

KAYSVILLE CITY COUNCIL
PUBLIC HEARING
JUNE 2, 2015

Minutes of a public hearing of the Kaysville City Council held June 2, 2015 at 6:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center to consider amendments to the Fiscal Year 2015 Budgets and consideration of the Fiscal Year 2016 Budgets.

Council Members present: Mayor Steve Hiatt, Mark Johnson, Ron Stephens, Jared Taylor, Brett Garlick and Susan Lee.

Others present: City Manager John Thacker, Recorder Linda Ross, Finance Director Dean Storey, Engineer Andy Thompson, Police Chief Sol Oberg, Fire Chief Brett Larkin, Public Works Superintendent Larry Mills, Gil Miller, Jake Garn, Lynn Galbraith, Margaret Brough, Carole Walker, Larry Page, Ronda Page and Trever Midgley.

AMENDMENTS TO THE FISCAL YEAR 2015 BUDGET

Dean Storey explained the proposed FY 2015 Budget amendments. The amendments include increasing the City Council budget due to a contribution to the Economic Development Corporation of Utah, increasing the Community Events budget due to increase in expenditures and a timing issue between fiscal years, transfers and interfund activity for payment of utility services from Enterprise Funds to the General Fund, and increases to the interfund loan from the General Fund to the Redevelopment Agency Fund. He explained that there is some increase in expenditure relating to accounting for the site and development costs of the Flint Street project. Another amendment is reallocating a debt service payment that was originally budgeted in the Debt Service Fund but should be included in the Municipal Building Authority Fund. He stated that the Municipal Building Authority Fund includes a debt service payment and reallocation of the Police Station project that was originally budgeted in the Capital Projects Fund. The Capital Projects Fund includes additional expenditures related to improvements in the City block, increased expenditures for the Facilities Master Plan, and an increase in street projects funded by transportation impact fees.

CONSIDERATION OF THE FISCAL YEAR 2016 BUDGET

Dean Storey explained that the Fiscal Year 2016 Budget includes \$15,371,421 for governmental funds and \$24,473,600 for enterprise activities, for a total budget of about \$39 million dollars. The budget includes funding for ongoing activities, capital improvements, and a rate increase in the Water Fund and Sewer Enterprise Fund to cover operating costs and retain adequate cash reserves. This budget does not include a tax increase. This budget also includes another Police Detective, moves one part-time position to full-time in the Police Department, another Fire Department position and moves one part-time position to full-time in the Parks Department.

Mayor Hiatt explained that the proposed budget has been available online for two weeks. On June 16th the City Council will approve final budgets. The City Council can schedule a work session to study the budget further or move forward with the budget as presented. He then opened the public hearing.

Gil Miller stated that he received a postcard from the City regarding transfer of funds. He asked that the nature of the transfers and why they were necessary be explained.

Dean Storey explained that when a city utility provides a service to a governmental activity there are two ways to account for it. The first way is a non-reciprocal transfer. For example, a utility will provide services to the General Fund and it is shown as a service provided but no cash is exchanged. The requirement is to notify citizens that that is taking place. The second way is to do a reciprocal transfer when a utility provides a service to the governmental activity and cash is exchanged. The postcard that was sent out identified non-reciprocal transfers with all utility activities with the exception of the electric utility which is a reciprocal transfer.

Council Member Lee wanted to know what services are.

Dean Storey explained that State Statute requires the City to pay for services at the same cost citizens pay for utility services.

Jake Garn wanted to know what the reasons are for a water rate increase. He also wanted to know the status of the Power Fund surplus, if it was adequate to meet needs, and if there are any plans to save money for automatic switching as power flows vary during the summer.

Dean Storey explained that the need for a water rate increase is because there is an operating loss in the Water Fund and also to provide adequate cash reserves. The City has a policy in place where the Electric Fund cash reserves are reviewed every year to meet the City threshold, which is 180 days of operating cash, 10% of the City's resource cost each year plus a capital component.

Council Member Garlick stated that amount in the 180 days operating expense is \$6.5 million, the capital component contingency is \$500,000, the 10% resource cost is \$939,000, so cash reserves should be \$7.9 million. What the City has now in cash reserves is \$5.7 million. The City reviews this annually and the current rate now may close the gap in a couple of years.

