

KAYSVILLE CITY COUNCIL
July 20, 2023

Minutes of a regular Kaysville City Council meeting held on July 20, 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: City Manager Jaysen Christensen, Finance Director Dean Storey, City Attorney Nic Mills, Community Development Director Melinda Greenwood, Administrative Assistant Mindi Edstrom, Information Systems Manager Ryan Judd, Assistant Police Chief Seth Ellington, Police Lt. Paul Thompson, Police Lt. Preston Benoit, Police Officer Chris Ransom, Parks and Recreation Director Cole Stephens, Cash Receipting Clerk Cheryl Weight, Laurene Starkey, Marissa Loertscher, Kathy Christensen, Tony Christensen, Quincy Loertscher, Allison Hopkin, Carter Little, Jacob Christensen, Luis Sanabria, Jace Ludwig, Tristan Olson, Tiberius Vannoy, Martin Gunnerson, Ingrid Sanabria, Andrew Branto, Dustin Hopkin, Jim Ludwig, Paul Frandsen, Katie Ransom, Bremer Frandsen, Lori Frandsen, Emily Rodriguez, Kim Lee, Cheryl Tarbet, Sara Cox, Ellen Peterson, Don Anderton, Nate Anderton, Dalane England

OPENING

Council Member Jackson opened the meeting with a thought and a prayer, and led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Laurene Starkey said that she was celebrating that the Bible was put back into local schools. Mrs. Starkey also commented the Planning Commission recently reviewed a proposed rezone that would allow a hotel to be built in the city, but it was tabled for further review. Her husband has since been gathering information about what kind of water and electrical usage a potential hotel would have, and they have concerns about it. Mrs. Starkey said she is also concerned about the proximity this hotel would have to the area designated in the city for SOB uses. The street this would be located on, 400 West, is already congested and the council needs to consider if they want to add this to our city where we consider ourselves to have a small-town feel. Mrs. Starkey thanked the council for their efforts in taking the time to listen and to consider what your constituents and residents feel.

PRESENTATIONS AND AWARDS

SWEARING-IN OF NEW POLICE OFFICER, CHRIS RANSOM

Assistant Police Chief Seth Ellington introduced Chris Ransom as their newest police officer, and said that he had been working for Salt Lake County for over six years.

Administrative Assistant Mindi Edstrom administered the Oath of Office to Officer Chris Ransom.

EMPLOYEE OF THE QUARTER AWARD

Finance Director Dean Storey explained that the city had a program for city employees where they are given the opportunity to nominate one of their peers for Employee of the Quarter. Cheryl Weight was nominated as Employee of the Quarter. She has worked as a cash-receipting clerk for the city for about fourteen years and we are grateful to have her as part of the city. Cheryl is always willing to take on new projects or help with any events where asked, and is a hard worker.

FREEDOMS LIGHT FOUNDATION PRESENTATION

Dalane England, with Freedoms Light Foundation, said that earlier this year Representative Stratton sponsored House Bill 179 that designates the month of September as American Founders Month. It is a great way to be able to celebrate our Constitution. As part of this, their group, Freedoms Light Foundation, decided to hold the Freedoms Light Festival as a way to celebrate and educate about the Constitution. They are also asking local cities and schools to do something through the month of September to learn more about the Constitution. The Festival will be a way for their group to try to recreate colonial America. The festival will be held at Bountiful Park on Saturday 14-16, 2023. They have many different activities, games, music and food planned that everyone will be able to participate in.

