



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, December 5, 2019, starting at 7:00 p.m. in the **Business Resource Center of the Davis Technical College, 450 South Simmons Way, Kaysville, UT.**

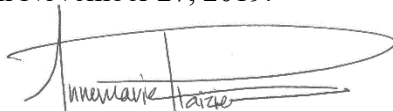
CITY COUNCIL MEETING – 7:00 P.M.

The agenda shall be as follows:

1. OPENING
 - a. Provided by Council Member DeCaire.
2. DECLARATION OF ANY CONFLICTS OF INTEREST
3. CONSENT ITEMS
 - a. Approval of the Minutes of the October 30, 2019 meeting.
 - b. Approval of the Minutes of the November 7, 2019 meeting.
 - c. Approval of the Minutes of the November 14, 2019 meeting.
 - d. Approval of crew truck purchase for the Public Works Department.
4. ACTION ITEMS
 - a. Adoption of Kaysville City Water Conservation Plan.
5. CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
6. COUNCIL MEMBER REPORTS
7. CITY MANAGER REPORT
8. ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at City Hall (80 North Main Street) and emailed copies to media representatives on November 27, 2019.



Annemarie Plaizier
City Recorder



KAYSVILLE CITY COUNCIL
October 30, 2019

Minutes of a special Kaysville City Council meeting held on October 30, 2019 at 6:00 p.m. in the Conference Room of the Kaysville City Police Department at 80 North Main Street, Kaysville, UT.

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

Council Members absent: Council Member Dave Adams

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Caleb Stroh, Greg Carlile

OPENING

Mayor Katie Witt opened the meeting.

A RESOLUTION ESTABLISHING AN ALTERED MEETING LOCATION WHILE THE KAYSVILLE CITY HALL IS BEING RENOVATED

Nic Mills explained that the city is authorized to alter their meeting location by resolution. The Council had attempted to use the Kaysville Recreation Center for their meetings and found the acoustics and sound system were less than ideal. Staff feels that it would be in the best interest of the city for the Council to meet at the Davis Technical College in their Business Resource Center located at 450 South Simmons Way.

Mayor Witt commented that she is grateful that the DTC has been willing to make space available for us. It is a good location and will help accommodate our needs.

Council Member DeCaire made a motion to approve the Resolution establishing an altered meeting location while the Kaysville City Hall is being renovated, seconded by Council Member Page.

The vote on the motion was as follows:

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

The motion passed with a unanimous vote.

Council Member Barber arrived.

A RESOLUTION AUTHORIZING A SETTLEMENT AND CONDEMNATION AGREEMENT REGARDING A PUBLIC WORKS PROJECT AT APPROXIMATELY 737 ANGEL STREET

Nic Mills explained that the city has been in the process of constructing street improvements at approximately 737 South Angel Street. They have been involved in litigation initiated by certain property owners around acquiring certain necessary real property and compensating the property owners for the project. City Staff and other interested parties have worked to come to an agreement that would allow the City to complete this project and fully resolve the lawsuit. If this Resolution presented tonight is approved, and at such time that the agreement is in a form acceptable to the City Manager and City Attorney, and after all necessary parties have properly executed the agreement, the City Manager would be authorized to execute the agreement on behalf of the city.

Council Member DeCaire made a motion to approve the Resolution authorizing a Settlement and Condemnation Agreement regarding a Public Works project at approximately 737 Angel Street, 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 Page, nay

The motion passed with a vote of three to one.

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the City Council meeting at 6:10 p.m., seconded by Council Member Page and passed unanimously.

KAYSVILLE CITY COUNCIL
November 7, 2019

Minutes of a regular Kaysville City Council meeting held on November 7, 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, Assistant City Attorney Katie Ellis, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Clinton Thomas, Doug Leavitt, Calene Van Noy, Steele Van Noy, Michelle Thomson, Jacob Willoughby, Mark Treu, Eric Gibbons, Brett Tarbox, Andre Lortz, Stefonia Drogsvold, Lance Reese, Nancy Reese, Rosie Balmer, Jared Balmer, Mike Blackham, Camille Galbraith, H. Lynn Galbraith, Bob Larson, Brian Vallese, Megan Fink, Layne Fink, Braden Rawlings, Jesse Rawlings, Joel Tippetts, Liz Kennedy, Catherine Lever, Tyson Owens, Thomas Lever, Nathan Merrill, Cindy Kerr, Tom Kerr, John Swan Adams, Todd Seamons, Jason Ellis, Jessica Ellis, Joe Child, Claudia Child, Nephi Harvey, Cheryl Tarbet, Damara Simmons, David Simmons, Shauna Mann, Matthew Mann, Ben Leaver, Paul Feser, Amy Bartley, Jordan Bartley, Beauregard J. Bell, Kim Bell, Jared Butterfield, Wyatt West, Colin West, Scott Newman, Scott Cannun, Mandy Brimhall, Eric Isom, Bill Robbins, Mike Wright

OPENING

Council Member Larry Page opened the meeting.

RECOGNITIONS AND PRESENTATIONS

PROCLAMATION OF DAVIS HIGH SCHOOL MATILDA WEEK

The Davis High School Performing Arts group performed a musical number from their upcoming show “Matilda the Musical”.

Mayor Witt read a proclamation declaring November 18-23, 2019 as Davis High School Matilda Week and stated that Kaysville City recognizes the hard work and talent of the cast and crew of Matilda and proudly declares our support for Davis High School performing arts and encouraged residents and visitors to support the arts by enjoying the production of Matilda the Musical.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- g. A Resolution accepting the Administrative Law Judge Services Agreement with Cowdell and Woolley, ratifying actions taken by City Staff, and authorizing the City Manager to execute the Agreement.

