



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, February 21, 2019, starting at 6:30 p.m. in the Council Room of the Kaysville City Municipal Center, 23 East Center Street, Kaysville, UT. A Public Hearing will be held prior to the council meeting at 6:30 p.m.

PUBLIC HEARING – 6:30 PM

1. An Ordinance Adopting Impact Fee Written Analyses for Water, Power, Streets, Recreation, Fire and Police Impact Fees; Enacting Impact Fees; and Establishing a Service Area for Purposes of Equitable Distribution of the Impact Fees; and Related Matters.

CITY COUNCIL MEETING – 7:00 PM

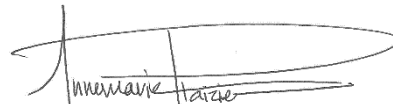
The agenda shall be as follows:

1. OPENING
 - a. Provided by Council Member Dave Adams.
2. RECOGNITIONS AND PRESENTATIONS
 - a. Council Training of Boards and Commissions – Nic Mills, City Attorney.
3. DECLARATION OF ANY CONFLICTS OF INTEREST
4. CONSENT
 - a. Minutes from January 25, 2019.
 - b. Minutes from February 7, 2019.
 - c. Soccer Jerseys Purchase - Parks and Recreation.
5. ACTION ITEMS
 - a. An Ordinance Adopting Impact Fee Written Analyses for Water, Power, Streets, Recreation, Fire and Police Impact Fees; Enacting Impact Fees; and Establishing a Service Area for Purposes of Equitable Distribution of the Impact Fees; and Related Matters.
 - b. Historic Preservation Committee Ordinance.
 - c. Kaysville/Fruit Heights Museum Committee Collection Request.
 - d. First Amendment to the Agreement for the Annexation and Development of Land among Kaysville City and Compass Holdings Development, LLC and Capital Reef Management, LLC.
 - e. Preliminary plat approval for the West Gate Subdivision located at 2300 West Schick Lane (200 North) for Perry Homes.

6. WORK ITEMS
 - a. Interlocal Cooperation Agreement for Municipal Election Services.
7. CALL TO THE PUBLIC (3 MINUTE TIME LIMIT, MUST SIGN UP IN PERSON)
8. COUNCIL MEMBER REPORTS
9. CITY MANAGER REPORT
10. 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.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at City Hall and emailed copies to media representatives on February 15, 2019.



Annemarie Plaizier
City Recorder

STAFF REPORT



COUNCIL MEETING DATE: February 21, 2019
ITEM NO.:

TYPE OF ITEM: Action
PRESENTED BY:

SUBJECT/AGENDA TITLE: Impact Fees

Adoption of Ordinance approving the Impact Fee Analyses for Water, Power, Streets, Parks and Recreation, Fire and Police Impact Fees; enacting impact fees and establishing a service area for purposes of equitable distribution of the impact fees; and related matters.

EXECUTIVE SUMMARY:

Over the past year the City has been working on Impact Fee Facilities Plans and the Impact Fee Analysis.

Impact Fees are one time fees that are paid to the City by developers/individuals who construct new development in the City. The impact fees collected contribute to the capital costs associated with the demand that new development places on the City's capital facilities.

The City has completed the Impact Fee Facilities Plans and Impact Fee Analysis in compliance with the Impact Fees Act. Copies have been made available for review with the required public hearing scheduled for February 21, 2019.

The action required by the City Council is to adopt the ordinance. Adoption of the ordinance establishes the start of a ninety- day period before the fees can be assessed.

The fees [Exhibit C] will be effective July 1, 2019 and included in the Consolidated Fee Schedule as part of the Fiscal Year 2020 Budget.

Council Options:

Recommended Options: Adoption of the Ordinance

Fiscal Impact & Fund Source for Recommended Action: Impact Fees to be included in the Consolidated Fee Schedule as part of the Fiscal Year 2020 Budget.

Attachments:

2019 IFFP –IFA Draft Ordinance and Fees

ORDINANCE NO.

AN ORDINANCE ADOPTING IMPACT FEE WRITTEN ANALYSES FOR WATER, POWER, STREETS, RECREATION, FIRE AND POLICE IMPACT FEES; ENACTING IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF EQUITABLE DISTRIBUTION OF THE IMPACT FEES; AND RELATED MATTERS.

WHEREAS, Kaysville City (the "City") is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City has previously enacted impact fees for Water, Power, Streets, Recreation, Fire and Police facilities; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a Utah Code, Annotated, as amended ("Impact Fees Act" or "Act"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity related to qualified public facilities, as defined in the Act; and

WHEREAS, the City desires to assess Water, Power, Streets, Recreation, Fire and Police impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, the City and impact fee consultants engaged by the City have reviewed and evaluated the City-Wide Service Area (the "City Service Area") and have determined that it is fair and equitable to designate the City Service Area shown in Exhibit A: Map of the City Service Area, which is contiguous with the City's municipal boundaries as the appropriate service area for purposes of the Impact Fees imposed; and

WHEREAS, the City Council has directed Lewis Young Robertson & Burningham, Inc. to prepare updated Written Impact Fee Analyses which are conducted consistent with and in compliance with the Impact Fees Act (specifically 11-36a-301-305). Copies of said Written Impact Fee Analyses are included in Exhibit B: Impact Fee Analyses;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Kaysville City, State of Utah, as follows:

SECTION ONE: ADOPTION OF IMPACT FEE ANALYSES.

The City Council of Kaysville City hereby approves and adopts the written analyses entitled "Impact Fee Analyses," dated February 2019, and the analyses reflected therein for each of the impact fees in question.

SECTION TWO: REPEAL OF TITLE 8, CHAPTER 6 ENTITLED "IMPACT FEES" OF THE REVISED ORDINANCES OF KAYSVILLE CITY, 1993

Title 8, Chapter 6 entitled "Impact Fees" of the Revised Ordinances of Kaysville City is hereby repealed in its entirety.

SECTION THREE: ADOPTION OF NEW TITLE 8, CHAPTER 6 ENTITLED "IMPACT FEES" OF THE REVISED ORDINANCES OF KAYSVILLE CITY, 1993

A new Title 8, Chapter 6 entitled "Impact Fees" of the Revised Ordinances of Kaysville City, 1993 is enacted to read as follows:

CHAPTER 6 IMPACT FEES

8-6-1	Purpose
8-6-2	Definitions
8-6-3	Written Impact Fee Analysis
8-6-4	Impact Fee Calculations
8-6-5	Impact Fee Facilities Plan
8-6-6	Impact Fee Schedules and Formulas
8-6-7	Fee Exceptions and Adjustments

8-6-1 Purpose. This Impact Fees Chapter establishes the City' s impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. This Chapter establishes or re-enacts impact fees for Water, Power, Street, Recreation, Fire, and Police facilities within the Service Area, describes certain capital improvements to be funded by impact fees, provides a schedule of impact fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing impact fees.

8-6-2 Definitions. Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Impact Fees Chapter. The following words and phrases shall have the following meanings:

City - A political subdivision of the State of Utah which is referred to herein as Kaysville City.

Development Activity - Any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include residential and commercial users who are not currently connected to any of the City's public facilities systems, but will be located within the City Service Area.

Development Approval - Any written authorization from the City that authorizes the commencement of development activity.

Enactment- A municipal ordinance for a municipality; a county ordinance, for a county; and a governing board resolution, for a local district, special service district, or private entity.

Encumber - A pledge to retire debt; or an allocation to a current purchase order or contract.

Impact Fee - A payment of money imposed upon development activity as a condition of development approval. "Impact fee" includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.

Impact Fee Analysis (IFA) - The written analysis is required by Section 11-36a-201 of the Impact Fees Act.

Impact Fee Facilities Plan (IFFP) - The plan required by Section 11-36a-301 of the Impact Fees Act.

Project Improvements - Site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity. "Project improvements" do not include "system improvements" as defined below.

Proportionate Share - An amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

Public Facilities - Water, Power, Streets, Recreation, Fire, and Police infrastructure of the City for the City Service Area.

Service Area - A geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's public facilities provides service. The Service Area for purposes of this Chapter includes all of the area within the corporate limits and jurisdictional boundaries of the City and any area annexed subsequent to enactment of this Chapter.

System Improvements - Both existing public facilities designed to provide services within the Service Area and future public facilities identified in a reasonable plan for capital improvements adopted by the City that are intended to provide service to the Service Area. "System improvements" do not include "Project improvements" as defined above.

8-6-3 Written Impact Fee Analysis. (1) A summary of the findings of the written Impact Fee Analysis that is designed to be understood by a lay person is included in each of the Impact Fee Analyses and demonstrates the need for impact fees to be charged.

(2) The City has prepared written Impact Fee Analyses that identify the impacts upon

public facilities required by the development activity and demonstrate how those impacts on system improvements are reasonably related to the development activity, estimate the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identify how the impact fees are calculated. A copy of the Impact Fee Analyses has been available for public inspection at least ten (10) days prior to the adoption of this Chapter.

(3) The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future public facilities is reasonably related to new development activity. The Proportionate Share Analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Impact Fee Analyses and has been available for public inspection at least ten (10) days prior to the adoption of this Chapter.

8-6-4 Impact Fee Calculations. (1) The City Council approves impact fees in accordance with the written Impact Fee Analyses.

- (a) In calculating the impact fees, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of system improvements, and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.
- (b) The City has held a public hearing on February 21, 2019 and a copy of the Ordinance adopting this Chapter was available in its substantially final form at the Municipal Center, 23 East Center Street, in the City Recorder's Office at least ten (10) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 10-9a-205.
- (c) This Chapter adopting or modifying impact fees contains such detail and elements as deemed appropriate by the City Council, including a designation of the service area within which the impact fees are to be calculated and imposed. The City Service Area will be the service area included in the Impact Fee Analyses, which is defined as all of the areas within the corporate limits and jurisdictional boundaries of the City.
- (d) The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee

may also be adjusted to ensure that impact fees are imposed fairly for affordable housing policy, and other development activities with broad public purposes. The impact fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

- (e) To the extent that new growth and development will be served by previously constructed improvements, the City's impact fees may include public facility costs and outstanding bond costs related to the public facilities improvement s previously incurred by the City. These costs may include all projects included in the Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

(2) A developer, including a school district or charter school, may be allowed a credit against impact fees for any dedication of land for system improvements, a dedication of a public facility that will result in a reduced need for system improvements, or improvement to land or new construction of system improvements provided by the developer *provided* that it is (i) identified in the City's Impact Fee Facilities Plan and (ii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.

(3) The City will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is promulgated in accordance with the requirements of the Impact Fees Act and deposited in the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account. Impact fees collected prior to the effective date of this Chapter need not meet the requirements of this section.

- (a) At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
- (b) The City may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the City's Impact Fee Facilities Plan and (ii) of the specific public facility type for which the fee was collected.
- (c) Impact fees collected pursuant to the requirements of this Impact Fee Policy are to be expended, dedicated or encumbered for a permissible use within six (6) years of the receipt of those funds by the City, unless the City Council directs

otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

- (d) The City may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years and (ii) an absolute date by which the fees will be expended.

(4) The City shall refund any impact fees paid by a developer plus interest actually earned when (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

(5) The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

(6) Unless the City is otherwise bound by a contractual requirement, the impact fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 8-6-6.

(7) The City will collect the impact fees at the time of building permit issuance. The fees will be calculated by the City.

(8) Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

8-6-5 Impact Fee Facilities Plan. The City has developed an Impact Fee Facilities Plan for the Water, Power, Street, Recreation, Fire and Police systems. The Impact Fee Facilities Plan has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of the Water, Power, Streets, Recreation, and Police systems. Furthermore, the Impact Fee Facilities Plan identifies the

impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

8-6-6 Impact Fee Schedules and Formulas. (1) The fee schedules included herein represent the maximum impact fees which the City may impose on development within the defined Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right as allowed by law to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

(2) The City may decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36a- 402(l)(d)).

(3) The City reserves the right to establish the impact fees as established in this Chapter by Rate Resolution or Consolidated Fee Schedule. In no event will the impact fees established by Resolution exceed the maximum supportable impact fee schedule.

(4) The amounts of the Impact Fees adopted are as shown in *Exhibit C – Kaysville City Impact Fees Effective Date July 1, 2019*

8-6-7 Fee Exceptions and Adjustments. (1) The City may adjust the impact fees imposed pursuant to this Chapter as necessary in order to:

- (a) Respond to unusual circumstances in specific cases;
- (b) Ensure that the impact fees are imposed fairly;
- (c) Ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities;
- (d) Allow credits against impact fees for dedication of land for improvement to or new construction of any system improvements which are identified in the Impact Fee Facilities Plan and required by the City as a condition of approving the development activity. No credits shall be given for project improvements. The determination of what constitutes a project improvement will, of necessity, vary somewhat depending on the specific facts and circumstances presented by the nature, size and scope of any particular development activity. All new development activity will be required to install site improvements and facilities which are reasonably necessary to service

the proposed development at adopted level of service standards; and

- (e) Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.

(2) The City Council shall have the authority to make such adjustments based upon reliable information submitted by an applicant and any recommendation from the City staff.

(3) The City Council may adopt policies consistent with this Chapter to assist in the implementation, administration and interpretation of this Chapter related to impact fees.

(4) If the applicant, person, or entity is not satisfied with any decision of the City, a further appeal may be made under the procedures set forth in UCA §11-36a-703.

SECTION FOUR: SEVERABILITY

If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Policy are declared to be severable.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect ninety (90) days after the day on which the impact fee enactment is approved, as required by law, deposited in the office of the City Recorder. The associated Impact Fees shall be effective July 1, 2019.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF KAYSVILLE CITY this 21st day of February , 2019.

Kaysville City

By: _____

Katie Witt, Mayor

[SEAL]

Voting:

Larry Page	Yea _____	Nay _____
Dave Adams	Yea _____	Nay _____
Jake Garn	Yea _____	Nay _____
Stroh De Caire	Yea _____	Nay _____
Michelle Barber	Yea _____	Nay _____

Attest:

Annemarie Plaizier, City Recorder

Deposited this day in the office the City Recorder this 21st day of February, 2019.



Feet
4,000



Impact Fee Analysis Area



EXHIBIT B

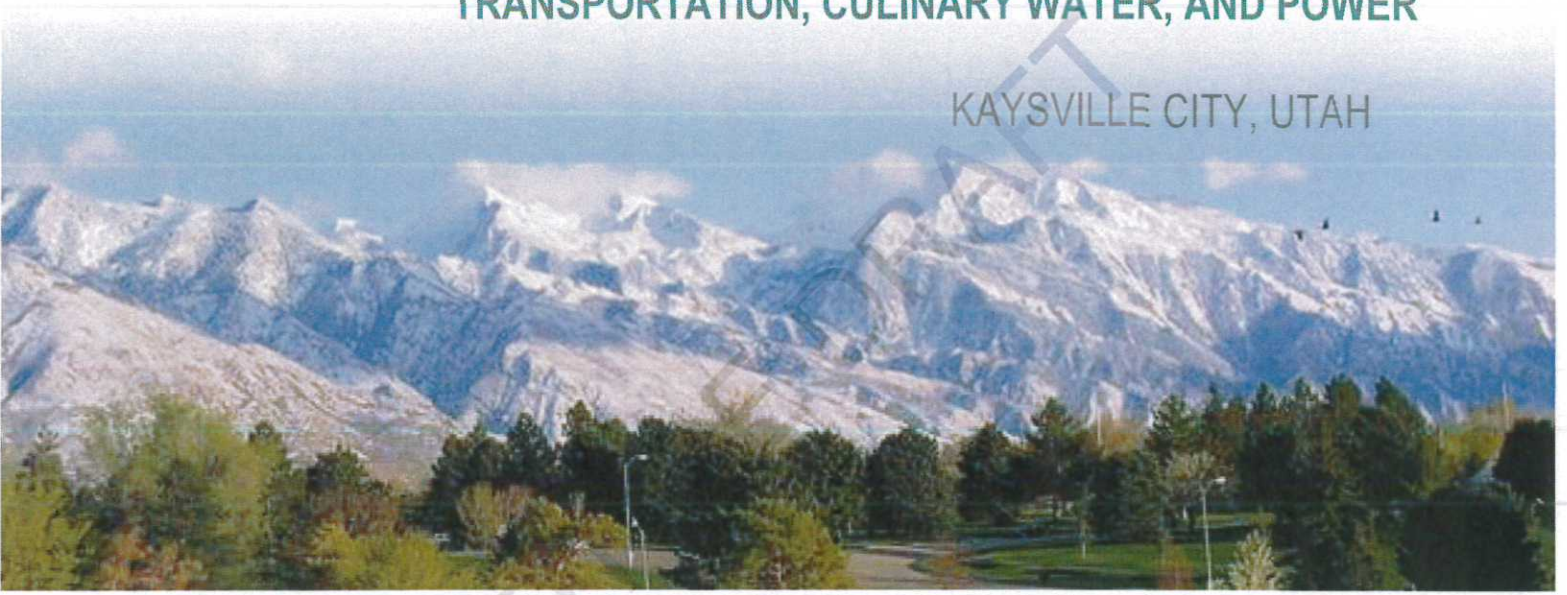
IMPACT FEE FACILITIES PLAN

FOR: PARKS AND RECREATION, PUBLIC SAFETY, AND POWER

IMPACT FEE ANALYSIS

FOR: PARKS AND RECREATION, PUBLIC SAFETY,
TRANSPORTATION, CULINARY WATER, AND POWER

KAYSVILLE CITY, UTAH



LEWIS  YOUNG
ROBERTSON & BURNINGHAM, INC.

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IMPACT FEE CERTIFICATION

IFFP CERTIFICATION

Lewis Young Robertson & Burningham, Inc. and Kaysville City jointly certify that the Impact Fee Facilities Plan ("IFFP") prepared for parks and recreation, fire, police, and power:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies in each and every relevant respect with the Impact Fees Act.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
KAYSVILLE CITY

IFA CERTIFICATION

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis ("IFA") prepared for parks and recreation, fire, police, transportation, water, and power services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

DEFINITIONS

The following acronyms or abbreviations are used in this document:

AF:	Acre Foot
BO:	Build Out
ERC:	Equivalent Residential Connection
FY:	Fiscal Year
GAL:	Gallons
GPM:	Gallons per Minute
GPD:	Gallons per Day
IFA:	Impact Fee Analysis
IFFP:	Impact Fee Facilities Plan
kW:	Kilowatts
LOS:	Level of Service
LYRB:	Lewis Young Robertson and Burningham, Inc.
MG:	Million Gallons

NOTICE DRAFT

SECTION 1: EXECUTIVE SUMMARY

The purpose of this Impact Fee Facilities Plan (IFFP), with supporting Impact Fee Analysis (IFA), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help Kaysville City (the "City") fund necessary capital improvements for future growth. This document will address the future parks and recreation, fire, police, transportation, water and power infrastructure needed to serve the City through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the existing level of service (LOS).

- ☞ **Impact Fee Service Area:** The Service Area for the parks and recreation, fire, police, transportation, water, and power impact fees include all areas within the City. FIGURE 3.1 illustrates the proposed Service Area.
- ☞ **Demand Analysis:** The demand units utilized in this analysis include population and household growth, calls for service, equivalent residential connections (ERCs), trip generation, and kilowatts (kW). As new development and redevelopment occurs within the City, it generates increased demand on City infrastructure. The system improvements identified in this study are designed to maintain the existing LOS for any new or redeveloped property within the City.
- ☞ **Level of Service:** The existing LOS is defined throughout each section of this document. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the LOS which is provided to existing development and ensures that future facilities maintain these standards. Any excess capacity identified within existing facilities can be apportioned to new development.
- ☞ **Excess Capacity:** The inclusion of excess capacity is known as a "buy-in." The buy-in portion of the impact fee is established to recoup the value of excess capacity within the system that benefits new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities. This analysis calculates the buy-in component for each of the services evaluated.
- ☞ **Outstanding Debt/Prior Financing Mechanisms:** The City issued the Series 2014 Lease Revenue Bonds to fund the construction of the existing police facilities. The associated interest from these bonds is included in this analysis.
- ☞ **Capital Facilities Analysis:** Due to the projected new development and redevelopment within the City, additional capital improvements will be necessary for parks and recreation, fire, transportation, water, and power infrastructure.
- ☞ **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded through a combination of general fund revenues, utility rate revenues and impact fee revenues. The analysis does not include future debt-related expenses at this time.

SUMMARY OF CITY-WIDE IMPACT FEES

The impact fees proposed in this analysis will be assessed within the Service Area. The table below illustrates the calculated impact fee for parks and recreation, fire, police, transportation, water, and power, estimated for a single-family dwelling unit. A detailed schedule of each impact fee and by land-use can be found in the body of this report.

TABLE 1.1: MAXIMUM IMPACT FEE PER UNIT

	Proposed Maximum	Current Fee	% Change
Parks	\$4,480	\$1,525	194%
Fire	\$296	-	NA
Police	\$356	-	NA
Transportation	\$1,330	\$558	138%
Water	\$769	\$889	-14%
Power	\$1,908	\$841	127%
Total	\$9,140	\$3,813	140%

Per Single-Family Dwelling Unit, Based on 1 ERC, 3/4" Meter, 200 Amp Residential Single-Phase Panel

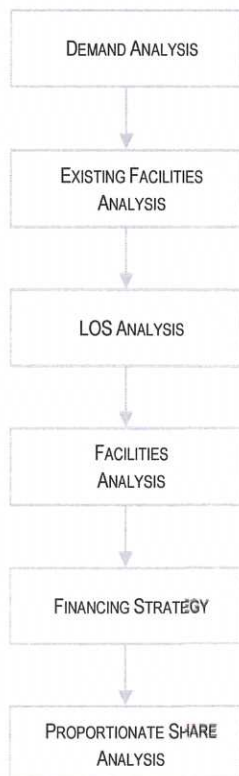
NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis.

¹ 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing

² 11-36a-302(2)

³ 11-36a-302(3)

system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

IMPACT FEE METHODOLOGIES

There are two methods employed in this analysis to determine the maximum allowable impact fees: The Growth-Driven Approach or the Plan Based Approach.

GROWTH-DRIVEN (PERPETUATION OF EXISTING LOS)

The growth-driven method utilizes the existing level of service and perpetuates that level of service into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. park facilities).

NEW FACILITY – PLAN BASED (FEE BASED ON DEFINED CIP)

Impact fees can be calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and level of service.

NOTICE DRAFT

SECTION 3: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ The Service Area for the future parks and recreation, power, police, fire, water, transportation and power impact fees includes all areas within the current municipal boundaries of the City, as shown in **FIGURE 3.1**. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.

FIGURE 3.1: SERVICE AREA



DEMAND ANALYSIS: EXISTING CONDITIONS

The demand units utilized in this analysis include population and household growth, calls for service, equivalent residential connections (ERCs), trip generation, and kilowatts (kW). As new development and redevelopment occurs within the City, it generates increased demand on City infrastructure. The system improvements identified in this study are designed to maintain the existing LOS for any new or redeveloped property within the City. **TABLE 3.1** identifies the general existing development conditions within the City.

TABLE 3.1: EXISTING LAND USE DATA

TYPE	Developed Units or 1,000 sf	Undeveloped Units or 1,000 sf	Total Developed and Undeveloped
Residential	8,698	3,009	11,707
Non-Residential (1K SF Units)	4,830	611	5,441

Source: Kaysville City Planning and Zoning

Existing land use information indicates there are 8,698 developed units and 3,009 undeveloped residential units. The total number of developed commercial units (represented in 1,000 square feet units) is 4,830 and 611 undeveloped commercial units. The 2010

⁴ UC 11-36a-402(1)(a)

U.S. Census population figure for the City was 27,708, with the July 1, 2017 population estimated at 31,776 according to the Census, an average annual growth of nearly two percent.

GENERAL DEMAND PROJECTIONS

For purposes of this analysis, population is anticipated to reach 34,875 within the 10-year planning horizon. This represents an increase of 3,430 people. The population projections are based on several sources including Census data, Governor's Office of Management and Budget (GOMB) estimates, City data and other development data. The total change in population from 2000 to 2010 was approximately three percent, or an increase of 6,949 persons, while the population increased by two percent from 2010 to 2017. This analysis assumes the following growth estimates, with population growing at similar rates projected by the GOMB.

TABLE 3.2: DEMAND PROJECTIONS

	POPULATION	GOMB POPULATION	ERCs	FIRE CALLS	POLICE CALLS	TRIPS	kW
2018	31,445		10,317	1,710	7,397	30,686	48,007
2019	31,772		10,424	1,728	7,473	30,862	48,967
2020	32,103		10,531	1,746	7,551	31,039	49,946
2021	32,437		10,640	1,764	7,629	31,217	50,945
2022	32,775	32,500	10,750	1,782	7,707	31,396	51,964
2023	33,116		10,861	1,800	7,787	31,576	53,004
2024	33,461		10,973	1,819	7,868	31,757	54,064
2025	33,809		11,087	1,838	7,949	31,939	55,145
2026	34,161		11,201	1,857	8,031	32,122	56,248
2027	34,517		11,317	1,876	8,114	32,307	57,373
2028	34,875		11,434	1,895	8,198	32,492	58,520
2029	35,144		11,522	1,910	8,261	32,663	59,691
2030	35,416	35,465	11,611	1,924	8,325	32,834	60,884
2031	35,770		11,727	1,944	8,408	33,007	62,102
2032	36,128		11,844	1,963	8,492	33,180	63,344
2033	36,489		11,963	1,983	8,577	33,355	64,611
2034	36,854		12,083	2,003	8,663	33,530	65,903
2035	37,223		12,203	2,023	8,749	33,706	67,221
2036	37,595		12,325	2,043	8,837	33,883	68,566
2037	37,971		12,449	2,063	8,925	34,061	69,937
2038	38,351		12,573	2,084	9,015	34,240	71,336
2039	38,734		12,699	2,105	9,105	34,420	72,763
2040	39,121	37,261	12,826	2,126	9,196	34,601	74,218
2018-2028 AAGR	1.04%	0.78%	1.03%	1.03%	1.03%	0.57%	2.00%

SECTION 4: PARKS & RECREATION IFFP AND IFA

The purpose of this section is to address the parks and trails IFFP, with supporting IFA and to help the City plan for the necessary capital improvements for future growth. This section will address the future parks and trails needed to serve the City through the next ten years, as well as address the appropriate parks and trails impact fees the City may charge to new growth to maintain the existing LOS.

DEMAND ANALYSIS

The specific demand unit used for the Park IFFP and IFA is population. The population projections are based on several sources including Census data, Governor's Office of Management and Budget (GOMB) estimates, and City data. The total change in population from 2000 to 2010 was approximately three percent, or an increase of 6,949 persons. GOMB projects population within the City will reach approximately 35,465 by 2030. This analysis assumes the population within the 10-year window will reach 34,875. This is an increase of approximately 3,430 residents within the impact fee horizon. Because of this growth, the City will need to construct new facilities to maintain the existing LOS.

TABLE 4.1: POPULATION PROJECTIONS

YEAR	POPULATION	% CHANGE	GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET
2000 Census	20,351		
2010 Census	27,300	2.98%	27,300
July 1, 2010	27,708		
2011	28,260	1.99%	
2012	28,545	1.01%	
2013	28,967	1.48%	
2014	29,577	2.11%	
2015	30,327	2.54%	
2016	31,117	2.60%	
2017	31,776	2.12%	
2018	31,445*	-1.04%	
2019	31,772	1.04%	
2020	32,103	1.04%	32,500
2021	32,437	1.04%	
2022	32,775	1.04%	
2023	33,116	1.04%	
2024	33,461	1.04%	
2025	33,809	1.04%	
2026	34,161	1.04%	
2027	34,517	1.04%	
2028	34,875	1.04%	
2029	35,144	0.77%	
2030	35,416	0.77%	35,465

Source: US Census Data; Governor's Office of Management and Budget, 2012 Estimates. *The Kaysville Culinary Water Capital Plan and Impact Fee Facilities Plan estimates the 2018 population for 2018 is 31,445. This analysis has been updated to reflect this figure.

The future population in the City is used to determine the additional park needs. The LOS standards for each of these types of improvements has been calculated, with a blended LOS determined for the future population, giving the City flexibility to provide future residents the types of improvements that are desired. If growth projections and land use change significantly in the future, the City will need to update the demand projections, the IFFP, and the impact fees.