PRESENTATION OF LIBRARY ENDOWMENT EXPENDITURES

Ellen Peterson, with the Davis County Library, explained that Kaysville City has an endowment fund specifically for the Kaysville library and the city council serves as the endowment board for that Allen and Kay Blood Endowment Fund. Last year, the endowment board graciously allowed them to use \$20,000 of the fund to enhance their library branch. Ms. Peterson explained that she was here tonight to present how the funds were spent. The majority of the funds went towards children's materials, as that is what is used the most in our library system. As formats continue to change, electronic formats are becoming more popular so they were able to add more e-audio to their library over the last year as well.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Approval of Minutes of the May 5, 2023 Work Session.
- b) Approval of Minutes of the May 10, 2023 Work Session.
- c) Approval of Minutes of the May 18, 2023 Meeting.
- d) Approval of Minutes of the June 1, 2023 Meeting.
- e) Approval of Minutes of the June 15, 2023 Meetings.
- f) A Resolution to approve a Cooperative Agreement with the Utah Division of Forestry, Fire and State Lands.
- g) Award of Contract for Janitorial Maintenance Services.

- h) An Ordinance vacating the City's interest in certain public utility easements in Charly's Acres #2 Third Amended Subdivision.

The motion was seconded by Council Member Oaks.

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

AN ORDINANCE AMENDING SECTION 17-24 "FARM ANIMALS" OF THE KAYSVILLE CITY CODE TO ALLOW CHICKENS, DUCKS AND SIMILAR ANIMALS IN THE R-1-6 ZONE AND ON TWIN-HOME PARCELS

Community Development Director Melinda Greenwood explained that recently the Loerttscher's submitted a text amendment application to amend current city code to allow for rabbits, ducks, chickens and similar fowl on properties zoned R-1-6 and on twin-home parcels. The reason for the text amendment application is because the Loerttscher's had contacted the city about keeping ducks on their property, which is a twin-home located on approximately 5,600 square feet of land. The existing code does not allow for farm animals on properties under 8,000 square feet. Staff did some research into the request and found that it was supportable. At their June 22, 2023 Planning Commission meeting, the Commission held a public hearing and received one comment from a resident who would like to have an allowance included so additional animals could be allowed if the animals were pygmy sized. The Planning Commission discussed the item and recommended that the ordinance be amended to require a minimum of 500 square feet for each fowl, rabbit or similar animal and that they be allowed on lots as small as 4,000 square feet. The Planning Commission voted 7-0 to recommend the City Council approve the proposed changes.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Adams asked about roosters.

Mayor Tran responded that roosters are not allowed in residential zones.

Council Member Adams made a motion to approve an Ordinance to amend Section 17-24 "Farm Animals" of the Kaysville City Code to allow chickens, ducks and similar animals in the R-1-6 zone and on twin-homes. The motion was seconded by Council Member Hunt.

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.

AN ORDINANCE AMENDING 17-33 “SIGN REGULATIONS” OF THE KAYSVILLE CITY CODE TO MAKE MINOR CHANGES TO THE LANGUAGE, AND TO RESTRICT HEIGHTS OF SIGNS ALONG THE WEST DAVIS CORRIDOR

Community Development Director Melinda Greenwood explained that at their June 22, 2023 meeting, the Planning Commission was presented with an item regarding changes to city code Section 17-33 for sign regulations. This item had been discussed earlier in the year by both the City Council and the Planning Commission, and at that time, both bodies asked Staff to look at best practices for signage along scenic byways, and return with a recommendation. City staff polled various communities that had scenic byways through their boundaries, and did not find any information regarding limitation of height along such corridors. Based on the lack of information, Staff proposed minimal changes to the ordinance, including some housekeeping items and limiting sign heights on the west side of the West Davis Corridor, which will help protect the Great Salt Lake view shed to the west. Development to the east of the scenic byway allows building heights that are equal to or higher than the proposed sign height limits. The Planning Commission discussed the ordinance and voted 7-0 to recommend the City Council approve the proposed changes. No comments were received during the public hearing. However, Staff included citizen comments from earlier meetings in the council packet.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Hunt said that most of the properties on the east side are residential so there will not be many instances where signs will be considered.

Council Member Jackson said that it has been mentioned that a precedence has not been set for signs along scenic byways. Council Member Jackson asked why there would only be limitations set for the west side of the byway. What determines a road as a scenic byway?

