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

[redacted]

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of April 21, 2015 Council Meeting
date: April 17, 2015

5:00 **Work Session**

a. **Discussion with County Commissioners** – The work session will begin at 5 p.m. The first part will be a discussion with Davis County Commissioners about topics of common interest. This opportunity was requested by the Commissioners. Dinner will be available beginning at 4:45 p.m. and can be eaten while the discussion occurs beginning at 5 p.m.

b. **Discuss South Main Street Corridor Plan** – At their April 7 meeting, the City Council denied an application for zoning code amendments requested by Brighton Homes, pertaining to a section of the South Main Street Corridor. At that time, several Council Members raised the question of whether the South Main Street Corridor Plan needs to be updated regarding desired land uses and development standards. They directed staff to prepare an ordinance for the April 21 meeting that would impose a moratorium on development applications until changes to the plan/zoning ordinance could be considered. This ordinance is the subject of item #5 on the regular meeting agenda. In the work session, the Council will discuss whether they want to update the plan and related ordinance and, if so, whether they want to impose a moratorium on development applications during that process. If time permits in the work session (not likely), the Council could begin discussing the subject of item #6 on the regular meeting agenda (sign ordinance).

7:00 **Regular City Council Meeting**

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

E.2. **South Davis I-15 Project** – Nathan Peterson, UDOT manager for this project, has requested some time to report on this project, which is to be completed by this July. I have asked him to also address several matters of specific interest to Centerville, identified in the staff report, relating to this project.

E.3. **Questar Franchise Renewal** – Questar and City staff have negotiated the contents of a new Franchise Agreement pertaining to Questar's gas distribution system in Centerville. The current 25-year Agreement was due to expire in 2014, but was extended twice for a total of nine months to allow more time for the parties to agree on the content of a new Agreement—which is now ready for Council's consideration. I expect a Questar rep to be present.

MAKING Life BETTER
Centerville City

E.4. **Approve Whitaker Museum Sign** – Board Chair Spencer Packer has asked for a few minutes to show the Council the proposed sign for the Whitaker Museum and ask for their approval.

E.5. **Temporary Zoning Regulations for South Main Street Corridor** – This matter will initially be discussed in the work session prior to the regular meeting. See explanation above under the work session heading.

E.6. **Discuss Sign Ordinance** – In an earlier meeting, several Council Members expressed a desire to consider changes to the current sign ordinance that would make it easier to comply during campaign season. Cory Snyder, Community Development Director, has prepared a written summary of the current regulations affecting campaign signs. **Council Members are encourage to read his memo prior to the meeting so time will not be needed to provide an oral briefing.** Lisa Romney, City Attorney, will provide a briefing and answer questions about the legal issues pertaining to campaign signs. Then Cory will make a few suggestions as to how the sign regulations could be modified to make compliance easier during the election campaign period.

E.7. **Discuss Campaign Finance Ordinance** – Several amendments were made to State law affecting campaign finance in the 2015 Legislative Session. As a result, the City Attorney recommends the Council either amend the City's campaign finance ordinance to conform, or repeal the City's ordinance and rely entirely on the State law, which has been significantly improved in terms of definitions, etc.

E.8. **Complete Streets Policy** – In November and December 2014, a working group of City staff and two Council Members—with assistance from WFRC and consultants—drafted a Complete Streets Policy for consideration by the City Council. The Council was briefed on the "Complete Streets" concept in an earlier meeting. The intent of this policy is to encourage the consideration of all types of mobility when constructing, improving or maintaining the public roadways—subject to financial constraints and other limiting factors.

E.9. **Financial Report** – Blaine Lutz, Finance Director, is preparing the financial report for the nine-month period ending March 31, 2015. This report will be attached to the online meeting packet when available.

E10. **Amend FY 2015 Budget** – As is typical each fiscal year, amendments are needed to the Adopted Budget to accommodate changing circumstances during the year. Blaine Lutz is preparing these amendments and will attach such to the online meeting packet when available. Two of these amendments are needed to fully fund two of the bid awards under item #11 on the agenda.

