



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, February 1, 2024, 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

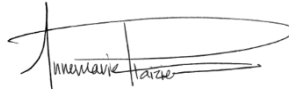
The agenda shall be as follows:

- 1) OPENING
 - a) Presented by Council Member Perry Oaks
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) Presentation to Kalub Lewis for receiving his Supervising Fire Officer Designation – Chief Paul Erickson
 - b) Presentation to Cameron McKinnon for Firefighter of the Year Award – Chief Paul Erickson
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of January 4, 2024
 - b) A Resolution Appointing the Kaysville City Parade Chairperson
 - c) Acquisition of property and easements for a box culvert on Parcel No. 08-614-0311
- 6) ACTION ITEMS
 - a) An Ordinance amending Titles 6 and 8 of the Kaysville City Code
 - b) Amendments to Personnel Appeal Procedures
- 7) WORK ITEMS
 - a) Changes to Employee Disciplinary Procedures
- 8) COUNCIL MEMBERS REPORTS
- 9) CITY MANAGER REPORT
- 10) CLOSED SESSION
 - a) Strategy session to discuss pending or reasonably imminent litigation, in conformance with Utah State Code §52-4-205

11) 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 at Kaysville City Hall, Kaysville City website at www.kaysville.gov, and the Utah Public Notice website at www.utah.gov/pmn. Posted on January 26, 2024.

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

Annemarie Plaizier
City Recorder

KAYSVILLE CITY COUNCIL
January 4, 2024

Minutes of a regular Kaysville City Council meeting held on January 4, 2024 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, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Public Works Director Josh Belnap, Parks and Recreation Director Cole Stephens, Information Technology Assistant Jordan Hansen, Laurene Starkey, Chuck Montgomery, Heath Montgomery, Chali DeGrey, John DeGrey, Jared Tingey, Aaron Jones, Emily Montgomery, Aaron Hixon, Val Starkey, Jill Dredge, Jesse Montgomery, Joshua Arzabala, Juan Moncada, Rob Dansie, Kaleb Larsen, Gonzalo Calquin, Adam Fisher, Stephen Lyon, Jim Pearson, Jacalyn Wilde, Ryan Wilde

OPENING

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

Mayor Tran requested that the Item 6c be moved prior to Item 6b.

Council Member Hunt made a motion to move Item 6c, Rezone at 196 North 200 West and 166 North 200 West from GC to include a Mixed Use Zoning Overlay, before Item 6b, Text amendments to ordinances within Titles 17, 18, and 19 of the Kaysville City Code. Council Member Jackson seconded the motion and it passed unanimously.

CALL TO THE PUBLIC

Aaron Jones said that he lives on 100 North, behind the new Mister Car Wash, and expressed concern about the significant levels of noise and light pollution originating from the car wash. Mr. Jones said that he feels the city allowed this situation to occur, and there have been other occurrences in their neighborhood that contradict city ordinances for the Old Kaysville Townsite district zoning. Residents in this area have been caught off guard by the building of the new car wash, and many believe that their concerns were not adequately considered during the approval process. The noise and light pollution emanating from the car wash is intolerable and will have an adverse effect on property values of nearby properties. They are considering moving due to the negative impacts the car wash has had on them. It is imperative that decisions shaping the city take into account the concerns and well-being of Kaysville's citizens

Juan Moncada, Director of Operations for Mister Car Wash, emphasized their company's commitment to being a good neighbor and a good steward in the community. They diligently adhere to all governmental regulations and requirements for permits and licenses. Unfortunately, they were unaware of noise and lighting concerns from neighbors until after construction. Had they been informed earlier, adjustments could have been made. Despite this, they remain dedicated to being good neighbors and are actively addressing the community's concerns. They are open to collaborative solutions to mitigate any issues that arise.

Jesse Montgomery expressed optimism about ongoing discussions involving the city, neighbors, and Mister Car Wash. Residents are eager to ensure their concerns are thoroughly considered in finding a resolution. Mr. Montgomery provided the city council with photographs illustrating intense lighting from the car wash, which is now a significant issue for neighbors. The neighbors would like to see the installation of a substantial noise-blocking wall and removal of signage facing residential properties, in addition to dimming or eliminating the orange lighting. Mr. Montgomery suggested that the Mister Car Wash and star signage on the south side, that only faces residential properties, be removed because just turning down the lighting will not be sufficient.

Jim Pearson, residing on 200 West near the Mister Car Wash, said he appreciates Mister Car Wash's commitment to being a good neighbor. Mr. Pearson said that he feels that Mister Car Wash could be a good neighbor by shutting off their lights on the south side of their property. Mr. Pearson said that the Kaysville City General Plan emphasizes that the city wants to preserve historic neighborhoods. The rezone on tonight's agenda will affect the property values in their neighborhood. Mr. Pearson expressed concern that the minimal setback of the new buildings does not align with the neighborhood's historic value.

Mayor Tran remarked that city staff had several conversations directly with Mister Car Wash and with the neighbors. There are active collaborative communications happening, and we understand the concerns voiced by the neighbors. City staff intent to continue working with Mister Car Wash and will continue to provide ongoing updates to the neighbors.

PRESENTATIONS AND AWARDS

OATH OF OFFICE FOR NEWLY ELECTED CITY COUNCIL MEMBERS

City Recorder Annemarie Plaizier administered the Oath of Office to Council Member John Adams, Council Member Nate Jackson, and Council Member Mike Blackham.

ANNUAL FISCAL YEAR 2023 AUDIT REPORT

Aaron Hixon, with HBME P.C., stated that he was part of the audit firm that had conducted the financial audit for Fiscal Year 2023. This report, due by December 31 of each year, was timely submitted to the State of Utah. The comprehensive annual financial report was designed to provide a general overview of the financial affairs and condition of Kaysville City. The city currently has sixteen funds, half of which are governmental funds, six being business-type funds, and two being permanent endowment funds. Overall, the net position of the city grew by about 7.5%. Fund balances had also grown, largely due to intergovernmental funding related to road projects. When

reviewing the city's net position, year-over-year changes remained the same as prior years, except some road assets and ambulance operations had been moved the previous year from a business fund to a governmental fund. There was also been a large fluctuation in electric expenditures due to the increasing cost of power. Another significant change seen was related to the URS pension. Last year it had been an asset, and this year it was a liability. This was not something that the city could do anything about. It is an allocation of the unfunded portion of the retirement net pension liability assets. As part of the audit, they were required to review the city's internal controls on financial reporting in accordance with the State's Compliance Audit Guide. They had been required to look at certain procedures and practices of the city to ensure the city was abiding by state law. They had not found any issues regarding the city's internal controls that needed to be reported. Regarding compliance with the State Compliance Audit Guide, there had been two findings issued in the prior year, and one small finding that year. The finding for that year had been because two department's budgets exceeded final appropriated expenditures. This does not mean that the budget was finalized with a deficit showing. Management had been made aware of this finding, and it will be remedied, with the budget being monitored more closely in these areas. All findings in the audit have been satisfied. The city would not receive any communication from the State of Utah because they do not consider any finding a problem until it is done twice in a row, which is not the case in this instance. The finding that had been found is a common finding in city audits, and their firm does not feel that there was an issue here.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Approval of Minutes of November 16, 2023.
- b) Approval of Minutes of December 6, 2023.

