



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, July 20, 2023, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, "Call to the Public", or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 PM

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

- 1) OPENING
 - a) Presented by Council Member Nate Jackson
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) Swearing-in of new police officer, Chris Ransom
 - b) Employee of the Quarter Award, Cheryl Weight
 - c) Freedoms Light Foundation Presentation - Dalane England
 - d) Presentation of Library Endowment Expenditures - Ellen Peterson, Davis County Library
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of the May 5, 2023 Work Session
 - b) Approval of Minutes of the May 10, 2023 Work Session
 - c) Approval of Minutes of the May 18, 2023 Meeting
 - d) Approval of Minutes of the June 1, 2023 Meeting
 - e) Approval of Minutes of the June 15, 2023 Meetings
 - f) A Resolution to approve a Cooperative Agreement with the Utah Division of Forestry, Fire and State Lands
 - g) Award of Contract for Janitorial Maintenance Services
 - h) An Ordinance vacating the City's interest in certain public utility easements in Charly's Acres #2 Third Amended Subdivision
- 6) ACTION ITEMS
 - a) An Ordinance amending Section 17-24 "Farm Animals" of the Kaysville City Code to allow chickens, ducks and similar animals in the R-1-6 zone and on twin-home parcels

- b) An Ordinance amending 17-33 "Sign Regulations" of the Kaysville City Code to make minor changes to the language, and to restrict heights of signs along the West Davis Corridor

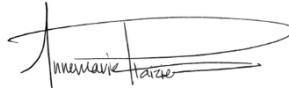
7) COUNCIL MEMBERS REPORTS

8) CITY MANAGER REPORT

9) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Kaysville City Hall, Kaysville City website at www.kaysville.gov, and the Utah Public Notice website at www.utah.gov/pmn. Posted on Friday, July 14, 2023.



Annemarie Plaizier
City Recorder

KAYSVILLE CITY COUNCIL
BUDGET WORK SESSION
May 5, 2023

Minutes of a special Kaysville City Council work session held on Friday, May 5, 2023 beginning at 9:00 a.m. 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: Finance Director Dean Storey, Assistant Finance Director Levi Ball, City Recorder Annemarie Plaizier, City Attorney Nic Mills, Fire Chief Paul Erickson, Police Chief Sol Oberg, Community Development Director Melinda Greenwood, Public Works Superintendent Josh Belnap, Power Superintendent Brian Johnson, and Parks and Recreation Director Cole Stephens

OPENING

Mayor Tran opened the work session and welcomed everyone present.

FY 2024 BUDGET REVIEW AND DISCUSSION CONT.

Finance Director Dean Storey said we all want to do what is best for the City. It is a great place to work and to live. Mr. Storey explained that the city's department heads were invited to the work session so they could answer any questions the council may have. The city has not yet received the county's assessed values for property taxes. Staff plans to have the council adopt the city's tentative budget by May 18, 2023. If the council decides not to hold Truth and Taxation, then the final budget for Fiscal Year 2024 would need to be adopted by June 21, 2023. If the council decides to hold Truth in Taxation, then the final budget would be adopted in August. Mr. Storey reviewed the proposed budget for capital assets for buildings and explained that at the council's last work session, they discussed the need for a second fire station, but felt that the timing isn't right.

Council Member Oaks asked how long the city could wait to do a second fire station.

Chief Paul Erickson responded that we already have a location in mind that we feel is the best option for us at this time. Each year our fire department is sent on more and more calls to the west side of the city.

Dean Storey added that Staff would continue to monitor call volume and response times for our fire department. Mr. Storey said that there had also been some discussion about what to do with the city's operations center.

Public Works Superintendent Josh Belnap said that they are currently limited on what they are able to do in the building and they are doing their best to utilize what space they have. There is

not proper storage for all of their equipment and materials. They are doing what they can to try to protect the assets we have there, but some of their materials have had to be stored outside and are being exposed to the elements. The Public Works department are always trying to get better at what they do and do more. They try to be efficient in their work and be equitable and effective in what they do. They are continually trying to make more desk space available within the portable on site. They have converted an old storage room in the operations building into office space.

Power Superintendent Brian Johnson added that they have to continually shift things around the operations center to try to make it work for their department but they have found that they have to store more and more equipment and materials outside. Areas have been reorganized, but they have no other option but to store things outside. They recently had to discard a reel of wire worth thousands of dollars because it could only be stored outside and it had rotted. Some items could be stored under a covered area if they had one available, while other items cannot be stored outside at all. They are trying to make do with what they have, but they are running out of any workspace in the building. It is not optimal or convenient. Having another building is becoming more of a necessity.

Dean Storey said that a study was done for the building and it concluded that an additional facility was needed, that improvements needed to be made to the existing building, and site improvements needed to be done. However, the estimated amount to complete these projects is unreachable for the city at this time. The city could explore other options.

Council Member Blackham suggested renting warehouse space in a nearby warehouse building in the interim.

Josh Belnap said that could be something the city could consider. There are also smaller things that could be done, such as site improvements to the yard and building a covered storage area. The city could break the project down so that sections be done one at a time, rather than all at once, to make it more financially manageable.

Council Member Jackson suggested building an addition to the existing building rather than building a completely new building.

Josh Belnap said that there had been discussion as part of this project that the Recreation Department be moved into the existing Operations Center building after renovation. The Recreation Department is currently housed in the old fire station on the city block. We will need to continue to reevaluate things as we move forward with the project.

Council Member Adams commented that the Federal Government had recently raised rates again and we should wait to bond for anything until rates have dropped again. Right now might not be the best time to build anything.

Dean Storey added that the proposed budget currently does not include anything towards a second fire station or the operations center, with the exception of repairing the operations center roof. Repairing the roof has become a necessity and we will be using fund balance to pay for it.

Council Member Oaks said that the council should review both of these building projects next year to reevaluate where we are.

Dean Storey said that the budget includes a station alerting system for the fire station, which is already on order.

Chief Erickson said that the Utah Communication Authority is requiring that the fire station have a digital alerting system installed by October 2023.

Council Member Jackson asked if it is critical to replace the HVAC systems in the operation center and Recreation buildings.

Parks and Recreation Director Cole Stephens responded that these units are thirty years old and beyond their life expectancy. We try to stay ahead of when these critical items fail. If these HVAC systems are not included in the budget and they end up failing, we are then going to be without until we can find a replacement, and we will end up spending money that was not in the budget and may be more costly at that point. The city has a robust maintenance schedule and the replacement of these HVAC units is just following that schedule.

Dean Storey added that the city has a replacement schedule so that we stay ahead of the maintenance curve. The older equipment gets the more maintenance they require, and the more expensive repairs can get.

Cole Stephens said that HVAC systems are becoming more expensive to purchase.

Dean Storey asked Mr. Stephens to give the council an update on Trappers Field.

Cole Stephens said that the HOA for that area provided a list of everything they would like to see done to the open space, and the engineer's estimate for those items came back to us at \$3.8 million. The design itself for the park is not complicated, and there are some needed amenities for the space. Staff is recommending that for the upcoming year, that we meet with the design team to see if there is a way to complete this project in phases in a way that makes sense. We do not plan to do any improvements to the property during FY 2024. In the agreement the city has with the HOA, it states that the south side of the open space will be developed in three years, and the north side be developed in five. The \$3.8 million estimate is only for the north side of Trappers Field. It could be argued that the city has started development of the property with the completion of the design.

Council Member Blackham asked if Trappers Field could be delayed until FY 2025 when Pioneer Park will be paid off.

Cole Stephens responded that it was their plan to postpone it until FY 2025. We do not feel comfortable spending \$3.8 million on Trappers Field at this time.

Dean Storey added that the city could use impact fees to help pay for the improvements to Trappers Field. Mr. Storey reviewed planned road improvements with the council and explained that a major road project will be road and utility improvements on Crestwood Road and 200 North.

Josh Belnap said that with the Crestwood Road and 200 North road projects, three pipelines will be affected. Crestwood Road and 200 North are the only means of getting water to central and

west Kaysville. The city's water tanks have dedicated transmission lines that send water to various areas of Kaysville. Construction costs in general are incredibly high right now. Not only are the costs for these projects being affected by inflation, there is also much construction going on right now. We do not anticipate seeing a decrease any time soon. We have seen the prices of some materials decrease slightly, but most are remaining consistent or increasing.

Council Member Blackham asked if now is the right time to be considering these road projects.

Josh Belnap said that 200 North is the most trafficked road in Kaysville and connects all main arterial roads in Kaysville. Functionally, the condition of the road is considered terrible. The city would never want to do any road construction to these roads without addressing the utilities in the roads. Central Davis Sewer District has contacted the city about changes that they need to make to their utilities within the road. One of our focuses with Crestwood Road and 200 North is safety, which includes adding active transportation facilities along these roads and adding sidewalks where there currently are none. We are seeing many accidents at Crestwood Road and Brookshire Drive and we have tried to add additional warning signs in the area to help reduce accidents. Crestwood Road is the first road they plow in any snowstorm and they continue to keep it plowed. From a safety aspect, changes need to be made on Crestwood. Another concern that we have with these roads are the water utilities within them. If something catastrophic were to occur impacting Crestwood Road, central and west Kaysville would be without water. The lines that were installed along here are asbestos concrete and are very brittle. They would not hold up if something catastrophic were to happen.

Council Member Blackham said that he would prefer to wait until UDOT's road projects on Highway 89 and the West Davis Corridor are complete before doing either of these road projects on 200 North and Crestwood Road.

Josh Belnap said that the West Davis Corridor is planned to be completed sometime next year, and Highway 89 should be completed by the end of 2023. The design alone for the road projects on 200 North and Crestwood will take eighteen to twenty-four months to complete.

Council Member Jackson said that he does not think the city should delay these projects because our water resource would be significantly impacted in a disaster in its current state.

Dean Storey commented that going through the design process would help to give us a more accurate estimate for construction costs.

Josh Belnap added that the Crestwood Road and 200 North road projects are the most critical projects we have in the city right now.

Dean Storey reviewed the budget for the city's electric infrastructure and commented that the two major upcoming power projects involve improvements to two substations. The city has ordered two transformers for the substations, which are impact fee eligible.

Power Superintendent Brian Johnson commented that the city should be getting the first transformer this fall for the Schick Substation. The second transformer that was ordered is for the Burton Substation, but it will not arrive until the fall of 2024. Right now, we are running our transformers over 100%. One of our transformers ran at peak load last summer, but we were able

to redistribute loads throughout the city so that all of our substation transformers were helping with the load. However, if one of our substation transformers were to go out or have a complication, we would not have the ability to provide power to some sections of the city because our other transformers we would be far overloaded. The two new substations will make it so that at any given time we could take any substation transformer within our city offline and still have the capacity to keep the power on throughout the city without stressing the system. They will also provide for several more years of growth in the city. However, we may still need to upgrade some of our transformers in order to keep up with the projected growth for the city. The city should have ordered these transformers long ago. We are hoping that nothing catastrophic occurs before we get the transformers in place. We are not doing away with our existing transformers, just adding to them.

Council Member Jackson said that he would like to see the city have a power generation facility.

Brian Johnson commented that it is something that they have been looking into, but it would cost the city many millions of dollars to build.

Council Member Jackson asked about the proposed capital asset equipment purchases and how critical each item was. Council Member Jackson asked about the proposed replacement of gym equipment.

Police Chief Sol Oberg said that their current treadmills skip while people are using them, which is a safety issue. The city made an investment by building their police station, and every item he has requested for their building or for their vehicles is in an effort to take care of the city's investment.

Council Member Jackson said that he would like to see the replacement gym equipment be delayed for another year.

Dean Storey commented that he does not recommend that the city get out of the current rotation for vehicles, especially when we have over thirty police officers who need access to vehicles. Getting out of the rotation will just cause us to have to catch up later on.

Chief Oberg said that if the city cannot keep competitive wages, he would have a hard time keeping police officers staffed.

Josh Belnap commented that the gym equipment at the police station is used by other city employees, not just the police. Many of his employees use the gym at the police station during their lunch break. Some of his employees have expressed that they prefer to use the gym at the police station rather than going to a local gym because there are less people there.

Dean Storey said that we want to stay ahead of the maintenance curve with our city vehicles and therefore it is important to replace our vehicles on a regular schedule.

Council Member Blackham asked about the proposed ambulance.

Fire Chief Paul Erickson said that they had been told from the manufacturer that it would take 24-28 months to build a new ambulance. By that time, the city's oldest ambulance will be twelve

years old and need replacing. Right now, their department often has two ambulances out on calls 25% of the time. Their third ambulance is used for when there are overlapping calls, or if one of the other ambulances is out for maintenance.

Dean Storey said that the last ambulance to be paid off will be paid within the next year, and there has been some discussion about delaying the proposed ambulance for another year until that debt service is paid off.

Council Member Blackham said that he was disappointed to see that the city had purchased electric vehicles in recent years because electric vehicles devalue very quickly.

Chief Oberg said that a couple years ago he had been given direction that the city council wanted him to consider purchasing electric vehicles. Their department resisted purchasing them for a couple of years, but he continued to be asked to look into buying electric vehicles, which is why they had purchased them as a trial run. At the same time, they also tried to order some pickup trucks but the dealership told them they could not get their trucks they needed. It wasn't until the following year that the dealership said that they had pickup trucks for them, but by that time, they did not have the funds or the support to purchase them and were only able to purchase one truck.

Dean Storey commented that the city's fleet replacement program seems to be working great in our other city departments.

Josh Belnap added that the replacement program had made a huge difference in his department because they have not had to do as much maintenance on the vehicles and they are more reliable. Mr. Belnap said that half of their maintenance fund goes towards purchasing fuel. One reason electric vehicles were considered to be purchased for city vehicles was because we have our power fund, as well as the electric vehicles might be better for other departments that don't drive their vehicles as much or don't need to carry equipment in their vehicles.

Council Member Blackham said that he would like to see that the city purchase vehicles that we know are reliable and can resold for good value on the market.

Dean Storey said that there might still be some opportunities for electric vehicles for certain departments.

Council Member Blackham said that he would like to see the ambulance bought as a lease purchase.

Dean Storey reviewed the compensation schedule for city employees.

Council Member Hunt asked that as the council reviews the compensation schedule for employees that they frame their conversation not in terms of what is the least they could do for the employees, but rather in terms of people's needs in order to survive. The cost of living adjustment number isn't just a random number used to extort money out of cities. As someone who is younger, Council Member Hunt said that she has somewhat of an understanding of what the younger workforce is thinking. They have been told their whole life that social security would not be available for them when they get older. The younger generation feels that they have to go where the money is at so they can save money now to protect themselves later. The city will probably

lose good people if we do not keep competitive wages. Things are different now even than they were a few years ago. We are staring down the barrel of uncertainty that comes with looming economic issues. Our employees deserve to have some certainty about the future. We would be speaking out of both sides of our mouths to say that our city employees are great, but then come back in these budget meetings and not consider paying them a fair and competitive wage. Our employees work hard. They are called out on holidays and weekends, they work through the night, and our public safety employees witness the horrors of crime and death. Some of our employees cannot even afford to fill up their vehicles with gas to go somewhere to use their time off that we have given them. We need to do better for our people. While council member's current situations might not be ideal personally, we don't need to make it so anyone else has to be in that same situation as well. Losing skilled and passionate workers who have built the environment that we have prized in our departments will only force us to give subpar care and services to our residents. The help we have to hire for the cut rate wages we are willing to pay will be less than what our residents deserve. We will continually be stuck in a rut of training new people who will then leave to go to jobs that will pay them for the skills that we paid them to have. We will pay expensive training costs every time we lose a skilled employee, which in the end will even out to more than what we would pay for a salary increase now. All of our departments are experiencing challenges finding people to hire. Loyalty doesn't just go one way. We have a responsibility to our residents to be responsible with their tax money, and we are doing them a disservice if we do not use their money wisely and getting them those intangible things that a fair wage can pay. We need to look to the future and move forward with this, and not just look at it as a way to cut the budget, because if we do we would be doing a disservice not only to our employees but also to our residents.

Mayor Tran said that some residents and employees have been listening to the council discussions, and are speaking with counterparts in other cities. It is the council's responsibility to not only maintain the budget, but also to be responsible to our community by providing the quality services, care and professionalism that residents expect. We cannot provide that if we continue to lose our employees.

Chief Erickson added that our employees are passionate about what they do and they know that the council is doing what they can with the budget.

Dean Storey said that we want to send the message to our employees that they are the most valuable resource we have.

Council Member Oaks said that it comes down to the fiscal realities. Property taxes went up from the county last year and will likely go up again this year. The city will also have to raise our taxes this year as well. We need to consider what the city can afford. Is it more important to hire new people, or to keep the people we already have and make their wages more competitive so that they do not leave.

Dean Storey said that it is important that the city take care of our employees. There is a greater need to take care of existing employees.

Mayor Tran commented that she is appreciative of our employees because they are willing to do more work, especially if they know that what they do is valued. We need to send them the message that they are valued. In 2021, the city held the tax rate and used our fund balance to cover the deficit in the budget. Last year the city council decided not to hold a Truth in Taxation and just

used fund balance again to cover the deficit in the budget. This year we have an even bigger deficit that we are facing in our budget because we did not make incremental decisions to prepare for the future. We need to decide what is best for the city moving forward. Making incremental tax increases a little at a time each year makes it so we do not have to have a huge tax increase in the future in order to catch up. The council and staff have spent a lot of time looking at all of the options we have to try to keep cost down, and we are trying our best. If we don't take care of our people then we have nothing to offer as a city. It is our job to be responsible for our citizens, but we are also responsible for the assets of the city, which includes our employees.

Council Member Jackson said that he does not want to upset employees or make it harder for employees to do their jobs. However, the council has to be accountable to our residents. We want to keep our talented employees and make sure they are compensated well.

Josh Belnap said that he feels that the department heads could try to do a better job communicating with elected officials on potential or actual concerns from employees because he doesn't want elected officials to feel like employees are upset with the council. His employees do watch the council meetings and speak with other cities about what is going on. Cost for materials has gone up and continues to rise. It seems that staff and elected officials are proud of the level of service that our employees provide to the community, and nobody wants to see that level of service change. Mr. Belnap said that he had noticed an unusually large amount of unused PTO with his staff and when he asked them about it he was told that many of them had not used it because they could not afford to go on trips with the increased cost of fuel. Some have expressed how inflation has made it hard for them to pay their bills. Still, he had not been hearing complaints from Staff about wages being unfair, and he appreciates the council reviewing employee wages. Our employees would never hesitate to drop whatever they are doing to go and help a resident. Some of the employees feel like they have no choice but to look at other employment options in order to make a little more money to pay their bills. Our employees love the city and enjoy working for the city.

Council Member Adams said that he would like department heads to let their staff know that the council would love to be able to afford to give employees much higher wages. We are all feeling the effects of inflation. Council Member Adams said that he had gotten the feeling that employees were expecting that the council approve a certain percentage.

Council Member Blackham agreed and said that council members represent many people who are struggling right now. Employees need to understand that they were hired to do their jobs and there is an expectation for them to do their job well. However, we all also need to keep in mind that we have residents in the city who are on a fixed income and a tax increase will really affect them. Council Member Blackham said that the merit increase should not be touched because that is between the department heads and their employees. However, the department heads need to know that the council does not want the 3% merit increase to be given to just any employee. Council Member Blackham suggested a tiered cost of living increase so that those making more would get less of an increase than those who are not making as much, because the cost of living and inflation is more impacting to those who don't make as much. Council Member Blackham said that he is convinced there is two-million dollars of excess power fund reserves and suggested that the city give some of that money back to our residents to help them out. Our city ordinance says that if we have excess monies in the power funds then it should be given back to the people.

Dean Storey said that when the city looks at rates, the city could designate a portion of those rates

for transfers. With how power rates have been lately, and with the city's existing infrastructure, it makes him nervous to consider taking funds out of the power fund. Mr. Storey added that city ordinance mentions that in order to give any kind of funds back to the residents, it has to be done through a reduction in rates.

Mayor Tran said that times have changed and working for the city is different than it was in the past. There is a different work ethic and we have a younger workforce now. This younger generation has a different mentality and certain expectations. In order to retain our workforce we need to think differently than we have in the past. We cannot think of wage increases as a way of caving to demands, but rather of a way to have competitive wages in the workforce. It has been an understanding that if you work for the government you likely will be paid less but will have more benefits. Working for the government is different from working in the private sector, and the workforce is different. If the city does not have the employees we need, we are not providing the services for our city. The cities in Davis County need to have a discussion with the county in regards to property tax rates.

Community Development Director Melinda Greenwood said that department directors are hardworking and work long hours without being paid overtime. Just because the directors are paid more, doesn't mean that they should be penalized or treated differently because of it. However, most of the directors would likely say that if they would be able to retain employees and have a better workplace, they would likely support their not receiving a cost of living increase. With the stress that the directors have to deal with and the professionalism they all show, it is fair to ask that they are treated the same as everyone else.

Chief Oberg commented that he is concerned by the comment about higher paid employees receiving less of a cost of living increase because those higher paid employees within his department are his supervisors. Those supervisors have more burden put on them and are expected to do more and do better. It is the group that is most relied on. To disenfranchise them would not be good.

Council Member Blackham said that he struggles with the 60% wage difference in the current wage structure. When looking at the compensation study results, it shows that 30% of our employees that are being paid above the market average, and 46% that are being paid below average. That gap should be a lot closer.

Levi Ball commented that the 1% of employees that are getting paid 20% below average are many of the higher paid positions.

Dean Storey said that wages need to be adjusted so the city stays competitive. We want to stay average or better than average in the market.

Council Member Adams asked about the general feel from employees about considered cost of living increases.

Chief Oberg said that there doesn't seem to be any bad feelings towards the city council. Employees are aware that the city typically bases cost of living increases off what URS is doing. Maybe some of the expectation from employees has come as they have seen other surrounding cities give their employees substantial cost of living increases last year.

Council Member Blackham said that last year the URS gave an 8% increase, but said they could only afford to give 4%, which means retirees will automatically receive a 4% increase this year. Council Member Blackham suggested doing something similar.

Dean Storey responded that it could be done, but it does not help the city's current situation of where our employees' wages are at in the market.

Council Member Hunt commented that Kaysville's property tax rates have always been on the lower end compared to other cities within the county, and we do not have a lot of sales tax revenue that comes in. We have to be able to continue to pay for the services we provide. We cannot continue to keep our property taxes the same and still provide the same level of service.

Mayor Tran added that there are benefits to living within Kaysville, but there is a cost for it too. We have to pay for the quality of life we want here.

Dean Storey said that Staff is suggesting that the council approve a market adjustment to wages for all employees. There are five positions that are significantly below their average market salary, and those positions need to see an adjustment to their salary range. Getting our employee's wages to be competitive with market wages is not something that will be able to be fixed in one year.

Mayor Tran asked about extra money not given to employees through merit increases.

Dean Storey responded that it is put back into the general fund and carried over for the next year.

Council Member Blackham said that he would like to meet again as a city council before approving the tentative budget.

Dean Storey reviewed the fund summaries of the city budget and explained that there is a deficit the city is facing. Mr. Storey said that he had spoken with department heads and they have decided to shift some capital improvements to next year. They will also be looking into doing a lease purchase for the ambulance. The IT Department had proposed a software program, Arctic Wolf, to come out of their operating budget, but we will ask them to look into other avenues for cybersecurity that may be less expensive. All fleet vehicles, with the exception of the police department's, are suggested to be funded through fund balance. The city has about 3.5% of interest earnings that will be accounted for in the tentative budget. Other miscellaneous items will be addressed before the tentative budget. Even with these changes, the city will still have to use some monies from the fund balance. However, Staff feels that with these changes, we have lowered the deficit to the point where we are only looking at a tax increase of about \$1.4 million. This means that for a \$600,000 home, property owners would see about a \$10 a month increase in property taxes next year. This seems to be a reasonable amount, especially since the city did not raise taxes last year. The most important thing this proposed tentative budget does is that it includes a market adjustment to help show our employees that they are valuable to the city.

Council Member Jackson suggested having a slightly higher tax increase to put the city in a better place financially for future years.

Dean Storey asked if the council members were comfortable with the proposed tentative budget as

discussed.

Council Member Blackham said that he was not and would like to sit down with the city council members in another work meeting to discuss the budget in further depth.

Dean Storey asked if there was anything in particular that Council Member Blackham would like to see changed in the proposed budget.

Council Member Blackham said that he was not sure.

Council Member Adams asked Staff to provide a market comparison of each job position to the next work session.

The Council Member decided to hold a work session on Wednesday, May 10, 2023 at 3:00 p.m. to continue the budget discussion.

Mayor Tran said that she would like to see council raises be removed from the proposed budget.

Council Member Jackson said that he would prefer to see the council raises stay in the budget.

Council Member Hunt said that there are many things in the proposed budget that the council has asked staff to delay, and it seems most appropriate to delay an increase in council wages for another year.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council work session at 11:25 a.m., seconded by Council Member Hunt and passed unanimously.

KAYSVILLE CITY COUNCIL
BUDGET WORK SESSION
May 10, 2023

Minutes of a special Kaysville City Council work session held on Friday, May 10, 2023 beginning at 3:00 p.m. 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: Finance Director Dean Storey, Assistant Finance Director Levi Ball, City Recorder Annemarie Plaizier

OPENING

Mayor Tran opened the work session and welcomed everyone present.

FY 2024 BUDGET REVIEW AND DISCUSSION CONT.

Finance Director Dean Storey commented that Staff is providing their best information to the city council to help them decide what they feel is best for the city. In the previous city council work session, Staff had proposed reductions to the proposed FY 2024 budget to try to lessen the impact of the proposed property tax increase.

Council Member Jackson arrived.

Dean Storey reviewed the adjustments made to the general fund. Included in those adjustments was the addition of the interest income and income from asset sales. The ambulance purchase has been changed to a lease purchase and delayed until FY 2025. Police building improvements and the purchase of Arctic Wolf software have been delayed. There will be use of fund balance to purchase the fire station capital purchases and fleet, with the exception of police vehicles. This is just the tentative budget and things could change before July. The city still has not received assessed property values from the county.

Mayor Tran commented that she had recently spoken with the Mayor of Fruit Heights City and there is a strong chance that Kaysville will again be supporting their city with fire protection and EMS services next year. This will help bring in a little more revenue. We have also received many requests towards getting a Trader Joes in the city, which could help with bringing revenue if it comes to fruition.

Dean Storey said that the city's proposed FY 2024 budget currently has about a \$1.1 million deficiency. Staff is proposing that the deficit be filled by a property tax increase. With the proposed increase, the city will be able to continue to provide the same level of service to our residents and businesses. We are also accounting for multi-year inflation costs with the increase. It also helps us to keep our compensation plan market competitive. It accounts for prior year

revenue loss from Fruit Height fire protection, and also accounts for prior year public safety increases. It was discussed last year that taxes would likely need to be raised in order to cover the cost of the public safety increases. The proposed tax increase would require about \$9.30 a month for a residential home with an average market value of \$600,000. This proposed tentative budget is on the city council's May 18, 2023 agenda for adoption.

Council Member Oaks said that he had been struggling with the proposed employee compensation increase because it bothers him when he hears that public servants deserve raises. Council Member Oaks said that he served in the military for years and feels that any increases for public servants should be based on merit. If the council approves any increase to wage besides merit, it is an act of kindness or a gift. Any raise should not be expected from our employees because that is not what public servants signed up for when they took their jobs.

Council Member Blackham said that we didn't force any of our employees to take a job here. When they took their job, they knew what they were getting into and what is expected of them. People take their jobs very seriously, and that is what is expected of them. Council Member Blackham said that he never wanted to be appreciated for the job he was doing, he just did it because it was his job. Council Member Blackham said that he appreciates what employees do, but they know what they would be expected of them when they took their job. Council Member Blackham said that he had spoken to some of the people he knows and found that very few companies are giving their employees any kind of wage increase, and if they are giving an increase, it is very little. He is uncomfortable giving city employees an 8% cost of living increase.

