KAYSVILLE CITY COUNCIL

APPROVED

Meeting Minutes

November 1, 2018

Meeting Minutes of the November 1, 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, Chaleh Trujillo, Jaden Trujillo, Nephi Voge, Peter Matson, Brad Frost, Terry Dera, Carson Deru, Isaac Erickson, Susan Johnson, C orey Johnson, Ken Stettler, Sheila Stettler, Sheila Stettler, Scott Lane, Yvonne Lowe, Robert Lange, Isaac Yeates, Bannock Yeates, Noah Yeates, Heidi Yeates, Joshua Moore, Chantell Moore.

CITY COUNCIL MEETING - 7:00 PM

NEWSIES WEEK PROCLAMATION

Dave McCowan, Marketing Coordinator for Davis High School, introduced the Davis High School Musical Theater and introduced the event. The students performed a number from Newsies.

RECOGNITION AND PRESENTATIONS

Gary Hatch, Power Department Director, gave an overview of the Power Department and updates of projects completed and currently being worked on throughout the City.

DECLARATION OF CONFLICTS OF INTEREST

No conflicts disclosed.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items, Council Member DeCaire made a motion to accept the consent items, second by Council Member Barber.

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

CONSIDERATION OF AMENDED ANNEXATION AGREEMENT REGARDING PROPERTY AT APPROXIMATELY 1402 NORTH HIGHWAY 89.

Lyle Gibson explained that for the last several months Compass Holdings has been working toward having the property east of Highway 89 and north of the Wilderness Park annexed into Kaysville City so that it could be developed. Last spring, the City Council approved an annexation agreement that outlined the conditions upon which the City would annex this property and the developer has been working to meet those conditions. They now have solution for these issues and are asking to complete the annexation. Since the Annexation Agreement was approved last spring there has been a need for a couple of minor changes to the agreement. The significant change is that Compass Holdings and their associates have now closed on the property and therefore the agreement should be in their names. Under the approved agreement the City agreed that they would annex the property in Kaysville and allow for a subdivision meeting the R-1-8 zoning. The agreement also provides for the use of the PRUD overlay zone. The proposed preliminary plat meets these requirements and in fact, based on the average lot size and the amount of open space provided, the project meets the requirements for an open space subdivision in the R-1-10 zone.

The Annexation agreement allows for a maximum of 95 homes, the proposed preliminary plat contains 92 lots, including two existing homes. The preliminary plat proposes lots as small as 6,000 square feet with common open space and some private streets and does not include any attached housing units.

In addition to the standard items to be reviewed for a preliminary plat, the following items are being requested for this project, that while permissible under the PRUD overlay zone, should be given due consideration:
Sidewalk is shown on only one side of the public streets and no sidewalk is shown on most of the private streets. The cul-de-sac on the east exceeds the City's standard length of 600 feet. Future development to the south will shorten the length to around 800 feet and the top 600 feet is proposed as a private lane. In order to serve this project with culinary water, a water tank is proposed to be constructed on lot 86, the property for this tank will be deeded to the City.

After much discussion, Council Member DeCaire made a motion to approve the amended annexation agreement regarding property at 1402 N Highway 89, second by Council Member Garn.

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.

ANNEXING 65.93 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1402 NORTH HIGHWAY 89 (ORD 18-11-1).

Council Member Garn made a motion to approve annexing 65.93 Acres of property located at approximately 1402 N Highway 89 (Ord 18-11-1), second by Council Member DeCaire.

Council Member Garn explained that it is reasonable to be concerned when the project is adjacent to homes.

Council Member Barber noted that she appreciates the residents and their comments.

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.

PRELIMINARY PLAT APPROVAL FOR THE ORCHARD RIDGE ESTATES SUBDIVISION AT 1402 NORTH HIGHWAY 89. – COMPASS HOLDINGS DEVELOPMENT.

Council Member DeCaire asked for more clarification concerning the development.

Council Member DeCaire made a motion to approve the preliminary plat for the Orchard Ridge Estates Subdivision at 1402 N Highway 89, second by Council Member Page.

Council Member Adams made a Substitute motion to table this item and allow for additional public comment, second by Council Member Barber.

