



## MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, January 9, 2020, starting at 6:30 p.m. in the **Business Resource Center of the Davis Technical College, 450 South Simmons Way, Kaysville, UT.**

### **OATH OF OFFICE CEREMONY – 6:30 P.M.**

1. Oath of Office Ceremony for Newly Elected Officials.
2. Appointment of Mayor Pro Tempore.

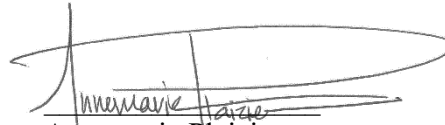
### **CITY COUNCIL MEETING – 7:00 P.M.**

The agenda shall be as follows:

1. OPENING
  - a. Provided by Council Member Barber.
2. RECOGNITIONS AND PRESENTATIONS
  - a. Kaysville City Gives Report – Mindi Edstrom, Parks & Recreation.
  - b. Road Fee Projects Report – Josh Belnap, Public Works Director.
3. DECLARATION OF ANY CONFLICTS OF INTEREST
4. CONSENT ITEMS
  - a. Approval of the Minutes of the November 21, 2019 meeting.
  - b. Approval of EV Charging Station Equipment purchase.
  - c. Approval of crew truck purchase for the Public Works Department. (Tabled Item)
  - d. Approval of new Planning Commission Appointments.
  - e. A Resolution declaring certain Fire Department equipment surplus and authorizing the Fire Chief to enter into a Donation Agreement.
5. ACTION ITEMS
  - a. Hunting in West Kaysville.
  - b. Rezone of 1.64 acres of property at 37 South Angel Street from A-1 (Light Agriculture) to the R-1-14 (Single Family Residential) zoning district with a PRUD overlay - Steven and Sherrilee Einfeldt.
6. WORK ITEMS
  - a. Consideration of a Parks and Recreation Advisory Board Ordinance.
  - b. Sunset Equestrian Estates Rezone Discussion.
7. CALL TO THE PUBLIC (3 MINUTE 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 (80 North Main Street) and emailed copies to media representatives on January 3, 2020



Annemarie Plaizier  
City Recorder







## 2020 City Council Statement of Commitment

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity."

*Fidelity: faithfulness to a person, cause, or belief, demonstrated by continuing loyalty and support.*

---

As members of the Kaysville City Council, we are committed to upholding the Oath of Office we have all taken with full dedication and respect. We will be devoted as an elected body that represents the wonderful city and people of Kaysville. We will disclose any and all conflicts of interest and will put the interests of Kaysville and it's residents above our own.

Each of us commits to giving thoughtful consideration to pertinent issues through our own research and education. We will make efforts to listen and communicate with residents openly and with civility. We will bring diverse perspectives and decisions through respectful discourse and debate.

We appreciate the trust residents expressed in electing us to these positions and look forward to each of our tenures having a positive influence in Kaysville.

Signed,

---

Michelle Barber, Mayor Pro Tempore

---

Tamara Tran, City Council

---

Mike Blackham, City Council

---

Andre Lortz, City Council

---

John Adams, City Council





GIFTS

WARMTH

FOOD

2019

**KAYSVILLE CITY  
GIVES**

*Helping to make Kaysville*

**BRIGHTER**

**3 YEARS IN A ROW**

*Needs in our own*

# COMMUNITY

MOUNTAIN HIGH SCHOOL

HEAD START

SAFE HARBOR

BOUNTIFUL FOOD PANTRY





# MOUNTAIN HIGH SCHOOL

- 120 BLANKETS
- 45 \$25 GIFT CARDS

# HEAD START FAMILIES

- 36 FAMILIES SERVED
- 35 \$30 DOLLAR GIFT CARDS
- 25 GET AIR PASSES
- 90 ROLLS OF WRAPPING PAPER
- 119 ROLLS OF TAPE
- 540 GIFTS DELIVERED

# DAVIS SCHOOL DISTRICT FOUNDATION

We had a surplus of gifts on Friday evening. A quick call was made to a district employee and on Monday morning a large furniture truck arrived to collect toys, diapers, books, puzzles, notebooks, infant toys, headphones and bicycles.

All items are used to help assist families within the Davis School District.

# LAYTON ELEMENTARY

Four large garbage bags of new coats, snow boots, warm clothes, sock, and hats and mittens were donated.

# LOCAL BUSINESS INVOLVEMENT

## **VASA FITNESS**

100 tags were placed on a Christmas Tree for their members to help with gifts. All tags were taken and gifts fulfilled.

## **True Beauty**

40 tags were placed on a Christmas Tree for their members. Tags were taken and over 20 gifts were donated.

## **Wasatch Soccer Club**

100 tags were taken from Wasatch. All tags were taken by soccer families and employees and gifts were all fulfilled.

## **Bowman's**

Bowman's helped collect food and non perishable items and discounted cookies for the Fill the Fire Truck Event!



# RESIDENT INVOLVEMENT

## **3 Families came to help sort December 13th**

- Murphy's
- Radmall's
- Crane's

## **Local Neighborhoods and Church Groups**

- A neighborhood in the Hess Farms area raised and donated over \$700 for Kaysville GIVES.
- Local church group took 75 tags and filled all the tags including a beginning violin and 2 bikes.
- A young women's group made 8 blankets to donate to Mountain High School.

## **Eagle Project Completed**

- A young man used this platform to make 20 large blankets to donate to Mountain High School for his Eagle Project.

# VOLUNTEERS INVOLVED ON COMMITTEE

- Tammy Tran
- Angie Tingey
- Malia Roundy
- Amanda Davis (Wasatch Soccer)
- Linda Francis and the Youth City Council

# Kaysville City Departments Involved

## ● PUBLIC WORKS

Monday the 16th, Public Work employees brought trucks and trailers to help load and unload at several locations.

## ● ADMINISTRATION

From help with the [www.kaysvillegives.com](http://www.kaysvillegives.com) website, setting up laptops, checking in and out tags, payment options set up, and most of all simply putting up with me and filling in many gaps.

## ● FIRE DEPARTMENT

The department graciously opened the station up for the Fill the Fire Truck event and assisted when needed. They were awesome!

## ● PARKS AND RECREATION

Many hours of organization and logistic. Signs were hung, trailers delivered and support to provide this amazing program came from the whole department!

# NEW EVENT ADDED

FILL THE FIRE TRUCK  
December 5th  
at Kaysville Fire Station

# IT WAS A SUCCESS

- 120 blankets
- 8 pillows
- 18 coats
- 127 items of clothing
- 86 sets of gloves
- 210 toys
- 24 miscellaneous items



# KAYSVILLE GIVES

- 456 residents selected and filled 717 tags
- 36 families were supported for Christmas
- Over 70 students at Davis High School took tags and purchased and returned gifts. Thanks to Basketball, Wrestling, Cheer and Drill for their support
- A new website was created to make it possible for the event to grow and be successful.









































*thank you*

KAYSVILLE





KAYSVILLE CITY COUNCIL  
November 21, 2019

Minutes of a regular Kaysville City Council meeting held on November 21, 2019 at 7:00 p.m. in the Business Resource Center of the Davis Technical College at 450 South Simmons Way, Kaysville, UT.

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, Finance Director Dean Storey, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Parks and Recreation Director Cole Stephens, Recreation Director Kris Willey-High, City Accountant Cami Moss, Sargent Preston Benoit, Dean Wall, Pete Smith, Bryn Montierth, Kristen Montierth, Andre Lortz, Megan Fink, Layne Fink, Aaron Hixson, Shawn Martin, David Cutright, Kathy Cutright, David Dirks, Mason Child, Mike Child, Toby Barrus, H. Lynn Galbraith, Camille Galbraith, Cloe Lamb, Lucy Whitaker, Mike Blackham, Jana Hixson, Tanner Hixson, Spencer Hixson, Wilf Sommerkorn, Kourosh Haroni, Colten Chroniyten(illegible), Angela Miller, John Swan Adams, Paul Heyward, Cindy Kerr, Tom Kerr, Ramona Porter, Carole Walker, Kim Smith, Tina Johnson, Logan Hull, Andy Frasier, Paul Hayward

### **OPENING**

H. Lynn Galbraith opened the meeting with a prayer. Council Member Adams led the audience in reciting the Pledge of Allegiance.

### **RECOGNITIONS AND PRESENTATIONS**

#### **SWEARING-IN OF YOUTH COURT JUDGES**

Kim Smith, one of the advisors working with the Kaysville Youth Court, stated that the 2019-2020 year is their nineteenth year of doing Youth Court. Because of the city hall renovation, Youth Court is being held at the Kaysville Fire Station. They have welcomed two new advisors this year, along with Tina Johnson, and Katie and Logan Thomas. This year they have eleven new judges and thirteen returning judges. Sargent Preston Benoit and Council Member Stroh DeCaire have also been working with the Youth Court Judges.

Mayor Witt commented thanked the Youth Court and its advisors for their service to the community. These things help to bring us closer together as a community, and what they do matters. It helps to prepare future generations. Membership in the Youth Court is a privilege and those involved are expected to serve as a role model at all times.

Mayor Witt administered the Oath of Office to the new Kaysville Youth Court Judges.



## RECREATION DEPARTMENT SPECIAL RECOGNITIONS

Recreation Director Kris Willey-High said that in October they had the opportunity to award one of the Kaysville football coaches, Coach Andy Frasier, with the Lifetime Achievement Award. Coach Frasier has been coaching for thirteen years and has really enjoyed working with the players. Kaysville City recognizes Coach Frasier's hard work and thanked him for his example and all the work he has done for the community.

Mayor Witt said that Coach Frasier is an example of those people who make Kaysville special.

## FISCAL YEAR 2019 INDEPENDENT AUDITOR'S REPORT

Dean Storey explained that it is required by the state that the city have a yearly auditor's report done by an independent auditor. A firm of certified public accountants, HBME, P.C., has completed this year's audit. They have also provided technical assistance in the preparation of this report.

Aaron Hixson, with HBME, P.C., explained that they are presenting the Comprehensive Annual Financial Report (CAFR) of Kaysville City for the Fiscal Year 2019. It consists of management's representations concerning the finances of Kaysville City. The report is organized into four main sections: Introductory Section, Financial Section, Statistical Section, and Compliance Section. The aim of the audit involves examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and the estimates made by management; and evaluating the overall financial statement presentation. The independent auditor has concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that Kaysville City's financial statements for the fiscal year are fairly presented in conformity with GAAP. The City's total net position increased by 1.58% over the prior year. Generally an increase or decrease in net position offers a measuring tool of the overall financial condition. This indicates that the City's overall financial condition has slightly improved over the prior year. The fund balances in governmental funds had a decrease of \$2,274,974 from \$12,112,599 to \$9,837,625. The decrease of fund balances in governmental funds was due to the formation of the Road Utility Fund. When the Road Utility Fund was created \$2,339,212 of assets were transferred from the governmental funds. The City had a net increase in long term liabilities in the amount of \$204,976. The City has no general obligation debt. The outlook for Kaysville remains positive. The challenge, of course, will be to continue to provide the critical services to a growing, primarily residential population. The city is operating very wisely financially and each department should be commended for being conscious of their allocated budget.

