

KAYSVILLE CITY COUNCIL

July 2, 2020

Minutes of a regular Kaysville City Council meeting held on July 2, 2020 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

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, Deputy Recorder Maria Devereux, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Information Technology Assistant Jordan Hansen, Police Chief Sol Oberg, Public Works Director Josh Belnap, Water Manager Jared Tubbs, Loretta Cole, Nathan Alvey, Jennifer Burk, Kyle Burk, Richard Collard, Nephi Harvey, Malcolm Harvey, Wilf Sommerkorn, Gregory Brown, Russell Wilson, Sean Zortman

OPENING

Council Member Mike Blackham opened the meeting.

Council Member Blackham added that Jason Sorensen, deputy paramedic for Davis County and flight paramedic for AirMed, recently succumbed to his injuries that he sustained in a plane crash this last week. He had an impact on several people within Kaysville City as he has responded to several medical and police calls for the last 20 years, and his parents lived in Kaysville. Jason was a good guy, very professional, extremely knowledgeable, and he helped teach the Kaysville Fire Department many things. Council Member Blackham asked that people keep his family in their prayers.

RECOGNITIONS AND PRESENTATIONS

Loretta Cole said that the Community Emergency Response Team has been in Kaysville for a very long time and is an important program for our city. In a disaster situation there will not be enough police and fire staff cover all of the needs of our citizens and that's what the CERT program is for. The program helps to teach safe practices to use which helps to reduce injuries to responder citizens and individuals. We are a trained group of volunteers who create a community effort with emergency management. CERT is a program sponsored by FEMA. The program is also a great for PR because we get to know a lot of people through the program, and they get to know what the program is about. It helps to empower individuals and families. If there is something the police or fire department needs assistance with, CERT volunteers will help out. CERT is part of the Emergency Management Plan with both the city and the county. They are now being called into other communities to help where need. The CERT program is part of the fire department, and so the only way they can respond is when the fire chief asks for their assistance. They have 8 districts within the city, and each district has a team of people within it. Their members have to go through 20-31 hours of training, which includes fire safety,

disaster medical operations, disaster psychology, terrorism, hazardous materials, and incident command systems. They are also trained on additional things such as traffic control, floods, fire rehab, animal rescue, and volunteer donations with emergency management. After going through training, members have to go through a mock disaster where they are tested on what they learned. If someone wants to become involved in CERT they can contact the fire department.

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 the Minutes of May 21, 2020.
- b. Approval of North Angel Street Curb and Sidewalk Design and Coordination Services.

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

DISCUSSION ON ELECTRIC VEHICLE CHARGING RATES

Shayne Scott explained that the city currently has four dual EV charging stations installed. Three more stations will be placed at City Hall when the driveway and curb is completed. An additional two more stations will be installed behind the fence at the Operations Center for future city fleet use. The Power Commission met to discuss this item and have recommended that there be no fee gathered for the charging stations for the first 6 months so usage data could be collected. After the initial 6 months, if the City Council would like to charge enough to consumers to cover costs, a rate structure that is simple and accomplishes that goal can be created at that time. Charging station costs include: power usage by the consumer to charge a vehicle, cloud storage costs of \$15,470 for 5 years, and warranty and service plan costs of \$14,812 for 5 years. The grant that the city received will pay the cloud and service plan costs for the first 5 years. Most cities do not charge for use of their EV stations. This is probably because they are a small part of their overall load, and they encourage the use of electrical vehicles, which are “clean” and can help with the bad air and inversion we have along the Wasatch Front.

Council Member Lortz said that the charging stations will not be high-speed, and rates will only

be about \$.60 an hour.

Council Member Barber said that because it is a minimal cost to the city, many cities won't charge for it because it becomes a good incentive to drivers.

Council Member Blackham made a motion to approve the Power Commission's recommendation to wait six months to reevaluate where we are at in regards to electrical vehicle charging rates. 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.

REZONE OF 1.1 ACRES OF PROPERTY AT 1599 WEST GALBRAITH LANE FROM THE R-A (RESIDENTIAL AGRICULTURE) DISTRICT TO THE R-1-20 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE – NATHAN ALVEY

PRELIMINARY PLAT APPROVAL FOR GALBRAITH KAYSVILLE SUBDIVISION AT 1599 WEST GALBRAITH LANE – NATHAN ALVEY

Lyle Gibson explained that this property, located at 1599 West Galbraith Lane, currently has an existing home fronting Galbraith Lane. The Alvey's are proposing that the home remain on the property, but would like to create a new flag lot behind the home, to the south. Flag lots require that a PRUD overlay zone be approved. The proposed preliminary plat shows 2 total lots, each meeting the minimum frontage and acreage requirements of the R-1-20 zone. The flag lot provision of the PRUD ordinance requires that the standard lot fronting the street keep typical standards for width and setbacks, and that access to the new lot be provided with a 30-foot flag stem to a single lot. The property contains enough acreage and is wide enough to accommodate 2 lots and still comply with the provisions of applicable ordinances. However, in order to meet the required side-yard setback from the property line it is necessary to remove portions of the home, as is proposed on the preliminary plat. There are multiple flag lots in the immediate area. Concerns have been expressed to staff in recent years regarding water runoff collecting in the rear yards of some of the properties along Leola Street. To address this, the applicant has prepared options to deal with the storm water. The plans include a sump or on-site solution, as well as an option that would take water into a yard drain out of the city's storm drain system in Galbraith Lane. The City is willing to consider either option. Prior to final plat approval, complete engineering and details will be required to be reviewed to verify that the proposals will function. The Planning Commission voted 5 to 2 to recommend approval of the PRUD overlay zone and rezone to the R-1-20 district. Their recommendation included the requirement that the applicant install a 6-foot vinyl fence along the west property line, adjacent to Lot 1 of Dancing Horse Estates, and up to the 30-foot front yard setback line. The descending votes were

