

KAYSVILLE CITY COUNCIL
August 17, 2023

Minutes of a regular Kaysville City Council meeting held on August 17, 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, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Public Works Director Josh Belnap, Information Systems Manager Ryan Judd, Information Systems Assistant Ardi Harsono, David Sanders, LuAnn Sanders, Dani Sanders, Jason Sanders, Lily Sanders, Brian Saddler, Merilyn Johnson, Jill Dredge, Jake Stapp

OPENING

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

CALL TO THE PUBLIC

Jill Dredge raised concerns about sustainability in relation to water and electricity resources in Kaysville. She said she had received a mailer about ten years ago, asking residents to be more mindful about water usage due to rapid development of west Kaysville. About that same time, she had seen a national program introducing the idea of high-density, low-income housing. We are now seeing these kinds of units being built all over and she is concerned that they will not be sustainable. Utah has been in a drought, and adding more people here puts more demand on water and electricity resources. The state has encouraged many high-tech companies to locate in Utah, and those companies require a great deal of water. Why would they come to a desert in a drought? Have these companies been promised preferential access to water resources? Will the consequences of high-density housing involve factors like temperature, CO2 emissions, traffic, schools, and emergency services? High-density housing projects tend to have little green space. A cooling effect occurs when there are more green spaces in urban areas. There has been some discussion about substantial water tax increases being imposed around the state and Ms. Dredge said that she wonders if this will be done in order to encourage high-density housing and discourage single home units. Is there a reason why single home units cannot continue to be part of the American dream and part of Kaysville? The city could potentially be fined if they do not comply with the state and federal government's desire for more high-density housing. Our State government seems to be assuming more power over the cities. Are we being forced to give up local control? The city needs to consider sustaining the lifestyle that we already have.

Lily Sanders said that she and her cousin operate a business selling snow cones and other treats.

They recently attempted to sell treats at Pioneer Park but were informed that they could not sell them at the park. They were disappointed because their treats seem to be popular after soccer games and while children are playing at the playground. This makes it hard for a kid-owned business when they are trying to find opportunities to be productive during the summer months. Miss Sanders said that she was here tonight to urge the city to consider allowing youth-owned businesses to operate in city parks. She understands the need for regulations, but suggested that youth-owned stands be allowed to operate at specific times in certain parks, or follow similar regulations as required by the concessions at Barnes Park. While Kaysville has done a great job providing facilities for young kids, sports teams, and athletes, it restricts these spaces for entrepreneurial kids. Miss Sanders said that she believes there should be a way for these kids to have access to these spaces as well, and proposed that the city conduct a trial run to allow kids at parks to sell their goods.

PRESENTATIONS AND AWARDS

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

Melinda Greenwood, Community Development Department Director, presented a report of the Community Development Department reviewing their previous year. Mrs. Greenwood explained that their department includes business licensing, building, planning and zoning, code enforcement, and economic development. We have eight full-time staff members in our department. Currently, we do not have a specific employee assigned to the code enforcement role, but the department collectively handles code enforcement to address issues. In 2021, our building department issued 966 building permits. However, in 2022, only 780 building permits were issued. We attribute this decline to factors such as the economy, supply chain issues, interest rates, and inflation. Typically, the lowest number of building permits issued occurs after a recession. We do not anticipate the number of building permits issued to drop much lower. In 2020, the building department implemented a new web-based building permit software, allowing our staff to handle plan review submittals electronically. This software also tracks the number of completed inspections. Last year, our inspectors conducted nearly 8,000 inspections, averaging 25 to 30 inspections per day. We have witnessed a significant increase in pool permit applications over the last couple of years. While permits for new homes have decreased, we are still issuing a considerable number of permits for new homes. Approximately 92% of the land in Kaysville is zoned for single-family use, so business licensing and building permits align with these land use trends. We have a substantial number of home occupations in our community. The number of business licenses issued by the city has remained fairly stable at around 1,000 licenses, as well as the revenue generated. About 15% of the licenses issued last year were new businesses. These numbers dipped slightly during the pandemic. The planning and zoning aspect of our department remains busy, primarily processing conditional use permit applications. Subdivision applications have slowed considerably, likely due to economic factors and the limited developable land within the city. We received fewer rezone applications, but we saw an increase in text amendment applications in 2022. Code enforcement poses its challenges. Residents who contact the city are often at a point where they are tired of a situation, have endured it for some time, and are seeking the city's assistance. Enforcement actions can be an unwelcome situation usually. The majority of code enforcement cases pertain to issues like weeds, junk and debris, and sidewalk obstructions. We make every effort to address each case in a manner that encourages voluntary compliance. We

strive to maintain positive relationships with our citizens and approach each case pragmatically and methodically to achieve compliance. However, there are instances where individuals in violation of the laws are reluctant to comply. Code enforcement has its limitations, and it often takes longer than some might expect. Additionally, in Kaysville, code enforcement is complaint-driven; we do not have staff members actively seeking enforcement issues.

