

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 9<sup>th</sup> 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.