favorable of the flag lot and rezone, but didn't feel it necessary to impose fencing on the applicant. The Planning Commission also voted unanimously to recommend approval of the preliminary plat with the condition that the existing home be modified before a final plat is recorded, and that particular attention be made to the design of a system that will address the surface water issues on the property in a manner that meets the city's ordinance and satisfaction of the city engineer.

Nathan Alvey said that he had met with each of the surrounding neighbors both one-on-one and in a group setting and has addressed those water concerns with his engineer who is drawing up the plans for a water system. Some of the options available to him to solve water issues will be very expensive, but he wants to present the best option. It is most important to retain all of the water onsite. Mr. Alvey said that he is willing to contribute 50% of the funds towards any fencing, but also feels that he shouldn't have to pay the full amount to have a fence installed. The neighbors don't seem to approve of his retention plans, nor the offer to contribute 50% of funds towards a fence. The water problems seem to occur along the property lines of adjacent properties. Mr. Alvey said that he feels these issues should be addressed neighbor-to-neighbor, but feels that the neighbors are against this subdivision and are trying to get him to pay for improvements to their properties. Some of the surrounding homes have drainage systems installed in a way so water runoff is being directed onto his property, and he shouldn't have to carry the full burden of the area's problems created by the neighbors' drainage systems. Any water runoff created on his property will be retained, but it seems extreme to ask him to connect to the city's storm drain system without the neighbors having to do the same. Also, fences are typically only required when a new proposed use is non-compatible with the existing neighboring uses. The new lot will have a single family home built, which matches what is already in the area.

Mayor Witt asked for public comment.

Jennifer Burk said that her primary concerns are safety and the invasion of privacy. They have a young toddler and are concerned about the driveway being proposed to run along their adjoining property line. One child is run over once a week in Utah and it's something their family is concerned about happening here. They would like to see a fence installed along the driveway to help prevent that from happening. There will be more traffic created by having a second home on the property. There are water issues in this area and they support the Planning Commission's recommendation to have Mr. Alvey take care of the water runoff. The water table is also high and the soil is full of a lot of clay. Because of this, they would like to see that water runoff be piped out to the city storm drain. Also, if more dirt is allowed to build up the property, it will in turn create more water runoff problems for the neighboring properties.

Kyle Burk said that the developer could potentially install a 200 foot driveway adjacent to their property, and this is cause for concern and why they feel like they should be able to make certain requests of the developer. The proposed flag lot will greatly impact the surrounding properties. They have been living in their home for 12 years now and haven't felt the need to install a fence until now.

Richard Collard said that he lives behind this property and since Houston Court was developed, the neighbors to the east have experienced a lot of flooding issues. He is concerned that adding another home to the area will create similar water problems to the adjacent properties. The

developer is planning to build a 5,500 to 6,000 square foot home. The home and driveway will create less ground area for storm water to be absorbed into, and so the water will run into the neighboring properties. Mr. Collard said that although he doesn't have any water problems on his property now, he fears that once this home is built he will have to bear the burden of any mitigating problems this development will cause on his property. French drains are essentially a holding well for water runoff and the water won't be absorbed quickly because their soil has a lot of clay in it. Instead of holding the water runoff on the property, it should be directed off of the property via a piped storm drain system. The neighbors aren't asking the developer to take on the neighbor's water problems, but rather that he take care of water runoff so that new problems aren't created on neighboring properties.

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

Council Member Adams said that it's important that these homes have a turnaround driveway.

Nathan Alvey commented the Burk's currently have an RV pad that is approximately 70 feet deep. The driveway will be set five feet from the property line and there will be turnaround driveways for both homes. His engineer is in the process in designing a plan where all of the water should be retained onto the property.

Council Member Adams asked if water runoff was already coming from this lot. The city has an ordinance which regulates property owners retaining their own water on their properties.

Lyle Gibson explained there is water that has run onto this property and has for several years. The ordinance states that you can't create any additional water runoff from the property. Since there will be less pervious area for the water to drain into once the driveway and home is built, Mr. Alvey will need to find another way to contain the water so additional water doesn't drain into neighboring properties. The water problems that exist south east of Houston Court, along Leola Lane, were created as a result of the development of Houston Court. The water problems in that area will not be influenced in any way by this development because it is upstream of here.

Council Member Tran asked what happens if a water containment problem were to arise in the future.

Lyle Gibson responded that the issue would likely go back to the developer and engineer who designed the water plans in order to fix the problem.

Council Member Lortz asked about the slope of the driveway.

Nathan Alvey responded that they would keep it sloped out towards the street as much as possible.

Council Member Barber asked about the existing home being modified before final plat approval.

Lyle Gibson said that the thirty foot flag lot stem encroaches into a portion of the existing home and the home will have to be modified to accommodate that driveway before receiving final plat

approval.

