

1 MINUTES
2 KAMAS CITY COUNCIL MEETING
3 TUESDAY, MAY 12, 2020

4 7:00 p.m.

5 THIS MEETING WILL BE HELD AS AN ELECTRONIC MEETING WITHOUT ALLOWING THE
6 PUBLIC TO COME TO CITY OFFICES OR ANOTHER ANCHOR LOCATION TO PARTICIPATE,
7 PURSUANT TO GOVERNOR HERBERT'S EXECUTIVE ORDER 2020-5.

8 **Public may participate electronically through Zoom.**

9 Join Zoom Meeting

10 <https://us02web.zoom.us/j/85985868449?pwd=dkRQOCtvNHZDMzVSS0VWdDJhODVSZz09>

11 Meeting ID: 859 8586 8449

12 Password: 215671

13 One tap mobile

14 +13462487799,,85985868449#,,1#,215671# US (Houston)

15 +16699006833,,85985868449#,,1#,215671# US (San Jose)

16 Dial by your location

17 +1 346 248 7799 US (Houston)

18 +1 669 900 6833 US (San Jose)

19 +1 253 215 8782 US (Tacoma)

20 +1 312 626 6799 US (Chicago)

21 +1 929 205 6099 US (New York)

22 +1 301 715 8592 US (Germantown)

23 Meeting ID: 859 8586 8449

24 Password: 215671

25 **Comments may also be made by email prior to the meeting at kamascityutah@gmail.com**

26
27 Mayor McCormick opened the meeting welcoming those in attendance electronically:

28 **COUNCIL MEMBERS:** Councilors Garry Walker, Kevan Todd, John Blazzard, Allen
29 McNeil, and Monica Blazzard.

30 **STAFF:** Recorder, Kim Peacock; City Planner, Natalie Kautz; Public Works Director,
31 Matt Crittenden; Engineer, Scott Kettle; Attorney Rob Patterson; Chief Brad Smith;
32 Building Inspector, Greg White.

33 **OTHERS IN ATTENDANCE:** Jack Walkenhorst, Gracia Eisman.

34
35
36 **OPENING INVOCATION AND PLEDGE OF ALLEGIENCE**

37
38 Invocation by Councilor Monica Blazzard

39 Mayor McCormick led the public in the Pledge of Allegiance

40
41
42 **PUBLIC COMMENT**

43
44 There were no public comments.

**REZONE REQUEST BY KAMAS CITY PLANNING COMMISSION FOR 4
ACRES LOCATED AT 100 WEST 200 NORTH FROM GENERAL
COMMERCIAL G-C TO RESIDENTIAL**

Natalie Souza read the following staff report: This item required a Public Hearing on March 31st at the Planning Commission meeting. It was then tabled. Many nearby residents expressed support for a rezone to residential. Volker's Bakery did not want a rezone. All West Communications would like to keep the property commercial. As stated in the Planning Commission minutes, this discussion was tabled until research on:

- "How the zones came about"
- "Study the different issues of a rezone"
- "Consult with an attorney regarding some of the questions raised at the public hearing"

How the Zones Came About: The historical background of this parcel is that the parcel was rezoned from R-A (Residential Agriculture ½ Acre Lots) to G-C (General Commercial) around the time of the Grassy Creek subdivision. In a City Council meeting from this time period, Craig VanTassell stated that the piece of land was commercial because the density of Grassy Creek with 100 homes needed to be balanced and supported by more commercial.

Study Different Issues of a Rezone: Issues with a rezone included in the Kamas City General Plan, which states this about commercial property next to a residential area of town:

"Whenever commercial uses are adjacent to established or future residential areas, special care should be taken to ensure privacy and to protect personal property. Methods of protecting residential areas by providing transitions and buffers between residential and commercial areas include, but are not limited to: increased setbacks, landscaping, restricted land uses, diversion of traffic, controlled noise or light, height limitations, and transitional land uses such as small offices or higher density residential uses."

