

KAYSVILLE CITY COUNCIL
November 17, 2022

Minutes of a regular Kaysville City Council meeting held on November 17, 2022 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson and Council Member Perry Oaks

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Technology Assistant Jordan Hansen, Police Chief Sol Oberg, Power Department Director Brian Johnson, Public Works Director Josh Belnap, Officer Kalawai Delos Santos, Jeanne Foster, Douglas Foster, Greg Nelson, Wenfei Yu, Val Starkey

OPENING

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

CALL TO THE PUBLIC

Nothing was brought under this item.

PRESENTATIONS AND AWARDS

PRESENTATION OF THE EMPLOYEE OF THE QUARTER

Police Chief Oberg said that the city created a program that gives our employees the opportunity to nominate one of their peers for Employee of the Quarter. Officer Kalawai Delos Santos was nominated and is being recognized as Employee of the Quarter. Chief Oberg said that Officer Delos Santos was recently also recognized at the Utah Department of Public Safety Awards Banquet and received a Metal of Valor for stopping a wrong-way DUI driver on I-15 earlier this year. Officer Delos Santos is a phenomenal employee and encompasses the spirit of outstanding service.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. Approval of Minutes of November 3, 2022.

The motion was seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Oaks, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea

The motion passed unanimously.

ACTION ITEMS

APPROVAL OF A RESOLUTION AMENDING CHAPTER 3: HOUSING & NEIGHBORHOODS, OF THE 2022 GENERAL PLAN, TO INCORPORATE A MODERATE INCOME HOUSING ELEMENT AS REQUIRED BY UTAH STATE CODE 10-9A-403

Community Development Direction Melinda Greenwood explained that the revisions being proposed tonight are necessary to bring the City into compliance with statutory requirements for addressing Moderate Income Housing. Staff has revised the plan after the State's Moderate Income Housing Compliance Manager reviewed the plan and suggested areas for edits. Failure to adopt the amendments will result in the City being disqualified from state funding opportunities that come through UDOT, WFRC and GOEO. It is recommended that the Council approve the amendments, after which the required Moderate Income Housing report will be submitted to the State for review.

Staff presented the six proposed edits to the General Plan with the City Council. Mrs. Greenwood explained that three of the six proposed edits had been included in the 2019 General Plan.

Mayor Tran opened the meeting for public comment for this item.

Val Starkey said that he is in support of responsible growth and feels there are positive aspects of accessory dwelling units. However, he feels that these requirements are being government mandated by the State. The requirements are not justifiable without the support of government. If we buy into this system of government-supported housing, what are we teaching to those individuals who will be living there? Nobody is talking about why we are in a housing crisis. There are many people wanting to move to Utah. We only have a fixed amount of space available. Having open borders causes people to come into our country looking for places to live.

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

Council Member Adams said it was mentioned that three of these elements had been included in the 2019 General Plan, and asked why they were not included in the approved 2022 General Plan.

Melinda Greenwood said that there is uncertainty as to why they were not included in the 2022 General Plan. We were in compliance previously with the 2019 General Plan, but now are in

noncompliance by not including these elements. The state is requesting that the same language from state code be adopted into our General Plan.

Council Member Blackham said that when the Council was reviewing the 2022 General Plan, the allowance for detached accessory dwelling units was left out specifically and intentionally. Council Member Blackham said that he would not be willing to consider approving the allowance of detached accessory dwelling units until more studies and research is done. We need to be able to see how allowing detached accessory dwelling units has impacted other cities. Council Member Blackham added that with the construction of new buildings, those buildings are accessed impact fees based on what is being built. Detached accessory dwelling units will affect existing utilities and should therefore be accessed impact fees. They city has to go through a process to calculate how city infrastructure will be impacted by new development and what the impact fees should be. If we aren't charging impact fees on these new accessory dwelling units, we will be subsidizing.

The City Council discussed each element from State Code 10-9a-403(2)(b)(iii) being proposed to be included in the 2022 General Plan.

The City Council reached a consensus that element "A" from 10-9a-403(2)(b)(iii) should be included in the amendment of the General Plan.

