

KAYSVILLE CITY COUNCIL  
April 14, 2022

Minutes of a regular Kaysville City Council meeting held on April 14, 2022 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 Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, POP Officer Lexi Benson, Victim Advocate Jennifer Winchester, K-9 Advocate “Walter”, Assistant Finance Director Levi Ball, Jacie Johnson, Neka Roundy, John Lasker, Douglas White, Kelly White, Mark Lund, Nylin Johnson, Laurene Starkey, C. Fernando Morales, Bryn Jensen, Mark Jensen, Debbie Stevens, James Stevens, Tammy Zendel, Linda Bourne, Robert Bourne, Val Shupe, Wilf Sommerkorn, Robert L. Elwood, John Love, Kathi Allen, Shauntel C. Hogan, Teresa T. Bowman, Michelle Lewis, Joshua Lewis, Scott Carrigan, David Sansom, Paul Kingston, Tim Seeley, Kathleen Seeley, Doug Foster, Jeanne Foster, Spencer Isaacson, Christine Bown, Rich Shaw, Scott Godfrey, Jun Cui, Wenfei Yu, Ross Eveson, Brian Bennion, Doris Brown, Brandt Knowlton, Heather Knowlton, Lee Allred, Kaiden Kershaw, Douglas Haskell, John Keller, Austin Stevens, Cami Stevens, Megan Walter, Will Walter, Jamie Borski Fox, Tim Bagley, Renee M. Tanner, Christy Call, Jaron Call, JoAnn Neilson, Diane Langston, Lori Bagley, Joan Hawkins, Lucille Rigby

**COUNCIL MEETING OPENING**

Council Member Adams opened the meeting with a prayer and led the audience in the pledge of allegiance.

**CALL TO THE PUBLIC**

Jacie Johnson said that feels that the rezone request for the property at 478 South Main should be denied and the property remain in the R-1-8 zone. Ms. Johnson expressed appreciation to the neighbors in the surrounding area being organized and enabled in voicing their opposition. She lives near this subject property and the intersection of 475 South and Main Street is terrible to try to navigate, partially because of the curve of the road. There are also many students who travel this area and neighbors are concerned about how the safety of the children will be effective if more traffic is added to our streets.

**PRESENTATIONS AND AWARDS**

**PROCLAMATION TO DECLARE APRIL 30, 2022 AS ARBOR DAY**

Mayor Tran read a proclamation declaring April 30, 2022 as Arbor Day and urged all citizens to support efforts to protect our trees and woodlands, and to support our urban forestry program.

## PROCLAMATION TO DECLARE MAY 1-7, 2022 AS PUBLIC SERVICE RECOGNITION WEEK

Mayor Tran read a proclamation declaring May 1-7, 2022 as Public Service Recognition Week and asked citizens to join the council in expressing appreciation for the important contributions of public employees and community volunteers that make the city a great place to live, work and play.

## POLICE DEPARTMENT ACCREDITATION AWARD

Val Shupe, Executive Director of the Utah Chief of Police Association, presented the Kaysville Police Department with an official agency accreditation award.

## POLICE DEPARTMENT REPORT

Police Chief Sol Oberg presented the annual report for 2021 for the Kaysville Police Department and said that because of the current statewide shortage of police officers, they have had to rearrange officer positions to adapt to their needs. It affected the department administratively and with their detectives. They have had to function a little more slowly and less efficiently. The department currently has 32 officers, and seven of those officers are school resource officers. They've also had to have other officers take on more responsibilities as fellow officers have gotten injured, taken vacation time, resigned or been terminated, and when one of their officers was deployed this last summer. Recently their department worked together to rewrite their mission statement and vision statement and it has helped our officers become reinvested in their jobs. We have a very safe community in Kaysville, and a lot of that credit should go to our citizens. In 2021, the police department handled about 10,000 service calls, and we have continued to see a slight incline of calls received over the years. We have been working to bring our average response time down by thirty seconds, and will continue to work towards getting that number under six minutes. They are working to get an online reporting tool for less serious calls for service. It will help their department connect to a different demographic of the community. We have had more people requesting to file a report online. The drawback to this is that you lose the personal connection that a face-to-face conversation has. This is an area that law enforcement has struggled with over the years and it's been a struggle to keep that trust and create that partnership with the community. The number of arrests increased over 2021; however, the police department tries to look for possible alternatives for arrest. We have a youth court program for our youth justice system. Davis Behavioral Health has a receiving center that we can bring someone to and can be a better option in some situations. The jail system doesn't fully help with mental health issues. The jail system is expensive and is not always the best solution. We will see more of these types of solutions implemented in other areas of the state and across the country. Traffic is an issue in Kaysville. We never anticipated for the city to grow this much. The department spends a lot of time and emphasis on trying to help with traffic. For the last two years, our traffic accidents and injuries are down. There seems to have been more accidents during the pandemic across the country because of reckless behavior.