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

- a. Approval of the Minutes of the September 19, 2019 meeting.
- b. Approval of the Minutes of the October 3, 2019 meeting.
- c. Approval of the Minutes of the October 17, 2019 meeting.
- d. Approval of a vehicle purchase for the Police Department.
- e. Approval of a Change Order with Judd Construction.
- f. A Resolution accepting an easement from Jennifer and Kelly Nance, ratifying actions taken by City Staff, and authorizing the Mayor to execute the acceptance.

The motion was seconded by Council Member Garn.

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

- a. Approval of the Minutes of the September 19, 2019 meeting.
- b. Approval of the Minutes of the October 3, 2019 meeting.
- c. Approval of the Minutes of the October 17, 2019 meeting.
- d. Approval of a vehicle purchase for the Police Department.

The motion died for lack of a second.

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.

A RESOLUTION ACCEPTING THE ADMINISTRATIVE LAW JUDGE SERVICES AGREEMENT WITH COWDELL AND WOOLLEY, RATIFYING ACTIONS TAKEN BY CITY STAFF, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Assistant Attorney Katie Ellis explained that she had asked for this item to be pulled for discussion to be able to point out a typo on the resolution which will be changed to state that this resolution is in regards to the Administrative Law Judge and attached agreement.

Council Member Larry Page made a motion to accept the Resolution accepting the Administrative Law Judge Services Agreement with the proposed amendments, 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 with a unanimous vote.

ACTION ITEMS

PRELIMINARY PLAT APPROVAL FOR THE REESE SUBDIVISION LOCATED AT 10 SOUTH 100 WEST – LANCE AND NANCY REESE

Lyle Gibson explained that the Reese's property is located at 10 South 100 West and is zoned R-T. Currently the lot is 30,492 square feet in size and the applicants are looking to divide their property to create a new lot of 10,744 square feet with a frontage of 70 feet. This will leave the existing home on a 19,832 square foot lot. The new lot will be facing 100 West and both lots are located along existing improved streets. Both lots will also meet frontage and square footage requirements for existing R-T zoning. This proposed plat received a unanimous recommendation for approval by the Planning Commission. The Planning Commission also approved the final plat as long as it received preliminary plat approval by the Council.

Council Member Adams made a motion to approve the preliminary plat for the Reese Subdivision located at 10 South 100 West for Lance and Nancy Reese, seconded by Council Member DeCaire.

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.

A RESOLUTION TO DEED EXCESS RIGHT-OF-WAY ALONG BURTON LANE TO ADJACENT PROPERTY OWNERS

Lyle Gibson explained that a few months ago the Nelsons approached the city to request a rezone of their property on Burton Lane for the purpose of a future subdivision creating one additional building lot behind their home. During that process it was identified that if developing the property under the requested R-1-20 zone that the owner would be short a very small amount of property from being able to create a second lot. However, there was excess right-of-way after the city had established the curb improvements in front of their lot and a few others. After it was determined that this ground was not a necessary right-of-way, the City Council gave direction to Staff to have this property deeded to the adjacent property owners. Since that time Staff has worked with the

adjacent owners and confirmed their interest in correcting the property line. The property has also been surveyed to create deeds which will convey the land to the adjacent owner, but keep a typical ten foot public utility easement along the front of each property.

Council Member Adams made a motion to approve a Resolution to deed excess right-of-way along Burton Lane to adjacent property owners, 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 with a unanimous vote.

A RESOLUTION ESTABLISHING FIBER REVENUE PARAMETERS

Mayor Witt explained that this Resolution would establish our objectives for how to handle fiber related income, as well establish certain parameters for staff and future councils to follow, but feels that it might be best to table this item.

Mayor Witt asked for public comment.

Calene Van Noy said that she wanted to express her appreciation for the Council and the community members who have spent many hours on the fiber project, including this parameters resolution. This shows transparency and planning. Ms. Van Noy said that she sees this fiber project as a community project and an opportunity to improve our services. Most people use the internet and the establishment of fiber could create lower costs for our citizens at a better speed. However there is a lack of trust in the government that is unhealthy. Fear and distrust could be created by the lack of communication. There is a lot going on in Kaysville right now. Decisions shouldn't be made based on fear but rather on input and cooperation. There is still confusion about this project. Sometimes there are things that need to be adjusted as times change and this is one of those things. This fiber project isn't big government but establishes fiber through the community for everyone to benefit from. The city needs to make sure that they continue the communication with residents.

Brett Tarbox stated that he has been part of the Technical Advisory Committee and is in support of the Council tabling this item until a future date when we can put this project together with citizen input. This project will provide better internet services for a lower price and will support our local community rather than sending our money to a company out of state. This is why he supports the city owning the fiber network.

Jacob Willoughby said that he read through the parameters document and appreciates that the Council is telling citizens that they are going to be establishing an enterprise fund so that citizens can have transparency where the money is going and what it will be part of. Those funds will be audited on a yearly basis. There have been many citizens helping to speak to residents and help

educate them on the project. They've had meetings in people's homes, took phone calls, and left door hangers on people's doors. They have been continuing feedback and communication with the city as well. The fact that this document is being presented tonight is showing the citizens that the city is trying to be transparent. There has been a rocky history with enterprise funds previously, but people need to understand that establishing the enterprise fund will help give transparency. Mr. Willoughby thanked everyone who has been working on this, as well as the city employees who dealt with the opt-out forms and tabulated those results quickly.