E.11. **Summary Action Calendar**

a. **Bid Award for reroofing city hall** – This project was initially bid last year, but bids were rejected in hopes of getting lower bids in the spring of 2015. The current bid process has a much better outcome. The low bid of $61,500 from VIP Roofing still exceeds the $50,000 budget and will need additional funding approved by the City Council (see item #10 above)—but is much better than last year's bid results.

b. **Bid award for 2015 Street Overlay Project** – Very good bids were received for the overlay of the Frontage Road and Marketplace Drive between 600 North and 100 South. However, due to the carryover of last year's street projects into the current fiscal year—which used some of the new spending authority in the current Budget—a budget amendment is needed in item #10 on

the agenda to fully fund the low bid of $244,887 from Granite Construction. This is a typical adjustment to the budget every fiscal year because of carryover contract work from the prior fiscal year.

c. **Bid awards for Legacy Trail Subdivision Waterlines** – This project involves the construction of water lines to serve the new development at the southwest corner of Parrish and 1250 West. The developer will pay the full cost of this infrastructure, but the project is administered by the City.
d. **Accept public utility easement** – The owner of this property is granting easements to the City for future public utilities along the perimeter of his property—as a requirement of property development.
e. **Terminate warranty** – The Chapel Ridge Cove PDO, located along the west side of Park Hills Drive, is ready to end its warranty period.

E.12. **Mayor's Report** – Mayor Cutler will report on several matters shown under this heading.

E.13. **City Manager's Report** – Although no topics are showing at this time, I may report on one or more matters.

E.14. **Miscellaneous Business** – No matters are shown at this time under this heading.

E.15. **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.16. **Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments to City boards/committees.

Potential Agenda Items for May 5, 2015 City Council meetings (subject to change):

- URMMA Presentation
- Public hearing – Zoning Code Text Amendment re ADUs
- Presentation of City Manager's FY 2016 Proposed Budget
- Campaign Finance Ordinance amendments
- City Council Liaison Report – John Higginson

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, APRIL 21, 2015 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://centerville.novusagenda.com/agendapublic.**

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

5:00 Work Session – a) Discussion with County Commissioners; b) (estimated time 5:45) Discuss South Main Street Corridor Plan and, if time permits, Temporary Sign Ordinance

7:00 **A. ROLL CALL**
(See City Manager's Memo for summary of meeting business)

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT
Mayor Paul Cutler

7:05 **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**

7:10 1. **MINUTES REVIEW AND ACCEPTANCE**
April 7, 2015 meeting

7:10 2. Presentation re South Davis I-15 Project by Nathan Peterson, Project Manager

(OVER)

7:25 3. Questar Franchise Renewal
Consider Ordinance No. 2015-06 Granting to Questar Gas Company a Franchise for the Construction, Operation, and Maintenance of a Gas Distribution System in Centerville City

7:35 4. Approve Whitaker Museum Sign

7:45 5. Discuss Temporary Zoning Regulations for South Main Street Corridor Zone – Consider Ordinance No. 2015-05

8:05 6. Discuss sign ordinance and give direction to staff

8:35 7. Discuss Campaign Finance Ordinance

8:45 8. Discuss proposed Complete Streets Policy

9:05 9. Financial Report for period ending March 31, 2015

9:15 10. Amend FY 2015 Budget
a. Staff report
b. Public hearing
c. Consider Resolution No. 2015-06

9:25 11. Summary Action Calendar
a. Award bid to reroofing City Hall
b. Award bid for 2015 Street Overlay Project
c. Award bids for labor and materials for construction of the Legacy Trail Subdivision waterlines
d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150 East 200 South
e. Terminate warranty for Chapel Ridge Cove Subdivision

9:30 12. Mayor's Report
a. Quarterly utility bill adjustments
b. UTOPIA Financial Reports
c. Centennial Celebration update

9:40 13. City Manager's Report

9:45 14. Miscellaneous Business

9:50 15. 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.

9:50 16. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

(Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC
Centerville City Recorder

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Mayor Cutler

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E. BUSINESS

7:10	1.	Minutes Review and Acceptance April 7, 2015 City Council meeting
7:10	2.	Presentation re South Davis I-15 Project by Nathan Peterson, Project Manager
7:25	3.	Questar Franchise Renewal Consider Ordinance No. 2015-06 Granting to Questar Gas Company a Franchise for the Construction, Operation, and Maintenance of a Gas Distribution System in Centerville City
7:35	4.	Approve Whitaker Museum Sign
7:45	5.	Discuss Temporary Zoning Regulations for South Main Street Corridor Zone – Consider Ordinance No. 2015-05
8:05	6.	Discuss Sign Ordinance and give direction to staff
8:35	7.	Discuss Campaign Finance Ordinance
8:45	8.	Discuss proposed Complete Streets Policy
9:05	9.	Financial Report for period ending March 31, 2015
9:15	10.	Amend FY 2015 Budget a. Staff report b. Public hearing c. Consider Resolution No. 2015-06
9:25	11.	Summary Action Calendar a. Award bid for re-roofing City Hall b. Award bid for the 2015 Street Overlay Project c. Award bids for labor and materials for construction of the Legacy Trail Subdivision waterlines d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150 East 200 South e. Terminate warranty period for Chapel Ridge Cove Subdivision
9:30	12.	Mayor's Report a. Quarterly utility bill adjustments b. UTOPIA Financial Reports c. Centennial Celebration update
9:40	13.	City Manager's Report
9:45	14.	Miscellaneous Business
9:50	15.	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
9:50	16.	Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No.

