MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, July 1, 2021, starting at 7:00 P.M. in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**.

The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com. For those wishing to direct comments to the City Council can do so in-person, or email comments to publiccomment@kaysvillecity.com. Emailed comments will NOT be read out-loud at the meeting. Members wishing to speak during an Action Items or during Call to the Public must sign-up in person before the meeting to speak.

CITY COUNCIL Q&A – 6:30 P.M.

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

CITY COUNCIL MEETING – 7:00 P.M.

The agenda shall be as follows:

1. OPENING
   a. Provided by Mayor Katie Witt.

2. PRESENTATIONS AND AWARDS
   a. A proclamation declaring July 2021 as Parks and Recreation Month.

3. DECLARATION OF ANY CONFLICTS OF INTEREST

4. CONSENT ITEMS
   a. Approval of Minutes of May 20, 2021.
   b. Approval of Minutes of June 3, 2021.
   c. Contract Amendment with Horrocks Engineering for additional work as requested by Farmington and Kaysville.
   d. An Ordinance amending 7-4-7 and renumbering the current 7-4-7 of the Kaysville Municipal Code regarding firework restrictions.

5. ACTION ITEMS
   a. An Ordinance defining alarm systems and establishing sanctions for repeated false alarms.

6. WORK ITEMS
   a. Property exchange between Kaysville and Davis County.
   b. Discussion regarding the amendment of Sunset Equestrian Estates Development Agreement.

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 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on June 25, 2021.

Annemarie Plaizier
City Recorder

Proclamation for Parks and Recreation Month
July 2021

WHEREAS, parks and recreation programs are an integral part of communities throughout this country and are vitally important to establishing and maintaining the quality of life in our communities, improving the health of all citizens, and contributing to the economic and environmental well-being of a community; and

WHEREAS, parks, recreation activities, and leisure experiences help to aid in creating a place where community members can participation in life-long learning, health and wellness, community involvement, and recreational activities; and

WHEREAS, our parks and natural recreation areas improve the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, Kaysville City has a well-loved parks system comprised of 12 parks, open space and trails, which along with recreation programs increase a community's economic prosperity through increased property values, expansion of local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, it is important to recognize the vital contributions made by employees and volunteers in our parks and recreation facilities who keep our public parks clean and safe for visitors, organize activities, advocate for more open space and better trails, and serve to provide quality of life for the local community and in communities across the nation; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month.

NOW THEREFORE, BE IT RESOLVED, that I, Katie Witt, Kaysville City Mayor, along with the Kaysville City Council, do hereby proclaim the month of July 2021 as

Parks and Recreation Month

in Kaysville City and invites all citizens to experience the benefits by visiting our community parks and recreation resources.

IN WITNESS WHEREOF I have cause the Seal of the City of Kaysville City, to be affixed on this 1st day of July, 2021.

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Mayor Katie Witt

Kaysville City 1850 UTAH'S HOMETOWN

KAYSVILLE CITY COUNCIL
May 20, 2021

Minutes of a regular Kaysville City Council meeting held on May 20, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz and Council Member Tamara Tran (via phone)

Excused: Council Member John Swan Adams

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Information Technology Assistant Jordan Hansen, Community Development Director Lyle Gibson, Assistant Finance Director Levi Ball, Public Works Superintendent Josh Belnap, Sargent J. Jensen, Officer C. Bartleson, K-9 Officer "Rocky", Rebecca Openshaw, Benj Becker

OPENING

Council Member Blackham opened the meeting by introducing K-9 handler Officer C. Bartleson and "Rocky" and thanked them for the work they do.

Officer Bartleson gave a demonstration of he and Rocky's police training.

Council Member Blackham led the Pledge of Allegiance.

PRESENTATIONS AND AWARDS

PROCLAMATION DECLARING MAY 16-22, 2021 AS NATIONAL PUBLIC WORKS WEEK

Mayor Witt read a proclamation declaring May 16-22, 2021 as National Public Works Week and urged all citizens to join with the Council in expressing appreciation to our Public Works department employees and to recognize the many contributions they make to protect our public's health, safety and quality of life.

PUBLIC WORKS DEPARTMENT PRESENTATION

Public Works Director Josh Belnap explained that their department focuses on a few main areas: streets, water, storm water, engineering and inspections. They try to work with residents as much as possible to help identify and resolve issues. Our city mechanics take care of our fleet and makes sure they have regular maintenance on them. The street sweeper conducts two to four passes on over 130 miles of city roads in one year. We have employees who ensure that we comply with Storm Water Prevention and conduct enforcement when necessary. Our department also oversees water quality as part of annual monthly testing and reporting to the health department. Monitoring our water quality is one of our biggest focuses because it involves public health. Our department also over sees garbage can maintenance, delivery and storage. Our city is serviced by six water tanks and we inspect them regularly to help ensure that they are functioning properly. We also have two large pumps to even out our water pressures in the city. Our employees check fire hydrants to ensure that they are working properly. The state is working towards requiring that anyone working with culinary water lines obtain an operator's license. Our employees are continually going through training. We have a couple of employees that monitor the installation of above ground water sites to ensure they are installed correctly. Most of the city's meters are read electronically now with the new AMI system which was installed over the last couple of years. That project is almost complete we work to finish installation of the digital meters at some commercial sites. Our department's inspector conducts plan reviews and coordinates the installation of infrastructure with proposed developments. He works with the design and coordination on plans and bids on city projects. We have struggled to find and keep any of our part-time staff. In 2020 we reviewed a road utility report in January which focused on vehicle replacement schedules and best practices. We also worked on updating our standard operating procedures regarding storm water. There were further efforts regarding water modeling and project designs. Our department has been working with UDOT on two large projects: the West Davis Corridor and the Highway 89 construction. The Highway 89 project is slowly ending in our area in regards to the impact it has had on Public Works. We have had times where we have had to have brief water shutdowns while water lines were relocated and have had to have most employees on standby just in case. As part of the Highway 89 construction project, we've also had 0.5 miles of new storm drain installed, another tank built and the automation of three of our water tanks. Mr. Belnap thanked those who work with him in the Public Works Department and encouraged the public to tell them thanks when they see them around the city.

Mayor Witt commented that the state is in drought conditions and asked what the city is doing to moderate the amount of water being used.

Josh Belnap responded that most of the water conservation efforts are focused on outside water usage. In Kaysville, the vast majority of irrigation is through secondary water. The city is still concerned about this water usage even though we are not the secondary water providers. We all have the opportunity to conserve water in other ways, such as installing water efficient fixtures. We are looking into creating rebates for those who are showing an effort to conserve. We don't want people to underuse water because it can cause issues, but water is a finite resource and we are inefficient in how we use our water in this area. The little things will help. We are fortunate to have access to good drinking water, but it's not a guarantee. It's dependent on what people do. We are encouraging conservation. A careless approach to this could get us into trouble. The city's secondary water providers have shorted the dates for the irrigation season, but may shorten them further. We need to be more mindful and there is a lot everyone can do to be more efficient.

PRESENTATION BY ZIONS BANK PUBLIC FINANCE ON ECONOMIC DEVELOPMENT PROJECT AREAS

Lyle Gibson said that the City Redevelopment Agency Board recently approved a resolution to enter into a contract with Zions Bank Public Finance for services in helping create a new economic development area in Kaysville. Part of the scope of that process was to have the consultant provide information to the City Council, or Redevelopment Agency Board, to ensure that they are informed in more detail about what the process will create, what to expect through the process and help answer questions before other components of their work begins.

