

KAYSVILLE CITY COUNCIL  
April 11, 2024

Minutes of a regular Kaysville City Council meeting held on April 11, 2024 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: City Manager Jaysen Christensen, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Don Anderton, Jill Arveseth, Michael Arveseth, Brandon Wood, Kevin Porter, Tamy Bremer, David Bremer, Jared Schmidt, McKay Clemens, Jill Dredge

**OPENING**

Council Member Blackham opened the meeting with a thought and led the audience in the Pledge of Allegiance.

**CALL TO THE PUBLIC**

Don Anderton, a resident of the Mountain Vistas Subdivision, raised concerns about the escalating issues of graffiti, property damage, trespassing, and littering along the Rail Trail pathway, specifically between Webb Lane and Phillips Street. He noted the significant damage to residents' fences, necessitating costly repairs despite the efforts of the homeowners association (HOA), which includes installing signs, cameras, and patrols. Despite capturing some perpetrators and cooperating with law enforcement, vandalism persists. Anderton requested the city's assistance, proposing measures such as installing signs along the Rail Trail to deter vandalism, removing old graffiti-prone fixtures, placing garbage cans along the pathway, and collaborating with adjacent residents to install landscaping as a deterrent. He emphasized the need for dialogue between the HOA and the city to effectively address the ongoing problem.

Michael Arveseth, a member of the HOA board for the Mountain Vistas Subdivision, echoed Anderton's concerns regarding vandalism and property damage along the Rail Trail. Arveseth highlighted the persistent issue of rocks being thrown through fences, causing significant damage despite the HOA spending nearly \$90,000 on fence replacement. He noted that within less than a month, another \$5,000 worth of damage was incurred. Arveseth emphasized the need for the city's assistance, citing the insufficiency of the subdivision's efforts alone. While expressing gratitude for the police department's support, he underscored the necessity for additional resources and awareness to combat ongoing vandalism. Arveseth requested help from the city, indicating that detailed information would be provided in the near future via email to the council.

**PRESENTATIONS AND AWARDS**

**PROCLAMATION TO DECLARE APRIL 27, 2024 AS ARBOR DAY**

Mayor Tran read a proclamation declaring April 27, 2024, as Arbor Day in Kaysville, urging all citizens to support efforts aimed at protecting trees and woodlands, as well as endorsing our urban forestry program.

**DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

**CONSENT ITEMS**

Council Member Oaks made a motion to approve the following consent items:

- a) Approval of Minutes of March 1, 2024 Council Work Session.
- b) Appointing Administrative Law Judges.

Council Member Hunt seconded the motion.

The vote on the motion was as follows:

- Council Member Adams, yea
- Council Member Hunt, yea
- Council Member Jackson, yea
- Council Member Oaks, yea
- Council Member Blackham, yea

The motion passed unanimously.

**ACTION ITEMS**

**REQUEST TO AMEND THE JUNE 20, 2019 DEVELOPMENT AGREEMENT WITH OGDEN CLINIC FOR PROFESSIONAL OFFICE SPACE**

**REQUEST TO REZONE 1.09 ACRES OF PROPERTY LOCATED AT 1325 WEST 200 NORTH FROM GC GENERAL COMMERCIAL TO R-A AGRICULTURAL RESIDENTIAL FOR BRANDON WOOD**

Community Development Director Melinda Greenwood explained that both of these Action Items were related to each other and therefore are being presented to the council simultaneously. A rezone request for the property located at 1325 West 200 North was presented to the Planning Commission at their March 14, 2024 meeting, and the Commission voted 4-0 to recommend the City Council approve the rezone request. If the City Council wishes to approve the rezone request, it will require that the Council first amend the June 2019 Development Agreement with Ogden Clinic to remove one of the two parcels currently encumbered by the Development Agreement. The June 2019 Development Agreement consisted of two parcels, totaling 4.4 acres. Ogden Clinic only needed about 3.4 acres for their project, and therefore the subject property, at 1325 West 200

