

1 **MINUTES**
2 **KAMAS CITY COUNCIL MEETING**
3 **TUESDAY, JUNE 11, 2019**

4 7:00 p.m.
5 Kamas City Hall
6 170 N. Main
7 Kamas, UT 84036
8
9

10 Mayor McCormick opened the meeting welcoming those in attendance:

11 **COUNCIL MEMBERS:** Councilors Kevan Todd, Mike Crystal, Allen McNeil, and Monica
12 Blazzard. Councilor Garry Walker was excused.

13 **STAFF:** Recorder, Kim Peacock; Engineer, Scott Kettle; City Planner, Natalie Kautz;
14 Public Works Director, Matt Crittenden; Chief of Police, Brad Smith.

15 **OTHERS IN ATTENDANCE:** Robbie Brimhall, Sarah Brimhall, Dave Smith, Karen
16 McCandless, Dan Eckert, Julie Black, John Blazzard, Kip Bigelow, Scott Simpson, Amy
17 Yost, Shad Sorenson, Jaime Smith, Jack Walkenhorst, Gracia Eisman, Jody Jones.
18
19

20 **OPENING INVOCATION AND PLEDGE OF ALLEGIENCE**
21

22 Invocation by Councilor Allen McNeil

23 Mayor McCormick led the public in the Pledge of Allegiance
24
25

26 **PUBLIC COMMENT**
27

28 Robbie Brimhall stated he has heard from people in the valley and listened to audio from
29 the meetings. He has been listening to the Fiesta discussions. He has heard the derby
30 tickets may be sold online. He is worried it will open it up to too many people and not the
31 locals. Are there any other ways to let locals in the valley watch their own derby in the
32 valley they grew up in? Brimhall asked the council for feedback.

33 Mayor McCormick stated there has been a lot of discussion about being fair to everyone
34 and not show favoritism. We haven't come up with a solution. The online ticket sales are
35 a possibility. The staff spends an enormous amount of time on trying to be fair. We tried
36 to limit tickets this year.

37 Councilor McNeil doesn't have an answer tonight but would like to look into something
38 to opening it up first for locals. We could look in to limiting the number of tickets even
39 more.

40 Mayor McCormick stated there has been some legal advice on how to do this.

41 Councilor Todd stated our valley continues to grow the arena hasn't grown. We have
42 been exploring renovating the seats, but this is very expensive. We are trying the best we
43 can to be as fair as we possibly can.

44 Brimhall has thought about this and doesn't want to discriminate, but would like locals to
45 be able to purchase tickets in advance.

1 Mayor McCormick stated we have numerous Facebook posts and letters against the city
2 accusing us of only looking out for the people here.

3 Brimhall stated year after year you see the same people in the same seats.

4 Mayor McCormick stated we have a committee that pulls the tickets and he doesn't see
5 this happen.

6 Councilor McNeil explained people have a chance to write on the forms where they
7 would like to sit and this is probably why you see people in the same area.

8 Brimhall asked the council if they have considered adding trucks and mini cars,
9 something different. Possibly race lawnmowers, something that's new to the valley.

10 Mayor McCormick asked Brimhall to bring his ideas to the council in the future.

11
12 John Blazzard asked when developments come in does the landscaping have to be done
13 before occupancy, specifically Residence at the Old Mill? Scott Kettle would have to
14 check the development agreement. John Blazzard stated nothing has been done at the
15 Residence at the Old Mill. The fence needs to be installed between the two properties.

16 Councilor Crystal stated they were working on it this weekend. We can make them get it
17 done.

18 Councilor Todd stated we have a landscape bond in place so if they don't complete it, we
19 will make sure it gets done.

20
21
22 **PUBLIC HEARING ON THE PROPOSED ANNEXATION BY THE SOUTH**
23 **SUMMIT SCHOOL DISTRICT FOR PARCELS CD-540-X AND CD-564-X FOR**
24 **APPROXIMATELY 145.834 ACRES OF LAND IN SUMMIT COUNTY, UTAH,**
25 **WHICH PARCEL CD-540-X BORDERS KAMAS CITY TO THE WEST**

26
27 Natalie Kautz read through her staff report which stated South Summit School District
28 representatives Kip Bigelow and Shad Sorensen approached the Kamas City Council to
29 determine if they would entertain an annexation request for the South Summit School
30 District property to be in Kamas City. The School District submitted a petition for
31 annexation at that time. The City Council accepted their petition on March 13, 2019. The
32 City Clerk certified the petition on April 10, 2019 and delivered a copy of that
33 certification to Summit County and other affected entities. A public notice of the
34 certification was posted in the local paper for three consecutive weeks. No protests have
35 been received. The next step in the process for annexation is a public hearing with the
36 Kamas City Planning Commission and then with the Kamas City Council. Following
37 public comment, the Council may vote to either grant or deny annexation.