Jennifer Winchester, Victim Advocate, said a requirement to receive some of the local grants for the Victim Advocate program is she must present a report to the council annually about the program. The VAWA grant's purpose is to improve how our agency responds to sexual assault,

domestic violence, and stalking. Complex crimes such as these often require large amounts of investigation, follow-up and training. VAWA funding allows the department to allocate a dedicated detective the time, resources, and training to focus on adequately investigating these cases, train officers, and help with policy review. The VOCA program helps to fund her position as an advocate. As an advocate, she helps to assist victims in sorting through confusing feelings and processes associated with the criminal justice system. The VOCA program helps to provide support for victims of crimes. Victim advocate roles help to provide crisis intervention, information and referrals, personal advocacy, help navigating the criminal justice system, and other aids. This previous year has been a hard year with many sexual assault cases. VOCA was also able to help us obtain funding to get “Walter”. Walter works with our victim advocate to assist victims. He is able to provide deep pressure therapy to victims, which is a calming strategy. Walter successfully completed a therapy dog-training program to obtain his Service Dog certification. Having received these local grants has helped the police department with increased victim cooperation throughout the criminal investigation. There is increased victim satisfaction with police response and we have been told by victims that they felt cared about and that our police department has genuinely wanted to help them. Victim advocates help reduce workload for officers as well in that the advocate can respond to a scene and help family with questions, concerns and resources. This allows officers to focus on processing the scene.

Chief Oberg added that Ms. Winchester is the best Victim Advocate in the state and the only one that is certified through the FBI’s Elevate Program. Navigating the criminal justice system is complicated as a victim and there is a big need for people like Ms. Winchester to help these victims. This program has helped our police department change to learn how to better get information from victims.

Council Member Adams asked Chief Oberg if he had seen any changes in the department after the recent police officer salary increase.

Chief Oberg said that he feels that he seen an improvement in the department. Chief Oberg added that he was able to sit down with each of his officers and used it as an opportunity to discuss the expectations and investment they are to the community. Sacrifices had to be made to other departments in order to allow for the aforementioned raises.

### **DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

### **CONSENT ITEMS**

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

- a. Approval of Minutes of March 17, 2022.
- c. Authorizing an Agreement for the Mutton Hollow Waterline Replacement and Repaving Project.

The motion was seconded by Council Member Oaks.

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.

## **B. APPOINTMENT OF RAMP ADVISORY COMMITTEE MEMBERS**

Mayor Tran explained that the City Council recently approved an ordinance creating a Recreation, Arts, Museum, and Parks (RAMP) committee. Mayor Tran said she had accepted applications for the five at-large committee member seats, held interviews, and is now proposing the names to appoint to the RAMP advisory. The standing members of the committee will be: Parks and Recreation Director Cole Stephens, Recreation Superintendent Kris High, Kaysville Community Theater Representative Lauri Storey, and Historic Preservation Committee Member Brittany Bremer. The at-large members will be: Richard Heath, Chaz Leech, Chris Snell, C. Fernando Morales, and Marcie Handy. The City Council Liaison will be Perry Oaks.

Council Member Adams made a motion to appoint the proposed RAMP advisory committee members, seconded by Council Member Blackham.

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.

