

KAYSVILLE CITY COUNCIL
August 5, 2021

Minutes of a regular Kaysville City Council meeting held on August 5, 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, Community Development Director Lyle Gibson, Information Technology Assistant Jordan Hansen, Lieutenant Paul Thompson, Public Works Superintendent Josh Belnap, Parks and Recreation Director Cole Stephens, Gil Miller, Julie Shaw, Jay Welk, Perry Oaks, Brigg Lewis, Christopher Layton, Becky Hayward, Marcie Handy, Steve Lyon, Julie Shaw

OPENING

Council Member Adams opened the meeting and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

RECREATION, ARTS, PARKS, AND MUSEUM (RAMP) UPDATE

Gil Miller, representing the Kaysville Citizens for RAMP, read a letter written by their committee. Mr. Miller said that nearly every surrounding city in Davis County has some type of RAMP tax, which is a very small sales tax on discretionary purchases, not including purchases of groceries, gas and services. The State legislature-approved tax equates one cent on every ten dollars of discretionary spending, which is then spent towards RAMP projects. Kaysville is missing out on this tax when our surrounding cities are benefitting from it. It's our turn now. The Kaysville Citizens for RAMP is recommending that the Council approve the language to put the RAMP initiative up for citizen vote on the November 2021 ballot. We are also recommending that an independent citizen committee be formed with balanced representation from the four RAMP disciplines: Parks and Recreation Advisory Board, Museum Board, and the Arts Community. We also recommend that those members fairly represent a cross-section of the city geography. This RAMP committee should be charged with creating recommendations to the Council for implementation of a RAMP allocation and distribution plan. It is important that the community see citizen input and not perceive the allocation recommendations are determined by the city. The Committee needs to be transparent to the citizens regarding its findings and recommendations, and have a system in place to receive input from citizens. There also needs to be complete and detailed transparency during the city budgeting process regarding the use of RAMP funds.

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 July 15, 2021.
- b. Approval of purchase for radio equipment for the Fire Department.

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 THE CITY MANAGER TO EXECUTE THE INTERLOCAL COOPERATION TRANSPORTATION PROJECT REIMBURSEMENT AGREEMENT

Council Member Lortz asked about the timing of the road extension project.

Public Works Superintendent Josh Belnap responded that city staff met with the project designer and Farmington and they hope to get this project out to bid this fall. There are several components involved with the funding.

Council Member Lortz made a motion to approve a Resolution authorizing the city manager to execute the Interlocal Cooperation Transportation Project Reimbursement, seconded by Council Member Blackham.

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

ADDITION OF TITLE 6, CHAPTER 8, SECTIONS 1-3 TO THE KAYSVILLE CITY CODE, ENACTING A CRIMINAL BATTERY ORDINANCE

City Attorney Nic Mills explained that the proposed ordinance adds the crime of Battery to the Criminal Code. Battery would be a valuable look in our city to resolve low-level assaults and

charge offensive, but not injurious, physical contact that is not covered by current law. The Utah assault statute Kaysville has adopted narrowly defines assault as intending or causing actual bodily injury. This Battery Ordinance will prohibit and allow the city to prosecute physical contact that rises to the level of offensive, insulting, or provoking, regardless of whether actual bodily injury is caused or intended.

Council Member Barber made a motion to approve an Ordinance adding to Title 6, Chapter 8, Sections 1-3 of the Kaysville City Code, enacting a Criminal Battery Ordinance. The motion was 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.

A RESOLUTION SUBMITTING AN OPINION QUESTION FOR THE NOVEMBER 2, 2021 ELECTION BALLOT TO CITIZENS REGARDING THE IMPLEMENTATION OF A RECREATION, ARTS, PARKS, AND MUSEUM (RAMP) TAX

Nic Mills explained that the city has been in contact with our bond counsel and a resolution needs to be authorized by the city in order to put the RAMP tax on the November ballot for the citizenry to decide if Kaysville will enact a RAMP tax. It contains language, which will appear on the ballot and provides direction to city staff to effectuate such. This resolution will need to be sent to the state by August 19th.

Mayor Witt opened the floor for comments from the public.