Council Member Jackson asked when police are involved in code enforcement. There may be instances where it might be unsafe for city staff to do code enforcement.

Melinda Greenwood responded that certain issues are referred to the police department because the police have authority to enforce those issues. They also have access to determine who owns a vehicle that may be out of compliance. City staff investigates complaints from the public right-of-way. We do not want to go onto someone's private property to take any photos. However, that becomes part of the challenge when the issue is something that cannot be visibly seen from the street.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Approval of Minutes of July 20, 2023.

Council Member Oaks seconded the motion.

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.

WORK ITEMS

FARMINGTON BOUNDARY LINE ADJUSTMENT DISCUSSION

City Manager Jaysen Christensen explained that on June 15, 2023, the City Council adopted a resolution to initiate proceedings to consider adjusting the boundary line between Farmington and Kaysville. The proposed boundary line would place the entire length of the new connector road within Farmington as well as approximately 6.5 acres of land that is currently in Kaysville and south of the new connector road. City staff completed a financial analysis of the proposed boundary adjustment and recommends against adjusting the boundary due to the potential for

significant future revenue from the 6.5 acres, particularly if that land is rezoned for commercial use. Staff is recommending that the Council direct staff to prepare a resolution to terminate proceedings for the proposed boundary adjustment and initiate the process to rezone the approximately 6.5 acres of land south of the connector road from the Residential Agricultural (R-A) zoning district to the General Commercial (GC) zoning district.

Council Member Hunt asked if there would be a significant amount of man-hours needed in order to maintain this area of land.

Public Works Director Josh Belnap responded that there would not be a huge increase to man-hours to maintain this area. Mr. Belnap said that he and the Parks and Recreation Director had identified what major annual work items would be performed in this area. Those types of items included maintaining the interchange, such as garbage removal and mowing the grass along the interchange, garbage removal and snow removal at the park-and-ride lot, as well as snow removal on 950 South Street. They also considered how much it would cost for street maintenance over a twenty-year lifespan. This review took into account the cost for labor, materials, and equipment. This is an estimate from city staff and has been broken down to an annual cost of about \$14,600.

Council Member Oaks asked if there were any plans for the property.

Jaysen Christensen responded that nothing had been planned or proposed.

Council Member Adams made a motion to move this item to an action item and to direct Staff to prepare a resolution to terminate the proceedings for the proposed boundary adjustment.

Jaysen Christensen asked if the council wanted to consider beginning the process of rezoning this property as well.

Council Member Adams responded that he would like to delay rezoning the property until the city could inquire about purchasing the property from UDOT.

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.

CITY MANAGER REPORT

City Manager Jaysen Christensen said the city was told that next year UDOT is planning to repave

200 North Street between Main Street and I-15. This section of road has been experiencing many water main leaks over the last year, and while it was not originally in our plans to replace the water main lines until next year, with UDOT resurfacing the road, it is a good opportunity for the city to replace the water lines at the same time. This repair was not included in the budget, and it is estimated to cost \$1.4 million to replace the water lines. However, it will cost the city less if we work alongside UDOT with their construction plans.

Josh Belnap commented that the city has had six water leaks along this section of road in the last thirteen months. Prior to that we had not had any leaks for about six years.

Council Member Adams asked if there would need to be an addendum to the budget to include this project.

Josh Belnap responded that the plan is to include it on next year's fiscal budget. They will also be exploring opportunities for funding both locally and from the state.

RECESS OF CITY COUNCIL MEETING AND CONVENE A MEETING OF THE KAYSVILLE BUSINESS PARK ARCHITECTURAL REVIEW COMMITTEE

Council Member Oaks made a motion to recess the City Council meeting and reconvene a meeting of the Kaysville Business Park Architectural Review Committee at 7:46 p.m. The motion was seconded by Council Member Hunt and passed unanimously.

The Kaysville Business Park Architectural Review Committee meeting was adjourned and the City Council reconvened into the City Council meeting at 8:35 p.m.

CLOSED SESSION

Council Member Hunt made a motion to recess the city council meeting at 8:35 p.m. and convene into a closed session to discuss the character, professional competence, or physical or mental health of an individual or individuals, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Oaks and it passed unanimously.