Dean Storey said that merit goes to those who show they are deserving of that merit increase. The proposed adjustment to the compensation plan is to address the issue of keeping our wages competitive in today's market so we are paying our employees similar to what other cities pay for that same position. We cannot compare what is happening in the private sector to what is being proposed for our government employees because it is not the same industry. The private sector's wages tend to be higher than the public sector.

Council Member Blackham said that those with higher salaries would end up getting a higher cost of living increase. We need to try to get it so people can live and work in Kaysville. Those who make higher salaries already have a house, while those who are paid less cannot afford a house. If we keep moving higher salaries even higher, those being paid a smaller salary needs and even higher increase to close the gap between the two. There needs to be more equalization between those with higher salaries and those with lower salaries. Most of our employees are being paid above the market average. If an employee wants to go to another job elsewhere to try to make more money, we should not ever stop them from doing that.

Dean Storey said that we hate to lose valuable employees that we have trained and equipped, just to have them to go elsewhere. We have invested in them.

Council Member Jackson said that there is a positive culture in Kaysville. Council Member Jackson suggested having a tiered system so that those who have a higher salary would get a smaller cost of living increase than those with lower salaries. Maybe the tiered system could be based off job positions.

Council Member Blackham said that if the city gives those with higher salaries the same

percentage of cost of living increase as those who don't make as much, the city is just creating a larger gap.

Council Member Adams said that he does not like the idea of a tiered system because it is unfair. The city needs to give the same cost of living increase to all employees. We need to be more concerned about job positions that are being paid lower than what others with the same position in the same industry are paid. We cannot try to increase wages through cost of living increases for these positions that are being paid lower than the market average.

Council Member Hunt said that some of the city's job positions are 38% below the market rate, and those are the positions that we should be giving more of a raise to get them closer to their market average.

Dean Storey said that city Staff had gone through each position in the city and compared salary ranges with those on the market. We identified how far off some of our job positions are in comparison to the same position in other cities. Because of the police department salary increases last year, those job positions are still considered above average, but that is what we want. There are several other positions within the city that are not close to the average wage. Those positions that are more than 20% below their average market wage, we want to move their salary range closer to what the market is. This is something that is not going to be fixed in one year, but we want to continue to strive to keep our compensation plan competitive. Mr. Storey said that he would like to eventually see all job positions at 5% above the market average.

Council Member Blackham said that he would like to see that these positions be compared to cities with are both of similar size population and budget.

Dean Storey responded that Staff feels that what is being presented today is equivalent to cities of similar size.

Assistant Finance Director Levi Ball said that the council needs to decide what standard they want to set, not just for this year but also for years to come. It will negatively affect our city if we continue to keep our wages below average.

Mayor Tran said that those who have higher salaries should not be penalized. Those higher paying positions tend to have more responsibilities and requirements for the job. Cost of living increases should be the same for all employees.

Council Member Blackham said that those who have worked five to ten years for the city have just as important of a job than anyone else does. Those who are getting paid \$60,000 a year or less cannot afford a house these days.

Mayor Tran said that those who are applying for a \$50,000 a year job position don't tend to have or need the skillset as one who is applying for a \$90,000 a year position.

Dean Storey agreed with Mayor Tran and said that the city's jobs are valued based on several factors, including knowledge, skills, and abilities.

Council Member Jackson commented that the city cannot control if our neighboring cities raise

their employee's salaries. We want to keep our wages competitive, but Kaysville does not need to be at the top of the market with our wages.

Dean Storey said that if we had several positions that were extremely above average, than doing a tiered system would make more sense, but we aren't in that position. Many of our current job positions are not even at their average market wage. The positions that are the most below market average and need to have their salary range adjusted are the assistant finance director, city attorney, building permit tech lead, city engineer, fire engineer – paramedic, and the fire engineer – AEMT.

Council Member Adams asked about police wages after they received an increase last year.

Dean Storey responded that they are where they need to be with the market as of today, but they will likely need salary adjustments next year.

Council Member Blackham said that he feels that the city is paying too much for the city attorney position.

Dean Storey commented that in looking at the current market, the city attorney position is very below what other city attorneys' salaries are.

Council Member Oaks said that we need to get our employees closer to what the market is for their positions because we do not want to lose our people.

Dean Storey commented that a decision did not need to be made today. The council could move forward with approving the tentative budget and still have further discussion about employee compensation before approving the compensation plan in June.

Council Member Blackham said that about four years ago the city did a salary adjustment to raise the salary for all positions. The city also recently took sick leave and vacation leave and combined it into a PTO plan. The city has also gone from twelve paid holidays to fourteen paid holidays each year, and we now allow family leave. All of these things come at a cost and he feels like it is never enough for our employees.

Council Member Jackson said that there are many employees who drive city vehicles home and fill those vehicles at the cost to the city.

Dean Storey responded that there are certain stipulations that employees have to meet in order to be able to drive city vehicles home.

Council Member Jackson said that he feels that council members should be compensated for the work they do, and he would support an increase to their wages. However, he also feels that with the proposed tax increase, as well as considering all of the city employee positions that are below the market average, this year is not the year to propose an increase to city council positions.

Council Member Adams said while he understands that the city council is accountable for the city budget, the council needs to keep in mind that they aren't supervising any of these employees besides the city manager position. Council members need to trust and support department heads with what they say are their needs for their departments.

Council Member Blackham said that he wants to be able to help close the housing gap that is currently happening and make it easier for our employees to be able to afford a house. He is trying to take care of the lower tier employees in this time of a recession.

Mayor Tran said that it is not just Kaysville but also the whole world that has changed over the last five years in a drastic way. Kaysville cannot fill in the housing gap for the whole world. However, at the same time, our employees are working so hard and doing much more than they were ever hired to do. It might seem like a lot to ask for an 8% increase for cost of living, but it really will not be that much in the end. This does not seem like a hard decision to make. The city is well managed right now and it is not asking much to ask residents to pay \$10 more a month to continue the same level of service they are currently getting.

Council Member Blackham said that residents are going to be hit with taxes because of the changes being made with Davis County Animal Control.

Mayor Tran said the city has no control over county taxes. It is the responsibility of the city council to protect the city's assets, which includes our employees. Our employees have created the relationships that we have within the city because they are out there with our residents daily. People come into the city offices all day with questions, concerns and complaints of which our employees take care of.

Council Member Adams said the city was originally considering an 8% cost of living increase, but suggested that instead of the 8%, that the city give all employees a 6% cost of living increase, and then use the money from that other 2% to increase the salary of those employees who are the furthest away from their market average. This will help those who are furthest away from their market average to get a little closer to where they should be. Doing this will not affect the proposed tax rate increase. Increasing taxes by \$10 a home each month is a fair amount to ask.

Council Member Blackham said he is not comfortable giving a salary increase to someone who has a much higher paying salary in order to get them closer to where their average wage for that position is on the market.

Council Member Adams said that it is not fair to penalize those who have a higher salary when the market tells us that they are way below what they should be being paid. The cost of living increase and inflation has affected everyone, no matter what you make.

Mayor Tran said that if we do approve Council Member Adams' suggestion, department heads need to know that the council is asking them to be more open and judicial in giving merit to those more deserving employees. Mayor Tran said it is her understanding that maybe one or two employees in each department is given the maximum merit increase each year.

Council Member Blackham said that he likes Council Member Adams' suggestion; however, he feels that the monies from that extra 2% should be given to those who are less fortunate and have lower salaries. Council Member Blackham said that he does not agree that those with higher salaries should be given more than a 6% cost of living increase at this time.

Dean Storey said that we do need to be concerned for those making less, but we also need to make

sure our wages are competitive on the market as well.

Council Member Oaks suggested adding additional money to the 2% so that we are able to get more employees closer to where they need to be at on the market.

Levi Ball commented that in order to do that, the overall tax increase would go up as a result; however, it would really help the city to be more competitive with our wages.

Council Member Adams said that he would like to see that no job is below 5% of their market average.

Council Member Blackham said that any job positions that are currently way above their market average should not see any increase in their salary.

Council Member Adams said that they would still get a cost of living increase, but they would not get any of the extra 2% the council is considering.

Council Member Blackham said that every time we give those with higher salaries a salary increase we are just widening the gap.

Levi Ball explained to the city council how the study comparing salary ranges for each job position was conducted.

Council Member Blackham said that he would like to know the budgets are for the cities we are comparing job positions. Council Member Blackham commented that he does not want people to feel that taxpayers are an open-ended revenue stream. Council members have committed to being fiscally responsible and to try to not raise taxes. Council Member Blackham said that in Kaysville City's 2022 audit it reported that the city had 9.2 million dollars of unrestricted funds in the power fund. If there is still not 9.2 million dollars in there, then someone might be in trouble because the council has not approved that money to go anywhere else but to remain in the unrestricted fund balance.

Levi Ball responded that there is less than 9.2 million dollars in there now because since the audit was done on June 30, 2022, the city has lost another 2 million dollars. This is due mostly to the cost of power going up substantially since and the city has not received enough power fund revenue to cover the cost of the increased power rates.

Council Member Blackham said that the city has 2.5 million dollars with UAMPS to cover increased power rates. The 2 million dollars that was taken from the unrestricted balance was never approved to be transferred to another account or to be put as a line item into the budget.

Dean Storey said that the council has to take into account what has happened to our power operations since June 30, 2022. The money taken from the unrestricted fund balance was used to cover operation costs because there was not enough revenue coming in to cover costs. There will likely be another 2 million dollars that will be taken from that power fund within the FY 2024 budget.

Council Member Blackham said that he feels that the city should take some of the unrestricted

power fund balance and give it back to taxpayers.

Dean Storey said that the money being held in the unrestricted fund balance is not there to give back to ratepayers. The city council just recently approved a power rate adjustment because of increased power costs and we are still not bringing in enough revenue to cover costs. The 2 million dollars that was used from the unrestricted power fund balance went to pay the deficit in the power fund, caused by increased power rates. It was unrestricted funds used for power operating costs. It was not used for anything else. As of April 30, 2023, the net revenue over expenditures in the power budget has a deficit of 1.7 million dollars. Twenty years ago, power was a lot cheaper, and those days are long gone.

Council Member Blackham said it is frustrating because we live in a natural gas producing state and our gas is being shipped overseas.

Council Member Adams said that the city needs to focus on shrinking the gap for those job positions that are below the market average. Council Member Adams said he would like to see all positions at 5% below the market average or above, but does not want one position to get an increase of more than 10% this year, with the exception of those five positions that were discussed earlier.

Council Member Blackham said that he would like the city to concentrate any increases to job positions that are making below \$90,000.

Dean Storey said that we want to make sure we still have market competitiveness. High-end positions have just as much of a fighting market right now as lower positions.

The council had a general consensus to move forward with adopting the tentative budget as presented and to adopt the budget at their next council meeting.

Council Member Blackham commented that he hopes to hear people's thoughts about the proposed wage increase.

Dean Storey said that this proposed wage increase is not just to help keep the city's wages competitive, but to also be able to provide the same level of service to our community and to account for multi-year inflation costs. It is much more than just paying our employees.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council work session at 4:23 p.m., seconded by Council Member Oaks and passed unanimously.

KAYSVILLE CITY COUNCIL
May 18, 2023

Minutes of a regular Kaysville City Council meeting held on May 18, 2023 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: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Information Technology Support Ardi Harsono, Anthony Lujan, Devin Lujan, Nanette Lujan, Roxie Raven, David Draper, Dan Udy, Beau Ogzewalla, Jesse Skupe, Brad Lund, Val Starkey, Laurene Starkey, Josh Green, Liz Sears

OPENING

Council Member Adams opened the meeting with a prayer and led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Laurene Starkey thanked the mayor and city council for the work that they do. Mrs. Starkey said she has concerns about the agreement related to the Community Development Block Grant Program with Davis County and stipulations that may be required for the city to be able to qualify for funds. Is it something that will require the city to do something we would not normally do? We need to make sure it is in the best interest of the city.

Liz Sears said that she has lived in Layton on the border of Kaysville for the last twenty years and her children have attended schools in Kaysville. Ms. Sears said that she is also a realtor and it has been hard to witness what has happened in regards to housing in our area over the last three years. It is uncertain if any of our children will be able to afford a home here if things continue the way they have been. The median priced home in Kaysville right now is \$623,000. The current FHA interest rate is 5.75%, which will require first-time homebuyers to come up with a down payment of \$21,805. Their monthly payments will be \$4,162, which means that the income they must earn to qualify for their first home will be a median of \$110,986 a year. This amount of money is not sustainable and unless we do something about our housing, we are pricing our children out of the housing market. Ms. Sears said that she would be coming to future council meetings to share further information about how cities can address housing affordability.

PRESENTATIONS AND AWARDS

PROCLAMATION DECLARING MAY 21-27, 2023 AS PUBLIC WORKS WEEK

Mayor Tran read a proclamation declaring May 21-27, 2023 as Public Works Week and encouraged all citizens and businesses to join in thanking our public works professionals and in recognizing their substantial contributions to protecting our health, safety and quality of life. Mayor Tran added that this last winter was one of the most snowy that we have had in a while, and thanked all public works employees for all they did to keep the city going.

Council Member Jackson echoed Mayor Tran in thanking the public works department. They are often called out to handle problems in the middle of the night and on weekends and holidays, and we are grateful for the work they do.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) A Resolution to approve an Interlocal Cooperation Agreement between Kaysville City and Davis County relating to the conduct of the Community Development Block Grant (CDBG) Program for Federal Fiscal Years 2024, 2025 and 2026.
- b) A Resolution to approve an Interlocal Cooperation Agreement between Kaysville City and Davis County for Public Safety Dispatch Services for Fiscal Year 2024.
- c) An Ordinance vacating the City's interest in certain public utility easements in the MCW Subdivision.

The motion was seconded by Council Member Hunt.

The vote on the motion was as follows:

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

The motion passed unanimously.

ACTION ITEMS

REQUEST TO REZONE 0.36 ACRE OF PROPERTY LOCATED AT 120 SOUTH MAIN STREET FROM HEALTH CARE DISTRICT (HC) TO PROFESSIONAL BUSINESS DISTRICT (PB) FOR LAYNE KAMALU

Community Development Director Melinda Greenwood explained that this property, located at 120 South Main Street, is a 0.36 parcel that has been used as medical office space for Dr. Layne Kamalu for a number of years. The property has been zoned HC (Health Care) for several years. The Health Care district only allows for residential facilities, assisted living facilities, nursing care

facilities and accessory buildings specific for those uses. Dr. Kamalu would like to lease the bottom portion of the office building for a professional use business. The Professional Business (PB) zone change would accommodate both business uses with a medical office on the upper floor, and a professional business on the bottom. The Planning Commission reviewed this request at their April 27, 2023 Planning Commission meeting and held a public hearing. No comments were received and the Planning Commission recommended approval of the rezone for this property with a vote of 7-0.

Mayor Tran opened the meeting for public comment on this item.

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

Council Member Blackham made a motion to approve the rezone of 0.36 acres of property located at 120 South Main Street from the Health Care (HC) district to the Professional Business (PB) district for Layne Kamalu, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

APPROVAL OF AN EXCLUSIVE NEGOTIATIONS AGREEMENT WITH ALCHEMY DESIGN & DEVELOPMENT FOR THE PROPERTY LOCATED AT 44 NORTH MAIN STREET

Community Development Director Melinda Greenwood explained that in the fall of 2022, the City issued a Request for Proposal for the former library building, located at 44 North Main Street. On January 5, 2023, the City Council was presented with two project options. The City Council directed staff to move forward with Alchemy Design & Development, who submitted a proposal for a Bamberger Food Hall. An exclusive negotiations agreement (ENA) has been drafted, which is being presented for the council's consideration tonight. Key points on the agreement include a term to expire on May 31, 2024, restrictions on the City approaching other entities to develop the site, and a list of likely deliverables as outlined in Section 4. It is hoped that at the end of the term, the City and Alchemy Design & Development will enter into a development agreement and the project will come to fruition.

Mayor Tran opened the meeting for public comment on this item.

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

Mayor Tran commented that before the city issued a Request for Proposal, the city had approached

local businesses to see if anyone had an interest in the building, which there was not much.

Josh Green, with Alchemy Design & Development, said that they know that there is a lot of historic interest in the building, and they want to be able to keep that with the building, but also be able to bring more life and vibrancy to downtown Kaysville and support the businesses already in this area. Their plan is to convert the library building into a modern food hall. There will be a common sitting area inside as well as a patio area out in front of the building. During the warmer months, there will be areas where food trucks can park. Mr. Green said they are excited for this opportunity to partner with the city and businesses in the community. They appreciate the feedback they have already received. This ENA helps them have a way to move forward and get to work on the project. There are many things that need to be worked out, and they appreciate the amount of time that the city has given them. They would love for the project to be able to move more quickly, but they also need the time for some creative work. They are committed to this project, however long it takes. It will take time to work out a development agreement with the city. The city needs to continue to feel comfortable with their partnership.

Mayor Tran asked about when Alchemy Design would like to break ground.

Josh Green responded that ideally they would like to start construction next year.

Council Member Oaks asked about financing.

Josh Green responded that they have already been speaking with partners about their ideas for this, and they are also exploring other options.

Council Member Jackson asked about the building façade.

Josh Green responded that they do not plan to do much to the building façade, other than adding larger, more modern windows to the front of the building to add more natural light inside. The rocks on the building will remain.

Council Member Jackson said that he wants to see this building preserved, and have it become a space for people to come and share memories of Kaysville. Council Member Jackson asked about the proposed flex space inside the building.

Josh Green responded that they anticipate the planned flex space to be used for a variety of things, such as events, pop-up boutiques, and meetings. They want to become partners with the community. This project will help to revitalize the downtown area. They want to keep as much of the unique historic character of the building as possible.

Council Member Oaks made a motion to approve an Exclusive Negotiations Agreement with Alchemy Design & Development for the property located at 44 North Main Street, seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Hunt, yea
Council Member Oaks, yea

Council Member Jackson, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

A RESOLUTION ADOPTING THE KAYSVILLE CITY TENTATIVE BUDGETS FOR FISCAL YEAR 2024

Mayor Tran thanked Staff and the council for all of the work that they had put into the budget. There has been a lot of discussion and many good ideas and suggestions.

Finance Director Dean Storey explained that over the last several months the city council and department heads had been working on the budget. The council has before them for review tonight the Tentative Budget for Fiscal Year 2024. This is the first formal step in the process of adopting the final budget later. By approving the tentative budget, it makes it available for public inspection. The council will continue to work on the budget, and a public hearing will be scheduled for a council meeting in June.

Mayor Tran opened the meeting for public comment on this item.

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

Council Member Blackham asked if the final budget could be adopted at the same meeting as the public hearing is held.

Dean Storey responded that the tentative budget includes a property tax increase, which requires that a Truth in Taxation Hearing be held. As part of that requirement, the city must notice the Truth in Taxation Hearing for a specified amount of time. The Truth in Taxation Hearing is scheduled to be held in August.

Council Member Hunt said that she likes where they have gotten with the tentative budget but feels that there is still more work to be done to it.

Council Member Adams made a motion to approve a Resolution adopting the Kaysville City Tentative Budgets for Fiscal Year 2024, seconded by Council Member Hunt.

Council Member Jackson commented that the council and Staff had met several times together to review the budget. Nobody wants to raise taxes. The city council has been considering ways we can make cuts to the budget while still providing the support needed for the city to continue providing the same level of service. Inflation has effected everyone and it has been a challenge as we have reviewed the budget. Costs have gone up and money isn't going as far as it used to. The city council and Staff are aware of the challenges our residents and businesses are facing and we want to do the right thing for the city. There is still more to be considered before the final budget is approved. We are continuing to try to be a fiscally responsible as possible.

The vote on the motion was as follows:

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

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Council Member Hunt said that the mayor and council members welcomed Taco Bell and attended their ribbon-cutting ceremony earlier that day.

Mayor Tran said that the city has more new businesses opening up and coming to the community soon, and we are excited to have them in our city. In addition, earlier that week, Kaysville was able to host a luncheon at Orlando's with Lt. Governor Henderson along with other mayors, council members, education officials, and other leaders from across the county.

CITY MANAGER REPORT

Interim City Manager Dean Storey commented the new city manager for Kaysville would start work on Monday, June 5, 2023.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the City Council meeting at 7:40 p.m. The motion was seconded by Council Member Jackson and passed unanimously.

KAYSVILLE CITY COUNCIL

June 1, 2023

Minutes of a regular Kaysville City Council meeting held on June 1, 2023 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: Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Technology Support Ardi Harsono, Jamie Beltran, Sydney King, Kelly King, Val Starkey, Laurene Starkey, John Anderson

OPENING

Mayor Tran opened the meeting and presented an appreciate plaque to Finance Director Dean Storey and thanked him for all of he did as he served as Interim City Manager. Mayor Tran led the audience in the Pledge of Allegiance.

CALL TO THE PUBLIC

Val Starkey said that he was here to encourage the deliberations of the city budget. People are shopping to stock up on necessities and buying fewer discretionary goods. Is Kaysville City? Are we paying attention to our necessities or our discretionary goods? Economic activities have been dropping all over the nation. Gross domestic income has fallen for two quarters now. We appreciate the work that the city council has been doing on the budget, but keep working. Utah has seen significant growth. Kaysville has fixed boundaries sand most of the influx we will see will be changes to housing.

Sydney King said that she has owned The Good Spray Car Wash on Main Street since 2008. The car wash was built in 1994 and was built for the industry of that time. Today's carwash market has grown exponentially and technically into a huge market of tunnel washes with equipment and chemicals that get cars beautifully clean. Using subscription models, tunnel washes have sprung up everywhere and they have proven to be a business model that has drawn private equity businesses and family businesses alike to scramble to get into the market. For those of us who own self-serve car washes, the car wash will never really go away because of folks who still like to hand-wash their vehicles. It has been proven that using car washes is safer for the ecology of our waterways and helps conserve more water than to wash a car in a driveway. It is essential for the council to plan for future growth and have a vision of how and where to accomplish that vision for future citizens. Ms. King said that she also owns the corner lot next to her carwash, on the corner of Main Street and 300 West. She purchased the lot as a way to control what kind of business would go in there. Burger King was denied from being built there in 2015 because of a deed restriction that the Romney's have put on the car wash site. For the last eight years, many have pleaded with the Romney's to remove that deed restriction on the property and to this day, they still deny us that right. Ms. Romney said that they have continued to market that corner lot

but nobody wants to be there. Many of the businesses they have spoken with said that they did not like the location because the area is unattractive. Her property is very valuable as a car wash and she needs to be able to have the ability to extend her carwash into a tunnel wash. If she were to tear out her car wash and put something else there, she would lose the money that a potential tunnel wash would have. How can the city help change the vision of this location?

John Anderson said that he represents the Quick Quack Car Wash, who has been very interested in bringing their car wash to Kaysville. However, it is their understanding that the city has an ordinance pending approval that would limit the number of car washes allowed in the city. Quick Quack has built several locations in four different states and there is a demand for these types of car washes. The city needs to keep in mind that it would be unfair to those who already have car washes within the city, such as the King's, if the city were to limit them to being able to use their land to have a car wash. The Good Spray car wash was nice when it was originally built but over the years, it has become run down. Quick Quack will provide a state-of-the-art car wash and will provide better aesthetics and better functionality. There has been a lot more technology that has been brought in since The Good Spray was built. Quick Quack car washes meet recycled water requirements and helps conserve water. Mr. Anderson said that he hopes that if the city does decide to pass a limitation on car washes that it states that those who already own car washes in the city are allowed to improve, update, and enhance their car washes.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Award of Bid for the 400 West Waterline Replacement Project.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

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

The motion passed unanimously.

WORK ITEMS

AN ORDINANCE PROHIBITING PEDESTRIAN TRAVEL ON THE WEST DAVIS CORRIDOR

City Attorney Nic Mills explained that he had been working with the Police Department on the proposed ordinance that prohibits pedestrian travel on the West Davis Corridor during its construction. As our police officers patrol the West Davis Corridor area, they are finding many

pedestrians on the property. UDOT has erected many signs indicating that the area is closed. The State has statutes that clearly prohibit vehicle traffic in these circumstances, but pedestrian application is dubious. The proposed ordinance would clearly prohibit pedestrian travel and provide a lower offense level than the State's vehicular prohibitions.

Mayor Tran asked if signage would be changed to let people know of the consequences.

Nic Mills responded that the signage would remain the same, but this ordinance would allow an officer on scene to be able to issue a citation for violation of this city ordinance.

Council Member Jackson asked what would happen with the ordinance once the West Davis Corridor is complete.

Nic Mills responded that the ordinance would become obsolete and be repealed automatically.

Council Member Blackham asked if it mattered that the property is owned by UDOT.

Nic Mills responded that it does not. The West Davis Corridor is within our police department's jurisdiction. UDOT has asked the city to patrol the area of the West Davis Corridor in an effort to try to keep people off the corridor while it is under construction. UDOT has been supplementing some of our officer's shifts in an effort to help keep the area patrolled.

Council Member Adams made a motion to move this item to an action item, seconded by Council Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

AN ORDINANCE PROHIBITING EXTENDED PARKING IN PARK-AND-RIDE LOTS

City Attorney Nic Mills explained that the city's current city ordinance prohibits parking a vehicle for forty-eight hours or more on any public road or municipal property. This does not include the park-and-ride lot, as it is owned by the state. The city has an agreement with the state that our police department would patrol their lot and enforce the law so that the Highway Patrol does not have to come off the freeway to patrol the lot. Recently our patrol officers have noticed more problems with RVs, trailers and other vehicles being parked at the park-and-ride lot for extended periods. Our city code, as currently written, does not allow our officers the ability to enforce problems with vehicles being parked there for extended periods. The proposed ordinance will expand our parking prohibitions for extended parking in the City by adding park-and-ride lots to the ordinance.

Council Member Blackham asked if this could pertain to other properties where homeless may try to camp.

Nic Mills responded that it would not. If a private property owner had a problem with individuals trying to stay on their property, they could contact the police department and have them trespassed from their property.

Council Member Jackson asked about repeat offenders.

Nic Mills responded that the city ordinance does not address any kind of recourse for repeat offenders, but we have not had much of an issue with them yet.

Council Member Hunt asked if patrolling the park-and-ride lot would put more strain on our police department.

Nic Mills responded that our officers already respond to calls at the park-and-ride lot, and have already been receiving complaints about the RVs and trailers being parked there for extended periods. This ordinance will give our officers the ability to enforce restrictions on extended parking here. The city has had an agreement with UDOT to enforce the law at the park-and-ride lot for many years.

Council Member Blackham made a motion to move this item to an action item, seconded by Council Member Hunt.

The vote on the motion was as follows:

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

The motion passed unanimously.

