



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, November 4, 2021, starting at 7:00 P.M. in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. A Kaysville City Redevelopment Agency meeting will be held following the Council meeting.

The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com. For those wishing to direct comments to the City Council can do so in-person, or email comments to publiccomment@kaysvillecity.com. Emailed comments will NOT be read out-loud at the meeting. Members wishing to speak during an Action Items or during Call to the Public must sign-up in person before the meeting to speak.

CITY COUNCIL Q&A – 6:30 P.M.

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 P.M.

The agenda shall be as follows:

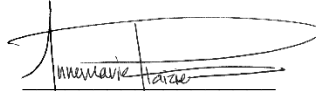
1. OPENING
 - a. Provided by Council Member John Adams.
2. DECLARATION OF ANY CONFLICTS OF INTEREST
3. CONSENT ITEMS
 - a. Approval of Minutes of October 7, 2021.
 - b. Approval of Minutes of October 21, 2021.
 - c. Appointment of Brian Johnson to serve as the Power Superintendent.
 - d. A Resolution authorizing an Agreement with City Creek Construction for the Chlorinator Permanent Structure Project.
 - e. A Resolution authorizing an Agreement with Corrio Construction for the Ward Road Water Tank Control Valve Project.
4. ACTION ITEMS
 - a. Rezone of 1.7 acres of property at 550 East 300 South from R-1-8 (Single Family Residential) to the PU (Public Use) zoning district – Davis Technical College.
 - b. Enacting Section 17-26-4B “Instructional Home Occupations” of Title 17, Planning and Zoning of the Kaysville City Ordinances.
 - c. Acceptance of a Proposal for an Architectural Assessment and Evaluation Report Contract with FFKR.
5. WORK ITEMS
 - a. HR Manual – Paid Parental Leave Policy.
 - b. HR Manual – Personal Time Off (PTO) proposal.
 - c. HR Manual – Early Retirement Incentive proposal.
6. CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
7. COUNCIL MEMBER REPORTS
8. CITY MANAGER REPORT
9. ADJOURNMENT

KAYSVILLE CITY REDEVELOPMENT AGENCY MEETING

1. Opening.
2. A Resolution designating a survey area, authorizing the preparation of a draft Community Reinvestment Project Area Plan, and authorizing and directing all necessary action by the agency.
3. 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 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on October 29, 2021.

A handwritten signature in black ink, appearing to read "Annemarie Plaizier", written over a horizontal line.

Annemarie Plaizier
City Recorder

KAYSVILLE CITY COUNCIL

October 7, 2021

Minutes of a regular Kaysville City Council meeting held on October 7, 2021 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 Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Deputy City Recorder Chelsie Fromeyer, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Fire Chief Paul Erickson, Sargent Lacy Turner, Parks and Recreation Director Cole Stephens, Karen Erickson, Ryan Ward, Christian Nielsen, Jenna Aldrich, Shelby Beckstead, Alexis Beckstead, Addyson Black, Noah Larsen, Dawson Paskins, Kearsten Bingham, Chris Taylor, Howard Taylor, Bill Knowlton, Eric Last, Tyson Last, Jonathan Hansen, Mike Litster, Mark Larsen

PUBLIC HEARING – RECREATION, ARTS, MUSEUM, AND PARKS BALLOT INITIATIVE – 6:30 P.M.

Mayor Witt opened the Public Hearing at 6:30 p.m.

Ryan Ward said that he was representing the citizens committee in favor of the proposed recreation, arts, museum and parks (RAMP) ballot initiative. Mr. Ward presented the “for” argument of the voter information pamphlet to the council. Mr. Ward said that if anyone had questions about the RAMP tax or the argument they could visit the citizens’ website or speak with one of their committee members.

Mayor Witt commented that the city had not received any argument “against” the RAMP initiative and therefore there one was not included in the voter information pamphlet.

There were no other comments or questions made by the public.

Council Member Barber made a motion to close the Public Hearing at 6:38 p.m., seconded by Council Member Lortz and passed unanimously.

Council Member Adams arrived.

OPENING – 7:00 P.M.

Mayor Witt opened the meeting with a prayer and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

PROCLAMATION DECLARING OCTOBER 3-9, 202 AS FIRE PREVENTION WEEK

Fire Chief Paul Erickson explained that every year since 1922 the President of the US has signed a proclamation declaring the week of October 9th as Fire Prevention Week. It is the longest safety campaign in our nation and it commemorates the Great Chicago Fire, and the fire in Wisconsin that occurred the day afterwards. Both caused devastating damage and great loss of life.

Mayor Witt read a proclamation declaring October 3-9, 2021 as Fire Prevention Week and encouraged all residents to be aware of their surroundings, look for available ways out in the event of a fire or other emergencies, and respond when smoke alarm sounds by exiting the building immediately.

DAVIS COUNTY HORSE AND LIVESTOCK 4-H PRESENTATION

Jenna Aldrich explained that she is the 4-H Horse and Livestock Program Coordinator for Davis County. She brought some of their ambassadors tonight and they hope to visit all of the cities in Davis County to help raise awareness that these programs are growing and are strong. Just because we have lost the Davis County Fair and fairgrounds, we are not losing 4-H in Davis County.

Alexis Beckstead said she is a Davis County 4-H Horse Ambassador and shared the 4-H pledge with the Council. Miss Beckstead explained that 4-H is America's largest youth development organization with over 6 million kids and 500k volunteers to run it. It is a non-profit organization focusing on education and empowering youth to succeed. It helps teach kids about hard work and team support, while helping kids grow their confidence. The youth do demonstrations, public speaking, written tests, write cover letters and resumes, learn about jobs in the industry, and focus on community service and volunteer work. The 4-H horse program involves teaching the primary care of a horse, riding, financing, practicing, grooming, training and showing a horse.

Addyson Black said that she is also a Davis County 4-H Horse Ambassador and explained that a large part of the 4-H program involves community involvement. They provide pony rides and work at Baby Animal Days with their own horses and livestock, offering an opportunity for our community to experience these animals, but it also gives our program the opportunity to fundraise support for the program. Their 4-H groups have done service projects for the community by creating pantry packs, blankets for dog shelters, and hygiene kits for refugees.

Noah Larsen said that he is a Beef Livestock Representative for Davis County 4-H and their program invites participants to raise goats, pigs, steers, bunnies and chickens. They host education nights to help teach about the importance of agriculture and providing food for the community. Their program helps to teach kids about training, grooming, feeding, financing, safety and quality care of the animals that we show. The Davis County 4-H Livestock program has donated over one million pounds of meat to the Utah Food Bank. Programs like these than need and deserve our community support.

Addyson Black said that having an area with good dirt is essential to the safety of our program participants. We are in need of an arena that is worked often and watered correctly. We cannot provide any events or practice meetings to our youth without safe facilities.

Alexis Beckstead said that 4-H clubs in Davis County are growing. We have had the highest numbers of participants this last year in almost 5 years with approximately 200 families involved in the program. Creating and supporting agriculture use facilities is essential. We currently have to turn away youth from joining our horse 4-H clubs, as we do not have arena space for them to meet together and ride. There are many other groups that also use arenas for open rides, including the Adult Riding Club, Junior Posse, Sheriff's Mounted Posse, team-roping clubs, and more. With proper understanding of rentals and good maintenance, arenas can be as beneficial as any other park or sports field.

Dawson Paskins said that he is a Lamb Livestock Representative for Davis County 4-H and said that the Davis County Livestock show is selling at historically low prices which hurts their program. It keeps people from participating and shows a lack of support from our county and cities. They would love donations for their livestock shows, which would allow opportunities for animals to be sold for more, donated and resold, given to the Utah Food Bank, and would help to cover the cost to 4-H members for raising these animals. The best and easiest way for the city to support the 4-H youth is to help us reach out to the community and promote their events throughout the year.

Council Member Blackham asked if the Legacy Events Center in Farmington gave the 4-H program somewhere else to go when they poured concrete in their arena.

Jenna Aldrich said that as of right now, Davis County is trying to collaborate with Utah State University to build new arenas here in Kaysville at the Botanical Center. They are still in the process of hiring contractors, but the bids they have received are showing that the earliest an arena could be finished would be December 2022. This last year all of the 4-H events had to be held in Weber County at the Hooper Arena because they cannot find an arena in Davis County large enough to accommodate their events. The arenas planned here for Kaysville will be an indoor arena and an outdoor arena. Even if the outdoor arena can be completed before the projected timeframe, it is not very likely that we would be able to use it until construction on the indoor arena is complete because we would not be able to access the outdoor arena.

Council Member Tran asked about funds for the program.

Jenna Aldrich responded that we have a grant through Utah State University, however all of the funds for these specific programs must be fund-raised by our youth. Baby Animal Days provides some of this funding but it's also funded through sponsors or the youth work to raise their own money.

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 of August 24, 2021.
- b. Approval of Minutes of September 2, 2021.

The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

C. A RESOLUTION AUTHORIZING AN AGREEMENT WITH CRSA FOR DESIGN WORK ON THE OPERATIONS CENTER

Shayne Scott explained that the City's operations center is in need of renovation. The proposed resolution acknowledges that the city has gone through a qualifications process and based on that has provisionally selected CRSA as the design architect. The resolution also authorizes the City Manager to negotiate with and enter into an agreement with CRSA to provide design work services. The city has chosen to use the Division of Facilities and Construction Management standards to determine the rate we will pay for the services which is based off construction costs. CRSA is asking for 1% of the estimated cost of construction to create the design work, which equates to about \$200k. The city has budgeted the design work at about \$350k. Through this design, we will be able to have a more accurate estimate of construction costs.

Council Member Blackham commented that this is part of the city's due diligence process and will help us determine how much space is needed. This design work does not include a full-construction design.

Council Member Lortz asked about which are of the budget would fund this work.

Shayne Scott responded that likely at least 50% of the funds will come out of the power department fund, with some of the funding coming from enterprise funds and the general fund.

Council Member Barber stated that the city needs to determine exactly which parts of the budget will be funding this as soon as possible.