38 Parcels CD-540-X and CD-564-X are 145.834 acres in size. The proposed zoning for the
39 incoming parcels is Public Facilities (P-F).

40 This annexation request is not discussing roads, utilities or buildings at this time. Those
41 improvements and discussions will happen during the building permit application process
42 at a later date.

43 Pending consideration of public comment, staff recommends Planning Commission
44 forward a positive recommendation to the Kamas City Council for the annexation of
45 145.834 acres of ground in Parcels CD-540-X and CD-564-X to come into the Kamas
46 City limits with a Public Facility (P-F) zoning classification.

1 Kautz explained the three residents that spoke last week are here tonight. The Planning
2 Commission forwarded a positive recommendation. They want an annexation agreement
3 in place, they are worried about the water flow, and the cost of sewer.

4
5 Scott Kettle stated the concerns he feels we need to work out before we finalize this is the
6 water and sewer and how we're going to get it there and also the roads.

7 Councilor McNeil asked if we have some criteria tonight to look at. How would we
8 approve this tonight if we don't have this?

9 Scott Kettle stated he feels after the public hearing tonight we need to sit down with the
10 school district and negotiate and resolve issues before we annex and finalize the
11 annexation agreement.

12
13 Superintendent Sorenson stated as a school district they want to provide a 21st century
14 education. This is the purpose of the annexation. They have land in Oakley and Francis
15 too. After researching this land seems to make more sense. There is land next to the
16 current school property but the price is too high. They respect the neighbors and want to
17 keep open space. They feel the school will keep the corridor open. Sorenson stated he
18 knows we need a development agreement and would like to work with the City. They
19 want to make sure the neighbors get their water and know they are responsible for doing
20 so.

21
22 Mayor McCormick opened the public hearing.

23
24 Scott Simpson distributed a handout with the following concerns to the council.

25 City Issues

- 26 1) No conceivable value for the city
- 27 2) City will be creating a peninsula
- 28 3) Impact on roads along 200 West
- 29 4) Impact of roads along Hwy 248
- 30 5) Cost of infrastructure to add new roads
- 31 6) Cities cos to maintain and repair roads and culverts in the future

32 Community Issues

- 33 1) Tax increase of 25% for residents
- 34 2) Tax increase of 34% for business
- 35 3) Residents will pay 23.5%
- 36 4) Non-primary property will pay 39%
- 37 5) Businesses will pay 35.5%
- 38 6) Community will be paying for roads to and from the school, then other developers will
39 benefit off the community's massive expense to build these roads through we land.
- 40 7) Opens the door for massive development and growth. Road will continue to Hallam
41 Road and clear into Oakley. All property within the valley will disappear.
- 42 8) Our country living style will become a major city with less and less open lands. The
43 beauty of our Valley is seen as you come down Hwy 248 and see the open meadow of
44 green grass and rural atmosphere.

45 Jordan Property Agricultural issues

- 46 1) 20 Wetland areas

- 1 2) 3 Stream channels
- 2 3) 3 Ditches
- 3 4) Provo River Canal Water is backed up from checks to hold valley water table levels
- 4 5) Loss of irrigation run off for surrounding ranches and farms
- 5 6) Old natural channel for Beaver Creek will be eliminated.
 - 6 a. Map attached
 - 7 b. Photo: Black lines, Old Beaver Creek Channel
 - 8 c. Red lines, new ditches to cover land
 - 9 d. Provo gives us 40 cfs of water they take the balance into canal. When they
 - 10 stop or have issues, all water (usually double or more) in Beaver Creek
 - 11 follows the red lines without the capacity to handle this flow. These open
 - 12 fields of the Jordan and Fitzgerald properties would be flooded and take
 - 13 the high water flows.
 - 14 e. Where will this high water flow go when all this is annexed in to the city
 - 15 and developed?

