



KAYSVILLE CITY COUNCIL

Meeting Minutes

APPROVED

August 16, 2018

Meeting Minutes of the August 16, 2018 City Council Meeting.

Present: Mayor Witt, Council Member Barber, Council Member Page, Council Member DeCaire, Council Member Garn, and Council Member Adams.

Others present: City Manager Shayne Scott, City Engineer Andy Thompson, Chief Sol Oberg, Finance Director Dean Storey, City Recorder Maria Devereux, City Attorney Nicholas Mills, Lorene Kamalu, H. Lynn Galbraith, Flemming Hyllested, Ramona Porter, Brigg Lewis Micheal Darrohn, Dan Solomon, Phil Holland, Ruby Barkdull, Kevin Barkdull, Kris Kaufman.

PUBLIC HEARING – TRUTH AND TAXATION

Mayor Witt explained that Kaysville City is proposing to increase its property tax revenue and gave an example; Kaysville City tax on a \$364,000 residence would increase from \$297.30 to \$318.12, which is \$20.82 per year and Kaysville City tax on a \$364,000 business would increase from \$540.54 to \$578.40, which is \$37.86 per year.

If the proposed budget is approved, Kaysville City would increase its property tax budgeted revenue by 6.97% above last year's property tax budgeted revenue excluding new growth.

Mayor Witt invited the public to voice their concerns and questions.

Lynn Galbraith noted his concern and explained the importance of an annual review.

Brigg Lewis explained that he is concerned of an increases in taxes overall, annually.

Dan Solomon stated that he is also concerned with taxes being raised.

Mayor Witt closed the public hearing and adjourned the meeting at 6:50PM.

PUBLIC HEARING

AN ORDINANCE AMENDING SECTION 16-1-4, LICENSES REQUIRED, OF CHAPTER 16-1, ADMINISTRATION, OF TITLE 16, LICENSING CONTROL AND REGULATION OF BUSINESS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Lyle Gibson, Zoning Administrator explained that in 2017 the Utah State Legislature passed a bill that prohibited municipalities from charging a fee to home businesses whose impact was no more than a typical resident's. This was a hot button issue with many cities who continued to issue licenses to these business types requiring staff time and resources. Kaysville City likewise chose to continue offering licenses to businesses fitting into the State's exempt category, which we define as Minor Home Occupations.

The decision to continue issuing licenses at no cost was largely due to the fact that many businesses desire the license for their purposes, or it is required by other agencies.

Based on feedback over the course of a year from many cities, the State Legislature passed a new bill in 2018 that addressed some concerns with the previous law. Cities still cannot require that 'no impact' home businesses obtain a business license; however, now if a business desires the license, a city can charge a reasonable fee to cover the cost of issuing and administering that license.

The attached ordinance, in short, states that Minor Home Occupations are no longer required to be licensed in Kaysville City; however, should they desire a license they must pay the applicable administration fee. Kaysville City will still require that commercial businesses, as well as Major and Agricultural Home Occupations (businesses with customers and equipment i.e. hair salon, contractor) be licensed as they are currently. The proposed change would affect someone that essentially does paperwork and makes phone calls (i.e. book keeping, artists, etc.) from home. As written they will be paying for a business license only if they choose to have one.

Mayor Witt opened public comment. No comments were made.

Mayor Witt closed the public hearing and adjourned the meeting at 6:55 PM.

CITY COUNCIL – 7:00PM

Pastor Kopp, affiliated with the Kaysville Bible Church, provided an opening prayer.

DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts disclosed by the Council.

CONSENT ITEMS

Mayor Witt asked for a motion of the consent items.

The Consent Items are as follows: Consulting services with Madge Witt., b. Fire Department Radio Purchase., c. Fire Department LIFEPAK 15 Monitor/Defibrillator (AED)., d. Update to date of passage for Ordinance 18-4-1. An ordinance adjusting a common boundary between Kaysville City and Farmington City and annexing 0.69 acres of real property into Kaysville City.

Council Member DeCaire made a motion to approve the consent items, second by Council Member Garn.

Council Member Adams made a substitute motion to address consent item a. Consulting Services with Madge Witt separately, but to approve the remaining consent items b. c. and d., second by Council Member DeCaire.

A vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passed unanimously.

Council Member Adams explained that hiring Madge Witt should be a more open process and would like a more formal procedure.

Shayne Scott, City Manager, noted that additional information is included in packet.

Council Member Barber encouraged other residents to come forward if they have design skills to offer.

Council Member Barber made a motion to approve using consulting services provided as needed by Madge Witt, second by Council Member DeCaire.

A vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes four to one.

ACTION ITEMS

MINI EXCAVATOR PURCHASE

Josh Belnap explained that the excavator has 1980 hours listed on it now.

Council Member Adams noted that it would be good to look at other vendors, instead of just using the State Contract providers. He asked if the purchase can wait 3-5 years since the cost is high.

Josh Belnap explained that the water department, streets department and storm water department combined in the FY19 budget for the trade in of our 2013 excavator and purchase of a new unit of a higher capacity and versatility. The excavator is used almost continually to assist with water repairs, streets repairs, storm drain repairs and occasionally for Parks projects. The current excavator is approaching a point where components are starting to show signs of immediate or near future need to address (which is difficult for an already busy mechanics staff and ends up taking the machine out of service). This, combined with current limits on the 2013 excavator's ability to operate in tight spaces and sites and lifting capacity led the Public Works department to start exploring both purchase and lease options. Ultimately, purchase was cheaper in the long run and more viable over all. He noted that pricing was received from Honnen via State Contract pricing.

Council Member DeCaire asked if the trade in value is better if done now versus later. He explained there may be benefits of trading in the equipment.

Council Member Garn noted that the State Contract process is there to be utilized and has a very thorough vetting process in place.

Shayne Scott, City Manager, explained that taking advantage of State Contract purchasing would save the City time.

Council Member Page noted that having other bids is a good idea as well.

Council Member Garn made a motion to approve the purchase of the Mini Excavator by the Public Works Department, second by Council Member Barber.

Council Member Adams made a substitute motion not to approve the Mini Excavator purchase and wait a few years instead. The motion fails for lack of a second.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes four to one.

ADOPT CERTIFIED TAX RATE AND FINAL BUDGET

Shayne Scott explained that staff recommends passing this item as presented and advised to take action as we are against the deadline.

Council Member Garn noted that this hard for people on a fixed income to pay more and noted that it is important that the rate is assessed each year.

Council Member Barber thanked the community for their comments. She explained that the cost of maintaining a City is going up as well and would also be in favor of addressing this matter annually.

Council Member Adams explained that he feels this is an erroneous expenditure and disagrees with this item entirely.

Council Member Barber made a motion to adopt the tax rate and final budget resolution, second by Council Member Page.

Mayor Witt explained that the Council is careful with the resources entrusted to the city. She explained that the items are vetted and discussed thoroughly before consideration.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, nay
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes four to one.

REQUEST TO REZONE 4.0 ACRES OF PROPERTY AT 993 SOUTH SUNSET DRIVE FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT AND PRELIMINARY PLAT APPROVAL FOR THE BRADY ESTATES SUBDIVISION

Lyle Gibson gave an overview of the subject property between Sunset Drive and the D&RGW rail trail that includes just over 4 acres of property. The applicant is requesting approval of a rezone to the R-1-LD zoning district to develop the property.

He explained that there are two items being looked at with this request. The first is the rezone. A rezone is a legislative action and as such gives the City Council broad discretion in its decision as to whether or not to approve the request. To consider with this type of request is the city's general plan and how appropriate the zone is at the specific location.

The applicant has also submitted an application for the preliminary plat showing the desired development of this property. The plat shows 6 lots on the 4 acres of property, one lot includes the existing home. The subdivision would also bring Preakness Drive though to Sunset drive while creating new potential access to development to the north.

Council Member Page made a motion to approve the rezone of 4.0 acres of property at 993 South Sunset Drive from A-1 to the R-1-LD zoning district, second by Council Member DeCaire.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passed unanimously.

PRELIMINARY PLAT APPROVAL FOR BRADY ESTATES SUBDIVISION AT 993 SOUTH SUNSET DRIVE

Lyle Gibson explained that these two items should be voted on independently though addressed as one item.

