



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, May 4, 2023, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, "Call to the Public", or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 PM

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

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

- 1) OPENING
 - a) Presented by Council Member Abbigayle Hunt
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) Proclamation declaring May 14-20, 2023 as National Police Week
 - b) Presentation to graduating Kaysville Youth City Council
 - c) Kaysville Parks and Recreation Award - Cole Stephens
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of April 13, 2023
 - b) Reappointment of Paul Allred as a Planning Commissioner
 - c) Reappointment of Steve Lyon as a Planning Commissioner
 - d) Appointment of Erin Young as a Planning Commissioner
 - e) Reappointment of Michael Packer as Planning Commissioner Alternate
 - f) Appointment of Deborah Shephard as Planning Commission Alternate
 - g) A Resolution approving the Polling Location and Vote Centers for the 2023 Municipal Elections
- 6) ACTION ITEMS
 - a) A Resolution authorizing the appointment of Jaysen Christensen as City Manager
 - b) Preliminary Plat Subdivision for Carling Subdivision located at 97 East Crestwood Road
 - c) An Ordinance Enacting a new Section of City Code 17-5 Water Efficient Landscape Standards (Tabled Item)
- 7) COUNCIL MEMBERS REPORTS

8) CITY MANAGER REPORT

9) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on April 28, 2023.

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

Annemarie Plaizier
City Recorder

Proclamation for National Police Week
May 14-20, 2023

WHEREAS, in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week; and

WHEREAS, the members of the Kaysville City Police Department work tirelessly and courageously to protect and serve citizens across the city, enforce our laws, and keep our neighborhoods, schools, and families safe; and

WHEREAS, police officers report for duty aware of the sacrifices they may be called upon to make and risk their lives each and every day in order to safeguard the public and enforce the laws of our city and state; and

WHEREAS, it is fitting and proper that we express our gratitude for the dedicated service and reflect upon the selfless dedication and bravery of our local, state, and other public sector police, as our safety and well-being is promoted by their devotion to maintaining peace and security in our communities; and

NOW, THEREFORE, I, Mayor Tamara Tran, along with the Kaysville City Council do call upon all citizens of Kaysville City to observe the week of **May 14-20, 2023** as **Police Week** and join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community, and have established an enduring reputation for preserving the rights and security of citizens.

THEREFORE, we do further call upon all citizens to observe **May 15, 2023** as **Peace Officers' Memorial Day** in honor of those who, through their courageous deeds, have made the ultimate sacrifice to their community or have become disabled in performance of duty, and let us recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

IN WITNESS WHEREOF I have cause the Seal of the City of Kaysville City, to be affixed on this 4th day of May, 2023.

Mayor Tamara Tran



KAYSVILLE CITY COUNCIL
April 13, 2023

Minutes of a regular Kaysville City Council meeting held on April 13, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Technology Assistant Jordan Hansen, Power Superintendent Brian Johnson, Police Chief Sol Oberg, Assistant Police Chief Seth Ellington, Lt. Preston Benoit, Val Shupe, Jeff Fillin, Ly Tran, Kathy Sorte, Jill Poppitz

OPENING

Council Member Jackson opened the meeting by thanking those who helped with the recent flooding at the Orchard Ridge Subdivision. Council Member Jackson offered a prayer, and led the audience in the pledge of allegiance.

CALL TO THE PUBLIC

Nothing was brought under this item.

PRESENTATIONS AND AWARDS

A PROCLAMATION DECLARING APRIL 29, 2023 AS ARBOR DAY

Mayor Tran read a proclamation declaring April 29, 2023 as Arbor Day and encouraged all citizens to support efforts to protect our trees and to plant new trees for future generations to enjoy.

EMPLOYEE OF THE QUARTER AWARD

Power Superintendent Brian Johnson explained that the city has a program where employees are given the opportunity to nominate one of their peers as Employee of the Quarter. Jeff Fillin received five nominations from his peers who expressed that Jeff is dedicated, kind, respectful to other employees and to the public, willing to help others, and is a talented worker. Jeff will have been with the city for thirty years this coming June, and he is a phenomenal asset to the city.

POLICE CHIEF OF THE YEAR AWARD

Val Shupe, the Executive Director for the Utah Chiefs of Police Association, said at their recent Utah Chiefs of Police Association convention Chief Ober was honored with the 2022 Police Chief of the Year award for a mid-size city in Utah. Chiefs are nominated by their Mayor, City Managers

and other Chiefs within the association. Chief Oberg has been serving on the Utah Chiefs of Police Association Board as their secretary and was recently put in as their SACOP Representative.

Chief Oberg said that this award was more of a team award because he would not be successful with what he does in his job without the great men and women that make up Kaysville's Police Department. This award is just a reflection of the great work that his employees do.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. Approval of Minutes of March 2, 2023 City Council Meeting
- b. Approval of Minutes of March 16, 2023 Joint Work Session
- c. Approval of Minutes of March 16, 2023 City Council Meeting
- d. Approval of Minutes of March 27, 2023 Special Council Meeting

The motion was seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION DECLARING A LOCAL EMERGENCY DUE TO SIGNIFICANT WINTER RUNOFF DAMAGE IN THE ORCHARD RIDGE SUBDIVISION

City Attorney Nic Mills explained that the proposed resolution would declare a local emergency based on the damage that has occurred in the Orchard Ridge Subdivision caused by winter runoff. This resolution may potentially allow the city and others to access emergency funds and other options. There is no negative fiscal impact anticipated as the result of approving this resolution.

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

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

Council Member Oaks asked about where the city would receive funds.

Nic Mills responded that with previous similar incidents, the city has received state funds and

FEMA funds. The city is still exploring what kind of funding we might have access to.

Council Member Adams made a motion to approve a Resolution declaring a local emergency due to significant winter runoff damage in the Orchard Ridge Subdivision, seconded by Council Member Blackham.

Council Member Jackson commented that he is proud of the work that staff and the community has done to come together and help save these homes in the Orchard Ridge Subdivision. Council Member Jackson said that we might see more flooding issues within the city in the near future and he hopes that we will be able to mitigate potential similar problems in other subdivisions.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed unanimously.

CONSIDERATION OF ENACTING A NEW SECTION OF CITY CODE 17-5 WATER EFFICIENT LANDSCAPE STANDARDS

Community Development Director Melinda Greenwood explained that due to the ongoing drought, turf removal and flipping park strips has been a topic of conversation at all levels of government, specifically for the past couple of years. Weber Basin Water Conservancy District (WBWCD) and the State of Utah have allocated funding to reimburse property owners for removing grass and replacing it with water-wise landscaping. For Kaysville residents to be eligible for reimbursement programs, the city must adopt a landscaping ordinance with WBWCD's minimum requirements. WBWCD has softened their requirements that they have pushed in past years, and therefore the ordinance being presented before the Council for consideration is less onerous than what was previously discussed. About this same time last year, only four cities had adopted landscaping ordinances with WBWCD's requirements. Since that time, eighteen cities have adopted qualifying ordinances. Last year staff received countless phone calls, emails and in-person questions and complaints about our ineligibility for reimbursement programs. City staff hopes that by adopting these required regulations that it will show the city's support for the residents who are interested in reimbursement programs. The proposed ordinance and requirements are as such that staff feels comfortable managing the impacts of adopting the ordinance. The Planning Commission reviewed the proposed text amendment on March 23, 2023, and a public hearing was conducted. One comment was received, which was a question as to whether or not the "Flip your Strip" program would be retroactively applied to properties that had already removed grass from their park strip. WBWCD has indicated that they will not retroactively qualify residents for reimbursement. The Planning Commission had a lengthy discussion about the proposed ordinance and voted 6-1 to recommend approval with the following conditions:

1. The "Purpose" section be expanded to detail what the city is trying to accomplish by adopting the ordinance.
2. The "Prohibited Water Practices" section be moved to the beginning of the ordinance,

- and the applicability of that provision be clarified.
3. Relevant definitions be added to 17-2-2 “Definitions”, and not left within the chapter.
 4. A definition or graphic on how the city calculates front and side yards be added to the ordinance.

Mrs. Greenwood continued by saying that Planning Commissioner Sundloff, who has a background in landscape architecture, voted against the motion to approve because he felt the ordinance needed additional refinement and more detail than what WBWCD requires for reimbursement eligibility. Following the Planning Commission meeting, Staff completed the recommendations included in the Planning Commission’s motion. Staff also reorganized the ordinance to better convey the purpose and intent of the chapter.

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

Kathy Sorte said that she was here tonight with Jill Poppitz, and they are on a small HOA board for Fairfield Farms, located off 600 North, which currently has twenty-one elderly residents in their subdivision. They are responsible to maintain the island located at 600 North and Fairfield Road, and they are very interested and supportive of the proposed ordinance because they would love to be able to flip that island if possible. At this time, there is no way they would be able to afford to be able to flip it, but they would like the city to consider allowing islands to be flipped.

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

Mayor Tran asked when this ordinance would go into effect, if approved.

