CENTERVILLE CITY

250 North Main · Centerville, Utah 84014-1824 · (801) 295-3477 · Fax: (801) 292-8034

Incorporated in 1915

Mayor
Paul A. Cutler

City Council
Ken S. Averett
Tamilyn Fillmore
John T. Higginson
Stephanie Ivie
Lawrence Wright

City Manager
Steve H. Thacker

interoffice MEMORANDUM

to:	Mayor Cutler City Council
cc:	Department Heads Planning Commission
from:	Steve H. Thacker, City Manager S. Thacker
subject:	City Manager's Summary of March 19, 2014 Council Meeting
date:	March 14, 2014

At their March 4 meeting the City Council agreed to move the March 18 regular Council meeting to Wednesday, March 19 to avoid a conflict with the Democratic Party caucuses. In conjunction with that change, several other meetings were also moved to March 19, including a Budget Work Session, a Redevelopment Agency meeting and the Centerville Community Foundation Board meeting. Therefore, Wednesday, March 19 now looks like this:

- 5:00 p.m. - Budget Work Session – Briefing on City's employee compensation plan and benefits
- 6:00 p.m. - Redevelopment Agency meeting
- 6:15 p.m. - Regular City Council meeting
- 8:45 p.m. - Centerville Community Foundation meeting

Although the Council meeting was moved to March 19, two public hearings had already been advertised for March 18. Therefore, a quorum of Council members needs to come to City Hall briefly at 7:00 p.m. on Tuesday, March 18 to open that meeting and immediately table the two public hearings to the next evening. **Council members Ivie, Higginson and Fillmore have volunteered to come on Tuesday, which will be sufficient for a quorum**. An agenda has been posted for the Tuesday night meeting showing a continuation of these two public hearings to the following evening.

Mayor Cutler will be attending a Davis County COG meeting from 5:00 p.m. to approximately 6:30 p.m. He wants to be present, however, for the two public hearings in the Council meeting; hence the reason for scheduling the RDA meeting at 6:00 p.m., as well as the order of business in the 6:15 Council meeting.

5:00 <u>**Budget Work Session**</u> – This will be a briefing on the City's employee compensation plan and benefits. This is intended to be an educational session, especially for the new Council members, that will help them understand a major component of the City budget. Those who have been on the Council for several years will be at least somewhat familiar with the material presented during this work session.

6:00 <u>**Redevelopment Agency Meeting**</u> – The RDA will meet before the regular Council meeting this time to consider two matters. First is a Resolution approving the use of RDA funds for enhancements to the Main & Parrish Intersection Project. The second business item is consideration of a request from staff to use up to $7,000 in RDA funds to slurry seal Riviera Townhomes driveways and parking areas to fully complete last year's CDBG Project.

6:15 Regular City Council meeting

E.1. Minutes Review and Acceptance – The minutes to be approved are enclosed.

E.2. Summary Action Calendar

a. **Agreement with Davis County** – A couple of years ago Davis County agreed to share the cost of enlarged drainage culverts under the Legacy Parkway Trail and Sheep Road at approximately 1000 North. However, the County was not able to schedule its workforce for this purpose until this spring. The City's share is estimated at $25,000, which will be paid from the Storm Drain Capital Improvement Fund (i.e., impact fees).

b. **Sonic Restaurant PUE** – This is the routine acceptance of a public utility easement related to the Sonic Restaurant project.

c. **Use of Tax Increment for Main & Parrish Project** – At their March 4 meeting the City Council expressed support for using up to $25,000 in RDA funds for enhancements to the Main & Parrish Intersection Project, which is scheduled for construction in May and June. Since these improvements will be outside the Parrish Gateway Project Area boundaries, State law requires that both the City Council and the RDA approve resolutions containing certain findings and authorizing the use of these funds. These enhancements include colored concrete for the corner curbs, handicap ramps and adjacent sidewalks, as well as black powder coating of the traffic signal poles and related fixtures.

E.3. Award bid for crack seal and slurry seal projects – Morgan Pavement Maintenance is the low bidder for the annual crack seal and slurry seal project. This project includes crack sealing for 4.5 road miles and slurry sealing 3.5 road miles. Another bid will be awarded at the April 15 Council meeting for street overlay work.

E.4. Financial Report – Blaine Lutz has prepared the enclosed Financial Report for the eight-month period ending February 28, 2014.

E.5 Public Hearing – Zoning Ordinance Text Amendment – This zoning text amendment pertaining to the Planned Development Overlay Zone was requested by Fred Hale and Craig Salmon, to accommodate their proposed development at 1250 West and Parrish Lane. They have proposed a mixed-use commercial/residential development on approximately 12 acres. The amendment would allow this mixed use project to be predominately residential in nature, although a portion would be commercial.

E.6. Public Hearing – Rezone and Conceptual Plan – Assuming the City Council approves the Zoning Text Amendment in item no. 5, they will then consider a rezone application and conceptual plan submitted by Fred Hale and Chad Salmon for the same property at 1250 West and Parrish Lane.

E.7. Drainage Impact Fee Analysis and Rate Study – The City's financial consultant, Fred Philpot of Lewis Young Robertson and Burningham, made an initial presentation on this subject at the March 4 work session. City staff offered to bring back additional rate increase scenarios. Those will be presented by the consultant in this next meeting and the Council will then discuss the content and recommendations of this impact fee analysis and rate study.

E.8. Mayor's Report – The Mayor will provide an update of UTOPIA matters. A number of monthly reports pertaining to UTOPIA and UIA are attached.

E.9. **City Manager's Report** – Several Council members have individually expressed a desire to amend the City Code to allow bee keeping within the City limits. Staff is seeking the Council's collective direction on whether to initiate the amendment process.

I will also update the City Council on the Main & Parrish Intersection Project, including my discussion with property owners about potential bus stop improvements.

E.10. **Miscellaneous Business** – No specific items are shown at this time under this heading.

E.11. **Closed meeting, if necessary** –At this time, I do not know of a need for a closed meeting, but the agenda allows for that possibility.

E.12. **Appointments to Boards and Committees** – Mayor Cutler may recommend appointments to City boards and committees.

8:45 **Community Foundation meeting** – The City Council meeting is scheduled to end at approximately 8:30 p.m. to accommodate a request by Councilman Wright. The Community Foundation Board, however, will meet at 8:45 p.m. No Council members are expected to remain for that meeting. Mayor Cutler, myself and Blaine Lutz are members of that Board along with Sherri Lindstrom, Dave Gutke and Jack Dellastatious.

Potential Agenda Items for March 18 regular City Council Meeting (subject to change):

- Budget work session beginning with tour and light dinner at Whitaker Museum at 5:00 p.m.
- Agreement with UDOT for funding Main & Parrish Project enhancements ("betterments")
- Zoning Code text amendment re: fences, walls and setbacks in R-M Zone
- Accept PUEs for Pasture Development (Salmon)
- Continue Budget work session following regular City Council meeting

mlm

AMENDED AGENDA
March 18, 2014 10:00 a.m.

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 6:15 P.M. ON WEDNESDAY, MARCH 19, 2014 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, **or may read this memo on the City's website: http://centervillepublic.novusagenda.com/.**

Tentative Time: - The times shown below are tentative and are subject to change during the meeting.

5:00 Budget work session

6:00 RDA Meeting

6:15 **A. ROLL CALL**
(See City Manager's Memo for summary of meeting business)

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT
Councilwoman Tamilyn Fillmore

6:20 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

E. BUSINESS

(OVER)

6:25 1. **MINUTES REVIEW AND ACCEPTANCE** – March 4, 2014 work session and regular City Council meeting

6:25 2. Summary Action Calendar
- a. Agreement with Davis County for cost-sharing construction of culvert under Legacy Parkway Trail and Sheep Road at approximately 1000 North
- b. Accept PUE for Sonic Restaurant
- c. Resolution N0. 2014-09 authorizing use of tax increment for Enhancements for Main & Parrish Project
- ** d. Appoint Centerville Community Foundation Board of Directors **

6:30 3. Award bid to Morgan Pavement Maintenance in the amount of $152,650.76 for 2014 Crack Seal and Slurry Seal Projects

6:35 4. Financial Report for period ending February 28, 2014

6:40 5. Public Hearing - Zoning Text Amendment - Planned Development Overlay Zone
Amendment to Chapter 12-41 - Planned Development Overlay Zone, Section 12-41-060, regarding uses allowed in the Planned Development Overlay Zone for Planned Commercial Developments. Fred Hale & Chad Salmon, Applicants - Consider Ordinance No. 2014-05

6:50 6. Public Hearing – Rezone and Conceptual Plan - Legacy Trail Apartments Planned Development - 1250 West Parrish Lane
Rezone Petition for Legacy Trail Apartments Planned Development located at 1250 West and Parrish Lane (approximately 12.15 acres) from Commercial Very-High (C-VH) to Commercial Very-High/Planned Development (C-VH/PD) and PDO Conceptual Plan for Master Planned Mixed-Use Development – Consider Ordinance No. 2014-06

7:20 7. Continue presentation and discussion of drainage impact fee analysis and rate study

8:20 8. Mayor's Report
- a. UTOPIA update

8:35 9. City Manager's Report
- a. Direction on bee keeping ordinance
- b. Update of Main & Parrish Intersection Project, including bus stops

8:30 10. Miscellaneous Business

11. Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.

8:30 12. Possible action following closed meeting, including appointments to boards and committees

8:30 **F. ADJOURNMENT**

Items of Interest (i.e., newspaper articles, not items on agenda)

8:45 Community Foundation Meeting

Marsha L. Morrow, MMC
Centerville City Recorder

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March 18, 2014 10:00 a.m.

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6:25	2.	Summary Action Calendar a. Agreement with Davis County for cost-sharing construction of culvert under Legacy Parkway Trail and Sheep Road at approximately 1000 North b. Accept PUE for Sonic Restaurant c. Resolution N0. 2014-09 authorizing use of tax increment for Enhancements for Main & Parrish Project ** d. Appoint Centerville Community Foundation Board of Directors **
6:30	3.	Award bid to Morgan Pavement Maintenance in the amount of $152,650.76 for 2014 Crack Seal and Slurry Seal Projects
6:35	4.	Financial Report for period ending February 28, 2014
6:40	5.	Public Hearing - Zoning Text Amendment - Planned Development Overlay Zone Amendment to Chapter 12-41 - Planned Development Overlay Zone, Section 12-41-060, regarding uses allowed in the Planned Development Overlay Zone for Planned Commercial Developments. Fred Hale & Chad Salmon, Applicants - Consider Ordinance No. 2014-05
6:50	6.	Public Hearing – Rezone and Conceptual Plan - Legacy Trail Apartments Planned Development - 1250 West Parrish Lane Rezone Petition for Legacy Trail Apartments Planned Development located at 1250 West and Parrish Lane (approximately 12.15 acres) from Commercial Very-High (C-VH) to Commercial Very-High/Planned Development (C-VH/PD) and PDO Conceptual Plan for Master Planned Mixed-Use Development – Consider Ordinance No. 2014-06
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CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time: 6:15

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- City Manager's Summary of March 19, 2014 Council meeting

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E. BUSINESS

6:25 1. Minutes Reveiw and Acceptance

March 4, 2014 work session and regular City Council meeting

6:25 2. Summary Action Calendar

a. Resolution No. 2014-10 approving Interlocal Agreement with Davis County for the 1000 North Drainage Culvert Project
b. Accept Public Utility Easement for Sonic Restaurant located at approximately

258 West Parrish Lane

c. Resolution No. 2014-09 Authorizing Use of Tax Increment for Enhancements to Main & Parrish Intersection Project

6:30 3. Award bid to Morgan Pavement Maintenance in the amount of $152,650.76 for 2014 Crack and Slurry Seal Projects

6:35 4. Financial Report for period ending February 28, 2014

6:40 5. Public Hearing - Zoning Ordinance Text Amendments - Commerical Planned Developments, Chapter 12-41

Amendments to Chapter 12-41 - Planned Development Overlay Zone, Section 12-41-060, regarding uses allowed in the Planned Development Overlay Zone for Planned Commercial Developments. Fred Hale and Chad Salmon, Applicants - Consider Ordinance No. 2014-05

6:50 6. Public Hearing - Rezone and Conceptual Plan - Legacy Trail Apartments Planned Development - 1250 West Parrish Lane

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7:20 7. Continue presentation and discussion of drainage impact fee analysis and rate study

8:20 8. Mayor's Report

a. UTOPIA update

8:25 9. City Manager's Report

a. Direction on bee keeping ordinance
b. Update of Main & Parrish Intersection Project, including bus stops

8:30 10. Miscellaneous Business

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8:30 12. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Items of Interest (i.e., newspaper articles, not items on agenda)

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No.

Short Title: Budget Work Session

Initiated By: City Manager

Scheduled Time: 5:00

SUBJECT

Briefing on the City's current employee compensation plan and benefits.

RECOMMENDATION

No recommendation. This is an educational work session to increase understanding of a major component of the City Budget.

BACKGROUND

In this work session, the City Manager will provide a briefing on the City's employee compensation plan and benefits. This is intended to give elected officials a better understanding of a major component of the City Budget. The City Manager will **not** be making a recommendation in this work session about employee pay raises. The City Council will discuss and act on pay raise recommendations after the City Manager submits his Proposed Budget to the City Council in May.

New council members should read the attachment, Ordinance No. 2013-07--particularly its exhibits--in preparation for the work session. Council members who have served several years should be familiar with this document already. At the work session, the Council will also be given comparative data about the City's employee benefits program, showing how it compares with other cities. This comparison, however, is not ready for the meeting packet in advance. This comparison will focus on the three major components of the benefits program--health insurance, retirement and paid leave.

The City's employee compensation plan consists of three parts, which are the three exhibits to Ordinance No. 2013-07: 1) Salary Administration Guidelines; 2) Position Pay Grade Schedule; and 3) Salary Schedule.

ATTACHMENTS:

Description

D Ordinance No. 2013-07 - Employee Compensation Plan

5b

ORDINANCE NO. 2013-07

AN ORDINANCE AMENDING AND ADOPTING THE CENTERVILLE CITY SALARY ADMINISTRATION GUIDELINES, POSITION PAY GRADE SCHEDULE AND SALARY SCHEDULE.

WHEREAS, the City Council has previously prepared and adopted the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule; and

WHEREAS, the City Council has reviewed the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule and has held appropriate public hearings regarding the same; and

WHEREAS, the City Council desires to amend, update and adopt the Centerville City Salary Administration Guidelines, Position Pay Grade Schedule and Salary Schedule as more particularly set forth herein for the purpose of providing guidelines for employee pay raises in FY 2014 effective with the payroll period beginning July 7, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Adoption.** The "Centerville City Salary Administration Guidelines - FY 2014" is hereby adopted in its entirety as set forth in Exhibit "A," attached hereto and incorporated herein by this reference, for the Fiscal Year 2014, effective with the payroll period beginning July 7, 2013.

Section 2. **Adoption.** The "Centerville City Position Pay Grade Schedule" is hereby adopted in its entirety as set forth in Exhibit "B," attached hereto and incorporated herein by this reference, for the Fiscal Year 2014.

Section 3. **Adoption.** The "Centerville City Salary Schedule" is hereby adopted in its entirety as set forth in Exhibit "C," attached hereto and incorporated herein by this reference, for the Fiscal Year 2014 effective with the payroll period beginning July 7, 2013.

Section 4. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 19th DAY OF JUNE, 2013.

EXHIBIT "A"

CENTERVILLE CITY SALARY ADMINISTRATION GUIDELINES - FY 2014

CENTERVILLE CITY
SALARY ADMINISTRATION GUIDELINES – FY 2014

The City's compensation program is designed to compensate employees fairly, to maintain a pay position which is competitive, and to reward for performance. To carry out this philosophy, the City seeks to establish salaries that are fair externally, internally, and individually.

External Fairness

External fairness means employees will be paid fairly compared to people doing comparable work in the local job market area. The City determines fairness by comparing its salaries for certain jobs, such as police officer or secretary, with the salaries other employers pay for those jobs. Those jobs are grouped into levels of pay called salary grades. Each salary grade is assigned a pay range. In order to achieve a competitive advantage in the job market, the City generally bases the midpoint of pay ranges on the third quartile of the midpoints of pay ranges for related jobs in the job market, although this is subject to change by the City Council.

To keep salaries in line with its job market target, the City adjusts its salary ranges using data from local market salary surveys. The salary ranges (i.e., the minimum and maximum of each pay range) that were in effect for FY 2013 will be increased for FY 2014 by 1.5 percent.

Internal Fairness

Internal fairness means that jobs equivalent in value to the City are assigned similar salary grade levels, regardless of the department involved. Each position's salary grade level is based on the job description for that position, so accurate job descriptions are essential. Supervisors should update job descriptions when job duties change significantly and should review them at least annually in conjunction with performance appraisals. If there is a significant difference between the job description and current duties, the supervisor and the employee should normally rewrite the description for review so the City Manager can determine if the job is assigned the correct salary grade level, subject to Council approval. A revised job description does not mean that the assigned salary grade will change, only that it will be reviewed.

Individual Fairness

Individual fairness means an employee will be rewarded for individual performance relative to that of his/her peers. Based on that performance, an employee can move to higher positions in the current salary range or, if the employee earns a promotion, a higher salary range.

Salary Ranges

The City has assigned each job a salary range, with a minimum, midpoint, and maximum salary. The salary range allows employees to receive different salaries based on performance appraisals, levels of experience, and labor market conditions.

Note the following features of salary ranges:

1. Currently the Council's intent is to base the midpoints of salary ranges on the third quartile of the midpoints of pay ranges for related jobs in the job market. This will not be an exact match due to the need to maintain internal equity in the compensation plan.

2. Salary ranges are divided into four equal parts, called quartiles. The lowest salaries are in the first quartile, and the highest salaries are in the fourth quartile. For example, if a job has a minimum annual salary of $30,000 and a maximum of $42,000, the first quartile would range from $30,000 to $33,000; the second quartile would range from $33,000 to $36,000 and so on.

3. Salary ranges overlap extensively, so an experienced, high-performing employee in one grade level can earn the same as or more than a less-experienced or lower-performing employee in a higher grade level.

4. Normally salary ranges move higher each year to keep in line with conditions in the job market.

Merit Increases

At the beginning of the Fiscal Year, an employee may receive a merit increase, or raise. This increase is based on the employee's performance and is affected by the quartile that the employee's salary is in, market salary conditions, and budget availability. The chart below shows the potential raise available in Fiscal Year 2014 (effective with the payroll period beginning July 7, 2013), depending on the employee's performance and where the employee's current salary falls within the pay range assigned to his/her position. **The percentages in this chart are likely to change from year to year. An employee's base pay cannot exceed the maximum of the pay range for his position. Therefore, employees at or near the maximum may not be eligible for the percentages shown in the 4th quartile below.**

	1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
Consistently Exceeds Expectations ("sustained outstanding performance")	>3.0%	>2.5%	>2.0%	>1.5%
Meets or Exceeds Expectations	2.5 – 3.0%	2.0 – 2.5%	1.5 – 2.0%	1.0 – 1.5%
Needs Improvement	<2.5%	<2.0%	<1.5%	<1.0%
Seriously Deficient (at risk of Termination)	0%	0%	0%	0%

"Consistently Exceeds Expectations" is funded with a sum equal to 0.5% of the department's salaries (not including the department head). This 0.5% can be used to increase the amount of raise for one or more employees within the department, subject to approval of the City Manager and Mayor and limited by the funding made available by the 0.5%. This means an employee could possibly receive more than a 0.5% additional increment. The 0.5% can also be used to give lump sum bonuses. Bonuses could be given, for example, for the following purposes:

- to recognize sustained outstanding performance by an employee who is at the top of the pay range (i.e., "maxed out")
- to compensate an employee for significant additional responsibility undertaken for a limited period, for which the employee was not otherwise adequately compensated
- to recognize significant efforts by employees to upgrade their knowledge and skills

When using the 0.5% for additional base pay increases, normally this would be for the purpose of rewarding employees who consistently or significantly exceed expectations (i.e., "sustained outstanding performance"), or who have significantly increased their value to the City through education or training beyond that required for their position. However, the 0.5% might also be used to address a salary inequity within a department. A department head may also request permission from the City Manager to use up to 10% of the 0.5% sum for minor incentive awards throughout the fiscal year.

Any part of an employee's pay raise may be delayed or postponed as an incentive to improve performance. Likewise, the 0.5% departmental pool may be used at any time during the fiscal year to fund an additional increase in base pay or to award a lump sum bonus. However, base pay raises given later in the fiscal year and funded by the 0.5% pool would be annualized when determining how much of the 0.5% pool is consumed to fund that raise.

Department heads will be considered as a "department" under the City Manager and Mayor in regard to the guidelines above. In other words, the City Manager and Mayor will decide the amount of raise for each department head, subject to the guidelines and funding limitations. Any base pay increase or lump sum bonus for the City Manager will be determined by the Mayor and City Council.

EXHIBIT "B"

CENTERVILLE CITY POSITION PAY GRADE SCHEDULE

Centerville City
Position Pay Grade Schedule
8/21/2012

Index Code	Department	Job Title	Pay Grade
100	Administration	City Manager	28
105		City Attorney	27
110		City Prosecutor	NC
115		City Engineer	NC
120		Finance Director/Asst. City Manager	25
122		Management Assistant	15
125		City Treasurer	14
130		City Recorder	12
131		Accountant III	14
132		Accountant II	12
133		Accountant I	10
135		Accounting Technician	7
145		Office Technician	3
150		Administrative Secretary	9
151		Secretary III	8
152		Secretary II	6
153		Secretary I	5
200	Community Development	Community Development Director	23
203		Planner II	13
206		Planner I	11
216		Planning & Zoning Technician	9
205		Chief Building Official	17
300	Justice Court	Justice Judge	NC
305		Court Clerk Supervisor	11
310		Court Clerk III	8
311		Court Clerk II	7
312		Court Clerk I	5
400	Parks & Recreation	Parks & Recreation Director	20
405		Parks Supervisor	14
410		Parks Maintenance Specialists III	10
411		Parks Maintenance Specialists II	9
412		Parks Maintenance Specialists I	7
415		Recreation Coordinator	10
420		Building Custodian	5
421		Recreation Instructor	NC

Centerville City
Position Pay Grade Schedule
8/21/2012

Index Code	Department	Job Title	Pay Grade
500	Police	Police Chief	25
505		Assistant Chief/Lieutenant	21
510		Sergeant	17
515		Police Officer III	15
516		Police Officer II	13
517		Police Officer I	12
519		Records/IT Technician	11
518		Records/IT Specialist	13
520		Dispatcher III	10
521		Dispatcher II	8
522		Dispatcher I	6
524		Court Technician/Dispatcher	5
525		Crossing Guard	N/A
600	Public Works	Public Works Director	23
610		Water Supervisor/Deputy Public Works Director	17
611		Drainage Utility Supervisor	14
615		Street Supervisor	15
617		GIS Specialist	13
621		Journey Mechanic	11
622		Apprentice Mechanic	10
625		Water Maintenance Operator III	12
626		Water Maintenance Operator II	10
627		Water Maintenance Operator I	8
630		Street Maintenance Operator III	12
631		Street Maintenance Operator II	10
632		Street Maintenance Operator I	8
640		Meter Reader	7
645		Laborer	6

EXHIBIT "C"

CENTERVILLE CITY SALARY SCHEDULE

Centerville City Salary Schedule
7/7/2013

Grade	First Quartile Min			Second Quartile		Midpoint	Third Quartile			Fourth Quartile		MAX
1	$10.23	to	$11.38	$11.39	to	$12.52	$12.53	to	$13.67	$13.68	to	$14.82
2	$10.74	to	$11.95	$11.96	to	$13.16	$13.17	to	$14.36	$14.37	to	$15.57
3	$11.29	to	$12.56	$12.57	to	$13.83	$13.84	to	$15.10	$15.11	to	$16.37
4	$11.86	to	$13.19	$13.20	to	$14.53	$14.54	to	$15.86	$15.87	to	$17.20
5	$12.45	to	$13.85	$13.86	to	$15.25	$15.26	to	$16.65	$16.66	to	$18.05
6	$13.08	to	$14.56	$14.57	to	$16.03	$16.04	to	$17.50	$17.51	to	$18.97
7	$13.75	to	$15.30	$15.31	to	$16.84	$16.85	to	$18.39	$18.40	to	$19.94
8	$14.45	to	$16.07	$16.08	to	$17.70	$17.71	to	$19.32	$19.33	to	$20.95
9	$15.18	to	$16.88	$16.89	to	$18.59	$18.60	to	$20.30	$20.31	to	$22.00
10	$15.94	to	$17.74	$17.75	to	$19.53	$19.54	to	$21.33	$21.34	to	$23.12
11	$16.75	to	$18.64	$18.65	to	$20.52	$20.53	to	$22.41	$22.42	to	$24.29
12	$17.60	to	$19.58	$19.59	to	$21.56	$21.57	to	$23.54	$23.55	to	$25.52
13	$18.49	to	$20.57	$20.58	to	$22.65	$22.66	to	$24.73	$24.74	to	$26.81
14	$19.42	to	$21.61	$21.62	to	$23.79	$23.80	to	$25.98	$25.99	to	$28.16
15	$20.41	to	$22.70	$22.71	to	$25.00	$25.01	to	$27.29	$27.30	to	$29.59
16	$21.44	to	$23.86	$23.87	to	$26.27	$26.28	to	$28.68	$28.69	to	$31.09
17	$22.53	to	$25.06	$25.07	to	$27.59	$27.60	to	$30.13	$30.14	to	$32.66
18	$23.66	to	$26.32	$26.33	to	$28.99	$29.00	to	$31.65	$31.66	to	$34.31
19	$24.86	to	$27.66	$27.67	to	$30.46	$30.47	to	$33.25	$33.26	to	$36.05
20	$26.12	to	$29.06	$29.07	to	$32.00	$32.01	to	$34.94	$34.95	to	$37.88
21	$27.44	to	$30.53	$30.54	to	$33.61	$33.62	to	$36.70	$36.71	to	$39.78
22	$28.83	to	$32.07	$32.08	to	$35.32	$35.33	to	$38.56	$38.57	to	$41.80
23	$30.29	to	$33.70	$33.71	to	$37.11	$37.12	to	$40.51	$40.52	to	$43.92
24	$31.82	to	$35.40	$35.41	to	$38.98	$38.99	to	$42.56	$42.57	to	$46.14
25	$33.44	to	$37.20	$37.21	to	$40.96	$40.97	to	$44.72	$44.73	to	$48.49
26	$35.13	to	$39.09	$39.10	to	$43.04	$43.05	to	$46.99	$47.00	to	$50.95
27	$36.91	to	$41.07	$41.08	to	$45.22	$45.23	to	$49.38	$49.39	to	$53.53
28	$38.79	to	$43.15	$43.16	to	$47.52	$47.53	to	$51.88	$51.89	to	$56.24

Centerville City Salary Schedule 7/7/2013

	First Quartile			Second Quartile			Third Quartile			Fourth Quartile		
Grade	Min					Midpoint						MAX
1	$21,269.20	to	$23,660.58	$23,660.59	to	$26,051.96	$26,051.97	to	$28,443.34	$28,443.35	to	$30,834.72
2	$22,338.29	to	$24,851.58	$24,851.59	to	$27,364.87	$27,364.88	to	$29,878.17	$29,878.18	to	$32,391.46
3	$23,482.40	to	$26,122.30	$26,122.31	to	$28,762.19	$28,762.20	to	$31,402.08	$31,402.09	to	$34,041.98
4	$24,664.02	to	$27,439.90	$27,439.91	to	$30,215.77	$30,215.78	to	$32,991.65	$32,991.66	to	$35,767.52
5	$25,901.91	to	$28,813.77	$28,813.78	to	$31,725.62	$31,725.63	to	$34,637.48	$34,637.49	to	$37,549.33
6	$27,214.83	to	$30,276.73	$30,276.74	to	$33,338.63	$33,338.64	to	$36,400.53	$36,400.54	to	$39,462.44
7	$28,602.76	to	$31,819.40	$31,819.41	to	$35,036.04	$35,036.05	to	$38,252.68	$38,252.69	to	$41,469.32
8	$30,046.97	to	$33,427.72	$33,427.73	to	$36,808.48	$36,808.49	to	$40,189.23	$40,189.24	to	$43,569.98
9	$31,566.20	to	$35,115.75	$35,115.76	to	$38,665.31	$38,665.32	to	$42,214.87	$42,214.88	to	$45,764.42
10	$33,160.45	to	$36,892.88	$36,892.89	to	$40,625.30	$40,625.31	to	$44,357.73	$44,357.74	to	$48,090.16
11	$34,848.48	to	$38,768.47	$38,768.48	to	$42,688.45	$42,688.46	to	$46,608.44	$46,608.45	to	$50,528.42
12	$36,611.54	to	$40,728.46	$40,728.47	to	$44,845.38	$44,845.39	to	$48,962.31	$48,962.32	to	$53,079.23
13	$38,449.62	to	$42,777.54	$42,777.55	to	$47,105.47	$47,105.48	to	$51,433.40	$51,433.41	to	$55,761.32
14	$40,400.23	to	$44,943.85	$44,943.86	to	$49,487.47	$49,487.48	to	$54,031.09	$54,031.10	to	$58,574.71
15	$42,444.63	to	$47,218.01	$47,218.02	to	$51,991.39	$51,991.40	to	$56,764.76	$56,764.77	to	$61,538.14
16	$44,601.56	to	$49,618.76	$49,618.77	to	$54,635.97	$54,635.98	to	$59,653.18	$59,653.19	to	$64,670.38
17	$46,852.27	to	$52,122.68	$52,122.69	to	$57,393.09	$57,393.10	to	$62,663.50	$62,663.51	to	$67,933.91
18	$49,215.51	to	$54,753.19	$54,753.20	to	$60,290.88	$60,290.89	to	$65,828.56	$65,828.57	to	$71,366.24
19	$51,710.05	to	$57,529.07	$57,529.08	to	$63,348.09	$63,348.10	to	$69,167.11	$69,167.12	to	$74,986.13
20	$54,335.87	to	$60,450.30	$60,450.31	to	$66,564.73	$66,564.74	to	$72,679.16	$72,679.17	to	$78,793.58
21	$57,074.24	to	$63,493.45	$63,493.46	to	$69,912.66	$69,912.67	to	$76,331.87	$76,331.88	to	$82,751.08
22	$59,962.65	to	$66,710.09	$66,710.10	to	$73,457.53	$73,457.54	to	$80,204.96	$80,204.97	to	$86,952.40
23	$63,001.11	to	$70,090.84	$70,090.85	to	$77,180.57	$77,180.58	to	$84,270.31	$84,270.32	to	$91,360.04
24	$66,189.61	to	$73,635.71	$73,635.72	to	$81,081.80	$81,081.81	to	$88,527.90	$88,527.91	to	$95,974.00
25	$69,546.92	to	$77,372.82	$77,372.83	to	$85,198.73	$85,198.74	to	$93,024.63	$93,024.64	to	$100,850.53
26	$73,074.52	to	$81,297.37	$81,297.38	to	$89,520.23	$89,520.24	to	$97,743.08	$97,743.09	to	$105,965.93
27	$76,781.05	to	$85,420.98	$85,420.99	to	$94,060.92	$94,060.93	to	$102,700.86	$102,700.87	to	$111,340.80
28	$80,675.58	to	$89,753.76	$89,753.77	to	$98,831.94	$98,831.95	to	$107,910.11	$107,910.12	to	$116,988.29

Annual amounts based on 2080 hours.