Council Member Tran said that she would like to see that the agreement stipulate an amount "not to exceed", otherwise the agreement would need to come back before the council for approval.

Council Member Lortz made a motion to approve a Resolution authorizing an agreement with CRSA for design work on the operations center, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea

Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION AMENDING THE KAYSVILLE CITY CODE REGARDING DELETERIOUS OBJECTS AND STRUCTURES

Nic Mills explained that the city has noticed that while we have an ordinance that provides penalties and enforcement for having debris and neglected items in residents' yards, the current city code is difficult to enforce. These amendments seek to provide greater clarity on what would be prohibited, and will allow the City greater ability to help residents maintain clean yards. The purpose of this ordinance is not to increase enforcement, but help obtain compliance and beautify residents' yards.

Council Member Tran made a motion to approve a Resolution amending the Kaysville City Code regarding deleterious objects and structures, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

REZONE OF 0.18 ACRE OF PROPERTY AT 579 SOUTH MAIN STREET FROM HC (HEALTH CARE) TO THE PB (PUBLIC BUSINESS) ZONING DISTRICT – LUSH ENTERPRISES LLC

Lyle Gibson explained that the owner of the property, Lush Enterprises LLC, is requesting to rezone the property at 579 South Main Street. It was rezoned from PB to HC in 2018 to run an adult daycare business. The property is located just south of Davis Tech along the east side of Main Street, and had been used as a commercial property for many years prior. The applicant would now like to rezone the parcel back to the PB zone and return the building back to a business office use.

Council Member Blackham made a motion to approve a request to rezone 0.18 acre of property at 579 South Main Street from HC (Health Care) to the PB (Public Business) zoning district for Lush Enterprises, LLC. The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Tran, yea

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

The motion passed unanimously.

REZONE OF 0.51 ACRE OF PROPERTY AT 48 SOUTH HARVS LANE FROM THE R-1-10 (RESIDENTIAL SINGLE FAMILY 10,000 SQUARE FEET) TO R-A (SINGLE FAMILY AGRICULTURAL) ZONING DISTRICT – JASON AND KEARSTEN BINGHAM

Lyle Gibson explained that Jason and Kearsten Bingham own the property located at 48 South Harvs Lane and are requesting a rezone from R-1-10 to R-A in order to accommodate the keeping of larger farm animals, such as horses. While this is viable under the existing zoning, the request would make the use a permitted use without the need for the conditional use process. The property was recently rezoned to R-1-10 to accommodate a single-family dwelling with a minimum of 10,000 square feet as part of the Potawatomi Subdivision. The Bingham's would like to rezone that specific lot and combine the use with their R-A zoned property at 1662 West 75 South. The properties are adjacent to each other and they would like to use both for their horses and such. The Planning Commission voted unanimously to recommend approval of the requested rezone.

Council Member Blackham said that a fence has been installed near one of the Power Company's high-power vaults and asked that Staff ensure that the fence is in compliance in regards to the proximity.

Council Member Adams made a motion to approve the request to rezone 0.51 acre of property at 48 South Harvs Lane from R-1-10 (Residential Single Family 10,000 square feet) to R-A (Single Family Agricultural) zoning district for Jason and Kearsten Bingham. The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

REZONE OF 2.54 ACRES OF PROPERTY AT 1742 WEST PHILLIPS STREET FROM THE R-1-20 (SINGLE FAMILY RESIDENTIAL) TO THE R-1-LD (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT WITH THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – ROBERT AND LINDA BOURNE

Lyle Gibson explained that the Bourne's are requesting a rezone of their property at 1742 West Phillips Street in order to accommodate a new subdivision. The requested zoning district allows for a net density of two units per acre. Based on the total property area, as many as five dwellings

could be permitted. The applicant has provided a concept drawing indicating the general idea of keeping the existing home and adding four new lots on a new private street. The private street is the reason for the PRUD overlay zone request. The R-1-LD zone allows for some flexibility in lot size while keeping the overall density at no more than two units per acre. The smallest lot size allowed would be 12,000 square feet. The R-1-LD and existing R-1-20 zoning districts are both regulated by Chapter 17-12 which means they allow for the same uses. The two districts also have the same lot frontage and setback requirements. The difference in this case is primarily the flexibility in lot size granted by the R-1-LD district. The Kaysville General Plan states “west of I-15, allow for similar housing densities in existing neighborhoods while considering medium density housing along major streets and higher density near transit stops and arterial streets”. The PRUD overlay is necessary to permit a private street. The private lane would be owned and maintained by an association of owners within the subdivision granting an access easement to each lot. The association would also be responsible to maintain the street long-term. The Planning Commission voted unanimously to recommend approval of the requested rezone.

Council Member Tran asked if the property could be developed at a higher density if it remained in the R-1-20 zone.

Lyle Gibson responded that under either the R-1-20 zone or the R-1-LD zone they would still only be allowed lots total. The R-1-LD allows for more flexibility when configuring the layout of the lots.

Council Member Lortz made a motion to approve a request to rezone 2.54 acres of property at 1742 West Phillips Street from R-1-20 (Residential Single Family) to the R-1-LD (Residential Single Family) zoning district with the PRUD (Planned Residential Unit Development) overlay zone for Robert and Linda Bourne. The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed unanimously.

CONSIDERATION OF A DEVELOPMENT AGREEMENT AND REZONE OF APPROXIMATELY 0.4 ACRE OF PROPERTY AT 65 CRESTWOOD ROAD FROM THE R-1-8 (SINGLE FAMILY RESIDENTIAL) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT – CHRISTIAN NIELSEN

Lyle Gibson explained that a rezone is being requested at 65 Crestwood Road in order to accommodate potential General Commercial development. The property is currently zoned R-1-8 to accommodate a single-family dwelling development. The requested General Commercial zoning district is primarily for office and retail sales and services, which are permitted uses in the zone. The request does not include a specific plan or concept to demonstrate the desired use or change to the site. Rather, they are seeking the rezone to be open to different possibilities allowed

by the new zoning district. Because of this, after holding the public hearing and noting concerns from residents in the area, the Planning Commission requested that the applicant consider a development agreement to address concerns voiced by neighbors. Sections 2 and 3 of the agreement describe the limitations that the applicant is proposing. The Planning Commission voted unanimously to recommend approval along with the development agreement as proposed, with the additional recommendation that the council require some historical documentation of the building if it is to be torn down.

Bill Knowlton said that he was representing Christian Nielsen, the applicant, and prior to requesting a rezone they had gone door-to-door to the surrounding neighbors to let them know about the proposal. They also held a public meeting with the neighborhood at the Kaysville Library. They took the comments made by the neighbors into consideration and tried to address concerns before taking it to the Planning Commission for review. There were further comments made at the Planning Commission meeting, so they decided to go back and meet with those concerned neighbors about potentially doing a development agreement in order to address concerns. Mr. Knowlton added that the home on this property is not on the historic registry or in a historic district. It has sentimental historical value to members of the city. Christian Nielsen has offered to work with the Kaysville/Fruit Heights Historic Committee in historically documenting the home and property before moving forward.

Council Member Tran asked about the plans for the property.

Bill Knowlton responded that Mr. Nielsen had tried to buy a different piece of property about a year ago, but the city elected to approve a request to rezone the property to a residential use rather than keeping it zoned for commercial. Mr. Nielsen is hoping to use this property as professional office space to run his Kaysville-based business. This will not be a retail location and there will not be much traffic. There is not geographically enough space to provide enough parking for a retail use.

Council Member Lortz asked about the shared driveway with the neighbor to the east.

Bill Knowlton said that they have agreed to enter into a shared use agreement with the neighbor to preserve the access for them.

Council Member Adams asked if a mixed-use development was considered for this property.

Bill Knowlton said that because the city has not yet put the mixed-use development ordinance into effect they have not pursued anything yet but might later.

Council Member Barber made a motion to approve a Development Agreement and request to rezone approximately 0.4 acre of property at 65 Crestwood Road from R-1-8 (Residential Single Family) to the GC (General Commercial) zoning district for Christian Nielsen. The motion was seconded by Council Member Lortz.

Council Member Tran said that she appreciates the efforts made in reaching out the community about this request.

The vote on the motion was as follows:

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

The motion passed unanimously.

WORK ITEMS

AN ORDINANCE ENACTING SEVERAL FIRE RELATED FEES OF THE CONSOLIDATED FEE SCHEDULE

Nic Mills explained that from time to time organizations ask the Fire Department for their assistance with special events, utility issues, or other events. The Fire Department is happy to assist with these, but by doing so they can divert city resources from other potential needs. For example, on occasion utility companies require a fire department with a charged line to be on a scene for safety concerns. Not only does this divert city resources, but it costs money to have a charged line and firefighters on standby. This ordinance helps to address these costs and ensure that the Fire Department can continue to provide outstanding service. These fees would not be required to be charged, but it would give the city the ability to charge fees if necessary.

Chief Paul Erickson added that these fees aren't involving residential instances but is directed towards certain times when companies are required to have the safety measures of the fire department on scene. This is being proposed so if there were a problem in the future, we would have the ability to have recourse.

Council Member Blackham commented that he is opposed to this because he feels that nobody should be charged for fire services. Fire services are paid for through property taxes. A utility company shouldn't be put in a situation where they wouldn't want to call the fire department for their own safety needs based on possibly being charged for fire department services. If a neighborhood wants to have a party and want to have one of our trucks there, they shouldn't have to pay for that. We shouldn't be known for charging for our fire department services. If someone needs the fire department for these situations and our department is available, we need to help our community without charge. If someone feels their safety might be at risk and they would like the fire department on scene, we shouldn't even question it.

Council Member Barber suggested specifying that these fees are for commercial entities.

Nic Mills said that staff tried to write this so that there is enough flexibility that the fees aren't limited to just utility companies, but also could include fire standby services for commercial events or similar. Charging entities for these types of fire related services is something that some of our neighboring cities have also implemented in their fee schedules.

Council Member Adams agreed that the city needs to be very specific in who and in what type of situations the city would charge these fees.