EXISTING FACILITY INVENTORY AND EXCESS CAPACITY

The City's existing inventory for parks is shown in TABLE 4.2. See APPENDIX A for a detailed list of facilities and amenities. The City-owned acreage and estimated City-funded improvements illustrated below will be the basis for the LOS analysis discussed later in this section.

TABLE 4.2: PARK ASSETS SUMMARY

	EXISTING PARK TOTAL ACRES	CITY OWNED ACREAGE	TOTAL LAND VALUE PER ACRE	TOTAL CITY FUNDED IMPROVEMENTS
All Parks & Public Lands	122.04	101.94	\$15,291,000	\$24,798,519

Source: Kaysville City, LYRB

LAND VALUATION

Current costs are used to determine the actual cost, in today's dollars, of duplicating the current LOS for future development in the City and does not reflect the value of the existing improvements within the City. For the purposes of this analysis, the cost to acquire new land is approximately \$150,000 per acre.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing parks and public lands infrastructure has been funded through a combination of general fund revenues, grants, other governmental funds and donations. General fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available general fund revenues. While the City has received some donations to fund parks and trails facilities, all park land and improvements funded through donations have been excluded in the impact fee calculations.

The City issued the Series 2017 Sales Tax Revenue Bonds to fund the acquisition and construction of Pioneer Park. The city anticipates using impact fees as a repayment mechanism for this improvement. As such, the value of this park and the associated interest is excluded from the LOS analysis when determining existing LOS or a buy-in fee. It is anticipated that future impact fees will be used to pay for this improvement to maintain the current LOS.

LEVEL OF SERVICE ANALYSIS

The LOS for this analysis is based on maintaining the existing level of investment in current parks and trails. The LOS consists of two components – the land value per capita and the improvement value per capita funded by the City (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation facilities. This approach uses current construction costs to determine the current value and allows the City to maintain the current LOS standard through the collection and expenditure of impact fees. **TABLE 4.3** below shows the existing and proposed LOS for parks and recreation facilities within the Service Area. The City's existing LOS is 3.24 acres per 1,000 population. The adopted LOS is 3.00 acres per 1,000 population.

TABLE 4.3: LEVEL OF SERVICE SUMMARY

	CITY PARK ACRES	PER 1,000 CAPITA	LAND VALUE	LAND VALUE PER CAPITA	IMPROVEMENT VALUE	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
Existing LOS	101.94	3.24	\$15,291,000	\$486	\$24,798,519	\$789	\$1,275
Proposed LOS	-	3.00	-	\$450	-	\$730	\$1,180

Source: LYRB, Kaysville City

Based on a baseline population of 31,445

The timing of construction for growth-related park facilities will depend on the rate of development and the availability of funding. The construction of park facilities can follow development without impeding future development activity. This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis.

EXCESS CAPACITY

The methodology utilized in this analysis produces no excess capacity for the purposes of calculating a buy-in fee. As stated above, the City may use impact fees as a repayment mechanism for Pioneer Park, to continue to maintain the level of investment approach. However, impact fees may be used for other improvements identified in this document.

FUTURE CAPITAL FACILITIES ANALYSIS

Future planning for parks and public lands is an ongoing process based on the changes in population and community preference. The City will purchase and improve parks and public lands to maintain the LOS defined in this document. Actual future improvements will be determined as development occurs and the opportunity to acquire and improve park land arises. Impact fees will only be assessed to maintain the existing LOS. Based on the expected changes in population over the planning horizon, the City will need to invest approximately \$4 million in parks, including amenities, to maintain the existing LOS as shown in **Table 4.4**. The City may invest in parks and recreation facilities at a higher level; however, impact fees cannot be used to increase the existing LOS.

TABLE 4.4: ILLUSTRATION OF PARKS AND TRAILS INVESTMENT NEEDED TO MAINTAIN LOS

	LAND VALUE PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA	POPULATION INCREASE IFFP HORIZON	INVESTMENT IN IFFP HORIZON
All Parks & Trails	\$450	\$730	\$1,180	3,430	\$4,046,705

Future investment will be used to acquire additional parks and recreation land and fund new park improvements and amenities or make improvements to existing park facilities to add capacity to the system. The following types of improvements may be considered:

- ▣ Land Acquisition
- ▣ Sod and Irrigation Improvements
- ▣ Pavilions

- Restrooms and other Parks and Recreation Buildings
- Picnic Tables
- Playgrounds
- Sidewalks/Trailways/Walkways
- Volleyball Courts
- Tennis Courts
- Basketball Courts
- Pickleball Courts
- Other Recreational Courts and Facilities
- Baseball/Softball Field Facilities
- Multi-Purpose Fields
- Field Lighting
- Concession Buildings
- Parking
- Skate Parks
- Other Park and Recreation Amenities

Additionally, the City provided the following proposed Capital Improvement Plan:

TABLE 4.5: PROPOSED FUTURE CAPITAL FACILITIES

	NEW FACILITIES	ESTIMATED CONSTRUCTION FISCAL YEAR	ESTIMATED COST
1	Lighting 4 existing Pickle ball courts	FY 20	\$65,000.00
2	Pickleball courts (4)	FY 20	\$90,000.00
3	Restroom Building	FY 21	\$150,000.00
4	Parking lot	FY 21	\$150,000.00
5	1/2 basketball court	FY 21	\$50,000.00
6	Skate park	FY 22	\$300,000.00
7	Baseball field	FY 22	\$75,000.00
8	Playground (New not replacement)	FY 23	\$150,000.00
9	Passive open space	FY 23	\$100,000.00
10	Sidewalks/Trails	FY 24	\$125,000.00
11	Tennis Courts (2)	FY 25	\$135,000.00
12	Campsites	FY 26	\$70,000.00
13	Multi-use sports fields	FY 27	\$100,000.00
14	Pavilion Small (3)	FY 28	\$175,000.00
15	Future new park construction	FY 29	\$2,400,000.00
Total			\$4,135,000.00

As shown above, the City intends to invest nearly \$4.2M in impact fee eligible projects. While this is a list of known projects, the City may need to acquire additional parks and recreation land, fund new park improvements and amenities, or make improvements to existing park facilities to add capacity to the system not identified above.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.⁵ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.⁶ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth

⁵ 11-36a-102(20)

⁶ 11-36a102(13)

within the proportionate share analysis. Only park facilities that serve the entire community are included in the LOS. The following park facility types are considered system improvements:

- Open Space, Trails, Greenbelt and Natural Lands;
- Mini, Neighborhood and Community Parks;
- Undeveloped Park Space;
- Special-Use Areas; and,
- Park Improvements and Amenities.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. The IFFP must also include a consideration of all revenue sources, including impact fees and developer dedications of system improvements, which may be used to finance system improvements.⁷ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁸

PROPERTY TAX REVENUES

It is anticipated that the City will continue to utilize property tax revenues, as part of the total general fund revenues, to maintain existing park facilities. Impact fee revenues will be a continual source of revenue to fund growth related improvements.

GRANTS AND DONATIONS

The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

IMPACT FEE REVENUES

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees are currently charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e. interest costs). Future debt financing has not been considered in the calculation of the parks and recreation impact fee.

PROPOSED PARKS AND TRAILS IMPACT FEE

The calculation of the park impact fee is based on the growth-driven approach, which is based on the **growth** in residential demand. The growth-driven methodology utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e. park facilities).

PARKS AND TRAILS IMPACT FEE CALCULATION

Utilizing the estimated value per capita by park type and the value per capita to provide the same level of improvements, with the addition of the professional expense and the impact fee fund balance, the total fee per capita is shown in **TABLE 4.6** below.

⁷ 11-36a-302(2)

⁸ 11-36a-302(3)

TABLE 4.6: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

Type of Improvement	Proposed LOS per 1,000	Land Cost per Acre/Mile	Improvement Value Per Acre	Total Cost Per Acre	Per 1,000 Population	Per Capita
Developed Active Parks	3.00	\$150,000	\$243,266	\$393,266	\$1,179,798	\$1,180
Professional Expense*						\$2
Estimate of Impact Fee Per Capita						1,182

* The calculation of the Profession expense assumes an impact fee update will be conducted in the IFFP planning horizon at a cost of \$8,000. This cost is allocated to the demand in the next 10 years of 3,430 persons, for a round fee per capita of \$2.

Based on the per capita fee, the proposed impact fee per household is summarized in TABLE 4.7.

TABLE 4.7: PARK IMPACT FEE SCHEDULE

IMPACT FEE PER DWELLING UNIT	PERSONS PER UNIT	PROPOSED FEE PER UNIT	EXISTING FEE PER UNIT	% CHANGE
Single-Family	3.79	\$4,480	\$1,525	194%
Multi-Family (Including Mobile Homes)	2.32	\$2,742	\$831	230%

Person per Unit figures determine based on U.S. Census Bureau, 2016 American Community Survey (1 Year Estimates). LYRB used Census data related to Units in Structure and Total Population in Occupied Housing Units to estimate the persons per unit for single-family and multi-family units.

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.⁹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD PARKS AND TRAILS IMPACT FEES:

Estimate Population per Unit x \$1,182 = Impact Fee per Unit

⁹ 11-36a-402(1)(c)

SECTION 5: FIRE IFFP AND IFA

The purpose of this section is to address the Fire IFFP, with supporting IFA and to help the City plan for the necessary capital improvements for future growth. This section will address the future fire infrastructure needed to serve the City through the next ten years, as well as address the appropriate fire impact fees the City may charge to new growth to maintain the existing LOS.

DEMAND ANALYSIS

This element focuses on the specific demand unit related to fire services – calls for service. The demand analysis identifies the existing demand on public facilities and the future demand generated from new development. The demand analysis also provides projected annual growth in demand units over the planning horizon of the IFFP. Call data used to determine the average calls per unit for residential and non-residential development is from 2017.

The annual call volume for the City for 2017 was 1,710 calls for service. TABLE 5.1 illustrates the call ratio per developed unit. The call ratio analysis establishes the existing LOS for residential and non-residential land-uses. A review of existing businesses in the City shows a mix of business types. This suggests the call data is based on a variety of businesses that reflect a cross-section of the types of business that will likely continue to develop in the City.

TABLE 5.1: HISTORIC AND PROJECTED FIRE CALL DATA BY LAND USE CATEGORY

	DEVELOPED UNITS	EXISTING CALLS FOR SERVICE	CALLS PER UNIT	UNDEVELOPED UNITS	FUTURE CALLS	TOTAL CALLS
Residential (per Dwelling)	8,698	987	0.11	3,009	331	1,318
Non-Residential (per 1K SF)	4,830	316	0.07	611	43	359
Subtotal		1,303			374	1,677
Public & Other Calls		407			117	524
Total		1,710			491	2,201
Percent of Total		78%			22%	100%

In order to determine the demand placed upon existing public facilities by new development, this analysis projects the additional call volume that undeveloped land-uses will generate. An in-depth analysis has been prepared to determine the number of developed units or acres of land in each zoning category, and the number of calls per unit or acre of land has been assigned to each land-use category, as shown in TABLE 5.1. Future fire calls for service are also projected.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing facilities. The inventory of existing facilities, as shown in TABLE 5.2, is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

TABLE 5.2: EXISTING FIRE FACILITIES

	SQUARE FEET	ORIGINAL COST
Existing Fire Station	15,618.00	\$2,235,264.00
Fire Truck (Apparatus)		\$1,745,158.02

Source: Kaysville City Depreciation Schedule and Lease Purchase Schedule

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing fire infrastructure has been funded through a combination of general fund revenues and other governmental funds. General fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available general fund revenues.

LEVEL OF SERVICE (LOS) ANALYSIS

The LOS for purposes of this analysis is calls per development type. TABLE 5.1 illustrates the existing level of service expressed in calls per development type. Based on the historic LOS, the City anticipates an additional 491 annual calls through buildout.

EXCESS CAPACITY

Fire facilities are not governed by traditional excess capacity analyses such as water and sewer systems. Instead, fire relies on response time coverage and the geographic location of fire stations. Because of changes in response time coverage, new facilities

are required. It is anticipated that the capital facilities planned in this document will allow the City to maintain the current LOS for response times. At this time the proposed new facilities, along with the existing facilities, will be sufficient to serve all fire calls through build-out and do not plan to maintain the current square footage LOS in the future. Thus, the impact fees in this analysis are calculated based on an equitable distribution of the existing and proposed facilities that will serve development. It is anticipated that the combined existing and future facilities will be used to respond to calls for service from new development activity.

FUTURE CAPITAL FACILITIES ANALYSIS

The following tables identify the needed system improvements to maintain the stated LOS. The City will construct an additional fire station on the west side of the City to accommodate for new growth. Impact fees in this analysis are calculated based on a fair share approach, which provides an equitable distribution of the existing and proposed facilities that will serve development.

TABLE 5.3: FUTURE FIRE FACILITIES

LOCATION	TIME FRAME	COST	CONSTRUCTION YEAR	CONSTRUCTION COST
West Side Fire Station	1-5 years	\$3,018,480	2023	\$3,499,2456

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.¹⁰ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.¹¹ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Since fire services serve the entire community, the construction of fire safety buildings is considered a system improvement.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication (developer donated) of system improvements, which may be used to finance system improvements.¹² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹³

PROPERTY TAX REVENUES

A specific property tax is not specifically identified in this analysis as a funding source for fire capital projects, but inter-fund loans can be made from the general fund, which will ultimately include some property tax revenues. Inter-fund loans may be repaid once sufficient impact fee revenues have been collected.

GRANTS AND DONATIONS

Should the City receive grant money to fund fire facilities, the impact fees will need to be adjusted accordingly to reflect the grant monies received. A donor will be entitled to a reimbursement for the value of the improvements funded through impact fees if donations are made by new development.

IMPACT FEE REVENUES

Impact fees are a valid mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee

¹⁰ UC 11-36a-102(20)

¹¹ UC 11-36a-102(13)

¹² UC 11-36a-302(2)

¹³ UC 11-36a-302(3)

revenues for the costs of issuing debt (i.e. interest costs). Debt financing for future facilities has not been considered in the calculation of the fire and impact fee.

PROPOSED FIRE IMPACT FEE

The fire impact fee is based on the plan-based methodology. Using this approach, impact fees are calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The City's existing and proposed future facilities are then proportionately allocated to the new development calls for service, providing an equitable distribution of the existing and proposed facilities that will serve development. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and level of service.

The fire impact fees proposed in this analysis will be assessed within all areas of the City. The proposed impact fees are detailed in TABLE 5.4 and 5.5. It is important to note that the impact fee act prohibits a political subdivision or private entity from imposing an impact fee on residential components of development to pay for a fire suppression vehicle.¹⁴ This analysis applies the apparatus component of the fee to non-residential development.

TABLE 5.4: PROPOSED FIRE IMPACT FEE

	COST	% TO GROWTH	IMPACT FEE ELIGIBLE	PERCENT TO IFFP GROWTH	COST TO IFFP GROWTH	NEW DEVELOPMENT CALLS	COST PER CALL
Facilities							
Existing Facility	\$2,235,264	22%	\$498,278	100%	\$498,278	491	\$1,016
New Facilities	\$3,499,246	22%	\$780,041	100%	\$780,041	491	\$1,590
Professional Expense	\$8,000	100%	\$8,000	100%	\$8,000	90	\$89
Facilities Total	\$5,742,510		\$1,286,318		\$1,286,318		\$2,695
Equipment							
Existing Apparatus	\$1,745,158	12%	\$208,144	100%	\$208,144	43	\$4,864
Apparatus Total	\$1,745,158		\$208,144		\$208,144		\$4,864

TABLE 5.5: PROPOSED FIRE IMPACT FEE BY LAND-USE TYPE

	COST PER CALL	CALLS PER UNIT	PROPOSED IMPACT FEE PER UNIT	EXISTING IMPACT FEE
Residential (per Dwelling Unit)	\$2,695	0.11	\$296.41	-
Non-Residential (per 1K SF)	\$7,559	0.07	\$529.10	-

NON-STANDARD FIRE IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon fire facilities.¹⁵ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD FIRE IMPACT FEES:

Residential: Estimate of Annual Call Volume per Unit x \$2,695 = Impact Fee per Unit

Non-Residential: Estimate of Annual Call Volume per Unit x \$7,559 = Impact Fee per Unit

¹⁴ UC 11-36a-202(2)(a)(i)

¹⁵ UC 11-36a-402(1)(c)

SECTION 6: POLICE IFFP AND IFA

The purpose of this section is to address the Police IFFP, with supporting IFA, and to help the City plan for the necessary capital improvements for future growth. This section will address the future police infrastructure needed to serve the City through the next ten years, as well as address the appropriate police impact fees the City may charge to new growth to maintain the existing LOS.

DEMAND ANALYSIS

This element focuses on the specific demand unit related to police services – calls for service. The demand analysis identifies the existing demand on public facilities and the future demand generated from new development. The demand analysis also provides projected annual growth in demand units over the planning horizon of the IFFP. Call data used to determine the average calls for residential and non-residential development is from 2017.

The annual average call volume for the City for 2017 was 9,707 calls for service. TABLE 6.1 illustrates the call ratio per developed unit. The call ratio analysis establishes the existing LOS for residential and non-residential land-uses. A review of existing businesses in the City shows a mix of business types. This suggests the call data is based on a variety of businesses that reflect a cross-section of the types of business that will likely continue to develop in the City.

TABLE 6.1: HISTORIC AND PROJECTED POLICE CALL DATA BY LAND USE CATEGORY

	DEVELOPED UNITS	EXISTING CALLS FOR SERVICE	CALLS PER UNIT	UNDEVELOPED UNITS	NEW CALLS	TOTAL CALLS
Residential (per Dwelling)	8,698	5,596	0.64	3,009	1,926	7,522
Non-Residential (per 1K SF)	4,830	1,801	0.37	611	226	2,027
Subtotal		7,397			2,152	9,549
Public & Other Calls		2,310			672	2,983
Total		9,707			2,824	12,532
Percent of Total		77%			23%	100%

In order to determine the demand placed upon existing public facilities by new development, this analysis projects the additional call volume that undeveloped land-uses will generate. An in-depth analysis has been prepared to determine the number of developed units or acres of land in each zoning category, and the number of calls per unit or acre of land has been assigned to each land-use category. As shown in Table 6.1, the City anticipates an additional 2,824 annual calls through buildout. The total annual calls at buildout are expected to be approximately 12,532.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing facilities. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development. As shown in TABLE 6.2, there is a total of 19,366 building square feet attributed to police with an original value of \$6,759,082.

TABLE 6.2: EXISTING POLICE FACILITIES

	SQUARE FEET	LESS INVOLUNTARY INCARCERATION	% OF TOTAL	ORIGINAL COST	+ FINANCE COST FROM ORIGINAL DEB SERVICE	+ REMAINING FINANCING	= TOTAL	COST INCLUDED IN IFA
Existing Station	19,835	19,366	98%	\$5,380,286	\$502,347	\$1,040,138	\$6,922,772	\$6,759,082

Source: Kaysville City, Depreciation Schedule, Finance Department

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City issued the Series 2014 Lease Revenue Bonds to fund the construction of the existing police facilities. These bonds were refinanced in 2017. The associated interest from these bonds is included in this analysis, as shown in TABLE 6.2.

LEVEL OF SERVICE (LOS) ANALYSIS

The LOS for purposes of this analysis is calls per development type. TABLE 6.1 illustrates the existing level of service expressed in calls per development type. Based on the historic LOS, the City anticipates an additional 11,478 annual calls through buildout.

EXCESS CAPACITY

The City has indicated that the existing facilities will be sufficient to serve all police calls through build-out and do not plan to construct additional facilities. Thus, the impact fees in this analysis are calculated based on an equitable distribution of the existing facilities that will serve development.

FUTURE CAPITAL FACILITIES ANALYSIS

The City has indicated that the existing facilities will be sufficient to serve all police calls through build-out and do not plan to construct additional facilities.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.¹⁶ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.¹⁷ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Since police services serve the entire community, the construction of police buildings is considered a system improvement.

FINANCING STRATEGY AND CONSIDERATION OF ALL REVENUE RESOURCES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication (developer donated) of system improvements, which may be used to finance system improvements.¹⁸ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹⁹

PROPERTY TAX REVENUES

A specific property tax is not specifically identified in this analysis as a funding source for police capital projects, but inter-fund loans can be made from the general fund, which will ultimately include some property tax revenues. Inter-fund loans may be repaid once sufficient impact fee revenues have been collected.

GRANTS AND DONATIONS

Should the City receive grant money to fund police facilities, the impact fees will need to be adjusted accordingly to reflect the grant monies received. A donor will be entitled to a reimbursement for the value of the improvements funded through impact fees if donations are made by new development.

IMPACT FEE REVENUES

Impact fees are a valid mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. Analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt. Debt financing for future facilities has not been considered in the calculation of the fire and impact fee.

PROPOSED POLICE IMPACT FEE

The police impact fee is based on the plan-based methodology. Using this approach, impact fees are calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The City's existing and proposed future facilities are then proportionately allocated to the new development calls for service, providing an equitable distribution of the existing and proposed facilities that will serve

¹⁶ UC 11-36a-102(20)

¹⁷ UC 11-36a-102(13)

¹⁸ UC 11-36a-302(2)

¹⁹ UC 11-36a-302(3)

development. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and level of service.

The City does not anticipate any new facilities at this time, thus the impact fee analysis only considers a buy-in to existing facilities. The police impact fees proposed in this analysis will be assessed within all areas of the City.

TABLE 6.3: ESTIMATE OF IMPACT FEE COST PER CALL

	COST	IMPACT FEE ELIGIBLE	COST TO IMPACT FEES	DEMAND SERVED	COST PER CALL
Buy-In to Existing Facility	\$6,759,082	23%	\$1,523,227	2,824	\$539
Professional Expense	\$8,000	100%	\$8,000	471	\$17
Total	\$6,767,082		\$1,531,227		\$556

The cost per call is then multiplied by the calls per unit for each development type as shown in TABLE 6.4. The total cost per call includes the cost per call for facilities and professional expenses.

TABLE 6.4: RECOMMENDED POLICE IMPACT FEE SCHEDULE

	COST PER CALL	CALLS PER UNIT	PROPOSED IMPACT FEE PER UNIT	EXISTING IMPACT FEE
Residential (per Dwelling Unit)	\$556	0.64	\$356.07	-
Non-Residential (per 1K SF)	\$556	0.37	\$205.85	-

NON-STANDARD POLICE IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon police facilities.²⁰ This adjustment could result in a different fee if the City determines that a particular user may create different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee, assuming the fair share approach, is found below.

FORMULA FOR NON-STANDARD POLICE IMPACT FEES:

Estimate of Annual Call Volume per Unit x \$556 = Impact Fee per Unit

²⁰ UC 11-36a-402(1)(c)

SECTION 7: TRANSPORTATION IFA

The purpose of this section is to address the transportation IFA to help the City plan for the necessary capital improvements for future growth. This section will address the future transportation infrastructure needed to serve the City through the next ten years, as well as address the appropriate transportation impact fees the City may charge to new growth to maintain the existing LOS. The Kaysville City Capital Facilities Plan ("Transportation CFP") and Impact Fee Facilities Plan ("Transportation IFFP") contains the necessary demand, LOS and capital improvement information to calculate a justifiable impact fee. The IFFP information is summarized below

DEMAND ANALYSIS

The demand units utilized in this analysis are based on undeveloped residential and commercial land and the new PM peak trips generated from these land-use types. As residential and commercial growth occurs within the City, additional trips will be generated within the transportation system. The transportation capital improvements identified in this study are based on maintaining the current LOS as defined by the City. The proposed impact fees are based upon the projected growth in demand units which are used as a means to quantify the impact that future users will have upon the City's system. The demand unit used in the calculation of the transportation impact fee is based upon each land use category's impact expressed in the number of trips generated. The existing and future trip statistics used in this analysis were prepared by the City and its engineers based on existing modeling software.

Based on the growth in PM trips, the City will need to expand its current facilities to accommodate new growth. New development will create an additional 1,806 trips in the next ten years, as show in **TABLE 10.1**. It is important to note that future trips will consist of auto, transit and non-motorized trips.

TABLE 7.1: IFFP TRIP PROJECTIONS

	PM TRIPS
2018	30,686
2019	30,862
2020	31,039
2021	31,217
2022	31,396
2023	31,576
2024	31,757
2025	31,939
2026	32,122
2027	32,307
2028	32,492
2029	32,663
2030	32,834
2040	34,601
IFFP Trips	1,806
BO Trips	43,214

Source: Transportation IFFP p.6, LYRB
Buildout Trips calculated using the current trips per ERC of 2.97, multiplied by the Buildout ERCs as defined in Section 8.

EXISTING FACILITY INVENTORY

According to the City, the existing system consists of the following types of amenities:

- ☐ Roadways
- ☐ Curb and Gutter
- ☐ Sidewalks
- ☐ Accessible Ramps
- ☐ Drive Approaches
- ☐ Traffic Signals
- ☐ Crosswalk Lights

The total value of these improvements, based on the City's existing depreciation statements, equals \$58,934,338. Of this total, \$35,911,482 is considered project improvements or developer contributions, with \$23,022,856 remaining as impact fee eligible.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing infrastructure has been funded through a combination of general fund revenues, impact fees, bonds, other governmental revenue, grants and donations. General fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available general fund

revenues. There are no General Obligation Bonds outstanding related to transportation system improvements. Therefore, a credit is not required for this component of the impact fee analysis.

LEVEL OF SERVICE (LOS) ANALYSIS

LOS assesses the level of congestion on a roadway segment or intersection. LOS is measured using a letter grade A through F, where A represents free flowing traffic with absolutely no congestion and F represents grid lock. The future roadway system was designed to achieve a LOS at a threshold equivalent to the performance of the existing road network. Existing and future roadway LOS was evaluated according to parameters set forth in Arterial Level of Service Standards published by the Utah Department of

Transportation (UDOT) to adequately service future trip generation and distribution patterns at a level of service C or better. The following LOS variables are used for this analysis.

TABLE 7.2: ILLUSTRATION OF ROADWAY LOS

LANES	ARTERIAL		COLLECTOR	
	LOS D	LOS E	LOS D	LOS E
2	10,000	11,500	9,000	10,500
3	11,500	13,000	10,000	11,500
5	26,500	30,500	NA	NA

Source: Transportation CFP p.9-10

TABLE 7.3: ILLUSTRATION OF INTERSECTION LOS

Intersection	Signalized Intersection (Delay in Seconds)	Stop-Controlled/ Roundabout (Delay in Seconds)
A	<=10	<=10
B	>10-20	>10-15
C	>20-35	>15-25
D	>35-55	>25-35
E	>55-80	>35-50
F	>=80	>=50

Source: Transportation CFP p.10-11

EXCESS CAPACITY

The determination of a buy-in component related to existing infrastructure is based on proportionate trips generated within the IFFP planning horizon. According to City records, the transportation system is valued at \$23,022,856 (excluding developer contributions, project improvements, buildings and equipment), which is used to determine the appropriate buy-in fee. It is anticipated that new development will benefit from the existing transportation network constructed within the Service Area. Approximately four percent of the total demand on the system will occur within the IFFP planning horizon. As a result, \$962,176 of the total original system cost is included in this analysis, based on the original cost of system improvements as identified in the City's financial records.

FUTURE CAPITAL FACILITIES ANALYSIS

The City has identified the growth-related projects needed within the next ten years. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. Total future projects applicable to new development are shown below. TABLE 7.4 illustrates the estimated cost of future capital improvements within the Service Area, as identified in the IFFP. The total cost attributable to growth as identified in the IFFP is \$4,128,474. Appendix B details the proposed future transportation improvements.

TABLE 7.4: SUMMARY OF FUTURE SYSTEM IMPROVEMENTS WITHIN IFFP PLANNING HORIZON

Project	Total Cost	Kaysville City Cost	IFFP Cost
Total	\$59,799,732	\$19,833,600	\$4,128,474

The proposed projects in the IFFP include Project 22 Angel/Sunset Combined Extension: End of Existing to 2350 South. This project is estimated to cost \$6,108,000. According to the IFFP, 65.7 percent of this project is impact fee eligible. However, the City has indicated that the funding for this project may come from alternative sources. As such, the City has opted to exclude the cost of this project from the calculation of the impact fee. Because the project is impact fee eligible, the City may elect to spend impact fee revenues on this project, however, for the purposes the impact fee calculation, this project cost is excluded. If alternative funding is not available, the impact fee analysis should be updated to include this cost.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.²¹ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.²² To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

For the purposes of this analysis, system improvements are defined as arterial and collector streets, new and upgrades to traffic signalization, alternative modes of transportation including transit, bicycle, and pedestrian facilities, and related appurtenances. Each of these facilities are designed to manage new trips (auto, transit and non-motorized trips) within the Service Area and to maintain the existing level of service.