Melinda Greenwood responded that once this ordinance is approved, our citizens would be eligible for the “Flip Your Strip” program. Next year the water improvement districts will be rolling out a program, in conjunction with the State, for broader turf removal. This would allow residents to be eligible for reimbursement if they were to remove more than just the park strip on their property. We are not sure if WBWCD would consider an island something that could be eligible for reimbursement at this time, but we anticipate that they would be eligible when the state rolls out their program for broader turf removal. It would be beneficial for other HOA subdivisions with similar situations to reach out to water improvement districts and the Utah Division of Water to ask for these types of situations to be considered for reimbursement programs so that more unnecessary turf areas could be removed.

Council Member Blackham said that approving this ordinance might be the right thing to do from a political stance. However, he has some concerns about some of the language in the ordinance. This proposed ordinance requires that landscape and irrigation plans be provided for review as part of the building permit application, and that the irrigation systems be designed by someone certified by the Irrigation Association. This is going to cost homeowners more money. Homeowners will be pressured to install their landscaping in immediately, because this ordinance requires that the landscaping be completed prior to the issuance of a certificate of occupancy. Builders are going to require that homeowners pay them to install the landscaping, or that homeowners pay the required landscaping bond to the city and then homeowners will only have a year install their landscaping. The city is going to have to consult with a landscape company so we have better estimates on how much these landscape projects will cost, which will be the amount required for

the landscaping bond. In the past people have been able to install their own landscaping on their own time and budget, but this will force homeowners to have to pay the builder to put in their landscaping because builders won't typically allow the homeowners to come work on landscaping until occupancy is granted and the home is closed on. This program may be beneficial to those who already have existing homes and landscaping, but it will be detrimental to anyone trying to build a new home.

Council Member Adams said that last year when this program was presented to the council there were concerns about new developments being required to keep a certain percentage of their landscaping as sod. Council Member Adams asked about the landscape bond and design requirements.

Melinda Greenwood responded that the requirements mentioned by Council Member Blackham are not a requirement of WBWCD, but rather a recommendation. One of their reasons for requiring irrigation plans from someone who is certified is because that individual would be more knowledgeable in what kind of irrigation system would be appropriate for the type of vegetation the homeowners may wish to plant. If the council desires, the requirements for professional landscape drawings could be removed, as well as the landscaping bond requirements.

There was a general consensus from the city council that the requirements regarding professional drawings be removed from the ordinance, as well as the requirement for a landscaping bond.

Council Member Jackson commented that last year, the proposed ordinance was very restrictive and it seemed that few residents would be able to qualify for the reimbursement program. The ordinance being proposed tonight is a step in the right direction. We need to allow residents to be able to do what they can to save water.

Council Member Oaks said that last year he was against this ordinance because the ordinance felt too onerous on staff to have to enforce, but this proposed ordinance seems to have improved this area of concern.

Council Member Hunt said that she had spoken with Mrs. Greenwood prior to tonight's meeting because she was concerned that people would be forced to have to pay someone to do their landscaping instead of allowing people to do their own landscaping. Council Member Hunt added that when this item was discussed with the Planning Commission, there was a concern mentioned that the wording of the ordinance might prohibit people from hand watering any plants in their park strip because it says that culinary water cannot be used for landscaping.

Council Member Blackham said that he is still concerned that staff will be able to handle the additional responsibility that will come by approving this ordinance.

Melinda Greenwood said that WBWCD standards require that no more than 35% of landscaped areas in the front and side yards be turf on residential properties. For commercial properties, no more than 10% can be turf. Turf is not allowed in areas less than eight feet, in park strips, or in areas with slopes greater than 25%. Mrs. Greenwood added that the proposed ordinance could be further simplified so that it will still meet WBWCD standards, but would also remove the areas of concern that have been mentioned.

Council Member Adams commented that he feels that there are many revisions that need to be made to this proposed ordinance and he would like to see this item tabled so that the council can review the revised version before voting on it.

Council Member Adams made a motion to table the consideration of enacting of City Code 17-5 “Water Efficient Landscape Standards”, seconded by Council Member Blackham.

Council Member Hunt made a substitute motion to table the consideration of enacting of City Code 17-5 “Water Efficient Landscape Standards”, with the stipulation that this item be brought back before the council at their next regular council meeting, or as soon as possible. The motion was seconded by Council Member Jackson.

Council Member Jackson said that he hopes that all council members will all be in favor of approving this ordinance when it comes before the council again because this is something that is important.

The vote on Council Member Hunt’s motion was as follows:

Council Member Hunt, yea
Council Member Oaks, yea
Council Member Jackson, yea
Council Member Blackham, yea
Council Member Adams, yea

COUNCIL MEMBER REPORTS

Mayor Tran commented that the recent city Easter Egg Hunt was a huge success and thanked everyone who put the event together and participated.

Council Member Blackham added that many people came to the Easter Egg Hunt, despite the snow on the ground. Council Member Blackham also thanked those who helped with the preparation of the event.

Mayor Tran commented that she had been able to again visit the flooded area of Orchard Ridge Subdivision the previous night and was impressed by the many youth groups and citizens who were there helping to fill sandbags. The city has also had someone from our Public Works crew staying on site throughout the night to carefully observe the water runoff occurring. Mayor Tran said she is proud of the outstanding job that city staff has done and if anyone had any questions or concerns about flooding, they could reach out to the city. Mayor Tran added that the city council would be traveling to St. George the following week to attend the Utah League of Cities and Towns Midyear Conference.

CITY MANAGER REPORT

Interim City Manager Dean Storey commented that we had an exceptional response from our city crews that responded to the flooding at the Orchard Ridge Subdivision. Our City departments were on site very quickly and were “all-in” trying to do what they could about the situation and to get residents out safely. Mr. Storey added that there would be a City Council Work Session held

on Friday, April 28, 2023 beginning at 8:30 p.m. to discuss the city budget.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the City Council meeting at 7:52 p.m. The motion was seconded by Council Member Hunt and passed unanimously.

DRAFT

CITY COUNCIL STAFF REPORT



MEETING DATE: May 4, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Annemarie Plaizier, City Recorder

SUBJECT/AGENDA TITLE: A Resolution approving the Polling Location and Vote Centers for the 2023 Municipal Elections

EXECUTIVE SUMMARY:

Kaysville City will be holding its 2023 Municipal Elections primarily by mail, however polling locations and vote centers will be available. The City contracts with Davis County to assist with election services. Utah Code Annotated § 20A-5-303 requires the County to designate any changes to the designated polling location and vote centers from last year's election at least 90 days prior to an election. The County has asked the cities to designate the polling location and vote centers no later than May 17, 2023 since there may be a need to hold primary elections in August.

The polling location for Kaysville City has been designated at the Kaysville Library (215 North Fairfield Road, Kaysville).

City Council Options:

1) Approve the resolution; 2) Approve the resolution with any modifications the Council deems appropriate; 3) Decline to adopt the resolution and remand to staff with further direction.

Staff Recommendation:

Staff recommends that the City Council approve the resolution, thereby approving the polling location and vote centers for the upcoming Municipal Election.

Fiscal Impact:

None

ATTACHMENTS:

1. Polling and Vote Centers Resolution
 2. 2023 EOR
-

RESOLUTION XX-XX-XX

A RESOLUTION APPROVING THE POLLING LOCATION AND VOTE CENTERS FOR THE 2023 MUNICIPAL ELECTIONS

WHEREAS, Kaysville City Corporation (the “City”) is holding its municipal elections by-mail; and

WHEREAS, State Law allows the City to provide vote centers on election days, for registered voters who choose to vote in person; and

WHEREAS, the City has designated its polling location and voting centers as identified in Exhibit ‘A’;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kaysville, Utah:

- 1) the polling location and vote centers identified in ‘Exhibit A’ are hereby approved;
and
- 2) the City Recorder is hereby authorized to make changes as needed to facilitate the operations of the elections.

Passed and adopted by the City Council this 4th day of May, 2023.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

Equipment Officials and Resources (EOR)

Election Name: 2023 General
Election Date: November 7, 2023

Voters per Voting Booth 150

Base Turnout	38.00%	
Calculated Projection	42.00%	78266
By Mail	98%	76701
Polls	2%	1565
Early	0.00%	0
Provisional	5%	78

