

KAYSVILLE CITY COUNCIL
DECEMBER 15, 2015

Minutes of a regular meeting of the Kaysville City Council held December 15, 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, Brett Garlick, Susan Lee and Chris Snell.

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, Kenton Pies, Seth Ellington, Brigg Lewis, Carole Walker, Jake Garn, Phil Holland, Jackson McRey, Mitchell Olson, Nathan Lee, Kirk North, Jaxon Muirbrook, Isaac Tholl, Thomas Stucki, Justin Keate, Matt Hill, Rod Randall, Clint Thomas, Robyn Law, Robert Law, Steve Bingham, Tony Combs and Lorene Kamalu.

Mayor Hiatt explained that this will be the last Council meeting for Council Members Johnson, Stephens and Garlick. He stated that they have provided a great service, shown a genuine commitment to the community, and will be missed. He then presented them with a plaque.

Chief Oberg thanked the outgoing Council Members for their commitment to the Police Department and explained that they have been instrumental in what the Police Department was able to accomplish. He believes their partnership with the City Council has made all the difference in regards to changes made to the Department. He then presented each of them with a picture collage.

Council Member Johnson stated that it has been a great experience for him to work with members of the City Council, City staff, and volunteers. He is thankful for the experiences he has had and is appreciative of what the City staff does for the community. He is also grateful for public safety provided by Police Chief Oberg and Fire Chief Larkin.

Council Member Stephens stated that it has been his privilege to be involved in city government. He believes that Kaysville has something unique which involves trust, citizen input, opportunities for discussion and decision. He will take away some choice memories and will cherish the relationship he has had with other Council Members. He is totally amazed at the way the City has been managed over the years and how frugal the City has been. He appreciates the administration of the City, which has benefited the citizens.

Council Member Garlick thanked Council Members Johnson and Stephens for their service. They have integrity, honesty, are willing to serve, and love this community. It has been an honor to serve with them. He believes that one reason people move to Kaysville and stay here is because of all the wonderful community events that are held. He has had the opportunity to work with the Parks and Recreation Department and appreciates the work they do. He knows this is the same for other departments within the City as well. He has also had the opportunity to get to know the police officers as individuals who truly care about the safety of the residents. He has learned so

much about the sacrifice they make and how they put their lives on the line for all the residents and he is grateful for that. He thanked all the volunteers who help make the City what it is.

Mayor Hiatt stated that these Council Members have been honest, fair and made decisions that they feel are best for the community. He thanked them for their service.

Council Member Snell thanked Council Members Johnson, Stephens and Garlick for the time they have spent on the Council and for their willingness to do what is best for the community. He believes that they all have integrity and stand by their principles.

Council Member Lee thanked the outgoing Council Members and stated that it has been a pleasure to work with them. She will treasure the friendship she has with them. She stated that a lot of people appreciate what they have done and wish them the best.

CALL TO THE PUBLIC

There was no public comment.

REZONE OF 12.27 ACRES OF PROPERTY AT APPROXIMATELY 550 SOUTH KNIGHT'S WAY AND 1000 WEST SMITH LANE FROM A-1 (LIGHT AGRICULTURE) AND R-A (AGRICULTURAL RESIDENTIAL) TO R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY)

Andy Thompson explained that Wright Development Group is requesting a rezone of 12.27 acres of property at approximately 550 South Knight's Way and 1000 West Smith Lane from A-1 and R-A to R-1-LD in order to develop a subdivision on the property. The Planning Commission held a public hearing where some residents from the adjacent Tyler Estates Subdivision stated that this proposal is acceptable to them, however, with the extension of the road through to Smith Lane, they have concerns with traffic and safety. It was suggested that some sort of traffic calming be included in the development plan. The Planning Commission recommended the rezone and approval of the preliminary plat with the condition that traffic issues be studied and appropriate measures be included with the final plat.

Council Member Stephens stated that he likes this zone. It preserves a sense of density and not everyone wants the same size of lot. He believes that this is a good compromise. He also believes this zone is good for that area.

Council Member Garlick stated that he also believes this rezone is good. The roads into that area were built assuming there would be a connection one day. He believes that after the subdivision is developed it should be added to the traffic calming guideline list for the Police Department to study and obtain data to determine if some sort of traffic calming is needed. In order to obtain accurate data, he believes it makes more sense to review traffic after the subdivision has been developed and then make a decision on calming devices.

