

KAYSVILLE CITY COUNCIL
November 5, 2020

Minutes of a regular Kaysville City Council meeting held on November 5, 2020 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Systems Manager Ryan Judd, Information Technology Assistant Jordan Hansen, Community Development Director Lyle Gibson, Police Officer Lexi Benson, Public Works Superintendent Josh Belnap, Jason Sanders, Dana Griffin, Tom Uriona, Dan Evans, McKenna Evans, Carole Walker, Ramona Porter, Mike Schubert

OPENING

Jason Sanders opened the meeting with a prayer. Council Member Andre Lortz led the Pledge of Allegiance.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. Approval of Minutes from September 17, 2020.
- b. Approval of Minutes from October 1, 2020.
- c. Approval of Abbigayle Hunt from Alternate to Full Time Planning Commission Member.
- d. Approval of purchase for a vehicle – Parks and Recreation.
- e. Approval of purchase for a plow truck – Public Works.
- f. A Resolution allowing Staff to pursue funding through the Davis County Community Development Block Grant program for the purpose of acquiring property to be the future site of a second city fire station.

The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea

The motion passed unanimously.

ACTION ITEMS

AUDIT COMMITTEE CREATION/RISK ASSESSMENT MODEL REVIEW

Dean Storey explained that the Utah State Auditor's Office has developed a risk assessment model that provides a basic evaluation of an entity's fraud risk, based on the required separation of duties and other recommended measures. This model includes a recommendation that governmental entities create a formal audit committee to assist the governing body in its financial oversight responsibilities. The committee has the responsibility to review the integrity of the organization's financial statements and internal controls, evaluating the qualifications and performance of the independent auditor, reviewing the organizations risk management efforts, and ensuring compliance with all legal and regulatory requirements. This committee will be an advisory committee and will help prepare for the city's yearly audit and then review the results with the council. The auditor's office has also recommended that the governing body go through training every 4 years because they are the decision makers on the city's budget.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

PRELIMINARY PLAT APPROVAL FOR THE FLOWERING GROVE SUBDIVISION LOCATED AT 292 WEST BLOOMING GROVE CIRCLE – DANA GRIFFIN

Lyle Gibson explained that in May 2018, the property located at 292 West Blooming Grove Circle was rezoned to the R-1-20 PRUD zone and received a preliminary plat approval for 4 lots, based on a concept plat. As the applicant was working the technical details of the original version, the Sewer District reviewed the plans and told the applicant that they would not be able to work with the design. The applicant has continued to work with the District in negotiating an acceptable design which still creates desirable lots while providing acceptable access to the sewer system. With this detail worked out, the final plat and improvement drawings have now been completed and are in good order. Because of the amount of lapsed time since the original preliminary plat approval, as well as the adjustments made to the plat, it is necessary for the revised preliminary plat to be considered. The plat still contains 4 lots on a private lane subdivision with a hammerhead turnaround, as opposed to the originally proposed bulb. This proposal is consistent with the originally approved concept plan and all lots within the subdivision meet the minimum frontage and size requirements for the zone. The plat also shows the sewer line easement and added emergency access lane as required by the District.

Council Member Blackham made a motion to approve the preliminary plat for the Flowering Grove Subdivision located at 292 West Blooming Grove Circle for Dana Griffin, seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea

The motion passed unanimously.

PRELIMINARY PLAT APPROVAL FOR THE KAYSVILLE CREEKSIDE SUBDIVISION
LOCATED AT APPROXIMATELY 350 NORTH 400 WEST – IHC HEALTH SERVICES, INC.

Lyle Gibson explained that this property, located at approximately 350 North 400 West, consists of a total of 12.72 acres. The existing IHC Medical Facility is located on the north end in what is identified as Lot 1, with room allowed on the lot for potential expansion of the facility on the property in the future. In addition to refining the property that Intermountain Healthcare intends to keep for its purposes, this proposed subdivision will add two more 2-acre lots plus building pads for commercial use along 400 West, with a third lot containing the remaining area on Lot 4 to provide a large space for future development near the freeway. The remainder lot, Lot 4, measures at approximately 5.6 acres. There are no minimum lot sizes or yard requirements for the General Commercial zone. The proposed plat will complete the access into the site with a standard cul-de-sac to be dedicated as 350 South Street and provide an additional private drive access over Parcels A and B.

