

KAYSVILLE CITY COUNCIL  
February 20, 2020

Minutes of a regular Kaysville City Council meeting held on February 20, 2020 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, Utah.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Michelle Barber, Council Member Andre Lortz, Council Member Tamara Tran, and Council Member Mike Blackham

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Fire Chief Paul J. Erickson, Brent Law, Cameron McKinnon, Ryan Eckardt, Kasey Adams, Dan Udy, Shawn McKinnon, Janine E. Nishiguchi, Cassie Ashton, Fawn Morgan, Cara Trujillo, Mariah Campbell, Craig G. Campbell, Carole Walker, Sidney Stevenson, Elizabeth Heath, Kristine Murdock, Bryce Huff, Simon Huff, Calvin Huff, Lucy Child, Lori Law, Ryan Law, Molly Child, Riley Child, Missy Stettler, Brittney Child, Jake Child, Kathy Kelley, Joshua Kelley, Blake Keeler, Floyd Landon, Karen Erickson, David Lawrence, Chelsea Lawrence, Avery Lawrence, Owen Lawrence, Rex Lawrence, Lincoln Talbot, Joleen Talbot, Jim Morgan, LeeAnn McKinnon, Darrell McKinnon, Stephen Lyon, Gardner Crane, Max Bodily, Mary Bodily, Josh King, Sherri Einfeldt, Ramona Porter, Randy Jefferies, Dave Morton, Keaton Morton

**OPENING**

Council Member Tran opened the meeting.

**RECOGNITIONS AND PRESENTATIONS**

**WOMEN’S SUFFRAGE PROCLAMATION**

Fawn Morgan, Chairman of the Kaysville-Fruit Heights Museum Executive Board, said that this year is the 150<sup>th</sup> anniversary of female suffrage first being granted to the women of Utah Territory.

A presentation was made to the City Council by the Kaysville-Fruit Heights Museum Board about the commemoration of women’s suffrage in Utah and those involved from the Kaysville area.

Mayor Witt read a proclamation proclaiming 2020 as The Year of Equal Suffrage, and encouraged all citizens of Kaysville to join in commemorating the rich history of Kaysville’s role in the movement for women’s suffrage throughout the year to help gain a better perspective with which to build a better future.

**PRESENTATION HONORING FIREFIGHTER BRENT LAW**

Fire Chief Paul Erickson made a presentation honoring Firefighter Brent Law for his 30 years in the fire service. Chief Erickson said that Mr. Law grew up in Kaysville and has raised his family

here. He has served in the roles of Firefighter/Advanced-EMT as well as Engineer. His compassion always goes a long way with the public, and we appreciate all that he does for our department and for our community.

#### PRESENTATION HONORING FIREFIGHTER CAMERON MCKINNON

Fire Chief Paul Erickson made a presentation honoring Firefighter Cameron McKinnon and explained that he was voted by his peers as 2019 Firefighter of the Year. Mr. McKinnon was essential in helping with the design of our newest engine built and ensuring it was built to our specific qualifications. Mr. McKinnon also attended the National Fire Academy this year and he works for the Farmington Fire Department and Davis County Dispatch.

#### DEPARTMENT REPORT, COMMUNITY DEVELOPMENT

Community Development Director Lyle Gibson gave a presentation about the Community Development Department. He explained that the Community Development department examines how a property is used, from concept to reality. They are involved in rezones, subdivision review, construction review and inspection, economic development, business licensing and code enforcement. Kaysville is considered to be a high income area, with a younger population and larger families. Kaysville currently has low tax rates, and is constantly growing. There aren't many vacant lots left to create subdivision developments, and they have been working to address redevelopment of the city. Throughout 2019, Code Enforcement has responded to about 175 ordinance complaints, and sent out 753 letters regarding problems with trees within the right-of-way blocking vehicle and pedestrian traffic. There were about 550 building permits issued through the year. Kaysville has about 500 commercial businesses of different size and scale, as well as about 600 home businesses. There are likely many more home businesses, but small home businesses are not required to obtain a business license anymore. As part of the Community Development department, we work with the Planning Commission who holds meetings twice a month. The Planning Commission reviewed and presented an updated General Plan to the City Council to approve in anticipation of further growth commercially and residentially within our city. The General Plan will continue to be further reviewed through the 2020 year, and their department is also working to find and implement a new digital application review process.

