KAYSVILLE CITY COUNCIL
June 20, 2019

Minutes of a regular Kaysville City Council held June 20, 2019 at 7:00 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, City Manager Shayne Scott, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Public Works Director Josh Belnap, Assistant Police Chief Seth Ellington, Lieutenant Shawn McKinnon, Information Systems Manager Ryan Judd, John Swan Adams, Kevin Porter, Brandon Wood, Glenn Zeh, Tallor Willmore, Heber Davis, Brad Malmstrom, Harrison Hughs, Michael Halls, Sheila Baxter, MacRay Baxter, Dan Burton, Becky Burton, Paul Pitcher, Gary Hoffman, Jamie Sampson, Jason Sampson, Brooke Hoffman, R. Neil Van Leeuwen, Andre Lortz, Carole Walters, Carla Whitaker, Zane Larsen, Amy Jarman, Nicole Hawkins, Chad Hawkins, Eric Littlefield, Cameron Littlefield, Susan Knap, Luke Barber, Benson Black, Eric Isom, Beth Holbrook

OPENING

Heber Davis, with Scout Troop 407, provided an opening prayer.

RECOGNITIONS AND PRESENTATIONS

UTA AND KAYSVILLE REPORT – UTA TRUSTEE BETH HOLBROOK

Beth Holbrook explained that she is the UTA Trustee for the Davis, Heber and Box Elder County districts and is here to give an update on the current level of services provided by UTA and what is anticipated for the future. Over the last five months, UTA has been conducting a study to try to determine the public's needs and wants are for their service resources, specifically bus services. UTA will be developing a bus network plan to incorporate the public's priorities, based off of this study. This draft network plan is anticipated to be ready by Fall 2019, but won't be implemented until Fall 2021. With the growth within Utah communities being anticipated to rise substantially over the next forty years, most of this will occur along the Wasatch Front. UTA has been looking into different scenarios that would improve their services. Our big economic centers has shifted from Ogden to Provo, and now UTA has over ninety miles of track. The track is only a single track, therefore trains are required to pull over in order to change directions or wait for another train to pass. Ideally they would like to have double track all along their route. Because of concerns with air quality on the Wasatch Front, UTA is also considering electrification of FrontRunner. This will require a complete overhaul on all locomotives. UTA anticipates upgrading two locomotives per year, and hopes to have all of them completed by 2024. With an electrified system they will be able to run more efficient locomotives and will be able to increase their capacity. UDOT will not be able to build enough freeways to meet future capacity needs of our freeways and highways without causing economic challenges. Every person utilizing UTA's services takes another vehicle off of our freeways. There are already issues with cars bottlenecking in Davis County during peak hours. One question UTA receives a lot is about why FrontRunner does not work on Sundays. The Federal Government requires that their tracks be inspected once a week and they have chosen to do so on Sundays.

Mayor Witt asked about the autonomous vehicle trial.

Beth Holbrook responded that UTA has partnered with UDOT and has purchased two autonomous vehicles which are currently being tested in Farmington at Station Park. While the vehicles are self-driving, there is an attendant on them to help passengers acclimate to them. Currently these vehicles are free to ride and they can take passengers throughout Station Park and over to Lagoon. Only a handful of states have gotten federal approval to run these self-driving vehicles on city streets. UTA wants to help integrate these vehicles into community events to get people used to seeing and using them. They are working with the city to be able to use this vehicle to get passengers to the city's events. UTA encourages both cities and residents to give them feedback so they can continue to improve their services.

<u>OPEN MEETINGS LAWS TRAINING/DEPARTMENT REPORT – NIC MILLS</u>

City Attorney Nic Mills explained that it is required by the Utah Open and Public Meetings Act that there be annual training on the requirements of public meetings. Each public body should have open deliberation. There is no prohibition from members emailing each other, but it shouldn't devolve into deliberation on topics. Mr. Mills explained the procedures of a closed door meeting and that there can only be specific topics discussed during closed meetings. The city must keep a complete unedited record of the closed meeting, which becomes a protected record under GRAMA. If the City is discussing the character of an individual, there is no recording but the presiding officer must certify that it was the sole purpose of meeting. Mr. Mills gave a report on the city's Legal Department and explained that Kaysville City is responsible for prosecuting all Class B and C Misdemeanors and Infractions that occur in Kaysville City. The Legal Department receives its cases from the Kaysville City Police Department, Davis County Sheriff's Office, Utah Highway Patrol, Davis County Animal Control, and other various other local law enforcement agencies. In 2018, the Legal Department filed 2,879 new cases, which are in addition to ongoing cases that the City monitors to insure that probation is being complied with. In 2018, the City conducted 23 trials, 1 motion hearing, with the bulk of these cases being traffic cases. There were 162 GRAMA requests processed in 2018. These ranged from complex and time-consuming to very simple. The Legal Department Staff has been, and will continue to be, pursuing training and education opportunities in both legal and HR areas.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

Council Member Barber stated that Item 5b, the rezone request at 1955 West 200 North, will directly affect her neighborhood.