Council Member Barber made a motion to move an Ordinance enacting several fire related fees of the Consolidated Fee Schedule to an action item with the stipulation that the language been revised to specify what instances these fees might be implemented. The motion was seconded by Council Member Lortz.

Council Member Adams made a secondary motion to bring this item back to council as a work item with the revised language as discussed.

The motion died for lack of a second.

The vote on the original motion was as follows:

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

The motion passed with a vote of three to two.

AN ORDINANCE ENACTING RETAIL SALES OF DOGS AND CATS BY PET SHOPS

Shayne Scott explained that we recently had someone from the Humane Society reach out to the city to request that the city review this proposed ordinance regarding pet shops. The ordinance addresses not allowing the sale of puppy mill animals within the city. The city currently does not have any pet stores within our jurisdiction and has not received any inquiries regarding one yet. Approving this ordinance would be a preemptive measure.

Council Member Tran said that problems with puppy mills is a growing trend and it would be good to have this ordinance in place.

Council Member Barber commented that while it is good to be preemptive in some cases, this might be something that doesn't need to be adopted right now until we see it becoming more of an issue.

Shayne Scott said that if this is not adopted now and a business were to come in to apply for a license, we would not have an ordinance in place to regulate them. If the city tries to adopt an ordinance because of a proposed business, it would be considered discriminatory. The business would also be grandfathered in under the new ordinance.

Council Member Adams commented that he would like to speak with the person from the Humane Society about the reasoning behind the proposal.

Council Member Lortz made a motion to move the Ordinance enacting retail sales of dogs and cats by pet shops to an action item, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

CALL TO THE PUBLIC

Christian Nielsen commented that he doesn't want to see the old city library turned into a parking lot or driveway. Mr. Nielsen said that he has been bringing up the traffic issues along Sunset Drive for several years now. Sunset Drive is the longest street in Kaysville and has no traffic control devices along it. Traffic continues to get worse throughout the city. The intersections he is most concerned about is Sunset Drive and Western Drive, and 600 North and Fairfield Road. The intersection of 500 East and 200 North is becoming a major intersection, along with Fairfield and Mutton Hollow. With the increased traffic, the city needs to consider other options to try to slow traffic down to keep our kids safe, such as installing roundabouts.

COUNCIL MEMBER REPORTS

Council Member Blackham said that he had a meeting with the Director of UDOT to let them know that we as a city are not giving up and are not satisfied with the answer they gave us regarding the pedestrian crossing at 200 North. UDOT has indicated they will keep looking into it but has suggested that it would help if the city could get some type of funding towards building the pedestrian crossing. Council Member Blackham encouraged the council to keep speaking out about this issue and spreading the word.

Mayor Witt commented that many of the council members were recently able to attend the ULCT conference and got some valuable training. A meeting was also held this last week to discuss what improvements might be considered for downtown Main Street, but nothing is likely to happen without funding.

Council Member Tran commented that a General Plan Open House was also recently held and had about 40 member of the public attend. Council Member Tran encouraged the public to reach out and provide feedback to the city about the proposed plan.

CITY MANAGER REPORT

Shayne Scott said that Kaysville University has gone very well and thanked the Department Heads for helping to contribute and support the program. They have also been conducting interviews for the Power Superintendent position and hope to have someone chosen for it within the next couple of weeks.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 8:29 p.m., seconded by Council Member Barber and passed unanimously.

KAYSVILLE CITY COUNCIL
October 21, 2021

Minutes of a regular Kaysville City Council meeting held on October 21, 2021 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 Michelle Barber, Council Member Mike Blackham, and Council Member Tamara Tran

Excused: Council Member Andre Lortz

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Technology Assistant Jordan Hansen, Public Works Superintendent Josh Belnap, Fire Chief Paul Erickson, Lieutenant Paul Thompson, Parks and Recreation Director Cole Stephens, Curtis Koch, Brian McKenzie, Kate Scott, Maggie Scott, Eliza Streadbeck, Kate Bowers, Halle Harding, Holly Francis, Gary Jepsen, Lindsay Jepsen, Kaiya Cisney, Makaela Heath, Stephanie Frischknecht, Adam Frischknecht, Emmeline Frischknecht, Eliza Frischknecht, Anne Frischknecht, Abigail Frischknecht, Alice Frischknecht, Mike Streadbeck, Chandra Streadbeck, Dave Cutright, Lindsay Harding, David Moore, Rayne Moore, Abbigayle Hunt, Judy Ure, Brent Toller, Hannah Cutright, Eliza Thaxton

OPENING – 7:00 P.M.

Council Member Barber opened the meeting with a thought and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

KAYSVILLE UNIVERSITY GRADUATION

Mayor Witt explained that the Kaysville University graduates have spent 9 weeks meeting with department heads and learning more about the city. It has been a time commitment from these graduates. Mayor Witt presented the Kaysville University graduates with a graduation certificate and thanked them for participating in the program.

SWEARING-IN OF YOUTH CITY COUNCIL

Mayor Witt introduced the students participating in the Youth City Council this year and administered the Oath of Office.

PRESENTATION BY DAVIS COUNTY ELECTIONS

Curtis Koch, the Davis County Clerk/Auditor, said that they were here tonight to give a presentation about election security and integrity. We are in a unique time in our nation and the County is appreciative of the council's time to be able to discuss this topic and answer any questions. Mr. Koch thanked the city for the relationship they have in running the city's municipal

elections. Utah Elections Systems has served as a model for the nation for the last several years. Our election officials are frequently invited to share our best practices at national conferences, we help lead national election committees, and we have testified in front of congress about election practices in the State of Utah. We are aware that voter confidence across the country is suffering. Even with our exemplary system, Utah is no exception. Utahans hear what appears to be horror stories in other states, they see complex and statistical analyses that supposedly prove that elections were stolen, and they have questions. Whether these stories or analyses are valid, it still undercuts and undermines the integrity of elections. This is why as election officials we are constantly trying to improve ourselves and the election systems that we administer. Yesterday a document was released by the Lieutenant Governor's Office and was developed in conjunction with Davis County Clerk/Auditor's office, and Weber County Clerk/Auditor's office. The document discusses the risks and controls of election security. The four areas of election security are: 1. voter registration, 2. voting equipment, ballot scanners, and tabulation, 3. ballot processing, and 4. voter responsibility. Mr. Koch reviewed the handout and all four areas of election security. The county has had existing safeguards for elections for decades. Election security is nothing new to us, but we are also open for growth and development. The clerks in Utah are working to develop additional controls to help with election security risks. When it comes to voter registration systems, we are recommending that the Lieutenant Governor's Office start auditing the voter registration database. The Lieutenant Governor is the chief election officer for the state. Those who run the elections are typically your county clerks. All voter registrations are coming through clerk offices. We are proposing that the Lieutenant Governor's Office now audit those registrations. We want to know if there are problems. Counties must create documented policies demonstrating strong controls to govern ballot processing. The County Elections conducts audits throughout the election process to ensure that ballots are being tabulated correctly. We are recommending that the Lieutenant Governor's Office have someone attend without notice to a number of these events in order to provide an independent review of the process. We invite elected officials and the public to tour their election facilities to get to learn how elections are run in your county, and to ask any questions. This is the foundation of our democracy. Mr. Koch said that the County will be holding a post-election audit on November 5th and anyone is welcome to attend.

Council Member Barber asked what an audit of voter registrations would look like and if the public would have the opportunity to participate.

Curtis Koch responded that the public likely would not be able to participate because private information is involved. The Lieutenant Governor's office already has access to voter registration information and they could run an audit through their office.

Mayor Witt thanked the county for the work they do and asked if there would ever be the possibility to have candidates file their declarations of candidacy with the county offices instead of the cities.

Curtis Koch responded that the County acts as the contractor for city elections. Candidates need to file their declarations of candidacy with their municipality's election official. The County acts as the election official only when it's a county or statewide election.

Mayor Witt asked if they are looking for volunteers.

Curtis Koch responded that they have already chosen the poll workers for this election, and are currently receiving and processing ballots daily. No tabulation takes place until election night.

Elections are starting to expand with every year and they are looking for more help with each election. If someone is interested in working with elections, they need to contact the Davis County Clerk/Auditor's office.

Mayor Witt suggested that a visit to the county building be included in a future Kaysville University.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. Approval of Minutes of September 16, 2021.

The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION ENACTING SEVERAL FIRE RELATED FEES OF THE CONSOLIDATED FEE SCHEDULE

Nic Mills explained that from time to time organizations ask the Fire Department for their assistance with special events, utility issues, or other events. The Fire Department is happy to assist with these, but by doing so they can divert city resources from other potential needs. For example, on occasion utility companies require a fire department with a charged line to be on a scene for safety concerns. Not only does this divert city resources, but it costs money to have a charged line and firefighters on standby. This ordinance helps to address these costs and ensure that the Fire Department can continue to provide outstanding service. These fees would not be required to be charged, but it would give the city the ability to charge fees if necessary. The Council reviewed this in their October 7, 2021 meeting and asked Staff to revise the language to specify what instances these fees might be implemented.

Council Member Barber made a motion to approve a Resolution enacting several fire related fees of the Consolidated Fee Schedule, seconded by Council Member Tran.

Council Member Blackham commented that he is against the fire department charging fees because they provide public services. Our fire department is asked by utility companies to be on scene when needed for their own safety. This is a service that we provide to our community. If

we start to charge, these companies then they might pass those fees down to their customers or to the person who called 911. If there are special events where they ask the fire department to attend, they can negotiate the cost with the fire department through a contract on a case-by-case basis.

Chief Paul Erickson commented that they aren't going to be charging the person who calls 911. This is directed towards commercial companies whose policy requires the fire department to be on scene during certain instances. We would not be charging anyone if we in an emergency response situation.

The vote on the motion was as follows:

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

The motion passed with a vote of three to one.