Council Member Adams seconded the motion.

The vote on the motion was as follows:

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

The motion passed unanimously.

5C. WEST DAVIS CORRIDOR UDOT/KAYSVILLE CITY COOPERATIVE AGREEMENT FOR LANDSCAPING

Jaysen Christensen explained that with the upcoming completion of the West Davis Corridor, UDOT is providing funds for the installation of landscaping improvements. The proposed

cooperative agreement provides the details for the funding and maintenance of improvements that will be installed. UDOT will provide \$315,000 upfront and then an additional \$315,000 in reimbursement for expenses. The total amount would be \$630,000 for landscape improvements, and the funding must be used by September 1, 2025. Plans for the landscape improvements have yet to be determined.

Council Member Oaks asked if the city has any idea how much will be spent and what would happen if the city were to exceed the amount given to us by UDOT.

Jaysen Christensen responded that it is the city's goal is to stick to the budgeted amount. If the city were to spend more than the amount given, the city would have to pull money from the city's general fund to cover costs, unless the city were able to ask UDOT for more funds or were able to find any kind of grant money to help with the landscaping project.

Council Member Oaks made a motion to approve the West Davis Corridor UDOT/Kaysville City Cooperative Agreement for landscaping, seconded by Council Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

ACTION ITEMS

6A. KING CLARION ANNEXATION AMENDMENT

Melinda Greenwood explained that in March 2022, LPM Cooperation submitted an annexation for 1.14 acres of property at approximately 775 East Oxford Drive. The City Council subsequently approved the King Clarion Annexation on June 16, 2022. The annexation plat and certificate of annexation were recorded by Davis County in November of 2022. At some point in 2023, Davis County notified Mr. Paul Kingston (a representative for LPM Cooperation) that the legal description on the King Clarion Annexation plat was incorrect. In order to correct the issue, the city council must approve the amended annexation plat. If approved, city staff will go through the process of obtaining a new annexation certificate from the Lt. Governor's Office.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Adams made a motion to approve an Ordinance annexing real property known as Parcel Number 11-041-0026, located at approximately 775 East Oxford Drive, into the City,

including the amended annexation plat. The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

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

The motion passed unanimously.

6C. REZONE AT 196 NORTH 200 WEST AND 166 NORTH 200 WEST FROM GC (GENERAL COMMERCIAL) TO INCLUDE A MIXED USE ZONING OVERLAY

Melinda Greenwood explained that the applicants, Sector 317 LLC and 317 Sycamore LLC, have submitted a rezone application for a Mixed-Use Overlay rezone for two lots located at 166 and 196 North 200 West. The properties combine to 0.71 acres in size. City Code requires that an application for a Mixed-Use Overlay be accompanied by a development agreement that specifies project details. The proposed development is a horizontal mixed-use project with a two-storage office building along 200 North, a two-story residential building with three studio units each having a two-car garage, and a two-story residential building with three three-bedroom townhomes also having a two-car garage. Forty-eight parking stalls will be provided, with thirty-six of them being for the office building, and twelve for the residential units. This application was presented to the Planning Commission on December 14, 2023, and a public hearing was held. The Planning Commission received several comments, which included concerns about traffic, safety, protecting single-family neighborhoods, storm water and drainage, privacy, density, on-street parking, esthetics and setbacks. The city's Public Works and City Engineer have reviewed the traffic analysis and do not have any concerns about the project's impacts on traffic and the existing level of service. As part of the development process, an application will be required to manage storm water and connect to the existing storm water system in 200 North. In regards to the project being adjacent to existing single family zoning, the project layout indicates sufficient setbacks that are consistent and compatible with requirements in the R-1 code. The applicant plans to buffer the property to the south with a six-foot fence and trees to help offset some privacy concerns. The Planning Commission made a 6-0 recommendation of approval to the city council.

Mayor Tran opened the public comment period for this item.

Heath Montgomery commented that he loves the old-town feel of the area and did not feel that the proposed project fit into the theme of what the Old Kaysville Townsite was. The city's General Plan states that the city wants to protect the nature of the community. This project is very dense, which is different for this area. The properties south of there have been ruined by the noise and light pollution created by the new car wash. Adding this project here would impact their quality of life. Would adjacent property owners be allowed to do similar developments on their properties? We need to preserve the city's history and ties to their pioneer heritage. This area of the city is a special place and worth preserving. Mr. Montgomery said that he would like to see

the developer create something that reflected the character of the neighborhood, and the city and neighborhood need to be involved in deciding what that meant.

Jim Pearson said that he had many concerns about the proposed development. The property size is limited, with most of it being proposed for the commercial use. Only about 0.25 acres will be allocated for the six residences. Which doesn't seem fitting for this historic neighborhood due to proposed high density. The plans indicate that the buildings will be built right up to the sidewalk, whereas typical housing in the area requires a setback. The proposed residential buildings need to be at a setback that would be similar to adjacent residential buildings, to help minimize impact on the area. Mr. Pearson expressed concern about storm water runoff and the placement of storm drains. He requested that the council mandate storm drains to be placed on the end of the property to ensure water runoff onto 200 West drains into the storm sewer system rather than the irrigation ditch. It is important that the city adheres to the General Plan to protect the historic neighborhood, and approving this proposed development would contradict that.

There were no further comments or questions from the public.

Gonzalo Calquin, the architect for this project representing the owners of the development, expressed their intention to create a project that resonates with the community. The property is currently zoned for General Commercial, allowing for potentially a more intrusive use than what is proposed. An alternate use could generate more traffic and have a greater impact on surrounding properties. The townhomes will help to create a buffer between the neighborhood and the commercial. A storm water drainage plan will be reviewed later on by the city engineer as part of the development process, and they will ensure that the property's water run-off be contained onsite.

Mayor Tran asked if the residential dwellings would be owner-occupied.

Gonzalo Calquin said that each unit would be owned separately and by private owners.

Mayor Tran suggested implementing a deed restriction on these units prohibiting corporate rentals. Mayor Tran asked about the square footage of the units.

Nic Mills commented that such a deed restriction would not be allowed because it could potentially violate the Fair Housing Act.

Gonzalo Calquin responded that the townhomes will be over 1,700 square feet, and the studio apartments will be about 500 square feet.

Council Member Oaks commented that he is not as concerned about the studio apartments being owner-occupied due to their small size. It may be difficult to find buyers who can afford them. While he appreciated the residential units acting as a buffer between existing neighbors and commercial use, he remarked that the studio apartment building lacked aesthetic appeal. Council Member Oaks added that he had some concerns that the residential buildings would be built without the accompanying commercial buildings initially, and then later on the applicant may request more residential units where the commercial building was planned.

Gonzalo Calquin said that they would have to take out the building permits simultaneously. The property owners are anxious to get the office building constructed quickly.

Mayor Tran asked what type of users were planned for the commercial building.

Gonzalo Calquin responded that they have a financial institution that would be using one of the suites in the building, but was not sure yet as to the other suites. The footprint of the commercial building is limited and would likely be occupied by professional offices.

Council Member Hunt asked if there were a way to orient the buildings so the commercial building would be along 200 North, with parking behind the building.

Gonzalo Calquin explained that due to the layout of the lot and the required parking for the commercial use, they are more restricted in where they can place the building. Moving the building would not yield much usable space.

Council Member Hunt asked about the aesthetics of the buildings.

