

KAYSVILLE CITY COUNCIL
OCTOBER 6, 2015

Minutes of a regular meeting of the Kaysville City Council held October 6, 2015 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Steve Hiatt, Mark Johnson, Ron Stephens, Brett Garlick, Susan Lee and Chris Snell.

Others present: City Manager John Thacker, Recorder Linda Ross, Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Police Chief Sol Oberg, Ron Zollinger, Rhonda Perkes, Jacquie Jones, Jason Jones, Blake Webster, Jake Garn, Richard Rosier, Marshall McKinnon, Jason McKinnon, Rick Jones, Melissa McIntyre, Brett Tarbox, Jared Holmes, Tyler Wood, Susan Frank, John Frank, Susan Harris, Carri Blackham, Mike Blackham, Katie Witt, Dell Hanks, Boyd Bateman, Steve Bingham, Anderson Perry, Carter Green, Matt Kennedy, Quentin Jenkins, Zach Kennedy, Shawn Parkin, Kyle Parkin, Jason Rice, Deb Astle, Jaxton Yeates, Cole Astle, Brad Barker, Ryan Anderson, Tayden Wood, Joshua Rice, Kim Blackburn, Rob Brenchley, Lisa Brenchley, Carole Walker, Michael Martinez, Taralyn Griffin, Bryan Sorensen and Walter Sorensen.

Council Member Garlick stated that Bowman's Market sponsors an annual breakfast on July 24th that benefits the Kaysville City Recreation Department. He presented a check from the proceeds of this year's breakfast for \$2,335.75 and thanked Bowman's for their support.

EXPLANATION OF OPERATION UNDERGROUND RAILROAD

Jason Jones explained that Operation Underground Railroad is a group that focuses on child human trafficking. He stated that this is a big global problem. Last month a sting was held in Salt Lake City that captured nine human traffickers and freed many children. The Kaysville rescue is a grassroots effort to help rescue children and put them in safe houses and orphanages. Three weeks ago he was compelled by this mission and felt the influence to become involved. He helped form Our Kaysville Rescue to help in this effort and stated that they will hold a fundraising event on Friday.

Jacquie Jones stated that the event on Friday will be held at Davis High School for the purpose of raising money that will go toward sting operations. Attorney General Sean Reyes will be master of ceremonies. The event will begin at 5:00 p.m. with a tailgate party, live band and food trucks. At 6:00 p.m. there will be a VIP meet and greet and then the main event begins at 7:00 p.m. She explained that this is not just a fundraising event, people can also help in other ways.

CALL TO THE PUBLIC

Rob Brenchley stated that the Field of Dreams Subdivision is happening in his backyard. In August, the Blake residence in this area flooded twice. He helped drain the water to the creek by hand. Mr. Blake has built a trench and is trying to figure out a solution. His property is the lowest lot in that area. He stated that there is no place to drain the water and he believes the developer of this subdivision or the City should take care of that. He explained that the Hunsakers, another property in the area, have a swimming pool and there is not a lot of privacy. Their property sits on the fence line. Recently, ownership has changed and the people living there now teach swimming lessons. They have had to work out issues associated with that with their neighbors. He then stated that the Ralph's have a deck next to their fence and are moving out primarily because the house next to them is in their backyard and they have no privacy. He feels like he is in the kitchen of the house next door. There are flag lots in this area and he believes people did not know what was going on when those flag lots were approved.

Kim Blackburn stated that he lives on Whit's End. He recommended that the Council amend the final plat for Field of Dreams Subdivision to allow only one flag lot on each parcel. He served on planning and zoning commissions and lived next to flag lots in Bountiful. Flag lots increase housing density that detracts from the hometown feel of Kaysville. He believes flag lots should be allowed on no less than $\frac{3}{4}$ acre. A flag lot was approved behind him and he had no objection. He believes an acre is plenty of space and keeps density down. He was invited to meet with City staff and the developers regarding this development and it was confrontational. He was told he had no right to oppose this development since he just moved in. Some people in the meeting said this development is no different than the Whit's End development. He stated that the Whit's End Subdivision has no lot less than half acre in size and the smallest side yard is 25'. He asked the Council to consider a separate zoning designation for flag lots and requested that the City notify neighbors when property is being rezoned to allow a flag lot. He believes west Kaysville should remain two units per acre.