Benj Becker, representing Zions Bank Public Finance, said that community reinvestment areas (CRAs) are created for stimulating new development and redevelopment. A CRA is authorized to create project areas and use property tax increment to help pay for infrastructure improvements, land acquisition, affordable housing, or other development projects. A CRA negotiates the amount of tax increment through interlocal agreements. These CRAs are created in an area to help that specific area. It is an economic development tool that encourages appropriate development and redevelopment. It is not intended to enhance developer profits, but rather to bridge the gap with what is supported by the market and the vision of the city. Its intent is to complement existing planning and visioning efforts. If the city feels a specific area of land has value and could benefit the community the city may consider offering incentives. It might help enhance a functional project to something just a little bit better. Internet sales have significantly changed people's retail activity and with that we see less of a need for retail space. Most people tend to shop online now and so the space needed per capita for a business has dropped. Kaysville's taxable sales has gone up significantly as well. Because of the pandemic, we have seen more people working from home and less people going to places like Station Park to shop. In the past most of Kaysville's sales occurred in the commercial areas along 200 North and Main Street. Now we see purchases being made all over the city because of online purchases. The West Davis Corridor will likely change our retail patterns within the city as well. There is a pressure on downtown that needs to be considered with a CRA. How will we attract people to come downtown? This is part of the CRA process. First, we need to determine the need and vision of the city, and from there the city will need to reach out to taxing entities to share the city's vision. It's critical that the city gets taxing entities on board. A CRA is more than just one developer proposing one project. Rather it's an area of the city and what we want to see for the area. Consider what the city is missing in Kaysville right now. What kind of jobs would we be able to create? What is our vision? The city will want to work closely with the General Plan. After we have determined these things, the city would adopt a resolution. The city would then prepare a project area plan and budget, and continue sharing the vision with taxing entities. We would look at what we think it would generate long-term, and then local agreements would be created for the development. It is key to understand what it is we want and for what area. The CRA does not need to be one continuous area. Look at areas that the city feels could generate income and benefit the city. Guidelines would be drawn up to show how tax increments would be distributed so it is clear to the public and to the development. The Council would know the metrics of the project clearly and will make sure proposals fits with those metrics. They will need to know the use of tax increment and will make sure the benefits of the project outweighs the needed incentives. If there is a gap then we need to look at market needs and what is feasible on the current market. Will the use be the highest and best use of that land? Look at the financial return and try to understand why a developer is pursuing what they are. What are the fiscal impacts from the project as well as the community impacts?

Council Member Blackham asked about how a CRA would affect existing businesses within that area designated as a CRA.

Benj Becker responded that those businesses would qualify to receive some of these incentives to reinvest in their own property. They would be considered adding value to the property and in turn to the area. We are looking for quality development or redevelopment projects.

Council Member Tran asked if a CRA agreement would renew after so many years.

Benj Becker responded that the length is determined by taxing entities but usually is renewed after around 20 years. Typically it needs more time than 10 years in order to generate enough value. The agreement can also be extended as long as all other taxing entities agree to it.

Mayor Witt thanked Mr. Becker for presenting to the Council.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

a. Approval of Minutes of April 15, 2021.
b. Approval of Minutes of April 17, 2021.
c. Reappointment of Planning Commissioners Josh Sundloff and Wilf Sommerkorn, and appointment of Planning Commission Alternate Cody Branch.
e. Paramedic Services Agreement with Davis County.

The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

D. APPROVAL OF A RESOLUTION AUTHORIZING AN AGREEMENT WITH POST ASPHALT AND CONSTRUCTION FOR THE 2021 PAVING PROJECT

Council Member Blackham asked about the contract and bid with Post Asphalt and Construction.

Josh Belnap responded that because of problems that have occurred in the past city staff has decided to present a resolution authorizing an agreement with the contractor before any bid is officially rewarded. This gives more time to the city to work out the agreement and give them official notice to proceed.

Council Member Barber made a motion to approve a Resolution authorizing an Agreement with Post Asphalt and Construction for the 2021 Paving Project, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea

The motion passed unanimously.

ACTION ITEM

PRELIMINARY PLAT FOR THE DESERET LANDING SUBDIVISION 1ST AMENDED AT 547 SOUTH DESERET DRIVE – MIKE FORD

Lyle Gibson explained that Mike Ford, the applicant, is requesting preliminary plat approval for the Kaysville Commercial Deseret Landing Subdivision 1st Amended located at 547 South Deseret Drive. The plat accommodates a planned development for commercial flex space. It proposes to break up the existing lot into a 3.0 acre lot to the east with a specific use yet to be determined, and four additional lots on the west half of the property to allow for the division of ownership of the buildings proposed to be built. Mr. Ford has been working with Staff to coordinate the development of these lots with the property to the south and has created the plat accordingly to accommodate the proposed buildings. As part of the coordination of this project with the commercial development to the south, the applicant has completed the engineering and will be requesting final plat approval from the Planning Commission if the preliminary plat is approved by the Council. The plat complies with the existing LI zone and development agreement. The engineering and design has been reviewed by all applicable agencies and found to be in compliance. The Planning Commission voted unanimously to forward a favorable recommendation for the preliminary plat to the City Council as proposed.

Council Member Blackham asked if the spaces in the buildings would have individual ownership.

Lyle Gibson responded that the developer has indicated that ultimately that is what they would like to do, but wanted to wait until they knew the specific layout of each building. They plan to come back later to split the spaces into individual ownerships.

Council Member Barber made a motion to approve the preliminary plat for the Kaysville Commercial Deseret Landing Subdivision 1st Amended at 547 South Deseret Drive for Mike Ford, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Tran, yea

The motion passed unanimously.

ADOPTION OF THE FISCAL YEAR 2022 TENTATIVE BUDGET

Finance Director Dean Storey explained that the City Council and Staff have been reviewing and working on the Fiscal Year 2022 budget over several weeks now and the tentative budget is now ready for adoption. Adopting the tentative budget allows the public to be able to have the opportunity to review the budget before it receives final approval in August. Over the next several weeks city Staff will present amendments to the council as further information is received.

Council Member Lortz made a motion to adopt the Fiscal Year 2022 Tentative Budget, seconded by Council Member Blackham.

Mayor Witt commented that the Council and Staff have been working hard together and discussing this budget over several meetings to try to work out all of the parameters. We will continue to have more discussion moving forward in upcoming public meetings.

Council Member Blackham asked about Truth in Taxation.

Dean Storey reviewed the timeline for the budget and explained that Truth in Taxation hearings will be held as required and notice will be sent to all taxpayers beforehand.

Mayor Witt added that an Open House would be held to help explain what is being proposed. The required Public Hearing will also be held separately before the Council votes on it.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Barber said that information about the 4th of July events has been posted on the city's website Because July 4th is on a Sunday this year, most of the events will be held on Saturday, July 3rd, with a patriotic devotional being held Sunday morning.

Council Member Blackham commented that May is Building Safety Month and thanked our city's building department for all the work that they do.

Mayor Witt commented that the state is in a serious drought this year and we need to do whatever we can to reduce water usage, specifically outdoors. Unless we have more precipitation over this next year, things will only get worse.

CITY MANAGER REPORT

Shayne Scott commented that last week the city treated employees to lunch from a local taco truck and expressed appreciation for our city employees.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 8:32 p.m., seconded by Council Member Lortz and passed unanimously.

KAYSVILLE CITY COUNCIL
June 3, 2021

Minutes of a regular Kaysville City Council meeting held on June 3, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz (via phone) and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Systems Manager Ryan Judd, Police Chief Sol Oberg, Public Works Superintendent Josh Belnap, Parks and Recreation Director Cole Stephens, Recreation Superintendent Kris High, Legal Intern Josh Martineau, Fawn Morgan, Marcie Handy, Melinda Maw, Ryan Ward, Jim Morgan, Judy Rigby, Pete Van Wynen, Kathy Brewer, Bostyn Buhler, Joslyn Buhler, Decklyn Buhler, Mariah Campbell, Like Barber, Karah Crosby, Jessica Gnehm, Tammy Wursten, Steve Brewer, Chad Buhler, Michael Crookston, Jessica Dunford, Allen Anderson, Trish Duncan

OPENING

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

PRESENTATIONS AND AWARDS

DAVIS HIGH SCHOOL MUSICAL NUMBER

Members of the Davis High School band performed a musical number.

Michael Crookston, the Davis High School Band Director, explained that they have 160 students in the band but tonight have brought the student leaders to represent their band. The band has a long and deep history of music within the community, and there have been several band teachers who have helped to grow this program and be part of the lives of these students.