16 The impact is too great to build a school in this area. Kamas City has areas that are dryer,
17 better and less infrastructure costs, less impact on city maintenance, with less of an
18 impact to our overall community that could support our school. Fitzgerald, Page, water
19 bottling company grounds are just some possibilities. ---end of Scott Simpson.
20

21 John Blazzard is concerned that annexing needs to be a significant benefit to the City. He
22 hasn't figured out the benefit. It will be a big expense to the City and a headache. The
23 school district bought this at a good price, but it is the wrong place to build a school out
24 in the wet meadows. If this is going to happen the council should entertain an agreement
25 with the school district to work out the details. The school would then be responsible for
26 the roads. The whole valley is sub irrigated. To keep the water traveling through the
27 valley we shouldn't put a road through the middle so the water can't get through. The
28 only chance we have is wise planning, watching how we zone, and approving things that
29 happen. Blazzard would like the city to sit down with the school district to discuss this.
30

31 Julie Black agreed with Scott Simpson and John Blazzard. When you change the way
32 wetlands are developed it dries the entire area up. Before High Star was put in, we had
33 wetlands on the west side. As soon as they came in, they stopped flood irrigating and
34 built all the homes, now we're dry as a bone. It changed the wetlands. It's hard to
35 imagine something that already has infrastructure within the city costs more than putting
36 in a development in wetlands. Julie Black hates to see the development because it
37 changes the wetlands. Julie Black stated she was under the understanding you couldn't
38 leave a peninsula when annexing.

39 Mayor McCormick explained because this is school property it has no taxable value. As
40 long as the County Council does not dispute it then it can be annexed.
41

42 Mayor McCormick closed the public hearing.
43

44 Councilor Todd asked Scott Simpson if he can stop selling the water to people so they
45 won't come to Kamas. Simpson stated no. Councilor Todd stated we can't either.

1 This has been a topic for years. As the valley grows it's not just Kamas, it's the
2 surrounding towns. We need somewhere for the kids to go to school. Councilor Todd
3 feels the school district has done their due diligence. The school will happen whether we
4 annex or not and Councilor Todd would like a say in how this happens instead of leaving
5 it up to the County. He wants to make sure they have syphons under the road to keep and
6 maintain wetlands.

7
8 Simpson agreed if the school was the only one going in. His concern is it opens the door
9 for the whole valley to development with the roads being built. Simpson stated they'll put
10 a road in to Hallam Road and the Mayor has already said we have money to put the road
11 in. Mayor McCormick stated he did not say that; he said the County had some funds
12 available for corridor preservation, not that we had the funds.
13 Councilor Todd would like a say in what happens on this piece of property. He sat
14 through the High Star annexation and it's a lot of work, but it's worth it.

15
16 Councilor Crystal would like to see a development agreement so we have more control
17 and to be able to protect everybody. We could have control and get everyone on the same
18 page. The district wants a school. Developments all go together because we need to house
19 teachers. We need an agreement to moderate and not have it wide open down there.

20
21 Councilor McNeil feels there are two separate issues. The biggest points relevant to our
22 city council discussion are the suitability of the area in general for development given the
23 agricultural and irrigation issues. It's not for us to say there's more suitable areas to build
24 a school. Councilor McNeil commented to Scott Simpson, Julie Black, and John
25 Blazzard, you're not talking about opposition of the school being built there, it's
26 opposition for any development there, right? If there were a different owner with
27 different plans we'd be talking about the same issues. Councilor McNeil stated his
28 position that always has been and will continue to be is the importance of individual
29 property rights. You may have water shares you are entitled to for certain delivery times
30 but you can't say I want my land wet so you can't build anything because it will dry up.
31 Councilor McNeil stated this property is within our annexation area and as a city we need
32 to give extra consideration for people within our annexation area.

33 Councilor McNeil stated if we're talking about the annexation being conditional upon
34 conditions and criteria in an annexation agreement then approving tonight would be too
35 soon. The appropriate approach would be a development agreement. The school still has
36 to bond and if it fails and the school doesn't build, we have restrictions on the property
37 made for the school. There could be different scenarios. The conditions need to be
38 completed before we approve this.

39
40 Councilor Blazzard stated she agrees with Councilor Todd the school will happen with or
41 without us. The water issue is scary. We do need a development agreement in place and
42 to decide tonight would be too soon.