Gonzalo Calquin responded that the office building's architecture would have a contemporary look, which will be attractive for an office structure. The façade will prominently feature glass, suitable for the busy 200 North corridor. They plan to utilize high-quality materials, surpassing the design standards outlined in city code. They intend to use more expensive materials for the façade to try to create a good buffer between the existing neighborhood. The plans presented tonight are preliminary concept drawings, and they will consider the comments received to explore alternative designs that better integrate with the area. Additionally, they plan to install a fence along the south and east sides of their property, particularly where the residential buildings are located.

Council Member Jackson stated that he feels that it is important for the city to protect the Old Historic Townsite area and the history of the city. He also expressed concerns about the design of the studio apartment building, suggesting that it should resemble the townhomes as closely as possible. The current appearance of the studio apartment building does not fit in with the historic homes adjacent to it. Council Member Jackson asked about the height of the building.

Gonzalo Calquin said the studio apartment building is planned to be twenty-three feet in height.

Council Member Jackson asked if the developer had considered putting another floor on the building.

Gonzalo Calquin explained that adding another floor would exceed the maximum height permitted for this zone and would result in a less desirable outcome for the neighbors. The proposed housing is intended to diversify housing options in the area and are not designed for large families.

Council Member Blackham suggested adding a hip roof to the studio apartment building to enhance its aesthetics and give it a similar appearance to the surrounding homes. Council Member Blackham added that on page 4 of the development agreement, under Section 2(A)(xii), it states

that “Development of the Project may require a subdivision of the Property...” and he proposed changing “may” to “shall”. He would like to see that the townhomes and studio units are sold and owned individually. While the city cannot control who purchases the units, we can require that they be sold individually.

Nic Mills said that Council Member Blackham’s request to plat each unit individually was reasonable. In theory, the developer could retain each units and convert them into long-term rentals.

Mayor Tran commented about ongoing discussions at the state level have involved considering deed and development restrictions on these types of developments in order to allow cities to have greater control over owner-occupied housing. This would prevent corporations from acquiring all units for rental purposes.

Gonzalo Calquin said that they would be amenable to changing the language from “may” to “shall” in the aforementioned section of the development agreement.

Council Member Adams said that because this property is zoned GC, had the property owners wanted to build a commercial use permitted in the zone, the city would not have much authority as long as it complied with city code. Such permitted uses do not require approval from the council. The reason this proposal is coming before the council is because of the proposed residential use on the property. At least with this proposal, we have a development agreement that will be tied to the property. Council Member Adams suggested tabling the item to allow the developer time to address concerns raised during the meeting, particularly regarding the aesthetics of the building. Unlike with Mister Car Wash, where the city had no say in the lighting or design due to its permitted use, this proposal would enable the city to help prevent similar negative impacts on neighbors.

Council Member Oaks expressed his opposition to tabling the item, noting that the developer has indicated his willingness to consider the council’s suggestions, particularly regarding the aesthetics of the development and the text amendment to the development agreement.

Council Member Adams said that he appreciates the developer being willing to consider their suggestions. However, he feels that it would be preferable to bind them to certain conditions to ensure the implementation of these suggestions are done. Council Member Adams added that he would like the parking lot lighting to be contained on the property, possibly at a dimmer setting to minimize the impact on the neighbors.

Council Member Blackham clarified that he would not want the council to dictate the architecture of the building, and noted that his suggestion to add a hip roof to the studio apartment building was merely aimed at helping it blend better into the neighborhood.

Ryan Wilde, one of the owners of the property, commented that he would agree to the language change in the development agreement so that each of these units would be sold individually. They had considered making the studio apartment building taller, but thought they would be more intrusive to the neighbors if the building were built taller. Mr. Wilde said he agrees that the

aesthetics of the studio apartment building could be improved and they would address the lighting to try to contain it to the property.

Nic Mills said that the council could include in their motion that the studio units could be expanded in their height and size, as long as they still meet code.

Council Member Blackham clarified that he feels the proposed height of the studio building should not be changed, just the style of the roof.

Ryan Wilde said that they would not be adding another floor, but would just be changing the roof.

Gonzalo Calquin added that the site had been maximized to include space for things like a transformer and dumpster on the property. It would be a challenge to increase the footprint of any of the proposed buildings. Mr. Calquin commented that the reason they had proposed flat roof for the studio apartment building because of its close proximity to the property line on the east side. The flat roof was proposed as a way to manage storm water internally on the flat roof of that building. It is easier to keep water away from the neighboring property line without a pitched roof. However, they are not concerned about redesigning the building to have a hip or a pitched roof.

Council Member Hunt commented that this is a good opportunity for the city to have a say on how this property is developed. Without the residential aspect, any permitted use could be built here. The residential use also helps to create a good buffer between the existing residential neighborhood and the commercial use.

Council Member Oaks made a motion to approve the request to rezone 196 North and 166 North 200 West from GC (General Commercial) to include a Mixed-Use Zoning Overlay with the following stipulations:

1. Under Section 2(A)(xii) in the development agreement, the word “may” be changed to “shall” where it states that “Development of the Project may require a subdivision of the Property...”
2. Language be included in the development agreement stating that the studio apartment building include a pitched roof.

Council Member Blackham seconded the motion.

The vote on the motion was as follows:

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

The motion passed unanimously.

6B. TEXT AMENDMENTS TO ORDINANCES WITHIN TITLES 17, 18 AND 19 OF THE KAYSVILLE CITY CODE

Josh Belnap explained that the proposed text amendments to city ordinances in Titles 17-19 related to the subdivision process are being presented to the Council due to changes to State law that mandates that the city implement these changes prior to February 1, 2024. This item was presented to the Planning Commission on December 14, 2023. A public meeting was held at that time, but there were no comments made by the public. Amendments in Title 17 include the removal of the role of Planning Commission for taking action on subdivision applications, and changing the referencing of specific KCC sections to a more general verbiage. Title 18 amendments included requiring the installation of infrastructure (curb, gutter, sidewalk, road) in all city zones but the Old Kaysville Townsite district. It also includes the requirement of connection to secondary water east of US-89 if the city engineer finds it feasible. Title 19 had the most amendments which included the designation of city staff as the Administrative Land Use Authority for subdivisions, the inclusion of an optional concept review pre-application meeting, inclusion of timeline and review cycle limits set by the State, a requirement of 100-year storm detention requirement (it is currently 10 years), removal of allowance for deferral agreements, the addition of retaining wall inspection requirements, updating bonding requirements to be consistent with State law, inclusion of an appeal process now mandated by State code, and removal of the variance section as it is not appropriate to grant a variance for a subdivision. The Planning Commission had considerable conversation about whether or not preliminary plat applications should be presented to the Planning Commission for action as part of the subdivision process. Their concluding position was that because the subdivision process is a highly technical application and an administrative approval (meaning not discretionary and must be approved when the subdivision meets code), they do not recommend taking preliminary subdivisions to a public meeting. In addition to this, they also shared concerns about meeting the fifteen-day review period and having the public involved in the process where they do not have any practical ability to influence an outcome. The proposed text amendments are required and will bring the city's ordinance into compliance with Utah State Code 10-9a-601 Subdivisions.