Jake Garn stated that his concern with the Power Fund is allowing for rebates. He would prefer to see that managed through rates and surplus rather than a rebate. He is concerned about costs and the political implications of promising a rebate from the Power Fund and depleting the Power Fund to a critical point. He believes it is important to manage that well.

Mayor Hiatt stated that the rebate is to be administered through rate adjustment not by cutting checks.

Jake Garn stated that it is important not to have too much volatility in a rate adjustment but it is also important that when it is needed that it not be delayed. It is better to have a little surplus where the City is making a little interest than to fall behind.

Council Member Stephens stated that when he pays his water bill he helps pay for water service in governmental buildings. The same occurs when he pays for garbage collection service. One area that seems out of step to him is that he pays his power bill and also pays through the General Fund for power in governmental buildings. In his mind, this is somewhat inconsistent.

Council Member Lee stated that she believes those services should be covered by taxes and not transferring funds from utilities. She believes the Power Fund is operating the way it should.

Mayor Hiatt stated that after Proposition 5 was passed, it was determined that allowing the interfund transfer of services for the Power Fund would no longer happen.

Lynn Galbraith stated that the State Auditor says that utility funds are to be paid out of the General Fund and not the utility fund.

Mayor Hiatt stated that the State Auditor says they cannot be paid out of utility funds without notice. Proposition 5 took that one step further and said they couldn't be paid that way regardless of notice.

Lynn Galbraith stated that he believes that is double taxation.

Mayor Hiatt stated that fund transfers as mentioned on the postcard is acceptable because of the notice.

Bobby Johnston wanted to know where the City allocates for future capital improvements that the City will need in the near future.

Dean Storey explained that the City has adopted Capital Facilities Plans and projects out five years, ten years and fifteen years planning what projects need to be completed. During the budget cycle, the City Council looks at available revenue and tries to meet the Plans.

Council Member Garlick wanted to know if there is a limit on the amount of money the City can save according to law.

Dean Storey stated that the General Fund cannot have more than 25% fund balance. The City could allocate money towards the Capital Projects Fund and reserve it for future capital projects but that money has to be dedicated to a certain project.

Mayor Hiatt asked the Council Members if they wanted to schedule a work session to further study the FY 2016 budgets.

The Council Members stated that they did not feel a need to schedule a work session.

Council Member Taylor made a motion for adjournment at 6:40 p.m., second by Council Member Garlick and passed unanimously.

KAYSVILLE CITY COUNCIL
JUNE 2, 2015

Minutes of a regular meeting of the Kaysville City Council held June 2, 2015 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Steve Hiatt, Mark Johnson, Ron Stephens, Jared Taylor, Brett Garlick and Susan Lee.

Others present: City Manager John Thacker, Recorder Linda Ross, Finance Director Dean Storey, Engineer Andy Thompson, Zoning Administrator Lyle Gibson, Police Chief Sol Oberg, Fire Chief Brett Larkin, Power Superintendent Gary Hatch, Resource Service Manager Bruce Rigby, Park and Recreation Superintendent Vance Garfield, Parks Director Cole Stephens, Recreation Director Kris Willey-High, Public Works Director Larry Mills, Building Inspector Mike Blackham, Tracy Murray, Brian Frandsen, Larry Page, Ronda Page, Ron Zollinger, Rod Hill, Lynn Galbraith, Margaret Brough, Carole Walker, Brigg Lewis, Bobby Johnston, Jake Garn, Jean Keaton, Don Keaton, Gil Miller, Trever Midgley, Garrett Seeley, Lauren Hale, Makenna Davis, Larry Kidman, Ann Cottrell, Lorraine Kidman, Don Cottrell, John Edwards, Dane Edwards, Rodney Hill, Lindie DeMill, Tracey Stevens, Robert Brenchley, Lisa Brenchley, Kim Blackburn and Rick Johnson.

YARD AND GARDEN AWARDS

Council Member Taylor presented a plaque to Don Cottrell and Lorraine Kidman for allowing their property to be used for a community garden.

VOLUNTEER OF THE MONTH RECOGNITION

Council Member Garlick recognized Don Keaton as Volunteer of the Month. He explained that Don has coached soccer, baseball and softball for the City. He has also chaired the music selection for the Arts and Music Festival for the last five years and serves on the Monster Mash and Dash Committee.

