

KAYSVILLE CITY COUNCIL
PUBLIC HEARING
February 21, 2019

Minutes of a Public Hearing held February 21, 2019 at 6:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center to consider an ordinance adopting impact fee written analyses for water, power, streets, recreation, fire and police impact fees; enacting impact fees; and establishing a service area for purposes of equitable distribution of the impact fees; and related matters.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, and Council Member Jake Garn

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, Zoning Administrator Lyle Gibson, City Recorder Annemarie Plaizier, Dean Wall

AN ORDINANCE ADOPTING IMPACT FEE WRITTEN ANALYSES FOR WATER, POWER, STREETS, RECREATION, FIRE AND POLICE IMPACT FEES; ENACTING IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF EQUITABLE DISTRIBUTION OF THE IMPACT FEES; AND RELATED MATTERS

Finance Director Dean Storey explained that over the past year the City has been working on Impact Fee Facilities Plans and the Impact Fee Analysis. Impact fees are one-time fees that are paid to the City by developers or individuals who construct new development in the city. The impact fees collected contribute to the capital costs associated with the demand that new development places on the City's capital facilities. The City has completed the Impact Fee Facilities Plans and Impact Fee Analysis in compliance with the Impact Fees Act. Copies have been made available for review within the required Public Hearing scheduled for February 21, 2019. The action required by the City Council is to adopt the ordinance. Adoption of the ordinance establishes the start of a ninety-day period before the fees can be assessed. The fees will be effective July 1, 2019 and will be included in the Consolidated Fee Schedule as part of the Fiscal Year 2020 Budget.

Mayor Katie Witt opened the Hearing.

There were no comments or questions from the public. Mayor Katie Witt closed the Public Hearing at 6:40 p.m.

KAYSVILLE CITY COUNCIL

February 21, 2019

Minutes of a regular Kaysville City Council held February 21, 2019 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, and Council Member Michelle Barber

Council Members excused: Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, Community Development Director Lyle Gibson, City Recorder Annemarie Plaizier, Matt Yeates, Cooper Patane, Boston Clemens, Brody Gast, Josh Maughan, Robert Roesner, Luke Maynes, Gregory Giatras, Travis Clemens, Dallin Hoyer, Logan Shinn, Nathan Maynes, David Maughan, Brandon Maughan, Matt Alvey, Blake Alvey, Bob Larsen, Grant Larsen, Dan Reeve, Dean Wall and Paul Thompson

OPENING

Boy Scout Boston Clemens with Troop 400 provided an opening prayer.

RECOGNITIONS AND PRESENTATIONS

COUNCIL TRAINING OF BOARDS AND COMMISSIONS – NIC MILLS, CITY ATTORNEY

City Attorney Nic Mills explained that he had been asked to speak to the City Council, Planning Commission and Power Commission about the role each body has. The City Council acts as the governing body, with legislative and executive powers of the city. The Planning Commission and Power Commission acts as advisory boards to the City Council. They have the obligation to represent the city ordinances and code, and in many cases will make their recommendations to the Council who will make the legislative decision. Discussions about items should not be discussed before being reviewed by the Commissions or Council meetings.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items.

Council Member Adams made a motion to accept the following Consent Items:

- a. Minutes from January 25, 2019.
- b. Minutes from February 7, 2019.
- c. Soccer Jerseys Purchase – Parks and Recreation.

The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea

The motion passed unanimously.

ACTION ITEMS

AN ORDINANCE ADOPTING IMPACT FEE WRITTEN ANALYSES FOR WATER, POWER, STREETS, RECREATION, FIRE AND POLICE IMPACT FEES; ENACTING IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF EQUITABLE DISTRIBUTION OF THE IMPACT FEES; AND RELATED MATTERS

Finance Director Dean Storey explained that this item was discussed during the Public Hearing held earlier tonight. Over the past year the City has been working on Impact Fee Facilities Plans and the Impact Fee Analysis. It has been completed in compliance with the Impact Fees Act, and is ready to be adopted by the City Council. After adoption there is a ninety-day period before the fees can be assessed.

Council Member Adams asked if there was a state regulated time frame that the collected impact fees would need to be spent in.