43 Councilor McNeil asked Kettle what the timeline would be to get an agreement in place.
44 Kettle feels if he and the Mayor meet with the school district, they could work something
45 out within 30-60 days.

1 Councilor Todd feels the issues are sewer, water, roads. We shouldn't use 200 West to
2 access the school. We need to figure out the access. There's a piece of property between
3 Hwy 248 and the school district property, has any of this been secured for a road. The
4 lighting is a huge issue. Irrigation ditches are an issue. We need to keep the wetlands
5 moving. Signs are another big thing. There are a lot of issues that need to be ironed out.
6 A development agreement is the way to get this done.

7
8
9 **ORDINANCE 2019-08, AN ORDINANCE APPROVING THE SOUTH SUMMIT**
10 **SCHOOL DISTRICT ANNEXATION AND DESIGNATING ZONING TO APPLY**
11 **TO THE ANNEXATION PROPERTY**
12

13
14 **MOTION:** Councilor Mike Crystal moved to table the South Summit School District
15 Ordinance 2019-08, contingent upon a development agreement with the
16 school district.

17 Councilor Kevan Todd seconded the motion
18

19 Councilor McNeil doesn't feel it needs to be tabled contingent upon the development
20 agreement. The state statute states an annexation can be approved with or without
21 conditions. We should probably table it for further discussion to discuss conditions.
22

23 Councilor Crystal amended his motion to table the approval or denial for
24 discussion on the conditions for the annexation.

25 Councilor Todd seconded the motion.

26 Mayor McCormick asked for a roll call vote:

27 Councilor Blazzard voted "yay"

28 Councilor McNeil voted "yay"

29 Councilor Crystal voted "yay"

30 Councilor Todd voted "yay"

31 The vote was unanimous. Motion passed.
32
33

34 **SOUTH SUMMIT SCHOOL DISTRICT TO GIVE PROGRESS REPORT ON**
35 **PROPOSED SCHOOL BOND**
36

37 Dan Eckert, South Summit School Board reported on where the School District is with
38 the bond. They have sent out a mailer to the community. They have information of their
39 current budget on their website too. The school district committed to pay 1.25 million
40 dollars every year after the bond passes to help pay for the bond. The bond will be on the
41 ballot this November. It will be a by mail election. The school district cannot advocate to
42 vote yes or no, they can just provide information. They would like to bond for an all-
43 inclusive school. We need to bring the sports facilities closer to the school and upgrade
44 them for safety issues.

45 Superintendent appreciates what the council does and feels it is important to keep the
46 council up to date to help with the communication between the citizens.

1 Mayor McCormick asked Superintendent to contact Scott Kettle to set up a meeting.

2
3
4 **COMMUNITY ACTION TO DISCUSS KAMAS PANTRY CIRCUMSTANCES**

5
6 Karen McCandless introduced herself as the Executive Director of Community Action
7 Services based out of Provo. Their service areas are Utah, Wasatch, and Summit
8 County's. They have been at their location at the old city building owned by the fire
9 department since 2008. The South Summit Fire District has been generous with their
10 rental rates. They have pantries in Provo, Kamas, Heber, and Coalville. Last year, 2018,
11 they served 872 households in Kamas, they served 3,186 individuals in Kamas, and
12 distributed 37,222 pounds of food at the Kamas pantry.

13 The main reason they're here is for the food bank. They also have emergency assistance
14 available. Food, transportation, etc. depending on their circumstances. They really like
15 being in Kamas. The fire district is building a new station. Community Action is having
16 a hard time finding a new location.

17 Dave Smith stated their overall goal is to help Kamas be a healthy place for all people.
18 They are currently operating in approx. 300 sq. ft. They want to keep enough space to
19 keep the resources that come out of this community in terms of food donations in the
20 community. There will be a lot of growth. The challenge is not everybody wants a food
21 bank as their neighbors. They would like to find a location common to the public that is
22 easily assessable. They're not sure how much more time they have in the Fire District
23 property but would like to stay ahead to be prepared. They try to focus the money they
24 receive in to the support programs and want to avoid high rent.

25 Councilor Crystal feels for short term he wouldn't care about using the old senior citizen
26 center. Karen stated they only pay \$350 to rent now. Councilor Blazzard asked if they
27 pay utilities on top of the rent. Karen stated it's included.