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No.

Short Title: 6:00

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 1.

Short Title: Minutes Reveiw and Acceptance

Initiated By:

Scheduled Time: 6:25

SUBJECT

March 4, 2014 work session and regular City Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- March 4, 2014 Work Session
- March 4, 2014 City Council meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, March 4, 2014 at 5:40 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Kevin Campbell, City Engineer Randy Randall, Public Works Director Jacob Smith, Management Assistant Lisa Romney, City Attorney Katie Rust, Recording Secretary
VISITOR	Fred Philpot, Lewis Young Robertson and Burningham

WORK SESSION RE: DRAINAGE SYSTEM IMPACT FEE ANALYSIS AND RATE STUDY

Steve Thacker, City Manager, explained that the storm drain utility fee was implemented in September of 1999, and has remained unchanged. Two years later, in September of 2001, a subdrain fee was also imposed that has remained unchanged. The current drainage system impact fee has not changed in approximately 20 years. The update to the City's Drainage Master Plan, completed in July of 2013, was used as the basis for the Impact Fee Analysis and Rate Study to be discussed at the work session.

Fred Philpot, analyst with Lewis Young Robertson and Burningham, reviewed the methodologies used for both the Storm Drain Impact Fee Analysis and the Drainage Utility Rate Study. For planning purposes, potential future development in Centerville was divided into three ten-year windows, and projects in the Drainage Master Plan were divided between the three windows. As the assumptions made change over time the analysis will need to be reviewed. The City has determined that the excess capacity portion of the existing storm drain infrastructure is minimal; therefore, a buy-in component was not calculated or included in the analysis. Mr. Philpot presented the estimated cost to fund the first ten years of projects in the Drainage Master Plan, and showed how much would be the responsibility of the City, the County, UDOT, developers, and the growth related portion (impact fee), based on current assumptions. Lisa Romney, City Attorney, emphasized that impact fees can only be used to finance growth related projects. The cost of future storm drain projects ($797,210) added to associated professional expenses ($12,300) results in growth related costs of $809,510, and a proposed impact fee of $3,892 per acre regardless of development type. Mr. Philpot presented a graph showing how the current and proposed Centerville storm drain impact fees compare to storm drain impact fees of some other communities.

The City's drainage utility fees fund projects not covered by the impact fee, as well as operating and maintenance expenses. Mr. Philpot presented the Rate Analysis including the pricing objectives and assumptions used, and projected capital and repair/replacement needs. He presented a summary for each of four scenarios: (1) no rate increase; (2) a rate increase with no debt; (3) a smaller rate increase with 30-year debt; and (4) a shared rate increase

PRELIMINARY DRAFT

between the Storm Drain Base Rate and the Subdrain Rates with debt. All four scenarios include a 25% depreciation rate. Mr. Philpot discussed the possibility of a phased-in approach to the rate increase. Mr. Thacker added that staff could look closer at the list of subdrain projects to identify projects that could be spread out. Randy Randall, Public Works Director, stated that several projects in the Master Plan have already been put off, and added that it would be beneficial to get moving on several of the projects to possibly be eligible to receive funding from other entities. The Council agreed to discuss the matter further at a future meeting.

ADJOURNMENT

Mayor Cutler adjourned the work session at 6:54 p.m.

______________________________ ____________________
Marsha L. Morrow, City Recorder Date Approved

____
Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, March 4, 2014 at 7:02 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Randy Randall, Public Works Director Cory Snyder, Community Development Director Lisa Romney, City Attorney Katie Rust, Recording Secretary
VISITORS	Brent Christensen, Independent Auditor for UTOPIA/UIA Benson Whitney, Henry Walker Homes Will Allen, Architect for Walmart remodel Interested citizens (see attached sign-in sheet)
PLEDGE OF ALLEGIANCE	BSA Troop 519
PRAYER OR THOUGHT	Councilman John Higginson

PRESENTATION

On February 27, 2014, Centerville City was presented the System Resource Efficiency Award by the Rural Water Association of Utah. This award honors Centerville City's many innovative efforts to design and maintain an energy-efficient culinary water system. Randy Randall, Public Works Director, displayed the plaque to those present.

OPEN SESSION

Patricia Hendrick – Ms. Hendrick stated that the deadline for public comment regarding the proposed Tesoro pipeline is March 17, and added she believes the public is not aware of the proposed pipeline project. Ms. Hendrick said it is her understanding that those who submit comments prior to March 17th will receive further information, and added that she has many questions and concerns about the project. Mayor Cutler responded that at a recent meeting the cities involved agreed that not enough information has been provided. The Mayor will further address this issue later in the meeting.

William Ince – Mr. Ince said he has heard about a significant commitment and additional bond relating to UTOPIA, and asked for an update on UTOPIA issues. Mr. Ince asked what information will be given to the public. The Mayor responded the Council recently held a work session with representatives of Macquarie, the investment group currently conducting an analysis of UTOPIA. Mayor Cutler added that more information is expected by the end of March or beginning of April. None of the cities involved have yet made a commitment to any of the proposed options. After a proposal is made by Macquarie a number of public meetings will be held to share information with the community.

QUESTIONS AND ANSWERS REGARDING UTOPIA/UIA'S ANNUAL AUDIT REPORTS

Brent Christensen, independent auditor for UTOPIA and UIA, said his firm considers UTOPIA and UIA to be high risk audits because of the public attention and negative press they receive. The UTOPIA and UIA annual audits involved in-depth analysis by his firm. Mr. Christensen stated that UTOPIA/UIA representatives have been extremely cooperative, and he believes the audit statements are accurate and right, whether or not the public likes the information. Mr. Christensen made sure the City is aware of new national accounting standards that will require any debt guaranteed by a city to be recorded as a liability on the city's financial statements beginning next year. He said that for Centerville this will be the case with the UTOPIA bond debt as well as a portion of the Utah Retirement Systems shortfall. Mr. Christensen expressed confidence in the accuracy of the UTOPIA audited statements. Mayor Cutler asked Mr. Christensen to explain the net negative balance on UTOPIA's statements. Mr. Christensen explained that a loss was expected at the outset, with positive cash flow expected as UTOPIA growth occurs. UTOPIA's net negative balance includes the portion of bond debt not offset by physical assets as well as the amounts paid by the cities annually that are recorded on UTOPIA's records as loans from the cities. Councilman Wright expressed concern with the sense of bias he detected when reading the Audit report, and the relatively few number of findings reported. Mr. Christensen explained that the Management Report portion of the Audit is written by UTOPIA management, not the auditing firm. The audit presented by Mr. Christensen is a financial audit, not a performance audit. Councilman Wright expressed a desire to have access to detailed financial information for UTOPIA. Mr. Christensen responded that the Council can ask for as much information as they want from UTOPIA or his firm. He repeated that UTOPIA has cooperated with every request and suggestion made by the auditing firm. The lack of findings at this point is a result of changes that have been made to improve UTOPIA's accounting practices over time. Mayor Cutler thanked Mr. Christensen for his presentation.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the Thursday, February 13, 2014 work session, and the Tuesday, February 18, 2014 work session and Council meeting were reviewed. Councilman Wright requested that the questions asked by Council members at the February 13th work session with Macquarie representatives, and the answers given, be transcribed verbatim for the benefit of the Council and community, considering the long-term financial commitment involved. Councilman Averett asked if the audio recording of the work session could be posted on the City website. Councilwoman Fillmore made a **motion** requesting that staff place an audio link to the February 13, 2014 work session on the City website. Councilman Averett seconded the motion. Councilman Wright made a **motion** to amend the motion to include a full written transcript of the work session (to the extent possible) in addition to the audio link. Councilman Higginson seconded the motion to amend the original motion, which passed by unanimous vote (5-0). Councilman Wright made a **motion** to approve the original motion as amended. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Councilman Wright made a **motion** to approve the minutes of the February 13, 2014 work session. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0). Councilman Higginson made a **motion** to approve the February 18, 2014 work session and Council meeting minutes. The motion was seconded by Councilman Wright and passed by unanimous vote (5-0).

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENTS

Lisa Romney, City Attorney, explained that the proposed Zoning Ordinance text amendments implement State requirements, as well as staff recommendations to improve City public noticing practices.

At 8:11 p.m. Mayor Cutler continued the public hearing from the February 18th Council meeting.

Dale Macintyre – Mr. Macintyre commented that some of the links for background information on the public portal of NovusAgenda have not worked. He suggested the links should be tested.

The Mayor thanked Mr. Macintyre for his feedback, and seeing no one else who wished to comment closed the public hearing at 8:14 p.m.

Councilwoman Fillmore made a **motion** to approve the proposed Zoning Ordinance text amendments set forth in Ordinance No. 2014-03 regarding the public hearing and noticing requirements for land use applications. Councilman Averett seconded the motion, which passed by unanimous vote (5-0). Councilman Wright requested that a discussion regarding the possibility of changing the location that physical copies of the agenda are posted at City Hall be added to a future agenda. Mayor Cutler asked that Council members put together specific recommendations to discuss. Mr. Lutz added that including a light feature to any option would add significant cost.

INFRASTRUCTURE IMPROVEMENTS AGREEMENT WITH HENRY WALKER HOMES

Ms. Romney explained that Senate Bill 153, passed in the 2013 Legislative Session, allows developers to commence construction and installation of infrastructure and utility improvements prior to recording the final plat (thereby eliminating the required bonding for such improvements). While the City is in the process of amending its ordinances to comply with SB 153, the City does not yet have ordinances in place to allow for such commencement of construction prior to recording of the plat. Henry Walker Homes, the owner and developer of the Woods Park PDO Subdivision, has requested the City allow them to commence construction of improvements and utilities associated with the project prior to recording the final plat as allowed under SB 153. Staff recommends the City enter into an Infrastructure Development Agreement with Henry Walker Homes outlining the requirements for commencement of construction prior to recording the final plat. Henry Walker Homes will be required to bond for any and all improvements within the public rights-of-way and for the detention basin, but will not be required to immediately bond for improvements and infrastructure within the proposed subdivision.

Benson Whitney, representing Henry Walker Homes, expressed appreciation to staff for help in moving forward. Mayor Cutler asked staff how long it will take to bring ordinances in alignment with State law. Ms. Romney responded it will take a few months. Councilwoman Fillmore asked if the ability to require a bond for infrastructure in the public rights-of-way will be retained in the revision of the ordinance. Ms. Romney responded it is her interpretation of SB 153 that a bond can still be required. Councilwoman Fillmore referred to the work session held with legislators earlier in the year and the fact that Senator Adams had seemed open to the idea of amending the legislation based on the City's concerns. She asked if any follow-up had been done. Ms. Romney responded she has not heard any proposed amendments. Mr. Thacker stated he feels it would be wise to go through the revision process to identify if it can be done in a practical manner before raising any alarm.

Councilman Wright made a **motion** to approve the Infrastructure Improvements Agreement (Prior to Recording Final Plat) with Henry Walker Homes regarding commencement of construction for Woods Park PDO. The motion was seconded by Councilman Higginson and passed by unanimous vote (5-0).

FIRST AMENDMENT TO THE WAL-MART DEVELOPMENT AGREEMENT

Lisa Romney explained Walmart's desire to update and refresh the exterior of the building and signage of the Centerville store. Will Allen, architect for the Walmart remodel, stated that Walmart likes to refresh store appearances every 5-8 years. He explained the proposed exterior color package and exterior sign package. The original color scheme and sign package were selected by Walmart based on the Parrish Lane Guidelines, compatible with the general appearance of the area. Cory Snyder, Community Development Director, stated that the Development Agreement does not regulate content or colors of the signage. Staff has approved the package administratively conditioned upon Council approval of the amendment to the Development Agreement. Council members Higginson and Wright expressed approval for the update. Councilwoman Ivie expressed approval for the building update, but a dislike for the blue color of the pylon sign. Councilwoman Fillmore asked if the Council could send a message of disapproval of the sign color to Walmart. Staff cautioned against taking an action that would infringe on commercial free speech. Councilman Wright stated he feels the Council should not be telling the business what to look like, and suggested moving forward with the amendment.

Councilman Wright made a **motion** to approve the First Amendment to the Walmart Development Agreement regarding Exterior Building Colors and Signage. Councilman Higginson seconded the motion. Councilwoman Fillmore made a **motion** to amend the original motion to include a statement of friendly recommendation that the Council would like the applicant to consider using a more subdued color scheme on the pylon sign. Councilwoman Ivie seconded the motion to amend, which failed (2-3), with Council members Fillmore and Ivie voting in favor and Council members Averett, Higginson, and Wright voting against. The original motion passed by majority vote (4-1), with Councilwoman Ivie dissenting.

Mr. Allen commented that when he was driving into town, he noticed a monument sign at the corner of the Walmart development that states "Centerville Wal-Mart Plaza". The monument sign is not part of the Development Agreement. Mr. Snyder responded that the monument sign is specific to the development, and would require a different process to alter.

At 8:48 p.m. the Council took a short recess, returning at 8:57 p.m.

ENHANCEMENTS TO MAIN AND PARRISH INTERESECTION PROJECT

Recently Councilwoman Fillmore expressed a desire to explore ways to make the Main and Parrish Intersection Project more visually appealing and more pedestrian friendly. Mayor Cutler and Councilwoman Fillmore met with staff on February 21st to identify and discuss possibilities. Mr. Thacker explained the types of enhancements discussed, some of which were dropped due to UDOT restrictions or were delayed to be considered at a later time, perhaps in conjunction with the design of public space improvements for the South Main Street Corridor between Parrish Lane and Pages Lane. Brett Slater, UDOT Project Manager, provided staff with cost estimates for the following items identified as feasible (these would be considered "betterments" and would have to be funded by the City):

- Stamped colored asphalt in the crosswalks on two intersection legs - $12,000
- Colored curb and gutter 200 LF - $1,600
- Colored flat work 1400 SF - $8,400
- Powder coating (black) of the traffic signal poles - $8,000
- **Total cost estimate: $30,000**

Councilwoman Fillmore shared her concerns regarding the intersection project, and her desire to protect the small-town feeling of the community and make the project more palatable to the community. She said she feels the few proposed improvements would be affordable and make a large difference in how friendly and inviting the intersection is. Councilwoman Fillmore stated she is an advocate for efficiency, and she would like to move quickly to accomplish the improvements in conjunction with the project. Mr. Thacker relayed the City Engineer's opinion that asphalt stamping in the crosswalks could be delayed. Councilwoman Fillmore responded she would like to send the message that the Council is trying to better the city in conjunction with the project. Mr. Thacker explained that RDA funds could be used for the improvements, and discussion of this topic is also on the RDA agenda for later in the evening. Both the City Council and the RDA would need to approve a Resolution to use RDA funds for this purpose. Mayor Cutler stated he feels use of RDA funds is appropriate and can be justified for the improvements. He said it makes sense to do it now rather than later. The Council discussed the colored crosswalk idea. Councilwoman Fillmore commented that another option would be to keep traditional crosswalks and use concrete instead of asphalt in the center of the intersection.

Councilwoman Ivie asked what would happen to colored asphalt or a concrete intersection when the street needs to be overlayed. Randy Randall, Public Works Director, responded the two options would be to rip them out, or mill the asphalt. Mr. Thacker stated that the State would require the City take over responsibility for the interior of the intersection if concrete is used in all four crosswalks. Councilwoman Fillmore stated that the State would retain responsibility of the intersection if stamped asphalt was chosen. Councilman Averett stated that in his experience stamped asphalt is throwing good money after bad. He said snow plowing and salt cause it to become an eye sore. Mr. Randall stated he is not a fan of colored asphalt either. Councilwoman Fillmore suggested putting crosswalk improvements on hold, but moving forward with the corner treatments. She stated the colors would either match or complement the colors used in the project. Mr. Thacker stated that the first house on the northeast corner of the intersection will have grass park strip, with colored concrete park strip north of the first house. The southwest corner will also have stamped colored concrete park strip.

Councilman Wright thanked Councilwoman Fillmore for trying to make the project more palatable. He stated that, since RDA funds can be used, he would recommend really thinking it through and spending time on planning rather than rushing to meet the UDOT deadline. He expressed concern with spending any money on such improvements when the City is looking at considerable debt. However, he understands RDA money is intended to improve the community. Mayor Cutler responded that the urgency with the colored concrete stems from not wanting to rip up what was just put down by UDOT. Councilwoman Fillmore stated she has confidence that the colors will tie in with what is already included in the project, and that as a gateway to the community it would be acceptable for the intersection to be a little bit different than the rest of the area. The improvements she recommends the Council move forward with are powder coating signal poles and colored flat work, curb and gutter. The Council discussed this topic further in the RDA meeting following the Council meeting.

MAYOR'S REPORT

- The Council gave formal direction for the Planning Commission to move forward with a continued study of the accessory dwelling unit topic.
- Mayor Cutler reported that Wayne and Bev Lewis have agreed to Chair the July 4th Celebration Committee.
- The Chick-fil-A ribbon-cutting ceremony will take place on Friday, March 7th.
- Mayor Cutler stated that Macquarie will release a statement of frequently asked questions and answers later in the week. Definite numbers are not expected from Macquarie until late March or early April. The Mayor said that mayors of the UTOPIA cities have been working closely with Legislators to discourage legislation that would not be UTOPIA-friendly.
- UDOT has requested City representation on a committee regarding the I-15 Express Lane Project. Any Council members interested can inform the Mayor.
- The mayors and city managers of South Davis have drafted a letter regarding concerns with the proposed Tesoro pipeline. The letter disputes the stated purpose of the pipeline, states the cities have not received sufficient information and requests the process be restarted, and states that the cities expect all impacts of the proposed pipeline on the communities and residents to be fully mitigated. Mayor Cutler and Steve Thacker will forward any comments from Council members regarding the letter. The period for public comment on the issue ends before the next Council meeting, and Mayor Cutler asked that he be allowed to sign the letter on the City's behalf. Council members indicated consent.
- Letters have been drafted to send to each property owner in the West Centerville Neighborhood to invite participation in the review of the General Plan for that area. A steering committee is also being organized.

CITY MANAGER'S REPORT

- Steve Thacker, City Manager, showed the proposed location for a trail on the Fred Hale property on the south side of Parrish Lane west of 1250 West that would connect with the Legacy Parkway Trail. UDOT has requested a fence next to the trail all along Parrish Lane to discourage users from crossing Parrish Lane near the Legacy Parkway interchange. Discussions with the developer regarding division of the cost will continue.
- City Manager Thacker provided the Council with a proposed FY 2015 Budget Calendar.

MISCELLANEOUS BUSINESS

- Councilman Wright asked if the proposed purchase of two police vehicles from Willey Ford is in the budget, and what will happen to the vehicles being replaced. Mr. Thacker responded that the purchase is in the budget, and it is not yet decided what will happen to the vehicles being replaced. Councilman Wright asked if leasing was considered for the new vehicles. Mr. Thacker responded that leasing has been considered in the past and determined to not be beneficial. Councilman Averett made a **motion** to approve the purchase of two police vehicles from Willey Ford in the amounts of $29,023 and $30,050. The motion was seconded by Councilman

Higginson. Councilwoman Ivie asked if the purchase is time sensitive. Blaine Lutz responded he believes it is time sensitive. Councilwoman Ivie asked if it would be possible to get a lease quote within the time frame. Mr. Lutz responded he is not sure these vehicles are available for lease. Randy Randall stated that based on his experience, he does not think leasing would save money for a police vehicle. Mayor Cutler suggested that the Council could ask the Police Chief to evaluate lease versus buy as part of the upcoming budget process. The motion passed by unanimous vote (5-0).

- Councilwoman Fillmore made a **motion** to invite Youth City Council members to sit on the Trails Committee, Parks and Recreation Committee, Landmarks Commission, and Museum Board as non-voting liaison members. Councilman Wright seconded the motion. Councilwoman Ivie expressed the concern that Youth Council members are already very busy. Councilman Higginson pointed out that participation would be voluntary, not mandatory. Councilman Wright added that parental approval will be necessary. Mayor Cutler stated he feels this would be within the scope of the City Youth program. The motion passed by unanimous vote (5-0).
- George McEwan has asked for a revision to the minutes of the January 7, 2014 Council meeting. Councilwoman Fillmore made a **motion** to amend the minutes of the January 7, 2014 meeting by attaching a transcript of Mr. McEwan's comments. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).
- Councilwoman Fillmore made a **motion** to change the next Council meeting from March 18th to Wednesday, March 19th to avoid conflict with the Democratic Party caucuses. The Council will begin with a work session at 4:00 p.m., with the regular Council meeting beginning at 6:00 p.m. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilman Wright asked if the Whitaker Museum Board has received the expected new computer. Mr. Lutz responded that the computer has been delivered, and the few remaining issues will be worked out.

APPOINTMENTS

Mayor Cutler recommended the Council reappoint Rick Turner, Matt Johnson, Mark Dimond, and Denise Cox to the Trails Committee. Councilman Wright made a **motion** to reappoint Rick Turner, Matt Johnson, Mark Dimond, and Denise Cox to the Trails Committee. The motion was seconded by Councilwoman Fillmore and passed by unanimous vote (5-0).

ADJOURNMENT

At 10:18 p.m. Councilman Wright made a **motion** to adjourn the Council meeting and move to a meeting of the RDA. The motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 6:25

SUBJECT

a. Resolution No. 2014-10 approving Interlocal Agreement with Davis County for the 1000 North Drainage Culvert Project
b. Accept Public Utility Easement for Sonic Restaurant located at approximately 258 West Parrish Lane
c. Resolution No. 2014-09 Authorizing Use of Tax Increment for Enhancements to Main & Parrish Intersection Project
**d. Appoint Centerville Community Foundation Board of Directors **
(The Agenda was amended on March 18 to add this item to the agenda)

RECOMMENDATION

a. Approve Resolution No. 2014-10 approving Interlocal Agreement with Davis County for the 1000 North Drainage Culvert Project, subject to non-substantive changes approved by City Manager.

b. Accept Public Utility Easement for Sonic Restaurant located at approximately 258 West Parrish Lane, subject to review and approval by the City Engineer and City Attorney.

c. Approve Resolution No. 2014-09 Authorizing Use of Tax Increment for Enhancements to Main and Parrish Intersection Project.

**d. Appoint the following individuals to be Directors of the Centerville Community Foundation Board with staggered terms as shown, effective March 19, 2014:
Paul A. Cutler - 2-year term
David Gutke - 2- year term
Blaine Lutz - 1-year term
Sherri Lyn Lindstrom - 2-year term
Steve Thacker - 1-year term
Jack Dellastatious - 2-year term
Justin Allen - 1-year term

BACKGROUND

a. The City and County have agreed conceptually to cost-share needed improvements to the 1000 North drainage culvert, including the installation of a new concrete pipe under the Legacy Trail and Sheep Road and additional related improvements. The 1000 North drainage channel is not a stream channel, but receives high flows from both Barnard Creek and Parrish Creek at the

Frontage Road; therefore, the County is willing to participate in funding these larger culverts. Staff recommends approval of Resolution No. 2014-10 approving an Interlocal Agreement with Davis County specifying the terms and conditions of the cost-sharing and construction of the 1000 North drainage culvert improvements. Under the terms of the Agreement, the County will administer the construction of the improvements and will ultimately be the owner and responsible for maintenance of the improvements. The City agrees to pay for the cost of the pipe necessary for the project and to provide engineering services for the project in an amount not to exceed $25,000 (Engineer's Estimate), plus 20% contingency. The City's share will be paid from the Storm Drain Capital Improvement Fund, which means storm drain impact fees. The City and County agreed conceptually to partnering on this project a couple of years ago–and $30,000 of the impact fee revenues have been designated for this purpose.

b. Sonic Restaurant received final site plan approval for the construction of a fast-food restaurant to be located at approximately 258 West Parrish Lane. As a condition of final site plan approval, the applicant is required to provide and dedicate to the City a 7' wide public utility easement (PUE) along the east property line. Such PUE has been prepared and submitted to the City for acceptance and recording. Staff recommends the City Council accept the PUE for Sonic Restaurant, subject to review and approval by the City Engineer and City Attorney. The PUE shall be recorded against the property prior to issuance of a building permit for the site.

c. This is a companion action to a matter shown on the RDA meeting agenda. The City Council discussed at its last meeting proposed enhancements for the Parrish Lane and Main Street intersection project administered by UDOT. Specifically, the City Council discussed and recommended enhancements to the intersection project to include: colored concrete curb and gutter; additional colored concrete flat work; and powder coated signal poles and related fixtures. Such improvements and enhancements would need to be paid for by the City as they are considered "betterments" and, therefore, are not included in the UDOT project budget. The City Council directed Staff to research the use of tax increment funds from the Parrish Lane Gateway Neighborhood Development Plan to pay for the cost of the enhancements and to prepare the required Resolution with findings regarding benefits of the enhancements to the Project Area. As indicated at the last meeting, the use of tax increment for the intersection enhancements is authorized if the enhancements will be publicly owned and if they are a benefit to the Project Area. Staff believe that the proposed enhancements will be a benefit to the Project Area and the enhancements will be publicly owned as improvements within the public right-of-way. Staff recommend approval of Resolution No. 2014-09 approving and authorizing RDA use of tax increment funds for the proposed enhancements to the Parrish and Main intersection project. UDOT will prepare a "Betterments Agreement" for approval by the City Council in their April 1 meeting, but such document is not ready for this next meeting.