Dean Storey responded that there is a six-year time frame and the funds are then refunded back to whomever they were collected from.

Council Members Adams commented that the parks fee is proposed to be increased significantly and it seems that, from the analysis, the only reason to justify the increase is because land costs have increased. Council Members Adams asked if the city anticipated purchasing any specific land to be used for city parks.

Dean Storey responded that the city does not currently have any plans to acquire more land to use for parks, but that does not mean that circumstances might change and we will acquire land.

Council Member Page asked when the last time an evaluation was done for the city's impact fees.

Dean Storey responded that the last study was done in 2013. The city tries to do a new evaluation every five or six years.

Council Member Garn made a motion to approve the adoption of Ordinance approving the Impact Fee Analyses for Water, Power, Streets, Parks and Recreation, Fire and Police Impact Fees; enacting impact fees and establishing a service area for purposes of equitable distribution of impact fees; and related matters, seconded by Council Member Page.

Council Member Adams said that he is concerned about the significant increase in Parks impact fees. Without a land acquisition in mind, it does not seem to justify such an exponential increase.

Dean Storey said that the cost of land was not the only factor in the proposed increase, but was a contributing factor in the study.

Mayor Witt asked if the fees could be lowered.

Dean Storey responded that the impact fees are included in the consolidated fee schedule which is reviewed with the budget. The fees can be changed with the adoption of the fee schedule. The amount shown in the impact fee analysis is the maximum amount proposed, but isn't the amount that necessarily needs to be approved. Fees can sometimes also be lowered with each study that is done.

Council Member Garn commented that impact fees adapt and adjust with current circumstances.

Mayor Witt said that a bond was taken out to pay for the first phase of Pioneer Park and asked if the parks impact fees could be used to pay off that bond?

Dean Storey responded that the city is currently using those impact fees to pay off the bond and could continue to do so.

Council Member Barber commented that there are one or two more phases of planned updates to be done to Pioneer Park. Council Member Barber suggested that a list be created showing all of the city's needs regarding park updates and improvements so that we have a better idea of what our needs are when the consolidated fee plan is reviewed.

Mayor Witt asked if the fees could be used to expand the recreation program.

Dean Storey explained that the impact fees must go towards things that match your current level of service. For instance, our current level of service does not include a recreation center and therefore we could not use the fees towards building one. We also couldn't use them towards expanding our recreational programs operationally. The fees could, however, go towards creating more pickleball courts, tennis courts or playground equipment.

The vote on the motion was as follows:

Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea
Council Member Adams, nay

The motion passed with a vote of three to one.

HISTORIC PRESERVATION COMMITTEE ORDINANCE

City Manager Shayne Scott explained that this item was reviewed by the Council at their previous meeting. As part of the discussion surrounding the possible donation of the Old Library building to be used as a museum, the Museum Committee has asked Kaysville City to look into creating a Historic Preservation Committee. This committee would work hand-in-hand with the Museum Committee on funding and grant requests. The Committee can also address other historic efforts in the city, including the new look and preservation of buildings, artifact preservation, etc. In their previous meeting, the Council suggested that the demolition timeframe outlined in the ordinance be adjusted from seven to thirty days in order to allow more time to document a building before it is demolished. The ordinance has been revised to reflect that suggestion and is being presented for approval.

Mayor Witt said that it doesn't seem fair to make a private property owner have to wait to do significant remodeling to their property until a committee could come to document their home. Therefore she would like to see the provision of delaying the issuance of a demolition permit be removed.

Council Member Adams commented that the ordinance doesn't clearly state that these provisions do not pertain to city-owned properties and it needs to be better defined.

Shayne Scott responded that the intent of the ordinance as proposed is to give the Historic Preservation Committee time to document a building before it is torn down. This ordinance does not pertain to city-owned properties.

Mayor Witt said that the ordinance seems ambiguous as is written. There needs to be a separate policy written to address the policy and process of demolishing civic buildings.

Council Member Barber commented that the intent of this ordinance is to preserve historic sites before they are altered.

Council Member Garn asked about how much time it takes for a demolition permit to be approved.