CALL TO THE PUBLIC

Tracy Stevens explained that she purchased a home on Kings Court 18 months ago. People drive to the end of her cul-de-sac not realizing it is not a through street. There are private driveways on both sides of her driveway and people oftentimes think those drives connect to Tyler Lane. Sometimes large vehicles like buses and cement trucks come down her street. There are 12 children who live at the end of that street. She requested that the City post either a "No Outlet" or "Dead End" sign on the street.

Mayor Hiatt asked City staff to install a sign at that location as soon as possible.

Margaret Brough stated that she has been trying to get three questions answered. She believes she heard the answer to two of those questions tonight. What is the proposed increase in enterprise funds, what is the electric fund reserve now and when will it be completed, and has the City used the ICMA patrol workload and deployment analysis to evaluate the need for an additional police officer?

Robert Brenchley stated that he lives at the end of Whit's End. A proposal is being presented this evening for flag lots behind his house. He has concerns about where water from that property will drain and access for emergency vehicles. The road for these flag lots will be close to his home. He does not want a road that close to his home. He is opposed to this development. He doesn't believe it fits in this area. The Planning Commission reviewed this subdivision and one Commissioner opposed it.

Kim Blackburn stated that he also lives on Whit's End. He purchased his home in November 2014. He is concerned about the double flag lot being proposed on Webb Lane. He understands that a property owner has the right to do what he wants as long as it fits City ordinance. Two lots behind the existing home will double the traffic on that property. He is concerned about a home overlooking his backyard because he wants privacy in his backyard. He believes a compromise to allow only one flag lot on the property would be best because the open space would be retained.

Jake Garn stated that he serves on the Planning Commission. He voted in favor of the flag lots on Webb Lane. He believes his role on the Planning Commission is to interpret the law and make a decision whether or not the plat meets those requirements. The plat met the requirements of the City.

Rick Johnson stated that he came before the City Council at the last Council meeting asking for help with irrigation concerns. He wanted to know if the City has been able to resolve the issue.

Mayor Hiatt explained that the City has talked to most of the entities involved. Their initial response was pretty cold because of experiences they had dealing with him. The City has received a cost estimate on how much it will cost to extend the storm drain but needs to determine who will pay those costs.

Lynn Galbraith wanted to know if something could be done by the City or School District about Davis High School students parking on the streets in the residential areas near the school. Signs are posted limiting parking, but students are ignoring them.

Lyndie DeMill stated that she understands that the City has some long and short term ideas regarding bicycle safety on the Burton Lane overpass. She supports allowing bikes to use the full lane over the overpass.

Lisa Brenchley asked the Council to consider not having flag lots in Kaysville any more. She believes that flag lots are unattractive and makes it difficult for neighbors who are adjacent to flag lots. She thought the City planned for half acre lots in west Kaysville years ago. She believes the Council is not sticking with the plan that was put in place.

Bobby Johnston wanted to know if the City has been involved with Envision Utah and what implications their survey will have on the City.

Mayor Hiatt explained that the City has a General Plan. The City is mostly built out but there are several lots where flag lots could be considered.

OPTIONS FOR BURTON LANE TO IMPROVE SAFETY FOR BICYCLES USING THE OVERPASS

Lyle Gibson explained that the Burton Lane overpass has no signage or painted lanes for bicycles. Safety concerns have been expressed, especially from bikers with bike trailers. Farmington City has posted "Bikes may use full lane" signs and images of bikes on Shepard Lane. Kaysville could do something similar to that but he suggests something more simple be done such as posting signs that say "Share the road with bikes" for a short term solution until more thorough research is done. He explained that if signs were posted for cars to share the road that means vehicles should give bicyclists a little space. If a full bike lane was allowed, vehicles would not be able to pass. He would like to review the entire City and then post all bike lanes the same to provide consistency throughout the City.

Council Member Taylor recommended that the City post three signs, one on both ends of the overpass and one on Deseret Drive. He then made a motion authorizing City staff to place temporary "Share the road with bikes," signs on Burton Lane at places where they deem appropriate, second by Council Member Johnson.

Lindie DeMill recommended signs stating that bikes can use the full lane be posted on Burton Lane so bikers can ride safely across the overpass.

Lyle Gibson stated that Kaysville is doing a transportation study at this time in conjunction with Farmington City so there will be more consistency in that area. In Kaysville, "Share the road with bikes" signs have been placed where the rail trail crosses Burton Lane and on Angel Street.

Council Member Garlick stated that he believes allowing bikes to use the full lane would be safer and that it would be better to inform drivers that bikes can take up the entire road.

