

KAYSVILLE CITY COUNCIL
August 19, 2021

Minutes of a regular Kaysville City Council meeting held on August 19, 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, Finance Director Dean Storey, Assistant Finance Director Levi Ball, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Det. Josh Steadman, Public Works Superintendent Josh Belnap, O. Jay Gatten, Frank Stevens, Brigg Lewis, Jerry Hintze, Jay Welk, Todd Smith, Julie Shaw, Scott Edwards, Stephen Lyon

6:30 – TRUTH IN TAXATION PUBLIC HEARING

Brigg Lewis said that taxes have increased considerably over the last year and continue to climb. The council needs to consider residents who are on a fixed income. Mr. Lewis said that at one time the city's tax rates were at a fixed rate, and asked how the rate is determined now.

Jerry Hintze commented that this past year citizens have seen many financial increases. The value of homes have continued to increase. Now is not a good time to inflict a large tax increase on residents.

Frank Stevens asked where the public could find out more about the tax increases and justifications for it.

Mayor Witt responded that there was information on the front page of the city website.

There were no further comments or questions from the public. Mayor Witt closed the public hearing at 6:39 p.m.

6:50 – SPECIAL CITY COUNCIL MEETING

Mayor Witt opened the special city council meeting.

Dean Storey explained that the city council has been reviewing the FY 2022 budget for several months and the tentative budget includes an increase in the property tax revenue. The certified tax rate is required to be set by the city as part of the annual budget.

Council Member Lortz said that Utah has mandated that unless the amount of revenue from property tax dollars remain the same, the city must hold a truth in taxation hearing. The city also must determine how much money we need to collect each year through property taxes in order to support services provided to residents.

Mayor Witt commented that the council has been holding Truth in Taxation Hearings for the last 4 years and during that time has kept the tax rate steady. The amount taxed to residents has increased because valuation of homes has increased. By keeping the tax rate steady it continues to provide the income needed to support the city's budget and services. Holding a Truth in Taxation hearing creates a way for citizens to give their input and hear how money is being spent. The reason for the proposed tax increase this year is to financially support the paramedic services that the city will need to start providing. The proposal includes hiring six new employees as well as the equipment needed. The proposed budget also includes the hiring of two Parks and Recreation employees and a city engineer.

Council Member Lortz commented that he had worked with staff to discuss financing the paramedic program and other alternatives to help reduce the proposed tax increase. The six paramedics plus related expenses for the paramedic program is anticipated to cost about \$650,000 a year. However, the city does not have to staff those six positions immediately. Council Member Lortz said that he feels that the city could cover the one-time fixed costs in the first year tax allocation, and therefore the city will not have to increase the tax rate as much in order to cover this. Council Member Lortz added that he believes there are also other adjustments that could be made in the budget to help offset these costs. As for the other proposed staff positions, the city was able to benefit from increased sales tax collections last year, which don't appear to be dropping off at this point. It is anticipated that the city's sales tax will remain the same, and this would give us the funds needed for the two proposed Parks and Recreation employees without having to use funds from property taxes. There is room within the budget to be able to accommodate either an increase in outsourced services for city engineer services, or for staff to determine if they want to hire a full-time city engineer. With this proposal, the city can bring the proposed tax down by 32%, or down to \$650,000 instead of the \$900,000 that was proposed.

Council Member Barber thanked those who went to the community open house last Thursday where this tax increase was addressed. The need to move paramedic services to cities responsibilities has been discussed a lot. This is a great opportunity to provide much better safety to our citizens. Council Member Lortz's proposal gives us a way to meet the needs of the city while not increasing taxes as much. Council Member Barber said that the next council needs to ensure that the FY 2023 budget plans for those one-time expenses and related costs mentioned.

Council Member Blackham said that he feels that before a full-time city engineer is hired that the city could better utilize the city's current engineering consultant. Our current consultant used to work for the city as the city engineer and comes with 30 years of knowledge of our city. The consultant has also expressed his willingness to work with the city wherever needed, and would be willing to work in-house if it's more cost-effective for the city. Council Member Blackham added that the paramedic program is very important and we appreciate the services the County has provided our community. However, the area has grown substantially and the proposed tax increase will help to cover the costs in order to continue to provide the paramedic services to our citizens.