## **ACTION ITEMS**

### **PRELIMINARY PLAT APPROVAL FOR BOURNE ESTATES PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) SUBDIVISION LOCATED AT 1742 WEST PHILLIPS STREET – ROBERT AND LINDA BOURNE**

Melinda Greenwood explained that at the March 24, 2022 Planning Commission meeting, with a vote of 7-0, the Planning Commission recommended approval of the preliminary subdivision plat for Bourne Estates Subdivision, located at approximately 1742 West Phillips Street. The proposed 5-lot subdivision includes about 2.5 acres of land with a private street, and lot sizes ranging from 17,886 to 22,921 square feet. The existing home will remain on Lot 1, with single-family homes being built on the remaining lots. The preliminary plat meets all zoning ordinances and engineering standards prescribed for R-1-LD with a PRUD overlay, but will need minor edits completed prior to final subdivision approval. Staff is recommending approval of the preliminary plat, subject to the staff comments on the draft plat.

Robert Bourne commented that they are subdividing their property so that their kids will each have

a lot to build a home on. Mr. Bourne said that he had spoken to his neighbors about this proposed subdivision and had not received any complaints.

Council Member Adams made a motion to approve the preliminary plat for Bourne Estates Planned Residential Unit Development (PRUD) Subdivision located at 1742 West Phillips Street for Robert and Linda Bourne, subject to the staff comments on the draft plat. Council Member Perry 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.

CONSIDERATION OF A DEVELOPMENT AGREEMENT AND REQUEST TO REZONE THE PROPERTY LOCATED AT 478 SOUTH MAIN STREET FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-M (MULTIPLE FAMILY RESIDENTIAL DISTRICT) – MARK LUND AND KELLY WHITE

Melinda Greenwood explained that this item was initially discussed at the February 10, 2022 Planning Commission meeting where a public meeting was held. This property is located on the northwest corner of 475 South and Main Street and is currently a 0.56 acre undeveloped parcel which has previously been used as a community garden. During their discussion, the Planning Commission expressed concerns about the R-M zone allowing for up to eight units on the property, but demonstrated some comfort with the allowance of six units. Based on resident feedback from that meeting, the Planning Commission asked Staff to work with the developer to consider other options for the property, including a different zone and limiting the project density through a development agreement. At the March 24, 2022 Planning Commission meeting, the Planning Commission recommended approval of the rezone at 478 South Main Street from R-1-8 to R-M, subject to a development agreement limiting the developer to six units, as well as increased parking, site buffering, and architectural standards. The Planning Commission's vote was unanimous. During the public hearing, a petition opposing the rezone request and a traffic accident report were submitted to the Planning Commission. Those items, as well as public comments submitted to the Planning Commission and meeting minutes from both February 10 and March 24, have been provided to the City Council. Directly adjacent to this property is R-1-8 zoning and single family dwellings, which are located on the north and west sides of the property. Approximately 330 feet to the north are several parcels zoned as R-2. A church is located to the south, across 475 South Street. In consideration of the current General Plan, because the R-M zone allows for townhomes, this project diversifies available housing products and generally meets the goals and policies of the General Plan. The majority of the housing in the area is currently developed as single-family detached housing and the addition of a six-unit townhome would diversify the size and type of housing, while allowing for the preservation of currently existing development. Because the R-M zone allows for townhomes, which are typically considered more affordable than single-family residences due to construction methods and efficiency of land