Council Member Stephens stated that sometimes schools in this area have activities and cars park along Smith Lane. Because of that, there could be a visibility problem for cars coming out of this development onto Smith Lane. He believes that traffic calming ideas should be considered after this development is finished.

Council Member Lee stated that she listened to audio of the Planning Commission meeting when the public hearing for this rezone was discussed. It appeared there really wasn't any problem with changing the zone. Everyone was in agreement with that.

Council Member Lee made a motion adopting Ordinance No. 15-12- 1, Rezoning 12.27 Acres of Property at Approximately 550 South Knight's Way and 1000 West Smith Lane from A-1 and R-A to R-1-LD, second by Council Member Stephens.

The vote on the motion was as follows:

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

The motion passed unanimously.

TYLER MEADOWS SUBDIVISION PRELIMINARY PLAT

Andy Thompson stated that this subdivision is located at approximately 550 South Knight's Way and 1000 West Smith Lane and consists of 24 lots. The lots vary in size from just over 13,000 square feet to over half an acre. The R-1-LD zone has been requested to accommodate these lot sizes. The R-1-LD zone allows up to two units per acre with a minimum lot size of 12,000 square feet. The setback and frontage requirements are the same as for the R-1-20 zone. The Planning Commission reviewed other plats for these properties earlier this year and had concerns with those proposals. Since that time, all properties involved have been put under contract by the Wright Development Group. This allows the parcels to be platted as a single subdivision and not as three separate projects, which provides more flexibility in the lot layout and seems to address many of the concerns from the previous proposals.

Council Member Garlick made a motion granting preliminary plat approval for Tyler Meadows Subdivision, second by Council Member Snell.

The vote on the motion was as follows:

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

The motion passed unanimously.

KAYSVILLE PROFESSIONAL COMPLEX CONDOMINIUMS PRELIMINARY AND FINAL PLAT

Andy Thompson explained that this subdivision is located at 396 North 400 West and consists of eight professional office condominium units. This property is currently part of the Olde Shop Subdivision Phase D. As an existing subdivided lot in the General Commercial zone, a professional office building is allowed as a permitted use. The Kaysville Dental Arts Center group has proposed a two story office structure. The intended users desire separate ownership of the suites in the building which requires a condominium subdivision. The Planning Commission recommended approval.

Council Member Johnson made a motion granting preliminary and final plat approval of Kaysville Professional Complex Condominiums, second by Council Member Lee.

The vote on the motion was as follows:

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

The motion passed unanimously.

APPROVAL OF STATEWIDE UTILITY LICENSE AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION

Andy Thompson explained that UDOT is asking all owners of utilities in UDOT right-of-ways to enter into a Utility License Agreement. This Agreement sets the procedures for working in UDOT roads. The requirements in the Agreement are essentially what the City has been doing for many years. This Agreement will formalize those requirements.

Council Member Garlick made a motion approving the Statewide Utility License Agreement with Utah Department of Transportation, second by Council Member Stephens.

The vote on the motion was as follows:

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

The motion passed unanimously.

APPROVAL OF FRANCHISE AGREEMENT 2015 RENEWING THE COMCAST OF WASATCH, INC. FRANCHISE FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM WITHIN THE CITY

Dean Storey explained that Comcast has been providing cable services to Kaysville residents under a franchise agreement for many years. The agreement has expired and it is advisable that a new ten year agreement be adopted.

Council Member Snell wanted to know what negotiations were made regarding this agreement.

Dean Storey explained that items negotiated were: 1) if future ordinances are adopted, the agreement would hold over the ordinance; 2) if another video service provider comes to town, Comcast would be on the same terms; 3) in the event Comcast goes out of business and abandons their property, the City would require them to remove their property and leave a clean site above ground.

Kirk North, representing Comcast, stated that this agreement is only for the video component of what Comcast offers.

Council Member Lee made a motion renewing the Comcast of Wasatch, Inc. Franchise for the construction and operation of a cable system within the City, second by Council Member Johnson.

The vote on the motion was as follows:

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

The motion passed unanimously.