²¹ 11-36a-102(21)

²² 11-36a-102(14)

FINANCING STRATEGY AND CONSIDERATION OF ALL REVENUE SOURCES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.²³ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.²⁴ In considering the funding of future facilities, the IFFP has identified the portion of each project that is intended to be funded by the City, as well as funding sources from other government agencies. The cost applied to the City includes growth and non-growth-related projects. The capital projects that will be constructed to cure the existing system deficiencies will be funded through general fund revenues. All other capital projects within the next ten years, which are intended to serve new growth, will be funded through impact fees or on a pay-as-you-go approach.

Other revenues such as grants can be used to fund these types of expenditures. The impact fees should be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects or for developer funded IFFP projects. It is anticipated that future project improvements will be funded by the developer. These costs have been excluded from the calculation of the impact fee.

PROPOSED TRANSPORTATION IMPACT FEE

The transportation impact fee utilizes a plan-based approach. Impact fees can be calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and level of service. Based on the Transportation CFP and IFFP, the total cost attributed to new development in the IFFP planning horizon is \$4,128,474. An estimate of buy-in, professional expense, and current impact fee funds are added to the proportionate share analysis shown below. The proposed impact fee per land-use type is shown in TABLE 7.6.

TABLE 7.5: MAXIMUM IMPACT FEE COST PER TRIP

	COST	% TO GROWTH	IMPACT FEE ELIGIBLE	PERCENT TO IFFP GROWTH	COST TO IFFP GROWTH	NEW TRIPS	COST PER TRIP
Existing Facility	\$23,022,856	4%	\$962,176	100%	\$962,176	1,806	\$533
New Facilities	\$19,833,600	21%	\$4,128,474	100%	\$4,128,474	1,806	\$2,286
Professional Expense	\$8,000	100%	\$8,000	100%	\$8,000	1,071	\$7
Impact Fee Fund Balance	(\$298,950)	100%	(\$298,950)	100%	(\$298,950)	1,806	(\$166)
Facilities Total	\$42,565,506		\$4,799,699		\$4,799,699		\$2,661

TABLE 7.6: PROPOSED IMPACT FEE BY LAND USE TYPE

	COST PER TRIP	TRIPS PER UNIT	FEE PER UNIT	EXISTING FEE	CHANGE
Single-Family (per Dwelling Unit)	\$2,661	0.50	\$1,330	\$558	138%
Multi-Family (per Dwelling Unit)	\$2,661	0.34	\$891	\$558	60%
Institutional/Church (per 1K SF)	\$2,661	0.43	\$1,152	\$751	53%
General Commercial (per 1K SF)	\$2,661	1.39	\$3,696	\$1,652	124%
General Office (per 1K SF)	\$2,661	0.67	\$1,783	\$693	157%
Industrial (per 1K SF)	\$2,661	0.42	\$1,104	\$406	172%

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act²⁵ to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City's transportation system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis.

FORMULA FOR NON-STANDARD TRANSPORTATION IMPACT FEES:

Estimate of PM Trips per Unit x \$2,661 = Impact Fee per Unit

²³ 11-36a-302(2)

²⁴ 11-36a-302(3)

²⁵ 11-36a-402(1)(c)

SECTION 8: WATER IFA

This section will address the future water infrastructure needed to serve the City through the next ten years, as well as address the appropriate water impact fees the City may charge to new growth to maintain the existing LOS. The Kaysville City Water System Impact Fee Facilities Plan ("Water IFFP") contains the necessary demand, LOS and capital improvement information to calculate a justifiable impact fee. The IFFP information is summarized below.

DEMAND UNITS

TABLE 8.1: WATER DEMAND UNITS

YEAR	TOTAL ERCs
2018	10,317
2019	10,424
2020	10,531
2021	10,640
2022	10,750
2023	10,861
2024	10,973
2025	11,087
2026	11,201
2027	11,317
2028	11,434
2029	11,522
2030	11,611
2040	12,826
2050	14,168
Buildout	14,529

Source: Water IFFP p.2, LYRB

The demand unit utilized in this analysis is ERCs. The primary impact on the system will be growth in residential and commercial ERCs through development. As development occurs within the City, it generates increased demand on the system, above the current demand. The system improvements identified in this study are designed to maintain the existing LOS for any new or redeveloped property within the City. If growth assumptions change substantially, the impact fee analysis should be updated to reflect these changes. According to the Water IFFP, there are 10,317 existing ERCs. It is anticipated that there will be an additional 1,117 ERCs added to the system within the next ten years.

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the existing LOS to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. The existing LOS for source is based on factors identified in Water IFFP and summarized in TABLE 8.2.

TABLE 8.2: SUMMARY OF WATER LOS

SOURCE	Ac Ft	
Existing Source	2,285	Acre Feet from Weber Basin Contract
Existing ERCs	10,317	
Existing LOS	0.22	Acre Feet
Existing LOS	0.14	Gallons per Minute
STORAGE		
Equalization Storage	400	Gallon per ERC
Emergency	300	Gallon per ERC
Equalization + Emergency	700	Gallon per ERC
Fire Suppression	3000	Gallon per Minute per ERC
DISTRIBUTION (PRESSURE REQUIRED)		
40 psi	Peak Day	
30 psi	Peak Hour	
20 psi	Peak Day + Fire flow	

Source: Water IFFP pp.4-7

EXISTING FACILITY INVENTORY

TABLE 8.3: SUMMARY OF EXISTING SYSTEM VALUE

ASSET NO	ORIGINAL COST	COST TO IFFP
Source	\$540,000	\$540,000
Storage	\$3,158,652	\$3,158,652
Distribution	\$19,982,370	\$9,805,770
Other	\$899,329	-

Source: Kaysville City, LYRB

The valuation of the existing water system is based on the City's current depreciation schedule and is divided into the water system functional components: source, storage and distribution. Existing assets are valued, with project improvements and developer contributions removed.

The City's existing system capacity is summarized as follows:

TABLE 8.4: EXISTING SOURCE CAPACITY

LOCATION	CAPACITY AF
Weber Basin Contract	2,786
Water IFFP p.4	

TABLE 8.5: EXISTING STORAGE CAPACITY

LOCATION	CAPACITY (GALLONS)
Pasture Tank	1,000,000
Crestwood Road Tanks	1,000,000
	1,500,000
Lower Pasture Tank	2,000,000
Ward Road Tanks	1,000,000
	2,000,000
Total	8,500,000
Less Fire Storage	540,000
Available Capacity	7,960,000

Source: Water IFFP p.5

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing infrastructure has been funded through a combination of utility rate revenues, impact fees, other governmental revenue, grants and donations. No historic debt financing costs are included in this analysis related to water infrastructure.

The Water IFFP indicates the following with regard to the Distribution System:

Existing residential areas have a minimum fire flow of 1,000 gpm for homes and 2,000 gpm for other structures found within these areas such as schools and churches. Due to the uncertainty of the location of future schools, churches and other structures commonly found in residential areas, all new residential areas are required to provide a minimum 2,000 gpm fire flow above anticipated peak day demand.²⁶

EXCESS CAPACITY

Based on the proposed LOS, new development in the next ten years will utilize approximately 9.5 percent of the excess capacity within existing sources and 19.8 percent of the excess capacity within storage. TABLES 8.6 and 8.7 illustrate the calculation of excess capacity and the proportional value included in the calculation of the impact fee.

TABLE 8.6: ILLUSTRATION OF SOURCE EXCESS CAPACITY

SOURCE	2018
ERCs	10,317
Total AF Required	2,285
Existing Source Capacity AF	2,786
Source Surplus/Deficit	501
Source Surplus/Deficit. as % of Total Capacity	18.0%
ERCs Served by Excess Capacity	2,263
ERCs in IFFP Planning Horizon	1,117
Percent of Excess Capacity	49%
Remaining ERCs to Serve	-
Additional Source AF Needed in IFFP	-

Source: Water IFFP pp.4-7

TABLE 8.7: ILLUSTRATION OF STORAGE EXCESS CAPACITY

STORAGE	2018	BUILDOUT
Equivalent Residential Connections	10,317	14,529
Equalization Storage Volume gal.	4,126,800	5,811,600
Emergency Storage Volume gal.	3,095,100	4,358,700
Total Storage Required gal.	7,221,900	10,170,300
Existing Storage Capacity gal. (less fire Suppression)	7,960,000	7,960,000
Storage Surplus/Deficit gal.	738,100	(2,210,300)
Storage Surplus/Deficit gal. as % of Total Capacity	9.3%	-27.8%
ERCs Served by Excess Capacity	1,054	(3,158)
ERCs in IFFP Planning Horizon	1,117	-
Remaining ERCs to Serve	63	3,158
Additional Storage Gallons Needed in IFFP	44,100	2,210,600

Source: Water IFFP pp.4-7

The above tables illustrate available excess source capacity to serve another 2,263 ERCs. The available storage capacity can serve another 63 ERCs. It is anticipated that there will be an additional 1,117 ERCs added to the system within the next ten years. Therefore, additional storage will be required.

²⁶ Water IFFP p.7

TABLE 8.8: ILLUSTRATION OF TRANSMISSION EXCESS CAPACITY

	ERCs	% OF BUILDOUT	% OF NEW DEVELOPMENT
Existing ERCs	10,317	71.0%	
10 Year IFFP ERCs	11,434	78.7%	
Buildout ERCs	14,529	100.0%	
New ERCs in IFFP	1,117	7.7%	27%
New ERCs to Buildout	4,212	29.0%	100%

Source: LYRB

For the purposes of this analysis, excess capacity for transmission has been defined based on the proportion of ERCs within the IFFP relative to the ERCs at buildout. It is anticipated that the existing transmission system will serve new development through buildout. There will be an estimated 1,117 new ERCs in the next ten years, with 4,212 new ERCs through buildout. The ERCs in the IFFP planning horizon represent approximately 7.7 percent of the buildout system ERCs (See TABLE 8.8).

FUTURE CAPITAL FACILITIES ANALYSIS

The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns. From this analysis, a portion of future development costs were attributed to new growth and included in the impact fee analysis as shown in TABLE 8.9. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. The costs of projects related to curing existing deficiencies cannot be funded through impact fees. Based on the projected growth in ERCs, the following system improvements will be needed in the next ten years.

TABLE 8.9: ILLUSTRATION OF TRANSMISSION CAPITAL IMPROVEMENTS SCHEDULED TO BE COMPLETED IN THE NEXT 10 YEARS

ITEM	DESCRIPTION	COST	FY	FY YEAR COST	ERCs SERVED	ERCs REMAINING	% TO IFFP	COST TO IFFP
Source								
1	987 Ac Ft Additional Water Contract with Weber Basin	\$267,115	2025	\$328,518	4,457	-	0.00%	-
Storage								
7	New 2 MG Green Road Tank	\$3,667,200	2027	\$4,784,864	2,857	63	2.21%	\$105,506
Distribution								
2	Lower Pasture Pump Station	\$969,700	2020	\$1,028,755	4,212	1,117	26.52%	\$272,820
3	New 8 pipe connecting Olde Orchard "Subdivision with Coventry Place. (Will likely be done with the development.)	\$0.00	2026	\$0.00	4,212	1,117	26.52%	-
4	Complete loop with PRV through Coventry Place. (Will likely be done with the development. 50% PRV cost)	\$37,500	2026	\$47,504	4,212	1,117	26.52%	\$12,598
5	Additional 2 PRVs for future development. (50% PRV cost)	\$37,500	2027	\$48,929	4,212	1,117	26.52%	\$12,976
6	Replace 8 Line w/10" for Annexed Mutton "Hollow Area (Will likely be done with the development.)	\$0.00	2028	\$0.00	4,212	1,117	26.52%	-

According to TABLE 8.9, there is a small number of future ERCs within the IFFP planning horizon that will exceed existing storage capacity. The future storage and distribution costs are included in the impact fee calculation.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.²⁷ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.²⁸ To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.²⁹ In conjunction with this revenue analysis, there must be a

²⁷ 11-36a-102(21)

²⁸ 11-36a-102(14)

²⁹ 11-36a-302(2)

determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³⁰ In considering the funding of future facilities, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements. No other revenues from other government agencies, grants or developer contributions have been identified within the IFFP to help offset future capital costs. If these revenues become available in the future, the impact fee analysis should be revised. It is anticipated that future project improvements will be funded by the developer. These costs have not been included in the calculation of the impact fee. Other revenues such as utility rate revenues will be necessary to fund non-growth-related projects and to fund growth related projects when sufficient impact fee revenues are not available. In the latter case, impact fee revenues will be used to repay utility rate revenues for growth related projects.

PROPOSED WATER IMPACT FEE

The water impact fee is based on the plan-based methodology. Using this approach, impact fees are calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The City's existing and proposed future facilities are then proportionately allocated to the new development, providing an equitable distribution of the existing and proposed facilities that will serve development. The total cost is divided by the total demand units the improvements are designed to serve. The water impact fees proposed in this analysis will be assessed within the Service Area. The table below illustrates the appropriate impact fee to maintain the existing LOS, based on the assumptions within this document. The maximum allowable impact fee assignable to new development. The total fee per ERC is \$769. The City may allocate the proposed impact fee based on meter size, according to TABLE 8.11.

TABLE 8.10: IMPACT FEE PER ERC

	ESTIMATE OF PROBABLE COST	% TO IF ELIGIBLE	IF ELIGIBLE COST	% IN IFA HORIZON	COST IN IFA HORIZON	ERCs SERVED	COST PER ERC
Buy In							
Source Buy-In	540,000	18%	97,155	49%	47,955	1,117	43
Distribution Buy-in	9,805,770	29%	2,842,722	27%	753,875	1,117	675
Storage Buy-In	3,158,652	9%	292,890	100%	292,890	1,117	262
New Facilities							
Source	328,518	0%	-	0%	-	1,117	-
Storage	4,784,864	100%	4,784,864	2%	105,506	1,117	94
Distribution	1,125,188	100%	1,125,188	27%	298,394	1,117	267
Other							
Professional Expense	8,000	100%	8,000	100%	8,000	544	15
Impact Fee Fund Balance	(656,098)	100%	(656,098)	100%	(656,098)	1,117	(587)
Total	\$19,094,894		\$8,494,720		\$850,521		\$769

TABLE 8.11: IMPACT FEE BY METER SIZE

METER SIZE (IN)	AWWA FLOW RATE (GPM)	ERU MULTIPLIER	IMPACT FEE PER METER SIZE	EXISTING FEE	% CHANGE
3/4	30	1.00	\$769	\$889	-14%
1	50	1.67	\$1,282	\$1,484	-14%
1 1/2	100	3.33	\$2,563	\$2,960	-13%
2	160	5.33	\$4,101	\$4,737	-13%
3	350	11.67	\$8,971	\$10,372	-14%
4	600	20.00	\$15,379	\$17,775	-13%
6	1,250	41.67	\$32,041	\$37,034	-13%

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act³¹ to assess an adjusted fee that more closely matches the true impact that the land use will have upon the water system. This adjustment could result in a lower impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.

FORMULA FOR NON-STANDARD WATER IMPACT FEES:

Number of ERCs x \$769 = Impact Fee

³⁰ 11-36a-302(3)

³¹ 11-36a-402(1)(c)

SECTION 9: POWER IFFP AND IFA

The purpose of this section is to address the power IFFP, with supporting IFA, and to help the City plan for the necessary capital improvements for future growth. This section will address the future power infrastructure needed to serve the City through the next ten years, as well as address the appropriate water impact fees the City may charge to new growth to maintain the existing LOS.

DEMAND ANALYSIS

The specific demand unit used for the power IFFP and IFA is kilowatts (kW). The annual peak demand in kW is projected based on historic kW demand from 2004 through 2018 and assumed a growth rate of two percent (historic growth in kW has been three percent from 2004-2018). The growth estimates used for this IFFP assume an addition of 10,513 kW through the 10-year planning horizon.

EXISTING FACILITY INVENTORY

The City's existing inventory for power generation is shown in TABLE 9.2-9.3. The existing system is valued at \$15,427,204 for transmission and \$6,604,022 for generation/substations, excluding project improvements and non-qualifying equipment.

TABLE 9.2: EXISTING FACILITIES

	ORIGINAL COST	COST INCLUDED IN IFFP
Transmission	\$23,837,302	\$15,427,204
Substations	\$6,604,022	\$6,604,022

Source: Kaysville City Depreciation Schedule

TABLE 9.3: 2016 POWER SUPPLY

CURRENT SOURCES	CAPACITY MW (PEAK)
Main Substation (60 E 200 N)	30
West Substation (650 E 200 N)	10
Burton Substation (80 W Burton Ln)	10
Schick Substation (2175 W 200 N)	10
Total Resources	60

Source: Kaysville City

TABLE 9.1: kW PEAK DEMAND PROJECTIONS

YEAR	HISTORIC ANNUAL PEAK DEMAND IN kW	YEAR	PROJECTED ANNUAL PEAK DEMAND IN kW
2004	29,290	2019	48,967
2005	32,682	2020	49,946
2006	35,581	2021	50,945
2007	38,648	2022	51,964
2008	38,401	2023	53,004
2009	37,906	2024	54,064
2010	39,332	2025	55,145
2011	42,211	2026	56,248
2012	41,886	2027	57,373
2013	43,400	2028	58,520
2014	43,577	2029	59,691
2015	46,000	2030	60,884
2016	45,836		
2017	46,358		
2018	48,007		
New IFFP Demand		10,513	

LEVEL OF SERVICE ANALYSIS

Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. Therefore, it is important to identify the power level of service within the service area to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. The City's existing level of service is to provide for sufficient redundancy within the system to ensure system availability in the event of component failure. This is referred to as N-1 or N+1 redundancy. Components (N) have at least one independent backup component (+1). The added redundancy serves as a backup and does not actively participate within the system during normal operation. The City's N-1 capacity is 50,000 kW (50 MW), compared to an existing kW demand of 48,007. Existing demand data show a total of 8,768 residential accounts, with a total usage of 3.5MW. This produces a LOS of 3.50 kW per ERC. Based on this LOS, the estimated existing ERCs is summarized as follows:

TABLE 9.4: CALCULATION OF POWER LOS

CUSTOMER CLASS	ACCOUNTS	kWh SALES	% OF TOTAL	ALLOCATION OF MW	USAGE (KW/ACCOUNT)	ESTIMATED ERCs
Residential	8,768	95,621,631	64%	30.13	3.50	8,768
City Owned	62	996,043	1%	-	-	-
Commercial	759	51,091,512	34%	15.76	20.16	4,586
Industrial	1	1,872,000	1%	0.46	460.00	135
Total	9,590	149,581,186	100%	46.35		13,489

Source: Kaysville City, LYRB

EXCESS CAPACITY

The determination of a buy-in component related to existing power infrastructure is based on proportionate kilowatts generated within the IFFP planning horizon. It is anticipated that new development will benefit from the existing power network constructed within the Service Area. Based on the above level of service and the existing demand, there is latent generation capacity of approximately 1,993 kW. This represents four percent of the total existing capacity. The growth estimates used for this IFFP assume an addition of 10,513 kW through the 10-year planning horizon, which exceeds the excess capacity in the system. Thus, new facilities will be needed. New facilities will need to serve an additional 8,520 kW of capacity.

TABLE 9.5: DETERMINATION OF EXCESS CAPACITY

N-1 Capacity (MW)	50.00
Total kW Capacity	50,000
Existing Demand	48,007
Latent kW Capacity	1,993
Needed kW in IFFP	10,513
Remaining kW to Be Served	8,520

Source: LYRB

For the purposes of this analysis, excess capacity for power transmission has been defined based on the proportion of demand within the IFFP relative to the demand at buildout. It is anticipated that the existing system will serve new development through buildout. There will be an estimated 10,513 new kW added to the system in the next ten years, with a total buildout kW of nearly 100,000 kW. The IFFP demand represents 11% of the buildout system.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing infrastructure has been funded through a combination of utility rate revenues, impact fees, other governmental revenue, grants and donations. No historic debt financing costs are included in this analysis related to power infrastructure.

FUTURE CAPITAL FACILITIES ANALYSIS

The City has identified the growth-related projects needed within the next ten years. Capital projects related to curing existing deficiencies were not included in the calculation of the impact fees. Total future projects applicable to new development are shown below.

TABLE 9.6 illustrate the estimated cost of future capital improvements within the Service Area.

TABLE 9.6: FUTURE POWER SYSTEM IMPROVEMENTS

	COST	FY	CONST. YEAR COST	% TO IFFP	COST TO IFFP
Main St. upsize wire for capacity	\$121,000	2019	\$124,630	100%	\$124,630
Mutton Hollow upsize wire for capacity	\$212,960	2020	\$225,929	100%	\$225,929
Fairfield Rd. upsize wire for capacity	\$188,760	2021	\$206,263	100%	\$206,263
Sunset Dr. upsize wire for capacity	\$527,560	2022	\$593,773	100%	\$593,773
Fairfield to 400E. upsize wire for capacity	\$183,920	2023	\$213,214	100%	\$213,214
Flint St. upsize wire for capacity	\$193,600	2024	\$231,169	100%	\$231,169
Old Mill Lane upsize wire for capacity	\$174,240	2025	\$214,293	100%	\$214,293
600W. upsize wire for capacity	\$62,920	2026	\$79,705	100%	\$79,705
East Sub. To fire station upsize wire for capacity	\$208,120	2027	\$271,549	100%	\$271,549
Angel St. upsize wire for capacity	\$62,920	2028	\$84,559	100%	\$84,559
Advanced Metering	\$1,600,000	2019	\$1,648,000	0%	\$0
Subtotal: Distribution	\$3,536,000		\$3,893,085		\$2,245,085
Substation 1 (Additional Capacity) 10MW	\$1,500,000	2020	\$1,591,350	85%*	\$1,355,872
Upgrade Substation Recloser	\$500,000	2019	\$515,000	85%*	\$438,794
Substation 2 (Additional Capacity) 10MW	\$1,500,000	2028	\$2,015,875	0%	\$0
Re-Build East Substation (West Bay)	\$1,300,000	2023	\$1,507,056	0%	\$0
Re-Build West Substation	\$1,300,000	2023	\$1,507,056	0%	\$0
Subtotal: Generation	\$6,100,000		\$7,136,337		\$1,794,666

Source: Kaysville City

*% to IFFP for the Substation 1 project is calculated based on the need to serve an additional 8,520 kW of capacity, which represents 85% of the total 10,000 kW capacity.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.³² Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.³³ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.³⁴ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³⁵

In considering the funding of future facilities, the IFFP has identified the portion of each project that is intended to be funded by the City, as well as funding sources from other government agencies. The cost applied to the City includes growth and non-growth-related projects. The capital projects that will be constructed to cure the existing system deficiencies will be funded through utility rate revenues. All other capital projects within the next ten years, which are intended to serve new growth, will be funded through impact fees or on a pay-as-you-go approach. Where these revenues are not sufficient, the City may need to issue bonds or issue inter-fund loans to construct the proposed projects. Future debt financing has not been considered in the calculation of the power impact fee.

Other revenues such as grants can be used to fund these types of expenditures. The impact fees should be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects or for developer funded IFFP projects. It is anticipated that future project improvements will be funded by the developer. These costs have been excluded from the calculation of the impact fee.

PROPOSED POWER IMPACT FEE

Based on the total cost and demand the impact fee per kW is \$318 as shown in TABLE 9.7. TABLE 9.8 includes a schedule of impact fees by panel size.

TABLE 9.7: POWER IMPACT FEE SCHEDULE

PROPORTIONATE SHARE	VALUE	% TO GROWTH	IMPACT FEE ELIGIBLE	PERCENT TO IFFP GROWTH	COST TO IFFP GROWTH	KW SERVED	COST PER KW
Existing Substations	\$6,604,022	4%	\$263,236	100%	\$263,236	10,513	\$25
Existing Distribution	\$23,837,302	65%	\$15,427,204	11%	\$1,656,205	97,929	\$17
New Substations	\$7,136,337	25%	\$1,794,666	85%	\$1,529,103	10,513	\$145
New Distribution	\$3,893,085	58%	\$2,245,085	100%	\$2,245,085	10,513	\$214
Professional Expense	\$8,000	100%	\$8,000	100%	\$8,000	5,097	\$2
Impact Fee Fund Balance	(\$887,876)	100%	(\$887,876)	100%	(\$887,876)	10,513	(\$84)
Facilities Total	\$40,590,870		\$18,850,315		\$4,813,753		\$318

TABLE 9.8: IMPACT FEE BY PANEL SERVICE SIZES

AMPS	KVA	PEAK DEMAND (kW)	PROPOSED FEE	CURRENT FEE	INCREASE
Residential Single-Phase					
100	24	3	\$954	\$421	127%
125	30	4	\$1,272	\$561	127%
150	36	5	\$1,590	\$701	127%
200	48	6	\$1,908	\$841	127%
225	54	8	\$2,544	\$1,122	127%
400	96	12	\$3,817	\$1,682	127%

³² 11-36a-102(20)

³³ 11-36a-102(13)

³⁴ 11-36a-302(2)

³⁵ 11-36a-302(3)

AMPS	KVA	PEAK DEMAND (kW)	PROPOSED FEE	CURRENT FEE	INCREASE
Commercial Single-Phase Service Sizes					
100	24	3	\$954	\$421	127%
125	30	5	\$1,590	\$701	127%
150	36	7	\$2,226	\$981	127%
200	48	12	\$3,817	\$1,682	127%
400	96	19	\$6,043	\$2,664	127%
Commercial 3 Phase (120/208V) or (120/240 V) Service Sizes					
125	52	9	\$2,863	\$1,262	127%
150	62	14	\$4,453	\$1,963	127%
200	83	18	\$5,725	\$2,524	127%
400	166	36	\$11,450	\$5,047	127%
600	249	54	\$17,175	\$7,571	127%
800	332	72	\$22,900	\$10,094	127%
1000	415	90	\$28,625	\$12,618	127%
1200	498	108	\$34,351	\$15,141	127%
1600	664	144	\$45,801	\$20,189	127%
2000	830	180	\$57,251	\$25,236	127%
Commercial 3 Phase (277/480V) Service Sizes					
125	45	9	\$2,863	\$1,262	127%
150	54	14	\$4,453	\$1,963	127%
200	72	18	\$5,725	\$2,524	127%
400	144	36	\$11,450	\$5,047	127%
600	216	54	\$17,175	\$7,571	127%
800	288	72	\$22,900	\$10,094	127%
1000	360	90	\$28,625	\$12,618	127%
1200	432	108	\$34,351	\$15,141	127%
1600	576	144	\$45,801	\$20,189	127%
2000	720	180	\$57,251	\$25,236	127%
Commercial 3 Phase (120/240V) Service Sizes					
125	104	20	\$6,361	\$2,804	127%
150	125	30	\$9,542	\$4,206	127%
200	166	42	\$13,359	\$5,888	127%
400	332	83	\$26,399	\$11,636	127%
600	498	125	\$39,758	\$17,525	127%
800	664	166	\$52,798	\$23,273	127%
1000	830	208	\$66,157	\$29,161	127%
1200	996	249	\$79,197	\$34,909	127%
1600	1329	333	\$105,914	\$46,686	127%
2000	1661	416	\$132,313	\$58,322	127%

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon park facilities.³⁶ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD POWER IMPACT FEES:

Estimate of kW per Unit x \$318 = Impact Fee per Unit

³⁶ 11-36a-402(1)(c)

SECTION 10: IMPACT FEE CONSIDERATIONS

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.³⁷ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as general fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next six years should be spent on those projects outlined in the IFFP as growth related costs to maintain the LOS. **Impact fees collected as a buy-in to existing facilities can be allocated to the general fund to repay the City for historic investment.**

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

³⁷ 11-36a-402(2)

