



# HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100  
[www.cityofharrisville.com](http://www.cityofharrisville.com)

MAYOR:  
Michelle Tait

COUNCIL MEMBERS:  
Grover Wilhelmsen  
Steve Weiss  
Blair Christensen  
Max Jackson  
Karen Fawcett

## CITY COUNCIL AGENDA

November 12<sup>th</sup>, 2024

[Zoom Meeting Link](#)

Meeting ID: 825 4908 8633

Passcode: 216441

### 7:00 PM City Council Meeting

Presiding: Mayor Michelle Tait

Mayor Pro Tem: Steve Weiss

1. **Call to Order** [Mayor Tait]
2. **Opening**
  - a. Pledge of Allegiance [Council Member Wilhelmsen]
3. **Consent Items**
  - a. Approval of meeting minutes for October 29<sup>th</sup>, 2024 as presented.
4. **Employee Recognition**
  - a. Recognition of Brad Elmer for Years of Service on The Planning Commission.
  - b. Recognition of Cynthia Benson for earning her Certified Municipal Clerks.
  - c. Recognition of Nick Taylor and Alicia Davis for earning their Mid-Manager Certificate.
5. **Business Items**
  - a. YCC activities update []
  - b. **Public Hearing** – to take public comment for or against Resolution 24-18; a resolution providing for the creation of Ben Lomond Public Infrastructure District Nos. 1-2 [Jennie Knight]
  - c. Discussion/possible action to approve Resolution 24-19; a resolution renewing a Franchise Agreement with Comcast. [Jennie Knight]
6. **Public Comment** – (3 Minute Maximum)
7. **Mayor/Council Follow-up**
8. **Adjournment**

The foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website [www.cityofharrisville.com](http://www.cityofharrisville.com), and at the Utah Public Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law.

In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.

Posted: By: Jack Fogal, City Recorder.

**MINUTES**  
**HARRISVILLE CITY COUNCIL WORK SESSION**  
**October 29, 2024**  
**363 West Independence Blvd**  
**Harrisville, UT 84404**

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**Minutes of a Harrisville City Council Work Session held on October 29<sup>th</sup>, 2024 at 6:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.**

**Present:** Mayor Michelle Tait, Council Member Karen Fawcett, Council Member Grover Wilhelmsen, Council Member Blair Christensen, Council Member Steve Weiss, Council Member Max Jackson.

**Excused:** Bryan Fife, Parks and Recreation Director.

**Staff:** Jennie Knight, City Administrator, Brody Flint, City Attorney, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder, Mark Wilson, Chief of Police, Sgt. Taylor.

**Visitors:** Arnold Tait, Scott Kirkland, Jason Harris.

**1. Ben Lomond Views Subdivision Master Development Agreement Amendments**

Jennie Knight provided an overview of the amendments for the Ben Lomond Subdivision Master Development Agreement. Most of the changes are related to bringing the MDA and exhibits together. There was language not backed up by exhibits in the previous agreement and these amendments fix those. The developer is requesting some flexibility such as removing timeline requirements, transfer between residential sections, and lot size and type. The MDA was originally adopted in 2021. Three phases have been given final approval. Those phases are Millennium Park, Phase 2A which is the spine road, and Phase 2D which is twin homes on the north east side. The developer would like flexibility moving the size and type of units. They want to change some of the duplexes to single family homes but keep the same footprint. Council Member Wilhelmsen inquired if that is what was shown at a previous meeting by Jason Harris. Jennie Knight explained it is similar but it was for a different development not this one. The developer is asking to change some of the townhomes from rear loaded homes with an alley front loaded without a rear alley. Council Member Jackson inquired how North View Fire feels about that change. Jennie Knight explained we are not eliminating access for the homes; they would all still have front access which can accommodate their vehicles. They would like flexibility to change the condos to townhomes. Their research shows it is a better product than condos. If the market shows it would be beneficial, they would like to move the commercial element from the center of the development to Highway 89 or 2000 North. Based on the entrance having a light on Highway 89 it would benefit to have commercial up front. They would like the timeline to be removed from the commercial element and let the market dictate when to build it. All of the timelines are out of compliance with the original MDA. The amendments remove the timelines. Staff also recommends reducing the size of the phases. Anything over 30 lots will be its own phase. Millenium Park improvements are almost completed. They have been working on them for several months. The original MDA called for the HOA to maintain the park. Both staff and the developer would like that amended so the city maintains the park after the developer finishes the improvements. Council Member Wilhelmsen inquired if the creek by the park was going to be enclosed or cleaned up. Justin Shinsel stated it is currently being cleaned and regraded. They are also adding a bridge to cross over the creek from the development to the park. Council Member Wilhelmsen inquired about the concern for kids at the park. Justin

