KAYSVILLE CITY COUNCIL

Meeting Minutes

June 15, 2017

Meeting minutes of a regular City Council meeting on June 15, 2017, at 6:30 p.m. in the Council Room of the Kaysville City Municipal Center, 23 East Center Street, Kaysville, UT.

Present: Mayor Hiatt, Council Member Snell, Council Member Page, Council Member Lee and Council Member Garn, Council Member Adams.

Others present: City Manager Shayne Scott, City Engineer Andy Thompson, City Recorder Maria Devereux, Chief Sol Oberg, Brady Nowers, Brad Nye, Shane Larkin, Mike Smith, Gerald McKenzie, Melissa Mcintyre, Nancy M Villamizar, Jacob Villamizar, Amy Taylor, John Russon, Shelly Russon, Hal Anderson, James Stewart Lowell Johnson, Vern Hadley, Sharon Hadley, Trent Walker, Nate Brower, Aaron Lock, Jason Jones, Lary Hardy, Randi Von Bose, Layne Hadley, Mari Hadley, Daniel Hash, Lisa Rice, Wendy Wood, Lisa Rodgers, Jacine Rodgers, Darrell Mckinnon, Damon Boward, Katie Witt Dean Wall, Ian Jensen, John Jensen, Angie Martinez, Kelly Martinez, Keith Arbor, Jill Puffer, Vinnie Figlioli, Jay Bell, Aaron Shupe, Kasey Adams, Cameron Mkinnon, Trent Bristol, Brtt Larkin, Jeff Parrish, Bryan Emery, Wade Watkins, Mary Bott, Alan Bott, Rustin Jessen, Christian Volmar, Lorene Kamalu, Mike Burch, Joy Burch, John Swan Adams, and Spencer Prince.

6:30 p.m. KAYSVILLE CITY COUNCIL PUBLIC HEARING

A Public Hearing to allow input regarding the Issuance and sale of not more than $1,375,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2017 and any potential economic impact that the project to be financed with the proceeds of the Series 2017 Bonds issued under the act may have on the private sector; and related matters.

Council Member Lee made a motion to close the Hearing, second by Council Member Garn and passed unanimously.

The meeting adjourned at 6:40 p.m.

PUBLIC HEARING

THE ADJUSTMENT OF A COMMON MUNICIPAL BOUNDARY WITH FARMINGTON CITY TO REMOVE APPROXIMATELY 0.40 ACRES OF PROPERTY FROM FARMINGTON CITY AND ANNEX IT INTO KAYSVILLE CITY.

Lyle Gibson explained that in April of 2017 the City Council approved a Resolution of Intent to consider the subject boundary adjustment wherein Kaysville City would grow by 0.38 acres by adjusting a common municipal boundary and taking a portion of excess UDOT right of way from Farmington City. Since that date staff has certified the petition to adjust the common boundary and has published notice as required by the State of Utah allowing time for affected entities to protest the request. He noted that the property is UDOT surplus which the applicant has under contract to purchase. Mr. Johnson has submitted a petition describing the reason for his interest in the property being in Kaysville City rather than Farmington City. He stated that the applicant has expressed his desire to use the subject property for residential purposes and to that end the R-1-10 (Single Family Residential) zoning district is proposed. Staff has reviewed the request and has found that the City is capable of providing services to the property.

Lyle Gibson explained that the Farmington City Council during its meeting held March 21, 2017 passed a resolution initiating the process to adjust the common boundary line as described in this application. Since this time Farmington has also completed the required noticing and held a public hearing on June 6, 2017 to make a decision on the request as to whether or not the property would be released from Farmington City. The Farmington City Council voted to deny the request because the applicant was not in attendance at their meeting while this item was being discussed. Without an understanding of what would happen with the property the Council did not feel comfortable approving the request. Discussion with Farmington City's Community Development department and City Attorney determined that it would be appropriate for Farmington City to reconsider the request at the next City Council meeting on June 20, 2017 where the applicant would be present.

Mayor Hiatt opened the Public Hearing for comment.

No comments were made.

Council Member Garn made a motion to close the Public Hearing, second by Council Member Snell and passed unanimously.

Council Member Garn made a motion to table the Municipal Boundary Adjustment with Farmington City until the next City Council meeting on July 6, 2017, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

CITY COUNCIL

VOLUNTEER OF THE SEASON

Council Member Snell presented an award to Vern Hadley as Volunteer of the Season and praised his exemplary efforts within the City.

