

KAYSVILLE CITY COUNCIL
SEPTEMBER 15, 2015

Minutes of a regular meeting of the Kaysville City Council held September 15, 2015 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Steve Hiatt, Mark Johnson, Ron Stephens and Susan Lee.

Council Members excused: Brett Garlick.

Others present: City Manager John Thacker, Recorder Linda Ross, Engineer Andy Thompson, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Parks Superintendent Vance Garfield, Parks Director Cole Stephens, Power Superintendent Gary Hatch, Kim Smith, Wendy Bennett, Roger Beachler, Ruth Sabin, Dave Davies, Margaret Brough, Larry Page, Rhonda Page, Orwin Draney, Gil Miller, Brigg Lewis, Katie Witt, Arthur Whittaker, Jake Garn, Brent Heiner, Cameron McKinnon, Darrell McKinnon, Shawn Cottle, Joshua Cottle, Mark Smith, Randy Elliott, Kelsie Kinkini, Maddie Wilko, Sara Cutright, Jace Harris, Brenda Harris, Kellie Wilko, Carson Robb, Thomas Hazeldine, Viky Bates, Megan Steele, Becky Preece, Sydnee Rayl, Melanie Cottle, Adam Cottle, Karen Cottle, Carole Walker, Ramona Porter, Nathan Miller, Chase Lueckler, Carson Bauco, John Gates, Conner Rivera, Barry Lueckler, Kamron Kaye, Clarissa Johnson, Davis Clark, Hugh Jass, Isaac Shaner, Camren Todd, Steven Jensen, Zane Larsen, Cal Harris, Gregory Frank, Andrea Richards, Phil Richards, Clint Shepherd, Mercedes Allen, Charles Layton, Finn Mathewson, Brinley Memmott, Paige Preece, Daniel Alletto, Ryan Lindberg, Bentley Fife, Dave Adams, Jr., Ryan Goodfellow, R. J. Cox, Brady Duke, Michael Clark, Linda Harris, Marilyn Blair, Joyce Peterson, Dorothy Dayton, David Dayton, Anna Dayton, Josh Miller, Stephanie Clark, Daniel Clark, Davis Clark, Vanessa Kaye, Cesar Calvillo, Jeff Call, Scott Godfrey, Seth Canyon, Dave Adams Sr., Nicole Saunders, David Saunders, Jacob Halverson, Tyler Wright, Ethan Corbridge, Nick Ralph, Tristan Fisher, Jaeden Fisher, Jase Austin, Jake Larson, Kaden Morris, Hunter Garrett, Caden Blackner, Astrid Kramer, Ryan Stewart, Jake Stewart, Dan Griffiths, Trey Miller, John Gates, Clark Terry, Scott Crapo, Dave Saunders, Sharon McKinley and Conner Rivera.

YOUTH COURT JUDGES OATH OF OFFICE

Kim Smith, Youth Court Advisor, stated that in 2015 Youth Court moved into a new courtroom at the Police Station, Officer Preston Benoit was assigned as Youth Court liaison from the Police Department, 24 new judges were selected for the 2015-2016 year who serve as judges, mentors, bailiffs, and clerks and teach peer counseling and peer tutoring classes. The total number of offenses from January 1 to September 15 have been 36, which include possession of e-cigarettes, possession of tobacco, possession of marijuana, assault, criminal mischief, disorderly conduct, disruption of school, shoplifting and retail theft, trespass, traffic violations and reckless burning.

Wendy Bennett, Youth Court Advisor, thanked Sgt. Benoit, Police liaison, and Council Member Johnson, Council liaison, for their service to Youth Court. She then introduced the new judges: Bentley Fife, Nathan Miller, Megan Steele, Kamron Kaye, Mercedes Allen, Sara Cutright, Ryan Lindberg, Camren Todd, Sydnee Rayl, Davis Clark, Paige Preece, Josh Miller, Melanie Cottle, Carson Robb, Brinley Memmott, Anthony Coombs, Anna Dayton, Thomas Hazeldine, Clarissa Johnson, Cesar Calvillo, Isaac Shaner, Maddie Wilko, Kelsie Kinkini, and Jace Harris.

Mayor Hiatt then administered the oath of office to the 2015-2016 Youth Court judges.