Shinsel stated it is a concern for a few weeks out of the year when water runoff is high. Jason Harris with Fieldstone homes thanked Council for their time and inquired where Council would like to start. Mayor Tait inquired about concerns raised by the Planning Commission. Jason Harris stated there are four things outlined by Planning Commission that they agree with and four that they want Council to consider. Fieldstone Homes is ok with keeping the timely manner for the commercial element. It was recommended that the lots by Huntington Creek and Diana Road stay the same. It was recommended that everything south of the spine road stay the same and changes are made on the North portion of the development. We are not proposing to add units, the concept is that if something gets smaller then another element gets bigger. We want you consider the overall density. There are 15 lots affected by the floodplain. We would like to move the clubhouse to the floodplain area and relocate those 15 lots to another area. They would like some flexibility to make some changes like that so they can take advantage of the allowed 664 units. An item asked for that was not in the documents was a minimum lot size. The current agreement states minimum lot size is 4000 square feet. They would like the flexibility to do lots of 3000 square feet in the amended MDA. Council Member Wilhelmsen inquired on a 3000 square foot lot are the buildings side by side with little space. Jason Harris stated the amended agreement allows for a five-foot side yard setback per house making it 10 feet between houses. Council Member Jackson inquired about the size of the home on those lots. Jason Harris explained it would be similar to a townhome around 1400-1900 square feet. Council Member Wilhelmsen inquired about how many floors for those homes. Jason Harris stated typically 2 floors. Council Member Jackson inquired about the proposed 3 story homes, what would be the square footage of those homes. Jason Harris stated Fieldstones homes for a 3-floor townhome would be approximately 1900 sq ft. They would like some flexibility with those units. The current MDA calls for them to be three stories and Fieldstone thinks two stories may be better in some cases. As an example in the North East side of the project if you lowered the lot size of the duplexes it would increase the lot size of other homes or could be a pocket park. The MDA keeps the cap at 664 homes, just because lot sizes change does not increase the number of homes allowed. Council Member Wilhelmsen inquired will we have space for people to move around and have space for cars and family activities. Jason Harris explained their goal is to house families. If the development does not feel-good people will not live there. They want the project to function and be safe. Every phase will still go to the city to review before final approval. The Planning Commission gave a little flexibility but he is asking for more. He is asking to move the commercial elements to Highway 89 or 2000 N. A huge part of commercial success is visibility from where the traffic is. Planning Commission stated half could be moved where needed but wanted the other half kept in the town center. We are asking for the flexibility to put it on Highway 89 or the town center as best fit. Council Member Jackson inquired about access issues with UDOT. Jason Harris stated the only issue would be if more access was asked for. He does not believe they would get more access if requested. He believes commercial elements would benefit from being on the North side of the spine road on Highway 89. They want to get businesses in place and see where they thing they will be successful. Council Member Wilhelmsen inquired if some commercial elements move will their still be a town center area. Jason Harris stated some residential would be moved from Highway 89 to the town center area.

*Council Member Fawcett arrived at 6:35 PM.*

Jason Harris stated in section 2.8 of the MDA it talks about amenities. In the MDA there are some conceptual ideas. They intend to adhere to city standards. They want to change some items like a covering for the playground. There is something called a master development report. It describes how many lots have been used and tracks development in the project. He

wants to create a document that will serve the same purpose that does not need to wait for the plats. This will help staff keep track of what has been done and what needs to be done. He wants to make sure that at the end of the day staff has the authority to correct grammar changes and other small changes without having to be amended with Council again. The current MDA is 540 pages. A lot of it is the traffic studies, soil studies, etc. He is asking to remove some of those documents that are not needed for the MDA. Council Member Weiss inquired will you fulfill the required lots correctly if you are given flexibility. Jason Harris stated yes. Council Member Weiss clarified you are asking for freedom to make some changes to give a better product. Jason Harris stated yes.

**MINUTES  
HARRISVILLE CITY COUNCIL  
October 29, 2024  
363 West Independence Blvd  
Harrisville, UT 84404**

---

**Minutes of a Harrisville City Council held on October 29<sup>th</sup>, 2024 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.**

**Present:** Mayor Michelle Tait, Council Member Karen Fawcett, Council Member Grover Wilhelmsen, Council Member Blair Christensen, Council Member Steve Weiss, Council Member Max Jackson.

**Excused:**

**Staff:** Jennie Knight, City Administrator, Brody Flint, City Attorney, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder, Bryan Fife, Parks and Recreation Director, Mark Wilson, Chief of Police, Sgt. Taylor, Officer Fowers, Officer Duffy.

**Visitors:** Arnold Tait, Scott Kirkland, Jason Harris, Glade McCombs, Todd Fowers, Brittany Fowers, Ava Fowers, Chris Cope, Chelsea Kauffman, Frances Hood, Steven Hood, Cecil Satterthwaite, Marcus Keller, Sam Elder.

**1. Call to Order.**

Mayor Tait called the meeting to order and welcomed all in attendance.

**2. Opening Ceremony.**

Council Member Fawcett opened with the Pledge of Allegiance.

**3. Consent Items**

**a. Approval of Meeting Minutes for October 8<sup>th</sup>, 2024 as presented.**

**Motion:** Council Member Jackson made a motion to approve the meeting minutes for October 8<sup>th</sup>, 2024 as presented, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes

Council Member Fawcett, Yes

The motion passed unanimously

**4. Oath Of Office**

Jack Fogal administered the Oath of Office to Todd Fowers.

**5. Business Items.**

**a. Public Hearing – to receive input from the public for and/or against Resolution 24-16; a resolution amending the FY 2025 budget.**

Jennie Knight explained in August Council adopted an increase to our property tax rate. The increase from the tax rate was approximately \$47,800. Code enforcement under this proposal would be covered under the police salaries. Professional planner is a third-party planner, staff is proposing to increase the line-item budget. Council Member Fawcett inquired is it an officer doing code enforcement. Jennie Knight stated no it is a part time person who is not an officer. This budget amendment will also cover the cost of a new website.

**Motion:** Council Member Weiss made a motion to open the public hearing for Resolution 24-16; a resolution amending the FY 2025 budget, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously

There was no public comment given.

**Motion:** Council Member Jackson made a motion to close the public hearing for Resolution 24-16; a resolution amending the FY 2025 budget, second by Council Member Fawcett.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously

**b. Discussion/possible action to adopt Resolution 24-16; a resolution amending the FY 2025 budget.**

Jennie Knight explained this is the time for any discussion or questions for this proposal. Staff is available to answer questions. Council Member Wilhelmsen inquired about the professional planner. Jennie Knight explained we have a contracted planner from a third party. Council Member Fawcett inquired about the benefit for increasing the budget for the planner. Jennie Knight stated it would allow our planner to attend more meetings and provide more information to developers, residents, and Council. Council Member Wilhelmsen inquired about the website line item. Jennie Knight explained it covers public relations, a new website for the City, Police, Public Works, and Parks and Recreation.