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

CONSENT ITEMS

Mayor Witt asked that the following items be pulled for discussion:

c. Appointment of Planning Commission Members.
d. Appointment of Historic Preservation Committee Members.

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

a. Approval of the minutes of the June 6, 2019 meeting.
b. Approval of Davis County Polling Locations.
e. Community Development Vehicle Purchases.
f. Acceptance of Improvements for the Whisper Creek Hollow Subdivision.
g. Award of Contract for Environmental Assessment.

The motion was seconded by Council Member Adams.

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.

APPOINTMENT OF PLANNING COMMISSION MEMBERS

Mayor Witt explained that there are three Planning Commission terms expiring on June 30, 2019. Recently applications were received and interviews conducted to fill those vacancies. The three applicants that were chosen are: Steve Lyon, Toby Barrus and Quan Nguyen.

Council Member Page made a motion to accept the Appointment of Planning Commission Members, seconded by Council Member DeCaire.

The vote on the motion was as follows:

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

The motion passed unanimously.

APPOINTMENT OF HISTORIC PRESERVATION COMMITTEE MEMBERS

Mayor Witt explained that with the recent creation of the Historic Preservation Committee ordinance, applications were taken in order to create the board. The ordinance states that "The Commission shall be composed of seven (7) members appointed by the Mayor with the consent of City Council. One of the members shall always be the Mayor, who shall be an ex-officio member; one of the members shall be a member of the City Council; … and at least (5) of the seven (7) members shall reside in Kaysville City." The following applicants were chosen: Elizabeth Heath, Brittany Bremer, Rob Dansie, Judy Rigby, Mark Johnson, and Council Member Barber.

Council Member Barber made a motion to accept the Appointment of Historic Preservation Committee Members, seconded by Council Member Garn.

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.

ACTION ITEMS

PRELIMINARY PLAT APPROVAL FOR TYLER ESTATES PHASE 3 AMENDED SUBDIVISION AT 1048 WEST TYLER'S WAY – MAC RAY BAXTER

Community Development Director Lyle Gibson explained that this property located at 1048 West Tyler's Way was recently rezoned from the R-A zone to the R-1-10 zoning district to accommodate a proposed subdivision. The property is 1.3 acres in size and has one existing home and a large garage built on it. Mr. Baxter is looking to subdivide the lot with one lot having the existing home on it, and the second lot with the existing garage building, which could potentially be converted into a dwelling. The right-of-way is already fully improved here; the applicant will only need to install some utilities to the new lot. Both lots comply with the zoning requirements. The Planning Commission voted unanimously to recommend approval for the proposed preliminary plat.

Council Member Adams made a motion to grant preliminary plat approval for Tyler Estates Phase 3 Amended Subdivision at 1048 West Tyler's Way for Mac Ray Baxter, seconded by Council Member DeCaire.

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.

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 (TABLED ITEM)

Lyle Gibson explained that the Council reviewed this proposed rezone request at 1955 West 200 North in their June 6, 2019 meeting. The item was tabled with direction to look into traffic calming measures in order to discourage through traffic, that the developer work further with neighboring property owners, and that additional information be provided regarding storm water and irrigation water. Since the meeting, a development agreement has been created where traffic calming measures have been agreed to per recommendation from Staff. Capital Reef Management, which is also Ovation Homes, is proposing that a traffic median be installed at the intersection of 200 North and 1700 West Street, as well as Angel Street and 75 South Street. They are also proposing that a stop sign be installed at the intersection of 1700 West and 75 South Street. Staff had been made aware of outreach effort by the developer, however an update on that effort will need to come from the applicant. Staff is continuing to look into what water is feeding the ditch currently on the property. It is generally believed that with the recent 200 North Street improvements, irrigation and storm water systems were kept separate and existing water rights and access were maintained.

Michael Halls commented that he lives on 75 South and since the previous City Council meeting he has been able to speak with the developer and get more information about this development. However, he still has some concerns about the proposed rezone because the R-1-8 zone allows for a minimum of 8,000 square foot lots, and this property is surrounded by a much less dense zoning. Rezones need to help encourage better living and preserve the character of the neighborhood. The PRUD overlay zoning allows the developer to have some variety in the development. There is a variety of lot sizes being proposed, but the planned open space is going to be along 200 North and not acting as a buffer to surrounding existing properties. This doesn't seem to be following the spirit of the ordinance. It seems that there are too many homes being crammed into this property. The neighbors are concerned about potential traffic problems this development might create also.