APPENDIX A: PARK EXISTING FACILITIES INVENTORY

EXISTING PARKS INVENTORY

Park Type	TOTAL ACREAGE	% CITY OWNED	% CITY FINANCED	IMPACT FEE ELIGIBLE	CITY OWNED ACREAGE	LAND VALUE	IMPROVED TURF	PAVILION - LARGE	PAVILION - SMALL	RESTROOM BUILDINGS	PLAYGROUND	TRAILS & LOOP WALK	SAND VOLLEYBALL COURT	PICKLEBALL COURT	TENNIS COURT	BASKETBALL COURT	BASEBALL/ SOFTBALL FIELD	MULTI-PURPOSE FIELD	FIELD LIGHTING	CONCESSION BUILDING	PARKING	TOTAL IMPROVEMENT VALUE
Angel Street Park	16.93	100%	100%	100%	16.93	\$2,539,500	14.50	1.00	6.00	1.00	2.00	4,000.00	-	-	-	-	1.00	13.00	-	1.00	90,200.00	4,345,800.00
Barnes Sportsplex	45.92	100%	100%	100%	45.92	\$6,888,000	37.00	2.00	10.00	3.00	2.00	11,267.00	4.00	8.00	-	1.00	5.00	20.00	6.00	1.00	162,645.00	10,645,595.00
DATC Park	7.5	0%	100%	0%	0.00	-	7.30	-	-	-	-	1,729.00	-	-	-	-	1.00	6.00	-	-	-	1,605,935.00
Galley Park	5.7	100%	100%	100%	5.70	\$855,000	5.00	-	2.00	1.00	1.00	-	1.00	-	2.00	-	2.00	4.00	-	-	14,933.00	1,859,732.00
Heritage Park	5.68	100%	100%	100%	5.68	\$652,000	4.00	1.00	-	1.00	1.00	2,400.00	-	-	-	-	-	2.00	-	-	38,986.00	1,156,944.00
Hess Farm Park	2.19	100%	100%	100%	2.19	\$328,500	2.00	-	1.00	-	2.00	268.00	-	-	-	-	-	0.50	-	-	-	488,120.00
Openshaw Park	10.7	100%	100%	100%	10.70	\$1,605,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ponds Park	5.2	0%	100%	0%	0.00	-	4.50	1.00	-	1.00	1.00	831.00	-	-	-	-	2.00	4.00	-	-	10,600.00	1,769,865.00
Ponds Park South	7.4	0%	100%	0%	0.00	-	7.00	-	-	-	-	870.00	-	-	-	-	2.00	6.00	-	-	14,250.00	1,870,050.00
Quail Crossing Park	6.62	100%	100%	100%	6.62	\$993,000	2.00	-	1.00	-	1.00	1,325.00	-	-	-	-	-	1.50	-	-	504,875.00	1,497,875.00
Rail Trail (Trailhead)	0.6	100%	100%	100%	0.60	\$90,000	-	-	-	-	-	17,350.00	-	-	-	-	-	-	-	-	-	259,813.28
Widerness Park	7.6	100%	100%	100%	7.60	\$1,440,000	-	-	-	1.00	-	7,920.00	-	-	-	-	-	-	-	-	13,500.00	287,800.00
Total	122.04				101.94	\$15,291,000	\$8,330,000	\$750,000	\$700,000	\$920,000	\$1,000,000	\$719,063	\$25,000	\$260,000	\$116,000	\$75,000	\$3,250,000	\$5,700,000	\$1,080,000	\$500,000	\$1,380,456	\$24,798,519

APPENDIX B: TRANSPORTATION FUTURE SYSTEM IMPROVEMENTS

TRANSPORTATION FUTURE SYSTEM IMPROVEMENTS

PROJECT	LOCATION	TOTAL PRICE	FUNDING SOURCE	RANGE	KAYSVILLE CITY %	KAYSVILLE CITY TOTAL	IFPP ELIGIBLE	IMPACT FEE FUNDING	COST TO IFPP
1	Widen Existing Burton Lane: Main Street to Via La Costa Way	\$280,501	Kaysville	6-10 Years	100.00%	\$280,500	53.70%	100.00%	\$150,682
2	Widen Existing Flint Street: Northern City Border to Old Mill Lane	\$875,948	Kaysville	1-5 Years	100.00%	\$875,948	0.00%	0.00%	\$0
3	Widen Existing Sunset Drive: Old Mill Lane to Western Drive	\$897,221	Kaysville	1-5 Years	100.00%	\$897,200	0.00%	0.00%	\$0
4	Widen Existing Crestwood Road: 500 East to US 89	\$1,811,699	Kaysville	6-10 Years	100.00%	\$1,811,700	0.00%	0.00%	\$0
5	Widen Existing Burton Lane: Sunset Drive to 50 West	\$775,580	Kaysville	10+ Years	100.00%	\$775,600	46.60%	100.00%	\$361,430
6	Widen Existing Smith Lane: Sunset Drive to Angel Street	\$403,975	Kaysville	1-5 Years	100.00%	\$404,000	0.00%	0.00%	\$0
7	Widen Existing Webb Lane: Flint Street to Angel Street	\$766,679	Kaysville	10+ Years	100.00%	\$766,700	0.00%	0.00%	\$0
8	Widen Existing Angel Street: Northern City Border to End of Existing	\$1,130,000	Kaysville	1-5 Years	100.00%	\$1,130,000	72.00%	100.00%	\$813,600
9	Widen Existing Sunset Drive: Western Drive to Shepard Lane	\$1,094,303	Kaysville	1-5 Years	100.00%	\$1,094,400	0.00%	0.00%	\$0
10	Laurelwood Drive Realignment: 300 S to 500 E	\$1,080,856	Kaysville	10+ Years	100.00%	\$1,080,900	0.00%	0.00%	\$0
11	Widen Existing Shepard Lane: Sunset Drive to Eastern Border	\$800,422	Kaysville	1-5 Years	100.00%	\$800,500	45.60%	100.00%	\$273,628
12	West Davis Corridor	\$28,798,647	UDOT	WDC	0.00%	\$0	0.00%	0.00%	\$0
13	New Traffic Signal: Mutton Hollow Road and Main Street	\$387,500	Kaysville	1-5 Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
14	New Traffic Signal: Mutton Hollow Road and Fairfield Road	\$387,500	Kaysville	6-10 Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
15	New Traffic Signal: 600 North and Fairfield Road	\$387,500	Kaysville	6-10 Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
16	New Traffic Signal: 200 North and 500 East	\$387,500	Kaysville	10+ Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
17	New Traffic Signal: Main Street and Burton Lane	\$387,500	UDOT	6-10 Years	0.00%	\$0	0.00%	0.00%	\$0
18	New Traffic Signal: Burton Lane and 50 West	\$387,500	Kaysville	6-10 Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
19	New Traffic Signal: Fairfield Road and Crestwood Road	\$387,500	Kaysville	1-5 Years	100.00%	\$387,500	100.00%	100.00%	\$387,500
20	2350 South from West Davis Corridor to East Kaysville Border	\$1,332,936	Kaysville	1-5 Years	100.00%	\$1,332,900	15.30%	100.00%	\$203,934
21	Burton Lane Bridge Renovation	\$10,700,560	UDOT	10+ Years	0.00%	\$0	46.60%	0.00%	\$0
22	Angel/Sunset Combined Extension: End of Existing to 2350 South*	\$5,167,955	Kaysville	1-5 Years	100.00%	\$5,168,000	65.70%	0.00%	\$0
Total		\$59,798,732				\$19,833,600			\$4,128,474

*The proposed projects in the IFPP include Project 22 Angel/Sunset Combined Extension: End of Existing to 2350 South. This project is estimated to cost is \$5,168,000. According to the IFPP, 65.7 percent of this project is impact fee eligible. However, the City has indicated that the funding for this project may come from alternative sources. As such, the City has opted to exclude the cost of this project from the calculation of the impact fee. Because the project is impact fee eligible, the City may elect to spend impact fee revenues on this project, however, for the purposes the impact fee calculation, this project cost is excluded. If alternative funding is not available, the impact fee analysis should be updated to include this cost.

Kaysville City - Impact Fees Effective July, 1, 2019

EXHIBIT C

Parks, Recreation, Open Space and Trails

	Impact Fee
Single Family Detached Dwelling Unit	\$4,480.00
Multifamily Attached Residential	\$2,742.00

Police

	Impact Fee
Residential Dwelling Unit	\$356.00
Non-Residential (per thousand square feet)	\$205.00

Fire

	Impact Fee
Residential Dwelling Unit	\$296.00
Non-Residential (per thousand square feet)	\$529.00

Streets

	Impact Fee
Single Family Detached Dwelling Unit	\$1,330.00
Multifamily Attached Residential	\$891.00
Institutional / Church (per thousand square feet)	\$1,152.00
General Commercial (per thousand square feet)	\$3,696.00
General Office (per thousand square feet)	\$1,783.00
Industrial (per thousand square feet)	\$1,104.00

Water

Meter Size	Impact Fee
3/4 Inch	\$769.00
1 inch	\$1,282.00
1 1/2 inch	\$2,563.00
2 inch	\$4,101.00
3 inch	\$8,971.00
4 inch	\$15,379.00
6 inch	\$32,041.00
Non Standard Water Impact Fee = ERC * \$769	

Power

	AMPS	KVA	Peak Demand	Impact Fee
Residential Single Phase Service	100	24	3	\$954.00
	125	30	4	\$1,272.00
	150	36	5	\$1,590.00
	200	48	6	\$1,908.00
	225	54	8	\$2,544.00
	400	96	12	\$3,817.00
Commercial Single Phase Service	100	24	3	\$954.00
	125	30	5	\$1,590.00
	150	36	7	\$2,226.00
	200	48	12	\$3,817.00
	400	96	19	\$6,043.00
Commercial Three Phase (120/208v) or 120/240v Service Sizes	125	52	9	\$2,863.00
	150	62	14	\$4,453.00

	200	83	18	\$5,725.00
	400	166	36	\$11,450.00
	600	249	54	\$17,175.00
	800	332	72	\$22,900.00
	1000	415	90	\$28,625.00
	1200	498	108	\$34,354.00
	1600	664	144	\$48,801.00
	2000	830	180	\$57,251.00
Commercial Three Phase (277/480v) Service Sizes	125	45	9	\$2,863.00
	150	54	14	\$4,453.00
	200	72	18	\$5,725.00
	400	144	36	\$11,450.00
	600	216	54	\$17,175.00
	800	288	72	\$22,900.00
	1000	360	90	\$28,625.00
	1200	432	108	\$34,354.00
	1600	576	144	\$48,801.00
	2000	720	180	\$57,251.00
Commercial Three Phase (120/240v) Service Sizes	125	104	20	\$6,361.00
	150	125	30	\$9,542.00
	200	166	42	\$13,359.00
	400	332	83	\$26,399.00
	600	498	125	\$29,758.00
	800	664	166	\$52,798.00
	1000	830	208	\$66,157.00
	1200	996	249	\$79,197.00
	1600	1329	333	\$105,914.00
	2000	1661	416	\$132,313.00



KAYSVILLE CITY COUNCIL
ANNUAL RETREAT
January 25, 2019

Minutes of a special City Council Retreat held on January 25, 2019 at 8:00 a.m. at the Utah Local Governments Trust Building at 55 South Highway 89, North Salt Lake, UT 84054.

Council Members present: Mayor Katie Witt, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Recorder Annemarie Plaizier, Deputy City Recorder Maria Devereux, Finance Director Dean Storey, Public Works Director Josh Belnap, Parks and Recreation Director Cole Stephens

DEPARTMENT HEAD REPORTS/DISCUSSION

Parks and Recreation Director Cole Stephens reported on the annual events that are being planned for the 2019 year. They have not added any new events, but are hoping to hold a grand opening of Pioneer Park in May. They have asked Jenny Taylor, widow of Brent Taylor who was the mayor of North Ogden, to speak at their 4th of July Patriotic Devotional. They have also asked the Youth Council to be in charge of the Veteran's Day program. Trent Walker was recently hired as the new City Cemetery Sexton, and they are working to remodel the house to the south of the cemetery to use as their new cemetery office. The city acquired a portion of the Schick Farm Subdivision's open space and they are working towards making it a city park.

Mayor Witt suggested engaging the public in creating a name for the park.

Finance Director Dean Story said that some cities in Davis County have chosen to utilize a Recreation, Arts, and Parks Tax in order to help dedicate the revenue towards certain city programs or facilities. The County had pursued an initiative to start collecting this tax but it was turned down. If the City chose to pursue this taxation, it would need to be placed on the ballot and approved by voters.

Cole Stephens added that the city doesn't have the recreational facilities the city needs and are dependent on the School District for the use of their facilities. There is a demand for more facilities within the city so we aren't as dependent on outside resources.

Mayor Witt stated that it would also be nice to have community rooms available for the public to use.

Public Works Director Josh Belnap gave an update on upcoming improvements to sidewalks and roads within certain areas of the city. Their department has been reviewing several areas of the city and ranking them as to what their needs are so they knew where they would need to be focusing most of their efforts on. They have narrowed them down to three top priorities. Those three areas are: along the entire length of Shepard Lane, along Sunset Drive from Western Drive to Old Mill

Lane, and Angel Street north of 200 North. As a new Jr. High is being built nearby in Layton, the traffic will change along Angel Street and there needs to be sidewalk installed to accommodate the pedestrian traffic. Phase 7 of the Hill Farms Subdivision is located just across the city border in Layton, and they will be installing road improvements along that portion of Angel Street as part of their development.

Dean Storey gave a financial health report of the city, reviewed the FY 2019 current standings and the FY 2020 budget schedule, and discussed impact fees with the City Council. The budget will be reviewed in May, but the Council will hold a budget retreat in April to review it beforehand. The Truth in Taxation Hearing will be held in August.

2019 COUNCIL BUSINESS

Mayor Witt said that there have been occasions where people have asked the city for charitable donations and feels that this could be a good opportunity to support some of the charities in our community. However, there needs to be a policy put in place.

The Council discussed the upcoming 2019 election and ideas of how to let candidates know the requirements and expectations of the positions they are running for. It was suggested that an informational packet be available.

Shayne Scott said that there has been some discussion about creating a Historic Preservation Committee to try to help try to preserve and protect the history of and within the city. It was suggested that an ordinance be drafted to explain the purpose and duties of the committee. Mr. Scott said that it would likely have a City Council liaison participate on the committee.

Mayor Witt reviewed possible major projects that could occur in 2019, including the general plan update, bringing fiber optics to the city, economic development, AMI meter installation completion, a power vulnerability study, city office remodel, Pioneer Park opening, water tank completion, new rescue fire truck, and cemetery changes.

Mayor Witt thanked the Council for attending and for their participation.



KAYSVILLE CITY COUNCIL
PUBLIC HEARING
February 7, 2019

Minutes of a Public Hearing held February 7, 2019 at 6:30 p.m. in the City Council Chambers of the Kaysville City Municipal Center to consider the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Zoning Administrator Lyle Gibson, City Recorder Annemarie Plaizier, Amy Taylor, Sue Tice, Megan Mehr, Aaran Mehr, Janeel Henderson, Cam Preston, Doug Farr, Tommy Marcheschi, Bart Winward, Carson Ridd, Gus VanBrocklin, Seth Winward, Gary Rigby, Treygan Redington, John Pruess, Henrik VanBrocklin, Caleb Burton, Milo Andrus, Alan S. Bachman, Spencer Prince, Craig Larsen, Matt Briggs, Valerie Briggs, Darin Hammond, Brian Bolinder

VACATION OF 0.14 ACRES OF RIGHT-OF-WAY ON 100 NORTH STREET AT APPROXIMATELY 650 EAST

Lyle Gibson explained that in May 2017 the Kaysville City Council voted to approve the vacation of a portion of 100 North Street subject to final plat approval for the proposed Whisper Hollow Development. Since that time litigation has ensued from neighboring property owners in regards to the subdivision and the vacation of the right-of-way. At the behest of the court, Kaysville City has been asked to re-notice a public hearing and reconsider this street vacation. In accordance with this request, the City has received a new petition to vacate the street right-of-way and has sent notice as outlined by the court to all property owners within 300 feet of the right-of-way- in consideration. Mr. Spencer Prince is the developer and owner of the property at the east end of 100 North Street. Currently the pavement terminates but the right-of-way continues for another 200 feet or so. Mr. Prince has the property on the north and south sides of the right-of-way. The property being considered for development extends past the paved street about 147 feet. There is still another 50 feet or more of right-of-way east of that. If vacated, the right-of-way would go to the properties fronting the street to the north and south. The Briggs family also owns the property on both sides of the right-of-way on the east end and would acquire a portion of the vacated right-of-way, with Mr. Prince acquiring the other portion. It is required that when vacating a street, right-of-way, or easement the legislative body shall hold a public hearing to determine whether good cause exists for the vacation, and the public interest or any person will not be materially injured by the proposed vacation.

Mayor Katie Witt opened the Hearing.

Spencer Prince commented that he bought this property about two years ago and since then has

been attempting to find a way to develop it. The vacant parcels surrounding 100 North Street are not large enough to be developed on their own, and 100 North Street terminates into a dead end. Therefore he is requesting to vacate the road so that all of the properties here can be better utilized.

Alan Bachman said that he is the legal representative for the Briggs who own the property to the east abutting this road right-of-way. As mentioned, there has been litigation regarding this matter and it is still under the jurisdiction of the court. The Briggs are requesting that instead of vacating the street that the Briggs still be allowed access to that right-of-way.

Doug Farr said that he is the legal representative for the Taylors' whose property abuts the Prince's property to the west. The City Council needs to determine whether any person will be materially injured by this proposed vacation. Both the Taylor's and the Tice's feel that they will suffer damages by this street vacation because it will impact the water drainage. There has been a history of water drainage issues here for many years. There is an irrigation ditch that runs next to the right-of-way and the city built a berm alongside of it to try to help with water runoff. Removing that and the right-of-way will add to the problem. The developer has the burden of showing that the neighbors won't be materially impacted and so far they haven't done so. GeoStrata Engineering provided a report about the project which stated that the drainage or other method of control must be provided for a 100-year storm event, which was not satisfied with the submitted plat. A plan review summary was also provided by Ensign Engineering that commented that the planned detention pond on the plat wouldn't satisfy a 50-year storage volume. Because it is small and being relocated they feel that it will cause further water drainage problems than already exists. Haight's Creek has two eight-inch pipes which feed into this irrigation ditch and if their reservoir is filled over capacity they have the ability to open those up. If that were to happen, the current drainage plan for this development would not be able to handle that additional water capacity.

Cam Preston, with Ensign Engineering, said that he was hired by the Tice's to review the subdivision plans regarding drainage. This subject property currently looks like it was built as a detention pond. The developer has indicated that he plans to pipe the irrigation ditch up to the Brigg's property, but doing so would cut off any access should the city need to do maintenance on the pipe opening to ensure that water is flowing correctly. It will just create problems for drainage on Lot 1 and Parcel 1.

Craig Larsen said that he is a civil engineer and is working with the developer on this development. Currently this right-of-way is a dead end because it ends adjacent to the Fruit Heights city boundary. Vacating the right-of-way will allow the surrounding parcels to be developable. There is no material injury that comes with a right-of-way vacation. We are here tonight for the approval of the right-of-way vacation only, and not the other concerns mentioned. The developer feels that they have come up with good solutions and have tried to work with adjacent property owners. They have property rights just like anyone and want those to be recognized. They have followed the city's ordinances and regulations as directed. The city ordinances does not require a 100-year storm but only a 10-year storm, which they have provided.

Matt Briggs said that he has owned the property to the east of the right-of-way for fifteen years and when he bought it he knew that the City owned this right-of-way parcel. He then spoke with the City and was told that because he owns the property adjacent to it that whenever he was ready

to develop his property the City would likely vacate the property to him. He was also assured that he'd have access to his property from that right-of-way. Mr. Briggs said that he feels that it would be best for everyone involved if the City kept the right-of-way as is. If vacated, the developer would become the owner of the right-of-way property and they have offered to deed Parcel 1 to them in order to give them access to their property. However, Mr. Briggs said he was told he would not be allowed to fence Parcel 1, that he would be expected to maintain the property, pay taxes on it, and accept the liability of owning that piece of property. The city could keep the property, and then give both he and the developer access off of the right-of-way. The neighbors have spent the last eighteen months spending thousands of dollars trying to protect their properties and their rights.

Valerie Briggs said that she feels that the developer is motivated by greed and they are not trying to develop the property for the benefit of everyone. Mrs. Briggs said that all she and her husband want is access to their property as promised to them for years by the city. They feel they are being taken advantage of and harmed by this development.

Darin Hammond said that he is the legal counsel for the developer. State Statute 10-9a-609.5 states that the legislative body needs to determine whether good cause exists for this vacation and that nobody will be materially harmed as a result of it. The comments regarding water issues are irrelevant for what is being reviewed tonight. This right-of-way is a dead end road and is not usable for anyone right now because it's not paved and sits vacant. Parcel 1 would grant access for the Briggs to replace the right-of-way. It would give them the access to their ground that they don't currently have as the property sits. Nobody is being harmed by this right-of-way vacation, and nobody is taking away anyone's rights.

Janeel Henderson said that in 1956 her parents purchased the property at 719 East Center Street, and eventually three acres of the bottom half of their pasture was sold to the Briggs. Ever since there has been discussion of developing this property she has been harassed and threatened about selling her property for building. She is concerned about what will happen with the creek, which runs along the south side of her property. They rely on the creek as a water source as well as enjoy the aesthetic aspect of the creek. This property is beautiful and quiet. There is a flooding issue there, but they've dealt with it over the years. The neighbors are here tonight to try to fight to maintain the quality of life they've had on their properties.

There were no further comments or questions from the public. Mayor Katie Witt closed the Public Hearing.

KAYSVILLE CITY COUNCIL

February 7, 2019

Minutes of a regular Kaysville City Council held February 7, 2019 at 7:00 p.m. in the City Council Chambers of the Kaysville City Municipal Center.

Council Members present: Mayor Katie Witt, Council Member Dave Adams, Council Member Larry Page, Council Member Jake Garn, Council Member Michelle Barber and Council Member Stroh DeCaire

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Zoning Administrator Lyle Gibson, City Recorder Annemarie Plaizier, Public Works Director Josh Belnap, Parks and Recreation Director Cole Stephens, Andy Hartvigsen, Milo Andrus, Caleb Burton, Henrik VanBrocklin, John Pruess, Gary Rigby, Seth Winward, Gus VanBrocklin, Carson Ridd, Craig Larsen, Darin Hammond, Spencer Prince, Tamra Prince, George Snell, Lydia Westover, Don Westover, Daniel Westover, Tammy Edwards, Jill Dredge, Brian Bolinder, Allan Wursten, Tammy Wursten, Verl Kingsford, Tracy Murray, Maree Funk, Mike Roundy, Valerie Briggs, Matt Briggs, Alan Bachman, Stephen Seelos, Mark Seelos, Ramon Morgan, Craig Jacobsen, Matt Yeates, Chaleh Trujillo, Chris Trujillo, Tyler Jackson, Jeremy Hart, Samuel Saltern, Adam Hart, Ethan Pease, Parker Stone, Curtis Mortensen, Carter Thal, Sean Thal, Jane King, Ethan Burton, Amy Taylor, Sue Tice, Megan Mehr, Aaran Mehr, Janeel Henderson, Cam Preston, Doug Farr, Tommy Marcheschi, Bart Winward, Treygan Redington

OPENING

Opening provided by Council Member Larry Page.

RECOGNITIONS AND PRESENTATIONS

PICKLEBALL COURT UPDATE – TAMMY WURSTEN

Verl Kingsford said that he was asked by Tammy Wursten to come tonight to speak with the City Council about how beneficial having the pickleball courts at Barnes Park have been to not only him, but to the community. Mr. Kingsford thanked the City and everyone who helped provide the opportunity to have them in the city.

Tammy Wursten commented that she met Mr. Kingsford at the pickleball courts when he first started playing the game, and he's now playing in tournaments. Mr. Kingsford had expressed to her that he wanted to write a letter to the City Council to thank them for the courts, and decided to invite him here tonight instead. It's people like Verl who help feed the passion for pickleball both in and outside of the community, and she has seen how it's improved the quality of people's lives. Ms. Wursten thanked the City for their support and effort towards building the pickleball courts. When they first started their fundraising efforts for the courts not many had heard of pickleball and now their courts are constantly filled. Only four of the eight courts are currently lit, and it's

unsafe for these players to play on the unlit courts after dark. They are currently looking for funding to build additional courts, which they feel will help bring more revenue to the city. Last year the Parks and Recreation Department were unable to get the money needed to install lighting on the additional four courts and hope to be able to obtain that this year. Ms. Wursten mentioned that they are having a fundraiser this Friday and Saturday at Bowman's Market to raise money for more pickleball courts and invited all to attend.

DEPARTMENT REPORT, COMMUNITY DEVELOPMENT – LYLE GIBSON

Lyle Gibson gave a report on the Community Development Department, what their department does and what their focus is for 2019. The Community Development Department is one of the smaller departments in the City and have had a lot of changes happen within it over the last year. Both City Engineer Andy Thompson and Secretary Marsha Cook retired after many years of service. We have seen more basement finishes and remodels in 2018 with the shift in the housing market. Most of the businesses licensed by the city are home businesses. The Community Development Department also works with the Planning Commission, who holds their meeting twice a month. In 2019 they plan to continue strategic planning efforts as well start to review and update the General Plan.

DECLARATIONS OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Mayor Witt asked for a vote on the Consent Items.

Council Member DeCaire asked that the following items be pulled for discussion:

- b. Appointment of Annemarie Plaizier as Kaysville City Recorder.
- c. Appointment of Maria Devereux as Kaysville City Deputy Recorder.
- e. Award of Bid for the Schick Lane Storm Water Project.

Council Member Garn made a motion to accept the following Consent Items:

- a. Minutes from January 17, 2019.
- d. Service Trucks Purchase – Power Department.

The motion was seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea.

The motion passed unanimously.

Council Member DeCaire stated that, in regards to Items B and C, he wanted to publicly congratulate both Annemarie Plaizier and Maria Devereux on their recent promotions, and thank them for their service over the years.

Council Member DeCaire made a motion to approve the appointment of Annemarie Plaizier as Kaysville City Recorder, and the appointment of Maria Devereux as Kaysville City Deputy Recorder, seconded by Council Member Garn.

The vote on the motion was as follows:

Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea
Council Member Adams, yea

The motion passed unanimously.

Council Member DeCaire asked for clarification on Item E in regards to the scope of the storm water project.

Public Works Director Josh Belnap explained that the Schick Lane Storm Water Wetlands project is a joint venture between Kaysville City and the Nature Conservancy of Utah. The purpose of the project is to attenuate inconsistent and extreme flows that are transmitted to Nature Conservancy Property via Kaysville City's storm drain network. The City operates under an MS4 permit with the State of Utah, which allows the City to collect storm water and convey it into pipes and other networks, then discharge it into public water bodies. As that MS4 permit was recently renewed there was a new requirement included called Low Impact Development. This requires more retention and not as much water to leave a site being developed. The major focus with this requirement is water quality. The City saw this as an opportunity to work the Nature Conservancy to find something that works for both parties, while better meeting the requirements of the MS4 permit. This project proposes treating water by routing it through a concrete structure designed to catch debris and trap sediment for removal by maintenance crews. This water will then be routed from the sediment structure to a series of basins for further storage and additional water treatment before finally entering the Great Salt Lake Wetlands. This treatment will also remove heavy metals, nitrogen, phosphorus and hydrocarbons from the water. In the fiscal year 2018 the City pursued a grant with the State of Utah which would cover roughly half of the funding. We were unable to obtain that grant and therefore this project was put on hold until now. Since last year we have been able to make some changes to their plans, and found a way to decrease the estimated cost of the project. After the project is complete, the water basin in the Schick Lane area will be able to be taken offline and the city will be able to utilize it for a different purpose.

Council Member Adams asked what the City planned to do with the basin after it's taken offline.

Josh Belnap responded that they have discussed a few options with the Parks Department, but nothing has been decided for sure.

Council Member Adams if the lack of that retention might cause issues elsewhere.

Josh Belnap responded that it shouldn't cause any problems. The Nature Conservancy has said that they can take on our storm water as long as it is being filtered.

Council Member Adams asked about using a less expensive piping system.