ADOPTION OF RESOLUTION RESCINDING RESOLUTION NUMBER 15-7-1 PERTAINING TO A PROPOSED INTERLOCAL COOPERATION AGREEMENT BETWEEN KAYSVILLE CITY AND FARMINGTON CITY BECAUSE FARMINGTON CITY WILL NOT PROVIDE JUSTICE COURT SERVICES

John Thacker explained that the City Council adopted a resolution in July approving an agreement with Farmington City for justice court services. Since then, Farmington decided not to get in the justice court business. Davis County will remain in the justice court business and is continuing to provide services. This action will rescind the agreement and resolution with Farmington City.

Council Member Garlick made a motion adopting Resolution No. 15-12-2, Rescinding Resolution Number 15-7-1 Pertaining to a Proposed Interlocal Cooperation Agreement Between Kaysville City and Farmington City for Justice Court Services, second by Council Member Snell.

The vote on the motion was as follows:

- Council Member Johnson, yea
- Council Member Stephens, yea
- Council Member Garlick, yea
- Council Member Lee, yea
- Council Member Snell, yea

The motion passed unanimously.

AMENDMENT OF SECTION 2-1-2, CORPORATE SEAL, OF CHAPTER 2-1, CORPORATE NAME AND SEAL, OF TITLE 2, CITY GOVERNMENT, OF THE REVISED ORDINANCES OF KAYSVILLE CITY, 1993

John Thacker explained that it has been proposed that the City seal be updated. The proposed Ordinance would replace the seal the City currently has.

Council Member Garlick made a motion adopting Ordinance No. 15-12-2, Replacing the Corporate Seal of Kaysville City, second by Council Member Snell.

The vote on the motion was as follows:

- Council Member Johnson, yea
- Council Member Stephens, yea
- Council Member Garlick, yea
- Council Member Lee, yea
- Council Member Snell, yea

The motion passed unanimously.

2016 PROCESS FOR APPOINTING PLANNING COMMISSION MEMBER

Mayor Hiatt explained that as a result of Jake Garn being elected to the City Council, it is necessary to appoint someone to fill his seat on the Planning Commission. That term will expire June 30, 2016. He suggested the following process to find a qualified candidate: post the opening on the City website with applications due by 5:00 p.m. January 7, 2016, provide copies of the applications to Council Members after the deadline, Council Members provide input to the Mayor, Mayor narrow applications based on Council feedback and then conduct interviews, Mayor recommends a candidate at the January 21, 2016 Council meeting, the successful candidate begins serving on January 28, 2016.

Council Member Garlick made a motion to follow the recommended process to fill the vacant term on the Planning Commission, second by Council Member Stephens.

The vote on the motion was as follows:

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

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Mayor Hiatt explained that he received an email from a gentlemen asking for permission to hunt on the west side of the City. He reviewed the City ordinance regarding discharge of firearms with the City Manager.

John Thacker explained that the ordinance prohibits discharge of firearms within the City, however if allowed by the City Council, a person could hunt with a shotgun. This man is requesting permission to hunt birds 125 yards inside City limits on the west end of 200 North with a shotgun during the hunting season. He believes that this would be far enough away that projectiles would not carry to residential areas. He visited with Chief Oberg about this situation and he also believes it would be permissible to allow hunting during the season, which ends in January.

Council Member Stephens wanted to know if this would open the door to others who would like to hunt in other areas of the City.

John Thacker explained that the request would have to come before the City Council and meet the ordinance.

Council Member Stephens made a motion allowing Jeff Holmes to hunt birds 125 yards inside City limits at the west end of 200 North, second by Council Member Garlick.

The vote on the motion was as follows:

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

The motion passed unanimously.

Council Member Garlick distributed a copy of the Parks and Recreation Department annual review of items accomplished this year. He also explained that the New Year's Eve party will be held on December 31, 2015 at Davis High School from 6:00 to 10:00 p.m.

MINUTES

Council Member Johnson made a motion approving the special City Council minutes of November 10, 2015 and the regular City Council minutes of December 1, 2015, second by Council Member Lee.

The vote on the motion was as follows:

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

The motion passed unanimously.

CLAIMS

Council Member Garlick made a motion approving claims in the amount of \$900,530.78, second by Council Member Snell.

The vote on the motion was as follows:

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

The motion passed unanimously.

CALENDAR

The Council Members reviewed a three month calendar.

Council Member Stephens made a motion for adjournment at 8:05 p.m., second by Council Member Johnson and passed unanimously.