



## KAYSVILLE CITY COUNCIL

### DRAFT

### Meeting Minutes

October 4, 2018

Meeting Minutes of the October 4, 2018 Kaysville 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, Chief Sol Oberg, City Recorder Maria Devereux

### ARCHITECTURAL REVIEW COMMITTEE MEETING

Lyle Gibson explained the request for a modification of temporary site use and layout for GP Motors at 650 North Kays Dr. He noted that in April of this year the committee approved the use and a temporary site layout for the subject property. More specifically this permitted the property to have a used car lot where inventory is kept on road base within a fenced area based on the attached details included with this report. GP Motors has submitted a request for consideration, GP Motors is asking permission to extend the fence (*temporarily*) to the east edge of the property or as far east as the committee will allow. He explained that Staff has reviewed the proposal and recommends approval of the request subject to GP motors leaving a usable fire lane and turnaround inside.

Committee Member DeCaire made a motion approve the modification of temporary site use and layout for GP Motors at 650 North Kays Drive, second by Committee Member Page.

The vote on the motion was as follows:

Committee Member Barber, Yea  
Committee Member Page, Yea  
Committee Member Adams, Excused  
Committee Member Witt, Yea  
Committee Member Garn, Yea  
Committee Member DeCaire, Yea

The motion passes unanimously.

Committee Member Barber made a motion to adjourn, second by Committee Member Garn.

## **CITY COUNCIL MEETING**

### **RECOGNITION AND PRESENTATIONS**

#### **YOUTH COURT OATH OF OFFICE**

Council Member DeCaire introduced the Youth Court. Tina Johnson, Advisor, explained their role and purpose.

Mayor Witt administered the Oath of Office.

#### **PRESENTATION OF AWARD**

Chief Oberg presented Wendy Bennett with an award for her participation and years of service dedicated to the Youth Court. Wendy Bennett is praised for the successful administration and growth of the program throughout the past 18 years.

### **DECLARATION OF CONFLICTS OF INTEREST**

No conflicts disclosed.

### **CONSENT ITEMS**

Mayor Witt asked for a vote on the Consent Items,

Maria Devereux, City Recorder asked to remove Item A, Minutes of Sept. 6<sup>th</sup>, and asked to have them presented at the next Council Meeting.

Council Member Adams asked to remove Item E.

Council Member Stroh made a motion to accept the consent items B, C and D, second by Council Member Adams.

The vote on the motion was 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 Adams asked for information regarding Item E., Award of Bid of the Kaysville Main Street Sidewalk Project.

Andy Thompson explained that Staff has reviewed the bids and is familiar with Yarbrough Construction; therefore, we recommend that the bid be awarded to Yarbrough Construction in the amount of \$35,488.75. He referred to the information included in the packet.

Council Member Barber made a motion to approve the award of bid of the Kaysville Main Street Sidewalk Project to Yarbrough Construction and table Item A., the Minutes until the next meeting, second by Council Member Garn.

The vote on the motion was 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.

## **ACTION ITEMS**

### **ADMINISTRATIVE LAW JUDGE ORDINANCE CHANGE**

Lyle Gibson, Zoning Administrator explained that this item was on the September 20, City Council agenda as a work item. It has been determined that there is a need for an improved means of handling appeals to land use decisions in Kaysville City. Currently the city's ordinances are not clear on who appeals many land use decisions. It has been clear and will remain that appeals to a land use decision made by staff are heard by the Planning Commission. However, when the Planning Commission or City Council are the decision making body the existing ordinance does not clearly address how that is handled. The attached ordinance would create a process whereby a trained attorney would act as a hearing officer for appeals to land use decisions made by the Planning Commission or City Council. This route is desirable because of the nature of an appeal or variance. These decisions are quasi-judicial decisions which have a specific legal process that must be followed. Having an administrative law judge will better serve the city, applicants, and those filing an appeal to ensure they are given a fair and just process that follows appropriate procedure.

After discussion on the work item agenda with the city council. Staff has proposed a change to the previously reviewed ordinance wherein 2-8-3 the filing fee for an appeal was a specific dollar amount (\$25). The suggested change states that the filing fee is in the consolidated fee schedule. This would allow a more appropriate adjustment of the fee without the need to change this specific ordinance.