AN ORDINANCE AMENDING SECTION 15-1-1 REGARDING DEFINITIONS AND ENACTING SECTION 15-9 ENTITLED "RESTRICTIONS ON RETAIL PET SALES"

Shayne Scott explained that the city was recently approached by the Humane Society about an ordinance that would prohibit the sale of some pets in pet stores in Kaysville. While this is not a situation that presents a problem at present, taking preemptive action may limit instances that may not be ideal for some animals.

Nic Mills added that there is concern that pet stores obtain dogs and cats through irreparable mills. If in the future we had a kennel club who wanted to open here, we could look at amending our ordinance to allow the sales of certified dogs or purebred cats.

Council Member Adams made a motion to approve an Ordinance amending Section 15-1-1 regarding Definitions and enacting Section 15-9 entitled "Restrictions on Retail Pet Sales". The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF TITLE 18, BUILDING REGULATIONS, AND TITLE 19, SUBDIVISIONS, UPDATING VARIOUS STORM WATER REQUIREMENTS

AN ORDINANCE ENACTING DEVELOPMENT GUIDELINES AND DESIGN STANDARDS

Josh Belnap explained that the Public Works department, along with elected officials, consultants and city Staff, have worked together to update the city's standard detail drawings for construction projects and reviewing ordinances relating to storm water. A guidebook has also been compiled for assisting developers with the implementation of the EPA requirements for Low Impact Development (LID). The Planning Commission has reviewed the proposal and has recommended it to Council for approval.

Council Member Blackham added that the city has been speaking with the ULCT regarding how to address the diminishing water in the Great Salt Lake. However, the federal government is asking us to detain and retain any water runoff and put it into the ground, and if we do send it to the Lake, then we are asked to process it first.

Josh Belnap said that this plan is quite complex and they are grateful to have had the opportunity to methodically think about this. There are large concerns about the lack of water in the Great Salt Lake. This area is unique from other parts of the country. There are high water tables, especially on the west side of our city. We have written in this plan and have stated that what the federal government is asking us is not feasible for our area. We want to see more examples of water conservancies being implemented.

Council Member Adams asked about the requirements from the federal government.

Josh Belnap responded that the federal requirements are currently very broad and vague. The state's regulations are a little more specific. However, this plan meets the requirements of both. Infiltration of water into the ground is not feasible here and we have the data to back it up.

Council Member Blackham added that we need to take care of what water we have here. Council Member Blackham said that the previous plan was burdensome to developers and we have been able to work through this to make a better plan.

Council Member Blackham made a motion to approve an Ordinance amending various chapters of Title 18, Building Regulations, and Title 19, Subdivisions, updating various storm water requirements, and to approve an Ordinance enacting Development Guidelines and Design Standards. The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Blackham said that he is continuing to try to speak with UDOT and has been trying to get a meeting with the Governor to discuss this issue of the pedestrian crossing at 200 North and the West Davis Corridor. We are trying to let them know that the answer we got from UDOT is not what we were wanting or expecting. Council Member Blackham said that he is disappointed that the Governor's office isn't more willing to speak with us about this. This crossing will create a bad situation for us.

Officer Paul Thompson said that the Police Department will be holding a Trunk or Treat on Friday, October 29th at 6:00 p.m. at the Police Station. The Utah Highway Patrol will also be coming to hand out treats.

CITY MANAGER REPORT

Shayne Scott said that Lyle Gibson, the Community Development Director, recently announced that he has taken a job at Farmington City and will be starting next month. We have been doing interviews for the Power Superintendent position and have offered the job to Brian Johnson who will be taking over that position shortly.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 8:07 p.m., seconded by Council Member Tran and passed unanimously.

RESOLUTION 21-__-__

**AUTHORIZING AN AGREEMENT WITH CITY CREEK CONSTRUCTION FOR
THE CHLORINATOR PERMANENT STRUCTURE PROJECT**

WHEREAS, Kaysville City (hereinafter “City”) has elected to construct improvements to the water system by building permanent structures for the City’s chlorine injection sites; and

WHEREAS, the City received bids for construction of the referenced project recently, with the results of these bids attached hereto for the Council’s review; and

WHEREAS, City Staff has reviewed and evaluated each response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Kaysville City to conditionally select City Creek Construction (hereinafter “City Creek”) as the contractor for this chlorinator structure project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. City Creek is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the Chlorinator structure project.

2. The City Manager is directed to conduct negotiations for an agreement (hereinafter "Agreement") with City Creek for the Chlorinator structure project. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price and other responses to the Advertisement for Bids contained in the proposal submitted by City Creek that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for the Chlorinator structure project.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after City Creek has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by City Creek shall constitute acceptance of the Chlorinator structure project, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of the offer by City Creek and the formal award of the contract to City Creek for the Chlorinator structure project, pursuant to the terms and conditions of the Agreement or any previously signed Agreement consistent with this resolution.

4. The final Agreement shall not exceed the bid price without further action of this council.

5. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **4th** day of November, 2021.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

RESOLUTION 21-__-__

**AUTHORIZING AN AGREEMENT WITH CORRIO CONSTRUCTION FOR THE
WARD ROAD WATER TANK CONTROL VALVE PROJECT**

WHEREAS, Kaysville City (hereinafter “City”) has elected to construct improvements to the water system by installing an automated control valve and associated infrastructure at the Ward Road Water Tank; and

WHEREAS, the City received bids for construction of the referenced project recently, with the results of these bids attached hereto for the Council’s review; and

WHEREAS, City Staff has reviewed and evaluated each response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Kaysville City to conditionally select Corrio Construction (hereinafter “Corrio”) as the contractor for this Ward Road Water Tank Control Valve Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. Corrio is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the Ward Road Water Tank Control Valve Project.

2. The City Manager is directed to conduct negotiations for an agreement (hereinafter "Agreement") with Corrio for the Ward Road Water Tank Control Valve Project. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price and other responses to the Advertisement for Bids contained in the proposal submitted by Corrio that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for the Ward Road Water Tank Control Valve Project.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Corrio has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Corrio shall constitute acceptance of the Ward Road Water Tank Control Valve Project, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of the offer by Corrio and the formal award of the contract to Corrio for the Ward Road Water Tank Control Valve Project, pursuant to the terms and conditions of the Agreement or any previously signed Agreement consistent with this resolution.

4. The final Agreement shall not exceed the bid price without further action of this council.

5. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **4th day of November, 2021**.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Rezone of 1.7 acres of property from R-1-8 (Single Family) to the PU (Public Use) zoning district – for Davis Tech at 550 East 300 South.

EXECUTIVE SUMMARY:

The applicant is requesting to rezone 1.7 acres of property at the subject address. It has been used most recently as a seminary and institute building for the Church of Jesus Christ of Latter Day Saints. The property is located on the North end of the Davis Tech Campus along the North East property, and has recently been acquired by Davis Tech. Now applicant would like to rezone the parcel to the PU zone district and return the building for educational classroom use.

The requested use is primarily for the Educational Classroom space and to keep the zoning of the

KCC: 17-22 Public Use Zoning District

17-22-1 Purpose

To provide area for appropriate public facilities in a campus, park or open space setting.

17-22-2 Site Plan Review

A site plan review is required and a site plan shall be submitted for all uses. (Consult [KCC 18-4.](#))

17-22-3 Permitted Uses

1. Agriculture.
2. Public facilities, parks and cemeteries.

17-22-4 Conditional Uses

There are no conditional uses.

17-22-5 Special Provisions

The real property within the PU Zone District shall be owned by a government entity.

17-22-6 Height Regulations

No building shall exceed thirty-five feet (35') in height, except as pursuant to [KCC 17-25-2.](#)

17-22-7 Area, Lot Coverage And Yard Requirements

There are no lot size or yard requirements.

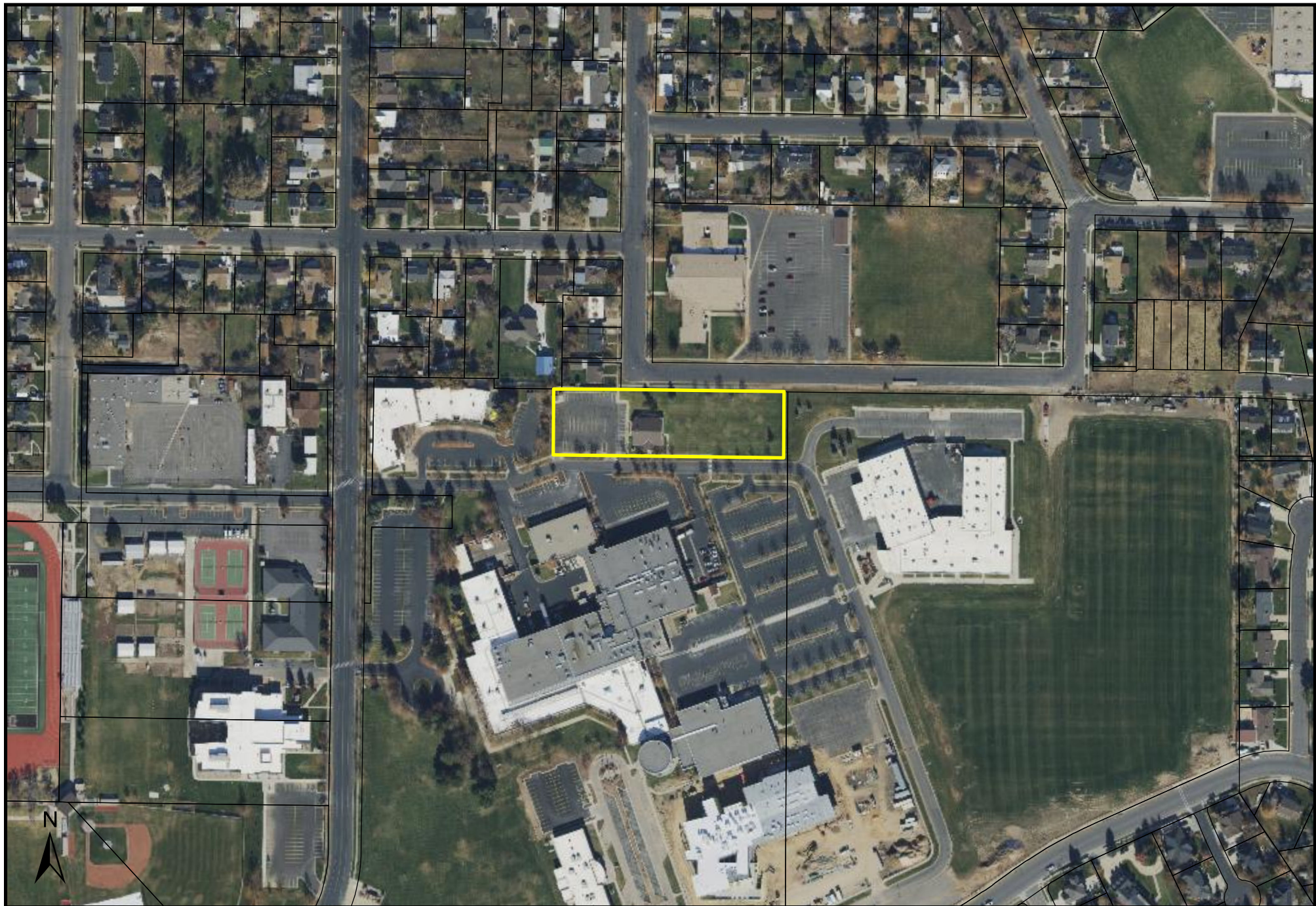
Council Options: Approve/Deny/Table

Recommended Options: The Planning Commission voted unanimously to recommend approval of the proposed rezone.