Short Title: Work Session - a) Discussion with County Commissioners; b) (estimated time 5:45) Discuss South Main Street Corridor Plan and, if time permits, Temporary Sign Ordinance

Initiated By:

Scheduled Time: 5:00

SUBJECT

RECOMMENDATION

a. Discuss matters of common interest with County Commissioners while eating dinner--beginning at 5 p.m.
b. At approximately 5:45 p.m. excuse the Commissioners and discuss the South Main Street Corridor Plan as a foundation for deciding in the regular Council meeting (see item #5) whether to impose temporary zoning regulations (i.e. development moratorium) on this section of Main Street. If time permits, begin discussing the sign ordinance topic that is the subject of item #6 on the regular Council meeting agenda.

BACKGROUND

a. Davis County Commissioners Brett Millburn, John Petroff and Jim Smith have requested an opportunity to meet with the City Council to discuss common interests. They understand the Council has other topics on the work session agenda, so the intent is to talk with the Commissioners while eating dinner, then excuse them and move on to the other topics for Council discussion.

b. The staff reports attached to items #5 and #6 on the regular agenda should be read in preparation for the work session discussions. The General Plan and Zoning Ordinance sections pertaining to the South Main Street Corridor are attached below as reference documents for the work session discussion.

ATTACHMENTS:

Description

- SMSC Ordinance
- SMSC General Plan

Sections.

12-48-010. Purpose.
12-48-020. Scope.
12-48-030. Definitions.
12-48-040. Zone Location.
12-48-050. Other Approval Requirements.
12-48-060. Development Agreement.
12-48-070. Development Project Evaluation.
12-48-080. South Main Street Corridor Overlay District Zone, Permitted and Conditional Uses by Specific District
12-48-090. South Main Street Corridor Overlay District Zone Design Pattern Book
12-48-100. General Development Standards.
12-48-110. Regulations of General Applicability.
12-48-120. Development Implementation.
12-48-130. South Main Street Corridor Overlay Zone Sub-Districts.
12-48-140. Corridor Regulating Plan
12-48-150. Building Form and Site Envelope Standards
12-48-160. Off-Street Parking Space Standards
12-48-170. Landscaping and Screening Standards

12-48-010. Purpose.

The purpose of the South Main Street Corridor (SMSC) Overlay District Zone is to:

(a) Preserve the historic character of Centerville's South Main Street and/or encourage development that is sensitive to the City's heritage;

(b) Provide a gathering space and cultural heart for the community by fostering a small town atmosphere;

(c) Provide a walkable streetscape that gives equal consideration to pedestrian, bicycles, and transit users, so that a safe and comfortable environment is created;

(d) Provide continuity and sensitivity between types of differing land uses; and

(e) Promote South Main Street as an active corridor that serves as a balance between local and regional uses.

12-48-020. Scope.

The provisions of this Chapter shall apply to any real property located in the SMSC Overlay District Zone as shown on the Official Zoning Map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville City Code, or other laws except to the extent such provisions are altered by the requirements of this Chapter.

12-48-030. Definitions.

Certain words and phrases in this Chapter, including uses, are defined in Chapter 12-12 of this Title. The following will be relocated to Chapter 12-12, but are listed below for reference:

ARCADE - A roofed or built structure, extending over the sidewalk, that is open to the street except for the supporting columns, piers, or arches. A minimum clear height of 11 feet is required and a minimum clear width of 10 feet from inside of the column or supporting member to the building or Required Building Line (RBL). The arcade area shall be open to public access and have a minimum of 5 feet of public access easement/sidewalk within the arcade clear width.

BUILDABLE AREA - The area of the lot where buildings will sit. This area sets the limits for the building footprint, now and in the future. Additions must be within the buildable area.

BUILDING ENVELOPE STANDARDS - These standards establish the parameter for building construction within the South Main Street Overlay District Zone. This includes the building placement in all 3 dimensions and certain required building elements.