Consult with Attorney Regarding Questions - City Attorney Rob Patterson wrote to the Planning Commission: "If the Commission decides to forward a recommendation for a rezone, the Commission should identify the specific zone it wants applied. Rather than simply recommend rezoning to "residential," the Commission should identify "R-A" or "R-1" (or whatever other zone). The Commission's job is to make recommendations regarding specific land use ordinances and regulations. The Council can follow or change that recommendation, but it's best to be specific when it comes to a zoning change."

Planning Commission Decision - Leslie Staples, Planning Commissioner, stated that her research of the Kamas Municipal Code, Section 15.03.010.5 led her to feel that the rezone criteria had not been sufficiently met. The General Plan was approved in 2016, which was too recent for her to think that this parcel had not been thought of during the adoption of the General Plan and most recent Land Use Map. This property has been zoned Commercial for over 20 years. Grassy Creek residents purchased their parcels under the current zoning and she does not believe in stripping a land owner of his or her rights without sufficient justification. Input on this paragraph was received by Leslie Staples.

1 Tammy Georgi, Planning Commissioner, felt that the intent of the City was to move
2 Commercial uses towards the Entry Corridor, which was created after this land was
3 zoned Commercial. She felt that this Commercial zoning did not fit the intent of the
4 City's plans. (Description may change – I sent this wording to Tammy for her input.)
5 Nathan Miles, Planning Commission Vice Chair, felt that he could see Residential as a
6 good use for this land, as it is surrounded by neighborhoods. He also felt that it was not
7 necessarily a decision that should be made solely on that reason if All West wasn't
8 requesting the rezone. Input on this paragraph was received by Nate Miles.
9 Larry Gines, Planning Commission Chair, could see both sides of the coin, that there was
10 a solid reason by the neighbors to want this kind of rezone, but also that the land owner
11 did not want this sort of a rezone and that it was up in the air because it was for sale. He
12 wanted to be careful of putting the City at risk and followed the guidelines of Rob
13 Patterson in his reasoning. He is also leery of the government telling a property owner
14 what they can or cannot do with their property. Input on this paragraph was received by
15 Larry Gines.

16 After much discussion, the Planning Commission is forwarding a negative
17 recommendation to the City Council for this rezone with a vote of 3-1.

18 Options:

- 19 1. Approve the Zone Amendment. Does the amendment meet the requirements for a
20 rezone? Which criteria and which zone?
- 21 2. Deny the Zone Amendment. There has not been a sufficient reason to re-zone. *<End of*
22 *staff report>*

23
24 Councilor Walker clarified with Natalie Souza the exact property location.
25 Councilor McNeil agrees with the majority of the Planning Commission on this. The
26 criteria for a rezone is fairly stringent, and is not met here. Also, this isn't a request by the
27 landowner. There are very limited situations where we would rezone without the
28 landowner requesting this. This is the landowner's property and the zoning offers them
29 entitlements. We take away some of those entitlements by rezoning.
30 Councilor McNeil is sympathetic to the surrounding property owners in Grassy Creek
31 who all want to see that land rezoned to residential, but when they purchased the land the
32 zoning is what it is. They had the opportunity to review and see what the zoning was
33 around the land that they bought during their due diligence. Councilor McNeil is not in
34 favor of this rezone.

35
36 Councilor M. Blazzard agrees with Councilor McNeil. Councilor M. Blazzard was in
37 attendance at this meeting and feels Commissioner Staples was right on.

38
39 Councilor Todd agrees with Councilor McNeil. It doesn't meet the criteria. We are here
40 to protect and preserve the property rights of the owner and is surprised it made it this far
41 in the process.

42
43 Councilor Walker agreed with Councilor McNeil also. Until a landowner requests a
44 rezone, he doesn't see the purpose of rezoning.

1 Councilor J. Blazzard was involved with the development of Grassy Creek and at the
2 time this was zoned commercial and the phone company had planned to put in a call
3 center. Councilor J. Blazzard feels we should deny the rezone request.
4 Jack Walkenhorst with All West agrees with the Planning Commission and appreciates
5 the support of the council.

6
7 Gracia Eisman asked if there would be an opportunity for the neighbors to have input to
8 the type of commercial?

9 Councilor McNeil responded there is opportunity for input but the city is limited on what
10 they can approve or deny. We have approved Use Tables with some limitations. There
11 are some provisions in the code that would allow for discussion, but if it is a use in the
12 table for that approved zone, we don't have a lot of discretion. Whoever develops the
13 property should take the neighbors in to consideration.