Mark Treu commented that four of the current Council Members will not be here next year. A lot of time and effort has been given by the Council not just for this project but for other city issues. Mr. Treu said he's grateful for the opportunity for citizens to be able to participate in this project. Not everyone agrees on this project and is grateful to have been able to have a chance to have their opinions heard. The fiber revenue parameters will collect and obligate funds towards the project to help ensure that we pay off the bond as quickly as possible, and ensure that the network is maintained and upgraded with newer technology. We want to make sure that we honor that. We need to make sure that we continue to hear what people want because we have a lot of people that have some great ideas to share. Mr. Treu said that he is part of the Citizens for Kaysville Fiber political interest committee and their primary effort was to increase awareness for the public, and give the public a chance to make their own decision.

Nephi Harvey said that he is part of the Coalition for Responsible Fiber and thanked those who reached out recently to discuss their concerns and try to come up with solutions. People are watching and looking for that. They are anxious to get into discussions. Do we even need fiber? Are there other solutions that would allow people who want fiber to be able to get better internet to their home without making it a burden on someone else? How can we do this on a broader scope without having to bond for the city. Mr. Harvey said that he is in support of this item being tabled so we can decide where to go from here.

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

Council Member DeCaire made a motion to table the Resolution establishing Fiber Revenue Parameters, seconded by Council Member Garn.

Council Member Barber said that the city wants to expand onto what we already have right now and make sure it is clear how the revenue will be specifically processed.

Council Member Adams said that this document needs to be further refined. The language seems to leave this open ended. We need to make sure that the revenue is collected only goes towards the fiber bond and once it is paid off than any excess funds are returned to customers. As this is currently written it seems that the funds could potentially be used in other projects besides fiber. When the bond is paid off, those payers would like to see a reduction in their rate fee. The language needs to be changed to specify that the funds will stay in the fiber project moving forward.

Council Member Garn said that enterprise funds are a closed fund for a specific purpose. There might be a surplus of funds in case of emergency and for management. With government there won't be any profit or return from investors but rather just have adequate funds to meet operations. The books will be audited every year and the funds monitored. If there happens to be excess

revenue after the bond is paid off than that excess would be used to pay off maintenance of the fiber later.

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 with a unanimous vote.

GENERAL PLAN AMENDMENT

Lyle Gibson explained that for several months now, the Planning Commission has been working with Staff on an amendment to the city's General Plan. This consideration of a General Plan amendment was initiated to address moderate income housing requirements mandated by the State of Utah through Senate Bill 34 during the 2019 legislative session. With insight from multiple public meetings and public outreach efforts, such as an open house and online survey, the Planning Commission selected from the list of required options those items which they felt work best in Kaysville City. Senate Bill 34 requires that Kaysville City's General Plan include a moderate-income housing element which coordinates with transportation, employment, and population growth in a 5-year planning horizon accommodating a variety of people at different stages of life, including residents at 80%, 50% and 30% of the Area Median Income (AMI). To do this, Kaysville City must implement at least 3 moderate-income housing strategies from the list of 23 provided in SB 34 to remain eligible for Transportation Investment Funding (TIF) or Transit Transportation Investment Funding (TTIF) from the State. These strategies need to be part of the city's General Plan by December 1st, 2019, as required by SB 34. The strategies listed are those having been identified by the Planning Commission as preferred options:

- (a) Rezone for densities necessary to assure the production of moderate income housing;
- (b) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
- (c) Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;
- (f) Allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;
- (l) Preserve existing moderate income housing.

Mayor Witt asked for public comment.

Mark Treu asked if the city were noncompliant with this state bill, how that would impact the city. Mr. True said that he is in favor of implementing some of these options as required because it would help provide solutions for different housing options. However, the Council needs to review this delicately. The city might not be prepared for the nuance. We might not be ready for the enforcement this would require. This could become a self-perpetuating problem because it might decrease the value of property to make it affordable to live here. It is likely that developers will

use this to try to enforce certain codes and rules onto cities to try to implement their higher density housing developments.

Lynn Galbraith commented that whatever this Council decides to do, he hopes that they consider it carefully. Cities shouldn't be dictated by the State on how we implement affordable housing. Mr. Galbraith stated that he is afraid this will create multiple high rises in the city. Residents want to keep Kaysville a bedroom community and maintain our open space. People move here for the small-town feel and we shouldn't grow so much that we lose our hometown feeling here.

Paul Feser said that he sees the need for the SB 34 bill and this is a good measure for families to be able to keep living closer. It could be done tastefully and maintain property values at the same time.

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

Council Member Page asked about how these option items were chosen for recommendation by the Planning Commission and if it was influenced by citizen comment.

Lyle Gibson explained that the Planning Commission narrowed down the list of options to those they felt made the most sense for Kaysville. They looked at items they felt didn't affect the look of Kaysville and would not create a monetary burden to the citizens. This was discussed over multiple meetings, but they decided early on that this was not a decision they could make on their own therefore they conducted online surveys and held public meetings, but unfortunately they didn't have much attendance. Many who did respond had a positive reaction to proposed changes.

Council Member Page asked about the terms of SB 34.

Lyle Gibson explained that the TIF and TTIF are monies used for the construction and maintenance of state roadways, freeways and highways. Failure to comply with SB 34 could potentially remove funding for state roads in our area, such as I-15, Highway 89, and the West Davis Corridor. The AMI mentioned is a round figure that is calculated between the Ogden/Davis metro districts. We would strive to accommodate residents at 80% of the AMI to do our part for the collective district. There could be future ramifications and more Senate Bills pushing this if the state finds many cities are not in compliance.