Council Member Adams asked about outstanding revenue bonds.

Dean Storey responded that there is a sales tax revenue bond for Pioneer Park. This report does not include the bond for the city hall renovation as it was not included in FY 2019. Also, the Municipal Building Authority has the lease revenue bond for the police station.

Shawn Martin, with HBME, said that the city is also required to have an independent auditor review internal control over financial reporting and compliance. Tests were performed of compliance with certain provisions of laws, regulations, contracts, and grant agreements. It is our,



the auditor, opinion that the City complied, in all material respects, with the compliance requirements for the year ended June 30, 2019. Utah Code 10-6-123 requires that City officers not incur expenditures or encumbrances in excess of the total appropriation for any fund. For the year ended June 30, 2019, expenditures exceeded budgeted amounts in the following funds: Library Endowment, Perpetual Cemetery Care and Capital Projects. During the fiscal year, the City financed a new fire truck and apparatus. Though the purchase was approved by the Council, the budget in the Capital Projects Fund was not amended. This resulted in the Capital Projects Fund becoming over budget. During the fiscal year, the City also created an office at the Cemetery by remodeling a home that the city owned. While doing the remodel, some unforeseen repairs were made, causing the Cemetery Fund to go over budget. Lastly, the Davis County Library system requested funds from the Library Endowment Fund. The Library Endowment committee granted this request. HBME has recommended that the City monitor the status over expenditures as compared to the budget through the year and amend the budget as necessary to be in compliance. Also, Utah Code 10-6-116(2) requires that the accumulation of unrestricted fund balances in the City's General Fund may not exceed 25% of the total revenue of the City's General Fund for the current fiscal period. For the year ended June 30, 2019, the calculated percentage for the General Fund was 33.5%. However, the City has budgeted for the next fiscal year to use this fund balance for the remodel of the City Hall offices. The City will monitor the status of the calculation and amend the budget as necessary in order to keep the percentage between 5% and 25%.

Council Member Adams asked where the 33.5% excess monies came from.

Dean Storey responded that it is the total revenue that the city received in the general fund during the fiscal year.

Mayor Witt asked that Staff be able to provide this report digitally to the Council at least one week in advance in the future.

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

No conflicts were disclosed.

### **CONSENT ITEMS**

Council Member DeCaire made a motion to accept the following consent items:

- a. Adoption of a Joint Cooperation Statement with Kaysville City and Dominion Energy Utah.
- b. Approval of asphalt roller purchase for the Public Works Department.

The motion was seconded by Council Member Garn.

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.

## **ACTION ITEMS**

### **CREATION OF KAYSVILLE CITY VOTER PARTICIPATION AREAS**

City Manager Shayne Scott explained that in this last legislative session a bill was passed which requires cities and counties to establish voter participation areas no later than January 1, 2020. These participation areas will be used during local initiatives and referendums to calculate the number of valid signatures needed. Third or fourth class cities, which Kaysville falls under, is required to divide their city into four population areas. These voter participation areas must be contiguous and compact, and be of substantially equal population. The Davis County Clerk's office has recommended that the city accomplish this by using the registered voter population as of August 12, 2019 and follow our already established precinct boundaries. Unincorporated areas are not included within Kaysville City's voter participation areas.

Council Member Barber made a motion to approve the creation of Kaysville City Voter Participation Areas, seconded by Council Member DeCaire.

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.

### **PRELIMINARY PLAT APPROVAL FOR THE KOUROSH SUBDIVISION LOCATED AT 946 EAST 300 NORTH – KOUROSH HARONI**

Lyle Gibson explained that Kourosh Haroni owns the property at 946 East 300 North, which is located in the R-1-8 zoning district. The existing lot is 18,609 square feet in size and the applicant would like to split the lot creating a new lot measuring at 8,616 square feet with 151 feet of frontage. This will leave the existing home on a 9,903 square foot lot. The new proposed lot will face 200 North Street and both lots meet the frontage and square footage requirements of the existing zone. Mr. Haroni plans to provide either a hammerhead or circular driveway for safe access to the 200 North Street.

Council Member Adams asked if both homes would be considered a single family dwelling.

Kourosh Haroni responded that they would be.

Council Member Garn made a motion to grant preliminary plat approval for the Kourosh Subdivision at 946 East 300 North for Kourosh Haroni, seconded by Council Member Page.

The vote on the motion was as follows:



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

The motion passed with a unanimous vote.

PRELIMINARY PLAT APPROVAL FOR THE ISLAND VIEW TOWNHOMES  
SUBDIVISION LOCATED AT 750 EAST 250 SOUTH – ADVANCED SOLUTIONS GROUP

Lyle Gibson explained that this proposed subdivision is located at 750 East 250 South, near the northeast corner of Davis Tech. The property was recently rezoned to the R-2 zoning district for the purpose of accommodating this development. The plat consists of 1.27 acres and fronts 250 South Street. It is being proposed to split the property into six twin home lots. A standard lot in the R-2 zone requires at least 8,000 square feet with either a single or two-family dwelling allowed per lot. Instead of building duplex units, the developer would like to build twin homes which allows for individual ownership of each unit. Twin homes are allowed in the R-2 zoning district by conditional use. The Planning Commission has given approval for the twin home configuration. This proposal meets the provisions of City Code 17-28. Each lot contains more than the required 4,000 square feet of area based on the zoning and exceeds the thirty-five foot frontage requirement. The subdivision will complete standard right-of-way improvements along 250 South Street, connecting the stubbed roadways and creating a through street.

Council Member DeCaire asked about nearby duplexes.

Lyle Gibson responded that there are two properties directly to the east that are both twin home type properties. Because of the R-2 zoning designation there is no limitation for how many duplexes could be adjacent to each other.

Council Member Barber asked about individual ownership for each unit.

Lyle Gibson responded that because of the configuration of the lots, each unit would be separated by a lot line which will allow for individual ownership of the units.

Council Member Page made a motion to grant preliminary plat approval for the Island View Townhomes Subdivision located at 750 East 250 South for Advanced Solutions Group, seconded by Council Member DeCaire.

The vote on the 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.

#### GENERAL PLAN AMENDMENT (TABLED ITEM)

Lyle Gibson explained that the City Council first discussed this item at their meeting on November 7, 2019. At that meeting concerns were expressed by the Council primarily with the proposed language in the amendment that stated density numbers. Other items of concern were in regards to the implementation of some of the ideas, such as accessory dwelling units, something the Council recommended be researched and vetted through thoroughly before any ordinances are passed that would implement such a concept. A revised General Plan has been included with the report tonight which has changed the language originally recommended by the Planning Commission to be more open-ended. This will give the city more discretion to future decision makers when considering development proposals.

Mayor Witt asked for public comment.

Toby Barrus stated that he is currently a member of the Planning Commission but wanted to emphasize that he is here tonight to speak for himself and is not representing the Planning Commission as a whole. As the Planning Commission has reviewed the General Plan it seems best to allow for higher density developments on the west side of I-15. Some use the argument that they shouldn't be allowed because traffic is already congested. However, traffic is bad everywhere you go in Kaysville, and not just on the west side of the freeway. Traffic backs up for a quarter of a mile along Fairfield Road at times. He lives across the street from higher density housing and had concerns about them when they were built. However, none of their fears have been realized. Impact to traffic has been minimal. The value of their homes have increased as other homes have, and those who live there are good neighbors. Higher density housing should be distributed throughout the city and multi-family housing should be allowed to be built throughout Kaysville. The council and city needs to have courage to do what is fair and best for the city as a whole.

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

Council Member Garn made a motion to adopt the General Plan Amendment as proposed, seconded by Council Member DeCaire.

Council Member Barber commented that she had received a lot of feedback about the General Plan amendment from residents, many of which who commented that they would like to see the city more unified. The wording in the General Plan shouldn't specifically call out the east or west side of the freeway.

Council Member Garn said that he doesn't feel that the wording creates a division between the east and west sides. They could be listed as one and the effect is still the same. Leaving them separated in the General Plan language is cleaner.

Council Member Adams added that the language used isn't to create a dividing factor, but rather to geographically reference areas of the city. Council Member Adams stated that for years the General Plan has outlined west Kaysville to be a specific type of landscape, specifically that lots



should be half acre in size or larger. The Council seems to have been slowly whittling that number down. Change can be a good thing, but we also need to honor those residents who already live here and have moved here because of the lot sizes. The city is slowly making the allowed lot size smaller and smaller. Traffic is getting worse, and so we shouldn't be okay to allow explosive growth with high density housing developments. It is not a requirement of HB34 to triple our density. The City is only required to choose three of the options, and yet we are trying to choose more when it's unnecessary. This decision needs to happen at a slower pace, especially with four council members leaving soon. There are other options that the city could choose that won't have as much of an impact on the community.

Council Member Page commented that if the city is serious about HB34 and trying to provide a certain amount of cheaper housing options, the size and densities of lots will make the difference. However, Kaysville is already an elite community to a certain degree and even if the city were to be able to create these higher density developments, they likely won't be considered affordable housing.

Council Member Garn agreed that the valuation of new homes are not considered affordable currently. However the die is already cast of what our community looks like and doesn't feel that these changes to the General Plan will make much of an impact to what Kaysville's buildout population will be. If higher density were put in closer to major roads and entrances to the city it won't have an impact on most existing half acre lots. Traffic could be lessened through other ways such as commuting and telecommuting. The west Davis corridor will also help. The history of America is based on expansion and growth. People live and love it here and want to come back to live here.

Council Member DeCaire commented that the median home in our city costs about \$400k and many who have lived where awhile have stated that they wouldn't be able to afford their same home if they were to try to buy a home now. Diversity in housing is something that needs to be firmly addressed. Housing is not just an issue locally, but throughout the nation. Kaysville doesn't have a lot of options at this point because we are a bedroom community. The proposed changes to the General Plan doesn't change the landscape of the city.

Council Member Adams said that the Sewer District has designed their lines in west Kaysville to be able to handle two units per acre. Their trunk lines cannot handle higher density than that. We need to be prepared for when our sewer taxes are raised when the Sewer District is forced to expand to meet the demands. There are infrastructure demands that the city needs to address before allowing more density into the city. Council Member Adams said that he doesn't feel that housing costs in the community will drop enough to be able to consider any homes in Kaysville as affordable housing. We are in a crux of supply and demand. At their previous Council meeting, Council Members were asked to come back with other options they felt were best to choose, if any. Council Member Adams said that the Council should consider option "C – facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing", as it could be facilitated in our downtown area. Option "H – eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living centers", would also be a good choice because it won't impact current developments. Council Member Adams also added that he supports choosing Option "L – preserve moderate income housing".



Council Member Barber commented that the General Plan has been reviewed for several months through the Planning Commission and is something that she has been following as well. Council Member Barber said that she is in favor of approving the options as proposed by Staff tonight. This will help to add a variety of housing choices to the community. When these developments are done well they are received well by the people. The Council should continue to review these options in the future to ensure that the ones chosen are best for the community.