Public Works Director Josh Belnap added that the price difference between the types of water drainage systems could be the difference of thousands of dollars. Depending on the type of system that is chosen, the city might be willing to help contribute to the cost of the pipe because it can help ensure better function of the storm water systems in the area.

City Attorney Nic Mills added that some of the engineering questions can be answered after the property is rezoned and before final plat approval. Oftentimes the details of the development isn't calculated at this point because the developer wants to ensure the property can be rezoned before they invest in more money into the engineering of the development.

Council Member Blackham made a motion to approve the request to rezone 1.1 acres of property at 1599 West Galbraith Lane from the R-A (Residential Agriculture) to the R-1-20 (Single Family Residential) zone district, to include the PRUD (Planned Residential Unit Development) overlay zone for Nathan Alvey with the condition that Staff review the drainage issues of this property as well as the proposed engineered drainage system, and that no fencing be required. The motion was seconded by Council Member Lortz.

Council Member Tran commented that it seems fair that the developer is offering to pay 50% of the cost of the fence.

Council Member Barber said that there are other flag lot subdivisions in the area, and this use is compatible with the area. Therefore it doesn't seem appropriate to require the developer to install a fence.

Council Member Lortz said that we need to be careful on what we mandate for developers on their projects. If the builder is willing to contribute half of the money towards a fence, maybe the developer could install half of the fence going back 100 feet into the property. If the neighbors feel it important to finish the fence then they could pay to finish the rest of fence along the property line. Water issues are very tricky because everyone seems to want to place blame on their neighbors for their water problems. We need to trust the city engineer and staff to follow the guidance of the ordinances to mitigate it appropriately and properly. We need to go with the plan that is most reasonable. If the plan they propose meets our regulations and is approved by our city engineer then we shouldn't have to force a more costly plan on the developer.

Council Member Adams commented that if the neighbors want the best storm drain system to be developed here, maybe they should try to help pitch in so the system is installed. Then the neighbors can connect their own drainage systems to it and not have to worry about future problems they might have. If everyone contributes to something they will end up with a better product. It would be better for everyone in the long run.

Council Member Blackham said that he walked the Alvey's property after it had rained recently and he didn't see the pooling issues that the neighbors have mentioned. That's not to say that they've never had problems with water pooling here, but reality is that water runs east to west and we are building in the middle of water flow. Mr. Alvey could decide to install the least amount of drainage system required and there's nothing more the city could ask him to do. Just

because Mr. Alvey is the last one in the neighborhood to fully develop his property doesn't mean he should have to carry the burden of water issues in the neighborhood. Council Member Blackham added that he feels that this proposed use is compatible with the area and therefore a fence shouldn't be required. Mr. Alvey is trying to meet his neighbors halfway and they should take advantage of that.

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 Lortz made a motion to approve the preliminary plat for Galbraith Kaysville Subdivision at 1599 West Galbraith Lane for Nathan Alvey, seconded by Council Member Barber.

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.

CONSIDERATION OF A DEVELOPMENT AGREEMENT AND REQUEST TO REZONE APPROXIMATELY 14.0 ACRES OF PROPERTY LOCATED AT 1773 WEST 200 NORTH FROM THE A-5 (HEAVY AGRICULTURE) DISTRICT TO THE R-1-10 (SINGLE FAMILY RESIDENTIAL), R-1-14 (SINGLE FAMILY RESIDENTIAL), R-1-6 (SINGLE FAMILY RESIDENTIAL), AND R-2 (ONE TO TWO FAMILY RESIDENTIAL) ZONES, TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE TO BE INCLUDED OVER EACH DISTRICT – NEPHI AND MALCOLM HARVEY

PRELIMINARY PLAT APPROVAL FOR THE SALT GRASS SUBDIVISION AT 1773 WEST 200 NORTH – NEPHI AND MALCOLM HARVEY

Lyle Gibson explained that the Harvey's are requesting a rezone of their property at 1773 West 200 North to be rezoned to multiple different zoning districts in order to accommodate their desire for a future residential development with a variety of lot sizes and housing types. The Harvey's have submitted a preliminary plat to demonstrate their desired use of the property which includes an anticipated 3 phases of development along public streets, which are designed to create connections from existing stubbed dead-ends to 200 North Street. Also included in the plans are some private streets, common areas and varied lot sizes. The plat being presented

tonight has been modified since it was presented to the Planning Commission based on input received from the Commission as well as comments from the public during the Public Hearing. Specifically, the number of total lots has been reduced from 78 to 54, with the change occurring along the eastern edge of the project where a number of small single family lots have replaced some townhomes to create a transition with neighboring properties to the east. At the request of Staff to better predict and administer the type of development to occur, each phase has been proposed to be regulated by a separate zoning district. Phase 1 would be regulated by the R-1-10 district and contains 10 lots on 4.4 acres ranging in size from 11,274 square feet to 21,841 square feet in size, all along a standard public right-of-way. This phase does not require the PRUD overlay. Phase 2 is proposed to be included in the R-2 and R-1-6 zoning districts and includes 13 small single family home lots and 24 lots in a townhome style configuration with common open space. With 37 dwellings spread over 6.2 acres, this phase has a density of 6 units an acre. Phase 3 is proposed to be in the R-1-14 district and includes 7 lots ranging in size from 15,600 square feet to 18,947 square feet in size. Most of the lots are accessed from a private cul-de-sac street. The total density of 54 units is over nearly 14.4 acres and equates to about 3.75 units per acre. A development agreement has been provided which holds whomever develops the property to what is being presented to the council. The agreement speaks to timing of construction in that it may take several years to fully develop, but the applicant desires to master the full property now and set expectations for the city and future development. All phases of the proposed preliminary plat are dependent upon approval of a rezone as the property currently requires that all divisions be to lots of at least 210,000 square feet in size. After review, the Planning Commission voted unanimously to recommend denial of the proposed rezone, agreement and preliminary plat. The Commission expressed with their motion that they are in full support of the type of development being proposed, but felt that in tabling this request there was at least one item that the Commission and applicants didn't think they could agree on and therefore opted to forward the proposal to the council.