28 Councilor Todd stated the plan is to tear the old senior citizens building down eventually.
29 Maybe we could incorporate the pantry in the plans. Dave stated he wanted to discuss this
30 option and the possibilities.

31 Councilor Todd asked if there's any way to figure actual Kamas residents that are served.
32 Karen could look in to this. Dave stated they want to be partners with anyone who is
33 helping or lifting people up.

34 Councilor Todd feels the service is needed. He's ok with using the senior citizens center
35 for now. John Blazzard asked if it needs to be in Kamas or could it be moved to Francis
36 or Oakley too. Dave stated they could look in to any of those opportunities, but for many
37 client's transportation is an issue.

38 Councilor Crystal feels maybe Francis and Oakley could help out with this also
39 somehow.

40 Dave asked the council if they would like the presence, they have now instead of the
41 mobile unit they were planning on using for a fallback.

42 Councilor Todd feels long term planning would be the best approach.

43 Mayor McCormick stated it would be a temporary spot working towards a permanent
44 spot.

45 Dave thanked the council for listening to them tonight.

46

1 **CITY COUNCIL TO SET AND APPROVE THE 2019 TAX RATE**

2
3 The council reviewed the 2019 tax rate. Last year the rate was 0.001623

4
5 **MOTION:** Councilor Mike Crystal moved to approve the 2019 tax rate of .001457

6 Councilor Kevan Todd seconded the motion.

7 Mayor McCormick asked for a roll call vote:

8 Councilor Blazzard voted “yay”

9 Councilor McNeil voted “yay”

10 Councilor Crystal voted “yay”

11 Councilor Todd voted “yay”

12 The vote was unanimous. Motion passed.

13
14
15 **CITY COUNCIL TO ADOPT FINAL AMENDED BUDGET FOR THE FISCAL**
16 **YEAR 2018-19**

17
18 The Council reviewed the amended budget for fiscal year 2018-19.

19
20
21 **CITY COUNCIL TO ADOPT THE PROPOSED TENTATIVE BUDGET FOR**
22 **THE FISCAL YEAR 2019-20 AS FINAL BY RESOLUTION NO. 2019-02, A**
23 **RESOLUTION (1) AMENDING THE BUDGETS OF THE CITY OF KAMAS**
24 **FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30,**
25 **2019; (2) ADOPTING A BUDGET FOR THE CITY OF KAMAS FOR THE**
26 **FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020; AND**
27 **(3) AUTHORIZING AND DIRECTING THE PARTICIPATION OF THE CITY**
28 **IN THE PUBLIC EMPLOYEES NON-CONTRIBUTORY RETIREMENT**
29 **SYSTEM AND THE PUBLIC SAFETY NON-CONTRIBUTORY RETIREMENT**
30 **SYSTEM OF THE UTAH RETIREMENT SYSTEMS FOR THE FISCAL YEAR**
31 **2019-2020**

32
33 Councilor McNeil asked if the attorney fees for \$5,000 is a standard payment. Kim
34 Peacock explained this is put in to cover any cost we may accrue. Councilor McNeil
35 stated we are in need of raising our water rates. How would approving this budget affect
36 the rates. Kim Peacock explained we would adopt the budget tonight, we would then do a
37 study to determine what the new rates would be then go through the process amending
38 the budget.

39 Mayor McCormick told the council to look at the budget as a target.

40 Councilor McNeil asked what the \$3,000 was listed several times under vehicle
41 replacement. Kim Peacock explained it is the backhoe upgrade split 3 times between
42 general, water, and sewer.

43 Councilor Crystal asked if the summer help is in the budget. Kim Peacock explained it is
44 in the future year budget.

1 **MOTION:** Councilor Allen McNeil moved to adopt the proposed tentative budget for the
2 fiscal year 2019-20 as final by Resolution 2019-02, A Resolution (1)
3 Amending the Budgets of the City of Kamas for the fiscal year beginning July
4 1, 2018, and ending June 30, 2019; (2) Adopting a Budget for the City of
5 Kamas for the fiscal year beginning July 1, 2019, and ending June 30, 2020;
6 and (3) Authorizing and Directing the participation of the City in the Public
7 Employees Non-Contributory Retirement System and the Public Safety Non-
8 Contributory Retirement System of the Utah Retirement Systems for the
9 Fiscal Year 2019-2020

