

KAYSVILLE CITY COUNCIL
November 21, 2019

Minutes of a regular Kaysville City Council meeting held on November 21, 2019 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

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 Manager Shayne Scott, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Parks and Recreation Director Cole Stephens, Recreation Director Kris Willey-High, City Accountant Cami Moss, Sargent Preston Benoit, Dean Wall, Pete Smith, Bryn Montierth, Kristen Montierth, Andre Lortz, Megan Fink, Layne Fink, Aaron Hixson, Shawn Martin, David Cutright, Kathy Cutright, David Dirks, Mason Child, Mike Child, Toby Barrus, H. Lynn Galbraith, Camille Galbraith, Cloe Lamb, Lucy Whitaker, Mike Blackham, Jana Hixson, Tanner Hixson, Spencer Hixson, Wilf Sommerkorn, Kourosh Haroni, Colten Chroniyten(illegible), Angela Miller, John Swan Adams, Paul Heyward, Cindy Kerr, Tom Kerr, Ramona Porter, Carole Walker, Kim Smith, Tina Johnson, Logan Hull, Andy Frasier, Paul Hayward

OPENING

H. Lynn Galbraith opened the meeting with a prayer. Council Member Adams led the audience in reciting the Pledge of Allegiance.

RECOGNITIONS AND PRESENTATIONS

SWEARING-IN OF YOUTH COURT JUDGES

Kim Smith, one of the advisors working with the Kaysville Youth Court, stated that the 2019-2020 year is their nineteenth year of doing Youth Court. Because of the city hall renovation, Youth Court is being held at the Kaysville Fire Station. They have welcomed two new advisors this year, along with Tina Johnson, and Katie and Logan Thomas. This year they have eleven new judges and thirteen returning judges. Sargent Preston Benoit and Council Member Stroh DeCaire have also been working with the Youth Court Judges.

Mayor Witt commented thanked the Youth Court and its advisors for their service to the community. These things help to bring us closer together as a community, and what they do matters. It helps to prepare future generations. Membership in the Youth Court is a privilege and those involved are expected to serve as a role model at all times.

Mayor Witt administered the Oath of Office to the new Kaysville Youth Court Judges.

RECREATION DEPARTMENT SPECIAL RECOGNITIONS

Recreation Director Kris Willey-High said that in October they had the opportunity to award one of the Kaysville football coaches, Coach Andy Frasier, with the Lifetime Achievement Award. Coach Frasier has been coaching for thirteen years and has really enjoyed working with the players. Kaysville City recognizes Coach Frasier's hard work and thanked him for his example and all the work he has done for the community.

Mayor Witt said that Coach Frasier is an example of those people who make Kaysville special.

FISCAL YEAR 2019 INDEPENDENT AUDITOR'S REPORT

Dean Storey explained that it is required by the state that the city have a yearly auditor's report done by an independent auditor. A firm of certified public accountants, HBME, P.C., has completed this year's audit. They have also provided technical assistance in the preparation of this report.

Aaron Hixson, with HBME, P.C., explained that they are presenting the Comprehensive Annual Financial Report (CAFR) of Kaysville City for the Fiscal Year 2019. It consists of management's representations concerning the finances of Kaysville City. The report is organized into four main sections: Introductory Section, Financial Section, Statistical Section, and Compliance Section. The aim of the audit involves examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and the estimates made by management; and evaluating the overall financial statement presentation. The independent auditor has concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that Kaysville City's financial statements for the fiscal year are fairly presented in conformity with GAAP. The City's total net position increased by 1.58% over the prior year. Generally an increase or decrease in net position offers a measuring tool of the overall financial condition. This indicates that the City's overall financial condition has slightly improved over the prior year. The fund balances in governmental funds had a decrease of \$2,274,974 from \$12,112,599 to \$9,837,625. The decrease of fund balances in governmental funds was due to the formation of the Road Utility Fund. When the Road Utility Fund was created \$2,339,212 of assets were transferred from the governmental funds. The City had a net increase in long term liabilities in the amount of \$204,976. The City has no general obligation debt. The outlook for Kaysville remains positive. The challenge, of course, will be to continue to provide the critical services to a growing, primarily residential population. The city is operating very wisely financially and each department should be commended for being conscious of their allocated budget.

Council Member Adams asked about outstanding revenue bonds.

Dean Storey responded that there is a sales tax revenue bond for Pioneer Park. This report does not include the bond for the city hall renovation as it was not included in FY 2019. Also, the Municipal Building Authority has the lease revenue bond for the police station.