Mayor Witt commented that she relies a lot on Lyle and his department because she knows that whatever she asks will get done. They always do well to accomplish the task set before them. Lyle has been a great help with the Strategic Plan and figuring out the best way to get it accomplished. We have a great group of employees here and we appreciate their diligence.

#### DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

#### CONSENT ITEMS

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

- a. Approval of the Minutes of the January 23, 2020 meeting.
- b. Approval of materials purchase, underground primary wire – Power Department.
- c. Award of Bid for chip seal subcontract – Public Works Department.

- d. Approval of water tank chlorine injectors and analyzers purchase – Public Works Department.

The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea

The motion passed unanimously.

### **ACTION ITEMS**

#### **AN ORDINANCE ENACTING SECTION 17-4-7, APPOINTMENT OF PLANNING COMMISSION ALTERNATES, OF TITLE 17, PLANNING AND ZONING**

Lyle Gibson explained that the City Council recently approved new Planning Commission members to fill the vacancy of two positions. In addition to the two regular appointments, the Council appointed two additional members to serve as alternates in the event that a regular member of the Planning Commission is unable to attend. To solidify this option, an ordinance has been drafted as part of Title 17 and is being proposed for approval tonight.

Council Member Lortz made a motion to approve an Ordinance enacting Section 17-4-7, Appointment of Planning Commission Alternates, of Title 17, Planning and Zoning, seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea

The motion passed unanimously.

#### **AN ORDINANCE AMENDING SECTION 17-25-6, PROJECTIONS INTO REQUIRED YARDS, EXEMPTIONS OR MODIFICATIONS, OF TITLE 17, PLANNING AND ZONING**

Lyle Gibson explained that the Planning Commission recently gave direction to city Staff to put together a draft ordinance which would allow for some flexibility in the city's ordinances to help provide an alternate option to the variance process for items the Commission has dealt with recently, and determined to be acceptable but not legal under the existing code. An ordinance has been prepared which proposed language to address these projections into side yards on corner lots.

Mayor Witt asked for public comment.

Bryce Huff commented that he feels that proposed ordinance is reasonable because it will allow those, such as himself, with unique yards to be able to further utilize their property. The variance request process is very hard to get approved, and this helps to provide other alternates. These types of odd lot layouts are occurring more frequently and the city is running out of buildable space. This will help residents to find creative ways to be able to fit additions into buildable areas of their land. It will still preserve the safety and visual requirements that the setbacks offer.

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

Council Member Adams asked about setback requirements.

Lyle Gibson responded that having the twenty-foot side yard setback on the side of a home nearest the street is not only for esthetics giving a subdivision a more consistent feel, but it also helps with fire protection. There is also the issue of a building blocking the view of oncoming traffic as you approach a corner.

Council Member Adams commented that he is concerned that, if approved, this ordinance could somehow be manipulated as written.

Lyle Gibson commented that it's a valid concern, but it's very uncommon situation where this would be allowed.

Council Member Blackham said that we need to make sure that this ordinance is enforceable by Staff. What types of acute angles or curves would be allowed and how much? How would it be measured? This proposed ordinance also states that "no more than twenty square feet of building or structure encroaches into the required yard", but is this measuring one floor or multiple floors? Is this for one area or for multiple sides of the house? There needs to be more clarity made before this is approved.

Council Member Barber made a motion to table the consideration of an Ordinance amending Section 17-25-6, Projections into Required Yards, Exemptions or Modifications, of Title 17, Planning and Zoning, so that Staff can alter the language of the Ordinance based on comments made tonight to help add clarification. The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea

The motion passed unanimously.

## ADOPTION OF THE KAYSVILLE CITY STRATEGIC PLAN

Josh King, with The Langdon Group, said that the proposed Strategic Plan has been in the works for several months and was most recently presented to the City Council in January for their initial introduction to the draft. Based on some final input and comments, a mission statement, vision statement, and final guiding principles have been proposed. There were a few formatting and grammatical changes to the proposed plan since the draft was presented to the Council in January, but the content of the plan did not change.