development, this project would diversify available housing products. The R-M zone requires specific amounts of open space for outdoor leisure, and this six-unit development would require a minimum of 3,600 square feet. The R-M zone also requires a minimum of twenty square feet of outside storage for each dwelling unit. Public notices were mailed to property owners within 500 feet of the subject property. During the Public Hearing held on February 10, 2022, concerns from citizens included increased traffic from the development, inadequate parking, impacts to the character of the surrounding single-family residences, high tenant turnover, and safety. During the February 10, 2022 Planning Commission meeting, the Commission asked if the applicant would consider amending their application to request the R-2 (One to Two Family Residential) District instead of the R-M zone, but the applicant didn't wish to proceed in that direction citing concerns about the increased amount of time to process the re-notification of a public hearing to change the previously advertised R-M zone to R-2. They also were concerned about the increased time and costs to process the subdivision application, as well increased construction costs and loss of building efficiencies. When considering access to this property, both Staff and the developer agree that the R-M zone with a singular ingress/egress located on 475 South and further away from Main Street is preferable to the creation of three driveways and three points of ingress/egress, which would likely occur if this property were to remain in the R-1-8 zone. Further, there is approximately nine feet of grade change and curvature in the roadway on 475 South, which causes additional concern for three points of vehicular conflict versus one. Community Development Staff worked with the applicant to negotiate a development agreement, limiting the development to six attached units, requiring the construction of a minimum of twelve parking stalls, requiring the use of trees and fencing as a landscape buffer to the two existing homes on the west and north sides of the property, and constructing the building to fit Craftsman, Traditional or Farmhouse architectural style. If this property were to remain in the R-1-8 zone, there could potentially be up to three single-family dwelling units built on the property with the approval of a conditional use permit. Those three dwelling units could then potentially also have an internal accessory dwelling unit included, creating six total dwelling units. In 2018, Utah State passed a bill requiring all cities to include an element in their general plan that would allow for more moderate-income housing. Kaysville's General Plan was amended in 2019 to adopt the section addressing moderate-income housing. There is a deficiency of housing in the state, and 15% of housing in our city should be fit within the definition of moderate-income housing. This proposed plan fits within the city's General Plan, but also fits with what the state is asking cities to do towards helping with the housing crisis. There likely will be more additions required by the state for moderate-income housing in the future.

Mark Lund commented that they want to build something that will be nice for the neighborhood and will benefit both sides. Concessions have been made and are outlined in the development agreement. This is a great opportunity to provide moderate-income housing in the city. One reason they wanted to propose the R-M zone is they will then be able to provide only one driveway access, which is safer than building three separate units with three separate driveways. Mr. Lund said that they have an updated rendering of the development layout from their engineering architect that shows that they will be able to fit 18-20 parking spaces on the property by moving the garages to the back of the units. This will help provide places for cars to park off of the street. This project fits the General Plan and fits in with what the Planning Commission and Staff has recommended.

Mayor Tran opened the meeting for public comment.

Mark Jensen, living at 407 South 225 East, said that he has a background in civil engineering and

is concerned about the slope of this property. There have been problems with flooding in this area in the past. When density on a property is increased, impervious surfaces are also increased. If this property is developed with townhomes, once these units and the developer is gone, whom does the neighbors go to if this property causes their neighboring properties to flood? Inflation is out of control right now and we might be on the edge of another recession. During the last recession, cities had to make concessions for developers who were struggling to make any money off a project, and the city might have to do the same with developments such as this if they are caught in a recession.

Jamie Fox, living at 590 South Main Street, said that she has lived here for thirty years and has taught at Davis High for even longer. Ms. Fox said that she is concerned about how many people could potentially live on this corner. There are many distractions at this intersection and heavy traffic along Main Street. It is hard for pedestrians to cross Main Street safely. They have seen many accidents occur here. Traffic is heaviest here when school is getting out. There are no streetlights in this area to keep pedestrians safe. There aren't enough police officers to do more traffic control here. This development will affect our neighborhood directly. We need to speak up for the safety of our children and for our neighborhood.

Brian Bennion, living on 475 South, said that the city's General Plan is put in place to protect the investments of residents, including the applicant. The council needs to consider the number of driveways that could be placed here if the property is rezoned. There are two R-2 developments to the north of this property, which the units share a common driveway, and it seems to work successfully. Adding six attached units to this neighborhood won't blend into this area. There are apartments further north of the site that are all rentals and the property is not maintained by the property owner. Approving this rezone request could open it up for other projects such as this. It will be sad to see our community garden go, but this development needs to follow the General Plan.

Jun Cui said she lives at 293 East 475 South and her biggest concern with this proposed development is safety. The proposed driveway access will be located on the west end of the parcel, adjacent to their property, and some of the traffic will be facing her home. This puts her house and her young kids at great risk of potential accidents. Her kids and her house could be hit by vehicles if someone is not driving well, even if her kids are playing in their own backyard. A fence will not help prevent this. There needs to be a solid concrete wall alongside their adjoining property lines to help prevent accidents, in addition to trees being installed as well. Her family will have to deal with all of the traffic and cars that these six units will create. There are also many young kids in their neighborhood, and many students walking to and from the nearby schools. This is a unique lot and because of its location along busy Main Street, as well as the dynamics and layout of the property, this is not the right place to build multi-family units.