Processing Day	16
Temp Staff	14.0
Ballots Per Day	4794
Emp. Hrs./Day	96.9

Date Printed 04/26/23

TAB	MBV	1st	CR	CUT	EXT	UNF	SCN	LP	PROB	ADJ	EXT	AFF	UND
4.0	1.4	5.4	9.6	4.0	10.4	16.0	2.4	6.4	21.75	4	4.5	7.25	

Location Information					Voters				Poll Workers							Tablets/Laptops		Hotspots	Voting Booths	Express Vote	DS200
Vote Center	Turnout Adjuster	Projected Turnout by City	Provisional Adjuster	Precincts	Active as of 1/17/23	Expected By Mail	Expected Regular	Expected Provisional	PM	APM	RC	BC	Prov	Hosts	Total	Poll Pads	BOD				
Bountiful Library	10.00%	48.00%	0.00%	44	25979	12221	237	12	1	0	1	1			3	1	1	0	4	1	1
Centerville Library	10.00%	48.00%	0.00%	18	10083	4744	92	5	1	0	1	1			3	1	1	0	4	1	1
Clearfield Library	0.00%	38.00%	0.00%	24	11446	4263	83	4	1	0	1	1			3	1	1	0	4	1	1
Clinton Rec. Admin Bldg.	0.00%	38.00%	0.00%	22	11399	4245	82	4	1	0	1	1			3	1	1	1	4	1	1
Davis Conference Center	0.00%	38.00%	0.00%	77	40867	15219	295	16	1	0	1	1		1	4	1	1	0	4	1	1
Farmington Community Ce	0.00%	38.00%	0.00%	25	13785	5134	100	5	1	0	1	1			3	1	1	1	4	1	1
Fruit Heights City Hall	10.00%	48.00%	0.00%	8	3854	1813	35	2	1	0	1	1			3	1	1	1	4	1	1
Kaysville Library	10.00%	48.00%	0.00%	36	19758	9295	180	9	1	0	1	1			3	1	1	0	4	1	1
North Salt Lake City Hall	0.00%	38.00%	0.00%	20	10930	4071	79	4	1	0	1	1			3	1	1	0	4	1	1
South Weber Family Activi	5.00%	43.00%	0.00%	11	4657	1963	38	2	1	0	1	1			3	1	1	1	4	1	1
Sunset City Hall	5.00%	43.00%	0.00%	4	2241	945	18	1	1	0	1	1			3	1	1	1	4	1	1
Syracuse Library	0.00%	38.00%	0.00%	38	17667	6580	128	7	1	0	1	1			3	1	1	0	4	1	1
West Bountiful City Hall	10.00%	48.00%	0.00%	6	3532	1662	32	2	1	0	1	1			3	1	1	0	4	1	1
West Point City Hall	0.00%	38.00%	0.00%	15	6535	2434	47	2	1	0	1	1			3	1	1	1	4	1	1
Woods Cross City Hall	0.00%	38.00%	0.00%	11	5669	2112	41	2	1	0	1	1			3	1	1	1	4	1	1
Total				359	188402	76701	1487	78	15	0	15	15		1	46	15	15	7	60	15	15

CITY COUNCIL STAFF REPORT



MEETING DATE: May 4, 2023

TYPE OF ITEM: Action Item

PRESENTED BY:

SUBJECT/AGENDA TITLE: A Resolution authorizing the appointment of Jaysen Christensen as City Manager

EXECUTIVE SUMMARY:

Mr. Shayne Scott recently left the City's employment (on good terms) because he obtained employment as the Summit County Manager. The City has undergone an extensive vetting process to fill this position. This resolution would conditionally select one of the applicants—Jaysen Christensen—as the City Manager and authorize the Mayor to execute the contract to finalize his employment with the City.

Mr. Christensen currently serves as the City Administrator of Frontenac, Missouri. Previously, he was the City Administrator of Glendale, Missouri. He is an ICMA Credentialed Manager, and has an MPA from BYU.

As a special note, the Mayor is authorized by State Statute to vote on this item. See [Utah Code 10-3b-302\(1\)\(B\)\(ii\)\(A\)](#).

City Council Options:

1) Approve the resolution appointing Mr. Christensen as City Manager; 2) Approve the resolution with any modifications that the Council deems appropriate; 3) Decline to adopt the Resolution and remand to staff with further direction.

Staff Recommendation:

Staff strongly recommend that the City Council appoint Mr. Christensen as the City Manager and we are excited to work with him.

Fiscal Impact:

No costs outside those budgeted and allocated for this position

ATTACHMENTS:

1. Resolution Authorizing the Appointment of Jaysen Christensen as City Manager
 2. Draft City Manager Contract
-

RESOLUTION 23-XX-XX

AUTHORIZING THE APPOINTMENT OF JAYSEN CHRISTENSEN AS CITY MANAGER

WHEREAS, Kaysville City (hereinafter “City”) operates under a council-manager form of government; and

WHEREAS, the former City Manager has left employment with the City for another professional opportunity; and

WHEREAS, the City received applications for the City manager position; and

WHEREAS, the City has reviewed and evaluated each application and has found it to be in the best interest of the City and citizens of Kaysville City to appoint Jaysen Christensen (hereinafter “Mr. Christensen”) as the Kaysville City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. Mr. Christensen is conditionally appointed as the City Manager with whom the Mayor, or her designee, should conduct negotiations with.

2. The Mayor, or her designee, is directed to conduct negotiations for an agreement (hereinafter "Agreement") with Mr. Christensen for the City Manager position. The terms of the Agreement shall address the terms and conditions of the job posting as well as the salary and other benefits and necessary responsibilities. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for this position.

3. At such time as the Agreement is in a form acceptable to the Mayor and City Attorney and after Mr. Christensen has properly executed said Agreement, the Mayor is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Mr. Christensen shall constitute acceptance of the job, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the Mayor shall constitute the City's acceptance of the offer by Mr. Christensen and his formal appointment, pursuant to the terms and conditions of the Agreement.

4. The final Agreement shall not exceed the contract's listed salary without further action of this council.

5. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **4th day of May, 2023**.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

City Manager Employment Agreement

This agreement is and entered into on this 4th day of May, 2023, by and between Kaysville City ("the City") and Jaysen Christensen ("the Manager"), and

WHEREAS, the City desires to employ the services of said Jaysen Christensen as City Manager of Kaysville City, and it is the desire of the Kaysville City Council ("the Council"), to provide certain benefits, establish certain conditions of employment and to set general working conditions of the Manager; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of the Manager and (2) to make possible full work productivity by encouraging the Manager's good morale by providing certain conditions of employment and provide assurances with respect to future security and (3) to provide a just means for terminating the Manager's services at such time as he may be unable to adequately discharge his duties or when the City may otherwise desire to terminate his employ; and

WHEREAS, the Manager desires to accept employment as City Manager of Kaysville City; and

WHEREAS, the Manager shall begin his employment with the City on June 5, 2023.

NOW, THEREFORE, in consideration of mutual covenants contained herein, the City and the Manager agree as follows:

SECTION 1. DUTIES

The City hereby agrees to employ Jaysen Christensen as City Manager of the City to perform the functions and duties specified by existing ordinances, regulations and this agreement, and to perform other legally permissible and proper duties and functions as the Council requests, and be responsible for managing and directing the day-to-day operations of all City departments. All city employees, including department heads, shall be responsible to the Manager. The Manager shall advise the Mayor and Council on matters of policy, procedure and business affecting the City.

SECTION 2. TERMS

- A. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of the Manager at any time, subject only to the provisions set forth in Section 3 of this agreement.
- B. Manager agrees to remain in the employ of the City and shall not accept other full-time employment or become employed by any other employer without proper written approval of the Mayor. Approval shall not be necessary in opportunities to teach, write, consult, or conduct personal business affairs not in conflict with employment with the City, performed on time off,

provided that the performance of any of these activities in no way interferes with the proper performance of the duties as City Manager.

- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Manager to resign at any time from his position with the City, provided Manager gives the City at least thirty (30) days written notice of his intent to resign.
- D. Manager is strongly encouraged, but not required to live within the Kaysville City limits. If Manager does not reside in Kaysville City, he must reside no more than twenty five (25) miles from the City's limit.

SECTION 3. TERMINATION AND SEVERANCE PAY

A. In the event the Manager retires or leaves his position with the City, giving at least thirty (30) days written notice of intent, he shall receive a cash payout of 100% of his unpaid, earned Personal Time Off (PTO) and any other separation payout afforded to other Kaysville City Employees at the time of separation.

B. In the case the Manager is terminated by the Council, the City agrees to pay the Manager the following as a severance package: a lump sum cash payment, or a continuation of salary on the existing basis, equal to six (6) months plus one additional month for every two years of service with the City not to exceed twelve (12) months base salary; together with 100% of his unused earned Personal Time Off (PTO) leave and any other separation payout afforded to other Kaysville City Employees at the time of separation, and full benefits as enumerated in this agreement, including health insurance, for the established period of severance as outlined in this agreement.

C. The Manager shall not be removed during the first 180 days following any change in membership of the City Council or Mayor.

D. Manager may be terminated at any time without obligation to pay the severance package because of criminal conviction involving moral turpitude or criminal conviction involving serious misconduct.

E. In the event the City, at any time during the term of this agreement, reduces the salary of the Manager from its then current level, except as part of an across the board reduction for all department heads of the City, or in the event the City refuses, following written notice, to extend the Manager any non-salary benefit provided for in this agreement or customarily available to all department heads, or in the event that the Manager resigns following a request by the City Council that he resign, then, in those events, the Manager, at his option, be deemed to be terminated at the date of such reduction or such refusal to extend or such request of resignation and the severance pay set forth above shall be paid by the City to Manager.

F. In the event the Council fails to budget for the salary of the Manager as payable under this agreement, thereby making it impossible to make payment hereunder, that act shall be considered a termination of this agreement and the severance pay set forth above shall be paid by the City.

G. In the event the City changes its ordinances or regulations or otherwise changes to a form of government wherein the position of City Manager is eliminated and the City cannot perform its obligations pursuant to this agreement, that action shall be considered a termination of the Manager and the severance pay set forth above shall be paid by the City.