14
15 **MOTION:** Councilor Allen McNeil moved to deny the zone amendment.

16 Councilor Kevan Todd seconded the motion

17 The vote was unanimous. Councilors Garry Walker, Kevan Todd, John
18 Blazzard, Allen McNeil, and Monica Blazzard voted aye. Motion passed.

19
20
21 **RESOLUTION 2020-06, A RESOLUTION APPROVING AND RATIFYING AN**
22 **INTERLOCAL AGREEMENT BETWEEN FRANCIS, KAMAS, AND OAKLEY**
23 **CITIES FOR PROVISION OF BUILDING INSPECTOR SERVICES, AND**
24 **RELATED MATTERS**

25
26 Mayor McCormick gave background to how we got to this point. Mayor McCormick
27 explained they met on February 11 in Executive Session. Everyone on the council was
28 there. The topic came up that Mayor McCormick was approached about combining
29 resources for a building inspector. The City Council had some conversation and gave
30 Mayor McCormick unanimous direction to move forward with pursuing that. Mayor
31 McCormick started pursuing by working with our City Attorney and Francis' City
32 Attorney to put an interlocal agreement together. In the meantime, Oakley felt they
33 would like to be a part of this. Mayor McCormick explained when discussing this with
34 Greg White he stated he already inspects for Kamas and Oakley and was hoping to pick
35 up Francis with Eric retiring. In working through this Rob Patterson suggested putting
36 this in to resolution form.

37
38 Rob Patterson explained there's a section of the Utah Code, the Interlocal Cooperation
39 Act that governs certain contracts between public entities. There are times when those
40 contracts are to be approved by the legislative body. The code isn't clear if it requires a
41 resolution or not so to be on the safe side, we're going to get this approved by the
42 council. The interlocal agreement sets up Kamas City to hire a building inspector and
43 provides services by the inspector to the other two Cities. The other two cities can
44 provide feedback to Kamas regarding budget and employment decisions, but ultimately
45 Kamas administers the agreement and has final say on all budgetary and employment
46 matters. The building inspector is subject to Kamas City policies. The agreement is a 5-

1 year term, ending December 2025. Any City can withdraw with a 90-day written notice
2 to the other cities. There's not penalty or early withdraw clause. The agreement is drafted
3 so payment is portioned between each of the three cities based on the amount of money in
4 permits they have. There's a 5-year average and every year the cities will reevaluate what
5 their averages are and update over time.

6
7 Councilor Todd asked if this benefits Kamas City? We already have a building inspector.
8 The only benefit he sees is it helps Francis. He knows their current situation with Erik
9 and how they have to pay in to his retirement. Councilor Todd doesn't feel we can do it
10 as a percentage of a building permits because fees are based on square footage. If Kamas
11 has one permit for 10,000 sq. ft. and Francis has 10 permits at 1,000 sq. ft. Which entity
12 is causing more strain? That's why we went with the percentage of paying Greg. Who's
13 going to figure out everyone's portion? We don't have any administrative costs in the
14 agreement to charge for our office staff to figure out who owes what.

15 Councilor Todd takes pride in Kamas taking care of Kamas. He doesn't care what
16 happens in Park City, Heber, Francis, or Oakley. Kamas should take care of Kamas.
17 We've had our own police department for as long as he can remember. Councilor Todd
18 stated unless he is reading something wrong then he doesn't see the benefit to Kamas.

19
20 Councilor McNeil has researched this. It was initially appealing because the City could
21 save money. When you dig deeper in to the arrangement of this agreement any minor
22 benefit that it's going to have is far outweighed by both burden and risk. As far as
23 benefit, Inspector White has sent the council a letter stating the city is limited to what we
24 can charge for our permits under state law. We can charge what we need to, to cover the
25 cost of providing that service. Our attorney has responded and verified that information.
26 There are some nuances to that, but the general rule is those fees are limited to the cost of
27 the wage, benefit, the overhead. Councilor McNeil explained if we save \$50,000 in doing
28 this, we would be able to reduce our permit fees by a certain amount. We can't take the
29 money and reallocate it somewhere. It only allows us to reduce our permit fees. It would
30 be impossible to say we're entering in to this agreement because it's going to save us a
31 significant amount of money, and then not lower our permit fees.