Melinda Greenwood responded that scenic byways are designated by UDOT. It is also a federal highways designation, but it is left up to each state to determine. A view shed is located along the Corridor and is trying to be protected. The Legacy Highway is considered a scenic byway and the byway is being continued north with the construction of the West Davis Corridor.

Council Member Adams commented that many neighbors attended the public meeting where the Kum & Go Convenience Store subdivision was discussed. Some of those neighbors had concerns about a twenty-five foot lighted sign being installed for the store. Council Member Adams said that he thought it seemed that the council had given the neighbors the impression in that meeting that the sign would be restricted to eight feet in height. Council Member Adams said that,

therefore, he does not feel like he could vote in favor of approving this ordinance because it seems that the Council had implied that they would not allow thirty-foot signs east of the West Davis Corridor.

Mayor Tran said that there was a question on the timing of the Kum & Go permit application.

Council Member Blackham said that the store could construct a thirty-five foot building and then build a sign taking up 25% of each wall of their building, and still comply with the city's sign ordinance. It would be less evasive to have them build a taller sign located closer to the street. Kum & Go need to be able to advertise their business and their gas prices. We need to help our commercial businesses succeed in Kaysville. The area where Kum & Go will be located has been zoned for commercial use for over twenty years. It became evident that a commercial business would be built here when the West Davis Corridor was proposed. If the city were to only allow eight-foot tall signs to be built here, it would be difficult for anyone traveling on the West Davis Corridor to be able to see their signage. A similar situation will likely occur at the West Davis Corridor interchange on Shepard Lane because it is likely that a convenience store will be proposed for that area as well. Convenience stores are services that need to be provided for our residents, and freeway interchanges are the best locations for them.

Council Member Oaks said that he recalled the discussion the council had about eight-foot tall signs at the Kum & Go location, but he did not like the idea of restricting the sign height for the convenience store. Allowing for taller signs will make it easier for those traveling along the West Davis Corridor to be able to see what services are being offered. Their sign will not be blocking any scenic byway because it is not in the sight lines for homes.

Council Member Jackson said that he feels that because of comments made during the Kum & Go discussion, he also made a commitment to the neighbors to restrict the sign height. While this property has been zoned for commercial use for a long time, there may have been mistakes made a long time ago in regards to how this was zoned. If you drive on Legacy Highway, you will not see any signs along there. There are many signs along I-15, but that is one of the main freeways for the state and it is traveled by both locals and people from out of state. The West Davis Corridor will likely be mostly used by residents, and with time, people will be aware of where gas stations are located along the highway. To be considered a scenic byway, there should be as much of a view of the mountains as there is of the wetlands and the Great Salt Lake. Council Member Jackson asked about how principal arterial streets are classified.

Melinda Greenwood said that Chapter 8 of the city's code defines what the city's arterial streets are. The city's sign code is based off proximity to these arterial streets. When UDOT first started to design the West Davis Corridor, they used the same numbering as they did for Legacy Highway, which was State Route 273. That number has since changed to State Route 177, and that change will be reflected in the city's code. There are a variety of reasons why Staff felt it was justified to leave the allowance of a thirty-foot sign. One of those reasons is because commercial building heights in this zone are allowed to be up to thirty-five feet. Residential homes are allowed to be up to thirty-feet. The grade of the Corridor will be about twenty-five feet above grade. It is reasonable to think that if you restrict Kum & Go, and any other business, to shorter signage, those signs are less likely to be visible and will therefore restrict advertising for these businesses. With a scenic byway designation, the Corridor will not be allowed to have blue logo signs advertising what services are offered ahead. This also restricts the advertising for these businesses. Because

of this property's proximity to the highway, it is justified that they be allowed a thirty-foot sign. In addition, in order to maintain the integrity of how land use is supposed to work with text amendments, it would not be appropriate for the council to give directive to the Planning Commission as to an outcome.