Council Member Adams made a substitute motion to approve Options “F”, “H”, and “L” for the General Plan Amendment as our moderate income housing requirements mandated by the State of Utah.

The motion died for lack of a second.

Council Member Adams made a substitute motion to approve the proposed Options to address moderate income housing requirements as mandated by the State of Utah, but that the other amendments to the General Plan be set aside for future Council to review and approve.

The motion died for lack of a second.

The vote on the original motion was as follows:

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

The motion passed with a vote of four to one.

AN ORDINANCE AMENDING CHAPTER 17-12, SINGLE FAMILY RESIDENTIAL DISTRICT, OF TITLE 17, PLANNING AND ZONING, TO CREATE A NEW R-1-6 (SINGLE FAMILY 6,000 SQUARE FOOT LOT DISTRICT)

Lyle Gibson explained that as part of the housing discussion that the Planning Commission has held over the last several months, the idea of creating a new zoning district as an option to consider allowing smaller single family lots has been discussed. The creation of this district stems primarily from two issues. The current zoning district jumps from an R-1-8, which allows for five units per acre, to an R-2 district, which allows for ten units per acre. The R-1-6 would create a district that allows for seven units per acre creating an option for development that may not mean such a large jump in density. Also, recent development proposals have been approved allowing densities of six to seven units per acre under the R-2 district which required development agreements to manage the density that may have been handled with a different zoning designation. This zoning district is a single family zone and would permit lots of smaller lot frontage and reduced side yard setbacks. Passing this ordinance would not locate the R-1-6 zone in any location, but would give the city another option for consideration of development in the future.

Council Member Page asked if there has been any concern expressed by our first responders.



Lyle Gibson responded that it won't affect them much because street right-of-ways and access would remain the same. City Staff has discussed the concern of utility lines within the side yards and if there would be enough space to accommodate them, and they feel that it shouldn't be a problem.

Council Member DeCaire made a motion to approve an Ordinance amending Chapter 17-12, Single Family Residential District, of Title 17, Planning and Zoning, to create a new R-1-6 (Single Family 6,000 Square Foot Lot District), seconded by Council Member Garn.

The vote on the motion was as follows:

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

The motion passed with a vote of four to one.

AN ORDINANCE REPEALING ORDINANCE 19-09-04 RELATING TO THE  
TELECOMMUNICATIONS DEPARTMENT AND UTILITY

A RESOLUTION REPEALING RESOLUTION 19-09-03 RELATING TO THE INTERLOCAL  
COOPERATIVE AGREEMENT OF LIGHTHUB COMMUNICATIONS AGENCY, AND  
WITHDRAWING APPROVAL OF RELATED SERVICE AGREEMENT

City Attorney Nic Mills explained that on September 19, 2019 the City Council approved three items related to Fiber. Based on public feedback, the Council has expressed a desire to repeal these actions and allow the Fiber project to go through an initiative process.

Mayor Witt asked for public comment.

Paul Hayward said that he appreciates the efforts and work of all those involved in the fiber project. Mr. Hayward asked about the Proposition to repeal the Council's decision about the fiber project and how this repeal would effect that proposition.

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

Council Member Barber responded that based on feedback from the residents of the city, the city felt they needed to repeal the decision and instead let an initiative be brought forward to the citizens to be voted on. That initiative could be brought forward by the Council or by the citizens and is not something that has been decided on.

Mayor Witt added that the repeal would essentially remove the referendum and thereby the Proposition. They feel that this is the best solution for everyone and will give the people the opportunity to be able to have a clearer and better say in this project. They plan to have more discussions with different groups of people in order to find out what the best course of action



should be to take. They are still continuing to work with many members of the community and will continue to keep those lines of communication open.

Council Member Barber added that all of those who have participated in all facets of this project should be able to feel heard.

Council Member Garn said that a decision to put this on the ballot, no matter who presents the initiative, is a good one. We should not have any regrets and we need to ensure that this is the right decision financially so that everyone is taken care of. We need to look forward to the next step. Many citizens have put in a tremendous amount of effort and he is grateful for the work they have done. There has been a lot of outreach and education, and it's been a tremendous effort for the city.

Council Member Barber commented that she feels that bringing this back through an initiative would help the city to become more unified.

Council Member Adams commented that he would be abstaining from voting because he had never supported this project since the beginning.

Council Member DeCaire made a motion to approve an Ordinance repealing Ordinance 19-09-04 relating to the Telecommunications Department and Utility, 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, abstain

The motion passed with four votes in favor and one abstention.

Council Member DeCaire made a motion to approve a Resolution repealing Resolution 19-09-03 relating to the Interlocal Cooperative Agreement of Lighthouse Communications Agency, and withdrawing approval of related Service Agreement, seconded by Council Member Barber.

The vote on the motion was as follows:

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

The motion passed with four votes in favor and one abstention.

## **WORK ITEMS**

### **WATER CONSERVATION PLAN**

Public Works Director Josh Belnap explained that every four years, Kaysville City is required by the Division of Drinking Water to make updates to, and adopt our plan for encouraging water conservation. Kaysville has historically used less water than our total contract amount with Weber Basin, and the total annual consumption and per capita usage has held steady for over the last ten years, despite considerable growth and development. The governor has set a goal of 25% statewide reduction by 2025, and our measures continue to strongly assist with that effort. Aside from our updated usage and system information from the last four years, Public Works has also included some new conservation measures regarding the updating of our water meter AMI system, supporting grant applications by pressure irrigation providers to install meters and educational resources for landscaping and public outreach.

Council Member DeCaire asked if all of Kaysville is connected to secondary irrigation.

Josh Belnap responded that the majority of Kaysville is. The properties east of Highway 89 is not required to be connected to secondary irrigation as there is currently no infrastructure installed to support it.

Council Member Garn commented that now is now is the time to plan and think about this so that we don't find ourselves in a crisis situation.

Council Member Barber made a motion to move the approval of a Water Conservation Plan to an action item, seconded by Council Member Adams.

The vote on the motion was as follows:

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

The motion passed unanimously.

### **CALL TO THE PUBLIC**

Dean Wall expressed his appreciation for the Council and what they have done while serving as Council Members. Mr. Wall stated that his wife will be actively pursuing legal charges soon on the city.

### **COUNCIL MEMBER REPORTS**

Council Member DeCaire said that the Power Commission has not had reason to hold a meeting for a couple of months, but their next meeting is planned for the first Tuesday in January.



Council Member Barber expressed appreciation for those involved in the “Kaysville Gives” project. There has been a huge effort made for it and it’s a great time to help a cause within our community. They will be holding an event on December 7<sup>th</sup> to “Fill the Fire Truck” and Council Member Barber encouraged all to participate. There are many in our community who have been willing to give in the past, and it helps many who are in need. People can find more information about donations online and at the Administration office located inside the Police Department.

Council Member Garn said that he appreciates being able to live in our great community and there is no other place he would rather live than here. He is grateful for the opportunity to have been able to serve on the City Council and is encouraged by the improvements the city has made. Council Member Garn added his best wishes to the new Council and the future.

### **CITY MANAGER REPORT**

Shayne Scott said that we have an incredible staff in our city. We had many of the Department Heads in attendance at our meeting tonight helping to represent their departments. This upcoming year will be exciting and he is looking forward to working with the new Council.

### **ADJOURNMENT**

Council Member DeCaire made a motion to adjourn the City Council meeting at 9:01 p.m., seconded by Council Member Garn and passed unanimously.



**LilyPad EV**  
9801 W. 100th Terr  
Overland Park, KS 66212  
(913) 269-2453  
keith.anderson@lilypaddev.com

## Quote

### ADDRESS

Kaysville City Power & Light  
Bruce Rigby  
721 W Old Mill Lane  
Kaysville, UT 84037

### SHIP TO

Kaysville City Power & Light  
Bruce Rigby  
721 W Old Mill Lane  
Kaysville, UT 84037

**QUOTE # 1387**

**DATE 12/17/2019**

**EXPIRATION DATE 02/28/2020**

### SALES REP

Keith Anderson

| DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                          | QTY | EACH     | AMOUNT    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|-----------|
| <b>ChargePoint:CT4021-GW1</b><br>Dual Output Gateway Option, Bollard Unit - 208/240V @30A with Cord Management                                                                                                                                                                                                                                                                                                       | 3   | 4,975.00 | 14,925.00 |
| <b>ChargePoint:CT4021</b><br>Dual Output, Bollard Unit - 208/240V @30A with Cord Management                                                                                                                                                                                                                                                                                                                          | 4   | 4,620.00 | 18,480.00 |
| <b>ChargePoint:CPCLD-COMMERCIAL-5</b><br>5yr Prepaid Commercial Cloud Plan.                                                                                                                                                                                                                                                                                                                                          | 14  | 1,105.00 | 15,470.00 |
| <b>ChargePoint:CT4000-ASSURE5</b><br>5yr Prepaid Assure Plan                                                                                                                                                                                                                                                                                                                                                         | 7   | 2,116.00 | 14,812.00 |
| <b>ChargePoint:CPF25-L18-CMK6-PD-DUAL</b><br>Dual output, 18 foot cable, 208/240, 32A, L2 charger with a pedestal mount option, access control and a 6 foot cable management kit.                                                                                                                                                                                                                                    | 2   | 3,212.00 | 6,424.00  |
| <b>ChargePoint:CPGW1</b><br>The ChargePoint Gateway provides connectivity for CPF25s to ChargePoint's Cloud via a cell to wifi modem. One gateway can provide connectivity up-to 9 CPF25 ports that are within 150 feet line of sight of the gateway. A gateway must be ordered for a new site, or if the site exceeds more than 9 ports, or if the CPF25 is installed more than 150 feet from the existing gateway. | 1   | 0.00     | 0.00      |
| <b>ChargePoint:CPCLD-CONNECT-5</b><br>5 yr Prepaid Connect Cloud Plan.                                                                                                                                                                                                                                                                                                                                               | 4   | 75.00    | 300.00    |
| <b>ChargePoint:CPF-ASSURE5</b><br>5yr Prepaid Assure Plan                                                                                                                                                                                                                                                                                                                                                            | 2   | 558.00   | 1,116.00  |
| <b>Sales Tax</b><br>Sales Tax calculated by AvaTax on Wed 01 May 16:45:47 UTC 2019                                                                                                                                                                                                                                                                                                                                   | 1   | 0.00     | 0.00      |

### NOTES:

- Thank you for allowing us to submit this proposal.

### STANDARD TERMS AND CONDITIONS:

- Standard Invoice Terms are net 30
- Standard manufacturer warranties apply to all hardware purchases
- Standard lead-time is 30-60 days from order acceptance

**SUBTOTAL**

71,527.00

**SHIPPING**

1,181.00

**TOTAL**

**\$72,708.00**

Thank you for your business.



- Installation cost, if included in this project, does not include unforeseen rock or other obstacles found while trenching or boring
- Customer is responsible for ensuring 3G cellular data coverage at installation location is better than -85dbm (ATT) or -90dbm (Verizon). Note for example -70dbm is better than -80dbm.
- Returns of unopened packages are subject to restocking charges. Opened packages may not be returned.