Tom Uriona, the Corporate Real Estate Director for Intermountain Healthcare, said that they are hoping to receive approval tonight so that they can close on the contracts of interested commercial users.

Council Member Lortz asked about Parcels A and B.

Tom Uriona responded that they could be used as an additional driveway access.

Council Member Barber asked if there would be a road connection created to Market Street.

Tom Uriona responded that IHC didn't want to create more traffic through Lot 2. They feel this would diminish the value of the lot. They do have some users interested in Lot 2, but the uses would require a rezone in order to build on the property.

Council Member Barber asked if Lot 4 would be further subdivided in the future.

Tom Uriona responded that they were not sure if it would be yet.

Council Member Tran asked if the only access would be from 400 West.

Tom Uriona responded that it would be.

Council Member Lortz made a motion to approve the preliminary plat for Kaysville Creekside Subdivision located at approximately 350 North 400 West for IHC Health Services, Inc., seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea

The motion passed unanimously.

CONSIDERATION OF A PRUD OVERLAY ZONE AND PRELIMINARY PLAT APPROVAL
FOR THE ROMNEY DOUBLE FLAG LOT SUBDIVISION LOCATED AT 717 EAST 100
SOUTH – JENNIFER ROMNEY

Lyle Gibson explained that Jennifer Romney is the owner of a property located at 717 East 100 South, which is 0.78 acres and is currently zoned R-1-8 (Residential Single Family). Ms. Romney desires to create 2 new lots in a double flag lot configuration while keeping an existing home on the lot fronting 100 South. The existing home and two flag lots behind would create 3 lots on the parcel. The underlying zone will remain the same, but the PRUD overlay would allow the applicant to develop the property in this manner. The existing single family home will remain on the front lot on an 8,048 square foot lot. The flag lots created will include a 36 foot driveway for access onto 100 South. One flag lot will contain 10,267 square feet, and the second will contain 11,116 square feet. The Planning Commission has recommended approval of a PRUD overlay zone to allow for a double flag lot with a 4-1 vote. The descending vote stated their concern for traffic impact from additional homes to the nearby school drop-off/pickup point. The Planning Commission also voted unanimously to forward a favorable recommendation for the preliminary plat with the recommendation to the applicant that before bringing a proposal to the City Council that they work with the surrounding neighbors to address the issue of privacy using fencing, landscaping or other means.

Jennifer Romney said that she has lived in Kaysville for 19 years and moved here because she loved the small-town charm of the city. She believes in preservation and maintaining neighborhoods and their esthetics. She has a great love for architecture and preserving it. Ms. Romney said that she has bought other homes within the city and have improved them which have added to the neighborhood. With this development she wants to keep the integrity of the home. She wants to improve the property and make it an asset, especially to the neighborhood. It was their motivation with the first plat to try to keep the existing garage on the property, but they have come to conclusion that it would be best to remove the garage to give better access to the two flag lots. The existing garage will be relocated to a different location. Adjacent properties have deep private backyards with large trees which will help maintain space and privacy. The driveway for the flag lots will run along the west side of the property. Ms. Romney said that one of the reasons

