

1 **CLARIFICATION AND AMENDMENT TO THE MOTION MADE ON AUGUST**
2 **27, 2024 FOR ORDINANCE 2024-06, AN ORDINANCE APPROVING THE**
3 **BALLERINA FARM ANNEXATION AND DESIGNATING ZONING TO APPLY**
4 **TO THE ANNEXATION PROPERTY**

5
6 Mayor McCormick explained we made the motion designating zoning to the annexation
7 property but we did not properly address the ordinance and did not properly insert the
8 approved wording for the amendment of the motion that was made regarding the
9 exemption from the pioneering agreement and when that applies.

10
11 **MOTION:** Councilor Leslie Staples moved to approve Ordinance 2024-06, An Ordinance
12 approving the Ballerina Farm annexation and designating zoning to apply to
13 the annexation property. The proposed annexation by Ballerina Farm for
14 Parcels CD-582-A, CD-581, CD-577-X, CD-618, CD-580, CD-580-A with
15 CD-577-X being Public Facility, CD-582-A being Agricultural Tourism, and
16 the remaining 4 parcels being A-5 Agriculture with the following
17 considerations. The Neeleman's, Ballerina Farm, connect to city sewer and
18 pay the cost to bring it to their property, they would also have to get it
19 designed correctly with a 12-year pioneering agreement. In addition, they
20 bring the water line that would be extended to their property line with the
21 same 12-year pioneering agreement. We provide Francis City with same
22 entitlements to their public facility property as they currently have and we
23 work with them to have an agreement with them to keep those in place, we
24 work with the Neeleman's and Ballerina Farms on the road maintenance and
25 plowing considerations and the overall width of the road and make sure it
26 provides safety and travel for all people visiting their creamery, and we get the
27 final wetland delineation site plan approval, the Planning Commission see the
28 overall site plan approval for the creamery once we get to that point, and this
29 proposal and this annexation be based on a formal annexation agreement and
30 any other considerations determined by Kamas City staff and engineer, and
31 we exclude the property owners that are part of this annexation from the 12-
32 year pioneering water and sewer agreement however those 5 parcel owners
33 are excluded from the pioneering agreement as long as those land owners do
34 not attempt to increase their development rights, change their zoning, or
35 change the current ownership.

36
37 Councilor Gines asked if on the change the current ownership, if he deeds 5 acres for his
38 daughter to build on, is that changing the deed?

39 Mayor McCormick stated the way the motion is presented that would change ownership
40 of those 5 acres, so yes.

41 Scott Kettle stated we talked about how the property is currently zoned A-10 in the
42 county. As long as the zoning doesn't increase from A-5 it wouldn't apply.

43 Amanda Curtis felt like that's what they agreed to. We had talked about the change of
44 ownership but decided against it because we didn't want that to be the case.

45 Councilor Gines asked if there's anyway to delineate.

1 Mayor McCormick doesn't remember us saying we weren't interested in the change of
2 ownership. The exemption from the pioneering agreement the way he understood it was
3 for the current owners at the current zoning.
4 Scott Kettle stated as long as it's not changed from A-5 you'll be okay.
5 Councilor Gines states it's not fair to the Neelemen's if he sold to a developer and they
6 kept it at A-5, but he feels it's fair if he deeds some of it to his family that they stay under
7 the same pioneering agreement. There are two separate things there.
8 Scott Kettle stated he doesn't know how you differentiate between that. As long as the
9 zoning stays at A-5, once the density increases that's when it would change.
10 Councilor Staples asked who's going to oversee that.
11 Mayor McCormick stated that's the problem, it's pretty hard to regulate. It has to be one
12 way or the other.
13 Councilor Bateman stated it doesn't matter who owns it, it just needs to stay in that
14 zoning.
15 Councilor Staples stated we need to figure out if it's an increased development, a zone
16 change, or a whether it's change of ownership.
17 Councilor Darcey asked if it would work with just the increased development and zone
18 change.
19 Mayor McCormick wonders if development is the right word or if it should be density.
20 The council agreed it should be density.
21 Mayor McCormick stated it needs to have zone changes because that could apply to
22 housing or commercial.
23 Councilor Darcey stated let's go with those two points, density and zone change.
24