Council Member Blackham said that there have been a couple of suggested approaches for handling subdivision plats. The first suggestion involves presenting plats at a Planning Commission meeting, where they would serve as the Land Use Authority. The second proposal suggests designating city staff as the Land Use Authority, effectively eliminating the public hearing process. In the adopted SB 174, it states that the section applies to land use decisions arising from subdivision applications for single-family dwellings and two-family dwellings, or townhomes. The proposed ordinance amendments seem to also include commercial applications, which does not seem to align with the intent of the bill. Council Member Blackham said that he felt it was important to continue allowing the public an opportunity to speak on proposed subdivisions. It gives our residents a chance to be heard, even if there is nothing the city can change. Cities are often criticized for lacking transparency in their actions. The Bill also mentions that the administrative Land Use Authority may receive public comment and hold a public hearing concerning preliminary plat applications. Sometimes people feel jaded if they do not have an opportunity to speak in regards to a proposal.

Josh Belnap said that the way the city's ordinances are written, this amendment would not distinguish between residential or commercial subdivision plats. However, city staff could create two separate ordinances to address; one for residential subdivisions, and one for commercial.

Mayor Tran opened the public comment period for this item.

Stephen Lyon, serving as Planning Commission Chair, explained that the Planning Commission employs a process for conditional use permit applications involving public notice and allowing neighbors to contact city staff or email the Commission with any questions or concerns. He emphasized the city's practice of periodically reviewing and amending city code, with public oversight guiding these actions. While the state aims to increase housing in communities, as reflected in the passed State bill and proposed text amendments, adjustments can always be made later if issue arise. The Planning Commission believed the proposed text amendments would streamline the subdivision process, particularly in addressing technical components administratively, without making it necessary for the Commission to review. The Planning Commission also felt it important that citizens be allowed to be heard, but we also need to be responsive to their needs. Conditions can be imposed on conditional use permits, but the subdivision process is primarily administrative, which limits the ability to impose conditions beyond what is proposed on the plat. Staff are the ones who need to review the checklist of requirements during the subdivision process, and not the Planning Commission. Mr. Lyons said that he liked the idea of placing signs on properties with proposed subdivisions to inform the community of upcoming changes and encourage them to contact staff for further discussion.

There were no further comments or questions from the public.

Mayor Tran said that she understands that it will take more time from staff to take and answer questions that come in from the public. However, there is value in public comment and we need to continue to allow the public to have a chance to speak. Allowing public comment will likely delay the subdivision process a little, but there needs to be a balance.

Council Member Adams agreed that it is important to provide avenues for the public to be heard, because sometimes valuable ideas often stem from public comments. At one point, it was discussed to place QR codes the signs to direct the public to a website for more information or to submit comments. If we find this approach not being utilized, we can explore alternate methods.

Mayor Tran said that if we hold a public hearing in a public meeting, people often come with an expectation that the city can change whatever is being proposed.

Melinda Greenwood said that because subdivision applications are very technical, all comments being providing to the developer have need to be referenced back to a city code or a standard. It is unlikely that a citizen would notice that the city missed something in a subdivision plat that could be referenced back a code or standard. The Planning Commission had also expressed concern about being able to meet the State's fifteen-day deadline, if they were to be the body taking public comments. It is not unusual to have a few months in a year where the Commission only holds one meeting.

Council Member Blackham commented that there is not an exception to the fifteen-day deadline, and suggested that city staff place a sign on the subdivision property as soon as an application is submitted.

Council Member Hunt said that some people feel more comfortable being able to submit comments to the city anonymously. Council Member Hunt asked about ways to let people know that their comments had been received and read. Would it be helpful to present received comments to the Planning Commission so that people can see that we are being accountable and listening to what they are sending to us, even if this is done outside of the fifteen-day window?

Josh Belnap said that staff was aware that this might bring additional workload, but it has not influenced a recommendation on how public comments should be taken. Some communities are considering an administrative approach where city staff would report to the legislative body with a summary of what comments were made and what came from it.

Mayor Tran suggested posting subdivision application information on the website and what comments have been made by the public about each subdivision.

Melinda Greenwood stated that it might be easier to continue taking public comments in Planning Commission meetings. Creating a new website and posting signs may be more complicated. If the council would like to take public comments as a result of signs placed on subject subdivision properties, staff would like to get further direction from the Council as to what that process might look like and the intention of the process. The applicant may receive public comments, but they do not have to make any changes based off public comments.

Josh Belnap further explained the subdivision process and the new timelines that have been required by the State. Mr. Belnap said that the City Engineer has put together an extensive checklist that will be given to developers to make them aware of everything that the city will require as part of the subdivision process review. The city is required to start abiding by the State's requirements for subdivision review processes by February 1.

Nic Mills commented that some cities have discussed making city staff the Land Use Authority, and have them hold a weekly meeting where public comments could be received. A Land Use Authority could also be just one individual. There are different options that the city can consider here.

Council Member Blackham suggested tabling this item until the next council meeting so that Staff could come up with a few options for the council to review on ways the city could continue to take public comment, whether it be through the Planning Commission or city staff.

Melinda Greenwood referenced Council Member Blackham's earlier suggestions to create a separate review process for commercial subdivisions, and she did not foresee any issues with having the same process for both commercial and residential subdivisions. Generally commercial subdivision applications are a lot less complicated and more straightforward than residential. However, if the council would rather the review processes for commercial subdivisions be separated from residential subdivisions, then there needs to be further discussion between council and staff.

Council Member Blackham said he feels that having them separated would be more in line with

the adopted Bill.

Council Member Blackham made a motion to table the consideration of Text Amendments to Ordinances within Titles 17, 18 and 19 of the Kaysville City Code. The motion was seconded by Council Member Oaks.

Council Member Adams said that he would be in favor of city Staff being the Land Use Authority and holding a public meeting once a week to take public comments.

The vote on the motion was as follows:

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

The motion passed unanimously.

WORK ITEMS

DISCUSSION OF DAVIS COUNTY'S PROPOSED HOMELESS COLD SHELTER AT 20 NORTH 600 WEST

Mayor Tran explained that she had requested to include this item on the agenda to provide an update to the City Council regarding the proposed homeless cold shelter in Davis County. Mayor Tran said that she serves on the Task Force with Davis County, and the State is requiring that each county provide a Code Blue temporary shelter from October to the end of April at times when temperatures fall below fifteen degrees. The State has mandates that temporary shelters cannot be removed and people cannot be evicted from them. The County owns three senior centers in Bountiful, Layton and Kaysville. The Task Force aims to find a permanent solution for the homeless, along with providing services for those staying there. The Task Force explored various sites in the county, including an elementary school in Sunset that the School District plans to close after the next school year. They would like to turn that school into a permanent homeless shelter. In the interim, the Task Force has identified the Emissions Center in Kaysville as a location for a potential temporary homeless shelter. The Task Force also toured this building, along with Kaysville's City Manager. Several concerns have been expressed about using the Emissions Center as a temporary shelter. Although the County and the Task Force see it as a suitable location due to its ownership by the County and proximity to a bus station, there is an absence of cooking facilities on site. Mayor Tran shared information about the Switchpoint facility that was recently opened in Tooele, which was an abandoned school transformed into a permanent homeless shelter with sixty-six units that are already full. There is also a soup kitchen on site and temporary housing options. Mayor Tran mentioned her conversations with Senate and House leadership regarding concerns about the State's mandates to provide shelters, but having received no funding to do so. The Task Force aims to develop a plan for a permanent shelter at Fremont Elementary School in Sunset to demonstrate efforts to address the homeless issue. Currently, homeless individuals

mostly rely on the Lantern House in Ogden, which is at full capacity, leading to the distribution of hotel vouchers within Davis County. The Task Force also considered the old fairgrounds in Farmington as a potential temporary shelter site but deemed it unsafe due to ongoing construction. The State has indicated that should the county not decide on a location for a temporary homeless facility, the state would choose a site for us. State regulations dictate the time allowed for the temporary facility to be operational before rotating it to a different city in the county. In discussing the Emissions Center with the Task Force, we have expressed our concerns that there are no cooking facilities on site. The idea with a Code Blue shelter is to be able to provide breakfast to those who are staying there, and then those individuals are asked to leave until the facility reopens in the evening. If located in Kaysville, once they leave the facility, there really is nowhere for these individuals to go during the day.