10 Councilor Kevan Todd seconded the motion.

11 Mayor McCormick asked for a roll call vote:

12 Councilor Blazzard voted "yay"

13 Councilor McNeil voted "yay"

14 Councilor Crystal voted "yay"

15 Councilor Todd voted "yay"

16 The vote was unanimous. Motion passed.

17
18
19 **ORDINANCE 2019-07, AN ORDINANCE TO ADOPT SECTION 15.36**
20 **MODERATE INCOME HOUSING TO THE KAMAS MUNICIPAL CODE**

21
22 Natalie explained Meg Ryan commented the way we have structured part of this
23 ordinance is that it seems like an exaction outside of the development agreement and it
24 has some legal constraints in a recent ruling by the State Ombudsman in a case related to
25 Wasatch County. Kautz has given a copy to David Church to double check the wording
26 and has not heard back from him yet. Councilor Todd asked if we can table this until we
27 hear from legal counsel. We need to make sure it reads correctly.

28
29 **MOTION:** Councilor Kevan Todd moved to table Ordinance 2019-07, An Ordinance to
30 adopt Section 15.36 Moderate Income Housing to the Kamas Municipal Code
31 until we hear from our legal counsel.

32 Councilor Mike Crystal seconded the motion.

33 Mayor McCormick asked for a roll call vote:

34 Councilor Blazzard voted "yay"

35 Councilor McNeil voted "nay"

36 Councilor Crystal voted "yay"

37 Councilor Todd voted "yay"

38 Motion passed 3-1
39
40

41 **ORDINANCE 2019-06, AN ORDINANCE TO ADOPT SECTION 15.35**
42 **ACCESSORY APARTMENTS TO THE KAMAS MUNICIPAL CODE**
43

44 Mayor McCormick asked for comments on this ordinance.

45 Councilor Crystal stated in his research he was leaning towards the original draft with the
46 accessory apartment attached. He feels it would be more manageable.

1 Councilor Todd feels the whole ordinance is a can of worms. The definition of family,
2 and there's already a lot of illegal accessory apartments. This is a tough ordinance.
3 Mayor McCormick asked if we clean those illegal apartments up where do the people go
4 if they get kicked out.

5 Councilor Todd talked about a current resident that is in violation right now. How do we
6 enforce this? Councilor Todd read through the first section of the ordinance and
7 questioned the way it is written.

8
9 Councilor McNeil stated his comments remain the same. At the work session on May 20
10 he was asked to provide comments but made it clear they were his personal thoughts and
11 made that clear. They weren't meant to overrule the consensus of the Planning
12 Commission or the council. His comments were directed towards direct contradictions in
13 the ordinances, undefined terms, and vague and unenforceable criteria.
14 He thought they ended by comparing and researching other municipalities to see how
15 they work.

16 Councilor McNeil explained he was absent from the last meeting, but listened to the
17 audio of the meeting and read some of the comments made toward his previous
18 comments. Comments include the consensus of the Planning Commission was the work
19 session was a waste of time, they feel they've done a pretty good job but Allen shredded
20 it, we're already using a land use attorney so why do people feel they know more than a
21 land use attorney, don't sent it back to the Planning Commission because they can't read
22 our minds, Allen is a hinderance to some to progress that is happening, and remember it
23 doesn't have to be all five of the council members that approve it; three of you can push it
24 forward. Councilor McNeil stated these were based on the audacity that he had to point
25 out stuff like, we define affordable housing with affordable housing, we limit the
26 accessory apartments to attached garages and allow accessory apartments as secondary
27 use to a detached single family dwelling, we have an overreach in criteria for multi
28 family housing that it can't alter the single family character. Again, what we're doing is
29 allowing multi family housing and we're saying we're overriding criteria that it can't
30 alter single family character. We're implying commercial developments can actually
31 have moderate income housing, we have taken that out now. After we went through and
32 reviewed affordable housing for quite some time we got in to a discussion because there
33 was no consensus whether it applied to vacant lots equally to housing units. These may
34 seem like very insignificant details for an ordinance, but if we're going to adopt an
35 ordinance it needs to at least be enforceable. Neither one of these are. Councilor McNeil
36 would like some clarity since it was represented multiple times at the last meeting that
37 there's no need to go through any sort of legal analysis because we are paying our land
38 use attorney to prepare these ordinances. Councilor McNeil would like some clarity on
39 what our process is for preparing these ordinances. Are we asking David Church to send
40 us some draft ordinances? Are we giving him bullet points and asking him to draft from
41 scratch? Are we paying him for his time in doing this? What's the relationship between
42 David Church and the City?