H. The City may terminate this Contract without cause by at least a 4 of 6 vote of the Mayor and Council and by giving the Manager written notice of termination at least 180 days prior to the termination date.

SECTION 4. DISABILITY TERMINATION

If the manager is permanently disabled or otherwise unable to perform his duties because of a non-work-related sickness, accident, injury, mental incapacity or health for a period of four (4) successive weeks beyond any accrued leave, or for twenty (20) working days over a thirty (30) work-day period, the City shall have the option to terminate this agreement, subject to the severance package requirements of Section 3 herein.

SECTION 5. SALARY AND BENEFITS

- A. The City agrees to pay the Manager for his services rendered pursuant hereto the annual base salary in effect on the day of execution of this contract. This salary shall be payable in installments at the same time as other employees of the City are paid. At any time while the Manager is employed for the City, the City and the Manager may, by mutual written agreement, change the terms of the salary or any other provisions of this agreement. The Mayor will establish a procedure to evaluate the performance of the manager annually. The Manager shall be eligible for regular COLA or Merit based increases made available to all other Kaysville City Employees.
- a. City shall pay Manager at the rate of \$153,295.00 annually.
 - b. Manager shall be eligible for the regular COLA or Merit based increases beginning with the FY 2024 cycle.
- B. The Manager, in addition to his base salary, will receive five-hundred fifty (\$550) dollars per month for a personal vehicle allowance, intended to cover travel expenses for City business within Davis County, Utah. All travel by the manager outside of Davis County, Utah will be reimbursed according to approved City Travel Policy. The Manager may use city owned Electric Vehicle charging stations at no cost, if applicable, for charging of the personal vehicle that is used for travel for Kaysville City Business.
- C. The Manager shall receive additional benefits on the same basis as other management employees unless otherwise specified in this document. These benefits shall include, but not be limited to: Social Security contributions, retirement contributions, health and life insurance benefits, vacation and sick leave benefits, and generally such other benefits including merit increases, and pay considerations given in lieu of salary. The basic monthly cost of benefits for the Manager and family, including health, life insurance, disability, accidental death & dismemberment, shall be paid by the City on the same basis as other benefitted employees unless otherwise designated in this agreement. Any cost incurred beyond basic benefit shall be the responsibility of the Manager, and shall be deducted from his paycheck unless otherwise noted.
- D. The Manager shall receive two-hundred sixty (260) hours of Personal Time Off (PTO) leave per year. On the first day of employment, City shall pre-load 40 hours of PTO into Manager's accruals to accommodate a planned vacation in August 2023.
- E. The Manager will have the option to use a City provided data phone or provide a personal phone for City use. The Manager will be paid a \$100.00 a month phone allowance if a personal phone is provided. The Manager will be obligated under the same rules and guidelines as would

if they were using a city owned cell phone including being available, appropriate use of city email and network security, etc.

SECTION 6. PERFORMANCE EVALUATION

- A. The Mayor shall review and evaluate the performance of the Manager at least once annually during the first half of the calendar year. Said review and evaluation shall be in accordance with specific criteria developed jointly by the City and the Manager. Said criteria may be added to or deleted from as the Council may, from time to time, determine, in consultations with the Manager. The evaluation shall be generally the same standard evaluation as given to all other employees. Further, the Mayor shall provide the Council and Manager with a summary of the evaluation.
- B. Annually, the Council and the Manager in the budget and/or strategic planning process shall define such goals and performance objectives which they determine necessary for the proper operation of the City. The attainment of the Council's policy objectives shall establish a relative priority among those various goals and objectives. The goals should be realistically attainable within the time limitations as specified and as budgeted by the Council in the annual operating and capital budgets and appropriations.

SECTION 7. PROFESSIONAL STATUS

- A. The Manager should be involved with organizations which will increase his professional skills and permit him to maintain a current understanding of managerial activities and therefore presently believes that membership in the International City Management Association (ICMA) and the Utah City Managers Association (UCMA) should be encouraged and paid for by the City. The Manager should also be encouraged and paid to travel to and attend both the ICMA annual conference as well as the various UCMA conferences and business meetings throughout the year. In addition, it is anticipated that certain seminars and training and educational programs may be desirable and in that event are encouraged activities of the Manager with payment to be made by the City as approved in each annual budget. In the event that the Manager is unable to attend the aforementioned conference meetings, they shall inform the Kaysville City Mayor and supply rationale for not being able to attend.
- B. It is also anticipated that the Manager will be involved in certain promotional activities providing business lunches and entertainment which are intended to be for the direct benefit of the City and should be paid for by the City. The Manager should submit these anticipated expenses of the City for the above-named approved activities to the Council during the annual budgetary process.
- C. The City acknowledges the value of having the Manager participate and be directly involved in local civic clubs or organizations. Accordingly, the City shall pay for the membership fees and/or dues to enable the Manager to become an active member in local civic clubs or organizations.

SECTION 8. INDEMNIFICATION

The City shall defend, save harmless and indemnify the Manager, including the cost of counsel against any tort, professional liability claim or demand or other legal action, claim or claims, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Manager's duties as Manager within the scope of employment. The City will defend, compromise or settle any such claim or suit and pay any judgment rendered thereon on behalf of the Manager or his estate or heirs.

SECTION 9. BONDING

The City shall pay the cost of a fidelity bond or other bonds required of the Manager or deemed advisable to obtain.

SECTION 10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. The Council, in consultation with the Manager, may fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, city ordinance or state or federal law.
- B. The Council recognizes that the Manager is required to work and perform on behalf of the City other than on an "eight to five" basis. As City Manager, he is subject to call at any time, is required to attend various night meetings in addition to City Council, and is required to participate in various other activities that benefit the City, often working long hours and at time that are not typically considered normal working hours. Manager should schedule vacation and other time off around City Council Meetings to the best of his ability. Absence from City Council Meeting should be a rare occasion. The Kaysville City Council provides general schedule flexibility and expects Manager to manage their schedule and working hours using good professional judgement in establishing flexible working hours.

SECTION 11. NOTICES

Notices pursuant to this agreement shall be given by personal delivery or by sending an email with a delivery receipt as follows:

The City: Kaysville City Mayor and Council
 mailbox@kaysville.gov

The Manager: _____

Notice shall be deemed given as of the date of personal delivery or as of the date the email was received. In the event either party changes addresses, notification of the other party of the changed address shall be given in accordance with this section.

SECTION 12. GENERAL PROVISIONS

The text herein shall constitute the entire agreement between the parties and any changes shall be reduced to writing and agreed upon by both parties.

This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Manager. This agreement shall become effective commencing immediately upon signing by both parties.

If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

In the event of default under the terms of this agreement, the defaulting party agrees to pay all costs of enforcement, including a reasonable attorney's fee.

IN WITNESS WHEREOF, the City of Kaysville has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Recorder, and the Manager has signed and executed this agreement, both in duplicate, the day and year first written above.

Jaysen Christensen
City Manager

Tamara Tran
Mayor

ATTEST: _____
Annemarie Plaizier
City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: May 4, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: Preliminary Plat Subdivision for Carling Subdivision located at 97 East Crestwood Road

EXECUTIVE SUMMARY:

On January 12, 2023, the Planning Commission voted 5-0 to recommend preliminary plat subdivision approval for the Carling Subdivision, located at 97 East Crestwood Road. The Planning Commission placed the condition that the detached shed is modified to meet R-1-6 setback requirements prior to the recordation of the plat.

City Council Options:

1. Approve the preliminary plat subdivision for the Carling Subdivision.
2. Approve the preliminary plat subdivision for the Carling Subdivision with additional conditions.
3. Deny the preliminary plat subdivision based on non-compliance with code.

Staff Recommendation:

Staff recommends the City Council approve the preliminary plat subdivision for Carling Subdivision at 97 East Crestwood Road with the condition that the detached garage meet setbacks prior to recording the subdivision plat.

Fiscal Impact:

N/A

ATTACHMENTS:

1. PC Prelim Carling Subdivision 1.12.23
 2. PC Minutes EXCERPT Carling 1-12-2023
-

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 5, 2023

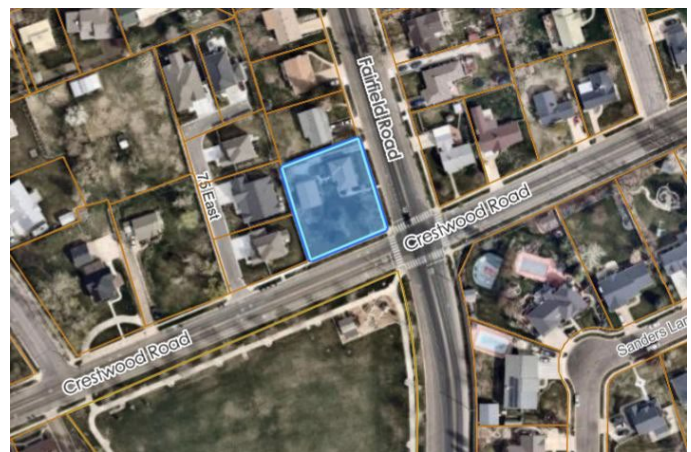
Agenda Item #3: Preliminary Plat Subdivision for the Carling Subdivision located at 97 East Crestwood Road

Meeting Date	January 12, 2023
Application Type	Preliminary Plat for Subdivision
Applicant Owner	Brian Carling
Address Parcel ID Number	97 East Crestwood Road 11-101-0007
Zoning	R-1-6
Lot Size	.34 Acres 14,810 square feet
Current Use	Single family R-1-8
Number of Lots	2
Lot Sizes	7,144 to 7,608 square feet

1. BACKGROUND

Bryan Carling was here a short while ago and was granted an R-1-6 rezone on the subject property by city council on December 15, 2022. Mr. Carling has now submitted a Preliminary Plat for a two-lot subdivision, which meets the frontage, and square footage for the R-1-6 zone.