Council Member Tran said that she had heard some comments from residents saying the city should just use what funds we have to provide services needed. However, the city and county has seen a lot of growth and additional needs as a result. City staff has been asked to help in other departments where help is needed, but we are at a point where we need to hire more positions and in order to do so we need to increase the budget to cover our community's needs.

Council Member Lortz said that as a council we need to be prepared to look forward to the future and anticipate what will be needed to take care of the city. We need to set the city up for success. If we try to do it with our current staffing we likely won't be able to do so. We need to have the people and equipment needed to be effective and efficient with our projects. Inflation will continue to go up, and everything we delay now will cost us more in the future.

Council Member Adams asked if there was enough funds in the proposed budget to hire a city engineer. Council Member Adams said that he had spoken with several staff members and feels it is very important to hire a city engineer.

Dean Storey responded that staff has had several discussions and reviewed projections of the budget. Staff believes that there is sufficient money available to hire an in-house city engineer.

Council Member Blackham commented that he would like to see more time taken in hiring a city engineer and make sure that the city hires an engineer that can approve plans. Council Member Blackham said that he would also like to see that the city continue to utilize the consulting firm because the consulting engineer can provide us knowledge and experience of the city that nobody else can.

Josh Belnap stated that since taking on the responsibilities of the city engineer he has had to absorb many responsibilities. He has continued to work with the previous city engineer who has provided tremendous access to his knowledge. Even with his help, we have still struggled to accomplish as many projects as we need to. We have utilized the consulting company to help with our subdivision review process, but that is just a small portion of what needs to be done. The proposed city engineer would be involved with other departments. It will be nice to have a city engineer in house that we can refer residents to as a resource rather than sending them to someone outside of city staff. We are utilizing the previous city engineer so heavily that we are months behind on some projects, even though we have four different engineering companies we are working with.

Council Member Barber commented that she is glad to see the council recognizing the needs of our Parks and Recreation staff and approving the two new employee positions. Our needs have grown substantially and we are having a harder time hiring seasonal employees. Hiring more full-time employees will help with those needs.

Council Member Lortz made a motion to adopt the 2021 Certified Tax Rate to adjust the rate to a level that it raises \$650,000 incremental to Fiscal Year 2021's collection, and that the final Fiscal Year 2022 Budget be adjusted to reflect such change. The motion was seconded by Council Member Blackham.

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.

Council Member Lortz made a motion to adjourn the special city council meeting at 7:17 p.m., seconded by Council Member Tran and passed unanimously.

CITY COUNCIL MEETING – 7:17 P.M.

OPENING

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

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. An Ordinance amending the map in 7-4-7 regarding fireworks restrictions.
- b. A Resolution authorizing an Agreement with Layton City to trade water shares.

The motion was seconded by Council Member Tran.

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

AN ORDINANCE ENACTING CHAPTER 27 – MIXED USE (MU) ZONING DISTRICT OVERLAY

Lyle Gibson explained that the council has reviewed this ordinance previously that creates a Mixed Use (MU) zoning ordinance. What has been prepared has an effective date as of December 1, 2021. This delay in the effective date has been proposed after a request by council to have this ordinance be approved in conjunction with the approval of the General Plan. Staff anticipates that the General Plan will be proposed to the council for approval before the end of the year.

Council Member Tran made a motion to approve an Ordinance enacting Chapter 27 – Mixed Use (MU) zoning district overlay zone, seconded by Council Member Lortz.

Council Member Lortz commented that he is excited to see how developers will use this overlay zone to enhance our city and improve areas of preservation for our city.

Council Member Barber said that this ordinance has been worked on for some time and the council wanted to make sure that the focus of this new overlay zone is on the underlying zone because it makes the overlay zone more congruent with the area it is proposed in. There were regulations on creating adequate parking and limiting the height of buildings to create consistency with the surrounding neighborhood. We as a legislative body will have broad discretion and can be specific in what we want to make sure it fits in with the surrounding area.