Katie Ellis added that cities could also face lawsuits from the state from non-compliance.

Mayor Witt commented that Hill Air Force Base will be increasing their workforce by 1,500 in a short amount of time. We will have a lot of jobs coming to our region and that's one of the reasons behind this push by the legislation.

Council Member Adams asked why the City Council did not hold a Public Hearing about this item, and stated that he feels like holding a Public Hearing during Council should be necessary for this type of decision in the future.

Lyle Gibson responded that the state statute only requires that it be held by the Planning Commission.

Council Member Adams asked about the proposed reduction of regulations on accessory buildings.

Lyle Gibson responded that currently our ordinances do not allow for mother-in-law apartments. The city would have to change our regulations in order to allow for accessory dwelling units in residential zones. An ordinance would need to be created addressing what would be allowed for accessory dwelling units. This could include utilizing space within the home to allow for more dwelling uses as well as possibly allowing more than one dwelling structure on the same property.

Council Member Adams asked about how these accessory dwelling units would compare with our flag lot ordinances and the city's definition of a duplex.

Lyle Gibson said that the new regulations likely would not change the definition of those types of structures. Some of the regulations could restrict the size of the accessory dwelling or the number of people allowed within the dwelling. It would be considered different from a flag lot or a duplex because an accessory dwelling unit would not have separate taxes or address. It is also likely that we would not require the same type of setbacks or access requirements for these types of dwellings. This would give people with a narrow frontage the ability to be able to build an accessory dwelling if they have the required acreage. We could also define whether an accessory residential unit would be attached or detached from the main building.

Council Member DeCaire asked if there was a timeframe that the city would have to have these new options implemented by.

Lyle Gibson responded that while there are no specifics mentioned, we would want to make sure we get into compliance as soon as possible.

Council Member Garn commented that if these infill developments are approved, taxes or impact fees would have to be raised in order to maintain our level of services. This won't have as much of an impact on areas that are mostly developed or have higher density.

Lyle Gibson commented that these areas would still be required to get a rezone in order to create these units. It's highly likely that there are far fewer lots that could actually create these accessory dwellings than might be perceived and they could be reviewed on a case-by-case basis.

Mayor Witt said that the Council could choose to adopt only three options at this point, and then consider adopting more of these options later on if we felt it necessary.

Council Member Garn asked if the city is required to report back to the state on how we are doing accommodating more moderate income housing.

Lyle Gibson responded that the city already conducts annual reporting of the number and types of permits we are issuing. This might cause us to have to create more regular reports. We will also show that we are being proactive by creating an ordinance for regulating these types of homes. We cannot control what the market will do or when we might have higher density housing in Kaysville. The city will just need to show that we could accommodate them.

Council Member Garn commented that the Planning Commission went through the process of

reviewing this and we should respect the work they have done already.

Council Member Adams commented that this is the first time the Council has had this before them for review and we shouldn't be picking three of these options on the fly tonight.

Council Member Adams made a motion to table the General Plan amendment, seconded by Council Member DeCaire.

The City Council reviewed the five options as proposed by the Planning Commission.

Council Member Garn commented that with option "A", impact fees would likely need to be considered to be reduced in order to allow for flexibility.

Council Member DeCaire commented that the General Plan should be kept general and affixing specific numbers with defined parameters should be looked at in the future but separately.

Lyle Gibson commented that on option "b", the word "facilitate" is a broad definition and could be flexible. The city is already approving new roads and improving existing roads.

Council Member Garn commented that the city has already received a lot of feedback from residents who would be interested in something related to option "e", which would provide for accessory dwelling units in residential zones.

Council Member Adams responded that he is concerned that allowing for accessory dwelling units would allow for duplexes.

Council Member Page commented that we need to be careful with this option. Salt Lake City has been working on addressing this issue for many years now and it's a complicated issue. We should really consider this option and see what other problems other cities might have had with this.

Council Member Adams said that he is concerned that the city doesn't have the infrastructure to allow for more explosion of growth, and allowing for accessory dwelling units will contribute to that.

Council Member Barber said that while she appreciates the interest residents have expressed, she would feel more comfortable adopting this option after we have created an ordinance regulating these types of units.

Council Member DeCaire stated that he was not in favor of option "e". Kaysville is a bedroom community and has been established for many years. Option "f" doesn't seem very feasible for Kaysville because we don't have a lot of open areas left that would accommodate higher density housing within a commercial or mixed-use zone.

Council Member Barber commented that there are a lot of options for option "f" and we shouldn't dismiss it. It's worth considering and there are still opportunities in Kaysville to allow for this type of development.

Council Member Garn said that he could see how accessory dwelling units would be a benefit to

many of the residents. Creating some mixed use areas would help to improve the community and will add diversity in housing. Many studies suggest that is what creates healthy communities. It is unlikely that any high-rises would be built in Kaysville.

Mayor Witt commented that she likes the idea of limited mixed use in the community, as long as it is done appropriately. Allowing loft apartments along Main Street would help to add a different kind of housing to the city.

Council Member Page commented that we need to make sure we have parameters in place to ensure we are accommodating the quality of housing we want and that those parameters are followed. The legislature has been talking about this Senate Bill for years and they are likely testing cities to see what they will do. The majority of the State Legislature is made up of realtors, contractors and developers. Several would like to take over and mandate what cities must do, rather than letting the local city councils make those decisions for their communities. They are mandated by a federal government and now they are mandating us. It's a tough issue for many and now Kaysville is having to face it. There is very little affordable housing in Kaysville. Many who live here could not afford their house if they were to have to reapply for it now. We need to be sensitive for future generations and address this issue. This is a good step in the right direction, but we need to be careful. Growth will continue to come and we need to provide opportunities for it.

