

KAYSVILLE CITY COUNCIL
July 1, 2021

Minutes of a regular Kaysville City Council meeting held on July 1, 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, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Systems Manager Ryan Judd, Fire Chief Paul Erickson, Sgt. Preston Benoit, Parks and Recreation Superintendent Cole Stephens, Abbigayle Hunt, Jay Welk, Matt Hill, Jason Gagner, Nate Jackson, David Moore, Perry Oaks, Lijun Webb, Matt Howes, Paul Feser, Jeff Hansen, John Mayer, Jill Mayer

OPENING

Mayor Katie Witt opened the meeting and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

A PROCLAMATION DECLARING JULY 2021 AS PARKS AND RECREATION MONTH

Mayor Witt read a proclamation declaring July 2021 as Parks and Recreation Month and invited citizens to visit our community parks and participate in recreation resources. Mayor Witt commented that our community loves our parks and recreation and we are very appreciative of what they do.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Blackham commented that in the minutes of June 3, 2021 on page 3 under his comment about the RAMP tax, the wording needed to be changed to “non-food items”.

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

- a. Approval of Minutes of May 20, 2021.
- b. Approval of Minutes of June 3, 2021, with the aforementioned change.
- c. Contract Amendment with Horrocks Engineering for additional work as requested by Farmington and Kaysville.

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.

D. AN ORDINANCE AMENDING 7-4-7 AND RENUMBERING THE CURRENT 7-4-7 OF THE KAYSVILLE MUNICIPAL CODE REGARDING FIREWORK RESTRICTIONS

Chief Paul Erickson explained that in 2016, the city adopted the proposed language of this ordinance but the codebook was never updated to reflect this amendment. Subsequent code amendments have made adding this section to the codebook now unclear. Staff felt the simplest solution would be to readopt the previously adopted section and renumber the code so that this section rests in the appropriate section of the code.

Council Member Barber pointed out a typo in the proposed ordinance. Council Member Barber asked Chief Erickson for an update on fireworks restrictions.

Chief Paul Erickson responded that because of the fire danger this year the fire department has been trying to let our residents know about the importance of fireworks safety. We are asking people to use common sense and be more careful when using fireworks. The high hazard area as outlined in this ordinance has prohibited the use of any fireworks.

Council Member Blackham made a motion to approve an Ordinance amending 7-4-7 and renumbering the current 7-4-7 of the Kaysville Municipal Code regarding firework restrictions with the change to fix the aforementioned typo, seconded by Council Member Lortz.

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.

ACTION ITEMS

AN ORDINANCE DEFINING ALARM SYSTEMS AND ESTABLISHING SANCTIONS FOR REPEATED FALSE ALARMS

Nic Mills explained that this ordinance has been discussed previously by the council. The ordinance would enact a new section of the City Code addressing repeated false alarms. Several months ago, Chief Paul Erickson discussed with the council the difficulties associated with

repeatedly responding to false fire alarms. This ordinance is designed to address this issue. The ordinance, in conjunction with some proposed fees in the consolidated fee schedule, would create sanctions for a third, or more, false alarms per quarter. The ordinance also defines alarm systems and provides some procedural guidance for enforcement.

Council Member Lortz made a motion to approve an Ordinance defining alarm systems and establishing sanctions for repeated false alarms, seconded by Council Member Tran.

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.

WORK ITEMS

PROPERTY EXCHANGE BETWEEN KAYSVILLE AND DAVIS COUNTY

Shayne Scott explained that Kaysville City and Davis County have been negotiating for a few months on a potential property exchange that would benefit both parties. Davis County owns a parcel of land that Kaysville City needs for the Angel Street portion of the Connector Road project. Kaysville City has a 1/3 interest in the property upon which sits the Davis County Animal Control building. Davis County did a value assessment of both parcels and found that the parcel Kaysville needs has slightly more value than the interest Kaysville would give up in the Animal Shelter parcel. The county therefore is proposing to only exchange that portion of their property that Kaysville City needs for the road right-of-way. The proposal is to swap these parcels straight across and not exchange any funds. City Staff has reviewed this proposal and believes the parcels in question are worth the same amount of money, and that the exchange would be beneficial for both organizations.