Rhonda Perkes stated that she represents Congressman Chris Stewart. She thanked the Council for all they do and stated that if there are any issues they can help with, they would love to hear from the Council.

Walt Sorensen stated that he lives on Wellington Drive. He grew up in Kaysville and he is fine with the housing projects that have taken place in Kaysville. He likes the way Kaysville is moving forward. He believes it gives an opportunity for jobs and growth. He believes that planning and zoning makes sure that subdivision plats are legal and that no corners are being cut. He believes that no laws are being broken with the Field of Dreams Subdivision and no water will drain onto adjacent property. They are doing everything within their means to be legal and further the growth of Kaysville. Anyone who doesn't like growth could move to more rural areas.

Lisa Brenchley stated that the Field of Dreams Subdivision will devalue her property. She has lived here 17 years. She believes that Bryan Sorensen is going to build a smaller house next to her. She doesn't believe that it is right that he can build a house on her fence line. She feels like her property rights are being taken away from her. She was under the impression west Kaysville would stay at half acre lots. She believes she has rights too.

HILL FARMS SUBDIVISION PHASE 2C FINAL PLAT

Andy Thompson explained that this subdivision is located at approximately 2000 West Phillips Street and consists of 13 lots, including two existing homes. The plat complies with the preliminary plat with minor adjustments to make the utilities work. The Planning Commission recommended approval.

Council Member Johnson made a motion granting final plat approval for Hill Farms Subdivision Phase 2C, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

FIELD OF DREAMS SUBDIVISION FINAL PLAT AND OVERLAY OF PRUD – PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY ZONE ON 3.2 ACRES OF PROPERTY AT 1111 WEST WEBB LANE

Andy Thompson explained that this subdivision is located at 1111 West Webb Lane and consists of six lots on a private street. Originally, Bryan Sorensen received approval for a double flag lot development. Since that time, he met with his neighbor, Mike Blackham, and they have combined their properties into one private lane subdivision. The request is to install improvements for all six lots now but record the plat with three lots. Lots 1, 5 and 6 will remain one lot for now and Lots 3 and 4 will remain one lot for now. These lots may be further subdivided when the owners choose to do so. Neighbors immediately to the south expressed concern over how these new lots would drain. The improvement drawings show that the lots will be graded away from the south property line and any surface water will drain to the west into the channel. The plat complies with zoning requirements for the R-1-LD zone and is in compliance with the preliminary plat. The Planning Commission recommended approval.

Council Member Johnson wanted to know if the 50' setback requirement on Mr. Sorensen's property would still be required.

Andy Thompson stated that this is a new subdivision and that requirement doesn't automatically carry forward.

Council Member Stephens stated that the City had an agreement with Mr. Sorensen about a 50' setback. He doesn't see this subdivision any differently.

Council Member Lee stated that her concern previously about this property was the setback. She believes the agreement for a 50' setback should continue because of the same concern that a home could be too close to the Brenchleys. She feels that Mr. Blackham's property should have the same setback requirement.

Rob Brenchley stated that the reason they bought where they did was because the developer told them west Kaysville was half acre lots. He thought he would never see something like this happen. He called other cities and asked them about their developments relating to flag lots. He knows this development is not proposing flag lots, but it still feels like a flag lot subdivision to him. Clearfield, Clinton and Sunset do not allow this. Roy City allows it but only with two parcels and they have only granted approval for one in their city. They also provide notice in writing to every adjacent property owner. He recommends Kaysville provide written notice and fix their website so it is searchable. A 50' clearance on both lots is a minimum of what he wants. He believes that people are not able to enjoy their residence with developments like this. He called Brent Heiner, the property owner west of this development, last night and learned that he is worried about who will move there and had no idea drainage would go into his field.