Mayor Witt said that this plan is something we can refer to as we move forward. It's something that we will continue to review to make sure it's what we want for our community. Mayor Witt commented that she is appreciative of the community members that participated in creating this Plan and spent time to give their feedback. This has been worked on for over a year now and there were many who participated in it. This was built from the ground up by the people and not at the direction of the Council.

Council Member Tran made a motion to approve the adoption of the Kaysville City Strategic Plan, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea

The motion passed unanimously.

## REZONE OF 3.98 ACRES OF PROPERTY AT 700 SOUTH DESERET DRIVE FROM R-2 (ONE TO TWO FAMILY RESIDENTIAL) TO THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT – PRIVET BARROW

Lyle Gibson explained that this property was recently rezoned based on a concept plan tied to a development agreement. As details of the actual development have shaped out, it has been determined that the recent zoning boundary placement does not match the expected use. The applicant is rezoning to adjust the 3.98 acres at 700 South Deseret Drive to match the development which is actually occurring. This adjustment is still within the parameters of the development agreement which has been previously approved.

Council Member Adams asked if this changes anything within the development agreement and if it says if the commercial or residential portion needs to be developed first.

Lyle Gibson responded that it does not change the development agreement. The development agreement sets a minimum amount of commercial required on the property. It does not state which type of development, commercial or residential, is required to be developed first. Previously there was a portion of the property that was planned to be used for storage units and the development agreement stated that the storage units had to be developed first, but since the use has changed it

is no longer a part of this development. Part of the concern back then was that the residential portion would be completed, and then the previous developer would try to rezone the rest of the property to a multi-family residential use.

Phil Holland, with Privet Barrow, said that the rezone for this requested rezone is to accommodate the commercial developments and match the expected boundary. They plan to develop the entire parcel together.

Council Member Adams made a motion to approve the request to rezone 3.98 acres of property at 700 South Deseret Drive from R-2 (One to Two Family Residential) to the LI (Light Industrial) zoning district for Privet Barrow, seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea

The motion passed unanimously.

REZONE AND CONSIDERATION OF A DEVELOPMENT AGREEMENT TO ADD THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE TO 1.5 ACRES OF PROPERTY AT 191 SOUTH FLINT STREET – PHIL HOLLAND

PRELIMINARY PLAT APPROVAL FOR THE ELMS ON FLINT SUBDIVISION AT 191 SOUTH FLINT STREET – PHIL HOLLAND

Lyle Gibson explained that the Planning Commission and City Council recently reviewed a proposal at 191 South Flint Street for a five lot subdivision in the R-1-10 PRUD zone. The City Council voted to deny the request, stating that five homes were too many for this property. The applicant is back with a proposal that works under the existing R-1-20 zone where all lots are at least 20,000 square feet in size. The subdivision is a private street subdivision which requires the PRUD overlay zone. The proposal would utilize the existing street and infrastructure on site. A development agreement has been created which allows for the PRUD overlay and private street type development. The agreement would keep all yards the same as a standard R-1-20 subdivision, however the developer has asked to be able to put portions of the home as close as fifteen feet to the private street rather than twenty feet. This would effectively allow a front porch to be closer to the private street. The garage must be at least twenty feet from the street.

Council Member Blackham said that he feels that it would be a violation for the council to approve a fifteen foot front yard setback because it seems to go against city ordinances. The PRUD overlay is a subzone for the zone that already exists on the property. There are multiple places in the city ordinances that states that no building shall be closer than twenty feet to any street improvement. It also says that private lane subdivisions must meet the requirements of the zone district, including the setback requirements. The PRUD allows for specific allowances, but it doesn't seem right to

be able to change the specific requirements of zones and subzones through a development agreement.

Nic Mills said that in Section 17-34-4 it states that the City Council may approve variations from applicable development standards in the underlying zone through a development agreement, which is why Staff feels that the Council could consider approving a smaller setback than what is required by the zone.