Mr. Carling's preliminary plat application gives details regarding the anticipated subdivision of the property which is .34 acres.



2. SUMMARY

The subdivision consists of two total lots facing the public street on approximately 399 North Fairfield Road. Lot 1 would be a new 7,144 square foot building lot for single-family home construction. Lot 2 would be a 7,608 square foot for the existing home (which will remain). The

existing property has a detached structure on it which will need to be reduced in size to meet setbacks for the subdivision.

A sign was placed on the property on January 6, 2023.

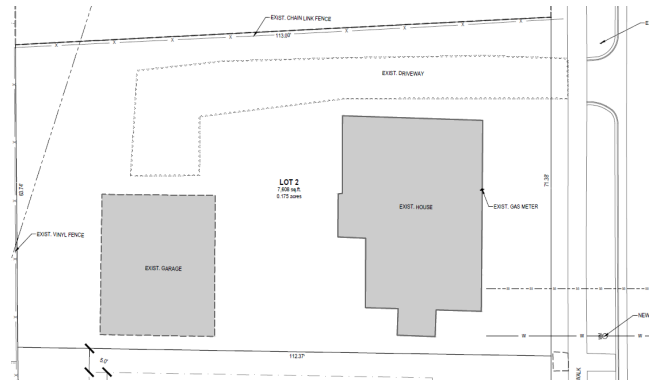
3. RECOMMENDATION

The proposed subdivision is consistent with the anticipated development of the R-1-6 zone. It is in compliance with applicable zoning districts, and proposes a new desirable building lot.

Staff is recommending that the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for Subdivision with the following conditions.

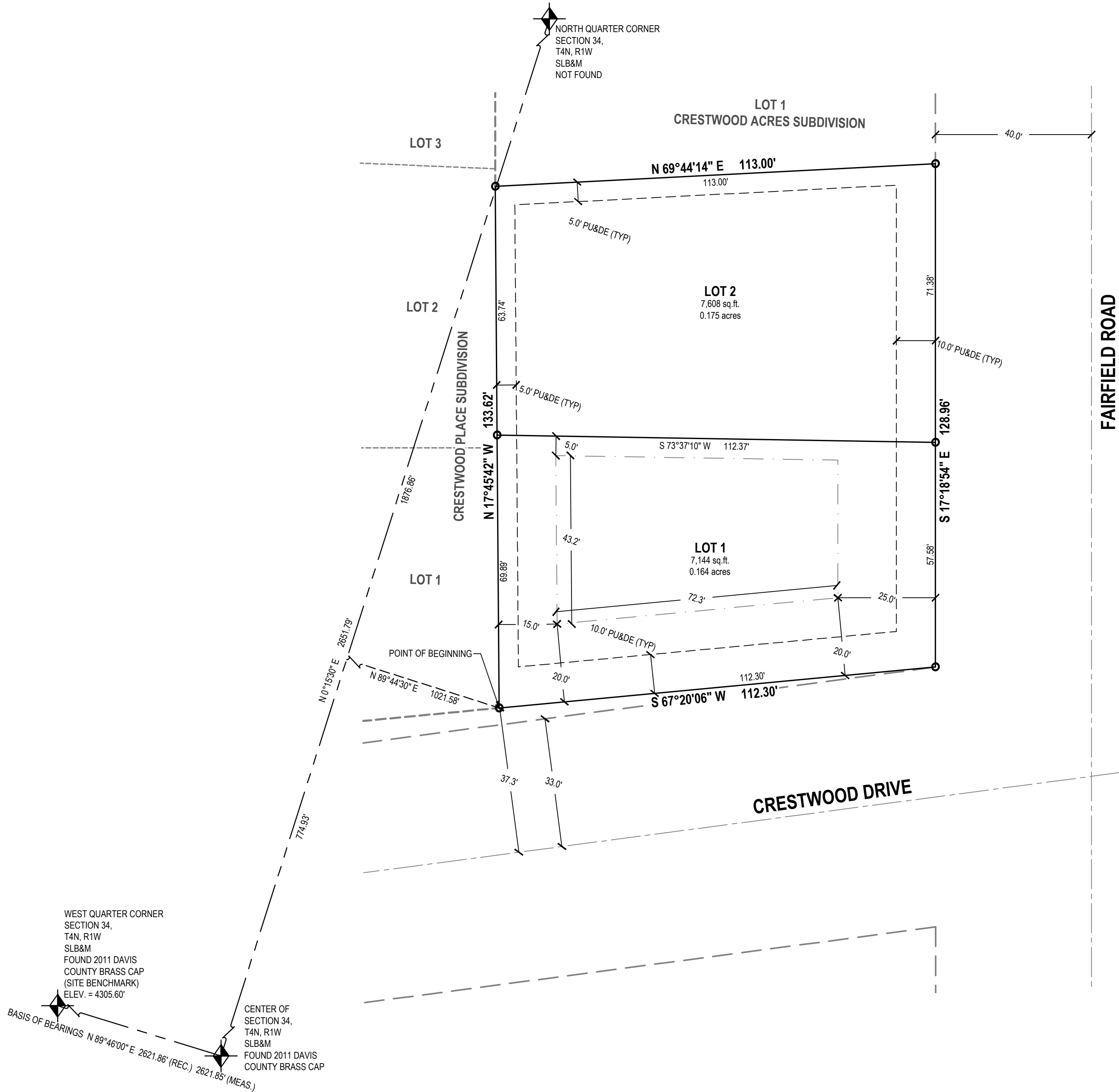
- A. The detached garage be modified to meet setback requirements before the final plat is recorded.

Attachments: Preliminary Plat documents



CARLING SUBDIVISION

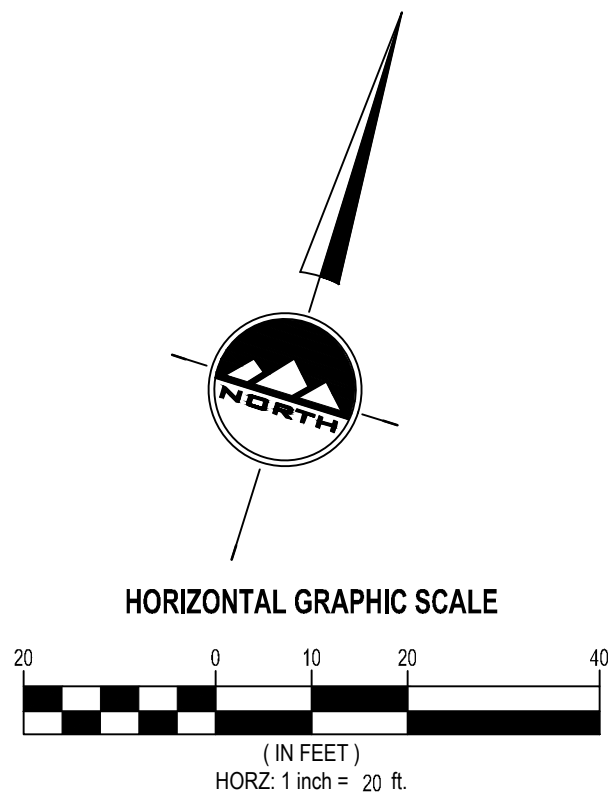
LOCATED IN THE NORTHEAST QUARTER
OF SECTION 34
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH
JANUARY 2023



VICINITY MAP
NO SCALE
KAYSVILLE CITY, DAVIS COUNTY, UTAH

LEGEND

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- PU&DE PUBLIC UTILITY & DRAINAGE EASEMENT
- EASEMENTS



DEVELOPER
BRYAN CARLING
1623 HAIGHT CREEK DRIVE
KAYSVILLE, UTAH 84037
801-815-8824

SURVEY RECORDING DATA

DATE:
-
DRAWING No.
-

SURVEYOR'S CERTIFICATE

I, TRENT WILLIAMS do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 8034679 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as CARLING SUBDIVISION, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area re-quirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Northeast Quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in Kaysville City, Davis County, Utah. Being more particularly described as follows:
Beginning at the Southeast corner of Lot 1, Crestwood Place Subdivision said point being North 00°15'30" East 774.93 feet along the section line and North 89°44'30" East 1021.58 feet from the Center Corner of said Section 34 and running thence:
North 17°45'42" West 133.62 feet along the Easterly line of Crestwood Place Subdivision to the Southwest corner of Lot 1, Crestwood Acres Subdivision;
thence North 69°44'14" East 113.00 feet along the Southerly line of Crestwood Acres Subdivision to the West right-of-way line of Fairfield Road;
thence South 17°18'54" East 128.96 feet along the West right-of-way line of Fairfield Road to the intersection of the right-of-way lines of Fairfield Road and Crestwood Drive;
thence South 69°20'06" West 112.30 feet to the Point of Beginning.