Council Member Barber made a motion to approve the Administrative Law Judge Ordinance Change, second by Council Member Garn.

The vote on the motion was 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.

### **SCHICK FARM OPEN SPACE AGREEMENT**

Lyle Gibson explained that the City Council has considered this offer to acquire the open space in the Schick Farm Subdivision for park use a couple of time earlier this summer and we believe that it is now ready for final action. The Home Owners association has met and reviewed the proposed agreement and voted to accept it as proposed. The agreement is the same as what the Council reviewed the last time this issue was considered. Staff believes that this agreement provides a good balance of what the City can do with the property and the protections that the HOA desires.

Council Member Garn noted a few items that need grammatical correction.

Council Member Barber made a motion to approve the Schick Farm Open Space Agreement, second by Council Member Page.

The vote on the motion was 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.

### **PUBLIC COMMENT**

Jennifer Borup explained that the HOA and Developer have miscommunicated. She is concerned about this item and concerned about general rules for planting of trees in HOA's.

Tim Hodges expressed that he is against the Agreement and intends to use legal means to change this vote.

Luke Johnson noted that he bought his home due to the equestrian option. Losing the equestrian option is a serious concern and explained that it will affect his property value.

Nathan Alvey, President of the HOA, explained that he has 63 consenting homes; he expressed appreciation for Andy Thompson, City Engineer.

Council Member Adams suggested creation of a special service district, and asked for clarification of funding.

Mayor Witt asked Council Member Adams to follow policy in regard to Council rules and procedures.

Attorney Nic Mills advised that disorderly conduct, by State statute will have to have 2/3<sup>rd</sup> vote to remove Council Member Adams from the meeting.

Council Member Garn made a motion to remove Council Member Adams from the meeting for disorderly conduct, second by Council Member Page.

The vote on the motion was as follows:

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

The motion fails, a 2/3 vote is needed to pass this motion.

Council Member Barber made a motion to approve the Schick Farm Open Space Agreement, second by Council Member Garn.

Council Member Barber explained that she understands the frustration of the residents and does not want to set a precedence, she feels that the open space is a great asset to the community.

Council Member Adams explained that he does not see a benefit to the taxpayers, and explained that if the space had a function it may then be beneficial. He is against the agreement.

Council Member Garn noted that the feeling of the community is impacted by open space and that parks stay for generations, he feels the City is right to take advantage of this.

The vote on the motion was as follows:

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

Motion passes four to one.

**REZONE OF 0.25 ACRES OF PROPERTY AT 425 EAST CRESTWOOD ROAD FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO THE PU (PUBLIC USE) ZONING DISTRICT.**

The subject property on the north side of Crestwood Road in the south west corner of the city cemetery is currently zoned residential and has historically been used as a dwelling. The City has owned and leased the property for some time and is now looking to convert the home into administrative office space specific to cemetery functions. The plan for the property is to keep and retrofit the existing home to accommodate offices and improve the site so that access and parking comes from within the cemetery. While the R-1 zoning district allows for public buildings, the proposed use better fits in the PU district, which allows public facilities, parks, and cemeteries.

Council Member Page made a motion to rezone .25 acres of property at 425 East Crestwood Road from R-1-8 to the PU zoning district, second by Council Member DeCaire.

Council Member DeCaire feels this rezone is much needed and well executed.

The vote on the motion was 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.

**REZONE OF 25 ACRES OF PROPERTY AT 700 SOUTH DESERET DRIVE FROM GC (GENERAL COMMERCIAL TO THE R-2 (RESIDENTIAL) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE AND THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT.**

Lyle Gibson explained that the applicant, Ivory Homes, is proposing a rezone of the property south of Boondocks between Deseret Drive and I-15 to accommodate residential development and to allow more flexibility in commercial uses that may come to the property. This application was originally heard by the Planning Commission in April of 2018 and after multiple meetings has seen multiple revisions to arrive at the proposal currently under consideration by the City Council. In short the request is to rezone the northern 12.8 acres to the Light Industrial zone and the remaining 12.12 acres to the R-2 residential zone with the PRUD overlay to allow for a common open space subdivision with some alley load homes.