Josh Belnap responded the Nature Conservancy will need to be able to cross the pipes in certain areas in order to get equipment across. Those pipes will need to be able to structurally handle the weight of that equipment and therefor at these access point the city will be installing a fusion pipe with a thicker weld.

Council Member Adams asked who is being recommended as the contractor for this project.

Josh Belnap responded that J Rock Construction was the low bidder.

Council Member Barber made a motion to approve the Schick Lane Storm Water Wetlands Project, seconded by Council Member DeCaire.

The vote on the motion was as follows:

Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea
Council Member Adams, nay
Council Member Page, yea

The motion passed with a vote of four to one.

ACTION ITEMS

VACATION OF 0.14 ACRES OF RIGHT-OF-WAY ON 100 NORTH STREET AT APPROXIMATELY 650 EAST

City Attorney Nic Mills explained that this item was discussed during the Public Hearing held earlier tonight. One of the issues mentioned during that Hearing were concerns about water drainage, however those issues can be addressed during the platting phase of the development. If the City Council decides to approve this vacation tonight, they would need to state their findings of fact and conclusions of law for their approval. Staff feels that those findings of fact would be: that 100 North Street terminates and does not connect to another road at the east end, good cause exists to vacate 100 North Street, no material harm to others would come by vacating the road, vacating the road would allow for the development of this property which would be a benefit to the city, and that access should be granted to the homeowners, the Briggs, to the east. The

conclusion of law would be that vacating the road will not affect any existing access or easements based on Utah Code 10-9a-609.5 in the case South Salt Lake v. Potter 2018 UT 21.

Council Member Barber said that this seems to not meet the stated conclusion of law because it appears that this vacation would affect existing access for the Briggs.

Nic Mills responded that there are explicit easements and prescriptive easements that people have on their properties. The vacating of this road doesn't affect any of those easements that are in existence. It takes the existing road from a public road and distributes it to the adjacent property owners. We are not blocking access to the property by vacating the road. People have the right to access the property, and can still traverse the property.

Council Member Barber asked what kind of stipulations can be put in place to ensure that the Briggs will have adequate access and rights to their property. Can the access be defined as to what it is and how much it would be?

Nic Mills responded that defining that access would be very difficult to define. There are regulations in place that state when something is vacated, neighboring access needs to be provided in the same manner. For instance, if you're vacating a road you can't provide neighboring access via a sidewalk. With the findings of fact, the Briggs would still be given access to their property and this street vacation will not change that.

Council Member DeCaire made a motion to approve the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East with the findings of the City Attorney as outlined, seconded by Council Member Garn.

Council Member Adams said that he feels that the City should keep the right-of-way until we see a use and some engineering that would appeal to all parties involved. Once the right-of-way is vacated any leverage the city has is gone. There are other options to develop the property that would benefit everyone. We shouldn't give away city property without requiring any stipulations of the developer. We could ask them to extend the right-of-way to the Briggs property.

Council Member DeCaire said that he saw this item when he was serving on the Planning Commission. He reviewed it from every angle then and has done the same again now. There seems to be no reason to not approve the street vacation as it will benefit to all parties, and will allow all surrounding properties to be developable.

Council Member Garn said that the vacation simply allows the property to be developed. Providing the most appropriate access to the Briggs property seems to be more appropriately addressed with the development plans.

Council Member Page commented that this is a sensitive deal and there are a lot of legitimate concern mentioned by the residents in the area. Every one of these concerns will be addressed as we go through the development process. This process is in place to help protect all who live in that area.

Council Member Adams said that the right-of-way is a control point for all the flooding issues that occur here. Hights Creek Irrigation pond is classified as a high-risk pond, and sits adjacent to this property. These concerns need to be addressed before the city gives up our leverage by vacating the property. Council Member Adams asked if the plat would be going back through the Council for approval.

Brian Bolinder, with Richards Brandt Miller Nelson, said that he was hired by the City's insurance company as outside council to defend the lawsuit involved with this development. Mr. Bolinder said that the final plat was approved in December 2017 by the City Council. During the legal proceedings, the court asked that their findings of fact and conclusions of law be presented to the Council to support or explain their conclusion of the approval. If those findings of fact and conclusions of law are adopted by the Council, this matter would then likely continue before the court. Since no ordinance was entered following the street vacation in 2017 the court requested that this matter be renoticed, presented in Public Hearing and an ordinance be entered with the findings of fact and conclusions of law to determine whether substantial evidence supports the conclusion made by the Council.

Council Member Barber asked if the Council could request that the plat be resubmitted to them for review.

Shayne Scott responded that the applicant could always bring it back to the Council on his own but we cannot legally require him to at this time since he's already received final plat approval

Council Member Adams asked about the timeframe on when plat approvals expire.

Lyle Gibson responded that approval would expire after twelve months from the date of the Council's approval if a plat is not pursued with the city.

Nic Mills said that in this instance the lawsuit has frozen that expiration because the developer cannot legally continue in the development process.

Council Member Adams asked about the Briggs having access to utilities. There are a lot of things on the table here and there needs to be some criteria satisfied before we make a decision.

Council Member Barber asked why an ordinance wasn't created after the original street vacation approval.

Shayne Scott responded that the original street vacation was approved upon final plat approval. When the final plat was approved, it was an oversight to create the street vacation ordinance as well. This was recognized by the judge and is why we are here reconsidering it again tonight.

Council Member Adams made a substitute motion to table the vacation of 0.14 acres of right-of-way on 100 North Street at approximately 650 East until the city can have a more exact idea of how the property will be developed.

The motion died for lack of a second.

The vote on the original motion was as follows:

Council Member Barber, yea
Council Member DeCaire, yea
Council Member Adams, nay
Council Member Page, yea
Council Member Garn, yea

The motion passed with a vote of four to one.

WORK ITEMS

HISTORIC PRESERVATION COMMITTEE ORDINANCE DISCUSSION

City Manager Shayne Scott said that at their recent City Council Retreat the Council discussed starting a Historic Preservation Committee. This committee would be a conduit for grants and other funding which in turn could be used for a museum. There would also be other historic preservation activities that this committee would be responsible for that would be a benefit to the city. Staff has compiled the proposed ordinance establishing the committee, addressing the process for adding members to it and outlining their role in historic efforts within the city.

Mayor Witt added that this would be an advisory board composed of seven members. The mayor and a city council member would be participants of the committee, as well as five professional members who are exceptionally interested in the history of Kaysville. The members would be appointed by the mayor and at least five of the members would reside within the city.

Council Member Garn said that this will have no fiscal impact as it would be a volunteer committee and there are many residents who are interested in the heritage of the city.

Council Member Barber asked about public notification for historic sites to be demolished and if there should be public comment allowed beforehand.

Mayor Witt said that allowing public comment on the demolition of private properties could create unwanted problems. The intent of requiring a time frame before demolition is to be able to obtain photographic history before a building is demolished.

Council Member Adams said that the ordinance needs to be clarified in regards to what properties this committee would have jurisdiction over, and if it involves city properties. It should also be clear as to what the process would be for private properties and for city property, if different. Also, in section 107(c), it only gives property owners a one week timeframe to obtain the necessary historic documentation. That timeframe should be extended to thirty days.

Shayne Scott said that if we want to establish rules for how we demolish city property than the Historic Preservation Committee Ordinance is not the place to do it.

Council Member DeCaire made a motion to move this item to an action item with the discussed changes, seconded by Council Member Garn.

The vote on the motion was as follows:

Council Member DeCaire, yea
Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea

The motion passed unanimously.

KAYSVILLE/FRUIT HEIGHTS MUSEUM COMMITTEE COLLECTION REQUEST

Mayor Witt explained that she has been meeting with the Kaysville/Fruit Heights Museum Committee. They have done a lot of work to catalog items from the old library as well as other historic items that have been set aside for many years. The Committee is requesting that the city donate these items so that the Committee can take ownership and preserve them. Their hope is to eventually display the items in a museum. That Committee would like to call the collection the Linda Ross Collection because she was a former City Recorder who collected these items over many years.

Council Member Barber asked if we will have a way to track the items so if the committee were to ever dissolve we would be able to get the items back.

Mayor Witt said that they will have a contract with them that will state that if they were to ever dissolve that Kaysville City would have the ability to take the collection back.

Council Member Barber commented that she hopes that more citizens might be willing to donate historical items as they see there is an organization and place where they will be taken care of.

Council Member Garn made a motion to move this item to an action item.

Council Member Adams asked if there were items in the Zions Bank vault.

Mayor Witt said that the LeConte Stewart paintings that were located in the old library were moved to the Bank's vault so that they may be kept safe until we have a place to put them.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Page, yea
Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea

The motion passed unanimously.

AMENDMENT TO THE AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF LAND BETWEEN KAYSVILLE CITY AND COMPASS HOLDINGS DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT, LLC

Lyle Gibson explained that the subject property is located just east of US 89 and has previously been approved for annexation by the City Council subject to terms of the original development agreement. More specifically a portion of that property has been under review for development as the Orchard Ridge Subdivision. During subdivision review, additional engineering details and external factors have given reason to consider amendments to the original agreement. First, Kaysville City (among other jurisdictions) has been contacted by Weber Basin Water District requesting that development occurring east of the highway not be serviced by secondary water systems. Furthermore, as utility providers have reviewed the proposed plans, their requirements for placement of their lines have forced a change in the profile of the public street right-of-way. Through the preliminary plat process, it was determined that the developer would only be required to install sidewalk on one side of the public streets in the development. However since they will be required to bring the right-of-way to grade the same as if there were sidewalk on both sides to accommodate the needs of utility services, the amended agreement asks that sidewalk be installed on both sides of the public street. Finally, some additional language has been added to ensure that access to the newly proposed water tank facility is in place and maintained through all phases of development.

Council Member Adams asked about Sections 4.1.2.1 and 4.1.3.2 regarding the payment schedule and asked why the city is shouldering costs.

Nic Mills responded that those are provisions that the City's already agreed to and is not what is being recommended for amendment tonight. We can only change that if the developers were to agree to a renegotiation.

Council Member Adams said that in Section 4.1.3.1 it discusses the owner being responsible for costs of the pump, pump-house, and piping connected to the water-tank, and asked if that includes covering the engineering costs.

Shayne Scott responded that in the agreement it states that the developer is responsible for any costs not reimbursed by UDOT, including the costs to install a pump, pump-house, piping and any other associated improvements connected with pumping and delivering water to the water-tank. Whether or not they are reimbursed by UDOT, they are responsible for all the costs associated with the tank.

Council Member DeCaire made a motion to move this item to an action item.

The voting on the motion was as follows:

Council Member Page, yea

Council Member Garn, yea
Council Member Barber, yea
Council Member DeCaire, yea
Council Member Adams, nay

The motion passed with a vote of four to one.

REVIEW OF SERVICE LINE WARRANTIES OF AMERICA AGREEMENT

Mayor Witt said that this item has been previously discussed by the City Council as the City was introduced to a Service Line Warranty Program. The program was free to the city and allows residents to insure the water service lines that are used to deliver city water service, but are not the responsibility of the City to repair if they leak or are damaged. The City agreed to participate in this program, which included allowing Service Line Warranties of America to use the City's logo on their correspondence sent to residents. The first mailer recently was sent out, and resulted in much confusion from the residents. This has caused us to ask if there is something we could do to better explain the program to residents. The city has signed up for three years with this company, and have two years remaining. There will be another letter going out to the residents soon and there needs to be clearer communication to our residents.

Council Member Garn commented that many people have to replace their sewer or water lines and it's very expensive. There was a lot of confusion with the first mailer that was sent out, but we can improve the communication process and give this program a chance to work.

Council Member Barber commented that this is a good program for the city, and educating and communicating with the residents about what the program is important. The comments and questions we've received shows that we need to do better, but we also need to be careful about who we allow to use the city's logo and how they use it. The letter that was mailed out looks very similar to city correspondence and would like to see the next mailer formatted differently.

Council Member DeCaire said that communication is key and agreed that the city shouldn't give up on this program. We just need to have a better way of broadcasting things to the public.

Council Member Adams said that when this program was first presented to us it the coordinators mentioned that the city would be able to scrutinize the information sent out and asked if that was done before the first letter was mailed.

Shayne Scott responded that it was. Mr. Scott commented that he had spoken with the company recently and they are willing to modify their next mailer so that it's better clarified that they are an independent company providing this service.

Council Member Barber said that there was an insert also sent in the mailer which had the city's logo on it as well as a number that residents could call for more information or to opt out of future mailings. Council Member Barber said she feels that this insert was well done and was a proper use of the city's logo.

Katie Witt said that when she first heard about this program she spoke with other cities who had participated in it and felt that it was worth pursuing. Water is a finite resource and if there's ever a water break we are losing water. It is catastrophic for these families who aren't expecting it and the program would be beneficial.

CALL TO THE PUBLIC

There was no public comment.

COUNCIL MEMBER REPORTS

Council Member Page commented that the legislature is currently in session and there are a lot of land use changes that will likely pass, and it might create some tough decisions for many cities.

Council Member DeCaire said that the Power Commission held a meeting this past Tuesday, February 5, 2019 where they introduced the new members of the board.

Council Member Barber reported that the Parks and Recreation Department are already busy planning the city events for 2019. There is also a public information meeting that will be held on Monday, February 11 at 7:00 to discuss fiber-optic service options and answer any questions.

Council Member Garn said that this spring the Public Works Department will be working toward improving certain sidewalks and streets within the city, and urged the public to be patient as these projects move ahead.

Mayor Witt commented thanked the Council for attending their recent City Council Retreat. It was very productive and a lot of planning took place for the upcoming year.

ADJOURNMENT

Council Member Page made a motion to adjourn the meeting at 9:02 p.m., second by Council Member DeCaire.

STAFF REPORT



COUNCIL MEETING DATE: February 21, 2019

ITEM NO.:

TYPE OF ITEM: Consent

PRESENTED BY:

SUBJECT/AGENDA TITLE: Soccer Uniform Purchase – Parks and Recreation

EXECUTIVE SUMMARY: Purchasing of soccer uniforms for the 2019/2020 recreation soccer season using State purchasing contract AV2294.

Approximately 2,400 youth participate in the Recreation Soccer program.

Council Options: Approve or Deny the purchase

Recommended Options: Approve

Fiscal Impact & Fund Source for Recommended Action: User/Participant registration fees cover the uniform purchase.

Attachments: Score RFP using State Contract #AV2294

**Quote for
Kaysville City Parks & Recreation
Youth Soccer Program RFP**



Quote prepared for:
Kris Willey-High, Recreation Director
85 N. 100 East Street
Kaysville, UT 84037
(801) 544-1788
kwilley@kaysvillecity.com

Quote prepared by:
Vanessa Martinez, Bid Specialist
726 E Anaheim St.
Wilmington, CA 90744
(800) 626-7774 ext. 1133
vmartinez@scoresports.com

Date: 2/8/2019
Acct#: 497241
Contract #: AV2294

Style/ Item	Description	Size	Qty	Price	Extended Price
Youth Jerseys w/logo and numbers	Available in 25 colors for #235 and 21 colors in #221. 24 Colors in #295 and 22 Colors in #270. Price includes 3.5" 2-color W/B logo applied on the left chest of the jersey (L-01109) and and 8"	Youth	1845	\$7.00	\$12,915.00
SCORE Costa Rica No. 235 or SCORE Belize No. 221		Adult	639	\$7.00	\$4,473.00



Costa Rica #235



Belize #211



France #295



Germany #270



3.5" 2-color W/B
Logo #L-01109

10

8" 2-color W/B
Number placed on
BACK of Jersey

**Youth and Adult Shorts
SCORE Sydney No. 117A**

Available in 12 colors
Shine® body, elastic drawcord
waistband, and classic fit style



Y	1845	\$5.95	\$10,977.75
A	639	\$5.95	\$3,802.05

**SOCKS
SCORE Solid Socks No. #800**

Classic Tube Sock Available in 22 colors
Knit-in elastic to keep sock in place
Extra padded footbed for extra support



2484	\$2.00	\$4,968.00
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**Quote for
Kaysville City Parks & Recreation
Youth Soccer Program RFP**



Style/ Item	Description	Size	Qty	Price	Extended Price
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Coach Bag with Logo
SCORE Coach Bag No. #8640



Available in Black Only 220 The perfect bag for every coach & referee Large U-shaped dual zipper main compartment Dual vented damp item side pockets Dual small team pockets with organizer Extra long front pocket for holding referee flags

Includes:

220 \$9.95 \$2,189.00

Style/ Item	Description	Size	Qty	Price	Extended Price
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Size 3-5 Soccer Balls
SCORE Galaxy Ball No. #1460



Available in 4 Sizes - (5, 4, 3, & Mini) The Galaxt soccer ball is designed for training & rec play. Super soft machine stitched PU cover Multi-ply fabric & EVA foam foam linings for softness & durability. Premium reinforced butyle bladded for maximum air retention. One year quality

3	118	\$7.95	\$938.10
4	71	\$7.95	\$564.45
5	31	\$7.95	\$246.45

Subtotal: \$41,073.80

Sales Tax: EXEMPT

Estimated UPS Ground Shipping (See Notes): **Included**

Estimated Total: \$41,073.80

Misc. Notes:

- All add-on orders will be at the same price.
- **Shipping is included on Main Order only. All Add on orders, shipping will be charged on weight and speed of delivery.**
- Production time for uniform orders of 150+ is approximately **7-10 business days** from receipt of order.
- Production time for equipment orders (if in stock) is approximately **1-3 business days** from receipt of order.
- Delivery time will be approximately **2-3 business days** by way of UPS Ground. Expedited shipping is available at an additional cost.
- *Other terms and conditions may apply. Please see catalog for details.*

Please contact your local Regional Sales Manager, Mike Bennett at (801) 631-8118 or at Mbennett@scoresports.com or you can contact your Inside Sales Representative, Kathie Arzate at (800) 626-7774 ext. 1149 or at karzate@scoresports.com with any questions.

STAFF REPORT



COUNCIL MEETING DATE: February 21, 2019

ITEM NO.: 5b

TYPE OF ITEM: Action

PRESENTED BY: Shayne Scott, City Manager

SUBJECT/AGENDA TITLE: Historic Preservation Committee Ordinance Discussion

EXECUTIVE SUMMARY:

As part of the discussion surround the possible donation of the Old Library building to be used as a museum, the Museum Committee has asked Kaysville City to look in to creating a Historic Preservation Committee. This committee would work hand in hand with the museum committee on funding and grant requests. The committee can also address other historic efforts in the city including the look and preservation of buildings, artifact preservation efforts, etc.

The included ordinance was put together by staff and is included for your review. We have adjusted the demolition time portion from 7 days to 30 days per the discussion at the last city council meeting.

Council Options: Discuss the creation of a HPC and review the ordinance for possible changes. If ready, adopt this Ordinance.
Recommend changes and ask staff to bring this back at a future date.

Recommendation: Approve this ordinance as written.

Fiscal Impact & Fund Source for Recommended Action:
This ordinance should not have any direct fiscal impact on the City.

Attachments: Ordinance

Kaysville Historic Preservation Commission

- 101. Historic Preservation Ordinance.
- 102. Purpose.
- 103. Historic Preservation Commission.
- 104. Powers and Duties of Commission.
- 105. Meetings and Notification.
- 106. Survey and Inventory.
- 107. Demolition Notification.
- ~~108. Enforcement and Penalties.~~

- 101.
Historic Preservation Ordinance.

This Ordinance shall be known and may be cited as the "Historic Preservation Ordinance".

- 102.
Purpose.

Recognizing that the historical heritage of this City is among its most valued and important assets, it is the intent of this Ordinance to provide for the preservation, protection and enhancement of its history. This preservation, protection and enhancement shall include, but not be limited to, the written and visual history of Kaysville, its early settlers and its historic sites, the planning for and celebration of important historical events relating to Kaysville's history, the education of all segments of the community so that Kaysville's history can be fully and properly appreciated, and the establishment of a repository for items, artifacts, and other materials which have historical significance to the City of Kaysville.

The purpose of the Ordinance shall also be to establish a Committee which shall recommend to the City Council necessary and desirable protection of historic areas and sites within the community.

- 103.
Historic Preservation Commission.

(a) Commission, Members and Appointment.

There is created a Historic Preservation Commission, which shall be an advisory body ~~of~~ and shall report to the City Council of Kaysville. The Commission shall be composed of ~~six~~ seven ~~(7)~~ members appointed by the Mayor with the consent of the City Council. One of the members shall always be the Mayor, who shall be an ex-officio member; one ~~(1)~~ of the members shall ~~always~~ be a member of the City Council; for five ~~(5)~~ members, preference shall be made for professional members from the disciplines of history, archaeology, planning, urban planning, American studies, American civilization, cultural geography, cultural anthropology, and to those exceptionally interested in the history and heritage of Kaysville. At least five ~~(5)~~ of the seven ~~(7)~~ members shall reside in Kaysville City ~~the City of Kaysville~~. With exception of the Mayor and City Council Member on the Commission, two or more members of the Commission shall not serve on the same board, commission, or other leadership position within another organization while serving on the Commission.

- (b)
Terms.

The term of each member of the Commission, with the exception of the Mayor and City Council member on the Commission, shall be for four ~~(4)~~ years. Initial members of the Commission shall be staggered as determined by the Mayor with the advice and consent of the City Council.

(c)

Advisory Body.

The Historic Preservation Commission shall be an advisory body ~~of,~~ and shall report to, the City Council.

104.

Powers and Duties of the Commission.

The Commission shall have the following duties:

(a) Conduct research and collect information on the history of Kaysville, including the establishment of a repository for important documents, artifacts and other items of historical significance.

(b) Provide a written history of ~~Kaysville~~the City of Kaysville, as well as an historical program which outlines

Kaysville's history for various age groups in the community. ~~This may include, but not be limited to, the use of written summaries of history, visual exhibits, video tapes, displays, and other media. (This sentence seemed obvious and easily dated. I suggest removal so that we don't have to keep updating it.~~

(c) Increase the awareness of Kaysville's history through the commemoration of historical events.

(d) Designate entries on the Utah State Register of Historic and Cultural sites and recommend to the State Historic Preservation Officer nominations for the National Register of Historic places, utilizing the criteria for evaluation from the National Register.

(e) Attend at least one informational or educational meeting each year, sponsored by ~~at the State~~ Historic Preservation Organization Office, pertaining to the work and functions of the Commission or to historic preservation. ~~(This is going to cause the city to incur some minimal costs. Do we want this to be a requirement?)~~

(f) Submit an annual report of the activities of the Commission to the State Historic Preservation Office and to the City Council.

(g) Review all proposed National Register nominations for properties within the boundaries of the City.

(h) Conduct or cause to be conducted a survey of cultural resources in the City which in form and content will be compatible to the Utah inventory of historic and archaeological sites.

(i) Act in an advisory role to other officials and departments of the City regarding the protection of local cultural resources and shall act as a liaison on behalf of the City to individuals and organizations within the City concerned with historic preservation.

105.

Meetings and Notification.

(a) The Commission shall provide for adequate public participation in the historic preservation programs, including the process of recommending properties for nomination to the National Register.

(b) Commission meetings shall occur at regular intervals as needed, ~~and at least once each year.~~

(c) Minutes of all decisions, actions of the Commission, including the reasons for making those decisions shall be kept on file and available for public inspection.

(d) Rules of procedure adopted by the Commission shall be available for public inspection.

106.

Survey and Inventory.

- (a) The Commission shall initiate or continue an approved process to identify historic properties within the City.
- (b) A detailed inventory of the designated districts, sites, ~~and~~/or structures within Kaysville ~~City~~ shall be maintained.
- (c) The inventory material shall be compatible with the Utah state-wide inventory of historic and archaeological sites and shall be made accessible to the public except where restrictions have been made for archaeological sites.
- (d) The inventory shall be updated periodically and made available through duplicates at the State Historic Preservation Office and shall be able to be readily integrated into State-wide comprehensive historic preservation planning and other appropriate planning process.

107.

Demolition ~~—~~ Notification

If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.

- (a) The City will delay issuing a demolition permit for up to 30 days ~~a maximum of one week~~ and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.
- (b) Documentation will include, at minimum, exterior photographs ~~(both black and white and color) of all elevations~~ of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
- (c) The demolition permit may be issued after 30 days ~~one week~~ of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the 30 day ~~one-week~~ deadline.
- (d) The documentation will be kept in the City's files, which are open to the public. ~~(Do we want to maintain these or turn them over to some other organization?)~~

~~108.~~

~~Enforcement and Penalties:~~

~~It is unlawful to:~~

- ~~(a) Enter on City lands owned or controlled by the City or which have been designated as landmarks pursuant to this Ordinance for the purpose of appropriating, injuring or destroying a specimen without a permit from the Division of State history or the City.~~
- ~~(b) To appropriate, injure or destroy any site or specimen situated on lands or controlled by the City, or which have been designated as landmarks pursuant to this Ordinance.~~
- ~~(c) To reproduce, re-work or forge any specimen or make any object, whether copied or not, or falsely label, describe, identify or offer for sale or exchange any object with intent to represent the same as an original and genuine specimen, nor shall any person offer for sale or exchange any object with knowledge that it was collected or excavated in violation of this Ordinance. (These things are already crimes)~~

STAFF REPORT



COUNCIL MEETING DATE: February 21, 2019

ITEM NO.:

TYPE OF ITEM: Action Item

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: FIRST AMENDMENT TO AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF LAND AMONG KAYSVILLE CITY AND COMPASS HOLDINGS DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT, LLC.

EXECUTIVE SUMMARY:

The subject property located just east of U.S. 89 has previously been approved for annexation by the City Council subject to the terms of the original development agreement. More specifically a portion of that property has been under review for development as the Orchard Ridge Subdivision.

During the subdivision review process additional engineering details and external factors have given reason to consider amendments to the original agreement. First, Kaysville City (among other jurisdictions) has been contacted by Weber Basin Water District requesting that development which occurs east of the highway not be serviced by secondary water systems.

The amendment removes the requirement for secondary water and the restrictions on the number of culinary connections. Furthermore, as utility providers have reviewed the proposed subdivision plans, their requirements for placement of their lines have forced a change in the profile of the public street right of way. Through the preliminary plat process, it was determined that the developer would only be required to install sidewalk on one side of public streets in the development. Since they will be required to bring the right of way to grade the same as if there were sidewalk on both sides to accommodate the needs of utility services, the proposed amendment requires that sidewalk be installed on both sides of public streets. Finally, some additional language has been added to ensure that access to the newly proposed water tank facility is in place and maintained through all phases of development.

Council Options: Approve of the amendments as written or

Fiscal Impact & Fund Source for Recommended Action: N/A

Attachments: Amendment to Annexation Agreement

**FIRST AMENDMENT TO AGREEMENT FOR THE ANNEXATION AND
DEVELOPMENT OF LAND AMONG KAYSVILLE CITY AND COMPASS HOLDINGS
DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT, LLC.
(Approximately 1402 North Highway 89)**

THIS FIRST AMENDMENT TO AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF LAND AMONG KAYSVILLE CITY AND COMPASS HOLDINGS DEVELOPMENT, LLC AND CAPITAL REEF MANAGEMENT, LLC (hereinafter referred to as the “**Amendment**”) is made and entered into effective this ____ day of February, 2019, between KAYSVILLE CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and COMPASS HOLDINGS DEVELOPMENT, LLC and CAPITAL REEF MANAGEMENT, LLC (hereinafter jointly referred to as “Owner”). City and Owner are collectively referred to as the “Parties” and separately as “Party.”

RECITALS

A. The parties entered into an agreement entitled “Agreement for the Annexation and Development of Land Between Kaysville City and Compass Holdings Development, LLC and Capital Reef Management, LLC” (the “**Agreement**”), which became effective on November 1, 2018. Pursuant to the terms of the Agreement, the City annexed approximately 66 acres of real property into the City, as well as designating the zoning for annexed real property, and granting Owner certain development rights within a portion of the subject property, subject to approval by the City of a final plat.

B. The Parties desire to amend certain provisions of the Agreement, in order to address certain issues and aspects of the proposed development that have come to light since the effective date of the Agreement.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

1. Article 4.1.3.1 of the Agreement is hereby amended and restated in its entirety and replaced with the following:

“4.1.3.1 **Owner’s Responsibilities**—In addition to the tank, owner shall be responsible for any costs not reimbursed by UDOT to pay the costs to install a pump, pump-house, piping, and any other associated improvements connected with pumping and delivering water to the water-tank. Owner shall also dedicate any easements and property required to install, access, or maintain the water-tank, pump, pump-house, and any other associated improvements. Owner shall be solely responsible to pay for the costs of any piping used to deliver the water from the water tank to the homes in the Subject Area.