Mayor Hiatt then explained that Council Member Taylor recently resigned his Council seat. Applications to fill that seat will be accepted until September 17, 2015. A special City Council meeting has been scheduled for September 22, 2015 to interview applicants and make a selection. He has been asked why that seat would not be placed on the ballot since an election is near. He explained that the process to replace a Council Member who has resigned is listed in State Code, Section 20A-1-510. The City must follow the process outlined in State Code and does not have the ability to change State Statute. He has also been asked if there has been discussion for some time that Council Member Taylor planned to resign. He then asked the Council Members if they were aware of Council Member Taylor's resignation announcement prior to August 18, 2015.

The Council Members all stated that they were not aware of his resignation until August 18th.

CALL TO THE PUBLIC

Orwin Draney stated that he received reports that a member of the City Council stated that he will vote for Gil Miller to replace Jared Taylor. He believes that the Primary Election results show citizens want to see new people on the Council. He believes voters are looking for change. If a Council Member has already made up their mind, then the selection will be neither fair nor honest. He stated that voters rejected Gil Miller two years ago. Gil Miller has already served for 10 years. He knows Mr. Miller will not vote for changes. This would be the second time Mr. Miller was appointed. He urged the Council to review the background and qualifications of applicants and make a fair decision.

Clark Terry reminded the City Council that the public has already rejected Gil Miller. He believes the public doesn't want him to serve another term on the City Council. He stated that Gil Miller voted for an expensive police station and a tax increase. He believes it is time to give someone else a try. He enjoys shopping at Farmington Station. He doesn't believe Mr. Miller has done anything to bring something like that to Kaysville. He urged the Council to get new people and new ideas.

Roger Beachler wanted to know why Jared Taylor did not announce his resignation in February when he got his building permit knowing he would not be living in Kaysville. He also believes that Gil Miller is the number one selection at this time. He wonders why the Council is allowing him to be appointed when he has been rejected in the past. He believes this is a ploy to allow the good old boys to run the City the way they have done in the past. He believes a change is needed and encouraged everyone to voice their opposition to the appointment of Gil Miller.

Scott Crapo talked about his ancestors who came from England and settled in Kaysville. His love of Kaysville is enhanced because of his genetic disposition. This town is his heritage. He believes that it is always easier to be a character rather than to cultivate and demonstrate character. He believes that seeking attention will never be as important as striving to make a difference. Putting oneself forward is never as important as those served. Getting attention, even negative attention, propels some through life, thus seeking validation in a sense of worth through self-destructive means. He believes City leaders deserve more encouragement and greater commendation. He appreciates the sacrifices they make. He believes civil decency and mutual respect can be telling fruits of the deepest convictions. He expressed gratitude to each Council Member, Mayor Hiatt and Gil Miller.

Dave Davies stated that nationally there is an intense problem in politics. He believes that there never has been a time when people were more tired of politics as usual. People are tired of the same old lies. He is tired of the same old faces and names who ignored the votes on the police station. He read a poll that said 72% believe politicians can't be trusted. At times, he felt there was someone behind the curtain pulling the strings. When he saw Smiths come in, he knew something was wrong. He believes it is time to vote for someone new. He urged the Council to get Kaysville out of the rut with new ideas and new integrity.

Dave Saunders stated that he is grateful for Council Members who want to represent the people. Many people have put in their application to serve on the Council. Some are new, some are old timers, and some have been rejected by the vote of the people. He asked the Council to remember what the majority of the people have already chosen.

Art Whittaker stated that if the Council appoints Gil Miller they would be going against the majority of the people who want a change. He ran for Mayor and got one-third of the vote. One-third of the people wanted change. He appreciates 10 years Gil Miller served but believes it is time for him to retire. He urged the Council to not put him back on the Council.

Sharon McKinley stated that the West/East Kaysville Citizens Coalition is sponsoring a Meet the Candidates night on October 1st at 7:30 p.m. at Granny Annie's. Rod Arquette will be the moderator and all five candidates have been invited. She extended an invitation to the Council Members to attend that event.

Darrell McKinnon thanked the Council Members for their tremendous service. He believes that citizens here have much to be grateful for. He is glad the City Council had foresight to make changes. The police station was 30 years old and deplorable. It was not something citizens could use to protect themselves. He believes the new police station was needed and it took vision to make it happen. If he remembers correctly, he never voted for or against a police station, he voted for or against funding. He believes people now need to accept it. He believes the new police station adds to the City and serves the citizens better. He thanked Gil Miller for his years of service. He believes Mr. Miller did a great job and had foresight.

Brigg Lewis stated that he is concerned about the selection process. Citizens have no input into that. He has a concern with who might put be appointed. He doesn't want Gil Miller appointed.