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.

AN ORDINANCE ADOPTING WATER CONSERVATION REGULATIONS

Nic Mills 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.

Council Member Barber made a motion to approve an Ordinance enacting water use time restrictions, penalties for violating those restrictions, and addressing drought conditions. The motion was 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

INTRODUCTION TO AN ACCESSORY DWELLING UNIT ORDINANCE

Lyle Gibson explained that the State Legislature passed House Bill 82 during the 2021 legislative session which requires cities to allow Internal Accessory Dwelling Units (IADUs) as outlined by that statute. Kaysville City staff has reviewed the legislation and prepared a draft ordinance for review of the Planning Commission and City Council that works within the allowances of that

legislation. In light of this legislation and using some direction from the recent past in considering allowing accessory dwelling units in Kaysville, this ordinance allows most residential properties to have either an internal or an external accessory dwelling unit if the property owner also lives on site. In this proposed ordinance, Single Family Residential properties exceeding 6,000 square feet may have either an internal or detached accessory dwelling unit, the property owner must live on the property, no short term rentals are allowed in an accessory dwelling unit, accessory dwelling units would be required to obtain a city license, and internal accessory dwelling units would be a permitted use, and detached accessory dwelling units would be a conditional use. The State's requirements kick into effect in October of this year. If the city wants to put in place any of the eligible restrictions, something should be adopted prior to that date. The Planning Commission has reviewed this proposed ordinance and unanimously recommended approval. While city Staff has allowed for either internal or external accessory dwelling units in Kaysville, the State is only requiring that cities allow for internal accessory dwelling units at this time. In conducting public surveys as part of the review of the General Plan, we have found that residents in Kaysville are not interested in apartment buildings or higher density units, but were open to the idea of accessory dwelling units. This would help to create a way to provide for more residential options within the city. Generally, some concerns expressed by residents is in regards to the units creating more traffic, lack of parking, preserving open space, impact to schools and creating larger class sizes, and more rentals being created. Most people want to see single-family dwellings built, but if other options are needed, residents expressed that they would rather see accessory dwelling units over townhomes or apartment buildings. The State has been very specific in how these internal accessory dwelling units can be regulated. If an ordinance is not approved by the October deadline, any internal accessory dwelling unit would be allowed to be on any residentially property in town. The city can't fully restrict them, but they are allowed to approve regulations which would require that these units maintain the same look and feel of a single-family dwelling. Cities can also restrict these units from being on the same property as a mobile home.

Council Member Adams asked if a separate utility meter would be required.

Lyle Gibson responded that city staff is proposing that these units would run on the same utility meter as other dwellings on the property.

Council Member Adams asked about requiring more off-street parking.

Lyle Gibson responded that Staff is proposing that there be a minimum of one additional parking space per unit beyond what is required for the primary dwelling.

Council Member Adams said that he would like the ordinance to read that the parking space be "non-obstructed". Oftentimes garages and driveways are blocked by other things and we need these units to provide parking off the street. Council Member Adams also asked that the parking space be required to be paved. Council Member Adams asked about restricting these units to only certain areas of the city.

Lyle Gibson responded that there are regulations in the State house bill that would only allow cities to limit certain zoning districts but it would need to have reason behind it.

Council Member Lortz asked about the city licensing process.

Lyle Gibson responded that the specific process has not been determined yet, but city staff anticipates that it would be similar to the business licensing process. There would likely be a small administrative fee to cover the cost of monitoring where these accessory dwelling units are. A specific fee and procedure would need to be in place before implementing this.

Mayor Witt commented that there needs to be a way to incentivize people to bring their homes into compliance to license their accessory dwelling unit if they have one.

Council Member Adams commented that he doesn't feel that people would be motivated to obtain a license with the city. Enforcement would be done on a neighbor complaint basis.

Lyle Gibson responded that there is a provision to help provide some enforcement if there are homes found to be in violation of this ordinance and it outlines what will occur if there is an issue of non-compliance. City Staff would also conduct community outreach to try to get people to come in.