Julie Shaw commented that she represents a group of citizens who are in favor of a community pool. Their group was created a couple of years ago and the number of members are continuously growing. They support a RAMP tax and know that it could potentially help the city get its own pool. The survey recently conducted by Y2 Analytics shows that there are many citizens interested in having a community pool. Our citizens are also supportive of our parks and recreation, and we want to see our services improve. This is a good step in the right direction.

Mayor Witt closed the public comment and thanked those who spoke.

Council Member Barber made a motion to approve a Resolution submitting an opinion question for the November 2, 2021 election ballot to citizens regarding the implementation of a recreation, arts, parks, and museum (RAMP) tax. The motion was seconded by Council Member Blackham.

Council Member Barber commented that it is important that this initiative comes from the community and, if approved, it will give good opportunities to the city to help provide some of

these types of things citizens would like to see in the city. This RAMP tax will help to support multiple areas of interest and will help to enrich the entire community.

Council Member Tran said that the decision to put this on the ballot is based on the input we have received from the community over the last 4 years or more. All of the responses received have indicated that this is something that the community would support, but we will see what happens when it is put on the ballot. Our citizens need to make a decision on this and not make it seem that it's coming from the city's initiative.

Council Member Lortz said that the citizens value our parks and recreation programs and this RAMP tax will help to ensure that the city will have the ability to maintain a high level of services, and we hope to be able to expand and diversity what the city offers.

Council Member Barber said that in the title of the resolution it says: "...to authorize a local sales tax of one-tenth of one percent (0.1%) on *certain qualifying transactions*..." and asked if that language could be reflected in the ballot question language to help with clarification.

Council Member Barber amended her motion to approve a Resolution submitting an opinion question for the November 2, 2021 election ballot to citizens regarding the implementation of a recreation, arts, parks, and museum (RAMP) tax with the recommendation that "certain qualifying transactions" be included in the ballot question language. Council Member Blackham seconded the motion.

Council Member Blackham asked about including "non-food items" as qualifying transactions within the ballot language.

Council Member Barber said that it could be clarified further in the voter information pamphlet.

Nic Mills commented that the ballot question language being proposed in the resolution mimics state code and is the safest language to be proposed to citizens.

Council Member Barber amended her motion to approve a Resolution submitting an opinion question for the November 2, 2021 election ballot to citizens regarding the implementation of a recreation, arts, parks, and museum (RAMP) tax with the recommendation that Staff investigate whether the language "certain qualifying transactions" is appropriate to be included in the ballot question. Council Member Blackham seconded the motion.

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

DISCUSSION ON A WATER CONSERVATION ORDINANCE

Public Works Superintendent Josh Belnap explained that in response to the worsening drought situation, the Public Works and Legal Departments have been working together to create an ordinance to encourage water conservation and help protect water storage amounts in time of need. This proposed ordinance would help define basic restrictions, provide an ability to enact stricter measures if needed, and will define a process on how to address violations of the same.

Mayor Witt asked about enforcement.

Josh Belnap responded that the city is anticipating that our water providers make the initial contact with customers and work with the city in regards to enforcement. Recourse would be implemented through customer's city utility bills.

Council Member Barber asked about the implementation of additional restrictions on water usage during local or statewide need for water conservation.

Josh Belnap responded that it would be for a limited duration and would outline the purpose of the restriction.

Council Member Tran asked about how the city would know if someone is out of compliance.

Josh Belnap responded that it could be through a variety of ways, such as neighbor reporting or reviewing meters. Some water providers have been very proactive on not only requiring meters on new construction, but also getting grants for money to install meters on existing uses.

Council Member Tran asked about possibly limiting culinary water in the future.

Josh Belnap responded that Section 9-4-19 would allow for further restrictions to be implemented, should the need arise. Mr. Belnap added that if this ordinance is approved, enforcement of it could begin immediately. We need to ensure that this ordinance is communicated properly to our utility providers and our residents.

Council Member Lortz made a motion to move the water conservation ordinance to an action item, 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.

DISCUSSION ON A MIXED USE (MU) ZONING ORDINANCE

Lyle Gibson explained that in their July 15, 2021 meeting, the City Council reviewed a proposed Mixed Use (MU) zoning ordinance and asked that it return to the Council with the following suggestions made to the ordinance:

- A minimum of 50% of the uses allowed in the underlying zone and 30% of the new mixed use be the standard.
- Add language to encourage that each block or street frontage develop in a similar fashion.
- Encourage ownership potential.
- Emphasize amenities and consider the amount of required open space to support residential uses.