YOUTH CITY COUNCIL RECOGNITION

Council Member Adams commented that our Youth Council are a very impressive group of students who have a love for their community. Their advisors work hard to support this program and we are grateful for them. There are three Youth Council members who will be graduating this year and we want to recognize them tonight. They are Koleman Stinger, Parker Francis and Abby Mathews. Koleman Stinger has served on the Youth Council for three years, and Parker Francis and Abby Mathews have served for one year.

RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) PRESENTATION

Council Member Barber commented that there is a group of citizens here tonight who will be making a presentation regarding a RAMP tax in Kaysville.

Karah Crosby commented that she believes in the power of recreation within a community. There are many cities within our county who receive funding through a type of RAMP tax and they use the funding to help improve their city recreation. This is something that Kaysville is missing out on. Our group here tonight came to show support of putting a question on the ballot regarding implementing a RAMP tax. We are excited to show why we think it's time for a RAMP tax.

Jessica Dunford commented that she was born and raised in Kaysville and is now raising her family in Kaysville. Ms. Dunford said that it has been great to see kids being involved in the city's recreation programs. It helps teach these kids new things, it helps make them stronger, they meet new people, build confidence, learn to work as a team, learn how to win or lose, gives them activity and builds character. It helps them to set goals and have something to work towards and be passionate about. These programs are important for our children and they benefit from them. However, our city's current programs are at max capacity and we need to consider the future of these programs for our kids.

Fawn Morgan commented that their group believes that a well-rounded, unified and thriving community is enriched by a cultural environment. Our ancestors saw a need for cultural institutions. Recreation and art programs help enrich lives. We are enjoying what those before us have left behind. A RAMP tax would help to honor our desire to establish a museum. The city is ready for this proposed RAMP tax and it would give us a way to have the means to meet some of our goals. The public considers museums a trustworthy source of information and they are creative spaces. It's time to look at our unifying influences and build on that. We need to support each other and rally together.

Pete Van Wynen said that the city has a large variety of sports that our residents can participate in. There is something for everyone and anyone can find a sport they would be interested in.

Trish Duncan commented that she also shares a passion to support the community and advocates for responsible pet ownership. She would like to see more opportunities for pet owners to have an outlet where they can enjoy the outdoors with their pets, such as a dog park. However, she understands that there needs to be enough interest to generate these types of amenities and is willing to do what is needed to make that happen. Mrs. Duncan said that when she lived in Orem the cities had used some of the funds generated from their RAMP tax to enhance their city park to create the state's first all-together playground where children of all ages and abilities could play together. This type of playground is something we would like to see in our city.

Karah Crosby said that she believes that city parks and recreation is vital to a thriving community and they believes that if a RAMP tax would benefit every citizen. When looking at the recent Kaysville land use study that was conducted, 60% of the respondents said that they would support a RAMP tax.

Bostyn Buhler commented that Kaysville needs more parks and recreation options for kids. There needs to be more areas for kids to play. Miss Buhler commented that she has been part of a recreation program for six years and would like to see everyone, both boys and girls, get the same opportunities as the programs grow larger.

Council Member Barber thanked everyone who came to speak tonight or to support a proposed RAMP tax. This has been a culmination of a lot of work. Council Member Barber said that she wanted to see this put on the ballot three years ago, and the time is finally here to do so. This needs to be a community effort and not the City Council pushing for it. People go to our parks because it helps their lives to be better. With the data received from the recent survey done, along with the interest expressed, it would be negligent of us to not put this on the ballot. This was made possible by our legislature and many of our surrounding communities have benefited from it.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

a. Approval of Minutes of May 3, 2021.
b. Appointment of Chelsie Fromeyer as Deputy City Recorder.
c. An Ordinance updating the Criminal and Traffic Code Adoption ordinances.

The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

D. A RESOLUTION AND NOTICE OF INTENT TO SUBMIT RAMP TAX BALLOT OPINION QUESTION TO RESIDENTS.

Council Member Blackham commented that this RAMP tax would be a local sales and use tax of 0.1% and would only be applied to food items. It’s not a large amount and would not be added to property taxes. This is something that is an opportunity for our citizens to have a vote and make it part of their community. All of these things that a RAMP tax could help to finance would add to our community.

Council Member Adams expressed his support of a RAMP tax and encouraged residents who also support this to join together to try to start getting the word out to help explain to every voter what this is about. Any time people see the word “tax” they get nervous. Sharing information will be vital in getting this to pass. People need to understand what this is about and what the benefits of it will be. This has the potential to help our community in many ways.

Council Member Tran said that when our residents are shopping in other cities they are contributing towards that city's RAMP tax if they have one. We should be doing the same for those making purchases in our city. This is a good idea and our residents have expressed the importance of our parks and recreation. We are known for it and our residents seem to want to continue to support that lifestyle.

Council Member Lortz said that this would be a great investment and will strengthen our community. Council Member Lortz said he appreciated seeing the support for this and for those who see this revenue being able to support these programs in the future.

Council Member Barber made a motion to approve a Resolution and Notice of Intent to submit a RAMP tax ballot opinion question to residents, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea

The motion passed unanimously.

The City Council took a five-minute break at 7:48 p.m.

WORK ITEMS

UDOT PROPERTY ACQUISITION PROPOSALS

Josh Belnap explained that recently UDOT had a third party appraise three parcels along the Highway 89 frontage roads, which are owned by the city. Portions of these parcels are needed for the frontage roads, but the remainder of the affected parcels will remain intact and usable by the city. The first property is on Green Road in Fruit Heights, the second in front of the 'Lower Pasture Tank' entrance, and the third is where the now demolished 'West Crestwood Water Tank' used to sit. The West Crestwood Water Tank was replaced in the Orchard Ridge Subdivision. In total, the three parcels make up 1.62 acres, and UDOT's appraisals of the portions needed total $520,100.

Council Member Blackham asked if the city could negotiate with UDOT to have them pave the access road to the Lower Pasture Tank.

Josh Belnap explained that they have considered having the road paved, but have found that in the winter it is better to have it as a dirt road. There is also potential of additional infrastructure being laid through here at some point and it would be best if this area weren't paved.

Council Member Adams made a motion to move the UDOT property acquisition proposals to an action item, and direct staff to bring recommendations to the Council for the use of the funds being acquired. The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

FIRE SERVICES PROPOSAL WITH FRUIT HEIGHTS CITY

Mayor Witt explained that Kaysville City has been providing Fire and EMS Services to Fruit Heights City for decades through an agreement. Over the past five years, this agreement has lapsed and there has been some dispute between the cities on the costs of said service. In March 2021, Mr. Shayne Scott sent an outline of the anticipated costs and expectations to continue providing the fire and EMS services to Fruit Heights. Mayor Wit and Mayor Puhlman, of Fruit Heights City, have met several times and at times with elected officials from both cities to discuss the details of the proposal and try to find a common ground. This agenda item is to discuss the common ground that has been reached by both mayors, and for the Kaysville City Council to discuss and potentially adopt a resolution outlying the understanding between the two communities for both Fiscal Year 2021 and Fiscal Year 2022.

Council Member Blackham said that Kaysville is providing a professional fire service to our citizens and the citizens of Fruit Heights. Our Council has expressed our willingness to hold a Truth and Taxation in Kaysville so we can continue providing fire services at that professional level. Fruit Heights city should follow suit for their residents. This is an essential service we are providing and it costs money to provide these services. There are minimum standards that have to be met in order to meet federal requirements. We cannot be operating a service where we charge per-call. Council Member Blackham said that Kaysville came up with what he felt was a fair and equitable proposal for Fruit Heights based off property valuations, which is a constant factor.

Mayor Witt responded that the number that was proposed between the two cities was not based off anything but arbitrary numbers.

Council Member Tran asked if Fruit Heights had accepted the counter-offer to them.

Mayor Witt responded that potentially they have but their city council must agree to the proposed resolution.

Council Member Barber commented that the cost for future paramedics services needs to be shared between both cities.