Council Member Adams said that he is concerned about creating accessory dwelling units because it might create issues with frontage and setback requirements. The city has been given several options to choose from with SB 34 and we need only need to pick 3 of them. Cities are getting pressure about creating more affordable housing because supply is so low. However, we can't solve the problems we have in Kaysville as we are running out of open land very quickly. We should leave the zoning alone and look at other options we have before us. For instance, Option "o" would have a mortgage assistance program implemented which wouldn't affect the zoning of land. The options that have been recommended by the Planning Commission will explode growth in Kaysville at high rates. It's suggested in the General Plan that some higher density should be allowed along major streets. The usage of the word "some" is vague and could be interpreted differently with each person. Also, it states it should be allowed near major streets, but this verbiage is too general. Some of the areas along Main Street could be redeveloped to possibly allow for loft apartments. This would be more appropriate than trying to create an extreme housing development on the west side of Kaysville of which has only allowed two units an acre for several years. We don't have to go to such extreme measures and should consider other options.

Council Member Barber said that while we need to make sure that we are in compliance with SB 34, we need to make sure we have the infrastructure in place to support different housing options. After we implement these options we need to stay involved in this process because there's a lot more that needs to be worked on along with these options to make sure we are bringing in what we want to the city.

Council Member Garn commented that while he doesn't agree with the State's heavy handedness with SB 34, this might help to bring something good to Kaysville. The state should allow each community to decide what their particular needs are depending on the size of the city.

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 with a unanimous vote.

WORK ITEMS

OPT OUT PROGRAM RESULTS PRESENTATION/FIBER FEE PROPOSAL

Shayne Scott explained over the last thirty days the city has been collecting opt-out responses from city residents which allowed residents to opt-out of the fiber project. The city reached out to every utility address with the survey. To help educate the public about the project we had volunteers posting information on social media, the city website, as well as making phone calls, posting door hangers on properties and sending out news articles. Fifty-seven percent of the surveys were returned, with twenty-five percent of them requesting to be opted-out of the fiber project. Thirty-two percent of the returned forms selected to opt-in, with most of those stating that they wanted fiber as soon as possible. The largest majority, at thirty-six percent, said they would like to opt for the 250 mbps speed. The city also received many comments from residents with some expressing excitement, and others expressing concerns. Some submitted the opt-out form but asked to join once construction began. After reviewing the results, the Technical Advisory Committee is recommending a \$20 monthly utility fee for fiber, as well as a proposed optional lump sum payment of \$3,000. The Technical Advisory Committee wants to express appreciation to the citizens who participated in this survey and all the volunteers who helped to make this happen.

FIBER TIMELINE DISCUSSION

Mayor Witt commented that this project has been reviewed for over two years and there has never been as much public engagement in the city before. This can be seen by the response rate we received back with the surveys. Mayor Witt said that when the fiber project was first brought to her, her intent was to create something specific to Kaysville; something that could bring us together as a city. This project has been very well vetted by our community. There have been many pros, cons and what-ifs, and she is proud of the community for taking this issue and really reviewing every side of it. She is very encouraged by the results of the survey and it shows a broad base of support for fiber in Kaysville. However, it is more important to have a strong community backing for this project. Mayor Witt recommended that the Council consider repealing the fiber utility and then ask for a citizen initiative for fiber in Kaysville. We might want fiber, but it's more important to come together as a community and have it done right if that's what the citizens want. Mayor Witt thanked those who have worked on the Technical Advisory Committee as well as everyone who has been involved with this project. Mayor Witt stated that she also wanted to acknowledge the work of those who have been going door-to-door to get signatures for the fiber referendum. There has been many involved from both sides who have taken time out to speak with their friends and neighbors and bring them into the discussion.

Council Member Garn made a motion to remove Council Member Adams unless he stopped

personal attacks on other members of the Council, seconded by Council Member DeCaire.

Council Member Adams said that in 2018 he was told that this wouldn't be a utility project and that it would be subscriber-based. We were also told that this matter would be put on the ballot. There has been a lot of misleading, whether intentional or not. A new utility should not have been put on the shoulders of the Council. There was \$200,000 that was approved to help to market the fiber project for it to be on the ballot, which he felt was extremely expensive, but felt that it needed to go on the ballot. However, the money wasn't spent towards getting it on the ballot. Council Member Adams said that he appreciates this new direction, but it's sad to see how it got to this point. Fiber might not be the best option for the city and there might be something better or more economical that we should go with.

Council Member Barber commented that she feels that the city is in a better position now than we were before. We have had many people participating in this project and it's put us in a better place. Council Member Barber thanked the residents and business owners with differing opinions reaching out to the city. This hasn't been a perfect process but it's been with the best intent for the city. This has been an opportunity for us all to be open and as transparent as possible. This is a decision that can't come from just the Council, and she appreciates the opportunity for residents to have a chance to take over this citizen initiative because it is what is best for this.

Council Member Garn said that just because new or other technology will come at some point shouldn't give us a reason to wait for something different. Fiber and 5G technology are complementary technologies and fiber won't become obsolete. Installing fiber will help costs in our area to go down. It makes most sense at this point after everything we've heard and discussed that the Council repeal their decision and make this as a citizen initiative. They can help show the benefits of this project to the community.