Melinda Greenwood said that the city was recently contacted by the ULCT who informed us that some of the state legislature are concerned about cities not allowing tandem parking with internal accessory dwelling units, and feel these cities are being too restrictive. Kaysville currently does not allow for tandem parking.

Council Member Jackson commented that he doesn't feel that the city should be so specific as to regulate how people park their cars at their homes, as long as there is enough parking at the residence so cars do not have to park on the street.

Council Member Oaks said that regulations are typically put into place for valid reasons and usually those reasons involve protecting the safety or welfare of our community. Council Member Oaks said that he is concerned that the state is asking cities to reduce their regulations on these accessory dwellings, which will make it much easier for anyone to have one. If the purpose in reducing regulation is to facilitate more of these accessory dwelling units, we need to be able to have a say in if we want more of these in our city. Council Member Oaks said that while he is okay with allowing for internal accessory dwelling units, he is in agreement with Council Member Blackham's comments in that we need to have more information before allowing for detached accessory dwelling units.

Council Member Blackham said that there are twenty-four elements listed in the state code that the city can choose to adopt. Some of the elements will be easier to implement in our city than others. Council Member Blackham said that even though the 2019 General Plan included element "E" from the State Code, he feels that it should not be included in the 2022 General Plan until we get more information about regulating detached accessory dwelling units.

Melinda Greenwood said that adding any of these elements to the General Plan does not mean that the city will automatically do these things. Another thing that the State is requiring of cities is that

a timeline for implementation must be stated for each of these goals. The Council will have the final decision as to how any of these elements are implemented or not implemented.

Council Member Hunt said that the city needs to include elements that we could be able to comply with. Otherwise, we are likely to be penalized. As we are already in compliance with element “E”, it would make sense to keep it in the General Plan. We also need to consider that although these elements will have a timeline on them, it does not mean that the timeline is when we will implement these elements. We have time to vet all of these out and decide if they are what is best for our city.

Melinda Greenwood added that if the city decided to allow for detached accessory dwelling units, regulations would need to be adopted for them. Those regulations would also help in restricting the number of units that can be built so we are not inundated with them. The city will need to continue to show the state what progress we have made in regards to implementing these elements.

Council Member Adams said that by leaving element “E” in our General Plan, we can report to the state that we have met the requirements for this element as it is written because we currently allow for internal accessory dwelling units.

Council Member Blackham said that he feels that the proposed timeline for element “E” feels too short, and would prefer to see it set for 2030 to give us time to get more information about detached accessory dwelling units. It would also give us time to see how the allowance of internal accessory dwelling units is working.

Melinda Greenwood responded that State Code does not want the timeline to implementation these elements to be longer than five years. The reason the timeline for element “E” was set at 2023 is that the work for element “E” has already been done. The ordinance for internal accessory dwelling units has already been adopted. There would not be a lot of work needed to collect data to see what other cities do and best practices for detached accessory dwelling units. State code does not say what decision needs to be made, but rather cities need to show the State that they are working on these elements. Mrs. Greenwood added that the 2022 General Plan amendment being presented tonight has been reviewed by the State’s Moderate Income Housing Compliance Manager who has indicated that what is being proposed would put us into compliance. We are one of the cities under the scrutiny of the state because of our non-compliance.

The City Council reached a consensus that element “F” should be included in the amendment of the General Plan.

Council Member Oaks commented that in regards to element “R”, he would not be in favor of eliminating impact fees for accessory dwelling units that are not internal dwelling units because then at that point the city would be subsidizing those fees. The city would not want to give up revenue to make it easy for people to put additional units on their property that would potentially become rental units.

Melinda Greenwood said that impact fees are highly regulated by state code. Each of the utility services that we provide have to go through a very rigorous evaluation process to determine what costs are associated in adding new growth to our systems. Impact fees are meant to pay for new

growth, and the city council adopts those impact fees. Staff feels that if the city has new growth, then that new growth should be paying its portion to utilize our utility systems.

The City Council reached a consensus that element “R” should not be adopted into the General Plan.

