

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.