Council Member Tran made a motion to move the consideration of a property exchange between Kaysville City and Davis County to an action item, seconded by Council Member Lortz.

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.

DISCUSSION REGARDING THE AMENDMENT OF SUNSET EQUESTRIAN ESTATES DEVELOPMENT AGREEMENT

Nic Mills explained that a number of years ago the City entered into a development agreement that required that the Sunset Equestrian Estates Homeowners Association maintain an equestrian center in the development. Subsequently the City amended that agreement which allowed that the equestrian center be operated by a private party. That private party has approached the City and would like to remove that requirement from the development agreement because they claim that the equestrian center is, or soon will be, financially unfeasible. Of note, this property is still zoned A-5. City staff supports this amendment for two reasons. First, it seems unlikely that the city would force the property owner to continue operating an unprofitable business. Second, due to the current zoning, any development of this property beyond approximately four permitted homes currently allowed would require a rezone application. The legislative rezone authority grants the City broad discretion to determine the appropriate land use for this property. For these reasons, the City believes that this amendment is largely benign and thus Staff supports the amendment. City Staff does not anticipate any costs to the city based on the passage of this resolution. Passage of this resolution may avoid litigation costs. By approving the removal of this from the development agreement, the council would not be saying we would approve a rezone of the property later on.

Jeff Hansen, the owner of the equestrian center, commented that the reason they are proposing the amendment of the development agreement is so that they would be allowed more liberties to do what they want with their property. The development agreement is being held against them and they are uncertain as to the reason why. Mr. Hansen stated that the requirements within the development agreement was never passed on to him and he does not feel that legally he should have to pick up the requirement of the development agreement. When the Sewer District was interested in purchasing the property, the requirement that it remain an equestrian center didn't seem to be an issue. A lot have changes have been made since this subdivision development was first proposed and the plans have been altered significantly. There were equestrian trails that were supposed to be created but don't exist and were abandoned at some point. Mr. Hansen asked how long the equestrian center would be held to the development agreement. In what circumstances and under whose ownership? Mr. Hansen said that they have some safety concerns as the West Davis Corridor and connector road are planned to be built mere feet from where they operate the equestrian center. It is possible that some of their outdoor arena areas will become unusable. Some of the road plans show them using property that the equestrian center is currently using. Mr. Hansen said it would be of their own expense to relocate the structures on the property. They are already in a battle with UDOT and it has become an untenable situation. They have already lost at least 20 boarders since the beginning of the year because they feel uneasy about the roads being installed here and the uncertainty of the situation.

Council Member Tran asked if when the property was purchased by Mr. Hansen if the development agreement was part of the recorded documentation.

Nic Mills responded the believed so.

Council Member Barber commented that she has a lot of sympathy for all involved in this situation. Circumstances have changed since this development was first proposed. Many of the residents in this neighborhood have expressed concern because the equestrian center has always been part of

the neighborhood. Now we face a difficult and unideal situation for all parties. There are legalities with development agreements, and there are things that the council likely does not understand about it and what the city can do in regards to enforcement of the document. The Council is likely not the best ones to determine those things. Things change with time and the city has amended development agreements before because of them. There is a mechanism to change a development agreement and that can be within the bounds of a rezone. If a rezone were being proposed with this amendment then the council would have an idea of what the plans are for the property and would be able to have more discretion in making a decision. At this point, we would be amending the agreement with no knowledge of future plans. Council Member Barber commented that she would like to see the equestrian center work with the neighborhood to try to find a way to create something that would benefit everyone.

Council Member Lortz commented that he would feel more comfortable approving an amendment to the development agreement if we knew that Symphony Homes, who is the other signer of the development agreement, was ok with it. This proposal almost seems premature without knowing what the plans for the property are. Having a proposed plan gives the council a better reason to amend the agreement.

Council Member Tran said that it seems that amending this development agreement would change the intention of the agreement that this property remain an equestrian center to be enjoyed by the neighborhood.