32 Councilor McNeil stated another problem with the agreement is because the inspector
33 would be an employee of Kamas City, we're on the hook for that employee's wages and
34 benefits. We are seeking reimbursement from the other cities, which will create
35 additional burden and expense to the administration, trying to figure it out and collect the
36 fees. If the other city's pull out, now we have an overpaid employee. We know from
37 recent history with the city there are also other potential liabilities because this is a city
38 employee. The fact that he's an employee Francis and Oakley would have to indemnify
39 Kamas for anything that happens. If something happens in the other cities and the
40 inspector gets sued, Kamas' insurance would have to pay for that. Councilor McNeil
41 stated what seemed like a good idea to begin with, he has done a complete 180 and is
42 completely against this arrangement.

43
44 Councilor M. Blazzard agrees with Councilor McNeil. She is worried about the risk and
45 the time it would take to figure things out. This isn't a good deal for Kamas.

1 Councilor Walker stated he was initially for this because he thought it would be a cost
2 benefit for the City. After hearing the comments tonight, he doesn't feel this way
3 anymore.

4 Mayor McCormick stated it wouldn't necessarily be a cost benefit for Kamas City.
5 However, if we are trying to reduce the cost of building, we can pass savings on to people
6 for future building that would be a benefit to Kamas City.

8 Councilor Todd stated all municipalities follow the Uniform Building Code guidelines
9 for what they can charge. That is a simple chart that is already laid out. We pay Greg
10 White a percentage of the building permit fee.

12 Councilor McNeil stated with our current arrangement we eliminate the risk of having a
13 downturn in building permits, but still having to pay a building inspector. We are on a
14 percentage basis with our building inspector. If we enter in to this agreement, we have a
15 mandatory salary we have to pay our building inspector. We agree to pay the inspector
16 whether we have permits or not.

18 Councilor Todd thanked Mayor McCormick for the time he put in to this, but the only
19 entity that will benefit from this is Francis.

21 Councilor J. Blazzard agrees with the whole conversation. Kamas stands to lose the
22 ability to stand on our own and do what's best for Kamas. We can renegotiate if we need
23 to. We have a good system. It's in Kamas' best interest to stand on our own. We should
24 back off of this and continue on with what we're doing.

26 Councilor Walker was initially all for this, but he really gets nervous when it comes to
27 liability. Councilor Walker feels negative about this now. It's not in the best interest of
28 Kamas City.

30 **MOTION:** Councilor Monica Blazzard moved to deny Resolution 2020-06, A Resolution
31 approving and ratifying an interlocal agreement between Francis, Kamas, and
32 Oakley Cities for provision of Building Inspector services, and related
33 matters.

34 Councilor Allen McNeil seconded the motion

35 Mayor McCormick asked for a roll call vote:

36 Councilor Walker voted "aye"

37 Councilor Todd voted "aye"

38 Councilor J. Blazzard voted "aye"

39 Councilor McNeil voted "aye"

40 Councilor M. Blazzard voted "aye"

41 The vote was unanimous. Motion passed.

1 **TENTATIVE 2019-2020 AMENDED BUDGET PRESENTED TO CITY**
2 **COUNCIL TO REVIEW**

3
4 Kim Peacock presented the amended budget for 2019-2020 for review.
5 The Council reviewed the amended budget.
6
7

8 **TENTATIVE 2020-2021 BUDGET PRESENTED TO CITY COUNCIL TO**
9 **REVIEW, ADOPT, AND TO SET A DATE FOR THE PUBLIC HEARING**

10
11 Kim Peacock presented the tentative budget for 2020-2021 for review.
12 The Council reviewed and discussed the tentative budget.
13

14 **MOTION:** Councilor Monica Blazzard moved to adopt the tentative 2020-2021 budget
15 presented to the City Council without the 3% employee raise and set a public
16 hearing for Tuesday June 9, 2020.
17

18 Motion died for lack of a second.
19

20 Councilor Allen McNeil moved to adopt the proposed tentative 2020-2021
21 budget presented to the City Council with instead of a 3% cost of living
22 adjustment, a 1.5% cost of living adjustment with a public hearing on such
23 budget set for June 9, 2020.