Dan Burton said that he owns a property immediately south of this development and said that the developer has assured that a privacy fence will be installed along the perimeter of the property. Mr. Burton said that he is also concerned about allowing an R-1-8 zone here as it will set a precedence for the surrounding properties. Also, he feels that installing a median on Angel Street and 75 South wouldn't work because the street is only thirty-five feet wide and trailers wouldn't be able to get through there if there is a median in the road. If a stop sign is installed on 1700 West at 75 South, it should be made into a three-way stop so all traffic would have to stop. It would help to deter through traffic. Mr. Burton added that he had been living here for just under twenty years and there has always been water flowing on this proposed property, and there are still concerns about where and how that water will be piped.

Jason Sampson commented that he has concerns about comingling this development with the existing neighborhood. This is a unique development and doesn't exist anywhere else in west Kaysville. Ovation Homes has built other similar developments and it seems those were located in areas with similar zones. We seem to be the only city allowing them to have such small lots. The lots need to be larger so that it's more cohesive with the surrounding properties. The neighbors here are not necessarily opposed to development, but would like to see a less dense zone being proposed.

Gary Hoffman stated that he lives on 75 South and appreciates the Council tabling this item so that the neighbors had time to meet with the developer. The community has been pleased with the developer's efforts to try to minimize traffic. However, there are still concerns that the storm water will be adequately planned for. Additional studies need to be done. This item should be tabled again until an engineer could review the potential runoff and flooding this development might cause. Mr. Hoffman added that there is a small brick home on 200 North which might be considered a historic site and would like to see that the developer consider saving the building, and that should be put into the development agreement.

Susan Knap said that she spoke at the previous Council meeting and agrees that the neighbors just want the city to be smart about what is allowed to be developed. This rezone doesn't fit into the area. The development should be similar to what is already here and how it's already zoned. The zone shouldn't be changed in order to fit the agenda of a developer. The Council needs to be a voice for the citizens of Kaysville. The homes and lots being proposed are much smaller than what is already in the area. The homes in this development will all look the same. Creating an R-1-8 zoning here will be creating a high density development.

Luke Barber commented that he lives on 75 South and used to live on Havenwood Drive near a similar active adult community development. The lots there are similar to those being proposed tonight and they also sit next to the R-1-20 zoning. It's a similar situation and they are great neighbors to live by. Mr. Barber added that he is also concerned about water issues on this property because this property always seems to have standing water on it.

Council Member Page asked about the development process.

Lyle Gibson responded that in a typical scenario the first application would be for a rezone, if needed. Then the property would go through a plat process, which is when technical issues would be reviewed. Development agreements are included in many situations to ensure that it's developed how we expect it to be. Before final plat approval the plat will be reviewed to ensure it meets the engineering specifications. Storm water plans will also be reviewed at that time. Those who have water rights previously will continue to receive those water rights and the development has to continue to provide those.

Council Member Page asked who would be required to fix problems after the subdivision is developed.

Lyle Gibson responded most developers are willing to work to correct those items.

Council Member Adams said that there has been previous instances where if something happens after the one year warrantee period ends then the city is left having to pay for the repairs. Council Member Adams asked if the city allows the main sewer and land drains to be outside of the right-of-way.

Lyle Gibson responded that it depends on the situation. It is something that would need to be reviewed by the sewer district to get their approval. The sewer district is aware of this project but because this is only a request for a rezone there hasn't been much feedback.

Brad Frost, with Ovation Homes, added that the sewer district will review the plat before final approval as well. When Ovation Homes had first looked at purchasing this property they met with one of the property owners and had an extensive conversation about the water flow on the property. This year has been a very wet year and is not what we'd typically see here. The water will be piped to continue to provide water for those who still utilize the irrigation system. They will also be installing an additional catch basin to help prevent any pooling on 200 North Street.

Council Member Garn asked about the traffic median.

Brad Frost responded that they are willing to install medians, but the size and type of medians might change after they've determined what will fit there. They want to assure residents that they are willing to make an effort to help alleviate their concerns.

Council Member Garn asked about the brick house on 200 North.

Brad Frost responded that they are open to discussing preserving the building. The land it sits on is not very large and they are willing to see what kind of opportunities they have there.

Council Member Barber asked why the developer is not considering the R-1-10 zoning district rather than the R-1-8 zone.

Lyle Gibson responded that while the number of proposed lots would not change if zoned R-1-10 rather than R-1-8, because of the PRUD overlay and open space requirements, they would not be able to provide the required open space under the R-1-10 zone and still meet the setbacks of the zone.

Council Member Garn made a motion to approve the request to rezone 5.74 acres of property at 1955 West 200 North from the 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 (Planned Residential Unit Development) overlay zone for Brad Frost/Capital Reef Management, seconded by Council Member Page.

Council Member Garn said that this type of development is something that is needed and this would be a good place to have it.

Council Member DeCaire commented that sometimes these rezone applications get comingled with considering a plat as well, but they need to be considered separately. It seems that the neighbors here are not necessarily opposed to development in general, but are more concerned with issues that will be considered when we are reviewing the preliminary and final plats. In those cases we trust the engineering of the plat and the developer. As a Council we need to look at things from all sides and make a decision that will benefit the community.