Council Member Blackham commented that he felt that the old fairgrounds would be an ideal location for the temporary shelter due to its proximity to a major transit station and Station Park where individuals would have access to restaurants. It would also benefit from being adjacent to the Davis County Sheriff's Office, providing a larger police presence. The park and ride lot in Kaysville does not operate like a typical bus station, and may not be able to accommodate those staying at the Emissions Center. Most buses serving the park and ride do not run after 9:00 a.m. until later in the afternoon. How will these individuals be able to get around? Kaysville lacks the amenities to support a homeless shelter. Other properties that are not owned by the County need to be considered.

Mayor Tran said that one of the concerns expressed about using the Emission Center is that they would have to modify the building in order to accommodate those coming here, which creates more of a permanent solution, and that is not what the City wants. We would like the Task Force to consider other alternatives.

Jaysen Christensen commented that we are trying to look at this from a standpoint of what is going to serve the homeless population best in our county. We are trying to identify where there are homeless individuals staying, and then look for nearby locations that might work as a temporary shelter for those individuals.

Mayor Tran said that the Task Force is aware of some areas within Layton where the homeless congregate. The homeless are going places where there are support services, which is not here in Kaysville.

Council Member Jackson commented that homelessness is a pressing issue and growing significantly throughout the county and state. Rotating the location for a temporary shelter throughout the county is not a long-term solution. There are concerns about the children who live near the proposed temporary shelter, as well as the lack of viable options for homeless individuals after leaving the Emissions Center. Utilizing senior centers as temporary shelters could negatively affect the senior community. There is a need for more comprehensive information and strategies to address homelessness in the county. Temporary solutions often become permanent. Council Member Jackson said that there needs to be an in-depth discussion with the Task Force regarding the potential use of the old fairgrounds. He also feels it important to solicit public input on establishing the temporary shelter at the Emissions Center. It is hard when the State mandates

things like this and provide no support to implement it.

Mayor Tran said that the Task Force would ultimately make the final recommendation.

Council Member Adams said that he would like to see something put in writing stating the timeframe the temporary shelter would be in place. He would also like to see the State provide a chartered bus for homeless individuals to be able to access support services.

Mayor Tran said that the Task Force would be recommending that individuals be given bus vouchers, and they are continuing discussions with UTA. The Bill has set a deadline for how long the temporary shelter can be used in one location. Mayor Tran said that the Task Force would love input and ideas from anyone who can help. We are looking for any kind of locations or abandoned buildings that may better fit a temporary shelter. The Emissions Center is currently in use by the County, but the county has indicated the ability to relocate those working out of the building to another location.

Council Member Oaks stated that the council's responsibility is primarily to the residents of our city. There is not a homeless problem in Kaysville, and by bringing a temporary shelter here, we will be bringing the homeless problem here. Even if we were able to get a chartered bus to run here, there would be a number of homeless individuals who would not leave. We would need to have support services at the building, like mental health screening, drug testing, and security for those staying there.

Council Member Hunt commented that if we are going to find a successful solution, we need all of the cities in the county to come together and discuss this.

CITY MANAGER REPORT

City Manager Jaysen Christensen said a city council work session is planned for February 2 beginning at 8:00 a.m. City Staff also wants to begin scheduling meetings to begin discussions on the FY 2025 budget.

The City Council scheduled a work session on January 18 from 4:30-6:30 p.m. to begin discussions on the upcoming budget.

Jaysen Christensen said that the Power Department was hoping to release their outage management system this week, but had run into a couple of issues. They plan to release the new system as soon as they can.

ADJOURNMENT

Council Member Hunt made a motion to adjourn the city council meeting at 9:49 p.m. The motion passed unanimously.

CITY COUNCIL STAFF REPORT



MEETING DATE: February 1, 2024

TYPE OF ITEM: Consent Items

PRESENTED BY:

SUBJECT/AGENDA TITLE: A Resolution Appointing the Kaysville City Parade Chairperson

EXECUTIVE SUMMARY:

This resolution would formally appoint Heidi Christensen to serve as the Kaysville City Parade Chair. It would authorize the Parks and Recreation Director to award a small stipend to the chair. In addition, it would formally thank the chair for the time and effort that they will provide in putting on this event.

City Council Options:

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

Staff Recommendation:

Staff recommends that the City Council approve this resolution.

Fiscal Impact:

\$2500 that will come from the City's Parks and Recreation Budget. This expense has been budgeted.

ATTACHMENTS:

1. Resolution to appoint Parade Chairperson
-

RESOLUTION 24-~~XX-XX~~

A RESOLUTION APPOINTING HEIDI CHRISTENSEN AS THE KAYSVILLE CITY PARADE CHAIR

WHEREAS, Kaysville City sponsors a parade to celebrate the nation’s independence in July; and

WHEREAS, the parade is a major undertaking requiring the assistance and collaboration of Civic, community, and religious leaders; and

WHEREAS, the City has found that it is beneficial to appoint a volunteer to coordinate the City’s efforts to produce the parade; and

WHEREAS, the City Council desires to formally extend its thanks—in advance—to the parade chair.

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

1. Heidi Christensen is hereby appointed to be the parade chair.
2. The Parks and Recreation Director is hereby authorized to award the parade chair a stipend in an amount not to exceed \$2500.
3. The City extends its deep thanks for the many hours of service that Heidi Christensen will provide to continue the tradition of the parade being a memorable Kaysville City event.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of _____, 20__.

—
ATTEST:

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: February 1, 2024

TYPE OF ITEM: Consent Items

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: Acquisition of property and easements for a box culvert on Parcel No. 08-614-0311

EXECUTIVE SUMMARY:

As part of the construction of the Sunset Drive extension down to the West Davis Corridor, the City installed a new box culvert (similar to a small bridge) over Baer Creek, by the Central Davis Sewer District. The structure was installed on property acquired from the sewer district, but during the construction, City Staff and construction crews felt like straightening out a near 90 degree bend in the creek immediately upstream of the culvert was necessary to maximize the flow of the creek, mitigating concerns over erosion and backing up of the creek that were augmented with the high runoff flows.

With the constraints of construction timelines and winter weather coming on, the City Engineer was able to quickly review with the City Attorney and execute an agreement with the affected property owner so that the roadway could be paved prior to the winter season. That agreement acquires 0.016 acres of property, 0.011 acres of permanent easements along the perimeter of the new property line, and compensates for about 50 feet of impacted fencing. Using project funds from the State Legislature, the City provided the property owner with \$18,316.00, and the final step is having the City Council formally accept the property and easements, before making the changes with the County Records office.