Shawn Martin, with HBME, said that the city is also required to have an independent auditor review internal control over financial reporting and compliance. Tests were performed of compliance with certain provisions of laws, regulations, contracts, and grant agreements. It is our,

the auditor, opinion that the City complied, in all material respects, with the compliance requirements for the year ended June 30, 2019. Utah Code 10-6-123 requires that City officers not incur expenditures or encumbrances in excess of the total appropriation for any fund. For the year ended June 30, 2019, expenditures exceeded budgeted amounts in the following funds: Library Endowment, Perpetual Cemetery Care and Capital Projects. During the fiscal year, the City financed a new fire truck and apparatus. Though the purchase was approved by the Council, the budget in the Capital Projects Fund was not amended. This resulted in the Capital Projects Fund becoming over budget. During the fiscal year, the City also created an office at the Cemetery by remodeling a home that the city owned. While doing the remodel, some unforeseen repairs were made, causing the Cemetery Fund to go over budget. Lastly, the Davis County Library system requested funds from the Library Endowment Fund. The Library Endowment committee granted this request. HBME has recommended that the City monitor the status over expenditures as compared to the budget through the year and amend the budget as necessary to be in compliance. Also, Utah Code 10-6-116(2) requires that the accumulation of unrestricted fund balances in the City's General Fund may not exceed 25% of the total revenue of the City's General Fund for the current fiscal period. For the year ended June 30, 2019, the calculated percentage for the General Fund was 33.5%. However, the City has budgeted for the next fiscal year to use this fund balance for the remodel of the City Hall offices. The City will monitor the status of the calculation and amend the budget as necessary in order to keep the percentage between 5% and 25%.

Council Member Adams asked where the 33.5% excess monies came from.

Dean Storey responded that it is the total revenue that the city received in the general fund during the fiscal year.

Mayor Witt asked that Staff be able to provide this report digitally to the Council at least one week in advance in the future.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member DeCaire made a motion to accept the following consent items:

- a. Adoption of a Joint Cooperation Statement with Kaysville City and Dominion Energy Utah.
- b. Approval of asphalt roller purchase for the Public Works Department.

The motion was seconded by Council Member Garn.

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.

ACTION ITEMS

CREATION OF KAYSVILLE CITY VOTER PARTICIPATION AREAS

City Manager Shayne Scott explained that in this last legislative session a bill was passed which requires cities and counties to establish voter participation areas no later than January 1, 2020. These participation areas will be used during local initiatives and referendums to calculate the number of valid signatures needed. Third or fourth class cities, which Kaysville falls under, is required to divide their city into four population areas. These voter participation areas must be contiguous and compact, and be of substantially equal population. The Davis County Clerk's office has recommended that the city accomplish this by using the registered voter population as of August 12, 2019 and follow our already established precinct boundaries. Unincorporated areas are not included within Kaysville City's voter participation areas.

Council Member Barber made a motion to approve the creation of Kaysville City Voter Participation Areas, 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.

PRELIMINARY PLAT APPROVAL FOR THE KOUROSH SUBDIVISION LOCATED AT 946 EAST 300 NORTH – KOUROSH HARONI

Lyle Gibson explained that Kourosh Haroni owns the property at 946 East 300 North, which is located in the R-1-8 zoning district. The existing lot is 18,609 square feet in size and the applicant would like to split the lot creating a new lot measuring at 8,616 square feet with 151 feet of frontage. This will leave the existing home on a 9,903 square foot lot. The new proposed lot will face 200 North Street and both lots meet the frontage and square footage requirements of the existing zone. Mr. Haroni plans to provide either a hammerhead or circular driveway for safe access to the 200 North Street.

Council Member Adams asked if both homes would be considered a single family dwelling.

Kourosh Haroni responded that they would be.

Council Member Garn made a motion to grant preliminary plat approval for the Kourosh Subdivision at 946 East 300 North for Kourosh Haroni, seconded by Council Member Page.

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 with a unanimous vote.

PRELIMINARY PLAT APPROVAL FOR THE ISLAND VIEW TOWNHOMES
SUBDIVISION LOCATED AT 750 EAST 250 SOUTH – ADVANCED SOLUTIONS GROUP

Lyle Gibson explained that this proposed subdivision is located at 750 East 250 South, near the northeast corner of Davis Tech. The property was recently rezoned to the R-2 zoning district for the purpose of accommodating this development. The plat consists of 1.27 acres and fronts 250 South Street. It is being proposed to split the property into six twin home lots. A standard lot in the R-2 zone requires at least 8,000 square feet with either a single or two-family dwelling allowed per lot. Instead of building duplex units, the developer would like to build twin homes which allows for individual ownership of each unit. Twin homes are allowed in the R-2 zoning district by conditional use. The Planning Commission has given approval for the twin home configuration. This proposal meets the provisions of City Code 17-28. Each lot contains more than the required 4,000 square feet of area based on the zoning and exceeds the thirty-five foot frontage requirement. The subdivision will complete standard right-of-way improvements along 250 South Street, connecting the stubbed roadways and creating a through street.