North, is the unneeded southernmost 1.07 acres from that 2019 rezone. The Ogden Clinic is currently under construction, and it is reasonable to argue that the conditions of the Development Agreement will be satisfied once occupancy for the building is issued. It is uncommon for commercial property to be rezoned to residential use, but this particular piece of ground comes with a variety of issues, which make developing the property for commercial uses impractical. Those issues include:

1. There is no frontage for the property, and visibility is poor as the parcel is over 550 feet back from 200 North, which makes this location largely undesirable.
2. Extension of utilities over 550 feet will be very costly.
3. There is a substantial grade change (approximately 9 feet) between 200 North and the south end of the subject parcel. A great deal of fill would need to be hauled into the site to match the grade at 200 North.
4. Without the grade being matched to 200 North, a sewer lift station would be required for sewer utilities to properly function.
5. The cost estimates to remedy these issues exceed the value of the property.

The applicant for the rezone request, Brandon Wood, is under contract to purchase the Smith property to the east, and if this subject property is rezoned, the applicant hopes to include the property with the Smith property, allowing them to create a building lot and have space for horse property. If approved, this property would take access off Flint Street. Fifty public notices were mailed to property owners within a five-hundred-foot radius of the property, and a public notice sign was placed on the property. Three comments were received as a result, but they expressed support for the requested zone change.

Brandon Wood addressed the council, offering context about his involvement with the property in question, which was previously rezoned to a commercial use. Their original plan was to construct the Ogden Clinic in the front, with no plans for the remaining piece behind the building. As construction of the clinic progressed, they sought potential commercial buyers for the back portion of the property. However, due to its significant distance from the road and the costly infrastructure upgrades required for commercial development, selling it for commercial use proved unfeasible. Instead, he approached the adjacent residential neighbor, Catherine Smith, to inquire if she would be interested in purchasing it as residential property. Ms. Smith expressed interest in selling her property instead, under the condition that it cannot be developed or her old house must be retained for a period of 35 years. Mr. Wood decided to purchase Ms. Smith's property, intending to combine it with the remainder of Ogden Clinic's property. He plans to extend the existing house while preserving the remaining land as open space due to the 35-year deed restriction.

Mayor Tran then opened the public comment period for these items, but there were no comments or questions from the public.

Mayor Tran asked for clarification regarding the development potential of the property Brandon Wood intends to purchase.

Brandon Wood clarified that the deed restrictions preventing development on the front property also extend to cover the Ogden Clinic property. This agreement was negotiated between Catherine Smith and himself, with Ms. Smith expressing a desire to preserve open space and historical elements as part of her legacy. Mr. Wood emphasized that Ms. Smith's accommodation was fair

and beneficial for all parties involved.

Council Member Adams made a motion to approve the amendment of the June 20, 2019 Development Agreement with Ogden Clinic for Professional Office Space, seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Hunt, yea  
Council Member Jackson, yea  
Council Member Oaks, yea  
Council Member Blackham, yea  
Council Member Adams, yea

The motion passed unanimously.

Council Member Adams made a motion to approve the request to rezone 1.09 acres of property located at 1325 West 200 North from GC (General Commercial) to R-A (Agricultural Residential) for Brandon Wood. The motion was seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Jackson, yea  
Council Member Oaks, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Hunt, yea

The motion passed unanimously.

REQUEST TO REZONE 0.31 ACRE OF PROPERTY AT 1400 WEST WILLOW BROOK LANE FROM A-5 HEAVY AGRICULTURE TO R-1-14 SINGLE FAMILY FOR RUSSELL WILSON

Melinda Greenwood explained that Symphony Homes has requested to rezone 0.31 acres of property, located approximately at 1400 West Willow Brook Lane. The parcel is currently zoned A-5 and is non-conforming to the existing zone because it is smaller than 210,000 square feet. The surrounding property at 367 South Angel Street was rezoned to R-1-14 at the February 15, 2024, City Council meeting. Since then, Symphony Homes has acquired that property and wishes to rezone the subject parcel to R-1-14 to match the zone at 367 South Angel Street, with the intention of creating a residential subdivision with both properties. This matter was reviewed by the Planning Commission at their March 28, 2024, meeting. No public comments have been received regarding this item, and the Planning Commission voted unanimously (6-0) to recommend that the City Council approve the rezone petition.