Council Member Blackham said that he feels that by approving a setback smaller than the standard setbacks of the zone and of our private street subdivision ordinance we are discrediting our standards. We are giving the impression that they can be changed easily and could be altered anywhere in the city.

Council Member Barber said that any time we are considering a PRUD and development agreement we are taking unique action to a development.

Council Member Tran commented that if we approve this setback variation we might be setting a precedence. We might want to take a closer look at our ordinances to make sure they are clear in what alterations to our ordinances would be appropriate in unique situations.

Council Member asked about why the developer is requesting a smaller front yard setback.

Phil Holland responded that the fifteen foot setback helps with a better aesthetic look because it puts the living area out front and sets the cars further back into the lot. The twenty foot setback for the garage will give the allowance for cars to park in the driveway. The reduced setback will also help to give the properties a bigger backyard.

Council Member Barber asked if the city has allowed a reduced front yard setback in other areas of the city.

Lyle Gibson responded that the Hill Farms Subdivision has reduced setbacks in certain areas of their subdivision.

Phil Holland added that the Jamestown Subdivision also has reduced setbacks.

Mayor Witt commented that this seems to be a changing trend and is what the consumer wants.

Council Member Lortz made a motion to approve a Development Agreement to add the PRUD (Planned Residential Unit Development) overlay zone to 1.5 acres of property at 191 South Flint Street for Phil Holland, seconded by Council Member Tran.

Council Member Tran commented that she appreciates the work that the developer has done in communicating with the neighbors through this process, and feels that this development agreement will help allow for flexibility to give a different product to consumers.

The vote on the motion was as follows:

Council Member Adams, yea

Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, nay

The motion passed with a vote of four to one.

Council Member Barber made a motion to approve the request to rezone 1.5 acres of property at 191 South Flint Street to add the PRUD (Planned Residential Unit Development) overlay zone for Phil Holland, seconded by Council Member Adams.

Council Member Blackham said that he has nothing against this property being developed, but feels that we need to follow our set ordinances.

The vote on the motion was as follows:

Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, nay  
Council Member Adams, yea

The motion passed with a vote of four to one.

Council Member Adams asked if there is a requirement for a turnaround at the end of the private street and if the plat meets the requirements of the fire code.

Council Member Blackham said that he believes that it does. If there needs to be a turnaround it will be included on the final plat.

Council Member Tran made a motion to approve the preliminary plat for The Elms on Flint Subdivision at 191 South Flint Street for Phil Holland, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, nay  
Council Member Adams, yea  
Council Member Barber, yea

The motion passed with a vote of four to one.

REZONE OF 2.22 ACRES OF PROPERTY AT 1422 SOUTH SUNSET DRIVE FROM THE R-A (RESIDENTIAL AGRICULTURE) TO THE R-1-LD (SINGLE FAMILY LOW DENSITY) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – CARL HORNE



PRELIMINARY PLAT APPROVAL FOR THE HORNE FLAG LOT SUBDIVISION AT 1422 SOUTH SUNSET DRIVE – CARL HORNE

Lyle Gibson explained that the property located at 1422 South Sunset Drive is 2.23 acres and is zoned R-A (Residential Agriculture). The owner, Carl Horne, desires to create a flag lot. For now there will be one lot in front, but eventually he would like to split the front lot creating another additional building lot where the existing home sits now. A rezone to R-1-LD with a PRUD overlay would allow him to do so. The flag lot created will include a thirty-foot projection for access onto Sunset Drive and will measure approximately 56,864 square feet. The R-1-LD zoning will allow for the eventual split of the front lot into two lots measuring at approximately 20,000 square feet.

Council Member Lortz asked if the back lot could be split as well.

Lyle Gibson responded that either the front or back lots could be split, but not both. Under the R-1-LD zoning they would only be allowed a total of three lots on the property because they do not have the frontage required for the three lots.

Council Member Adams asked if there was a restriction on how close a building could be built to the nearby rail trail.

Lyle Gibson responded that dwellings have to meet the setback requirements of the zone or of the flag lot standards. Accessory structures do not have to meet the same requirements and could potentially be built one foot away from the property line. If the Council wanted to create a stipulation about the setbacks of accessory structures on the property then they would want to do so before approving a rezone request. However, the west side of this property is fairly steep and it is unlikely that anything would be built along the eastern edge of the property.