Council Member Adams made a motion to approve the preliminary plat for Brady Estates Subdivision at 993 South Sunset Drive, second by Council Member Garn.

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes unanimously.

PRELIMINARY PLAT APPROVAL FOR TYLER MEADOWS PHASE 2 AT 1020 AND 1034 WEST SMITH LANE

Lyle Gibson explained that the City Council recently rezoned the subject property to the R-1-LD zone allowing for development at a density of 2 units per acre. The applicant at the time submitted a concept plan showing a likely layout of the subdivision including 6 lots on a cul-de-sac street.

Council member Adams asked if staff has given consideration to the homes on the opposite side of the new homes, he feels that there may be a concern from neighbors in regard to fencing.

Lyle Gibson noted that there was a public hearing and though residents attended they did not voice concerns.

Council Member DeCaire made a motion to approve the preliminary plat for Tyler Meadows Phase 2 at 1020 and 1034 West Smith Lane, second by Council member Page.

Council Member Barber, Yea
Council Member Page, Yea

Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes unanimously.

AN ORDINANCE AMENDING CHAPTER 19-4, FINAL PLAT, OF TITLE 19 SUBDIVISIONS

Lyle Gibson, Zoning Administrator, explained that the Kaysville City Council approved Ordinance 18-3-2 which made the Planning Commission the approval body for Final Plat applications. While that ordinance included a repealer which deals with conflicting language that may exist within the city's ordinances, it is preferable to clean up the conflicting language with the passage of this ordinance. The proposal modifies conflicting language which clarifies that the Planning Commission is the approval body for Final Plat applications. There is also a change to required documents to reflect how the city currently reviews this type of application.

Council Member Page made a motion to approve the ordinance amending Chapter 19-4, Final Plat, of Title 19 Subdivisions, second by Council Member DeCaire.

A vote on the motion follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passed unanimously.

AN ORDINANCE AMENDING SECTION 17-34-9, FLAG LOT SUBDIVISION, OF CHAPTER 17-34 PRUD PLANNED RESIDENTIAL UNIT DEVELOPMENT, OF TITLE 17, PLANNING AND ZONING

Staff has seen a significant increase in interest from the public to consider flag lot development on cul-de-sac streets. Historically this type of development was permitted in Kaysville City by conditional use, but has been prohibited for nearly a decade. Staff has discussed this topic on multiple occasions with the Planning Commission to arrive at the suggested ordinance revision. The ordinance proposed eliminates one sentence from the criteria for a flag lot in 17-34-9 which currently states 'Flag lot subdivisions are not allowed on cul-de-sac streets.' It is the opinion of staff that removing this text is an appropriate action because of how flag lots are permitted. A Flag Lot subdivision can only be approved with the PRUD overlay zone. Because approval of a zone or overlay zone is a legislative decision it allows for case by case discretion.

Council Member Adams made a motion to approve the ordinance amending section 17-34-9, Flag Lot Subdivision, of Chapter 17-34 PRUD Planned residential unit development, of Title 17, planning and zoning, second by Council Member Garn.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea

Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passed unanimously.

LEASING POLICY DISCUSSION

Shayne Scott explained that from time to time Kaysville has excess land that is not needed for current city operations. Several times over the past two years, individuals have reached out to the city asking about the possibility of leasing city land. The purpose of this discussion item is to gain consensus on a policy surrounding the leasing of land and other facilities owned by Kaysville City.

Council Member Barber noted that she appreciates that the City Manager keeps open communication.

Council Member Adams explained that he is concerned about confidentiality of correspondence in regard to leases, and bids.

Council Member Page made a motion to send this item to be voted on at the next meeting, second by Council Member DeCaire.

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passed unanimously.

IPAD DISCUSSION

Shayne Scott explained that with the resignation of James Hansen and appointment of Council Member DeCaire, staff thought it might be a good opportunity to discuss something that has been an issue since the council decided to go paperless for city council meetings. He stated that it would be beneficial for the IT Department if the IPADS that are issued to City Council become the property of the City Council Member to which the device is issued. This would allow the device to be completely self- managed by the council member (with city staff answering questions and providing support where necessary) without the IT Department including this device in its “support” roster. This roster of devices costs the city a monthly charge. Kaysville City has very few IPAD devices and requires additional work on the platform as a result of these 6 devices.