Accepted By

Accepted Date

# **STAFF REPORT**



**COUNCIL MEETING DATE:** January 9, 2020

**TYPE OF ITEM:** Consent

**PRESENTED BY:** Josh Belnap

**SUBJECT/AGENDA TITLE:** Purchase of Streets Department Crew Truck

## **EXECUTIVE SUMMARY:**

### **Description:**

On the recommendation of the City fleet manager, the City has been working on removing all of the 2006-2007 light duty pickups with Cummins diesel engines due to increasing maintenance issues with the coolant, oil and transmission systems and their associated repair time/costs. Over the last 3 years, 2 of these 5 pickups have been cycled out of service and replaced. This purchase is for a vehicle to replace one of these diesel trucks with a one-ton gas engine truck with a utility bed (for tool, equipment and material access) and a ~30 gallon diesel fuel storage tank/pump to help refuel equipment in the field for the water, streets and storm water departments.

Quotes were solicited from 6 dealerships, and the purchase price is on state contract pricing. The vehicle price was included in the general fund, storm water and water budgets as part of the FY20 budget and would be purchased from Young Ford in Morgan for \$44,028.00 (including the price for the truck, utility bed and tank/pump).

Council Options: Approve / Disapprove

Recommended Options: Approve

Fiscal Impact & Fund Source for Recommended Action: General fund – 68%, 16% - Storm Water Funds and 16% - Water Funds

Attachments: Young Ford Invoice

---



KAYSVILLE CITY  
58 EAST 100 NORTH  
KAYSVILLE, UT 84037

# STAFF REPORT



**COUNCIL MEETING DATE:** January 9, 2020

**TYPE OF ITEM:** Consent  
**PRESENTED BY:** Mayor Katie Witt

**SUBJECT/AGENDA TITLE:** Planning Commission Appointment

## EXECUTIVE SUMMARY:

We currently have two vacant seats open of Planning Commission members with the terms for both seats expiring on June 30, 2020. Recently the Mayor held interviews for the Planning Commission seats and found several well-qualified applicants.

Per Ordinance 17-4-3 (2), Mayor Witt has chosen the following applicants to fill the vacant terms and to serve as Alternates. The function of an Alternate is to participate in the absence of a Planning Commission Member:

- Scott Hess, Planning Commission Member
- Jared Doxey, Planning Commission Member
- Larry Page, Alternate
- Abbigayle Hunt, Alternate

Planning Commission consists of seven (7) members, all of whom must reside in the City for at least one year prior to their appointment. The term of office for each appointment member is three (3) years with no limit to the number of terms that they can be reappointed.

**Council Options:** Approve or reject

**Recommendation:** Approve

**Fiscal Impact & Fund Source for Recommended Action:** This project has no fiscal impact.

**Attachments:** None



# STAFF REPORT



**COUNCIL MEETING DATE:** January 9, 2020

**TYPE OF ITEM:** CONSENT

**SUBJECT/AGENDA TITLE:** A resolution declaring certain fire department equipment surplus and authorizing the Fire Chief to enter into a donation agreement.

## EXECUTIVE SUMMARY:

The Fire Department has older equipment it no longer uses. The Kaysville Applied Technology College Fire School is interested in this equipment for training purposes.

Included are a cutter, spreader and pump that are Holmatro brand. The City no longer uses Holmatro. It now uses Hurst equipment. Other unused equipment include two pick head axes, two flat head axes, two bold cutters, and two halligan tools that are unused because of age.

The Fire Department feels donating the equipment to the DATC is in the public interest because the DATC trains fire fighters who will work for the City and neighboring communities.

If approved, the City will require the DATC to sign an agreement indemnifying the City of all liability related to the donation.

Council Options: 1) Approve the Resolution as presented; 2) Approve the Resolution with any modifications the Council deems appropriate; 3) Decline the Resolution and remand to staff with further direction including the option of a surplus property auction.

Recommended Options: Approve the Resolution as presented.

Fiscal Impact & Fund Source for Recommended Action: No impact, but the City could possibly get up to \$1,500 if it sold the equipment. The extrication equipment has a value of \$28,000 if purchased new. The equipment is now more than 15 years old. The manufacturer estimates the current value of the equipment is \$500 to \$1200. The other equipment has a value of \$423.99 if purchased new. The equipment is now more than 15 years old, and the resale value is minimal.

1. Davis Tech Fire School equipment donation (15+years old)
  - a. (2) pick head axes (\$56.00 new)
  - b. (2) flat head axes (\$56.00 new)
  - c. (2) bold cutters (\$53.00 new)
  - d. (2) halligan Tools (\$258.99 new)
  - e. Extrication equipment: spreader, cutter, pump (\$28K new, estimated current value \$500-1200)



**RESOLUTION 20-**

**A RESOLUTION DECLARING CERTAIN FIRE DEPARTMENT EQUIPMENT  
SURPLUS AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A  
DONATION AGREEMENT**

**WHEREAS**, the Fire Department has old equipment that it no longer uses because of age and compatibility issues; and

**WHEREAS**, the Davis Applied Technology College has expressed a desire to use the older equipment for training purposes; and

**WHEREAS**, the Kaysville City Fire Department desires to donate the equipment to the Davis Applied Technology College; and

**WHEREAS**, Utah Code Section 10-8-2 allows a city council to convey or dispose of personal property if in the public interest; and

**WHEREAS**, the Kaysville City Council deems it to be in the public interest for this dormant equipment to be put to beneficial use.

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

1. That the attached fire department equipment be declared surplus.
2. That the Fire Chief be authorized to enter into the attached donation agreement with Davis Applied Technology College.

**PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 9th day of January, 2020.**

\_\_\_\_\_  
Katie Witt, Mayor

ATTEST:

\_\_\_\_\_  
Annemarie Plaizier, City Recorder

## Kaysville City Fire Department Release of Liability for Donated Equipment

From time to time, the Kaysville City Fire Department gives surplus equipment to other departments or educational institutions free of charge.

By signing this document, the recipient agrees as follows:

1. **Recipient.** The Kaysville City Fire Department is donating to the following recipient:

---

2. **Donated Equipment.** The Kaysville City Fire Department is donating the following items to this recipient:

---

---

---

3. **Condition "As Is."** Kaysville City is not making any representations, warranties, or guaranties about the donated equipment, including any implied warranties of merchantability and/or fitness for any purpose. Recipient understands that Kaysville City is not obligated to provide any instructions or follow-up services, replacement parts, or repairs.
4. **Assumption of Risk.** Recipient understands that there are certain risks of injury that may arise from the possession, use or misuse of the donated equipment, including the risk of damage to property, injury, disability, or death. Recipient assumes full responsibility for all risks arising directly or indirectly from possession, use or misuse of the donated equipment, both known and unknown, regardless of the cause.
5. **Waiver and Release.** Recipient waives and releases any and all claims against Kaysville City, its officials, agents, and employees with respect to any and all injury, disability, death, loss or damage to property, use or misuse of the donated equipment, regardless of the cause and even if caused by negligence, whether passive or active. Recipient agrees not to sue any party on the basis of these waived and released claims.
6. **Indemnity.** Recipient agrees to indemnify and hold harmless Kaysville City and each of its respective officials, officers, employees or agents from any loss, cost, damage, expense, or liabilities (including reasonable attorneys' fees) incurred in connection with



any and all claims, including third party claims that result from or relate to the donated goods.

7. **Books and Records.** Recipient agrees to maintain adequate books and records of any donated goods from Kaysville City as required by applicable tax regulations.

---

Recipient, Signature of Authorized Official

---

Print Name and Title

---

Date

# **STAFF REPORT**



**COUNCIL MEETING DATE:** January 9, 2020

**TYPE OF ITEM:** Action

**PRESENTED BY:** Shayne Scott

**SUBJECT/AGENDA TITLE:** Hunting in West Kaysville

## **EXECUTIVE SUMMARY:**

### **Description:**

Kaysville City Code states that approval to hunt within City limits must be approved by Kaysville City Council.

Erik Hoffman, a resident of Kaysville. Recently contacted Chief Sol Oberg about the possibility to hunt within Kaysville boundaries. He has a friend who would like to have Mr. Hoffman bring his bow and take some of the nuisance geese off of his property.

The property in question is 1154 West Hanline Cir. The geese are always in the back yard by the ponds behind his house. There are open fields beyond the ponds as well, which would help facilitate safety in this instance, as there is nothing in the shooting lane of the bows.

The property in question can be seen here:

<https://goo.gl/maps/SARvPpqNygDDYXZ49>

Council Options: Approve / Disapprove this request or table for more information

Recommended Options: Approve

Fiscal Impact & Fund Source for Recommended Action: None

Attachments: None

---



# **CITY COUNCIL STAFF REPORT**



**MEETING DATE:** January 9, 2020

**TYPE OF ITEM:** Action

**PRESENTED BY:** Community Development Staff

**SUBJECT/AGENDA TITLE:** Rezone of 1.64 acres of property at 37 South Angel Street from A-1 (Light Agriculture) to the R-1-14 (Single Family Residential) zoning district with a PRUD overlay for Steven and Sherrilee Einfeldt.

## **EXECUTIVE SUMMARY:**

Mr. Steve and Sherrilee Einfeldt is seeking a rezone at the subject property to accommodate future residential development.

The existing zoning district permits agriculture and a single family dwelling.

The property abutting to the north is a 1.8 acre parcel zoned I A-1. The properties abutting along Angel Street to the south and extending east along the south property are zoned R-1-20 with a 5.9 acres parcel residential R-A zoning to the east.

The R-1-14 zone being applied for will allow for single family dwelling on a 14,000 square foot lot.

The proposed zoning would allow for as many as 5 total units on the property. The applicant has provided a concept plan showing a private street subdivision type development which is the reason for the PRUD overlay zone.

In consideration of the rezone the Planning Commission should consider how the use fits with the city's general plan and how it works at the specific location.

The City's General Plan states, among other things:

### Identity and Character:

Kaysville should be primarily a residential community with a vision to promote business, industry and public use.

### I. Housing

A. Housing should be located throughout the City and restricted only where it is incompatible with other necessary uses.

1. West of I-15, allow for similar housing densities in existing neighborhoods while considering medium density housing along the major streets and higher density housing near transit stops and arterial streets (200 North, Interstate 15, and the West Davis Corridor).

2. East of I-15, allow for housing compatible with and complimentary to existing neighborhoods while considering medium densities along major streets and higher densities near transit stops and arterial streets (200 North, Main Street, Interstate 15, and U.S. 89).

B. The majority of the housing should be single unit attached or detached. The City will seek to provide a variety of housing choices throughout the community including a means for allowing homes of a variety of sizes. Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.

C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.

D. Housing developments should essentially pay for themselves.

## II. Business and Industry

A. Most sites used primarily for business or industry should be located on major streets. Mitigate impacts on adjacent residential uses through compliance with ordinances and regulations.

B. Home occupations should be located throughout the City, but not be allowed to change or interfere with the character of residential areas.