she is proposing 2 flag lot instead of 1 is because she wanted these homes and lots to be more cohesive and fit into the neighborhood better rather having one lot with a larger house on it. These lots will be comparable in size to those around them. These homes will be built as single story, single family homes. She would implement a strict agreement of CC&Rs on these lots. These would include: rambler style homes, the footprint being in proportion to surrounding home sizes, the architecture being traditional and blending with surrounding homes, there be a lower roof line with a pitch matching existing homes, landscaping being installed in consideration to the neighbors, and that these continue to be private residents and not rentals. Ms. Romney stated that she agrees that she should've spoken with the neighbors before bringing it to the city for approval. She is willing to work side-by-side with them on their requests in order to maintain privacy. Extra landscaping will be installed to mitigate the impact and to keep the space green and lush. She wants to bring in homeowner's who will take care of their homes and the property. She wants to work with the neighbors to create something that is seamless and appealing to them. The neighbors here have said that they like to see the green spaces. One of pros of having 2 flag lots is it will allow for these homes to be more affordable. Living in Kaysville is expensive. These homes will be tucked behind the existing one and would not be noticeable from the street view. They will help to bring new life into an older neighborhood. It will help to increase the value of the neighboring homes. Allowing these flag lots will not set a precedence for the area as there aren't many other lots nearby with the frontage needed in order to subdivide the lot. Lot 3 would have the narrowest frontage, but will have enough property to build a garage. These will be modest homes. Ms. Romney said she is grateful for the city's consideration of this development and hopes to be able to live in one of these lots someday. She will continue to work with the neighbors to help answer questions and to gain more trust.

Mayor Witt asked for public comment on this item.

Dan Evans said that he is representing the neighbors, many of which who have sent emails to the council. The city's General Plan states that development should improve public safety. These additional homes will add more cars to an already narrow street. The roads in this area are some of the narrowest roads within the city. Several cars have been hit along here, and allowing more homes will just add to the traffic. The General Plan also states that development should improve the sense of community. A petition was created against this development and signed by 150 of the residents who live near this property. This development doesn't fit within our neighborhood. They have liked some of the changes that were made from the first proposed plan, and will help so that headlights from the cars won't be shining into their homes. But this is a neighborhood concern. There are problems with flooding in this area, and they fear the trees and bushes will be removed, which removes privacy. There is concern about if the back two homes will park an RV between the homes, they will feel further blocked in. The General Plan also states that housing east of I-15 should be compatible with and complimentary to existing neighborhoods, and should have a maximum of open space. This proposed PRUD is not compatible and not complementary to the existing neighborhood. The PRUD would reduce open space in the very heart of this community's largest open space area. The double flag lot doesn't fit into this neighborhood and is allowing too many homes on this property. The community has made it very clear how they feel about this by signing the petition.

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

Council Member Barber asked about access and parking for these homes.

Jennifer Romney responded that they will have to relocate the existing garage in order to create the driveway access, but the attached carport and driveway to the existing home will remain. They have discussed trying to build a garage for the existing home on the east side of the home. The long driveway will run along the west side of the property, which the flag lot homes will take access off of. They plan to build an attached garage for each of the flag lot homes.

Council Member Tran asked if there was a way to turnaround on the flag lots.

Lyle Gibson responded that depending on the placement of the garage on the lots, a turn area would likely be installed on each lot.

Council Member Adams said that he would like to see the applicant's proposed covenants be tied to this property. Allowing for only one flag lot on this property and having a larger home built on it might impact the neighbors more. Council Member Adams asked if this item needed to be tabled until we can take a look at the subdivision covenants in further depth.

Council Member Lortz commented that the concerns regarding the narrow area of 100 South is not this development's issue to deal with. Council Member Lortz asked about the width of 100 South.

Lyle Gibson responded that the area of 100 South that is west of this property is larger than what is required, while the narrow area to the east likely measures at 30 feet which is the city's minimum street width requirement. The portion to the west measures at about 50 feet in width.

Council Member Tran commented that the city's flag lot regulations will already be limiting on the size of the home without including any CC&Rs.

Council Member Adams asked why this area is zoned R-1-8 when the rest of the neighborhood is zoned R-D. Will approving these flag lots set a precedence for someone else in this area to do something similar?