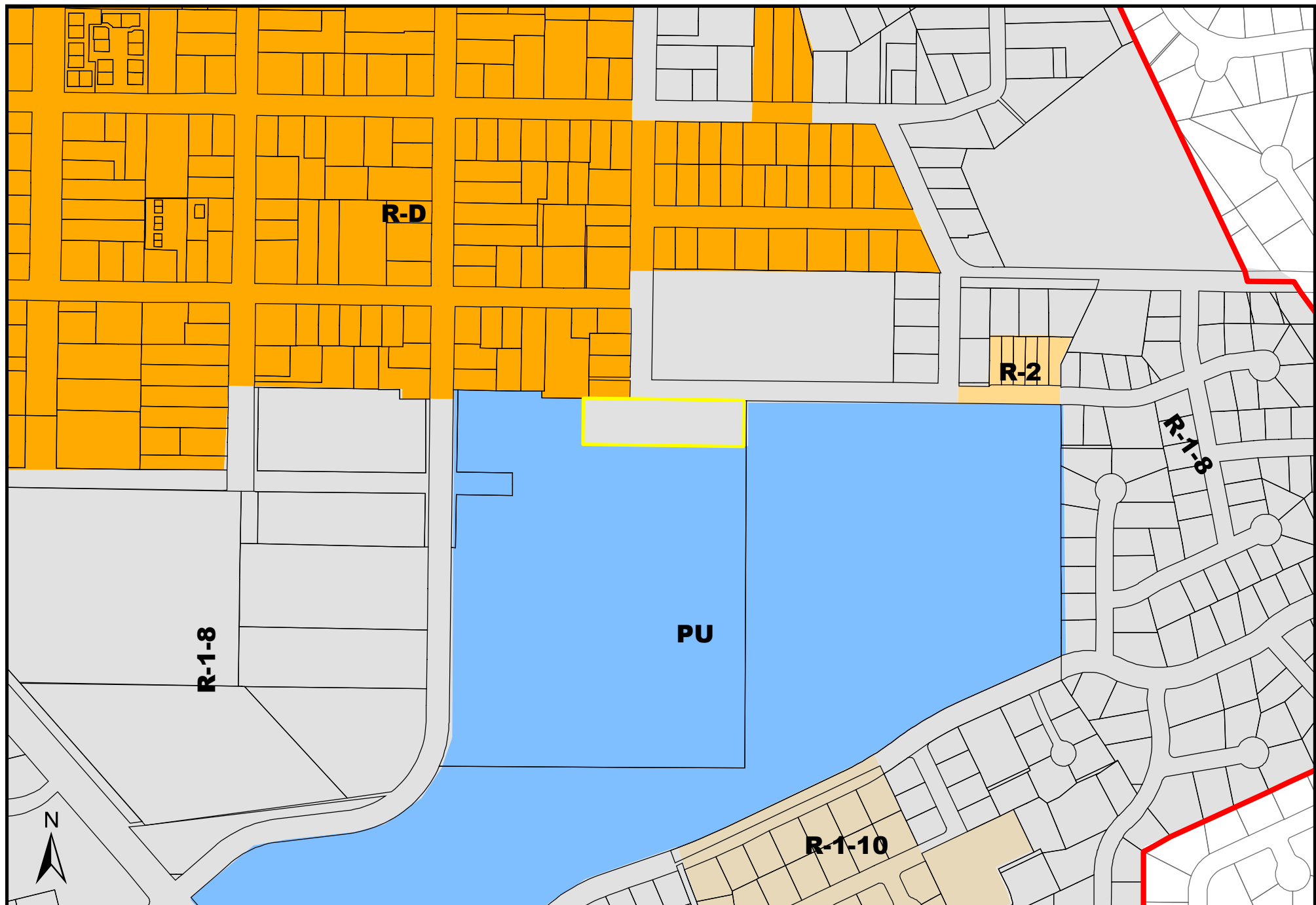
Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Rezone Map, Rezone Ordinance

Rezone of 1.7 acres from R-1-8 to PU - 600 E. 300 S.



Rezone of 1.7 acres from R-1-8 to PU - 600 E. 300 S.



ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE P.U. (PUBLIC USE) ZONING DISTRICT, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone the subject property from the R-1-8 district to the PU district to maintain the continuity of zoning for the Davis Tech Campus; and

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the Kaysville City Planning Commission has made a recommendation to the City Council on said zoning action; and

WHEREAS, the City Council after due consideration of said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone be implemented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II:

The real property as shown on the attached map at 600 East and 300 South, which is made a part hereof, containing approximately 1.7 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-8 district as currently delineated and rezoning it to the PU zoning district.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI:

This Ordinance shall take effect upon approval of a final subdivision plat found to be consistent with the provisions of the approved development agreement for the subject property.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this __th day of _____, 2021

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Instructional Home Occupation Ordinance

EXECUTIVE SUMMARY:

City staff has been made aware of interest from residents for a new business license type that would address a unique way of conducting business from a residential property within Kaysville.

Some hypothetical scenarios are provided below that represent potential home business ideas that would not currently be allowed by city ordinance. The proposal would accommodate the following scenarios and similar endeavors.

1. A Kaysville City resident is proficient at tennis, but they do not have a tennis court at their home. They would like to teach lessons and a neighbor has agreed to let them use their tennis court. Lessons may be one on one or with small groups.
 - The ordinance currently requires that a business be owned and operated by the inhabitant of the home where licensed.
2. A Kaysville resident has developed a tutoring program for students that works best offering 1 on 1 instruction. The program is successful enough that this resident can't accept all the students interested in their service. They would like to train or find others capable of teaching at the same home as an employee to reach more students.
 - With few exceptions (Major Home Occupation A, Agricultural Home Occupation), no outside employees are currently allowed with a home business.

Having discussed this with the Planning Commission there was interest in pursuing an ordinance that allowed for consideration of such business types. The Planning Commission deliberated over multiple meetings before making a recommendation on the proposed ordinance.

Council Options: Approve/Deny/Table

Recommended Options: The Planning Commission voted unanimously to recommend approval of the proposed ordinance as presented

Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Home Occupation Ordinance

**KAYSVILLE CITY
ORDINANCE 21-11-1**

INSTRUCTIONAL HOME OCCUPATION ORDINANCE

**ENACTING SECTION 17-26-4B INSTRUCTIONAL HOME OCCUPATIONS OF
TITLE 17 PLANNING AND ZONING OF THE KAYSVILLE CITY ORDINANCES.**

NOW THEREFORE, be it ordained by the Council of the Kaysville City, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “17-26-4b Instructional Home Occupation” of the Kaysville City Code is hereby *added* as follows:

ADOPTION

17-26-4b Instructional Home Occupation(*Added*)

Instructional Home Occupation

Definition: An instructional Home Occupation is a business which may provide services to individuals or groups of a limited size where academics or skills are taught.

The following regulations shall apply to all instructional home occupations:

1. The use shall be conducted on a property occupied by a primary dwelling.
2. The resident of the dwelling on site need not own or work for the business, but the business shall provide proof of consent for use of the home or property from the property owner.
3. No more than 4 instructors or employees may work at any given time. The Planning Commission may place more strict limits on the number of instructors allowed as part of the conditional use review process.
4. No more than 12 students or clients may be on site at any given time. The Planning Commission may in the process of reviewing the conditional use permit further limit the number of students allowed at any given time.
5. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence or dwelling site be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
6. An application for an Instructional Home Occupation must be accompanied by a description of the business including hours of operation, number of instructors, length and number of sessions, number of students per session, and a plan to handle traffic

generated by the business.

7. Instructional Home Occupations shall teach a skill or lesson only and may not use the home or on site facility for tournaments or spectator events.
8. Accessory buildings as allowed in the zone district may be used for the home occupation.
9. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
10. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with the instructional home occupation; for example, a tennis instructor may sale a tennis racket to a client but would not be allowed to develop stocks of tennis rackets for sale to the general public on-site.
11. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
12. An instructional home occupation shall not require deliveries from commercial suppliers.
13. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
14. The Planning Commission shall in consideration of an instructional home occupation place a limit on the number of instructors, vehicles, and/or students involved with the business.
15. No vehicles exceeding 22 feet in length shall be permitted in conjunction with an instructional home occupation business.
16. Instruction sessions shall have a minimum of 10 minutes between scheduled sessions to reduce pick-up and drop-off vehicle congestion. The Planning Commission may in consideration of the conditional use approval require additional time between sessions.
17. Instructional Home Occupations may include, but are not necessarily limited to the following:
 - a. Tutoring (groups larger then 2 students or involving multiple instructors)
 - b. Swimming Lessons
 - c. Tennis / Pickleball / Basketball instruction
 - d. Group Music Lessons

SECTION 2: **AMENDMENT** “17-26-4 Major Home Occupations B” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-26-4 Major Home Occupations B

A Major Home Occupation B is a home business which may generally have more materials or larger vehicles than other home businesses and may provide services to groups of a limited size.