Andy Thompson explained that a developer cannot increase their runoff onto adjacent properties. Water is already running onto Brent Heiner's property and it will not increase that much with this development. The amount of any additional impervious surface will be fairly insignificant. City ordinance requires some type of curbing to collect water. The low point is in the middle of this property and the developers will have to deal with that on their lot.

Bryan Sorensen stated that Whit's End is a private lane subdivision similar to what they are proposing. Currently, all the water from the property east of this property runs into his yard.

Mike Blackham stated that he has lived at this location for over 20 years and has never had standing water or any water problems on his property. He would like to have a lot behind his barn that someone can build a home on. He doesn't believe a 14,000 square foot lot is small. A lot across the street from him is 12,000 square feet. He and Mr. Sorensen are trying to build a private lane subdivision, not a flag lot subdivision.

Bryan Sorensen stated that the neighbor behind Mike Blackham has a barn that is 8-10' from the property line now. The last thing on his mind is to make it unbearable for someone else. He owns the property and believes he has the right to develop it. They have tried to do this in a tasteful manner. He has no plans to develop the property and then leave. They plan to stay there. His lot is 150' deep. There is 65' from the Brenchley home to the property line. If he had a 50' setback that would leave a 150' barrier between him and Brenchleys. He is willing to agree to the 50' setback again but doesn't believe it is fair to require that setback on the Blackham property. He has talked to Brent Heiner about drainage. They will maintain the same drainage pattern that exists now. A little more water might be collected but it will go to the same place.

Mike Blackham explained that when this property was flood irrigated, the water went in the same direction. That is the same place they will take the water now.

Council Member Snell stated that some lots in this area were elevated and that changes the route of the runoff. The City requires developers to build to the standard of a 100 year storm. Once in a while, a large storm might overload the facilities.

Bryan Sorensen stated that he plans on having a drainage swale between his barn and house and will do the same thing between his house and the other lot. He will make sure water will flow in the natural channel.

Council Member Lee stated that there was no such thing as the LD zone at the time the Brenchleys purchased their property. She believes that a larger setback should also be required on the Blackham property.

Mayor Hiatt stated that if these developers had six half acre lots, the situation would be the same.

Mike Blackham stated that Kaysville City has been trying to get diversity in zoning to allow for different types of lots and houses. He has a huge barn on his property. Some day when he sells his home he will build on the middle lot. He would like someone to take his home and barn and put horses there. They are trying to create diversity. When he first moved to this property about five cars a day traveled down Webb Lane. Now there about 50 cars a day. Having homes on a private lane allows everyone to pull forward onto this busy street.

Council Member Garlick stated that he remembers Mr. Sorensen agreeing to a 50' setback but because there was a barn and no house behind the Blackham property, it was decided that a setback was not needed. He knows some people want half acre lots in west Kaysville but he respects the rights of a property owner too.

Andy Thompson explained that the LD and R-1-20 zones have the same setback requirements, which are 8' side yards, 30' front yards, and 15' back yards and that is what everything is built to. If there is a need in that location, the City Council has the right to mitigate impacts by increasing setbacks. Flag lots require a 20' setback on both sides.

Bryan Sorensen stated that he would be willing to go with a 50' minimum setback on the south end of his property.

Mike Blackham stated that he would be willing to go with a 20' minimum setback on the south end of his property.

Council Member Garlick made a motion granting final plat approval of Field of Dreams Subdivision and adopting Ordinance No. 15-10-1, Laying the PRUD Overlay Zone on 3.2 acres of property at 1111 West Webb Lane with the condition that the south property line have a 50' setback on the southwest lot and a 20' setback on the southeast lot with the developers having the ability to adjust property lines between lots as they see necessary, second by Council Member Stephens.

Council Member Lee expressed concern about how small the back lot on the east parcel will be compared to other lots around it.

Mike Blackham explained that there are two 10,000 square foot lots close by.

Rob Brenchley stated that he would prefer to see a 50' setback required on both the west and east parcels.

Council Member Garlick stated that if they developed six half acre lots, the setback would be less than 20'. The City Council cannot tell a developer they cannot develop their property if they meet the requirements of the ordinance.