**Motion:** Council Member Christensen motioned to adopt Resolution 24-16; a resolution amending the FY 2025 budget, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously.

**c. Discussion/possible action to adopt Ordinance 559; an ordinance amending the General Plan Map and Official Zoning Map for certain Parcels on 750 West.**

Jennie Knight explained this ordinance is based on an application filed with the city for a rezone at 2550 W. 750 N. There is a memo from the contracted planner including information about current zoning and zoning in the area. It will change from Agricultural A-1 to Commercial CP-2. Council Member Christensen inquired what “certain parcels” means. Jennie Knight clarified it means the parcels outlined in the ordinance. Council Member Christensen asked about access on the roads. Jennie Knight explained there would be two on 2550 W and one on 750 N, but that is more to do with a site plan and not the rezone. All uses would have to comply with CP-2 zoning in our current code. Council Member Christensen inquired if the entrance on 750 can be eliminated. Jennie Knight explained that would come with site plan approval, which would be done by Planning Commission.

**Motion:** Council Member Weiss motioned to adopt Ordinance 559; an ordinance amending the General Plan Map and Official Zoning Map for certain Parcels on 750 west, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously.

**d. Discussion/possible action to adopt Ordinance 560; an ordinance amending and restating the Master Development Agreement (MDA) for Ben Lomond Views Subdivision.**

Council Member Christensen inquired about the 3000 sq ft lot sizes and if the lot sizes are reduced can more commercial be added. Jason Harris stated they would not be against it but do not know for sure yet where those changes would occur. Council Member Wilhelmsen stated he liked the presentation but has concerns due to the size of this project. Jason Harris stated it is a large project and when reading through the original MDA he had some concerns. He believes having some of that flexibility would help to ensure the success of the project. Council Member Wilhelmsen inquired about commercial elements on 2000 N. Jason Harris stated Highway 89 has 16000 trips a day. 2000 N. has 500 trips per day. The spine road will have less trips per day than 2000 N. based on projections. They want the flexibility to move the commercial elements to where it would be most successful. Council Member Wilhelmsen inquired why Planning Commission wanted to keep the housing elements the same on the southern part of the project. Jason Harris stated it was due there being pre-existing housing in that area and wanting to keep single family homes by those single family homes. The lender has done a great job of keeping the project going. These changes are necessary to make sure the project is economically relevant. Council Member Wilhelmsen inquired how will we know that the commercial elements will still be constructed if there is not a time frame. Jason Harris stated their concern with how it was written was it has to be built at this specific point not at the point when it makes sense. This has a five to six year buildout time frame. From a housing perspective there is a definite need. The biggest constraint is can people afford to move into the homes. There is excitement because there are a variety of product types. It gives some different cost points for people to purchase.

**Motion:** Council Member Weiss motioned to adopt Ordinance 560; an ordinance amending and restating the Master Development Agreement (MDA) for Ben Lomond Views Subdivision allowing the 3000 square foot lots, the language changes discussed be accepted, the redlines accepted cleaning up the MDA, giving flexibility with commercial and project as a whole to make it work, clubhouse can be moved to and other lots utilized, redlines be accepted to clean up current MDA, with a maximum density of 664 lots, and staff has the ability to make technical changes, second by Council Member Jackson.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously.

**e. Discussion on governing documents for Ben Lomond Views Public Infrastructure District.**

Marcus Keller explained his team and the Fieldstone team have been corresponding trying to make the PID as clear as possible for the presentation to Council. If the PID is approved on November 12<sup>th</sup> it would be set in stone and is final. Staff and his team have been working to make sure the proposed PID follows the MDA and what is outlined in it. A PID is used to fund

public infrastructure. It must be used on public infrastructure in the Ben Lomond District. They are asking to be able to levy five mils. That equates to half of one percent. On a \$500,000 primary residential unit with a \$275,000 taxable value would be approximately \$1375 a year or \$114 a month in additional property tax. This tax would not affect any current residents, it would only apply to new residents in the district. Putting an assigned amount that can be levied stops the amount from ever increasing. They are asking for authorization to bond for \$15,000,000. The city has no obligation to ever pay back these bonds. It can only be used on items that can be dedicated back to the city or public infrastructure. There is a lot of off-site infrastructure needed for this project and it can help the developer get the funding to complete the infrastructure. His team feels this project could benefit from a PID. Sam Elder with D.A. Davidson stated there would be some changes to the governing document like referencing the new MDA. If a PID gets created it would take roughly 90 days to get bonds. They would like to move quickly. Mayor Tait inquired would this PID be a line item on new resident's property tax. Sam Elder stated yes it would. Mayor Tait inquired how you notify buyers of the PID. Sam Elder explained it's in the title, on purchasing forms in different colors, and stated six to seven times in the purchasing paperwork. When you get 664 homes paying taxes it allows the mil levy to be lowered by refinancing and decreasing the mil levy.

**f. Discussion/possible action to approve letter of support for Rural Communities Opportunity Grant Through Governor's Office of Economic Opportunities.**

Jennie Knight explained this is related to grant money for the 750 N. municipal complex road. This is asking the grant board for additional funding for the road. Council Member Wilhelmsen inquired how much the grant is for. Jennie Knight explained it is for the max amount of \$600,000. Mayor Tait stated staff has been working on this for a year and this is the last step before submission.

**Motion:** Council Member Christensen motioned to approve letter of support for Rural Communities Opportunity Grant through Governor's Office of Economic Opportunities, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously.

**6. Public Comment**

Mayor Tait opened the public comment period.

Steve Hood inquired if anyone lives on a 3000 sq ft lot or has a house less than 3000 sq ft.

Chris Cope stated \$500,000 is not affordable housing especially on a lot that is only slightly bigger than her house.