Melinda Greenwood explained what type of zoning incentives could be used for new development of moderate-income units and explained that a development agreement would likely need to be approved as part of the development if the city wished to offer incentives. This element would need more research done to find out the best practices that other cities have found when implementing such incentives.

Council Member Oaks said that he feels that this element “J” seems an easier element to implement because there is a lot of flexibility with it.

Council Member Jackson asked if the city could specify which areas we would consider allowing zoning incentives.

Melinda Greenwood responded that we could. Mrs. Greenwood explained how a mortgage assistance program, as mentioned in element “N”, might work within the city. Setting up a program such as this would take several years to develop.

Council Member Jackson commented that he feels that it is premature to include element “N” because of concerns with funding this type of program. He also stated that he has some concerns including element “J” and wants to ensure that it is only allowed within certain areas of the city.

Shayne Scott said that the General Plan does not obligate the city to do anything. It sets a course for what the council wants the city to look like and gives general guidelines. If the council would like to limit this element for specific zones, the General Plan is not the document to outline those restrictions, but rather it would need to be included within city ordinances.

Council Member Oaks stated that the proposed timeline for element “N” lists the implementation date as 2026, which gives us time to do more research on this element.

Council Member Jackson said that in five or ten years from now, we will have a different city council who could interpret these elements differently than how the current council intended.

Mayor Tran commented that she would like the city council to consider adopting element “E” with an extended timeline. It is very likely that the state legislature will pressure cities again in allowing detached accessory dwelling units. We do not need to allow detached accessory dwellings on every lot in the city, and with more time, we could do the research needed to better understand the best way to allow for them. It is very likely the city will have to allow for detached accessory dwelling units in the future and we need to be ready for it.

Council Member Hunt commented that if the city adopts five of these twenty-four elements into our General Plan, the city would increase our chances of receiving more funding from the state. We already receive some funds from the state for this now. Council Member added that she is in favor of approving element “N” because she feels it is a tragedy that the majority of our city

employees cannot afford to live in our city and it's something that is worth finding out if it's even feasible for the city to afford.

Council Member Blackham suggested adopting element "H" of the state code.

Council Member Adams made a motion to approve a Resolution amending Chapter 3: Housing & Neighborhoods of the 2022 General Plan to include the following Moderate Income Housing elements as required by Utah State Code 10-9a-403:

- (A) rezone for densities necessary to facilitate the production of moderate income housing;
- (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
- (J) implement zoning incentives for moderate income units in new developments;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea

The motion passed unanimously.

WORK ITEMS

DISCUSSION ABOUT INTERFUND TRANSFERS

Shayne Scott explained that this item had been discussed in recent council meetings and the council had asked to hear from the Power Department about what their needs are now and what they anticipate their needs will be in the future. Our Power Department Director has considered this and is estimating that they will need approximately \$13 million over the next seven years for power projects. The council also asked Staff to draft an ordinance that could be considered which would give the city the ability to transfer these funds. We want to make sure we are doing this responsibly and be very transparent about what we are considering.

Power Department Director Brian Johnson explained that within the last five years the city had hired a consultant company to conduct a load study of the city's power infrastructure on the city's substations and main feeder lines only. The consultants made a list of recommendations of projects

that needed to be done to improve the city's power infrastructure, which has been provided to the council tonight. This list also includes projects that have been since been added by Staff that includes more recent issues found outside of our main feeders. These projects are planned to be completed over the next seven to ten years.

Council Member Hunt said that when residents hear that the council is considering transferring power funds to be used for other needs in the city, they would likely ask if their power services are as good as it can be, and if transferring funds from the power department now would affect their power services. There is a perception by some residents in certain areas of town that power is not as reliant as other areas.

Brian Johnson responded that the biggest power problems they have had in the past have been in the King Clarion area. That area has a history of having many power outages and they have been working to figure out how to improve the infrastructure in that area. A couple of years ago they were able to pinpoint some key trouble areas, work on those areas, and have since seen a dramatic decrease in the number of outages in the area. Their department is still working on improving the infrastructure here, but it is taking more time because it is a difficult area to navigate with the topography of the area. While there is a mindset that has been developed over the years about the city having many power outages, it will take time for residents to gain our trust back as we continue to build an improved infrastructure.