Council Member Lee stated that signs that say bikes can use the full lane might give bicycle riders a false sense of security.

Mayor Hiatt wanted to know what the risk is to put up the type of signage Ms. DeMill is asking for.

Lyle Gibson stated that current state law says bikes are allowed to utilize the road but are asked to stay to the side of the road. Share the road signs bring attention to what is already allowed on the road. "Bikes may use full lane" signs changes the dynamic. The recommendation from ASHTO is to paint bike lanes on the side of the road so cars could pass.

Council Member Taylor withdrew his motion and made a substitute motion authorizing City staff to temporarily place "Bikes may use full lane" signs on Burton Lane where they deem appropriate, second by Council Member Garlick.

The vote on the motion was as follows:

Council Member Johnson, nay
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed four to one.

TRAFFIC ISSUES ON HAIGHT CREEK DRIVE

John Thacker explained that a 25 mph speed limit sign has been posted northbound on Haight Creeks Drive. City staff believe that dips should not be installed to calm traffic but better measures should be considered when street work is done in accordance with traffic calming guidelines. A traffic count was done on that street and a crosswalk was considered at 1250 South. More police patrol was also requested for this area.

Andy Thompson explained that a two day traffic count was done on Haight Creek Drive. The average was about 2,000 cars a day, which is high for a residential street but Haight Creek Drive was built to accommodate that. The average speed was 29 mph, with 85% of the vehicles going that speed or below. 28 cars exceeded 40 mph. A crosswalk count was done at 1250 South after school let out. One person crossed the road, which does not meet the warrants.

Chief Oberg stated that for the past two months a lot more speed enforcement has been done in that area. Most vehicles were traveling about 30 mph. Citations were issued for the more egregious offenders. 40 citations were written in the last month on Haight Creek Drive. Failure to stop at stop signs seems to be more of a problem than speeding.

John Thacker explained that a traffic signal on 1800 West has been requested by residents in that area. This street is located in Farmington and owned by UDOT. Mayor Hiatt recently made that request to UDOT.

Mayor Hiatt stated that he asked UDOT to study that request. He received a response from UODT that the request was received and that even though it is difficult to see what might be changed at that location they sent it on for further study.

John Thacker explained that residents in that area requested that a radar speed sign be placed on 1625 South. The City policy on radar speed signs was sent to them and they came and talked to City staff and the Mayor about the policy and fundraising efforts.

Mayor Hiatt stated that the policy is that if residents pay half the cost for the sign, the City will pay for the other half. When the City receives \$1,450 from the residents in this area, the City will order the sign.

John Thacker asked the Council Members to review the guide on traffic calming measures that has been given to them so that it can be refined and adopted.

Mayor Hiatt asked Council Member Stephens to contact residents in this area and provide them with the information discussed this evening.

REZONE OF 2.99 ACRES OF PROPERTY AT 1429 SOUTH SUNSET DRIVE FROM A-5 (HEAVY AGRICULTURAL) AND R-A (AGRICULTURAL RESIDENTIAL) TO R-1-20 (RESIDENTIAL SINGLE FAMILY) AND R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY)

Andy Thompson explained that this property recently went before the Planning Commission requesting preliminary plat approval and a request to rezone the entire property R-1-LD showing a plat with five lots. The applicant shared with the Commission the desire to eventually divide the furthest east property into a sixth lot. The concept received a favorable recommendation from the Planning Commission and went forward to the City Council for review. After learning about the desire for an eventual sixth lot, staff determined the original zoning request would not accommodate the six lot plan. The City Council said that they would entertain the idea of allowing a six lot subdivision but knowing it required different zoning, the Council and applicant agreed to withdraw the original rezone request and start over with new notice and with the correct zoning request. The lot layout of the proposed subdivision will remain the same as previously shown, however, zoning the front lot on Sunset Drive to the R-1-20 zone instead of the R-1-LD zone allows the long term proposal to comply with the zoning ordinance and still utilizes zoning that staff feels is appropriate for the area. The Planning Commission recommended approval of the requested zone change.

Council Member Stephens made a motion adopting Ordinance No. 15-6-1, Rezoning 2.99 Acres of Property at 1429 South Sunset Drive from A-5 and R-A to R-1-20 and R-1-LD, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

CHARLENE HORNE SUBDIVISION PRELIMINARY PLAT

Andy Thompson stated that this subdivision is located at 1429 South Sunset Drive and consists of six lots.