Mayor Tait closed the public comment period.



## **7. Mayor/Council Follow-up**

Chief Wilson explained there have been a few vehicle burglaries in the area. Sgt. Taylor has posted about how to prevent it and about winter snow parking ordinances. The department is preparing for Shop with a Hero. We are excited to have Officer Fowers start next month.

Justin Shinsel explained snow is starting to fall. They are prepping for snow season. The salt and sand storage will be completed at the new facility soon. They are working diligently to get the construction finalized. The move in date is anticipated to be in February. The quiet zone for the train tracks is almost completed. The infrastructure is in, they are just waiting on signs. Once completed they will get the Federal Railways Inspector to come out. Public Works has been helping with the rural community grant.

Bryan Fife explained the Fall Festival just wrapped up. It was a success. He was extremely happy with it. Santa at the Cabin is December 13. They will do a parade with Santa before he is at the cabin. They are winterizing the parks and restrooms.

Jennie Knight thanked all those that participated in the Fall Festival. The feedback from community was very positive. The City Christmas party will be Tuesday December 3<sup>rd</sup>. Staff is preparing the Giving Tree. It will go up at Walmart and city offices. They will be up around Thanksgiving.

Council Member Wiess stated he was with some kids at the Fall Festival and they had a blast. They were so excited for the fireworks. The parents said it was one of the best firework shows around and they will be back next year.

Mayor Tait thanked all who participated during the Fall Festival and made it a positive night.

## **8. Adjournment**

Council Member Weiss motioned to adjourn the meeting, second by Council Member Fawcett.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Yes  
Council Member Jackson, Yes  
Council Member Fawcett, Yes

The motion passed unanimously.

The meeting adjourned at 8:01 P.M.

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**MICHELLE TAIT**  
Mayor

**ATTEST:**

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**Jack Fogal**  
City Recorder  
Approved this 12th day of November, 2024

DRAFT

Harrisville City, Utah

November 12, 2024

The City Council (the “Council”) of Harrisville City, Utah (the “City”), met in regular session (including by electronic means) on November 12, 2024, at its regular meeting place in Harrisville, Utah at 7:00 p.m., with the following members of the Council being present:

Michelle Tait	Mayor
Grover Wilhelmsen	Councilmember
Steve Weiss	Councilmember
Blair Christensen	Councilmember
Max Jackson	Councilmember
Karen Fawcett	Councilmember

Also present:

Jack Fogal	City Recorder
Brody Flint	City Attorney
Jennie Knight	City Administrator

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this November 12, 2024 meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by \_\_\_\_\_ and seconded by \_\_\_\_\_ adopted by the following vote:

AYE:

NAY:

The resolution was later signed by the Mayor and recorded by the City Recorder in the official records of the City. The resolution is as follows:

## RESOLUTION 24-18

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF HARRISVILLE CITY, UTAH (THE "CITY"), PROVIDING FOR THE CREATION OF BEN LOMOND PUBLIC INFRASTRUCTURE DISTRICT NOS. 1-2 (COLLECTIVELY, THE "DISTRICTS") AS INDEPENDENT DISTRICTS; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING BOARDS OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the City requesting adoption by resolution of the approval of the creation of two Public Infrastructure Districts pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the "PID Act") and relevant portions of the Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the "Act") within the City and the annexation or withdrawal of any portion of the boundaries of the Districts therefrom without further approval or hearings of the City or the Council, as further described in the Governing Document (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the City may create one or more public infrastructure Districts by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the Districts (the "Property Owners"); and

WHEREAS, the Petition, containing the consent of such Property Owners, has been certified by the Recorder of the City pursuant to the Act and it is in the best interests of the Property Owners that the creation of the Districts be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the City, prior to consideration of this Resolution, held public hearings after 6:00 p.m. to receive input from the public regarding the creation of the Districts and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing on the Petition was held at the City Hall because there is no reasonable place to hold a public hearing within the Districts' boundaries, and the hearing at the City Hall was held as close to the applicable area as reasonably possible; and

WHEREAS, the City properly published notice of the public hearing in compliance with Section 17B-1-211(1) of the Act; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the Districts before the public hearing on the Petition; and

WHEREAS, according to attestations filed with the City, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the Districts under Section 17D-4-202(c) of the PID Act because they are agents of property owners within the Districts' boundaries (as further set forth in the Petition); and

WHEREAS, it is necessary to authorize the creation of the Districts under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, the governance of the Districts shall be in accordance with the PID Act and the terms of a governing document (the “Governing Document”) attached hereto as Exhibit B; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah for each of the Districts a Notice of Boundary Action attached hereto as Exhibit C (the “Boundary Notices”) and Final Entity Plat attached to each as Boundary Notices Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the “Plat”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the Districts, are hereby ratified, approved and confirmed.

2. The Districts are hereby created as separate entities from the City in accordance with the Governing Document and the Act. The boundaries of the Districts shall be as set forth in the Governing Document and the Plat.

3. Pursuant to the terms of the PID Act, the Council does hereby approve the annexation or withdrawal of any area within the Annexation Area (as defined in the Governing Document) into or from the Districts, as applicable, without any further action, hearings, or resolutions of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

4. The Council does hereby authorize the Districts to provide services relating to the financing and construction of public infrastructure within and without the Annexation Area upon annexation thereof into the Districts without further request of the Districts to the City to provide such service under 17B-1-407, Utah Code Annotated 1953, as amended, or resolutions of the City under 17B-1-408, Utah Code Annotated 1953, as amended.

5. It is hereby found and determined by the Council that the creation of the Districts is appropriate to the general welfare, order and security of the City, and the organization of the Districts pursuant to the PID Act is hereby approved.

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibit B is hereby authorized and approved and the Districts shall be governed by the terms thereof and applicable law.