Nephi Harvey said the he is representing his family who is presenting the Salt Grass Land and Cattle LLC phased development. They are looking to develop Phase 1, the easternmost portion of the property, primarily for members of the family to build on. There will be 3 lots that will remain horse property for now. They are looking for preliminary plat approval based on compliance to city regulations, and at a minimum would like the council to approve the preliminary plat for Phase 1 as presented as it does not require Phase 2 or 3 to be included. They intend to continue to farm and keep animals on the land outside of Phase 1 and don't have a foreseeable timeline for developing Phases 2 and 3. Their family has been part of the city for a long time. Some of their farming property is now owned by UDOT and will be used to build the West Davis Corridor. This subject property is the last piece of property their family owns within the city and they've been farming it since 1965. Most of their ranching operation has moved to Wyoming. Sometimes it's been problematic to have developments move in next to their property because they had started to find trash in their fields, had problems with trespassing on their property, and they had an incident where the developer cut their fence and left it so their animals could get out. As more properties have developed in west Kaysville, traffic has increased significantly and they've had to ask for help from the police in order to get their farm equipment down the street to farm his aunt's property. In December 2019, at the request of their father, the family began discussing plans for developing the property. In January 2020 they received another unsolicited third-party developer proposal to place 95 homes on their property, for a density of 7.8 units per acre. The family started to meet with city staff at this point to draw up their own plans to develop this property with mixed development included. Their plans

included having four family members build their homes within the first phase of the development. The family feels that this proposal meets the General Plan which supports the “rezone of densities necessary to assure the production of moderate income housing”. In June they presented these plans to the Planning Commission where the majority of the Commission stated their approval of the mixed density concept. However, many Commissioners wanted to see that 75 South connect to 200 North Street via the future Morning Mist Lane. Also, the neighbors asked the Harvey’s to create a buffer of single family housing units along the east side. Many of the residents of the Mountain Vistas neighborhood are looking to the Harvey’s and this development to remedy their problem having cut-through traffic through the Mountain Vista area, but there are other ways to remedy the issue rather than shunting the problem down 75 South to the newer developed area. Their first proposal to the Planning Commission showed 76 units, or 5.7 units per acre. Now they are proposing 54 units, or 3.9 units per acre. They have also added a buffer zone along the east side of the property. There will be a large open space area on the property as well. They have reduced the number of units because they don’t want to add to the traffic issues already in the area. Creating a third traffic feeder onto 200 North could add to the traffic problems because 75 South was not designed for high level traffic. Their master plan already requires significant cost to support traffic flows from theirs and neighboring communities through 2 additional connections through their development to 200 North. The first one will be a long extension of Morning Mist Lane to 200 North through their proposed Phase 2. And the second connection will be a required stub street that will be from Phase 1 to the Anderson property. When the Anderson’s decide to develop their property they will have to help create the road from that stub street. Roads are an enormous expense. Their plans for Phase 1 of this development, along with their future master road plan for the additional phases, meet all of the city and state requirements and laws. They feel it best to not put another connector road from 75 South Street because another connector road will add to safety concerns of the area, and it will also add to the cost of this project. Besides the family lots, the rest of the lots will be sold to help pay for this project. Getting Phase 1 approved is their original goal moving into this plan. If approved tonight, they will be coming back in a few weeks to get final plat approval on Phase 1 so they could start construction immediately.

Mayor Witt asked for public comment.

Wilf Sommerkorn, the Planning Commission Chair, said that he came tonight to give the City Council some insight on the Planning Commission’s discussion on this item. Generally the feedback was pretty positive from the Commission, and they felt favorable to the overall development as it was proposed. The Harvey’s were amenable to what was discussed as well. Some suggestions made to the Harvey’s were related to the public comment the Commission had received, and some were their own considerations. A concern they had was regarding the configuration of the higher density portion of the property. The Harvey family said they were open to reconsidering the layout of the development. There was one issue the Commission couldn’t resolve with the Harvey’s and that was the connectivity issue with 75 South Street and Morning Mist Lane. Connectivity is a benefit to communities. It is better to plan for more intersections because it gives traffic more ways to get around, and you can better distribute it. The Planning Commission asked for more connectivity within this development, and the Harvey’s weren’t willing to consider opening up those streets. This is why the Council is reviewing this item with an unfavorable recommendation. The city shouldn’t be limiting and confining our roads to just a few options. The Planning Commission has not reviewed the reconfigured plans, but he suspects they would be favorable to it after reviewing it himself.

Another unresolved issue was regarding the concerns expressed by the sewer district about approving developments with more than the two-unit per acre limitation west of I-15, as outlined in the General Plan. This is a concern that will need to be addressed with the city, the Harvey's and the sewer district. As more high density developments are proposed in west Kaysville, it is something that needs to be addressed.