The vote on the motion was as follows:

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

The motion fails three to two.

The original motion; Council Member DeCaire made a motion to approve the preliminary plat for the Orchard Ridge Estates Subdivision at 1402 N Highway 89, second by Council Member Page.

The vote on the original motion is as follows:

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

Motion passes three to two.

PUBLIC COMMENT

Chaleh Trujillo thanked the Council for their service for the community and thanked staff for their assistance. She explained the process of the project.

Brad Trujillo explained that homes are selling for a larger amount. He explained the demographic and discussed the types of buyers.

Allison Frost, with the Frost family, explained that clearly the famly is in support of this annexation and looks forward to a myriad of opportunities associated with it.

Tasha O'grady noted her concern of a growing traffic issue from the road by her subdivision.

Ken Steadler, he noted that he and his family have no objection to the Frost family however, they are opposed to rezoning the area.

Josh Peterson explained that he is speaking on behalf of his family. He noted that his parents do not desire to be annexed into Kaysville City.

Jake Peterson advised that he is not in favor of the active development.

Marilyn McAllister stated that she is not opposed to development but had hoped that developer would take into consideration of other surrounding neighborhoods.

Fred Nichols stated that adding a water tank was not economically feasible.

Marlon Barrett explained that he is concerned about the density, such as traffic and additional cars.

Lance Munson tanked the council for their time. He discussed concerns of the new development.

Council Member Adams asked about a conflict of interest and disclosure with city staff that owns the property and is affected by the annexation.

Mayor Witt noted that the staff member has been honest and has not tried to influence the council.

Jeff Oyler, Davis County, noted that they received a protest just recently and are reviewing the paperwork.

ARCHITECT RFQ PROPOSAL

Shayne Scott explained that over the past three years there has been much discussion about the spatial needs of the City. In 2015 Kaysville City commissioned a "Spatial Needs Assessment" from an architectural firm, JRCA. This assessment was broad and took into account each department in the city and what their perceived needs might be from the present day until "build-out". The purpose of this discussion item is to recommend an architect with whom we should work moving forward on meeting the needs of the city.

Mayor Witt explained that the city made a decision not to tear down the old library and explained the need for additional space. She stated that no decisions have been made as of yet.

Council Member Garn made a motion to send this to an action item, second by Council Member DeCaire.

Council Member Barber made a substitute motion to bring this item back to a work session, second by Council Member Adams.
The vote on the motion was as follows:

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

The motion passes three to two.

CITY POLICY DISCUSSION - SIDEWALK PAYMENTS FROM RESIDENTS.

Josh Belnap, Public Works Director noted that the desire of Kaysville City Power is to see improvements on city streets. He gave an overview of grading and the process he would like to implement to improve sidewalks throughout the city. He explained that other cities have adopted a similar program.

Council Member Adams made a motion to extend the meeting, per just before the 10:00 pm deadline, second by Council Member Barber and passes unanimously.

The council consensus was to continue discussion on this matter.

AMENDMENT OF CHAPTER 16-13, RETAIL TOBACCO SPECIALTY BUSINESS (ORD 18-11-2).

Lyle explained that the proposed amendments to Chapter 16-13 are primarily for the purpose of bringing Kaysville City's ordinances into conformity with recent changes in State Law as to what is or isn't a Retail Tobacco Specialty Business. In addition to aligning Kaysville City's definitions and requirements with the State, the proposed ordinance removes the requirement for the city to review a background check before approving a business license for a Retail Tobacco Specialty Business. This is in part to keep our processes consistent with how the city reviews applications for other businesses who sell similar products, and in part because these businesses are already highly regulated by other agencies who are conducting these reviews.

Council Member Barber made a motion to move this to an action item, 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.

CALL TO THE PUBLIC

No public comment.

Council Member DeCaire made a motion to move into Closed Session, second by Council Member Barber and passed unanimously.

CLOSED SESSION

The city council entered into Closed Session to discuss the character, professional competence, or physical or mental health of an individual, in conformance with Utah State Code §*52-4-205*.

Council Member DeCaire made a motion to adjourn the Closed Session, second by Council Member Adams

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the meeting at 10:45pm, second by Council Member Garn.