24 Councilor Kevan Todd seconded the motion and asked Councilor McNeil if
25 he wants to reevaluate in September and have the option to give them 3%.
26 Councilor McNeil stated yes, as soon as our public hearing in a month if our
27 trajectories within a month are looking positive, at that time we could increase
28 to 3%. We'll have one more month to look at it.

29 Mayor McCormick explained we will have our first quarter projections by
30 then.

31 Councilor McNeil stated he will be looking at projections from a national
32 level.
33

34 Mayor McCormick asked for a roll call vote:

35 Councilor Walker voted "aye"

36 Councilor Todd voted "aye"

37 Councilor J. Blazzard voted "aye"

38 Councilor McNeil voted "aye"

39 Councilor M. Blazzard voted "nay"

40 Motion passed 4-1.
41
42

43 **DEPARTMENT REPORTS**

44 Natalie Souza reported Planning Commission started going through the code again.
45 Souza reported there were some more checks cut for the BEAR sub-grant. We were
46 awarded \$68,000. The money was divided for different projects. The money went

1 towards businesses for marketing, business customer service training that the High
2 School students participated in, RUDAT, and the BEAR sub-grant for local businesses
3 affected by Covid-19. We were able to help 28 businesses. We will be reimbursed by the
4 governor's office.

5 Councilor J. Blazzard requested from the Planning Commission a spreadsheet that shows
6 the council the building permits that have been applied for and show how far along they
7 are in the process. Mayor McCormick explained Dori Snyder has an idea of where they
8 all are. This goes along with the iWorq software we talked about purchasing, but it costs
9 \$3,000 per year. Councilor J. Blazzard just wants staff to make an excel spreadsheet with
10 the information. It's something he received when he was on the county Planning
11 Commission and it wasn't a complicated process. Mayor McCormick will talk to Dori
12 Snyder and Natalie.

13
14 Scott Kettle reported Geneva Rock is going to be doing some micro surfacing on 100
15 South from 200 East to Main Street, Center Street from Main Street to 200 West, 200
16 West to 200 North, and 200 North from 200 West to Main Street. A portion of this is part
17 of a grant from Summit County. Geneva Rock will also start working on 200 North and
18 the sidewalk by the school. To fix the Beaver Creek bridge the County has more grant
19 money we're going to apply for this year to help pay for that.
20 Mayor McCormick asked if Geneva Rock will be notifying residents before they come in.
21 Scott Kettle told the Mayor yes, this is part of what they do.

22
23 Matt Crittenden reported the concrete floor will be poured tomorrow at the new shop.
24 The shack repairs are in full swing.

25
26 Chief Brad Smith reported in the last month they have had 60 calls in the City. They have
27 been busy with extra calls based on the corona virus. They have a lot more coverage with
28 part time employees at nights, this has been helpful.

29
30 Mayor McCormick reported Cindy Butterfield has joined to talk about Fiesta Days.
31 Mayor McCormick has put in Dropbox a draft schedule of what they would like to do. It
32 is likely we will be in the yellow phase during the celebration. This limits us to 50 people
33 for gatherings. The County is open to us appealing with a plan showing how we can have
34 events with social distancing. There's also talk of only allowing Summit County
35 residents.

36 Cindy Butterfield feels there are going to be some major hurdles to go ahead with this.
37 Councilor Todd asked if we did come up with a plan the county approves, we're not
38 going to get a permit for the derby. If we did come up with a plan, what is the liability if
39 the residents or participants don't adhere to the rules?

40 Mayor McCormick stated the plan would need to be enforced by us. We would have to
41 remove them if they're not following the rules.

42 Mayor McCormick stated there may be possibilities if we're willing to put some time in.

43
44 Councilor J. Blazzard asked if it would be fiscally responsible to try to hold these events.
45 As we think about these things we need to think about budgetary concerns to the city and
46 maybe do things that aren't so costly.