25 **MOTION:** Councilor Leslie Staples amended her first motion to approve Ordinance
26 2024-06, An Ordinance approving the Ballerina Farm annexation and
27 designating zoning to apply to the annexation property. The proposed
28 annexation by Ballerina Farm for Parcels CD-582-A, CD-581, CD-577-X,
29 CD-618, CD-580, CD-580-A with CD-577-X being Public Facility, CD-582-
30 A being Agricultural Tourism, and the remaining 4 parcels being A-5
31 Agriculture with the following considerations. The Neeleman's, Ballerina
32 Farm, connect to city sewer and pay the cost to bring it to their property, they
33 would also have to get it designed correctly with a 12-year pioneering
34 agreement. In addition, they bring the water line that would be extended to
35 their property line with the same 12-year pioneering agreement. We provide
36 Francis City with same entitlements to their public facility property as they
37 currently have and we work with them to have an agreement with them to
38 keep those in place, we work with the Neeleman's and Ballerina Farms on the
39 road maintenance and plowing considerations and the overall width of the
40 road and make sure it provides safety and travel for all people visiting their
41 creamery, and we get the final wetland delineation site plan approval, the
42 Planning Commission see the overall site plan approval for the creamery once
43 we get to that point, and this proposal and this annexation be based on a
44 formal annexation agreement and any other considerations determined by
45 Kamas City staff and engineer, and we exclude the property owners that are
46 part of this annexation from the 12-year pioneering water and sewer

1 agreement. However, those 5 parcels are excluded from the pioneering
2 agreement except for if they were to increase density or change their zone.
3 Councilor Jessica Bateman seconded the motion.
4

5 Mayor McCormick stated he doesn't know how to handle this. Councilor Blazzard voted
6 before the meeting started but then she just texted and said she can't get into the live
7 stream so she's out of the meeting.

8 Kim Peacock stated Councilor Blazzard just texted her and said she can't get the internet
9 to work, I approve the minutes, I just texted the mayor that I'm out of the meeting.

10 Mayor McCormick stated he's going to take the vote without her vote because she's out
11 of the meeting. If it makes a difference, we'll consider it.
12

13 Mayor McCormick asked for a roll call vote:

14 Councilor Darcey voted "aye"

15 Councilor Staples voted "aye"

16 Councilor Bateman voted "aye"

17 Councilor Gines abstained because he has property in the annexation
18 boundary.

19 Motion passed 3-0.
20

21 Mayor McCormick stated Councilor Gines is abstaining because his family owns
22 property there. By rule he doesn't have to abstain and I can't ask him to abstain. The only
23 thing he's required to do is identify his conflict. He's choosing to abstain on his own
24 accord and he appreciates that.
25

26 27 **APPROVAL OF THE AUGUST 27, 2024 CITY COUNCIL MEETING MINUTES** 28

29 **MOTION:** Councilor Leslie Staples moved to approve the City Council meeting minutes
30 dated August 27, 2024 with the amended motion.

31 Councilor Jessica Bateman seconded the motion.

32 The vote was unanimous. Councilors Larry Gines, Jessica Bateman, Leslie
33 Staples, and David Darcey voted aye. Motion passed.
34
35

36 **VETERAN'S MEMORIAL LOCATION DECISION** 37

38 Mayor McCormick turned the time over to Terina Darcey.

39 Terina explained the committee met and talked about several other options for the
40 memorial. Scott Kettle and Amanda Curtis provided site plans with different options. The
41 committee liked the idea of coming out on an angle because there could be two other sets
42 of brick area in the corner.
43

44 Councilor Bateman clarified the location of the memorial. Is it going to be in the corner
45 or under the flagpole?

1 Councilor Gines explained the access would angle in from the northwest corner and the
2 memorial will be placed under the flagpole.

3
4 Councilor Darcey asked what the highest priority would be for the memorial.

5 Councilor Gines stated having it on Main Street.

6 Terina stated this community is very patriotic. They want it to be seen and don't feel
7 having it off Main Street would be patriotic.