CALL TO THE PUBLIC

Mayor Hiatt opened Call to the Public and explained the public may address agenda items within a three minute period.

Dean Wall noted that he has questions about a Questar gas line. He stated that he would like clarification on the pressure within the pipe and the dimensions of the pipe.

PRELIMINARY AND FINAL PLAT FOR THE LELACHEUR FARMS SUBDIVISION

Andy Thompson explained that the applicant is requesting approval of the Lelacheur Farms Subdivision. It is a one lot subdivision plat. The property, located just south of Centennial Jr. High, is a remnant of a larger piece that requires an approved subdivision plat to allow construction of a home. The proposed lot is 40,480 sq. ft. in size which is just shy of an acre with nearly 220 ft. of frontage. The A-1 zoning district where the property is located requires a minimum of 40,000 sq. ft. per lot with a frontage of at least 100 ft.
The Planning Commission voted to forward a favorable recommendation for the preliminary and final plat of the Lelacheur Farms Subdivision as proposed. He noted that the lot as proposed meets the area and lot width requirements of the underlying zoning district.

Council Member garn made a motion to approve the Preliminary and Final Plat for the Lelacheur Farms Subdivision, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

CONSIDERATION OF THE QUESTAR GAS PIPELINE LOCATED ALONG DESERET DRIVE

Lyle Gibson, City Zoning Administrator, explained that Questar has been working on a major pipeline project installing new natural gas lines over many miles. In anticipation of this project Questar has reached out to Kaysville City informing staff of their project including its projected timeline and impact. In considering the impact the work would have on the City and its residents Questar brought up the idea of locating the new pipelines to the east of the existing lines in the subject area on the north end of Deseret Drive to reduce the impact the construction would have on the residents in the area. He explained that the proposed alignment does not appear to create any undesired conflicts with existing utilities in the area. The parkway on the west side of the street is 20 ft. wide which currently includes 5 ft. sidewalk at back of curb and 15 ft. of unimproved land.

Dean Wall noted that he would like option to take care of the park strip and maintain it.

Kelly Martinez stated that he is in favor of moving the pipe to east side and would like the City to follow through with a noise barrier. He stated his disappointment that Tri-City hasn't followed through with their agreement to take care of the property.

DEVELOPMENT AGREEMENT AND REQUEST TO REZONE 1.53 ACRES OF PROPERTY FROM R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT.

Andy Thompson, City Engineer, explained that this item has been before the Planning Commission and City Council on multiple occasions. Most recently the item has been tabled in order to allow time for the applicant and neighboring residents to continue working through the details of a development agreement. He noted that the agreement is a product of multiple meetings between Mr. Puffer and a number of the involved neighbors and has been added to the City Council packet for the review.

Council Member Garn made a motion to approve the Development Agreement and rezone of 1.53 acres of property from r-1-20 (Single Family Residential) to the LI (Light Industrial) zoning district, second by Council Member Page.

Council Member Adams made a substitute motion to deny the rezone request, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Nay
Council Member Page, Nay
Council Member Adams, Yea
Council Member Garn, Nay
Council Member Lee, Yea

The motion failed two to three.

The vote on the original motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Lee, Nay

The motion passes three to two.

COOPERATIVE AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS.

Chief Larkin explained that this Cooperative Agreement is required for a Municipality to work with the State of Utah, Division of Forestry, Fire, and State Lands to cooperatively discharge their joint responsibilities for protecting non-federal land from wildland fire. He explained that the agreement shall become effective on January 1, 2017 and is intended to continue for five years. He stated that upon delegation of a large fire, if it is too big for City, this entity will step in and manage the fire.

Council Member Garn made a motion to adopt the Cooperative Agreement between the Utah Division of Forestry, Fire and State Lands, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

APPOINTMENT OF PLANNING COMMISSION MEMBERS

Mayor Hiatt noted that the terms of two Planning Commission members will expire on June 30, 2017. He explained that both of the Commission members, Stroh DeCaire and Matt Anderson are asking to be reappointed. He explained that his suggestion for this process would be to reappoint the two current members for a new three year term.

Council Member Page made a motion to reappoint Stroh Decaire and Matt Anderson for a new three year term on the Planning Commission, second by Council Member Garn.

Council Member Adams made a substitute motion to maintain the spirit of openness and open the process to others that may express interest, second by Council Member Lee.