BUDGET DISCUSSION

Finance Director Dean Storey explained that multiple public hearings for the city budget had been scheduled for the city council's next meeting on June 15, 2023. Several action items for the council's consideration have also been scheduled for that same meeting. The Truth in Taxation Hearing has been scheduled for August 3, 2023, and the council will review the final budget potentially on August 17, 2023 or on an alternate date prior to September 1, 2023. Mr. Storey gave an update on sales tax revenue and explained that the city had just recently received the sales tax numbers for March 2023. Over the last four months, the city's sales tax revenue numbers are running flat. We had hoped that we would see more of an increase. The sales tax revenue number that had been budgeted for the city's Fiscal Year 2024 budget was 7.8 million dollars and if the numbers continue to remain flat, Staff is comfortable with this estimate for sales tax. The city does not typically receive the reported sales tax numbers from each month until about two months. Mr. Storey said that the city is still waiting for assessed values to come from the county for the

city's certified tax rate. In regards to property taxes, the city is guaranteed to receive the same amount of revenue that we received the prior year, plus the amount from any new growth. The new growth number has not been received from the county yet. One change we will see to county related taxes this year is in regards to animal control services, because the county has created a new funding model with a separate tax levy for those services. For FY 2024, Staff is estimating our property tax revenue at \$4,525,000 and we are hoping to receive about \$150,000 from new growth. The city will be proposing an additional tax revenue of \$1,097,000, which will be obtained through the proposed Truth in Taxation. There are several taxing entities within the county and the city receives about 12% of the overall property tax. Mr. Storey reviewed the proposed changes to the consolidated fee schedule and explained that many of these proposed changes are minor. Some of these changes are being made to simplify some of the charges. The change to the sewer rates are a result of the rate increase by Central Davis Sewer District earlier this year.

Levi Ball added that the Community Development Department has proposed a change to the fee schedule to require that, going forward, a deposit be obtained for plan reviews. This proposal does not increase fees, but rather requires a deposit upfront.

Dean Storey said that at their next council meeting there would be a public hearing held and a review of budget amendments to the Fiscal Year 2023 budget. Amendments to the budget include the purchase of a fire truck, purchases for additional materials and overtime because of snow plowing from the year, as well as receiving funding from Davis County for the connector road project. Mr. Storey reviewed an adjustment to the FY 2024 tentative budget for interest earnings. Mr. Storey explained that Staff had met with the city's investment advisors and feel that we can add additional revenue to the tentative budget related to interest earnings. Staff feels that we will continue to see an increase in our investment earnings over the next twelve to eighteen months, and therefore are comfortable with amending the tentative budget to account for additional interest earnings. This will allow us to lessen the impact of a property tax increase. This will reduce the amount being asked through Truth in Taxation by about \$150,000.

Council Member Jackson asked how the proposed increases to the consolidated fee schedule were determined.

Dean Storey responded that the proposed fee amendments are being proposed in order to cover the cost to provide those services. Community Development Staff also contacted other cities to see what they are charging for these items, compared our fees to theirs and decided on the average amount.

Council Member Jackson asked if there were any recreation programs that the city might be losing money on, or that is not receiving much participation.

Levi Ball responded that the Parks and Recreation Director and his staff watches those kinds of things carefully. They track each sport individually and monitor their direct costs with the fees being charged. Many of the proposed increases are to help cover the cost of providing those programs.

Mayor Tran commented that there have had some good discussions about the budget and she appreciates the progress that had been made. When the council first reviewed the budget, there was a deficit of about 2.4 million dollars and now we are looking at a deficit of about a million

dollars. Costs have increased a lot, which is out of our control. We have done everything we can to try to minimize what expenses we can within our budget

COUNCIL MEMBER REPORTS

Council Member Oaks commented that the Parks and Recreation Department did a great job with the Memorial Day Program, and in making the cemetery look immaculate for the holiday.

Council Member Hunt said that Kaysville's Youth Court held their last court session right before summer break. The youth have really progressed over the year and have gotten more confident in themselves. We are proud of what they have done.

Mayor Tran said that the Kaysville Youth Council have been in the process of taking applications for next year's Youth Council. They recently held interviews and it was great to see how many kids came to apply. The Youth Council are a great group of kids who show leadership in our city. Mayor Tran said that earlier in the week there was an event at the Orchard Ridge Subdivision to continue cleanup efforts within the subdivision. It was led by the community, but was supported by the city and they had quite a few volunteers who showed up to help.

Dean Storey said they had about sixty people who showed up for the cleanup and it seemed they were able to get most of the lower section cleaned up. We appreciate the volunteers who have helped and are continuing to help with this effort.

CITY MANAGER REPORT

Interim City Manager Dean Storey said that because of the Independence Day holiday, it had been suggested that the city council cancel their meeting on July 6, 2023.

The city council agreed to cancel their meeting on July 6, 2023.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 7:54 p.m. The motion was seconded by Council Member Hunt and passed unanimously.

KAYSVILLE CITY COUNCIL

June 15, 2023

Minutes of a regular Kaysville City Council meeting held on June 15, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

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

Others Present: City Manager Jaysen Christensen, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Parks and Recreation Director Cole Stephens, Public Works Director Josh Belnap, City Engineer Dexter Fisher, Richard Shaw, Ramona Porter, Laurene Starkey, Val Starkey, Wenfei Yu, Paul Legler, Gregg Phillips., Jared Tubbs, Brian Caldwell, Brant Sulser, Zach O'Brien, Brad Lund, Jesse Shupe, Tyson Shaw

PUBLIC HEARINGS

6:30 P.M. – REDEVELOPMENT AGENCY BUDGET HEARING

Finance Director Dean Storey explained that a series of public hearings had been scheduled for tonight in regards to the Fiscal Year 2024 budgets. This first budget hearing pertains to the consideration of the city's Redevelopment Agency budget for Fiscal Year 2024. The Redevelopment Agency is a separate entity that is related to development and redevelopment within the city. The Redevelopment Agency budget for FY 2024 totals \$170,000.

Mayor Tran opened the public hearing for this item.

There were no comments or questions from the public.

Council Member Jackson arrived.

Council Member Blackham made a motion to close the public hearing for this item at 6:32 p.m., seconded by Council Member Jackson and passed unanimously.

6:35 P.M. – MUNICIPAL BUILDING AUTHORITY BUDGET HEARING

Dean Storey explained that the Municipal Building Authority was created as a separate entity to assist in building and financing municipal building projects. Two projects have a debt service with the Municipal Building Authority. Those include the police station project and the city hall renovation project. The Fiscal Year 2024 budget accounts for the annual debt service payment related to those projects. The Municipal Building Authority budget for FY 2024 totals \$710,000.

Mayor Tran opened the Public Hearing for this item.

There were no comments or questions from the public.

Council Member Oaks made a motion to close the public hearing for this item at 6:37 p.m., seconded by Council Member Jackson and passed unanimously.

6:40 P.M. – KAYSVILLE CITY BUDGET HEARING FISCAL YEAR 2024 – ENTERPRISE FUNDS INTER-FUND SERVICES AND TRANSFERS

Dean Storey explained that the State requires that the city hold a separate budget hearing in relation to the city's enterprise fund activity, which accounts for any activity between the enterprise funds and governmental funds. There are two types of transfers: reciprocal and non-reciprocal transfers. Reciprocal transfers are in regards to services provided from governmental funds to the enterprise funds in exchange for cash coming back to the governmental funds. The second type of transfer is a non-reciprocal transfer where the enterprise funds provide services to governmental funds, but cash is not exchanged. The value of the service is provided to the governmental fund, and there is an accounting requirement to account for the value of service.

Mayor Tran opened the public hearing for this item.

There were no comments or questions from the public.

Council Member Blackham made a motion to close the public hearing for this item at 6:43 p.m., seconded by Council Member Hunt and passed unanimously.

6:45 PM - KAYSVILLE CITY COUNCIL BUDGET HEARING FISCAL YEAR 2024 - AMENDMENTS TO FY 2023 BUDGETS AND CONSIDERATION OF FY 2024 BUDGETS

Dean Storey explained that there are two items related to this hearing, which include the amendments to the Fiscal Year 2023 budgets and consideration of the Fiscal Year 2024 budgets. The amendment to the FY 2023 budget include areas of council, fleet maintenance, public works, and fire. The council amendment item in the budget is in relation to professional services provided. The fleet maintenance amendment relates to the purchase of new snowplows. The city had originally budgeted fleet replacement in enterprise funds, but with the equipment purchase, these are related to a governmental activity, which is why there needs to be an amendment to the fleet maintenance budget. The public works amendment to the budget is in relation to purchases made to help with snow removal this last winter. The fire amendment relates to the purchase of a fire truck during the year. The total amendments to the FY 2023 budget is \$1,596,000.

Council Member Adams arrived.

Council Member Jackson asked if the city was under contract for lobbying services.

Dean Storey responded that the city had not received an invoice since February 2023 from those who we had providing lobbying services and therefore it is assumed that a cancellation was made with the lobbyists. Staff is going to verify where we are at with the lobbyist and our contract with them, but lobbying services have not been budgeted for in the FY 2024 budget. Mr. Storey explained that the council has been working with Staff on the FY 2024 budget for months now and

it is being proposed that a Truth in Taxation hearing be held in August for the amount of \$985,000. The city recently received the city's assessed values from the county. Prior to receiving those values, Staff had estimated receiving \$150,000 from new growth, but the county numbers are showing less than that. The average value of a single-family home in Kaysville, as provided by the county, is \$640,000. That is the number will be used for advertising the Truth in Taxation hearing. This will result in a tax increase of about \$99 per year (or about \$8.26 a month) for a home that values \$640,000. Residential properties will get an exemption, whereas a business of that same value would be taxed at the full value of about \$180 per year increase. Staff did conduct property tax rate comparisons with other cities in the county and our current rate shows that Kaysville is the forth-lowest property tax rate in the county. With the proposed property tax rate, Kaysville will have the fifth lowest property tax rate, however we do not know what other cities are doing with their tax rates as of yet. The total of all funds for the FY 2024 budget is approximately \$65,000,000.

Council Member Blackham said that when the council was first presented the budget, the city was faced with an approximate 1.1 million dollar tax increase.

Council Member Oaks commented that the city wouldn't receive the sales tax revenue numbers for the remainder of the FY 2023 budget until August or September.

Mayor Tran opened the public hearing for this item.

There were no comments or questions from the public.

Council Member Oaks made a motion to close the public hearing for this item at 6:56 p.m., seconded by Council Member Hunt and passed unanimously.

CITY COUNCIL MEETING – 7:00 P.M.

OPENING

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

CALL TO THE PUBLIC

Nothing was brought under this item.

PRESENTATIONS AND AWARDS

PROCLAMATION DECLARING JULY 2023 AS PARKS AND RECREATION MONTH

Mayor Tran read a proclamation declaring July 2023 as Parks and Recreation Month and encouraged citizens to thank our parks and recreation employees, and to recognize their vital contributions they make in our parks and our recreation facilities. They keep our public parks clean and safe for visitors, they organize activities, they advocate for more open space and recreation activities, and they serve our city to help provide better quality of life for our

community.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a) Approval of Minutes of April 28, 2023 Work Session.
- b) Approval of Minutes of May 4, 2023 Regular Meeting.

The motion was seconded by Council Member Jackson.

The vote on the motion was as follows:

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

The motion passed unanimously.

ACTION ITEMS

A RESOLUTION AMENDING THE KAYSVILLE CITY BUDGETS FOR FISCAL YEAR 2023

Finance Director Dean Storey explained that a public hearing was held prior to tonight's council meeting in regards to this item and no comments were received. The proposed FY 2023 budget amendments include items pertaining to professional services, new snowplows and equipment, and the purchase of a fire truck during the year. The total amendments for the FY 2023 budget is \$1,596,000.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Oaks thanked everyone who participated in reviewing the budget and who helped to get the budget deficiency amount down. There has been a lot of discussion and many items considered. The budget being presented will address the city's needs, and we will be able to continue to maintain the level of service being provided as best as possible.

Council Member Oaks made a motion to approve the Resolution amending the Kaysville City Budgets for Fiscal Year 2023, seconded by Council Member Hunt.

The vote on the motion was as follows:

Council Member Adams, yea

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

The motion passed unanimously.

A RESOLUTION ADOPTING FISCAL YEAR 2024 COUNCIL APPROVED POSITIONS,
COMPENSATION SCHEDULES FOR CITY OFFICIALS AND EMPLOYEES, AND A
COMPENSATION PROGRESSION PLAN

Dean Storey explained that as part of the Fiscal Year 2024 budget, there is an item to be approved relating to city compensation schedules and progression plans for city officials and employees. No new positions have been included in the FY 2024 budget. There have been numerous discussions on the proposed compensation schedule. The progression plan includes a market adjustment, a three percent merit for eligible employees, and selective market adjustments based on market comparison.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Mayor Tran commented that the council had discussed the FY 2024 budget in ten different meetings this year and have had some hard conversations about needs versus wants. The council and staff have put many hours into this.

Council Member Hunt commented that she appreciates the work that staff put into these considerations. Many of the staffing positions that had been requested by departments, but set aside for another year, are very much needed. Council Member Hunt said that she is proud of the work that the council and staff had done on the budget.

Council Member Adams made a motion to approve a Resolution approving Fiscal Year 2024 council approved positions, compensation schedules for city officials and employees, and a Compensation Progression Plan. The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

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

The motion passed unanimously.

A RESOLUTION ADOPTING THE CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2024

Dean Storey explained that a summary of the proposed changes had been provided to the council. The proposed changes include amendments to sewer rates to reflect the increased fees by Central Davis Sewer District, changes to fees in the Community Development department, and updates to fees in the Parks and Recreation department.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Jackson asked how proposed rates were determined.

Dean Storey responded that the proposed fees from the Parks and Recreation department were determined through a cost analysis to calculate the cost to run these programs.

Community Development Department Director Melinda Greenwood said that their department compared Kaysville's fees to other cities within Davis County, and then adjusted the city's fees to the average cost between them all. Kaysville's current fees are well below what most every other city in the county had for each category. The fees are representative of the time and effort of staff in handling applications. Most fees are charged through the development process and are most often paid for by developers.

Council Member Hunt said that it is hard to see increases to the fees of youth sports; however, we also have to be able to cover our costs. Council Member Hunt expressed appreciation for staff to take time to do the research to determine where our fees are lacking.

Council Member Blackham made a motion to approve a Resolution adopting the Consolidated Fee Schedule for Fiscal Year 2024, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

A RESOLUTION ADOPTING THE MODIFIED TENTATIVE BUDGETS FOR FISCAL YEAR 2024

Dean Storey explained that the tentative budget for Fiscal Year 2024 was adopted earlier this year, and since then there had been a few small adjustments made, including adjusting interest earnings and adding the calculation for the Truth in Taxation. Adopting the modified tentative budget will allow the city to work under the tentative budget beginning in July. A Truth in Taxation hearing

will be held in August and then the final budget will be considered for adoption.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Mayor Tran gave a recap of the meetings where the budget was discussed by the city council.

Council Member Jackson said that the council has looked at every consideration and had asked department heads to review their budgets repeatedly to see if there was any way they could get by with less. The city is not hiring for any new positions for this next year. Council Member Jackson thanked the council for the efforts in doing whatever they could to prevent having to raise taxes. We have run out of any other option in order to cover all of the city's expenses. There is still more work to be done, and we want to make sure that we get things right.

Council Member Blackham said that originally, the city was looking at a 2.4 million dollar tax increase, and now it is below a million dollars. A lot of work and discussion has happened in order to bring that number down. Taxes can become costly for our residents. Council Member Blackham also thanked staff and the council for all the work that they had done towards trying to keep costs down. Council Member Blackham thanked staff for their help in answering the council's questions and making the budget easier to understand. Government finances are complicated. Council Member Blackham said that he appreciates the budget review process and it is something that he takes very seriously. The budget is his number one responsibility and feels that council members need to take care of the funds of the residents. The city council has no choice but to do a tax increase this year, and they have tried everything to make it as manageable as we can. Everyone has felt the effects of inflation.

Council Member Adams made a motion to approve a Resolution adopting the Modified Tentative Budgets for Fiscal Year 2024, seconded by Council Member Oaks.

The vote on the motion was as follows:

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

The motion passed unanimously.

AN ORDINANCE PROHIBITING PEDESTRIAN TRAVEL ON THE WEST DAVIS CORRIDOR

City Attorney Nic Mills explained that this ordinance had been presented to the city council as a work item in the last council meeting. The proposed ordinance would prohibit pedestrian travel on the West Davis Corridor while it is under construction. Our city's patrol officers have found many pedestrians on the property despite many signs having been erected by UDOT indicating that the area is closed. This ordinance would allow officers to issue citations to pedestrians at a

lower offense level than the State's vehicular prohibitions in these circumstances.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Jackson made a motion to approve an Ordinance enacting Title 6, Chapter 2, Section 11 of the Kaysville City Code, prohibiting pedestrian travel on the West Davis Corridor. The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

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

The motion passed unanimously.

AN ORDINANCE PROHIBITING EXTENDED PARKING IN PARK-AND-RIDE LOTS

City Attorney Nic Mills explained that this proposed ordinance was also presented to the council as a work item in their last city council meeting. The ordinance expands the city's current parking prohibitions in the City to add park-and-ride lots as an area where extended parking, over 48 hours, would not be allowed. City Staff has requested this ordinance because our city patrol officers are finding more instances where people are parking their RVs, trailers, and other vehicles at the park-and-ride lot for extended periods.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Oaks made a motion to approve an Ordinance amending Title 6, Chapter 2b, Section 4, to prohibit extended parking in park-and-ride lots in the city. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

A RESOLUTION INDICATING THE INTENT TO ADJUST A COMMON BOUNDARY WITH FARMINGTON CITY

Public Works Director Josh Belnap explained that in conjunction with Farmington City, Kaysville Public Works is currently overseeing the construction of a network of streets that will help to better direct traffic onto and off I-15 at Shepard Lane and the West Davis Corridor (WDC) near the Central Davis Sewer District plant. One of the roads being built is an extension of Farmington's 950 North, which will connect directly with the on/off ramps for the WDC. The current boundary between Kaysville and Farmington leaves a small portion of 950 North in Kaysville, as well as half of the 950 North interchange at WDC. In talking with Farmington Staff, we feel cleaning up the boundary here would best help to clarify maintenance and jurisdictional responsibilities. On March 16, 2023, the City Council discussed the potential boundary changes in an informational work session. The resolution being proposed tonight authorizes the City Manager to publish a public hearing notice, which will take place no sooner than sixty days after approval of the resolution. The resolution also states that Kaysville intends to work with Farmington to explore options for an adjustment. It does not finalize any adjustment, just merely starts the official process as outlined in State Code.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Jackson asked about the zone of the subject property.

Melinda Greenwood responded that it is currently zoned for agriculture and is owned by UDOT.

Council Member Jackson said that he believes it makes more sense to keep this property in Kaysville so that the city could capture the taxes from it.

Josh Belnap commented that they have spoken with Farmington about this boundary adjustment, and the main reason the city is considering changing the boundaries is because of maintenance responsibilities with the West Davis Corridor coming through this area and the city having to maintain portions of the interchange. The city is unsure if the amount of revenue that the city would potentially get from the property would cover the cost to maintain the property and the roads here. Approving the proposed resolution does not solidify any decision between both cities.

Council Member Jackson asked when UDOT would sell those properties.

Josh Belnap responded that they have indicated that their properties would be sold at the completion of the West Davis Corridor project, which may be in the spring or summer of 2024.

Melinda Greenwood commented that public hearing on this matter would be held sometime in a couple months to give the opportunity to the public to provide any comments and questions they may have about this adjustment.

Nic Mills added that both cities have to agree mutually to alter the boundary in this area.

Josh Belnap said that this will give Staff the time to take a closer look at what potential sales tax

revenue the city might receive from these parcels, and what potential gains or losses we might see from keeping these properties within city boundaries.

Mayor Tran said that the City Manager and her were able to visit this property with Josh Belnap, and encouraged the council to do the same.

Council Member Jackson said that the city owns very limited land and it would be painful to give this piece of property up, especially when we might be able to put a small retail use on the property.

Council Member Adams made a motion to approve a Resolution indicating the intent to adjust a common boundary with Farmington City, seconded by Council member Blackham.

The vote on the motion was as follows:

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

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Council Member Blackham asked for an update from the Public Works Director about projects currently happening in the city.

Josh Belnap said that there are many Public Works projects under construction. Some of them are in the design and coordination stage. Mr. Belnap reviewed with the Council the Public Works projects that are currently under construction, and those that are in the design and coordination stage.

Council Member Oaks commented that he was able to attend a meeting at the Davis Tech for Kaysville's small businesses, and thanked city Staff for arranging these meetings. It is a great opportunity for our businesses to do some networking. Council Member Oaks said that he is grateful the city has a great relationship with Davis Tech to be able to work with them to help provide resources for our smaller business.

Mayor Tran commented that tonight was the first city council meeting for the city's new City Manager, and said that the city is excited to have him here.

CITY MANAGER REPORT

City Manager Jaysen Christensen expressed excitement to be working for Kaysville City and said he feels honored to have been chosen for this position. Mr. Christensen said that it has been budgeted for the city to install five automatic license plate readers in the city. These are used by law enforcement agencies across the country to detect stolen vehicles or vehicles of wanted persons. If these types of vehicles are detected in the city, the city's police department would be

alerted. They are also a helpful resource when there are active Amber or silver alerts. There has been concern expressed about these cameras invading privacy, but this technology does not read faces or identifies occupants in vehicles. Once the West Davis Corridor is completed, the city will likely install another camera at the interchange. Mr. Christensen said that Davis County had recently reached out to the city about possibly annexing the Mutton Hollow area into the city. The city has expressed some concerns, mostly related to the cost to bring that area's infrastructure up to Kaysville City's standards. That area has some significant issues with their water structure. Their power and road infrastructure would also need to be upgraded. Improving their infrastructure would cost several million dollars. The amount of property taxes that the city would receive from annexing this area would not amount to much. The County will be having a meeting with city Staff and representatives of the Mutton Hollow area to have further discussion. The City wants to go into this with an open mind and be willing to listen to what they have to say.

ADJOURNMENT

Council Member Oaks made a motion to adjourn the City Council meeting at 7:59 p.m. The motion was seconded by Council Member Jackson and passed unanimously.

KAYSVILLE CITY
REDEVELOPMENT AGENCY BOARD MEETING
June 15, 2023

Minutes of a Kaysville City Redevelopment Agency Board Meeting held on June 15, 2023 at 7:59 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 East Center Street, Kaysville, UT.

Board Members present: Chairperson Tamara Tran, John Swan Adams, Mike Blackham, Abbigayle Hunt, Nate Jackson and Perry Oaks

Others Present: City Manager Jaysen Christensen, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Parks and Recreation Director Cole Stephens, Public Works Director Josh Belnap, City Engineer Dexter Fisher, Richard Shaw, Ramona Porter, Laurene Starkey, Val Starkey, Wenfei Yu, Paul Legler, Gregg Phillips., Jared Tubbs, Brian Caldwell, Brant Sulser, Zach O'Brien, Brad Lund, Jesse Shupe, Tyson Shaw

OPENING

Chairperson Tran opened the meeting by welcoming those present.

**A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY
REDEVELOPMENT AGENCY FOR FISCAL YEAR 2024**

Finance Director Dean Storey explained that the proposed resolution is to adopt the budget for the Kaysville City Redevelopment Agency for Fiscal Year 2024. A public hearing was held earlier tonight in regards to this item and no comments were received.

Board Member Blackham made a motion to approve a Resolution adopting a budget for the Kaysville City Redevelopment Agency for Fiscal Year 2024, seconded by Board Member Adams.

A vote on the motion was as follows:

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

The motion passed unanimously.

ADJOURNMENT

Board Member Blackham made a motion to adjourn the Kaysville City Redevelopment Agency Board Meeting at 8:00 p.m., seconded by Board Member Adams and passed unanimously.

DRAFT

KAYSVILLE CITY
MUNICIPAL BUILDING AUTHORITY BOARD MEETING
June 15, 2023

Minutes of a Kaysville City Municipal Building Authority Board Meeting held on June 15, 2023 at 8:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 East Center Street, Kaysville, UT.

Board Members present: Chairperson Tamara Tran, John Swan Adams, Mike Blackham, Abbigayle Hunt, Nate Jackson and Perry Oaks

Others Present: City Manager Jaysen Christensen, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Parks and Recreation Director Cole Stephens, Public Works Director Josh Belnap, City Engineer Dexter Fisher, Richard Shaw, Ramona Porter, Laurene Starkey, Val Starkey, Wenfei Yu, Paul Legler, Gregg Phillips., Jared Tubbs, Brian Caldwell, Brant Sulser, Zach O'Brien, Brad Lund, Jesse Shupe, Tyson Shaw

OPENING

Chairperson Tran opened the meeting by welcoming those present.

A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY MUNICIPAL BUILDING AUTHORITY FOR FISCAL YEAR 2024

Finance Director Dean Storey explained that the proposed resolution is to adopt the budget for the Kaysville City Municipal Building Authority for Fiscal Year 2024. A public hearing was held earlier tonight in regards to this item and no comments were received.

Board Member Adams made a motion to approve a Resolution adopting a budget for the Kaysville City Municipal Building Authority for Fiscal Year 2024, seconded by Board Member Oaks.

A vote on the motion was as follows:

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

The motion passed unanimously.

ADJOURNMENT

Board Member Blackham made a motion to adjourn the Kaysville City Municipal Building Authority Board Meeting at 8:01 p.m., seconded by Board Member Adams and passed unanimously.

DRAFT



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources
Division of Forestry, Fire & State Lands

JOEL FERRY
Executive Director

JAMIE BARNES
Director/State Forester

May 22, 2023

To whom it may concern:

Since your current Cooperative Wildfire System (CWS) agreement has lapsed, FFSL is presenting the attached Cooperative Agreement that is by and large the same agreement from 2017, with some non-substantive changes. The need for a new agreement gave FFSL the opportunity to revise the agreement for clarity and ensure it is in line with new legislation passed since the initial agreement in 2017. In summary the changes include:

- Updated expiration date
- Termination clause added
- Community Wildfire Preparedness Plan Language (CWPP) in conformity with 2023 legislation
- Updated Utah Code and Administrative Rule citations
- Clarification on non-compliance for new agreements

Please note, that if a Participating Entity is on probation or otherwise noncompliant with a prior Cooperative Agreement, entering into a new or updated agreement does not absolve the Participating Entity from prior obligations or probation status under the old agreement. Entities should work with their respective state contacts to ensure past compliance and future commitments moving forward.

Please execute this agreement and return to FFSL no later than June 23, 2023. Failure to execute and return this agreement in a timely fashion forfeits your rights as an eligible entity to cooperatively discharge your joint responsibilities for protecting non-federal land from wildland fire pursuant to Utah Code 65A-8-203. Please govern yourself accordingly.

Respectfully,

Jamie Barnes
Director/State Forester
Division of Forestry, Fire and State Lands

COOPERATIVE WILDFIRE SYSTEM (CWS)

POLICIES AND PROCEDURES MANUAL

(Through December 31, 2024)



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Intent of CWS

Reduce wildfire risk and impacts at the community and county level by identifying vulnerabilities and addressing them through cooperative suppression, mitigation, prevention, and preparedness actions.

Distribute the financial risk of wildfire more broadly, while protecting local governments from the fiscal shock of large fires. Incentivize local governments to do meaningful on-the-ground work to mitigate the risk and hazards of wildfire to their communities.

Definitions

Annual Participation Commitment Report - A report prepared by the Participating Entity detailing the expenditures, accomplishments and activities conducted to meet the Participation Commitment during the past fiscal year.

Annual Participation Commitment Statement - A statement prepared by FFSL and sent to the Participating Entity detailing the Participation Commitment for the upcoming fiscal year. The Participating Entity is responsible for filling out the PC Statement with CWPP actions they plan to complete in order to meet their Participation Commitment for the fiscal year, and returning it to the Area Manager for signature.

CWS Cooperative Agreement - an agreement between an eligible Participating Entity and the Division wherein the Participating Entity agrees to meet an annual Participation Commitment, and FFSL agrees to pay for wildland fire suppression costs on Delegated fires, as well as all aviation costs charged to the incident.

Community Wildfire Preparedness Plan (CWPP) - A plan developed by the Participating Entity with the intent of identifying and prioritizing areas for hazardous fuels reduction treatments that will protect at-risk communities and essential infrastructure. The CWPP is a collaborative process that includes landholders and stakeholders within the planning area to address hazard mitigation, community preparedness, wildfire response, and structure protection.

