the developer of this project, but rather it is an issue that the city needs to address on our own.

Melinda Greenwood added that it is anticipated that the amount of traffic on Flint Street could likely be reduced when the West Davis Corridor is completed.

Council Member Blackham commented that the development agreement needs to be tied to the approval of the rezone.

Melinda Greenwood commented that the development agreement does not currently specify the creation of an HOA for this development. The developer intends to create an HOA, but we need to include it within the development agreement. Mrs. Greenwood added that the city's Public Works department has expressed concern regarding the pinch points or bulb-outs along the proposed road as they do not meet the city's standard street requirements, and they would like to see those removed from the road design. Bulb-outs make it very hard for snow plowing. Our city engineer has done some research and found that they do not help much with traffic calming.

Council Member Hunt made a motion to approve the request to rezone 6.43 acres at 391 North Flint Street from A-1 (Light Agricultural) to R-M (Multiple-Family Residential) with a Mixed Use

Zoning District Overlay over 1.84 acres of the property for John V. Flint and Shauna S. Flint with the following stipulations:

1. The development agreement include language that specifies that an HOA be created for the entire project, which will be responsible for the ground maintenance of the subdivision.
2. In the development agreement where fencing requirements are discussed, clean up the language and make it clear that the existing fencing will be replaced with new fencing.
3. Add at least seven more parking spots to the western two-thirds of the property.
4. The formal connection to the Denver and Rio Grande Western Rail Trail be contingent upon receiving approval from UTA in order to have that connection.
5. The pinch points, or bulb-outs, and mid-point sidewalks be removed from the road design, unless the developer can receive engineering validation showing that there is a need for these.

City Attorney Nic Mills asked the developer about the stated stipulations.

Greg Nelson responded that they are generally okay with the listed stipulations. The bulb-outs were installed because of some comments neighboring property owners had made and concerns about a vehicles speeding around the corner and ending up in their front yard.

Council Member Oaks made a motion to extend the meeting past 10:00 p.m. The motion was seconded by Council Member Jackson and passed unanimously.

Council Member Oaks seconded Council Member Hunt's motion.

Council Member Blackham asked that the motion include the stipulation that the development agreement be included as part of the approval of the rezone, and that the setbacks be approved as presented in the site plan submitted with this rezone request.

Council Member Hunt amended the motion to approve the request to rezone 6.43 acres at 391 North Flint Street from A-1 (Light Agricultural) to R-M (Multiple-Family Residential) with a Mixed Use Zoning District Overlay over 1.84 acres of the property for John V. Flint and Shauna S. Flint with the following stipulations:

1. The development agreement include language that specifies that an HOA be created for the entire project, which will be responsible for the ground maintenance of the subdivision.
2. In the development agreement where fencing requirements are discussed, clean up the language and make it clear that the existing fencing will be replaced with new fencing.
3. Add at least seven more parking spots to the western two-thirds of the property.
4. The formal connection to the Denver and Rio Grande Western Rail Trail be contingent upon receiving approval from UTA in order to have that connection.
5. The pinch points, or bulb-outs, and mid-point sidewalks be removed from the road design, unless the developer can receive engineering validation showing that there is a need for these.
6. The development agreement be included as part of the approval of the rezone.
7. The setbacks be approved as presented in the proposed site plan that was submitted with the rezone request.

The motion was seconded by Council Member Oaks.

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.

Greg Nelson added that if the city would like to extend the current median at the intersection of Flint Meadow Drive and Flint Street, they would be willing to pay for the paint to do so.

### **COUNCIL MEMBER REPORTS**

Council Member Adams said that there is a family in Kaysville lost their eleven-year-old girl and they would like to erect an angel statue in the Kaysville Cemetery. These particular angel statues have been erected in over 130 places around the world, and people visit them on December 6<sup>th</sup> as part of Children's Day in honor of children who have passed away. These angel statues give a place for families to grieve and to heal. This family will be holding a fundraiser to raise money to purchase the statue, and will be coming before the council to ask for the city to donate a piece of land in the city cemetery for this statue to be placed. Council Member added that he hopes that residents will consider contributing to this fundraiser if they are able

### **CLOSED SESSION**

Council Member Oaks made a motion to adjourn the city council meeting at 9:56 p.m. and reconvene into a closed session to discuss the character, professional competence, or physical or mental health of an individual or individuals, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Hunt and passed unanimously.