Gregory Brown said that he lives south of this proposed development, is the Mountain Vistas HOA President, and is here tonight to represent the HOA board and residents of the Mountain Vistas Subdivision. He is also here to support the decision of the Planning Commission to deny the proposal as it is being presented. Their biggest issue is the connectivity from 75 South Street to Morning Mist Lane. Mountain Vistas sees a lot of cut-through traffic today, and while they appreciate the concerns of the residents on 75 South, this current proposed plan will force all of traffic through the Mountain Vistas neighborhood. Everyone needs to share the load and have a fair, equitable distribution of traffic in this area by connecting 75 South and Morning Mist Lane. We also understand that the Anderson property may never sell and that connection through their property might never happen. There are still a lot of what-ifs and this is the time to plan how we want to develop this area in a way that is of the best interest to all the residents living here, and not just a few. Currently Morning Mist Lane is a stub road and there is no promise that the road will ever connect to 200 North in the future. The neighborhood also shares concerns about the high density homes being proposed, and we want to see that the concerns of the sewer district is addressed. High density homes next to neighborhoods with larger lots can sometimes bring more issues to the area, and he is glad to see that the Harvey's are proposing a buffer zone between the existing neighborhood and new development. We are grateful that the Harvey's have been willing to hear the neighbor's concerns and try to resolve some of them.

Russell Wilson said that he is the development manager for Symphony Homes and they are developing a three-phase subdivision just south of the Harvey's property. There is a total of 98 lots planned for their development and the average lot size in the subdivision is 17,000 square feet. Their company understands that there is a need for high density and multi-family housing in Kaysville, especially adjacent to busy corridors like 200 North. But they feel there are certain commonplace planning principles that should govern design and be given consideration in this application. There should be a greater transition from the high density product near a busy corridor to the low density area, near the existing neighborhoods. The developer has adjusted his plans since the Planning Commission reviewed it in order to include more single family dwelling lots, but he feels the transition should be more gradual between the high density and single family lots. The design should also contemplate ways to keep the higher density traffic on the busier corridor and to prevent a higher concentration of traffic from cutting through neighboring subdivisions, thereby overwhelming existing roads. A separate connection or entrance to 200 North for just the multi-family component might be a better idea. The developer should provide more detail of the minimum architectural design standards, especially for the multi-family product, to make sure it will fit in with the existing neighborhood and fit into the city's vision for this area. We hope the final product will capture the feel of the neighborhood as well as the vision for the city.

Sean Zortman said that he lives in The Preserve Subdivision, just south of the Harvey property, on Morning Mist Lane. He supports the Planning Commission's recommendation regarding connectivity, as well as concerns about if the sewer district can accommodate this amount of high density. All of the proposed roads are cul-de-sac streets, except the road that is being

proposed to connect to his street, Morning Mist Lane. If approved this way, Morning Mist will see even more traffic coming from the surrounding neighborhoods, including traffic from The Preserve Subdivision which is under construction. It seems foolish to rely on the development of the Anderson property. The more connectivity you have, the better it is for the community. There needs to be a more firm plan to address the traffic issues of the whole area, and not one to just take care of those who live on 75 South Street. He appreciates the addition of a buffer around the eastern edge of the development. However, some of the existing homes will abut up to five other property lines and it doesn't create a good transition between the high density area and the single family homes. These lots need to be adjacent to existing lots of similar size. No part of this development should be approved until the whole plan is done. There needs to be more firm answers before anything is approved.

Malcolm Harvey said that if 75 South is connected to Morning Mist Lane, traffic will end up being funnel to one access point on 200 North thereby become bottlenecked at that one access point. People will not drive south to get to 200 North but will use the most convenient route. The extension of 75 South will not distribute traffic more evenly, but rather their subdivision will become more saturated with traffic. Also, 75 South Street is not very wide and it's already hard for two cars to pass each other if there are already cars parked on the street. Adding more access points on 200 North will create safety issues. Creating more access points within their development will also add a significant cost. Developing Phases 2 and 3 is not in their immediate term plans, and therefore the concerns of the sewer district is unnecessary because they don't plan to develop the whole property for years. They are asking for Phases 2 and 3 to be approved for the zoning, so the city has something to take to the sewer district to try to help ease their concerns.

Nephi Harvey said that a letter was sent from Shauna Burbidge to the Council which stated that she works for an engineering firm that works with the state of Utah in planning these types of developments. She stated that she disagrees that connecting Morning Mist Lane will become a cut-through road. Mr. Harvey said that it isn't their intention to try to ignore the issues with traffic in this area. But there is likely things the city can do to help mitigate those issues. The sewer district has mentioned that they like to have an objective to plan for, and they feel that is what they are trying to provide them. So they know what to plan for the future. They were encouraged by staff to provide a master plan of the overall project now rather than only presenting Phase 1. Their proposed development meets the density requirements and they are trying to develop this property in a way that is responsible and conducive to the neighbors. The proposed plan is very detailed. We do not want to funnel 3 roads down 75 South. Nobody can say when the Andersons will develop their property, but we are planning for it with how we have designed this layout.

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

Council Member Adams asked about the timing of these phases.