Lyle Gibson responded that the permit can be processed fairly quickly because it is different than a typical code review of building plans.

Council Member Barber made a motion to approve the Historic Preservation Committee Ordinance, with the removal of all the delay and timeframe notations. The Committee will still be notified of the requested demolition who will then work with the property owner to make an effort to document the site. The motion was seconded by Council Member Garn.

Council Member Garn commented that while historic preservation is important in a community, it's not the government's role to tell private property owners that they will have to wait while

another private process takes place. It seems that if the Committee is notified right away they would have enough time to document the property and therefore a timeframe stipulation would not be needed.

Council Member Adams said that these private properties that are not under the historical registration of Utah are not held to the same regulations as those who are. Property owners should have the right to do whatever they want to their properties, however quickly they want to. Publically owned properties should be held to the thirty-day time frame so that the Committee could properly document the building.

Council Members Adams made a substitute motion to approve the Historic Preservation Committee Ordinance with the stipulation that the ordinance specifically outline the demolition process separately for privately owned properties and city-owned properties, and that the thirty day timeframe before a demolition permit be approved be kept in the ordinance.

Council Member Garn said that he feels that this ordinance is not the place to address what happens to civic properties. We need to address those situations in a different document.

The motion died for lack of a second.

The vote on the original motion was as follows:

Council Member Garn, yea
Council Member Barber, yea
Council Member Adams, nay
Council Member Page, yea

The motion passed with a vote of three to one.

KAYSVILLE/FRUIT HEIGHTS MUSEUM COMMITTEE COLLECTION REQUEST

Mayor Witt said that the Kaysville/Fruit Heights Museum Committee is requesting that the city donate their historic items to the Committee so that they can take ownership of and preserve them. This item was discussed at their previous City Council meeting and it was suggested that the contract with the Committee state that these items being donated would be given back to the City should the Committee were to ever be dissolved.

Council Member Adams made a motion to approve the Kaysville/Fruit Heights Museum Committee Collection Request with the stipulation that the contract state that should the Committee ever be dissolved that any items donated be given back to the City, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Adams, yea

Council Member Page, yea
Council Member Garn, yea

The motion passed unanimously.

FIRST AMENDMENT TO THE AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF LAND AMONG KAYSVILLE CITY AND COMPASS HOLDINGS DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT LLC

Community Development Director Lyle Gibson explained that the subject property is located just east of US 89 and has previously been approved for annexation by the City Council subject to terms of the original development agreement. A portion of that property has been under review for development as the Orchard Ridge Subdivision. During the subdivision review, additional engineering details and external factors have given reason to consider amendments to the original agreement. First, Kaysville City (among other jurisdictions) has been contacted by Weber Basin Water District requesting that development occurring east of the highway not be serviced by secondary water systems. The amendment of the agreement removed the requirement for secondary water and the restrictions on the number of culinary connections. Furthermore, as utility providers have reviewed the proposed subdivision plans, their requirements for placement of their lines have forced a change in the profile of the public street right-of-way. Through the preliminary plat process, it was determined that the developer would only be required to install sidewalk on one side of the public streets in the development. Since the developer will be required to bring the right-of-way to grade the same as if there were sidewalk on both sides to accommodate the needs of utility services, the proposed amendment requires that sidewalk be installed on both sides of the streets. Finally, additional language has been added to ensure that access to the newly proposed water tank facility is in place and maintained through all phases of development.

Council Member Barber made a motion to approve the First Amendment to the Agreement for the Annexation and Development of Land among Kaysville City and Compass Holdings Development, LLC and Capital Reef Management LLC, seconded by Council Member Garn.

The vote on the original motion was as follows:

Council Member Adams, nay
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea

The motion passed with a vote of three to one.