8 Councilor Gines stated the noise isn't as much as an issue as the location on Main Street
9 is.

10
11 Councilor Bateman stated on option 2 and 3 there is an information center.

12 Scott Kettle explained this was just talked about at the last meeting so they put it on there
13 as an option.

14 Terina stated these could be phased in the future.

15
16 Councilor Gines feels we need to remove the trees that are out there now because the flag
17 touches it. We can plant new trees.

18
19 Terina told the council they need to get this project started so they'll be able to apply with
20 the county for a grant.

21 Mayor McCormick questioned why we would need to have this started before they could
22 apply.

23 Terina stated she was told to have the project done then the city could apply for a grant to
24 add on.

25 Councilor Gines asked if this is approved tonight could they break ground on Veteran's
26 Day?

27 Terina would like to break ground before Veteran's Day.

28
29 Councilor Darcey stated it seems we are having this discussion because the space at the
30 flagpole could be used for expansion. Councilor Darcey is in favor of putting the
31 memorial under the flag. One of his assumptions is we will never build a 7,800 sq ft
32 police station. Looking at something more reasonable for this city a new smaller building
33 could be built in the back of the City Hall. If we need to move the flag to build, it's going
34 to cost a lot of money.

35 Councilor Staples stated the memorial's she has seen have typically been next to
36 cemeteries. Something that should be considered is if there is a Veteran's Day program
37 having it next to the Event Center and utilize the building as well.

38 Terina explained the committee visited the event center and they felt the space there was
39 utilized for Fiesta Days and they don't want it to interfere with the celebration.

40 Councilor Gines feels the memorial would be more secure next to the City Hall.

41 Councilor Bateman thanked the committee for their patience while deciding where this
42 should be located.

43
44 **MOTION:** Councilor Jessica Bateman moved to approve the City Hall location and the
45 recommendation from the committee to angle it from the northwest corner as
46 they see fit and continue to work with Councilor Gines as a liaison.

1 Councilor David Darcey seconded the motion.
2 The vote was unanimous. Councilors Larry Gines, Jessica Bateman, Leslie
3 Staples, and David Darcey voted aye. Motion passed.
4
5

6 **DEPARTMENT REPORTS**

7

8 Amanda Curtis stated she has nothing new to report.
9

10 Scott Kettle asked the council if that's the direction for the memorial does he need to start
11 working with the committee on the design.

12 Councilor Gines asked Terina Darcey to set up a meeting with Scott Kettle and Trevor
13 Clegg to get this started. Tereina suggested September 19 at 1:00 p.m.
14

15 Scott Kettle reported they have been working on the CDBG sewer project. He has been
16 working with Trevor Clegg on the sidewalk and getting the new restroom by the park.

17 They will be putting in a new parking lot behind the sidewalk for the police to park.
18 Councilor Darcey stated the RAP tax grant applications are due September 30 if we want
19 to apply for something for the parks.

20 Trevor Clegg would like to install the new turf at the park next to the rodeo grounds
21 instead of having bark.

22 Mayor McCormick asked if moving the announcer's booth would qualify for this grant.
23 Councilor Darcey feels this could be an option.
24

25 Trevor Clegg reported they have been working on the new park a lot. They are hoping to
26 have the sidewalk poured within the next week. They are going to start running the power
27 for the new bathroom and EV chargers on Thursday. Sod will be delivered tomorrow for
28 the ball diamond area.
29

30 Councilor Bateman asked Trevor Clegg if he's had complaints about the gravel going in
31 the neighborhood roads.

32 Trevor Clegg stated he hasn't had any complaints but it's driving him nuts. They have
33 been trying to go around once a week to sweep the road with the sweeper.
34
35

36 **ADJOURN**

37

38 **MOTION:** Councilor Larry Gines moved to adjourn at 6:50 p.m.

39 Councilor Jessica Bateman seconded the motion.

40 The vote was unanimous. Councilors Larry Gines, Jessica Bateman, Leslie
41 Staples, and David Darcey voted aye. Motion passed.
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45

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved on the 24th day of September, 2024.

Matt McCormick
Mayor

Kim Peacock
City Recorder