Council Member Hunt said that when we are talking about preserving view sheds, a twenty-five foot sign is not going to be any taller than the grade of the actual overpass. By forcing it to be smaller, we will not be preserving a view shed, if that is our intent by putting in restrictions.

Mayor Tran said that, as it has been mentioned, this property has been zoned for commercial long before the school or the neighborhoods were built in this area. It has always been the intention of the city to have a convenience store here, because the city knew that eventually the Corridor would be built. A convenience store is a permitted use for this zone and gas stations traditionally have tall signs to advertise. The city has tried to work with developer as much as we could to make concessions to help the residents, and the developer did. Mayor Tran said that she could understand how some neighbors may have left the Kum & Go discussion feeling like the city was going to do whatever we could do for them, and that is exactly what we did. The city has done our due diligence and have held many meetings between both the property owner and the neighbors. There are many other gas stations in the city and it would be unfair of us to limit this one in this location.

Council Member Oaks made a motion to approve an Ordinance amending 17-33 "Sign Regulations" of the Kaysville City Code to make minor changes to the language and to restrict heights of signs along the West Davis Corridor. The motion was seconded by Council Member Blackham.

Council Member Adams said that he felt that in the previous council meeting, the council had made a recommendation directed to the Planning Commission that the Kum & Go sign be limited to eight feet. At the end of that meeting, it was suggested that the recommendation did not matter because the applicant had already submitted their building plans to the city, meaning that Kum & Go were already vested. Council Member Adams said that he had then asked the City Attorney if Kum & Go would truly be considered as vested because they had not actually submitted an application specifically for the sign permit. Initially the Attorney thought that they were vested but then after looking deeper into it, he found that they were not vested because they had not completed a sign permit. Council Member Adams said that he felt that the council had told the neighbors that they would tell Kum & Go to change their sign, but then they found out they weren't vested and there was a lot of confusion and nothing seemed to change.

The vote on the motion was as follows:

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

The motion passed with a motion of three to two.

COUNCIL MEMBER REPORTS

Council Member Oaks commented that he had seen what other cities have been doing with their RAMP funds, and he is excited to see what is being done now with RAMP funds, and what will be done for the community in coming years.

Council Member Hunt said that she was able to go on the Weber Basin Watershed tour, and felt it interesting to see how things have changed since she went on the tour two years ago when there was nothing in our reservoirs. It was great to see water in our reservoirs and overflowing from the spillways. Council Member Hunt said that she had a meeting earlier that day with the Land, Water and Air Board, and while it was great to see water in our reservoirs, there is still a lot that needs to be done with water conservation efforts.

Council Member Adams said that the construction on the Wilderness Park parking lot and trailhead project should be completed by the end of the month. The project was partially funded with RAMP funds.

Council Member Blackham said that the Mosquito Abatement District is trying hard to keep mosquitos in our area down. They had just found their first case of West Nile virus in one of their mosquito pools, which is early in the season for our area. There have been no recorded human cases yet this year. The Mosquito Abatement makes a huge effort throughout the county and we would be a lot worse off if we did not have them around.

Council Member Adams thanked everyone who helped with the Independence Day events. There is a lot that goes into it and those that run the events do not get enough credit for the outstanding work that they do.

CITY MANAGER REPORT

City Manager Jaysen Christensen said that the Community Development Director and himself wanted to meet with each council member to discuss the proposed development on 400 West Street before the developer spends any more time or money on revising their plans. They want to get a sense on where our council members stand on the recommendations that were made about the development from the Planning Commission. Mr. Christensen said that a financial analysis is being done in regards to both the proposed Mutton Hollow annexation and the proposed annexation with Farmington City. Once we have that information, Staff would present it to the council.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the City Council meeting at 8:04 p.m. The motion was seconded by Council Member Jackson and passed unanimously.