Access to the proposed water tank shall be maintained by the Owner until improved according to Kaysville City Standards for a public street and dedicated to the City. After the City has completed the grubbing and creation of the temporary access to the water tank, Owner shall be responsible for maintenance of applicable storm water BMPs (best management practices) to

mitigate and appropriately control potential sediment runoff from the new road cut, such BMPs to be agreed upon by the Parties so as to also be in compliance with all applicable laws, statutes, ordinances or mandates of any other governmental entity entitled to impose standards upon such maintenance pending final improvement.”

2. Article 4.1.5 of the Agreement is hereby amended and restated in its entirety and replaced with the following:

“4.1.5 Culinary Water. As the property is located east of U.S. 89, culinary water may be used to irrigate all lots and common areas within the Subject Area inasmuch as the connections are done in compliance with applicable standards, laws, and ordinances including the use of approved backflow prevention assemblies. Secondary water shall not be required.”

3. A new section 4.1.9 is hereby added to the Agreement as follows:

“4.1.9 Sidewalk – All public roads developed on the Subject Property shall comply with Kaysville City standards including sidewalk on both sides of the street.”

4. Effect of Amendment. The provisions of this Amendment will govern to the extent of any conflict between this Amendment and the Agreement. Except as modified by this Amendment, all terms of the Agreement shall remain in effect and be fully applicable to all of the Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

KAYSVILLE CITY CORPORATION,

By: _____
Katie Witt, Mayor

ATTEST:

By: _____
Annemarie Plaizier, City Recorder

STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

On this _____ day of _____, 20____, personally appeared before me KATIE WITT, who duly acknowledged to me that she is the MAYOR of KAYSVILLE CITY, and she signed the foregoing Annexation Agreement in behalf of said corporation, and KATIE WITT acknowledged to me that Kaysville City executed the same.

NOTARY PUBLIC

Compass Holdings Development, LLC

Signed by:

Name

Title

OWNER ACKNOWLEDGEMENT - CORPORATION/PARTNERSHIP

(Complete only if signing on behalf of a Corporation/Partnership)

STATE OF _____)

:ss

COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me _____
who being by me duly sworn did say that he/she is the _____ of
_____, a corporation/partnership, and that _____ is
the legal property owner of record of the property subject to this Agreement and that the
foregoing Agreement was signed in behalf of said corporation/partnership by authority of its
Board of Directors/by-laws, and he/she acknowledged to me that said corporation/partnership
executed the same.

Notary Public

Capital Reef Management, LLC

Signed by:

Name

Title

OWNER ACKNOWLEDGEMENT - CORPORATION/PARTNERSHIP
(Complete only if signing on behalf of a Corporation/Partnership)

STATE OF _____)

:ss

COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me _____
who being by me duly sworn did say that he/she is the _____ of
_____, a corporation/partnership, and that _____ is
the legal property owner of record of the property subject to this Agreement and that the
foregoing Agreement was signed in behalf of said corporation/partnership by authority of its
Board of Directors/by-laws, and he/she acknowledged to me that said corporation/partnership
executed the same.

Notary Public

****IF ADDITIONAL SIGNERS AND/OR NOTORIAL WORDING ARE NECESSARY,
PLEASE NOTATE ANY ADDITIONS ON THIS NOTARY PAGE AND ATTACH A
STATE APPROVED NOTARIAL CERTIFICATE, WHICH IDENTIFIES THE
DOCUMENT THE ATTACHED NOTARIAL CERTIFICATE RELATES TO, AS WELL
AS, THE NUMBER OF PAGES IN THE DOCUMENT**

STAFF REPORT



COUNCIL MEETING DATE: February 21, 2019

ITEM NO.:

TYPE OF ITEM: Action Item

PRESENTED BY: Community Development Staff

**SUBJECT/AGENDA TITLE: Preliminary Plat Review for the Westgate
Subdivision – Perry Homes**

EXECUTIVE SUMMARY:

Perry Homes recently rezoned the subject property in anticipation of the proposed development. In continued pursuit of the project they have submitted a preliminary plat application giving additional detail regarding the anticipated development of the site.

The subdivision consists of 122 total lots and a commercial pad which are anticipated to be developed over 5 phases starting from the south end of the project along 200 North Street.

The preliminary plat is consistent with what was shown during the rezone process which includes open space to be dedicated to the city for use as a park as well as a trail connection which is anticipated to tie into Layton City's trail system over time.

As there is no PRUD element to this subdivision, all lots within their respective zoning districts meet the minimum lot size and frontage requirements. This includes 37 lots in the R-1-8 (lots 166-193 and lots 117, 118, 119, 136, 137, 138, 155, 156, and 157). Lots in the R-1-8 zone range from 8,170 sq. ft. to 14,179 sq. ft. in size. All lots meet or exceed the required 65 ft. of frontage for the zone. The remaining 85 residential lots are located in the R-1-LD zone which meets the 2 unit per acre lot requirement with lots ranging in size from 12,000 sq. ft. to 61,324 sq. ft. in size. The applicant has also left a 3 acre commercial pad along 200 north in the property which has been zoned GC.

The proposed subdivision has only 1 cul-de sac which is less than 200 feet deep. The ordinance allows for a dead end street to be as long as 600 feet in length. The remaining network consists of through streets which completes the anticipated network from Lloydwood Drive and Eulalia Way to the East.

Recommendation:

The Planning Commission voted unanimously to forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for the Westgate Subdivision.

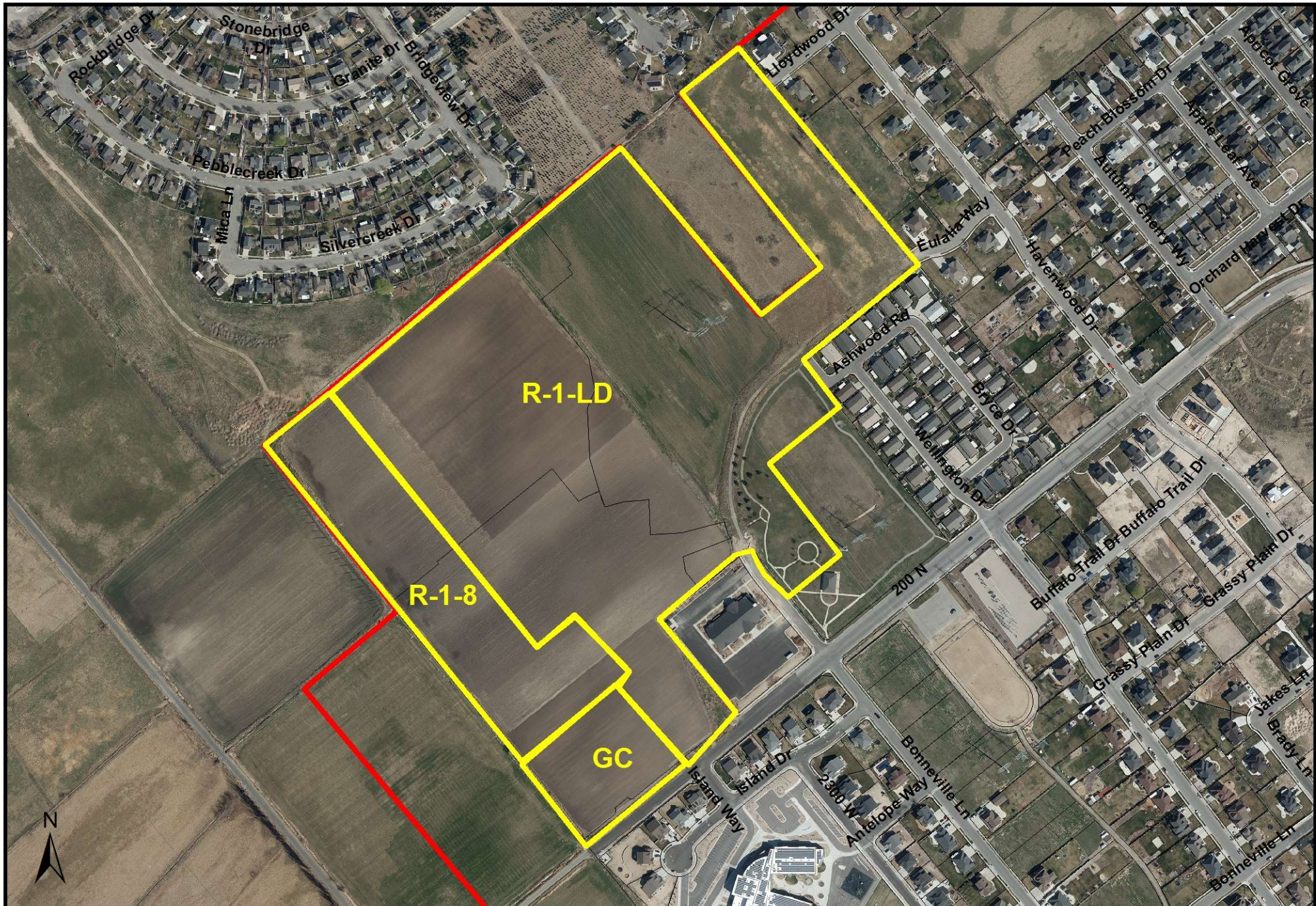
Reasoning:

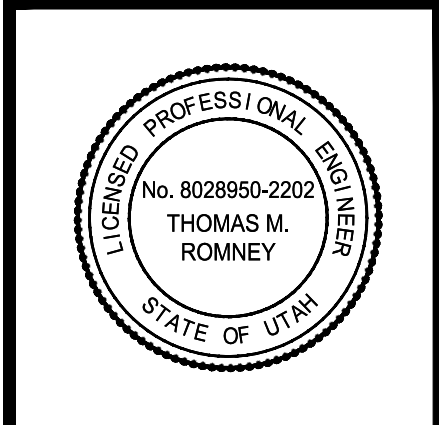
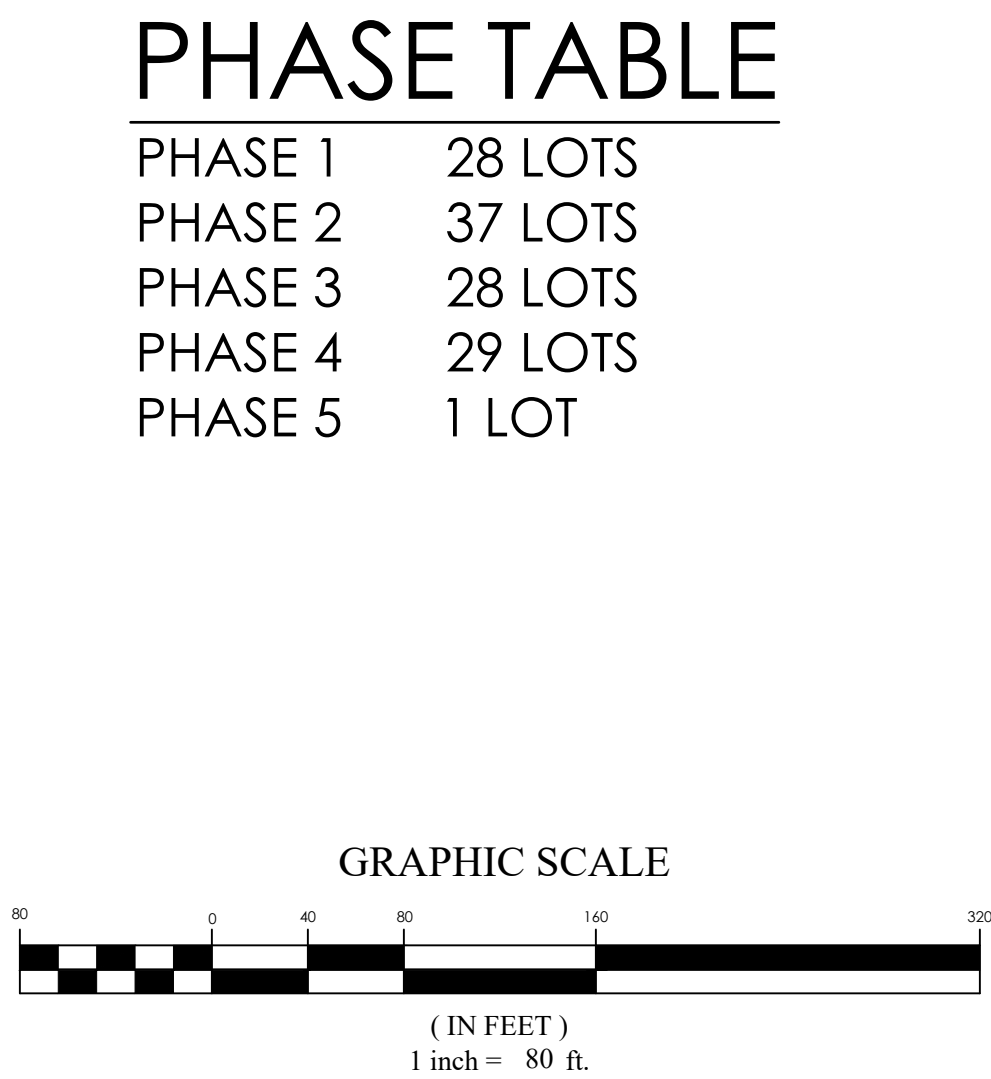
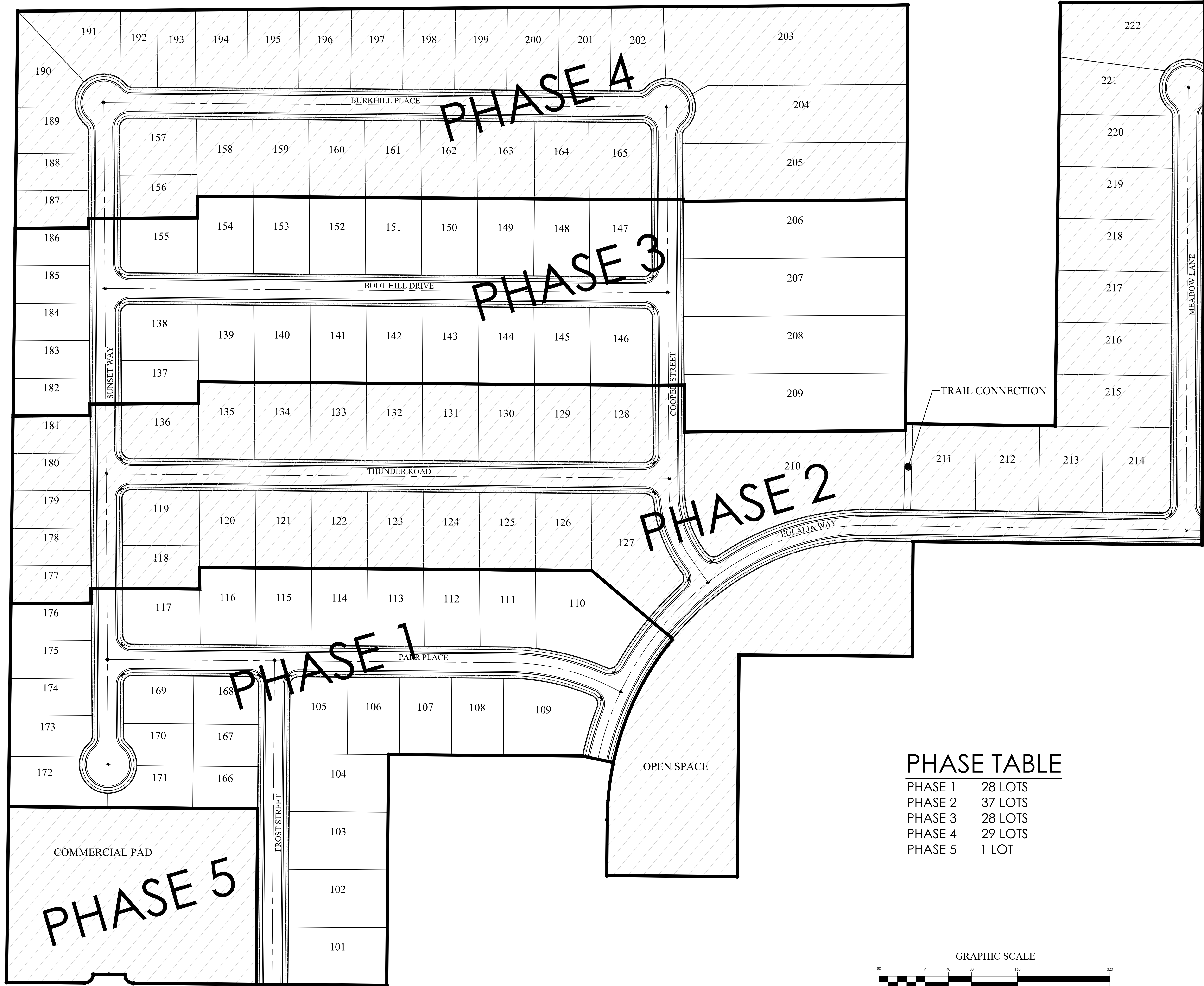
The proposed subdivision is consistent with the anticipated development through the rezone process. It is in compliance with applicable zoning districts, and proposes a desirable road network. Some fine-tuned details regarding utilities will still need to be worked out at final plat review for each phase, but the preliminary details indicate an acceptable development.

Fiscal Impact & Fund Source for Recommended Action: N/A

Attachments: Area Map with zoning district overlay.
Preliminary Plat documents
Anticipated Phasing Plan.

Rezone of 2300 West Schick Lane (200 North) from R-A to GC, R-1-LD, and R-1-8





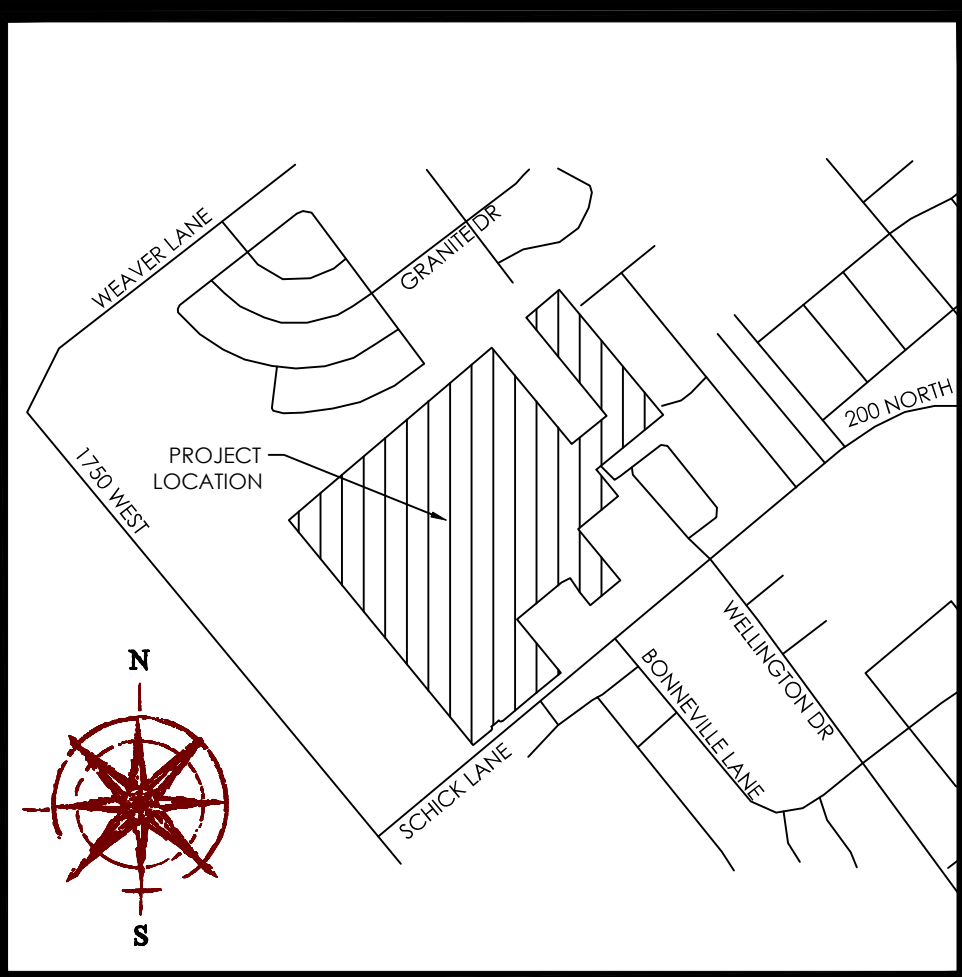
WESTGATE
KAYSVILLE, UT
PHASING PLAN

REVISION BLOCK		DESCRIPTION					
#	DATE						
1	01/15/19						
2	01/15/19						
3	01/15/19						
4	01/15/19						
5	01/15/19						
6	01/15/19						

PHASING PLAN

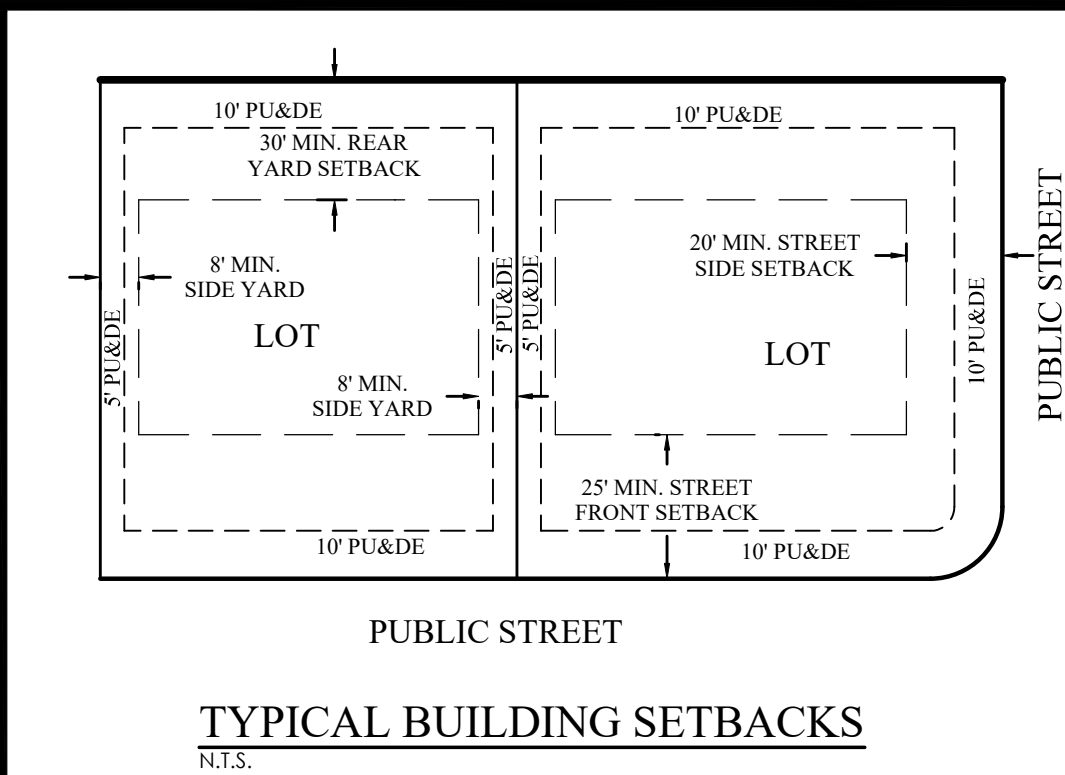
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Date: 01/15/19	Job #: 17-319
Sheet:	C3.1





VICINITY MAP
N.T.S.

Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	50.00	278°20'08"	242.89	S49°38'08"W	65.38
C2	50.00	189°36'46"	165.47	N04°48'18"E	99.65
C3	50.00	187°31'44"	163.65	S84°57'40"E	99.78
C4	200.00	35°20'23"	123.36	S58°02'04"E	121.41
C5	555.00	18°11'52"	176.27	S01°17'04"E	175.53
C6	527.50	26°35'07"	244.76	N01°22'11"W	242.57
C7	500.00	48°11'21"	420.53	N04°01'20"W	408.24
C8	527.50	13°27'16"	123.87	N21°23'23"W	123.59
C9	427.50	23°07'40"	172.56	S62°00'22"W	171.39
C10	400.00	25°26'28"	177.61	S63°09'46"W	176.16
C11	527.50	8°08'58"	75.03	N15°59'51"E	74.97
C12	427.50	30°35'07"	228.21	S35°21'54"W	225.51
C13	400.00	30°35'07"	213.53	N35°21'54"E	211.00
C14	50.00	172°32'05"	150.57	S02°37'40"E	99.79
C15	371.55	22°45'59"	147.63	N61°47'45"E	146.66
C16	15.00	87°54'37"	23.01	S62°53'44"E	20.82
C17	540.29	9°25'37"	88.89	S23°31'43"E	88.79
C18	423.89	17°05'53"	126.50	S65°05'38"W	126.03
C19	15.00	83°57'12"	21.98	S31°35'56"W	20.06
C20	555.00	9°48'17"	94.97	S05°28'51"E	94.86
C21	427.50	6°10'31"	46.08	S53°31'48"W	46.05
C22	15.00	89°11'36"	23.35	N84°57'40"W	21.06
C23	15.00	90°48'24"	23.77	N05°02'20"E	21.36
C24	15.00	84°49'04"	22.21	S87°08'56"E	20.23
C25	227.50	30°57'51"	122.95	S60°13'19"E	121.46
C26	15.00	83°31'07"	21.87	S33°56'41"E	19.98
C27	546.38	8°31'32"	81.30	S03°37'05"W	81.23
C28	15.00	90°48'24"	23.77	S05°02'20"W	21.36
C29	15.00	89°11'36"	23.35	N84°57'40"W	21.06
C30	15.00	90°48'24"	23.77	N05°02'20"E	21.36
C31	15.00	89°11'36"	23.35	S84°57'40"E	21.06
C32	15.00	90°48'24"	23.77	S05°02'20"W	21.36
C33	15.00	89°11'36"	23.35	N84°57'40"W	21.06

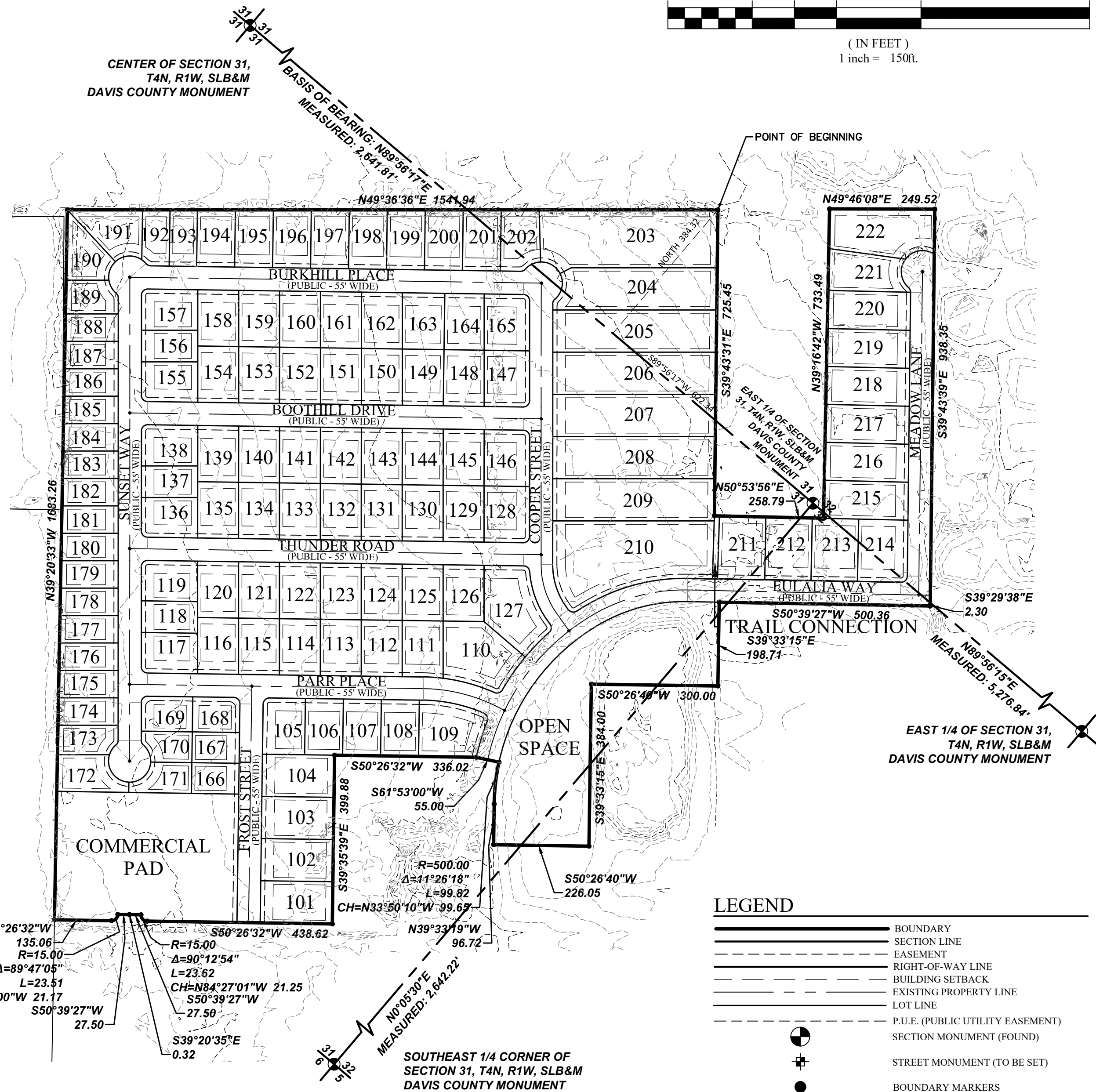


TYPICAL BUILDING SETBACKS
N.T.S.