Finally, at the end of a term the device is at least 4 years old and is of no use to the city after being

used for at least one term. It would be best for the city if the device could be given to the council member and become that council member's property.

Mayor Witt explained that staff is looking for direction in regard to this matter.

Ryan Judd explained that it would be easier for city staff to let the City Council maintain their own Ipads and feels the Council would benefit from having these as their personal devices. He noted that City Council Ipads are unrestricted. This would allow the council to have freedom to use the device both personally and professionally and relieve a burden from the City.

Council Member Barber noted that having Council owned IPads would take the pressure off the City and IT Department having to manage the devices.

Council Member Barber made a motion to direct staff to give Ipads to elected officials for their personal and professional use, second by Council Member DeCaire.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Nay
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes four to one.

SPATIAL NEEDS ASSESSMENT DISCUSSION

Shayne Scott explained, as staff, residents, and council have discussed the fate of the library building, a common theme has been the need to make a decision that takes into account the staffing needs of the city. A lack of space at the Operations Center and Primary City Office have resulted in space being created at City Hall in the form of shortening up and walling off some of the council chambers. At the Operations Center a portable was donated to Kaysville City that was transported and is utilized to house excess and overflow staff. Administrative staff have also been forced to sacrifice a break room and a copy room that were renovated as office space. In 2015 a study was commissioned to assess the Kaysville City staffing needs and building space requirements now and in the future all the way up to and including "build out". Seeing that the council is getting closer to making a decision regarding the library building, City Staff thought it might be an appropriate time to go in to some detail about from where the spatial needs information is often quoted.

He explained that the City is looking for more area to develop for city space, they are open to suggestions. The need for space is actual. He believes that employees are more productive when they have room for each employee.

Council Member Barber noted that cubicles might be an option for the future.

Council Member Garn asked if working from home would be applicable for some employees to accommodate needs.

Council Member Adams noted that the square footage in the old library building is going to free up ample space to work for employees.

Council Member Page noted that when this building was built the town had 11,000 people in it. He noted that now the city has a population of 33,000 and there has been growth within the city.

Council Member Garn noted that the City has need for more space for their employees, operations, and City Hall. He explained the importance of building space for employees, housing them, daily operations and more.

Mayor Witt noted that this can be an ongoing discussion.

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Based on feedback over the course of a year from many cities, the State Legislature passed a new bill in 2018 that addressed some concerns with the previous law. Cities still cannot require that 'no impact' home businesses obtain a business license; however, now if a business desires the license, a city can charge a reasonable fee to cover the cost of issuing and administering that license.

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Lyle Gibson asked for Council comments. He noted a loss of approximately \$15,000.

Council Member Barber likes the sentiment of making this as friendly as possible for businesses. She doesn't feel that charging people a fee is the right thing to do.

Council Member Garn made a motion to forward this item as a future action agenda item, second by Council Member Page.

The vote on the motion is as follows:

Council Member Barber, Yea
Council Member Page, Yea
Council Member Adams, Yea
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes unanimously.

COUNCIL MEMBER REPORTS

Council Member DeCaire explained that he went to the UAMPS convention and found it to be a useful training. He is the liaison for the Power Department.

Mayor Witt cautioned the public to be safe on the roads as children are walking to and from school again.

Council Member Page commended Lyle Gibson for doing a good job with Community Development.

Council Member Garn expressed appreciation to Josh Belnap and the entire Public Works staff for their hard work and service.

Council Member Page made a motion to take a five minute recess and then go into closed session, second by Council Member DeCaire.

CLOSED SESSION

Council Member Barber made a motion to adjourn the closed session at 9:49 pm, second by Council Member DeCaire and passes unanimously.

ADJOURNMENT

Council Member Garn made a motion to adjourn the meeting at 9:50 pm, second by Council Member Page. The motion passes unanimously.

Maria T. Devereux
Maria Devereux/City Recorder