Council Member Blackham said that many years ago this area was zoned so that duplexes could be built on all lots, but then the city rezoned the area because it was becoming saturated by them. Many of the lots in this area are long and narrow because people used to use the back yard for gardens or other agricultural uses. Council Member Blackham stated that he is in favor of flag lot developments because it allows people to be able to better utilize their property, and doesn't build more developments along main streets. These homeowners will be able to have their kids play in their yards and not have to worry about the kids wandering out into the street. It allows for more places for people to move into, with minimal impact. They are also under a more restrictive building standard. The applicant has said that she is willing to continue to work with the neighbors to try to mitigate the impact.

Council Member Tran made a motion to approve a PRUD overlay zone and preliminary plat approval for the Romney double flag lot subdivision located at 717 East 100 South for Jennifer Romney, seconded by Council Member Blackham.

Council Member Adams asked if Council Member Tran would amend her motion to include a stipulation that the applicant include the CC&Rs in the development as discussed.

Council Member Tran amended her motion to approve a PRUD overlay zone and preliminary plat approval for the Romney double flag lot subdivision located at 717 East 100 South for Jennifer Romney, with the stipulation that the buildings on the flag lots be limited to single story only. The motion was seconded by Council Member Blackham.

Council Member Adams made a substitute motion to table the consideration of a PRUD overlay zone and preliminary plat for the Romney double flag lot subdivision located at 717 East 100 South for Jennifer Romney for two weeks, since there seems to be a lot of confusion about the CC&Rs and legislative action shouldn't be decided so quickly.

The motion died for lack of a second.

Council Member Tran commented that she feels that the applicant has gone out of her way to reach out and create an environment to communicate with the neighbors. The applicant is also trying to better utilize her property and making sure these homes will be in line with the community. It is fair to allow people to develop their property the way they want to, especially on these deep lots.

Council Member Barber said that this development meets the city's ordinances and we need to keep things consistent and fair for those wanting to develop their property.

Council Member Lortz said that he understands the arguments made by the neighbors, but many of the concerns stated are emotional and it's hard to legislate off of emotion. This proposal does not violate city standards. We've had similar issues in other areas of the city and we need to be more open and welcoming to those who will move into these homes. This could be a positive thing for the neighborhood.

The vote on Council Member Tran's motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Barber, yea
Council Member Lortz, yea
Council Member Tran, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Barber said that the Parks and Recreation department has been working on this year's "Kaysville Gives" program. There are many families in need this year in our area and this is a way for people to give back to the community. Also, the Recreation Department is working

on gearing up for winter sports.

Council Member Adams commented that the Youth City Council met this evening and they have a great desire to serve our community. Council Member Adams suggested that advertising should be started now for the “Kaysville Gives” program so that if there are people who want to participate they can start preparing. We need to take care of our own.

Council Member Tran said that the open house that was planned for the General Plan update has been delayed because of the governor’s recent mandates and they are working on finding another way to hold the event.

Mayor Witt commented that Lieutenant McKinnon recently went through a very extensive training back east and graduated from that program. Mayor Witt thanked our officers who are willing to sacrifice their time to grow their skillsets.

CITY MANAGER REPORT

Shayne Scott said that with the recent governor’s direction with regards on trying to limit contact with people outside households, the Planning Commission has decided to hold their meetings virtually again. Mr. Scott asked the Council if they would like to do the same.

Mayor Witt commented that she does not want to hold Council meetings virtually again because she feels we are following guidelines to wear masks and have enough space to maintain social distance guidelines.

Council Member Barber commented that we need to make sure that the public has a clear way to be able to participate in meetings if they aren’t willing to come in person.

Mayor Witt responded that residents can email or call the Council before a meeting to talk about any questions or concerns, and they also can watch the meeting live on YouTube. Mayor Witt added that this is something we can address at each Council to make sure everyone is still comfortable meeting together.

Council Member Adams asked if there were recommendations from the Davis County Health Department.

Shayne Scott responded that they just are reiterating what the governor’s directives are.

Mayor Witt added that so far only Clearfield City has gone virtually.

Shayne Scott said that the Council will be holding a special meeting on November 17th to approve the canvass results from the General Election.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 8:21 p.m., seconded by Council Member Adams and passed unanimously.