43 Mayor McCormick replied yes to all and he's our city attorney.

44 Councilor McNeil replied he's looking at the budget. Mayor McCormick stated we pay
45 him through the Utah League of Cities and Towns membership.

1 Councilor McNeil stated he's providing services because we are a member of a league.
2 He's the attorney for the League, correct.

3
4 Scott Kettle explained some other cities have tried to use him through the League and
5 he's told them to use their own attorney. He will give advice but he's agreed that we use
6 him to be our city attorney. He through the league has helped us and hasn't charged us.
7 We have been very beneficial over the years not having huge attorney's fees. He is our
8 city attorney, not just through the league.

9
10 Councilor McNeil doesn't feel we've been the beneficiary for not paying for attorney
11 services. We've received a lot of code that is terrible, unenforceable, and feels David
12 Church would admit these are significant issues that make these ordinances
13 unenforceable and very problematic.

14
15 Councilor Crystal asked Councilor McNeil if he agrees with the accessory apartments
16 and moderate-income ordinances or not with any of them.

17 Councilor McNeil stated he absolutely does, we need those ordinances. What we need is
18 actual ordinances that we can read, enforce, that don't have vague ambiguous criteria that
19 can't be enforced.

20 Councilor Crystal told Councilor McNeil that he wouldn't read in to that the way he does.
21 McNeil is trained in this, but feels with his help we can still come up with an ordinance
22 that we can enforce. Would you want us to have David come to a meeting?

23
24 Councilor McNeil feels he should be in attendance to help with these ordinances.

25 Councilor McNeil stated for example half of the members of this council sat in here as
26 the billboard was moved from the Blazzard's. McNeil talked to the previous mayor about
27 this and asked what the discussion was with the attorney about this. The city attorney told
28 him "I'm sorry, there's nothing we can do about it. You're just going to have to accept
29 it." Councilor McNeil stated this is patently false. The entire concept to be able to
30 relocate a billboard within a one-mile radius falls under a state statute that gives cities the
31 power to condemn billboards. The purpose of the statute is to tell cities they can condemn
32 billboards and here's what you're going to have to pay for it if you don't agree to let
33 someone relocate it. It gives the cities the opportunity to say no to relocating, we
34 understand this is a condemnation of your property so we have to pay you because we're
35 condemning your property. There's a formula right in the statute for doing it. It's the cost
36 of a wood billboard, cost of the revenue the advertisers are paying. It can be challenged.
37 Instead the advice we get is there is absolutely nothing you can do about this so just let it
38 happen. In Councilor McNeil's opinion isn't we take whatever advice is given to us from
39 our city attorney, who we don't pay, and just go with it.

40 Councilor Todd told Councilor McNeil he's going to because he's not an attorney. If our
41 city attorney says to him there is nothing you can do about it, that's what he's going to
42 do.

43 Councilor McNeil stated if it's brought up in city council meeting, Kevan you're an
44 intelligent individual look at the state code that says there actually is something we can
45 do, not our attorney said no and I'm not going to. You failed as a city council member.

46

1 Councilor Todd stated that's your opinion, but if our city attorney says because the state
2 legislators did this to protect billboard companies then he's not going to challenge that.

3
4 Councilor McNeil stated especially when he doesn't get paid a single penny for time
5 challenging this billboard relocation.

6 Councilor Todd stated he was pissed that this happened. We denied this guy and he said
7 we'll see you in court. That's when David said you will lose. Councilor McNeil asked if
8 he told him there was an option for the city. Councilor Todd said no. You can think all
9 you want that I failed as a councilman but that was based on our city attorney.

10 Councilor McNeil explained he's not saying you Kevan in that instance failed. I'm saying
11 if we refuse to try and analyze and interpret ourselves on stuff that can be done then what
12 are we doing here as a council. Councilor Todd stated the best we can.

13 Councilor McNeil stated why are we even meeting, why don't we just turn every decision
14 over and have David give us a yay or nay on this.

15
16 Councilor Blazzard stated it's too much, the ordinance needs to be simpler. Most things
17 can be enforced by the building inspector. He would have to give an occupancy permit.
18 Councilor Todd read the owner-occupied section. It states the owner shall reside as
19 primary residence.