Council Member DeCaire said that it took twenty-five years for the state education system to get fiber statewide. It's a slow and methodical process, but it needs to be done right. This process has evolved over the last two years and his own opinion has changed over the months. Allowing this to go before the voters of Kaysville is the right thing to do and will help us see how the citizens feel about this before we move forward.

Council Member Page said that he had spoken with residents about the opt-out process and received a lot of feedback. Many commented that they were choosing to opt-out because they felt that the government shouldn't be involved. Others mentioned that they felt like they already had great internet service and didn't want to feel obligated to have to pay for internet that they didn't want. Others too mentioned that they just didn't like the way this project has been presented to them. There were many who were confused about the process or weren't convinced that fiber was right for the city. Many wanted more time to think about it. Council Member Page said that he hopes that with a citizen initiative it might help to bring more people out to vote on this issue.

Council Member Barber commented that they will be able to put together a well-packaged plan that is all-encompassing of the project. A lot has been done and a lot of information has been put together to complete this. We have a lot of data and there's a strong interest already in place. This can all be compiled together to help us continually educate everyone as we move forward.

Council Member Adams said that it's being proposed to hold a special election to have this item

on the ballot in June 2020 and he feels that it should be put on the November ballot as there will be a better turnout. Fiber will never become obsolete and we need to ask what will be best for the city economically.

Council Member Barber said that we have already had many internet service providers express interest in this project and we are already seeing a positive impact on current providers in the area and the service they provide. There is a lot of success stories around the country that have done similar fiber projects.

Council Member Garn made a motion to move the repeal of the fiber utility fee to an Action Item, 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 with a unanimous vote.

Council Member Barber made a motion to move the repeal of the Interlocal Agreement with LightHub to an Action Item, 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 with a unanimous vote.

Council Member Adams made a motion to move the repeal of the Service Agreement with LightHub to an Action Item, seconded by Council Member Barber.

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 with a unanimous vote.

CALL TO THE PUBLIC

Eric Gibbons stated that he is in full support of the fiber project and applauds the council for taking on such an ambitious plan. Mr. Gibbons also stated that he is in support of the city planning for the future. Once we run out of land here housing costs will spike. Moving to higher density makes sense. The population will continue to accelerate because people want to return to their hometown communities. Many who live here are multigenerational residents. Change can be uncomfortable but we need to face the reality of the future. The community is going to change no matter what and we need to face that now instead of putting it off for another time.

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

Spencer Luke said that he disagrees with everything that has been said about the General Plan. The prices of most of new higher density housing developments are around \$400,000. At what point does that price become affordable? We allow for more housing, but the price for these higher density developments don't change. Also, years ago Provo attempted their own fiber project and it cost them millions of dollars. Google Fiber had to come in and rip out the cables that had already been put down and replace them with their own infrastructure. Why is Kaysville going down the same road? Mr. Luke said that he would like to see the Council commit to calling Provo to discuss what they had to go through with their fiber project. Mr. Luke also added that feels that there is no transparency if residents are required to sign up to speak with the Council at their meetings and there is a limitation on how many can sign up.

Kim Bell commented that she appreciates that the Council tabled the General Plan amendment. Some could question why we even have a General Plan when it tends to be modified so often. We might need to make room for different housing, but we also need to uphold what our current zoning is because it exists for a reason. People purchased their properties for a reason and want their neighborhoods to not be encroached by more housing in people's backyards. Residents have commented that they want to be able to keep family close to them, but if their housing situation isn't meeting their needs then they need to consider moving to a home that does. The city also needs to address short-term rentals in the city. It was mentioned that there was not much public response about the General Plan amendment, and that is likely because people didn't hear about the open houses or public meetings. There needed to be more public outreach. It's frustrating that there is a deadline for December 1st when we are just hearing about this.

Randi Von Bose said that she is in favor of fiber and will support the citizens' initiative moving forward. Addressing the General Plan and introducing housing is a vitally important decision. We have an amazing community with great people in it but we seem to have closed the door on who we allow in. There seems to be a stigma that affordable housing or high density housing is only allowed in certain areas of the city and we need to spread it throughout the city. This General Plan amendment is an opportunity to do more and to address the needs of the city. We need to review our impact fees and how this might impact those because adding more residential units will impact our infrastructure. We need to have more emergency services available. Having the fiber project go to a vote is important and will help put trust back into the community.

Ben Leaver said that he is a resident living on the east side of the city and agrees that there needs to be an emergency response station on the west side of the city. Mr. Leaver said that he

appreciates that there has also been involvement from dissenting voices in the discussion to help to try to find a common ground on which we can move forward. Those who have been involved in the fiber project should be recognized for the time they've given, as well as those who have been out collecting signatures for the referendum. These individuals have done this because they care and they care about the community.

CLOSED SESSION

Mayor Witt announced that they would not be holding a closed session tonight.

ADJOURNMENT

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

10:10 P.M. ARCHITECTURAL REVIEW COMMITTEE MEETING

GP MOTORS SITE DEVELOPMENT, PART OF LOT 117A AT APPROXIMATELY 630 NORTH KAYS DRIVE

Lyle Gibson explained that in April of 2018 the Architectural Review Committee gave approval for a used car lot at approximately 630 North Kays Drive. At that time approval was also given to be able to temporarily have vehicle/product storage behind a fence with the expectation that the business would come back before the committee for approval of the final development. The applicant, GP Motors, has submitted their building for permits from the city to begin construction of improvements on site. They intend to reduce the size of their vehicle lot slightly in order to provide room for a new building and customer/employee parking improvements. The vehicle storage lot will be paved and remain fenced while a new building with a 7,500 square foot footprint with two floors is constructed near Kays Drive with parking to the north and east. The first floor includes approximately 4,500 square feet of office with the remaining to be used for garage space. The second floor will include 7,800 square feet of office space. The total building height is under the allowed thirty-five feet for the Light Industrial zoning district. The property will have over 14,000 square feet of landscaping which exceeds the required 10% per Kaysville City ordinances. The square footage of the proposed building requires forty-three spaces, and fifty-five have been provided. The building sits back roughly fifty-one feet from the property line along Kays Drive and no improvements will be closer than what is permitted by the Business Park Covenants.

