KAYSVILLE CITY COUNCIL

APPROVED

Meeting Minutes

Meeting Minutes of the November 15, 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, Public Works Director Josh Belnap, Zoning Administrator Lyle Gibson. Attendees list not available.

PUBLIC HEARING

AMENDMENTS TO CHAPTER 16-13, RETAIL TOBACCO SPECIALTY BUSINESS

Lyle Gibson, Zoning Administrator, proposed amendments to Chapter 16-13 and explained the changes 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. He explained that 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 DeCaire made a motion to close the Public Hearing, 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, Excused
Council Member DeCaire, Yea

The motion passes unanimously.

CITY COUNCIL MEETING - 7:00 PM

RECOGNITIONS AND PRESENTATIONS

Kristen Floyd, Executive Director of Safe Harbor expressed appreciation for Council Member DeCaire for his assistance with the Evergreens fundraiser and to the City Council for their support. She gave an overview of their new partnership with Intermountain Healthcare.

FY2018 ANNUAL AUDIT PRESENTATION- HANSEN, BRADSHAW, MALMROSE AND ERICKSON.

The Hansen, Bradshaw, Malmrose and Erickson representative gave an overview of the Comprehensive Annual Report. He explained that the City has received an award of Excellence in Financial Reporting. He explained that the *Utah State Uniform Fiscal Procedures Act* requires that at the completion of the fiscal year, the City's Financial Statements are audited by an Independent Auditor. The purpose of the audit is to ensure that Financial Statements are a fair and accurate presentation of the financial position and financial operations of the City and in accordance with generally accepted accounting principles. The Audit also includes a report on Internal Control over Financial Reporting on Compliance in accordance with *Government Auditing Standards.* The Audit requires a review and analysis of the Basic Financial Statements and related Notes to the Financial Statements. In addition to the Basic Financial Statements and Notes, the City prepares a Comprehensive Annual Financial Report (CAFR) to include additional disclosures and information to enable the reader to gain a proper understanding of the financial affairs of the City. He commended the internal controls the City has in place.

Mayor Witt thanked Dean Storey and Cami Moss for their good work.

DECLARATION OF CONFLICTS OF INTEREST

Council Member Adams disclosed that he has a familial relation to the item being presented by Terraventure Development.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items with the exception of Item I.

Council Member Barber made a motion to accept the consent items with the exception of C and I, second by Council Member DeCaire.

Council Member Garn noted that there should be a change in the minutes from Council Member Hansen to Council Member DeCaire on the first vote.

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 clarification on Item C in regard to the Community Development Director, the appointment of Lyle Gibson.

Council Member DeCaire made a motion to table the appointment of Community Development Director, second by Council Member Garn, the motion passes unanimously.

Shayne Scott, City Manager explained the cooperative agreement with UDOT for Safe Routes to Schools funding for pedestrian activated crossings along the D & RGW rail trail. He noted that Kaysville City has been awarded grant monies from UDOT through their Safe Routes to Schools program. With the support of Centennial Jr. High, the city applied for money to install pedestrian activated blinker signs along the D&RGW trail corridor at street crossing. The agreement states that the city would be reimbursed up to $39,500. This reimbursement would cover enough Blinker Signs to signalize 6 different crossings from Shepard Lane to Webb Lane.

Council Member DeCaire made a motion to accept the cooperative agreement with UDOT for Safe Routes to Schools funding for pedestrian activated crossings along the D & RGW rail trail, second by Council Member Garn and passed unanimously.

<u>ACTION ITEMS</u>

PRELIMINARY PLAT APPROVAL FOR SOUTH ANGEL ST SUBDIVISION AT APPROXIMATELY 1300 WEST ROUECHE LANE – JD HORNE. .

Lyle Gibson, Zoning Administrator explained that the owner of this property, Mr. Horne, would like split this property into two building lots. Mr. Horne owns additional property to the south and west of this parcel and would like to develop that property someday as well. The Property is currently zoned R-A, Agricultural Residential, which requires full half acre lots with 100 feet of frontage. The lots as shown are 104 feet wide and 210 feet deep, giving them the required 21,780 square feet.

There were no participants for Public Comment.

Council Member DeCaire suggested made a motion to approve the Preliminary plat for the South Angel St. Subdivision at approximately 1300 West Rouche Lane, 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.

REQUEST TO REZONE 3.92 ACRES OF PROPERTY FROM GC (GENERAL COMMERCIAL) TO R-1-20 (SINGLE FAMILY RESIDENTIAL) AND ANOTHER 1.81 ACRES OF PROPERTY FROM GC (GENERAL COMMERCIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT AT APPROXIMATELY 2100 WEST 200 NORTH – TERRAVENTURE DEVELOPMENT.

Lyle Gibson explained that the subject property is located west of Angel Street on the South side of 200 North Street. The property which is currently zoned General Commercial abuts more commercial zoning to the south and east. To the west and across the street to the north is the Hill Farms Subdivision zoned R-1-14 (Single Family Residential).

The applicant is requesting a rezone of a portion of their property from GC to R-1-20. This roughly 4 acres of property abuts housing to the west and would change the allowed uses from commercial office/retail to a single family district which most notably allows homes and public/quasi-public buildings. More specifically the LDS church is interested in this location for a meeting house should the zoning allow it.