Rob Brenchley stated that he doesn't believe it is appropriate to put any houses back there.

Council Member Garlick stated that the Council is trying to help the neighbors. It seems to him that the developers are compromising but Mr. Brenchley is not appreciative and wants the developers to give more.

Kim Blackburn stated that he does not want what happened behind the Ralph's property to happen here. If it does, he may come before the Council and request a variance to build a taller fence. He realizes that people have the right to do what they want with their property. There used to be sheep and chickens behind his property. Now there will be houses. He would hate to see someone 8-10' from his fence. He didn't build the barn that sits on his property. It was there when he moved in.

Mayor Hiatt wanted to know if drainage will be an issue.

Andy Thompson stated that he has reviewed drainage closely and is comfortable with this proposal. At the current time, the properties to the south sit between 1 and 1 ½ feet higher. The water will drain to the low point. The grading plan for this development leaves that pattern in place. As far as storm water runoff is concerned, he is confident that the subdivision as proposed will not impact adjacent properties.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

Mayor Hiatt recommended that City staff look at mailing notices to adjacent property owners on developmental issues and bring that information back to the City Council.

ADOPTION OF KAYSVILLE CITY TRAFFIC CALMING PROCEDURES

Council Member Garlick explained that a Traffic Calming Committee made up of citizens Blake Webster, Brett Tarbox, Dan Lance, Susan Harris and Richard Rosier, the City Engineer, a Police Department representative (Officer Mike Martinez), and Council Members Garlick and Stephens was recently formed. The committee met several times and came up with a policy on traffic calming procedures. The committee recommends that the Council adopt the policy outlining the process that citizens and staff will follow to report on and determine mitigation for traffic issues. Officer Martinez can be contacted on issues and will be able to identify trends. The committee also recommends that the City provide funding to obtain two traffic data collection units that can be mounted on signs or posts that will collect data 24 hours a day. The cost for two units would be \$8,000 to \$10,000.

Council Member Stephens stated that he was impressed with this committee. Everyone had the opportunity to express their ideas. It became a blending of two resources, the Police Department and City Engineer, that he believes strengthened the policy.

Blake Webster stated that it was a pleasure to serve on the committee. He believes data collecting tools would take the emotional side out of these types of issues. He believes this committee should continue to meet on a quarterly basis to deal with traffic issues and make recommendations to the City Council.

Brett Tarbox stated that this proposal provides a process for citizens. The committee was a great way to proceed and everyone did a good job.

Richard Rosier stated that the committee came up with something that gives a clear process and he believes data gathering tools are important.

Dan Lance stated that it was a pleasure to serve. He was impressed with the City Engineer and his education. Officer Martinez was also excellent to work with.

Mike Martinez stated that this was the first positive interaction he has had with the public. It was a pleasure to serve on a committee that moved forward. Everyone had the same purpose. He stated the Chief Oberg is a forward thinker and a great leader. This was a collaborative effort. This is not something that can be resolved in a single day or even in a month. This committee needs the support of the City Council.

Council Member Garlick made a motion to approve the Traffic Calming Procedures as presented and authorize acquisition of two traffic data collection units for a cost between \$8,000 and \$10,000, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

Council Member Garlick requested that the money for the traffic data collection units not come out of the Police Department budget.

APPROVAL OF LOCAL CONSENT SPECIAL USE PERMIT FOR DAVIS APPLIED TECHNOLOGY COLLEGE (DATC)

John Thacker explained that the Davis Applied Technology College has applied to the Utah Department of Alcoholic Beverage Control for a Special Use Permit for the sole purpose of using cooking wine in its culinary arts education classes. The Department requires local consent from the City Council to issue the permit.

Mayor Hiatt stated that at DATC a person can receive certification in the American Culinary Federation (ACF) if they have cooked with alcohol. That designation is very key to someone graduating in culinary arts and there is only one other place in the state of Utah where someone can receive that designation. He also explained that only two people would have a key to the alcohol storage and the alcohol would be taken out for uses only under the Culinary Art Director's supervision.