Contains: 17,752 square feet or 0.339 acres.

OWNER'S DEDICATION

We(I) the undersigned owners of the above described tract of land, do hereby set apart and subdivide the same into lots and streets (private streets/private right-of-ways) as shown hereon and name said tract:

CARLING SUBDIVISION

Dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.

Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility and drainage easements with no buildings or structures being erected within such easements.

In witness whereof We(I) have hereto set our hands(s) this _____ day of _____ A.D., 20____.

By: _____ By: _____

By: _____ By: _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
County of Davis

On the _____ day of _____ A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY.

CARLING SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 34
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____ 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
PAGE _____

DAVIS COUNTY RECORDER

BY _____ DEPUTY RECORDER

SHEET 1 OF 1

PROJECT NUMBER : 11964
MANAGER : T.WILLIAMS
DRAWN BY : J.MOSS
CHECKED BY : T.WILLIAMS
DATE : 12/19/22



LAYTON
919 North 400 West
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315
WWW.ENSIGNENG.COM

SALT LAKE CITY
Phone: 801.255.0529
TOOELE
Phone: 435.843.3590
CEDAR CITY
Phone: 435.365.1453
RICHFIELD
Phone: 435.886.2983

CITY ATTORNEY'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY ATTORNEY

KAYSVILLE CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: CITY PLANNING COMMISSION APPROVAL

CHAIRMAN, KAYSVILLE CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY ENGINEER

KAYSVILLE CITY ENGINEER

CITY COUNCIL APPROVAL

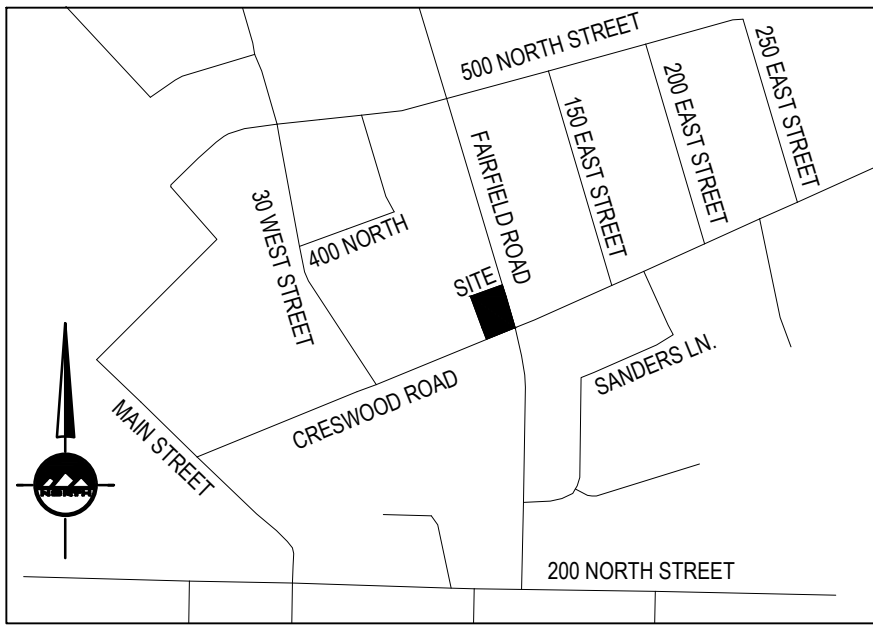
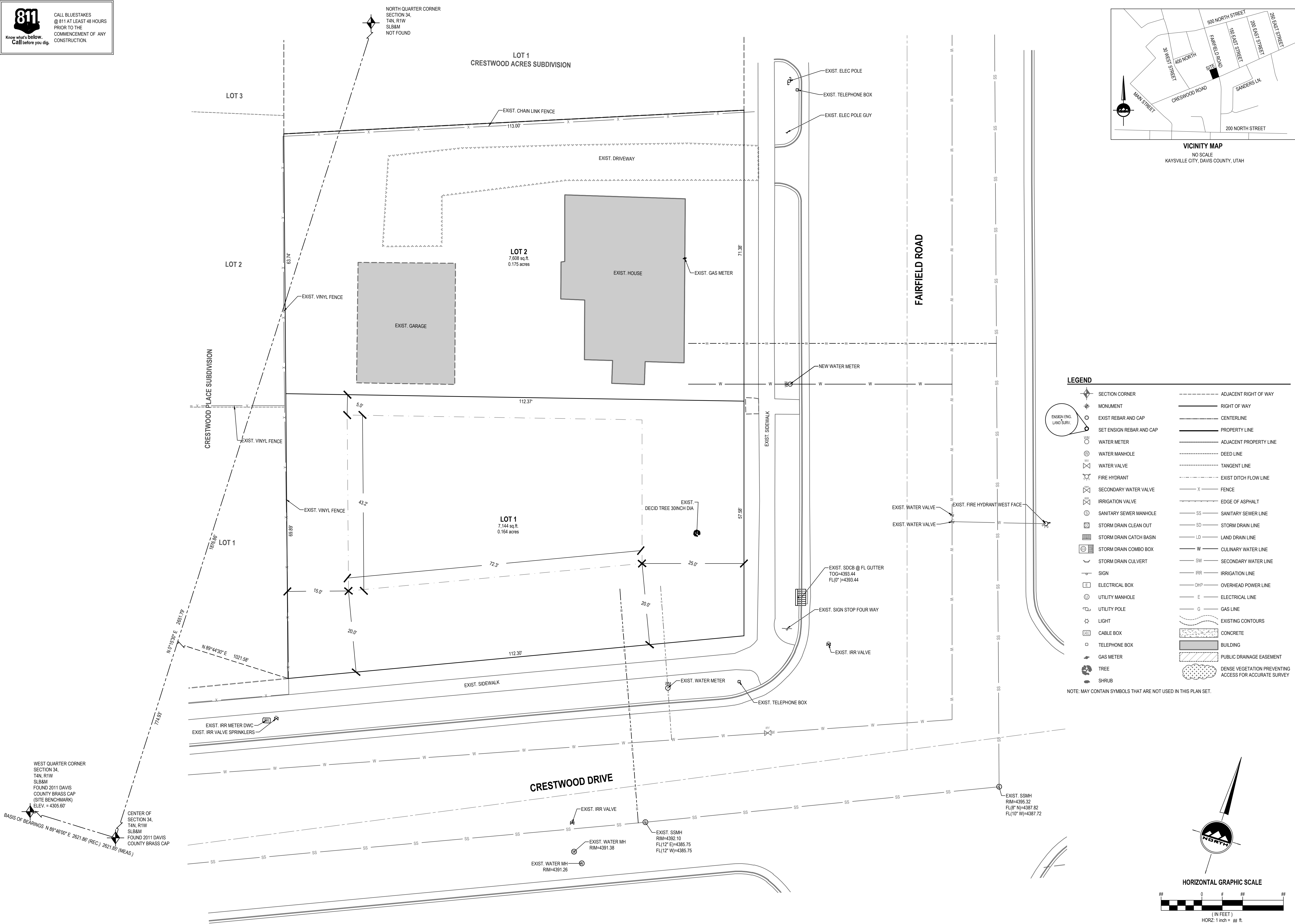
APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY COUNCIL

CITY RECORDER CITY MAYOR

811

Know what's below.
Call before you dig.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.



EN SIGN

THE STANDARD IN ENGINEERING

LAYTON

919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SANDY

Phone: 801.255.0529

TOOELE

Phone: 435.843.3590

CEDAR CITY

Phone: 435.865.1453

RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
BRYAN CARLING
97 E CRESTWOOD ROAD
KAYSVILLE, UT 840373
CONTRACT:
PHONE:

CARLING PROPERTY

97 EAST CRESTWOOD ROAD
KAYSVILLE, UTAH

SITE PLAN

PROJECT NUMBER
11964
PRINT DATE
12/27/22
DRAWN BY
C.ROMER
CHECKED BY
T. WILLIAMS
PROJECT MANAGER
T. WILLIAMS
C-100



**Kaysville City Planning Commission Meeting Minutes
January 12, 2023**

The Planning Commission meeting was held on January 12, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Barrus, Commissioners Lyon, Branch, Sundloff, and Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Brian Carling and City Councilmember Abbigail Hunt

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the January 12, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE DECEMBER 8, 2022 PLANNING COMMISSION MEETING

Commissioner Lyon made a motion to approve the minutes from the December 8, 2022 meeting and Commissioner Branch seconded the motion. All voted in favor of approving the minutes (5-0).