WEST GATE SUBDIVISION

PRELIMINARY PLAT - NOT TO BE RECORDED
LOCATED IN THE EAST 1/4 OF SECTION 31, T4N, R1W,
SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH

CENTER OF SECTION 31,
T4N, R1W, SLB&M
DAVIS COUNTY MONUMENT



SURVEYORS CERTIFICATE

I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owners(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, blocks, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Spencer W. Llewellyn
Professional Land Surveyor
Certificate No. 10516507

Date

RECORD DESCRIPTION

A portion of the land located in Section 31, Township 4 North, Range 1 West, Salt Lake Base and Meridian, more particularly describe as follows:

Beginning at a point located S89°56'17"W along the Section line 622.34 feet and North 384.32 feet from the North East Corner of Section 31, T4N, R1W, SLB&M; thence S39°43'31"E 725.45 feet; thence N50°53'56"E 258.79 feet; thence N39°16'42"W 733.49 feet; thence N49°46'08"E 249.52 feet; thence S39°43'39"E 938.35 feet; thence S39°29'38"E 2.30 feet; thence S39°33'15"E 384.00 feet; thence S50°26'40"W 226.05 feet; thence N39°33'19"W 96.72 feet; thence along the arc of a curve to the right with a radius of 500.00 feet a distance of 99.82 feet through a central angle of 11°26'18" Chord: N33°50'10"W 99.65 feet; thence S61°53'00"W 55.00 feet; thence S50°26'32"W 336.02 feet; thence S39°35'39"E 399.88 feet; thence S50°26'32"W 438.62 feet; thence along the arc of a curve to the right with a radius of 15.00 feet a distance of 23.62 feet through a central angle of 90°12'54" Chord: N84°27'01"W 21.25 feet; thence S50°39'27"W 27.50 feet; thence S39°20'35"E 0.32 feet; thence S50°39'27"W 27.50 feet; thence S50°39'27"W a distance of 23.51 feet through a central angle of 89°47'05" Chord: S05°33'00"W 21.17 feet; thence S50°26'32"W 135.06 feet; thence N39°20'33"W 1,683.26 feet; thence N49°36'36"E 1,541.94 feet to the point of beginning.

Contains: 58.59 acres +/-

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT, AND NAME SAID TRACT

WEST GATE SUBDIVISION PRELIMINARY PLAT

AND DO HEREBY DEDICATE, GRANT AND CONVEY TO KAYSVILLE CITY, DAVIS COUNTY, UTAH, ALL EASEMENTS AS SHOWN ON THIS PLAT AS PUBLIC UTILITY EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY KAYSVILLE CITY.

SIGNED THIS ____ DAY OF ____, 20__

1 OF 3



PLANNING COMMISSION

Approved as to form this ____ day of ____
20__ by the Kaysville City Planning Commission.

Chairman, Planning Commission

CITY ENGINEER

Approved as to form this ____ day of ____
A.D., 20__.

Kaysville City Engineer

CITY ATTORNEY

Approved as to form this ____ day of ____
A.D., 20__.

Kaysville City Attorney

CITY COUNCIL

Presented to the Kaysville City Council this ____ day of ____, 20__ at which time this subdivision was approved and accepted.

Mayor

Attest:

City Recorder

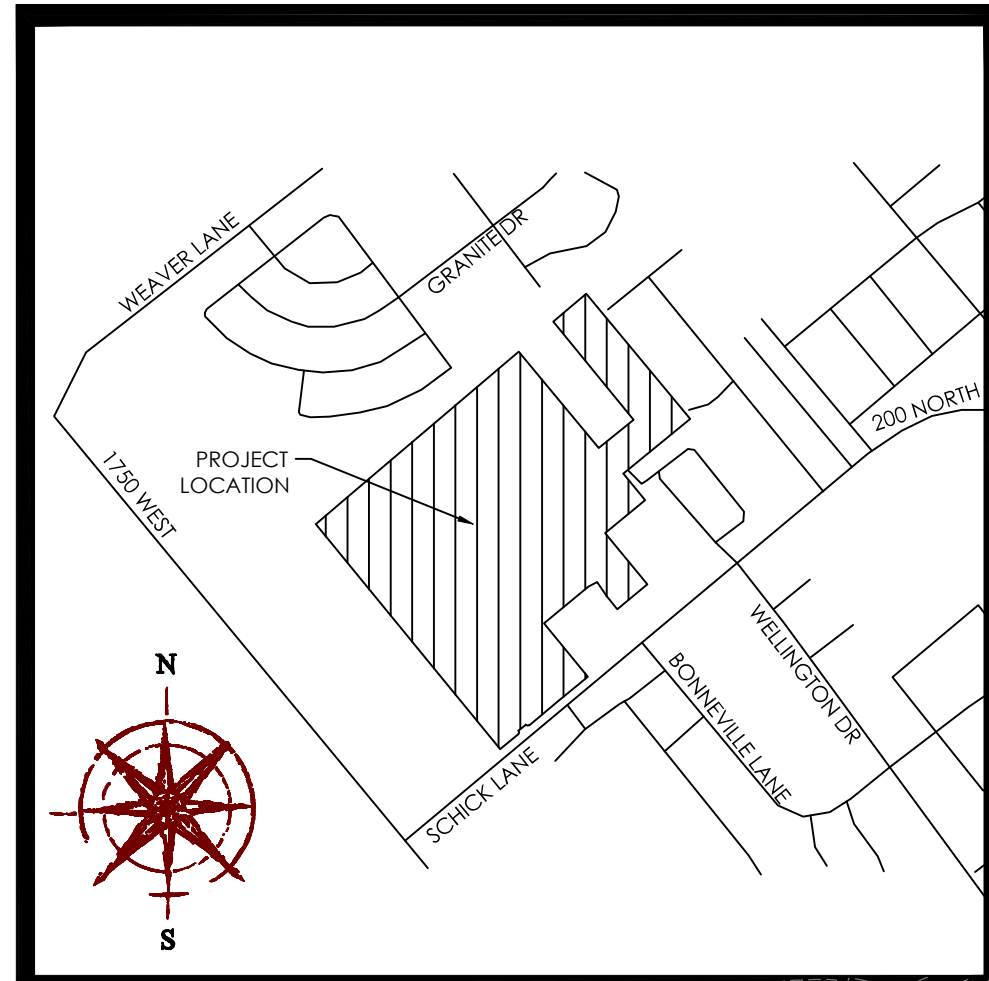
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State of Utah, County of Davis
Recorded at the request of

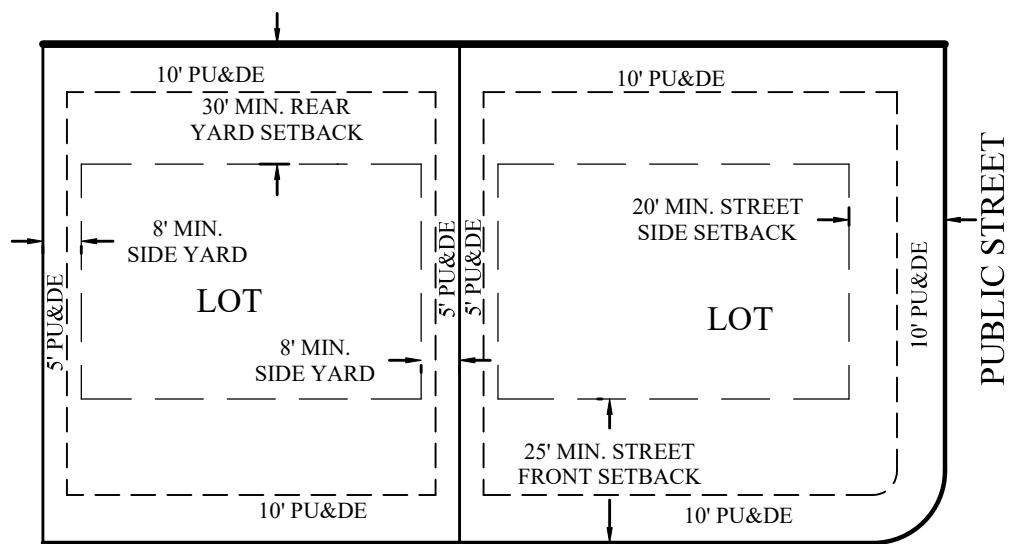
Date ____ Time ____ Book ____ Page ____

\$ ____
Fee

County Recorder



VICINITY MAP
N.T.S.



TYPICAL BUILDING SETBACKS
N.T.S.

WEST GATE SUBDIVISION

PRELIMINARY PLAT - NOT TO BE RECORDED

LOCATED IN THE EAST 1/4 OF SECTION 31, T4N, R1W, SLB&M,
SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH



GRAPHIC SCALE



CENTER OF SECTION 31,
T4N, R1W, SLB&M
DAVIS COUNTY MONUMENT

N89°56'17"E
MEASURED: 2,641.81'



2 OF 3



RECORDED

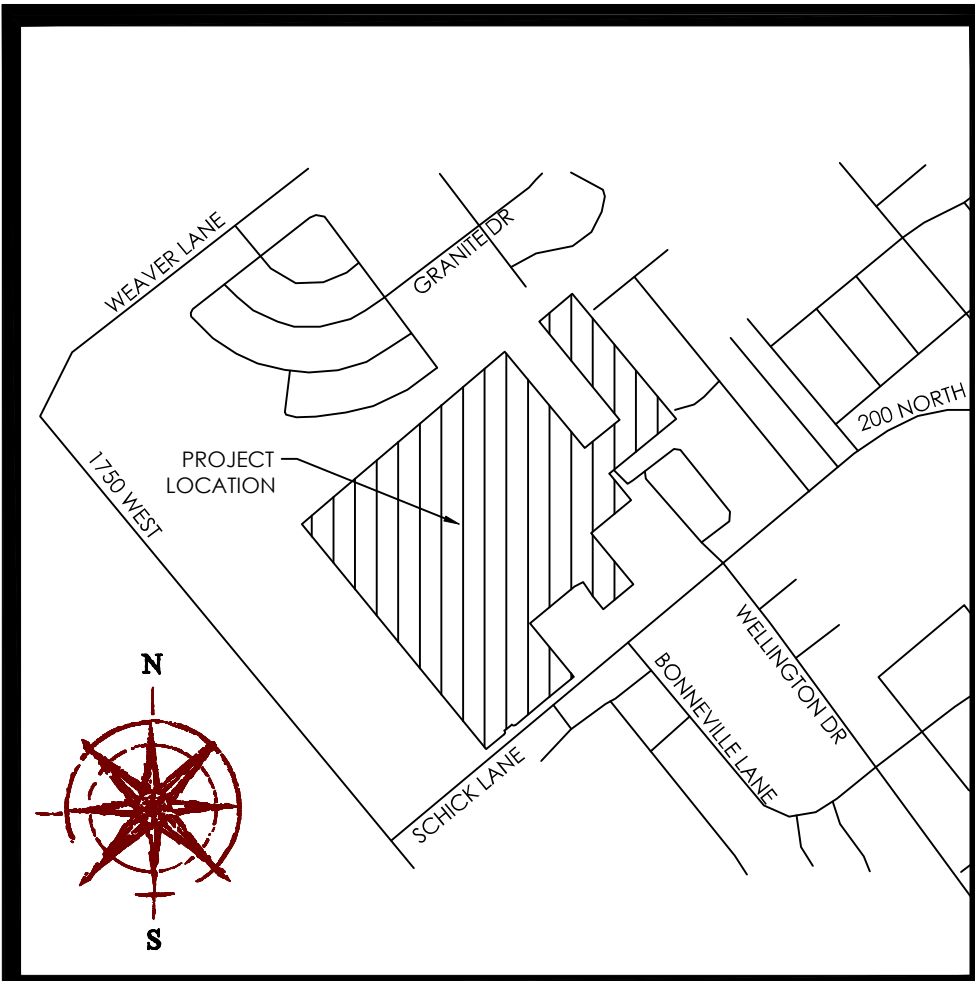
State of Utah, County of Davis
Recorded at the request of

Date _____ Time _____ Book _____ Page _____

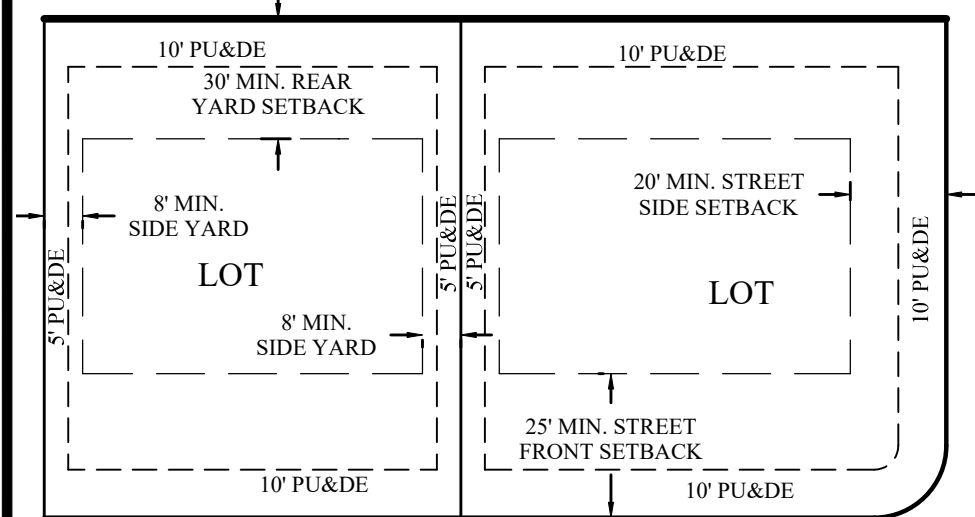
\$ _____
Fee _____ County Recorder

LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- LOT LINE
- P.U.E. (PUBLIC UTILITY EASEMENT)
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS



VICINITY MAP
N.T.S.



TYPICAL BUILDING SETBACKS
N.T.S.

LEGEND

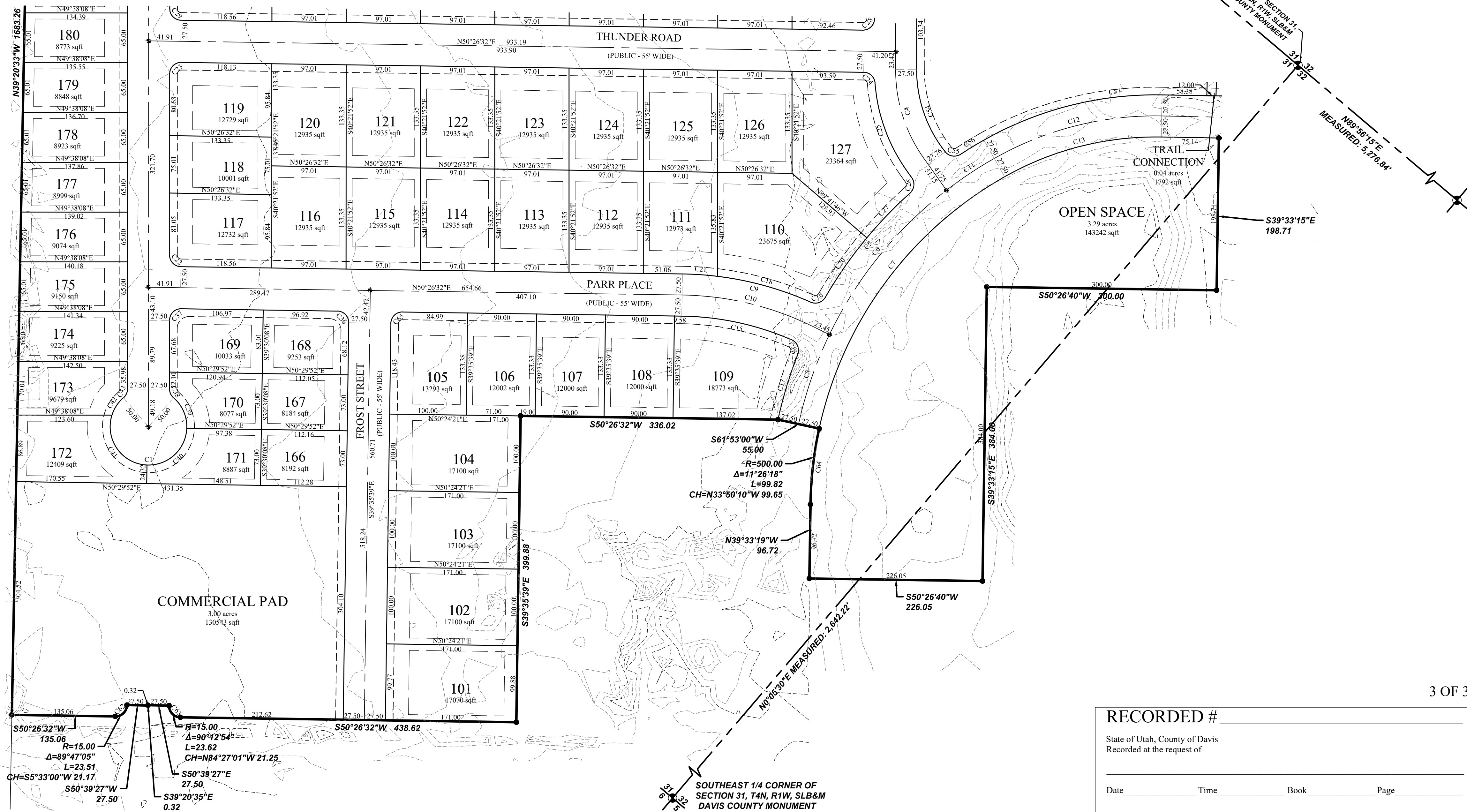
- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- LOT LINE
- P.U.E. (PUBLIC UTILITY EASEMENT)
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS



WEST GATE SUBDIVISION

PRELIMINARY PLAT - NOT TO BE RECORDED

LOCATED IN THE EAST 1/4 OF SECTION 31, T4N, R1W,
SALT LAKE BASE & MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH



CENTER OF SECTION 31,
T4N, R1W, SLB&M
DAVIS COUNTY MONUMENT

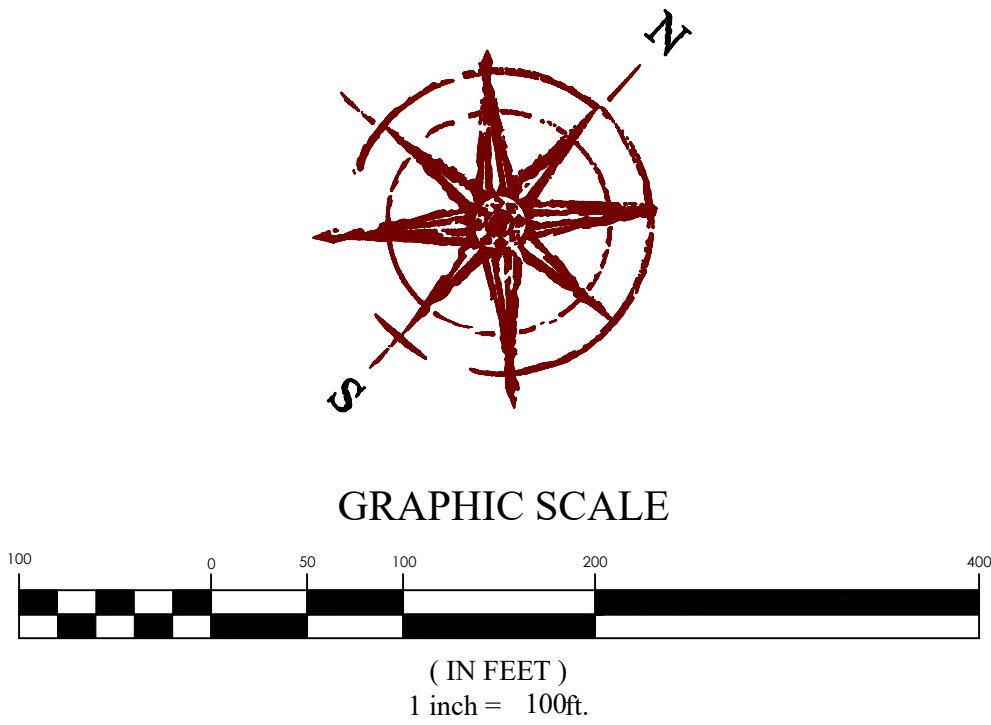
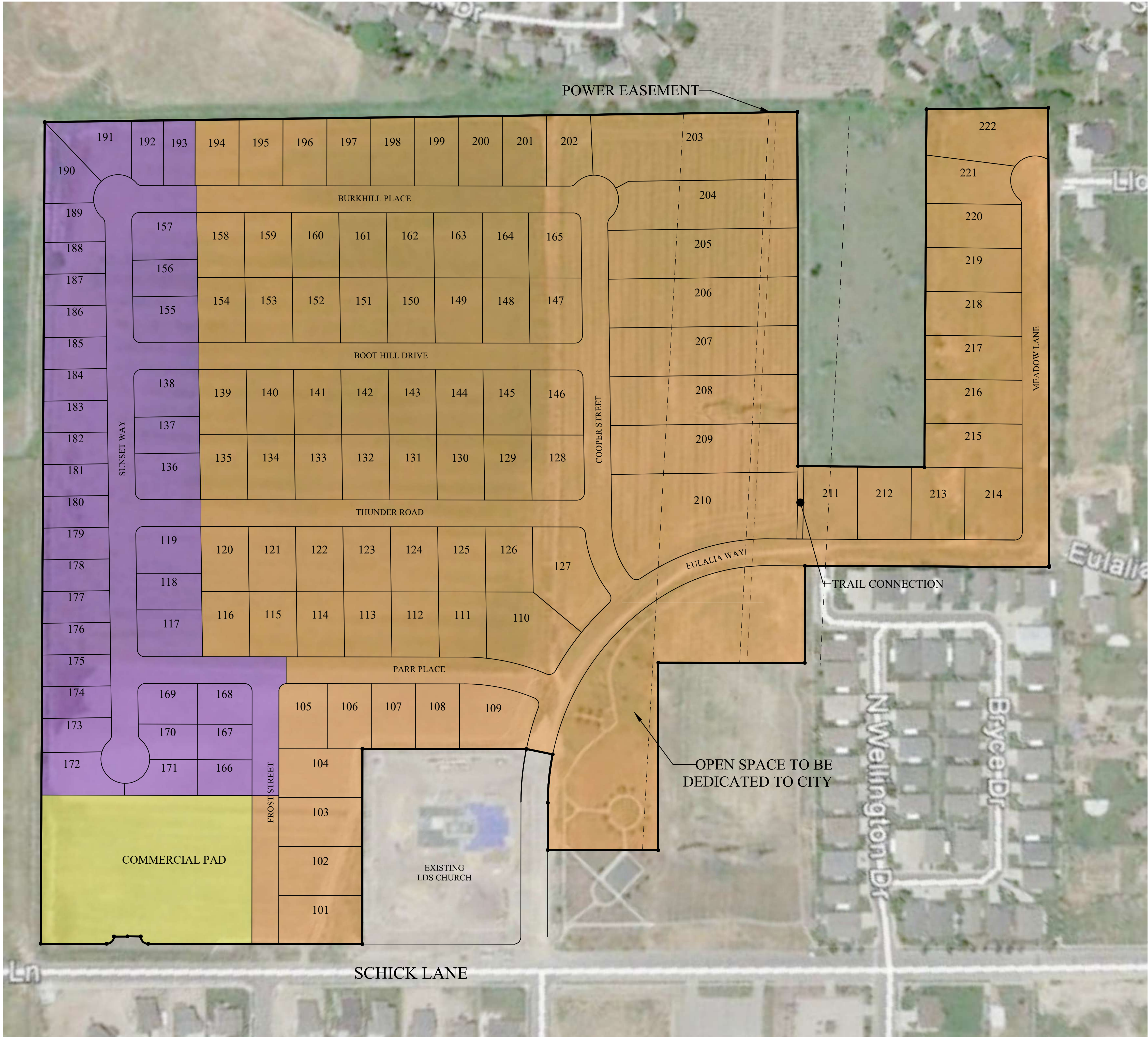
SOUTHEAST 1/4 CORNER OF
SECTION 31, T4N, R1W, SLB&M
DAVIS COUNTY MONUMENT

RECORDED # _____

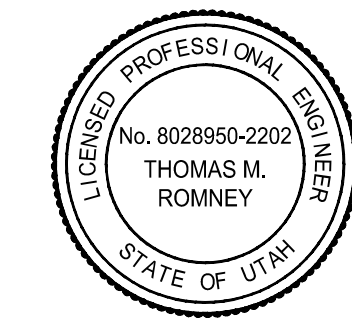
State of Utah, County of Davis
Recorded at the request of _____

Date _____ Time _____ Book _____ Page _____

\$ _____
Fee _____ County Recorder _____



	GENERAL COMMERCIAL ZONE
TOTAL AREA BEING REZONED:	3.00 ACRES
NUMBER OF LOTS:	1 LOTS
DENSITY:	0.33 LOTS/ACRE
	R-1-LD ZONE
LOT SIZE:	12,000 SF
FRONT SETBACK:	30'
LOT WIDTH:	90'
TOTAL AREA BEING REZONED:	44.39 ACRES
NUMBER OF LOTS:	85 LOTS
DENSITY:	1.91 LOTS/ACRE
	R-1-8 ZONE
LOT SIZE:	8,000 SF
FRONT SETBACK:	25'
LOT WIDTH:	60'
TOTAL AREA BEING REZONED:	11.21 ACRES
NUMBER OF LOTS:	37 LOTS
DENSITY:	3.30 LOTS/ACRE