20 Councilor Blazzard doesn't agree with this. If the owner lives in the Kamas City
21 boundaries it still meets the goal of providing extra income and this gives someone else a
22 place to live.

23
24 Mayor McCormick feels the problem with that is it's multifamily if the owner doesn't
25 reside there, under our definition.

26 Councilor Blazzard stated our goals were to provide more income for our residents and
27 provide more places to live. There are property owners who live in the city and care
28 about the way things look and what's going on. Councilor Blazzard doesn't like this part
29 of the ordinance.

30 Mayor McCormick asked Councilor Blazzard to send her comments to Natalie.

31 Councilor Blazzard agrees with Councilor McNeil, why can't we have our attorney here
32 to help.

33
34 John Blazzard stated this is frustrating. There's no connection between Planning
35 Commission and Council. As an audience member he's not sure what's trying to be
36 accomplished.

37 Councilor Crystal asked Amy Yost where her mother-in-law lives. She stated upstairs
38 above her garage. Councilor Crystal stated this is what we want to accomplish. To
39 Allen's benefit he can put in the legal definition that would work. He wants to create this
40 for a family member.

41
42 **MOTION:** Councilor Kevan Todd moved to table Ordinance 2019-06, An Ordinance to
43 adopt Section 15.35 Accessory Apartments to the Kamas Municipal Code
44 Councilor Mike Crystal seconded the motion
45 Mayor McCormick asked for a roll call vote:
46 Councilor Blazzard voted "yay"

1 Councilor McNeil voted “nay”
2 Councilor Crystal voted “yay”
3 Councilor Todd voted “yay”
4 Motion passed 3-1.
5

6 Councilor Blazzard asked if we can call our attorney and have him meet with us. Mayor
7 McCormick told the council he would call him but he wants specific questions to give
8 him on what we’re trying to accomplish. Councilor McNeil asked if his comments need
9 to be resubmitted. Mayor McCormick told him he wants questions.
10

11 12 **APPROVAL OF THE MAY 28, 2019 CITY COUNCIL MEETING MINUTES** 13

14 **MOTION:** Councilor Kevan Todd moved to approve the City Council meeting minutes
15 dated May 28, 2019 with correction.
16 Councilor Mike Crystal seconded the motion.
17 Councilor McNeil abstained from the vote.
18 Councilors Kevan Todd, Mike Crystal, Monica Blazzard voted aye. Motion
19 passed.
20
21

22 **APPROVAL OF THE INVOICE REGISTER DATED JUNE 10, 2019** 23

24 **MOTION:** Councilor Kevan Todd moved to approve the invoice register dated June 10,
25 2019.
26 Councilor Monica Blazzard seconded the motion.
27 The vote was unanimous. Councilors Kevan Todd, Mike Crystal, Allen
28 McNeil, Monica Blazzard voted aye. Motion passed.
29

30 Mayor McCormick reported Councilor Blazzard wants to get started on Yard of the
31 Month and would like the council members to get her nominations too. Sponsors this
32 year are Dicks Drive In, Ace Hardware and Kamas Foodtown.
33

34 Grand Marshall possibilities are Terry and Vickie Atkinson, Vida Richardson, and Dan
35 and Marcene Littledike. A decision will be made at the next meeting.
36

37 Mayor McCormick reported there was a post on social media stating the car show was
38 cancelled. Mayor McCormick wanted to let the council know of the conversation he had
39 with Jason Peterson. They talked about several things. They left the conversation with
40 Jason thinking about it over the weekend. Jason told him no he couldn’t do it. Mayor
41 McCormick asked him if we changed it to July 20th would he do it. Jason told him he
42 wouldn’t do it and he had already cancelled the DJ. The car show is not cancelled.
43

44 Mayor McCormick asked Councilor McNeil if he would take on the assignment of being
45 over the kid’s parade. Councilor McNeil accepted.
46

1 **ADJOURN**

2
3 **MOTION:** Councilor Mike Crystal moved to adjourn at 9:15 p.m.
4

5
6 *The content of the minutes is not intended, nor are they submitted, as a verbatim*
7 *transcription of the meeting. These minutes are a brief overview of what occurred at*
8 *the meeting.*
9

10
11 Approved on the 25th day of June 2019.
12
13
14

15
16 _____
17 Matt McCormick
Mayor

Kim Peacock
City Recorder