Staff has prepared an updated draft, which is being proposed to the council tonight.

Council Member Adams commented that a future council might have a different vision of what this zone should look like and asked if there were a way to ensure that the look and feel of a neighborhood stay consistent.

Lyle Gibson responded that there will be some subjectivity, but this ordinance states that all uses and structures shall be cited and designed to be compatible with another. The council will have a lot of discretion when reviewing and approving this type of zoning.

Council Member Blackham commented that he appreciates that there is assurance that the underlying zone will not be discredited through this ordinance. This is something new for the city and is excited to see how this will work.

Council Member Lortz said that the idea with this ordinance is that commercial district properties will be applying for the mixed-use overlay zone, not residentially zoned properties. The only residential zone that this could potentially apply to would be the R-M zone, and there aren't many properties zoned R-M that would be able to do this.

Lyle Gibson said that with the update of the General Plan, we will have a general concept of what this mixed use zone would look like and where it could be implemented.

Council Member Tran stated that she would like to see the approval of this mixed-use zone be put on hold until the General Plan is finalized. Once we approve this ordinance, we could start to get applications for it and we need the General Plan in place as a reference.

Lyle Gibson responded that we hope to have the General Plan finalized by the end of the year. This ordinance could be approved by the Council with a specific date of it being implemented.

Council Member Lortz made a motion to move the Mixed Use (MU) zoning ordinance to an action item, 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.

CALL TO THE PUBLIC

Brigg Lewis commented that the city is getting more crammed with people and taxes have gone up substantially this year. If the RAMP tax is approved, the citizens of Kaysville will be taxed even further. Many residents are on a fixed income and can't afford these cost of living increases. The city has money it can allocate to these types of programs. The city received millions of dollars in stimulus money and the citizens don't know what it was used for.

Steve Lyon commented that the mixed-use zone is a good idea and is a good way to help with our taxes. Bringing in projects helps to increase our tax value and offset taxes. We need more residential areas, and a mixed use is a way to help to keep our commercial uses while bringing in more residences. However, we need to make sure that the mixed use is only allowed in certain zones and is done judiciously. Mr. Lyon added that he is also in favor of a RAMP tax to help with our parks and recreation programs.

COUNCIL MEMBER REPORTS

Council Member Blackham commented that in recent discussions about the West Davis Corridor and the trails that would be created as part of it, it was brought up that there will be a crossing in Kaysville at 200 North. The crossing is planned to be at-grade, which causes a very dangerous situation for pedestrians attempting to cross at this intersection. The city has attempted to reach out to UDOT to try to request a change order from them in order to make this an above or below grade crossing. There is still time to fix this, but it needs to be done now and we need the support of every council member. A letter needs to be sent to the governor addressing this. The city doesn't have the money to come up with the funds on our own to create this type of crossing.

City Manager Shayne Scott said that Josh Belnap had met with UDOT recently and the project manager didn't offer much hope in regards to changing the crossing. The city plans to meet with the contractor and Farmington Bay Constructors to see if they can offer any further insight.

Council Member Barber asked if an at-grade trail crossing was always planned at this intersection.

Shayne Scott responded that nothing had been officially decided on for quite some time because UDOT was unsure of which side of the corridor the trail would run on.

Council Member Tran commented that this is not just a city issue, but a regional one since many people from all over will use the trail.

Council Member Lortz stated that a community open house would be held at the Kaysville Fire Station on August 12th to provide information about the proposed increase in taxes. Many residents don't understand what the proposed tax increase is for, in regards to creating city paramedic services, and the open house is a good place for residents to get their questions answered. The

Truth in Taxation will be held on August 19th at 6:30 p.m. where the public can speak to the tax increase before the council is to vote on it.

Council Member Barber said that the 24th of July Breakfast was a great success and over \$3,000 was raised for recreation scholarships which will go towards helping create a way for youth to play sports who wouldn't be able to otherwise.

Mayor Witt thanked the city's Parks Department for their recent work done on the city hall landscaping. The city plans to add more xeriscape around all of our city buildings and properties to help be more water wise.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 8:43 p.m., seconded by Council Member Lortz and passed unanimously.