Council Member DeCaire asked about nearby duplexes.

Lyle Gibson responded that there are two properties directly to the east that are both twin home type properties. Because of the R-2 zoning designation there is no limitation for how many duplexes could be adjacent to each other.

Council Member Barber asked about individual ownership for each unit.

Lyle Gibson responded that because of the configuration of the lots, each unit would be separated by a lot line which will allow for individual ownership of the units.

Council Member Page made a motion to grant preliminary plat approval for the Island View Townhomes Subdivision located at 750 East 250 South for Advanced Solutions Group, seconded by Council Member DeCaire.

The vote on the motion was as follows:

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

The motion passed with a vote of four to one.

GENERAL PLAN AMENDMENT (TABLED ITEM)

Lyle Gibson explained that the City Council first discussed this item at their meeting on November 7, 2019. At that meeting concerns were expressed by the Council primarily with the proposed language in the amendment that stated density numbers. Other items of concern were in regards to the implementation of some of the ideas, such as accessory dwelling units, something the Council recommended be researched and vetted through thoroughly before any ordinances are passed that would implement such a concept. A revised General Plan has been included with the report tonight which has changed the language originally recommended by the Planning Commission to be more open-ended. This will give the city more discretion to future decision makers when considering development proposals.

Mayor Witt asked for public comment.

Toby Barrus stated that he is currently a member of the Planning Commission but wanted to emphasize that he is here tonight to speak for himself and is not representing the Planning Commission as a whole. As the Planning Commission has reviewed the General Plan it seems best to allow for higher density developments on the west side of I-15. Some use the argument that they shouldn't be allowed because traffic is already congested. However, traffic is bad everywhere you go in Kaysville, and not just on the west side of the freeway. Traffic backs up for a quarter of a mile along Fairfield Road at times. He lives across the street from higher density housing and had concerns about them when they were built. However, none of their fears have been realized. Impact to traffic has been minimal. The value of their homes have increased as other homes have, and those who live there are good neighbors. Higher density housing should be distributed throughout the city and multi-family housing should be allowed to be built throughout Kaysville. The council and city needs to have courage to do what is fair and best for the city as a whole.

There were no further comments or questions from the public. Mayor Witt closed public comment for this item.

Council Member Garn made a motion to adopt the General Plan Amendment as proposed, seconded by Council Member DeCaire.

Council Member Barber commented that she had received a lot of feedback about the General Plan amendment from residents, many of which who commented that they would like to see the city more unified. The wording in the General Plan shouldn't specifically call out the east or west side of the freeway.

Council Member Garn said that he doesn't feel that the wording creates a division between the east and west sides. They could be listed as one and the effect is still the same. Leaving them separated in the General Plan language is cleaner.

Council Member Adams added that the language used isn't to create a dividing factor, but rather to geographically reference areas of the city. Council Member Adams stated that for years the General Plan has outlined west Kaysville to be a specific type of landscape, specifically that lots

should be half acre in size or larger. The Council seems to have been slowly whittling that number down. Change can be a good thing, but we also need to honor those residents who already live here and have moved here because of the lot sizes. The city is slowly making the allowed lot size smaller and smaller. Traffic is getting worse, and so we shouldn't be okay to allow explosive growth with high density housing developments. It is not a requirement of HB34 to triple our density. The City is only required to choose three of the options, and yet we are trying to choose more when it's unnecessary. This decision needs to happen at a slower pace, especially with four council members leaving soon. There are other options that the city could choose that won't have as much of an impact on the community.

Council Member Page commented that if the city is serious about HB34 and trying to provide a certain amount of cheaper housing options, the size and densities of lots will make the difference. However, Kaysville is already an elite community to a certain degree and even if the city were to be able to create these higher density developments, they likely won't be considered affordable housing.