**d. All Board of Directors of the Centerville Community Foundation must be appointed or reappointed by the Mayor with the consent of the City Council. Unfortunately, last year in the annual Community Foundation meeting, the Board reappointed six Board of Directors and appointed a new Director to keep the seven positions filled. I am remembering now that several years earlier we discovered a discrepancy between what the original versions of the Articles of Incorporation and By-laws said about appointing Directors. Those two documents were brought into harmony at some point, but unfortunately my memory must have been bad last year when reappointments/appointments were made in the annual meeting—or I was referring to an earlier version of the By-laws (which is a possibility) at the annual meeting. Bottom line, none of those reappointments/appointments last year were approved by the City Council. Earlier this year, the Mayor recommended and the City Council consented to the appointment of Jack Dellastatious to the Board of Directors—so this one was done correctly. I was probably reading the amended By-laws—not the old ones--when advising the Council on the process at that time.

So with that confession--and yet still honoring the intent of the "appointments" made last year in the annual Board meeting—the agenda has been amended by adding an item d. to the Summary Action Calendar recommending the appointment of Paul Cutler, David Gutke, Blaine Lutz, Sherri Lindstrom, Justin Allen and Steve Thacker to the Board of Directors, in addition to Jack Dellastatious (Mayor Cutler and I are on the Board automatically by virtue of our City positions). This would provide a complete, legitimate Board to then meet at 8:45 later that same evening. As stated above, each person recommended would be appointed to either a one or two-year term, in order to re-establish the staggered terms intended in the governing documents. Mayor Cutler is out of town so I am assuming he will agree to formally recommend these persons. In order to get this matter on the City Council's agenda at least 24 hours in advance, I have proceeded on my own initiative, assuming Mayor Cutler agrees.

ATTACHMENTS:

Description

- Resolution No. 2014-10
- Interlocal Agreement for Drainage Culvert
- Interlocal Agreement - County Redline Changes
- Exhibit A to Interlocal Agreement
- Exhibit B to Interlocal Agreement
- Sonic Restaurant PUE
- Resolution No. 2014-09
- UCA 17C-1-409

INTERLOCAL COOPERATION AGREEMENT
BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR
1000 NORTH CULVERT PROJECT

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into this _____ day of _______________, 2014, by and between **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **DAVIS COUNTY,** a body politic of the State of Utah, hereinafter referred to as the "County."

R E C I T A L S :

WHEREAS, the Utah Interlocal Cooperation Act, as more particularly set forth in Utah *Code Ann.* §§ 11-13-101, *et seq.*, as amended ("Interlocal Cooperation Act"), permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, in accordance with the terms and conditions of the Interlocal Cooperation Act, the City and the County desire to cooperate for the purpose of installing a drainage culvert and related improvements at approximately 1000 North in Centerville City as more particularly described in **Exhibit A,** attached hereto and incorporated herein by this reference ("1000 North Culvert Improvements"); and

WHEREAS, the City and the County have determined that it is necessary, desirable, and in the best interest of the community and the public to enter into this Agreement for the financing and installation of the 1000 North Culvert Improvements as more particularly provided in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows.

Section 1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.

Section 2. **County ~~to Administer Project.~~Contribution.** Subject to the terms and conditions of this Agreement, the County agrees to ~~administer all aspects of the installation~~provide labor and ~~construction of the 1000 North Culvert Improvements, including, but not limited to, bidding, contracting, permitting, installing, inspecting, and overseeing the construction work to be conducted. Davis County shall~~equipment to install the 1000 North Culvert Improvements ~~in accordance with the approved construction~~ according to the drawings provided by ESI Engineering (acting as city engineer for Centerville City). The County will be the project ~~and all applicable federal, state and local ordinances, standards and specifications.~~

~~Davis County shall be responsible for obtaining any necessary easements for installation of the 1000 North Culvert Improvements that are not located within existing easements or rights-of-way authorizing such use and improvements. Upon completion of the improvements, the 1000 North Culvert improvements shall be owned and maintained by the County.~~manager.

Section 3. **City Contribution**. Subject to the terms and conditions of this Agreement, the City agrees to pay for the cost of engineering for the project and the cost of the pipe necessary for the project~~, in an amount not to exceed the engineer's estimated amount of $25,000, as more particularly set forth in **Exhibit B,** plus twenty percent (20%) contingency. The City agrees to purchase and provide the pipe materials promptly upon notice from Davis County that it is ready to proceed with installation of the culvert. The parties acknowledge that delivery of the pipe from suppliers may take up to three (3) weeks from date of order, and that Davis County will provide the City with sufficient notice of intent to proceed considering such lead time.~~. Engineer's estimated material cost is $25,000. If materiel costs exceed this amount, both the City and County will evaluate the additional cost and determine if and/or how to proceed further.

~~**Section 4.** **Discretion to Proceed.** The County reserves the right in its sole discretion to determine whether to proceed with the project up until the point at which the City has purchased or is obligated to purchase the pipe. Once the City has purchased or is obligated to purchase the pipe necessary for the project, the parties shall be obligated to perform under the terms of this Agreement unless otherwise amended in writing.~~

~~**Section 5.**~~

Section 4. **Term**. This Agreement shall become effective when the parties have executed an original or copy of this Agreement as required by law, and shall continue in effect for a period of one (1) year, unless terminated earlier by mutual consent of the parties. Pursuant to Section 11-13-209, this Agreement may not take effect until it is filed with the keeper of records of each public agency that is a party to the Agreement.

Section ~~6~~5. **Entire Agreement**. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior negotiations, promises, inducements, representations or agreements pertaining to the subject matter hereof which are not set forth herein.

Section ~~7~~6. **Successors and Assigns**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective officers, employees, representatives, agents, successors and assigns.

Section ~~8~~7. **Governing Law**. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

Section ~~9~~8. **Notice**. All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses. Either party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

For the City:	Centerville City Attention: City Manager 250 North Main Street Centerville, Utah 84014
For the County:	Davis County Attention: County Attorney P.O. Box 618 Farmington, Utah 84025

Section ~~10~~9. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq*., as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Each party shall be responsible and shall defend the action of its own employees, negligent or otherwise, performed pursuant to the provisions of this Agreement.

Section ~~11~~10. No Separate Legal Entity. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration, it shall be administered by the joint board created in Section 12. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

Section ~~12~~11. Joint Board. To the extent this Agreement requires administration it shall be administered by the Public Works Director of the County and the City Manager of the City acting as a joint board for that purpose.

Section ~~13~~12. Third Parties. This Agreement is not intended to benefit any person or entity not named as a party hereto.

Section ~~14~~13. Headings. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

Section ~~15~~14. Force Majeure. No party to this Agreement shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to acts of God, acts of the United States Government or the State of Utah, fires, floods, or other casualties or causes beyond the reasonable control and without the fault or negligence of the party obligated to perform hereunder. Each party shall make every reasonable effort to keep delay in performance as a result of such a cause to a minimum.

Section ~~16~~15. Amendment. This Agreement may not be changed, modified or supplemented except in writing signed by the parties hereto.

Section ~~17~~16. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but all such counterparts taken together shall constitute only one instrument.

Section ~~18~~17. Approval. This Agreement shall be submitted to the authorized attorney for each party for review and approval as to form in accordance with applicable provisions of *Utah Code Ann.* § 11-13-202.5, as amended. This Agreement shall be authorized and approved by resolution or ordinance of the legislative body of each party in accordance with *Utah Code Ann.* § 11-13-202.5, as amended, and a duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party in accordance with *Utah Code Ann.* § 11-13-209, as amended.

Section ~~19~~18. Severability. If any provision of this Agreement is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision hereof, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision shall be deemed to be effective, operative and entered into in the manner and to the full extent permitted by applicable law.

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement individually or by and through their respective, duly authorized representatives as of the day and year first above written.

"COUNTY"
DAVIS COUNTY

By: ______________________________
Louenda H. Downs, Chair
Board of County Commissioners

ATTEST:

____
Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to Form:

____
Office of Davis County Attorney

"CITY"
CENTERVILLE CITY

By: ______________________________
Mayor Paul A. Cutler

ATTEST:

____
Marsha L. Morrow, City Recorder

Approved as to Form:

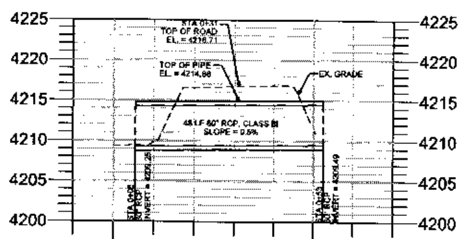
____
Lisa G. Romney, City Attorney

EXHIBIT A

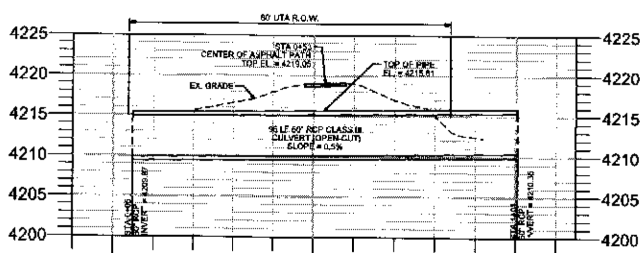
1000 NORTH CULVERT IMPROVEMENTS

EXHIBIT B

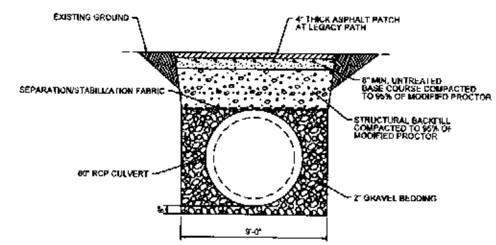
ENGINEER'S COST ESTIMATES



CULVERT AT SHEEP ROAD



CULVERT AT UTA R.O.W. / LEGACY PATH



(1) 60" RCP CULVERT TYPICAL TRENCH SECTION

REVISION	DATE	BY	DESCRIPTION
1	02/28/14	MLR	CHANGE CULVERT TO 60" RCP
1	03/05/14	MLR	CHANGE LENGTH OF CULVERTS

DESIGN KLC
DRAWN MLR
CHECKED KLC
DATE 04/25/13

PLAN AND PROFILE

CENTERVILLE CITY / DAVIS COUNTY
CULVERTS AT LEGACY PATH & SHEEP ROAD
AT 1000 NORTH

ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET 1 OF 1

PROJECT NO. 12-037

ESI Engineering, Inc.
3500 South Main, Suite 206
Salt Lake City, Utah
Phone (801) 263-1752
Fax (801) 263-1780
Consulting Engineers & Land Surveyors

Project:	1000 North Culvert at D&RG & Sheep Rd				Sheet No. 1 of 1
Owner:	**South Davis Water Dist.**				
Estimated by:	MLR	Date:	2/26/14		Project No.
Checked by:	KLC	Date:	2/26/14		12-037

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
	Davis County Costs				
1	Install 60" RCP culvert under D&RG and Sheep Road	140	LF	$125.00	$17,500.00
2	Remove and replace asphalt path including saw-cut	100	SF	$15.00	$1,500.00
3	Import gravel backfill	170	TN	$15.00	$2,550.00
4	Import granular backfill or granular native	200	TN	$12.00	$2,400.00
5	Import untreated base course	30	TN	$20.00	$600.00
6	Mobilization	1	Lump Sum	$2,000.00	$2,000.00
	Subtotal				**$26,550.00**
	Centerville City Costs				
7	60" RCP Class III materials	140	LF	$110.00	$15,400.00
8	Engineering	1	Lump Sum	$9,600.00	$9,600.00
	Subtotal				**$25,000.00**
	Total				**$51,550.00**

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 6:25

SUBJECT

a. Resolution No. 2014-10 approving Interlocal Agreement with Davis County for the 1000 North Drainage Culvert Project
b. Accept Public Utility Easement for Sonic Restaurant located at approximately 258 West Parrish Lane
c. Resolution No. 2014-09 Authorizing Use of Tax Increment for Enhancements to Main & Parrish Intersection Project

RECOMMENDATION

a. Approve Resolution No. 2014-10 approving Interlocal Agreement with Davis County for the 1000 North Drainage Culvert Project, subject to non-substantive changes approved by City Manager

b. Accept Public Utility Easement for Sonic Restaurant located at approximately 258 West Parrish Lane, subject to review and approval by the City Engineer and City Attorney

c. Approve Resolution No. 2014-09 Authorizing Use of Tax Increment for Enhancements to Main and Parrish Intersection Project

BACKGROUND

a. The City and County have agreed conceptually to cost-share needed improvements to the 1000 North drainage culvert, including the installation of a new concrete pipe under the Legacy Trail and Sheep Road and additional related improvements. The 1000 North drainage channel is not a stream channel, but receives high flows from both Barnard Creek and Parrish Creek at the Frontage Road; therefore, the County is willing to participate in funding these larger culverts. Staff recommends approval of Resolution No. 2014-10 approving an Interlocal Agreement with Davis County specifying the terms and conditions of the cost-sharing and construction of the 1000 North drainage culvert improvements. Under the terms of the Agreement, the County will administer the construction of the improvements and will ultimately be the owner and responsible for maintenance of the improvements. The City agrees to pay for the cost of the pipe necessary for the project and to provide engineering services for the project in an amount not to exceed $25,000 (Engineer's Estimate), plus 20% contingency. The City's share will be paid from the Storm Drain Capital Improvement Fund, which means storm drain impact fees. The City and County agreed conceptually to partnering on this project a couple of years ago--and $30,000 of the impact fee revenues have been designated for this purpose.

b. Sonic Restaurant received final site plan approval for the construction of a fast-food restaurant to be located at approximately 258 West Parrish Lane. As a condition of final site plan approval, the applicant is required to provide and dedicate to the City a 7' wide public utility easement (PUE) along the east property line. Such PUE has been prepared and submitted to the City for acceptance and recording. Staff recommends the City Council accept the PUE for Sonic Restaurant, subject to review and approval by the City Engineer and City Attorney. The PUE shall be recorded against the property prior to issuance of a building permit for the site.

c. This is a companion action to a matter shown on the RDA meeting agenda. The City Council discussed at its last meeting proposed enhancements for the Parrish Lane and Main Street intersection project administered by UDOT. Specifically, the City Council discussed and recommended enhancements to the intersection project to include: colored concrete curb and gutter; additional colored concrete flat work; and powder coated signal poles and related fixtures. Such improvements and enhancements would need to be paid for by the City as they are considered "betterments" and, therefore, are not included in the UDOT project budget. The City Council directed Staff to research the use of tax increment funds from the Parrish Lane Gateway Neighborhood Development Plan to pay for the cost of the enhancements and to prepare the required Resolution with findings regarding benefits of the enhancements to the Project Area. As indicated at the last meeting, the use of tax increment for the intersection enhancements is authorized if the enhancements will be publicly owned and if they are a benefit to the Project Area. Staff believe that the proposed enhancements will be a benefit to the Project Area and the enhancements will be publicly owned as improvements within the public right-of-way. Staff recommend approval of Resolution No. 2014-09 approving and authorizing RDA use of tax increment funds for the proposed enhancements to the Parrish and Main intersection project. UDOT will prepare a "Betterments Agreement" for approval by the City Council in their April 1 meeting, but such document is not ready for this next meeting.

ATTACHMENTS:

Description

- Resolution No. 2014-10
- Interlocal Agreement for Drainage Culvert
- Exhibit A to Interlocal Agreement
- Exhibit B to Interlocal Agreement
- Sonic Restaurant PUE
- Resolution No. 2014-09
- UCA 17C-1-409

RESOLUTION NO. 2014-10

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY REGARDING THE INSTALLATION OF DRAINAGE IMPROVEMENTS FOR THE 1000 NORTH DRAINAGE CULVERT PROJECT

WHEREAS, the Interlocal Cooperation Act, set forth at *Utah Code Ann.* §§ 11-13-101, *et seq.*, as amended, authorizes public agencies and political subdivisions of the State of Utah to enter into mutually advantageous agreements as necessary to promote the common interests of the entities; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into this Interlocal Agreement with Davis County for the purpose of installing a drainage culvert and related improvements at approximately 1000 North in Centerville City as such improvements can be provided more economically and efficiently through cooperative effort.

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

Section 1. **Agreement Approved.** The Centerville City Council hereby approves the attached Interlocal Cooperation Agreement between Centerville City and Davis County regarding the 1000 North Drainage Culvert Project.

Section 2. **Mayor Authorized to Execute.** The Centerville City Council hereby authorizes the Mayor to sign and execute the attached Interlocal Cooperation Agreement for and in behalf of Centerville City.

Section 3. **Severability Clause.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon its passage and the agreement approved herein shall become effective upon its filing with the keeper of records of each of the public agencies that are parties to the agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS _____ DAY OF ________________, 2014.

ATTEST: **CENTERVILLE CITY COUNCIL**

____________________________ By: ____________________________

Marsha L. Morrow, City Recorder Mayor Paul A. Cutler

EXHIBIT "A"

INTERLOCAL COOPERATION AGREEMENT FOR 1000 NORTH CULVERT PROJECT

INTERLOCAL COOPERATION AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR 1000 NORTH CULVERT PROJECT

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into this _____ day of _____________, 2014, by and between **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **DAVIS COUNTY**, a body politic of the State of Utah, hereinafter referred to as the "County."

R E C I T A L S :

WHEREAS, the Utah Interlocal Cooperation Act, as more particularly set forth in Utah *Code Ann.* §§ 11-13-101, *et seq*., as amended ("Interlocal Cooperation Act"), permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, in accordance with the terms and conditions of the Interlocal Cooperation Act, the City and the County desire to cooperate for the purpose of installing a drainage culvert and related improvements at approximately 1000 North in Centerville City as more particularly described in **Exhibit A,** attached hereto and incorporated herein by this reference ("1000 North Culvert Improvements"); and

WHEREAS, the City and the County have determined that it is necessary, desirable, and in the best interest of the community and the public to enter into this Agreement for the financing and installation of the 1000 North Culvert Improvements as more particularly provided in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows.

Section 1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.

Section 2. **County to Administer Project.** Subject to the terms and conditions of this Agreement, the County agrees to administer all aspects of the installation and construction of the 1000 North Culvert Improvements, including, but not limited to, bidding, contracting, permitting, installing, inspecting, and overseeing the construction work to be conducted. Davis County shall install the 1000 North Culvert Improvements in accordance with the approved construction drawings for the project and all applicable federal, state and local ordinances, standards and specifications. Davis County shall be responsible for obtaining any necessary easements for installation of the 1000 North Culvert Improvements that are not located within existing easements or rights-of-way authorizing such use and improvements. Upon completion of the improvements, the 1000 North Culvert improvements shall be owned and maintained by the County.

Section 3. **City Contribution.** Subject to the terms and conditions of this Agreement, the City agrees to pay for the cost of engineering for the project and the cost of the pipe necessary for the project, in an amount not to exceed the engineer's estimated amount of $25,000, as more particularly set forth in **Exhibit B,** plus twenty percent (20%) contingency. The City agrees to purchase and provide the pipe materials promptly upon notice from Davis County that it is ready to proceed with installation of the culvert. The parties acknowledge that delivery of the pipe from suppliers may take up to three (3) weeks from date of order, and that Davis County will provide the City with sufficient notice of intent to proceed considering such lead time.

Section 4. **Discretion to Proceed.** The County reserves the right in its sole discretion to determine whether to proceed with the project up until the point at which the City has purchased or is obligated to purchase the pipe. Once the City has purchased or is obligated to purchase the pipe necessary for the project, the parties shall be obligated to perform under the terms of this Agreement unless otherwise amended in writing.

Section 5. **Term.** This Agreement shall become effective when the parties have executed an original or copy of this Agreement as required by law, and shall continue in effect for a period of one (1) year, unless terminated earlier by mutual consent of the parties. Pursuant to Section 11-13-209, this Agreement may not take effect until it is filed with the keeper of records of each public agency that is a party to the Agreement.

Section 6. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior negotiations, promises, inducements, representations or agreements pertaining to the subject matter hereof which are not set forth herein.

Section 7. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective officers, employees, representatives, agents, successors and assigns.

Section 8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

Section 9. **Notice.** All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses. Either party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

For the City: Centerville City
Attention: City Manager
250 North Main Street
Centerville, Utah 84014

For the County: Davis County
Attention: County Attorney
P.O. Box 618
Farmington, Utah 84025

Section 10. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Each party shall be responsible and shall defend the action of its own employees, negligent or otherwise, performed pursuant to the provisions of this Agreement.

Section 11. No Separate Legal Entity. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration, it shall be administered by the joint board created in Section 12. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

Section 12. Joint Board. To the extent this Agreement requires administration it shall be administered by the Public Works Director of the County and the City Manager of the City acting as a joint board for that purpose.

Section 13. Third Parties. This Agreement is not intended to benefit any person or entity not named as a party hereto.

Section 14. Headings. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

Section 15. Force Majeure. No party to this Agreement shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to acts of God, acts of the United States Government or the State of Utah, fires, floods, or other casualties or causes beyond the reasonable control and without the fault or negligence of the party obligated to perform hereunder. Each party shall make every reasonable effort to keep delay in performance as a result of such a cause to a minimum.

Section 16. Amendment. This Agreement may not be changed, modified or supplemented except in writing signed by the parties hereto.

Section 17. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but all such counterparts taken together shall constitute only one instrument.

Section 18. **Approval**. This Agreement shall be submitted to the authorized attorney for each party for review and approval as to form in accordance with applicable provisions of *Utah Code Ann.* § 11-13-202.5, as amended. This Agreement shall be authorized and approved by resolution or ordinance of the legislative body of each party in accordance with *Utah Code Ann.* § 11-13-202.5, as amended, and a duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party in accordance with *Utah Code Ann.* § 11-13-209, as amended.

Section 19. **Severability**. If any provision of this Agreement is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision hereof, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision shall be deemed to be effective, operative and entered into in the manner and to the full extent permitted by applicable law.

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement individually or by and through their respective, duly authorized representatives as of the day and year first above written.

"COUNTY"
DAVIS COUNTY

By: ______________________________

Louenda H. Downs, Chair
Board of County Commissioners

ATTEST:

____

Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to Form:

____

Office of Davis County Attorney

"CITY"
CENTERVILLE CITY

By: ______________________________

Mayor Paul A. Cutler

ATTEST:

____

Marsha L. Morrow, City Recorder

Approved as to Form:

____

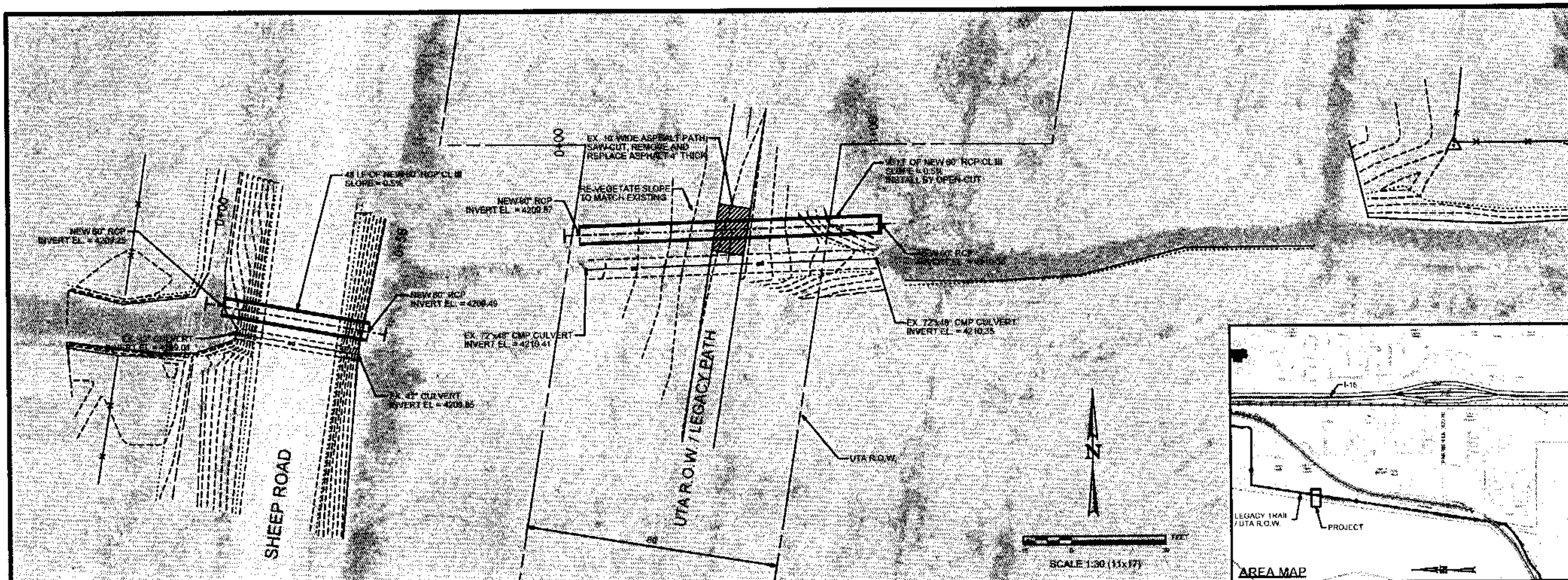
Lisa G. Romney, City Attorney

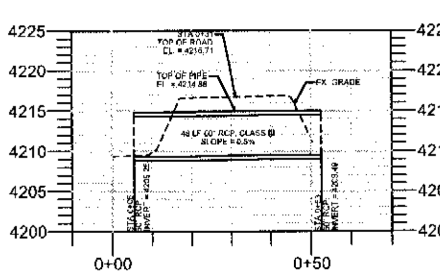
EXHIBIT A

1000 NORTH CULVERT IMPROVEMENTS

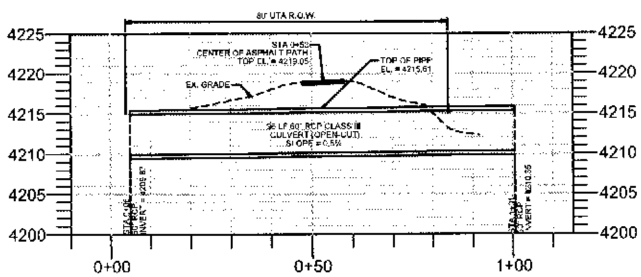
EXHIBIT B

ENGINEER'S COST ESTIMATES

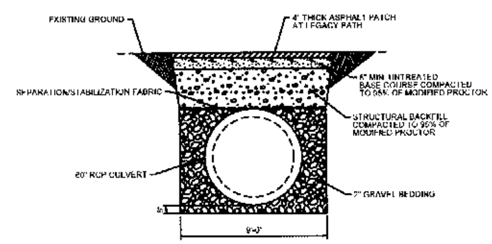




CULVERT AT SHEEP ROAD



CULVERT AT UTA R.O.W. / LEGACY PATH



1 60" RCP CULVERT TYPICAL TRENCH SECTION

REVISION	DATE	BY	DESCRIPTION
1	02/28/14	MLR	CHANGE CULVERT TO 60" RCP
1	03/05/14	MLR	CHANGE LENGTH OF CULVERTS

DESIGN KLC
DRAWN MLR
CHECKED KLC
DATE 04/25/13

PLAN AND PROFILE

CENTERVILLE CITY / DAVIS COUNTY
CULVERTS AT LEGACY PATH & SHEEP ROAD
AT 1000 NORTH

ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET 1 OF 1
PROJECT NO. 12-037

ESI Engineering, Inc.
3500 South Main, Suite 206
Salt Lake City, Utah
Phone (801) 263-1752
Fax (801) 263-1780

Consulting Engineers & Land Surveyors

Project:	1000 North Culvert at D&RG & Sheep Rd			Sheet No.	1 of 1
Owner:	**South Davis Water Dist.**				
Estimated by:	MLR	Date:	2/26/14	Project No.	12-037
Checked by:	KLC	Date:	2/26/14		

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
	Davis County Costs				
1	Install 60" RCP culvert under D&RG and Sheep Road	140	LF	$125.00	$17,500.00
2	Remove and replace asphalt path including saw-cut	100	SF	$15.00	$1,500.00
3	Import gravel backfill	170	TN	$15.00	$2,550.00
4	Import granular backfill or granular native	200	TN	$12.00	$2,400.00
5	Import untreated base course	30	TN	$20.00	$600.00
6	Mobilization	1	Lump Sum	$2,000.00	$2,000.00
	Subtotal				**$26,550.00**
	Centerville City Costs				
7	60" RCP Class III materials	140	LF	$110.00	$15,400.00
8	Engineering	1	Lump Sum	$9,600.00	$9,600.00
	Subtotal				**$25,000.00**
	Total				**$51,550.00**

EASEMENT FOR UTILITIES AND DRAINAGE

For and in consideration of the sum of one dollar ($1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, SRI REAL ESTATE PROPERTIES LLC, a Delaware limited liability company (the "Grantor"), does hereby sell, convey, and warrant to CENTERVILLE CITY, UTAH (the "Grantee"), a permanent utility and drainage easement over, across and/or under that certain parcel of real property lying and being situated in Centerville City, Davis County, State of Utah, as more particularly described on Exhibit A, and shown on Exhibit B, attached hereto and made a part hereof by this reference (the "Easement Property"), for purpose of erecting constructing, installing, laying and thereafter using, operating, inspecting, repairing, maintaining, replacing and reworking water lines, water pipe lines, water facilities, manholes, pump stations or other appurtenances thereunto required.