1 Mayor McCormick stated the opportunity to get a variance is there.

2
3 Councilor Walker asked if there would be high-risk age restrictions included in the
4 events. Mayor McCormick stated they talked about the possibility of the high-risk groups
5 being limited. Councilor Walker feels like this will be a lot of work. Mayor McCormick
6 stated yes it will, but there is a need. The residents need something.

7
8 Councilor McNeil asked if we have to get approval from the health department for our
9 celebration? What's their stewardship over us?

10 Mayor McCormick explained the County Health Department has jurisdiction over the
11 County Health Order. We can't violate that order by having gatherings greater than the
12 number allowed without their approval of a variance.

13 Councilor McNeil feels there's zero possibility of being in the green phase by the time
14 we hold our celebration. Councilor J. Blazzard brought up a good point, we've spent the
15 majority of the time in this meeting talking about tightening our budget. Councilor
16 McNeil would love to have some type of celebration, it would be good for moral. We
17 need to look at something that is not going to cost a lot of money. The schedule Cindy
18 has put together is great. There's not need to pursue limited derby, rodeo, or bull wars.
19 The County won't grant a variance.

20
21 Councilor J. Blazzard agrees and likes what Cindy has put together. People need to be
22 able to do something.

23
24 Councilor Walker also agrees. We need to keep things simple.

25
26 Councilor Todd agrees with Councilor McNeil, the County won't approve a plan with our
27 big events. Councilor Todd thanked Cindy and her committee for their efforts. He likes
28 the modified schedule.

29
30 Mayor McCormick stated we will post that the rodeo, bull wars, and derby are cancelled
31 and we'll support the fiesta days committee and do what we can to help.

32
33 Cindy Butterfield asked if we want to pursue the hot air balloons, there is a cost.

34 Councilor Todd feels we should try it. We can budget for that.

35 Cindy Butterfield asked if she can talk to Atkinson Sound for the sound system too.

36 Councilor Todd told her yes.

37 Mayor McCormick stated the cars parked at the rodeo grounds for fireworks probably
38 isn't a good idea. It would probably promote social gathering and the county wouldn't
39 approve it.

40 Cindy stated she will err on the side of caution. These were just the first idea, which can
41 be changed.

42 Councilor Walker doesn't feel the drive by hamburger shack will work. We should
43 encourage people to support our local businesses. Cindy explained they have that on the
44 schedule for Friday night.

45 Cindy will continue with the plan they have and move forward with contacting people.

46

1 **APPROVAL OF THE APRIL 28, 2020 CITY COUNCIL MEETING MINUTES**

2
3 Councilor Todd asked if we were going to add something to the budget to help with the
4 donation of the flower baskets. Mayor McCormick told Councilor Todd we could budget
5 money in the final budget to donate. Councilor Todd feels we could put a little money in
6 for main street beautification.

7
8 **MOTION:** Councilor Kevan Todd moved to approve the City Council meeting minutes
9 dated April 28, 2020.

10 Councilor Allen McNeil seconded the motion.

11 Councilors Garry Walker, Kevan Todd, John Blazzard, Allen McNeil, and
12 Monica Blazzard voted aye. Motion passed.

13
14
15 **APPROVAL OF THE INVOICE REGISTER DATED MAY 11, 2020**

16
17 **MOTION:** Councilor John Blazzard moved to approve the invoice register dated May 11,
18 2020 with the addition of the invoice to Commercial Kitchen Supply for
19 \$16,784.70.

20 Councilor Allen McNeil seconded the motion.

21 The vote was unanimous. Councilors Garry Walker, Kevan Todd, John
22 Blazzard, Allen McNeil, and Monica Blazzard voted aye. Motion passed.

23
24
25 **ADJOURN**

26
27 **MOTION:** Councilor Kevan Todd moved to adjourn at 9:25 p.m.

28
29
30 *The content of the minutes is not intended, nor are they submitted, as a verbatim*
31 *transcription of the meeting. These minutes are a brief overview of what occurred at*
32 *the meeting.*

33
34 Approved on the 9th day of June, 2020.

35
36
37
38
39 _____
40 Matt McCormick
Mayor

Kim Peacock
City Recorder