Since the original hearing in April, there has been, multiple meetings with the planning commission, and 2 public open houses. Most the comments received up to this point from both the public and planning commission expressed concern with traffic, housing types, type of commercial uses, tax and revenue implications for the city, and impact on existing neighborhoods. To address some of these concerns the applicant has decreased the amount of residential development from the original proposal, provided the city with a comparative traffic study, agreed to single family detached housing, agreed to a minimum lot width on lots backing other homes, and has been working to find users for the non-residential property. The traffic analysis compares potential impact from scenarios of development where the entire property is developed under the existing General Commercial designation in contrast to the proposed development.

Brian Prince, applicant with Ivory Development explained they are encouraging open communication and are trying to address all concerns.

Bruce Zollinger with America First Credit Union explained that the credit union is behind the development and hopes the plans with Ivory Homes are approved. He is in favor of keeping the neighborhood feel.

#### PUBLIC COMMENT

Lauri Cragun explained that she is in favor of a gym going in but is against storage units. She is in favor of keeping a neighborhood feel.

Council Member Garn made a motion to deny the rezone, second by Council Member DeCaire.

Council Member Garn explained that he is in favor of more commercial businesses in that area.

Council Member DeCaire noted that this is land that can be developed commercially and would like to see that in the future.

Council Member Page is concerned that there is no sales tax or income for the City at this point and noted that mixed use not always the best management of property.

Council Member Adams noted that his biggest concern is traffic and safety.

The vote on the motion was 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.

## **FOURTH OF JULY PARADE SEATING ORDINANCE DISCUSSION**

Mayor Witt explained that she had talked to the Police Chief and other department heads, and debated whether to suggest an ordinance or signs about parade seating. She explained that after discussion it might be more beneficial to encourage residents to make good decisions rather than set hard rules.

Council Member DeCaire noted that he is not in favor of an ordinance. He believes that the relationship with police and the public is important. He suggested possibly extending the parade route to disperse the density.

Mayor Witt asked for recommendations and consensus in lieu of an actual vote.

Council Member Adams noted that is in favor of the parade route being extended beyond Bowmans.

Council Member Barber stated that it is important to give the community opportunity to enjoy, welcome others, and feels there is enough space for all.

## **HEALTH INITIATIVE EMPLOYEE INCENTIVE**

Shayne Scott, City Manager, explained that Kaysville City has an Employee Health Incentive Program. This program involves a drawing for those that exercise at least 10 times each month, quarterly educational presentations, and health screenings among other benefits. The purpose of this program is to encourage healthy activities for all employees that in turn will result in a healthier and happier work force but will also help our group to be improved from an insurance rating perspective, which should also result in lower long-term premiums. Recently Vasa Fitness approached City Staff about a discounted rate for city employees. We were able to negotiate a discounted rate of \$16.99 for all amenities that Vasa has to offer. We were also able to parlay our group size to negotiate the waiving of the startup fee. Vasa would bill the city on a monthly or quarterly basis for each employee that signs up.

As a health initiative, Kaysville City would also require all of those that sign up to attend the gym a minimum of 5 times each month. There would be one month allowed for less frequency but for those that do not regularly meet this minimum requirement would be removed from the pool for a minimum of 6 months. Vasa also expressed willingness to allow spouse and family members to sign up for this discounted rate although additional family members would be required to pay for their own membership. The purpose of this discussion item is to gain consensus on being able to take advantage of this generous offer from this new business in our community. Staff was uncomfortable making this generous offer to our employees without Council approval.

## **CALL TO THE PUBLIC**

Dean Wall stated that he appreciates the healthy initiatives given to the City.

## **COUNCIL MEMBER REPORTS**

Council Member DeCaire, noted that the Youth Court is an outstanding program, a worthwhile endeavor.

Mayor Witt noted that the Fire Dept. open house is this week. She encouraged the public to attend.

Mayor Witt explained that this is Andy Thompson's last council meeting; she praised his vast knowledge and wished him well.

## **ADJOURNMENT**

Council Member Barber made a motion to adjourn the meeting at 9:10 pm, second by Council Member DeCaire.