The following regulations shall apply to all major home occupations B:

1. The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5%) of the lot area.
4. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
6. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
8. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
9. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
10. Notwithstanding any provision contained herein to the contrary, garage, basement,

yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.

11. The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Only one (1) vehicle over twenty-two feet (22') in length shall be used in the home occupation. Vehicles over twenty-two feet (22') in length including trailers shall not be parked on the street nor within a yard abutting a street.
12. Major home occupations B may include, but are not necessarily limited to the following:
 - a. Any use allowed as a minor home occupation;
 - b. Photo studios and developing;
 - c. Organized classes (limits shall be placed on the number of students and/or the number of vehicles transporting students to prevent congestion);
 - d. Television and other electrical repairs excluding major appliances such as refrigerators, or storage;
 - e. Small engine repairs, excluding automobiles, motorcycles, and snowmobiles;
 - f. Upholstering;
 - g. Woodworking;
 - h. Preschools with no more than 12 students in any class;
 - i. Contractors that have equipment such as a trailer stored at the home;
 - j. Ceramics (kilns smaller than six (6) cubic feet);
 - k. Carpet or upholstery cleaning;
 - l. Gun repair;
 - m. Plant nurseries; and
 - n. Pest or weed control service.
13. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations B:
 - a. Minor or major auto repair, painting of vehicles, trailers, or boats;
 - b. Funeral chapel or home;
 - c. Gift shops,
 - d. Medical or dental clinic; and
 - e. Welding or machine shops.

SECTION 3: AMENDMENT “17-12-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-12-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. [Instructional Home Occupation Subject to the provisions of KCC 17-26](#).
4. Residential child care subject to the provisions of [KCC 17-26](#).
5. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon the completion or abandonment of the construction.
6. Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).
7. Public utility substations subject to the provisions of [KCC 17-31-15](#).
8. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).
9. Swimming clubs subject to the provisions of [KCC 17-31-10](#).
10. Two-family dwellings. Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.
11. Twin homes subject to the provisions of [KCC 17-28](#). Must also be permitted as two-family dwellings.

SECTION 4: AMENDMENT “17-11-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-11-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. [Instructional Home Occupation Subject to the provisions of KCC 17-26](#).
4. Residential child care subject to the provisions of [KCC 17-26](#).
5. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon the completion or abandonment of the construction.

6. Public utility substations subject to the provisions of [KCC 17-31-15](#).
7. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).
8. Swimming clubs subject to the provisions of [KCC 17-31-10](#).

SECTION 5: **AMENDMENT** “17-10-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-10-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. [Instructional Home Occupation Subject to the provisions of KCC 17-26](#).
4. Public utility substations subject to the provisions of [KCC 17-31-15](#).
5. Golf courses subject to the provisions of [KCC 17-31-8](#).
6. Plant nurseries occupying one-half (1/2) acre or more.
7. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon completion or abandonment of the construction.
8. Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

SECTION 6: **AMENDMENT** “17-9-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

AMENDMENT

17-9-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
2. [Instructional Home Occupation Subject to the provisions of KCC 17-26](#).

3. Agricultural home occupations subject to the provisions of [KCC 17-26](#).
4. Golf courses subject to the provisions of [KCC 17-31-8](#).
5. Greenhouses and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
6. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
7. Public utility substation or storage facilities developed by a public agency.
8. Animal hospital or clinic, dog breeding, dog kennels, dog training school, provided any building or enclosure for housing animals shall be located not less than one hundred feet (100') from a public street and not less than fifty feet (50') from any dwelling on adjacent property.
9. Accessory building larger than three thousand (3,000) square feet in area, subject to the provisions of [KCC 17-31-2](#).

SECTION 7: **AMENDMENT** “17-13-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-13-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Multiple dwellings, not to exceed six (6) dwelling units per building, legally existing upon the effective date of this Chapter. The lot area shall be not less than eight thousand (8,000) square feet for a two-family dwelling, ten thousand (10,000) square feet for a three-family dwelling, twelve thousand (12,000) square feet for a four-family dwelling, fourteen thousand (14,000) square feet for a five-family dwelling, and sixteen thousand, eight hundred (16,800) square feet for a six-family dwelling.
2. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
3. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
4. [Instructional Home Occupation Subject to the provisions of KCC 17-26](#).
5. Residential child care subject to the provisions of [KCC 17-26](#).
6. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon the completion or abandonment of the construction.

7. Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).
8. Twin homes subject to the provisions of [KCC 17-28](#). Must also be permitted as two-family dwellings.
9. Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#).
10. Swimming clubs subject to the provisions of [KCC 17-31-10](#).
11. Public utility substations subject to the provisions of [KCC 17-31-15](#).

SECTION 8: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10: EFFECTIVE DATE This Ordinance shall be in full force and two weeks after date of passage by the Kaysville City Council.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Barber	_____	_____	_____	_____
Council Member Blackham	_____	_____	_____	_____
Council Member Lortz	_____	_____	_____	_____
Council Member Tran	_____	_____	_____	_____

Presiding Officer

Attest

Katie Witt, Mayor, Kaysville City

Annemarie Plaizier, City Recorder
Kaysville City

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: - Staff

**SUBJECT/AGENDA TITLE: - Architectural Assessment and Evaluation Report
Contract with FFKR**

EXECUTIVE SUMMARY:

During the September 2, 2021 City Council meeting, the City Council gave direction to Staff, Historic Preservation Committee (HPC) and the Kaysville Fruit Heights Museum Committee (KFHM) to solicit firms to evaluate the Old Library Building with the purposes of coming up with a plan for the building. The HPC contacted various architecture firms that have specialties in preservation work. Staff, HPC and KFHM met with these firms and requested bid proposals for the assessment and evaluation reports for the building. Staff, HPC and KFHM met and reviewed the two bids supplied. FFKR was selected as the most responsible bid. This is the first step in the process of determining the use of the building and potential costs in any preservation work. This is unfunded in the current FY 22 budget. Staff has submitted a grant application for the FY 22 Cultural Organization Capital Investment Grant thru the Utah Division of Art and Museums. Funding notification of the grant will occur in December 2021. In a worst-case scenario, the City would be responsible for the full \$25,600. The hope is that some funding comes from this grant.

Council Options: Approve, Deny, Table for more information

Recommended Options: - Approve

Fiscal impact & Fund Source for Recommended Action: - Unbudgeted in FY 22

Attachments: - FFKR Itemized Costs

FFKR Itemized Costs

I. Architectural Assessment & Evaluation Report (Original Proposal)

Includes:	1. ARCHITECTURAL ASSESSMENT	An overall assessment of the current condition of the building, including the structural, mechanical and electrical systems
	2. DEFICIENCIES	Identification of significant deficiencies, failures or life-safety risks associated with the above systems
	3. RECOMMENDATIONS	A prioritized list of recommended next steps for renovation or systems upgrades addressing each of the above systems.
	4. COST ANALYSIS	Rough costs associated with each of the recommended next steps.
	5. SEISMIC EVALUATION	Tier 1 Seismic Evaluation Seismic Design Report that summarizes the potential deficiencies and provides a better understanding of the building's seismic vulnerabilities
	6. SEISMIC DESIGN REPORT	
	7. CONCEPTUAL SEISMIC DESIGN	Concept Seismic design drawings for construction pricing
	8. BUILDING USE STUDY	Building Use study based on city input, public input, market needs, etc.
		Subtotal \$ 22,000.00

II. Visualization Package

Includes:	1. Interior Rendering 1	\$ 1,800.00
	2. Interior Rendering 2	\$ 1,800.00
		Subtotal \$ 3,600.00

TOTAL \$ 25,600.00

*3. Exterior Rendering 1 (if desired would be additional)	\$ 1,800.00
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STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: Work

SUBJECT/AGENDA TITLE: A resolution enacting a paid parental leave policy for the City.

EXECUTIVE SUMMARY: The City has a strong desire to recruit and retain quality employees. The City has noticed one area of improvement to accomplish this goal. Namely, benefits for new parents. This resolution would authorize paid parental leave when employees have a new birth or adoption. When last discussed, Council had several questions of staff regarding this resolution.

First, Council directed staff to allow the option for use of parental leave as a complete block or in smaller portions. Staff has made this change with the following language: “Employees may take paid parental leave in one continuous period or take the parental leave in smaller periods of time, but must use all paid parental leave during the three-month time frame...”

Second, Staff changed the policy to reflect a three-week allowance rather than two weeks.

Third, Staff determined that this policy could have been used in the last several years. Staff conducted an informal poll of department heads. They reported approximately 30 births in the last five years. In other words, about 18 weeks of paid leave per year for the entire City.

Fourth, Staff surveyed how other Utah cities were handling parental leave. Staff selected the following cities randomly to see the status of their policy:

Salt Lake City	Yes. 6 weeks paid leave
St. George	No policy
Logan	No policy
Ogden	No policy
Provo	Yes. 120 hours for birthing parent. 40 hours for non-birthing parent.
West Valley City	No policy
Vernal	No policy
Lehi	No policy

Finally, Staff researched if a policy that differentiated between birthing parents and non-birthing parents was prudent. After review, Staff believes that a policy could be crafted, but that removing the gender distinction is the safest course of action.

Council Options: 1) Move the resolution to an action item as written; 2) Move the resolution to an action item with any modifications that the Council deems appropriate; 3) Decline to adopt the resolution and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council move the resolution to an action item as written.

Fiscal Impact & Fund Source for Recommended Action: City Staff anticipates minimal costs to the City based on the passage of this resolution.