Council Member Hunt asked if it would help in speeding up the upgrades if contractors were hired out to help with the work.

Brian Johnson responded that have found that we tend to not get the same quality of work from contractors. However, we are planning to hire contractors to help with the installation of power poles in the gully area of King Clarion, which is more treacherous.

Shayne Scott asked Mr. Johnson about taking monies from the power funds.

Brian Johnson responded that he is in support of it because it would be beneficial to be able to use excess reserves for other areas of the city budget as needed. It could help keep taxes and other fees down for our residents and it would be a way to give back to and serve our community.

Council Member Blackham commented that if the city were to transfer funds from one fund to another within the city budget, we would be extremely transparent in showing the reason for the transfer.

Dean Storey said that several years ago, the city council adopted a cash reserve policy indicating an appropriate amount to have in our power fund. Since that time, the city now has a retention fund and UAMPS, which helps provide more funds for our power department. Our power funds are considered healthy and the city is in a good position. We want to continue to ensure that we are meeting the Power Department's needs, and if we are, it would be appropriate to use power funds for public purposes.

Council Member Adams said that during the yearly budget review, he would like to see that the council be able to consider the transfer of funds, if needed.

Council Member Adams made a motion to move the proposed draft ordinance of Section 4-2-7 “Electrical Revenues and Rates” to an Action Item. The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Oaks, yea
Council Member Blackham, yea

The motion passed unanimously.

DISCUSSION ABOUT A PUBLIC INFORMATION OFFICER POSITION

Shayne Scott explained that the need for a Public Information Officer (PIO) for the city has never been greater after the city has recently had several situations that required steady, consistent, and frequent communication during crises and even outside of an emergency. A Public Information Officer would make sure that as a city we are communicating with the media and the public, which in turn would allow other staff members to focus on the situation at hand. This person would also be able to head up major construction and other projects where additional communication is warranted and where the city usually contracts with and pays a third-party to inform residents about possible impacts. This position is proposed to be part-time with no benefits, and funded with a portion of most departments’ paying some percentage of this person’s salary.

Public Works Director Josh Belnap said that there would be value in having uniform and consistent communications with the media and public from a professional Public Information Officer. Certain construction projects at Public Works warrant a Public Information Officer, and it would be easier to have one in-house.

Council Member Hunt asked if it would save the city money to have a Public Information Officer as an employee rather than contract it out.

Josh Belnap said that it likely would not save the city money, but would add to the quality of communication with the media and public, as well as add the ability to respond to things more quickly.

Shayne Scott added that there many cities similar in size to Kaysville that have a Public Information Officer. However, at this time, Staff does not feel that there would be enough work to make it a full-time position.

Mayor Tran said that there are often times when having a Public Information Officer would come in handy. There is a lot of information that we could provide for our community and it would help to increase communication.

Council Member Blackham commented that usually new requests for additional staffing is presented by each department for consideration during the yearly budgeting process, and he would like to hear what the staffing needs are of other departments before creating this position.

Josh Belnap responded that this is not something that needs a decision right away. Staff brought this before the council tonight to get some feedback.

COUNCIL MEMBER REPORTS

Council Member Blackham said that the Mayor, Council Member Hunt, city Staff members and he were able to see a presentation done by the Wasatch Front Regional Council regarding transportation in the area. UTA was in attendance and they were able to speak with them about UTA's transportation services within Kaysville, and what their future plans were for the city with the West Davis Corridor going in. They were also able to speak with others in attendance about active transportation in our area, and learned about some funding that the city could potentially receive with certain road projects.

Mayor Tran said that our IT Manager, Ryan Judd, was participating in a state cyber security assessment program that will result in being able to receive grant funds for our cyber security program. Mayor Tran added that Kaysville, Bountiful and Layton were sponsoring a first-annual elected officials Holiday Open House on December 20 and invited the council members to attend.

CITY MANAGER REPORT

Shayne Scott commented that the council meeting schedule for December 1 would likely be cancelled and therefore the next council meeting would be held on December 15.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the City Council meeting at 9:14 p.m., seconded by Council Member Blackham and passed unanimously.