Wenfei Yu said that he also lives at 293 East 475 South and that although the 2019 General Plan mentions high-density housing being located on Main Street, he feels the 2021 General Plan, that has yet to be adopted, has more restrictions regarding multi-family residential developments. It helps to prohibit high-density land use in areas established for lower density residential uses. Most multi-family residential areas are anticipated to be located adjacent to or within the city center. In looking at the city zoning map, it shows that most of the R-M zoning is located adjacent to or near the general commercial zoning or central commercial zoning. If this request for a rezone were to be approved, this would be a case of spot zoning. The 2021 General Plan shouldn't be

disregarded. Statistics show that 86% of bicyclist-involved crashes and 60% of pedestrian-involved crashes happen at intersections. The property owners are not as worried about what impact this development will have, because they won't be living in these units. They are financially motivated to develop this property for high-density. The neighbors feel that we cannot trust the timing or what the build quality will be of this development. Mr. Yu said he felt that going to the Planning Commission was a waste of time because the Planning Commission refused to answer any questions regarding parking, traffic safety, lighting, and firefighting issues. The neighbors here are not against development, but it needs to be considered carefully. Mr. Yu presented a Rezoning Protest Petition to the City Council.

Doug Haskell said he lives at 251 East 425 South, north of this property, and asked if the owners were planning to rent these townhomes out or to sell them separately. Mr. Haskell said that they run a daycare from his home and if these units become rentals, a background check should be enforced to ensure the safety of these children. Having a multifamily rental unit will depreciate the value of the properties in this area.

Ross Eveson stated that he had not heard one person in their neighborhood in support of this rezone. The neighbors are not against development but they want to see this land with proper zoning. Spot zoning is always a controversial issue. Mr. Eveson said that he feels that leaving this property as R-1-8 is the best option for this location. Even though this address is listed as Main Street, it is not a Main Street property, but rather is a 475 South street issue. The concept plans show that the units will face 475 South. An s-curve runs here and makes the street narrower at this location. When the community garden was in use, traffic would often be congested along here because of the cars that would park on the street to access the garden. This 2019 General Plan supports the property remaining in R-1-8. The neighbors aren't against affordable homes being built here, but the proposed development likely won't be considered as affordable. Trying to fit six homes on this property is the wrong choice. Parking is always an issue with townhomes and other high-density housing. It doesn't seem feasible to be able to put 18 parking spots on this property.

Laurene Starkey said that she lives at 573 South 350 East and she was representing her husband who could not attend tonight. Mrs. Starkey said that her husband had received another traffic report that day that included an additional 10 years on the report. The reports show that an accident occurs here about once a year and most of them occur during school hours. There will be visibility problems at the 475 South and Main Street intersection no matter how the property is developed, because there are problems now with the property sitting vacant. As neighbors and concerned citizens, we are encouraging that an engineer looks at the road and traffic flow to see if there is anything that could be done to help with visibility. Mrs. Starkey added that she was able to attend a ULCT training held that day regarding modern-income housing and was able to speak with the city planner of Centerville. He pointed her to a recent University of Utah study that said that increased density does not increase affordability. Residents want the council to sincerely consider if this project matches goals of Kaysville City. Is this a reasonable opportunity to get our desired result of moderate-income housing? We do not want the city to create failed housing experiments and would like the council to say no to this project.

Jeanne Foster said that she lives at 898 East 400 South and as a military family they have lived in a number of different places and seen different issues arise with various development requests. It seems clear that this property was purchased with the intention of development. All of the

concerns that have been brought up are legitimate. There are other properties in the area that could potentially come forward and request similar projects. If approved, this property could potentially be the first step in reshaping our community. The council needs to consider what could happen in the future by approving this development, especially when discussing affordable high-density housing. Future development might not be considered as affordable, but it will have a significant impact on our community. If you allow developers to come in and building these types of projects, you are setting a precedence.

There were no further comments or questions from the public. Mayor Tran closed the Public Comment.

Council Member Adams asked if the city feels that R-1 zones should be considered for modern-income housing projects.