RESOLUTION 21-XX-XX

A RESOLUTION ADOPTING AND APPROVING A POLICY ESTABLISHING A PARENTAL LEAVE POLICY

WHEREAS, the Kaysville City Council desires to recruit and retain quality City employees; and

WHEREAS, the City Council desires to establish a policy to allow employees leave when their families are expanding; and

WHEREAS, the City recognizes that establishing this policy will help retain employees; and

WHEREAS, the City believes that establishing a policy will lead to greater value returned to the City from their employees; and

WHEREAS, it is deemed to be in the best interest of the citizens of Kaysville City to adopt and approve the policy outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. The Kaysville City Personnel Policy and Regulations Section **4.10 Paid Parental Leave** is hereby enacted as follows:

4.10 Paid Parental Leave

PURPOSE—Kaysville City will provide up to three weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births or adoptions occurring on or after January 1, 2022.

ELIGIBILITY—Eligible employees must meet the following criteria:

1. Have been employed with the City for at least 12 months.
2. Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
3. Be a full- or permanent part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- 1) Have given birth to a child.
- 2) Be a spouse or committed partner of a woman who has given birth to a child.
 - a) Committed Partner means an unrelated and unmarried person who shares common living quarters with an employee and lives in a committed, intimate relationship.
- 3) Have adopted a child (the child must be 17 years old or younger). The adoption of a new spouse's child is excluded from this policy.

AMOUNT, TIME FRAME, AND DURATION OF PAID PARENTAL LEAVE

1. Eligible employees will receive a maximum of three weeks of paid parental leave per birth or adoption. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the three-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive

more than three weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption event occurs within that 12-month time frame.

2. Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
3. Approved paid parental leave may be taken at any time during the three-month period immediately following the birth or adoption. Paid parental leave may not be used or extended beyond this three-month time frame.
4. In the event of a female employee who herself has given birth, the three weeks of paid parental leave will commence at the conclusion of any short-term disability leave/benefit provided to the employee for the employee's own medical recovery following childbirth.
5. Employees may take paid parental leave in one continuous period or take the parental leave in smaller periods of time, but must use all paid parental leave during the three-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the three-month time frame.
6. Upon termination of the individual's employment at the City, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

COORDINATION WITH OTHER POLICIES

1. Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
2. After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick or vacation time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
3. The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other City paid leave such as paid vacation leave or paid sick leave.
4. If a City holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
5. If the employee is on paid parental leave when the City offers administrative leave, that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
6. An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.

REQUESTS FOR PAID PARENTAL LEAVE

1. The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if

the leave was not foreseeable, as soon as possible). The employee must complete any necessary HR forms and provide all documentation as required by the HR department to substantiate the request.

2. As is the case with all City policies, the City has the exclusive right to interpret this policy.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____th **day of** _____, **2021.**

Katie Witt, Mayor

ATTEST:

Maria Devereux, City Recorder

STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: Work

SUBJECT/AGENDA TITLE: A resolution amending the City's Paid Leave Policies.

EXECUTIVE SUMMARY: The City recently discussed some potential changes to the personnel policy regarding leave. Staff received direction to explore the potential of transitioning to a paid time off policy instead of concurrent vacation and sick leave policies. This resolution would amend the City's existing policies and remove some antiquated leave policies.

Council Options: 1) Move the resolution to an action item as written; 2) Move the resolution to an action item with any modifications that the Council deems appropriate; 3) Decline to adopt the resolution and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council move the resolution to an action item as written.

Fiscal Impact & Fund Source for Recommended Action: City Staff anticipates minimal costs to the City based on the passage of this resolution.

RESOLUTION __-__-__

A RESOLUTION AMENDING SECTION 4 OF THE KAYSVILLE CITY PERSONNEL RULES AND REGULATIONS BY AMENDING SECTION 4.01, REPEALING SECTIONS 4.02, 4.04, 4.08, AND 4.09, AND RENUMBERING THE EXISTING SECTIONS

WHEREAS, the Kaysville City Council desires to transition from giving employees vacation and sick time to a single paid time off benefit; and

WHEREAS, the Kaysville City Council has adopted the Kaysville City Personnel Rules and Regulations; and

WHEREAS, the City Council recognizes that a simpler less segmented leave policy would be more efficient; and

WHEREAS, the Kaysville City Council desires to transition to a simplified paid time off policy,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. Sections 4.01 of the Kaysville City Personnel Rules and Regulations handbook will be amended as follows:

4.01 Paid Time Off and Short Term Medical Leave

Paid Time Off (PTO)

The City grants annual, paid time off (PTO) to its appointed, regular, and part-time benefitted employees. The amount of PTO you are given is based on your length of service since your hire date, as follows:

	Years of Service	Annual Accrual	Bi-Weekly Accrual	Maximum Accrual
Appointed & Regular**	Hire date through completion of 5 th	174 hours	6.7 hours	320 hours*
	Start of 6 th through completion of 10 th	216 hours	8.3 hours	
	Start of 11 th year	260 hours	10 hours	
Firefighters	Hire date through completion of 5 th	214.5 hours	8.25 hours	480 hours*
	Start of 6 th through completion of 10 th	292.5 hours	11.25 hours	
	Start of 11 th year	380.5 hours	14.63 hours	

* Any PTO hours over the 320/480-hour maximum accrual limits as of January 1 of each year will be forfeited.

** Department Heads will accrue bi-weekly PTO at 10.0 hours from date of hire

Part-Time Benefitted: Part-time benefitted employees accrue PTO based on the number of hours the employee is regularly scheduled to work. When you take PTO, you are paid for the number of hours you are normally scheduled to work. For example, an employee scheduled to work 20 hours a week would accrue half of the regular PTO accrual rate and when they take PTO days, they would be paid for the four hours a day they regularly work. The maximum accrual limit for part-time benefitted employees is also prorated based on the employee's regular schedule. If you have questions about your accrual rates, please contact Human Resources.

Seasonal & Part-time Non-benefitted: These positions do not receive paid time off but may be allowed leave without pay, if approved in advance by an employee's supervisor.

PTO Scheduling: PTO may be taken as weekly periods, individual days or hourly increments, as long as the periods chosen meet with departmental approval. For scheduled leave, submit a leave request to your supervisor as early as possible. The supervisor reserves the right to deny leave requests. It is the employee's responsibility to manage their leave time. Any accrued compensatory time must be used prior to PTO.

Employees may also need to use PTO for unforeseen circumstances such as illness or emergencies. Please immediately notify your supervisor in the event that you are ill on the job or are sick and cannot come to work on a given day. In the event of extended or numerous absences due to illness, you may be required by your supervisor to submit a medical statement from the attending physician. If your absence is due to an emergency, you or a member of your immediate family should inform your supervisor as soon as is practical. You may be required to submit to the Human Resources Office a detailed medical statement from the attending physician stating the reasons why and how long you will be ill or disabled.

PTO Cash-Out: Employees who have used at least 40 hours of PTO in the respective year and still have a balance of at least 240 hours (360 hours for firefighters) of PTO are eligible to cash-out between 40 - 100 hours each year. Provided they have a remaining balance of at least 200 hours (320 hours for firefighters) of PTO after the cash-out. There will be one opportunity each year to cash-out PTO in the last quarter of the calendar year as designated by Human Resources. Employees will receive \$0.50 on the dollar for each hour of PTO that is cashed-out. For example, an employee paid \$20/hour who chooses to cash-out 40 hours will receive \$400 ($\$20 \times 40 \times 0.50$). An employee can designate the cash-out be distributed in one of the following ways: Income (subject to normal payroll taxes), a retirement account contribution, or an HSA contribution. Employees are responsible for making sure any contributions to retirement or HSA accounts comply with federal limits. PTO cash-outs don't count as compensation for purposes of the Utah Retirement System. Cash-out requirements for part-time employees will be prorated based on the employee's work schedule. Contact Human Resources for more information.

PTO Payout at Separation: At the time of separation, an employee will receive payment for all unused accrued PTO at the full dollar value rather than \$0.50 on the dollar. For example, an employee paid \$20/hour who has 300 hours of PTO at the time of separation hour will receive a PTO payout of \$6,000 (subject to normal payroll taxes).

Short Term Medical Leave (STML)

The City recognizes that the inability to work because of extended illness or injury may cause

economic hardship. For this reason, the City provides short term medical leave (STML) to appointed, regular, and part-time benefitted employees. STML should not be used for purposes other than extended illness or injury. Abuse of STML may result in disciplinary action up to and including termination. Eligible employees accrue STML at the following rates:

Employment Classification	Annual Accrual	Maximum Accrual
Appointed, Regular & Firefighters	40 hours	480 hours
Part-time Benefitted 35 hours/ week	35 hours	420 hours
Part-time Benefitted 32 hours/ week	32 hours	384 hours
Part-time Benefitted 30 hours/ week	30 hours	360 hours
Part-time Benefitted 25 hours/ week	25 hours	300 hours
Part-time Benefitted 20 hours/ week	20 hours	240 hours
Seasonal & Part-time Non-benefitted	Not eligible	Not eligible

STML hours will accrue on January 1 of each calendar year assuming the employee's STML balance is below the maximum allowed amount. STML accrual amounts may be reduced if the employee is at or near the maximum allowed amount. For new employees, if your hire date is before July 1, you will receive all 40 hours of STML that calendar year. If you are hired after July 1, you will receive 20 hours of STML that calendar year. Employee STML balances may never exceed the maximum amount unless the employee has been grandfathered in and allowed to maintain a higher balance. Once a grandfathered employee's balance drops below the maximum allowed amount, they then become subject to the maximum accrual limits set forth above. No payments are made for accrued unused STML at the end of any calendar year or in the event of termination.

Qualifying for Short Term Medical Leave: In the event of extended illness or injury, an employee may access their STML after using 80 hours of PTO or other leave. If there is more than one event in the calendar year, an employee will only need to use 40 hours of PTO or other leave for each subsequent event. This amount is pro-rated for part-time employees. In order to use STML an employee must apply for STML by completing the STML application form available through Human Resources. Access to STML will not begin until the completed application has been submitted to Human Resources. STML will be used concurrently with FMLA if eligible. Eligibility to use STML will be determined based on FMLA criteria.