It is understood and agreed that this utility and drainage easement shall give and convey to the Grantee herein the right of ingress and egress upon the Easement Property for the purpose of constructing, maintaining and repairing the above described utility and drainage improvements.

It is further understood and agreed that the consideration above mentioned shall be in full settlement of all claims, grants or rights of action accrued, accruing or to accrue to the Grantor herein.

Grantor herein reserves all oil, gas, and other minerals in, on, and under said Easement Property.

The Grantee covenants that it will return the surface of the Easement Property to as near as original condition as possible following any work conducted thereon by, on behalf of, Grantee.

It is further understood and agreed that this instrument constitutes the entire agreement between the Grantor and the Grantee, there being no oral agreements or representations of any kind made between the Grantor and Grantee.

The grant and other provisions herein described shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

WITNESS THE SIGNATURE of the Grantor on this the ________ day of March, 2014.

SRI REAL ESTATE PROPERTIES LLC,
a Delaware limited liability company

By: ____________________________________
Vice President

____
Print or Type Name

STATE OF OKLAHOMA
COUNTY OF OKLAHOMA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ____, who acknowledged that she/he is Vice President of SRI Real Estate Properties LLC, a Delaware limited liability company, and that she/he signed and delivered the above and foregoing instrument of writing on the day and year therein mentioned on behalf of said limited liability company.

GIVEN UNDER MY OFFICIAL SEAL this the ____ day of ________, 2014.

____
NOTARY PUBLIC

____
MY COMMISSION EXPIRES:

WITNESS THE SIGNATURE of the Grantee on this the ________ day of March, 2014.

CENTERVILLE CITY, UTAH

By: ________________________________
Signature

____
Print or Type Name

STATE OF UTAH
COUNTY OF DAVIS

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ________________________________, who acknowledged that she/he signed and delivered the above and foregoing instrument of writing on the day and year therein mentioned.

GIVEN UNDER MY OFFICIAL SEAL this the ____ day of ________, 2014.

____
NOTARY PUBLIC

____
MY COMMISSION EXPIRES:

EXHIBIT A

(Description of Easement Property)

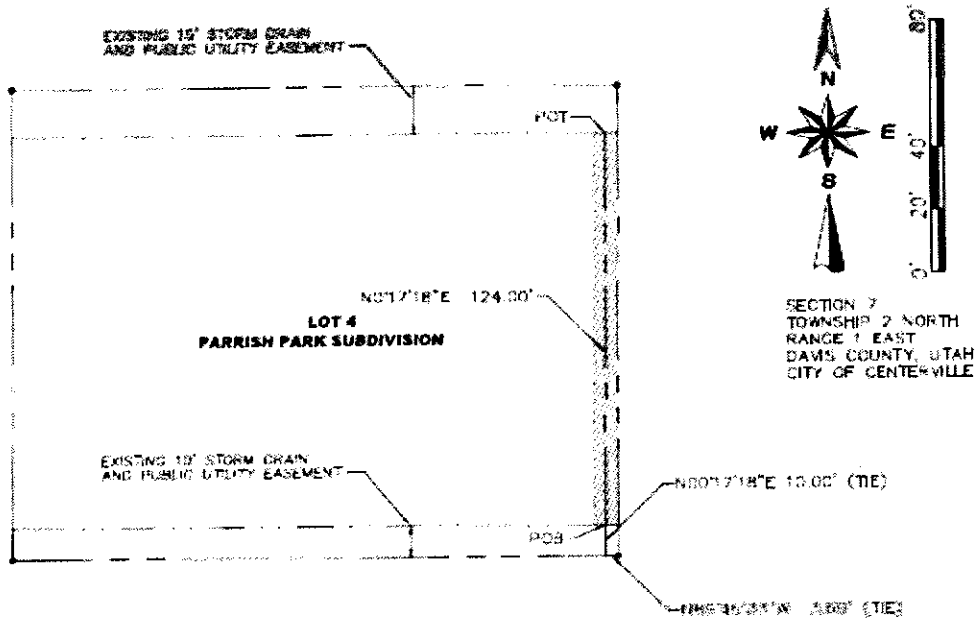
A STRIP OF LAND LOCATED WITHIN LOT 4 OF PARRISH PARK SUBDIVISION, ENTRY # 646303, BOOK 951, BEING PART OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, DAVIS COUNTY, UTAH, SAID STRIP OF LAND IS 7 FEET WIDE, BEING 3.5 FEET LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4 OF THE PARRISH PARK SUBDIVISION, ENTRY # 646303, BOOK 951, DAVIS COUNTY RECORDERS OFFICE; RUNNING THENCE N89°46'33"W ALONG THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 3.5 FEET AND N00°17'18"E 10.0 FEET TO THE NORTH LINE OF A 10 FOOT PUBLIC UTILITY EASEMENT, ENTRY # 646303, BOOK 951 OF PLATS, TO THE BEGINNING POINT OF A CENTERLINE BEING A 7 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, THENCE N00°17'18"E ALONG SAID CENTERLINE A DISTANCE OF 124.00 FEET TO THE SOUTH LINE OF A 15 FOOT STORM DRAIN AND PUBLIC UTILITY EASEMENT, ENTRY # 646303, BOOK 951 OF PLATS, TO THE POINT OF TERMINUS OF THE DESCRIBED CENTERLINE EASEMENT.

SAID STRIP OF LAND CONTAINS 868.00 SQUARE FEET / 0.019 ACRES MORE OR LESS.

EXHIBIT B

(Depiction of Easement Property)



LEGAL DESCRIPTION

A STRIP OF LAND LOCATED WITHIN LOT 4 OF PARRISH PARK SUBDIVISION, [illegible] BEING PART OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, DAVIS COUNTY, UTAH; SAID STRIP OF LAND IS 7 FEET WIDE, BEING 3.5 FEET LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

[illegible] AT THE SOUTHEAST CORNER OF SAID LOT 4 OF THE PARRISH PARK SUBDIVISION, [illegible] THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF [illegible] TO THE NORTH LINE OF A 10 FOOT PUBLIC UTILITY EASEMENT, [illegible] TO THE [illegible] POINT OF A CENTERLINE BEING A 7 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, [illegible] TO THE SOUTH LINE OF A 15 FOOT STORM DRAIN AND PUBLIC UTILITY EASEMENT, [illegible] TO THE POINT OF TERMINUS OF THE [illegible]

SAID STRIP OF LAND CONTAINS [illegible] SQUARE FEET / [illegible] ACRES MORE OR LESS.

CERTIFICATE OF SURVEYOR

STATE OF UTAH)
COUNTY OF SALT LAKE)

I, KYLE A. COOK OF SALT LAKE CITY, UTAH HEREBY CERTIFY THAT THIS PLAT SHOWING THE UTILITY AND DRAINAGE EASEMENT WITHIN LOT 4 OF THE PARRISH PARK SUBDIVISION WAS MADE FROM INFORMATION PROVIDED BY CEI AND MADE UNDER MY DIRECTION BY COOK SANDERS ASSOCIATES IN FEBRUARY, 2014 AND IT CORRECTLY SHOWS THE LOCATION OF THE PROPOSED CENTERLINE OF THE UTILITY AND DRAINAGE EASEMENT.

SURVEYORS NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE A 7 FOOT UTILITY AND DRAINAGE EASEMENT WITHIN LOT 4 OF THE PARRISH PARK SUBDIVISION, LOCATED IN DAVIS COUNTY UTAH.

PROFESSIONAL LAND SURVEYOR
No. 270852
KYLE A. COOK
STATE OF UTAH

CSA

RESOLUTION NO. 2014-09

A RESOLUTION OF THE CENTERVILLE CITY COUNCIL APPROVING AND AUTHORIZING RDA USE OF TAX INCREMENT FROM THE PARRISH LANE GATEWAY NEIGHBORHOOD DEVELOPMENT PROJECT AREA FOR IMPROVEMENTS TO THE INTERSECTION OF PARRISH LANE AND MAIN STREET LOCATED OUTSIDE THE PROJECT AREA

WHEREAS, the Redevelopment Agency of Centerville City ("RDA") has previously created, in accordance with applicable provisions of State law, the Parrish Lane Gateway Neighborhood Development Plan governing the rehabilitation and development of property within the Parrish Lane Gateway Neighborhood Project Area ("Project Area"); and

WHEREAS, the RDA is authorized under the terms and conditions of the Parrish Lane Gateway Neighborhood Development Plan and applicable provisions of the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act to use tax increment and sales tax proceeds received from the Project Area to pay for and finance the cost of the installation of publicly owned infrastructure and improvements outside the Project Area if the RDA and the City Council determine by resolution that the publicly owned infrastructure and improvements are a benefit to the Project Area; and

WHEREAS, the RDA and the Centerville City Council desire to include and fund certain enhancements to the Utah Department of Transportation ("UDOT") intersection expansion project currently underway for the intersection of Parrish Lane and Main Street within Centerville City, which enhancements are more particularly described in **Exhibit A,** attached hereto and incorporated herein by reference ("City Enhancements"); and

WHEREAS, the City Council has determined that the City Enhancements to the UDOT intersection expansion project for the intersection of Parrish Lane and Main Street will be publicly owned infrastructure and improvements and are a benefit to the Project Area, as more particularly provided herein; and

WHEREAS, the City Council desires to approve and authorize the RDA to use tax increment received from the Project Area to pay for the City Enhancements.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTERVILLE CITY COUNCIL, STATE OF UTAH, AS FOLLOWS:

Section 1. **<u>Use of Tax Increment for City Enhancements</u>.** The City Council hereby approves and authorizes the use of up to $25,000 in tax increment funds from the Project Area of the Parrish Lane Gateway Neighborhood Development Plan for City Enhancements to the intersection of Parrish Lane and Main Street as more particularly described in **Exhibit A.**

Section 2. **Findings of Benefit to Project Area.** Pursuant to *Utah Code Ann.* § 17C-1-409, and predecessor versions of this statutes as applicable to the Project Area, the RDA is authorized to use tax increment and sales tax proceeds received from the Project Area to pay for and finance the cost of the installation of publicly owned infrastructure and improvements outside the Project Area if the RDA and the City Council determine by resolution that the publicly owned infrastructure and improvements are a benefit to the Project Area. The City Council hereby finds and determines that the City Enhancements will be publicly owned infrastructure and improvements as part of the public right-of-way. The City Council hereby further finds and determines that the installation of the City Enhancements will benefit the Project Area for the following reasons:

a. The intersection of Parrish Lane and Main Street is within close proximity to the Project Area and is one of the major intersections providing access to and traffic circulation for the Project Area.

b. As part of approval for the Wal-Mart development within the Project Area, traffic studies indicated that the intersection of Parrish Lane and Main Street would be impacted by development within the Project Area and Wal-Mart was required to contribute its proportionate fair share to pay for future improvements to the intersection.

c. The City Enhancements will provide a more visually appearing and more pedestrian friendly intersection at Parrish Lane and Main Street, which improvements will provide better and more inviting pedestrian and vehicular access to the Project Area.

d. The City Enhancements will provide more of a gateway feel to the intersection and may result in improved visibility of the area, increased aesthetics and property values, and improved pedestrian and vehicular traffic access and circulation for the area and to the Project Area.

e. Stated objectives of the Parrish Lane Gateway Neighborhood Development Plan set forth in Section C of the Plan include: (1) providing improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards; (2) providing improved pedestrian and vehicular circulation systems; and (3) coordinating and improving the transportation system.

f. The Parrish Lane Gateway Neighborhood Development Plan further acknowledges and recognizes the RDA's authority to pay for, develop, or construct any building, facility, structure or other improvement either within or without the Project Area to the extent that such improvement would be of benefit to the Project.

Section 2. **Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. **Effective Date.** This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CENTERVILLE CITY COUNCIL, STATE OF UTAH, THIS ______ DAY OF MARCH, 2014.

CENTERVILLE CITY COUNCIL

ATTEST:

______________________________	By: ______________________________
Marsha L. Morrow, City Recorder	Mayor Paul A. Cutler

EXHIBIT A

CITY ENHANCEMENTS

1. Colored concrete curb and gutter (Estimated 200 LF)
3. Colored concrete flatwork at handicap ramps and some adjacent sidewalks (Estimated 1,400 LF)
4. Powder coated signal poles, pedestrian button poles and overhead light fixtures

West's Utah Code Annotated
Title 17C. Limited Purpose Local Government Entities--Community Development and Renewal Agencies Act
Chapter 1. General Provisions
Part 4. Tax Increment and Sales Tax

U.C.A. 1953 § 17C-1-409

§ 17C-1-409. Allowable uses of tax increment and sales tax

Currentness

(1)(a) An agency may use tax increment and sales tax proceeds received from a taxing entity:

(i) for any of the purposes for which the use of tax increment is authorized under this title;

(ii) for administrative, overhead, legal, and other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;

(iii) to pay for, including financing or refinancing, all or part of:

(A) urban renewal activities in the project area from which the tax increment funds are collected, including environmental remediation activities occurring before or after adoption of the project area plan;

(B) economic development or community development activities, including environmental remediation activities occurring before or after adoption of the project area plan, in the project area from which the tax increment funds are collected;

(C) housing expenditures, projects, or programs as provided in Section 17C-1-411 or 17C-1-412;

(D) subject to Subsections (1)(c) and (6), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the tax increment funds were collected; and

(E) subject to Subsection (1)(d), the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the tax increment funds were collected if the agency board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements are of benefit to the project area; or

(iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(f), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:

(A) construction of a public road, bridge, or overpass;

(B) relocation of a railroad track within the urban renewal project area; or

(C) relocation of a railroad facility within the urban renewal project area.

(b) The determination of the agency board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

(c) An agency may not use tax increment or sales tax proceeds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal or economic development project area plan without the consent of the community legislative body.

(d) An agency may not use tax increment or sales tax proceeds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic development project area plan without the consent of the community legislative body and the taxing entity committee.

(e)(i) Subject to Subsection (1)(e)(ii), an agency may loan tax increment or sales tax proceeds, or a combination of tax increment and sales tax proceeds, from a project area fund to another project area fund if:

(A) the agency's board approves; and

(B) the legislative body of each community that created the agency approves.

(ii) An agency may not loan tax increment or sales tax proceeds, or a combination of tax increment and sales tax proceeds, under Subsection (1)(e)(i) unless the projections for the future tax increment or sales tax proceeds of the borrowing project area are sufficient to repay the loan amount prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan.

(iii) If a borrowing project area's funds are not sufficient to repay a loan made under Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan, the community that created the agency shall repay the loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan, unless the taxing entity committee adopts a resolution to waive this requirement.

(f) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:

(i) the Department of Transportation; or

(ii) a public transit district.

(2) Sales tax proceeds that an agency receives from another public entity are not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use Tax Incentive Payments Act.

(3) An agency may use sales tax proceeds it receives under a resolution or interlocal agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal agreement.

(4)(a) An agency may contract with the community that created the agency or another public entity to use tax increment to reimburse the cost of items authorized by this title to be paid by the agency that have been or will be paid by the community or other public entity.

(b) If land has been or will be acquired or the cost of an improvement has been or will be paid by another public entity and the land or improvement has been or will be leased to the community, an agency may contract with and make reimbursement from tax increment funds to the community.

(5) An agency created by a city of the first or second class may use tax increment from one project area in another project area to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements, if:

(a) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before December 31, 2012; and

(b) the tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement.

(6) Notwithstanding any other provision of this title, an agency may not use tax increment to construct municipal buildings unless the taxing entity committee adopts a resolution to waive this requirement.

(7) Notwithstanding any other provision of this title, an agency may not use tax increment under an urban renewal or economic development project area plan, to pay any of the cost of the land, infrastructure, or construction of a stadium or arena constructed after March 1, 2005, unless the tax increment has been pledged for that purpose before February 15, 2005.

(8)(a) An agency may not use tax increment to pay the debt service of or any other amount related to a bond issued or other obligation incurred if the bond was issued or the obligation was incurred:

(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;

(ii) on or after March 30, 2009; and

(iii) to finance a telecommunication facility.

(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or refunding of a bond issued before March 30, 2009.

Credits

Laws 2006, c. 359, § 32, eff. May 1, 2006; Laws 2007, c. 364, § 4, eff. April 30, 2007; Laws 2009, c. 387, § 8, eff. March 30, 2009; Laws 2010, c. 279, § 10, eff. May 11, 2010; Laws 2011, c. 43, § 5, eff. May 10, 2011.

U.C.A. 1953 § 17C-1-409, UT ST § 17C-1-409
Current through 2013 Second Special Session.

End of Document

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 3.

Short Title: Award bid to Morgan Pavement Maintenance in the amount of $152,650.76 for 2014 Crack and Slurry Seal Projects

Initiated By: City Engineer and Public Works Director

Scheduled Time: 6:30

SUBJECT

RECOMMENDATION

Award bid to Morgan Pavement Maintenance in the estimated amount of $152,650.76 for the Crack Seal and Slurry Seal Project 2014.

BACKGROUND

Each year the City typically awards two major contracts for streets maintenance work: 1) crack seal and slurry seal; and 2) overlays and reconstruction. The multi-year Streets Master Plan is used as a guide for determining which streets are included in the work each year--with adjustments based on budget, utility work anticipated on specific streets, changes in street conditions since the Plan was prepared, etc. The bid award to Morgan for crack seal/slurry seal work is the first of two contracts to be awarded this spring. A second bid award will be recommended in a later meeting for overlay street work. The results of the current bid for crack seal/slurry seal are attached.

Also attached is a "Road Maintenance Schedule Map" highlighting the streets to receive either crack seal, slurry seal or overlay this year. As the map illustrates, 4.5 miles are to be crack sealed under this bid award and 3.5 miles are to be slurry sealed. The map also identifies several new developments in which new roads need to be slurry sealed at some point--at the cost of the developers. Staff are following the normal proceedure of inviting those developers to pay deposits to the City to have those new roads included in the City's contract.

The second contract to be awarded in an upcoming meeting will include only about 1 mile of overlay as identified in the attached map. In addition, the City is cooperating with Bountiful City in the reconstruction of 400 East south of Pages Lane. Bountiful City is administering the reconstruction of that road and has agreed to include the small portion within Centerville City limits at an estimated cost of $34,000 to Centerville.

As explained in earlier meetings to the City Council, the street maintenance work to be accomplished this year (as illustrated in the attached map) is only a portion of the work recommended in the Streets Master Plan. In addition, much of the $650,000 authorization in the FY 2014 approved budget for streets maintenance contracts was used to fund the carryover of the streets contracts awarded in the spring of 2013--i.e. work that was not actually done until after the beginning of the current fiscal year (July 1, 2013). Therefore, in order to restore authorization in the current Budget sufficient to fund both of the 2014 streets contracts, the City Council will need to formally amend the Budget in a future meeting to appropriate a portion of the General Fund Balance in conjunction with award of the second contract (i.e. for street overlay work). However, there is sufficient remaining budget authority at this time to proceed with the award of the crack seal/slurry seal contract to Morgan Pavement Maintenance.

ATTACHMENTS:

Description

- Bid Tabulation
- Road Maintenance Schedule Map

Steve Thacker

From: matt robertson <matt.robertson@esieng.com>
Sent: Tuesday, March 11, 2014 3:21 PM
To: Steve Thacker
Cc: Marsha Morrow; kevin campbell
Subject: Crack Seal and Slurry Seal 2014 - Bid Tab and NOA
Attachments: #13-123 Bid Tabulation.pdf; Crack and Slurry Seal 2014 - NOA.pdf

Steve,

The following bids were received on February 26 for the Crack Seal and Slurry Seal Project:

1. Morgan Pavement Maintenance: $152,650.76
2. Intermountain Slurry Seal: $157,157.30
3. M&M Asphalt: $199,524.80

   Engineer's Estimate: $158,562.50

Morgan Pavement was the low bidder and we recommend that the contract be awarded to them. They have completed the slurry seal the last couple of years in the City and are qualified to do the work. They would like to begin work the last week of the month, weather permitting, and should be able to finish the work within a couple of weeks. Attached are the bid tabulation and the Notice of Award. Let me know if you need additional information.

Thanks,

Matt Robertson, E.I.T.
ESI Engineering, Inc.
3500 South Main St.
Salt Lake City, UT 84115
801.263.1752 (office)
801.644.6680 (mobile)
www.esieng.com

Bid Opening: February 26, 2014

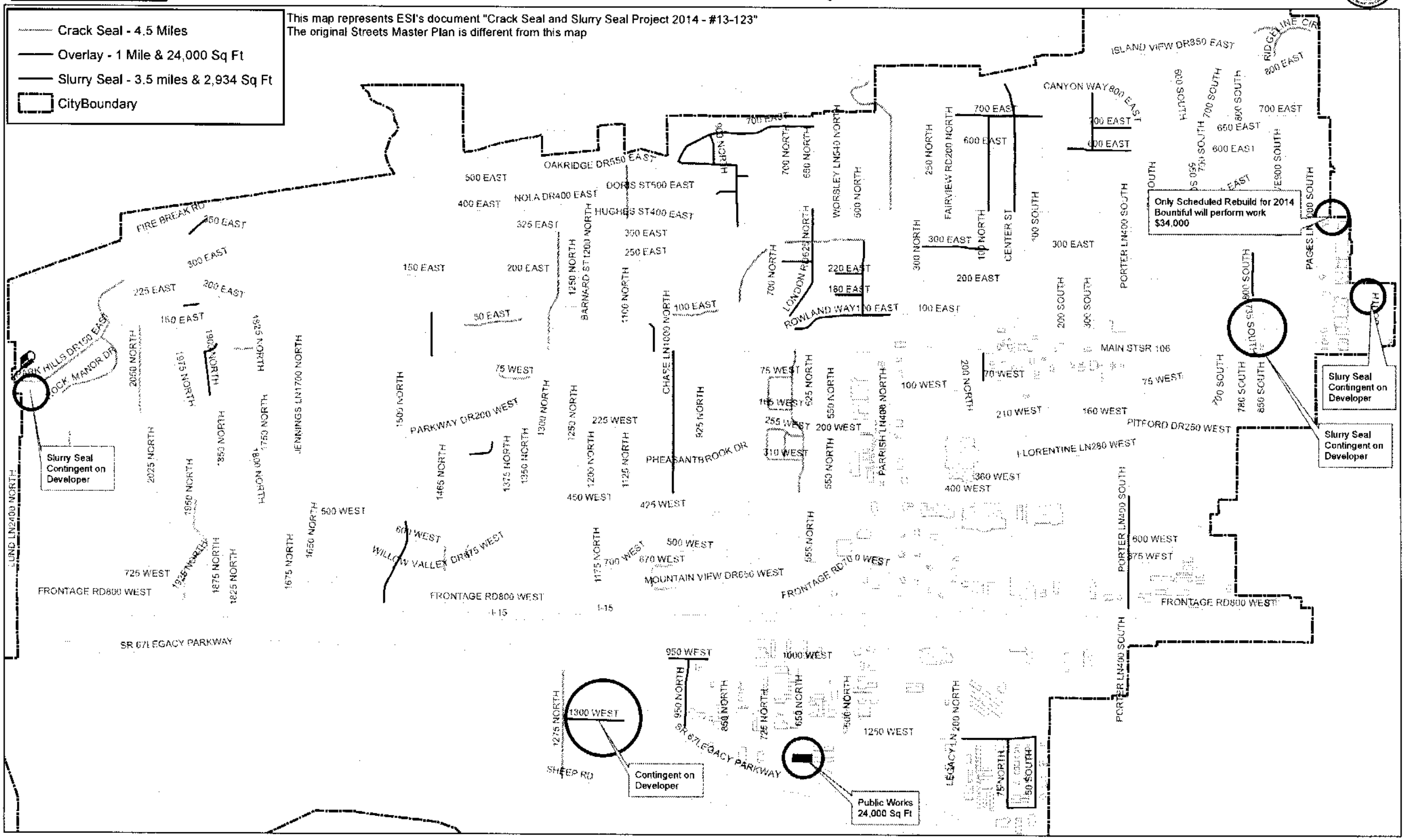
BID TABULATION FOR CENTERVILLE CITY

Note: All materials are to be supplied by the Contractor.

Crack Seal and Slurry Seal Project 2014 - #13-123				Engineer's Estimate		Morgan Pavement Maintenance		Intermountain Slurry Seal		M & M Asphalt	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Pavement Crack Seal including traffic control and mobilization	20	TN	$2,000.00	$40,000.00	$1,722.000	$34,440.00	$2,068.49	$41,369.80	$2,600.00	$52,000.00
2	Type III Slurry Seal CQS-1HP (catonic-quick setting polymer modified emulsion) - including mobilization and traffic control	71,855	SY	$1.25	$89,818.75	$1.262	$90,681.01	$1.14	$81,914.70	$1.66	$119,279.30
3	Type I Slurry Seal CQS-1HP (catonic-quick setting polymer modified emulsion) - including mobilization and traffic control	16,475	SY	$1.25	$20,593.75	$1.13	$18,616.75	$1.14	$18,781.50	$1.18	$19,440.50
4	Remove and replace asphalt (4" thick) including saw-cut prior to slurry seal and/or crack seal as per Engineer	750	SF	$4.00	$3,000.00	$5.40	$4,050.00	$5.82	$4,365.00	$3.90	$2,925.00
5	Remove and replace curb and gutter prior to slurry seal	80	LF	$35.00	$2,800.00	$39.10	$3,128.00	$112.12	$8,969.60	$41.00	$3,280.00
6	Adjust water valve to grade with concrete collar	2	EA	$400.00	$800.00	$330.00	$660.00	$473.65	$947.30	$100.00	$200.00
7	Re-stripe parking stalls at Freedom Hills Park	1	Lump Sum	$750.00	$750.00	$375.00	$375.00	$269.80	$269.80	$350.00	$350.00
8	Re-stripe crosswalk at 100 East 400 North	1	Lump Sum	$300.00	$300.00	$350.00	$350.00	$269.80	$269.80	$850.00	$850.00
9	Re-stripe crosswalk and stop bars on 400 South at 400 West and Frontage Road	1	Lump Sum	$500.00	$500.00	$350.00	$350.00	$269.80	$269.80	$1,200.00	$1,200.00
	Total				**$158,562.50**		**$152,650.76**		**$157,157.30**		**$199,524.80**

Last Update: 3/13/2014

Centerville City
Scheduled 2014 Streets Projects



CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 4.