Scott Godfrey stated that in 2011, the transfers and reserves amount in the budget was \$15,000, in 2012 that amount was \$67,000, in 2013 it was \$380,000, in 2014 it was \$1.185 million and in 2015 it was \$1.54 million. The 2016 budget lists it as \$1.1 million. The total increase over the last four years has been \$4.2 million. He wanted to know if this revenue stream is going to dry up. He believes that the only way to replace that is with another tax increase that would be similar in size to the one last year. He wanted to know where that money is coming from and what will happen when that stream dries up.

Linda Harris stated that she was concerned when Jared Taylor resigned his position. In an election year, it surprises her that he waited this long to let the citizens know. She believes in representative government. Citizens would have liked to vote for his replacement. She is concerned about this issue because it doesn't smell right. There is a feeling that citizens are being denied the opportunity to choose. She strongly suggests the Council carefully consider every candidate. People are concerned about where Kaysville City is going. She would like upfront, open information about what is going on and would appreciate seeing some of these issues in the newsletter.

Zane Larsen stated that he is not necessarily concerned about the City but he is concerned when government gets in the way. He doesn't want transparency. He doesn't want to even know that it's there. He doesn't want to feel the burden on his back and doesn't want to waste his time to have to do things. He wants to be a regular citizen and sit at home and not invest his time. When he does invest his time, it is because there is a problem with government interfering in his life, or taking from him unnecessarily, or not listening to his vote.

Jake Garn stated that when a President of the United States or the Speaker of the House is no longer able to serve, there is a process in place to deal with that. He believes it wouldn't matter when Jared Taylor announced his resignation because the process would be the same. He believes that it is Mr. Taylor's prerogative to announce when he wants to resign. There is a reason the law was set up that way which is universal throughout local, State and national government.

Andrea Richards stated that she has lived in Kaysville through the terms of five mayors and she has endorsed many candidates. The City has moved toward better transparency and information. She has not always agreed with the decisions that have been made. She wants to make sure the Council Members look at every candidate and that Gil Miller is allowed that same opportunity. In the last election, Gil Miller lost to Jared Taylor by 14 votes. If anyone should be appointed, it should be him. His next opponent was several hundred votes behind him. She believes that there are many great candidates. She thanked the Council for their service.

Gregory Frank stated that he was a candidate in the Primary Election and lost by 30 votes. Several people asked him to apply for this position. He believes that people need to honor democracy more. He refused to sign up because he respects the vote. He believes that the City Council should consider that as they take on the task to appoint a Council Member. If people have come and gone through the vote, the Council should honor that. He appreciates the work of the Council. He supports the new police station. He believes that the Council needs to be more proactive in bringing people together and giving them consideration.

Cal Harris thanked Vance Garfield for the beautiful cemetery. He believes Jared Taylor knew he would have to resign and knew there was a date where citizens could have a choice. He believes that when that date passed, another process takes place. This all looks like manipulation to the citizens. The people voted that they did not want a police station. Sometimes Council Members forget citizens want to have a choice. When citizens speak, the Council should not overstep that bound. He appreciates the service given by Council Members.

REZONE OF 2.61 ACRES OF PROPERTY AT 1155 WEST WEBB LANE FROM A-1 (LIGHT AGRICULTURAL) AND R-1-20 (SINGLE FAMILY RESIDENTIAL) TO ONLY A-1 (LIGHT AGRICULTURAL)

Andy Thompson explained that Brent Heiner's property currently has multiple zones. The mix of zones came about to accommodate a potential subdivision that is no longer the intended purpose. Historically, the property was all zoned A-1. Mr. Heiner's desire is to return the property to that designation for agricultural use including keeping of animals. The property is adjacent to properties zoned A-1 to the west, single family zoning to the east, and primarily R-A to the south. The Planning Commission recommended approval.

Brent Heiner stated he rezoned his property to the R-1-20 zone to develop it with adjacent property. Things changed in his life and he has decided not to do that. Two neighbors to the east have developed their property and his property is now landlocked. He would now like to put all of his property back to the A-1 zone so that he can have animals and be able to keep agriculture there.

Council Member Johnson made a motion adopting Ordinance No. 15-9-4, Rezoning 2.61 Acres of Property at 1155 West Webb Lane from A-1 and R-1-20 to A-1, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

BURTON LANE UTAH STATE UNIVERSITY ROAD DEDICATION PLAT PRELIMINARY AND FINAL PLAT ON BURTON LANE BETWEEN 315 EAST AND MAIN

Andy Thompson explained that Utah State University received funding from the State Legislature this past session to improve infrastructure at the USU Botanical Center. To coordinate with the installation of those improvements, the City is planning improvements to Burton Lane. Utah State University is dedicating ten feet of additional right-of-way width to the City that will provide the needed space to widen the street and install curb, gutter, and sidewalk on the north side of Burton Lane. The Planning Commission recommended approval.