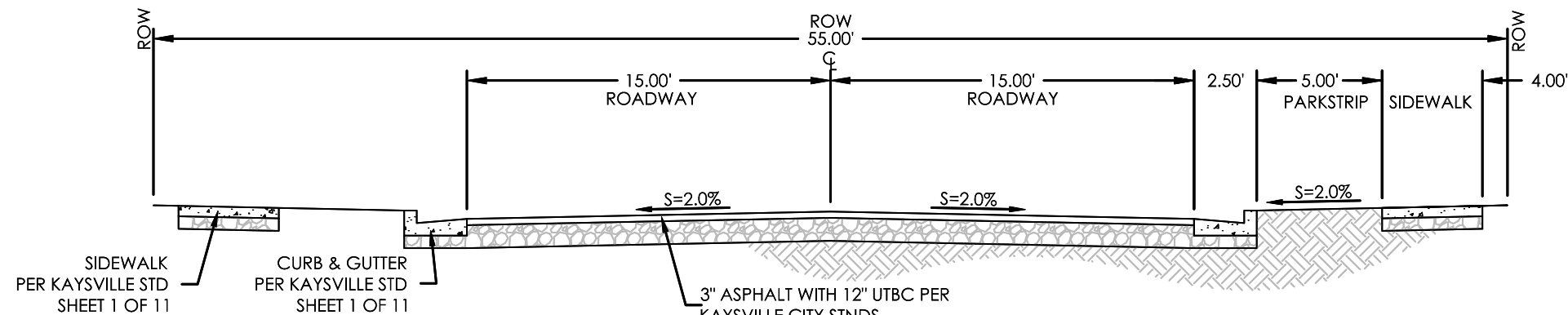
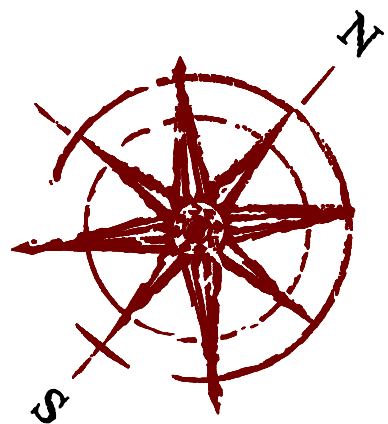
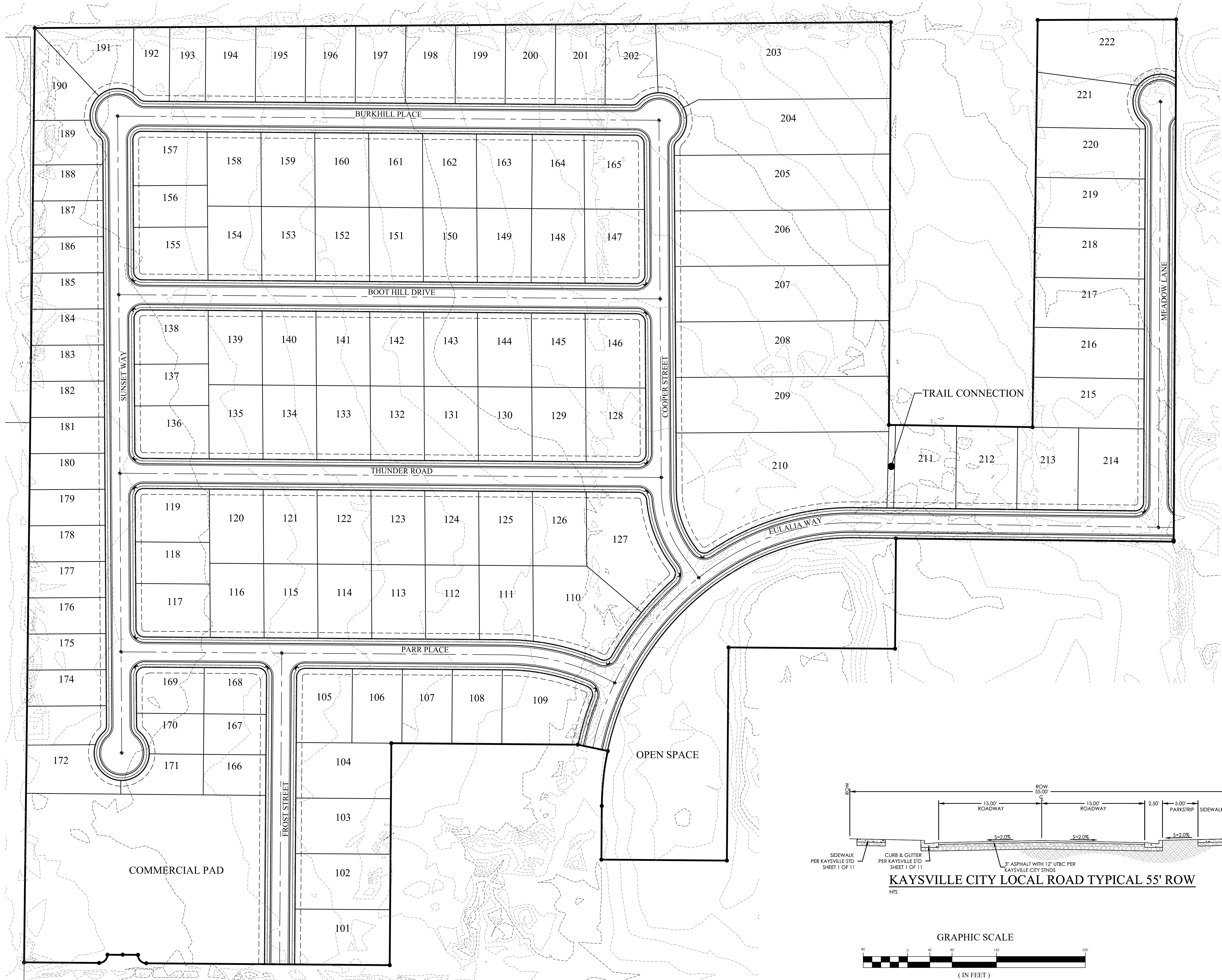


WESTGATE
KAYSVILLE, UTAH
ZONE EXHIBIT

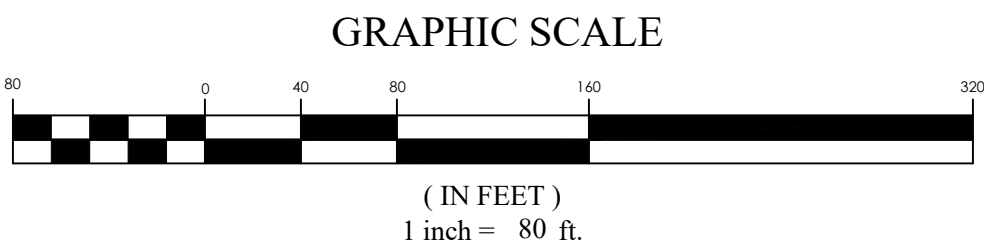
REVISION BLOCK		DESCRIPTION
#	DATE	
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2	---	---
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ZONE EXHIBIT

Scale:	1"=100'	Drawn:	JRB
Date:	01/10/19	Job #:	17-319
Sheet:			

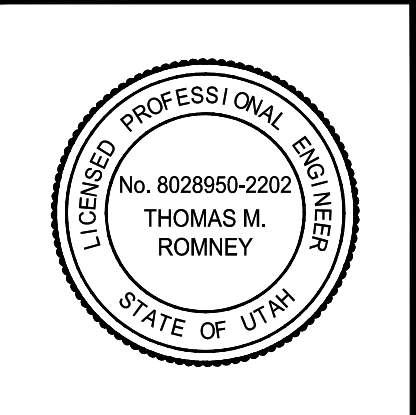


KAYSVILLE CITY LOCAL ROAD TYPICAL 55' ROW





FOCUS[®]
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com



WESTGATE
KAYSVILLE, UT
SITE PLAN

REVISION BLOCK		DESCRIPTION
#	DATE	
1	---	---
2	---	---
3	---	---
4	---	---
5	---	---
6	---	---

SITE PLAN

Scale: 1"=80'
Date: 01/11/19
Sheet: 17-319

Drawn: JRB
Job #: 17-319

C4

Z:\2017\17-319 Schick Farm\design\17-319.dwg Sheets\C4 - Site Plan.dwg

STAFF REPORT



MEETING DATE: Feb 21, 2019

ITEM NUMBER:

TYPE OF ITEM: Work Item

PRESENTED BY: Shayne Scott

SUBJECT/AGENDA TITLE:

Interlocal Cooperation Agreement for Municipal Election Services

EXECUTIVE SUMMARY:

The County has the equipment and resources needed to carry out an election and is willing to make available the resources and equipment to assist our City in holding its municipal primary and general elections in 2019. The County assisted with our elections two years ago, as did all 15 cities within Davis County.

We ask the Council to consider working with the County again. It benefits the City to have their support and guidance during this election process.

Price list attached.

Primary election - August 2019
General election - November 2019

COUNCIL OPTIONS:

- 1. Forward to be placed as an Action item at next meeting - Approve or Deny Interlocal Agreement.**
- 2. Deny Agreement.**

RECOMMENDED OPTIONS: Forward to be placed as an Action item at next meeting.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

\$25,439.12 for By-Mail supplies and services (estimate).

ATTACHMENTS:

- 1. Davis County Election Expenses Estimate/2019 General**
- 2. Interlocal Agreement**



2019 General
DAVIS COUNTY ELECTION EXPENSES
Estimate

<u>Poll Worker Compensation</u>	QTY	COST	TOTAL	Notes
Poll Manager (PM)	1	\$160.00	\$160.00	
Training Course(s)	1	\$50.00	\$50.00	
Assistant Poll Manager	0	\$160.00	\$0.00	
Training Course(s)	0	\$50.00	\$0.00	
Receiving Clerk	2	\$135.00	\$270.00	
Training Course(s)	2	\$35.00	\$70.00	
Provisional Clerk	1	\$135.00	\$135.00	
Training Course(s)	1	\$35.00	\$35.00	
Ballot Clerk	1	\$135.00	\$135.00	
Training Course(s)	1	\$35.00	\$35.00	
Host		\$125.00	\$0.00	
Training Course(s)		\$25.00	\$0.00	
Alternate Poll Workers	1	\$500.00	\$33.33	Shared equally with all cities/districts
Mileage Reimbursement for Poll Manager	1	\$2.60	\$2.60	
			\$923.33	
<u>Poll Worker Recruitment and Training</u>				
Poll Worker Recruitment and Processing	5	\$8.00	\$40.00	
Training Creation and Preparation (Includes equipment and preparation)	1	\$500.00	\$33.33	Shared with all cities/districts
Poll Worker Handbook and Supplies	5	\$2.89	\$14.45	Or Actual Printing Cost
Poll Worker Training (per person)	5	\$20.00	\$100.00	
		Sub Total	\$187.78	
<u>Equipment</u>				
Express Vote	1	\$75.00	\$75.00	
Testing Pre and Post election				
Security Seals				
Express Vote Ballot Stock				
Memory Media Programming	1	\$15.00	\$15.00	
DS200	1	\$75.00	\$75.00	
Testing Pre and Post election				
Security Seals				
Report Paper Roll				
Memory Media Programming	1	\$15.00	\$15.00	
Voting Booth Rental	5	\$5.00	\$25.00	
Vote Here Signs (4 per location)	1	\$5.00	\$5.00	
WiFi Connection	0	\$61.00	\$0.00	
Receiving Clerk Electronic Poll Book	2	\$75.00	\$150.00	
Provisional Clerk Electronic Poll Book	1	\$75.00	\$75.00	
Ballot Laptop and Printer	1	\$75.00	\$75.00	
		Sub Total	\$510.00	
<u>Consumable Supplies</u>				
Ballot Stock (BOD)	690	\$0.20	\$138.02	
Polling Location Supplies	1	\$35.00	\$35.00	(Forms, poll books, instructions, signs, stickers, pens, etc.)
Rover Kits (each)	6	\$25.00	\$10.00	Shared equally by all cities/districts
		Sub Total	\$35.00	
<u>Administrative Services</u>				
Election Programming	1	\$100.00	\$100.00	
City/District set-up (cities/districts with new recorders/clerks)		\$25.00	\$0.00	
Audio Programming	1	\$25.00	\$25.00	
Public L&A Demonstration (testing, programming & demonstration)	1	\$300.00	\$20.00	Shared equally by all cities/districts
County Rovers Compensation (training & election day - per person)	6	\$500.00	\$200.00	Shared equally by all cities/districts
Election Night Clerk Staff Support	1	\$1,500.00	\$100.00	Shared equally by all cities/districts
Election Night Security	1	\$150.00	\$10.00	Shared equally by all cities/districts
Rovers Training Class	1	\$200.00	\$13.33	Shared equally by all cities/districts
Election Day Help Desk Staff	1	\$450.00	\$30.00	Shared equally by all cities/districts
Pre-Canvas Ballot Issues Audit, if needed	0	\$250.00	\$0.00	
Canvas Preparation	1	\$25.00	\$25.00	
Delivery (per location)	1	\$50.00	\$50.00	
Pickup (per location)	1	\$50.00	\$50.00	
Drop Box Delivery	1	\$50.00	\$50.00	
Drop Box Pick up	1	\$50.00	\$50.00	
Web Support	2	\$75.00	\$10.00	Shared equally by all cities/districts
Provisional Verification	35	\$0.80	\$27.60	
Election Administration Support	1	\$45.00	\$45.00	
Clerk Staff (per-hour for any additional services)	0	\$25.00	\$0.00	
		Sub Total	\$733.33	

By-Mail Supplies and Services**Supplies**

By-Mail Outer Envelopes	17427	\$0.06	\$1,045.62	
By-Mail Inner Return Envelopes	17427	\$0.10	\$1,655.57	
By-Mail Ballots	17427	\$0.28	\$4,879.56	
Test Deck Paper Ballots	1	\$2,898.00	\$284.63	Shared by all cities based upon number of precincts
Printed Inserts for ID requirements	1	\$100.00	\$6.67	Shared equally by all cities/districts

Services

Ballot set-up (per style) By IVS	22	\$1.00	\$22.00	
Database Setup for Ballots By IVS	1	\$500.00	\$33.33	Shared equally by all cities/districts
Database Setup for Integravote (ballot insertion) By IVS	1	\$500.00	\$33.33	Shared equally by all cities/districts
Ballot Preparation Assembly into Envelopes (each sent out) By IVS	17427	\$0.29	\$5,053.83	
Signature Verification and Tabulation (each returned) By County	6274	\$0.40	\$2,509.60	

Postage

Freight to Salt Lake City for Non-Profit Rate Outbound (each)	1	\$3,375.00	\$331.47	Shared by all cities based upon number of precincts
Shipping Envelopes to County	1	\$333.95	\$32.80	Shared by all cities based upon number of precincts
Shipping of Test Ballots	1	\$249.03	\$24.46	Shared by all cities based upon number of precincts
Postage Outbound	17427	\$0.12	\$2,091.24	Actual Postage
Postage In-Bound	6274	\$0.68	\$4,266.32	Actual Postage
Returned Undeliverable	1039	\$0.75	\$779.25	Actual Postage+Processing

Sub Total **\$23,049.67****Total Election Expense** **\$25,439.12****Less District Portion** **\$0.00****Amount Due From City** **\$25,439.12**

INTERLOCAL COOPERATION AGREEMENT FOR MUNICIPAL ELECTION SERVICES

This Interlocal Cooperation Agreement for Municipal Election Services is made and entered into by and between DAVIS COUNTY, a body corporate and politic of the state of Utah, hereinafter referred to as "County," and _____ CITY, a municipal corporation of the state of Utah, hereinafter referred to as "City." County and City may be referred to collectively as the "Parties" herein or individually as a "Party" herein.

WITNESSETH:

WHEREAS, pursuant to Sections 20A-1-201.5 and 20A-1-202, *Utah Code Ann.* (1953) as amended, City is authorized and required to hold municipal elections in each odd-numbered year;

WHEREAS, County has equipment and resources needed to carry out an election and is willing to make available the resources and equipment to assist City in holding its municipal primary and general elections in 2019 upon the following terms and conditions; and

WHEREAS, the Parties are authorized by the *Utah Interlocal Cooperation Act* as set forth in Title 11, Chapter 13 (the "Act"), and Section 20A-5-400.1 of the *Utah Code Ann.* (1953) as amended, to enter into this Agreement.

NOW, based upon the foregoing and in consideration of the mutual terms and conditions set forth hereafter, the Parties hereto agree as follows:

1. County agrees to provide to City, if needed for the primary election in August 2019, and if needed for the general election in November 2019, the following:
 - 1.1. Test, program, assemble and make available to City voting machines and poll supplies;
 - 1.2. Provide for delivery and retrieval of voting equipment;
 - 1.3. Polling location management, which includes, but is not necessarily limited to making arrangements for use, ADA compliance survey and contact information;
 - 1.4. Absentee and By-Mail ballot processing, which includes mailing, receiving, signature verification and tabulation;
 - 1.5. Provide electronic ballot files for Optical Scan Ballots printing;
 - 1.6. Provide Information System assistance, which includes, but is not necessarily limited to, election programming, tabulation, programmers and technicians;
 - 1.7. Canvass reports;
 - 1.8. Electronic tabulation results transmitted to the Office of the Lieutenant Governor;
 - 1.9. Provide personnel and technical assistance throughout the election process and equipment and/or supplies required specifically for voting;
 - 1.10. Recruit poll workers; provide training, scheduling, supplies and compensation;
 - 1.11. Publish legal notices, which include, polling locations, sample ballots public demonstration and election results;
 - 1.12. Provide preparation and personnel for the public demonstration of the tabulation equipment;
 - 1.13. If required, in cooperation with the City, conduct an election audit; and
 - 1.14. Store all election returns for the required twenty-two (22) months.

2. City agrees to do the following:
 - 2.1. Provide the Recorder or other designated officer to act as the election officer and assume all duties and responsibilities as outlined by law;
 - 2.2. Enter into a polling location Hold Harmless Agreement, if needed;
 - 2.3. Perform Declaration of Candidacy filing;
 - 2.4. Provide County with ballot information, which includes, but is not necessarily limited to, races, candidates and ballot issues;
 - 2.5. Approve the election plan, which includes, but is not necessarily limited to, accuracy of polling location and precinct assignments, voter turnout percentages, paper ballot quantities, voting machine quantities and poll worker assignments;
 - 2.6. Perform City's legislative body poll worker approval;
 - 2.7. Proof and approve the accuracy of the printed and audio of ballot formats;
 - 2.8. Arrange and conduct election canvass;
 - 2.9. Prepare candidate certificates;
 - 2.10. Perform all other election related duties and responsibilities not outlined in this Agreement but required by law; and
 - 2.11. Pay County repair or replacement costs for damaged voting equipment, which occurs at the polling locations, beyond the normal wear and tear.
3. The Parties each agree to conduct the election according to the statutes, rules, Executive Orders, and Policies of the Lieutenant Governor as the Chief Elections Officer of the state.
4. City agrees to pay County the costs for providing the election equipment, services and supplies in accordance with the election costs schedule, attached hereto, incorporated herein, and made a part hereof as Exhibit "A". The payment by City to County under this Agreement shall be made within thirty (30) days of City receiving an invoice prepared by County relating to this Agreement. If this Agreement is terminated early by either Party, pursuant to the provisions of Section 7 below, City shall pay County for all services rendered by County under this Agreement prior to the date that this Agreement is terminated.
5. The Effective Date of this Agreement shall be on the earliest date after this Agreement satisfies the requirements of the Act (the "Effective Date").
6. This Agreement shall continue in effect until 30 days after the 2019 elections or upon invoicing, whichever occurs later, unless extended or terminated earlier by the Parties.
7. This Agreement may be terminated by any of the following actions:
 - 7.1. The mutual written agreement of the Parties;
 - 7.2. By either Party after any material breach of this Agreement;
 - 7.3. By either Party, with or without cause, 30 days after the terminating Party mails a written notice to terminate this Agreement to the other Party; or
 - 7.4. As otherwise set forth in this Agreement or as permitted by law, ordinance, rule, regulation, or otherwise.

NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, THIS AGREEMENT IS SUBJECT TO ANNUAL APPROPRIATIONS BY THE

PARTIES AND THE PARTIES SHALL EACH HAVE THE RIGHT TO TERMINATE THIS AGREEMENT, AT ANY TIME UPON WRITTEN NOTICE TO THE OTHER PARTY, IF ANNUAL APPROPRIATIONS, AS PART OF THE PARTY'S ANNUAL PUBLIC BUDGETING PROCESS, ARE NOT MADE BY THE PARTY TO ADEQUATELY OR SUFFICIENTLY PAY FOR THE OBLIGATIONS UNDER THIS AGREEMENT, WITHOUT FURTHER OBLIGATION OR LIABILITY TO THE TERMINATING PARTY UNDER THIS AGREEMENT.

8. The Parties acknowledge, understand, and agree that, for the duration of this Agreement, the Parties are fully and solely responsible for their own actions, activities, and/or business sponsored or conducted.
9. City, for itself, and on behalf of its officers, officials, owners, members, managers, employees, agents, representatives, contractors, volunteers, and/or any person or persons under the supervision, direction, or control of City (collectively, the "City Representatives"), agrees and promises to indemnify, save and hold harmless County, as well as the County's officers, officials, employees, agents, representatives, contractors, and volunteers (collectively, the "County Representatives"), from and against any loss, damage, injury, liability, claim, action, cause of action, demand, expense, cost, including defense costs, fee, or otherwise (collectively, the "Claims") that may arise from, may be in connection with, or may relate in any way to this Agreement and/or the negligent acts or omissions of City and/or the City Representatives, whether or not the Claims are known or unknown, or are in law, equity, or otherwise.
10. County, for itself, and on behalf of its officers, officials, owners, members, managers, employees, agents, representatives, contractors, volunteers, and/or any person or persons under the supervision, direction, or control of County (collectively, the "County Representatives"), agrees and promises to indemnify, save and hold harmless City, as well as City's officers, officials, employees, agents, representatives, contractors, and volunteers (collectively, the "City Representatives"), from and against any loss, damage, injury, liability, claim, action, cause of action, demand, expense, cost, including defense costs, fee, or otherwise (collectively, the "Claims") that may arise from, may be in connection with, or may relate in any way to the negligent acts or omissions of County and/or the County Representatives, whether or not the Claims are known or unknown, or are in law, equity, or otherwise.
11. The Parties recognize and acknowledge that each Party is covered by the Governmental Immunity Act of Utah, codified at Section 63G-7-101, et seq., *Utah Code Ann.* (1953) as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Agreement shall be deemed officers and employees of the Party employing their services, even if performing functions outside of the territorial limits of such Party and shall be deemed officers and employees of such Party under the provisions of the Utah Governmental Immunity Act.
12. No separate legal entity is created by this Agreement.
13. This Agreement shall be submitted to the authorized attorney for each Party for review and approval as to form in accordance with applicable provisions of Section 11-13-202.5, *Utah*

Code Ann. (1953) as amended. A duly executed original and/or counterpart of this Agreement shall be filed with the keeper of records of each Party in accordance with Section 11-13-209, *Utah Code Ann.* (1953) as amended.

14. Termination of this Agreement shall not extinguish or prejudice either Party's right to enforce this Agreement, or any term, provision, or promise under this Agreement, regarding indemnification, defense, save or hold harmless, or damages, with respect to any uncured breach or default of or under this Agreement.
15. The Parties acknowledge, understand, and agree that the respective representatives, agents, contractors, officers, officials, members, employees, volunteers, and/or any person or persons under the supervision, direction, or control of a Party are not in any manner or degree employees of the other Party and shall have no right to and shall not be provided with any benefits from the other Party. County employees, while providing or performing services under or in connection with this Agreement, shall be deemed employees of County for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits. City employees, while providing or performing services under or in connection with this Agreement, shall be deemed employees of City for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits.
16. No waiver or failure to enforce one or more parts or provisions of this Agreement shall be construed as a continuing waiver of any part or provision of this Agreement, which shall preclude the Parties from receiving the full, bargained for benefit under the terms and provisions of this Agreement. A waiver or modification of any of the provisions of this Agreement or of any breach thereof shall not constitute a waiver or modification of any other provision or breach, whether or not similar, and any such waiver or modification shall not constitute a continuing waiver. The rights of and available to each of the Parties under this Agreement cannot be waived or released verbally, and may be waived or released only by an instrument in writing, signed by the Party whose rights will be diminished or adversely affected by the waiver.
17. This Agreement is binding upon the Parties and their officers, directors, employees, agents, representatives and to all persons or entities claiming by, through or under them. This Agreement, including all attachments, if any, constitutes and/or represents the entire agreement and understanding between the Parties with respect to the subject matter herein. There are no other written or oral agreements, understandings, or promises between the Parties that are not set forth herein. Unless otherwise set forth herein, this Agreement supersedes and cancels all prior agreements, negotiations, and understandings between the Parties regarding the subject matter herein, whether written or oral, which are void, nullified and of no legal effect if they are not recited or addressed in this Agreement. Neither this Agreement nor any provisions hereof may be supplemented, amended, modified, changed, discharged, or terminated verbally. Rather, this Agreement and all provisions hereof may only be supplemented, amended, modified, changed, discharged, or terminated by an instrument in writing, signed by the Parties.
18. In the event that either Party shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, acts of the United States Government, the State of Utah Government, fires, floods, strikes, lock-outs,

labor troubles, inability to procure materials, failure of power, inclement weather, restrictive governmental laws, ordinances, rules, regulations or otherwise, delays in or refusals to issue necessary governmental permits or licenses, riots, insurrection, wars, or other reasons of a like nature not the fault of the Party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act(s) shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay, without any liability to the delayed Party.

19. The Parties agree that neither this Agreement nor the duties, obligations, responsibilities, or privileges herein may be assigned, transferred, or delegated, in whole or in part, without the prior written consent of both of the Parties.
20. This Agreement and all matters, disputes, and/or claims arising out of, in connection with, or relating to this Agreement or its subject matter, formation or validity (including non-contractual matters, disputes, and/or claims) shall be governed by, construed, and interpreted in accordance with the laws of the state of Utah, without reference to conflict of law principals. The Parties irrevocably agree that the courts located in Davis County, State of Utah (or Salt Lake City, State of Utah, for claims that may only be litigated or resolved in the federal courts) shall have exclusive jurisdiction and be the exclusive venue with respect to any suit, action, proceeding, matter, dispute, and/or claim arising out of, in connection with, or relating to this Agreement, or its formation or validity. The Parties irrevocably submit to the exclusive jurisdiction and exclusive venue of the courts located in the State of Utah as set forth directly above. Anyone who unsuccessfully challenges the enforceability of this clause shall reimburse the prevailing Party for its attorneys' fees, and the Party prevailing in any such dispute shall be awarded its attorneys' fees.
21. If any part or provision of this Agreement is found to be invalid, prohibited, or unenforceable in any jurisdiction, such part or provision of this Agreement shall, as to such jurisdiction only, be inoperative, null and void to the extent of such invalidity, prohibition, or unenforceability without invalidating the remaining parts or provisions hereof, and any such invalidity, prohibition, or unenforceability in any jurisdiction shall not invalidate or render inoperative, null or void such part or provision in any other jurisdiction. Those parts or provisions of this Agreement, which are not invalid, prohibited, or unenforceable, shall remain in full force and effect.
22. The rights and remedies of the Parties under this Agreement shall be construed cumulatively, and none of the rights and/or remedies under this Agreement shall be exclusive of, or in lieu or limitation of, any other right, remedy or priority allowed by law, unless specifically set forth herein.
23. This Agreement is entered into by the Parties for the exclusive benefit of the Parties and their respective successors, assigns and affiliated persons referred to herein. Except and only to the extent provided by applicable statute, no creditor or other third party shall have any rights or interests or receive any benefits under this Agreement. Notwithstanding anything herein to the contrary, County is expressly authorized by City to enter into similar agreements with any or all of the other cities, or other governmental or quasi-governmental entities, located within Davis County.

24. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.
25. The persons executing this Agreement on behalf of a Party hereby represent and warrant that they are duly authorized and empowered to execute the same, that they have carefully read this Agreement, and that this Agreement represents a binding and enforceable obligation of such Party.
26. Time is of the essence in respect to all parts or provisions of this Agreement, which specify a time performance or otherwise, and the Parties agree to comply with all such times.
27. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, and all such counterparts taken together shall constitute one and the same Agreement.

WHEREFORE, the Parties have signed this Agreement on the dates set forth below.

DAVIS COUNTY

Randy B. Elliott, Chair,
Board of Davis County Commissioners
Date: _____

ATTEST:

Curtis Koch
Davis County Clerk/Auditor

The undersigned and authorized attorney of Davis County has reviewed and approved this Agreement as to proper form and compliance with applicable law.

Michael Kendall
Davis County Deputy Attorney

_____ CITY

Print Name: _____

Title: _____

Date: _____

ATTEST:

Print Name: _____

Title: _____

The undersigned and authorized attorney of _____ City has reviewed and approved this Agreement as to proper form and compliance with applicable law.

Print Name: _____

Title: _____

EXHIBIT A

(Election Costs Schedule)