Short Title: Financial Report for period ending February 28, 2014

Initiated By: Blaine Lutz, Finance Director/Assistant City Manager

Scheduled Time: 6:35

SUBJECT

RECOMMENDATION

Review Interim Financial Report for the 8 months ending February 28, 2014.

BACKGROUND

Attached is the interim financial report for February 2014. The highlight is the sales tax distribution, which is the tax collected for December sales. The distribution received is 6.56% higher than the same time last year. Even though the Statewide revenues decreased, and reportedly the national retail sales, our local sales were strong. The first 8 months of FY 2014 is 6.33% higher than the first 8 months of FY 2013. The budget estimate was 5.75%.

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 5.

Short Title: Public Hearing - Zoning Ordinance Text Amendments - Commerical Planned Developments, Chapter 12-41

Initiated By: Fred Hale and Chad Salmon (Applicants)

Scheduled Time: 6:40

SUBJECT

Amendments to Chapter 12-41 - Planned Development Overlay Zone, Section 12-41-060, regarding uses allowed in the Planned Development Overlay Zone for Planned Commercial Developments. Fred Hale and Chad Salmon, Applicants - Consider Ordinance No. 2014-05

RECOMMENDATION

Approve Ordinance No. 2014-05 amending Section 12-41-060 of the Centerville Zoning Code regarding uses allowed in the Planned Development Overlay Zone and adding specific area requirements for commercial planned developments in the West Centerville Neighborhood Parrish-Legacy Gateway Corridor District based on the findings set forth in the Staff Report and recommended by the Planning Commission.

BACKGROUND

On February 12, 2014, the Planning Commission reviewed and recommended approval of proposed amendments to Section 12-41-060 of the Centerville Zoning Code regarding allowed uses in a commercial planned development. These ordinance amendments are requested by Fred Hale and Chad Salmon in conjunction with their proposed development of the Legacy Trail Apartments Planned Development. The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- Staff Transmittal Report
- Ordinance No. 2014-05

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF TRANSMITTAL REPORT

DATE: MARCH 13, 2014

TO: STEVE THACKER, CITY MANAGER

FROM: CORVIN M. SNYDER, AICP
COMMUNITY DEVELOPMENT DIRECTOR

APPLICANT: FRED HALE/ CHAD SALMON
C/O H&S LLC
1778 WEST 1180 SOUTH
WOODS CROSS, UTAH 84087
chad@salmonelectric.com
fredh@colonialbuilding.com

APPLICATION: **ZONE TEXT AMENDMENT – SECTION 12-41-PLANNED DEVELOPMENT OVERLAY ZONES** - ***Consider adding language altering the expected commercial/residential ratio for the Parrish-Legacy Gateway of the West Centerville Neighborhood***

RECOMENDATION: **PC RECOMMENDS APPROVAL**

BACKGROUND

The Planning Commission has reviewed a proposed project known as the Legacy Trails Apartments. As discussed by the Commission, the proposed development does not meet the "predominate" clause for commercial uses of a Planned Development Overlay Zone request for mixed commercial/residential uses. As a result, the petitioner included a submittal for a Zone Text Amendment to alter or modify the terms of the "predominate" provision. After their review, the Commission concluded that the Parrish-Legacy Gateway Area is unique among the C-VH zoning districts within the City. Therefore, the proposed text amendment was appropriate to create a provision that would address the Parrish-Legacy differently and to recognize that not all C-VH districts need to be predominately commercial.

PLANNING COMMISSION RECOMENDATION

On February 12, 2014, the Planning Commission motioned to recommend to the City Council the following language, subject to City Attorney non-substantive edits, for the proposed Zone Text Amendment to Chapter 12-41-Planned Development Overlay Zone:

[existing] *12-41-060. Uses Allowed....*

*[***new subsection 6***]* *"(6) Specific Area Precincts – Notwithstanding the general commercial planned use allowances listed in this Chapter, the following specific* area allowances may be considered in a commercial planned development."

*[***new subsection of 6***]* *"(A) West Centerville Neighborhood's Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Corridor District shall be subject to the maximum allowable residential density as listed in the City's General Plan and/or as found in subsection 12-41-060.b.4. When a predominate commercial use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed ratio of commercial use to residential use shall be defined with the concept plan submittal for the PDO designation. The proposed commercial uses are to predominately achieve the following for residents living in the West Centerville Neighborhood:*

(i) Provide opportunity for food service or local service type retail commercial services

(ii) Provide opportunity for personal care and/or instructional type services.

(iii) Provide opportunity for medical care or health type services.

(iv) Provide opportunity for adult or child care type services, or

(v) Provide other types of commercial uses deemed appropriate for servicing the local residents.

REASONS FOR ACTION (FINDINGS):

a. The Planning Commission finds that the proposed amendment consistent with the goals, objectives and policies of the City's General Plan, specifically policy Section 12-420-6, West Centerville Neighborhood Plan, Goal #2 - "Create and Develop the Parrish-Legacy Gateway Corridor District."

b. The Planning Commission finds that the general plan policy does NOT define how much of a development project ought to be commercial vs. residential.

c. The Planning Commission finds that the general plan policy does expect that both types of uses ought to be present in this gateway area by using such terms as "residential component" and "master planned area."

d. The Planning Commission finds that a text amendment must ensure that both use types are sensibly developed within the Parrish-Legacy Gateway District.

e. The Planning Commission finds that the Parrish-Legacy Gateway Area is unique among the C-VH zoning districts within the City.

f. The Planning Commission finds that not all the commercial districts need to be predominately commercial.

g. The Planning Commission finds, however, that with the increased allowance of residential in the Parrish-Legacy Gateway Area, the commercial allowances should be narrowed to needs and services of a growing multi-family neighborhood.

ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING SECTION 12-41-060 OF THE CENTERVILLE ZONING CODE REGARDING USES ALLOWED IN THE PLANNED DEVELOPMENT OVERLAY ZONE AND ADDING SPECIFIC AREA PRECINCTS FOR COMMERCIAL PLANNED DEVELOPMENTS IN THE WEST CENTERVILLE NEIGHBORHOOD PARRISH-LEGACY GATEWAY CORRIDOR DISTRICT

WHEREAS, the City Council has previously adopted Section 12-41-060 of the Zoning Code regarding uses allowed in the Planned Development Overlay Zone, including permitted uses in commercial planned developments; and

WHEREAS, the City Council desires to amend Section 12-41-060 of the Zoning Code to add specific area precincts and permitted uses for commercial planned developments in the West Centerville Neighborhood Parrish-Legacy Gateway Corridor District; and

WHEREAS, the City Council has determined that the proposed amendments to Section 12-41-060 of the Zoning Code are in the best interest of the City and the public which it serves to ensure appropriate development of property and to encourage master planned mixed use development within the Parrish-Gateway Corridor District in compliance with applicable provisions of Utah law; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding these proposed amendments to the Centerville Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Amendment.** Section 12-41-060 of the Centerville Zoning Code regarding Uses Allowed in a Planned Development Overlay Zone is hereby amended to read in its entirety as follows:

12-41-060. Uses Allowed.

Uses allowed in a PDO zone shall be as set forth below. Any use which is a conditional use in the underlying zone shall be subject to the issuance of a conditional use permit as set forth in Chapter 12-21-100 of this Title.

(a) *Residential Planned Developments.* Planned developments to be established on land designated for residential land use in the City's General Plan shall be considered "residential planned developments." Any use permitted in the underlying zone and the following additional uses-shall be permitted in a residential planned development

(1) Multiple-family dwellings as provided in Section 12-41-100 of this Chapter; and

(2) Any commercial use that:

(A) Will serve residents of the planned development,

(B) Is designed and located to protect the character of the planned development and surrounding land uses; and

(C) Does not occupy more than forty (40) square feet per dwelling unit in the planned development.

(b) *Commercial Planned Developments.* Planned developments to be established on land designated for commercial land use in the City's General Plan and zoned commercial shall be considered "commercial planned developments." Any use permitted in the underlying zone as shown on the Table of Uses Allowed in Chapter 12-36 of this Title shall be permitted in a commercial planned development provided~~ such use is~~:

(1) Such use is s~~S~~pecifically authorized as part of a site plan approved pursuant to the provisions of this Chapter;

(2) Such use is d~~D~~esigned as an integral element of the planned development, including building and landscape design, which is consistent with design elements of the development and the provisions of this Chapter;

(3) Residential uses within a commercial planned development shall only be permitted within a mixed commercial/residential development;

(4) Mixed commercial/residential developments within a commercial planned development shall be predominantly commercial development with a supplemental residential component of such commercial development, except as otherwise allowed in Subsection (6);

(5) The maximum overall residential density for residential uses within a commercial planned development shall be subject to the specific stipulations allowed by the underlying zone and/or designation assigned by the City's General Plan or Zoning Ordinance; provided, in no event shall the residential density exceed fifteen (15) units per acre when calculating the entire commercial planned development or twenty-five (25) units per acre when calculating the residential area only, whichever is less.

(6) Notwithstanding the general commercial planned use allowances listed in this Section, the following specific area allowances may be considered in a commercial planned development.

A
(~~1~~) West Centerville Neighborhood Parrish-Legacy Gateway Corridor District. The Parrish-Legacy Gateway Corridor District shall be subject to the maximum allowable residential density as listed in the City's General Plan and/or as found in Subsection 12-41-060(b)(5). When a predominant commercial use development is not being proposed, a contributing commercial use component must still be provided. However, the specific mixed

ratio of commercial use to residential use shall be defined with the concept plan submitted for the PDO designation. The proposed commercial uses must achieve a combination of the following for residents living in the West Centerville Neighborhood:

(A) Provide opportunity for food service or local service type retail commercial services;

(B) Provide opportunity for personal care and/or instructional type services;

(C) Provide opportunity for medical care or health type services;

(D) Provide opportunity for adult or child care type services; or

(E) Provide other types of commercial uses deemed appropriate for servicing the local residents.

(c) *Industrial Planned Developments.* Planned developments to be established on land designated for industrial land use in the City's General Plan and zoned industrial shall be considered "industrial planned developments." Any industrial use shown on the Table of Uses Allowed in Chapter 12-36 of this Title shall be permitted in an industrial planned development provided the proposed uses and the project's design and layout accomplish the following:

(1) Uses are specifically authorized as part of a site plan approved pursuant to the provision of the Chapter.

(2) Uses and buildings are designed as an integral element of the planned development, including building and landscape design which is consistent with design elements of the development.

(3) Proposed lots or parcels are suitable in area and dimensions to the types of land uses anticipated.

(4) Street design, rights-of-way and pavements are adequate to accommodate the type and volume of traffic anticipated.

(5) The project's design adequately provides the expected type and volume of needed utility services.

(d) *Accessory Uses.* Accessory uses within a planned development shall be governed by the underlying zone unless specific exceptions are made thereto as part of the Planned Overlay rezone approval.

Section 2. **Severability**. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. **<u>Omission Not a Waiver</u>.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. **<u>Effective Date</u>.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS ______ DAY OF MARCH, 2014.

ATTEST: **CENTERVILLE CITY**

____
Marsha Morrow, City Recorder

By:____________________________
Mayor Paul A. Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 6.

Short Title: Public Hearing - Rezone and Conceptual Plan - Legacy Trail Apartments Planned Development - 1250 West Parrish Lane

Initiated By: Fred Hale and Chad Salmon (Applicants)

Scheduled Time: 6:50

SUBJECT

Rezone Petition for Legacy Trail Apartments Planned Development located at 1250 West and Parrish Lane (approximately 12.15 acres) from Commercial Very High (C-VH) to Commercial Very High/Planned Development (C-VH/PD) and PDO Conceptual Plan for Master Planned Mixed-Use Project - Consider Ordinance No. 2014-06

RECOMMENDATION

Approve Ordinance No. 2014-06 amending the Centerville City Zoning Map by changing the zoning of approximately 12.15 acres of certain real property from Commercial Very High (C-VH) to Commercial Very High/Planned Development (C-VH/PD) and Accepting PDO Conceptual Plan for the Legacy Trail Apartments Planned Development subject to the conditions and based on the findings set forth in the Staff Transmittal Report.

BACKGROUND

On February 12, 2014, the Planning Commission reviewed and recommended for approval the proposed rezone of property and acceptance of the Conceptual Plan for the Legacy Trail Apartments Planned Development. The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- Staff Transmittal Report
- Project Plans (PC Version)
- Project Plans (Alternate Version)
- Ordinance No. 2014-06

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF TRANSMITTAL REPORT

DATE: **MARCH 13, 2014**

TO: **STEVE THACKER, CITY MANAGER**

FROM: **CORVIN M. SNYDER, AICP - COMMUNITY DEVELOPMENT DIRECTOR**

APPLICANT: **FRED HALE/ CHAD SALMON**
C/O H&S LLC
1778 WEST 1180 SOUTH
WOODS CROSS, UTAH 84087
chad@salmonelectric.com
fredh@colonialbuilding.com

PROPERTY: **SOUTHWEST CORNER OF PARRISH LANE & 1250 WEST**

ACREAGE: **12.15 ACRES**

ZONING: **COMMERCIAL - VERY HIGH**

APPLICATION(S): **1. REZONE PETITION FOR FOUR (4) PARCELS FROM C-VH TO C-VH / PD (PDO):**

a. 06-008-0117 / 4.10 ac (*H&S LLC*)
b. 06-008-0108 / 1.38 ac (*LEAVITT*)
c. 06-008-0109 / 1.98 ac (*GT ELECTRIC*)
d. 06-008-0101 / 4.69 ac (*MENDENHALL*)

2. **PDO CONCEPTUAL PLAN ACCEPTANCE FOR A MASTER PLANNED MIXED-USE PROJECT;**

PC Version (*limited movement 1250 West Access*):

1. Convenience Store/ Gas Station
2. Medical Office
3. General Retail/Office
4. Multi-family Residential

Alternate Version Proposed (*full movement 1250 West Access*):

1. Convenience Store/ Gas Station
2. General Retail/Office
3. Multi-family Residential

RECOMENDATION: **PC RECOMMENDS APROVAL w/ CONDITIONS**

BACKGROUND

The proposed master plan project (*aka, Legacy Trail Apartments*) is located within "the Parrish Lane Gateway Corridor District" [*West Centerville Neighborhood Plan*]. The project provides a unique opportunity to develop a mixed commercial/residential planned development through rezoning using the Planned Development Overlay allowance of the City's Zoning Ordinance. The master planned project would consist of the following (*PC Version Only*):

- ✓ **Medical Office Use** – 2-story Main Building, 20,000 sq. ft. w/ 101 parking stalls
- ✓ **Convenience Store Uses** – 1-story Main Building w/ fuel canopy, car wash, 25 parking stalls
- ✓ **Retail/Office Uses** – 1-story Main Building, 6,000 sq. ft. w/ 33 parking stalls
- ✓ **Flex-space Uses** – 3-story Main Building, 10-plex residential. OR Retail/Office, 7,200 sq. ft. Main Building
- ✓ **Multi-family Residential Uses** - 3-story Main Buildings (*8 structures*). 160 dwelling units, 394 parking stalls
- ✓ **Village Design Theme** – A pitched-roof building architecture w/ colors compatible with Shorelands Commerce Park color palette
- ✓ **Total Building Footprints** – 19,680 sq. ft. (*25%*)
- ✓ **Hard Surface Development** – 136,045 sq. ft. (*56%*)
- ✓ **Landscaping Coverage** – 60,676 sq. ft. (*37%*)
- ✓ **Pathway/Trail System** – Internal Pathways connecting to a proposed off-site trail connecting to Birnam Woods Trailhead (*i.e. Legacy/D&RG Trail system*).

PLANNING COMMISSION RECOMENDATION

Motion #1 - On February 12, 2014, the Planning Commission motioned to recommend to the City Council an approval to rezone from C-VH TO C-VH / PD (PDO) the following properties:

a. *06-008-0117 / 4.10 ac (H&S LLC)*
b. *06-008-0108 / 1.38 ac (LEAVITT)*
c. *06-008-0109 / 1.98 ac (GT ELECTRIC)*
d. *06-008-0101 / 4.69 ac (MENDENHALL)*

Reasons for Action (findings):

1. The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
2. The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000 sq. ft.
3. The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidenced by the following:
4. Farmington Station Park was developed after the West Centerville Plan adoption. Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
5. Legacy Crossing at Parrish Lane provides space for medium box type commercial uses that have not yet come to fruition (i.e. Legacy Crossing at Parrish Lane development).
6. The petitioner has provided written opinions from Tate Properties and Mountain

West, commercial real estate consultants, supporting the lack of medium box and restaurant interest in this area.

7. Limiting the allowance of other types of multi-family development negatively isolates the already developed multi-family of Legacy Crossing.
8. Master planning the entire area is better suited to address any impacts than to piecemeal development under an already long list of permitted commercial uses.
9. Thus, considering a PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site.

Planning Commission Vote (6-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Holman			X
Johnson	X		
Kjar	X		
Merrill	X		
Randall	X		

Motion #2 - On February 12, 2014, the Planning Commission motioned to recommend to the City Council a PDO Conceptual Plan Acceptance for the Legacy Trail Apartments Development, subject to the following conditions:

1. The Legacy Trail Apartments Development Approved Conceptual Plan shall consist of the following, as submitted to the City:
    a. *Architectural Site Plan* – a colorized plan depicting the development layout, including the concept commercial and residential design concepts.
    b. *Architectural Site Plan* – a plan depicting the development layout with dimensions depicting conceptual setbacks, building heights, drive entrance and isle widths, with landscaping, building foot prints, hard surface percentages for the development site.
    c. *Phasing Plan* – a colorized phasing plan depicting five (5) development phases, including the flex-use layout for Phase 3.
    d. *Pedestrian Circulation Plan* – a blue/red colorized layout depicting the proposed major and minor connections and pathways.
    e. *Fencing Plan* – a blue/red colorized layout depicting the 4-foot and 6-foot fence locations and the selected designs.
2. The land uses and layout expectations approved for the Development are as follows:
    a. Medical Office Use – 2-Story Main Building, 20,000 sq. ft. w/ 101 parking stalls
    b. Convenience Store Uses – 1-Story Main Building w/ fuel canopy, car wash, 25 parking stalls

    c. Retail/Office Uses – 1-Story Main Building, 6,000 sq. ft. w/ 33 parking stalls
    d. Flex-space Uses – 3-Story Main Building, 10-plex residential, OR Retail/Office,7,200 sq. ft. Main Building
    e. Multi-family Residential Uses - 3-Story Main Buildings (8 structures), 160 dwelling units, 394 parking stalls
    f. Total Building Footprints – 19,680 sq. ft. (25%)
    g. Hard Surface Development – 136,045 sq. ft. (56%)
    h. Landscaping Coverage – 60,676 sq. ft. (37%)
    i. Pathway/Trail System – Internal/external pathways connecting to a proposed off-site trail connecting to Birnam Woods Trailhead (i.e. Legacy/D&RG Trail system).
3. The Development shall be subject to all applicable final site plan and subdivision development approvals, as defined in City Ordinances.
4. The PDO Conceptual Plan Approval does not include approval of any specific variations to the development standards of the Zoning or Subdivision Ordinances.
5. All final development approvals within the project area shall be deemed substantially consistent with the accepted Conceptual Plan Layout and Design.
6. The Commercial and Residential Architectural Concepts, as depicted on the Conceptual Plan, shall accomplish the following:
    a. The building design expectation is a village-style design
    b. Buildings with full pitched roofs
    c. Use of dormers, gables, box windows, and canopies for windows and entryways
    d. Garages, balconies and entry portals for residential buildings
    e. Pedestrian amenities such as patios, plazas, and enhanced entries for the commercial uses
    f. Colors and materials that are consistent with the Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing development or from the template of the Shorelands Commerce Park Design Guidelines.
    g. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).
7. The Development shall be subject to the applicable Parrish Lane Gateway Design Guidelines, Off-street Parking, and Landscaping provisions of the Zoning Ordinance.
8. As part of Phase II and Phase V Final Site Plan approvals (*service station phase*), the Development shall establish and maintain an entryway landscaping theme along Parrish Lane and at the corner of Parrish/1250 West (*see Objective 2.E of the West Centerville Neighborhood Plan*).
9. The alternative options for Phase III, shall not be allowed to prematurely execute the residential option prior to the completion (i.e. final building inspection approval) all buildings within Phases I, II, and V, so that local service commercial option might become viable with a developing multi-family neighborhood.

10. The following options are available with regard to traffic;
    a. Access at 1250 shall be limited to right in right out
    b. The right-turn pocket lane shall be installed with the 1250 West ingress
    c. A full access configuration on 1250 West may be considered by the City Council as part of their PDO approval process.

REASONS FOR ACTION (FINDINGS):

a. The Planning Commission finds that the proposed development does not conflict with any applicable policy of the Centerville City General Plan.
b. The Planning Commission finds that the proposed development meets the spirit and intent of the Zoning Ordinance as set forth in Section 12-41-010.
c. The Planning Commission finds that the proposed development will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
d. The Planning Commission finds that the proposed development meets the use and development limitations and other requirements of the zone with which the PDO zone is combined, except as otherwise allowed by the Zoning Ordinance.
e. The Planning Commission finds that the proposed development meets the density limitations of the General Plan.
f. The Planning Commission finds that the petitioners have or will have sufficient control over the property to be developed to ensure development will occur as approved.
g. The Planning Commission finds that the petitioners appear likely to have the financial capability to carry out the planned development project.
h. The Planning Commission finds that the petitioners will likely have the capability to start construction within one (1) year of a final plan approval.

Planning Commission Vote (6-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Holman			X
Johnson	X		
Kjar	X		
Merrill	X		
Randall	X		

ALTERNATE VERSION - FULL MOVEMENT 1250 WEST ACCESS PLAN OPTION FOR LEGACY VILLAGE APARTMENTS CONCEPT PLAN (*staff recommendations*)

1. The Legacy Trail Apartments Development Approved Conceptual Plan shall consist of the following, as submitted to the City:

f. *Architectural Site Plan* – a colorized plan depicting the development layout, including the concept commercial and residential design concepts.

g. *Architectural Site Plan* – a plan depicting the development layout with dimensions depicting conceptual setbacks, building heights, drive entrance and isle widths, with landscaping, building foot prints, hard surface percentages for the development site.

h. *Phasing Plan* – a colorized phasing plan depicting four (4) development phases, including the flex-use layout for Phase 3. The residential option shall not be exercised for a minimum of four (4) year after the construction and occupancy approval of all buildings within Phase 1.

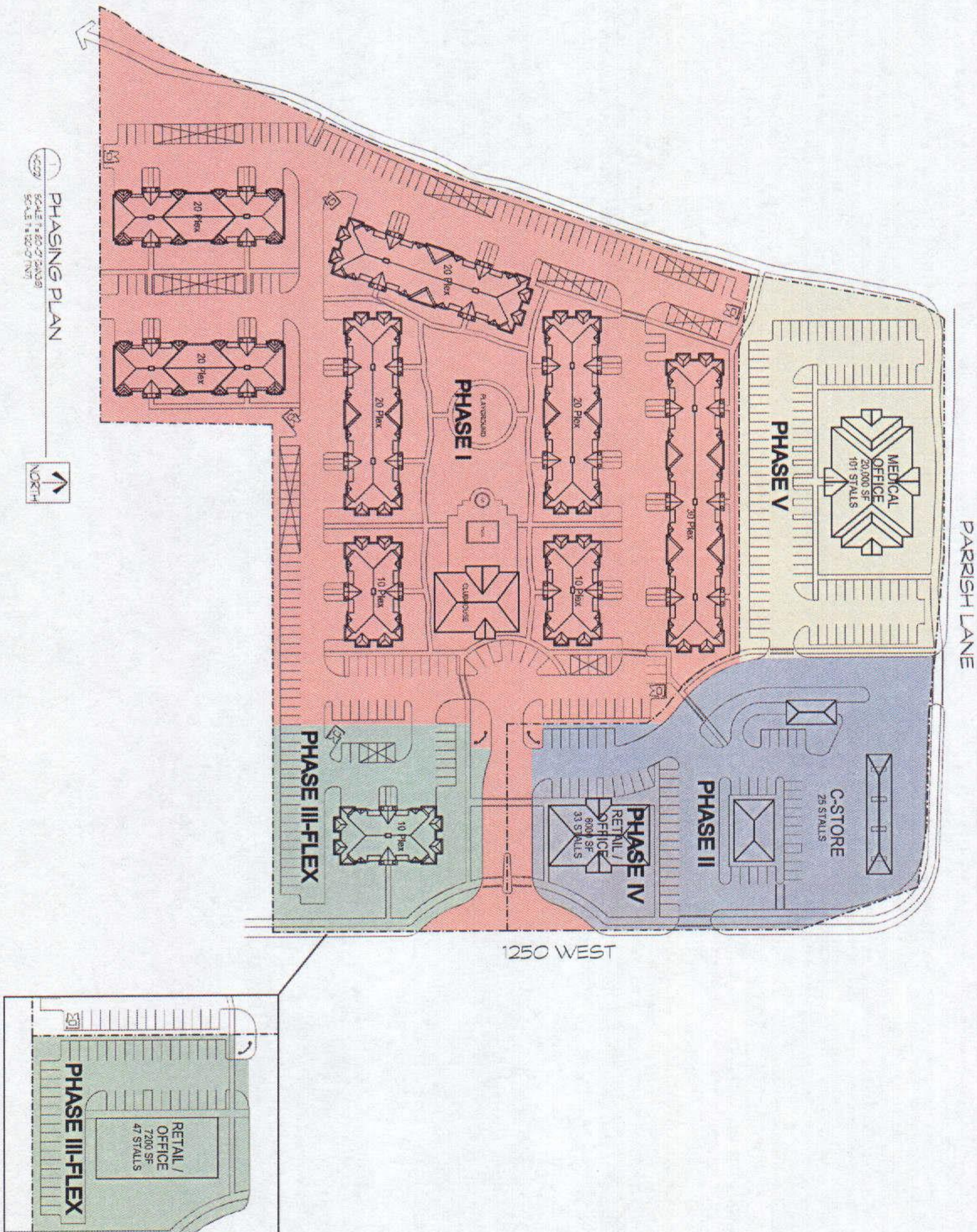
i. *Pedestrian Circulation Plan* – a blue/red colorized layout depicting the proposed major and minor connections and pathways.

j. *Fencing Plan* – a blue/red colorized layout depicting the 4-foot and 6-foot fence locations and the selected designs.