---

**City Council Options:** Approve, deny, table for more information.

**Recommended Options:** After holding the required public hearing for this item, the Planning Commission voted unanimously in favor of approving the requested rezone based on its findings of compatibility with the general plan and how it relates to the surrounding neighborhood. The recommendation for the PRUD overlay was subject to approval of a desirable final subdivision plat.

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

**Attachments:** Area Map, Zoning Map, Concept Plan

---

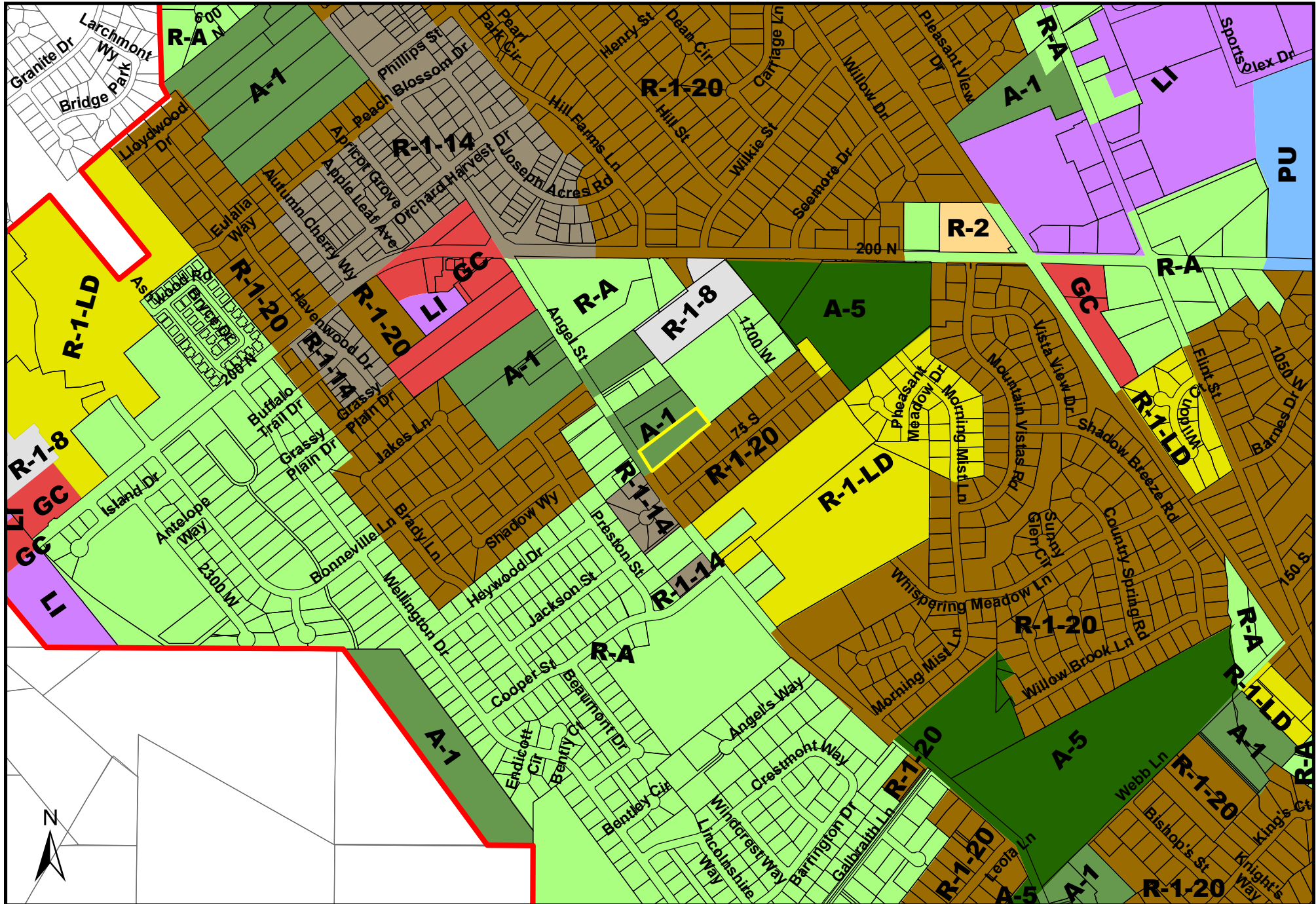


# 37 South Angel Street - Rezone from A-1 to R-1-14 PRUD



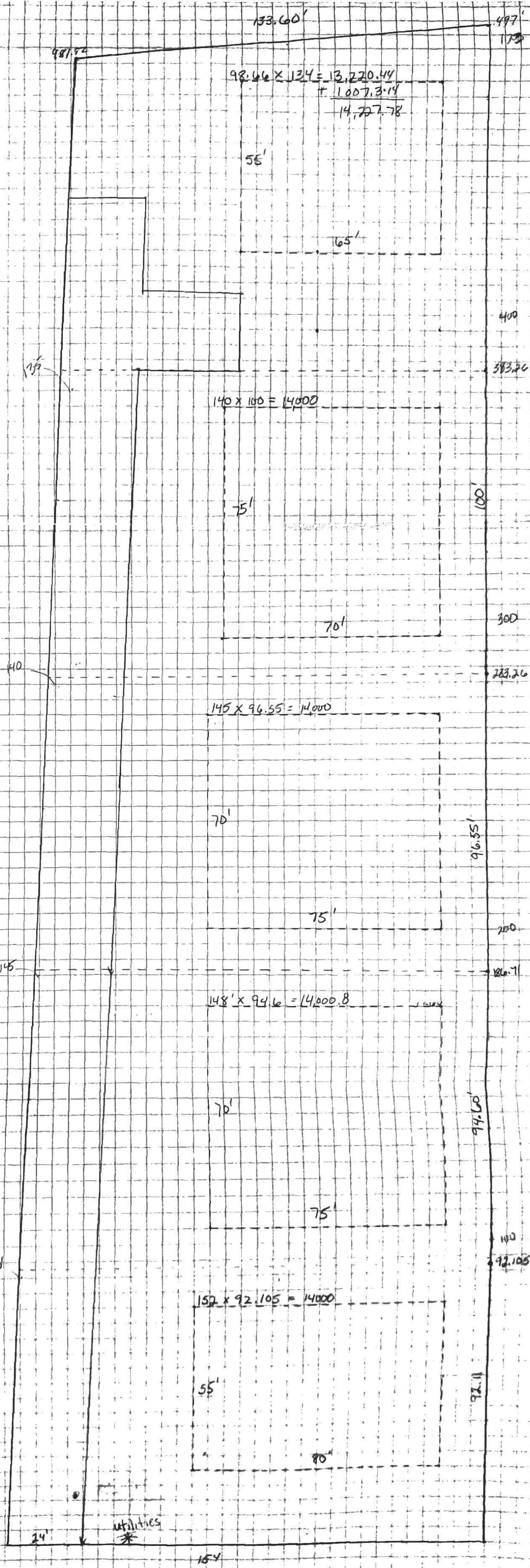


**37 South Angel Street - Rezone from A-1 to R-1-14 PRUD**





PLAN B



# **STAFF REPORT**



**COUNCIL MEETING DATE: January 9, 2020**

**TYPE OF ITEM: Work**

**PRESENTED BY: Cole Stephens**

**SUBJECT/AGENDA TITLE: Parks and Recreation Advisory Board**

## **EXECUTIVE SUMMARY:**

Consideration for the addition to Title 12 Parks, Public Properties, and Recreation with the creation of Chapter 5 – Parks and Recreation Advisory Board.

Council Options: Move to Action Item / Table or Move to additional Work item

Recommended Options: Move to Action Item

Fiscal Impact & Fund Source for Recommended Action: NA

Attachments: Draft Chapter 5 – Parks and Recreation Advisory Board

---



Kaysville Parks and Recreation Advisory Board

**12-5-1 Board, Membership**

There is hereby established the "Kaysville Parks and Recreation Advisory Board." It shall be composed of seven members, all of whom shall be appointed by the Mayor with the advice and consent of the City Council and one of whom shall be a member of the City Council.

**12-5-2 Term of Office**

Each appointed member shall serve a staggered term of four (4) years except upon creation of this board three (3) members shall serve an initial term of two (2) years, except that term of the member who is likewise a member of the City Council shall be as determined by the Mayor with the advice and consent of the City Council.

**12-5-3 Mode of Appointment**

The members of the Parks and Recreation Advisory Board shall be residents of the city and solely on the basis of qualification for the position. Appointments to fill vacancies shall be made at any time to fill the unexpired terms of any member. Appointments shall be nonpolitical, and appointees shall be selected from different vocational interests insofar as possible.

**12-5-4 Removal of Members**

Any member of the Parks and Recreation Advisory Board may be removed, with or without cause, by the Mayor with the advice and consent of the City Council. A member shall be removed for failure to attend three (3) consecutive board meetings.

**12-5-5 Rules**

The Parks and Recreation Advisory Board shall formulate its own rules for selection of a chairman, vice chairman and secretary from its membership, the time, place and manner of calling the meetings and other procedural matters, and may adopt rules and regulations for the conduct of its business consistent with City Code. The Parks and Recreation Advisory Board should meet as often as necessary to conduct necessary business. Provided that there shall be at least one meeting each quarter. Written minutes shall be kept of each meeting and the minutes shall be adopted by the Board at a future Board meeting.

Chairman and Vice Chairman; Conduct of Meetings; The Parks and Recreation Advisory Board will appoint from among the Advisory Board members a chairman and vice chairman of the board. The chairman and vice chairman shall serve in such capacity for the length of two years. The chairman shall preside over the meetings of the Advisory Board, and the vice chairman shall act for the chairman during the chairman's absence. All members of the Advisory Board shall attend such meetings. No action shall be taken by the board except by the affirmative vote of at least (3) Advisory Board Members. Three (3) Advisory Board members shall constitute a quorum.

**12-5-6 Scope and Function**

The Parks and Recreation Advisory Board shall function as a planning, advisory, and coordinating body for the City in matters pertaining to parks and recreation plans and programs. Their efforts will be fully coordinated with the Parks and Recreation Department and all actions or proposed actions will be submitted through the City staff and will receive approval of the City Council prior to implementation. The Board is not empowered to bind or obligate the City or any of its departments, except as approved by the City Council, within the framework of approved plans or programs.

#### **12-5-7 Duties**

It shall be the duty of the Parks and Recreation Advisory Board to submit to the City a master parks and recreational plan. The Parks and Recreation Advisory Board is to coordinate its efforts with the Kaysville City Planning Commission to assure correlation of effort. Coordination shall also be assured with appropriate City staff and affected departments. The Parks and Recreation Advisory Board may include as an integral part of its program and fund raising activities to finance such programs, the use of volunteers, etc., providing prior approvals required in Section 12-5-6 are obtained. The Board shall submit to the City an annual outline of goals and activities it intends to undertake. The normal and ongoing programs of the Parks and Recreation Department will not necessarily be included in the plan as they are defined and supported by the Parks and Recreation Department in their budget submissions.

#### **12-5-8 Salary**

Each member of the Parks and Recreation Advisory Board shall receive compensation as fixed by resolution of the City Council.