Nephi Harvey responded that their primary objective is to get Phase 1 approved and developed as soon as possible. Their family feels that as time goes on there will likely be a higher demand for higher density here, especially as the West Davis Corridor is built. The development agreement will lock them into whatever zoning and density they are approved for. Mr. Harvey

said that he had spoken with the sewer district about receiving approval for Phase 1 and was told that they wouldn't consider the approval unless an overall master plan was provided. They feel that they have provided that overall plan and have responded to the needs of the community through it. With the development in Phases 2 and 3 they plan to put in an 8 foot pavement walkway between subdivisions.

Council Member Adams commented that he would prefer to see that the proposed high density area be located more along 200 North street, with the larger lots planned on the south end, and then gradually increasing those lot sizes between the two areas. There needs to be a better tapering of lot sizes. The General Plan reflects that high density housing be located along the major streets, and it's hard to approve these high density homes being built that far south from 200 North Street. It is also harder to find a buyer who will want to buy a large lot along a major street. While he is okay with the current layout of Phase 1, Mr. Adams suggested the Harvey's go back to redesign Phases 2 and 3.

Council Member Tran asked about the process to receive approval from the sewer district.

Lyle Gibson responded that it is outlined in our city ordinances and is part of the review of subdivision applications. It is a requirement that those who provide utilities to and service the subdivision give their approval on their specific component. The sewer district will have to approve the design of that system, and thereby accepting the capacity.

Mayor Witt asked the council about the connectivity concerns.

Council Member Tran commented that she had driven around the area earlier and 75 South Street seemed very narrow. Morning Mist Lane is wider and seems to have been built to accommodate more traffic flow.

Council Member Adams said that he had received several emails from residents living on Morning Mist Lane which caused concern about traffic along that street. In speaking with the Public Works Director, there might be some things the city could implement in these neighborhoods with cut-through traffic to better regulate traffic. Nonetheless, connecting Morning Mist Lane to 75 South Street will likely not change current issues with traffic cutting through the Mountain Vistas subdivision. It is a problem that needs to be alleviated, but it doesn't seem that creating a connection from 75 South to 200 North would alleviate that.

Council Member Lortz said that the Harvey's don't plan on building Phases 2 or 3 for several years and they might never chose to develop them. If that happened the 75 and Morning Mist connection would never happen. Both streets will continue to be dead end streets and there would be no benefit for the connectivity that people are trying to push for. When West Davis Corridor comes in traffic patterns in west Kaysville will change dramatically. Right now traffic is trying to get to 200 North in order to thereby get to I-15. Once the corridor is complete those west of Flint Street will likely use the corridor instead of I-15. We need to look at these traffic plans not just for today, but for how it will be in the future as well. We also need to recognize that putting that obligation on the Harvey family will likely give them more of an incentive to never install the road connection. If they had brought in only Phase 1 this whole connectivity issue likely would have never come up for discussion.

Council Member Blackham said that the Harvey's are willing to provide 2 connections to 200 North Street, which is ultimately meeting our goal of having the ability to get the cars out of the neighborhood and onto the major streets. But we need to be careful as to not approve a cul-de-sac that will be over the length allowed. We don't want to lose this connectivity with 200 North Street. There is already going to be a road connection from 75 South to 200 North through the Ovation Homes development.

Council Member Lortz expressed concern that future buyers within The Preserve Subdivision will not be given much direction or notice of what is being proposed for the Harvey property in the future.

Nephi Harvey commented that when they do decide to develop Phases 2 and 3, The Preserve will likely be built out and they will be able to have a discussion with the neighbors about their development plans. Mr. Harvey commented that he would also like to see that the developer of The Preserve let their buyers know the future development plans for the property.

Council Member Adams asked about notification to the neighbors about changes made to the plat since it was reviewed by the Planning Commission.

Lyle Gibson said that it is not required that the adjacent neighbors receive a separate notice after the Planning Commission has reviewed an item.

Nic Mills said that if there's a substantial change, such as a significant increase in the proposed density, then it would warrant the city noticing the neighbors of the change. If the proposal lessened the proposed density the presumption is that it is less impactful and we wouldn't have to notice in that circumstance.

Council Member Adams said that he feels that if the Planning Commission gives a negative recommendation for an item, and the item continues to the City Council, or if the item changes significantly then the neighbors need to be notified of such. The current system seems to give a false impression to residents.

Mayor Witt commented that she would like to have a combined session with the Planning Commission to have a discussion about some of these types of planning situations.

Wilf Sommerkorn, the Planning Commission Chair, said that in the combined session he would also like to discuss the General Plan update. The Sewer District should be invited so that we can hear their insights as well. Mr. Sommerkorn said that he's been involved in planning for several years and recommendations to the council from the Planning Commission has always been a gray area. A general rule of thumb to follow is when an applicant modifies their application after the Planning Commission gives their recommendation then the modified plan should be taken back to the Commission for review before going to Council.

Council Member Tran made a motion to approve a request to rezone Phase 1 of the Salt Grass Subdivision, consisting of approximately 5.0 acres of property located at 1773 West 200 North from the A-5 (Heavy Agriculture) district to the R-1-10 (Single Family Residential) district for Nephi and Malcolm Harvey. The motion was seconded by Council Member Adams.

Council Member Tran said that she appreciated the work that the Harvey's put into this plan, in taking the advice of the Staff into consideration and giving us an idea of their master plan.