Council Member Stephens made a motion granting preliminary plat approval for Charlene Horne Subdivision, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

PETTINGILL ESTATES AMENDED SUBDIVISION PRELIMINARY PLAT

Andy Thompson stated that this subdivision is located at 1589 West Galbraith Lane. Mike Pettingill and his neighbor each own approximately one acre lots on Galbraith Lane. They would like to re-subdivide the lots to create two new flag lots. The lots can comply with all the requirements and provide a reasonable use to the property behind the existing homes. The Planning Commission held a public hearing and recommend approval.

Council Member Taylor wanted to know what the square footage of each lot is.

Andy Thompson explained that each lot consists of half an acre. The flag stem can be counted on acreage calculations.

Council Member Taylor made a motion granting preliminary plat approval for Pettingill Estates Amended Subdivision, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, nay
Council Member Lee, nay

The motion passed three to two.

Council Member Garlick stated that allowing flag lots in west Kaysville is having an impact on people who purchased their property expecting larger lots and more open space.

Council Member Lee stated that she drove to this area and looked at this property. When people purchased property next to this lot they probably saw an existing home and open area behind it. She is not comfortable supporting this request.

Council Member Garlick recommended that the City Council have a discussion about flag lots at the next Council meeting.

Council Member Stephens stated that there are different circumstances where flag lots are not impacting neighbors.

John Thacker explained that zoning is a legislative function. The City Council has latitude to determine what should be in each zone and apply that zone based on their discretion. In order to do a flag lot, a property owner has to have the PRUD overlay zone.

Andy Thompson explained that six to eight years ago the City Council formed an adhoc committee to review flag lots. At that time, they increased setbacks in flag lots to be 20' from all property lines.

REZONE OF 1.6 ACRES OF PROPERTY AT 1133 WEST WEBB LANE FROM R-1-20 (RESIDENTIAL SINGLE FAMILY) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY)

Andy Thompson explained that Bryan Sorensen owns about 1.6 acres of property on Webb Lane and would like to subdivide the property into three lots, two flag lots which are over half an acre in size and a lot on Webb Lane, which contains the existing home and is about a third of an acre. To accommodate these lot sizes, the R-1-LD zone is requested. This zone allows lots as small as 12,000 square feet but limits the subdivision to a maximum density of two units per acre. The plat complies with zoning requirements for the R-1-LD zone and the R-1-LD zone complies with the General Plan requirement of two units per acre. The flag lots provide a reasonable way to develop the large area behind the existing home. The Planning Commission held a public hearing and recommend approval of the rezone and the preliminary plat.

Bryan Sorensen stated that people in opposition of this development who spoke earlier this evening don't understand that there was similar opposition expressed when Whit's End, where they live, was developed. He purchased this property six years ago with the intention of developing it. Both of the neighbors adjacent to him support this rezone request. There are flag lots behind his property. Some people love flag lots. He planned this development knowing what the laws are. He has discussed this development with City staff and is within the ordinances. He doesn't believe it is right for someone else to tell him what he can do with his property. He plans to build a new home for himself and his son will build another home on the property. Both homes will be built to the front of the lots.

Council Member Stephens wanted to know if there is a concern with water drainage.

Bryan Sorensen stated that the neighbor behind him, Robert Brenchley, is concerned that he will build the property higher. Mr. Brenchley's property is about one foot higher than his backyard and his water drains onto their property. He would never intentionally build up his property to create a water problem on adjacent property. He will plan for the water runoff to go into the creek, which is what it does now.

Council Member Taylor explained that Mr. Brenchley sent an email to the Council Members expressing concerns about this development. One of his concerns was that there is livestock on both sides of this property.

Bryan Sorensen stated that his neighbor to the west has sheep, there are horses on property farther west, and there are cows in a pasture across the street. The property east of him is zoned R-1-20, which does not permit animals.

Council Member Taylor stated that another concern expressed by Mr. Brenchley is that the flag lots are deep and the road is narrow.

Andy Thompson explained that this development meets requirements for flag lots and access has been reviewed by the Fire Department.

Bryan Sorensen explained that there is 24' from the driveway to the adjacent house on the east side. There is 33' feet from the house to the property on the west. He also explained that there is a fire hydrant in front and the back lot is about 300' from the fire hydrant.

Andy Thompson stated that the Fire Marshall will determine if another fire hydrant will be required in the back lot.