Mayor Witt commented that whether Fruit Heights choosing to continue working with Kaysville for fire and EMS services would not affect the professional services that we provide to our citizens. We can’t continue to provide services through an arbitrary number. There needs to be a solidifying of the process if we continue to work with Fruit Heights in the future. The resolutions being considered by Kaysville and Fruit Heights address this issue through 2022. Mayor Witt said that she would like to see a fire district created for this area be created because it will depoliticize it. The figures written in the resolutions are not what either city was asking for, but we also don't want to throw out our longstanding relationship with Fruit Heights. Fruit Heights has been looking at obtaining bids from other entities for similar services that Kaysville currently provides.

Council Member Adams suggested that the resolution include a specified date that a decision has to be made.

Council Member Blackham commented that he would like to see more specific numbers and reasons for the proposed amount rather than arbitrary numbers.

Council Member Barber made a motion to move the Fire Services Proposal with Fruit Heights City to an action item, seconded by Council Member Lortz.

Council Member Barber commented that while neither city is satisfied through this resolution, it would be negligent of us to do nothing.

Council Member Blackham said that he feels that there are still too many unanswered questions for this item to be moved to an action item.

Council Member Tran said that we need to move forward but make it clear to Fruit Heights that some decisions need to be made because we won't be doing this again.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, nay
Council Member Adams, nay
Council Member Tran, yea

The motion passed with a vote of three to two.

AMERICAN RESCUE PLAN (ARP) FUNDS DISCUSSION

Shayne Scott explained that Staff has met together with all of the department heads and have come to a consensus on recommendations when it comes to spending American Recovery Plan funds as part of a federal legislation. We have also looked at Treasury guidance when making these decisions. The funds used by the fire department would support public health response. Funds for the water department would invest in water, sewer and broadband infrastructure. Funds directed towards fiber projects in the city would benefit the city with connectivity to city facilities and will open up opportunities for increased connectivity, including investments in broadband made in areas that are currently underserved, while being encouraged to prioritize projects that achieve last-mile connections to households and businesses. The vast majority of spending directly benefits water and sewer related infrastructure. We will be doing our best to utilize our existing infrastructure and contractors currently working in the city to maximize the dollars allocated. The final area where money would be allocated would be towards our police department in supporting the public health response. This proposal includes the hiring of a full-time mental health professional. The idea behind this would be to fund this program for 4 years to respond to both staff and residents from a mental health perspective. So many times our police officers and first responders are asked to intervene in a mental health crisis when they often do not have the training to do so. We should be receiving the first half of the ARP funds soon and the second half should come in a year. We will have until 2026 to spend these funds.

Council Member Blackham commented that mental health is something that should not be treated lightly and needs someone qualified for the position.

Police Chief Sol Oberg said that we want to have someone who can respond to critical incidents but also help to establish a relationship with the mental health community. Our officers are trained and certified in crisis intervention but it's just a quick fix. Having someone hired specifically as a mental health professional will help our community greatly and they can help families who need help to get down the right path. Oftentimes we respond to calls that involve the same people and this new employee could help work with them better than we can currently.

Council Member Adams said that it would be likely that we will continue to have the need for a mental health professional on staff for more four years. This is an important position and we need to have a plan to evaluate this position in four years to make sure it's something we want to invest in. We also need to be up front with the person that we hire that is planned as a four-year position.

Council Member Tran said that this position could potentially be a contract position rather than a full-time position.

Mayor Witt said that there is more value of having someone hired as an employee rather than a contractor. Mayor Witt said she doesn't see this mental health professional position going away in four years because we will continue to have the need. The hope is that we will have money in the budget in four years to pull their salary from in the four years once this funding has run out.

Council Member Barber commented that our Victim's Advocate obtains grants for their programs and as part of that has to report to Council ever year. Council Member Barber suggested that we have this mental health profession do something similar.

Police Chief Oberg said that they want to be upfront with this person so they know what is expected of them and that there is a chance that in four years the position could be dissolved. We would ask them to show their work, as they do with all of their programs at the police department. This is a position that has been needed for a long time and will be impactful in our community.

Council Member Lortz made a motion to move the American Rescue Plan Funds item to an action item, seconded by Council Member Barber.

Council Member Blackham thanked Staff for the work they have done towards coming to a consensus about where the money should be spent. Our department heads have been entrusted to be responsible for the money allocated for their departments and they should be the ones to make the recommendations for where we most need the funds.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 9:03 p.m., seconded by Council Member Tran and passed unanimously.

CITY COUNCIL STAFF REPORT

COUNCIL MEETING DATE: July 1, 2021

TYPE OF ITEM: Consent

SUBJECT/AGENDA TITLE: Connector Road Engineering Agreement

EXECUTIVE SUMMARY:

In February of 2020, Kaysville City and Farmington City executed a service contract with Horrocks Engineering for the survey, geotechnical study, roadway design and bid preparation support for the Connector Road project (950 N, Sunset Dr and Angel St).

The original contract was broken down into several tasks, with a description of the work to be done, and a total for each task based on the amount of time and resources needed to complete those tasks, for a cumulative total of $239,000.

Since design work began last fall, the two Cities have been working with Horrocks on coordinating with utility partners, reviewing and incorporating public input from the open house and follow up conversations, submitting additional funding proposals, reviewing design iterations and evaluating both requests as well as current/future needs.

During this process, the Farmington City Engineer and Josh Belnap have identified several alterations to the design that they have instructed the engineer to incorporate. Many of these alterations were driven by elected officials from both cities. Most of these are typical and fall neatly under the scope of the tasks, but several either have fallen outside the scope of the original tasks, or have significantly exceeded the amount of time and cost that the original task totals were based on.

These items are:

<u>A. Roundabout at Sunset/Angel</u> - $26,300

- Shift intersection at Sunset/Angel to a roundabout to better balance traffic flows and turning movements
- Additional traffic study required to confirm the viability of a roundabout
- Multiple design modifications after reviews by CDSD and Kaysville
- Relocation of existing water and power utilities

<u>B. Design changes on CDSD property</u> - $34,000

- Eliminate current entrance and install new larger entrance to the south for faster access and to better accommodate large truck traffic
- Adjust original roundabout design and placement at request of CDSD
- Shift previous alignment of roadway to accommodate for potential future development of sewer property and illustrate lot layout concept
- Additional survey work needed for horizontal and vertical adjustments
- Upgrade existing sewer lines at crossings where pipe cannot currently support traffic loads
- Shift alignment away from subdivision and design berms at Sunset/950 N to provide additional buffer

Continued….

C. Bair Creek box culvert upgrade - $4,500

- Original design required significant upsizing and adjustment to alignment when FEMA revised the floodplain flows, increasing design flow by 35%
- Box width increased by 3'
- Guard rails added to east side along the creek
- Headwall designed for east end

D. Additional coordination/support with FBC and UDOT - $6,000

- Additional support/information needed as FBC proposed utilizing 950 N as a haul route
- Alterations to trail cross section and alignment at Sewer entrance and Equestrian Center

E. Add 8" water line to Angel St - $18,000

- Connector road will open up the 550 W (dirt road off of Sunset by Burton Ln) properties for possible development
- To avoid a long dead end line that would decrease water quality and circulation, we requested an 8" stub be added between Sunset and 550 W
- Future improvement of 550 W will have to connect to this 8" stub

The above additional requests and design modifications add up to a total of $88,800, which is in addition to the original contract amount. This and the original contract amount will be paid for using project funds, and would not include any City funds. We feel strongly that these requests and modifications have been able to better balance the needs of local and regional traffic, impacts to and concerns of surrounding property owners and safety.

We have reviewed these amounts and tasks with Horrocks, have made adjustments, and feel that the total shown is accurate and appropriate. In some cases where requests or alterations have fallen outside the scope of the original task totals, Horrocks has in multiple cases simply absorbed smaller amounts under Farmington has done the same, and has approved the addendum.

Council Options: 1) Approve, 2) Table

Recommended Options: Approve the addendum.

Fiscal Impact & Fund Source for Recommended Action: Project funds comprised of County grants, State funds and WFRC funds.