Delegated Fire - A wildland fire for which Fiscal Responsibility and Fire Management authority have been transferred from the Participating Entity to FFSL because 1) State or Federal Lands are involved, 2) at the request of the Participating Entity, or 3) by ordering suppression resources over and above the pre-planned response (run card) from an Interagency Fire Center.

Eligible Entity - a county, a municipality, or a special service district, local district, or service area with:

- wildland fire suppression responsibility as described in Section [11-7-1](#); and

- wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or

upon approval by the director, a political subdivision established by a county, municipality, special service district, local district, or service area that is responsible for:

- providing wildland fire suppression services; and
- paying for the cost of wildland fire suppression services.

Extended Attack - actions taken in response to wildland fire after Initial Attack. PEs will delegate most fires that enter extended attack.

Fire Service Provider - a public or private entity that fulfills the duties of Subsection [11-7-1\(1\)](#).

- provide adequate fire protection within their own territorial limits; and
- cooperate with all contiguous counties, municipal corporations, private corporations, fire districts, state agencies, or federal governmental agencies to maintain adequate fire protection within their territorial limits.

Initial Attack - action taken by the first resource to arrive at a wildland fire incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or aggressive suppression action.

Participation Commitment (PC) - The monetary value of the annual commitment a PE must meet through their Prevention, Preparedness, and Mitigation actions. The PC is calculated by adding the assessed monetary value of Medium and High Risk acres within the entity's area of responsibility, and adding it to the 10-year Historic Fire Cost Average.

Participating Entity (PE) - An Eligible Entity that has entered into a CWS Cooperative Agreement with FFSL, and has remained in compliance with the terms of the CA.

Ten-Year Historic Fire Cost Average - A component of the PC Calculation. Derived by taking the state-assumed costs of an entity's most recent 10 complete fire seasons, dropping the highest and lowest valued years, and averaging the CPI adjusted cost of the remaining 8 years.

Wildfire Prevention - Activities directed at reducing the number of human-caused fires. Prevention actions reduce the number of new fire starts.

Wildfire Preparedness - Activities that lead to a safe, efficient and capable wildfire suppression response. Preparedness actions improve the ability of first responders to quickly, safely, and effectively suppress fires.

Wildfire Mitigation - Actions taken to reduce or eliminate risks to persons, property or natural resources. Most mitigation actions involve fuels manipulation and serve to reduce the potential size, intensity, and complexity of fires in a given area.

Wildfire Risk Assessment - A component of the PC Calculation. Valuation is based on the number of High and Medium Risk acres within the entity's area of responsibility.

Laws and Rules

- Utah State Code [65A-8-2, "Fire Control"](#),
 - Section 202, ["County Responsibilities"](#)
 - Section 202.5, ["City and town responsibilities"](#)
 - Section 203, ["Cooperative fire protection agreements with counties, cities, towns, or special service districts"](#)
 - Section 203.1, ["Delegation of fire management authority"](#)
 - Section 203.2, ["Billing a county or municipality not covered by a cooperative agreement -- Calculating cost of wildfire suppression"](#)
 - Section 204, ["Wildland Fire Suppression Fund created"](#)
- Administrative Rule 120, ["Wildland Fire Responsibilities"](#)
- Administrative Rule 121, ["Wildland Fire Suppression Fund"](#)
- Administrative Rule 122, ["Cooperative Agreements"](#)

Division Roles and Responsibilities

State Forester

- Final arbiter of informal appeals to PC decisions

State Fire Management Officer

- Oversees the Fuels Deputy to ensure program delivery
- Oversees Fire Deputy and Fire Finance maintenance of Equipment Rate list

State Fuels Deputy Fire Management Officer

- Arbitrates Area Manager questions on allowable PC Actions
- Maintains Policy and Procedures Manual to ensure uniformity of program delivery statewide
- Provides CWS Program Guide updates
- Sends Compliance letter to PEs
- Sends quarterly email reminder to all PEs
- Report at Spring and Fall Fire Meetings

State Office Finance Section

- Calculates PC for each PE
- Provides PC statements to the primary contact for each PE
- Maintains spreadsheet with contact information for each PE
- Participates in PE audits with DNR's internal audit group

Area Manager

- Oversees Area CWS program
- Ensures that changes to each entity's primary contact person are captured in the Division spreadsheet
- Reviews and signs PE's Cooperative Agreement and CWPP
- Train PEs in their tracking and reporting of PC actions, or delegate that role to area staff
- Approves proposed PC actions outlined in entity's PC Statement, and signs submitted Statements.
- Approves and documents [carry-over](#) requests
- Monitors compliance with the CA, and adjudicates questions about allowable PC actions
- Approves (or denies) PC Actions submitted to the UWRAP CWS Portal. Provides entities with clear guidance when denying a submitted action.
- Provides notification of non-compliance with reporting requirements

Area Fire Management Officer

- Directs county fire wardens
- Verifies that entities are meeting their training and equipment requirements for eligibility
- Carries out additional duties as delegated by the Area Manager

County Fire Warden

- Maintains close relationships with PEs
- Coordinates with Area WUI Specialist to assist entities with CWPP preparation
- Advises and assists entities with project identification and planning.
- Advises PEs on the annual reporting process, providing assistance where necessary.
- Carries out additional duties as delegated by the Area Manager

Area WUI Specialist

- Assists entities with CWPP preparation and project identification; ensures that CWPP is reviewed by State WUI Program lead.
- Provides federal grant assistance for mitigation projects that fall outside of Participation Commitment
- Carries out additional duties as delegated by the Area Manager

PE Roles and Responsibilities

- Adopt a Community Wildfire Preparedness Plan ([CWPP](#)) with approval from the FFSL Area Manager, and update every 5 years (or more frequently if desired).
- Notify their Area Manager any time there is a change to their primary contact person on record with the Division.
- The PE's executive officer must approve, sign and return the annual Participation Commitment Statement (provided by State Finance) to the Area Manager.
- Carry out Participation Commitment actions aligned with identified CWPP objectives and risk reduction projects.

- Submit Participation Commitment actions [in the UWRAP portal](#).
- Keep detailed records of costs associated with PC actions.
- Make [carry-over requests](#) for large projects within the year that the equipment is purchased, or projects are completed.
- Submit a report detailing fulfillment of the PC on an annual basis using the standard calendar year. Include in report any carry-over approved or utilized.
- Participate in annual training with Area Manager
- Comply with audit and audit recommendations

Training

FFSL will provide annual training for PEs that covers:

- Eligibility
- Allowable and non-allowable PC actions
- Rates for paid labor, volunteer labor, and equipment
- Pre-approvals and documentation requirements
- PC Fulfillment
 - [Submitting](#) documentation of PC actions (Appendix 1)
 - Project mapping
 - Documentation needs
 - Final PC Report submission
- Records Retention
 - Receipts
 - Labor logs
 - On-site or digitally for 3 years beyond submittal of fulfillment forms
- Procedures and documentation for roll-over requests
- Deadlines
- Audits

Participation Commitment Calculation

Participation Commitment is calculated using [the following process](#):

- Wildfire Risk Assessment Calculation:
 - Use the Fire Risk Index (FRI) layer from UWRAP to calculate the number of Low, Medium, and High risk pixels within the boundaries of a participating entity or area of responsibility
 - The number of pixels is used to calculate the acreage of each category
 - A dollar value is derived by multiplying the number of acres in the Medium and High risk categories by that category's multiplier. Low risk acres do not count towards the PC calculation.
- Historic Fire Cost Average calculation:
 - An incident report is run in FBS to pull all fires for the year being calculated

- The report is filtered to include only delegated incidents involving the participating entity
- Multi jurisdictional fires for which a cost-share is prepared are automatically considered as delegated fires.
- The calculation of cost for the entity is done by taking the total amount of acres burned within the entity's jurisdictional boundaries and then dividing that number by the total number of acres burned in that wildfire incident. That resulting percentage is multiplied by the State's total cost of wildfire suppression for that wildfire incident.
- That calculation is repeated for each fire that crossed jurisdictional boundaries during that reporting year.
- A CPI (Consumer Price Index) adjustment is applied to each past year's cost.
- The PC statement has 10 years of historic data calculated this way, and the highest and lowest years are dropped. 8 years of historic fire cost are averaged and that average is what is included in the entity's PC statement.
- The Participation Commitment is the sum of the Wildfire Risk and Historic Fire Cost numbers.

Participation Commitment Statement

The Participation Commitment Statement is provided to each entity before the start of their fiscal year. It includes a summary of the PC value of the Medium and High Risk acres within the entity's area of responsibility as well as a table showing the 10 year fire cost average. The PC Statement provides the entity with notice of their total Participation Commitment for the year, as well as documentation of pre-approval of their planned activities to meet their commitment. Activities can be entered in each of the three categories of PC Actions (Mitigation, Preparedness, Prevention), and should have been previously identified in the entity's CWPP. It is difficult to meet the intent of the program and complete meaningful risk reduction activities if the PC actions are not guided by a CWPP.

Entities should complete and sign their PC Statements in a timely manner and submit them for the Area Manager's signature. Doing this will help ensure that entities have a well-considered plan of work and have the opportunity to discuss planned activities with the Area Manager or their representative (FMO or County Warden). The completed and signed PC Statement is the primary means of demonstrating approval of PC Actions.

Participation Commitment Actions

There are three categories of actions that may count towards Participation Commitment: Wildfire Mitigation, Preparedness, and Prevention.

Wildfire Mitigation (at least 50% of each year's PC must be in this category)

Actions taken to reduce or eliminate risks to persons, property or natural resources.

Efforts to reduce risk by managing hazardous fuels. These efforts may include:

- Costs of equipment and labor (including volunteer hours) used to reduce hazardous fuels in accordance with CWPP (i.e. fuel breaks, prescribed fire, some timber harvest activities and certain activities that support grazing)
- Costs or volunteer value of equipment and labor toward ongoing maintenance of existing CWPP directed fuel reduction projects
- Volunteer hours toward removing hazardous fuels from community common areas identified in CWPPs
- Volunteer hours toward improving ingress/egress in community common areas identified in CWPPs
- Costs associated with community fuel reduction events (i.e. chipper days)
- Costs of vegetation management equipment

Preparedness (A maximum of 25% of each year's PC may be in this category)

Activities that lead to a safe, efficient, and capable wildfire suppression response. These efforts reduce risk by preparing communities for wildfire and help them become more "fire adapted":

- Costs of improving wildland fire apparatus, communication or support
- Costs of improving or creating additional ingress/egress into Wildland Urban Interface (WUI) areas identified in CWPPs
- Costs of improving or increasing firefighter access to secondary water systems through hydrants, tanks or drafting sites
- Actual costs for providing advanced wildfire suppression training to fire department and/or emergency management personnel
- Volunteer hours spent in training for wildland fire suppression (excluding refreshers)
- Costs of wildland-specific Personal Protective Equipment (PPE)
- Costs of producing and installing road signs and address markers (including evacuation routes) as part of a CWPP
- Costs of certifying heavy equipment operators
- Costs associated with enforcement of WUI code
- Costs associated with installing/maintaining helicopter dip sites
- Costs of inspecting resident defensible space work to certify for insurance discounts or tax incentives
- Costs of producing and/or updating city emergency response plans that address CWPPs
- Costs of land-use planning that support objectives of CWPPs
- Costs supporting the development of Community Wildfire Protection Plans (CWPPs)
- Costs associated with gaining "Firewise Community" recognition

Prevention

Activities directed at reducing the number of human-caused fires. These efforts may include:

- Costs of wildfire prevention campaigns
- Costs of wildfire mitigation educational materials (defensible space, firewise landscaping etc)
- Costs of implementing Ready, Set, GO! program
- Law enforcement patrols to enforce fire restrictions and/or burn permit violations
- Volunteer hours for meetings and events that promote, plan or implement CWPPs
- Costs of wildfire prevention media campaigns/ PSAs
- Costs of designing, producing and installing community awareness and/or wildfire prevention boards/displays

Actions that DO NOT qualify

- Any activity funded by other state or state-administered federal funds, not including county/jurisdiction match
- Any previously-matched prevention/preparedness
- State or federal costs for trainings
- Costs of initial attack suppression of wildfires within their jurisdiction
- Costs of improving culinary water systems. Costs of additions to the water system that are solely for use as suppression infrastructure are allowable (e.g. dry hydrants and fill sites)
- Costs to improve an individual structure
- Costs of existing county employees or programs, including weed departments, that do not meet mitigation objectives identified in the CWPP.
- PE profiting from harvesting of forest products or mitigation treatments that an entity is paid for by another agency or entity
- Maintenance/servicing of IA equipment (such as oil changes, tires, wear and tear - “cost of doing business”)
- Actions to maintain minimum standards of training as defined in 652-122-1400

Participation Commitment Carry-over

PC actions may carry over into the following year(s) under certain conditions, and only by prior agreement with the FFSL Area Manager. These include:

- Capital improvement projects (typically large “preparedness-type” projects) can carry over for five years, with no single project’s value accounting for more than 25% of the PEs total PC for any of those years
- All non-capital improvement actions (e.g. large fuels reduction project) can carry over for three years. No maximum value applies.

All carry-over must be approved in writing by the Area Manager prior to being applied in following years. The approval must state the amount the PE can carryover annually, the duration of carryover, and under which category it will apply.

Rates

Equipment

Equipment rates are taken from the most recent FEMA schedule of equipment rates.

Paid personnel

Until further notice, utilize actual rates paid for time spent directly engaged in Participation Commitment actions.

Volunteer personnel

Personnel rates for volunteer hours are based on the rates posted by the Independent Sector (link above). The Independent Sector updates their national volunteer rate around April each year. Volunteer Rates for use when reporting past years:

Year	Independent Sector Rate
2017	\$24.69
2018	\$25.43
2019	\$27.20
2020	\$28.54
2021	\$29.95
2022	\$29.95 *

* The most recent rate posted by the Independent Sector as of March 31, 2023.

Actual rate

Actual rate applies for purchasing of equipment and contracting of services (such as mastication) which the entity pays for and can show receipts.

See also: Appendix 3.

Reporting

CWS requires that an annual report be submitted at the end of each entity's fiscal year. This report should summarize the actions that were completed in each category (Prevention, Preparedness, Mitigation) and allow easy determination of the entity's fulfillment of their annual

Participation Commitment while adhering to the 50% minimum for Mitigation and 25% maximum derived from Preparedness actions. Reports should also include documentation of new carry-over requests that have been approved as well as the application of past carry-over to current year PC fulfillment.

Beginning in 2022 all entities must submit their reports in the UWRAP CWS portal. There are two possible approaches to completing reporting through the portal. In the first, UWRAP is the primary vehicle for reporting, while in the second the entity compiles their report in paper form, then uploads a PDF of the report and supporting documentation to their UWRAP dashboard.

UWRAP Centric Reporting

In this approach each PC project is documented as an Action in UWRAP, and a final summary report is uploaded at the end of the year to summarize the actions and document completion of reporting.

Advantages:

- This approach most closely follows the intent of utilizing UWRAP as the single statewide reporting repository.
- Allows easy real-time capture of projects, their dates, costs, and documentation.
- Allows Mitigation projects to be easily mapped and for those mapped projects to be reflected in the risk map.
- Because each action is entered and submitted to the Area Manager separately this approach provides evidence of AM approval of individual projects, and allows AMs to give timely feedback to entities.
- Future revisions to CWS after 2024 anticipate UWRAP as the single platform for all CWS documents, information, and reporting; adopting this approach now will prepare entities for those changes.

Disadvantages:

- Requires more separate entries into the system by both entities and Area Managers.
- UWRAP does not yet provide a way to certify that reporting is complete and submit, so uploading of the summary report is still required.

Paper Reporting through UWRAP

In this approach entities complete their reporting on paper as they have in the past utilizing the Individual Project Accounting and Annual Summary sheets, and then upload their report and supporting receipts and documentation to the UWRAP portal.

Advantages:

- This approach may be more familiar or comfortable for entities that have not mastered the UWRAP portal yet.
- Involves only logging in and uploading a document once per year.

Disadvantages:

- Entities are less likely to document and submit actions in real-time throughout the year. In the past this has meant that many entities struggle to document their completed actions when it is time to report.

- Mitigation projects are not captured in UWRAP and completed projects will not be reflected in the risk map.
- Requires that the entities have a good system for retaining documentation files.
- Less real-time feedback from Area Managers.
- Entities delay familiarization with UWRAP and have problems navigating the site when they only log in once a year.

PE Status

A PE is either active, in probationary status, or ineligible.*

ACTIVE: PE is current with the PC fulfillment and reporting. All benefits of the CWS program are available to the entity.

If, at the end of a calendar year (Dec 31), a PE has not submitted their PC report, the AM will call the primary contact on record and offer a 30-day extension. If the PE then agrees and submits a completed PC fulfillment, there will be no impact on the PE's CWS participation status. An entity that does not submit their report by the end of the 30 day grace period will be put into probationary status.

PROBATIONARY: PE is behind on their PC fulfillment and/or not in compliance with the Cooperative Agreement, but retains the ability to delegate fires to the State while in probationary status (maximum of one year).

If, at the end of a calendar year (Dec 31), or at the end of the 30-day extension referenced above, a PE submits a fulfillment form that has not satisfied the full amount of their PC, the CWS entity is placed in Probationary status. The Area Manager will notify the State Fuels Deputy about the lack of compliance, and the Deputy will issue a letter informing the entity of their Probationary status. Area managers are encouraged to be in communication with the entities throughout the process.

The unmet balance of the previous year's PC will roll over into the current year and the PE will be responsible to fulfill the total obligation in the current probationary year. The entity should work closely with their Area Manager to ensure that they are meeting the requirements to return to Active status. An entity may remain in probationary status for a maximum of two years if they are making progress toward meeting their past year's commitment. If an entity fails to meet their PC accomplishment and reporting requirements within this time they will be declared Ineligible.

INELIGIBLE: PE has not complied with their Cooperative Agreement and the agreement is revoked. Entity becomes responsible for all fire costs incurred going forward.

If, at the end of the probationary period, a PE has not fulfilled their full PC commitment (current and past), and/or not complied with the Cooperative Agreement, FFSL will immediately revoke the agreement and notify the PE via letter.

If the PE would like to enter into a new Cooperative Agreement, they will return to their previous status until they meet the terms of the agreement.

* For details on Breach of the terms of the CWS program see Section VII in either the 2017 or 2023 Extension Cooperative Agreements.

Y1	At Year End				Y2	At Year End			Y3	
Entity Did NOT Meet full Participation Commitment (PC) amount by End of Year (or Jan 30)	P R O B A T I O N	Entity is allowed to complete unmet PC from Y1 during Y2	Extended Attack (EA) Fire Cost from Y1 are paid by State per compact	Any PC Actions done during Y2 go toward Y1 until Y1 PC is fully met by Entity	Entity becomes current with respect to Y1 during Y2 AND meets full PC for Y2	Probation lifted, full participation				
					Entity becomes current with respect to Y1 during Y2, but fails to meet full PC for Y2	Remain on Probation for max of one more year	EA fire \$ from Y2 paid per compact	Any PC actions go toward oldest unmet year	Entity meets Y1, Y2 and Y3	Probation lifted, full participation
									Entity fails to meet Y1, Y2 and Y3	Ineligible
					Entity Does Not become current with Y1 PC	Ineligible	EA \$ are paid by Entity, and ineligibility remains in effect until Y1 and Y2 are met. After that, Entity may opt in at start of following year. Any PC actions go toward oldest unmet year.			

Auditing

Annually, during the 4th quarter of the year, randomly selected PEs will be audited by the DNR Internal Audit group with support from the State Office Finance Section.

Audit triggers beyond being randomly selected:

- PC greater than \$100,000
- Non-compliance with reporting

Findings will be communicated to the PE and an action plan will be implemented.

Schedule, Timeline, and Deadlines

* Dates are for Counties and SSDs. Municipalities are offset by 6 months as they continue to follow the State Fiscal year for 2023 and 2024.

FFSL Timeline:

Action	Date	Source
Annual PC Financial Statement • Link to submittal site • Reminder to update primary contact • Volunteer rate for the year • Links to CWS PE Guide and training	By Sept 15	State Office Finance Section

• Contact for Warden and AM		
Compliance Letter • Notifying PE of receipt -or- • Notifying PE of non-receipt of fulfillment form • With non-receipt or shortage a probation status • If probation, steps to become compliant • Reminder to update primary contact • Links to CWS PE Guide and training • Contact for Warden and AM	By January 15	State Fuels Deputy
1st quarter email “newsletter” to all PEs • Informing of passing of 1st quarter and a reminder of spring opportunities • Reminder to update primary contact • Links to CWS PE Guide and training	By April 15	State Fuels Deputy
2nd quarter email “newsletter” to all PEs • Informing of passing of 2nd quarter and reminder of upcoming fall opportunities • Reminder to update primary contact • Links to CWS PE Guide and training	By July 15	State Fuels Deputy
3rd quarter email “newsletter” to all PEs • Reminder that 3 months left to complete fulfillment form • Link to fulfillment form • Reminder of results of non-compliance • Links to CWS PE Guide and training • Contact for Warden and AM • Reminder to update primary contact	By Oct 15	State Fuels Deputy
Random Audits of PEs	Oct through Dec	State Office Finance and DNR Audit Group
Follow-up phone calls for PEs that have not submitted • Offer assistance • Reminder of results of non-compliance	As needed close to or after year-end	Area Manager/Warden
Submit Annual Fulfillment Documentation	By Dec 31	PE

Timeline for Entities:

Action	County and SSD Dates	Municipality Dates
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Receive Annual PC Statement	By September 30	By May 31
Fill, Sign, and Return PC Statement to Area Manager	By December 31	By July 1
Perform projects and record in UWRAP CWS portal	Calendar Year	July-June Fiscal Year
Request Area Manager approval for new Carry-Over	Within the calendar year that the work was performed	Within the fiscal year that the work was performed
Compile PC Report Using Annual Summary Accounting Sheet	November-December	May-June
Upload Completed Annual PC Report to UWRAP CWS Portal	By December 31	By June 30
Final date for submitting report to avoid Probationary status	January 31	July 31

Frequently Asked Questions

Can a PE pay for their PC or do they have to do work?

FFSL cannot accept direct payment for the PC.

Does equipment maintenance count toward PC?

Regular maintenance such as; oil changes, tires, replacing worn hose, etc does NOT count toward PC.

Do equipment upgrades count toward PC?

Upgrades such as; bigger hose reel, bigger pump, suspension, etc DOES count toward PC. The key is demonstrating that you are adding new capacity.

How do I assign a value to equipment time if the piece of equipment I am using on the project does not appear in the provided table?

Work with your Area Manager to settle on an acceptable rate. Rental rates are one good proxy, as is rates for comparable equipment in the rate sheet. The equipment rate sheet will be periodically updated to include new equipment.

Can volunteer work by landowners count towards PC?

Landowner time can count towards an entity's PC if it is in support of a wildfire risk reduction project initiated by that entity. Identifying the project in the CWPP, including it in the PC Statement, and entity-distributed in-kind tracking forms are all ways to demonstrate that a project initiated by the entity and that the purpose is to reduce wildfire risk.

Can a PE appeal a non-allowable action?

The Cooperative Agreement allows "informal" appeals to the State Forester

How do I ensure that my mitigation actions are captured in the risk map?

The best way to capture mitigation treatments is to map them in UWRAP when entering your Mitigation Actions. Just use the "Map" link and either draw your project, or upload a shapefile.

What if my PE doesn't have the technological know-how to use UWRAP to upload documents?

Step by step instructions are available, in PDF form in Appendices 1 and 2. In addition, your local Area Manager will make annual training available to the entities.

Appendix 1: [CWS Training Manual for Approvers](#)

Appendix 2: [CWS Training Manual for Users](#)

Appendix 3: Rates:

[Equipment](#)

[Volunteers](#)

RESOLUTION 23-XX-XX

A RESOLUTION ADOPTING AND APPROVING A COOPERATIVE AGREEMENT BETWEEN KAYSVILLE CITY AND THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS PROVIDING FOR COOPERATION WHEN FIGHTING WILDLAND FIRES NEAR KAYSVILLE CITY

WHEREAS, Kaysville City and the Utah Division of Forestry, Fire, and State Lands desire to enter into an Cooperative Agreement regarding wildland fires; and

WHEREAS, the State has wildland areas which abut Kaysville City; and

WHEREAS, the City has a desire to assist the State in fighting these fires to protect the citizenry and their property from wildland fires; and

WHEREAS, this agreement sets forth the mutual obligations that the State and City would have regarding these issues; and

WHEREAS, it is deemed to be in the best interest of the citizens of Kaysville to adopt and approve the Cooperative Agreement between Kaysville City and the Utah Division of Forestry, Fire, and State Lands.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

1. That the Cooperative Agreement between Kaysville City and the Utah Division of Forestry, Fire, and State Lands, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That the Mayor is authorized to execute the necessary documents.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **20th day of July, 2023.**

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

**COOPERATIVE AGREEMENT
BETWEEN THE
UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS
AND**

This agreement shall become effective on the date of the last authorized signature and will remain in effect until December 31, 2024. This agreement may only be amended by mutual written agreement of the parties. In the event of disagreement between this agreement and any statute or regulation, the statute or regulation shall control. No waiver of any terms of this agreement will be valid unless in writing in accordance with R652-122-200 (2017).

SECTION I: RECITALS AND GLOSSARY OF TERMS

- A. Pursuant to Utah Code § 65A-8-203 (2021), this Cooperative Agreement is required for a county, municipality, or certain other eligible entity (“Participating Entity”) and the State of Utah, Division of Forestry, Fire and State Lands (“FFSL”)(collectively “parties”) to cooperatively discharge their joint responsibilities for protecting non-federal land from wildland fire.
- B. Glossary of Terms
- a. Annual Participation Commitment Report – a report prepared by the Participating Entity detailing the expenditures and activities conducted in compliance with the Participation Commitment during the past fiscal year.
 - b. Cooperative Agreement – an agreement between FFSL and an Eligible Entity wherein the Eligible Entity agrees to meet a Participation Commitment and provide Initial Attack for wildland fire in the entity’s jurisdiction, and FFSL agrees to pay for wildland fire suppression costs following a Delegation of Fire Management Authority as found in Utah Code § 65A-8-203.1 (2017), as well as all aviation asset costs charged to the incident.
 - c. Eligible Entity – as defined in Utah Code § 65A-8-203 (2021) means:
 - i. a county, a municipality, or a special service district, local district, or service area with wildland fire suppression responsibility as described in Utah Code § 11-7-1(2017); and wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or
 - ii. upon approval by the FFSL director, a political subdivision established by a county, municipality, special service district, local district, or service area that is responsible for providing wildland fire suppression services; and paying for the cost of wildland fire suppression services
 - d. Extended Attack – actions taken in response to wildland fire after Initial Attack.
 - e. Initial Attack – actions taken by the first resources to arrive at any wildland fire incident. Initial actions may be size-up, patrolling, monitoring, holding action, or aggressive suppression action. All wildland fires that are controlled by suppression forces undergo initial attack. The kind and number of resources

responding to initial attack varies depending on fire danger, fuel type, values to be protected and other factors. Generally, initial attack involves a small number of resources and the incident size is small. Regardless of fire type, location, or property/resources being threatened, firefighter and public safety is always the highest priority. (NWCG Wildland Fire Incident Management Field Guide, 2013)

- f. Participation Commitment – prevention, preparedness, and mitigation actions and expenditures undertaken by a Participating Entity to reduce the risk of wildland fire and meet the intent of Utah Code § 65A-8-202 (2017) and Utah Code § 65A-8-202.5(2017).
- g. Annual Participation Commitment Statement – a statement prepared by FFSL and sent to the Participating Entity detailing the Participation Commitment for the upcoming fiscal year.
- h. Participating Entity – an Eligible Entity with a valid Cooperative Agreement.
- i. Fiscal Year - a consecutive 12-month period for financial reporting, as determined by the Participating Entity's budget cycle.