Council Member Taylor stated that another concern Mr. Brenchley expressed was that the City Council would allow flag lots on adjacent property if this was approved. A few years ago the City Council created the R-1-LD zone that requires that the overall development have no more than two units per acre. The City Council has concerns with homeowner associations.

Andy Thompson stated that the criteria has never been for half acre lots in Kaysville. The density requirement has been set at no more than two units per acre, which has been consistently supported. All subdivisions have been required to meet that density.

Bryan Sorensen stated that this development consists of 1.36 acres, which meets that density.

Council Member Taylor stated that there are a lot of R-A and R-1-20 zones in this area. He believes this development meets the criteria.

Council Member Stephens asked Mr. Sorensen if he could move the houses farther from adjacent homes and still have enough property.

Bryan Sorensen stated that he would be willing to increase the setback on the south.

Council Member Taylor made a motion adopting Ordinance No. 15-6-2, Rezoning 1.6 Acres of Property at 1133 West Webb Lane from R-1-20 to R-1-LD with the stipulation that the south property line have a minimum 50' setback, second by Council Member Garlick.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

Robert Brenchley stated that he is concerned about a domino effect. He wanted to know what would happen if adjacent property owners wanted to develop flag lots as well.

Council Member Garlick recommended that specific requirements for flag lots be discussed at the next Council meeting.

BRYAN SORENSEN SUBDIVISION PRELIMINARY PLAT

Andy Thompson explained that this subdivision is located at 1133 West Webb Lane and consists of three lots.

Council Member Taylor made a motion granting preliminary plat approval for Bryan Sorensen Subdivision with the stipulation that Lot 3 have a 50' setback from the south side, water drainage be addressed, and the Fire Department approve the access for emergencies, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

REZONE OF 9.8 ACRES OF PROPERTY AT APPROXIMATELY 850 WEST WESTERN DRIVE FROM R-A (AGRICULTURAL RESIDENTIAL) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY)

Andy Thompson explained that in the middle of the Sunset Equestrian Estates Subdivision there is a nearly 10 acre parcel of ground that is not part of the Sunset Equestrian Master Plan. This property has now been acquired by Woodside Homes who have submitted a rezone request and subdivision plat. The rezone request is for the R-1-LD zone which allows lots as small as 12,000 square feet but limits the total density to two units per acre. The lots on the proposed plat range in size from 15,000 square feet to just over 30,000 square feet. There are 19 lots on nearly 10 acres meeting the density requirement and the plat connects the two roads that have already been stubbed into the property. The proposed lots are very similar in size to the surrounding lots and should fit well in the neighborhood. The plat complies with zoning requirements for the R-1-LD zone and the R-1-LD zone complies with the General Plan requirement of two units per acre. The Planning Commission held a public hearing and recommended approval of the rezone and the preliminary plat.

Council Member Garlick made a motion adopting Ordinance No. 15-6-3, Rezoning 9.8 Acres of Property at Approximately 850 West Western Drive From R-A to R-1-LD, second by Council Member Johnson.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

SID SMITH SUBDIVISION PRELIMINARY PLAT

Andy Thompson explained that this subdivision is located at approximately 850 West Western Drive and consists of 19 lots.

Council Member Garlick made a motion granting preliminary plat approval for Sid Smith Subdivision, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

KAYSVILLE SUNSET EQUESTRIAN ESTATES PLAT 13B FINAL PLAT

Andy Thompson explained that this subdivision is located at Seabiscuit Drive and Mare Drive and consists of three lots, about a third acre in size. About a year ago the City approved a modification to the Development Agreement for Sunset Equestrian Estates that brought an additional acre into the project. This property then received preliminary plat approval for three lots and a portion of a trail, subject to access issues being resolved. Resolving those issues took several months because there were several different interests involved. As the access issues were reaching a resolution, construction began and the improvements have now been completed. As the plat was being prepared for recording, it was realized that final plat approval had never been formally received. The east two lots will access off of the new cul-de-sac via Sunset Drive until such time as additional access to the area is provided. The lots will access the cul-de-sac from the west once the road system is complete. The plat complies with the preliminary plat and the Development Agreement for Sunset Equestrian Estates. Since the road has been installed, staff has received no complaints about its configuration. The Planning Commission recommended approval.

Mayor Hiatt explained that there has been some concern expressed about the road.