CITY COUNCIL STAFF REPORT

COUNCIL MEETING DATE: July 1, 2021

TYPE OF ITEM: Consent
PRESENTED BY: Nic Mills and Chief Paul Erickson

SUBJECT/AGENDA TITLE: An Ordinance amending 7-4-7 and renumbering the current 7-4-7 of the Kaysville Municipal Code regarding firework restrictions

EXECUTIVE SUMMARY:

In 2016, the City adopted the proposed language of this ordinance, but the codebook was never updated to reflect this amendment. Subsequent code amendments have made adding this section to the codebook now—the simplest solution—murky. This ordinance merely re-adopts the previously adopted section and renumbers the code so that this section rests in the appropriate section of the code.

Council Options: 1) Adopt the ordinance as written; 2) Adopt the ordinance with any modifications that the Council deems appropriate; 3) Decline to adopt the Ordinance and remand to staff with further direction.

Recommended Options: Staff recommends the ordinance be adopted as written.

Fiscal Impact & Fund Source for Recommended Action: The City does not foresee any fiscal impact in amending this ordinance.

Attachments: An Ordinance amending 7-4-7 and renumbering the current 7-4-7 of the Kaysville Municipal Code regarding fire restrictions

ORDINANCE 21-XX-XX

AN ORDINANCE AMENDING AND ENACTING TITLE 7, CHAPTER 4, SECTION 7 AND TITLE 7, CHAPTER 4, SECTION 8 ENTITLED "DISCHARGE PROHIBITED" AND RENUMBERING THE PENALTY SECTION OF THIS CODE; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, with the drought conditions of 2021, the City is reviewing its fire ordinances to insure that the City and its Citizenry will be safe; and

WHEREAS, the City has determined that conditions exist that increase the fire danger; and

WHEREAS, the City has determined that under these conditions, the discharge of fireworks will present an unreasonable risk o igniting fires; and

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to make the proposed amendments to the Kaysville Municipal Code;

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

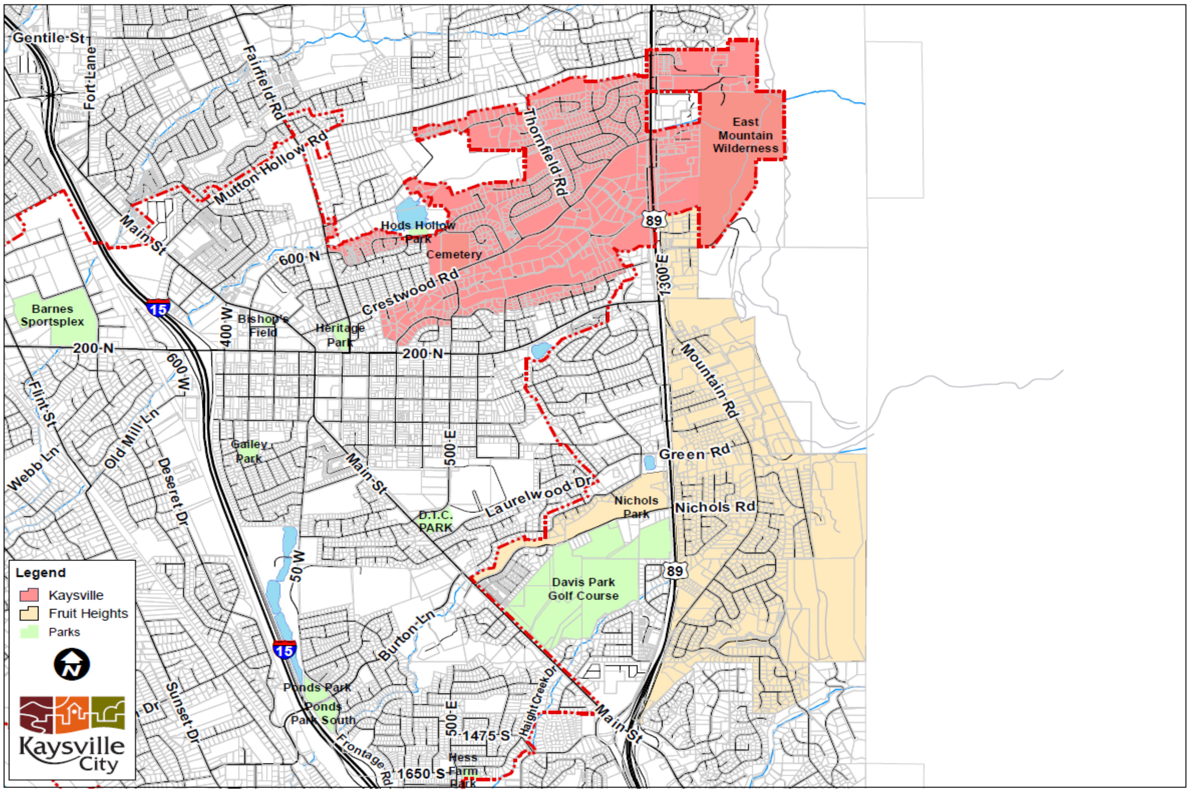
SECTION I: **Repealer.** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: **Repeal and Reenactment.** Title 7, Chapter 4, Section 7 of the Kaysville Municipal Code is hereby repealed and reenacted to read:

7-4-7 Discharge Prohibited

Discharge of fireworks of any type are hereby prohibited from July 1st to November 30th annually within that specific area of the City designates as a High Fire Hazard Area as show on the map

High Fire Hazard Area in Kaysville City



SECTION III: **Enactment.** Title 7, Chapter 4, Section 8 of the Kaysville Municipal Code is hereby Enacted to read:

7-4-8 Penalty
A violation of this chapter shall be a class C misdemeanor.

SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Effective Date.** This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Kaysville City Council this **1st day of July, 2021.**

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT

COUNCIL MEETING DATE: July 1, 2021

TYPE OF ITEM: ACTION

PRESENTED BY:

SUBJECT/AGENDA TITLE: An ordinance defining alarm systems and establishing sanctions for repeated false alarms

EXECUTIVE SUMMARY: This Ordinance would enact a new section of the City Code addressing repeated false alarms. Several months ago, Chief Erickson discussed with the Council difficulties associated with repeatedly responding to false fire alarms. This ordinance is designed to address this issue. The ordinance, in conjunction with some proposed fees in the consolidated fee schedule, would create sanctions for a third, or more, false alarms per quarter. The ordinance also defines alarm systems and provides some procedural guidance for enforcement.

Council Options: 1) Approve the ordinance defining alarm systems and establishing sanctions for repeated false alarms; 2) Approve the ordinance with any modifications that the Council deems appropriate; 3) Decline to adopt the Ordinance and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council approve the Ordinance defining alarm systems and establishing sanctions for repeated false alarms.

Fiscal impact & Fund Source for Recommended Action: City Staff does not anticipate any costs to the City based on the passage of this Ordinance.

Attachments: None

ORDINANCE 21-XX-XX

ENACTING TITLE 16, CHAPTER 14 DEFINING ALARM SYSTEMS AND ESTABLISHING SANCTIONS FOR REPEATED FALSE ALARMS

WHEREAS, Kaysville City desires to provide clarity regarding alarm systems; and

WHEREAS, the Kaysville City Fire Department has responded numerous times to false alarms at a handful of addresses in the City; and

WHEREAS, repeatedly responding to false alarms imposes a burden on city resources, endangers the public, and potentially diverts resources away from actual emergencies; and

WHEREAS, the City Council of Kaysville City finds this enactment to be in the best interests of the Citizens of Kaysville City and the health, safety, and welfare of the City.

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

SECTION I: **Enactment**. Title 16, Chapter 14, Section 1 of the Kaysville Municipal Code is hereby enacted as set forth below:

16-14-1 Definition

Alarm systems - means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, fire, or other emergencies in progress, and to signal above occurrences either by silent, remote, or audible alarm, upon any premises or group of premises under single control or management designed to operate automatically, or upon manual activation which transmits a signal.

SECTION II: **Enactment**. Title 6, Chapter 14, Section 2 of the Kaysville Municipal Code is hereby enacted as set forth below:

16-14-2 Civil Penalty for False Alarms

After having two (2) false alarms occur on the same premises, outside a twenty-four (24) hour period, within a yearly quarter, beginning on January 1, there will be a monetary assessment as set forth in the consolidated fee schedule.