Melinda Greenwood responded that R-1 is one of the many zones that could be considered for modern income housing projects.

Council Member Adams asked if there were to be three driveways in an R-1 development, who would be responsible for ensuring that those driveways are considered safe.

Melinda Greenwood said that if the property were subdivided into three parcels, the building plans for each of those units would have to meet the standards that have been prescribed in city code. Driveways cannot be closer than twelve feet from other. Setbacks are put into place to help ensure safety from the traffic standpoint or visibility triangle. For a single-family dwelling, the city does not have the ability to regulate where a driveway would be placed, other than meeting the regulations we have in code.

Council Member Adams said that if it's possible to have six units within the R-1 zoning, what is the purpose of trying to rezone the property to the R-M zone?

Kelly White commented that they felt they could create a safer layout of the project and provide better parking with the R-M zoning. If the property were to be divided into three separate parcels, with each parcel having their own driveway, then the driveways would not only end up very close to each other, but one would end be located close to the intersection. They feel that by only having one common driveway for all the units, it would create a safer inlet for the property, and they would be able to place the driveway further away from the intersection, thereby making it safer. They will also be able to adjust the layout of the property, allowing them to be able to put in more parking spaces. Allowing more parking spaces on the property will help to keep cars from parking on the street.

Council Member Oaks added that the garages of the units also include two parking places, which is included in the 18 proposed parking places.

Kelly White added that another reason they are seeking the R-M zoning is that it would be less expensive to build attached units, rather than to build separate units, thereby building more affordable units. Interest rates are also continuing to drastically increase.

Council Member Jackson asked about interactions the developer had with the neighbors.

Kelly White said that went on two separate occasions to speak with the neighbors.

Mark Lund added that they weren't able to get to every home in the neighborhood, but tried to speak with those who would be most impacted by this.

Council Member Jackson asked about the slope of the property and if a step approach could be considered to help the height of the home look less intrusive.

Kelly White said that they would they would be okay with doing a step approach on the roofline.

Council Member Oaks commented that he feels there are many misconceptions about rental units. Council Member Oaks asked if the property owners would be willing to consider selling each unit individually.

Kelly White responded that they are not opposed to doing so.

Council Member Oaks said that it seems that it would be safest to have a turnaround driveway onto 475 South. Council Member Oaks said that he's not sure that building townhomes here would fit the aesthetics of the neighborhood, mostly because of the slope of the property.

Council Member Jackson asked if the property owners had heard much concern over the zone from neighbors.

Mark Lund said that when the neighbors first heard they were requesting the R-M zone there was a lot of speculation about what would happen with the property. It was never their intent to build apartment buildings.

Council Member Blackham made a motion to deny the consideration of a development agreement and request to rezone 478 South Main Street from R-1-8 (Single Family Residential) District to the R-M (Multiple Family Residential District) for Mark Lund and Kelly White, seconded by Council Member Adams.

Council Member Adams said that we are in need of affordable places for people to live. However, he feels that the property owners can still build the number of units they want within the current R-1-8 zone, and that having three driveways instead of one won't affect the safety of the area.

Council Member Jackson said that he agrees that we need to see more development that is residential in order to help with building demands. We need to consider the future of our city and where we want to see development, while also protecting our identity as a city. Council Member Jackson said that in regards to both this development and future developments, he would like to see more effort done by applicants to better work with the surrounding neighbors to gather more input. We do need affordable housing and we can make that happen in each of our zones. We want developments to blend into the surrounding neighborhood.

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.

A RESOLUTION FOR THE COUNCIL TO ACCEPT A PETITION TO ADJUST COMMON BOUNDARY LINE WITH DAVIS COUNTY AT APPROXIMATELY 775 EAST OXFORD DRIVE