Andy Thompson explained that the dirt lane has been an access to farm properties to the south and people who own those properties still would like access there. It has been the desire of the City to make sure it did not continue as a permanent street because of the offset of Burton Lane. Therefore, concrete barriers were installed to allow properties to the south access to Burton Lane but cuts off access from property owners to the north.

Mayor Hiatt stated that he has witnessed vehicles drive over the curb and around the barriers.

Garrett Seeley, representing Woodside Homes, explained that concrete jersey barriers have been installed west of this development. They would be happy to put another barrier there.

Mayor Hiatt expressed concern that people in this area might not be fully aware of this action tonight.

Garrett Seeley stated that everyone came to the same conclusion in a meeting they held with the neighbors. There was some concern about deterioration of the road so they widened the opening and put 8" of compacted road base down so people in the area would have better access.

Council Member Taylor stated that he attended the meeting with the neighbors and the general feeling was that if the road was put back the way it had been, they would be happy. The road is much better now.

Council Member Stephens stated that he also attended that meeting. He believes this is a win-win for all involved. He also believes that Woodside Homes has gone the extra mile and that people in the area will be satisfied.

Council Member Stephens made a motion granting final plat approval for Kaysville Sunset Equestrian Estates Plat 13B, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

VACATION OF CARTER SUBDIVISION AT 1095 WEST WEBB LANE

Andy Thompson explained that several years ago Carter Subdivision was approved and recorded as a three lot subdivision with an existing home on the front lot and two additional lots in the back served by a private lane. The plat was recorded about the time the economy took a down turn and the improvements were never installed. Recently, there has been interest in the property and the owners have asked to revise the plat to just two lots with legal access off of Flint Street and actual access off of Webb Lane. This configuration makes a better lot in the back and has less impact on the lot in the front. City staff believe that this new plat is a much better use of the property and all landowners involved have agreed to the proposed configuration. In order to best clear the property from easements and other encumbrances of the originally recorded plat, the Carter Subdivision plat should be vacated. The Planning Commission recommends approval.

Council Member Garlick made a motion adopting Ordinance No. 15-6-4, Vacating Carter Subdivision in Kaysville City, Davis County, State of Utah, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

WEBB LANE SUBDIVISION PRELIMINARY AND FINAL PLAT

Andy Thompson explained that this subdivision is located at 1095 West Webb Lane and consists of two lots.

Council Member Garlick made a motion granting preliminary and final plat approval of Webb Lane Subdivision, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

APPROVAL OF AGREEMENT WITH OLD MILL VILLAGE HOMEOWNERS ASSOCIATION, INC. TO ACQUIRE AND ENHANCE SUBSTATION PROPERTY AND RELEASE AND DISCHARGE CLAIMS REGARDING DEVELOPMENT OF OLD MILL VILLAGE SUBDIVISION

John Thacker explained that the City has been working for years to get the improvements in Old Mill Village Subdivision completed due to the developer's failure to perform and the surety holder's demise. The City has recently negotiated a way to get the improvements completed, the City's substation property adjacent to the subdivision enhanced, and claims regarding the development of the subdivision released and discharged. The way to do that is to implement the provisions of an Agreement with Old Mill Village Homeowners Association, which the Association has already approved. The title report found one concern. The developer has placed a trust deed on the open space. He recommends that the Agreement be approved with condition that the concerns with the trust deed be resolved before closing on the property.

Council Member Johnson made a motion approving an Agreement with Old Mill Village Homeowners Association, Inc. to acquire and enhance substation property and release and discharge claims regarding development of Old Mill Village Subdivision subject to the trust deed issue being resolved, second by Council Member Garlick.

Trever Midgley stated that he wants to make sure the trust deed is not going to pose an issue. The agreement doesn't do either party any good unless this issue is resolved.

Mayor Hiatt stated that the City will not buy property that has a lien on it and the title company will not insure the property if there is a lien that they cannot clear.

Trever Midgley stated that this issue was presented to the City Attorney a few days ago and now he believes it is going to railroad the Agreement. The homeowners association thought everything was satisfactory so the Council could approve the Agreement tonight. He finds it disheartening that the developer that has caused this problem is going to be the one to railroad the Agreement. He believes the trust deed is fraudulent and if the developer ever came back, the City could sue him. He does not believe there is a risk to the City.

John Thacker stated that he recommends the Agreement be entered into so the homeowner's association and the City can work together to clear the issue.