Mayor Tran then opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Jackson inquired about the number of lots Symphony Homes planned for the subject property and the recently acquired adjacent property, as well as the proposed lot sizes.

Jared Schmidt, representing Symphony Homes, explained that while they had not finalized the subdivision layout, they anticipated approximately sixteen lots with varying sizes due to the property's shape. He mentioned that Symphony Homes had previously developed similar projects in the area and intended for this development to follow a similar pattern.

Council Member Hunt raised a question regarding the possibility of extending Willow Brook Lane through the subdivision to improve connectivity in the area.

Jared Schmidt responded that they had been collaborating with a traffic engineer to assess the need and feasibility of extending Willow Brook Lane. He indicated that a decision on this matter would be made before applying for preliminary plat approval.

Council Member Adams suggested that Symphony Homes consider adjusting their development plans to accommodate the construction of more homes ranging from 2,000 to 2,400 square feet, including unfinished basements, to address the perceived shortage of such homes for new homebuyers.

Jared Schmidt acknowledged the demand for such housing options and mentioned that Symphony Homes is exploring the development of such products, despite it not being their primary focus historically. He highlighted the challenges associated with land acquisition and profitability but expressed optimism about potential future developments to meet housing needs in Kaysville and beyond.

Council Member Oaks made a motion to approve the request to rezone 0.31 acre of property at 1400 West Willow Brook Lane from A-5 (Heavy Agriculture) to R-1-14 (Single Family Residential) for Russell Wilson. The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Oaks, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Hunt, yea  
Council Member Jackson, yea

The motion passed unanimously.

AN ORDINANCE TO AMEND SECTION 17-20-4 CENTRAL COMMERCIAL  
CONDITIONAL USES OF THE KAYSVILLE CITY CODE TO REMOVE DWELLINGS AS  
AN ALLOWED USE

Melinda Greenwood explained that what is being proposed is an amendment to remove dwellings as a conditional use from the Central Commercial zone. The city is limited on commercially zoned properties, and losing any property to dwellings is counter to economic development goals. This change would not preclude property in the Central Commercial zone from having a mixed-use overlay zone added to accommodate both commercial buildings and dwellings. This item was reviewed by the Planning Commission at the March 14, 2024 meeting. A public hearing was held, and no comments were received. The Planning Commission voted 4-0 to recommend approval of the text amendment to the City Council.

Mayor Tran opened the public comment period for this item, but there were no comments or questions from the public.

Mayor Tran mentioned that she had spoken to a resident residing in the area zoned Central Commercial, who expressed concerns that this text amendment might impact their ability to add an accessory dwelling unit on their property in the future.

Melinda Greenwood pointed out that when an existing use permitted under the ordinance is subsequently removed as an allowed use, the property hosting that use becomes a legal non-conforming entity. In this context, it means that although the home was legally established when built, it would no longer comply with zoning regulations due to changes in zoning parameters. According to city code, legal non-conforming uses cannot be expanded, and constructing an accessory dwelling would likely be considered an expansion. Having this language in the ordinance preserves the long-term vision of maintaining the Central Commercial zone as primarily commercial, limiting the expansion of residential uses, which ultimately discourages redevelopment by increasing demolition costs. Similar instances of legal non-conforming uses exist in other areas of the city.

Mayor Tran asked about the possibility of accommodating owners of existing single-family dwellings within the Central Commercial zone by allowing them to build additions or accessory dwellings on their properties. This issue affects long-time homeowners and imposes constraints on their property usage.

Council Member Blackham agreed, and stated that homeowners should be able to make certain modifications, such as adding a garage, as long as these changes do not fundamentally alter the single-family nature of the dwelling.