Council Member Blackham said that he had spoken with the Sewer District earlier today about this development and how much density they would consider approving. The sewer district employees told him that they would approve 28 connections on this 14 acre property, which would equate to 2 units per acre. The city has designed west Kaysville for 2 units per acre since at least the 1980's. The sewer district did a major upgrade on their system in 2007 to help to better accommodate this. Our General Plan has allowed for some higher densities along 200 North only since about 2002. Council Member Blackham said that he feels that Phase 1 is not close enough to 200 North to be considered as high density along a major street, and would rather see this phase zoned to the R-1-LD zone instead of R-1-10. The future road stem should also be included within Phase 1, so that when the Andersen's decide to develop their property they won't have to cut into the Harvey's property or acquire the property in order to tie into the road utilities of Morning Mist Lane. If rezoned to R-1-LD, they would still be able to accommodate 2 units per acre, but it would also give them more flexibility with the lots. It would also give assurance to Symphony Homes, developing The Preserve, and will allow the sewer district a way to conduct the studies they need to do in order to accommodate future development. The General Plan also says that it needs to be similar housing density within existing subdivisions, and this development doesn't fit that. The plat needs to be reconfigured so similar sized lots are along the perimeters of the property, adjacent to those within the existing subdivisions.

Council Member Barber asked if this were rezoned to the R-1-LD if they would still be allowed the same number of lots.

Council Member Blackham said they likely would be allowed a similar amount. Council Member Blackham said that he is concerned that if the city approves more zones for more than 2 units an acre west of I-15 that a precedence will be set.

Council Member Lortz said that the only available space that can be developed in this area is the Andersen's property on 200 North. Allowing the R-1-10 here doesn't seem to distract from or disturb surrounding developments and it doesn't seem to set a precedent. The Council can choose to set a limitation of allowed homes on this development to help send the message that we are not allowing the rezone because of the higher density but because of the design of the development.

Council Member Adams said that if things are changed after Planning Commission has reviewed and made their recommendation that it needs to go back to the Planning Commission for review again.

Council Member Lortz said that he would like to see the comments made about Phase 2 taken into account and those changes made before it is brought before the Council again for review.

Council Member Lortz made a substitute motion to approve a request to rezone Phase 1 of the Salt Grass Subdivision, consisting of approximately 5.0 acres of property located at 1773 West 200 North from the A-5 (Heavy Agriculture) district to the R-1-10 (Single Family Residential) district for Nephi and Malcolm Harvey, with the following stipulations:

1. The future roadway be dedicated.
2. The lots be limited to 10, as shown on the preliminary plat.

The motion was seconded by Council Member Tran.

The vote on Council Member Lortz's 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 Lortz made a motion to approve only Phase 1 of the preliminary plat for Salt Grass Subdivision located at 1773 West 200 North for Nephi and Malcolm Harvey, seconded by Council Member Tran.

Council Member Blackham said that the utilities need to be developed to the Harvey/Andersen property line so that when the Andersen's decide to develop they don't have to go onto the Harvey property to get access to those utilities and get the road rededicated. Traditionally the city has required that the utilities and dedicated roadway be included on the plat and run to the property line.

Nephi Harvey said that the reason for not including the future roadway in Phase 1 is because that area will continue to be used for agricultural use. In order to keep their greenbelt they have to have single ownership with continuous uninterrupted access on their agricultural ground. Otherwise they will have to pay a lot of money for taxes on a property they are not ready to develop right now, while it will continue to remain as an agricultural use.

Council Member Blackham said that if it's not included in the plat than that would be considered a permanent cul-de-sac over 600 feet in length, which isn't allowed per city ordinance.

Nephi Harvey said that he has spoken with the fire chief and was told that he only needed to install a temporary turnaround at the end of the road and it wouldn't be considered a cul-de-sac.

Council Member Blackham said that he wants to make sure that the future right-of-way is dedicated with this plat so that there is no issues in the future. The road dedication can be extended without affecting the ownership or use of the property. It will just extend the roadway to the Andersen property for when they want to develop it.

Nic Mills added that before final plat approval the city and the Harvey's could record an agreement which would keep the ownership with the Harvey family so they can avoid the greenbelt issue, and would also protect this property from becoming a spike strip in the future.

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 four to one.

Council Member Barber made a motion to extend the meeting past 10:00 p.m., seconded by Council Member Tran. The motion passed unanimously.

Council Member Blackham made a motion to deny Phases 2 and 3, seconded by Council Member Adams.

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.

CONSIDERATION OF UPDATED CONSTRUCTION STANDARD AND SPECIFICATIONS, AND EXCAVATION PERMITS, AND APPROVAL OF AN ORDINANCE ENACTING 19-5-7, TECHNICAL SPECIFICATIONS AND DRAWINGS, OF CHAPTER 19-5, SUBDIVISION STANDARDS, OF TITLE 19, SUBDIVISIONS, OF THE REVISED ORDINANCES OF KAYSVILLE CITY

Josh Belnap explained that in 2016 the Public Works department started to work on updating the Construction Standards and Specifications of the Kaysville City Development Code. Prior to the start of this work, the City's standards were last updated in 1994 and were only available on paper copies. Since 2016, city staff has met with other cities, consultants, UDOT officials, contractors and other Staff members to help identify deficiencies and needed changes. The standards include several sheets of drawings and details that have not gone through final review yet, but staff would like to finalize the text portion while work continues on finalizing the detail pages. In addition, staff have spent the last 9 months updating their current excavation permit after following a similar process and have included it as well, as the two support and work with each other.