Council Member Blackham commented that the equestrian center is zoned A-5, but is surrounded by properties zoned R-A. Many of the homes in the Sunset Equestrian Estates Subdivision do not meet the minimum lot size for the zone because they use the open space areas to make up the difference. If the equestrian center is removed from the development agreement and potentially developed into smaller lots, would that make other lots in the Sunset Equestrian Estates Subdivision non-compliant? Also in the A-5 and R-A zoning districts farm animals are considered a permitted use. The city has committed this space through the development agreement to be used for the neighborhood, but maybe at some point we could come to a consensus of kind of usable open space it could be.

Council Member Adams responded that he had spoken with Lyle Gibson, the Community Development Director, and was told that there would be enough open space remaining for the subdivision to remain in compliance, should this property be removed from the agreement. Council Member Adams commented that he lives in this area and is grateful for Mr. Hansen and what he has done with the equestrian center. He took an unfinished rudimentary building and turned it into an amazing equestrian space. It has always been Mr. Hansen's intent to create a beautiful entrance to the equestrian center. People come for miles around to board their horses here because of how great of a place it is. When the Hansen's bought this property they had a dream for it and they've made it into a wonderful space that so many enjoy.

Council Member Blackham said that if Mr. Hansen were to try to develop even a portion of his property, he could not count any of the open space in the Sunset Equestrian Estates Subdivision toward creating a PRUD subdivision with smaller lots.

Council Member Adams said that this property was harder to purchase and will likely be harder to sell because of the restrictions on the property and in being tied to the development agreement.

Council Member Adams added that he would like to see Mr. Hansen reach out to the community, and Staff reach out to Symphony Homes, and try to come to an agreement. Symphony Homes is almost done with the subdivision and the development agreement should revert to the Homeowners Association when the subdivision is complete. Symphony Homes will likely not be interested in being a part of the subdivision at that point. There are likely neighbors who have purchased properties in this subdivision under the guise that there would be an equestrian center here or open space for the neighborhood to utilize. Council Member Adams said that he would like to see the Homeowners Association work with Mr. Hansen and see if there is anything they would be okay being built there.

Nic Mills said that the council could table this item until more information could be gathered.

Council Member Barber said that she would like to see a proposal of what the plans are for the property before considering an alteration to the development agreement.

Council Member Barber made a motion to not move forward with the proposed amendment to the Sunset Equestrian Estates Development Agreement, 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.

CALL TO THE PUBLIC

Matt Howes commented that he appreciated the discussion the City Council had regarding the amendment of the Sunset Equestrian Estates development agreement. He had come tonight expecting a less than favorable reaction from the council. Mr. Howes said that he was concerned with Mr. Hansen's request and feels that the intent behind the amendment was to rezone the property. Many want to know what Mr. Hansen's intentions are for the property. If the Hansen's feel they cannot operate in an economically feasible way, they are not being forced to operate here and can sell to another buyer.

John Mayer said that he appreciates the council's vote in regards to the Sunset Equestrian Estates item. Many of the neighbors are here tonight because we are concerned about what could potentially become of the property if it were removed from the development agreement. There is a lot of uncertainty and unknowns. Mr. Mayer said that they bought into this subdivision with the expectation that the property be used for an equestrian center. At one point they had inquired about boarding their horses at the center but was told it was full. Mr. Mayer said that while he is uncertain of the equestrian center's finances, there has been no sign that their business is on the verge of failure. There may be ways to help address safety concerns with the West Davis Corridor coming in. If there is a change to the use of the property, it could change the character of the area.

COUNCIL MEMBER REPORTS

Council Member Barber commented that a lot of work has gone into the City's Independence Day Celebration and there are many great events planned. Council Member Barber thanked everyone who helped to plan and contribute to the July 4th events.

CITY MANAGER REPORT

Shayne Scott said that a Candidate Orientation meeting was held before the city council meeting tonight and most of the candidates attended. We appreciate those who came and are excited for the upcoming election.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 7:53 p.m., seconded by Council Member Barber and passed unanimously.