Council Member Oaks made a motion to recess the closed session at 9:40 p.m. and reconvene into the city council meeting, seconded by Council Member Adams. The motion passed unanimously.

Council Member Oaks made a motion to extend the city council meeting past 10:00 p.m., seconded by Council Member Jackson. The motion passed unanimously.

Council Member Adams made a motion to recess the city council meeting at 9:41 p.m. and reconvene into the closed session. The motion was seconded by Council Member Hunt and it passed unanimously.

Council Member Blackham made a motion to adjourn the closed session at 10:40 p.m. and reconvene into the city council meeting, seconded by Council Member Oaks. The motion passed unanimously.

ADJOURNMENT

Council Member Hunt made a motion to adjourn the City Council meeting at 10:40 p.m. The motion was seconded by Council Member Blackham and passed unanimously.

KAYSVILLE BUSINESS PARK
ARCHITECTURAL REVIEW COMMITTEE MEETING
August 17, 2023

Minutes of a Kaysville Business Park Architectural Review Committee Meeting held on August 17, 2023 at 7:46 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 East Center Street, Kaysville, UT.

Committee Members present: Chairperson Tamara Tran, John Swan Adams, Mike Blackham, Abbigayle Hunt, Nate Jackson and Perry Oaks

Others Present: City Manager Jaysen Christensen, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Public Works Director Josh Belnap, Information Systems Assistant Ardi Harsono, Brian Saddler, Marilyn Johnson, Jill Dredge, Jake Stapp

OPENING

Chairperson Tran opened the meeting by welcoming those present.

CONSIDERATION OF A VARIANCE REQUEST FOR STORAGE UNITS FOR ALUMINUM SHINGLE COMPANY AT 524 NORTH 900 WEST

Community Development Director Melinda Greenwood explained that in September 2020, the Architectural Review Committee for the Kaysville Business Park was presented with comprehensive plans for the development of the property at 524 North 900 West. At that meeting, Aluminum Shingle Company was granted unanimous approval for a new office/warehouse building, which has subsequently been constructed. Aluminum Shingle Company has now applied for approval for storage units that would be solely for their use. The concept for the storage area was included in the original concept plans as discussed with the Committee in 2020. The proposed storage units will consist of four units, be 960 square feet in size, and will be located in the southeast corner of the property, across the north fork of Holmes Creek. The Kaysville Business Park's Development Guide does not permit buildings smaller than 5,000 square feet in size. Mr. Jake Stapp, the company owner, has asked for a variance to the Business Park's Guidelines regarding building size. While the Kaysville Business Park guide allows variances to be granted, it lacks specific criteria for approval or denial. Section 3.10 of the Guide, provides some circumstances in which considering a variance is appropriate, including topography, hardship, environmental considerations and natural obstructions. Mr. Stapp's reasons for the request include the following points:

1. The location of Holmes Creek creates a hardship for the developing property.
2. There are easements on the property that create a hardship for developing the property.
3. The original plans included the main building and bridge across Holmes Creek to the storage unit building. He indicates that he was not informed that a building

- under 5,000 square feet would not comply with the guidelines.
4. The City approved the plans for the bridge and required it to be wide enough for fire access. Mr. Stapp spent \$69,275 on a box culvert and constructing a drive across the creek.
 5. The storage units will not be visible to the public from the street and will be in a secluded location.
 6. The storage units will be for storage of his own equipment and materials, and the units will not be accessible to the public or be rented out.

Mrs. Greenwood continued by explaining that the Kaysville Business Park is similar to a Homeowners Association, so the Architectural Review Committee has broad discretion in approving or denying a variance request. It is important to note the variance request is for a variance to the Kaysville Business Park Guide, and not to the Light Industrial zoning code. The applicant has supplied architectural drawings and renderings of the storage units, which have been provided to the Committee. The materials used in the construction of the storage units will be consistent with the materials used on the main building. Because the Business Park Guide does not prescribe specific criteria for approvals or denials, city staff is unable to provide a recommendation on the outcome. However, the nature of the request, which cite complications with the creek, the setback requirements and easements on the property, are reasonable justifications to grant a variance if the Committee chooses to do so.

Committee Member Blackham expressed concerns about the size of the storage units. He commented that typical storage units in the business park that are used for storing materials are large enough to accommodate a forklift. The proposed storage units seem more suitable for storing boats or RVs. Having four separate units instead of one open building may not be advantageous. It appears that the intended use does not align with the apparent purpose of these units.