Council Member Garn agreed that the valuation of new homes are not considered affordable currently. However the die is already cast of what our community looks like and doesn't feel that these changes to the General Plan will make much of an impact to what Kaysville's buildout population will be. If higher density were put in closer to major roads and entrances to the city it won't have an impact on most existing half acre lots. Traffic could be lessened through other ways such as commuting and telecommuting. The west Davis corridor will also help. The history of America is based on expansion and growth. People live and love it here and want to come back to live here.

Council Member DeCaire commented that the median home in our city costs about \$400k and many who have lived where awhile have stated that they wouldn't be able to afford their same home if they were to try to buy a home now. Diversity in housing is something that needs to be firmly addressed. Housing is not just an issue locally, but throughout the nation. Kaysville doesn't have a lot of options at this point because we are a bedroom community. The proposed changes to the General Plan doesn't change the landscape of the city.

Council Member Adams said that the Sewer District has designed their lines in west Kaysville to be able to handle two units per acre. Their trunk lines cannot handle higher density than that. We need to be prepared for when our sewer taxes are raised when the Sewer District is forced to expand to meet the demands. There are infrastructure demands that the city needs to address before allowing more density into the city. Council Member Adams said that he doesn't feel that housing costs in the community will drop enough to be able to consider any homes in Kaysville as affordable housing. We are in a crux of supply and demand. At their previous Council meeting, Council Members were asked to come back with other options they felt were best to choose, if any. Council Member Adams said that the Council should consider option "C – facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing", as it could be facilitated in our downtown area. Option "H – eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living centers", would also be a good choice because it won't impact current developments. Council Member Adams also added that he supports choosing Option "L – preserve moderate income housing".

Council Member Barber commented that the General Plan has been reviewed for several months through the Planning Commission and is something that she has been following as well. Council Member Barber said that she is in favor of approving the options as proposed by Staff tonight. This will help to add a variety of housing choices to the community. When these developments are done well they are received well by the people. The Council should continue to review these options in the future to ensure that the ones chosen are best for the community.

Council Member Adams made a substitute motion to approve Options “F”, “H”, and “L” for the General Plan Amendment as our moderate income housing requirements mandated by the State of Utah.

The motion died for lack of a second.

Council Member Adams made a substitute motion to approve the proposed Options to address moderate income housing requirements as mandated by the State of Utah, but that the other amendments to the General Plan be set aside for future Council to review and approve.

The motion died for lack of a second.

The vote on the original 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.

AN ORDINANCE AMENDING CHAPTER 17-12, SINGLE FAMILY RESIDENTIAL DISTRICT, OF TITLE 17, PLANNING AND ZONING, TO CREATE A NEW R-1-6 (SINGLE FAMILY 6,000 SQUARE FOOT LOT DISTRICT)

Lyle Gibson explained that as part of the housing discussion that the Planning Commission has held over the last several months, the idea of creating a new zoning district as an option to consider allowing smaller single family lots has been discussed. The creation of this district stems primarily from two issues. The current zoning district jumps from an R-1-8, which allows for five units per acre, to an R-2 district, which allows for ten units per acre. The R-1-6 would create a district that allows for seven units per acre creating an option for development that may not mean such a large jump in density. Also, recent development proposals have been approved allowing densities of six to seven units per acre under the R-2 district which required development agreements to manage the density that may have been handled with a different zoning designation. This zoning district is a single family zone and would permit lots of smaller lot frontage and reduced side yard setbacks. Passing this ordinance would not locate the R-1-6 zone in any location, but would give the city another option for consideration of development in the future.

Council Member Page asked if there has been any concern expressed by our first responders.

Lyle Gibson responded that it won't affect them much because street right-of-ways and access would remain the same. City Staff has discussed the concern of utility lines within the side yards and if there would be enough space to accommodate them, and they feel that it shouldn't be a problem.

Council Member DeCaire made a motion to approve an Ordinance amending Chapter 17-12, Single Family Residential District, of Title 17, Planning and Zoning, to create a new R-1-6 (Single Family 6,000 Square Foot Lot District), seconded by Council Member Garn.

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.

AN ORDINANCE REPEALING ORDINANCE 19-09-04 RELATING TO THE
TELECOMMUNICATIONS DEPARTMENT AND UTILITY

A RESOLUTION REPEALING RESOLUTION 19-09-03 RELATING TO THE INTERLOCAL
COOPERATIVE AGREEMENT OF LIGHTHUB COMMUNICATIONS AGENCY, AND
WITHDRAWING APPROVAL OF RELATED SERVICE AGREEMENT

City Attorney Nic Mills explained that on September 19, 2019 the City Council approved three items related to Fiber. Based on public feedback, the Council has expressed a desire to repeal these actions and allow the Fiber project to go through an initiative process.