Council Member Blackham asked why the bond fee was double if a road is less than 3 years old.

Josh Belnap said that their intent is to protect the very valuable new piece of infrastructure because by doing so, the utmost care will be taken with a new piece of infrastructure in keeping it in good condition. LTAP recommends that these cuts in the pavement reduce the remaining service life of a surface area by as much as 5 to 7 years and we want to avoid that. We are trying to avoid altogether cutting into those roads. If it doesn't work out that way, we are trying to

safeguard against potential issues rather than taking a hard moratorium cut.

Council Member Lortz made a motion to approve the updated Construction Standard and Specifications, and Excavation Permits, and approve an Ordinance enacting 19-5-7, Technical Specifications and Drawings, of Chapter 19-5, Subdivision Standards, of Title 19, Subdivisions, of the Revised Ordinances of Kaysville City. The motion was seconded by Council Member Adams.

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.

WORK ITEMS

WATER QUALITY DISCUSSION

Josh Belnap explained that the city's Water Department has spent the last 3 years making several changes aimed at streamlining operations, increasing efficiency and increasing water quality and overall system reliability. These changes include updating our meter infrastructure, planning a project to automate our water tank valving, increasing valve and hydrant inspection/replacement, planning projects to boost chlorine levels, waterline replacements and shifting around responsibilities within the Public Works Department. Each of these has, or will have, had a positive impact on the focus and ability of the department, but we are still finding ourselves shorthanded and scrambling to keep up with the basic operations of the department, let alone deal with emergencies, repairs or other projects. Although the water department operates with enterprise funds rather than the general fund, the department is not unique in terms of staffing shortages and concerns about adequately meeting the demands of operating the system. Public Works would like to discuss available options with the Council to help meet this need. We recognize the difficulty that all the departments are facing in this regard, and the delicate nature of the topic, especially at this time of uncertainty. But we want to do everything we can to prevent an issue from arising with regard to system integrity or water quality.

Mayor Witt asked about how many employees are needed.

Josh Belnap said that after reviewing at state recommendations and discussing this with other water association groups, they feel that realistically they are in need of 2 more employees to help meet their requirements and needs.

Mayor Witt commented that one of the city government's primary requirements is to ensure that the water system works and is well maintained so that we can our residents have safe water. We need to do whatever we can to make sure we can continue doing so.

Council Member Lortz asked when our water rates were last adjusted.

Josh Belnap said that it's been 5 or 6 six years.

Council Member Lortz commented that it's important that we frequently evaluate our rates so we aren't waiting several years to cover costs to maintain our water systems. We should increase our rates on an incremental basis and review it on an annual basis.

Josh Belnap commented that with the current rate structure, they had made cuts within their budget and had planned to propose the positions as part of the FY 2021 budget. As a result of the pandemic and the hiring freeze they had to pull that proposal from their proposed department budget.

Council Member Blackham asked if there were employees in other departments that would be available to help in the water department or wherever else is needed. The water department might come out of a different fund, but the money ultimately is still coming out of the Kaysville citizens' pockets. It's more money that the citizens will have to spend, whether you call it a rate increase or a tax increase. There are strong needs for more employees in other areas of the city, especially in our public safety departments.

Josh Belnap said that they've already been pulling employees from the storm water and streets departments to come and help with water department duties, thereby neglecting their own regular duties. People have had to come in on their days off to try to come help out. While it has worked for now, it is not sustainable.

Council Member Blackham said that the city might be behind enough with our staffing that we need seriously consider backing off of some city projects so we can focus on getting enough employees to adequately provide our services. It seems we are at a point where we are creating potentially unsafe situations because of our lack of employees in these departments.

Council Member Tran said that while job sharing can work in some situations, sometimes it doesn't work logistically.

Council Member Barber said that she commends our city for being very frugal, but the citizens need to know that as the city continues to grow we can't maintain our current staffing and we need to make some adjustments.

The City Council advised Staff to go forward in including the 2 positions for the water department in the FY 2021 budget.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Barber thanked everyone who participated in the Independence Day activities that were held over the weekend. There will be more activities over the next few days, including

a First Responders Freedom Drive-by and a Patriotic Live Stream. Unfortunately the Air Parade had to be cancelled due to some insurance concerns. At the next City Council meeting, a Public Hearing will be held regarding the fiber bond, as well as fiber related items on the agenda.

Mayor Witt commented that this is the third year that Council Member Barber has been involved with the Independence Day events and thanked her for all she has done.

Council Member Tran said that the Planning Commission is still in the process of updating the General Plan. They have been reaching out to the community and have received a lot of responses from our community.

Council Member Barber said that she wanted to thank those in the community who have been supporting local businesses. It's been great to see all of the support given. A Facebook group was created to help support our local businesses, and throughout the month of July there have been giveaways and scavenger hunts through the city. Our City Council sponsored a giveaway today to help support our local businesses.

CLOSED SESSION

Council Member Barber made a motion to adjourn the City Council meeting at 10:28 p.m. and reconvene into a closed meeting for a strategy session to discuss pending or reasonably imminent litigation, seconded by Council Member Blackham. The motion passed unanimously.

Council Member Lortz made a motion to adjourn the closed meeting at 10:44 p.m. and reconvene into the City Council meeting, seconded by Council Member Adams. The motion passed unanimously.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 10:45 p.m., seconded by Council Member Lortz and passed unanimously.