In addition to the fees outlined in the consolidated fee schedule, the following sanctions may apply:

1. After the fifth false alarm within a yearly quarter, the alarm holder's insurance company and/or State Licensor may be notified by mail, by the Police Chief/Fire Chief of pending disconnection.
2. After the sixth false alarm within a yearly quarter, the alarm will be subject to being disconnected or the City declining to respond on future alarms until the situation is remedied.

Failure to pay the false alarm assessment fee will be cause for the City to decline to respond to future alarms or to require the alarm system to be disconnected.

Any notification to the owner, occupant, or company shall be satisfied by regular U.S. Mail to the address provided on the business permit or utility bill.

SECTION III: **Severability**. If any section, subsection, sentence, clause or phrase of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION IV: **Effective Date**. This Ordinance shall become effective immediately.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **_____ day of ________, 2021.**

____
Katie Witt, Mayor

ATTEST:

____
Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT

COUNCIL MEETING DATE: July 1, 2021

TYPE OF ITEM: Work

PRESENTED BY: Shayne Scott

SUBJECT/AGENDA TITLE: Property Exchange with Kaysville and Davis County

EXECUTIVE SUMMARY:

Kaysville City and Davis County have been negotiating for a few months on a potential property exchange that would benefit both parties. Davis County owns a parcel of land that Kaysville City needs for the Angel portion of the Connector Road project. Kaysville City has a 1/3 interest in the property upon which sits the Davis County Animal Control building.

Davis County did a value assessment of both parcels and found that the parcel Kaysville needs has slightly more value than the interest Kaysville would give up in the Animal Shelter parcel. The county, therefore, is proposing to only exchange that portion of their property that Kaysville City needs for the road right-of-way. The proposal is to swap these parcels straight across and not exchange any funds. Kaysville City staff have reviewed this proposal and believe the parcels in questions are worth the same amount of money and the exchange would be a "win-win" for both organizations.

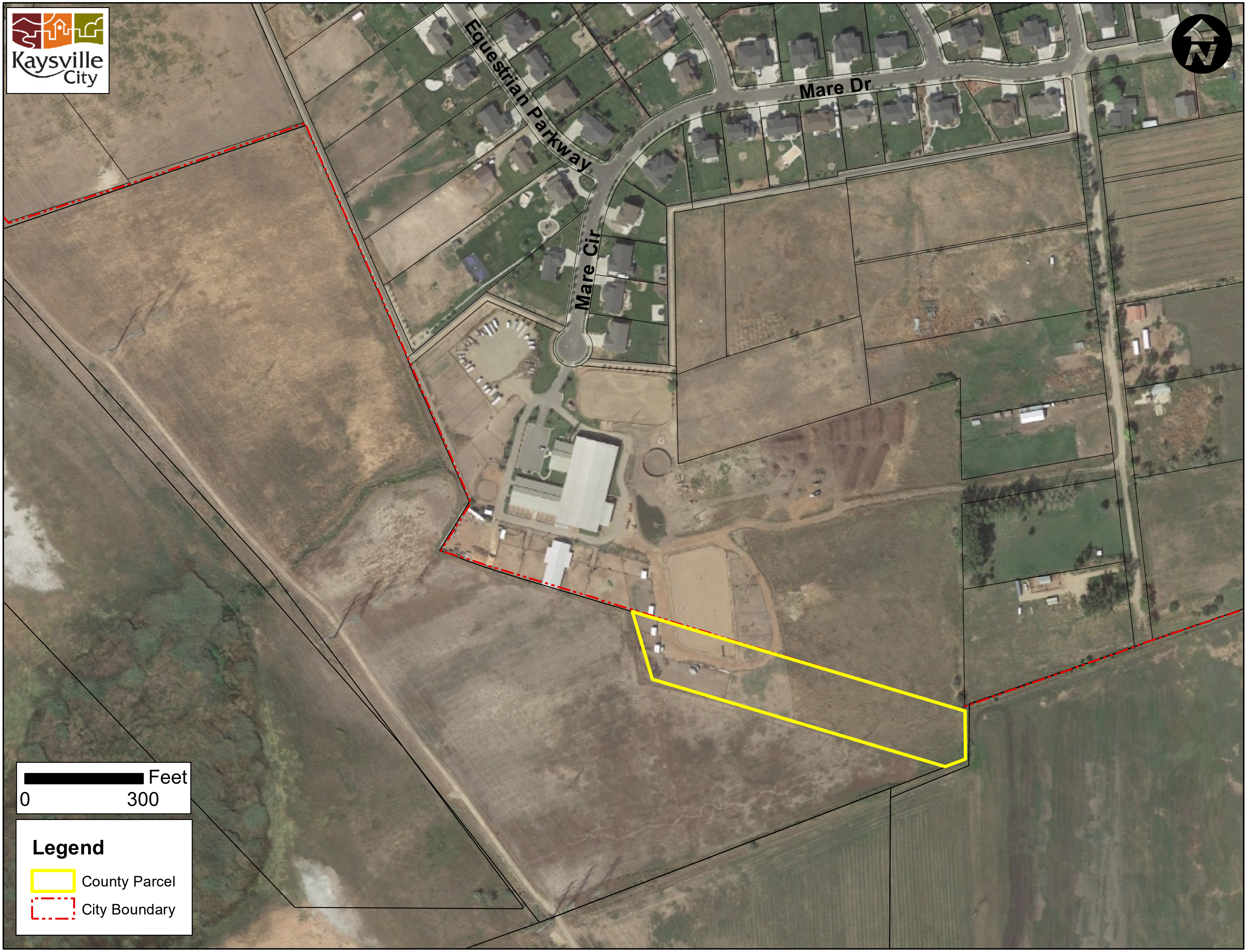
Council Options: Move this item to Action at the next City Council Meeting.
Remand the Proposal back to staff with recommendations and suggestions.

Recommended Options: - Move this item to Action.

Fiscal impact & Fund Source for Recommended Action:

Since the proposal is to not exchange funds, this item would not have a direct fiscal impact on the city.

Attachments: - Property Map



Kaysville City
Equestrian Parkway
Mare Dr
Mare Cir
Feet
0
300
Legend
County Parcel
City Boundary

CITY COUNCIL STAFF REPORT

COUNCIL MEETING DATE: July 1, 2021

TYPE OF ITEM: Work
PRESENTED BY: Nic Mills
SUBJECT/AGENDA TITLE: A Resolution Authorizing the amendment of the Sunset Equestrian Estates development agreement

EXECUTIVE SUMMARY: A number of years ago, the City entered into a development agreement that required that the Sunset Equestrian Estates HOA maintain an equestrian center in the development. Subsequently, the City amended that agreement which allowed that the equestrian center be operated by a private party. That private party has approached the City and would like to remove that requirement from the development agreement because they claim that the equestrian center is, or soon will be, financially unfeasible. Of note, this property is still zoned A-5.

City staff supports this amendment for two reasons. First, it seems unlikely that the city would force the property owner to continue operating an unprofitable business. Second, due to the current zoning—A-5—any development of this property beyond approximately four permitted homes currently allowed would require a rezone application. The legislative rezone authority grants the City broad discretion to determine the appropriate land-use for this property. For these reasons, the City believes that this amendment is largely benign and thus Staff supports the amendment.

Council Options: 1) Move the item to an action item; 2) Move the item to an action item with any modifications that the Council deems appropriate; 3) Decline to move the item to an action item and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council approve the amendment of the Sunset Equestrian Estates development agreement.

Fiscal Impact & Fund Source for Recommended Action: City Staff does not anticipate any costs to the City based on the passage of this resolution. Passage of this resolution may avoid litigation costs.

Attachments: Resolution Authorizing the City to Amend the Development Agreement

RESOLUTION 21-XX-XX

A RESOLUTION AUTHORIZING THE CITY TO EXECUTE ADDENDUM NUMBER TWO TO DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN ESTATES WEST CLUSTER SUBDIVISION

WHEREAS, Kaysville City (hereinafter "City") has a development agreement that requires a property owner to maintain an equestrian center; and

WHEREAS, the property owner has asked to remove this development agreement requirement because they claim that the equestrian center is no longer economically feasible; and

WHEREAS, the property is currently zoned A-5 and any higher density would require a rezone application; and

WHEREAS, the City has broad discretion when considering a potential future rezone application; and

WHEREAS, the City, in exercise of its management of public property, believes that it is in the best interest of the public to make this amendment.