The second part of the request is to rezone another 1.81 acres of property in the middle of the existing GC zoning district to the LI zone. The LI zoning district allows many of the same uses as the existing GC zoning district with some additional uses. The applicant desires to build storage units on this property which is the reason for requesting the rezone. The LI district is also not subject to the same building design standards as the GC zone. Under the proposed rezone request, the remaining frontage along 200 North Street would remain in the existing GC zone.

PUBLIC COMMENT

Taylor Spendlove noted that he emailed the Council and was excited about the rezone. He likes the idea of an agreement.

Tammy Bassett explained that she lives close to this area and agrees with the rezone.

Michael Sawyer agrees with the homeowners, and stated that the rezone will make changes easier going forward.

Beth Harmon stated she is in favor of the rezone.

Crystal Robbins stated she is in favor of the rezone.

Council Member DeCaire made a motion to approve the development agreement for 4 acres of property at 292 Blooming Grove Circle with the omission of paragraph 1 as discussed, second by Council Member Page.

Council Member Barber noted that she feels that change should be made concerning the requirement of homes versus churches being built.

Council Member Page explained that he is not too concerned about removing the first paragraph.

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.

Council Member DeCaire made a motion to approve the request to rezone 3.92 acres of property from GC (General Commercial) to R-1-20 (Single Family Residential) and another 1.81 acres of property from GC (General Commercial) to the LI (Light Industrial) zoning district at approximately 2100 West 200 North, second by Council Member Page.

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.

AMENDMENT OF CHAPTER 16-13, RETAIL TOBACCO SPECIALTY BUSINESS

Lyle Gibson 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. Explained that this item was reviewed during the November 1 work item agenda. Staff recommends that the City Council approve the ordinance as written.

Council Member Adams made motion to accept the amendments of Chapter 16-13, retail tobacco specialty business, second by Council Member DeCaire.

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.

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 and that additional information may be found in the Council packet.

Council Member DeCaire noted that City staff need more office space, with much growth over the past years.

Council Member Garn made a motion to move the Architect RFQ proposal to an action item, second by Council Member Barber.

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.

A PROPOSED ORDINANCE AMENDING PROVISIONS OF THE KAYSVILLE CITY CODE REGARDING THE CITY ENGINEER

Shayne Scott explained that currently, the City Code requires that the City Engineer also serve as the Department Director for the Community Development Department. This has worked well in the past, but with Mr. Thompson retiring, staff desires to have greater flexibility in how Departments are structured. When Staff recognized this requirement, we reviewed the municipal codes of Layton, Bountiful, Farmington, and Clearfield to see if this highly specific requirement was common. Staff found that none of the jurisdictions surveyed required that the City Engineer serve as a department director. Please note that this amendment would not prohibit the City Engineer from Serving as the Department Director of the Community Development Department, but would allow the City to structure its departments in the most efficient manner.

Shayne Scott noted that city made a good choice with choosing Lyle Gibson as the Community Development Director.

Shayne Scott explained that Kaysville City staffs very lean.

Council Member Barber made a motion to approve the ordinance amending provisions of the Kaysville City code regarding the City Engineer, second by Council Member DeCaire.

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.

DISCUSSION ABOUT CITY POLICY ON SIDEWALK RANKING AND PAYMENTS FROM RESIDENTS.

Josh Belnap, Public Works Director, Kaysville City Public Works would like to eventually see full improvements (curb, gutter and sidewalk generally) along all City streets, where practical.

He would like to implement a uniform policy for determining the order of and approaching the projects in the areas where they are currently lacking, to help clarify and expedite this process.

Council Member DeCaire stated that staff has his full support.

Council Member Adams noted that he is concerned that residents will be upset about fees. He feels the issue should be further vetted.

Josh Belnap explained that he reached out to other cities to gain insight.

Council Member Barber feels that consistency is the best option and this option feels very fair.

Council Member Page explained that this sets a good precedence.

Council Member Garn is appreciative of Josh Belnap and the work he does for the city.

Council Member Page made a motion to forward this item to an action item, 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.

AMENDMENT OF SECTION 17-31-25, TELECOMMUNICATION TOWERS, TOGETHER WITH AMENDMENTS TO APPLICABLE ZONING DISTRICTS WITHIN TITLE 17, PLANNING AND ZONING, TO CLARIFY WHERE TOWER TYPES MAY BE LOCATED AND BY WHICH PROCESS THEY MAY BE CONSIDERED.

Lyle Gibson explained that staff has worked with the Planning Commission over multiple meetings to prepare an ordinance reflecting new tower types, where they are located, and standards by which they must be built. Based on feedback from the Planning Commission during previous discussions, the proposed draft puts all cell tower approvals under the purview of Planning Commission. More specific definitions and standards have been added including more clearly specifying different tower types. A distance requirement has also been added in order to space out monopole towers.

Council Member Adams made a motion to send this to the next meeting as an action item, second by Council Member DeCaire.

Council Member Garn feels this is moving in the right direction.

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.

CITY MANAGER REPORT

Shayne Scott, City Manager explained that the Planning Commission will have future openings. He noted that there is more information on the website and in the City Newsletter.

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the meeting at 9:05pm, second by Council Member Barber.

Maria T. Devereux