**MEETING DATE: January 9, 2020**

**TYPE OF ITEM: Work**

**PRESENTED BY: City Manager**

**SUBJECT/AGENDA TITLE: Sunset Equestrian Center – Development Agreement Amendment.**

**EXECUTIVE SUMMARY:**

The Planning Commission met in November of 2019 to hold a public hearing considering a rezone at the Sunset Equestrian Center located at 820 Mare Circle near the southwest edge of Kaysville City.

The owner of the center together with his representative submitted an application for a rezone due primarily to the impact of road project in the area on the function of the equestrian center. To paraphrase the owner, an equestrian center needs more land, not less. The West Davis Corridor and frontage road projects that are under design are expected to impact the west side of his property including being built on some of what is now his property. As a result, the owner is interested in relocating the equestrian center and doing something different with the subject property.

After listening to public comment during the November hearing, the Planning Commission tabled making any recommendations on this item looking for 2 specific items. First they wanted to make sure that there was no other option for the West Davis Corridor and Kaysville City frontage road alignment so as to reduce or eliminate the impact on the equestrian center. It has been confirmed that previous negotiations with UDOT have moved both the freeway and the city's road as far west as possible. Second the Commission was made aware of an existing development agreement between Kaysville City and the developer of the Sunset Equestrian Estates subdivision. This agreement states that the subject property must be used as an equestrian center (see attached agreement). Even with a rezone of the property, the conditions of this agreement would still be applicable unless both the Kaysville City Council and the Developer agree to modify its terms. The Planning Commission felt that it was more prudent to resolve this issue before continuing on the path of a rezone consideration.

The Developer of the Sunset Equestrian Estates Subdivision, Symphony Homes, has been made aware of the proposed rezone and the need to amend the existing development agreement should a different use be desired. As of the date of this report they have not expressed a position regarding their interest in amending the existing terms.

For the purpose of constructing the city's new road, the current rezone proposal is accompanied by a development agreement wherein the property owner would dedicate the land needed for the road in exchange for the desired zoning designation. Without something similar, the city will likely need to work with the property owner on the purchase of land for the roadway.

Staff is looking for direction from the City Council as to what should be done with the existing development agreement.

---

**City Council Options:** Move amendment of existing agreement to an action item. Give direction to maintain the existing agreement, and direct staff to work with the owner of the equestrian center to find an alternate

solution to bring the road through their property.

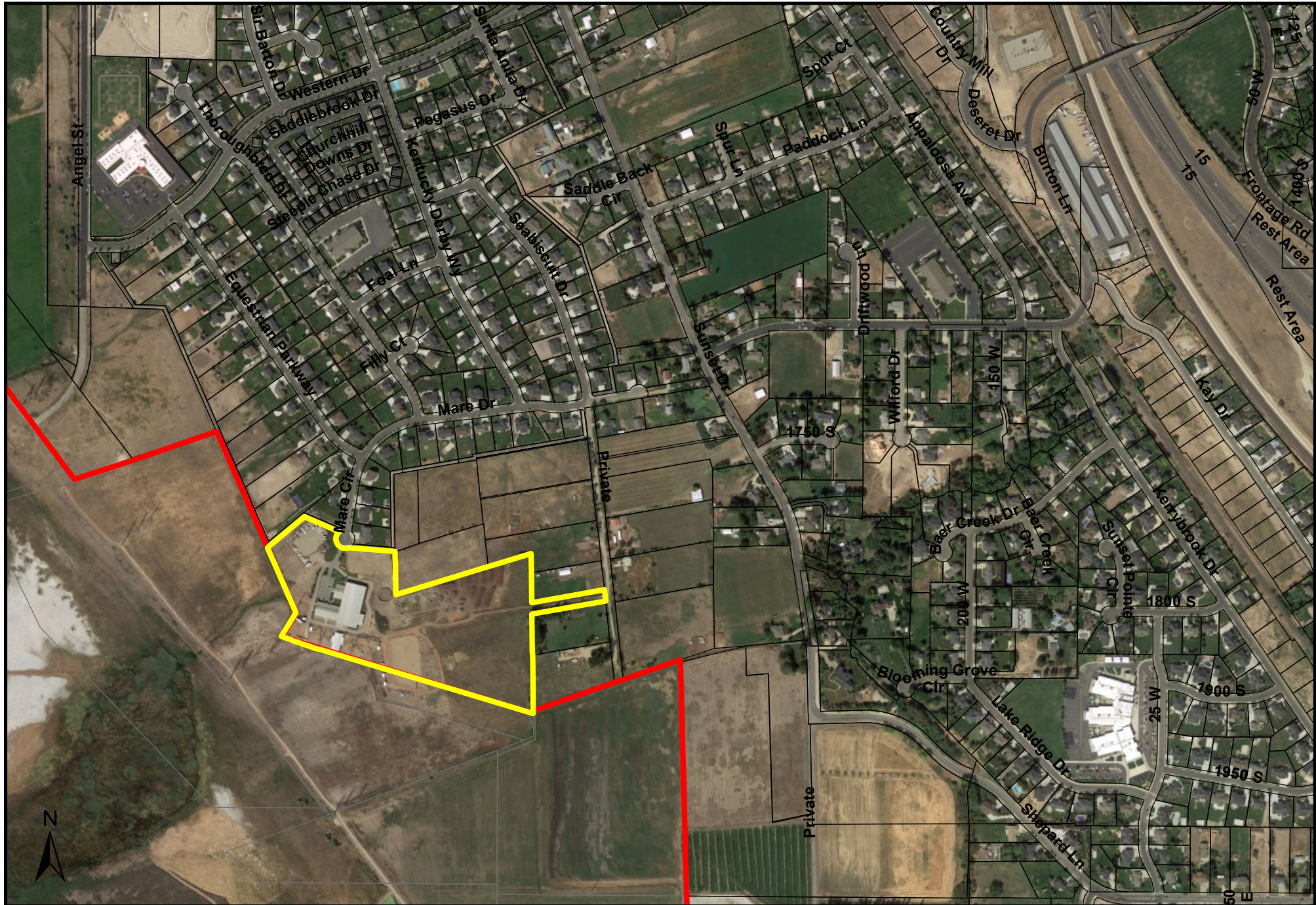
**Fiscal Impact & Fund Source for Recommended Action:** N/A

**Attachments:** Area Map, Proposed Amendment, Concept Plan, Proposed New Development Agreement

---



# Sunset Equestrian Center - 820 Mare Circle - Rezone from A-5 to R-M





**ADDENDUM NO. SIX  
TO  
DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN  
ESTATES WEST CLUSTER SUBDIVISION**

This ADDENDUM NO. SIX to the DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN ESTATES WEST CLUSTER SUBDIVISION ("Development Agreement") is entered into as of \_\_\_\_\_, 2019 (hereinafter the "Amendment Effective Date"), by and between KAYSVILLE CITY CORPORATION, a Utah municipal corporation organized and existing under the laws of the State of Utah (hereinafter, the "City") and SYMPHONY HOMES, (hereinafter, the "Developer," "Developer" includes successors and/or assigns of Symphony Homes).

**RECITALS**

A. The City and Developer entered into that certain "Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about April 4, 2006 (hereinafter, the "Development Agreement"), "Addendum No. One to Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about May 15, 2007 (hereinafter "Addendum No. One") and "Addendum No. Two to Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about April 1, 2008 (hereinafter "Addendum No. Two") and "Addendum No. Three to Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about October 21, 2008 (hereinafter "Addendum No. Three") and "Addendum No. Four to Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about May 20, 2014 (hereinafter "Addendum No. Four") and "Addendum No. Five to Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about November 16, 2017 (hereinafter "Addendum No. Five").

B. This Addendum No. Six (hereinafter, the "Addendum No. Six") is intended to supplement and modify the provisions of the Development Agreement, Addendum No. One, Addendum No. Two, Addendum No. Three, Addendum No. Four, and Addendum No. Five as to the matters explicitly addressed herein. All terms, conditions and definitions set forth in the Development Agreement apply equally to the terms and conditions set forth in this Addendum No. Six; except that, if a conflict arises regarding the additions provided for herein, then the terms hereof shall prevail.

**AGREEMENT**

Whereas, in consideration of the foregoing premises, the City and Developer agree as follows:

1. The area identified on exhibit A as the Sunset Equestrian Estates Preliminary Plat identified as the EQUESTRIAN PARCEL shall no longer be subject to the provisions of the Development Agreement.
2. Section 3.E. of the Development Agreement shall be removed from the Development Agreement in its entirety. Prior to deletion per the terms of this Addendum read as follows:



E. Equestrian Facilities: Developer shall construct equestrian facilities in the Equestrian Center shown on the Preliminary Plat, which shall comply with the following:

- 1) Barn and Stables. The barn and stables will be constructed to current equestrian center facility standards as deemed appropriate by Developer at Developer's Sole Discretion;
  - 2) Indoor Riding Arena. The arena will be enclosed with steel panels and will have gates and tack facilities as deemed appropriate by Developer at Developer's sole discretion;
  - 3) Visitor Parking Area. The visitor parking area will be of sufficient size to accommodate five (5) trucks with stock trailers;
  - 4) Fenced Common Pasture. The common pasture will be fenced and will have provisions for livestock watering;
  - 5) Compliance with Codes. All Equestrian facilities shall comply with all applicable building and other codes; and
  - 6) Access from lane owned by Davis County (550 West Street). Developer shall prohibit access to the Equestrian Center from the lane owned by Davis County (550 West Street) by legal instrument acceptable to the City, which prohibition may expire after the lane (550 West Street) is improved to City Standards.
2. Except as expressly amended in this Addendum No. Six, the Development Agreement, Addendum No. One, Addendum No. Two, Addendum No. Three, Addendum No. Four, and Addendum No. Five shall remain in full force and effect.

**(Signatures to Follow on Next Page)**

**IN WITNESS WHEREOF**, this Addendum No. Six is executed to be effective as the Amendment Effective Date.

Attest:

“City”  
Kaysville City Corporation

By: \_\_\_\_\_  
Annemarie Plaizier, City Recorder

By: \_\_\_\_\_  
Katie Witt, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

“Developer”  
Symphony Homes

By: \_\_\_\_\_  
TITLE

Date: \_\_\_\_\_

#### **CITY ACKNOWLEDGEMENT**

STATE OF UTAH                    )  
                                          :SS  
COUNTY OF DAVIS            )

On the \_\_\_\_ day of \_\_\_\_\_ 2019, personally appeared before me Katie Witt and Annemarie Plaizier, who being by me duly sworn did say, each for herself, that she, the said Katie Witt, is the Mayor of Kaysville City, Davis County, State of Utah, and that she, the said Annemarie Plaizier, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the city Council of Kaysville City and said Katie Witt, and Annemarie Plaizier, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

\_\_\_\_\_  
Notary Public  
Residing at:

Kaysville City, Utah

My Commission Expires:

\_\_\_\_\_



**DEVELOPER ACKNOWLEDGEMENT**

STATE OF UTAH                    )  
                                          :SS  
COUNTY OF DAVIS            )

On the \_\_\_\_ day of \_\_\_\_\_ 2019, personally appeared before me,  
\_\_\_\_\_, the signer of the foregoing Development Agreement for Sunset  
Equestrian Estates West Subdivision, who duly acknowledged to me that he executed the same  
for and on behalf of Symphony Homes.