3- PRELIMINARY PLAT SUBDIVISION APPROVAL FOR THE CARLING SUBDIVISION LOCATED AT 97 EAST CRESTWOOD ROAD

Introduced by: Melinda Greenwood

Ms. Greenwood introduced the subdivision by sharing information about the property at 97 East Crestwood Road. She said the property had been rezoned from R-1-8 to R-1-6 in December 2022. She showed images of the property from an aerial view and the preliminary plat that was submitted. She stated that engineering has reviewed the plat and it meets code requirements. She informed them that staff recommends the Planning Commission forward and approval recommendation to the City Council with the following condition: The detached garage be modified to meet setback requirement before the final plat is recorded.

Commissioner Sommerkorn asked how much the detached garage needs to be modified.

Applicant Brian Carling approached the Commissioners and said it will either need to be modified by removing two or four feet of the structure.

Commissioner Lyons made a motion to approve the preliminary plat with the conditions that the detached garage be modified to meet setback requirements before final plat is recorded and the motion was seconded by Commissioner Sommerkorn. The motion was approved unanimously (5-0).

CITY COUNCIL STAFF REPORT



MEETING DATE: May 4, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: An Ordinance Enacting a new Section of City Code 17-5 Water Efficient Landscape Standards (Tabled Item)

EXECUTIVE SUMMARY:

This item was deliberated by the City Council at the April 13, 2023 meeting. The Council asked staff to make revisions and bring a new draft back for consideration. Based on concerns discussed during the previous City Council meeting, staff has simplified the ordinance by:

- Removing portions regarding completion and bonding
- Removing the requirement of a licensed professional to design landscaping
- Eliminated the portion requiring the submittal of a landscape plan
- Reorganizing the ordinance so it is easier to follow.

Staff has confirmed with Weber Basin Water Conservancy District (WBWCD) that this simplified version of the ordinance will meet both State and WBWCD requirements for Kaysville residents to be eligible for reimbursement for turf removal programs.

The ordinance has also been changed to state that smart irrigation controllers shall be installed. This is above and beyond what the State and WBWCD would require, but the benefits of a smart controller outweigh the marginal cost difference between a regular controller and a smart controller.

WBWCD would *prefer* the ordinance limit turf in the entirety of the landscaped area to 35%, including the rear yard. Staff presents this option as consideration if the Council would so choose. If the Council doesn't opt for this additional limitation, the ordinance will still meet State and WBWCD eligibility requirements for reimbursement for turf removal programs.

Staff recommends approval of the draft ordinance.

City Council Options:

1. Approve the proposed ordinance as presented.
2. Approve the proposed ordinance with the inclusion of limiting rear yard turf to 35%.
3. Approve the proposed ordinance with other modifications.

4. Deny the proposed ordinance.

Staff Recommendation:

Staff recommends the City Council approve the enactment of KCC 17-5 Water Efficient Landscape Standards as presented.

Fiscal Impact:

N/A

ATTACHMENTS:

1. KCC Ordinance 17-5 Waterwise Landscaping Draft Clean
 2. KCC Ordinance 17-5 Waterwise Landscaping REDLINES
-

EXHIBIT A

17-2-2 Definitions

Bioswale – A landscape feature that is usually an elongated depression in the land surface that is seasonally wet, is usually vegetated, and is normally without flowing water. Swales direct stormwater flows into drainage channels and allows stormwater to percolate into the ground.

Hardscape - Durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

Landscaped area - Improved areas of the property that make up landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

Landscape - A combination of living vegetation and hardscape and may be a combination of turf, plant cover and xeriscape.

Mulch - Any material such as rock, bark, or wood chips that is left loose and applied to the soil.

Park strip - A typically narrow landscaped area located between the back-of-curb and sidewalk.

Smart automatic irrigation controller - An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.

Turf - A surface layer of earth containing grass species with full root structures that are maintained as mowed grass. Grass and lawn are considered turf.

Xeriscape - A style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

Title 17 Chapter 5 Water Efficient Landscape Standards

17-5-1 Purpose

17-5-2 Prohibited Watering Practices

17-5-3 Applicability

17-5-4 Landscaping Standards

17-5-5 Irrigation Design Standards

17-5-6 Owner's Association Restrictions

17-5-7 Enforcement and Penalties

EXHIBIT A

17-5-1 Purpose

The purpose of this chapter is to support the State of Utah, Weber Basin Water Conservancy District, secondary water providers and other water stakeholders in the responsible use of water. Kaysville city desires to protect currently allocated water resources for existing users and define appropriate uses for landscaping and watering practices. Adoption of these standards will provide residents with eligibility for reimbursement programs and incentives to retrofit existing landscaping with water wise landscaping.

The responsible use of water and corresponding landscaping regulations will allow the city to grow in patterns which are more sustainable. These efforts will protect the public's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.

The City highly encourages all property owners to retrofit existing landscaping to come into compliance with all standards in this chapter.

17-5-2 Prohibited Watering Practices

Wasteful use of water, including but not limited to the following, is prohibited on all properties within the city as regulated by [KCC 9-4-1 Water](#).

1. Irrigating any landscape between the hours of 10:00 am and 6:00 pm.
2. Using culinary water for irrigation where irrigation water is available through an irrigation company or secondary water service district.
3. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.
4. Watering in violation of regulations and restrictions set forth during drought periods.

17-5-3 Applicability

The remaining sections of this chapter shall apply to:

1. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.
2. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

17-5-4 Landscaping Standards

The following general standards apply.

Commented [MG1]: 9-4-17 Water Use Time Restrictions

No outside use of culinary or secondary water shall be allowed between the hours of 10:00 AM and 6:00PM unless otherwise directed in writing by the public works director or specific water provider. This restriction shall not include supervised hand watering. This shall not have any effect on any entity covered by agricultural zoning designations.

Commented [MG2]: 9-4-15-2-b Cross Connection Control And Backflow Prevention

Where pressure irrigation is available, no connection of an irrigation system to a culinary water service shall be allowed. Dual, or "swing", connections that allow for switching use back and forth between City culinary water and any other water source are prohibited.

Commented [MG3]: 9-4-6 Waste Of Water Prohibited

It shall be unlawful for any water user to waste water, or to allow it to be wasted, by imperfect stop-taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or wastefully to run water from hydrants, faucets or stops or through basins, water closets, urinals, sinks, or other apparatus, or to use the water in violation of the rules and regulations for controlling the water supply.

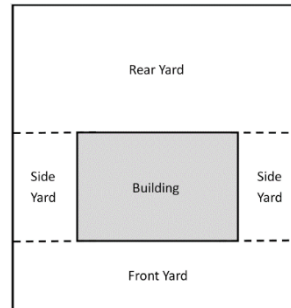
Commented [MG4]: 9-4-10 Water Shortage

The City Council may, by resolution, regulate, restrict or limit the use of water during water shortage periods and shall have the power to take all necessary means and make any necessary regulations as circumstances may require to protect the users of the City water.

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1. Turf, Grass or Lawn.

- a. Turf, grass or lawn shall not be placed in:
 - i. Any area with a width of less than 8 feet, including park strips.
 - ii. Any area with a grade greater than 25%.
 - iii. Parking lot landscaping.
- b. Residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.
- c. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped. Designated active recreation areas are not included in this total.
- d. In areas where secondary water is not available, no more than 10% of the landscaped area shall be turf.
- e. Developers and owners are encouraged to limit rear yard turf areas to a maximum of 35% of the total combined area.



2. **Plant Selection.** Plants shall be well-suited to the microclimate and soil conditions at the landscape site. Native and locally-adapted plants are acceptable. For irrigating efficiencies, plants with similar water needs shall be grouped together as much as reasonably practicable.
3. **Tree Selection.** Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance.
4. **Mulch.** All irrigated non-turf areas shall be covered with a minimum 3 inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. The City strongly recommends rock mulch over bark or wood. Non-porous material shall not be placed under the mulch.
5. **Bioswales.** Park strip areas may be utilized as bioswales, and are recommended in commercial, industrial and HOA common areas.

17-5-6 Irrigation Design Standards

The following irrigation design standards are strongly recommended for all landscape projects.

1. **Irrigation Controller.** Landscaped areas should utilize a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.
2. **Irrigation valves** should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.

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3. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
4. Turf and non-turf areas should be irrigated on separate valves.
5. Drip emitters and sprinklers should be placed on separate valves.

17-5-7 Owner's Association Restrictions

Owner's Associations shall not adopt or enforce regulations which prohibit or restrict compliance with this chapter or other water conservation measures.

17-5-8 Enforcement and Penalties

The Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.

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17-2-2 Definitions

Bioswale – A landscape feature that is usually an elongated depression in the land surface that is seasonally wet, is usually vegetated, and is normally without flowing water. Swales direct stormwater flows into drainage channels and allows stormwater to percolate into the ground.

"Hardscape - D" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

"Landscaped area - " means improved areas of the property that make up the landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

"Landscape - " means a combination of living vegetation and hardscape and may be a combination of turf, plant cover and xeriscape.

"Mulch - " means any material such as rock, bark, or wood chips that is left loose and applied to the soil.

"Park strip - " means a typically narrow landscaped area located between the back-of-curb and sidewalk.

"Smart automatic irrigation controller - " means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.

"Turf - A" means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass. Grass and lawn are considered turf.