Council Member Lortz made a motion to recommend approval of the request to rezone 2.22 acres of property at 1422 South Sunset Drive from the R-A (Residential Agriculture) to the R-1-LD (Single Family Low Density) zoning district to include the PRUD (Planned Residential Unit Development) overlay zone for Carl Horne, seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea

The motion passed unanimously.

Council Member Barber made a motion to approve the preliminary plat for the Horne Flag Lot Subdivision at 1422 South Sunset Drive for Carl Horne, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea

The motion passed unanimously.

REZONE OF 23.3 ACRES OF PROPERTY AT 1300 EAST 1084 NORTH FROM A-1 (LIGHT AGRICULTURE) TO THE R-1-8 (RESIDENTIAL SINGLE FAMILY) ZONING DISTRICT – MORTON DEVELOPMENT

Lyle Gibson explained that Dave and Keaton Morton with Morton Development are seeking a rezone at 1300 East 1084 North to accommodate future residential development. The existing zoning is A-1 (Light Agriculture), which allows for one residential unit per acre. The abutting property to the north is zoned R-1-10 (Single Family Residential), and the property to the south and east is 140 acres of the Kaysville Wilderness Park, zoned PU (Public Use). The Planning Commission held a Public Hearing for this item in December 2019, and the applicant chose to wait until now to bring it before the City Council in order to be able to meet with the neighbors about this proposal.

Dave Morton, with Morton Development, said that this development will be a great opportunity for the property owners and for the city. They have been working on this project for over six months because this property is very unique. There have been meetings with Staff and with neighbors to help get an understanding of the unique aspects of the property and to help address concerns. Some of those concerns include: densities, infrastructure, grading next to adjoining lots, UDOT timing and maintaining trail access. Meetings with city Staff has helped them to understand what density would be allowed here, as well as what kind of access and utility stubs they would need. They have also been coordinating with UDOT to see how the Highway 89 expansion would affect their development. Weber Basin Water District has been working with them in regards to the aqueduct on this property, and Central Davis Sewer District has been helping them figure out proper connections points needed with the Highway 89 expansion work being done. The property also has a fault line running through a portion of it, and they are in the process of having a fault study done to see how it will affect their property and what setbacks will be needed. This property has been in the Talbot family for years. UDOT recently purchased the right-of-way area from the Talbots, and there is also a transmission line owned by Rocky Mountain Power on this property. They are asking for the R-1-8 zoning to have the flexibility to be able to work around these attributes of the property in order to build the homes. There are several areas on the property that no habitable structure will be able to be built. A concept layout of the property has been provided help show how they would like to see the development laid out. The easternmost part of the property will have large estate lots, with the smallest lots abutting Highway 89. The homes north of the aqueduct will have to be accessed with driveways running over the aqueduct. A horseshoe road and trail will provide connectivity to the open space areas. There will be various lot sizes throughout the development. They have also considered proposing private streets, but haven't decided for sure. These homes will be high quality homes and will have a nice look to them.

Council Member Blackham asked if these homes would have access to pressure irrigation.

Dave Morton responded that if it is available, yes.

Council Member Adams commented that he appreciates that the developer took time to involve the neighbors.

Joleen Talbot, the owner of the property, said that she grew up into a family that had the tradition of farming. She raised her kids here on this property in Kaysville and has farmed the property for over forty years. They would have liked to have remained here but with UDOT expanding Highway 89 this property is no longer conducive to farming. They feel strongly that Morton Development will build a beautiful neighborhood that the neighbors will be able to make long lasting relationships with the owners of these new homes.

Council Member Barber asked about including a development agreement with the property.

Dave Morton said that they would be happy to include a development agreement, but hadn't included one yet because they wanted to see how the Council felt about their proposed rezone request. They are also still waiting on the final study for the fault line which might alter the concept plan for the development somewhat.

Council Member Blackham commented that he attended the Planning Commission meeting where this rezone was being reviewed and there were many neighbors in attendance who expressed concern about allowing the R-1-8 zone here because it might allow the developer to build over one-hundred homes. Council Member Blackham said that he is glad to see that they are only looking at eighty-two homes, but would like to see that there be a limitation outlined in a development agreement and that pressure irrigation be required.