Council Member Oaks made a motion to adjourn the closed session at 10:16 p.m. and reconvene into the city council meeting, seconded by Council Member Blackham. The motion passed unanimously.

### **ADJOURNMENT**

Council Member Hunt made a motion to adjourn the City Council meeting at 10:17 p.m. The motion was seconded by Council Member Blackham and passed unanimously.

# **CITY COUNCIL STAFF REPORT**



**MEETING DATE:** February 2, 2023

**TYPE OF ITEM:** Consent Items

**PRESENTED BY:** Chief Sol Oberg

**SUBJECT/AGENDA TITLE:** Approval of purchase of BrainMaster Freedom BrainAvatar - Kaysville Police Department

## **EXECUTIVE SUMMARY:**

This purchase request is for a BrainMaster Freedom BrainAvatar.

This purchase request is presented to the city council for consideration because it was not budgeted for in the current fiscal year budget. However, a financial grant through the State of Utah was recently awarded to cover the entire \$35,595 cost of this item.

This mechanism provides neurofeedback that can identify the parts of the brain struggling with depression, anxiety, PTSD, and other mental health issues. For many clients seeking therapy, their brains have become stuck in a rigid pattern of thinking and responding. With neurofeedback, we can better enable clients to learn how to change physiological activity to improve mental health and performance.

## City Council Options:

Approve or Deny

## Staff Recommendation:

Approve purchase

## Fiscal Impact:

\$35,595

## ATTACHMENTS:

1. BrainMaster Quote
-



# Purchase Requisition

Required over \$5,000

8/10  
10-55-450

Number: Police 0119/20

Department: Police

Date: 0119/2023

Vendor: BrainMaster Technologies

Address: 195 Willis St.

City: Bedford State: Ohio Zip: 44146

| Quantity | Description                | Unit Price   | Extension    |
|----------|----------------------------|--------------|--------------|
| 1        | Freedome Brain Avatar with | \$ 35,595.00 | \$ 35,595.00 |
|          | training and software      |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
|          |                            |              | -            |
| Total    |                            |              | \$ 35,595.00 |

## Signatures:

Person Requesting: 806 03526

Department Head: 8/10

If Over \$10,000  
City Manager Signature: Shy 2/1



Created Date 1/17/2023

Quote Number 00012896

Date Quote Initiated 1/17/2023

Created By Ashley Johnson

Vendor Brainmaster Technologies

Contact Name Stuart Palmer

Company Address 195 Willis St  
Bedford, OH 44146  
US

Bill To Name Palmer, Stuart

Phone (801) 674-4148

PCCP Level N/A

Bill To 80 North Main Street  
Kaysville, UT 84037  
United States

Reseller Level N/A

Ship To Name Palmer, Stuart

Ship To 80 North Main Street  
Kaysville, UT 84037  
United States

| Product                                                                   | Product Code | Quantity | Sales Price | Total Price |
|---------------------------------------------------------------------------|--------------|----------|-------------|-------------|
| Freedom 20R with BrainAvatar Acquisition                                  | 392-099      | 1.00     | \$23,995.00 | \$23,995.00 |
| BrainAvatar Training for up to 19 Channels                                | 533-612A     | 1.00     | \$995.00    | \$995.00    |
| BrainAvatar LLP                                                           | 533-614A     | 1.00     | \$1,495.00  | \$1,495.00  |
| BrainMaster MMP for BrainMaster Software                                  | 533-401A     | 1.00     | \$250.00    | \$250.00    |
| qEEGPro Surface/sLORETA Z-Score Training DLL                              | 533-644A     | 1.00     | \$2,795.00  | \$2,795.00  |
| qEEG-Pro Report Service - Gold                                            | 533-633A     | 1.00     | \$1,495.00  | \$1,495.00  |
| Freedom 20R Electrode Replacement Package                                 | 645-221      | 1.00     | \$420.00    | \$420.00    |
| STS In Service - 3 Day/21 Hour Virtual In-Service + 6 Hour Pre In-Service | 582-010-3-V  | 1.00     | \$3,600.00  | \$3,600.00  |

Subtotal \$35,045.00

Discount \$0.00

Total Price \$35,045.00

Shipping and Handling \$550.00

Grand Total \$35,595.00

#### Additional Comments

Additional Comments Ask about online mentoring and workshops!!