7. The Trustees of each Board of the Districts shall be initially composed of the same members. The initial Boards of the Districts are hereby appointed as follows:

(a) Trustee 1 – Scott Kirkland, for an initial 6-year term;

- (b) Trustee 2 – Andrew Peterson, for an initial 6-year term;
- (c) Trustee 3 – Mike Nixon, for an initial 4-year term;

Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

8. The Council does hereby authorize the Mayor or a Councilmember to execute the Boundary Notices in substantially the form attached as Exhibit C, the Plats, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

9. Prior to recordation of certificates of creation for the Districts, the Council does hereby authorize the Mayor, a Councilmember, the City Attorney, or the City Manager to make any corrections, deletions, or additions to the Governing Document, the Boundary Notices, or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

10. The Boards of Trustees of the Districts (the “District Boards”) are hereby authorized and directed to record such Governing Document with the recorder of Weber County within thirty (30) days of the issuance of the Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

11. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

12. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are, hereby rescinded.

13. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of Harrisville City, Utah, this November 12, 2024.

HARRISVILLE CITY, UTAH

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

ATTEST:

By: \_\_\_\_\_  
City Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Council of the City adjourned.

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

ATTEST:

By: \_\_\_\_\_  
City Recorder



STATE OF UTAH                     )  
   : ss.  
COUNTY OF WEBER             )

I, Jack Fogal, the undersigned duly qualified and acting City Recorder of Harrisville City, Utah (the “City”), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the City Council (the “Council”), had and taken at a lawful meeting of the Council on November 12, 2024, commencing at the hour of 7:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this November 12, 2024.

By: \_\_\_\_\_  
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jack Fogal, the undersigned City Recorder of Harrisville City, Utah (the “City”), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the “Council”) on November 12, 2024, not less than twenty-four (24) hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) causing a copy of such notice, in the form attached hereto as Schedule 1, to be posted on the City’s official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City’s official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 12, 2024.

By: \_\_\_\_\_  
City Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B  
GOVERNING DOCUMENT

EXHIBIT C

NOTICES OF BOUNDARY ACTION

**NOTICE OF IMPENDING BOUNDARY ACTION**

**(Ben Lomond Public Infrastructure District No. 1)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of Harrisville City, Utah (the “Council”), acting in its capacity as the creating entity for Ben Lomond Public Infrastructure District No. 1 (the “District”), at a regular meeting of the Council, duly convened pursuant to notice, on November 12, 2024 adopted a *Resolution Providing for the Creation of Public Infrastructure Districts*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this November 12, 2024.

**CITY COUNCIL OF HARRISVILLE CITY,  
UTAH, acting in its capacity as the creating  
authority for BEN LOMOND PUBLIC  
INFRASTRUCTURE DISTRICT NO. 1**

By: \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH                    )  
  :ss.  
COUNTY OF WEBER            )

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_, 2024.

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

**NOTICE OF IMPENDING BOUNDARY ACTION**

**(Ben Lomond Public Infrastructure District No. 2)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of Harrisville City, Utah (the “Council”), acting in its capacity as the creating entity for Ben Lomond Public Infrastructure District No. 2 (the “District”), at a regular meeting of the Council, duly convened pursuant to notice, on November 12, 2024 adopted a *Resolution Providing for the Creation of Public Infrastructure Districts*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this November 12, 2024.

**CITY COUNCIL OF HARRISVILLE CITY,  
UTAH, acting in its capacity as the creating  
authority for BEN LOMOND PUBLIC  
INFRASTRUCTURE DISTRICT NO. 2**

By: \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH                    )  
  :ss.  
COUNTY OF WEBER            )

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_, 2024.

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



**NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF PUBLIC  
INFRASTRUCTURE DISTRICTS BY HARRISVILLE CITY, UTAH**

October 28, 2024

This notice is furnished to you by the City Council (the “Council”) of Harrisville City, Utah (the “City”) to provide notice of a public hearing to be held by the Council on **November 12, 2024 at or after 7 P.M.** The public hearing is regarding the proposed creation of Ben Lomond Public Infrastructure District Nos. 1-2 (the “Proposed Districts”) and to allow for public input on (i) whether the requested service (described below) is needed in the area of the applicable Proposed Districts, (ii) whether the service should be provided by the City or the Proposed Districts, and (iii) all other matters relating to the Proposed Districts.

Because consent to the creation of the Proposed Districts and waiver of the protest period has been obtained from all property owners and registered voters within the boundaries of the Proposed Districts, pursuant to Section 17D-4-201 of the Utah Code, the City may adopt a resolution creating the Proposed Districts immediately after holding the public hearing described herein or on any date thereafter. **Any withdrawal of consent to creation or protest of the creation of the Proposed Districts by an affected property owner must be submitted to the City prior to the public hearing described herein.**

**Meeting Information:**

Held By:                   The City Council of Harrisville City, Utah  
Date and Time:         November 12, 2024 at or after 7 P.M.  
Location:                Harrisville City Offices  
                              363 West Independence Boulevard  
                              Harrisville, Utah 84404

**Proposed District Boundaries:**

Legal descriptions and maps for the Proposed Districts are attached as **Appendix A**. A legal description and map of the Annexation Area Boundaries is attached as **Appendix B**. In addition, it is anticipated that the Proposed Districts would be authorized to adjust their boundaries through annexation and withdrawal of properties, so long as such properties are within the proposed inclusion area, as shown on the map attached as **Appendix C**, and certain requirements as established in a governing document have been met.