"

Xeriscape - " is a style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

Title 17 Chapter 5 Water Efficient Landscape Standards

17-5-1 Purpose

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- 17-5-~~3-2~~ Prohibited Watering Practices
- 17-5-~~2-3~~ Applicability
- 17-5-4 ~~General Landscaping~~ Standards
- ~~17-5-5 Landscape Design Standards~~
- 17-5-~~6-5~~ Irrigation Design Standards
- ~~17-5-7 Landscape and Irrigation Plans Required~~
- ~~17-5-8 Completion of Improvements~~
- 17-5-~~9-6~~ ~~Homeowner's~~ Association Restrictions
- 17-5-~~11-7~~ Enforcement ~~And and~~ Penalties

17-5-1 Purpose

The purpose of this chapter is to support the State of Utah, Weber Basin Water Conservancy District, secondary water providers and other water stakeholders in ~~endeavors regarding~~ the responsible use of water. Kaysville city desires to protect currently allocated water resources for existing users and define appropriate uses for landscaping and watering practices. ~~in areas of the community which are actively developing and redeveloping.~~ Adoption of these standards will provide residents with eligibility for reimbursement programs and incentives to retrofit existing landscaping with water wise landscaping.

The responsible use of water and corresponding landscaping regulations will allow the city to grow in patterns which are more sustainable. ~~In the long term, these efforts will protect the public's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.~~

The City highly encourages all property owners to retrofit existing landscaping to come into compliance with ~~the all~~ standards in this chapter.

17-5-2 Prohibited Watering Practices

Wasteful use of water, including but not limited to the following, is prohibited on all properties within the city ~~as regulated by KCC 9-4-1 Water.~~

1. Irrigating any landscape between the hours of 10:00 am and 6:00 pm.
2. Using culinary water for irrigation where irrigation water is ~~provided available through by an an~~ irrigation ~~company~~ or secondary water service district.
3. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.
4. Watering in violation of regulations and restrictions set forth during drought periods.

17-5-3 Applicability

The remaining sections of this chapter shall apply to:

1. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.

Commented [MG1]: 9-4-17 Water Use Time Restrictions

No outside use of culinary or secondary water shall be allowed between the hours of 10:00 AM and 6:00PM unless otherwise directed in writing by the public works director or specific water provider. This restriction shall not include supervised hand watering. This shall not have any effect on any entity covered by agricultural zoning designations.

Commented [MG2]: 9-4-15-2-b Cross Connection Control And Backflow Prevention

Where pressure irrigation is available, no connection of an irrigation system to a culinary water service shall be allowed. Dual, or "swing", connections that allow for switching use back and forth between City culinary water and any other water source are prohibited.

Commented [MG3]: 9-4-6 Waste Of Water Prohibited

It shall be unlawful for any water user to waste water, or to allow it to be wasted, by imperfect stop-taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or wastefully to run water from hydrants, faucets or stops or through basins, water closets, urinals, sinks, or other apparatus, or to use the water in violation of the rules and regulations for controlling the water supply.

Commented [MG4]: 9-4-10 Water Shortage

The City Council may, by resolution, regulate, restrict or limit the use of water during water shortage periods and shall have the power to take all necessary means and make any necessary regulations as circumstances may require to protect the users of the City water.

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2. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50%.

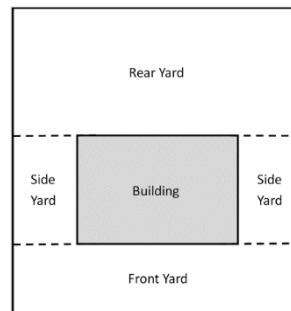
In addition to the foregoing, these landscaping standards are not intended to conflict with other landscaping requirements as defined by Utah law or other sections of the Kaysville City Code, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these landscaping standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

17-5-4 General Landscaping Standards

The following general standards apply:

1. Turf, Grass or Lawn.

- a. Turf, grass or lawn shall not be placed in:
 - i. ~~A~~ any area with a width of less than 8 feet, including park strips.
 - i. ~~Any~~.
 - ii. ~~Turf, grass or lawn shall not be placed in any area~~ area with a grade greater than 25%.
 - ii.iii. ~~Parking lot landscaping.~~
- b. Residential developments shall not have more than 35% of the total combined area of the front and side yards landscaped with turf, grass or lawn.



- ~~b. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area excepting the following:~~
 - i.c. ~~Designated active recreation areas are not included in this total.~~
 - ii.d. ~~In areas where secondary water is not available, no more than 10% of the landscaped area shall be turf.~~
 - e. ~~Developers and owners are encouraged to limit rear yard turf areas to a maximum of 35% of the total combined area.~~
 - ~~c.f. Commercial, industrial, institutional, multi-family developments and HOA common areas shall not have turf exceed 15% of the total landscaped area excepting the following:~~
 - i. ~~Designated active recreation areas are not included in this total.~~
 - ii. ~~In areas where secondary water is not available, no more than 10% of the landscaped area shall be turf.~~
2. ~~Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the city's Municipal Code.~~
 3. ~~Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.~~

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17-5-5 Landscape Design Standards

The following landscape design standards are required for all applicable properties described in 17-5-3 and strongly encouraged for all landscaped areas. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

~~4.—~~

5. Turf, Lawns and Grass

6. Residential. Turf areas located in the front and side yards of residential areas shall not exceed 35% of the total landscaped area on residential properties. Developers and owners are encouraged to limit back yard turf areas to a maximum of 35%.

~~7.—~~

8. Non-residential. Turf area shall not exceed 15% of the total landscaped area on non-residential or mixed-use properties, or 10% if secondary water is not available.

~~9.—~~

10. All Development. ~~No turf shall be planted in park strips, areas less than 8 feet wide, parking lot landscaping, or on slopes greater than 25%.~~

~~11.—~~

12. Park Strips Park strip areas may be designed as bioswales, and are especially recommended in commercial, industrial and HOA common areas.

~~13.—~~

14. Plant Selection.

~~15.2.~~ Plants shall be well-suited to the microclimate and soil conditions at the landscape site ~~be selected for various landscape situations and conditions and be well-suited to the microclimate and soil conditions at the project site.~~ Both ~~N~~ native and locally-adapted plants are acceptable. ~~For irrigating efficiencies, p~~Plants with similar water needs shall be grouped together as much as reasonably practicable. ~~(Visit weberbasin.com for a list of recommended water-conserving plants.)~~

3. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance.

4. Mulch. All irrigated non-turf areas shall be covered with a minimum 3 inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. The City strongly recommends rock mulch over bark or wood. Non-porous material shall not be placed under the mulch.

~~16.~~ Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.

~~17.—~~

~~**Tree Selection.** Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. (See city website for a list of general recommendations and trees prohibited in park strips.)~~

5. Bioswales. Park strip areas may be utilized as bioswales, and are recommended in commercial, industrial and HOA common areas.

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A. Mulch. After completion of all planting, all irrigated non-turf areas should be covered with a minimum 3 inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. The City recommends rock mulch over bark or wood. Non-porous material shall not be placed under the mulch.

17-5-6 Irrigation Design Standards

The following irrigation design standards are ~~strongly encouraged~~ apply for all landscape projects.

1. Irrigation Controller. Landscaped areas ~~should~~ shall be provided with utilize a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.
- ~~2.~~
- ~~3.~~ 2. Irrigation valves ~~should~~ should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.
- ~~4.~~ 3. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
- ~~5.~~ 4. Turf and non-turf areas should be irrigated on separate valves.
- ~~6.~~ 5. Drip emitters and sprinklers should be placed on separate valves.

~~Irrigation Design: Irrigation systems shall be designed by personnel certified by the Irrigation Association.~~

~~Maintenance staff shall be certified by the Irrigation Association as either Certified Irrigation Contractors or Certified Irrigation Technicians.~~

17-5-7 Landscape and Irrigation Plans Required

~~For applicable properties, these standards take effect when building permits are required. A landscape and irrigation plan shall be provided to the city for review as part of the building permit application package.~~

17-5-8 Completion of Improvements

~~All required landscaping improvements shall be completed as follows.~~

- ~~A. Commercial, developer, industrial, and public facility projects shall be completed prior to issuance of a certificate of occupancy. A performance bond or cash deposit, in an amount estimated by staff as equivalent to the cost of the required landscaping, may be required to assure installation of required landscaping within the time prescribed in this section.~~
- ~~B. Individual residential projects shall be completed within one year, but no later than October 31 of the year following completion of building construction.~~
- ~~C. If the installation of any landscaping improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, an extension of up to 9 months may be granted by the~~

EXHIBIT A

~~land use administrator or designee for good cause shown.~~

17-5-9-7 Homeowners' Association Restrictions

~~No Homeowner's Association shall not adopt or enforce document's regulations that govern the operation of a common interest development which shall:~~

~~Require the use of any uniform plant material requiring overhead spray irrigation in landscaped areas less than 8 feet wide or in other areas that exceed 35% of the landscaped area;~~

~~Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or~~

~~Have the effect of prohibiting or restricting prohibit or restrict compliance with this chapter or other water conservation measures.~~

17-5-12-8 Enforcement and Penalties

The Community Development Director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.