KAYSVILLE CITY COUNCIL

APPROVED

Meeting Minutes

Meeting Minutes of the December 6, 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, Community Development Director Lyle Gibson, Roy L Stoner, Dan Reeve, Eric Isom, Scott Johnson, Dillon Hawks, Ethan Bellamy, Dallin Parker, Thomas Burningham, Chris Balling, Noah Van Osman, Tyler Lewis, Matthew Jewkes, Dayv Van Orman, Travis Pugmire, Cole Sheppard, Joseph Camarena, Kennedy Robins, Matt Yeates, Sam Johnson, Grant Stanger, Tyler Higley Kirsten Stanger, PamThompson, Levar Thompson, Mike McConkie, Heidi Nettleton,Nathan Pugmire, Mckay allphin, Jeremy Allphin, Matt Baetge, Chris Beck, Nick Sidwell, Travis Knowlton, Tommy Burningham, Malcom Balling, Johah Brown, and Sam Johnson.

CITY COUNCIL MEETING - 7:00 PM

The opening was provided by Council Member Barber.

RECOGNITIONS AND PRESENTATIONS

OATH OF OFFICE RHETT FARNELL

City Recorder, Maria Devereux, administered the Oath of Office to the new Kaysville City Police Department Officer, Rhett Farnell.

Mayor Witt and Chief Oberg commended his accomplishment and welcomed him to the City.

PHOTO CONTEST WINNERS

Mayor Witt praised the winners of the photo contest. She explained there were six winners overall and many entries. The website will be updated with names and corresponding photos.

ANIMAL CONTROL UPDATE

Rhett Nicks, Director of Davis County Animal Care and Control gave an overview of the organizations Mission. He explained external issues and concerns such as cat population, unleashed dogs, lack of spay/neuter resources, low effect/yield ordinances and procedures and wildlife concerns.

He explained that their current focus is to; increase industry relationships, create more efficient scheduling and use of labor, and to create a true volunteer program.

Mayor Witt thanked Mr. Nicks for his efforts.

DECLARATION OF CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items.

a. Minutes from November 15, 2018.
b. Resolution Adopting an Interlocal Agreement to Allow an Area East of Highway 89 to Connect to North Davis Sewer.

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

The vote on the motion was as follows:

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

The motion passes unanimously.

ACTION ITEMS

SOLAR NET METERING RESIDENTIAL POLICY

Shayne Scott, City Manager, explained that this action item is to make a slight wording change to match up with the way the billing system calculates the bills. This only pertains to the new solar customers (15) not the grandfathered solar customers.

There were no participants for Public Comment.

Council Member Garn made a motion to adopt the changes to the Solar Net Metering Residential Policy, second by Council Member Barber

The vote on the motion was as follows:

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

The motion passes unanimously.

CONTRACT FOR ARCHITECTURAL SERVICES WITH MHTN

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". He recommended the City move forward with this item if the council recommends doing so.

Council Member DeCaire made a motion to accept the contract for Architectural Services with MHTN, second by Council Member Page.

Council Member Barber stated that she agrees that it is important to engage the community while working on this project.

The vote on the motion was as follows:

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

The motion passes unanimously.

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

Nic Mills, City Attorney, 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.

Council Member Page made a motion to approve the ordinance, second by Council Member DeCaire.

Council Member Decaire explained that this has been discussed at great length and is good that we are moving forward.

The vote on the motion was as follows:

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

The motion passes unanimously.

APPOINTMENT OF NEW COMMUNITY DEVELOPMENT DIRECTOR

Shayne Scott noted that now an ordinance has passed, he is excited to present Lyle Gibson as the new Community Development Director.

Council Member DeCaire made a motion to appoint Lyle Gibson as the new Community Development Director, second by Council Member Garn.

The vote on the motion was as follows:

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

The motion passes unanimously.

STREET IMPROVEMENTS POLICY AND RANKING

Josh Belnap, Public Works Director, explained that Kaysville City Public Works would like to see full improvements (curb, gutter and sidewalk generally) along all City streets, where practical. He noted that he had received and incorporated input and feedback from previous discussions and 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. The proposal is the product of two work sessions and has been reviewed by Nic Mills and Shayne Scott, who both approve of the details.