SECTION II: CERTIFICATION OF QUALIFICATIONS

FFSL and the Participating Entity certify that the following qualifications have been met:

- A. The Participating Entity is a qualifying eligible entity.
- B. The Participating Entity agrees to adopt a Community Wildfire Preparedness Plan (CWPP) (or equivalent approved by FFSL).
 - a. If the Participating Entity has a CWPP at the time of executing this agreement, the Participating Entity agrees to maintain and implement the CWPP for the duration of this agreement.
 - b. If the Participating Entity does not have a CWPP at the time of executing this agreement, the Participating Entity agrees to make a good faith effort to develop and adopt a CWPP prior to the expiration of this agreement.
- C. The Participating Entity's fire department or fire service provider as defined in Utah Code § 65A-8-203 (2021) meets minimum standards for wildland fire training, certification, and equipment based on nationally accepted standards as specified by FFSL in R652-122-1400 (2017).
- D. FFSL agrees to provide an Annual Participation Commitment Statement and the Participating Entity agrees to review, approve, and return the signed Annual Participation Commitment Statement to FFSL before the start of the Participating Entity's fiscal year.
- E. The Participating Entity agrees to implement prevention, preparedness, and mitigation actions, which are identified in their CWPP and lead to reduction of wildfire risk, according to their Annual Participation Commitment Statement.

- F. The Participating Entity is not ineligible for a Cooperative Agreement pursuant to R652-122-200 (2017), R652-121-400 (2017), or R652-121-600 (2017)
- G. If the Participating Entity is a county or has jurisdiction over unincorporated private land, the county in question has adopted a wildland fire ordinance based on minimum standards established by FFSL in R652-122-1300 (2017).
- H. If the Participating Entity is a county or has jurisdiction over unincorporated private land, the county in question has a designated fire warden as described in Utah Code § 65A-8-209.1 (2022) and has entered into a County Warden Agreement (Addendum A).

SECTION III: PARTICIPATION COMMITMENT

FFSL and the Participating Entity agree to the following provisions:

A. Participation Commitment

- a. The Participating Entity agrees to fulfill a Participation Commitment as contained in R652-122-800 (2017) and R652-122-200(6)(c) (2017).
- b. The Participation Commitment includes prevention, preparedness, and mitigation actions identified in an FFSL-approved CWPP or equivalent wildland fire preparedness plan.

B. Participation Commitment Expenditures and Activities

- a. The Participation Commitment may be met through either direct expenditures or in-kind activities.
 - i. Direct expenditures include funds spent by the Participating Entity to implement wildland fire prevention, preparedness or mitigation actions identified in Addendum B or with the approval of the Participating Entity's respective FFSL Area Manager.
 - ii. In-kind activities include wildland fire prevention, preparedness or mitigation efforts identified in Addendum B or with the approval of the Participating Entity's respective FFSL Area Manager.
 - 1. In-kind expenditures are valued at the rate calculated by the "Independent Sector" (<https://www.independentsector.org/>), the same source used for FFSL's Fire Department Assistance Grant program.
 - iii. Participation Commitment cannot be met through direct payment to the State.
- b. FFSL staff (e.g., County Warden, WUI Coordinator, FMO, or Area Manager) may assist the Participating Entity with identifying valid Participation Commitment actions and activities based on the Participating Entity's FFSL-approved CWPP or equivalent wildfire preparedness plan.

C. Participation Commitment Accounting and Reporting

- a. The Participating Entity is responsible for accounting for its respective Participation Commitment activities and expenditures.
 - i. The value of Participation Commitment expenditures and activities may, in certain instances, “carry-over” to the next fiscal year with the approval of the respective FFSL Area Manager.
 - 1. The value of capital improvement projects--typically, large “preparedness-type” projects--can carry-over for five years, with no single project’s value accounting for more than 25% of the Participating Entity’s total Participation Commitment for any of those years. This is the same 25% annual maximum that applies to all preparedness activities as noted on Addendum B.
 - 2. All other non-capital improvement actions (e.g., a large fuels reduction project) can carry over for three years. No maximum value applies to mitigation actions as described in Addendum
 - 3. It is the responsibility of the Participating Entity to receive approval from their respective FFSL Area Manager in advance of pursuing a carry-over
 - 4. It is the responsibility of the Participating Entity to account for, track and report in their annual Participation Commitment Report the carry-over from year to year.
- b. The Participating Entity agrees to provide an Annual Participation Commitment Report detailing the Participation Commitment activities and expenditures to their local FFSL Area Office at the conclusion of the Participating Entity’s fiscal year (via the County Fire Warden) for annual review and approval by FFSL.
 - i. FFSL shall have the right to review and verify records related to the Participation Commitment. FFSL shall also have the right to deny unverifiable or incorrect records.

D. Annual Participation Commitment Statement

- a. In advance of a Participating Entity’s fiscal year, FFSL will send the Participating Entity an Annual Participation Commitment Statement.
- b. In order to continue participation for the Participating Entity’s upcoming fiscal year, the Participating Entity’s executive officer must approve, sign, and return the Annual Participation Commitment Statement to FFSL by the due date contained in the Statement. Failure to do so will terminate this agreement at the conclusion of the Participating Entity’s current fiscal year.
- c. The Annual Participation Commitment Statement is based on the Participating Entity’s fiscal year, and the corresponding Participation Commitment must be met throughout the Participating Entity’s next fiscal year.

E. Participation Commitment Calculation

- a. The Participation Commitment is based on two elements, a wildfire risk assessment by acres (“Risk Assessment”) conducted by FFSL, and the historic fire cost average (“Fire Cost Average”) in each Participating Entity’s jurisdiction.
 - i. The Risk Assessment is determined by FFSL’s “Utah Wildfire Risk

Assessment Portal” (UWRAP), which will be updated as data sources, technology, and funding allow.

- ii. The Fire Cost Average is based on historic suppression costs accrued by a Participating Entity. Only wildland fire suppression costs accrued and paid by the State on behalf of a Participating Entity are counted toward that entity’s historic fire cost average. This includes State-paid costs after a Delegation of Fire Management Authority and Transfer of Fiscal Responsibility has occurred.
 - 1. The Fire Cost Average is calculated on a rolling ten-year average, dropping the highest and lowest cost years and adjusting for inflation (using the Consumer Price Index); therefore, each ten-year average will have eight data points.
 - 2. The Fire Cost Average will only include State-paid suppression costs for areas for which the Participating Entity has fire suppression responsibility and taxing authority.
- b. FFSL will calculate the Participation Commitment for the Participating Entity according to the formula found in R652-122-300 (2017), R652-122-400 (2017) and R652-122-500 (2017).

F. Participation Commitment Appeals

- a. Decisions related to the Participation Commitment may be informally appealed to the State Forester.

**SECTION IV: INITIAL ATTACK, DELEGATION OF FIRE MANAGEMENT
AUTHORITY, TRANSFER OF FISCAL RESPONSIBILITY,
and EXTENDED ATTACK**

A. Initial Attack

- a. The Participating Entity agrees to primary responsibility for Initial Attack (“IA”). IA is defined as actions taken by the first resources to arrive at any wildland fire incident. Initial actions may be size-up, patrolling, monitoring, holding action, or aggressive suppression action. All wildland fires that are controlled by suppression forces undergo initial attack. The kind and number of resources responding to initial attack varies depending on fire danger, fuel type, values to be protected and other factors. Generally, initial attack involves a small number of resources and the incident size is small. Regardless of fire type, location, or property/resources being threatened, firefighter and public safety is always the highest priority (NWCG Wildland Fire Incident Management Field Guide, 2013).
- b. Effective wildland fire IA will be determined by FFSL based on the definition above and pursuant to Utah Code § 65A-8-202 (2017), defined as what is reasonable for the entity.
- c. The Participating Entity agrees to financial responsibility for all IA costs except aviation assets, which are the responsibility of the State.
- d. FFSL agrees to financial responsibility for all costs of aviation assets, including both IA and extended incidents.

- i. Aviation assets on initial run cards as established by the State will not:
 - 1. be counted towards a Participating Entity's historic fire cost average for purposes of annually calculating the Participating Entity's Participation Commitment; and,
 - 2. cause the Delegation of Fire Management Authority or Transfer of Fiscal Responsibility.
- B. Delegation of Fire Management Authority and Transfer of Fiscal Responsibility
 - a. Delegation of Fire Management Authority and Transfer of Fiscal Responsibility ("Delegation") occur simultaneously with one of the following events:
 - i. State or federally owned lands are involved in the incident; or,
 - ii. firefighting resources are ordered through an Interagency Fire Center (beyond "pre-planned dispatch"); or,
 - iii. at the request of the Participating Entity having jurisdiction by the local fire official on scene; or,
 - iv. by decision of the State Forester after consultation with local authorities.
 - b. Delegation to FFSL means FFSL or its designee becomes the primary incident commander, in a unified command environment with the agency having jurisdiction.
- C. Extended Attack
 - a. Upon Delegation a timestamp will be recorded via radio with the Interagency Fire Center servicing the incident.
 - b. Delegation documentation will be signed by all parties on the incident organizer and resource needs will be reevaluated in the transition from initial to extended attack.
 - c. This timestamp will also be reflected on the Crew Time Reports (CTR)/Shift Ticket of all resources that are not covered by a no-cost local agreement, such as an automatic aid system or other inter-local agreement.
 - d. At the time of the Delegation, a new CTR/Shift Ticket will be started for all resources to be used in the extended attack effort.
 - e. FFSL agrees to be financially responsible for the wildland fire suppression costs beyond IA if a Delegation occurs and the Participating Entity meets the terms of Code, Rule, and this Agreement.

SECTION V: WILDLAND FIRE RESPONSE TRAINING, CERTIFICATION AND EQUIPMENT STANDARDS

- A. Wildland Fire Response Training and Certification
 - a. FFSL prefers certification by the Utah Fire Certification Council as Wildland Firefighter I, as certified by the Utah Fire and Rescue Academy (UFRA).
 - b. At a minimum, the Participating Entity will ensure that firefighters providing Initial Attack to wildland fire within the Participating Entity's jurisdiction will be trained in NWCG S130 Firefighter Training and S190 Introduction to Wildland Fire Behavior. FFSL also recommends S215 Wildland Urban Interface Firefighting Operations.

- i. This includes firefighters who are directly involved in the suppression of a wildland fire; firefighters on scene who have supervisory responsibility or decision-making authority over those involved in the suppression of a wildland fire; or individuals who have fire suppression responsibilities within close proximity of the fire perimeter.
 - ii. This does not include a person used as a courier, driver of a vehicle not used for fire suppression, or a person used in a non-tactical support or other peripheral function not in close proximity to a wildland fire.
 - iii. Upon the Delegation of Fire Management Authority, Firefighters not certified by the Utah Fire Certification Council as Wildland Firefighter I will be released from Initial Attack or reassigned to other firefighting duties.
 - iv. FFSL reserves the right to reevaluate these requirements.
- c. The Participating Entity will ensure that firefighters providing Initial Attack to wildland fire within the Participating Entity's jurisdiction will complete RT130 Annual Fireline Safety Refresher Training prior to each statutory "closed fire season" as found in Utah Code § 65A-8-211(2017).
- d. In order to be eligible for state reimbursement for wildland fire suppression response outside of its jurisdiction,
 - i. a Participating Entity's firefighters and fire departments must follow the qualifications outlined in the FFSL Memorandum of Understanding; or
 - ii. the County or participating entity fire departments for qualified resources used under this agreement on federal, state or out-of-county (or out-of-entity) fires pursuant to the terms and conditions outlined in the fire department MOU and rate agreement

B. Wildland Fire Response Equipment Standards

- a. The Participating Entity will ensure that engines, water tenders, hand tools, and water handling equipment used for response to wildland fire on non-federal land within the Participating Entity's jurisdiction will meet the standard for the type of equipment as determined by the National Wildfire Coordinating Group and/or as indicated in FFSL's annual Fire Department Manual.

SECTION VI: WILDLAND FIRE COST RECOVERY LEGAL ACTIONS

- A. Pursuant to Utah Code § 65A-3-4 (2020), the Participating Entity agrees to initiate a civil action to recover suppression costs incurred by the Participating Entity and the State of Utah on non-federal land within the Participating Entity's jurisdiction for wildland fire caused negligently, recklessly, or intentionally.
- B. Counsel for FFSL will provide assistance with these actions.
- C. Any costs recovered may reduce the Participating Entity's Historic Fire Cost Average and Participation Commitment.

SECTION VII: BREACH AND TERMINATION

- A. If, at the end of a fiscal year, FFSL determines that the Participating Entity has not complied with the terms of this agreement, including but not limited to, failing to comply with the Participation Commitment or failing to comply with the terms stated in Utah Code § 65A-8-203(4) (2021), the entity will be placed on Probation Status by FFSL and given notice of this decision, the reasons for this decision, and actions required to remove Probation Status.
- B. A decision to place the Participating Entity on Probation Status may be appealed to the State Forester. The State Forester may conduct an investigation, hold an informal hearing, and/or request further information from the Participating Entity and/or FFSL.
- C. During Probation Status, the Participating Entity may continue to receive assistance as provided in this Cooperative Agreement, but the Participating Entity must come into compliance with the Cooperative Agreement by the end of the fiscal year.
- D. If the Participating Entity comes into compliance with the Cooperative Agreement by the end of the first Probation Status fiscal year, the Probation Status shall be lifted.
 - a. If the reason for the Probation Status is that the Participating Entity has failed to fulfill its Participation Commitment during the previous fiscal year, the Participating Entity must fulfill the Participation Commitment for the previous year, as well as the Participation Commitment for the current fiscal year by the end of the fiscal year in order to have its probation status lifted.
 - i. If during the first Probation Status year, the Participating Entity fulfills its Participation Commitment for the previous fiscal year, but not for the first Probation Status year, the Probation Status may be extended for a second fiscal year.
 - ii. If during the second Probation Status year, the Participating Entity fails to fulfill the Participation Commitment for both the first and second Probation Status years, the Cooperative Agreement shall be revoked as specified in subsection VII(E) herein below
 - b. Participation Commitment expenditures and actions shall be credited towards the outstanding obligation before being credited to the current obligation.
- E. If the Participating Entity does not come into compliance with the terms of this Cooperative Agreement by the end of the first Probation Status fiscal year (or second Probation Status fiscal year if the non-compliance is failure to meet the Participation Commitment), this Cooperative Agreement shall be revoked pursuant to Utah Code § 65A-8-203 (2021) and the entity shall not be eligible for assistance from the Wildland Fire Suppression Fund and shall be responsible for wildland fire suppression costs within its jurisdiction pursuant to Utah Code § 65A-8-203.2 (2017)
- F. If the Participating Entity is on probation or otherwise non-compliant with the terms of this or a prior agreement with FFSL, and enters into a new cooperative agreement with FFSL, the

prior obligations and status remain in effect until rectified according to the terms of this agreement.

- G. Either party may terminate this agreement by providing the other party with written notice 30 days prior to the termination date.
- H. If either party terminates this agreement, the Participating Entity shall only be allowed to enter into a new cooperative agreement pursuant to R652-121-600 (2017).

UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS:

Authorized Signature

Date

Title

PARTICIPATING ENTITY:

Authorized Signature

Date

Title

APPROVED AS TO FORM: Tony Clinger, Assistant Attorney General, March 29, 2023

CITY COUNCIL STAFF REPORT



MEETING DATE: July 20, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Cole Stephens

SUBJECT/AGENDA TITLE: Award of Contract for Janitorial Maintenance Services

EXECUTIVE SUMMARY:

Eight bids were received for our 2023 RFB Janitorial Maintenance Services. Attached is the bid tabulation sheet and the weighted tabulation we use in grading our bids.

I recommend awarding the contract to Caliber Cleaning Services LLC. Caliber was the lowest dollar amount and scored the highest on the weighted tabulation sheet. Janitorial services are be billed on a monthly basis with a new annual cost of \$54,000. Our current vendor rate is \$68,000 on an annual basis. This is budgeted in FY 24 General Government Buildings account. We have budgeted \$78,000 for these services. If awarded, this contract will be \$24,000 under budget.

Buildings that are cleaned under this contract: Municipal Building, Police Station, Fire Dept (Admin), Recreation Building, and Operation Center (everything except large bays).

Contract terms from bidding documents:

"The term of the resulting agreement shall be for a period of one (1) year beginning September 1, 2023 and ending August 31, 2024. The contract period may be extended for up to two (2) additional one-year terms (three (3) years total), in accordance with the City's best interest and at the sole option of the City. Annually, at the time of renewal, the Contractor may submit a request to change the proposed price. If the City does not approve the price change requested, it may cancel the contract and solicit new proposals. The agreement shall be able to be cancelled by either party upon 30 days written notice to the other party...."

Furnish all necessary labor, materials and equipment to provide janitorial cleaning services for the following facilities in accordance with the following and the attached instructions, requirements and specifications....."

City Council Options:

Approve, Deny, Table for more information

Staff Recommendation:

Approve

Fiscal Impact:

FY 24 Budget General Government

ATTACHMENTS:

1. RFB Tabulation Sheet Janitorial Services 2023
 2. RFB Weighted Score Sheet Janitorial RFB 2023
-

Kaysville City Janitorial Maintenance Services - Tabulation Sheet									
June 14, 2023									
		Respondent Name							
		RBM Building Services	SWAV Home and Business	Caliber Cleaning Services LLC	Magic Cleaning Corp	MasterCorp	EcoBrite Services	Wingfoot Services	Vanguard Cleaning Systems
	Base Bid - Monthly								
1	Municipal Center	\$2,104.99	\$1,681.00	\$1,650.00	\$2,775.00	\$1,900.24	\$2,375.00	\$2,295.00	\$1,212.00
2	Police Station	\$1,550.44	\$1,251.00	\$1,250.00	\$3,975.00	\$2,288.89	\$2,375.00	\$1,195.00	\$1,444.00
3	Fire Station Administration	\$387.97	\$751.00	\$400.00	\$1,575.00	\$630.98	\$745.00	\$495.00	\$540.00
4	Parks and Recreation Building	\$1,062.14	\$1,046.00	\$600.00	\$2,775.00	\$1,881.14	\$1,154.00	\$1,145.00	\$785.00
5	Operation Center	\$1,267.34	\$1,406.00	\$600.00	\$2,375.00	\$1,931.70	\$1,154.00	\$1,695.00	\$1,012.00
	Monthly Total	\$6,372.88	\$6,135.00	\$4,500.00	\$13,475.00	\$8,632.95	\$7,803.00	\$6,825.00	\$4,993.00
	Annual Total	\$76,474.56	\$73,620.00	\$54,000.00	\$161,700.00	\$103,595.40	\$93,636.00	\$81,900.00	\$59,916.00
	Monthly Price includes all chemicals, equipment and labor - City provides all paper products								
	Contract can be terminated with 30 day written notice								

RFB Janitorial Services Contract 2023

Rating Factor	Weight	Respondent Name															
		RBM Building Services		SWAV Home and Business		Caliber Cleaning Services LLC		Magic Cleaning Corp		Master Corp		EcoBrite Services		Wingfoot Services		Vanguard Cleaning Systems	
		Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Fee Proposal	0.30	3.5	1.05	3.5	1.05	5	1.50	1	0.30	1.5	0.45	2	0.60	3	0.90	4.5	1.35
RFB standards	0.10	3	0.30	3	0.30	3	0.30	3	0.30	3	0.30	3	0.30	3	0.30	3	0.30
Prior Experience	0.20	4	0.80	4	0.80	4	0.80	4	0.80	4	0.80	4	0.80	4	0.80	4	0.80
Quality of Service	0.20	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60
Quality of Product	0.20	4.25	0.85	4	0.80	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60	3	0.60
	1.00		3.60		3.55		3.80		2.60		2.75		2.90		3.20		3.65

Rating Factor	Weight	Sample	
		Score	Weighted Score
Price Proposals	0.30	4	1.20
Does Proposal meet RFB standards	0.10	2	0.20
Prior Experience - e.g., history, review of clients and references	0.20	3	0.60
Quality of Service - e.g. availability of meetings, supervisors, org structure	0.20	3	0.60
Quality of Product -e.g. past customers experience, similar buildings, other services provided as options	0.20	2	0.40
			0.00
	1.00		3.00

- 0 Totally unresponsive, does not meet minimum requirements.
- 1 Well below average, barely meets minimum requirements.
- 2 Slightly below average, meets minimum requirements.
- 3 Average, meets minimum requirements, exceeds minimum requirements in some areas.
- 4 Above average, exceeds minimum requirements in many or all areas.
- 5 Outstanding, far exceeds minimum requirements in most areas.

CITY COUNCIL STAFF REPORT



MEETING DATE: July 20, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: An Ordinance vacating the City's interest in certain public utility easements in Charly's Acres #2 Third Amended Subdivision

EXECUTIVE SUMMARY:

The property owners of Lot 304 in Charly's Acres #2 Third Amended Subdivision have requested that the City vacate a Public Utility Easement along the Southeasterly line of their lot. After some review, City Staff, utility providers and the property owners have discovered that vacating this easement would be in their mutual best interest. This ordinance would vacate the easement by quit-claiming any interest we have in the easement back to the property owners.

City Council Options:

1) Approve the ordinance authorizing Mayor Tran to execute the deed; 2) Approve the ordinance with any modifications that the Council deems appropriate; 3) Decline to adopt the ordinance and remand to staff with further direction.

Staff Recommendation:

Staff recommends that the City Council approve the ordinance vacating the public utility easement.

Fiscal Impact:

None

ATTACHMENTS:

1. Ordinance quit-claiming the public utility easements
 2. Quit-claim deed
-

ORDINANCE xx-xx-xx

**AN ORDINANCE QUIT-CLAIMING A PUBLIC UTILITY EASEMENT ON
REAL PROPERTY LOCATED AT APPROXIMATELY 2097 WEST 200 NORTH
TO TERRAVENTURE DEVELOPMENT LTD.**

WHEREAS, Terraventure development LTD. owns several parcels of real property located at approximately 2097 West 200 North; and

WHEREAS, Terraventure development LTD. have dedicated an easement for the installation of public utilities on that property; and

WHEREAS, Kaysville City has reviewed this area and has determined that we do not need that easement to install any of our public utilities; and

WHEREAS, Kaysville City desires to Quit-Claim our interest in the existing easement on that real property because it is no longer necessary; and

WHEREAS, the City Council of Kaysville City deems it to be in the best interest of the City to Quit-Claim its interest in the easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KAYSVILLE,
UTAH:**

1. That the City Quit-Claim its interest in the public utility easement to Terraventure development LTD., which is attached hereto as Exhibit "A" and incorporated herein by this reference

2. That the Mayor be authorized to sign the said Quit-Claim Deed and vacate the said easement on behalf of the City.

**PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ day of
_____, 2023.**

—
ATTEST:

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder

Kaysville City Corporation
23 East Center Street
Kaysville, Utah 84037

Kaysville City Corporation of 23 East Center Street, Kaysville, County of Davis, State of Utah, GRANTOR, hereby **QUIT-CLAIM** to Terraventure Development LTD, of 475 North 300 West, Suite 204, Kaysville, County of Davis, State of Utah, for the sum of Ten Dollars (\$10.00) and/or other valuable consideration, the 10' Public Utility easement along the southeasterly line of lot 304 of Charly's Acres #2 Third Amended Subdivision recorded as Entry No. 3018800 in Book 6761 at Page 56 of the Official Records of Davis County, being a part of the Southwest Quarter of Section 32, Township 4 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, in Kaysville City, Davis County, Utah, described metes-and-bounds as follows:

Contains 6,771 sq. ft.

WITNESS the hand of said Grantor(s), this _____ day of _____, 2023.

Tamara Tran, Mayor

Annemarie Plaizier, City Recorder

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COUNTY OF DAVIS)

On the _____ day of _____, 2023, personally appeared before me Tamara Tran, who duly acknowledged to me that she is the Mayor of Kaysville City, and that the document was signed by her on behalf of said corporation, and Tamara Tran acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

CITY COUNCIL STAFF REPORT



MEETING DATE: July 20, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: An Ordinance amending Section 17-24 "Farm Animals" of the Kaysville City Code to allow chickens, ducks and similar animals in the R-1-6 zone and on twin-home parcels

EXECUTIVE SUMMARY:

Shortly after Easter, Marissa Loertscher contacted the city inquiring about keeping ducks on her property, which is a twin home on a lot that is approximately 5,600 square feet in size. The existing code does not allow for farm animals of any kind on properties under 8,000 square feet. Ms. Loertscher and her husband submitted a text amendment application which would change the code to allow rabbits, ducks, chickens and similar fowl on their property.

Dan Jessop, Zoning Administrator, conducted some independent research and confirmed the data submitted by the applicants was supportable. However, Mr. Jessop concluded that there was a simpler way to allow such uses on smaller properties and met with the applicants to determine if the alternative approach was acceptable to them. The applicants were satisfied with the proposed changes and the proposal was scheduled for a public hearing.

At the June 22, 2023 Planning Commission meeting, the Commission held a public hearing and received a comment from a resident who would like to have an allowance for additional animals if they are pygmy sized. Mr. Loertscher also commented and suggested a uniform size across all properties would be less complex.

The Planning Commission discussed the item and recommended the ordinance be changed to require a minimum of 500 square feet for each fowl, rabbit or similar animal and that they be allowed on lots as small as 4,000 square feet. The Planning Commission voted 7-0 to recommend the City Council approve the proposed changes.

City Council Options:

1. Approve the proposed text amendment as recommended by the Planning Commission.
2. Approve the proposed text amendment with additional modifications.
3. Deny the proposed text amendments.

Staff Recommendation:

Based on the findings below, staff recommends approval of text amendments to 17-24-2 as provided in

the attached ordinance.

1. The Planning Commission held a public hearing and issued a recommendation of approval at the June 22, 2023 Planning Commission Meeting.
2. Staff and applicant analysis finds that smaller lots are conducive to happy and healthy fowl.
3. After General Plan review, staff didn't find anything contradictory to the proposed text amendments.
4. Other findings the City Council may want to add.

Fiscal Impact:

N/A

ATTACHMENTS:

1. Draft Ordinance Chapter 24 Farm Animals CC 7-20-23
 2. Planning Commission Staff Report Farm Animals Fowl_Duck Text Amendment 6.22.23
 3. Loertscher Farm Animal Change Proposal
 4. Planning Commission Minutes Excerpt Farm Animals 6-22-2023
-

ORDINANCE __-__-__

AN ORDINANCE AMENDING TITLE 17, CHAPTER 24, SECTION 2 FARM ANIMALS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kaysville City desires to encourage a diverse and healthy community; and

WHEREAS, Kaysville City also wishes to allow urban farming and keeping of fowl and small farm animals in appropriate locations; and

WHEREAS, the Planning Commission held a public hearing on the ordinance and issued a recommendation of approval of proposed changes at the June 22, 2023 meeting with a vote of 7-0; and

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to amend the ordinance as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 17, Chapter 24, Section 2 shall be amended to read as follows:

Chapter 24 Farm Animals

17-24-1 Purpose

17-24-2 Animal Allowance

17-24-3 Yard And Structure Regulations

17-24-4 Other Requirements

17-24-1 Purpose

This chapter establishes the standards by which farm animals may be kept within Kaysville City in a manner that will protect the public health and minimize the potential for nuisance.