Council Member Page made a motion to approve the GP Motors Site Development, part of Lot 117A at approximately 630 North Kays Drive, seconded by Council Member DeCaire.

Council Member Adams asked if it would continue to be a used car lot.

Lyle Gibson responded that they are planning to go with a little bit different business model where people shop online before coming to their lot to pick something out. This use is allowed within the business park.

Council Member Adams asked about inventory.

Lyle Gibson said that the inventory will be kept on the east side of the property by the railroad tracks.

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 with a unanimous vote.

Council Member DeCaire made a motion to adjourn the Architectural Review Committee meeting at 10:15 p.m., seconded by Council Member Page and passed unanimously.

KAYSVILLE CITY COUNCIL
November 14, 2019

Minutes of a special Kaysville City Council meeting held on November 14, 2019 at 6:30 p.m. in the Kaysville City Fire Department, 175 South Main Street, Kaysville, UT.

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

Absent: Council Member Dave Adams, Council Member Jake Garn

Others Present: Finance Director Dean Storey, Secretary Heather Nielsen

OPENING

Mayor Witt opened the meeting and asked to reconvene into a Board of Canvassers meeting.

CANVASS RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 5, 2019

Finance Director Dean Storey explained that the City Council acts as the Board of Canvassers and therefore must approve the results of the 2019 Municipal General Election as provided by the Davis County Elections Office. Mr. Storey presented the official results of the election.

Council Member DeCaire made a motion to approve the Canvass Results of the Municipal General Election held on November 5, 2019 as provided, seconded by Council Member Page.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member Barber made a motion to adjourn the Board of Canvassers meeting and reconvene into the City Council meeting, seconded by Council Member Page. The motion passed unanimously.

ADJOURNMENT

Council Member DeCaire made a motion to adjourn the City Council meeting at 6:34 p.m., seconded by Council Member Page and passed unanimously.

STAFF REPORT



COUNCIL MEETING DATE: December 5, 2019

ITEM NO.: 3d

TYPE OF ITEM: Consent

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: Purchase of Streets Department Crew Truck

EXECUTIVE SUMMARY:

Description:

On the recommendation of the City fleet manager, we need to remove a current crew truck from service due to increased maintenance concerns, and replace that truck. The to-be purchased truck is a one-ton gas engine truck with a utility bed and a diesel storage tank/pump to help refuel equipment in the field for the water, streets and storm water departments.

Quotes were solicited from 6 dealerships, and the purchase price is on state contract pricing. The vehicle was recently budgeted for as part of the FY20 budget and would be purchased from Young Ford in Morgan for \$44,028.00

Council Options: Approve / Disapprove

Recommended Options: Approve

Fiscal Impact & Fund Source for Recommended Action: General fund – 68%, 16% - Storm Water Funds and 16% - Water Funds

Attachments: Young Ford Invoice

KAYSVILLE CITY
58 EAST 100 NORTH
KAYSVILLE, UT 84037

STAFF REPORT



COUNCIL MEETING DATE: December 5, 2019

ITEM NO.: 4a

TYPE OF ITEM: Action

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: Water Conservation Plan

EXECUTIVE SUMMARY:

Description:

Every 4 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 over the last 10 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 Options: Adopt / Table

Recommended Options: Adopt

Fiscal Impact & Fund Source for Recommended Action: NA

Attachments: 2019 Water Conservation Plan



Kaysville City Public Works
721 W Old Mill Ln
Kaysville, UT 84037

Mayor: Katie Witt
Director: Josh Belnap
Water Manager: Jared Tubbs
Water Conservation Coordinator: Gary Garner

Water Conservation Plan - 2019

System and Usage Information

Kaysville City Water (ID 06006) is a division of Kaysville City Public Works. As a retail water provider, it supplies drinking (culinary) water to a population of approximately 31,117 people, by way of 8,207 domestic metered connections (residential), 451 commercial metered connections and 68 institutional metered connections (schools, churches etc.). In total, Kaysville maintains 8,726 metered connections over a service area of over 11 square miles.

Current projections show a build-out date for Kaysville City of 2040, with an estimated population of 39,121 people. Based on those projections and current usage patterns, that would equate to a total annual consumption of 3,196 acre-feet of water per year, the equivalent of 26,618 gallons per person, per year.

Historically, Kaysville City consumes less water than what the State requires for minimum supply and capacity in R309-510 of the Utah Administrative Code. The following table outlines usage for 2008-2018 for the City.