Trever Midgley stated that he believes the burden lies with the property owners and not the title company. Their attorney told them that he does not see a route to clear up the issue and pointed out other ways to avoid that risk and protect both parties.

Mayor Hiatt recommended that the City Council table this issue to study the matter further.

Council Member Johnson withdrew his motion.

Council Member Garlick made a motion to table this item for further study, second by Council Member Johnson.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

AMENDMENT OF CHAPTER 10-2, ELECTRIC POWER AND LIGHT, OF TITLE 10, ELECTRIC POWER AND LIGHT, OF THE REVISED ORDINANCES OF KAYSVILLE CITY TO ADD SECTION 10-2-13.1, TERMINATING RECEIPT OF ADDITIONAL APPLICATIONS FOR PARTICIPATION IN THE NET METERING POLICY

Bruce Rigby recommended that a moratorium be placed on new participation in the Net Metering program so that the current policy can be reviewed and evaluated. Review is necessary because the impact of participation is greater than anticipated. Other Utah Associated Municipal Power Systems (UAMPS) members are in this review and policy change process.

Council Member Garlick wanted to know if there is a time limit on the moratorium.

Bruce Rigby stated that the City Attorney suggested that there be no time limit because the City doesn't know how long it will take to make the necessary changes.

Council Member Taylor recommended that a five month time limit be placed on the moratorium. If more time is needed after that, the moratorium could be extended.

Mayor Hiatt recommended that the implementation date of June 12th be extended to allow more time for those in the process.

Bruce Rigby explained that if people have signed up for a building permit they will be allowed to finish. There are about 50 people on the net metering program and the City is receiving two or three requests a week.

Council Member Lee wanted to know if this would stop people from putting solar panels on their homes.

Bruce Rigby stated that it would not.

Council Member Garlick made a motion adopting Ordinance No. 15-6-5, An Ordinance Amending Title 10, Chapter 2 of the Revised Ordinances of Kaysville City by Adding Section 10-2-13.1 Terminating Receipt of Additional Applications for Participation in the Net Metering Policy, Providing for Continued Participation by Existing Approved Participants and Providing for an Effective Date of July 1, 2015 with a six month sunset, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

AWARD OF CONTRACT FOR BARNES PARK CHANNEL WORK

Cole Stephens explained that two bids were recently received for work to repair some of the channel in Barnes Park. When the unit price is multiplied by the estimated square feet of additional channel repair to standardize the bids, the apparent low bidder was Cracar Construction. He recommends the bid be accepted for up to \$65,000.00.

Council Member Johnson made a motion to award the contract for Barnes Park channel work to Cracar Construction in the amount up to \$65,000.00, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

REVIEW OF JUSTICE COURT SERVICES

John Thacker explained that the Davis County Commission has given Kaysville City notice of termination of all agreements for Justice Court services. He stated that Justice Court services will terminate on December 31, 2015. Options are to take these services to the Clearfield Court or Farmington Court.

Council Member Garlick made a motion to pursue an agreement with the Farmington Justice Court, second by Council Member Stephens.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Council Member Garlick distributed July 4th information. He then stated that he received comments about the color of the clock tower that was recently refurbished and painted a tan color. The tower now blends in with the Police Station and he thinks it is an icon that should stand out. He asked the Council Members if they think it should be repainted to another color that would make it stand out rather than blend in.

Vance Garfield stated that when they repainted the clock tower they tried to match it with the Municipal Center and Police Station. He believes it should be harmonious with these buildings.

Mayor Hiatt recommended that the Council consider this matter again after all the landscaping has been completed.

Council Member Taylor stated that Utah State would like to educate people about water conservation while still supporting the water parade. He distributed a copy of a flier that they would like to hand out during the dry portion of the parade and asked the Council to review this flier and then give him their opinion.

MINUTES

Council Member Johnson made a motion approving the Public Hearing and City Council minutes of May 19, 2015, second by Council Member Garlick.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

CLAIMS

Council Member Garlick made a motion approving claims in the amount of \$357,648.32, second by Council Member Taylor.

The vote on the motion was as follows:

Council Member Johnson, yea
Council Member Stephens, yea
Council Member Taylor, yea
Council Member Garlick, yea
Council Member Lee, yea

The motion passed unanimously.

CALENDAR

The Council Members reviewed a three month calendar.

Council Member Garlick made a motion for adjournment at 10:45 p.m., second by Council Member Taylor and passed unanimously.