Mayor Witt asked for public comment.

Paul Hayward said that he appreciates the efforts and work of all those involved in the fiber project. Mr. Hayward asked about the Proposition to repeal the Council's decision about the fiber project and how this repeal would effect that proposition.

There were no further comments or questions from the public. Mayor Witt closed public comment for this item.

Council Member Barber responded that based on feedback from the residents of the city, the city felt they needed to repeal the decision and instead let an initiative be brought forward to the citizens to be voted on. That initiative could be brought forward by the Council or by the citizens and is not something that has been decided on.

Mayor Witt added that the repeal would essentially remove the referendum and thereby the Proposition. They feel that this is the best solution for everyone and will give the people the opportunity to be able to have a clearer and better say in this project. They plan to have more discussions with different groups of people in order to find out what the best course of action

should be to take. They are still continuing to work with many members of the community and will continue to keep those lines of communication open.

Council Member Barber added that all of those who have participated in all facets of this project should be able to feel heard.

Council Member Garn said that a decision to put this on the ballot, no matter who presents the initiative, is a good one. We should not have any regrets and we need to ensure that this is the right decision financially so that everyone is taken care of. We need to look forward to the next step. Many citizens have put in a tremendous amount of effort and he is grateful for the work they have done. There has been a lot of outreach and education, and it's been a tremendous effort for the city.

Council Member Barber commented that she feels that bringing this back through an initiative would help the city to become more unified.

Council Member Adams commented that he would be abstaining from voting because he had never supported this project since the beginning.

Council Member DeCaire made a motion to approve an Ordinance repealing Ordinance 19-09-04 relating to the Telecommunications Department and Utility, seconded by Council Member Garn.

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, abstain

The motion passed with four votes in favor and one abstention.

Council Member DeCaire made a motion to approve a Resolution repealing Resolution 19-09-03 relating to the Interlocal Cooperative Agreement of Lighthouse Communications Agency, and withdrawing approval of related Service Agreement, seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed with four votes in favor and one abstention.

WORK ITEMS

WATER CONSERVATION PLAN

Public Works Director Josh Belnap explained that every four years, Kaysville City is required by the Division of Drinking Water to make updates to, and adopt our plan for encouraging water conservation. Kaysville has historically used less water than our total contract amount with Weber Basin, and the total annual consumption and per capita usage has held steady for over the last ten years, despite considerable growth and development. The governor has set a goal of 25% statewide reduction by 2025, and our measures continue to strongly assist with that effort. Aside from our updated usage and system information from the last four years, Public Works has also included some new conservation measures regarding the updating of our water meter AMI system, supporting grant applications by pressure irrigation providers to install meters and educational resources for landscaping and public outreach.

Council Member DeCaire asked if all of Kaysville is connected to secondary irrigation.

Josh Belnap responded that the majority of Kaysville is. The properties east of Highway 89 is not required to be connected to secondary irrigation as there is currently no infrastructure installed to support it.

Council Member Garn commented that now is now is the time to plan and think about this so that we don't find ourselves in a crisis situation.

Council Member Barber made a motion to move the approval of a Water Conservation Plan to an action item, 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.

CALL TO THE PUBLIC

Dean Wall expressed his appreciation for the Council and what they have done while serving as Council Members. Mr. Wall stated that his wife will be actively pursuing legal charges soon on the city.

COUNCIL MEMBER REPORTS

Council Member DeCaire said that the Power Commission has not had reason to hold a meeting for a couple of months, but their next meeting is planned for the first Tuesday in January.

Council Member Barber expressed appreciation for those involved in the “Kaysville Gives” project. There has been a huge effort made for it and it’s a great time to help a cause within our community. They will be holding an event on December 7th to “Fill the Fire Truck” and Council Member Barber encouraged all to participate. There are many in our community who have been willing to give in the past, and it helps many who are in need. People can find more information about donations online and at the Administration office located inside the Police Department.

Council Member Garn said that he appreciates being able to live in our great community and there is no other place he would rather live than here. He is grateful for the opportunity to have been able to serve on the City Council and is encouraged by the improvements the city has made. Council Member Garn added his best wishes to the new Council and the future.

CITY MANAGER REPORT

Shayne Scott said that we have an incredible staff in our city. We had many of the Department Heads in attendance at our meeting tonight helping to represent their departments. This upcoming year will be exciting and he is looking forward to working with the new Council.

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the City Council meeting at 9:01 p.m., seconded by Council Member Garn and passed unanimously.