\_\_\_\_\_  
Notary Public  
Residing at:

\_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

DRAFT



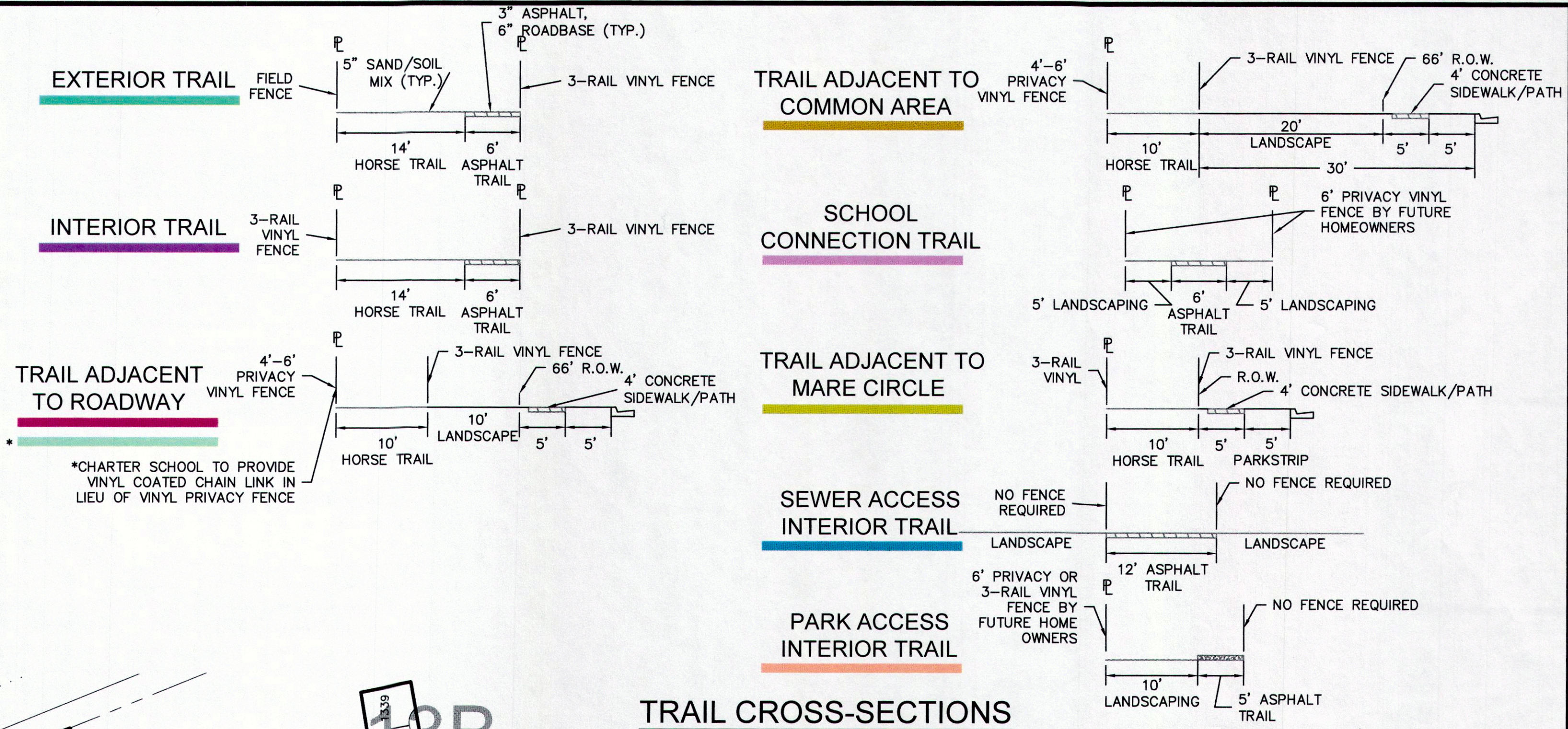
SUNSET EQUESTRIAN ESTATES OPEN SPACE CALCULATIONS

Total area included in Sunset Equestrian Estates: 249.12 Ac  
Area of Equestrian Center Parcel not included in calculations: 19.58 Ac  
Net Area (less 19.58 acre Equestrian Center Parcel): 229.54 Ac  
Overall Open Space: 22.70 Ac  
Percentage of Overall Open Space: 9.9%

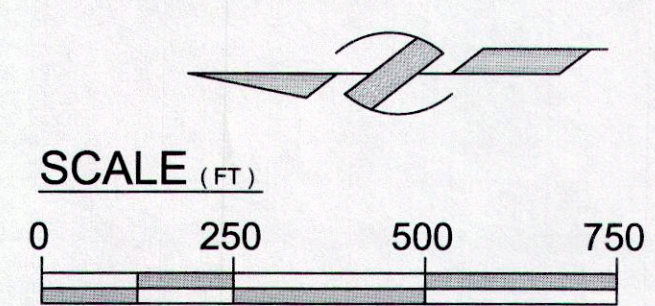
| PLAT                | PLATTED<br>ACREAGE | NUMBER<br>OF LOTS | *TRAIL<br>ACREAGE | OPEN SPACE<br>NEIGHBORHOOD PARKS<br>& COMMON AREA (Ac.) | TOTAL<br>ACREAGE | PERCENT OF<br>OPEN SPACE | CUMULATIVE<br>PERCENT OF<br>OPEN SPACE |
|---------------------|--------------------|-------------------|-------------------|---------------------------------------------------------|------------------|--------------------------|----------------------------------------|
| Constructed Portion | 164.46             | 254               | 5.23              | 11.38                                                   | 16.61            | 10.1%                    | 10.1%                                  |
| Plat 13B            | 1.16               | 3                 | 0.11              | 0.00                                                    | 0.11             | 9.7%                     | 10.1%                                  |
| Modified Plat 14B   | 6.61               | 13                | 0.26              | 0.00                                                    | 0.26             | 3.9%                     | 9.9%                                   |
| Plat 10C            | 3.71               | 7                 | 0.00              | 0.00                                                    | 0.00             | 0.0%                     | 9.9%                                   |
| Plat 15A            | 10.11              | 16                | 0.12              | 0.51                                                    | 0.63             | 6.2%                     | 9.5%                                   |
| Plat 15B            | 7.10               | 10                | 0.12              | 0.53                                                    | 0.65             | 9.2%                     | 9.5%                                   |
| Plat 16C            | 1.45               | 0                 | 0.10              | 1.34                                                    | 1.45             | 100.0%                   | 10.1%                                  |
| Plat 16A            | 11.94              | 17                | 0.07              | 1.10                                                    | 1.17             | 9.8%                     | 10.1%                                  |
| Plat 16B            | 4.11               | 8                 | 0.00              | 0.00                                                    | 0.00             | 0.0%                     | 9.9%                                   |
| Plat 17B            | 12.96              | 19                | 0.29              | 1.54                                                    | 1.82             | 14.1%                    | 10.2%                                  |
| Plat 18             | 5.94               | 11                | 0.00              | 0.00                                                    | 0.00             | 0.0%                     | 9.9%                                   |
| TOTALS              | 229.54             | 358               | 6.30              | 16.40                                                   | 22.70            | 9.9%                     | 9.9%                                   |

Average lot square footage: 22,078 sf  
Minimum lot size: 21,780 sf  
Minimum / Average: 0.987  
Multiplied by 10%: 9.865% required open space  
Multiplied by area (229.54 ac): 22.64 Ac required open space (22.70 Ac currently provided)

Number of lots proposed: 358  
Minimum lot size by zoning: 21,780 sf  
Number of lots allowed (249.12 Ac / 21,780 sf): 498  
Number of Belnap lots: 15



OPEN SPACE  
EQUESTRIAN CENTER



SYMPHONY HOMES  
SUNSET EQUESTRIAN ESTATES  
PRELIMINARY PLAT  
EXHIBIT A

**B BINGHAM ENGINEERING**  
SALT LAKE CITY - (801) 532-2520  
OGDEN - (801) 399-1662

Des: STAF  
Drw: STAF  
Chk: JRL  
Rvw: JRL

Sht  
1  
of 1

Print Date: 09/26/2017  
Created: 04/29/05  
Proj. # 5145

Copyright © 2017 Bingham Engineering, Inc. Drawing not to be reused in part or in whole without written permission.

C:\5145\CAD\Concept\PRELIMINARY\_PLAT\_rev14.dwg  
jeremy

| Rev. | By | Date | Remarks |
|------|----|------|---------|
|------|----|------|---------|





SIDE ELEVATION



FRONT ELEVATION



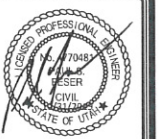
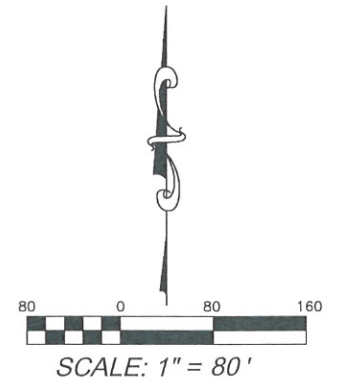
**SITE DATA TABLE**

|                 |           |
|-----------------|-----------|
| PARCEL AREA:    | 19.56 AC. |
| DEDICATED AREA: | -1.17 AC. |
| GAINED AREA:    | +1.56 AC. |
| NET AREA:       | 19.95 AC. |

|                   |                                           |
|-------------------|-------------------------------------------|
| ZONING REQUESTED: | R-M MULTIPLE FAMILY RESIDENTIAL           |
| SINGLE FAMILY:    | 2-LOTS                                    |
| TOWNHOME PUD:     | 1.5 LOTS/AC<br>274 UNITS<br>14.7 UNITS/AC |

|                  |           |       |
|------------------|-----------|-------|
| PUD SITE PLAN    |           |       |
| TOTAL AREA:      | 18.67 AC. | 100%  |
| BUILDING:        | 6.86 AC.  | 36.7% |
| ROADWAY/PARKING: | 4.66 AC   | 25.0% |
| OPEN SPACE:      | 7.15 AC   | 38.3% |

|                 |     |
|-----------------|-----|
| PUD PARKING     |     |
| 2/UNIT = 2*274  | 548 |
| SURFACE STALLS  | 205 |
| TOTAL PARKING   | 753 |
| STALLS PER UNIT | 2.7 |



|             |            |              |        |              |  |
|-------------|------------|--------------|--------|--------------|--|
| DATE:       | 10/31/2019 | REV:         |        | DESCRIPTION: |  |
| SCALE:      | AS SHOWN   | DRAWN BY:    | STB    |              |  |
| CHECKED BY: | PSF        | PROJECT NO.: | se1901 |              |  |

Developed by:  
**CLEARWATER INVESTMENT GROUP**  
1321 EAST VALLEJO WAY  
BOONVILLE, UT 84010  
TEL 801-913-2150

ENGINEERED BY:  
**S.E. SCIENCE, LLC**  
P.O. BOX 2412  
SALT LAKE CITY, UT 84110  
TEL 801-433-2498

SUNSET STATION GATED COMMUNITY  
820 MARE CIRCLE, KAYSVILLE, UT  
CONCEPTUAL LAYOUT  
**CONCEPTUAL SITE PLAN**





DRAWING TITLE  
**RECORD AND SITE SURVEY**

CLIENT CONTACT  
**Jeff Hansen**  
Sunset Equestrian Center & Clearwater  
Investment Group, LLC 1324 East  
Millbrook Way, Bountiful, UT 84010

**SUNSET EQUESTRIAN ESTATES 820  
MARE CIR. LOCATED WITHIN, DAVIS  
COUNTY, UTAH. A PART OF THE S.E.  
1/4 SEC. 9, & S.W. 1/4 SEC 10, T. 3 N., R.  
1. W. S.L.B.&M.**

PROPERTY DESCRIPTION  
Parcel # 08-484-0001  
All of Parcel A, Kaysville Sunset Equestrian Estates Plat 8 Second Amendment.  
Containing 19.586 +/- Acres

SURVEYORS NARRATIVE  
This survey was performed at the request of Paul Feser for the purpose to locate and  
mainly focus along the Western portion of the subject property. These existing improvements  
surfaces landscape and landscape in relation to the boundaries of said subject parcel. Further  
more for the probability of eminent domain and proper future planning.  
The basis of bearing was derived from the found section corners and utilized on this  
survey as N071622'W as shown on The Kaysville Sunset Equestrian Estates Plat 8 Second  
Amendment recorded March 15 2011, and area surveys of record.