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be ~~4,000~~~~8,000~~ square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	4,000	700-500
	8,000	700-5001,600

	14,000	700-500 1,400
	20,000	700-800 500
	21,780	435-500
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

17-24-3 Yard And Structure Regulations

1. Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.
2. Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
3. Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

17-24-4 Other Requirements

In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions as provided in [KCC 17-30](#).

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop, Zoning Administrator

Date: June 5, 2023

Agenda Item: Public Hearing to consider approval a new text amendment to Kaysville 17-24-2 Farm Animals

Meeting Date	June 22, 2023
Application Type	Ordinance Text Amendment
Applicant	Marissa Loertscher
Chapter Title Section	Title 17-24-2 Farm Animals - Animal Allowance

1. BACKGROUND

Marissa submitted a Title 17 Planning and Zoning/Land Use Code Text Amendment application on May 26th, 2023 requesting we include the animal provision text amendment to include chickens, ducks, and similar small animals to be allowed in the new R-1-6 zone and on Twin-home parcels. We were given a substantial amount of research the resident had gathered that justified the request (attached below). Staff also researched the information on the internet provided by Urban Chicken experts and found that these numbers provided are well within the parameters of happy and healthy chickens.

On June 13, 2023 staff met with the applicant and her husband to discuss the text amendments proposed. We agreed that the 700 feet proposed per small animal meets all her research and mine and should provide for happy animals and happy neighbors. The point system suggested by the applicant was considered, however, it was decided to be more complicated than calculating from the square footage. Applicant was okay with decision.

Existing ordinance was before R-1-6 zone amendment. The city has had many request for twin home lots for allowing chickens. They are not allowed now because of the 8,000 minimum square footage requirement. Title 17-28 Twin Home Duplex Conversion states the lot area shall be not less than four thousand (4,000) square feet for any dwelling unit, or one-half of the zone requirement, whichever is the greater.

Staff has looked at potential complaints from neighbors. I researched and found that a happy bird needs only 13 to 15 square feet to run and 3 square feet to couple. I feel a 10x12 foot run would not impact any neighbors negatively and would accommodate 8 to 9 birds. Planning

Commission may have other concerns that applicant or staff may answer. Our ordinance states coops must be 15' from homes or adjacent neighbor detached buildings.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Noticed was posted on June 9, 2023. To date, no comments have been received.

3. RECOMMENDATION

Based on the findings below, staff recommends the Planning Commission send a recommendation of approval to the City Council to the Text amendments to 17-24-2 as provided in the attached draft ordinance.

- a) Staff and applicant analysis finds that smaller lots are conducive to happy and healthy fowl.
- b) After General Plan Review we found nothing that was contradictive to the proposed text amendments.
- c) Other findings the Planning Commission may want to add.

Attachments:

- 1. Draft Ordinance 17-24-2
- 2. Farm animal change proposal from applicant

Hello Kaysville City Officials. We have three attachments for our Farm Animal 17-24 update proposal. Thank you!

Contents:

[Attachment 1 – Cover Letter](#)

[Attachment 2 – Proposed update with sources](#)

[Attachment 3 – Email question and answer from Council member Hunt](#)

May 2023

ATTN: Kaysville City Community Development, Kaysville City Building Department, and
Kaysville City Council

23 E Center Street
Kaysville, UT 84037

Subject: Kaysville Farm Animal Ordinance Update Proposal Letter

Hello Kaysville City Officials,

Quincy and Marissa Loertscher (hereinafter referred to as “we”) reside at [REDACTED]
[REDACTED], zoned R-1-8. We are proposing the attached text updates to Kaysville Farm Animal
Ordinance Title 17-24-2.

Why:

- We would like to adopt the dumped domestic/pet ducks at the local Kaysville Ponds.
 - Domestic waterfowl (ducks) are and have been dumped at local ponds. These animals do not survive in the wild as they are domestic. It is cruel to dump these animals and is unlawful per City Code 15-7-1 Cruelty to Animals.
 - At the local Kaysville Ponds there are currently 7 dumped domestic ducks. If they are not rescued they will most likely be killed by predators, the elements, or eventually starvation. We have been in contact with regional duck rescues but they are currently at capacity.
 - Additionally, rescuing these 7 dumped domestic ducks will ensure that no more domestics are born at the Kaysville Ponds, so that the pond will remain clear for wildlife and intended purposes.
- Approving the **attached proposed updates** to the Kaysville City Farm Animal ordinance 17-24 (or alterations of the proposed updates) will allow for more Kaysville citizens to help rescue dumped pets while maintaining the city’s standards for residences.

We are happy to comply with an on-site plan review if needed. Additionally, we are available to meet to discuss this request further as well as any alterations to the proposed ordinance update that would make it more in line with what the city desires.

Thank you for your time and consideration.

Sincerely,
Marissa & Quincy Loertscher

[REDACTED]

Proposed text updates to Kaysville City Code Title 17 Chapter 24 Farm Animals

(removals in red, additions in green)

17-24-1 Purpose

This chapter establishes the standards by which farm animals may be kept within Kaysville City in a manner that will protect the public health and minimize the potential for nuisance.

17-24-2 Animal Allowance

Rooster chickens are not permitted in R-T, R-1, R-D, R-2, R-4 and R-M zones. The minimum residential lot size for the keeping of farm animals within any zone district shall be ~~8,000~~ 5,000^{1,7} square feet. The kind and number of animals that may be kept on a lot in any zone district (not including suckling offspring) is as follows:

Table 17-24-2-1: Animal Point Allocation by Lot Size²

Lot Size	Animal Points Allocated
5,000 – 7,999 sq ft	10
8,000 – 19,999 sq ft	25
20,000+ sq ft	50 +1 each additional 500 sq ft

Table 17-24-2-2: Animal Types³

Type of Animal	Number of Animal Points	Lot Size Requirements
Small fowl (hens, ducks), rabbits, or similar animals	1 point each	Minimum 5,000 sq ft
Large fowl (turkeys, peacocks) or similar animals	2 points each	Minimum 5,000 sq ft
Sheep, goats, llamas, or similar animals	10 points each	Minimum 20,000 sq ft
Horses, cattle, or similar animals	20 points each	Minimum 20,000 sq ft
Swine, including pot belly pigs	90 points each	Minimum 40,000 sq ft

Animals	Minimum Lot Size In Square Feet	Lot Area In Square Feet Required For Each Animal
Fowl, rabbits or similar animals	8,000	1,600
	14,000	1,400
	20,000	800
	21,780	435
Sheep, goats, llamas or similar Animals	20,000	10,000
	21,780	5,445
Horses, cattle or similar animals	21,780	10,890
Swine, including pot belly pigs	43,560	43,560

17-24-3 Yard And Structure Regulations

- 1) Structures for the care and keeping of farm animals may be permitted in all districts where farm animals are permitted, provided that all such structures are compliant with the following:

Table 17-24-3-1: Farm Animal Structure Regulations⁴

Farm Animal Category	Required minimum distance of structure from all buildings on adjacent lots predominantly used or occupied by humans	Required minimum distance of structure from any property line ⁵
Small fowl, large fowl, rabbits, or similar animals*	Twenty feet (20')	Five feet (5')
Sheep, goats, llamas, horses, cattle, or similar animals	Fifty feet (50')	Ten feet (10')
Swine, including pot belly pigs	Two hundred feet (200')	Thirty feet (30')

*coops/hutches for small animals shall meet a minimum of 2 square feet of floor space per animal.⁶

~~Structures for the care and keeping of fowl, rabbits or similar animals may be permitted in all districts where fowl, rabbits or similar animals are permitted, provided that all such structures are located at least fifteen feet (15') from all buildings on adjacent lots predominantly used or occupied by humans. Other structures for the care and keeping of farm animals except swine, may be permitted in all districts where farm animals are permitted, provided that all such structures are located at least fifty feet (50') from all buildings on adjacent lots predominantly used or occupied by humans. Structures for the care and keeping of swine shall be located at least two hundred feet (200') from all buildings on adjacent lots predominantly used or occupied by humans.~~

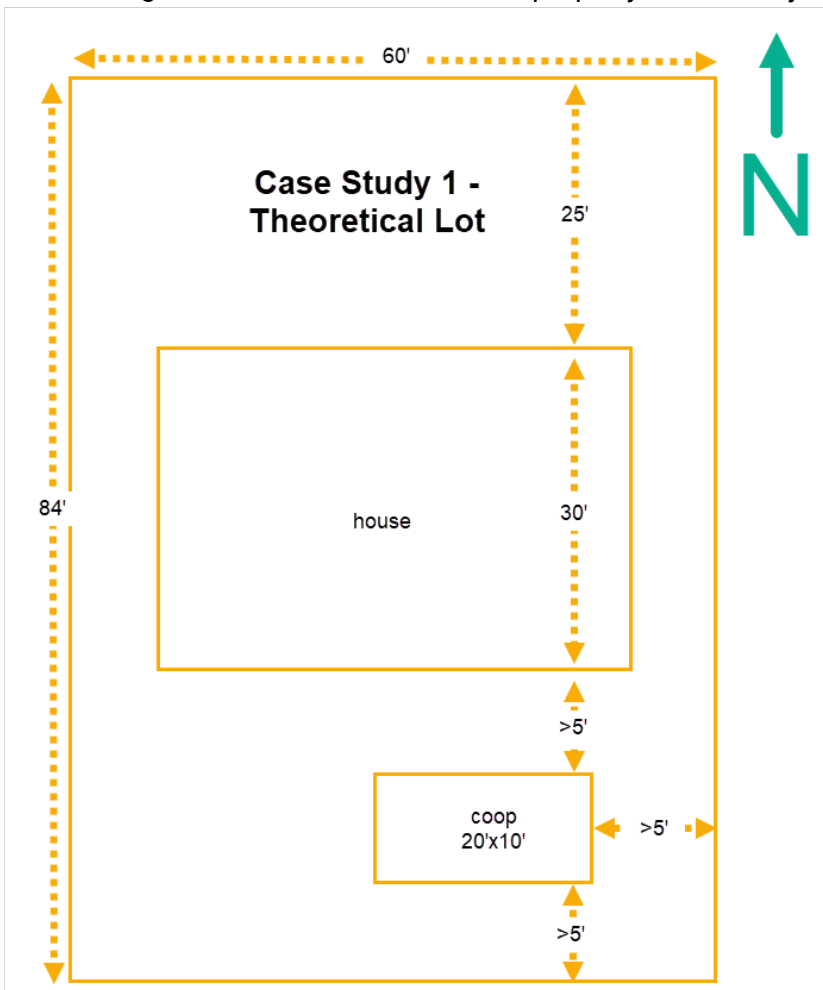
- 2) Applicant shall show that odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.
- 3) Farm animals must be kept within an enclosed area or structure sufficient to contain the animals on site.

17-24-4 Other Requirements

In zoning districts where farm animals are allowed as a conditional use, the provisions of this chapter shall be the minimum requirements. The Planning Commission may add additional conditions as provided in KCC 17-30.

Endnotes (rationales and sources):

1. Rationale and example for reducing minimum lot size to 5,000 square feet while still meeting current code requirements for lot size. Case Study 1 (theoretical lot) calculations for lot size:
 - 1.1. Front yard 1500 sq ft
 - 1.1.1. 60 ft minimum width for R-1-8 lots (ref. 17-12-6 2) multiplied by minimum front yard of 25 ft (ref. 17-12-6 3) equals 1500 square feet of lot space.
 - 1.2. House layout of 1320 sq ft
 - 1.2.1. 60 ft minimum width for lots R-1-8 (ref. 17-12-6 2), subtract 16 ft total side yard width (ref. 17-12-6 4) for an approximately 44 ft wide house, with 30 ft depth (increased from Case Study 2 (ref. endnote 7) size of 24 ft depth to apply to more cases) takes approximately 1320 square feet of lot space.
 - 1.3. Backyard is 5000-1500-1320-side yards = 1740 square feet.
 - 1.3.1. One coop with maximum number of small animals (10) for this lot size with 20 square feet of space per animal (largely increased from minimum requirement of 6 square feet floor space per animal if not allowed outside of coop/run (ref. endnote 6.1.2) will be 200 square feet (200 square feet chosen to show maximum size of building/shed/coop before a permit is required (ref 17-31-2)).
 - 1.4. **Conclusion:** This allows a 200 square foot coop to comfortably fit in a 1740 square foot space while still meeting the minimum distance from property line and adjoining property buildings.



2. Animal Point Allocation allows for flexibility in types and quantity of farm animals while still maintaining regulations.
 - 2.1. North Salt Lake Domestic Farm Animal code utilizes an animal point allocation system (<https://www.nslcity.org/398/Domestic-Farm-Animals>).
3. Proposed update for 17-24-2 for Animal Points is based on:
 - 3.1. North Salt Lake Domestic Farm Animal code (reference above link)
 - 3.2. Existing Kaysville City Code (17-24-2 table) to allow for approximately the same number of types of farm animals per lot size.

Comparison of farm animals allowed by lot size - Existing vs Proposed Code

Lot size (sq ft):	Existing Kaysville Code					Proposed Code		
	8,000-13,999	14,000 - 19,999	20,000 - 21,779	21,780 - 43,559	43,560 +	5,000 - 7,999	8,000 - 19,999	20,000+
Fowl, rabbits or similar animals	5	10	25	50	Not shown	10	25	50 +
[Large fowl, new proposed category]	-	-	-	-	-	5	12	25 +
Sheep, goats, llamas or similar animals	Not allowed	Not allowed	2	4	Not shown	Not allowed	Not allowed	5 +
Horses, cattle or similar animals	Not allowed	Not allowed	Not allowed	2	Not shown	Not allowed	Not allowed	2 +
Swine, including pot belly pigs	Not allowed	Not allowed	Not allowed	Not allowed	1	Not allowed	Not allowed	1* req. min. lot size 40,000 sq ft

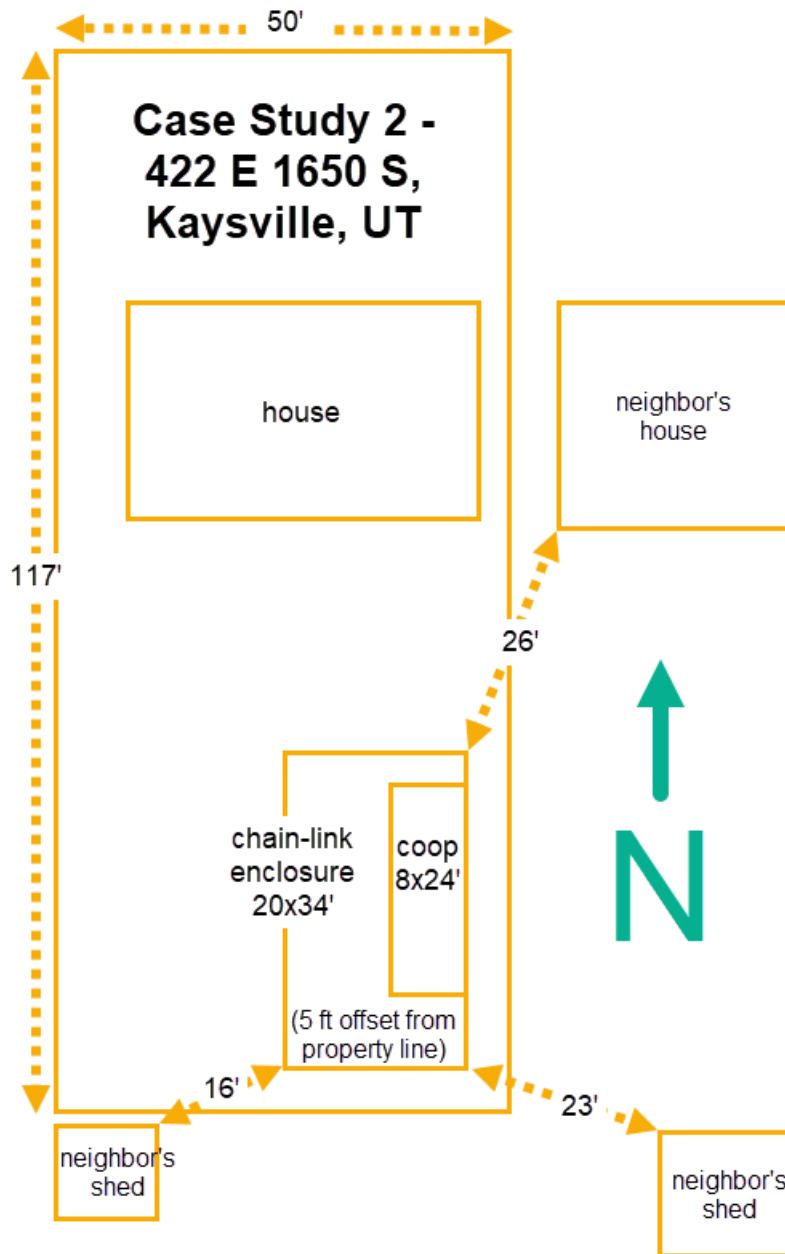
3.3. Notes on above comparison

- 3.3.1. Square Feet required per animal: The current code of lot area required for each animal changes based on lot size. Alternatively, we propose that animals should have a minimum required living space regardless of lot size. The proposed update allows for a minimum required living space for each animal type (incorporated into the point allocation system). This will allow for easier calculation of animal combination types as well as a simpler way to show how much space each animal needs.
- 3.3.2. Minimum lot size requirement: The current code has minimum lot sizes for animals but the number of allowed animals changes based on small lot size increments. For example, a 20,000 square foot lot can have 25 rabbits, but a lot with 1,780 additional square feet (21,780) can have 50 rabbits. The proposed update allows for smoother lot size ranges while still maintaining similar amounts of animals allowed in each lot size.
4. The proposed update for section 17-24-3 uses the same information from the existing code but formats it in a table to allow for easier readability and additional requirements. Note that "Required minimum distance of structure from all buildings on adjacent lots predominantly used or occupied by humans" is proposed to increase from 15 to 20' to allow for better control of nuisance as described in 17-24-3 2. Additional sources come from:
 - 4.1. Centerville Code 12.55.240 Raising of Chickens and/or Rabbits (https://centerville.municipalcodeonline.com/book?type=zoning#name=12.55.240_Raising_Of_Chickens_And/or_Rabbits)
 - 4.1.1. "Coops/cages shall be detached from the home and shall be at least six feet from any on-site structure, at least **18 feet** from an adjacent dwelling."

- 4.2. Salt Lake City Code 8.08.065 Keeping Chickens
(https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-49880)
 - 4.2.1. "The coop shall be located in a rear yard at least **twenty five feet (25')** from any dwelling located on an adjacent lot."
- 4.3. Bountiful Chapter 22 (<https://www.bountifulutah.gov/file/030b335d-fc3b-4a52-aa28-aef4b3b5e405>)
 - 4.3.1. "Any coop or enclosure shall be located at least **twenty (20) feet** from any primary residential dwelling on an adjoining property."
5. Required minimum distance of structure from property line is a proposed new addition from current code to allow for better control of nuisance as described in 17-24-3 2. Sources on distances come from:
 - 5.1. Cornell University David Skeval Executive Director and John R. Langey Esq, Partner
(<http://www.ongov.net/planning/documents/C.PlanningforSmallFarmAnimalsinCommunities.pdf>)
 - 5.1.1. "Set back from property line [for Chickens, Goats, Rabbits] **10 [feet].**"
 - 5.2. Centerville Code 12.55.240 Raising of Chickens and/or Rabbits
(https://centerville.municipalcodeonline.com/book?type=zoning#name=12.55.240_Raising_Of_Chickens_And/or_Rabbits)
 - 5.2.1. "Coops/cages shall be... at least... **three feet** from any rear or side property line."
 - 5.3. North Salt Lake (<https://www.nslcity.org/398/Domestic-Farm-Animals>)
 - 5.3.1. "Enclosure must be at least **5 feet** from property lines"
 - 5.4. Bountiful Chapter 22 (<https://www.bountifulutah.gov/file/030b335d-fc3b-4a52-aa28-aef4b3b5e405>)
 - 5.4.1. "Any coop or enclosure shall be located... at least **five (5) feet** from any property line."
6. Coop floor space (from proposed update in 17-24-3). Sources on required floor space for fowl in coops comes from:
 - 6.1. Salt Lake City Chapter 8.08.065 Keeping Chickens
(https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-49880)
 - 6.1.1. "The coop shall have a minimum floor area of at least **two (2) square feet** per chicken."
 - 6.1.2. "If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of **six (6) square feet** per chicken."
 - 6.2. Centerville Code 12.55.240 Raising of Chickens and/or Rabbits
(https://centerville.municipalcodeonline.com/book?type=zoning#name=12.55.240_Raising_Of_Chickens_And/or_Rabbits)
 - 6.2.1. "Coops/cages shall provide at least **two and one-half square feet** per chicken/rabbit."
 - 6.3. Roy City Code
([https://cms7files1.revize.com/roycityut/Business/community%20development/Chicken%20and%20Rabbit%20Guidelines%206-7-16%20\(PDF\).pdf](https://cms7files1.revize.com/roycityut/Business/community%20development/Chicken%20and%20Rabbit%20Guidelines%206-7-16%20(PDF).pdf))
 - 6.3.1. "Must provide a minimum of **two (2) square feet** per animal."
 - 6.4. Utah State University, Housing Backyard Chickens
(https://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=2327&context=extension_curall)
 - 6.4.1. "Allow **1.5 to 2.0 ft²** floor space per adult chicken."

7. Case Study 2 and additional considerations.

7.1. Case Study 2: Proposed coop at 422 E 1650 S, Kaysville, UT 84037 (lot size approx. 5500 sq ft). The proposed coop on this lot meets the guidelines in the proposed ordinance update with sufficient considerations for reducing possibilities of nuisance as described in 17-24-3 2.



7.2. Additional resource on backyard farm animals: USU Report Housing Backyard Chickens (https://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=2327&context=extension_curall)

7.3. Additional resource on backyard farm animals: CDC Backyard Poultry (<https://www.cdc.gov/healthypets/pets/farm-animals/backyard-poultry.html>)

Upcoming Farm Animal Ordinance Change Proposal

Marissa Loertscher

To: Abbigayle Hunt <councilmember.ahunt@kaysville.gov>

Tue, May 9, 2023 at 12:31 PM

Hi Abbi,

Thank you for getting back to me. I really appreciate you taking the time to read through the proposal and discuss it with me. Your math is spot on. The proposal was a little tricky to put together as a lot of the cities have different rules on animals allowed per lot size, but little or no reasoning as to the numbers they provide. One of the things we want to avoid in our proposal is arbitrary rule, so we appreciate the question and discussion. Here is our thought process:

- North Salt Lake ordinance: We used this as a template to set up the proposed animal allotment table. However, we didn't find any rationale on why they chose those specific allotments of animal points per lot size, so we updated it with numbers based off of Kaysville's existing ordinance as well as USU guidelines.
- These are two main factors we considered when calculating the numbers for the proposal:
 - Amount of living space per animal
 - USU recommends two square feet of floor space per chicken-sized animal (endnote 6.4.1). Additionally, Salt Lake City suggests six square feet of floor space (endnote 6.1.2).
 - To pad this (to show an "extreme") our Case Study 1 shows a 200 sq ft pen/run, which would allow for 20 square feet per chicken (for 10 total chickens).
 - Number of animals per total lot size
 - This calculation varies widely from city to city, as you've probably seen. There are two rationales for our lot sizing choices:
 - We wanted to make sure that the coop/run size would fit on the lot while still maintaining requirements for minimum distance from house, other lots, adjacent buildings, property line, etc. Case Study 1 on the small lot size shows that with standard lot width and yard measurements a coop/run of 200 sq ft will fit. **This is the main rationale that we believe has a lot of backing.** It incorporates living space needed per animal as well as a consideration for lot size and adjoining properties.
 - To relate this back to the existing code, it shows that 435 square feet is required per small animal on large lots. We didn't find any rationale on why this couldn't be extrapolated to smaller lot. For example, if we applied that to a 5,000 sq ft lot there could be 11 small animals. To round this out our proposal suggests 10 animals (so 500 sq ft of lot space per animal) on 5,000 sq ft.

Let me know if you have any further questions or would like to discuss further. We're also happy to set up a meeting if you prefer to discuss in person.

Best,
Marissa

On Mon, May 8, 2023 at 9:02 PM Abbigayle Hunt <councilmember.ahunt@kaysville.gov> wrote

Marissa,

I want to thank you for all of the work you have put into this. It's very well thought out and put together. I just have a few questions. I looked at the North Salt Lake ordinance and my basic math seemed to indicate that their ordinance would allow for much fewer animals in general than the one you're proposing. My math could be wrong, but it seems like their ordinance would allow for 6 small fowl on a 5,000 Sq. ft lot, whereas the one you're proposing would allow 10. Your diagram of a possible proposed property with fowl enclosure showed enough floor space, and open space for that number of animals, but it's a big jump from where we are right now. Do you have any additional information supporting that many fowl/ animals per lot? Again, I just want to say that I really appreciate you reaching out, and for the information. If my question didn't make sense, or my math was wrong don't hesitate to let me know. I look forward to continuing to discuss this with you!

Abbi Hunt



**Kaysville City Planning Commission Meeting Minutes
June 22, 2023**

MEETING EXCERPT

4- PUBLIC HEARING FOR A TEXT AMENDMENT TO TITLE 17 CHAPTER 24 FARM ANIMALS

The item was introduced by Dan Jessop.

Mr. Jessop had a resident reach out to him to see if it was permitted to have ducks where they live. Mr. Jessop found that where the resident lives is too small to allow for ducks. He told them that they could apply for a Text Amendment if they were interested in seeing Title 17 Chapter 24 Farm Animals change to allow for smaller properties to have ducks. Mr. Jessop researched urban chickens and the applicant provided lots of research in favor of allowing ducks on smaller lots. The research showed that the current ordinance was over exaggerated with the square footage and that a happy, healthy chicken only needs 15 ft² for running around and 3 ft² for a coop, which is very minimal space. Mr. Jessop presented the draft ordinance to the Commission and said he added the minimum lot size to be 4,000 ft² and only 700 ft² required for each animal. Mr. Jessop said that these numbers would allow for happy, healthy birds.

Commissioner Allred inquired about the setback for the coop and if it was from the property line or from a neighboring structure.

Mr. Jessop said that the coops need to be 15 feet. from the house or from a neighbors adjacent out building.

Commissioner Allred asked if the resident would need to come in and work with staff for permission to have birds.

Mr. Jessop said that this would be a permitted use if the resident can comply with the ordinances requirements.

Chair Barrus opened up the public hearing and asked the resident to state their name.

Joan Willden approached the Commissioners to talk about allowing miniature goats. She gave an example of the Farm Ordinance 17.16.080 (attached in minutes) from West Bountiful, Utah where they use a point system for allowing the amount of animals on a parcel. West Bountiful's ordinance says that pygmy or miniature farm animals will have one half the points of a normal sized species. Mrs. Willden feels like this would be a good thing to add to the Kaysville City

ordinance.

Quincy Loertscher thanked staff for assistance and discussion. He suggested setting a unified square footage number like sheep and horses have making the ordinance less complicated to understand.

Joan Willden commented that she would not want the ordinance changed to make it so less animals are permitted.

Chair Barrus closed the public hearing.

Commissioner Allred stated he is in favor of urban food production and enjoys the goats, dogs, and chicken in his neighborhood and feels that we could allow some flexibility for urban farming.

Commissioner Lott asked about the standardization of the number and asked for an explanation.

Mr. Jessop said that 21,780 ft² is considered a half acre and larger than that is when other larger animals start to get added to property. He feels that the 435 number is a good number to consider for the needs of the applicant. However he said the Commissioners could suggest a different number to forward to City Council.

Commissioner Young said that she would support the smaller number and it feels like ample room to her.

Commissioner Lyon suggested the 500 number to keep it simple and Commissioner Allred agreed.