Jake Stapp explained that the storage units would primarily be used for items that will not be needed on a daily basis in the warehouse. On occasion, a work vehicle may also be stored in these units. These units will not be used for personal storage. Due to their proximity to the power line easement, there are height restrictions on the building. Because of that high limitation, they will not be able to fit a forklift inside the building. They felt it more preferable to have separate units because of the way items will be stored inside. They will allow them to be able to drive a truck inside for item drop-offs, which is the most convenient for their specific storage needs.

Chairperson Tran said that it seems the committee is looking for some kind of reassurance that these units will not be rented out or utilized for personal storage. There has been significant investments made by business owners in the business park, and they want everyone to be held to the same standards that were initially established.

Committee Member Blackham commented that when the city initially created the business park, the city owned the land and have gradually sold parcels over the years. Many of the businesses within the park are locally owned, and the covenants were established to safeguard these businesses. Numerous requests have been made in the past for items like metal siding and open storage, which are not permitted according to the covenants, and all such requests were denied. Committee Member Blackham suggested that since the city no longer owns much, if any, land in

the business park, that it would be more appropriate to seek for input from the business owners within the park regarding this variance request. These business owners are the ones who have adhered to the park's covenants and are truly invested in the business park.

Chairperson Tran asked if notices were sent to the property owners in the business park regarding this request.

Melinda Greenwood responded that no notices were mailed, as it is not a requirement.

Committee Member Jackson asked about the long-term goal for the business and how these storage units would benefit those goals.

Jake Stapp said that it has been difficult to figure out a feasible layout that would work for them with this property because of the creek that runs through the property. This limits their options, making every inch of available space very valuable. They initially constructed the building as large as they could, but as their business has expanded, their need for additional space has grown. They frequently receive custom color orders, which often results in leftover materials that they store and sell for smaller projects. Everyday items are stored within the warehouse, while these remnants and infrequently used items would be stored in the proposed storage units. The ability to store these types of items in a building outside of the warehouse would enhance the efficiency of their business operations. All of their storage would remain indoors, and no materials would be stored outside where it would be visible. Each storage unit would be designated for specific types of items.

Committee Member Blackham commented that the Business Park Guide does not allow exterior walls to be metal or painted metal, and therefore the use of the aluminum shingles as an exterior finish on the building would not be allowed.

Jake Stapp responded that they would like to use the aluminum shingles because that is what they manufacture.

Committee Member Blackham suggested tabling this item until the city could get more feedback from the business owners in the business park.

City Attorney Nic Mills commented that if the committee were to table the item, it should not be tabled indefinitely since the applicant is eager to proceed with their plans.

Committee Member Blackham made a motion to table the request for a variance for storage units for Aluminum Shingle Company at 524 North 900 West in order to give staff time to gather input from the business owners in the business park.

Committee Member Oaks said that one question he had about the request was if there were any comments made about the storage units when the warehouse building was first presented to the Committee for approval in 2020.

Jake Stapp commented that the original plans shown in 2020 showed the storage units on the land.

If he had received any concerns about them building the storage units on the property at that time in 2020, he would not have invested the money into building the bridge that goes across the creek.

Committee Member Blackham said that if we grant one person a variance, why would we not do the same for someone else who wanted to building similar storage units. It is only fair to see what other businesses in the park think about this variance to the covenants.

Committee Member Hunt commented that she had driven by the property earlier and it is unique. There will not be many other properties with this situation of having a creek running through the property, as well as a power line easement. These storage units are not something that will be visible from the street. The committee also needs to consider property rights. If the Committee were to approve this variance, it does not mean that we have to approve other ones. Committee Member Hunt said that she does not see an issue with allowing someone to maximize their usage of their property as long as we can take them at their word that they are not going to abuse the right by using the storage units for any other use than what they have told us they were doing.

Committee Member Jackson said that he does not want to get in the way of what a business needs for their business. Committee Member Jackson suggested being able to walk through the business to get a better understanding of how the business works. In addition, he is concerned about the use of aluminum shingle siding on the exterior of the building because it is against the business park covenants and it does not fit in with the established look of the buildings in the business park.

Committee Member Blackham's motion was seconded by Committee Member Oaks.

The vote on the motion was as follows:

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

The motion passed with a vote of four to one.