Year	Total Yearly Usage (acre-feet)
2008	2,518
2009	2,331 (↓ 187)
2010	2,273 (↓ 58)
2011	2,286 (↑ 13)
2012	2,257 (↓ 29)

2013	2,605 (↑ 348)
2014	2,320 (↓ 285)
2015	2,303 (↓ 17)
2016	2,491 (↑ 188)
2017	3,050 (↑ 559)
2018	2,228 (↓ 822)
Average Annual Use	2,423
Average Annual Increase/Reduction	↓ 29

This table shows an average annual consumption of 2,423 acre-feet per year, in that period. Although there were a few significant increases in usage from one year to the next, those increases seem to be an anomaly, or at least not directly correlated with growth, as there has been an average decrease in total annual usage of 29 acre-feet, over the last 10 years – as compared to a population increase of roughly 20% in that same time. These anomalies could be related to construction, leisure, system leaks, system flushing etc.

Currently, treated water purchased from the Weber Basin Water Conservancy District (Weber Basin) is the sole source for all Kaysville City culinary water. The City has three metered connections along Weber Basin's culinary aqueduct, which the City draws from for delivery into its system. The City's current contract with Weber Basin is for 2,786 acre-feet per year, with an ability to peak at a rate of 3,100 gallons per minute, which has typically been sufficient. The City also receives a water credit from Weber Basin in exchange for water diverted to Weber Basin from Holmes Creek.

Level of Service and Future Supply

The existing source level of service for Kaysville City is the average of the used Weber Basin contract, including the water credit received from Holmes Creek, divided by the total number of current equivalent residential connections (ERCs) for Kaysville City.

By using this approach, the level of service for source water is multiplied by the projected number of ERCs at build-out to determine the future source needed, which is an estimated future consumption of 3,196 acre-feet per year.

Water Conservation Measures and Impact

With concern for the limited and precious resource that is water, Kaysville has utilized various measures to encourage conservation and increase awareness amongst its customers. Combining the information in the table above, with continued emphasis on water conservation, as detailed below, it is estimated that total annual usage at build-out could possibly be reduced to as much as 2,800 acre-feet, the equivalent of 23,320

gallons per person, per year. This decrease would be a significant reduction, and would also help in Kaysville City's goal to support the Governor's efforts of a 25% statewide reduction by 2025.

The measures below are meant to help increase awareness and eliminate or limit excessive use. It should be noted that while conservation and reduction are extremely important and beneficial, reductions can also have potential detrimental effects as well. For example, pipe diameters are sized based in part on the state minimum requirements mentioned above, as well as population size and density, intended use, topography and geographic location. If usage is too high, storage volumes and/or pressures may be insufficient. However, if usage is too low, water may flow at lower velocities through the pipes or stay in the piping for longer periods of time, potentially decreasing water quality.

The following measures and practices will help to educate the City and its water users on how to decrease, or even eliminate, wasteful practices or inefficiencies:

- (A) The installation of water efficient fixtures and appliances in new or re-construction (Section 604 of the International Plumbing Code) is required. These fixtures use mechanical means to help use less water for the same previous applications.
- (B) The vast majority of irrigation is provided by secondary irrigation companies (non-treated water). The City does have some users or locations, though, where culinary water is used (under the requirements of State and City code) for irrigation purposes. In these instances, the City will encourage any new or existing users to avoid overwatering by making changes to irrigation devices, frequency and duration etc. In addition the City will encourage these users to adopt water conservation techniques for landscaping, such as xeriscape, planting drought tolerant or native plant varieties or limiting the amount of turf etc. There is an abundance of resources and information available from Weber Basin Water Conservancy District, Jordan Valley Water Conservancy District, the USU extension and others. The City will inform, educate and share these sources with these users, as well as the general population. Benefits of conservation will not only apply to City Water usage, but to that of the secondary irrigation companies as well.
- (C) The City shall continue to support the local secondary irrigation companies in their ongoing pursuit of grants for, and efforts to install, meters on their service connections. These meters help to not only more accurately detail and track individual usage, but to also locate inefficiencies in their systems.
- (D) In 2018, Kaysville City Water initiated the install of newer, more accurate digital water meters at all service connections. This AMI project has not only drastically improved efficiencies, but has also allowed for a more accurate account of water usage, including the potential to identify and eliminate system inefficiencies. The City will continue to require these devices on all new construction, and replace meters as they approach the end of their service life.

- (E) The City will require separate meters for new multiple user commercial and residential sites, to better identify and eliminate inefficient processes or excessive use. When multiple homes or businesses utilize a shared meter, it is difficult to determine where excess or inefficiency may be coming from.
- (F) The City will use less water in its internal processes. For example, designated sites within the City will be evaluated for the careful and approved use of culinary water for irrigation to assist with water circulation and quality efforts. This way, the landscaping needs are met, the flushing needs are assisted, and there can be less water lost in the storm drains from flushing fire hydrants (flushing helps to increase circulation and/or reduce the amount of time water spends in the pipes).
- (G) Demand and usage of City water can be decreased for users like the pasta mill and the sewer plant, by encouraging the reuse of both potable and non-potable water for their processes.
- (H) Early detection of distribution system leaks and/or making timely repairs will reduce water losses. Making upgrades to the system or replacing aging infrastructure not only safeguards water quality, but it also conserves water and can save money in the long run.
- (I) The City will continue to disseminate public information regarding conservation resources and more efficient uses via City newsletters, social media and the City web site. In addition, the City will continue to utilizing more face to face educational opportunities. Public Works currently visits elementary schools throughout town every year to talk about the importance conservation and water quality. Opportunities like "Kaysville University" allow attendees to see various City operations first-hand, and to ask questions.
- (J) Continue the use flat and increasing block rate structures to encourage more efficient use of water. The City works with industry professionals, consultants and elected officials to help ensure that rates are adequate for the durability of the system and its delivery.
- (K) Update standards, construction and development requirements, and codes/ordinances, where applicable, to reflect the measures above.