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

1. That the City accepts ADDENDUM NUMBER TWO TO DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN ESTATES WEST CLUSTER SUBDIVISION, which is attached hereto and incorporated herein by this reference.

2. That the Mayor is authorized to execute any necessary documents.

3. Any performance heretofore undertaken in furtherance of this resolution is hereby ratified.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **15th day of July, 2021**.

____
Katie Witt, Mayor

ATTEST:

____
Annemarie Plaizier, City Recorder

ADDENDUM NUMBER TWO
TO
DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN ESTATES WEST CLUSTER SUBDIVISION

This ADDENDUM NUMBER TWO (the "**Second Addendum**") to the DEVELOPMENT AGREEMENT FOR SUNSET EQUESTRIAN ESTATES WEST CLUSTER SUBDIVISION ("**Development Agreement**") is entered into as of __ day of May, 2021 (hereinafter the "**Second Addendum 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 Clearwater Investment Group, LLC, a Utah limited liability company (hereinafter "**Clearwater**").

RECITALS

A. The City and WOODSIDE SUNSET FARMS, LLC (the "**Developer**") entered into that certain "Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about April 4, 2006 (hereinafter the "**Development Agreement**").

B. The City and the Developer entered into that certain "Addendum No. One to the Development Agreement for Sunset Equestrian Estates West Cluster Subdivision" on or about May 15, 2007 (hereinafter the "**First Addendum**").

C. After the execution of the Development Agreement and First Addendum, the Developer did not complete the equestrian center described in the Development Agreement and First Addendum.

D. Clearwater eventually purchased certain property within the Subdivision from the Developer, specifically the property described as Davis County Serial No. 08-484-0001 (the "**Property**").

E. Clearwater constructed and has operated an equestrian center on the Property.

F. The Utah Department of Transportation ("**UDOT**") commenced an extension of the West Davis Corridor, also known as Legacy Highway, which materially impacts the Property and the operation of the equestrian center on the Property.

G. Clearwater has concerns about the commercial viability of the continued operation of the equestrian center on the Property due to UDOT's expansion of the West Davis Corridor.

H. The City and Clearwater recognize the mutual benefits of resolving any dispute regarding this property without court involvement.

AGREEMENT

Wherefore, in consideration of the foregoing premises, the City and Clearwater agree as follows:

1. Section 3.E of the Development Agreement, as amended, is deleted in its entirety and the City agrees that it will not require Clearwater to operate an equestrian center on the Property.

2. This Second Addendum renders any dispute between the City and Clearwater moot and resolves the dispute between the City and Clearwater regarding any obligation under the Development Agreement and First Addendum of Clearwater to continue operating an equestrian center on the Property. Further, the parties mutually agree that this amendment resolves any claims that Clearwater may have in regards to this Development Agreement.

3. Nothing in this Second Addendum shall be construed as to change the existing Zoning of the Property.

IN WITNESS WHEREOF, this Addendum Number Two is executed to be effective as of the Amendment Effective Date.

ATTEST: KAYSVILLE CITY CORPORATION

By: ________________________
Annemarie Plaizier, City Recorder

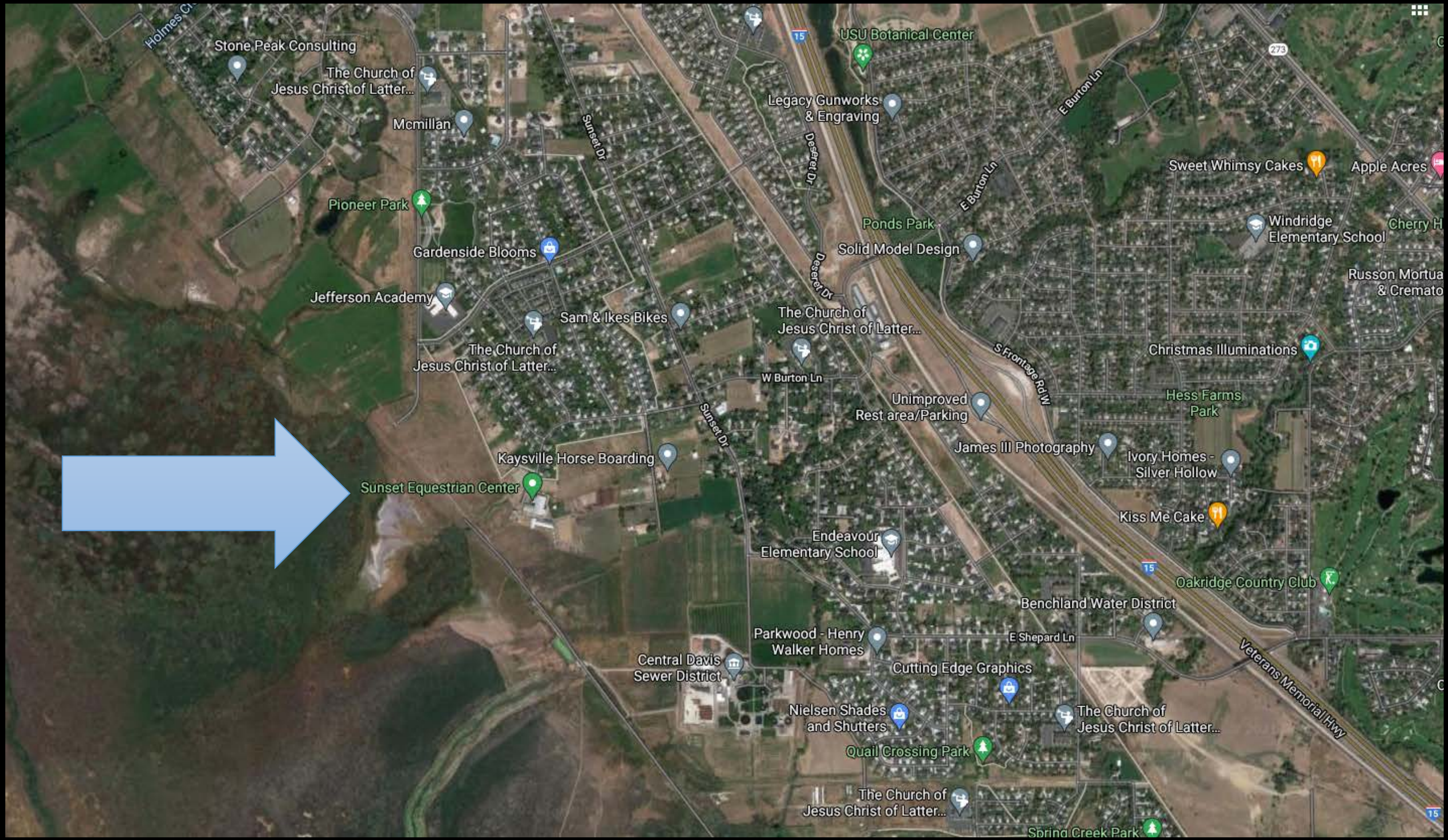
By: ________________________
Mayor Katie Witt

CLEARWATER INVESTMENT GROUP, LLC

By: ________________________
Jeff Hansen, Manager

Clearwater Investment Group

Request for Addendum to Development Agreement



Stone Peak Consulting
The Church of Jesus Christ of Latter...
Mcmillan
Pioneer Park
Gardenside Blooms
Jefferson Academy
Sam & Ikes Bikes
The Church of Jesus Christ of Latter...
Kaysville Horse Boarding
Sunset Equestrian Center
Sunset Dr
USU Botanical Center
Legacy Gunworks & Engraving
Ponds Park
Solid Model Design
The Church of Jesus Christ of Latter...
W Burton Ln
Unimproved Rest area/Parking
James III Photography
Endeavour Elementary School
Parkwood - Henry Walker Homes
Central Davis Sewer District
Cutting Edge Graphics
Nielsen Shades and Shutters
Quail Crossing Park
The Church of Jesus Christ of Latter...
Benchland Water District
E Shepard Ln
The Church of Jesus Christ of Latter...
Spring Creek Park
Sweet Whimsy Cakes
Apple Acres
Windridge Elementary School
Christmas Illuminations
Hess Farms Park
Ivory Homes - Silver Hollow
Kiss Me Cake
Oakridge Country Club
Veterans Memorial Hwy
E Burton Ln
S Frontage Rd W