Council Member Adams said that our current General Plan says that higher density housing should be considered along major streets. However the Council should honor those who live here and their vision of the city and their neighborhood. We are continuing to see these types of requests more often and with the review of the General Plan coming soon we should really look more closely at each district of the city to see what we want to see there.

Council Member Barber stated that she feels that the R-1-10 zone would be a better fit for this area and asked if the Council could approve this application to the R-1-10 zone rather than the R-1-8 zone.

Nic Mills responded that the applicant has applied for the R-1-8 zoning district and the Council can't alter the application. The applicant would have to reapply for the different zone.

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, nay

The motion passed with a vote of three to two.

Lyle Gibson explained that the development agreement would run with the property itself, and not the developer. Therefore if Ovation Homes were to sell the property, the next owner would still have to follow the approved development agreement or ask for an amendment. The development agreement that Ovation Homes has provided discusses the architecture of the buildings, street improvements to be installed, and installing a six foot privacy fence around the perimeter of the subdivision, landscaping. The subdivision's HOA will be in charge of maintaining the landscaping and fencing of the property. The agreement also mentions the developer's providing traffic stop signs and traffic calming measures as discussed. They will be in charge of providing a water system as part of the construction of the subdivision. Ovation Homes has also discussed possibly installing speed tables. However the Public Works department has expressed some concern about this and would prefer to hold off on installing the speed table until we have the data to justify them.

Council Member Barber commented that she would like to include a stipulation in the development agreement that would warrant the developer to install a speed table in the future if it is needed. Council Member Barber asked about the proposed stop sign at 1700 West and 75 South.

Brad Frost added that they were planning to install two stop signs at the intersection of 1700 West.

Council Member DeCaire made a motion to approve the Development Agreement for a Residential Subdivision at 1955 West 200 North for Capital Reef Management, LLC, seconded by Council Member Page.

The vote on the motion was as follows:

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

The motion passed with a vote of four to one.

CONSIDERATION OF DEVELOPMENT AGREEMENT AND REZONE REQUEST OF 4.7 ACRES OF PROPERTY AT 1325 WEST 200 NORTH FROM R-A (RESIDENTIAL AGRICULTURE) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT – KEVIN PORTER/OGDEN CLINIC PROFESSIONAL CORPORATION

Lyle Gibson explained that Ogden Clinic is requesting to rezone the property at 1325 West 200 North in order to accommodate a proposed medical clinic. The property borders the Rail Trail to the west, a church to the east, and residential areas to the east and south. This request was previously reviewed by the Planning Commission on April 11, 2019. After holding the Public Hearing, the Planning Commission gave direction to the developer to meet with the neighbors to discuss some of their concerns, and return with a development agreement addressing issues that have been brought up, such as building height, landscaping and lighting. The Commission also requested that a traffic study be done to help increase the understanding of how this use might impact the total traffic capacity and performance on both Flint Street and 200 North. The applicant held a meeting at City Hall on April 23, 2019 with neighboring residents. Based on the conversation at that meeting and previous discussion with the Planning Commission, a development agreement has been drawn up to further refine the type of development this would be under the requested zoning district. The Planning Commission reviewed this item for a second time on May 23, 2019 where they made a recommendation to the City Council. This process has highlighted some existing traffic issues, particularly on 200 North and the Rail Trail crossing. Engineering studies indicate that there is capacity on 200 North to handle the anticipated traffic from the proposed use. City Staff will be looking into improvements at the Rail Trail crossing, as well as optimization at the Flint Street and 200 North intersection. Regarding access, the ultimate building design and site layout are still to be determined, but multiple access points may be preferable for handling traffic and best servicing emergency vehicles. The development agreement addresses the need to look at this closely at the time of building permit review. Possible uses of the clinic could include: family medicine, sports medicine, dermatology, medical weight loss, gastroenterology, labs, radiology, or urgent care. Ogden Clinic will further refine the specialties and services to be provided at this site based on need. Once determined, the site of the building design and site plan will be further refined. The applicant has outlined some specific concessions in the development agreement that they are willing to make in order to be good neighbors and fit in the community, but they also hope to keep some flexibility in the final design knowing they will have a better understanding of services provided at the facility at a later date. The site may be impacted by the final size and height potential of the building. Should the applicant desire to exceed the thirty-five foot height limit allowed as a permitted use in the zone, they would be required to return to the Planning Commission for consideration of a conditional use permit.

Neil Van Leeuwen said that he lives in the Mountain Vistas neighborhood to the west and the proposed rezone from R-A to GC is a big change for their area. It is uncertain if this is the right time to be rezoning this property commercial. It would be more appropriate to wait until after the General Plan is reviewed so we have a better idea of what we want for this area of the city in the future, especially 200 North Street. There are already a lot of major traffic issues on 200 North. Accidents occur along here frequently and traffic needs to be addressed before rezoning this property to commercial. Mr. Van Leeuwen stated that he is not in favor of the commercialization of 200 North, which is what it seems to be turning into. The citizens shouldn't have to adapt to what the city wants, but rather the city should listen to what the citizens want.