City Council Options:

1) Approve, 2) Table

Staff Recommendation:

Approve

Fiscal Impact:

State Legislative Funds

ATTACHMENTS:

1. Lot 311 - Public Utility & Drainage Easement
 2. Lot 311 - Quit Claim Deed
-

WHEN RECORDED, MAIL TO:
Kaysville City
23 East Center Street
Kaysville, Utah 84037

Public Utility and Drainage Easement

Davis County

Tax ID: 08-614-0311

Donald Ray Lyman and Valeria Alexandrovna Lyman, husband and wife, as joint tenants, the undersigned, hereby dedicates a Public Utility and Drainage Easement described below for the use and installation of public utility facilities as provided in Utah Code Section 54-3-27 and also for the purpose of constructing and maintaining thereon drainage facilities and appurtenant parts thereof including storm drains, irrigation ditches and pipes. The public utility shall have the right to install, maintain, operate, repair, remove, replace or relocate public utility facilities, including the right of ingress and egress, within said Public Utility and Drainage Easement. Said Public Utility and Drainage Easement is non-exclusive and may be used by all public utilities according to the terms of the Public Utility Easement statute.

A public utility and drainage easement, upon part of Lot 311 of Parkwood Subdivision Phase 3, according to the official plat thereof recorded October 12, 2018, as Entry No. 3122422 in Book 7119 at Page 276, in the office of the Davis County Recorder, situate in the NE1/4 NW1/4 of Section 15, Township 3 North, Range 1 West, Salt Lake Base and Meridian. The boundaries of said public utility and drainage easement are described as follows:

Beginning at a point in the northerly boundary line of said Lot 311, which point is 35.43 feet N.89°01'10"E. from the Northwest corner of said Lot 311, and running thence N.89°01'10"E. 10.43 feet along the northerly boundary line of said Lot 311; thence S.15°33'27"W. 54.03 feet to the westerly boundary line of said Lot 311; thence N.31°27'22"W. 13.67 feet along said westerly boundary line; thence N.15°33'27"E 41.74 feet to the point of beginning.

The above described easement contains 479 square feet in area or 0.011 acre, of which 241 square feet or 0.006 acre lies within an existing public utility and drainage easement, balance is 238 square feet in area or 0.005 acre.

(Note: Rotate above bearings 00°20'24" clockwise to equal NAD83 bearings)

Continued on Page 2

STATE OF)
) ss. Donald Ray Lyman
COUNTY OF)
)
 Valeria Alexandrovna Lyman

On this ____ day of _____, in the year 20____, before me personally appeared Donald Ray Lyman and Valeria Alexandrovna Lyman, husband and wife, as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

Notary Public

WHEN RECORDED, MAIL TO:
Kaysville City
23 East Center Street
Kaysville, Utah 84037

Quit Claim Deed

Davis County

Tax ID: 08-614-0311

Donald Ray Lyman and Valeria Alexandrovna Lyman, husband and wife, as joint tenants, Grantors, of Kaysville County of Davis, State of Utah, hereby QUIT CLAIM to the Kaysville City, a municipal corporation of the State of Utah, Grantee, at 23 East Center Street, Kaysville, Utah 84037, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described parcel of land in Davis County, State of Utah, to-wit:

A parcel of land in fee, being part of Lot 311 of Parkwood Subdivision Phase 3, according to the official plat thereof recorded October 12, 2018, as Entry No. 3122422 in Book 7119 at Page 276, in the office of the Davis County Recorder, situate in the NE1/4 NW1/4 of Section 15, Township 3 North, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said Lot 311, and running thence N.89°01'10"E. 35.43 feet along the northerly boundary line of said Lot 311; thence S.15°33'27"W. 41.74 feet to the westerly boundary line of said Lot 311; thence N.31°27'22"W. 46.43 feet along said westerly boundary line to the point of beginning.

The above described parcel of land contains 709 square feet in area or 0.016 acre.

(Note: Rotate above bearings 00°20'24" clockwise to equal NAD83 bearings)

STATE OF)
) ss. Donald Ray Lyman
COUNTY OF)
)
 Valeria Alexandrovna Lyman

On this ____ day of _____, in the year 20____, before me personally appeared Donald Ray Lyman and Valeria Alexandrovna Lyman, husband and wife, as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

Notary Public

CITY COUNCIL STAFF REPORT



MEETING DATE: February 1, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: An Ordinance amending Titles 6 and 8 of the Kaysville City Code

EXECUTIVE SUMMARY:

In reviewing other ordinance changes, Staff has identified additional ordinances that they feel need to be amended. First is an amendment to 6-2-10. Currently, the Fire Chief uses the Fire Code to prevent the installation of new obstacles or barricades (like gates or barriers) that would impact their department's ability to respond to emergencies. This amendment would further clarify that the Fire Chief and the City do not allow those items, and to provide a means for evaluating potential hazards on previously approved items. This amendment was drafted with the help of the Police and Fire Chiefs.

The other item is housekeeping on the City's street designation plan. With US 89, several new frontage roads were added, the connector roads near the Farmington border have been added, and the West Davis Corridor has changed from SR 67 to SR 177, and we wanted to reflect that and other changes in the plan, as it has not been updated in over a decade. This plan, among other things, helps solidify what road widths need to be maintained with future development projects.

City Council Options:

1) Approve, 2) Approve with suggested changes

Staff Recommendation:

Approve

Fiscal Impact:

NA

ATTACHMENTS:

1. Ordinance Amending Sections 6-2-10 & 8-3-2

**KAYSVILLE CITY
ORDINANCE 24-XX-XX**

**AN ORDINANCE AMENDING SECTION 6-2-10 REGARDING EMERGENCY
ACCESS ROADS, AND SECTION 8-3-2 REGARDING THE CITY'S STREET
DESIGNATION PLAN; PROVIDING FOR REPEALER; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Kaysville City desires to amend and update its code to clarify the verboten use of gates, barricades, barriers, or the like that would hinder emergency services; and

WHEREAS, the City desires to provide a means to allow for the evaluation of potential hazards created by previously approved gates, barricades, barriers, or the like; and

WHEREAS, the City further desires to update the city's street designation plan; and

WHEREAS, the City Council of Kaysville City finds that this amendment to be in the best interests of the health, safety, and welfare of Kaysville City and its citizenry.

NOW THEREFORE, be it ordained by the Council of the Kaysville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “6-2-10 Parking Or Blocking Streets Or Highways” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

6-2-10 Parking Or Blocking Streets Or Highways

In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this municipality, it shall be unlawful for any person to:

1. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.
2. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.
3. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property having access to such street or highway.
4. Obstruct, in any manner, roads that would provide access to properties for Police, Fire or other emergency response personnel, and/or their equipment or materials.
 - a. This includes unapproved parking or storage that violates minimum widths and clearances (as defined by City Code or the IFC), as well as the installation

- of gates, barriers or other items which might obstruct access.
- b. If upon further assessment any obstructions approved prior to this ordinance are deemed a hazard by the Police Chief or Fire Chief, the hazards shall be sufficiently mitigated at the sole expense of the owner, up to and including removal of the obstruction.
- i. Failure of an owner to mitigate the identified hazards shall result in a notice from the Police Chief or Fire Chief informing the affected properties of diminished, and potentially suspended, response capabilities until the hazard is mitigated.