Nic Mills said that a limit on the number of lots could be outlined as part of the rezone approval.

Dave Morton said that he doesn't think that pressure irrigation is available to this area right now and can't promise to provide it if it's not available.

Council Member Adams made a motion to approve the request to rezone 23.3 acres of property at 1300 East 1084 North from A-1 (Light Agriculture) to the R-1-8 (Residential Single Family) zoning district for Morton Development, with the stipulation that there be no more than eighty-two lots allowed, seconded by Council Member Tran.

Council Member Blackham asked that the motion include pressure irrigation being required if available.

Council Member Blackham made a substitute motion to approve the request to rezone 23.3 acres of property at 1300 East 1084 North from A-1 (Light Agriculture) to the R-1-8 (Residential Single Family) zoning district for Morton Development, with the stipulations that there be no more than eighty-two lots allowed, and that pressure irrigation be provided to the homes if available. Council Member Adams seconded the motion.

The vote on the motion was as follows:

Council Member Adams, yea

Council Member Barber, nay  
Council Member Lortz, nay  
Council Member Tran, nay  
Council Member Blackham, yea

The motion failed with a vote of two to three.

The vote on the original motion was as follows:

Council Member Barber, yea  
Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, nay  
Council Member Adams, yea

The motion passed with a vote of four to one.

PRELIMINARY PLAT APPROVAL FOR THE ANGEL PLACE SUBDIVISION AMENDED  
AT 37 SOUTH ANGEL STREET – STEVEN AND SHERRILEE EINFELDT

Lyle Gibson explained that the City Council recently approved a rezone of the property at 37 South Angel Street for the purpose of accommodating as many as five lots on a private street. The applicant is now ready to move forward with the development and has submitted a preliminary subdivision plat for review. The proposed subdivision plat shows a five lot subdivision, similar to the concept plan, with Lots 101 and 102 anticipated to be developed first. The remainder of the property may develop into an additional three lots under a future phase. There is a four-foot landscape buffer between the private road and the neighboring property on the north side of the street. All lots in the proposed plat are at least 14,000 square feet in size and meet the ninety-foot frontage requirement required by the R-1-14 zone.

Council Member Blackham made a motion to approve the Preliminary Plat for the Angel Place Subdivision Amended at 37 South Angel Street for Steven and Sherrilee Einfeldt, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Lortz, yea  
Council Member Tran, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Barber, yea

The motion passed unanimously.

## WORK ITEMS

### CONSIDERATION OF AN INTERLOCAL COOPERATION AGREEMENT WITH FARMINGTON REGARDING THE CONNECTOR ROADS PROJECT

Mayor Witt explained that this item would not be discussed at tonight's meeting, but will be discussed at a future meeting.

### CONSIDERATION OF INCENTIVES FOR BIGSHOTS GOLF

Lyle Gibson explained that recently the owner of BigShots Golf came before the City Council to present their proposed business plans for a Kaysville location, and received positive feedback from the Council members. The Council asked Staff and the Economic Development Committee to consider how we might be able to accommodate this business and possibly provide some kind of incentive. Kaysville's Incentive Policy states that the purpose of it is "to assist in attracting and retaining high quality development that offers desirable services and employment to the community. Approved project types will be able to follow a predictable path to obtaining predictable incentives. We strive to work collaboratively with our business community to ensure long-term positive outcomes for all parties. Kaysville will consider offering incentives for projects that demonstrate a return to the city. Such projects should be extraordinary, significantly enhance the community, and meet the goals and objectives of the city." The policy is very specific and creative in dealing with possible incentives on a case-by-case basis. An incentive agreement would be written up and agreed upon with both parties. It is estimated that there will be about \$16,000 for property tax generated per year to Kaysville City from this use, with about \$40,000 coming to Kaysville from annual sales tax. This business will open 120 jobs to the community, and will bring an estimated 800,000 guests from a forty-mile radius whom will likely support other businesses as well within our city. BigShots Golf is considered a desirable use because of the recreational use and full-service restaurant. After meeting, the Economic Development Committee has proposed a list of incentives for the Council to consider approving. Some of those incentives include expedited permit review, tax increment financing, sales tax reimbursements, monetary or in-kind project contribution, deferred city impact fees or reductions in fees, material or labor participation, County tourism advertising, directional signage from I-15, "BigShots Drive" road name, or promotion in the City newsletter. A conditional use permit has already been given for their desired pole height and alcohol sales. The city has reached out to other taxing entities to ask if they would be interested in participating in an incentive package to bring this business here, but they felt that based on the scale of the project it wasn't enough for them to participate. Staff is looking for direction from the Council on the overall incentive package and would like to hear if there is any specific feedback in regards to changes they would like to see before the creation of an incentive agreement. If participation with sales tax is of interest, the Council needs to direct Staff to conduct the appropriate study (10-8-2) and hold necessary meetings and public hearings as part of it. This item will need to return to the Council at a future meeting as an Action Item for consideration of an incentives agreement.