PRELIMINARY PLAT APPROVAL FOR THE WEST GATE SUBDIVISION LOCATED AT 2300 WEST SCHICK LANE (200 NORTH) FOR PERRY HOMES

Community Development Director Lyle Gibson explained that Perry Homes recently rezoned the subject property in anticipation of the proposed development. They have since submitted a preliminary plat application giving additional detail of the development. The subdivision consists

of 122 lots and a commercial pad which are anticipated to be developed over five phases, starting from the south end of the project along 200 North Street. The preliminary plat is consistent with what was shown during the rezone process, which includes open space to be dedicated to the City for use as a park as well as a trail connection. As there is no PRUD element to this subdivision, all lots within their respective zoning districts meet the minimum lot size and frontage requirements. The commercial pad along 200 north measures at three acres, and is zoned GC. The proposed subdivision has only one cul-de-sac which is less than 200 feet deep. The ordinance allows for a dead end street to be as long as 600 feet in length. The Planning Commission has reviewed this plat and voted unanimously to forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for the Westgate Subdivision.

Council Member Adams asked how the R-1-8 zoning fits the density requirements of the General Plan.

Lyle Gibson responded that the General Plan suggests that there be only two units an acre in areas west of I-15. This subdivision, which includes a portion of R-1-8 zoning, meets the General Plan because we have taken into account the overall density of the subdivision. When Perry Homes first approached the City they were hoping to request high density housing along this western portion of the subdivision, but were told by the sewer district that they only had the capacity to handle two-units per acre in this area.

Council Member Barber asked if there is a formal process developments have to go through to obtain approval from the sewer district.

Lyle Gibson responded that the developer has had many discussions with the sewer district before this point and the sewer district will have to sign off on the final plat before development occurs.

Council Member Garn made a motion to grant preliminary plat approval for the West Gate Subdivision located at 2300 West Schick Lane (200 North) for Perry Homes, seconded by Council Member Page.

Council Member Barber commented that she appreciated that Perry Homes worked with the city in regards to the open space area, and feels that it has worked out in the best interest of everyone involved.

Council Member Adams asked if Perry Homes would be covering any costs for improvements to the open space area.

Dan Reeve, with Perry Homes, stated that they are dedicating the land over to the city. There are irrigation systems already on the property, but they will likely need repair. This land was previously developed as a park for the surrounding subdivisions but was abandoned by the HOA.

The vote on the motion was as follows:

Council Member Page, yea
Council Member Garn, yea

Council Member Barber, yea
Council Member Adams, nay

The motion passed with a vote of three to one.

WORK ITEMS

INTERLOCAL COOPERATION AGREEMENT FOR MUNICIPAL ELECTION SERVICES

City Manager Shayne Scott explained that Davis County has the equipment and resources needed to carry out an election and is willing to make available the resources and equipment to assist our City in holding its municipal primary and general elections in 2019. The County has assisted with our elections previously and Staff is requesting the Council consider approving the Interlocal Agreement as it will benefit the city to have the County's support and guidance during this election process.

Council Member Page made a motion to move this item to an action item, seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Garn, yea
Council Member Barber, yea
Council Member Adams, yea
Council Member Page, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Dean Wall said that he and his wife recently had an incident that involved some city firemen and a police officer. He feels things were lied about and wanted to bring this to the attention of the public and will likely follow legal action.

COUNCIL MEMBER REPORTS

Council Member Page commented that it's a common misconception that if residents obtain a permit to finish their basement that they will be charged impact fees. The permit fees for a remodel or basement finish is not very much and doing it without a permit creates a lot of liability for the homeowners.

Council Member Garn said that Sandy City recently had a problem with too much fluoride in their water, and there was a delay in public notification. Sandy City has their own water district, whereas Weber Basin Water District serves Kaysville. Weber Basin Water tests the water frequently and has an up-to-date operation.

Mayor Witt said that residents can sign up for the City's Reverse 911 system through our website and would be notified if there were any utility problems.

Council Member Barber said that at their previous Council meeting they had someone present to the Council about the pickleball courts. Since then she had questions about why there has been so much focus on pickleball. Those who came to Council to speak about it came because they asked to. If there are other groups interested in presenting to the Council they could do so as well. Also, there have been many complaints by residents about the city's recreation programs being full, but there is not a lot we can do about that right now as we don't have the space to allow for more participants.

ADJOURNMENT

Council Member Garn made a motion to adjourn the meeting at 8:14 p.m., second by Council Member Barber.