Commissioner Lyon made a motion to approve the text amendment for Title 17 Chapter 24 Farm Animals with the amended language to allow for lot area to be 500 ft² across the board for all lot sizes down to the half-acre. Commissioner Lott seconded the motion. The vote was unanimous in favor of the motion (7-0).

CITY COUNCIL STAFF REPORT



MEETING DATE: July 20, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: An Ordinance amending 17-33 "Sign Regulations" of the Kaysville City Code to make minor changes to the language, and to restrict heights of signs along the West Davis Corridor

EXECUTIVE SUMMARY:

At the June 22, 2023 Planning Commission meeting, the Commission was presented with an item regarding changes to KCC 17-33 Sign Regulations. This item had been discussed earlier in the year by both the City Council and the Planning Commission. At that time, both bodies asked staff to look at best practices for signage near scenic byways and return with a recommendation for changes.

Dan Jessop, Zoning Administrator for the City, polled various communities with scenic byways through their boundaries and did not find any information regarding limitation of height along such corridors. Based on the lack of information, staff proposed minimal changes to the ordinance, including some housekeeping items and limiting sign heights on the west side of the West Davis Corridor.

The Planning Commission discussed the ordinance at the June 22, 2023 meeting and voted 7-0 to recommend the City Council approve the proposed changes. No comments were received during the public hearing. However, staff included citizen comments from earlier meetings in the Planning Commission packet.

City Council Options:

1. Approve the proposed text amendment as recommended by the Planning Commission.
2. Approve the proposed text amendment with additional modifications.
3. Deny the proposed text amendment.

Staff Recommendation:

Based on the information and findings identified in the staff report, staff recommends approval of text amendment to KCC 17-33 Sign Regulations as provided in the attached ordinance.

1. No substantive changes to the sign height are proposed.
2. No best practices data has been found in Utah regarding sign heights along scenic byways.
3. The General Plan is neutral on the proposed text amendment.
4. Protection of the Great Salt Lake view shed to the west will allow passersby to enjoy an unobstructed view.

5. Development to the east of the scenic byway allows building heights which are equal to or higher than proposed sign height limits.
6. Other findings the Council may wish to add.

Fiscal Impact:

N/A

ATTACHMENTS:

1. Draft Ordinance Chapter 33 Sign Regulations CC 7-20-23
 2. Planning Commission Sign Code Packet 6.22.23
 3. PC Minutes Excerpt Signs 6-22-2023
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ORDINANCE __-__-__

AN ORDINANCE AMENDING TITLE 17, CHAPTER 33 SIGN REGULATIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kaysville City desires to encourage a diverse and healthy business profile; and

WHEREAS, Kaysville City also desires to assist in insuring that existing and permitted businesses are able to thrive and develop in a manner ensuring appropriate signage; and

WHEREAS, the Planning Commission held a public hearing on the ordinance and issued a recommendation of approval of proposed changes at the June 22, 2023 meeting with a vote of 7-0; and

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to amend the ordinance as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 17, Chapter 33, Sign Regulations shall be enacted to read as follows:

Chapter 33 Sign Regulations

17-33-1 Purpose

17-33-2 Interpretation

17-33-3 Scope And Application

17-33-4 Definitions

17-33-5 Permit Required

17-33-6 Abatement Of Dangerous Signs

17-33-7 General Sign Provisions

17-33-8 Prohibited Signs

17-33-9 Signs Permitted By Zone

17-33-1 Purpose

This Chapter seeks to promote public safety, enhance and promote the unique identity of Kaysville City and help both residents and visitors in locating civic, cultural, and business entities within the City by regulating the use and construction of signs.

It is also the intention and purpose of this Chapter to promote short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics to create streetscapes of buildings and landscaping that are functional and attractive to both residents of Kaysville City as well as visitors.

17-33-2 Interpretation

The sign requirements contained herein are declared to be the maximum allowable and sign types not specifically allowed as set forth within this Chapter are prohibited. Where other ordinances are in conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

17-33-3 Scope And Application

Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations herein specified. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this Title.

17-33-4 Definitions

In this Chapter the terms, phrases, words, and their derivatives shall have the meanings as stated and defined in this Chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined in this Chapter, but defined in this Title, shall be construed as so defined.

Alterations - Change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

Building, Front Line of - The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grades and eaves overhanging less than two feet (2').

Building Line - A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Non-complying Sign or Sign Structure - A sign or sign structure or portion thereof lawfully existing at the time this Chapter became effective, which does not comply with all height, area, and yard regulations prescribed in the zone in which it is located.

Setback - The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

Sign - Every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

This definition does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, "A" Frame - A movable sign constructed of plastic, metal or wood with two sides attached at the top so as to allow the sign to stand in an upright position.

Sign, Advertising - An off-premise sign.

Sign, Animated - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign, Area - The areas of a sign that are used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, Awning - A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building.

Sign, Balloon - Advertisement supported by a balloon anchored to the premises where the advertised use is conducted, commodity sold or service performed.

Sign, Banner - A sign constructed of cloth, canvas, fabric, or other light material and designed to be displayed on an on-premise, ground sign or building wall for a short period of time.

Sign, Billboard - An off-premise sign.

Sign, Business - An on-premise sign.

Sign, Canopy - A roofed structure constructed of fabric or other material placed as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and supports extending to the ground directly under the canopy.

Sign, Changeable Copy (Automatic) - An animated sign on which the copy changes automatically on a lamp bank or through mechanical means.

Sign, Changeable Copy (Manual) - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Sign, Construction - A sign identifying an existing or proposed development project which may contain the name of the project, and name and address of construction firms, architects, engineers, developers, etc.

Sign, Development - A sign identifying a proposed or newly constructed development advertising property for sale or lease.

Sign, Directional - A sign indicating direction to a specific use which the user has applied for and the City has determined there is sufficient need and benefit to traffic safety.

Sign, Electronic Message Center (E.M.C.) - A sign that is capable of displaying a changeable electronic message or image.

Sign, Flat - A sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

Sign, Floodlighted - A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Frame - A movable sign mounted on a frame.

Sign, Governmental - A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or other governmental regulation.

Sign, Ground - A sign supported by a fixed permanent frame or support in the ground, including monument signs.

Sign, Identification - A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises, e.g., schools, churches, hospitals.

Sign, Illuminated - A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Interior - A sign located within a building so as to be visible only from within the building in which the sign is located.

Sign, Low Profile - On-premise, ground signs having a maximum height of four feet (4'), incorporated into some form of landscape design scheme or planter box.

Sign, Marquee - A permanent roofed structure designed to meet all provisions of the current International Building Code and other specifications as outlined in this Title. Where

specifications as outlined in this Title are different from the provisions of the International Building Code, the more restrictive shall apply.

Sign, Menu Board - A sign which lists the meal items for sale.

Sign, Monument - An on-premise ground sign which is incorporated into the landscape or site features.

Sign, Name Plate - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Sign, Off-Premise - An advertising sign which directs attention to a use, product, commodity, or service not on the premises.

Sign, On-Premise - A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises on which it is located.

Sign, Open House - An off-premise sign advertising real estate open for inspection.

Sign, Pedestal - A moveable sign supported by a column or columns in a base not attached to the ground, constructed of plastic, metal or wood, so as to allow the sign to stand in an upright position.

Sign, Political - A sign announcing, opposing or supporting a particular issue, political party or candidate for public office.

Sign, Projecting - A sign attached to a building or other structure and extending in whole or in part more than twenty-four inches (24") beyond any wall of the building or structure.

Sign, Promotional - A permanently attached changeable copy sign for the display of promotional items offered for sale on the premises. Includes track letter signs.

Sign, Property (Real Estate) - A sign related to the property upon which it is located and offering such property for sale or lease.

Sign, Public Necessity - A sign informing the public of any danger or hazard existing on or adjacent to the premises.

Sign, Right-of-Way - A sign installed by Kaysville City constructed of cloth, canvas, fabric, or other light material and designed or intended to be displayed across or over a public right-of-way for a short period of time.

Sign, Roof - A sign erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof twelve inches (12") or more.

Sign, Service - A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots; location of rest rooms; sale of agricultural products produced upon the premises and which bear, as an incidental part of the sign, the name, address or trademark of persons furnishing such sign to the owner of the premises.

Sign, Snipe - A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.

Sign, Time and Temperature Device - Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Sign, Trailer - A sign mounted on a trailer or having wheels, displayed as an on-premise sign.

Sign, Vehicle - A sign on a vehicle not customarily and regularly used to transport persons or properties.

Sign, Wall - A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

Sign, Window - A sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building.

Structure - Anything constructed or erected which requires location on or below the ground or attached to something having location on or below the ground, including signs but not including fences or walls used as fences which are six feet or less in height.

17-33-5 Permit Required

1. **Permits.** Except as provided in this Chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Official an application in writing and obtaining a sign permit. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits are required for electric signs. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official.
2. **Application for Permit.** The application for a sign permit shall be made to the **Zoning Administrator** **Community Development Department**, on forms provided, by the owner or tenant of the property on which the sign is to be located, or authorized agent, or a

licensed sign contractor. The application for a sign permit shall be accompanied by the following plans and other information:

1. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address of the proposed sign structure.
 3. A site plan and elevation drawings of the proposed sign, caption and colors of the proposed sign, and such other data as are pertinent to the application. The site plan shall include the proposed location of the sign in relation to the face of the building and to the boundaries of the lot on which it is situated.
 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 5. Application and required information for an electrical permit for all electric signs.
 6. A statement of valuation.
 7. Payment of the permit fees.
3. **Fees for Sign Permit.** Sign permit fees shall be as established ~~from time to time~~ by resolution of the City Council.
4. **Completion Date.** If the work authorized under a sign permit has not been completed within one hundred-twenty (120) days after the permit was issued, said permit shall expire and become null and void, and there shall be no refund of any fee required by this Chapter.
5. **Sign permit not required.** The following do not require a sign permit:
1. The changing of the text or copy of permitted signs.
 2. The electrical, painting, or cleaning maintenance or repair of a permitted sign in accordance with the permit.
 3. "A" Frame signs.
 4. Banner signs.
 5. Construction signs.
 6. Government signs.
 7. Interior signs.
 8. Pedestal signs.
 9. Property (Real Estate) signs no larger than 6 square feet.
 10. Political signs.
 11. Public Necessity signs.
 12. Right-of-Way signs.
 13. Window signs.

These exceptions are not to be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Chapter or any other law or ordinance regulating the same.

HISTORY

Amended by Ord. 21-07-03 on 7/15/2021

17-33-6 Abatement Of Dangerous Signs

If an unsafe or dangerous sign is not repaired or made safe within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the Building Official may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-7 General Sign Provisions

1. **Signs to Conform with Other Codes and Regulations.** All signs shall conform with the provisions of the Uniform Sign Code, National Electric Code, and other codes duly adopted by or applicable in Kaysville City. If any provision of this Chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
2. **Traffic Hazard.** Signs shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision (see KCC 17-31-18); or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse vehicle operators.
3. **Clearances.** Clearances shall be as specified in the Uniform Sign Code. Clearances over utility easements shall be a minimum of fourteen feet (14').
4. **Setbacks.** Unless otherwise specified, the setback for all signs shall be at least eighteen inches (18") from the property line as measured from the leading edge of the sign.
5. **Signs On and Over Public Property.** No sign shall be located on publicly owned land or inside a street right-of-way except signs required and erected by permission of an authorized public agency and "A" Frame, Pedestal and Projecting signs as allowed herein. Signs not permitted include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamp post, telecommunications pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk, or street. Projecting signs may project over public property up to three feet (3'), but in no case be closer than two feet (2') to the curb line or edge of street, whichever is more restrictive. Other signs may not project over public property.
6. **Lighted Signs.** A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. Such lights alleged to violate the above by the adjacent property owners or Building Official shall be subject to ~~a public hearing before the Planning Commission~~ investigation as to the validity of the alleged violation. If such light is determined to be in violation, the owner of said light shall take appropriate corrective action as directed.
7. **Size Computation.** The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign sizes for one total of a ground or projecting sign, not for each use. The total may then be divided

between the uses. There may be any number of flat or wall signs provided their total does not exceed the percentage of wall area coverage allowed.

8. ~~Planning Commission/~~**Conditional Use Permits.** For a site that is five (5) acres or larger, the ~~Planning Commission~~dedicated Land Use Authority may consider an on-premise sign proposal that is less restrictive than regulations set forth herein. Such sign plans shall be considered a conditional use and a determination shall be made that the proposed sign exceptions are not in conflict with the purpose of this Chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development.
9. **Maintenance of Signs.** All signs and advertising structures shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.
10. **Abandonment of Signs.** Signs not maintained as required in Subsection (9), or relating to a product no longer available for purchase or to a business which has moved, shall be removed within thirty (30) days of such unavailability, closure or re location. If an abandoned sign is not maintained and used within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the ~~Zoning Administrator~~Community Development Department may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-8 Prohibited Signs

Signs not specifically allowed by this Chapter are prohibited. The following signs are specifically prohibited:

1. Snipe Signs.
2. Off-premise signs, except Open House signs and Directional signs
3. Any sign over 8 feet tall in any zone located on the west side of SR 177.

17-33-9 Signs Permitted By Zone

Sign(s) paid for by applicant and installed only by Kaysville City subject to complying with the Kaysville City Directional Sign Policy. -sq. ft. maximum 6 ft. maximum — residential zones; 12 ft. maximum — other zones 3 ft. maximum when free standing Installed by City only when approved

Each business occupying a separate space in the building and having a separate exterior building entrance may display one such sign while the business is open for business.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
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All	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Sign must be removed within 30 days from final building or inspection that allows occupancy or when 100% of the facilities are occupied whichever occurs first.
	Directional			In City right-of-way	
	Development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Permitted use in all zones. Allowed on property that is under development for a new subdivision or has an active building permit. Only allowed in residential development on projects where there are 3 or more units for sale/lease. Sign must be removed within 30 days from when 100% of the units/suites are occupied.
	Governmental				By government entity only
	Identification	36 sq. ft. maximum		Attached to main structure	Allowed with public or quasi-public uses. May be floodlighted, but not within 50 feet of a dwelling
	Interior				
	Low Profile	32 sq. ft. plus 1 sq. ft. for every 10 feet of frontage over 30 ft. to a maximum of 64 sq. ft.	4 ft. maximum	On private property and set back 6 ft. from property lines	One sign per street frontage and appropriately landscaped for the site. <u>Conditional Permitted</u> use in agricultural and residential zones. May be lighted by conditional use .
	Name Plate	1 sq. ft. maximum per use — residential zones; 3 sq. ft.		Attached to main structure	

		maximum per use — other zones			
	Open House	3 ft. maximum; 2 ft. in view obstruction area	Within 1,000 feet of real estate open for inspection. On private property not closer than one foot to sidewalk or property line.	Only displayed from one hour before to one hour after the time the real estate is open for actual inspection and not more than 5 continuous hours. Not more than four signs per open house. Not more than one sign on a parcel of property. Must have property owner's permission.	
	Political	32 sq. ft. maximum	6 ft. maximum	On private property and not closer than 10 ft. to a driveway	
	Property (Real Estate)	6 sq. ft. maximum — residential zones; 32 sq. ft. maximum — other zones	On private property	Shall be removed within 30 days after the property is sold	
	Public Necessity				By public agency only

	Service	sq. ft. maximum	On private property	May be lighted in GC, CC and LI zones	
Public Use (PU), Professional Business (PB), General commercial (GC), Central Commercial (CC), Light Industrial (LI), Health Care (HC)	Flat or Wall	25% of a wall area maximum	Not higher than building it is on	Attached to a building	Up to 40 sq. ft. may be promotional sign. Flat signs exposed to dwellings on adjacent property shall not be illuminated within 50 feet of such dwellings.
	Monument	32 sq. ft. plus 1 sq. ft. per every 5 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	5 ft. maximum	1 sign per frontage on private property.	The supporting structure of architectural detail of a monument sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design or with other structural or architectural aspects of the site. Architectural detail may extend beyond the 5 ft. height maximum by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
PU, GC, CC, LI	Banner	Limited to the difference between the size of the on-premise, ground sign, flat or wall sign and the size allowed.	Not higher than the sign or wall it is on.	On an on-premise, ground sign or building wall.	Shall only be displayed for up to one calendar year. Shall be maintained and kept in good repair.
	Menu Board	35 sq. ft. maximum	6 ft. maximum	Behind the front landscaped setback area on private property.	May be two (2) per site
	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15;	45 ft. maximum within 300 feet of I-15; 30 ft.	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. more More than one sign on one parcel shall be separated by <u>at least</u> 100 ft. The

		1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, or within 1,320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	maximum within 3,000 feet of I-15 or within 1,320 feet of another Principal Arterial Street <u>including the east side of West Davis Corridor (SR 177)</u> , 8 feet maximum at other locations.		base and structure of all on-premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.
PB, GC, CC, LI	Electronic Message Center (EMC)	Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.			EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the <u>Planning Commission designated Land Use Authority</u> may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
GC, CC, LI	Animated				Conditional use
	Awning	% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling

	Balloon			On private property	Conditional use for the period permitted Temporary and only allowed for less than 30 days
	Canopy		Structure limit in zone	Attached to a building	Must have building permit
	Marquee		Structure limit in zone	Attached to a building	Must have building permit
	Right-of-Way				
	Window				
GC, CC	"A" Frame or Pedestal	4 feet maximum width	6 feet maximum	On the private property on which the business is located or in the area between the street curb or shoulder and the front lot line of the property on which the business is located, but not obstructing the roadway or pedestrian ways.	
	Projecting	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	

HISTORY

Amended by Ord. 20-05-02 on 5/7/2020

Amended by Ord. 22-07-02 on 7/21/2022

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Dan Jessop, Zoning Administrator

Date: June 12, 2023

Agenda Item: Public Hearing for a text amendment to Title 17 Chapter 33 Sign Regulations

Meeting Date	June 22, 2023
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Chapter Title Section	Title 17-33 Sign Regulations

1. BACKGROUND

On March 23, Planning Commission made a motion to have staff to look into, and bring back information to our Sign Ordinance to see if there should be any text amendments pertaining to the Scenic Byway SR 177. Since then we have completed hours of research calling or emailing many city or county jurisdictions to see what they have on their books for signs adjacent to scenic by-way designated roadways. Staff even put a query out through the Utah Chapter of American Planning Association listserv and did not receive any responses. All the contacts were Utah jurisdictions with designated by-ways from Logan to Moab.

What I found with research was every City, and County that I contacted used land use zoning to determine their sign heights and placement. The Scenic By-Way had no effect on the private property adjacent to right-of-way and sign regulations were the same whether the signs would be located on a scenic byway or otherwise. UDOT regulates everything within their right-of-way.

Staff believes that the preservation of view lies out west of the corridor and has included a provision to protect the view shed of Great Salt Lake. The beautiful lake and Antelope Island is the focus of the view preservation and protection. The east side of the West Davis Corridor the entire length through Kaysville is already developed and likely not the intention of Scenic Byway protection.

Staff believes there are benefits to having signs on the east side with enough height to display the availability of gas and pricing allowed by current zone. It would help generate business and in turn generate tax base. It would benefit travelers allowing time to exit so it would be of some safety aspect as well.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Noticed posted on June 9, 2023. To date, no comments have been received. However, earlier this year public hearings were held for changes to the sign code and comments were received during those hearings. Minutes from those meetings are attached.

3. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval to the City Council to the Text amendments to 17-33 Sign Regulations provided in attachments below. The Text amendments clean up some terms and do some housecleaning. Plus one clause that says no sign higher than 8' west side of corridor.

Staff also recommends the sign code remains the same for height and size requirements for adjacent private properties along corridor. Staff could not find any data to warrant ordinance change to what was already in place.

Findings for a recommendation of approval include:

- a. No substantive changes to the sign height are proposed.
- b. No best practices data have been found in Utah regarding sign heights along scenic byways.
- c. The General Plan is neutral on the proposed text amendment.
- d. Protection of Great Salt Lake view shed to the west will allow passersby to enjoy an unobstructed view.
- e. Development to the east of the scenic byway allows building heights which are equal to or higher than proposed sign height limits.
- f. Other findings from the Planning Commission.

Chapter 33 Sign Regulations

17-33-1 Purpose

17-33-2 Interpretation

17-33-3 Scope And Application

17-33-4 Definitions

17-33-5 Permit Required

17-33-6 Abatement Of Dangerous Signs

17-33-7 General Sign Provisions

17-33-8 Prohibited Signs

17-33-9 Signs Permitted By Zone

17-33-1 Purpose

This Chapter seeks to promote public safety, enhance and promote the unique identity of Kaysville City and help both residents and visitors in locating civic, cultural, and business entities within the City by regulating the use and construction of signs.

It is also the intention and purpose of this Chapter to promote short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics to create streetscapes of buildings and landscaping that are functional and attractive to both residents of Kaysville City as well as visitors.

17-33-2 Interpretation

The sign requirements contained herein are declared to be the maximum allowable and sign types not specifically allowed as set forth within this Chapter are prohibited. Where other ordinances are in conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

17-33-3 Scope And Application

Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, ~~extended~~, enlarged or altered, unless in conformity with the regulations herein specified. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this Title.

17-33-4 Definitions

In this Chapter the terms, phrases, words, and their derivatives shall have the meanings as stated and defined in this Chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined in this Chapter, but defined in this Title, shall be construed as so defined.

Alterations - Change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

Building, Front Line of - The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grades and eaves overhanging less than two feet (2').

Building Line - A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Non-complying Sign or Sign Structure - A sign or sign structure or portion thereof lawfully existing at the time this Chapter became effective, which does not comply with all height, area, and yard regulations prescribed in the zone in which it is located.

Setback - The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

Sign - Every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, "A" Frame - A movable sign constructed of plastic, metal or wood with two sides attached at the top so as to allow the sign to stand in an upright position.

Sign, Advertising - An off-premise sign.

Sign, Animated - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign, Area - The areas of a sign that are used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, Awning - A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building.

Sign, Balloon - Advertisement supported by a balloon anchored to the premises where the advertised use is conducted, commodity sold or service performed.

Sign, Banner - A sign constructed of cloth, canvas, fabric, or other light material and designed to be displayed on an on-premise, ground sign or building wall for a short period of time.

Sign, Billboard - An off-premise sign.

Sign, Business - An on-premise sign.

Sign, Canopy - A roofed structure constructed of fabric or other material placed as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and supports extending to the ground directly under the canopy.

Sign, Changeable Copy (Automatic) - An animated sign on which the copy changes automatically on a lamp bank or through mechanical means.

Sign, Changeable Copy (Manual) - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Sign, Construction - A sign identifying an existing or proposed development project which may contain the name of the project, and name and address of construction firms, architects, engineers, developers, etc.

Sign, Development - A sign identifying a proposed or newly constructed development advertising property for sale or lease.

Sign, Directional - A sign indicating direction to a specific use which the user has applied for and the City has determined there is sufficient need and benefit to traffic safety.

Sign, Electronic Message Center (E.M.C.) - A sign that is capable of displaying a changeable electronic message or image.

Sign, Flat - A sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

Sign, Floodlighted - A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Frame - A movable sign mounted on a frame.

Sign, Governmental - A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or other governmental regulation.

Sign, Ground - A sign supported by a fixed permanent frame or support in the ground, including monument signs.

Sign, Identification - A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises, e.g., schools, churches, hospitals.

Sign, Illuminated - A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Interior - A sign located within a building so as to be visible only from within the building in which the sign is located.

Sign, Low Profile - On-premise, ground signs having a maximum height of four feet (4'), incorporated into some form of landscape design scheme or planter box.

Sign, Marquee - A permanent roofed structure designed to meet all provisions of the current International Building Code and other specifications as outlined in this Title. Where specifications as outlined in this Title are different from the provisions of the International Building Code, the more restrictive shall apply.

Sign, Menu Board - A sign which lists the meal items for sale.

Sign, Monument - An on-premise ground sign which is incorporated into the landscape or site features.

Sign, Name Plate - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Sign, Off-Premise - An advertising sign which directs attention to a use, product, commodity, or service not on the premises.

Sign, On-Premise - A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises on which it is located.

Sign, Open House - An off-premise sign advertising real estate open for inspection.

Sign, Pedestal - A moveable sign supported by a column or columns in a base not attached to the ground, constructed of plastic, metal or wood, so as to allow the sign to stand in an upright position.

Sign, Political - A sign announcing, opposing or supporting a particular issue, political party or candidate for public office.

Sign, Projecting - A sign attached to a building or other structure and extending in whole or in part more than twenty-four inches (24") beyond any wall of the building or structure.

Sign, Promotional - A permanently attached changeable copy sign for the display of promotional items offered for sale on the premises. Includes track letter signs.

Sign, Property (Real Estate) - A sign related to the property upon which it is located and offering such property for sale or lease.

Sign, Public Necessity - A sign informing the public of any danger or hazard existing on or adjacent to the premises.

Sign, Right-of-Way - A sign installed by Kaysville City constructed of cloth, canvas, fabric, or other light material and designed or intended to be displayed across or over a public right-of-way for a short period of time.

Sign, Roof - A sign erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof twelve inches (12") or more.

Sign, Service - A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots; location of rest rooms; sale of agricultural products produced upon the premises and which bear, as an incidental part of the sign, the name, address or trademark of persons furnishing such sign to the owner of the premises.

Sign, Snipe - A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.

Sign, Time and Temperature Device - Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Sign, Trailer - A sign mounted on a trailer or having wheels, displayed as an on-premise sign.

Sign, Vehicle - A sign on a vehicle not customarily and regularly used to transport persons or properties.

Sign, Wall - A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

Sign, Window - A sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building.

Structure - Anything constructed or erected which requires location on or below the ground or attached to something having location on or below the ground, including signs but not including fences or walls used as fences which are six feet or less in height.

17-33-5 Permit Required

1. **Permits.** Except as provided in this Chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Official an application in writing and obtaining a sign permit. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits are required for electric signs. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official.
2. **Application for Permit.** The application for a sign permit shall be made to the **Zoning AdministratorCommunity Development Department**, on forms provided, by the owner or tenant of the property on which the sign is to be located, or authorized agent, or a licensed sign contractor. The application for a sign permit shall be accompanied by the following plans and other information:
 1. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address of the proposed sign structure.
 3. A site plan and elevation drawings of the proposed sign, caption and colors of the proposed sign, and such other data as are pertinent to the application. The site plan shall include the proposed location of the sign in relation to the face of the building and to the boundaries of the lot on which it is situated.
 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 5. Application and required information for an electrical permit for all electric signs.
 6. A statement of valuation.
 7. Payment of the permit fees.
3. **Fees for Sign Permit.** Sign permit fees shall be as established ~~from time to time~~ by resolution of the City Council.
4. **Completion Date.** If the work authorized under a sign permit has not been completed within one hundred-twenty (120) days after the permit was issued, said permit shall

expire and become null and void, and there shall be no refund of any fee required by this Chapter.

5. **Sign permit not required.** The following do not require a sign permit:
1. The changing of the text or copy of permitted signs.
 2. The electrical, painting, or cleaning maintenance or repair of a permitted sign in accordance with the permit.
 3. "A" Frame signs.
 4. Banner signs.
 5. Construction signs.
 6. Government signs.
 7. Interior signs.
 8. Pedestal signs.
 9. Property (Real Estate) signs no larger than 6 square feet.
 10. Political signs.
 11. Public Necessity signs.
 12. Right-of-Way signs.
 13. Window signs.

These exceptions are not to be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Chapter or any other law or ordinance regulating the same.