CONSIDERATION OF A ROOF ADDITION FOR CLOSET BUTLER AT 1272 WEST SPORTSPLEX DRIVE

Melinda Greenwood explained that in the Architectural Review Committee meeting on September 1, 2022, Closet Butler received approval for a 1,392 square foot addition to their existing building located at 1272 West Sportsplex Drive. The addition will provide warehouse storage for their expanding business and is currently under construction. Through the course of construction, Closet Butler has decided they would like to extend a roof over the area between the main building and the addition, where an alcove is currently located. In Section 2 of the Kaysville Business Park Guide Development Procedures, it specifically states that all approvals must go through the Architectural Review Committee. Because this portion of the roof area was not included in the

project approval it received last fall, staff is bringing this item for the Architectural Review Committee to review. The submitted plans show that the roof addition will match existing materials. Staff has verified that the proposed roof addition meets the development guidelines. Mrs. Greenwood added that she had driven by the building earlier and found that the roof had already been constructed; however, it has not been approved by the Architectural Review Board, or by the plan review or building permit process. No inspections have been conducted on the building.

Brian Saddler, representing Closet Butler, said prior to building the roof, their contractor had called the city's building official to see if he saw any issue with them proceeding ahead with construction prior to receiving approval from the Architectural Review Committee. The building official told the contractor that he did not foresee any issues with the roof construction, as long as the Architectural Review Committee approved it.

Committee Member Jackson asked if this roof addition would help the business function better.

Brian Saddler said that he does not feel it would help the business function any better but would provide more covered area for the business. They will likely put a table in the alcove for employees to use while on break. There will be no outside storage.

Melinda Greenwood said that she had spoken with the building official earlier, right after she had seen that the roof was already built. He told her that he had informed the contractor that he would not red-tag the roof, but that by building the roof prior to approval, they were doing it at their own risk. Closet Butler did receive a permit for the addition, just not for this roof extension.

Committee Member Blackham said that he would like the motion to include the restriction of any outside storage.

Brian Saddler said that the materials they use must be stored inside.

Committee Member Jackson said that he did not feel it necessary to include a restriction on outside storage as the code already includes that restriction.

Committee Member Oaks made a motion to approve the roof addition for Closet Butler at 1272 West Sportsplex Drive, seconded by Committee Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

DISCUSSION ON THE ARCHITECTURAL REVIEW COMMITTEE ASSIGNING KAYSVILLE BUSINESS PARK AUTHORITY TO PROPERTY OWNERS

Melinda Greenwood explained that the Kaysville Business Park was approved and created by the City Council many years ago. Along with that came the creation of a Master Declaration of Covenants, Conditions, Restrictions, and Standards Affecting Kaysville Business Park West. The Master Declaration spells out specific development guidelines for all properties within the park boundaries and an approval process, and assigns that authority to the City Council who serves in the capacity of the Architectural Review Committee. In the years since the Kaysville Business Park was created, the vast majority of the properties have been developed. Article 7.1 of the Business Park Covenants states that the Committee would be allowed to transfer responsibility after a specific timeframe. That timeframe has since surpassed and the Architectural Review Committee can now consider whether they would like to subrogate the authority of the Kaysville Business Park to those who own property within the park. The current process of having the Architectural Review Committee approve projects, modifications and alterations creates a burden on city staff to draft staff reports, and causes a few weeks delays to the development and building permit process. Simplification of any development process is always a positive change to facilitate. Consideration should also be given to the minimal amount of property within the Business Park that is left to develop. Should the Committee Members wish to transfer their responsibilities, it would have to go through a legal process to record a declaration about the transfer.

Committee Member Adams said that he would like to hear the opinions of the business park property owners and businesses on this issue. We need to hear if there is any interest from them to take over the Committee. Committee Member Adams suggested sending out a notice to those owners involved and consider holding a meeting to discuss this topic with them.

Committee Member Blackham said that these property owners and businesses in the Business Park have invested a lot of time and money into their buildings, and we need their input. If they want to change responsibilities, we need to know how they feel about it. If they do want to take over the Committee, the city could still make up one of the seats on the board so that we continue to be involved in the business park.

Nic Mills said that in order to change the covenants of the business park, we would need to get the approval from 60% of the owners in the park. If the city were to transfer responsibility, it would reduce the city's liability. There are good reasons to keep one of the Committee Members to serve on the new board, if that is what the owners of the park would like to do.

The Committee agreed to direct city staff to reach out to property and business owners of the Kaysville Business Park and ask for their input on whether the city should transfer responsibilities of the Committee to the owners within the business park.

ADJOURNMENT

Committee Member Adams made a motion to adjourn the Kaysville Business Park Architectural Review Committee Meeting at 8:35 p.m. and reconvene into the City Council meeting, seconded by Committee Member Jackson and passed unanimously.