Correlation of STML with PTO, Workers Compensation and Disability Benefits: The Human Resources Director is authorized to correlate STML with workers' compensation and employee disability insurance. An employee cannot receive full STML/PTO pay, worker's compensation, and disability insurance at the same time. STML should be used prior to disability benefits. Up to 60 hours of STML may also be used to supplement worker's compensation up to the employee's net base pay at the time of injury.

2. The following sections are repealed in their entirety:

4.02—Administrative or Training Leave

4.04—Jury and Court Leave

4.08—Leave For Hearings, Examinations, and Industrial Accidents

4.09—Sick Leave

3. The following sections will be renumbered as follows:

Old Numbering	New Numbering
4.03 Funeral Leave	4.02 Funeral Leave
4.05 Family and Medical Leave	4.03 Family and Medical Leave
4.06 Military Leave	4.04 Military Leave
4.07 Leaves of Absence	4.05 Leaves of Absence

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of _____, 20__.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

STAFF REPORT



COUNCIL MEETING DATE: November 4, 2021

TYPE OF ITEM: Work

SUBJECT/AGENDA TITLE: Retirement Incentive

EXECUTIVE SUMMARY:

Over the past year, an effort was made to evaluate Kaysville City benefits and other non-payroll related benefits. This was done through an ad-hoc committee of employees known as the Employee Morale Committee or EMC. One recommendation that came from this committee is to incentivize an employee that may desire to retire but continues to work due to health insurance requirements.

The purpose of the proposal includes the following:

- Retain/Promote good employees
- Recognize time and contribution from valuable Kaysville City Employees
- Allow a higher salaried individual to retire while capturing savings in a replacement
- Allow management throughout the city an opportunity to prepare, mentor, and succession plan.

This item is for discussion, to answer questions, and gauge council interest in this program. Please see attached potential addition to the Human Resource Manual for more information.

Council Options: 1) Move to Action Agenda 2) Discuss and Remand to Staff for Changes 3) Do nothing to not move this proposal any further.

Recommended Options: Move to Action Agenda

Fiscal Impact & Fund Source for Recommended Action: This proposal would compensate those retiring with health insurance while also saving payroll costs between the retiring individual and a replacement of the same.

2.17 RETIREMENT

Retirement from City service shall be subject to the terms and conditions of the City's Retirement Systems. Employees may retire at any time following eligibility after the two (2) weeks' notice is given to the Personnel Officer.

Employees that choose to retire from Kaysville City may be compensated with up to two years of health insurance benefits available to all other city employees for them and their spouse if they meet all of the following criteria:

- Employee is retiring with an official filing with the Utah Retirement System
- Employee provides at least 3 months' notice of retirement date
- Employee does not qualify for any other employer or government funded (i.e. Medicare) health insurance coverage

2.18 WORKER'S COMPENSATION

Kaysville City operates under the provisions of the State of Utah Worker's Compensation Act which provides that - "any employee injured, or the dependents of any employee killed during the course of his or her duty, shall receive compensation for loss sustained on account of such injury or death, and for medical, nurse and hospital services, medicines, and funeral expenses."

The size of the awards and the conditions connected with these claims are contained in the State Laws covering Worker's Compensation cases. Any injury occurring on the job must be reported to the supervisor immediately and submitted to human resources within seven (7) days of the injury.

2.19 SAFETY

It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act as established under federal or state law.

The City employees are expected to be safety conscious and to assist in keeping the City a safe workplace. The following general safety rules will apply in all City work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area to promote safety.

Each department head or supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. The list shall include: doctor, hospital, fire department, police or sheriff, ambulance, and responsible supervisor.

Employees shall be required to participate in safety training programs. The City will provide safety equipment.

General Safety Rules

The following general safety rules will apply in all City work places. Each Department may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- Extreme caution should be exercised by employees operating any type of power equipment.
- Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, if required or appropriate to the work performed.



**KAYSVILLE CITY
REDEVELOPMENT AGENCY BOARD
NOTICE OF SPECIAL MEETING AND AGENDA**

NOTICE IS HEREBY GIVEN that a special meeting of the Governing Board of the Redevelopment Agency of Kaysville City, Utah (the “Authority”) will be held on Thursday, November 4, 2021 at 8:00 p.m. or as soon thereafter as the City Council Meeting adjourns in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.**

The agenda shall be as follows:

1. Opening.
2. A Resolution designating a survey area, authorizing the preparation of a draft Community Reinvestment Project Area Plan, and authorizing and directing all necessary action by the agency.
3. 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 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on October 29, 2021.

Annemarie Plaizier
Agency Secretary

RESOLUTION NO. _____

A RESOLUTION DESIGNATING A SURVEY AREA, AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY REINVESTMENT PROJECT AREA PLAN, AND AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE AGENCY.

WHEREAS, The Kaysville City Redevelopment Agency (the “**Agency**”) exists to conduct project area redevelopment activities within the City; and

WHEREAS the Agency, has made a preliminary investigation and desires to conduct project area reinvestment activities in the area depicted on the attached Exhibit A (the “**Survey Area**”) from which the Agency may create a community reinvestment project area; and

WHEREAS the Agency desires to begin the process of adopting a project area plan the proposed project area by authorizing the preparation of a project area plan.

NOW, THEREFORE, BE IT RESOLVED BY THE KAYSVILLE CITY REDEVELOPMENT AGENCY:

1. The approximate geographic area as indicated on **Exhibit A** is designated as a Survey Area.
2. The Survey Area requires study to determine whether redevelopment is feasible.
3. Agency staff are hereby authorized:
 - a. to prepare a draft Community Reinvestment Project Area Plan;
 - b. to prepare a draft Community Reinvestment Project Area Budget;
 - c. to undertake all such actions as may be required, necessary, or desirable to successfully establish the Proposed Project Area, including the negotiation of agreements with taxing entities and participants, preparation for necessary hearings, and compliance with required notices.
4. Resolution shall take effect upon adoption.

APPROVED AND ADOPTED on this _____ day of _____, 2021.

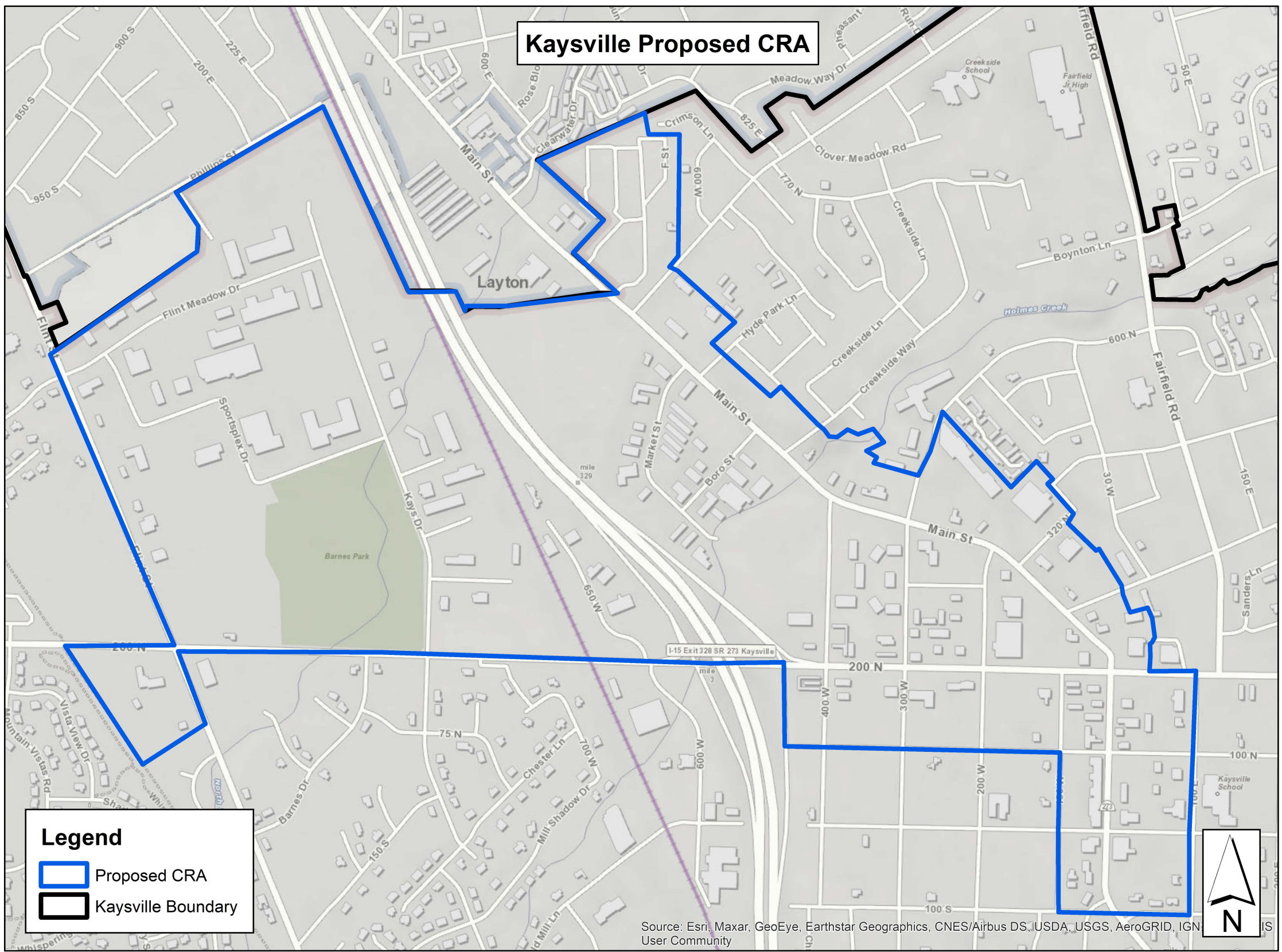
**KAYSVILLE CITY REDEVELOPMENT
AGENCY**

Katie Witt, Chair

ATTEST:

Annemarie Plaizier, Secretary

Kaysville Proposed CRA



Legend

-  Proposed CRA
-  Kaysville Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