Melinda Greenwood explained that on March 23, 2022 the City received an annexation application from John Gufaston (LPM Corporation). The application is for a 1.14-acre portion of parcel ID #11-041-0026, which is 25.375 acres in its entirety. The proposed annexation property is located at the end of Oxford Drive just west of Thornfield Road. The City has an annexation plan, and the proposed annexation fits within the plan. State Code Section 10-2-4 prescribes a very specific process for an annexation. The first step in an annexation process is for the City Council to recognize the application has been received, and this must be done in a public meeting with a resolution accepting the application. Approval of the resolution doesn't mean the Council is obligated to approve the annexation; it merely validates the application and allows staff to proceed with processing the application in accordance with state laws and the County's process. Prior to making the application, Staff gave the applicant feedback regarding annexing the entire parcel rather than a small portion of the property. The applicant declined the feedback and submitted the application as outlined. If the Council approves the resolution, the next step in the annexation process would be to bring back a certification of the annexation at the May 19 City Council meeting. The final step in the process would be to a public hearing at the June 16 City Council meeting, where the Council would either approve or deny the annexation request. Should the Council wish to deny the annexation request altogether, they could deny this resolution.

Council Member Blackham commented that this property is located at the end of a cul-de-sac where all of the improvements have been installed, but for whatever reason the parcel has always remained within the boundaries of the County.

Melinda Greenwood said that the city border goes through the middle of the property, and the rest of the cul-de-sac has already been developed. While the property owner owns more property adjacent to this, they are only wishing to annex the 1.14 acre at this time.

Council Member Hunt asked why the rest of the property was not being annexed as well.

Paul Kingston, representing the applicant, responded that they want to keep using the remainder of the property to use as farmland.

Council Member Adams made a motion to approve a Resolution for the Council to accept a Petition to Adjust Common Boundary Line with Davis County at approximately 775 East Oxford Drive, seconded by Council Member Oaks.

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.

## **WORK ITEMS**

### **CELL TOWER LEASE DISCUSSION**

Shayne Scott explained that the city had a cell tower company approach Staff to inquire about leasing some city property in order to erect a cell tower. The property is located where the Burton Lane substation sits. Leasing property is not something that the city is typically involved in doing. If we decided to do so, the construction of this cell tower would help to enhance cell coverage in the area, and the city would receive a small amount of revenue annually. As part of the process to lease the property, the company would have to sign an agreement with the city and would have to receive a conditional use permit from the Planning Commission. The city had asked the company to look for private properties where their tower could possibly be located, which they did, but they came back to Staff indicating that this property was the most ideal location for their tower.

Council Member Blackham commented that he does not feel comfortable leasing city owned property that we haven't completely finished developing. There is still space on this parcel that the substation could be increased in size, should the need arise. Council Member Blackham said that he feels that the city would not make enough money off this lease to make it worth having if we should ever need the cell tower moved later.

Shayne Scott added that the city currently stores materials on a portion of the property. If a lease agreement is signed, it will be for a long-term lease.

The city council gave a consensus to staff that they would not be interested in leasing this property on Burton Lane for a cell tower, as it could potentially be needed for city use.

Council Member Hunt made a motion to extend the meeting past 10:00 p.m., seconded by Council Member Adams and passed unanimously.

## **COUNCIL MEMBER REPORTS**

Council Member Blackham commented that the new Farmington Fire Chief was recently sworn in. Our city has had a good relationship with Farmington Fire and we are looking forward to working with the new chief.

Council Member Hunt commented that the Central Davis Communities that Care group is coming together and they will be issuing invitations for individuals to be on the key leader board. The Interfaith Council also met recently as well.

Council Member Adams said that Kaysville City's annual Easter Egg Hunt would be held on

Saturday, April 16<sup>th</sup> beginning at 9:00 a.m. at Barnes Park.

### **CITY MANAGER REPORTS**

Shayne Scott said that the city council would be meeting tomorrow, April 15, 2022 at 8:30 a.m. to tour the city's operation center. After the tour, the council would be meeting at city hall to begin a budget work session.

### **CLOSED SESSION**

Council Member Blackham made a motion to adjourn the city council meeting at 9:34 p.m. and reconvene into a closed session to discuss pending or reasonably imminent litigation, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Adams and passed unanimously.

Council Member Blackham made a motion to adjourn the closed session at 10:02 p.m. and reconvene into the city council meeting, seconded by Council Member Oaks. The motion passed unanimously.

### **ADJOURNMENT**

Council Member Blackham made a motion to adjourn the City Council meeting at 10:03 p.m., seconded by Council Member Adams and passed unanimously.