11. The land uses and layout expectations approved for the Development are as follows:
    a. Convenience Store Uses – 1-Story Main Building w/ fuel canopy and 25 parking stalls
    b. Retail/Office Uses – Two (2) - 1-Story Main Buildings, 12,600 sq. ft. w/ 39 and 42 parking stalls, respectively
    c. Alternate Flex-space Uses (Phase 3) – 3-Story Main Building, 24-plex residential
    d. Multi-family Residential Uses - 3-Story Main Buildings (7 structures), 162 dwelling units, 369 parking stalls
    e. Total Building Footprints;
        i. Commercial = 22,779 sq. ft.
        ii. Residential = 83,509 sq. ft.
    f. Hard Surface Development;
        i. Commercial = 86,101 sq. ft.
        ii. Residential = 124,757 sq. ft.
    g. Landscaping Coverage;
        i. Commercial = 47,988 sq. ft.
        ii. Residential = 158,510 sq. ft.
    h. Pathway/Trail System – Internal/external pathways connecting to a proposed off-site trail connecting to Birnam Woods Trailhead (i.e. Legacy/D&RG Trail system).
12. The Development shall be subject to all applicable final site plan and subdivision development approvals, as defined in City Ordinances.
13. The PDO Conceptual Plan Approval does not include approval of any specific variations to the development standards of the Zoning or Subdivision Ordinances.
14. All final development approvals within the project area shall be deemed substantially consistent with the accepted Conceptual Plan Layout and Design.
15. The Commercial and Residential Architectural Concepts, as depicted on the Conceptual Plan, shall accomplish the following:
    a. The building design expectation is a village-style design
    b. Buildings with full pitched roofs

c. Use of dormers, gables, box windows, and canopies for windows and entryways
d. Garages, balconies and entry portals for residential buildings
e. Pedestrian amenities such as patios, plazas, and enhanced entries for the commercial uses
f. Colors and materials that are consistent with the Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing development or from the template of the Shorelands Commerce Park Design Guidelines.
g. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).

16. The Development shall be subject to the applicable Parrish Lane Gateway Design Guidelines, Off-street Parking, and Landscaping provisions of the Zoning Ordinance.
17. As part of Phase II Final Site Plan approval (*service station phase*), the Development shall establish and maintain an entryway landscaping theme along Parrish Lane and at the corner of Parrish/1250 West (*see Objective 2.E of the West Centerville Neighborhood Plan*).
18. The following options are available with regard to traffic circulation patterns;
    a. Allow one access at 1250 to be a full turn ingress/egress (Phase 2).
    b. Receive UDOT approval for the ingress/egress on Parrish Lane.
    c. The right-turn pocket lane shall be installed with the 1250 West ingress
    d. The design of the right-turn pocket lanes for Parrish Lane shall be reviewed and deemed acceptable by UDOT.
    e. The construction or reconstruction of street related infrastructure for 1250 West shall comply with the recommendations of the City Engineer and/or the recommendations of a traffic engineer, as deemed acceptable by the City.



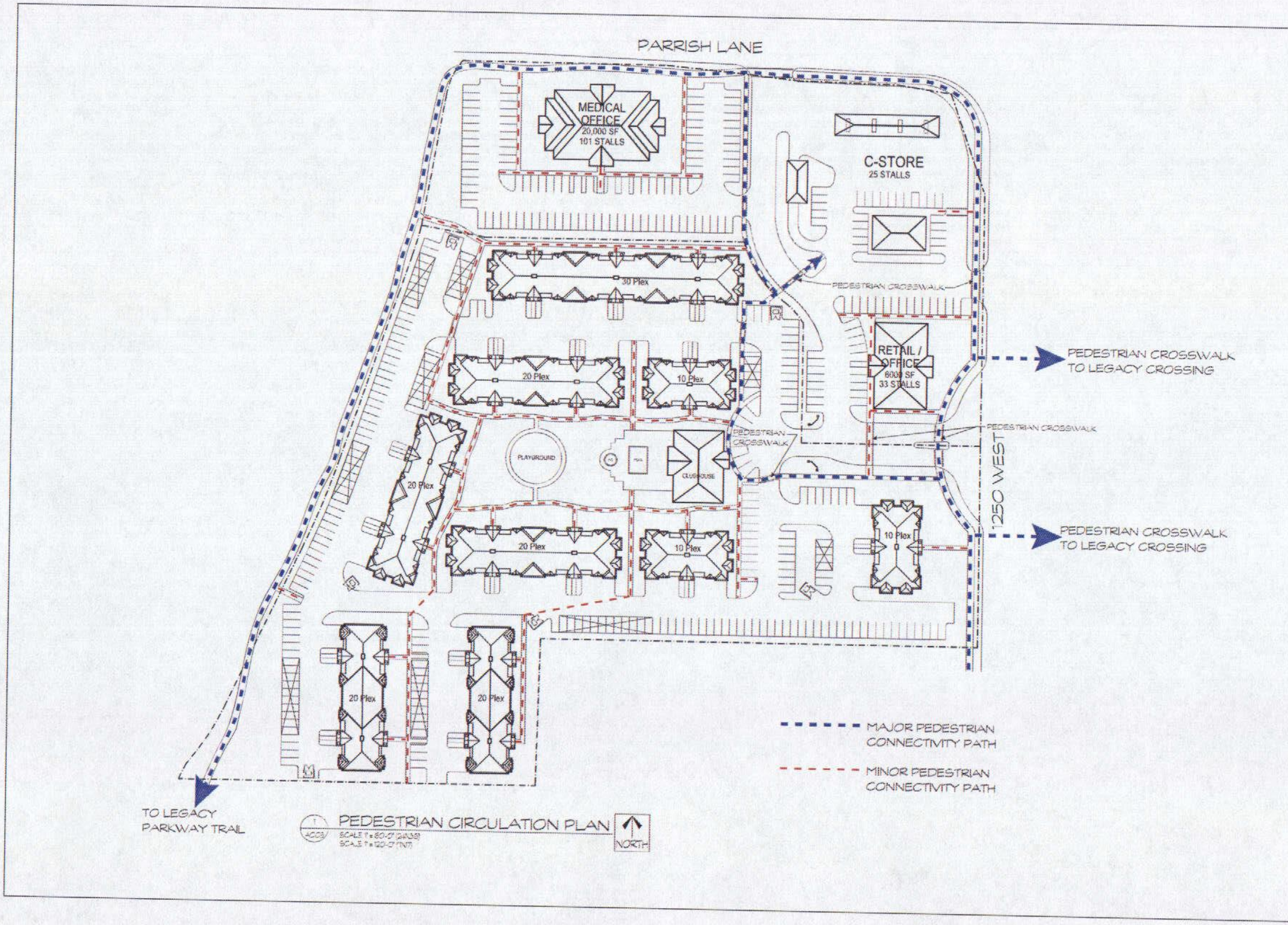
LEGACY TRAIL APARTMENTS
1250 W Parrish Ln.
Centerville, Utah

Architecture Belgique, Inc.
commercial ◆ residential

Sheet Title
Architectural Site Plan

Date
JANUARY 2, 2014

Sheet Number
A-0.02



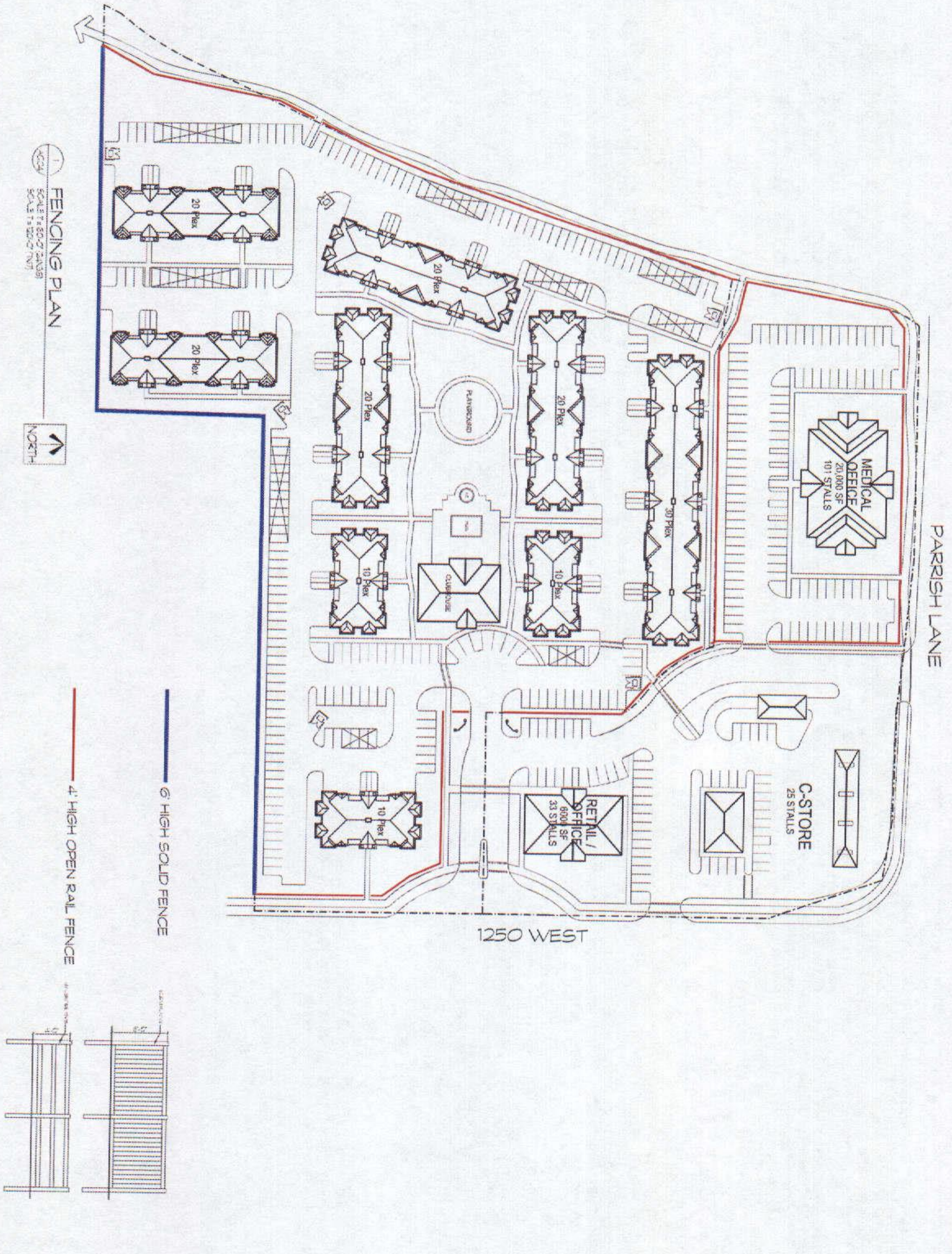
Architecture Belgique, Inc.
commercial + residential

LEGACY TRAIL APARTMENTS
1250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural Site Plan

Date
JANUARY 2, 2014

Sheet Number
A-0.03



LEGACY TRAIL APARTMENTS 1250 W Parrish Ln. Centerville, Utah	Sheet Title: Architectural Site Plan	Date: JANUARY 2, 2014	Sheet Number: A-0.04

Architecture Belgique, Inc.
commercial ✦ residential

ARCHITECTURAL SITE PLAN

SCALE 1" = 60'-0" (24X36)
SCALE 1" = 120'-0" (11X17)

COMMERCIAL ARCHITECTURAL CONCEPTS

RESIDENTIAL ARCHITECTURAL CONCEPTS

Architecture Belgique, Inc.
commercial ◆ residential

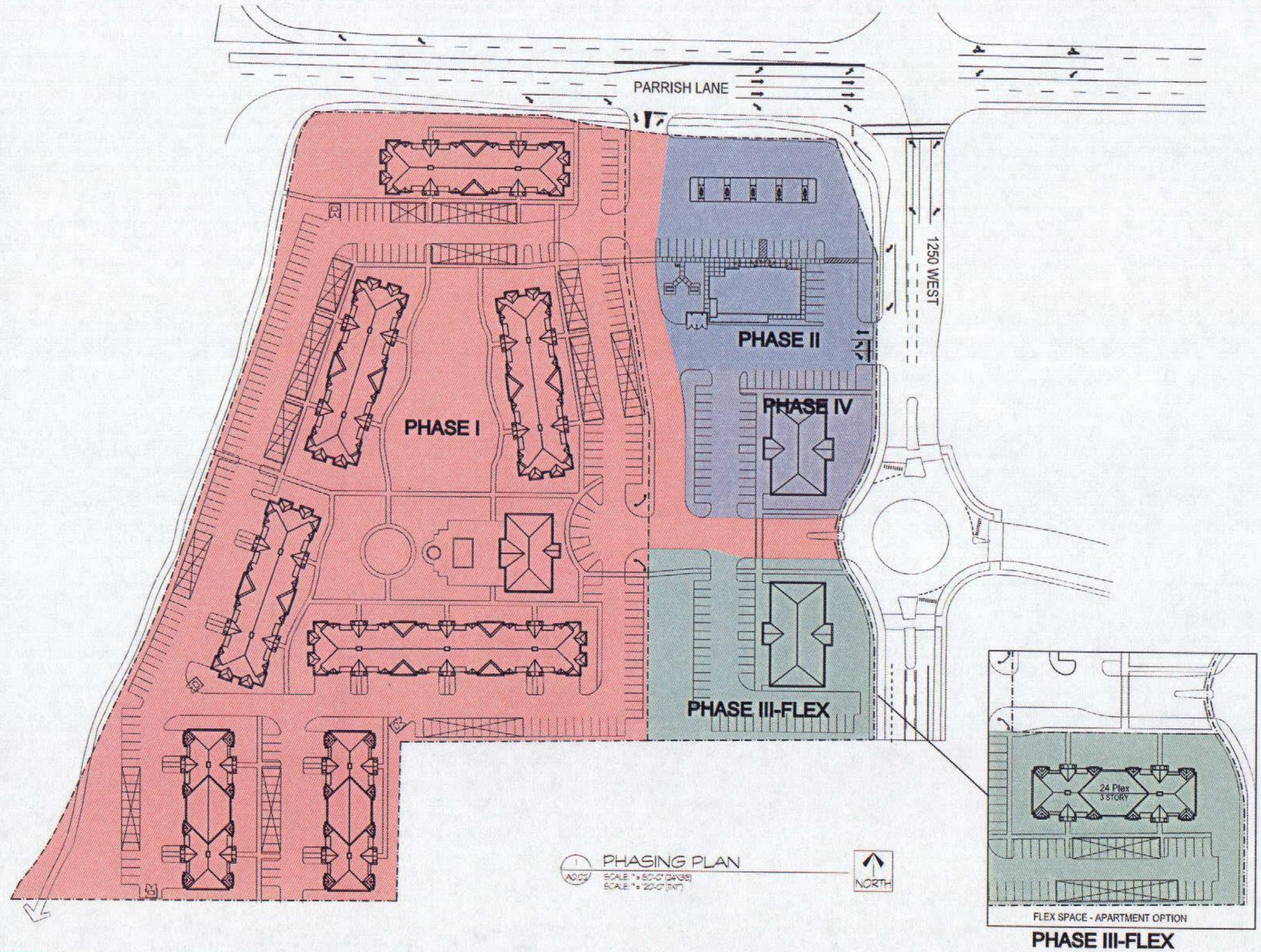
Legacy Trail Apartments

1250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural Site Plan

Date
March 3, 2014

Sheet Number
A-0.01



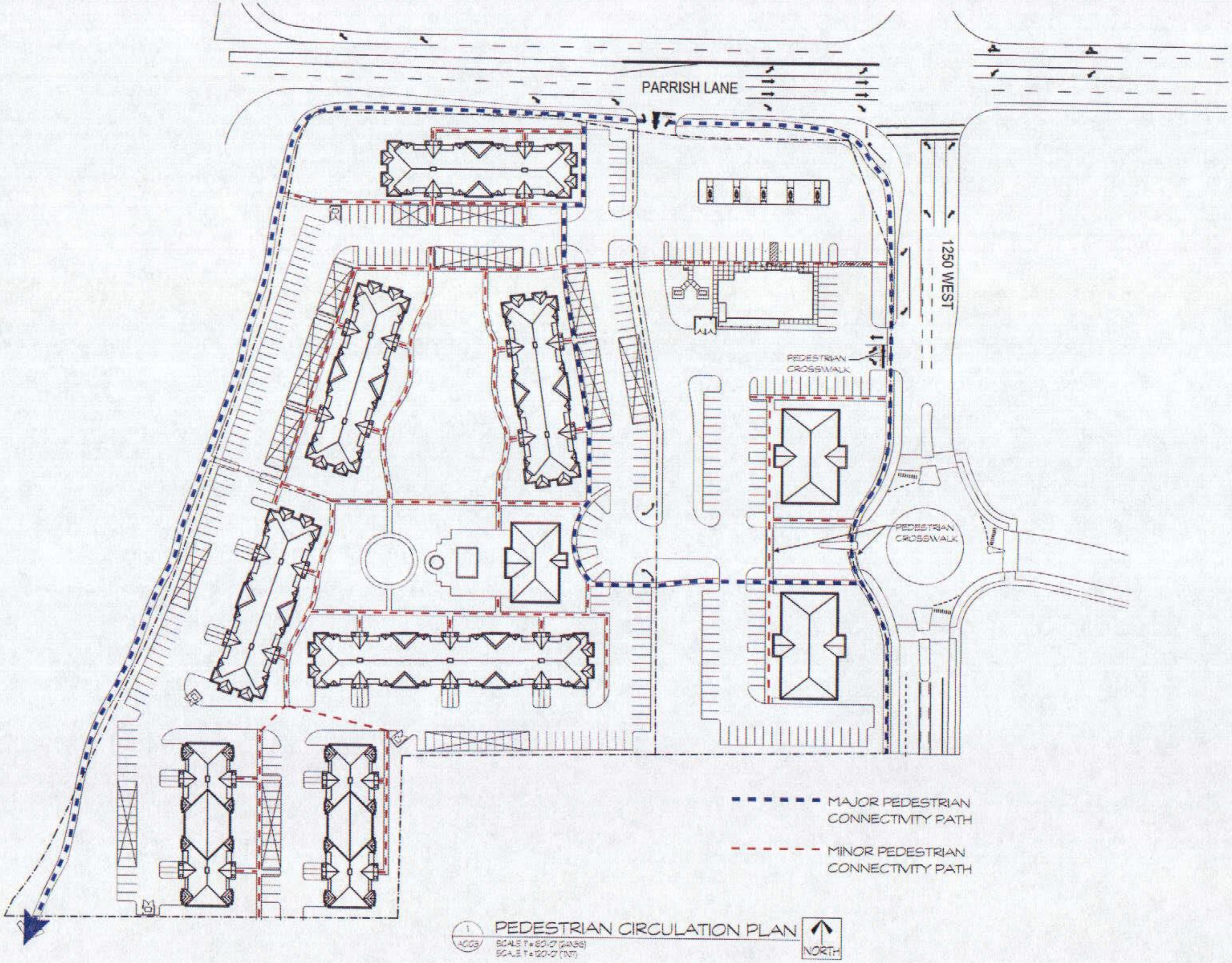
Architecture Belgique, Inc.
commercial ◆ residential

Legacy Trail Apartments
1250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural Site Plan

Date
March 3, 2014

Sheet Number
A-0.02



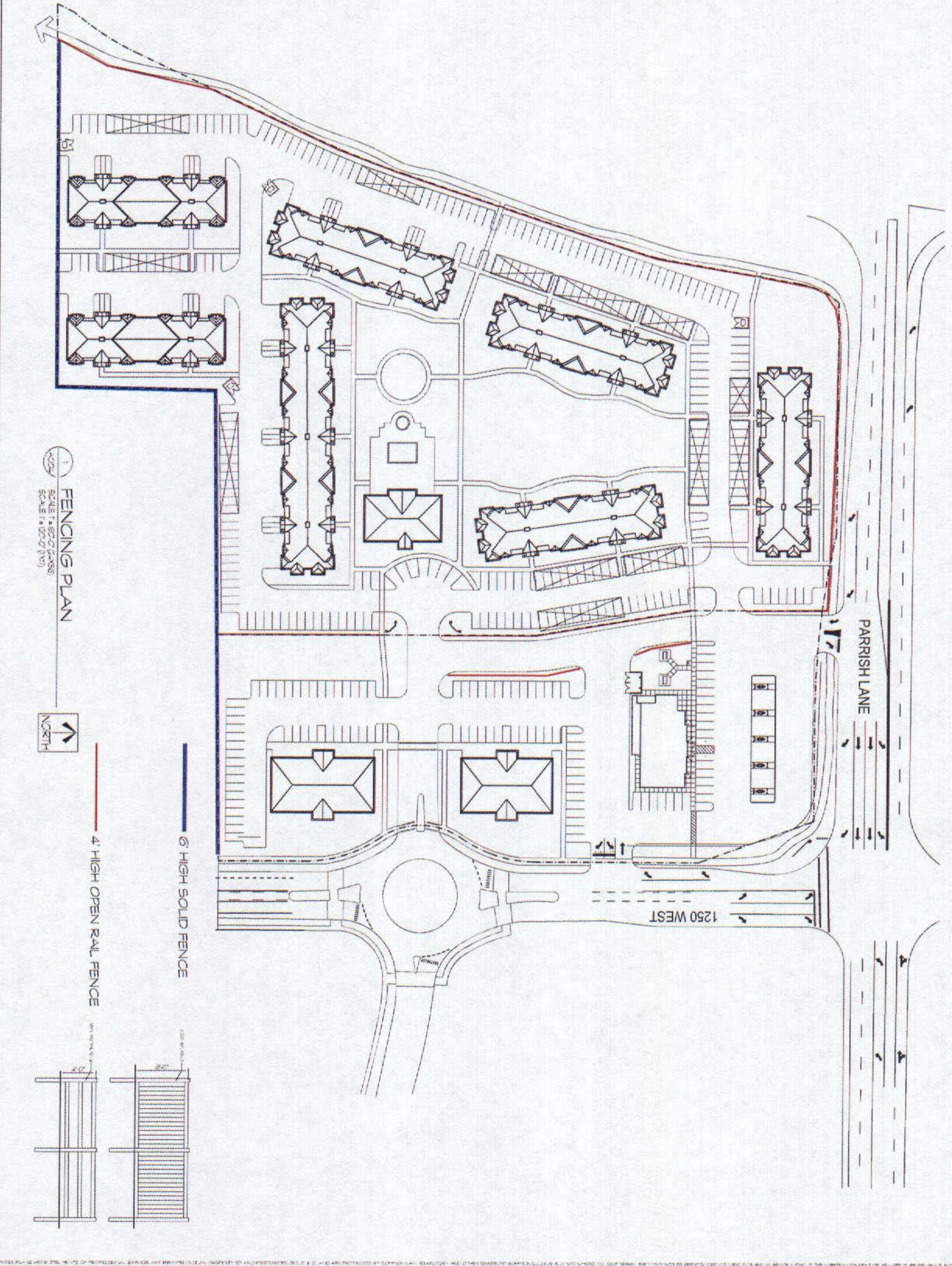
Architecture Belgique, Inc.
commercial ◆ residential

Legacy Trail Apartments
1250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural Site Plan

Date
March 3, 2014

Sheet Number
A-0.03



Legacy Trail Apartments

1250 W Parrish Ln.

Centerville, Utah

Sheet Title: Architectural Site Plan

Date: March 3, 2014

Sheet Number: A-0.04

Architecture Belgique, Inc.

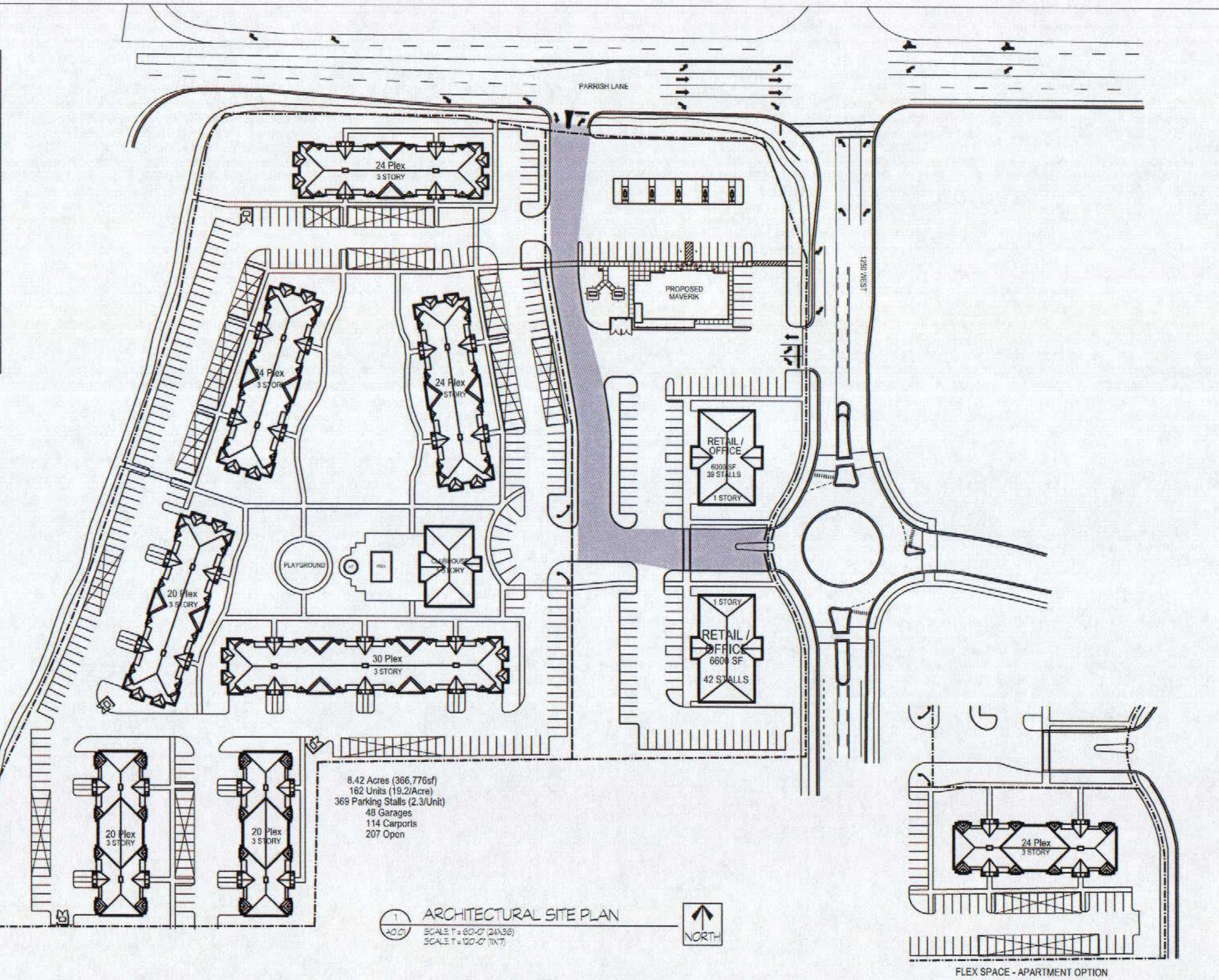
commercial ◆ residential

SITE TABULATION			
COMMERCIAL			
TOTAL SITE	156,866sf	3.60 Acres	100%
Buildings	22,799sf	.52 Acres	14%
Landscaping	47,966sf	1.10 Acres	31%
Hard surface	86,101sf	1.98 Acres	55%
RESIDENTIAL			
TOTAL SITE	366,776sf	8.42 Acres	100%
Buildings	83,509sf	1.92 Acres	23%
Landscaping	158,510sf	3.64 Acres	43%
Hard surface	124,757sf	2.86 Acres	34%

UNIT TABULATION

1 BEDROOM = 48
2 BEDROOMS = 80
3 BEDROOMS = 34
TOTAL = 162 (19.2/Acre)

PARKING	
COMMERCIAL	
TOTAL	106
RESIDENTIAL	
GARAGES	48
CARPORTS	114
OPEN	207
TOTAL	369



Architecture Belgique, Inc.
commercial ◆ residential

Legacy Trail Apartments

1250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural Site Plan

Date
March 3, 2014

Sheet Number
A-0.01

ORDINANCE NO. 2014-06

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 12.15 ACRES OF CERTAIN REAL PROPERTY AS DESCRIBED HEREIN FROM COMMERCIAL VERY HIGH (C-VH) TO COMMERCIAL VERY HIGH/PLANNED DEVELOPMENT (C-VH/PD) AND ACCEPTING CONCEPTUAL PLAN FOR THE LEGACY TRAIL APARTMENTS PLANNED DEVELOPMENT.