Council Member Barber stated that she had also vetted this matter and feels this is very efficient and fair.

Council Member Page made motion to accept the Street Improvements Policy, second by Council Member Barber.

The vote on the motion was as follows:

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

The motion passes unanimously.

WATER TANK PUMP HOUSE DESIGN

Josh Belnap, Public Works Director, explained that Kaysville City has previously contracted with Sunrise Engineering to design a water tank to be constructed in the recently annexed area commonly referred to as the "Frost Property." Said tank will require a booster pump station to get water up to its elevation. We are proposing to submit as a change order to Sunrise Engineering's current contract to also design this pump station. Sunrise has quoted us on this design at $67,200, which would either be reimbursed to us by UDOT (due to losing the West Crestwood Tank when US-89 widens) or from the developer. He feels that with Sunrise Engineering's intimate knowledge of the area, the project and the technical needs of the tank, they are best suited for this work.

Council Member DeCaire made a motion to approve the Water Tank Pump House design, second by Council Member Barber.

Council Member DeCaire feels that it is fiscally prudent to have the same company do both projects.

The vote on the motion was as follows:

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

The motion passes unanimously.

REZONE OF 0.36 ACRES AT 120 SOUTH MAIN STREET FROM PB (PROFESSIONAL BUSINESS) TO THE HC (HEALTH CARE) ZONING DISTRICT.

Lyle Gibson, Community Development Director, explained that the property is currently zoned to allow for professional offices and has been home to the Kaysville Clinic for many years where family medicine is practiced. The request for the rezone would allow for the Kaysville Clinic to continue operation but would accommodate an expanded use where patients who need extended care could receive aid. In addition to family medicine, the Kaysville Clinic offers outpatient addiction treatment. In partnership with Diamond Tree Recovery, the Kaysville Clinic is looking to allow patients to stay for a period of 5 to 7 days where they could have 24-hour care and assistance as they seek help to begin their recovery from addictive substances. Patients would only be at this location for that short term before being moved to a longer term recovery facility where additional help can be offered.

Council Member Garn made a motion to approve the Reone of 0.36 Acres at 120 S Main St. from PB to the HC Zoning District, second by Council Member DeCaire.

The vote on the motion was as follows:

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

The motion passes unanimously.

REZONE OF 0.78 ACRES AT 167 NORTH 200 WEST FROM THE GC (GENERAL COMMERCIAL) TO THE R-T (OLD KAYSVILLE TOWNSITE RESIDENTIAL) ZONING DISTRICT.

Lyle Gibson, Community Development Director, noted that while the subject property is located in the General Commercial zoning district just south of 200 North Street. The property currently has a home and detached garage and exists as a legal but non-conforming dwelling. The applicant/property owner has informed staff of his desires to rezone the property due to the difficulty of selling and developing the property for commercial use. While the property may continue to have a dwelling under the existing non-conforming status, Chapter 17-29, Non-Conforming Uses, of the Kaysville City Ordinance restricts what can be done with such a property. 17-29- 1 states the purpose of this ordinance is ‘to control and gradually eliminate those uses of land or buildings, which although [legal when established], do not now conform to the use regulations of the district within which they are located.’ Meaning that additions and significant changes to the home, which may make it more desirable for use as a dwelling, would not be permitted. The existing zoning matches properties along 200 north while the requested zone would match the neighborhood to the south.

Council Member DeCaire made a motion to approve the rezone of 0.78 acres at 167 North 200 West from the GC (General Commercial) to the R-T (Old Kaysville Townsite Residential) zoning district, second by Council Member Page.

The vote on the motion was as follows:

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

The motion passes unanimously.

REZONE 58.6 ACRES OF PROPERTY AT 2300 WEST SCHICK LANE (200 NORTH) FROM R-A (RESIDENTIAL AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY), R-1-8 (SINGLE FAMILY RESIDENTIAL) AND GC (GENERAL COMMERCIAL) ZONING DISTRICTS

Lyle Gibson explained that Perry Homes owns a large section of property at the far north west corner of Kaysville City which is just north of 200 North Street and will be adjacent to the proposed West Davis Corridor to the west. An existing open space/park and church abut the property as well as a patio home development and R-1-20 single family development on the eastern edge. The property is currently zoned R-A which allows for development at 2 units an acre, but which requires that lots be at least a half-acre in size with a minimum of 100 feet of frontage. Taking into account known infrastructure in the area and the current market, the applicant is requesting to rezone the property from the existing zoning district to 3 different zones as shown in the attached exhibits. Under the existing zoning, when including the space to be identified in the exhibits as open space to Kaysville city, the applicant could build 122 homes at a density of 2 units per acre. As the applicant has expressed willingness to keep the open space intact and provide some commercial property near the proposed interchange to the West Davis Corridor, they are looking for different residential zoning designations to allow the same number of homes as would have been previously developed with some flexibility as to how they are arranged.

Lyle Gibson noted that the requested R-1-LD zoning would allow for development at no more than 2 units per acre on the majority of the property which abuts existing neighborhoods. The R-1-LD zoning district, while limiting the total density, allows for flexibility in lot sizes which must be at least 12,000 sq. ft. in size with at least 90 feet of frontage. The 44.39 acres of this zoning district could yield as many as 88 units depending on the final layout. The R-1-8 zoning district is being requested along the far west edge of the property which would be against the new freeway. This zoning district allows for lots of at least 8,000 sq. ft. in size with at least 60 feet of frontage. The 11.21 acres of this zoning district could yield as many as 61 units. Without the PRUD overlay based on configuration and the need for roads and meeting frontage requirements this is almost not feasible to reach. The final request is for 3 acres of General Commercial which will right off the newly proposed freeway. The General Commercial zoning district allows for retail sales and services and office type development.

Dan Reed, Perry Homes Developer, explained that this property has three mostly likely uses; a convenience store, restaurant pads or retail.

Council Member DeCaire made a motion to approve the rezone 58.6 acres of property at 2300 West Schick Lane (200 North) from R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density), R-1-8 (Single Family Residential) and GC (General Commercial) zoning districts, second by Council Member Page.

Council Member Garn noted that he likes this proposal since it serves many different needs.

Council Member Page explained that this area is not considered high density, and compliments the process.

The vote on the motion was as follows:

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

The motion passes unanimously.

REZONE OF 0.96 ACRES OF PROPERTY AT 233 S. 400 E. TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE AND PRELIMINARY PLAT FOR THE PRIGMORE FLAG LOTS SUBDIVISION.

Lyle Gibson, Community Development Director, stated that the property which is located mid-block just north of Davis High School is currently zoned R-D (Residential Diverse). The applicant desires to build a couple of homes on the rear portion of their property. In order to create additional lots the PRUD overlay is necessary. The underlying zone will remain the same. The PRUD overlay zone is a legislative action thus it gives the Planning Commission and ultimately the City Council broad discretion as to where it is applied. While it gives discretion as to where, there are specific standards as to what is developed within this overlay.

Council Member Garn made a motion to approve rezone 0.96 acres of property at 233 South 400 East to include the PRUD (Planned Residential Unit Development) overlay zone, second by Council Member Page.

Council Member Garn feels that two more homes on a flag lot will not significantly increase traffic.

A document with signatures was given to the Council, the document describes that specific residents are not in favor of this item. The document will be posted to the Public Notice website.

The vote on the motion was as follows:

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

The motion passes three to one.

PRIGMORE FLAG LOTS SUBDIVISION PRELIMINARY PLAT

Lyle Gibson explained that the Prigmore Flag Lots Subdivision preliminary plat includes 3 total lots. The existing home on a standard lot fronting 400 East Street, then 2 flag lots accessed from 400 east street. The exiting home would remain on a 11,808 sq. ft. lot that is 96 ft. wide. The flag lots would be accessed from a required shared 20 ft. wide drive on stems that are each 18 ft. in width. The lot sizes including the flag stems are 12,314 sq. ft. and 16,314 sq. ft. in size. With the required setbacks for the main dwelling on these lots, there would be a buildable area of 1,424 sq. ft. on what is labeled as lot 1, and 3,368 sq. ft. of buildable area on what is labeled as lot 2.

Public Comment

Heidi Nettleton, applicant, noted that her parents recently decided to sell this property since it is too much for her parents to maintain.

Tyler Higley is interested on building a home on the flag lots, he noted that street is relatively quiet adjacent to the high school.

Council Member Garn made a motion to approve the Preliminary Plat for the Prigmore Flag Lots Subdivision at 233 South 400 East, second by Council Member Page.

The vote on the motion was as follows:

Council Member Barber, Nay
Council Member Page, Yea
Council Member Adams, Excused
Council Member Garn, Yea
Council Member DeCaire, Nay
Mayor Wit, Yea (tie breaker)

The motion passes three to two.

WORK ITEMS

BETTER CITY DISCUSSION

Shayne Scott, City Manager explained that over the past two years we have contracted with Better City on Economic Development services targeting two parcels of Commercial land in Kaysville. The contract was established to pay them $1000/month and to reward them for bringing certain commercial developments to the two specific parcels. The contract was extended for another year last year after lapsing after year one. The purpose of this work item is to decide on how or if to continue our relationship with Better City.

Council Member Page discussed the incentives for businesses.

Council Member Decaire asked if Better City has brought any commercial business to Kaysville City.

Shayne Scott stated no, they have had many meetings, but thus far, not business has been generated.

Barber noted that feels that their engagement has beneficial and feels it is to the cities benefit to keep them on.

Council Member Barber is in favor of continuing with option 3, agreeing to terminate our relationship but keeping the "reward" portion of the contract in place whereas if Better City were able to perform on one of the parcels the reward would therefore be paid out as outlined in the previous agreement.

Council Member Barber made a motion to move the Better City item to an action item at the next meeting, second by Council Member DeCaire.

The vote on the motion was as follows:

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

The motion passes unanimously.

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 in consideration of allowing and encouraging a broader range of telecommunication towers in Kaysville City 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 DeCaire made a motion to move the 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 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, Excused
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes unanimously.

AN ADDED ORDINANCE TO THE KAYSVILLE CITY CODE REGARDING THE NEED TO KEEP THE PUBLIC RIGHT-OF-WAY CLEAR OF OBSTRUCTIONS (PARTICULARLY WITH STREETS AND SIDEWALKS)

Josh Belnap, Public Works Director explained that currently, sections of the City Code address protecting access along and through the Public Right-of-Way the City. However, we felt that those sections do not adequately inform residents and owners of the needs and responsibilities that exist, and exactly how they can help to better the access for City services and pedestrian/vehicle traffic. He feels this ordinance has added clarity.

Shayne Scott clarified that the City is not changing anything, just clarifying.

Council Member Barber made a motion to move the Ordinance to the Kaysville City Code regarding the need to keep the Public Right-of-way clear of obstructions (particularly with streets and sidewalks) to an action item at 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, Excused
Council Member Garn, Yea
Council Member DeCaire, Yea

The motion passes unanimously.

VISIONING/STRATEGIC PLAN DISCUSSION

Mayor Witt explained that City staff attended a very involved public participation training in Salt Lake City recently. She explained that importance of having a vision and creating a strategic plan. She thanked staff for their participation.

Shayne Scott explained the possibility of having an RFP, involving Council, and finding a company or person to assist with a visioning plan.

Garn noted that feels that working together may be beneficial, a coordinated effort. He stated that he feels that this is a prudent discussion to be had, and that it is important to design our city for the future.

Mayor Witt noted that January or February would be a good time to begin this project. She encouraged council to participate. She asked for a consensus for staff to move forward.

The council agreed to have further discussion.

COUNCIL MEMBER REPORTS

CALL TO THE PUBLIC

No public comment.

CITY MANAGER REPORT

Council Member Garn made a motion to enter into closed session, second by Council Member DeCaire.

Council Member Page made a motion to close the strategy session, second by Council Member DeCaire and passed unanimously.

ADJOURNMENT

Council Member Decaire made a motion to adjourn the meeting at 9:47 PM, second by Council Member Page and passed unanimously.