Chad Hawkins commented that he also lives in the Mountain Vistas subdivision and his property is directly west of what will be built here. He is also not in favor of the commercialization of 200 North Street. Many neighbors are concerned with how this might affect safety in the area. There is also concern about the potential building height for the clinic, as well as what lighting might be used here. Another concern they have is in regards to drivers trying to make a left-hand turn from this property with the pedestrian crosswalk so close. There needs to be more detail about the proposed building and site included in the development agreement. We don't know a lot right now. Businesses use their square footage to make money. If they can make their building bigger they will. In the original proposal from Ogden Clinic they were proposing a three-story building. This doesn't fit into the neighborhoods surrounding this property. It's not a natural look for this location. Don't keep the development agreement so generalized that the developer can build whatever they want. We should wait and see what specifics they can include into the agreement before approving it. This can really become a deterrent for all those who already live here.

Benson Black stated that he is also concerned about traffic in this area. He has a background in civil engineering and doesn't feel that the traffic study that was commissioned by the Planning Commission really addressed the issues here. The increased traffic from this business will affect the traffic light at Flint Street and 200 North. Traffic flow and conflicting turns need to be considered. How will those safety issues be addressed? There are a lot of people who utilize the Rail Trail and there have been a lot of close calls there. This business will likely draw a lot of business from the residents of west Kaysville, and those residents will want to turn left to get back onto 200 North. This property should remain residential.

Amy Jarman said that she would like to see this item tabled tonight so that more questions could be answered. Traffic is a huge concern and this shouldn't be approved when there are so many unknowns, and when it will add to traffic on 200 North and the safety of those pedestrians using the Rail Trail. We need more specific answers. Also, there are trees on the property that are a great buffer for the homes to the west and the neighbors would like to see them remain on the property. Lighting needs to be directed away from the nearby residences. Ogden Clinic has stated that they won't be building for a while. If they decide to sell before then, the new owners should be required to go through this same process.

Kevin Porter, representing Ogden Clinic, stated that in the development agreement they've stated that they will install fencing along the east side of the property. They will also consider keeping what existing trees that they can, and will be planting more trees than is required by the city. Several rows will be planted along the east and south sides to help protect those adjacent homes. Addressing lighting pollution is critical and therefore they will have lighting engineers to design their lighting plan to ensure that it is constructed in a way to direct lighting downward. They will also have shorter light poles. They need the lighting for the safety of their patients, but could turn the lights off when they are closed for the evening. Initially they had talked about building a three-story building, but after meeting with the residents they would only be building a two-story building, under the height limit of the zone.

Council Member Barber asked about traffic circulation from this property and how many access points there will be.

Kevin Porter responded that they will have a minimum of two access points to 200 North Street. It will be necessary to have at least one of those as a left-hand turn. They want to create the safest traffic flow as possible and more than one access point is needed to provide emergency access.

Council Member Barber asked about not allowing left-hand turns from this property.

Lyle Gibson responded that if traffic is forced to head east-bound, we will see more U-turn movements, as well as traffic cutting through driveways and parking lots which is more dangerous and causes more problems.

Council Member Garn said that traffic studies have warranted 200 North to eventually become a four-lane road, which will become even more necessary to have once the West Davis Corridor is built.

Lyle Gibson said that there are things that can be done to help improve the pedestrian crossing as well and will likely be changing as traffic continues to increase.

Council Member Adams stated that the city could require the developer to install a turning lane along 200 North near this intersection to help alleviate the congestion.

Lyle Gibson responded that if the city sees a need for the developer to install such street improvements because of their type of use then it can be required.

Council Member DeCaire made a motion to approve the request to rezone 4.7 acres of property at 1325 West 200 North from R-A (Residential Agriculture) to the GC (General Commercial) zoning district for Keven Porter/Ogden Clinic Professional Corporation, seconded by Council Member Garn.

Council Member Adams made a substitute motion to deny the request to rezone 4.7 acres of property at 1325 West 200 North from R-A (Residential Agriculture) to the GC (General Commercial) zoning district for Kevin Porter/Ogden Clinic Professional Corporation so that more time can be given for the Council to make this decision.

The motion failed for lack of a second.

Council Member Adams commented that we are facing some serious concerns with this proposed rezone. There needs to be a pedestrian overpass installed on 200 North Street as it is becoming more popular. There needs to be more traffic studies done. The Ogden Clinic might be better located over by Boondocks on Deseret Drive where they would have freeway frontage. Council Member Adams stated that he is concerned about adding more traffic onto an already heavily congested street. Council Member Adams also added that he feels that the development agreement should stipulate that the building cannot be taller than two stories high.

Council Member DeCaire agreed that traffic is an issue on 200 North, however Ogden Clinic has stated that they will not be building for a couple of years. At that point the West Davis Corridor will be installed and will change how 200 North is currently. We are almost to buildout and will have a population shift in west Kaysville. Things will look differently in two years and if we have traffic studies done now, they won't mean anything later on when the building is built.