Council Member Garlick made a motion approving the Local Consent Special Use Permit for Davis Applied Technology College, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

**APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH EQUINOX
ENGINEERING FOR THE SCHICK LANE STORM WATER WETLANDS PROJECT
AND ANGEL STREET MITIGATION PROJECT**

John Thacker explained that preliminary assessments and designs for the Schick Lane Storm Water Wetlands Project and Angel Street Mitigation Project have been done. This will allow moving storm water detention from the Schick Farms Cluster Subdivision to The Nature Conservancy and completion of street improvements on Angel Street. The next step is to complete design and obtain Army Corps of Engineers permits for the projects. Equinox Engineering proposes to do that for the City and The Nature Conservancy if authorized by the Professional Services Agreement which funds the work up to \$40,000.

Council Member Garlick wanted to know if this will have an impact on the West Davis Corridor or wetlands.

John Thacker stated that it would not affect the West Davis Corridor, but create wetlands outside the Corridor.

Council Member Lee wanted to know if this will allow sidewalk, curb and gutter to be installed on the east side of Angel Street.

John Thacker stated that it would, however, that would be done later because mitigating the wetlands would come first.

Council Member Stephens wanted to know the source for funding the project.

John Thacker stated that it would come from storm drain utility funds.

Council Member Lee made a motion approving the Professional Services Agreement with Equinox Engineering for the Schick Lane Storm Water Wetlands Project and Angel Street Mitigation Project, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Council Member Johnson stated that recruiting for Youth City Council Members is going on now. Students must be junior or senior high school age.

Council Member Garlick stated that the Monster Mash and Dash is this Saturday at Heritage Park. Events begin at 5:00 p.m.

Council Member Lee stated that there are a lot of kids who walk in the road from Whit's End to Centennial Jr. High School. She wanted to know if there are plans to install a sidewalk there.

Mayor Hiatt explained that each school's Community Council determines safe routes to schools. The Community Council of Snow Horse Elementary and Centennial Jr. High identified areas that are not safe and set priorities. Their focus was on Angel Street and they raised money for that project. Putting City funds into private property is always a concern, but the City could revisit safe routes to schools.

Andy Thompson explained that Centennial Jr. High's safe routing plan shows the Rail Trail as the route that should be taken. People coming from the north should be using the Rail Trail and not the road.

Council Member Stephens stated that the role of the property owner is a concern. It can be expensive if the City takes that on and property owners along the street were not in favor of funding it.

Council Member Snell wanted to know if the City still maintains a lien on property that has not been developed.

Andy Thompson explained that the City no longer takes a lien. Instead, they make the property owner pay for improvements now and improvements are installed when needed. The problem with this area is that some homes were there before the west side of Kaysville incorporated into the City.

Council Member Lee wanted to know when improvements will be installed on Shepard Lane.

John Thacker explained that the City Council decided to wait for a decision on the route of Legacy Highway.

Council Member Lee suggested that the City readdress that.

Mayor Hiatt explained that this evening Council Members and staff attended the VIP opening of Smith's Marketplace. The store will open for business tomorrow. He explained that this is a 123,000 square foot building built at a cost of \$19 million dollars that has supplied 275 new jobs. He believes this is a great thing for the City.

MINUTES

Council Member Johnson made a motion approving the minutes of September 15, 2015 and September 22, 2015, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

CLAIMS

Council Member Garlick made a motion approving claims in the amount of \$1,025,554.33, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

CALENDAR

The Council Members reviewed a three month calendar.

CLOSED MEETING TO DISCUSS PERSONNEL

Council Member Garlick made a motion to adjourn the City Council meeting at 9:50 p.m. and reconvene into a closed meeting to discuss personnel, second by Council Member Snell.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

Council Member Garlick made a motion to adjourn the closed meeting at 10:45 p.m. and reconvene into the City Council meeting, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Garlick, yea
Council Member Lee, yea
Council Member Snell, yea

The motion passed unanimously.

Council Member Stephens made a motion for adjournment at 10:45 p.m., second by Council Member Garlick and passed unanimously.