NOTE:  
1. Surveyor has made no investigation or independent search for encumbrances of record  
encumbrances restrictive covenants ownership title evidence, or any other facts, conflicts, or  
discrepancies which may be disclosed by the details of a current title insurance policy.  
2. See city and county planning, and zoning maps for information regarding setback, side yard,  
and rear yard instances as well as other building, use restrictions, and requirements.  
3. Utility pipes, wires etc. may not be shown on this map, contractors builders and excavators  
shall verify the location of all existing utilities prior to construction, and/or excavation. Contact  
blue stakes and refer to utility maps for additional information.  
4. Subdivision plat notes, pertaining to this lot and other restrictions obligations, covenants etc.  
that may effect the design and use of this lot, see subdivision.

SURVEYORS CERTIFICATE  
I, R. Shane Johanson, Do hereby certify that I am a Professional Land Surveyor, holding  
certificate No. 7075114, as prescribed under the laws of the State of Utah, and that I have made a  
survey of the described tract of land as shown on this plat and that this survey retraces lot lines  
and may have adjusted said lot lines to coincide with found evidence and other interpolations  
based from ground measurements and found records. Furthermore I recognize that other  
unwritten rights of ownership or lines of possession may exist, I do not imply to certify any of  
those rights, unless agreed upon by the appropriate parties.

REVISIONS:

| REV # | DESCRIPTION | DATE |
|-------|-------------|------|
|       |             |      |
|       |             |      |
|       |             |      |

**JOHANSON** SURVEYING  
PROFESSIONAL LAND SURVEYORS  
P.O. BOX 18941  
SALT LAKE CITY, UTAH 84118  
Shane Johanson P.L.S. 801-485-2541

COPYRIGHT  
This drawing is and at all times remains the exclusive property of Johanson  
Surveying shall not be used with out complete authorization and written support.

STAMP  
DATE  
PROJECT NO  
S-19-154  
DATE  
10-11-2019  
DRAWN BY: SHANE R. JOHANSON P.L.S.  
OVERSEEN BY: SHANE R. JOHANSON P.L.S.  
SHEET NUMBER  
SHEET-001



**DEVELOPMENT AGREEMENT  
FOR A SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019 by and between Kaysville City, a municipal corporation organized and existing under the laws of the State of Utah (hereinafter the “City”), and CLEARWATER INVESTMENT GROUP LLC (hereinafter the “Developer;”) (“Developer” includes successors and/or assigns of CLEARWATER INVESTMENT GROUP LLC), as follows:

**RECITALS**

WHEREAS, Developer is desirous of redeveloping certain real property (the Development) located in the City of Kaysville, County of Davis, State of Utah and more particularly described on the Property Location Map attached hereto as Exhibit A and the Area Description of Section 1 A.; and

WHEREAS, the purpose of this Agreement is to define the development standards, conditions and improvements, schedule for development of the Development and other terms and conditions pursuant to which the Development proposed by Developer is to be developed within the City; and

WHEREAS, the City is willing to grant the R-M (Residential Multi-Family) rezone of the property and to authorize the pursuit of the Development proposed by Developer in conformance with this Agreement, City Ordinances, and applicable Utah law. The PRUD (Planned Residential Unit Development) Overlay Zone which would allow the proposed arrangement will be considered at the time of consideration of the subdivision in accordance with Kaysville City Code;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

**AGREEMENT**



1. **GENERAL DESCRIPTION.**

A. Area Description. The property upon which the Development shall occur (the “Property”) is located as shown on the Property Location Map, a copy of which is attached as Exhibit A hereto and incorporated by reference herein. The property is further described as parcel #08-484-0001 located at 820 Mare Circle.

B. Project Description. The desired use of the subject Property proposed by Developer is residential development.

2. **DEVELOPMENT STANDARDS AND GUIDELINES**

A. Adoption of Development Standards. The City hereby adopts, as the development standards and guidelines for the Development (the “Development Standards”), the following in addition to all other applicable City Ordinances, standards and guidelines:

(1) Compliance With Approved Plans. Developer shall develop the site in accordance with the provisions of the R-M zoning district being requested and the Common Open Space Subdivision requirements of the PRUD (Planned Residential Unit Development) Overlay Zone found in Title 17 of the Kaysville City Ordinances.

(2) Open Space. A minimum of 25% open space shall be provided within the development or open space sufficient to meet the provisions of the PRUD Overlay Zone, whichever is greater.

(3) Number of Units. No more than 274 units in any configuration shall be built.

(4) Buffer Zone. Property abutting existing single family dwellings as of the date of this agreement, more specifically any development within 130 feet of parcel 08-432-0814 and 08-482-0815 shall be single family detached development on lots at least ½ acre in size or open space for the Development.

(5) Dedication of Right-of-Way. Developer shall dedicate that property which is identified in ‘Exhibit B’ on the western portion of the Development to Kaysville City and the



Utah Department of Transportation as is applicable for what is labeled as the ‘Davis Corridor R.O.W.’ and ‘Angel St.’ R.O.W. This property shall be dedicated to the applicable entity no later than May of 2020, notwithstanding the need to complete the remaining terms of this Agreement.

(6) Timing. Development shall not commence until access to the site is available from Angel Street adjacent to the property.

(7) Access. There shall be provided a minimum of 2 access points (roads) into the property along what is labeled as ‘Angel Street’ in Exhibit B along the frontage of the subject property. While the proposal includes internal private streets, access into the Development from a public right-of-way including gated entrances, there shall not be allowed the use of any gates to ensure ease of emergency access into the Development.

(8) Walkways. So long as a trail/path system is provided as demonstrated in Exhibit B, no additional sidewalk shall be required along private street improvements within the subdivision, should the proposed path system be removed, sidewalk shall be required on both sides of the private street improvements.

(9) Parking. All units within the Development shall include a minimum of 2 covered parking stalls attached to the unit and an additional ½ stall of parking per unit shall be provided within the Development which is generally accessible for guests and additional parking needs.

B. Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, the City hereby expressly finds that the Development, in conformance with the Development Standards and this Agreement, promotes the creation of desirable residences in an appropriate location. The City further finds that the Development, in conformance with the Development Standards and this Agreement, will not violate the general purpose, goals and objectives of the City Ordinances and any plans adopted by the Planning Commission and City Council of the City.

Subject to the Developer’s performance and compliance with the terms of this Agreement and City Ordinances in effect on the date of this Agreement, Developer’s rights to pursue the



Development is vested.

### **3. ON-SITE PROJECT IMPROVEMENTS**

Developer shall construct and install all site improvements, including utilities, required for the Development, at Developer's sole cost and expense, in compliance with approvals, and all applicable ordinances, regulations, standards and status of the City, the secondary water provider as applicable, The Central Davis Sewer District, other providers and the State of Utah.

### **4. OFF-SITE PROJECT IMPROVEMENTS**

In accordance with applicable standards and subject to the design approval of the City Engineer, Developer shall construct and install the following improvements with the construction of the on-site improvements:

550 West Improvements. Developer shall act as a pioneer developer and make improvements to 550 West Street including extension of utility lines and roadway improvements from curb to curb between Mare Drive and Angel Street. The City recognizes that said improvements are desirable and beneficial to the Development but are beyond the Developers' fair share of improvements required, therefore all properties which develop along 550 West Street within the next 10 years shall reimburse Developer a proportionate share of the costs of all such improvements equal to the percentage of frontage along 550 West Street

### **5. REPRESENTATIONS OF DEVELOPER**

A. Authority. Developer hereby represents that is has authority to proceed with the Development.

### **6. ASSIGNMENT**

Developer may assign this Agreement to any other third party provided that the City consents to such assignment, which consent shall not be unreasonably withheld.

## **7. BINDING EFFECT**

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

## **8. ATTORNEY'S FEES**

In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

## **9. SEVERABILITY**

If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

## **10. CAPTIONS**

The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions



hereof.

## **11. GOVERNING LAW**

This Agreement and all matters relating hereto, shall be governed by, construed and interpreted in accordance with the laws of the State of Utah.

## **12. ENTIRE AGREEMENT**

This Agreement, together with the exhibits attached hereto, constitutes the entire understanding and agreement by and among the parties hereto, and supersedes all prior agreements, representations or understandings by and among them, whether written or oral, pertaining to the subject matter hereof.

## **13. CONSTRUCTION**

As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

## **14. AUTHORIZATION OF EXECUTION**

A. City. The execution of this Agreement by the City has been authorized by the City Council of Kaysville City at a regularly scheduled meeting of that body, pursuant to the notice.

B. Developer. The execution of this Agreement has been duly authorized by the Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

Jeff Hansen (Manager) of CLEARWATER  
INVESTMENT GROUP LLC

ATTEST:

By: \_\_\_\_\_

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
TITLE

KAYSVILLE CITY

ATTEST:

By:

\_\_\_\_\_  
Katie Witt  
Mayor

\_\_\_\_\_  
Annemarie Plaizier  
City Recorder

On the \_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared before me KATIE WITT, and ANNEMARIE PLAIZIER, who being by me duly sworn did say, each for himself and herself that she, the said KATIE WITT, is the Mayor of Kaysville City, Davis County, State of Utah and that she, the said ANNEMARIE PLAIZIER, is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said KATIE WITT and ANNEMARIE PLAIZIER, each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

STATE OF UTAH )

: ss.

COUNTY OF DAVIS )



NOTARY PUBLIC

STATE OF UTAH )  
 )  
 : ss.  
COUNTY OF DAVIS )