Council Member Blackham asked if the city had ever provided a sales tax incentive previously.

Shayne Scott responded that the city has not.

Council Member Blackham responded that he would prefer that any incentives be given one-time

or up-front so that it's not drawn out over a long period of time. Council Member Blackham added that he is concerned about giving an incentive that has never been given before.

Council Member Adams asked if there were specific incentives that BigShots Golf is asking for.

Lyle Gibson responded that they are not requesting anything specific yet. BigShots Golf has been in the process of trying to find a new location in this area to locate their business and the city is trying to provide them incentives to help encourage them to consider our city over other locations. We asked them to give us a pro forma document so we could see what they anticipated bringing in financially. The numbers we have come up with for incentives were based off of that pro forma.

Council Member Adams said that he doesn't like the idea of having to give up sales tax revenue.

Council Member Tran commented that this property has been vacant for a long time with no one interested in developing it. We need to be strategic with what incentives we offer because this will greatly benefit the community.

Council Member Blackham commented that he is not against providing incentives, but would like to have a better idea of exactly how much we would be giving up. We already know how much impact fees are, and therefore would know how much we'd be giving up if we didn't require those.

Council Member Adam commented that he would be more willing to consider a sales tax incentive if there was a limit on the amount we give.

Council Member Lortz made a motion to extend the meeting to 10:30 p.m., seconded by Council Member Barber. The motion passed unanimously.

Council Member Barber commented that she would be interested in the City Council creating a recommendation for what incentives we'd be willing to give, and then presenting that to residents to get feedback from them to see how they feel about it. We need to be transparent about it so residents know of the Council's plans.

### **CALL TO THE PUBLIC**

Nothing was brought under this item.

### **COUNCIL MEMBER REPORTS**

Council Member Barber commented that they have received several applications for both the Parks and Recreation Advisory Board, as well as for the Citizens Committee which will work towards possibly putting fiber on the ballot this year.

Council Member Adams made a motion to take a break at 10:03 p.m., seconded by Council Member Tran and passed unanimously.

## **CLOSED SESSION**

Council Member Lortz made a motion to adjourn to the City Council meeting at 10:08 p.m. and reconvene into a closed meeting for a strategy session to discuss the purchase, sale or lease of real property, seconded by Council Member Tran. The motion passed unanimously.

Council Member Barber made a motion to adjourn the closed meeting at 10:30 p.m. and reconvene into the City Council meeting, seconded by Council Member Adams. The motion passed unanimously.

Council Member Barber made a motion to extend the meeting to the end of their closed meeting discussion, seconded by Council Member Lortz. The motion passed unanimously.

Council Member Lortz made a motion to adjourn the City Council meeting at 10:30 p.m. and reconvene into the closed meeting, seconded by Council Member Adams and passed unanimously.

Council Member Barber made a motion to adjourn the closed meeting at 10:50 p.m. and reconvene into the City Council meeting, seconded by Council Member Lortz. The motion passed unanimously.

## **ADJOURNMENT**

Council Member Lortz made a motion to adjourn the City Council meeting at 10:51 p.m., seconded by Council Member Barber and passed unanimously.