Council Member Barber commented that traffic will only get worse between now and when the Ogden Clinic is built and whatever we can do now could help to better things in the future. Rather than build a bridge over 200 North for the Rail Trail, the city should consider building an underpass. Safety is a high concern and we need to look to the future to how we can help with traffic issues.

Council Member Page said that development is a concern for many people of west Kaysville. While we don't want to punish people who want to develop their land, we do want to ensure the safety of our citizens as much as we can. This development likely won't impact the traffic on 200 North significantly, but it will add value to the city. We need to be careful with the approval process as this development moves forward to ensure these issues are adequately addressed.

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.

Council Member DeCaire made a motion to approve the Development Agreement for a Professional Office Space at 1325 West 200 North for Ogden Clinic Professional Corporation, seconded by Council Member Page.

Council Member Adams made a substitute motion to approve the Development Agreement for a Professional Office Space at 1325 West 200 North for Ogden Clinic Professional Corporation, with the stipulation that the office building cannot go over the height limitation of the zone or the rezone would become void.

Lyle Gibson responded that the GC zone ordinance limits building heights to thirty-five feet, unless a conditional use permit were granted.

The motion made by Council Member Adams died for a lack of a second.

Council Member Barber asked what would happen if the developer chose not to develop.

Lyle Gibson responded that the assignment clause has been looked at and is very extensive. So if Ogden Clinic were to sell the property, the development agreement would be tied to the property and the new owner would have to develop the same quality and product as outlined in the agreement.

The vote on the original motion was as follows:

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

The motion passed with a vote of four to one.

The Council took a five minute break at 9:39 p.m.

<u>A RESOLUTION AMENDING THE KAYSVILLE CITY BUDGETS FOR FISCAL YEAR 2019</u>

<u>A RESOLUTION ADOPTING THE KAYSVILLE CITY MODIFIED TENTATIVE BUDGETS FOR FISCAL YEAR 2020; THE ADOPTION OF A KAYSVILLE CITY CONSOLIDATED FEE SCHEDULE AND THE ADOPTION OF THE COMPENSATION SCHEDULE FOR CITY OFFICIALS AND EMPLOYEES</u>

Finance Director Dean Storey explained that a Public Hearing was held two weeks ago for each of these items. There was no public comment for either item, and they are now being brought before the Council to receive final approval.

Council Member DeCaire made a motion to approve a Resolution amending the Kaysville City Budgets for Fiscal Year 2019, seconded by Council Member Garn.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member DeCaire made a motion to approve a Resolution adopting the Kaysville City Modified Tentative Budgets for Fiscal Year 2020; the Adoption of a Kaysville City Consolidated Fee Schedule and the Adoption of the Compensation Schedule for City Officials and Employees, seconded by Council Member Garn.

Mayor Witt commented that she would like to delay the implementation of the compensation schedule for the City Council.

Council Member DeCaire modified the motion to approve a Resolution adopting the Kaysville City Modified Tentative Budgets for Fiscal Year 2020; the Adoption of a Kaysville City Consolidated Fee Schedule and the Adoption of the Compensation Schedule for City Officials and Employees, with the stipulation that the implementation of the compensation schedule for the City Council be delayed.

Council Member Barber asked if business licensing fees had been increased in the Consolidated Fee Schedule.

Lyle Gibson responded that the fees have not changed. However in the past year the Council had approved a change in the Home Occupation Ordinance to no longer require Minor Home Occupations to obtain a Kaysville City business license. If they would like to obtain a license, they are required to pay the administrative fee of $30.

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.

Council Member Garn made a motion to extend the meeting past 10:00 p.m., seconded by Council Member Barber.

The vote on the original 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.