Council Member Blackham commented that when this was discussed previously with the council he was against it and wanted to wait and see what the legislature did with it. The legislature has proposed and passed this house bill, but the house bill was only requiring for internal accessory dwelling units. The house bill prevents homeowners associations from prohibiting the construction or rental of certain accessory dwelling units. The ordinance being proposed tonight would essentially allow anyone with an outbuilding to be able to use it as a dwelling unit. Most people who buy their homes don't anticipate a neighbor using one of their outbuildings as a residence and many outbuildings sit fairly close to a neighbor's home. Also, manufactured homes built after 1976 came with a HUD sticker which means that it meets the construction standards for manufactured homes, and these homes could potentially be placed on any lot if the detached accessory dwelling unit ordinance is allowed. Internal dwelling units are not as impacting as detached units. Detached dwelling units would be putting two separate dwellings onto one lot. Many subdivision covenants state that there can only be one single family dwelling on a lot. There are older subdivisions that don't have subdivision covenants. We should follow the state's recommendation and only approve internal accessory dwelling units, and wait to see how well the ordinance works. Kaysville can't fix the current housing crisis on our own, but allowing internal accessory dwellings might help some residents.

Council Member Adams said that the way the ordinance is currently being proposed, detached accessory dwelling units would be approved through a conditional use by Planning Commission.

Lyle Gibson commented that there is no obligation for the city to approve the ordinance allowing for detached dwelling units at this time. There are places in the city where allowing for a detached dwelling unit might make better sense.

Mayor Witt commented that she is in favor of this ordinance because it helps our city to be able to approve regulations for these dwelling units that are most appropriate for our community.

Lyle Gibson said that the Council could agree to approve only the section of the ordinance pertaining to the internal accessory dwelling units and then continue to work on addressing what regulations the council would like to see for detached accessory dwelling units.

Council Member Barber said she felt it would be best to have further discussion and feedback regarding detached accessory dwelling units. These accessory dwelling units will change the trajectory of what is happening in the city and will have an impact on our community.

Council Member Tran said that there is a need for this type of housing, but we need to be very specific in what we will allow and how we will allow them.

Council Member Adams made a motion to move an Internal Accessory Dwelling Unit ordinance to an action item, but postpone the areas regarding Detached Accessory Dwelling Units for further discussion. Council Member Blackham seconded the motion.

Council Member Barber said that the city needs to decide quickly on what our desires are for detached dwelling units. There is a significant need for this housing in the city and it will likely become more of a need. The city consistently receives emails from residents asking for these types of dwellings. It's a good way for people to be able to take care of family members on their property. It can be tastefully done and we shouldn't put it off for another day.

Council Member Lortz commented that the city needs to consider if landscaping will be required for detached accessory dwelling units, if manufactured homes would be allowed as a separate dwelling on a property, if there will be a space limitation on how much the detached dwelling unit can take of the property, what size of lot they would be allowed on, etc. We need to look at all angles and make sure it makes sense.

Council Member Adams commented that we also need to consider the neighbors who would have to live by the accessory dwelling units.

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

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Tran said that the city started the "Kaysville University" program tonight and it will go on for nine weeks. It's a great opportunity for people to find out what happens in our city, and encouraged residents to participate in it.

CITY MANAGER REPORT

Shayne Scott said that the city council would be meeting as the Board of Canvassers for the city on Tuesday, August 24th at 5:30 p.m. to approve the canvass results of the 2021 Primary Election.

CLOSED SESSION

Council Member Tran made a motion to adjourn the city council meeting at 9:00 p.m. and reconvene into a closed session to discuss the character, professional competence, or physical or mental health of an individual or individuals, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Lortz and passed unanimously.

Council Member Barber made a motion to adjourn the closed session at 9:54 p.m. and reconvene into the city council meeting, seconded by Council Member Tran. The motion passed unanimously.

ADJOURNMENT

Council Member Lortz made a motion to adjourn the City Council meeting at 9:55 p.m., seconded by Council Member Adams and passed unanimously.