Council Member Johnson made a motion granting preliminary and final plat approval for the Burton Lane Utah State University Road Dedication Plat, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

CHARLY'S ACRES #2 SECOND AMENDED SUBDIVISION PRELIMINARY AND FINAL PLAT

Andy Thompson explained that this subdivision is located at approximately 2000 West 200 North and consists of three commercial lots on 200 North Street. Lot 201 has an existing building on it, Lot 202 is being platted to accommodate an office complex, and Lot 203 is a future phase that may be further divided depending on the use. This property has been zoned General Commercial for several years. As recent as April 2015, a similar plat was approved by the Planning Commission and City Council. Construction has been taking place for the required improvements to the right-of-way. This request replaces the previous proposal with two notable differences, minor modifications to Lot 202 that are required to appropriately accommodate the development of that lot, and a lot has been eliminated from the original proposal leaving a larger portion of property for future development. The plat complies with zoning requirements for the General Commercial zone and the proposed uses will be an upgrade to the area.

Council Member Stephens made a motion granting preliminary and final plat approval of Charly's Acres #2 Second Amended Subdivision, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

KAYSVILLE NEIGHBORHOOD CENTER SUBDIVISION FIRST AMENDED PRELIMINARY AND FINAL PLAT

Andy Thompson explained that this subdivision is located at 1324 West 200 North and consists of a lot line adjustment between Lots 2 and 3. The developer is under contract with a buyer for Lot 3 that does not need the existing lot size and arrangement to accommodate their business. This plat adjusts the line between the properties moving it to the east 29 feet and straightening out the property line.

Council Member Lee made a motion granting preliminary and final plat approval to Kaysville Neighborhood Center Subdivision First Amended, second by Council Member Johnson.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

AWARD OF CONTRACT FOR DESIGN OF 200 NORTH RAIL TRAIL PEDESTRIAN CROSSING

Andy Thompson stated that the City Council asked staff to review where the Rail Trail crosses 200 North. A signalized crossing with trail re-alignment is proposed. Staff engaged services with an engineering firm, Avenue Consultants. The total cost of services, including design, is about \$20,000. He recommended approval of this signalized midblock pedestrian crossing with trail re-alignment so engineering on this project can be done.

Mayor Hiatt explained that the proposal will align the pedestrian crossing on 200 North with the driveway out of Smith's parking lot. The project will also include a flashing light.

Council Member Johnson made a motion approving the contract with Avenue Consultants for \$20,857.30, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

APPROVAL OF PURCHASE OF MINI DIGGER DERRICK FOR POWER DEPARTMENT

John Thacker explained that quotes from three vendors were received for a mini digger/manlift derrick. The lowest priced unit that meets the specifications was from S.D.P. Manufacturing for \$170,044.00. He recommends that they be awarded the bid.

Council Member Johnson stated that this machine will have a tier IV engine. He wanted to know what that means.

Gary Hatch explained that it is the emission of the engine for diesel in order to comply with government regulations.

Council Member Stephens made a motion approving the purchase of a mini digger derrick from S.D.P. Manufacturing in the amount of \$170,044.00, second by Council Member Johnson.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

ELECTION OF MAYOR PRO TEMPORE

Mayor Hiatt explained that Council Member Jared Taylor had previously been appointed Mayor Pro Tempore for 2015. Since he has recently resigned from the Council, a new Mayor Pro Tempore for the remainder of the year and for 2016 needs to be elected. He recommended that Council Member Lee be elected to serve as Mayor Pro Tempore for 2015-2016.

Council Member Stephens made a motion electing Council Member Lee as Mayor Pro Tempore for the remainder of 2015 and for 2016, second by Council Member Johnson.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

There were no reports.

MINUTES

Council Member Johnson made a motion approving the special and regular City Council minutes of September 1, 2015, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

CLAIMS

Council Member Stephens made a motion approving claims in the amount of \$1,943,243.47, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Lee, yea

The motion passed unanimously.

CALENDAR

The Council Members reviewed a three month calendar.

Council Member Stephens made a motion for adjournment at 8:30 p.m., second by Council Member Lee and passed unanimously.