Mayor Hiatt noted that the City can put a description on website and post clear expectations for the application process. He explained that had discussed this matter with the City attorney to ensure appropriate measures were taken.

Council Member Adams made an amendment to the substitute motion to deny the current process and instruct the Mayor to come back to the body with a new process, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Nay
Council Member Page, Nay
Council Member Adams, Yea
Council Member Garn, Nay
Council Member Lee, Yea

The motion fails three to two.

Council Member Page made a motion to reappoint Stroh DeCaire and Matt Anderson for a new three year term on the Planning Commission, second by Council Member Garn.

The vote on the original motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Lee, Nay

The motion passes three to two.

ELECTION HANDOUT

Shayne Scott, City Manager, explained that during the Council retreat/goal planning session of January 7, 2017, there was some consensus by the elected body for a declaration of expectations on the part of those who run for office in Kaysville. This declaration would express the role of the elected member and some of the expectations of the position. The idea behind this declaration would be to inform those that run for office of the obligation and expectations that one assumes as an elected official in Kaysville City. It is recommended that the City Council review the included "Role of the Local Elected Official" sheet that has been put together by staff, mostly by Maria Devereux, City Recorder. Once reviewed and suggested changes are made, Mrs. Devereux may include this in future correspondence with those that have chosen to run in 2017 as well as those that choose to run in City elections in future years. While there is no one way to be a successful elected official, The Role of the Local Elected Official document contains definitions, meeting attendance requirements, time expectations, and many other constructive ideas about how best to serve as a local elected official.

Council Member Snell made a motion to use the election document for the current election period and future elections, second by Council Member Lee.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed unanimously.

A RESOLUTION AMENDING THE KAYSVILLE CITY BUDGETS FOR FISCAL YEAR 2017

Dean Storey, Finance Director, explained that amendments to the Kaysville City budget are needed for the FY 2017 budget.

Council Member Snell made a motion to adopt the Resolution to amend the Kaysville City Budget for Fiscal Year 2017, second by Council Member Page.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Lee, Yea

The motion passes four to one.

A RESOLUTION ADOPTING THE KAYSVILLE CITY BUDGETS FOR FISCAL YEAR 2018, ADOPTING A CONSOLIDATED FEE SCHEDULE, ADOPTING A COMPENSATION SCHEDULE FOR CITY OFFICIALS AND EMPLOYEES AND ADOPTING THE CERTIFIED TAX RATE FOR FISCAL YEAR 2018

Dean Storey, Finance Director, explained that the Uniform Fiscal Procedures Act requires Kaysville City to adopt an annual budget for each fund and stated that the Council needs to adopt the Fiscal Year 2018 Budgets including the Consolidated Fee Schedule and the Compensation Schedule for City Officials and employees as well as set a certified tax rate as part of the annual budget.

Council Member Adams expressed concern that there are other needs to evaluate, such as roads. He also stated his concern with the Public Works purchase of a new vehicle.

Council Member Snell stated that he discussed this matter with the Public Works Director and explained that the 1985 truck needs to be replaced.

Council Member Garn noted that he trusts staff to make good decisions.

Council Member Snell made a motion to adopt the Resolution of Kaysville City budgets for Fiscal Year 2018, adopting a consolidated fee schedule, adopting a compensation schedule for City officials and employees and adopting the certified tax rate for Fiscal Year 2018, second by Council Member Garn.

The vote on the motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed four to one.

PRELIMINARY PLAT FOR THE WHISPERWOOD SUBDIVISION

Andy Thompson, City Engineer, explained that this subdivision is located at the east end of 100 North Street and is proposed as a Private Lane subdivision. The proposed development includes 5 new lots ranging in size from 9,750 sq. ft. to 12,230 sq. ft.

He noted that at the last Council meeting, the City Council reviewed this project and tabled the item. The Council expressed concern with the completion of the cul-de-sac. There were also concerns expressed about the drainage of the property and access to property to the east. He noted that a modified preliminary plat has been submitted showing a forty foot radius cul-de-sac at the end of the private road. This is the standard radius for a cul-de-sac without sidewalk. The plat also provides a 30 ft. access for the property to the east along the north edge of the property.

Andy Thompson stated that final plat approval would be dependent on the following issues being fully resolved to the City's satisfaction: access to the property to the east, storm water issues on the property, buffering of the new private lane, assuring snow removal of the private lane would not impact adjacent properties, and providing a geotechnical report as needed.