WORK ITEMS

TECHNICAL ADVISORY GROUP'S RECOMMENDATION REGARDING FIBER-OPTICS TO THE HOME/FIBER PROJECT TIMELINE

Andre Lortz, representing the Technical Advisory Group, explained that their committee for fiber to the home project has been meeting for several months. The Committee has gathered information from citizens through surveys and open houses, and has reviewed and studied technical and financial information for the project. The Committee strongly recommends that the Kaysville City Council proceed with the project to install fiber optic cable throughout the City. Not having fiber connectivity within the city will become a negative impact on home values and business interest in the future. The feasibility study indicates that a significant majority of responses from residents supported the City facilitating the improvement of connectivity within the City. The Committee feels that it is very important that the City own the fiber infrastructure and operate it as an open competitive network. An open network means that any provider can offer services to residents if they agree to a network access agreement. Based on financial modeling and information from various sources, we recommend that the City employ the utility model where all residents contribute to the installation of the fiber infrastructure, but are not obligated to connect their home to the infrastructure or purchase any services from providers who operate on the infrastructure. We feel this provides the lowest risk, best long-term value, lowest cost to residents and most competition for services. To reduce the concern of residents paying the utility fee before they can obtain services, we recommend that the city be segmented into separate sections; approximately fifty. As each section has the fiber network installed and residence connections available, then each residence in that section will be assessed the fiber network fee. One or more sections could be installed each month, with installation of the fiber taking about three years to reach all sections of the city. Operating costs of the network would only be assessed to residences that have connected to the network. The lowest cost financing for the fiber project would be to issue General Obligation bonds, which would require a vote of the residents to approve the bonds. It would be paid through the monthly fiber utility fee, but will be backed by the taxing authority of Kaysville City. The Committee is recommending a thirty-year bond, given the current rate difference between shorter and longer term bonds, and also include an early payoff option. The Council should also have the utility fee end after the bonds are paid off and an appropriate reserve is established so that it doesn't become a forever fee or tax. If the City doesn't want to force all residents to be subject to the utility fee, they could create an "opt-out" process which would allow a limited number of residents to submit an application to be exempt from the utility. If the opt-out process is implemented, a procedure for future re-entry to the utility would also need to be defined so that those residences pay their fair share of the infrastructure costs. If the utility model is not found to be acceptable, the Committee is recommending that the Council pursue the subscriber model, where only residents who desire to connect to the fiber network would be obligated to pay for the infrastructure installation. The subscriber model will cost participating residents more and carries more risk to the City as it is highly dependent on the number of residents who sign up to connect to the network, also known as the take rate. No matter which model the City Council determines to utilize for the fiber project, the Committee is encouraging the Council to allocate resources for professional services. Those services would include project management, legal, public relations and financing. The estimated amount needed for these services is $200k, and could be repaid as part of the project financing.

Mayor Witt thanked all those who participated on the Technical Advisory Group over the last year.

Council Member Garn commented that no matter what model the City decides to go with, this fiber optic project is necessary. Communications is just as important as other infrastructure and is essential. The opt-out option would work financially with the utility model and is a good option for those who don't want to be forced into it at this time. We should go with the utility model as it's the least risk and lowest cost. This is a good opportunity for our residents and the city and will have a substantial economic impact.

Council Member DeCaire stated that we need to value the importance of this and how positive it will be for the city. Only 4% of households across the nation do not use the internet. Council Member DeCaire stated that he feels it would be best to put this on the ballot to let the voters decide if this is what they want for the city.

Council Member Barber said that the Committee has really looked at many aspects of this project and which is the best way to move forward. A lot of time has been put into this and now we have the data to back up what the best model would be for the city to present it to the residents to vote on.

Council Member Page said that this is a complicated issue for a lot of people and there needs to be a better understanding by our public on the value of fiber.

Andre Lortz responded that this is why professional services are needed so that they can help provide the education to the citizens. They would be able to better present something that citizens could read and understand, and see the facts that this is for their benefit both short and long-term. Fiber helps to not only benefit the residents but also will help our current businesses, as well as draw in other businesses.

Mayor Witt commented that she would like to acknowledge the citizens who have concerns about this and understands why there would be those concerns. However, we are currently unable to get the private market to provide what we would like or need in this area. In order to increase free market options this is the best thing we can do. It will bring down the price of internet, and will increase our services. It will also give our residents more choice. We recognize there are some who are strongly opposed to the government interfering with free market, which is a very valid concern. We will discuss this further, but we also want to put this on the ballot so that the residents can vote on it as this is a big decision for the city. If it should be voted down, the city will likely look at a subscription model instead.

Council Member Adams said that people have concerns that the government is helping to facilitate a specific fiber optic model. The utility model seems to be being forced upon the residents, as it seems to be what the City wants. People may need utilize internet in their day-to-day lives, but how much internet do they really need and how fast of internet do they need to have? Council Member Adams asked how much commercial businesses will be charged.

Andre Lortz responded that there is a difference between utility fees, operating fees and ISP fees. The charges for commercial businesses will be higher than residential properties because their usage is higher. It will all depend on what their needs are. They could be five to ten times the residential price. Everyone will be charged the same utility fee, but operating fees will vary.

Council Member Adams asked about opting out of the utility model.

Andre Lortz responded that the Council will decide on who will be able to opt-out, how it will be defined and for what reasons.

Council Member Adams asked if churches or schools would be able to opt-out.

Council Member DeCaire responded that the schools are already on a fiber network through the Utah Education Network.

Mayor Witt commented that churches were not included in the model.

Council Member Adams asked if the city had discussed this fiber network project with our incumbent providers.

Mayor Witt responded that the City had contacted them this project was first discussed and they chose not to participate.

Council Member Barber said that all of the feasibility study results, both proposed models, and all of the information gathered about the fiber optics project is on the city's website. Citizens are encouraged to reach out to the Committee members if they have any questions or concerns. This proposal is not about getting a better internet speed but about open access and allowing everyone to have the same competition in order to provide their customers the best product possible.