Attorney Nic Mills said that staff could develop regulations to restrict accessory dwelling units (ADUs) in existing homes within the Central Commercial zone. Additionally, he proposed including provisions in the ordinance to permit additions to existing homes and the construction of accessory buildings for uses permitted as of the ordinance's passing date.

Council Member Hunt made a motion to table the amendment of Section 17-20-4 Central

Commercial Conditional Uses of the Kaysville City Code, seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Hunt, yea  
Council Member Jackson, yea  
Council Member Oaks, yea

The motion passed unanimously.

### **COUNCIL MEMBER REPORTS**

Mayor Tran referenced the comments made during Call to the Public, and asked whether the city could assist the neighborhood when dealing with issues involving a homeowners association (HOA).

Nic Mills responded that the city could reach out to the HOA to explore solutions to the neighborhood concerns. Mr. Mills highlighted some distinctive features of the area, such as the Rail Trail owned by UTA, underscoring the necessity for collaboration with UTA to address these matters. There is also a desire for uniformity along the Rail Trail.

Council Member Blackham suggested installing signs along the Trail with a designated number for reporting vandalism or incidents happening. This area seems more susceptible to vandalism due to the dark, tree-covered areas, which provide hiding spots for teenagers.

Mayor Tran announced that the Davis County GOP Convention would take place on the upcoming Saturday, April 13.

Council Member Jackson expressed concern regarding graffiti and vandalism in the city. He cited instances of graffiti observed while driving, particularly along Burton Lane and 200 North. Council Member Jackson advocated for stringent penalties for vandals and stressed the importance of promptly removing graffiti to preserve the community's aesthetic appeal. He encouraged property owners to proactively address vandalism on their properties.

Council Member Hunt highlighted the Youth Court program, encouraging more participation for the upcoming year, especially with many seniors graduating. She welcomed any high school youth interested in joining the program to reach out to herself. Council Member Hunt described the program as valuable and encouraged interested individuals to get in touch for further details.

Council Member Blackham expressed gratitude to all those involved in organizing and executing the city's Easter Egg Hunt this year, noting the significant turnout and overall success of the event.

Council Member Oaks commended the monthly small business meeting held on Tuesday, with participation from 13 small businesses in Kaysville. He praised Mindi Edstrom, the city's Business

License Official, for her exceptional management of the meetings and highlighted the collaborative efforts among local businesses, some of whom attended for the first time. Council Member Oaks also highlighted the upcoming monthly Friday Festival scheduled to commence in May on the first Friday at Heritage Park. Furthermore, he discussed the presentations from RAMP applicants given the previous night. This marks the third year of accepting RAMP applications, with eight presenters displaying their various projects this year. The RAMP program has had a positive impact on the city, and further discussions and presentations are anticipated in the coming weeks with the RAMP committee before presenting recommendations to the council ahead of the budget process.

Mayor Tran expressed gratitude to all council members for their active participation and dedication beyond council meetings, acknowledging their involvement and time commitment in their liaison responsibilities and voluntary contributions.

### **CITY MANAGER REPORT**

City Manager Jaysen Christensen addressed the issue of graffiti, mentioning that the city's power department would promptly address graffiti on the substation fence by either replacing slats or repainting. Dealing with graffiti on private property presents challenges as the city cannot trespass onto private property and would need to collaborate with the property owner. At this point, it becomes more of a code enforcement matter, which would be handled through the appropriate process. Swift action is crucial to deter copycat graffiti. Mr. Christensen said that he had observed community efforts to clean up trash along the Rail Trail Corridor, and added that recurring littering issues are common in the area near Smith's. Mr. Christensen expressed willingness to explore signage and other solutions, and coordinate efforts with community service initiatives like the annual Day of Service to address littering and debris along the trail. Mr. Christensen concluded by reminding the city council about the upcoming budget meeting scheduled for the following morning, focusing on continuing their discussion on the FY 2025 budget.

### **ADJOURNMENT**

Council Member Adams made a motion to adjourn the city council meeting at 9:47 p.m. The motion passed unanimously.