### **Summary of Proposed Resolution:**

The proposed resolution regarding the creation of the Proposed Districts contain consideration of approval of the following items:

- Creation of the Proposed Districts with the initial boundaries as described herein
- Approval of the annexation of or withdrawal from the boundaries of the Proposed Districts of any area within the Annexation Area without additional approvals or hearings of the City, subject to the conditions of the Governing Document
- Establishment of a Board of Trustees for each District, each comprised as follows:
  - Trustee 1 – Scott Kirkland, for an initial 6-year term;
  - Trustee 2 – Andrew Peterson, for an initial 6-year term;
  - Trustee 3 – Mike Nixon, for an initial 4-year term;
- Authorization for execution by the City of Notices of Boundary Action and Final Entity Plat
- Approval of a Governing Document for the Proposed Districts:
  - Permitting a mill levy of 0.005 per dollar of taxable value of property in the Proposed Districts;
  - A proposed aggregate limited tax debt limit for the Proposed Districts of \$15,000,000; and
  - Permitting the Proposed Districts to issue debt repayable from property taxes, special assessments, and other revenues of the District.

### **Proposed Service:**

**Ben Lomond Public Infrastructure District Nos. 1-2** are proposed to be created for the purpose of financing the construction of public infrastructure relating to Ben Lomond Views (the “Project”), as permitted under the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953, as amended, and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended.

Sincerely,

The City Council of Harrisville City,  
Utah

## APPENDIX A

### PROPOSED DISTRICT BOUNDARIES

#### Legal Description (Initial District Boundaries)

##### **BEN LOMOND PID 1 LEGAL DESCRIPTION**

A parcel of land located in the Southeast Quarter of Section 31, Township 7 North, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located S89°46'21"W along the Section Line 1868.31 feet and North 165.23 feet from the Southeast Corner of Section 31, Township 7 North, Range 1 West, Salt Lake Base & Meridian (Basis of Bearing: N01°43'05"W along the Section Line from the Southeast Corner to the East Quarter Corner of said Section 31); thence N63°32'55"E 100.00 feet; thence S26°27'05"E 50.00 feet; thence S63°32'55"W 100.00 feet; thence N26°27'05"W 50.00 feet to the point of beginning.

Contains: ±0.11 Acres  
5,000 Sq. Ft.

##### **BEN LOMOND PID 2 LEGAL DESCRIPTION**

A parcel of land located in the Southeast Quarter of Section 31, Township 7 North, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located S89°46'21"W along the Section Line 1868.31 feet and North 165.23 feet from the Southeast Corner of Section 31, Township 7 North, Range 1 West, Salt Lake Base & Meridian (Basis of Bearing: N01°43'05"W along the Section Line from the Southeast Corner to the East Quarter Corner of said Section 31); thence N26°27'05"W 50.00 feet; thence N63°32'55"E 100.00 feet; thence S26°27'05"E 50.00 feet; thence S63°32'55"W 100.00 feet; to the point of beginning.

Contains: ±0.11 Acres  
5,000 Sq. Ft.

## APPENDIX B

### Legal Description (Annexation Area Boundaries)

A portion of the Northeast Quarter of Section 6, Township 6 North, Range 1 West, the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32 Township 7 North, Range 1 West, Salt Lake Base and Meridian, described as follows:

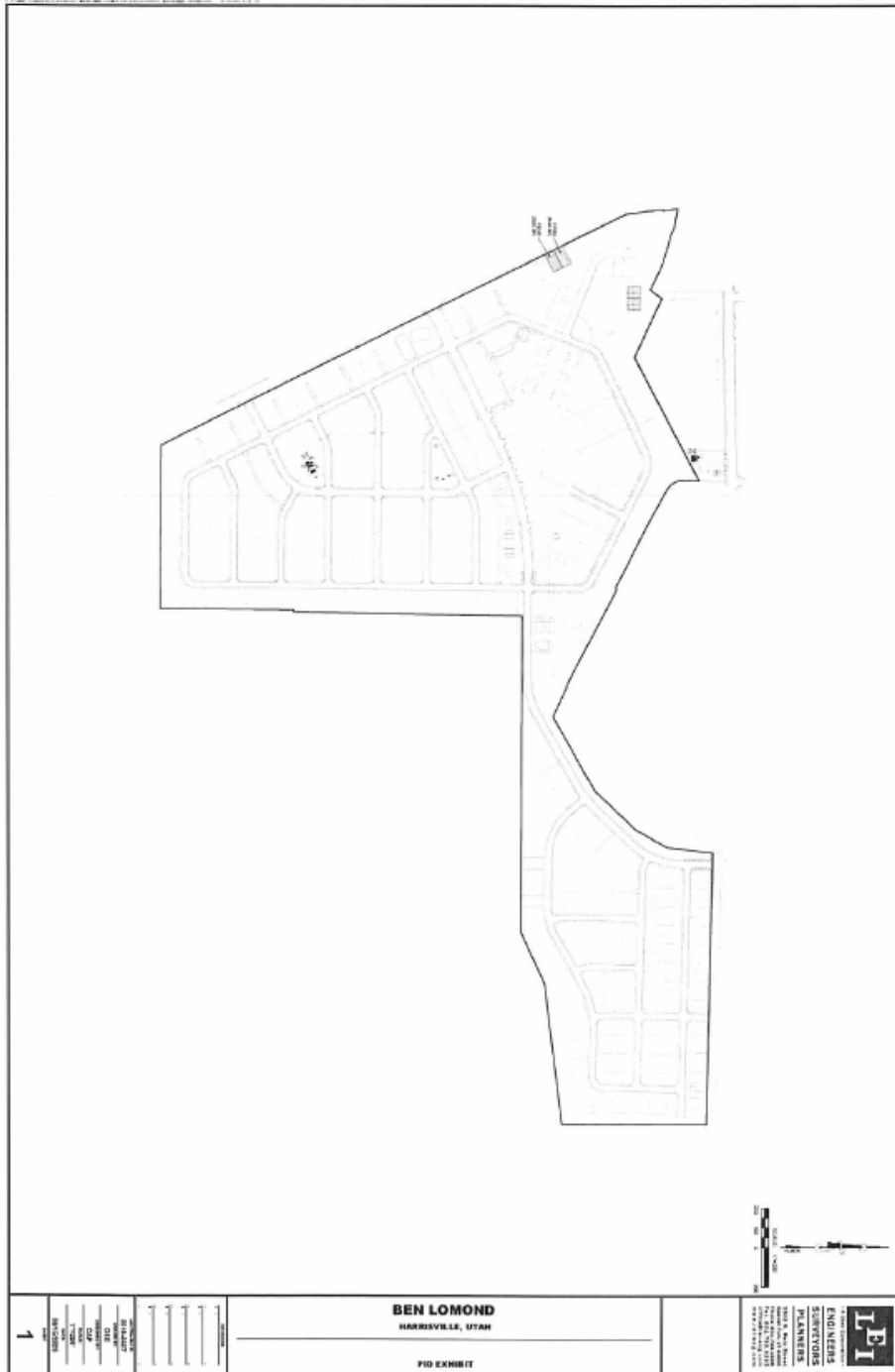
Beginning at the Southeast Corner of Section 31, Township 7 North, Range 1 West, Salt Lake Base and Meridian; thence S00°56'12"W along the Section Line (also being the west line of the Ben Lomond Estates No. 1 subdivision) 1167.76 feet; thence N88°51'55"W 9.33 feet; thence S00°31'47"W along the westerly line of Lacey Lane Subdivision and the westerly line of Hunting Creek Subdivision No. 3 subdivision 685.73 feet to the north line of the Hunting Creek Subdivision No. 1 subdivision; thence N89°36'23"W along said north line 835.92 feet to the easterly Right-of-Way line of U.S. State Highway 89; thence N26°27'05"W along said easterly Right-of-Way line 2651.55 feet to the easterly line of that real property described in Deed Entry No. 2657978 in the official records of the Weber County Recorder; thence N07°32'24"W along said easterly line 192.65 feet to an existing fence line; thence along said fence line the following two (2) courses: S89°57'00"E 7.27 feet; thence N07°40'58"W 77.15 feet to the southwest corner of that real property described in Deed Entry No. 2263169 in the official records of the Weber County Recorder; thence S80°14'36"E along the south line of that real property described in Deeds Entry No. 2263169, 2377000 and 2252595 in the official records of the Weber County Recorder, 102.38 feet to an existing fence line; thence along said fence line and the southerly lines of that real property described in Deeds Entry No. 2252595, 2742724 and 2740693 in the official records of the Weber County Recorder, the following seven (7) courses: S62°04'18"E 30.02 feet; thence S72°22'48"E 29.29 feet; thence S77°20'03"E 19.46 feet; thence S75°01'46"E 19.83 feet; thence S72°22'08"E 89.10 feet; thence S68°32'53"E 27.99 feet; thence S64°28'59"E 123.06 feet to a fence corner also being described on that (lot line adjustment) Record of Survey No. 3036 on file in the office of the Weber County Surveyor; thence N36°25'57"E along said Record of Survey and fence line 73.59 feet to a point being 0.5' southerly from an existing fence line; thence following in part along an existing fence line the following two (2) courses: S65°00'00"E 331.08 feet; thence N62°00'00"E 714.46 feet to the westerly line of the Golfcrest Village Townhomes Subdivision Phase 1; thence along the westerly and southerly lines of the Golfcrest Village Townhomes Subdivisions Phases 1 and 2, the following nine (9) courses: S1°28'12"W 104.18 feet; thence S28°41'01"E 46.93 feet; thence S52°56'13"E 45.11 feet; thence S61°19'40"E 219.60 feet; thence S62°57'04"E 332.58 feet; thence N54°21'20"E 10.08 feet; thence S62°43'49"E 400.94 feet; thence S61°04'10"E 88.75 feet; thence S64°19'53"E 90.70 feet to the southwest corner of the Golf View Estates Subdivision Phase 2 P.R.U.D.; thence along said Subdivision the following five (5) courses: S65°26'08"E 142.10 feet; thence N60°14'23"E 437.69 feet; thence N43°18'38"E 287.98 feet; thence N28°55'16"E 188.14 feet; thence N6°51'52"E 229.25 feet more or less to the south line of 2000 North Street; thence S88°46'25"E along said south line 1387.99 feet to the west line of Roylance Farms Subdivision Phase 3; thence S0°14'56"W along said subdivision 739.21 feet to a found rebar and cap (Utah Land Survey) marking the northeast corner of Roylance Farms P.R.U.D Phase 2 subdivision; thence along said subdivision (being between 0.1' -1.0' south of an existing chain link fence) the following three (3) courses: S82°48'32"W 722.57 feet; thence S64°48'32"W 290.40 feet; thence N89°52'59"W 1608.66 feet (the previous call also running in part along the north boundary line of Ben Lomond Estates No. 1 subdivision) to the point of beginning.

#### ***LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:***

Part of the Northeast Quarter of Section 6, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, described as follows: Beginning at a point that is South 463.31 feet and East 1375.40 feet from the North Quarter Corner of Section 6, Basis of Bearings being N00°46'49"E between said Corner and the Center of Section 31, Township 7 North, Range 1 West, the line N79°11'00"E 60.00 feet; thence S10°49'00"E 100.00 feet; thence S79°11'00"W 60.00 feet; thence N10°40'00"W 100 feet to the point of beginning.

Net Area Contains: ±123.20 Acres  
5,366,643 Sq. Ft.