It is the practitioner's sole responsibility to learn the product to achieve scope of competence standards. Educational services can be added, please ASK and regularly visit [www.stresstherapysolutions.com](http://www.stresstherapysolutions.com) for updated course opportunities. Unlimited Equipment and Software Technical Support is included with your valid Affiliate Membership. A complimentary 1-year Affiliate Membership is included with the purchase of a qualifying device. Affiliate Membership benefits include free unlimited technical support, extended warranty (covers cost of parts and labor), list server membership (24/7 access to experts in the industry), website listing, discounts on BrainMaster hardware and software, PCCP Membership with qualifying quantity purchased, free webinars and other discounted educational opportunities.

The Freedom 20R systems comes with a complimentary 1 year affiliate membership and a 3 year warranty. To renew the affiliate membership while the system is under warranty is \$395.00 for 1 year and \$550 for 2 years. To renew a affiliate/warranty it is \$900.00 for 1 year.



qEEG-Pro Report Service - Gold is an annual subscription - \$1,495.00/yr

Sensors for the Freedom 20R series are to be replaced after 250 uses and a replacement pack of sensors is \$420.00

*This document is confidential and may not be discussed or shared with individuals not listed above without approval of BrainMaster Technologies, Inc. All devices and software are sold to or on the order of a licensed practitioner to be used under scope of practice and competence within state licensure for EEG Biofeedback, stress reduction or relaxation purpose. BrainAvatar, sLORETA, database guidance products (direct or 3rd party) are labeled under the category of EEG BIOFEEDBACK per industry standards. QEEG related software use is for assessment purposes only and not diagnostic. Freedom series are a third-party product and labelled per original manufacturer policy for research purpose. All insurance matters are between the practitioner and the insurance company only. These commodities, technology or software exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited.*

*No refunds or returns on software, passkeys, and items of hygienic nature. No equipment refunds after 30 days of the purchase. 20% restocking fee policy is in effect for device returns accompanied by an RGA number and written approval prior to 30 days of original shipping date only. No refunds for used devices. Clients who purchased through a Reseller company must follow Resellers Return Policy only. Past due invoices/warranty returns will be charged interest: 30-60 days late – 5% per annum; 61 days and over – 10% per annum of total invoice amount. All items that are Investigation in purpose are Non-Refundable and Non-Returnable*

**\*Pricing listed on quotation is valid for 30 days from date listed.**

# **CITY COUNCIL STAFF REPORT**



**MEETING DATE:** February 2, 2023

**TYPE OF ITEM:** Consent Items

**PRESENTED BY:** Josh Belnap

**SUBJECT/AGENDA TITLE:** Award of design and coordination services for the 200 North Road and Utility Project - Kaysville Public Works

## **EXECUTIVE SUMMARY:**

Public Works recently published a request for proposals from engineering consultants to assist the City with coordinating with utilities and stakeholders and compiling a design to replace aging infrastructure within 200 N, installing curb/sidewalk where it doesn't exist currently, and to then repave the street. This project spans the east side of 200 N, from Main St to the Fruit Heights border (near Country Ln).

Staff received six proposals, which were evaluated on team members/experience, adherence to scope, price and overall proposal quality. Following the review, Public Works has decided to recommend that the City negotiate and execute a contract with JUB Engineering.

JUB's proposal is a "not to exceed" amount of \$496,400. It's anticipated that the design and coordination process will take 18-24 months, after which the City would then use the engineered plans to advertise for construction bids.

## City Council Options:

1) Approve, 2) Approve with suggested changes, 3) Table

## Staff Recommendation:

Approve

## Fiscal Impact:

Combination of gas tax revenue, County transportation funds and road utility funds

## ATTACHMENTS:

None

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