SECTION 2: **AMENDMENT** “8-3-2 Existing And Proposed Streets Designated As Arterial, Collector, Or Significant Local Streets” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

8-3-2 Existing And Proposed Streets Designated As Arterial, Collector, Or Significant Local Streets

The following existing or proposed streets, or portions of existing or proposed streets, are hereby declared to comprise the Major Street Plan for the city, and are hereby designated as arterial, collector, or significant local streets as follows:

	Name of Street	Begin	End	Minimum Right-of-Way
Principal Arterial Streets				
	I-15	-	-	UDOT*
	U.S. 89	-	-	UDOT
	SR-67 SR-177	-	-	UDOT
Minor Arterial Streets				
	Main Street	Layton City	200 N. Street	100'
	<u>Main Street</u> (SR-273)	200 N. Street	Farmington City	UDOT
	200 N. Street	SR-67 SR-177	I-15	80'
	<u>200 N. Street</u> (SR-273)	I-15	Main Street	UDOT

	<u>-200 N. Street</u>	Main Street	Fruit Heights	80'
	<u>North Station Lane</u>	<u>Farmington City (SR-177)</u>	<u>Farmington City</u>	<u>66'</u>
Collector Streets				
	Angel Street	Layton City	SR-67 <u>Sunset Drive</u>	66'
	Flint Street	Layton City	Sunset Drive	66'
	Sunset Drive	Flint Street	SR-67 <u>North Station Lane</u>	66'
	Fairfield Road	Layton City	200 N. Street	80'
	Burton Lane	Sunset Drive	D&RGWRR	66'
	-	D&RGWRR	Frontage Road	70' UDOT
	-	Frontage Road	Main Street (<u>SR-273</u>)	70'
	Shepard Lane	Sunset Drive	Farmington City	66'
	<u>Frontage Road</u>	<u>Burton Lane</u>	<u>Farmington City</u>	<u>66'</u>
	<u>Mountain Road</u>	<u>Fruit Heights</u>	<u>Davis County</u>	<u>66'</u>
	-	<u>Davis County</u>	<u>Layton City</u>	<u>66'</u>
	<u>Woodridge Drive</u>	<u>Elias Road</u>	<u>Davis County</u>	<u>66'</u>
	<u>300 W. Street</u>	<u>100 S. Street</u>	<u>200 N. Street</u>	<u>66'</u>
	<u>Crestwood Road</u>	<u>Main Street</u>	<u>Burton Lane</u>	<u>66'</u>
	-	<u>500 E. Street</u>	<u>Mountain Road</u>	<u>60'</u>
Significant Local Streets				
	Webb Lane	SR-67 <u>Angel Street</u>	Flint Street	66'
	Smith Lane	Angel Street	Sunset Drive	66'
	Old Mill Lane	Flint Street	600 W. Street <u>400 W. Street</u>	66'
	Deseret Drive	Old Mill Lane	Burton Lane	66'
	Western Drive	Angel Street	Deseret Drive	66'
	Seabiscuit Drive	Mare Drive	Sunset Drive <u>Angel Street</u>	66'
	600 W. Street	200 N. Street	Old Mill Lane	66'
	300 W./600 N. Street	200 N. Street	Fairfield Road	60'

	<u>300 W. Street</u>	<u>100 S. Street</u>	<u>200 N. Street</u>	<u>66'</u>
	Mutton Hollow	Main Street <u>900 W. Street</u>	Fairfield Road <u>Davis County</u>	66'
	Laurelwood Drive	Main Street <u>(SR-273)</u>	Fruit Heights	66'
	50 W. Street	Main Street <u>(SR-273)</u>	Burton Lane	70'
	Frontage Road	Burton Lane	Farmington City	66'
	Crestwood Road	Main Street	500 E. Street	66'
	-	500 E. Street	U.S. 89	60'
	Thornfield Road	Mutton Hollow <u>Davis County</u>	Crestwood Road	66'
	500 E. Street	Crestwood Road	Main Street <u>(SR-273)</u>	66'
	<u>550 S. Street</u>	<u>Main Street (SR-273)</u>	<u>50 W. Street</u>	<u>60'</u>
	<u>350 S. Street</u>	<u>Main Street (SR-273)</u>	<u>50 W. Street</u>	<u>70'</u>
	<u>Hights Creek Drive</u>	<u>Main Street (SR-273)</u>	<u>1475 S. Street</u>	<u>66'</u>
	<u>Wellington Drive</u>	<u>Leola Street</u>	<u>200 N. Street</u>	<u>60'</u>
	<u>Kays Drive</u>	<u>200 N. Street</u>	<u>Chester Lane</u>	<u>70'</u>
	<u>=</u>	<u>Chester Lane</u>	<u>Old Mill Lane</u>	<u>55'</u>
	<u>=</u>	<u>Old Mill Lane</u>	<u>Mindy Circle</u>	<u>70'</u>

SECTION 3: REPEALER CLAUSE If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 5: EFFECTIVE DATE This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Blackham	_____	_____	_____	_____
Council Member Hunt	_____	_____	_____	_____
Council Member Jackson	_____	_____	_____	_____
Council Member Oaks	_____	_____	_____	_____

Presiding Officer

Attest

Tamara Tran, Mayor, Kaysville City

Annemarie Plaizier, City Recorder,
Kaysville City

CITY COUNCIL STAFF REPORT



MEETING DATE: February 1, 2024

TYPE OF ITEM: Action Item

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: Amendments to Personnel Appeal Procedures

EXECUTIVE SUMMARY:

City Staff recently attended training regarding personnel appeals. There, the presenter advocated for City's using an outside hearing officer to determine personnel appeals. This does several things:

1. It eliminates the appearance of bias against employees. Often, the process involves Department Heads, City Managers, and City Councils hearing these appeals. This leads to an argument that the process is biased against the employee, as City administrators frequently enjoy collegial relationships.
2. It improves confidentiality for the employee. A Hearing Officer limits the number of people that hear about the alleged misconduct drastically.
3. The Hearing Officer has more flexibility in how and when they hear the appeal. The Hearing Officer does not need to meet noticing requirements or closed meeting requirements.
4. The Hearing Officer gives the parties a solid legal analysis of the issue. The Hearing Officer will issue a written opinion. This opinion helps frame the legal issues and helps to limit litigation costs, if the administrative appeal does not resolve the case.
5. It avoids potential conflicts of interest. In some cases, the City Council may be required to sanction and authorize severance efforts early on. This may create an awkward situation should the council later become the appeal authority in that situation.

For those reasons, City Staff believes that this amendment would be in the City's best interest.

City Council Options:

1) Approve the Ordinance and Resolution as written; 2) Approve the Ordinance and Resolution with any modifications that the Council deems appropriate; 3) Decline to adopt either and remand to staff with further direction.

Staff Recommendation:

Staff recommends that the City Council approve these items.

Fiscal Impact:

City Staff anticipates that this amendment will result in very little cost to the City. We anticipate that the services of a Hearing Officer would cost less than \$1500 per year. In many years, the cost will likely

be nothing.