WHEREAS, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in *Utah Code Ann.* §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in *Utah Code Ann.* § 10-9a-503, as amended; and

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-6, West Centerville Neighborhood Plan, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Commercial Very High (C-VH) to Commercial Very High/Planned Development (C-VH/PD) as more particularly provided herein; and

WHEREAS, as part of the Planned Development Overlay (PDO) Zone requirements, requests for PDO zoning shall include a conceptual plan for review and acceptance by the City concurrent with the rezoning decision; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the City Zoning Map and acceptance of the Conceptual Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Zone Map Amendment.** Subject to conditions of approval set forth in Section 3, the real property located at approximately 1250 West and Parrish Lane in West Centerville consisting of approximately 12.15 acres as more particularly described in the legal descriptions set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned and changed from Commercial Very High (C-VH) to Commercial Very High/Planned Development (C-VH/PD) and the Centerville City Zoning Map is correspondingly amended as described herein.

Section 2. **Conceptual Plan Acceptance.** Subject to conditions of approval set forth in Section 3, the Conceptual Plan for the Legacy Trail Apartments Planned Development, as more particularly described in **Exhibit B,** attached hereto and incorporated herein by this reference, is hereby accepted by the City Council.

Section 3. **<u>Conditions of Approval</u>.** Rezone approval and acceptance of the Conceptual Plan for the Legacy Trail Apartments Planned Development is subject to the following conditions of approval:

1. The Legacy Trail Apartments Development Approved Conceptual Plan shall consist of the following, as submitted to the City:
   a. *<u>Architectural Site Plan</u>* – a colorized plan depicting the development layout, including the concept commercial and residential design concepts.
   b. *<u>Architectural Site Plan</u>* – a plan depicting the development layout with dimensions depicting conceptual setbacks, building heights, drive entrance and isle widths, with landscaping, building foot prints, hard surface percentages for the development site.
   c. *<u>Phasing Plan</u>* – a colorized phasing plan depicting five (5) development phases, including the flex-use layout for Phase 3.
   d. *<u>Pedestrian Circulation Plan</u>* – a blue/red colorized layout depicting the proposed major and minor connections and pathways.
   e. *<u>Fencing Plan</u>* – a blue/red colorized layout depicting the 4-foot and 6-foot fence locations and the selected designs.
2. The land uses and layout expectations approved for the Development are as follows:
   a. Medical Office Use – 2-Story Main Building, 20,000 sq. ft. w/ 101 parking stalls
   b. Convenience Store Uses – 1-Story Main Building w/ fuel canopy, car wash, 25 parking stalls
   c. Retail/Office Uses – 1-Story Main Building, 6,000 sq. ft. w/ 33 parking stalls
   d. Flex-space Uses – 3-Story Main Building, 10-plex residential. OR Retail/Office,7,200 sq. ft. Main Building
   e. Multi-family Residential Uses - 3-Story Main Buildings (8 structures), 160 dwelling units, 394 parking stalls
   f. Total Building Footprints – 19,680 sq. ft. (25%)
   g. Hard Surface Development – 136,045 sq. ft. (56%)
   h. Landscaping Coverage – 60,676 sq. ft. (37%)
   i. Pathway/Trail System – Internal/external pathways connecting to a proposed off-site trail connecting to Birnam Woods Trailhead (i.e. Legacy/D&RG Trail system).
3. The Development shall be subject to all applicable final site plan and subdivision development approvals, as defined in City Ordinances.
4. The PDO Conceptual Plan Approval does not include approval of any specific variations to the development standards of the Zoning or Subdivision Ordinances.
5. All final development approvals within the project area shall be deemed substantially consistent with the accepted Conceptual Plan Layout and Design.
6. The Commercial and Residential Architectural Concepts, as depicted on the Conceptual Plan, shall accomplish the following:
   a. The building design expectation is a village-style design
   b. Buildings with full pitched roofs
   c. Use of dormers, gables, box windows, and canopies for windows and entryways
   d. Garages, balconies and entry portals for residential buildings
   e. Pedestrian amenities such as patios, plazas, and enhanced entries for the commercial uses
   f. Colors and materials that are consistent with the Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing development or from the template of the Shorelands Commerce Park Design Guidelines.
   g. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).

7. The Development shall be subject to the applicable Parrish Lane Gateway Design Guidelines, Off-street Parking, and Landscaping provisions of the Zoning Ordinance.
8. As part of Phase II and Phase V Final Site Plan approvals (*service station phase*), the Development shall establish and maintain an entryway landscaping theme along Parrish Lane and at the corner of Parrish/1250 West (*see Objective 2.E of the West Centerville Neighborhood Plan*).
9. The alternative options for Phase III, shall not be allowed to prematurely execute the residential option prior to the completion (i.e. final building inspection approval) all buildings within Phases I, II, and V, so that local service commercial option might become viable with a developing multi-family neighborhood.
10. The following options are available with regard to traffic;
    a. Access at 1250 shall be limited to right in right out
    b. The right-turn pocket lane shall be installed with the 1250 West ingress
    c. A full access configuration on 1250 West may be considered by the City Council as part of their PDO approval process.
11. The PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
12. All future development within the Legacy Trail Apartments Planned Development must substantially comply with the Concept Plan acceptance, except as otherwise amended by the City.

Section 4. <u>**Findings**</u>. The rezone of the subject property to C-VH/PD and corresponding amendment to the Centerville City Zoning Map and acceptance of the Conceptual Plan for the Legacy Trail Apartments Planned Development are based on the following findings:

1. The proposed mixture of commercial and residential uses is consistent with the West Centerville Neighborhood Plan.
2. The West Centerville Neighborhood Plan envisioned only medium box type commercial uses, capped a 125,000 sq. ft.
3. The market conditions are not ripe now, nor likely in the future for medium box commercial uses, as evidenced by the following:
4. Farmington Station Park was developed after the West Centerville Plan adoption. Farmington Station Park has likely saturated the market for developing medium box type commercial uses.
5. Legacy Crossing at Parrish Lane provides space for medium box type commercial uses that have not yet come to fruition (i.e. Legacy Crossing at Parrish Lane development).
6. The petitioner has provided written opinions from Tate Properties and Mountain West, commercial real estate consultants, supporting the lack of medium box and restaurant interest in this area.
7. Limiting the allowance of other types of multi-family development negatively isolates the already developed multi-family of Legacy Crossing.
8. Master planning the entire area is better suited to address any impacts than to piecemeal development under an already long list of permitted commercial uses.
9. Thus, a PDO rezone provides an enhanced tool to address any development related concerns and maximizes the development opportunities for the entire site.
10. The City Council finds that the proposed development does not conflict with any

applicable policy of the Centerville City General Plan.

11. The City Council finds that the proposed development meets the spirit and intent of the Zoning Ordinance as set forth in Section 12-41-010.
12. The City Council finds that the proposed development will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
13. The City Council finds that the proposed development meets the use and development limitations and other requirements of the zone with which the PDO zone is combined, except as otherwise allowed by the Zoning Ordinance.
14. The City Council finds that the proposed development meets the density limitations of the General Plan.
15. The City Council finds that the petitioners have or will have sufficient control over the property to be developed to ensure development will occur as approved.
16. The City Council finds that the petitioners appear likely to have the financial capability to carry out the planned development project.
17. The City Council finds that the petitioners will likely have the capability to start construction within one (1) year of a final plan approval.

Section 5. **Severability**. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. **Effective Date.** Subject to conditions of approval set forth in Section 3, this Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS ______ DAY OF __________________, 2014.

ATTEST: **CENTERVILLE CITY**

____________________________ By: ______________________________

Marsha L. Morrow, City Recorder Mayor Paul A Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	______	______
Councilmember Fillmore	______	______
Councilmember Higginson	______	______
Councilmember Ivie	______	______
Councilmember Wright	______	______

EXHIBIT A

Rezone Property Description

EXHIBIT B

Legacy Trail Apartments Conceptual Plan

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 7.

Short Title: Continue presentation and discussion of drainage impact fee analysis and rate study

Initiated By: City staff

Scheduled Time: 7:20

SUBJECT

RECOMMENDATION

Allow Fred Philpot, consultant from Lewis, Young, Robertson & Burningham, to present the additional scenarios prepared since the March 4 work session on this topic; then discuss the impact fee analysis and rate study content and recommendations. **Council members should bring the handout given to them at the March 4 meeting.**

BACKGROUND

City Council received the initial presentation on this matter at their March 4 work session. However, additional time is needed for the City Council to understand the content of this impact fee analysis and rate study pertaining to the Drainage System. At the March 4 work session, staff recommended additional scenarios be prepared and considered--including stretching the subdrain projects over a greater number of years, and possibly a multi-year step increase in the monthly utility fees. The consultant will present these additional scenarios on March 19.

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 8.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:20

SUBJECT

a. UTOPIA update

RECOMMENDATION

BACKGROUND

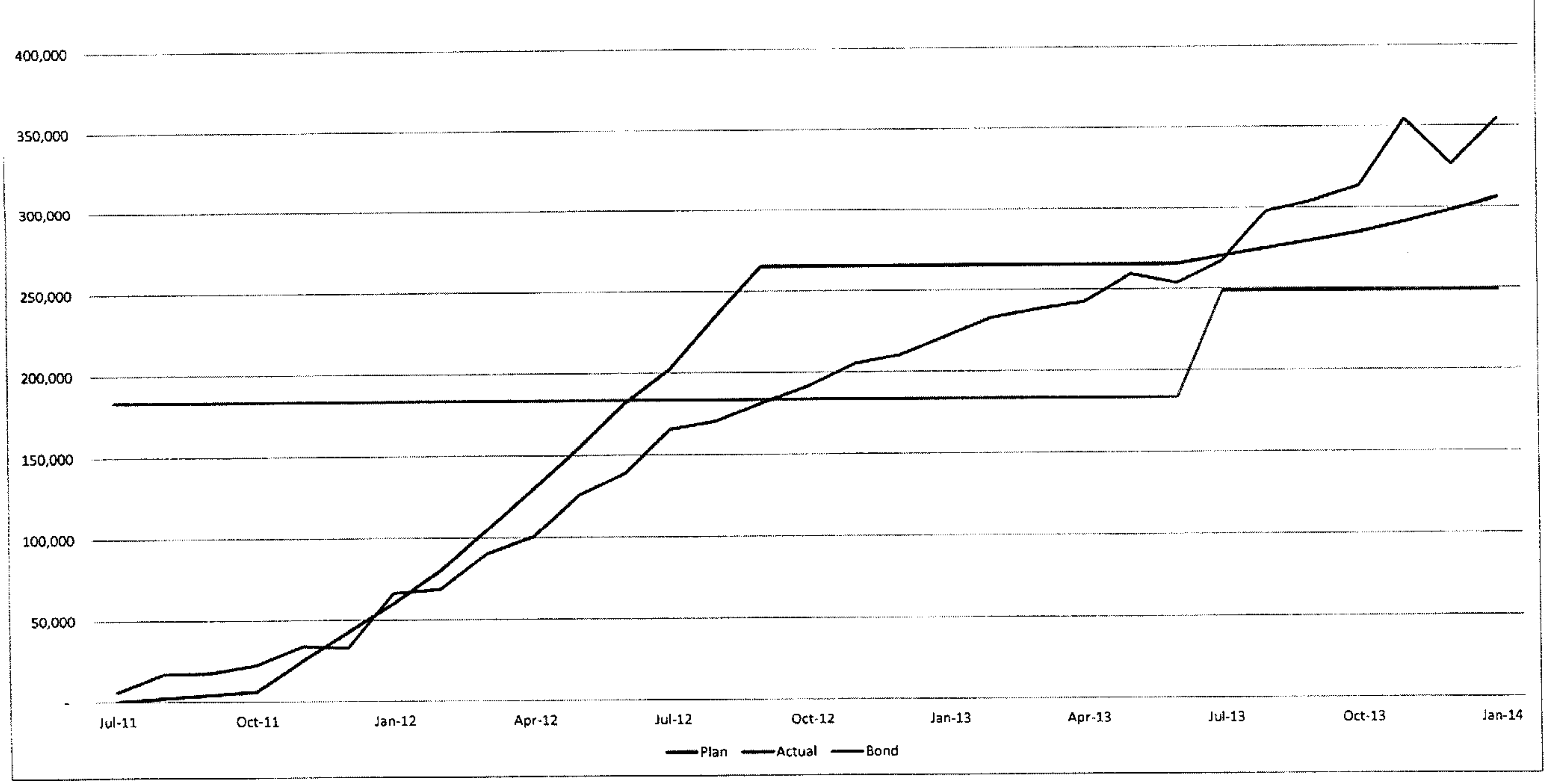
Mayor Cutler will report on UTOPIA matters and possibly other topics. Several UTOPIA/UIA monthly reports are attached.

ATTACHMENTS:

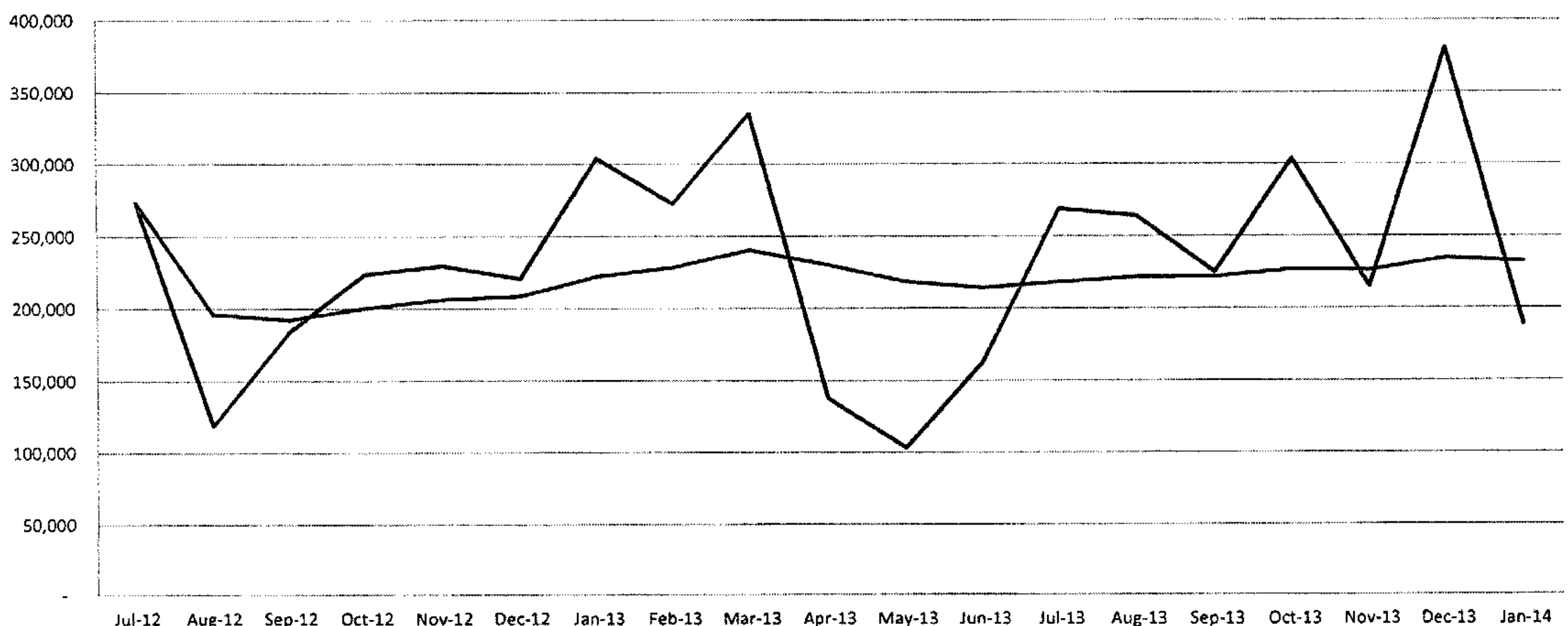
Description

- UIA recurring revenue
- OPEX
- UIA Finance Committee report
- UTOPIA Finance Committee report

UIA Revenue v. Plan and Bond Obligation thru January 2014
(Monthly Recurring Revenue Only)



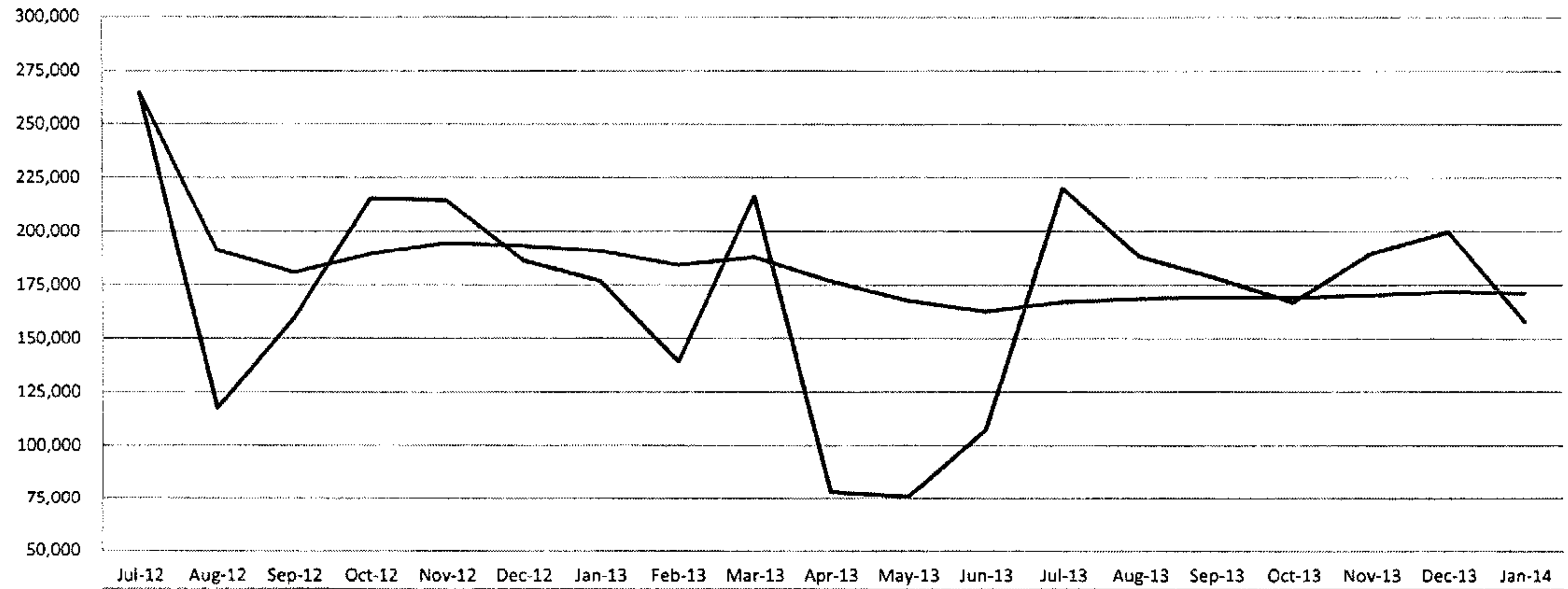
UTOPIA OPEX Shortfall



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
Shortfall	273,397	118,809	184,145	223,726	229,538	220,525	303,555	272,036	334,922	137,293
Rolling Average	273,397	196,103	192,117	200,019	205,923	208,357	221,957	228,217	240,073	229,795

	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14
Shortfall	102,799	163,445	268,348	263,681	224,543	302,965	214,624	380,416	188,591
Rolling Average	218,250	213,683	217,888	221,159	221,384	226,483	225,786	234,376	231,966

UTOPIA Adj OPEX Shortfall
(Excludes Litigation)



	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14
Adj Shortfall	264,686	117,382	159,748	215,065	214,223	186,184	176,673	139,155	216,003	77,918	75,969	107,129	219,741	188,048	178,111	166,780	189,170	199,390	157,637
Adj Rolling Average	264,686	191,034	180,605	189,220	194,221	192,881	190,566	184,139	187,680	176,704	167,546	162,511	166,913	168,423	169,069	168,926	170,117	171,743	171,001

Finance Committee Report (Unaudited)
UIA
January 2014 (58.33% of Budget)

	Current Month	Year to Date	FY14 Budget	% of Budget	Prior Year YTD	% of Budget
Revenue						
Recurring	$ 353,942	$ 2,215,719	$ 3,358,088	65.98%	$ 1,350,539	62.24%
Install	7,237	168,305	-		144,192	
Interest Income	3,866	27,063	25,000	108.25%	32,504	108.35%
Other Income	-	56	-		85	
Total Revenue	$ 365,045	$ 2,411,144	$ 3,383,088	71.27%	$ 1,527,319	69.42%
Operating Expenses						
Administrative Expense	$ 6,294	$ 94,534	$ 470,000	20.11%	$ 150,374	52.58%
Professional Services	2,100	12,322	22,463	54.86%	-	0.00%
Network Management	27,593	181,832	353,055	51.50%	141,087	50.55%
Misc. Expense	-	-			-	
Total Operating Expenses	35,987	288,689	845,518	34.14%	291,461	49.81%
Debt Payments						
IRU Capital Lease Interest	33,223	254,642	417,419	61.00%	368,400	62.64%
Interest Expense	165,370	1,126,924	1,926,061	58.51%	859,653	57.88%
Principal (1)		685,000	685,000	100.00%	665,000	100.00%
Total Bond Payments	198,593	2,066,566	3,028,480	68.24%	1,893,054	69.13%
Total Expenditures	$ 234,580	$ 2,355,254	$ 3,873,998	60.80%	$ 2,184,515	65.73%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	130,464	55,889	(490,910)		(657,195)	

(1) Annual Principal payment made each October

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

Finance Committee Report (Unaudited)
UTOPIA
January 2014 (58.33% of Budget)

	Current Month	Year to Date	FY14 Budget	% of Budget	Prior Year YTD	% of Budget
Revenue						
Recurring	$ 340,476	$ 2,537,624	$ 4,701,000	53.98%	$ 2,732,427	54.83%
Install	1,400	46,775	-		21,359	
UIA IRU	81,853	563,318	1,008,055	55.88%	521,527	53.96%
Interest Income	18	148	-		0	0.02%
Other Income	-	1,610,182	600,000	268.36%	3,696,303	61.73%
Total Revenue	$ 423,747	$ 4,758,046	$ 6,309,055	75.42%	$ 6,971,615	58.40%
Operating Expenses						
Administrative Expense	$ 390,445	$ 2,873,695	$ 4,876,727	58.93%	$ 3,074,503	58.27%
Professional Services	73,735	880,236	760,700	115.71%	500,905	45.74%
Network Management	148,140	1,236,954	2,257,160	54.80%	1,253,600	55.84%
Misc. Expense	-	-	-		(5,878)	
Total Operating Expenses	612,320	4,990,885	7,894,587	63.22%	4,823,130	55.98%
Bond Payments						
Interest Expense	1,091,388	7,626,712	13,215,000	57.71%	7,494,030	56.77%
Principal	7,027	7,027	26,062	26.96%		
Total Bond Payments	1,098,415	7,633,739	13,241,062	57.65%	7,494,030	56.76%
Total Expenditures	$ 1,710,735	$ 12,624,625	$ 21,135,649	59.73%	$ 12,317,160	56.45%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	(1,286,988)	(7,866,579)	(14,826,594)		(5,345,545)	

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 9.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:25

SUBJECT

a. Direction on bee keeping ordinance
b. Update of Main & Parrish Intersection Project, including bus stops

RECOMMENDATION

BACKGROUND

a. Several Council members have individually expressed interest in amending City ordinances to allow beekeeping within city limits. Staff are seeking a formal directive from the City Council as a whole.

b. The City Manager will update the Council on this project, including contacts with property owners about bus stops improvements.

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:30

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 11.

Short Title: Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

At this time no need for a closed meeting has been identified. However, the agenda allows for that possibility.

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No. 12.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 8:30

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards and committees.

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report
3/19/2014

Item No.

Short Title: Items of Interest (i.e., newspaper articles, not items on agenda)

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- Newspaper article re County My Vote
- Newspaper article by Dan Liljenquist re County My Vote
- Chick fil a opening article
- Snow Pack article
- Article "Granny Flats" housing
- Article- Tesoro article
- Article - Brigham Utopia
- February 2014 Monthly Building Report

Deseret News

Deal ending Count My Vote initiative passes House, Senate

By Lisa Riley Roche , Deseret News
Published: Wednesday, March 5 2014 7:12 p.m. MST

Despite concerns the deal reached to stop the Count My Vote initiative is a "death warrant" for the state's caucus and convention system for nominating candidates, it won both House and Senate approval Wednesday. (Shutterstock)

SALT LAKE CITY — Despite concerns the deal reached to stop the Count My Vote initiative is a "death warrant" for the state's caucus and convention system for nominating candidates, it won both House and Senate approval Wednesday.

SB54, sponsored by Sen. Curt Bramble, R-Provo, now preserves the system that gives party delegates elected at caucus meetings the power to choose nominees while allowing candidates another way to get on a primary election ballot.

The bill, which had been changed Monday to reflect the agreement announced over the weekend, passed the House 49-20 midday and then moved quickly to a 21-7 vote in the Senate. SB54 now goes to Gov. Gary Herbert for his action.

Backers of the initiative to replace the caucus and convention system with a direct primary election have said they will continue to circulate petitions until the bill is signed by the governor.

The bill's House sponsor, Rep. Dan McCay, R-Riverton, said at the end of an hourlong floor debate that giving candidates the option to secure a spot on the primary ballot by gathering signatures isn't necessarily better than the current system.

"I argue it can be more inclusive," McCay told his fellow representatives. "I further argue that this process does represent an opportunity for a state that is dominated by a single party to reach out and grab more people."

The bill goes further than the Count My Vote initiative, opening up all primary elections to unaffiliated voters. Currently, only registered Republicans can vote in GOP primaries, while Democratic primaries are open to all voters.

House Minority Assistant Whip Rebecca Chavez-Houck, D-Salt Lake City, said while the bill has its flaws, "it is a move forward to represent everyone in our community who deserves an equal voice."

Other House members, however, were more concerned about the impact of creating another path to the primary ballot.

Both Reps. Brian Greene, R-Pleasant Grove, and Jon Stanard, R-St. George, called themselves strong supporters of the caucus and convention system and warned the bill would spell its doom.

"I cannot cast a vote that signs its death warrant," Greene said. "I truly believe if amended SB54 passes, this dual track is illusory. The caucus-convention system will shrivel on the vine and die before our very eyes."

Stanard also predicted the system would come to an end.

"We're causing the death of the convention system. And if we pass this bill, it's only a number of years before it's done," he said.

Concerns included whether lawmakers should be telling political parties what to do.

"This is not our fight," said Rep. Ken Ivory, R-West Jordan, raising constitutional questions.

And several lawmakers took issue with the impact the signature gathering would have on rural elections and the possibility a candidate could win a primary election without a majority of the vote.

McCay said those issues can be dealt with in the future.

There was much less debate in the Senate.

Though he voted for the measure, Sen. Todd Weiler, R-Woods Cross, said the Count My Vote initiative was about a few wealthy people who want to get elected without having to meet with delegates.

"I'm very, very offended at the tactics that Count My Vote employed since SB54 was first introduced," Weiler said, referring to the ad campaign initiative backers mounted saying the Legislature was undermining the will of Utahns. "This never was about the will of the people."

Sen. Jim Dabakis, D-Salt Lake City, was the only Democrat to vote against the bill, joining some of the more partisan Republicans in the Senate.

"This is pretty much a plan to get around delegates," Dabakis said.

Bramble said the bill isn't perfect, noting the possibility that with multiple names on a primary election ballot, a candidate could advance with less than a majority vote. Also, candidates in rural counties could get on the ballot with as few as 10 signatures.

Still, he said the bill has the potential to dramatically increase participation in the electoral process.

The governor had threatened to veto the original version of SB54, which would have allowed political parties to avoid a direct primary by making some changes to the current system.

Herbert said Tuesday that while he would consider the new version of the bill carefully, he was encouraged by the compromise.