HISTORY

Amended by Ord. 21-07-03 on 7/15/2021

17-33-6 Abatement Of Dangerous Signs

If an unsafe or dangerous sign is not repaired or made safe within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the Building Official may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-7 General Sign Provisions

1. **Signs to Conform with Other Codes and Regulations.** All signs shall conform with the provisions of the Uniform Sign Code, National Electric Code, and other codes duly adopted by or applicable in Kaysville City. If any provision of this Chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
2. **Traffic Hazard.** Signs shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision (see KCC 17-31-18); or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the

words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse vehicle operators.

3. **Clearances.** Clearances shall be as specified in the Uniform Sign Code. Clearances over utility easements shall be a minimum of fourteen feet (14').
4. **Setbacks.** Unless otherwise specified, the setback for all signs shall be at least eighteen inches (18") from the property line as measured from the leading edge of the sign.
5. **Signs On and Over Public Property.** No sign shall be located on publicly owned land or inside a street right-of-way except signs required and erected by permission of an authorized public agency and "A" Frame, Pedestal and Projecting signs as allowed herein. Signs not permitted include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamp post, telecommunications pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk, or street. Projecting signs may project over public property up to three feet (3'), but in no case be closer than two feet (2') to the curb line or edge of street, whichever is more restrictive. Other signs may not project over public property.
6. **Lighted Signs.** A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. Such lights alleged to violate the above by the adjacent property owners or Building Official shall be subject to ~~a public hearing before the Planning Commission~~ investigation as to the validity of the alleged violation. If such light is determined to be in violation, the owner of said light shall take appropriate corrective action as directed.
7. **Size Computation.** The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign sizes for one total of a ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs provided their total does not exceed the percentage of wall area coverage allowed.
8. ~~Planning Commission/~~**Conditional Use Permits.** For a site that is five (5) acres or larger, the ~~Planning Commission~~dedicated Land Use Authority may consider an on-premise sign proposal that is less restrictive than regulations set forth herein. Such sign plans shall be considered a conditional use and a determination shall be made that the proposed sign exceptions are not in conflict with the purpose of this Chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development.
9. **Maintenance of Signs.** All signs and advertising structures shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.
10. **Abandonment of Signs.** Signs not maintained as required in Subsection (9), or relating to a product no longer available for purchase or to a business which has moved, shall be removed within thirty (30) days of such unavailability, closure or re location. If an abandoned sign is not maintained and used within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the ~~Zoning Administrator~~Community Development Department may at once abate and remove said sign and the person having charge, control or

benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-8 Prohibited Signs

Signs not specifically allowed by this Chapter are prohibited. The following signs are specifically prohibited:

1. Snipe Signs.
2. Off-premise signs, except Open House signs and Directional signs
3. Any sign over 8 feet tall in any zone located on the west side of SR 177.

17-33-9 Signs Permitted By Zone

Sign(s) paid for by applicant and installed only by Kaysville City subject to complying with the Kaysville City Directional Sign Policy. -sq. ft. maximum_6 ft. maximum — residential zones; 12 ft. maximum — other zones_3 ft. maximum when free standing_Installed by City only when approved

Each business occupying a separate space in the building and having a separate exterior building entrance may display one such sign while the business is open for business.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
All	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Sign must be removed within 30 days from final building or inspection that allows occupancy or when 100% of the facilities are occupied whichever occurs first.
	Directional			In City right-of-way	
	Development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96	12 ft. maximum	On private property	Permitted use in all zones. Allowed on property that is under development for a new subdivision or has an active building permit. Only allowed in residential development on projects where there are 3 or more units for

		sq. ft. per development			sale/lease. Sign must be removed within 30 days from when 100% of the units/suites are occupied.
	Governmental				By government entity only
	Identification	36 sq. ft. maximum		Attached to main structure	Allowed with public or quasi-public uses. May be floodlighted, but not within 50 feet of a dwelling
	Interior				
	Low Profile	32 sq. ft. plus 1 sq. ft. for every 10 feet of frontage over 30 ft. to a maximum of 64 sq. ft.	4 ft. maximum	On private property and set back 6 ft. from property lines	One sign per street frontage and appropriately landscaped for the site. Conditional Permitted use in agricultural and residential zones. May be lighted by conditional use .
	Name Plate	1 sq. ft. maximum per use — residential zones; 3 sq. ft. maximum per use — other zones		Attached to main structure	
	Open House	3 ft. maximum; 2 ft. in view obstruction area	Within 1,000 feet of real estate open for inspection. On private property not closer than one foot to sidewalk or property line.	Only displayed from one hour before to one hour after the time the real estate is open for actual inspection and not more than 5 continuous hours. Not more than four signs per open house. Not more than	

				one sign on a parcel of property. Must have property owner's permission.	
	Political	32 sq. ft. maximum	6 ft. maximum	On private property and not closer than 10 ft. to a driveway	
	Property (Real Estate)	6 sq. ft. maximum — residential zones; 32 sq. ft. maximum — other zones	On private property	Shall be removed within 30 days after the property is sold	
	Public Necessity				By public agency only
	Service	sq. ft. maximum	On private property	May be lighted in GC, CC and LI zones	
Public Use (PU), Professional Business (PB), General commercial (GC), Central Commercial (CC), Light Industrial (LI),	Flat or Wall	25% of a wall area maximum	Not higher than building it is on	Attached to a building	Up to 40 sq. ft. may be promotional sign. Flat signs exposed to dwellings on adjacent property shall not be illuminated within 50 feet of such dwellings.
	Monument	32 sq. ft. plus 1 sq. ft. per every 5 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	5 ft. maximum	1 sign per frontage on private property.	The supporting structure of architectural detail of a monument sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design or with other structural or architectural aspects of the site. Architectural detail may extend beyond the 5 ft. height maximum

Health Care (HC)					by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
PU, GC, CC, LI	Banner	Limited to the difference between the size of the on-premise, ground sign, flat or wall sign and the size allowed.	Not higher than the sign or wall it is on.	On an on-premise, ground sign or building wall.	Shall only be displayed for up to one calendar year. Shall be maintained and kept in good repair.
	Menu Board	35 sq. ft. maximum	6 ft. maximum	Behind the front landscaped setback area on private property.	May be two (2) per site
	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, or within 1/2 320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	45 ft. maximum within 300 feet of I-15; 30 ft. maximum within 3,000 feet of I-15 or within 1/2 320 feet of another Principal Arterial Street <u>including the east side of West Davis Corridor (SR 177)</u> , 8 feet maximum at other locations.	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. more <u>More</u> than one sign on one parcel shall be separated by <u>at least</u> 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.

PB, GC, CC, LI	Electronic Message Center (EMC)	Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.			EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the <u>Planning Commission designated Land Use Authority</u> may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
GC, CC, LI	Animated				Conditional use
	Awning	% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling
	Balloon			On private property	Conditional use for the period permitted <u>Temporary and only allowed for less than 30 days</u>
	Canopy		Structure limit in zone	Attached to a building	Must have building permit
	Marquee		Structure limit in zone	Attached to a building	Must have building permit
	Right-of-Way				
	Window				
GC, CC	"A" Frame or Pedestal	4 feet maximum width	6 feet maximum	On the private property on which the business is	

				located or in the area between the street curb or shoulder and the front lot line of the property on which the business is located, but not obstructing the roadway or pedestrian ways.	
	Projecting	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	

HISTORY

Amended by Ord. 20-05-02 on 5/7/2020

Amended by Ord. 22-07-02 on 7/21/2022

Utah Scenic Byways and Cities

- 1. Logan Canyon National Scenic Byway (HWY 89)**
 - a. Logan City has no ordinance in sign code for scenic byway.
 - b. Garden City has no ordinance in sign code for scenic byway
- 2. Bear Lake Scenic Byway**
- 3. Ogden River Scenic Byway**
 - a. Huntsville no sign ordinance for byway
 - b. Eden has no business along the Ogden river N/A
 - c. Ogden (12th Street) N/A
- 4. Great Salt Lake Legacy Parkway Scenic Byway (67)**
 - a. Centerville they have the Shore Line
 - b. Bountiful has no ordinance in their sign code for scenic byway
 - c. Farmington
- 5. Mirror Lake Scenic Byway (150)**
 - a. Kamas no sign ordinance for the byway
- 6. Big Cottonwood Canyon Scenic Byway (190)**
 - a. Cottonwood Heights has no ordinance for sign specific to the scenic by other than a architecture review for parts of the main street with no extra height restrictions.
- 7. Little Cottonwood Canyon Scenic Byway (210)**
 - a. Cottonwood Heights no ordinance for the byway
- 8. Provo Canyon Scenic Byway (189)**
 - a. Provo has no scenic byway sign ordinance
 - b. Heber has no scenic byway sign ordinance
- 9. Nebo Loop National scenic Byway (132)**
 - a. Payson
- 10. Energy Loop: Huntington and Eccles Canyons Ntl. Scenic Byway**
 - a. Helper
 - b. Fairview
 - c. Colton
 - d. Huntington
- 11. Flaming Gorge- Unitas National Scenic Byway (191)**
 - a. Vernal has no ordinance in their sign code for scenic byway
- 12. Dinosaur Diamond Prehistoric Highway- Ntl. Scenic Byway**
 - a. Vernal has no sign ordinance for scenic byway
 - b. Duchesne
 - c. Moab
 - d. Green River
- 13. Dead Horse Mesa Scenic Byway (313) – land is BLM, NPS or State Parks; no ordinance**
- 14. Potash-Lower Colorado River Scenic Byway – land is BLM, NPS or State Parks; no ordinance**
- 15. Beaver Canyon Scenic Byway**
 - a. Beaver
- 16. Fish Lake Scenic Byway**
- 17. Capital Reef Country Scenic Byway**

- a. Loa
- b. Torrey
- 18. All-American Road: Scenic Byway 12**
 - a. Panquitch
 - b. Escalante
 - c. Boulder
- 19. Utah's Patchwork Parkway National Scenic Byway**
 - a. Parowan
- 20. Cedar Breaks Scenic Byway**
- 21. Markagunt High Plateau Scenic Byway**
 - a. Cedar City
- 22. Mount Carmel Scenic Byway**
 - a. Kanab
 - b. Springdale
- 23. Bicentennial Highway Scenic Byway**
 - a. Hanksville
 - b. Blanding
 - c. Monticello – does not have a scenic byway code
- 24. Indian Creek Corridor Scenic Byway**
- 25. Trail of the Ancient National Scenic Byway**
 - a. San Juan County – no byway ordinance
- 26. Kolob Fingers Road Scenic Byway**
- 27. Zion Park Scenic Byway**
 - a. Springdale

Centerville: Centerville Shoreland Commerce code:

Signing is to enhance the scenic qualities of the shoreland environment and shall compliment the signing style of the Legacy Parkway.

1. Business signing shall be simple and scaled to allow for sufficient identification of the operation or facility. The style, colors, and materials shall compliment the architecture and design of buildings associated with the sign.
2. Wall sign placement shall comply with CZC 12.54.140. Only Low-Profile monument style signs shall be allowed and shall also comply with CZC 12.54.140.
3. All business signs shall be prohibited within 150 feet of the Legacy Parkway and any major trail/pedestrian pathway system or 50 feet from any other major arterial road.
4. Sign copy shall consist of individual lettering and logos. Sign copy shall not be internally illuminated or animated. Electronic or changeable copy signs are prohibited.
5. Public, Highway, or local street signing shall be similar to the Utah Legacy Parkway Signage Program 2006, as amended. The program's design standards shall be used as a template for the design of all public, highway, or local street signs within the Shorelands Commerce Park District.

6. Informational or business location kiosks may be allowed in the public right-of-way signing program. Such signs shall conform to the public, highway, or local street program design standards and shall be scaled appropriately to maintain the image of the Shorelands Commerce Park District.

28.

MINUTES EXCERPT FROM JANUARY 12, 2023 PLANNING COMMISSION MEETING

4- PUBLIC HEARING FOR A TEXT AMENDMENT FOR A TEXT AMENDMENT TO TITLE 17 CHAPTER 33 SIGN REGULATIONS

Introduced by: Melinda Greenwood

Ms. Greenwood began by sharing that the city is working with a project that will be adjacent to the West Davis Corridor and 200 North where there is three acres of General Commercial zoned property. The project on the property will be 28-30 feet above the grade of 200 North. By amending Title 17 Chapter 33 it would increase the sign height allowance up to 45 feet which is similar to allowances along I-15. She shared other changes to be amended, including:

- Changing of the name Zoning Administrator to Community Development Department.
- No Planning Commission Public Hearing for lighted sign violations.
- Sign permit Conditional Use Permits won't come to Planning Commission.
- Changing conditional uses to permitted.

Staff is recommending that sign height allowances match what is allowed near the I-15.

Commissioner Lyon asked if there anyone in the county working on scenic byway designation or extending the scenic byway out off of Legacy Highway on the West Davis Corridor, because you can't have that kind of signage off a scenic byway.

Ms. Greenwood replied that she did not know about a scenic byway designation.

Commissioner Sommerkorn stated that Legacy Highway was put in as a scenic corridor to help with environmental preservation.

Commissioner Lyon said that Legacy was made a scenic corridor because of the lighting for birds and lighting on signs are not conducive to bird migration. Commissioner Lyon asked if there should be a scenic byway designated.

Commissioner Sommerkorn said that there was talk about putting that area into the scenic byway.

Ms. Greenwood said she would reach out to the City Engineer as well as the Public Works Director to see if they know since they have been involved from the beginning.

Ms. Greenwood mentioned the signage could be in the eastern most boundary of the property, which is about 450 feet east of the West Davis Corridor, so changing it to a scenic byway could change their signage plans on the project. She asked the Commissioners if they want to put a hold on the Public Hearing until there is an answer to their question or do a conditional recommendation.

Commissioner Branch said he would prefer to table the item and Commissioner Barrus said he would entertain a motion and made a motion to table this item until there is more information regarding the question posed by Commissioner Lyon. The motion was seconded by Commissioner Sundloff.

Ms. Greenwood suggested keeping the hearing open until the 26th of January or hold the Public Hearing at the next meeting.

Commissioner Sommerkorn suggested that staff advertise the Public Hearing again for the January 26th meeting.

Chair Barrus said that the Public Hearing would be postponed to the January 26th Planning Commission meeting and started the voting for the motion. The vote was unanimous in favor of the applicant. (5-0)

MINUTES EXCERPT FROM JANUARY 26, 2023 PLANNING COMMISSION MEETING

11- PUBLIC HEARING FOR A TEXT AMENDMENT TO TITLE 17 CHAPTER 33 SIGN REGULATIONS

Introduced by: Melinda Greenwood

Ms. Greenwood reminded the Commissioners that this item was discussed at the January 12, 2023 meeting when the question was raised about the West Davis Corridor and whether or not it is classified as a scenic byway. She informed the Commission that the West Davis Corridor will be a designated scenic byway extending from the current Legacy Highway connection north to the Antelope Drive exit. Staff confirmed that UDOT will not regulate any signage outside of their right of way. Due to the scenic byway designation, billboards wouldn't be allowed, but the regulations of signage on the West Davis Corridor outside of UDOT right of way or on privately owned property shouldn't be impacted.

Ms. Greenwood said no changes were made to the ordinance since the January 12th meeting and reviewed in short the proposed ordinance changes, namely allowing signage in proximity to the West Davis Corridor to 45' in height. She concluded saying recommends the Planning Commission send a recommendation of approval of the proposed text amendment for 17-33 Sign Regulations.

Commissioner Sommerkorn asked about the maximum height in a commercially zoned property under current sign regulation and said that signs along the highway.

Ms. Greenwood answered that 8 feet is the maximum height and the city's Major Street Plan street plan does not designate 200 North as principal arterial street.

Commissioner Sommerkorn asked if West Davis Corridor will be designated as major arterial or a principal arterial street.

Ms. Greenwood said that we could amend the sign code to increase the height or we can designate 200 North as a principal arterial street.

Commissioner Sommerkorn asked if the West Davis Corridor would be designated as a principal arterial and if so, that would allow 30 foot tall sign height, and isn't that high enough?

Chair Barrus opens up the public hearing to hear what the residents think.

Tavan Parker passed out a handout to staff and the Commissioners (see handout 1, 2, and 3 from packet). He began by sharing Legacy Parkway's history and implementation. He said the Legacy Parkway's master Plan stated the following: As part of the master Planning process, a model ordinance was drafted for cities to adopt to more tightly regulate signage, site design, architecture, lighting, fences and other features that could impact the parkway's natural and

scenic integrity. Mr. Parker also referred to The Nature Conservancy's webpage on their collaborative work with UDOT on this project. He summarized the information into 4 points.

- UDOT worked with the Nature Conservancy for 10 years planning how to construct this West Davis Corridor highway to best mitigate impacts to wildlife and the Great Salt Lake Shorelands.
- The Shoreland's Preserve has between 4 and 6 million birds visit, feed, and nest at the lake and its wetlands.
- Some of the mitigation plan agreed to lower the impact was to lower the profile of the highway, utilizing quiet pavement, and limiting lighting.
- UDOT has already been consulted about the commercial location and they would not be directly regulating cities for sign regulation off UDOT property.

Mr. Parker said he looked through all of the neighboring city ordinances along Legacy Parkway to review their sign regulations. He referred to Centerville, West Bountiful, Woods Cross, Farmington, North Salt Lake, Layton City, and Syracuse (see handout 3 for observations). He said that if Kaysville City were to make this change, Kaysville would be the only city along this entire Legacy? West Davis Corridor is a scenic byway and comparing a 4-lane scenic byway to and 8-10 lane major highway would be a shame.

Mr. Parker understands the initial thoughts behind wanting to change the sign regulation but he was hoping the Commissioners would recognize how much of an outlier Kaysville would be and join the other cities in protecting the wildlife and scenic integrity of this area.

Eric Strong wanted to talk about KCC 17-33-7 where it talking about lighted signs. If the business builds a tall sign the light is going to permeate further out if it is lit up. He hopes that if there is going to be a sign at the business that it is preferable that it is not shining in his bedroom window which backs up to lot 1. He said he feels that the taller the light, the worse his situation is going to be.

Tami Strong lives on Island Way and 200 North is her back yard. She said that all during construction of Westgate and the trucks dropping off dirt at the end of 200 North, she has not been able to use her back yard. She mentioned that when the construction for the road was going on the stadium lights come on for the workers starting at 7:00 pm working until 6:30 am so it felt like she was living in the middle of a stadium all night. She does not want to live the rest of her life with lights equally as bright shining into her bedroom.

Ed Davis passed out handout to the Commissioners (see handout 4 in the packet). Mr. Davis refers to his location to lot 1 and the unintended consequences that come with this type of project. He is not wanting to pick a fight, he just wants fair decisions made in behalf of the residents.

Jessica Simon read from Kaysville City's land use and zoning purposes. She said that she feels that if there are to be codes and ordinances for the sign to be 8 feet and that it is in line with what the purpose of the ordinances are right now.

Chair Barrus closed the public hearing.

Commissioner Sommerkorn referred back to his original comment of how the city is going to designate West Davis Corridor on our city map and is guessing that it will be designated at least a principal arterial which would allow for signs to go up to 30 feet. He wondered if the corridor is going to be a scenic byway if signs would need to be higher than 30 feet.

Commissioner Sundloff said that the recommendation of the Planning Commissioner holds weight with City Council and that 45 feet height is off the table and so is 30 feet.

Commissioner Lyon feels that we need to be aware of keeping signs and lighting down in that area not only for the residents but for the number animals and birds that fly in that area.

Commissioner Sundloff suggests an overlay for signage for the West Davis Corridor could help protect animals and residents.

Commissioner Keetch agreed with Commissioner Sundloff and Lyon on protecting the animals and the residents not sure how that looks to protect the wildlife while allowing for a sign to be seen from the road.

Commissioner Sundloff made a motion to table the sign ordinance with the direction to staff to create an overlay for the West Davis Corridor signage and make the maximum height much lower. Seconded by Lott. Vote was unanimous in favor of the motion. (6-0)

Commissioner Keetch asks staff to look into all the city signs that are along I-15 and Legacy Highway.

MINUTES EXCERPT FROM MARCH 23, 2023 PLANNING COMMISSION MEETING

6-PUBLIC HEARING TO CONSIDER AMENDING TITLE 17 CHAPTER 33 SIGN REGULATION OF KAYSVILLE CITY CODE

Introduction by Melinda Greenwood

Ms. Greenwood shared slides with pictures from Maverick in Centerville at Parrish Lane and Legacy Highway. The images showed distances, sign height, and visual perspective from the north and south bound lanes. She also shared an image of a 16 foot monument sign from a business in Kaysville and explained that it was more along the lines of what City Council was hoping for.

Ms. Greenwood explained the ordinance first came to Planning Commission January 12th were the item was tabled so that staff could look into questions about the West Davis Corridor being scenic byway. The sign ordinance was then brought back on January 23rd to Planning Commission to be discussed.

Ms. Greenwood said it was determined at the January 23rd meeting that the numbering in our Master Street Plan shows the number for Legacy as State Route 67 and West Davis Corridor will have a different number. The City Council in 2007 changed the street designation of Legacy Highway to State Route 67 making the West Davis Corridor an arterial road that would allowing the applicant to have a 30 foot sign.

Commissioner Allred asked if the State of Utah would allow for the logo signs on the scenic byway.

Commissioner Sommerkorn and Ms. Greenwood both said that those signs are not allowed on Legacy Highway.

Ms. Greenwood said with the agenda tonight and the discussion that the City was clearly establishing a pending ordinance regulation, and that this will give staff time to get the sign code revised the way we want it.

Commissioner Allred said that we do not have a definition of a corridor commercial logo sign or commercial logo highway sign and if not allowed then we don't need to have them. He also said that the code does not have a definition of a freestanding or poll sign.

Chair Barrus opened up the meeting to the public hearing.

Blake Montgomery would like the Planning Commissioners to consider making the Sign Code Ordinance require those on the scenic by way to not be allowed to have sign higher than 8 feet.

Clarissa Parker shared with the Commissioners that the sign at the Maverick and Parrish Lane in Centerville is 25 feet in height because of the proximity to I-15 and not to Legacy High Way. She

also stated that how the code is written it would only allow for an 8 foot monument sign for Kum and Go.

Ms. Parker asked Ms. Greenwood if the street designation has already been changed for the West Davis Corridor.

Ms. Greenwood said it would be appropriate for her to answer that question after the public hearing was closed.

Ms. Parker said she checked the Kaysville City Code that afternoon at 4:00 pm and stated that West Davis Corridor is not designated as a principal arterial street, Legacy Highway was, but not West Davis Corridor. She asked the Planning Commissioners to follow through with their original intentions for the sign height from a previous meeting.

Chair Barrus closed the public hearing.

Commissioner Sundloff read from State of Utah Code that says an application was vested upon being submitted and money paid. He continued saying that an applicant is vested unless the Land Use Authority on the record formally finds that a compelling countervailing public interest would be jeopardized by approving the application and specifies the compelling countervailing public interest in writing. He said having a 10-15 foot sign would not be a compelling countervailing public interest, however, citizens in the audience would disagree saying that it is a compelling countervailing public interest. By sharing this info, it gives the City Council an out if they are wanting a gateway entrance to Kaysville and not have a sign be that tall.

The second says that the applicant is vested the time they submit a complete application unless the municipality formally initiates proceedings to amend the municipalities land use regulations in a manner that would prohibit approval of the application as submitted. Commissioner Sundloff said this is another out for City Council.

Commissioner Sommerkorn thought a compelling countervailing public interest would be more where someone could lose their life if something wasn't changed or houses sliding off the mountain. He didn't think that the height of a sign would be a compelling countervailing argument.

An inaudible audience member asked for an answer to Clarissa Parker's question regarding the street designation.

Ms. Greenwood said that if it was the Chair's pleasure she could email both the residents the information as to why we are determining the street designation or she could answer the question this evening.

Ms. Clarissa Parker stood up from the audience seating and stated an email wasn't sufficient and that she wanted an answer now. Commissioner Sundloff said he wanted to hear the answer as well.

Ms. Greenwood explained her role and responsibility with processing applications submitted to the City. Her responsibility is remain unbiased by resident's opinions but to make decisions based on the Kaysville City Codes, state laws, case laws and the opinions of the City Attorney as well as staff who are subject matter experts. She shared an example of when there was an appeal on a conditional use permit last fall where city code was vague and ambiguous. She explained that state law and case law require us to err in favor of the applicant. Ms. Greenwood shared the history of State Route 67 and its relation to West Davis Corridor which is numbered as State Route 177. So West Davis Highway is classified as a major collector therefore a 30 foot tall sign is allowed.

Commissioner Allred agreed with Ms. Greenwood and said that one of her most important jobs is to keep the city out of court and that the city is following that rules on the books.

Commissioner Packer said that he has no problem passing this ordinance on to City Council.

Commissioner Allred made a suggestion to change the wall sign column verbiage.

Commissioner Sommerkorn asks what the street designation is of 200 North in Kaysville and Ms. Greenwood responded saying that it is a minor arterial street.

Commissioner Sommerkorn asked which streets are the major arterial streets in Kaysville and Ms. Greenwood responded those streets are I-15, US-89, and the West Davis Corridor (formerly known as State Route 67).

Commissioner Sommerkorn said that if it's not along a principal arterial or within a certain distance of a principal arterial in our code then a 30 foot sign is allowed. The on-premise and ground sign requirements in the PU, GC, CC and LI zones states that within 1,320 feet of a principal arterial it can be up to 30 feet tall as per the current ordinance.

Commissioner Allred made a motion to continue the ordinance for further discussion and motion was seconded by Commissioner Packer. The vote was unanimous in favor of the motion 7-0.



Kaysville City Planning Commission Meeting Minutes
June 22, 2023

MINUTES EXCERPT

5- PUBLIC HEARING FOR A TEXT AMENDMENT TO TITLE 17 CHAPTER 33 SIGN REGULATIONS

The item was introduced by Dan Jessop.

He said that this ordinance had come before the Commissioners and that the Commissioners asked for staff to do further research to see what is allowed in other cities. Mr. Jessop said that he used a list with 30 cities that are along scenic byways throughout the state to call and see what sign height was allowed in their cities. He spoke to several Directors of cities and counties and found the answer to be similar in each location. The byways are state regulated and they determine the signs and adjacent properties private property and they go by the zoning ordinances. He said that staff decided to recommend the height allowance of the current sign ordinance remain in place. Ms. Greenwood went thru our ordinance and made some simple housekeeping changes. The text amendment to the ordinance would be the same as other cities by allowing the byway to be its own identity and that adjacent properties would be regulated by zoning. The only protected area west of the corridor would have a clause in the ordinance that would exclude any signs over 8 feet.

Commissioner Allred clarified saying that nobody regulates signs outside of city limits. The text amendment would make signs prohibited over 8 feet tall in any zone located on the west side of SR177 and that regular zoning codes would apply everywhere.

Chair Barrus opened the Public Hearing. No comments were received and Chair Barrus closed the Public Hearing.

Commissioner Young asked about the 45 foot maximum height for on premise ground signs and asked if the Commissioners were locked into that number.

Mr. Jessop responded saying that the 45 foot is for signs within 300 feet of I-15 and it is totally separate because the West Davis Corridor is down on the bottom of 200 north. The 45 foot allowance is only applicable to business near I-15. The West Davis Corridor is further than 300 feet from I-15 so a 30 foot sign would be permitted.

Commissioner Lott made a motion to approve the text amendment for Title 17 Chapter 33 Sign Code based on the findings from the staff report, which include:

- No substantive changes to the sign height are proposed.
- No best practices data have been found in Utah regarding sign heights along scenic byways.
- The General Plan is neutral on the proposed text amendment.
- Protection of Great Salt Lake view shed to the west will allow passersby to enjoy an unobstructed view.
- Development to the east of the scenic byway allows building heights which are equal to higher than proposed sign height limits.
- Other findings from the Planning Commission.

Commissioner Lyon seconded the motion. The vote was in favor of the motion and the vote was unanimous (7-0).