ATTACHMENTS:

1. Resolution - Amending Section 5.03 of the Personnel Rules & Regulations
 2. Ordinance - Amending Title 2-7, Sections 1-3 of the KCC
-

RESOLUTION 24-~~XX-XX~~

A RESOLUTION AMENDING SECTION 5.03 OF THE PERSONNEL RULES & REGULATIONS REGARDING EMPLOYEE GRIEVANCE PROCEDURES

WHEREAS, the Kaysville City Council desires that City Personnel are afforded the opportunity to dispute their grievances in a timely and fair manner; and

WHEREAS, the City Council desires to utilize the services of an administrative law judge to insure that employees' appeals are handled efficiently, expeditiously, and discreetly; and

WHEREAS, it is deemed to be in the best interest of the citizens of Kaysville City to adopt and approve the policy outlined below.

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

The Kaysville City Personnel Policies and Procedures Section 5.03 shall be amended as followed:

5.03 Employee Grievance Procedure

...

PROCEDURES

All grievances shall be handled in the following manner:

STEP 1 - The employee with a complaint or grievance shall report in writing and discuss the issue with the immediate supervisor after the affected employee first knew or became aware of the act or condition upon which the grievance is based. The immediate supervisor shall render a decision within five (5) workdays of the date they became aware of the grievance by the employee's report.

STEP 2 - If no mutually agreeable settlement is reached under Step 1, then the grievance shall be filed in writing to the employee's department head by the affected employee, specifying which term(s) or condition(s) of their employment they feel have been violated or might require relief, within five (5) workdays after receiving the decision from their immediate supervisor. The department head shall have five (5) workdays after receiving the written grievance to thoroughly investigate the matter, place their finding in writing, and notify the parties concerned of their decision.

STEP 3 - If no mutually agreeable settlement is reached under Step 2, the employee may petition in writing, within five (5) workdays after receipt of the department head's determination and decision, that the department head's decision be reviewed by the City Manager. The City Manager shall investigate the case, request all pertinent facts, and after review thereof, render a decision within ten (10)-workdays after receipt of the written appeal. The decision of the City Manager shall be submitted in writing to all parties.

STEP 4 - If no mutually agreeable settlement is reached under Step 3, the employee or other party may petition in writing, within five (5)-workdays after receipt of the City Manager's determination and decision, that the City Manager's decision be reviewed by the **Personnel Hearing Officer**~~City Council~~. The **Personnel Hearing Officer**~~City Council~~ shall investigate the case, request all pertinent facts, and hold a hearing thereon and after review thereof, render a decision within thirty (30) workdays after receipt of the written appeal. The decision of the **Personnel Hearing Officer**~~City Council~~ shall be submitted in writing to all parties concerned and shall be final and binding on all parties to the grievance.

...

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ **day of** _____,
2024.

ATTEST:

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder

ORDINANCE 24-XX-XX

AN ORDINANCE AMENDING TITLE 2, CHAPTER 7, SECTIONS 1, 2, AND 3 OF THE KAYSVILLE CITY CODE REGARDING APPELLATE PROECUDURES FOR EMPLOYEES FACING DISCIPLINARY ACTION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Council desires to recognize the rights of its employees to a fair appeal process; and

WHEREAS, the City Council desires to utilize the services of an administrative law judge to insure the that employees appeals are handled efficiently, expeditiously, and discreetly; and

WHEREAS, the City Council of Kaysville City finds it to be in the best interest of its citizens to enact the changes outlined below.

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

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Amendment. Title 2, Chapter 7, Sections 1, 2, and 3 shall be amended to read as follows:

2-7-1 Creation Of Appeal Board Personnel Hearing Officer

There is hereby created ~~an Appeal Board Personnel Hearing Officer~~ to hear appeals in connection with the appeal of discharges, suspensions for more than two days without pay or involuntary transfers to positions with less remuneration under the Kaysville City Personnel Rules and Regulations. The ~~Appeal Board Personnel Hearing Officer~~ shall ~~be an Administrative Law Judge as defined by the Kaysville City Code.~~ ~~consist of the members of the Kaysville City Council.~~

2-7-2 Appeal Board Procedures

Whenever an appeal is taken by any employee of Kaysville City to which Section 10-3-1105, Utah Code Annotated applies, the ~~Appeal Board Personnel Hearing Officer~~ shall thereupon process the appeal according to Section 10-3-1106, Utah Code Annotated. ~~The Mayor shall be a nonvoting member of the Appeal Board except on each matter for which there is a tie vote of the other board members present at a board meeting.~~

2-7-3 Procedure And Standards Of Review At Appeal Hearing

1. Procedure. The City shall first present evidence in support of the employment action. The employee may then present evidence in support of the appeal. The City may thereafter offer rebuttal evidence. Formal rules of evidence shall not apply and procedures applicable to administrative hearings will be followed.
2. Standard of Review. If the employment action is supported by substantial evidence, the action will be sustained. "Substantial evidence" is defined as that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. Substantial evidence is more than a mere scintilla of evidence and something less than a preponderance of the evidence."

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of _____, 20__.

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ATTEST:

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: February 1, 2024

TYPE OF ITEM: Work Items

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: Changes to Employee Disciplinary Procedures

EXECUTIVE SUMMARY:

This amendment would expand the ability to give written reprimands to authorized supervisors. City policy anticipates graduated sanctions for employee misconduct. The current sanctions (ordered from least to most severe) are: Verbal Warning, Written Reprimand, Suspension, Demotion, and Dismissal. Under the current policy, supervisors can give Verbal Warnings only. This amendment would allow Department Heads to authorize supervisors to give written reprimands.

The proposed policy includes two oversight functions. First, Department Heads need to authorize which supervisors may issue written reprimands. Second, the Department Head needs to agree that the misconduct warrants a written reprimand. City Staff believes that this change appropriately balances the need to maintain high-standards of employee conduct, whilst freeing Department Heads from having to handle every situation requiring this low-level of discipline.

City Council Options:

1) Move the Resolution to an Action Item; 2) Move the Resolution to an Action Item with any modifications that the Council deems appropriate; 3) Decline to move the item to an Action Item and remand to staff with further direction.

Staff Recommendation:

Staff recommends that the City Council move this item to an Action Item.

Fiscal Impact:

None anticipated.

ATTACHMENTS:

1. Resolution Amending Section 5.01 of the Personnel Rules & Regulations

RESOLUTION 24-XX-XX

A RESOLUTION AMENDING SECTION 5.01 OF THE PERSONNEL RULES & REGULATIONS REGARDING DISCIPLINARY PROCEDURES

WHEREAS, the Kaysville City Council desires that City Personnel are afforded a fair and just procedure when they need to to improve their conduct; and

WHEREAS, the City Council desires to allow supervisors the ability to address conduct at early stages to insure the that misconduct is handled efficiently, expeditiously, and discreetly; and

WHEREAS, it is deemed to be in the best interest of the citizens of Kaysville City to adopt and approve the policy outlined below.

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

The Kaysville City Personnel Policies and Procedures Section 5.03 shall be amended as followed:

5.01 Disciplinary Procedure

...

WRITTEN REPRIMAND - A department head , or an authorized supervisor with the department head's concurrence, may reprimand an employee in writing. Such reprimand should be addressed to the employee and a signed copy should be delivered to ~~the Personnel Officer~~ Human Resources for inclusion in the employee's personnel file.

...

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of _____, 2024.

ATTEST:

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder