

KAYSVILLE CITY COUNCIL

June 6, 2019

Minutes of a regular Kaysville City Council held June 6, 2019 at 6:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber, and Council Member Stroh DeCaire

Others Present: City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Public Works Director Josh Belnap, Police Chief Sol Oberg, Parks and Recreation Director Cole Stephens, Becky Burton, Dan Burton, Quan Nguyen, Peter Matson, Wayne Felix, Sue Felix, Tristan Halls, Michael Halls, Jeff Barrett, Shelly Barrett, Shaunna Burbidge, Cindy Jensen, Jason Sampson, Jamie Sampson, Kent Mitchell, Kyle Fowles, Sonya Fowles, Gary Hoffman, Brooke Hoffman, Emily Alvord, Susan Knap

PUBLIC HEARINGS

6:30 P.M. MUNICIPAL BUILDING AUTHORITY HEARING – ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTION, RENOVATION AND EXPANSION OF CITY HALL

Mayor Witt opened the Public Hearing.

Finance Director Dean Storey explained that the purpose of the hearing is to consider the issuance of bonds for the construction, renovation and expansion of City Hall. After the public hearing, our next step would be to solicit bids from investors on the bonds and determine parameters of the bonds. That will take place sometime towards the end of August.

There were no questions or comments from the public.

Council Member Garn made a motion to close the Public Hearing at 6:35 p.m., seconded by Council Member Page and passed unanimously.

6:45 P.M. REDEVELOPMENT AGENCY BUDGET HEARING

Mayor Witt opened the Public Hearing.

Council Member Barber arrived.

Finance Director Dean Storey explained that tonight we have a series of Public Hearings scheduled regarding the FY 2020 budget. This first one is for the Redevelopment Agency's Budget. We will be taking comment tonight, but no action will be taken until the next City Council meeting on June 20, 2019. At that time the modified tentative budget, the consolidated fee schedule and the

compensation plan will be adopted. On August 15, 2019 a Truth in Taxation Hearing be held, and the certified tax rate and final budget will be adopted. There are two items for the Redevelopment Agency Public Hearing. The first one is for the amendments to the Kaysville City Redevelopment Agency Budget for Fiscal Year 2019, and the second is the consideration of the Kaysville Redevelopment Agency Budget for Fiscal Year 2020. During the FY 2019 we sold a piece of property at 300 West and Main Street and the budget needs to be amended to reflect the property sale. When the property was originally purchased by the city it was in anticipation of using it as city right-of-way. The city has kept a portion of the property for the right-of-way and sold the rest of the property.

There were no comments or questions from the public.

Council Member DeCaire made a motion to close the Public Hearing at 6:49 p.m., seconded by Council Member Adams and passed unanimously.

6:50 P.M. MUNICIPAL BUILDING AUTHORITY BUDGET HEARING

Mayor Witt opened the Public Hearing.

Finance Director Dean Storey explained that the Municipal Building Authority is also a separate entity and needs budget approval. The two items being reviewed tonight are the amendments to the Kaysville City Municipal Building Authority Budget Fiscal Year 2019 and consideration of the Kaysville Municipal Building Authority Budget for Fiscal Year 2020. This entity was created for the construction of public improvements. We have used it in the past for the construction of buildings. The budget itemized here is for the annual payments for the obligation for the police station.

There were no comments or questions from the public.

Council Member DeCaire made a motion to close the Public Hearing at 6:54 p.m., seconded by Council Member Barber and passed unanimously.

6:55 P.M. KAYSVILLE CITY COUNCIL BUDGET HEARING FISCAL YEAR 2020 – ENTERPRISE FUNDS INTER-FUND SERVICES AND TRANSFERS

Mayor Witt opened the Public Hearing.

Finance Director Dean Storey explained that this hearing is related to a requirement that the State Legislature has passed which states that any time there is inter-fund activity between enterprise funds and the general fund, a separate Public Hearing is required. A mailer was also sent to the residents. There are two types of inter-fund activity: reciprocal transfers and non-reciprocal transfers. With reciprocal transfers if the general fund provides services to the enterprise fund, the enterprise fund pays for those services at value. Non-reciprocal transfers is when an enterprise fund provides service to the general fund value is given but cash is not exchanged. An example of that is the water enterprise fund providing water service to the city buildings and parks at no cash charge.

There were no comments or questions from the public.

Council Member Adams made a motion to close the Public Hearing at 6:59 p.m., seconded by Council Member Barber and passed unanimously.

7:00 P.M. KAYSVILLE CITY COUNCIL BUDGET HEARING FISCAL YEAR 2020

Mayor Witt opened the Public Hearing.

Finance Director Dean Storey said that the tentative budget has been worked on for many weeks and has been available for public viewing on both the city website and the city offices. The two items in review for this Hearing includes the amendments to the Kaysville City Fiscal Year 2019 budgets and consideration of the Kaysville City Fiscal Year 2020 budgets. There have been some amendments to the Capital Projects Fund in the Fiscal Year 2019 budget. One amendment is to include the Fiber Feasibility Study, which was approved several months ago by the Council. If the Fiber project is funded and accepted, the city will recapture those costs. Also, improvements were done to the Rail Trail, including lighting projects at crossings and an extension of the trail across the ponds. Those fees have also been amended in the FY 2019 budget. There have been Public Works projects that are impact fee eligible included in the amendments, as well as the accelerated Pioneer Park improvements.

Mayor Witt commented that the Council is approached by residents many times throughout the year with concerns regarding the budget. Tonight is not the only opportunity to weigh in or ask questions about the budget.

There were no comments or questions from the public.

Council Member Page made a motion to close the Public Hearing at 7:05, seconded by Council Member Barber and passed unanimously.

7:05 P.M. REGULAR CITY COUNCIL MEETING - OPENING

Emily Alvord, Youth City Council Mayor, provided an opening prayer.

RECOGNITIONS AND PRESENTATIONS

YOUTH CITY COUNCIL RECOGNITION

Council Member Barber commented that our Youth City Council are comprised of high school students. They participate quite a bit in the city, not only learning how things work within the city and state governments, but they also do public outreach, and volunteer at city events.

Mayor Witt and Council Member Barber presented a plaque of appreciation for each Youth Council Member to the Youth Council Mayor, Emily Alvord.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

Council Member Barber stated that Item 5c, the rezone request at 1955 West 200 North, will directly affect her neighborhood and is represented by a member of her family.

Mayor Witt commented that Council Member Barber will not need to recuse herself.

CONSENT ITEMS

Council Member DeCaire made a motion to accept the following Consent Items:

- a. Approval of minutes of the May 16, 2019 meeting.
- b. Acceptance of Improvements for the Brady Estates Subdivision.
- c. Parks & Recreation Vehicle Replacement Purchase.
- d. Award of Bid for 2019 Concrete Replacement Project.
- e. Approval of an Interlocal Cooperation Agreement between Kaysville City and Davis County Regarding the Reconstruction of a Segment of Mutton Hollow Road.
- f. Resolution Adopting and Approving an Interlocal Cooperation Agreement Relating to the Conduct of Community Development Block Grant Program for Federal Fiscal Years 2020, 2021, and 2022.

Council Member Adams made a substitute motion to accept the following Consent Items:

- a. Approval of minutes of the May 16, 2019 meeting.
- b. Acceptance of Improvements for the Brady Estates Subdivision.
- c. Parks & Recreation Vehicle Replacement Purchase.
- d. Award of Bid for 2019 Concrete Replacement Project.
- f. Resolution Adopting and Approving an Interlocal Cooperation Agreement Relating to the Conduct of Community Development Block Grant Program for Federal Fiscal Years 2020, 2021, and 2022.

The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion failed with a vote of three to two.

The vote on the original motion was as follows:

Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea

Council Member Adams, nay

The motion passed with a vote of four to one.

ACTION ITEMS

REQUEST TO REZONE 0.98 ACRE OF PROPERTY AT 370 SOUTH ANGEL STREET FROM R-A (RESIDENTIAL AGRICULTURE) TO THE R-1-20 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT – CATHERINE L. WEBSTER

PRELIMINARY PLAT APPROVAL FOR DAVID’S PLACE SUBDIVISION AT 370 SOUTH ANGEL STREET – CATHERINE L. WEBSTER

Community Development Director Lyle Gibson explained that this property, owned by Catherine L. Webster, is located at 370 South Angel Street and is just under 1.0 acre in size. The applicant desires to subdivide the property in order to create a new buildable lot to the west, while keeping the existing home along Angel Street. The R-A zoning district requires that each lot has a half acre in size, while the R-1-20 zoning district will allow for slightly smaller lots at a minimum of 20,000 square feet each. Apart from the minimum lot size, the zoning districts are very similar, other than a requirement for most farm animals in the R-1-20 zone to go before the Planning Commission for a conditional use approval. Farm animals are a permitted use in the R-A zone. The Planning Commission unanimously recommended approval of both the rezone and preliminary plat approval.

Council Member DeCaire made a motion to approve the request to rezone 0.98 acre of property at 370 South Angel Street from R-A (Residential Agriculture) to the R-1-20 (Single Family Residential) zoning district for Catherine L. Webster, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member DeCaire made a motion to grant preliminary plat approval for David’s Place Subdivision at 370 South Angel Street for Catherine L. Webster.

REQUEST TO REZONE 5.74 ACRES OF PROPERTY AT 1955 WEST 200 NORTH FROM A-5 (HEAVY AGRICULTURE) AND R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT, TO INCLUDE THE PRUD OVERLAY ZONE – BRAD FROST/ CAPITAL REEF MANAGEMENT

Community Development Director Lyle Gibson explained that Capital Reef Management has the property at 1955 West 200 North under contract and is seeking a rezone in order to accommodate a new residential development. The property is at the end of 1700 West Street and on the south side of 200 North. There is currently an existing home which sits along 200 North Street, but the remainder of the property is undeveloped agricultural property. With the requested R-1-8 zoning designation and the PRUD overlay, development may occur with as many as one unit per each 8,000 square feet of property to be subdivided. This is a density of 5.4 units per acre, which could yield a maximum of thirty-one units on this property. The applicant has provided a concept subdivision plan to demonstrate their desired use of the. The concept subdivision shows twenty-two units, or 3.8 units per acre. This development will allow for 1700 West Street to be connected through to 200 North, in alignment with Wilkie Street to the north. The concept plan includes common areas and would be reviewed as a common space subdivision through the subdivision process. The PRUD overlay zone allows through a common open space subdivision for variations from normal development standards of the R-1-8 zone which would allow for the proposed lot sizes. Should the Council find that the proposed development or something similar is desirable, Staff is recommending that a development agreement be put in place before finalizing the rezone. The development agreement would further refine any allowed variations from typical standards and could put specific parameters in place to ensure desirable development of the property. After holding the required hearing, the Planning Commission voted unanimously to recommend approval of the requested rezone based on their findings of the compatibility with the General Plan and how well the proposal works at this specific location.

Brad Frost, with Ovation Homes and Capital Reef Management, said that they have been working for many months to find what the best development for this property and the neighboring properties. They have had several discussions and done different analyzations of the property. They have also spoken with the neighbors about their plans and the biggest concern they heard was regarding how traffic might affect neighboring properties, and concerns in regards to the storm water and the tail water from the irrigation system which runs through this property. They have changed the proposed plat slightly from when it was seen by the Planning Commission and have moved the retention basin on the south side, and will provide open space on the south side next to Mr. Burton's property. They would like to build an active adult community, and the planned homes fit better into the R-1-8 zoning district. Kaysville City's General Plan allows for higher density housing along busier streets. There will be on-site water detention to address the water runoff problems that have been mentioned by the neighbors. There won't be a loss of irrigation water as the water will be collected and will continue on as it has in the past. To address the concerns with traffic they have some traffic calming measures that they would be willing to install, including an island diverter, possible speed table, or a stop sign at the intersection of 1700 West and 75 South Street. Typical half-acre residential lots could produce up to eleven trips per day, whereas with active adult communities it is 3.71 trips. There is a huge demand and need for this type of development.

Mayor Witt asked for Public Comment.

Jeff Barrett commented that he lives near this property on 1700 West and is concerned about the lack of notification that the neighbors received in regards to this development. Only a few neighbors seemed to receive any kind of notification. Mr. Barrett stated that he is concerned about the higher density as well as the proposed connection to 1700 West Street. The neighbors would like to see a pinch point on Angel Street and 75 South because there is concern that traffic coming from Angel Street will try to use their streets to cut through over to 200 North Street in order to skip the traffic light on Angel Street. They are also concerned about the water issues that have occurred on the property previously.

Jason Sampson said that there needs to be continuity between the existing and new neighbors. There is concern that if this rezone were to be approved that the property owners to the west would be able to use this as leverage to be able to develop their property with more than two units an acre as well. The R-1-8 zone is typically found on the east side of Kaysville and this is a unique request. Some of these lots will be a third of the size of what exists in the area and they won't fit into the neighborhood.

Susan Knap said that she lives on 1700 West and is a safety engineer by profession and would like to address the safety-related through-traffic issues that might occur by connecting to 200 North. It would significantly encourage people to cut through onto 1700 West by non-residents in an effort to bypass the light at 200 North and Angel Street. The new intersection that would be created on 200 North, as well as 75 South at Angel Street are both ill-equipped to handle the increased traffic and the increased traffic is a big safety issue for residents. The current entrance design at 75 South will not inhibit through traffic. Housing developments should have a minimum of through traffic, and a maximum of open space. Entry columns should be added at both intersections of 1700 West and 200 North, and at 75 South and Angel Street to help advertise the residential character of the area. A crash gate could also be incorporated to restrict access from either direction on 1700 West, while providing access to emergency response vehicles. Speed tables and signage could also be incorporated to help deter through traffic. Instead of a straight street, change the layout of 1700 West so the street curves. Require that curb, gutter and sidewalk be installed in this new development to minimize on-street pedestrian traffic. And put all such suggestions in a development agreement.

Michael Halls said he lives on 75 South and feels that while traffic calming features help, they don't fully solve the problems. If 1700 West is connected to 200 North it will be a straight street and people who are cutting through a subdivision tend to drive at least ten to fifteen miles per hour faster than normal. Many people use GPS apps these days and they will just follow whatever roads the GPS will tell them to. While speed tables are great, they typically are installed every eighty-eight feet, which definitely changes the character of the neighborhood. This development should leave 1700 West as a cul-de-sac and create a stub road on the south side of this subdivision that would eventually allow the Burton property to develop. This would create a u-shaped road and not a through street. Doing so Ovation would only lose two lots. To compensate for this, Lot C should be changed into a larger single family residential home.

Brooke Hoffman said that she lives on 75 South where 1700 West intersects and would like to see this request tabled as many neighbors were never notified. They only found out a few days ago that it's now being proposed to connect to 1700 South. And those that were notified mostly live north of 200 North and will not be impacted by this. The majority of the neighbors living on 75 South were not notified because they were outside of the five-hundred foot circle from this property. There wasn't proper notification to those who will be impacted by this. Not only will this development bring increased traffic, but it will also bring increased noise, safety, accidents and crimes.

Kent Mitchell said that he also didn't receive any notice about this requested development. Only three residents along 75 South Street were notified. If this property is approved for the R-1-8 zoning it will set a precedence for the Anderson and Harvey properties. The General Plan for this area shows that these should be half acre lots. The developer has also not reached out to the neighbors to have a meeting with the neighborhood.

Dan Burton stated that he concurs with all the comments that have already been made.

Shaunna Burbidge said the neighbors have come together to not be obstructive, but to come up with a solution that would work for both sides. Many of the neighbors could not be here tonight because most didn't know this was occurring. Therefore, they've all signed a letter together to include their comments and concerns about this development and would like to submit that letter for Kaysville's records. The neighbors aren't opposed to development but want to do it correctly so that the residential character of the neighborhood remains.

Mayor Witt thanked the audience for their comments and asked the Council if they feel this should be tabled to give the developer a chance to discuss his plans more with the developer.

Council Member DeCaire asked about the noticing process for rezones.

Lyle Gibson responded that notices are sent out to property owners within five-hundred feet of the subject property about the Public Hearing and request to rezone. Those notices were sent about a month ago. A sign was posted at both 200 North and 1700 West at the stub street to inform passersby as well. Much of 75 South was not inside that five-hundred foot radius.

Council Member Page about meeting with the neighbors.

Brad Frost responded that they were able to meet with those neighbors most impacted by this, but they had not had any kind of community meeting.

Council Member Barber said that while the city followed the letter of the law concerning notification, the spirit of the law might not have been followed. The traffic calming measures need to be included in the development agreement, however because it will be a city street the city will need to approve those measures.

Council Member Barber made a motion to table the request to rezone 5.74 acres of property at 1955 West 200 North from A-5 (Heavy Agriculture) to R-1-20 (Single Family Residential) to the

R-1-8 (Single Family Residential) zoning district to include the PRUD overlay zone for Brad Frost/Capital Reef Management so that the developer can coordinate with the neighbors and get Public Work's input on traffic calming measures and feasibility, seconded by Council Member Adams.

Council Member Garn suggested that this item be reviewed again at the next City Council Meeting.

Council Member Barber amended her motion to table the request to rezone 5.74 acres of property at 1955 West 200 North from A-5 (Heavy Agriculture) and R-1-20 (Single Family Residential) to the R-1-8 (Single Family Residential) zoning district to include the PRUD overlay zone for Brad Frost/Capital Reef Management so that the developer can coordinate with the neighbors, that they get Public Work's input on traffic calming measures and feasibility, and that this item come back for review at the June 20, 2019 City Council Meeting, seconded by Council Member Adams.

Council Member Garn said that there is not much land left in Kaysville to develop and there needs to be more diverse housing along major roads. These developments also need to blend in with the surrounding neighborhoods and not create any adverse effects. The amount of traffic would likely be less with this active adult community than it would in a typical neighborhood.

Council Member DeCaire said that the developer needs to focus on reaching out to those living on 75 South.

Council Member Adams said that going forward the city might consider amending our policy on notifications to expand the notification area. Also, there are concerns about mixing irrigation water and storm drain runoff. It was done in another area of the city and caused nearby homes to flood if water is running to one spot all at once. The water drainage needs to be reviewed to make sure it doesn't adversely affect these properties.

Mayor Witt commented that she feels it is very important to have a mixture of housing types in Kaysville. We have an aging population and they won't all be able to or want to continue to maintain large houses and yards. We need to broaden our thinking as to what qualifies as acceptable housing in west Kaysville. These homes will be well built and quality homes. There is only so much room left in the city to build and there needs to be more diversity in our housing.

Council Member DeCaire commented that he is not too concerned about the proposed density of this project. This type of housing is something we need in Kaysville and these won't be low-income homes.

Council Member Barber Council Member Barber amended her motion to table the request to rezone 5.74 acres of property at 1955 West 200 North from A-5 (Heavy Agriculture) and R-1-20 (Single Family Residential) to the R-1-8 (Single Family Residential) zoning district to include the PRUD overlay zone for Brad Frost/Capital Reef Management so that the developer can speak and meet with the nearby neighbors, that they get Public Work's input on traffic calming measures and feasibility, that the water concerns be addressed to verify that the water collection system will not adversely affect the neighbors, and that this item come back for review at the June 20, 2019 City Council Meeting, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

The City Council took a five minute recess.

WORK ITEMS

BUDGET DISCUSSION

Finance Director Dean Storey reviewed the amendments that had occurred to the tentative budget since it was first reviewed including an increase in the amount budgeted with the Davis County Sherriff's office, park impact fees as discussed in their previous meeting, and change in fees to paramedic and ambulance services.

Council Member Barber made a motion to implement the park impact fees at the full amount recommended by the analysis study, seconded by Council Member Garn.

The vote on the motion was as follows:

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

The motion passed with a vote of four to one.

Dean Storey stated that since their last discussion regarding personnel staffing, Staff feels that it would be best to wait until the employee positions are evaluated later in the fiscal year and then make a decision based on their feedback and cost evaluation.

Council Member Garn made a motion to not include any proposed additional staffing to the FY 2020 budget at this time and to revisit the requested personnel until after the employee positions are evaluated, seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member DeCaire, yea

Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea

The motion passed unanimously.

Council Member Adams commented that the salaries of the City Council should be reviewed and decided on by a citizen committee.

CALL TO THE PUBLIC

Richard Proctor commented that the Electoral College hasn't been used correctly for over two-hundred years. It has become a vote of popularity. We need to think about these things going on in our community and be part of it.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 9:00 p.m., seconded by Council Member Barber and passed unanimously.

9:00 P.M. ARCHITECTURAL REVIEW COMMITTEE MEETING

CONSIDERATION OF A NEW PROFESSIONAL OFFICE BUILDING AT LOT 117 (APPROXIMATELY 700 NORTH KAYS DRIVE)

Lyle Gibson explained that the Architectural Review Committee approved the construction and details of Building 1 on Lot 117B in November 2015. The building was constructed as approved in 2016. The second building in the rear of the lot is now being proposed for construction. The architectural style matches the first building, however this building is slightly larger with a ground floor area of over 7,300 square feet. The building will be fully occupied by professional office use on two floors. The proposed building and site development is consistent with the original plans. Staff has reviewed the project and found it to comply with parking, landscaping, height, setback and other site requirements. The Architectural Review Committee is making a determination as to whether or not the project as currently proposed is appropriate both in use and site design for the business park.

Council Member Adams made a motion to approve a new professional office building at Lot 117 (approximately 700 North Kays Drive), seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea

Council Member DeCaire, yea

The motion passed unanimously.

Council Member Adams made a motion to adjourn the Architectural Review Committee meeting at 9:07 p.m., seconded by Council Member Barber and passed unanimously.