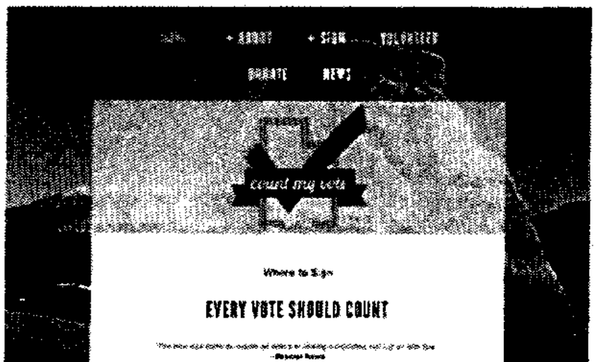
Contributing: Dennis Romboy

Email: lisa@deseretnews.com
Twitter: DNewsPolitics

Deseret News

Dan Liljenquist: Count My Vote: Compromise isn't a betrayal of principles

By Dan Liljenquist , For the Deseret News
Published: Thursday, March 6 2014 12:00 a.m. MST



The art of compromise, in its truest sense, has nothing to do with betraying your principles but finding a way to advance them. Sen. Curt Bramble's bill is an attempt to do just that. (countmyvoteutah.org)

Years ago, after a crummy meal at a hole-in-the-wall Chinese restaurant in Chicago, a fortune cookie provided some of the best advice I have received about politics. It read: "If you don't get everything you want, think of the things that you don't get that you don't want." For those on both sides of the Count My Vote vs. caucus fight here in Utah who are deeply upset by the compromise put forward by Sen. Curt Bramble in Second Substitute Senate Bill 54, this is good counsel.

I personally believe that Utah's existing caucus system, while perhaps in need of a few tweaks to increase participation, is the ideal electoral system, requiring candidates for political office to campaign at a grass-roots level, meeting face-to-face with locally elected party delegates to make their case before heading to a primary or general election ballot. It is a system that has served Utah well for decades. I support it wholeheartedly and will continue to recommend and advocate its virtues.

That said, and as distressing as it is to me, the supporters of the Count My Vote initiative do not feel the same way and are making a persuasive case to donors and citizens alike that the caucus system should be scrapped in favor of direct primary elections. From my vantage point, it appears that there is a better than 50/50 chance that, barring legislative intervention, Count My Vote will qualify for the November ballot and be voted into law.

Sen. Bramble, who I admire for his tenacity and willingness to take on tough issues, brought forward SB54 in an effort to find middle ground between the political parties and the Count My Vote proponents. After weeks of heated negotiations, Sen. Bramble and other legislative leaders reached a compromise with the Count My Vote organizers that shelves direct primaries, keeps the caucus system in place, but allows for an alternate path to a primary election ballot. While I much preferred the original version of SB54, which kept party caucuses as the exclusive mechanism to make it to a primary ballot, I am pleased that the Legislature is unwilling to risk the complete dismantling of the caucus system by rolling the dice on the success or failure of the Count My Vote initiative. Playing "zero sum game" politics is an exceptionally risky, even reckless, strategy.

Over the politically polarizing last few years, the word "compromise" — once considered an admirable skill possessed by the greatest of statesmen — has, for some, become the deadliest of political sins. But compromise, as defined by the dictionary as "a settlement of differences by mutual concessions," is the connective tissue that knits together societies of diverse individuals with differing values, beliefs and interests. (It was the Great Compromise of 1787, after all, that yielded our incomparable Constitution.) The art of compromise, in its truest sense, has nothing to do with betraying your principles but finding a way to advance them. Sen. Bramble's bill is an attempt to do just that.

On a final note, many opponents of SB54 are troubled by the potentially unconstitutional intervention of the Legislature and/or the Count My Vote initiative on the inner workings of political parties. I too share this concern, and believe that Utah's political parties should file suit to challenge SB54 on freedom of association grounds. Even so, I still hope to see SB54 passed and signed into law. I would much rather end up with an "all or something" scenario in challenging SB54 in court than an "all or nothing" scenario in challenging the Count My Vote initiative.

Dan Liljenquist is a former state senator and former U.S. Senate candidate.

Date: Mar 7, 2014; Section: Top of Utah - Davis; Page: 1B

All About the Freebies

Jamboree? Campout? No, it's a Chick-fil-A opening in Centerville

By DANA RIMINGTON

Standard-Examiner correspondent

CENTERVILLE — The moment was reminiscent of the "Hunger Games," says Brent Johnson, of Bountiful, as he stood outside the new Centerville Chick-fil-A at 6 a.m. Wednesday, anxiously waiting alongside 200 people to see if his number would be drawn.

As luck would have it, Johnson's number was drawn with 99 others. This meant his 24-hour wait in the parking lot of the restaurant at 540 N. 800 West paid off. He and the others drawn each won coupons for one free meal a week at the store for a year.

It was a party atmosphere for Johnson and his friends, who had their tents equipped with Xbox and Nintendo games. Johnson's wife thought he was crazy. But for him, it was a day to hang out with his friends.

"Girl's don't understand this is a good time for us, like camping on steroids ... we've tossed the football around, played games and had free food. That's too tempting to pass up," said Johnson.

Chick-fil-A's "First 100" event is a long-standing tradition for each store it opens. Many regular diehards look forward to it, including 24-year-old Erica Mueller, of Provo, who is no stranger to the process. Mueller has been to five of the store openings in Meridian, Idaho; St. George; Provo; Murray; and now Centerville.

One of her friends, who has been to nine openings, got Mueller hooked.

"This is our tradition as a team thing, and then we split up the coupons," said Mueller, a law student at Brigham Young University. "It's fun because these are my friends and we can hang out and get away from school."

Although not everyone was able to escape school. Some were doing homework or cramming for exams, such as the Graduate Records Exam.

As for Mueller, she took time reading and catching up on her sleep in their deckedout tent with quilts, sleeping bags and pillows.

One member of the waiting crowd claims to be known as the oldest person to have participated in the "First 100" event. Dorothy Norseth, 89, from Plain City, was talked into coming to the event by her daughter. She figured it would be as good a time as any to spend time with family.

"It's been fun doing this with my kids, and they've been good about putting up with me," said Norseth. "On my 70th birthday, I hiked to the bottom of the Grand Canyon with my kids, so they've always thought I could do anything. I'm not that way anymore, but I do like to do things outside, and it's been a beautiful day as we've waited here."

The folks waiting, with an occasional guest standing in their place, were taken care of by the new staff at Chick-fil-A with free breakfast, lunch, dinner and bedtime snack. The staff was practicing for the big opening Thursday at 6 a.m.

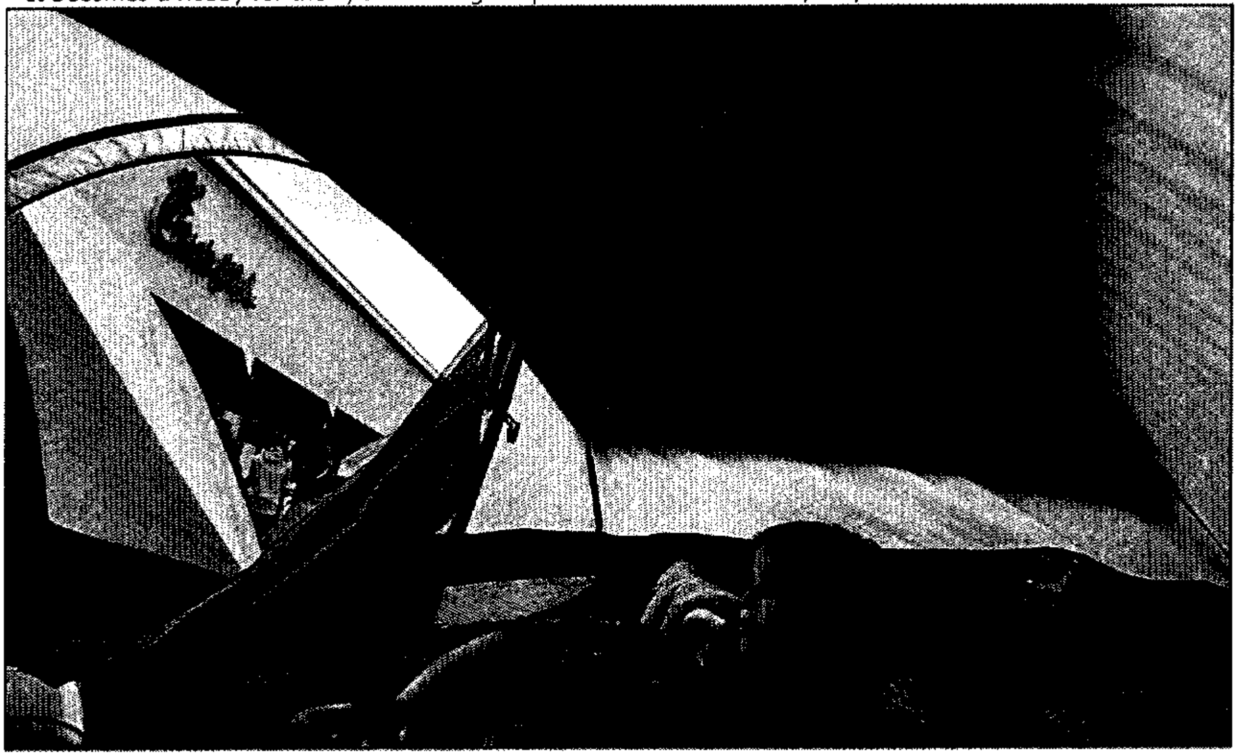
Perhaps one of the biggest reasons for hosting the "First 100" event, according to Mandy Goepp, with CP Communications Inc., is the opportunity to train their new hires before the paying public comes through the doors.

"We serve a unique way, something we call secondmile service, so we have trainers that have come from across the country to get the employees started here," said Goepp.

Entertainment was also provided for the waiting guests with a DJ, games and prizes.

According to Chick-fil-A Marketing Grand Opener Casey Durham, many of the customers who have traveled around to their new store openings have become friends and look forward to visiting with one another at each event.

"It becomes a hobby for them, and it's a good promotional event for us, too," said Durham.



DYLAN BROWN/Standard-Examiner

Utahns camp out Wednesday to be the first line for Thursday's opening of a new Chick-fil-A store in Centerville. The fast-food company has attracted followers with its "First 100" event, in which the people whose numbers are among the first 100 to be drawn receive coupons for one free meal a week at that store for a year.

Date: Mar 7, 2014; Section: Front Page; Page: 1A

February boosts water outlook

Snowpack from Pineapple Express dries up drought worries in N. Utah

By MITCH SHAW

Standard-Examiner staff

OGDEN — Drink up — a latewinter recovery has the Top of Utah water supply in good shape as springtime nears.

Snowpack has substantially increased over the past month, with the Weber and Ogden river basins already at 98 percent of normal, according to the 2014 Utah Water Supply Outlook Report, released Thursday by the Utah Natural Resources Conservation Service.

Last year at this time, snowpack in the basins was only 73 percent of normal.

N o r t h e r n U t a h mountain precipitation in February was 158 percent of normal, which brings the seasonal accumulation total to 89 percent of average, the NRCS says.

The precipitation also took snowpack levels at the Bear River and Weber River drainages from 75 percent of normal to between 100 and 110 percent.

"That is a bases-loaded, bottom-of-the-ninth home run," said Randy Julander, snow survey supervisor for the NRCS. "It's been an amazing recovery."

Julander said the February watershed miracle was muchneeded, as precipitation in each of the previous four months was below average.

"We were looking at a situation where there would have been a water shortage for farmers and agriculture producers all across Northern Utah," Julander said. "But now, we're in pretty good shape."

And things in Cache County are even better.

During the past 30 days, a monitoring station in Logan Canyon received 20 inches of snow water equivalent, which is more than the average annual precipitation of Salt Lake City.

The precipitation is coming from a weather pattern known as Pineapple Express, which comes from deep in the Pacific Ocean and drenches the atmosphere with moisture as it moves east, Julander said. "Northern Utah was kind of right in its path," he said. And Julander said the wet weather is expected to hang around for a little while. "What's happened so far has really taken the edge off, but it looks like this weather pattern is going to hold for a little while, and if it holds until, say, the beginning of April, we'll be sitting pretty."

The report also says soil moisture conditions are near normal for Northern Utah, and reservoir storage continues to incrementally improve.

Julander said water managers are storing as much as possible, but there is still less water in Northern Utah reservoirs than there was last year, with reservoir storage at 41 percent of capacity, compared to 54 percent last year.

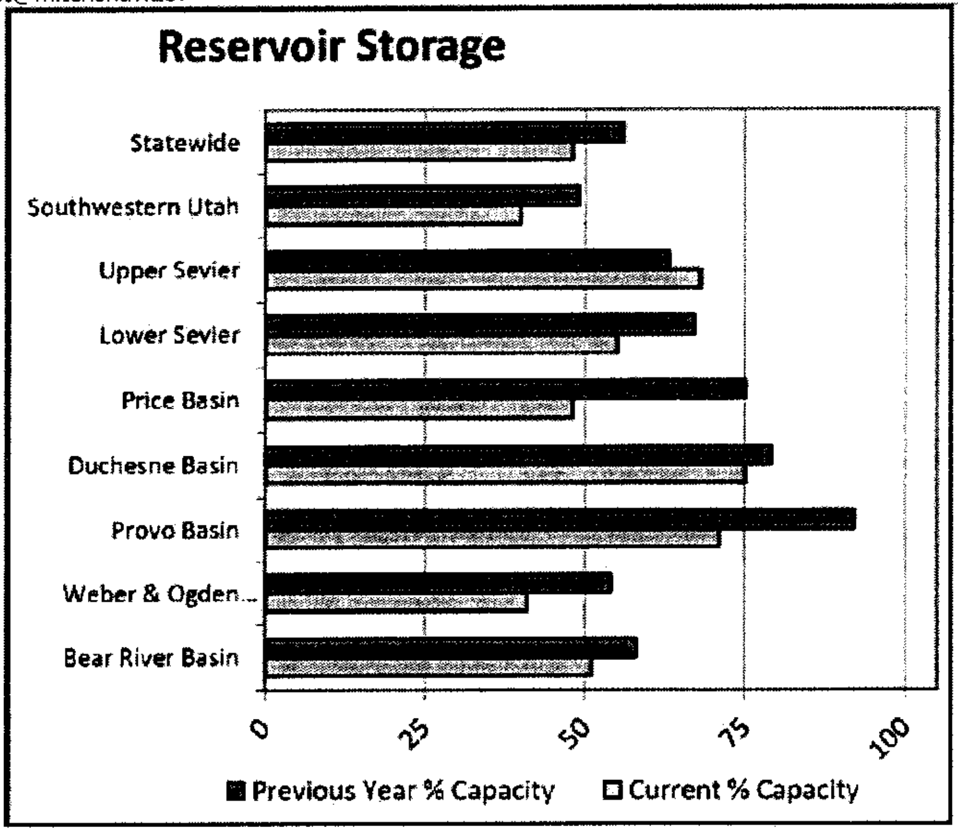
The report also says snowmelt will start earlier than normal this year because of above-average temperatures throughout much of February.

Most of the annual streamflow in the Western United States originates as snowfall that has accumulated in the mountains during the winter and early spring.

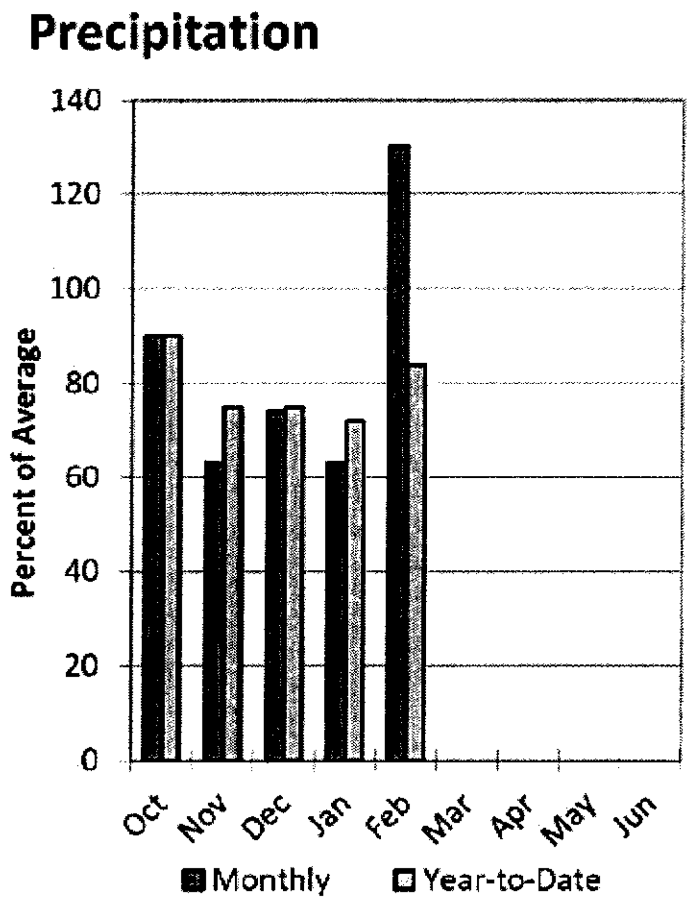
As the snowpack accumulates, hydrologists estimate the runoff that will occur when it melts.

Measurements of snow water equivalent at selected manual snow courses and automated "SNOTEL sites," along with precipitation, historic streamflow and indices of the Southern Oscillation, are used in statistical and simulation models to prepare runoff forecasts.

Contact reporter Mitch Shaw at 801-625-4233 or mishaw@standard.net. Follow him on Twitter at@mitchshaw23.



Utah Natural Resources Conservation Service


Precipitation
Percent of Average
140
120
100
80
60
40
20
0
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Monthly
Year-to-Date

Date: Mar 9, 2014; Section: Top of Utah; Page: 1C

Ogden: Granny flats bring benefits

Units provide economic, social diversity for community

By CATHY MCKITRICK

Standard-Examiner staff

OGDEN — City council action has paved the way for homeowners within a sevenblock area in east-central Ogden to add mother-in-law apartments to their properties.

City planners view these accessory dwelling units (ADUs), also referred to as "granny flats," as tools that can help stabilize neighborhoods, encourage owner occupancy and build community pride, said Ogden Planning Manager Greg Montgomery.

In December, Shalae Larsen petitioned the city to allow her and her husband to add an apartment over their new garage built next to the 124-year-old home they purchased in 2002 near Jefferson Avenue and 24th Street.

"In general, ADUs have a number of really positive benefits to a community," Larsen said, "including allowing you to increase density in a safe way because you have owner occupancy."

However, Larsen also likes the economic and social diversity that these extra living units can provide. For example, as families age, needs change — children grow up and move out, and aging parents might move in.

"In our neighborhood, there are many older historic homes that require a lot of maintenance," Larsen said, noting that those costs multiply quickly. "So for homeowners such as myself, it would be a potential additional stream of income to help offset the costs of owning these big Victorian mansions."

The Ogden Planning Commission not only unanimously recommended approval of applying the ADU overlay zone to the Larsens' block, but also urged extending it to include seven blocks between 22nd and 24th streets and Adams and Quincy avenues.

Councilman Doug Stephens was absent, but the remaining six members last Tuesday unanimously approved the ADU overlay in that neighborhood.

The block south of 22nd Street and west of Quincy Avenue is excluded.

"Not everyone needs a huge house, but they may like these old, huge houses," said Councilwoman Amy Wicks.

"This gives them a chance to make it work for them, and it also makes it so the housing works across the lifespan of the family."

According to planning documents, the use flows in line with the East Central Community Plan. The seven-block neighborhood includes 239 residential properties, of which nearly 70 percent could be eligible for an ADU.

However, some parcels might face barriers . City guidelines require that the property owner use the home as a primary residence, and the ADU must meet certain squarefootage requirements and be occupied by no more than two adults with or without minor children, Montgomery said.

In addition, off-street parking must be provided in a way that maintains the singlefamily look of the home, and if the extra unit is in the basement, bedrooms must qualify as egress windows that would be big enough for someone to exit if necessary.

"Most of us know people and neighbors who are doing it already," Montgomery said. "It makes sense in terms of civility and owner occupancy to allow this type of option."

In the future, council members could extend the ADU overlay option throughout the city.

"I think it makes a lot of sense," said Council Chairman Richard Hyer.

Contact reporter Cathy McKitrick at 801-625-4214 or cmckitrick@standard.net. Follow her on Twitter at @catmck.

Date: Mar 8, 2014; Section: Front Page; Page: 1A

S. Davis cities wary of pipeline

Officials: Tesoro attempting to increase area production?

By BRYON SAXTON

Standard-Examiner staff

BOUNTIFUL — South Davis city leaders are voicing more questions about the proposed 135-mile Uinta Pipeline Express project, wondering whether the Tesoro Companies Inc. endeavor is a veiled attempt to increase production at its area refineries.

Tesoro insists it needs the pipeline so it can pull oil transport trucks off the road, but some local municipal officials suspect a deeper motivation, said North Salt Lake City Manager Barry Edwards.

"Our question is: What is the end game here?" Woods Cross City Manager Gary Uresk said of the pipeline, which has a preferred route that winds its way through West Bounti ful, North Salt Lake, Bountiful and Woods Cross.

Davis city leaders are concerned with the broad statements Tesoro officials have made about the number of oil transport trucks the buried 12-inch-diameter pipeline will be able to take off the roads, Uresk said. Opening the waxy crude oil pipeline from Duchesne County to Davis County will allow a capacity of 60,000 barrels of oil per day flow to the refineries on the Davis/Salt Lake county line, taking off the road the 250 transport trucks currently moving the oil from the Uinta Basin to the refineries, said Michael Gebhardt, Tesoro vice president of business development.

"I don't dispute what they are saying, that they are going to take trucks off the road," Uresk said. "But the question is, for how long?"

Uresk said his concern is based on the amount of oil drilling available in the Uinta Basin.

With that in mind, the four Davis cities are collectively preparing a public comment on the project.

But the actions of Davis city leaders come as no surprise to Tesoro representatives, who defend their position.

"We are expecting that the cities and counties that (the pipeline is) going through to submit comments," said Cindy Gubler, with Wilkinson Ferrari & Co., representing Tesoro.

"This is an expensive project for Tesoro," Gubler said, and the pipeline Tesoro is proposing to build is based on the refineries' current consumption "based on what permits are in hand."

"The permitting process these refineries have to go through is large and takes a lot of work. They can't just say, 'Ship more to us.' They would have to go through another process," Gubler said.

But Gubler anticipated the four affected Davis cities would have questions.

"There is a lot of interaction and coordination that will have to happen between the cities and counties and our project team," she said. "It's a process."

As of Thursday, 119 public comments had been submitted on the proposed project, said Larry Lucas, of the Uinta/Wasatch/Cache National Forest office.

That is not an unusual number, "considering the length of the route involved," he said.

Of the comments submitted, Lucas said, 28 were made at the two public open houses in Heber City and Bountiful in February. There also have been 74 emails and 17 letters.

This is the public scoping phase of the project, with an environmental analysis to follow. That analysis will be summarized in an environmental impact statement, with an additional public comment period to follow in early fall 2015, Lucas said.

The plan is to have the pipeline operational in 2016, Gebhardt said.

Bountiful city is also concerned about the route the proposed waxy crude oil pipeline takes through its city, officials say.

The preferred pipeline route runs over the Wasatch Mountains between The Church of Jesus Christ of Latter-day Saints Bountiful Temple and the Bountiful High School "B" before heading west down 400 North in Bountiful.

Edwards said North Salt Lake officials do not have concerns with the pipeline alignment in their city, where it takes a route following along the Legacy Parkway trail.

But the city does support its "sister-city" Bountiful, Edwards said, and the concerns it has with the alignment.

"We really don't have a problem with the alignment," Edwards said. "From our standpoint, we've got a million pipelines."

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Want to comment?

Comments must be submitted by the close of business March 17 to the Uinta/Wasatch/ Cache National Forest supervisor's office in South Jordan.

More information on how to submit a letter is available at http://uintapipelineexpress.com.

Date: Mar 10, 2014; Section: Top of Utah; Page: 1B

Task force to study UTOPIA's future

Issue in Brigham City could take months to resolve

By TIM GURRISTER

Standard-Examiner staff

BRIGHAM CITY — The 10-member task force is now empaneled that will study the city's future with UTOPIA, including the possibility of ending it.

Even with the potential infusion of $300 million or more in fresh capital from an Australian investment firm, city officials last month decided to form the Fiber Optic Task Force to weigh its options with UTOPIA. The troubled Internet access network that promises far higher download speeds than is commercially available.

Municipally owned by 11 cities, Utah Telecommunications Open Infrastructure Agency — has stalled for various reasons since its late 1990s inception. Brigham pays $435,000 a year on its bonds for UTOPIA, payments owed for 25 years or more. Layton is on the hook for $2 million a year.

Brigham's ad hoc task force will be chaired by Bob Marabella, a realtor and former two-term city council member. Members are local business and civic leaders, including Alan Shakespear, head of information technology for the Box Elder School District and a one-time candidate for the state school board, as well as former long-time Box Elder County Attorney Jon Bunderson, now in private practice.

Others named to the task force are CPA Brandon Broadhead, Karen Nisonger, Corbett Austin, Jeremy Hunsaker, county tourism head Joan Hammer and former city council members Mike Phillips and Doug Wight.

"Some members of the task force are pretty vocal in their opposition to any further involvement with UTOPIA," Shakespear said after the task force had it first meeting Thursday. "It certainly isn't stacked with people sharing the same opinions."

The task force time frame will likely be a matter of months, not weeks, Shakespear said. "Our charge is to evaluate all the options and make a recommendation to the city council on how to proceed in whatever time it takes to form a consensus. I hope it's less than a matter of months."

All the options are difficult, he said, including "letting the system go dark" as getting out is described. "There's no easy option. The liability of the bonds doesn't go away easily.

"There's no clear way forward on this. It's a muddy, murky path ahead."

"Build-out" for the UTOPIA network has been delayed for years for a variety of reasons, including contractor problems and a federal grant program closing down that had assisted subscribers in paying hookup fees.

UTOPIA officials count an estimated 20,000 subscribers statewide to date, far short of the goal of 153,000.

An expected infusion of capital to complete the build-out, $300 million or more, was announced in December with UTOPIA'S signing of a pre-development agreement with Macquarie Capital Group, an Australian investment firm that specializes in running public-private partnerships.

Macquarie has been seeking fees from the 11 UTOPIA cities for an engineering feasibility study before it signs final papers to complete the build-out. Brigham's share is an estimated $13,000.

Last year, Provo sold its solely owned fiber optic network experiment, iProvo, to Google to get out from under operational costs. The deal didn't relieve the city from paying off the ten years worth of bonds remaining for the system. Incorporated in 2004 with a $39 million price tag, it failed to attract enough subscribers to be lucrative, according to news reports.

Terms have Google upgrading the system and offering seven years of free service to Provo subscribers.

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Steve Thacker,
City Manager

Centerville City

Building & Safety Department

655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for February 2014

Construction Type	# of Permits	YTD Structures	Average Home Cost	Construction Valuation

[illegible]				
MECHANICAL	66.00	660.00	264.00	462.00
GRADING		-		-
STATE SURCHARGE	41.86	154.08	84.62	200.47
WATER DEV.		2,026.00	2,400.00	9,600.00
WATER CONNECTION		2,997.81		-
WATER METER		195.00	780.00	1,950.00
STORM DRAIN		700.00		-
FIRE IMPACT		471.00	1,884.00	4,710.00
PARK IMPACT		2,057.00	4,800.00	12,000.00
DRIVE APPROACH		35.00	140.00	350.00
BOND	1,000.00	2,000.00	5,000.00	6,000.00
SPECIAL RECORDING		-		12.00
ENGINEERING		500.00		
TV INSPECT DRAINS		-		-
LANDSCAPING BOND		-		
Total Permits Related Revenue:	**$7,295.25**	**$33,313.94**	**$25,557.50**	**$59,855.94**