CALL TO THE PUBLIC

Eric Isom thanked the Council for doing their due diligence in having a feasibility study done and creating a Technical Advisory Committee to review the fiber to the home project. Since 2004 he has worked in the communications industry for Qwest and Centurylink and now works for Centurylink in a contract role. In his experience with municipal entry it has not been a positive one as costs are underestimated, subscribers overestimated, and service issues continue to arise. Internet is definitely a critical service, but he feels that if it's a commercial business type venture that government should not provide it. Mr. Isom said that he is grateful to hear that possibly twenty percent of residents might be given the change to opt-out, but is against the majority of residents being forced to pay a utility fee whether using the service or not. Technology is ever changing. A city-owned network likely won't attract large providers who do not want to abandon their own network investments or rely on someone else to maintain the quality of the network. Mr. Isom said that he is in support of residents being given the opportunity to vote on this proposal, which will let Kaysville City know conclusively if residents are willing to pay a monthly utility fee potentially for the next thirty years, or if they are satisfied with their current internet service.

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the City Council meeting at 10:29 p.m., seconded by Council Member Barber and passed unanimously.

KAYSVILLE CITY
REDEVELOPMENT AGENCY BOARD MEETING
June 20, 2019

Minutes of a Kaysville City Redevelopment Agency Board Meeting held on June 20, 2019 at 10:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

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

Others Present: City Attorney Nic Mills, City Manager Shayne Scott, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Assistant Police Chief Seth Ellington, Lieutenant Shawn McKinnon, Information Systems Manager Ryan Judd, Andre Lortz, John Swan Adams, Eric Isom

OPENING

Chairperson Witt opened the meeting by welcoming those present.

A RESOLUTION AMENDING THE BUDGET FOR THE KAYSVILLE CITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2019

A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2020

Finance Director Dean Storey explained that a Public Hearing was held a couple of weeks ago regarding these items. As the Redevelopment Agency, both of these items need to be reviewed and approved.

Board Member Adams asked about $56,000 shown on the Amended Budget for FY 2019.

Dean Storey explained that the city purchased a piece of property at 300 West and Main Street for about $200,000 with the intent of acquiring the right-of-way. The city retained a portion of that property for the right-of-way, and sold the remaining portion. The $56,000 shown is the value of the right-of-way property that was retained and has to be shown as an expense to the project.

Board Member Adams asked about an expenditure shown on the FY 2020 budget for professional services.

Dean Storey explained that it’s a budgeted item for professional and technical services that is required to be budgeted for the Redevelopment Agency. We budget $25,000 every year, but typically only spend a very small portion of it. In the 2019 Fiscal Year, we have only spent about $1,500 of that allocated amount.

Board Member Adams asked about the Façade Grant.

Chairperson Witt responded that they received about ten applications from businesses for the façade grant money. We will be reviewing those applications on July 2, 2019 and then deciding on where the grant money should be granted.

Board Member Adams made a motion to approve a Resolution amending the budget for the Kaysville City Redevelopment Agency for Fiscal Year 2019, seconded by Board Member Garn.

The voting on the motion was as follows:

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

The motion passed unanimously.

Board Member Adams made a motion to approve a Resolution adopting a budget for the Kaysville City Redevelopment Agency for Fiscal Year 2020, seconded by Board Member Garn.

The voting on the motion was as follows:

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

The motion passed unanimously.

ADJOURNMENT

Board Member Adams made a motion to adjourn the Kaysville City Redevelopment Agency Board Meeting at 10:35 p.m, seconded by Board Member Garn and passed unanimously.

KAYSVILLE CITY
MUNICIPAL BUILDING AUTHORITY BOARD MEETING
June 20, 2019

Minutes of a Kaysville City Municipal Building Authority Board Meeting held on June 20, 2019 at 10:35 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

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

Others Present: City Attorney Nic Mills, City Manager Shayne Scott, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Assistant Police Chief Seth Ellington, Lieutenant Shawn McKinnon, Information Systems Manager Ryan Judd, Andre Lortz, John Swan Adams, Eric Isom

OPENING

Chairperson Witt opened the meeting by welcoming those present.

APPROVING A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY MUNICIPAL BUILDING AUTHORITY FOR FISCAL YEAR 2020

Finance Director Dean Storey explained that a Public Hearing was held a couple of weeks ago regarding this item. The Municipal Building Authority needs to review and adopt their budget for the FY 2020. There were no amendments to the FY 2019 budget to be approved.

Board Member made a motion to approve a Resolution Adopting a Budget for the Kaysville City Municipal Building Authority for Fiscal Year 2020, seconded by Board Member DeCaire.

The voting on the motion was as follows:

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

The motion passed with a vote of four to one.

ADJOURNMENT

Board Member Garn made a motion to adjourn the Kaysville City Municipal Building Authority Board Meeting at 10:37 p.m., seconded by Council Member DeCaire and passed unanimously.