KAYSVILLE CITY
ANDERSEN MELVIN B & PATSY T - TRUSTEES
STENQUIST LELAND G & ALLYSON J & LELAND GUSTAVE & CARILYN M - TRUSTEES
CLEARWATER INVESTMENT GROUP LLC
NATURE CONSERVANCY
DAVIS COUNTY
CENTRAL DAVIS COUNTY SEWER DISTRICT
Sunset Dr

Timeline of Key Events

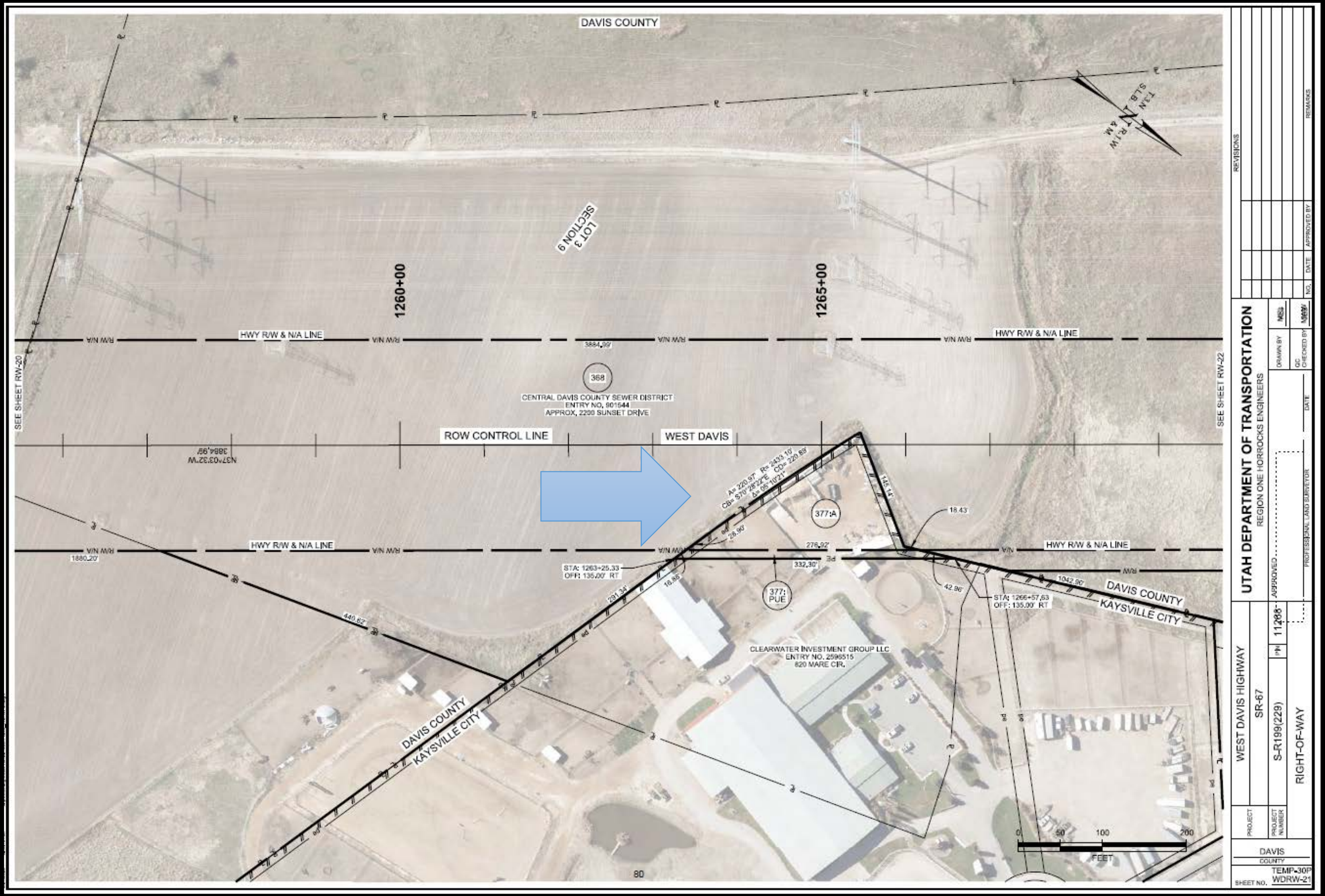
- 2006
  - Kaysville City and Woodside Sunset Farms, LLC [Developer] enter into a Development Agreement
    - As it relates to the Equestrian Center the Development Agreement states:
      - Paragraph 3.E - Developer [Woodside Sunset Farms] shall construct equestrian facilities which will be owned and operated by a Homeowners Association
- 2007
  - Kaysville City and Woodside Sunset Farms amend the Development Agreement
    - Paragraph 3.E is replaced in its entirety to read:
      - Developer [Woodside Sunset Farms] will construct equestrian facilities in the Equestrian Center shown on the Preliminary Plat.

Timeline of Key Events (cont.)

- After the Addendum, Woodside Sunset Farms had financial difficulties and could not construct the equestrian facility
- Clearwater Investments purchases the property and constructs an equestrian facility on the parcel indicated in the plat map
- Equestrian facility has now been successfully operated at the location for many years
  - Operations include riding lessons for children

UDOT Condemnation

- 2021
  - UDOT is seeking to condemn a portion of the property for the West Davis Highway (Legacy Parkway Extension).
  - Highway location is adjacent to the riding arenas used for lessons, including children's lessons.
  - The expansion of the Highway in this area was not contemplated at the time the Development Agreement was entered into over 15 years ago.
  - If the City were to connect the frontage road in this area in the future this would further impact the Equestrian Center.



DAVIS COUNTY
SECTION 9
LOT 3
1260+00
1265+00
HWY R/W & N/A LINE
3884.99'
368
CENTRAL DAVIS COUNTY SEWER DISTRICT
ENTRY NO. 901544
APPROX. 2200 SUNSET DRIVE
ROW CONTROL LINE
WEST DAVIS
N37°03'32"W 3884.99'
SEE SHEET RW-20
SEE SHEET RW-22
377:A
377:PUE
STA: 1263+25.33
OFF: 135.00' RT
STA: 1266+57.63
OFF: 135.00' RT
CLEARWATER INVESTMENT GROUP LLC
ENTRY NO. 2596515
820 MARE CIR.
DAVIS COUNTY
KAYSVILLE CITY
1880.20'
440.82'
291.34'
16.86'
28.90'
276.92'
332.30'
18.43'
42.96'
1042.90'
FEET
80
UTAH DEPARTMENT OF TRANSPORTATION
REGION ONE HORROCKS ENGINEERS
REVISIONS
WEST DAVIS HIGHWAY
SR-67
S-R199(229)
RIGHT-OF-WAY
DAVIS
COUNTY
TEMP-30P
WDRW-21
SHEET NO.

Safety Concerns and Impact of Highway

- Due to expansion of Highway, now lesson arenas will be next to heavily trafficked roadway.
- 60 lbs inexperienced child on a 1,000 lb horse, which can be spooked by vehicles, car horns, etc., is a potentially dangerous citation
- Patrons have already expressed safety concerns.
- Viability of the Equestrian Center is now in question.
- If the Equestrian Center fails, nothing else could be built on the property.
- It would also be difficult to find anyone else to operate the Equestrian Center at this location due to the proximity to the Highway.
- The City and Community would be left with a vacant and abandoned Equestrian Center.

Second Addendum to Development Agreement

- Clearwater is requesting a Second Addendum to the Development Agreement
- Remove the language which requires the Equestrian Center
- Simply the first step in finding a more appropriate home for the Equestrian Center
- Any change in use on the parcel would still be subject to standard City review and land use approval