Spencer Prince stated that he made notes of concerns and comments to respond to design and planning questions that were discussed at the last Council meeting. He noted that they design to the City's standards and regulations. He addressed four major issues; 1) adding a cul-de-sac for additional turn around for traffic, 2) water runoff issues, 3) west property owner desires privacy and sound mitigation, 4) and the east property owner concerned about access to the property.

1) He explained that in regard to the cul-de-sac, his company looked into several different designs and weighed pros and cons, he noted that they feel the design presented is the best design with the best utilization of the land and best presentation for the lots. 2) In regard to the concern of water runoff, he noted that they are going to enclose the balance of the stream on the property and that will mitigate the debris from falling into the stream. He noted that they have contracted with engineering companies to perform hydrology studies, geotechnical studies for the water table on each of the lots, an Alta survey and topographical report. He noted that they have contracted with a civil engineering firm for infrastructure and water engineering. He explained they are trying to mitigate water issues in advance. In regard to the private drive and circle, he noted that this design creates an engineered water way and collection for the entire property both above and below ground. 3) In regard to privacy and sound mitigation for the property owner on the west, he suggested that they design and engineer a retaining wall that will begin at the north

east entrance to the backyard and would be carried to the beginning of the additional parking pad in that area, they will also install 6 ft. fencing on top of the retaining wall if the resident desires. If not desired they can make an alternate suggestion. 4) Regarding access to the property, his company would stub in utilities for future flag lot development. He explained that they can make sure that access to the property is not impeded.

Spencer Prince explained that they will follow the directive of the engineering companies once the studies have been completed they will know more.

Mayor Hiatt opened, Call to the Public.

Amy Taylor, adjacent property owner to the west, noted that she was surprised coming in today to find that there were more options to be discussed in regard to the cul-de-sac design. She noted that she would like an explanation and more information in regard to the cul-de-sac and future plan.

Amy Taylor explained she has a statement from her neighbor, Sue Tice stating essentially the same concerns. She noted that after further research and talking to the Fire Marshall the City's preference is 100 ft. within a cul-de-sac. She noted that there was some concern that a fire truck can make a turnaround if needed.

Council Member Garn noted that he knew there was going to be a cul-de-sac design but thought the developer was going to come back with different proposals to be considered. He is concerned about water mitigation and design.

Council Member Adams explained that he had introduced several ideas about the cul-de-sac and basin. He noted that the City does own the right of way and that the City needs to make sure that residents are not cut off from access to their property.

Mr. Briggs stated that there are going to be water issues and that water problems cannot be fixed if homes are being built in that area. He stated that there is nothing the City can do to prevent flooding and he is worried that the grate may fill up and flood the area. He explained that they may need to make this a legal issue to prevent having an easement on his property. He feels his rights are being violated. He explained he has a deep rooted family history within Kaysville. He noted that he is against the development of this property.

Council Member Garn asked if this development meets the need of all. He noted that would like to see it developed to City standards.

Council Member Adams noted Mr. Briggs should have full access to utilities.

Council Member Page made a motion to approve the Preliminary Plat for the Whisperwood Subdivision as presented with the private lane on the west side, second by Council Member Garn.

Council Member Adams made a substitute motion to table this item and review the matter further. The motion failed for lack of a second.

Sue Tice, resident, asked why the Council isn't upholding previous motions that they had made. She explained that she understood that the City Council wanted a revised plat that would address the issues and to give direction to the developer to come back with a plat that includes a City street with a cul-de-sac, she noted that the City Engineer explained this matter would go back to the Planning Commission for review. She stated that the Plat presented tonight is not significantly different and cited Municipal Code regarding 'welfare for all concerned' and Title 19 PRUD development.

Council Member Snell noted that there were four primary concerns that need to be met and feels they have been addressed. He suggested they now need to find out if the resolution to the concerns are feasible through engineering studies.

The vote on the original motion was as follows:

Council Member Snell, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member Lee, Yea

The motion passed four to one.

COUNCIL MEMBER REPORTS

Council Member Lee explained that Healthy Kaysville is being implemented and that there are many benefits to this project. She praised the efforts of volunteer Ron Zollinger. More information can be found on the website.

MINUTES

Minutes are not included in this packet.

CALENDAR ITEMS

The current calendar items are listed on the website.

ADJOURNMENT

Council Member Garn made a motion for adjournment 11:33 p.m., second by Council Member Snell and passed unanimously.

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Maria T Devereux/City Recorder