**APPENDIX C**  
**MAP OF PROPOSED DISTRICT BOUNDARIES**  
**Initial District Boundaries & Annexation Area Map**



**HARRISVILLE CITY  
RESOLUTION 24-19**

**A RESOLUTION RENEWING AND ADOPTING THE TELEVISION  
FRANCHISE AGREEMENT BETWEEN THE CITY OF  
HARRISVILLE, UTAH AND COMCAST OF UTAH, INC; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter referred to as the “City”) is a municipal corporation duly existing under the laws of the state of Utah;

**WHEREAS**, Utah Code Annotated §10-8-84 and 10-8-60 enables the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City has previously negotiated a Franchise Agreement with Comcast of Utah, and now desires to renew said Franchise Agreement;

**WHEREAS**, the parties have negotiated the Cable Television Franchise Agreement between the City of Harrisville and Comcast of Utah, (hereafter “Agreement”) attached herein as Exhibit “A” incorporated by this reference;

**WHEREAS**, franchise agreements are a common practice for municipalities in managing and regulating business that provides certain services in the City and in the public right-of-way;

**WHEREAS**, City Council finds that the public convenience and necessity, public safety, health, and welfare is served by renewing this Agreement.

**NOW, THEREFORE**, be it resolved by the City Council of Harrisville City as follows:

**Section 1. Agreement.**

Cable Television Franchise Agreement between the City of Harrisville and Comcast of Utah, (hereafter “Agreement”) attached herein as Exhibit “A” incorporated by this reference is hereby renewed, approved, and adopted. The Mayor is authorized to execute the Agreement and any other documents effectuate this renewal.

**Section 2. Effective Date.**

This Resolution shall be effective immediately upon passage and adoption

PASSED AND ADOPTED by the Harrisville City Council this 12th day of November, 2024.

---

MICHELLE TAIT, Mayor

ATTEST:

---

Jack Fogal, City Recorder

Roll Call Vote Tally	Yes	No
Grover Wilhelmsen	___	___
Steve Weiss	___	___
Blair Christensen	___	___
Max Jackson	___	___
Karen Fawcett	___	___

DRAFT

# CABLE TELEVISION FRANCHISE AGREEMENT

By And Between

CITY OF HARRISVILLE, UTAH

And

COMCAST OF UTAH II, INC.

**THIS FRANCHISE AGREEMENT** (hereinafter, the "Agreement" or "Franchise Agreement") is made between the City of Harrisville, Utah (hereinafter, the "City"), a Utah municipal corporation located in Weber County, and Comcast of Utah II, Inc. (hereinafter, "Grantee"), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date").

The City, having determined that the financial, legal and technical abilities of the Grantee are reasonably sufficient to provide the services, facilities, and equipment necessary to meet the future cable-related needs of the City, desires to enter into this Franchise Agreement with the Grantee for the construction, operation and maintenance of a Cable System on the terms and conditions set forth herein.

This Agreement is entered into by and between the parties under the authority and shall be governed by the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. Sections 521 *et seq.* (the "Cable Act"), Utah state law, and applicable local ordinances, as amended from time to time.

## **Article I – Franchise Hereby Granted**

a. The City hereby agrees to permit the Grantee to construct, operate and maintain a cable system in the City, subject to the terms and provisions of the City's generally applicable ordinances governing the streets and rights of way of the City.

b. The City hereby agrees that, provided the Grantee is in compliance with all generally applicable City codes and ordinances, this Franchise Agreement shall be effective for a period of five (5) years from and after the Effective Date.

## **Article II – Operations within the City's Rights of Way**

a. The Grantee hereby agrees to occupy the rights of way in accordance with the terms and provisions of Utah state law and the City's generally applicable ordinances governing the streets and rights of way of the City.

b. The Grantee shall at all times maintain insurance and shall provide the City with certificates of insurance in accordance with local right-of-way requirements, as currently in effect and as may be subsequently amended. Said certificates of insurance shall name the City and its elected and appointed officers, officials, agents and employees as additional insureds.

## **Article III – Franchise Fee**

a. The Grantee shall pay a franchise fee to the City for the privilege of operating in the City's rights of way in a manner consistent with the provisions of the Cable Act, as now in effect and as may be subsequently



amended from time to time. The franchise fee shall be in an amount equal to five percent (5%) of annual gross revenues received from the operation of the cable system to provide cable service in the City, and shall be made on a quarterly basis, and shall be due forty-five (45) days after the close of each calendar quarter. If mailed, the Franchise Fee shall be considered paid on the date it is postmarked. The City hereby agrees that the total franchise fee, as interpreted under the Cable Act, shall not exceed the greater of the percentage of fees any other video service provider, under state authorization or otherwise, providing service in the Franchise Area pays to the City.

b. As used in this agreement, gross revenue means the cable service revenue derived by the Grantee from the operation of the cable system in the City's rights of way to provide cable services, calculated in accordance with Generally Accepted Accounting Principles. Gross revenues shall also include such revenue sources from the provision of cable service as may now exist or hereafter develop from or in connection with the operation of the cable system within the City, provided that such revenues, fees, receipts, or charges may lawfully be included in the gross revenue base for purposes of computing the City's permissible franchise fee under the Cable Act, as may be amended from time to time.

c. Within three years of a franchise fee payment, the City may conduct an audit of the franchise fee payment. Any audit shall be conducted in accordance with generally applicable auditing standards.

**Article IV – Cable Communications Policy Act of 1984**

Nothing in this Agreement shall be construed to limit, in any way, the Grantee's rights or responsibilities under the Cable Communication Policy Act of 1984, as amended and the renewal of this Agreement shall be governed by that Act.

**Article V – Customer Service Standards**

**Customer Service Obligations.** The City and Grantee acknowledge that the customer service standards and customer privacy protections are set forth in the Cable Communication Policy Act of 1984 and associated Federal Communications Commissions rules thereunder, as amended from time to time. Enforcement of such requirements and standards and the penalties for non-compliance with such standards shall be consistent with that Act.

**IN WITNESS WHEREOF**, this Franchise Agreement has been executed by the duly authorized representatives of the parties as set forth below, as of the date set forth below:

CITY OF HARRISVILLE, UTAH:

COMCAST OF UTAH II, INC.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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