MIXED USE, DEVELOPMENT - Mixed use refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one (1) of the following ways:

A. Vertical Mixed Use. A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

B. Horizontal Mixed Use – Attached. A single structure which provides retail/commercial or other service uses in the portion fronting the public or private street with attached residential or office uses behind.

C. Horizontal Mixed Use – Detached. Two (2) or more structures on one (1) site which provide retail/commercial or other service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

REGULATING PLAN - The key map for the South Main Street Overlay District Zone and the associated Building Envelope Standards that provide specific information on location of lots and districts within the zone, their relation to one another and to the surrounding neighborhoods.

REQUIRED BUILDING LINE (RBL) - The building must be built-to the RBL and/or range as established for the appropriate lot characteristics in the code. This RBL or range is not a minimum setback, but the envelope in which the front of the building must be situated.

RESTURANT, EATERY – A small informal establishment that sells ready-to-eat food and beverages as part of a larger building and does not utilize a drive-through facility.

SOLID TO VOID RATIO – The mathematical ratio between openings or voids (windows, glazing, etc) and the structural elements along the wall line of a building resulting in a percentage of elements that allow light and views between the interior and exterior. Its purpose is to establish a required minimum amount of void area, usually windows, along the wall line of a building.

STREET FRONTAGE - This refers to the building line coincident with the street Right of Way (ROW) or the RBL.

SUBSTANTIAL ALTERATION – Any repair, construction, reconstruction, or other such improvement to a building, structure, lot, or parcel that results in any increase more than thirty percent (30%) of the floor area or fifty percent (50%) of the value of the building, structure, or premises; or for property located in a commercial zone, any change that requires the issuance of a new certificate of occupancy. For the purpose of this definition "substantial alteration" is considered to occur when the first alteration commences and includes any subsequent changes in a cumulative calculation for defining the term substantial.

Moreover, with many Main Street properties being developed in the historic past, such alterations may also petition for applicable "waivers or modifications" to required landscaping and parking standards as provided in by this Title, subject to applicable review criteria as found in Sections 12-51 and 12-52.

12-48-040. Zone Location.

The SMSC Overlay District Zone is intended to be utilized for properties with frontage along the South Main Street Corridor between Parrish Lane and Pages Lane, including properties associated with the parcel having frontage or developments that are visually prominent as seen from the intersections at Parrish Lane/South Main Street or Page Lane/South Main Street. The SMSC Overlay District Zone is further divided into five (5) sub-districts that are specified or depicted in Section 12-48-South Main Street Corridor Regulating Plan Illustration.

12-48-050. Other Approval Requirements.

Except as otherwise provided in this Chapter, an application for development within the SMSC Overlay District Zone shall be submitted and processed pursuant to applicable requirements of this Title, the Centerville City Code, and any rules, regulations, or standards adopted there under, including, but not limited to, conceptual, preliminary and final subdivision plats, site plans, conditional use permits, building permits, and any other needed permit or approval.

(a) *Rezoning Approval Process.* Except as otherwise specifically provided herein, an application for rezoning of property to the SMSC Overlay District Zone shall comply with the requirements for zoning map amendments as provided in Section 12-21-080 of this Title.

(b) *Subdivision Approval Process.* Except as otherwise specifically provided herein, an application for development within the SMSC Overlay District Zone shall comply with the procedures and requirements for subdivision plat approval as provided in Title 15 of the Centerville City Code.

(c) *Site Plan Approval Process.* Except as otherwise specifically provided herein, an application for construction and improvements within the SMSC Overlay District Zone requiring site plan approval

under Section 12-21-110 of this Title shall comply with the requirements therein.

12-48-060. Development Agreement.

A rezoning of property to the SMSC Overlay District Zone may be conditioned upon the applicant entering into a development agreement with the City designating and describing contractual requirements for the development of the property.

12-48-070. Development Project Evaluation.

(a) *Development Characteristics.* Development within the SMSC Overlay District Zone shall exhibit design components and characteristics, such as those set forth below, which set the development apart from a standard subdivision and/or traditional site plan approval accomplished under this Title.

(1) Enhancement of the overall physical framework of the Corridor including streetscape and connectivity components;

(2) Coordination of street trees, plantings, furniture, lamps, signs, benches, and trash cans that project a harmonious setting;

(3) Creating connectivity to surrounding residential areas both visually and physically through use of streetscape elements and physically through establishment of pedestrian pathways, bike accessibility, and access to future transit opportunities;

(4) Utilization of complimentary styles, types, and massing of structures to establish proper building orientation and architectural designs to help unify the corridor; and

(5) Proper transitioning or overlapping of the varying setbacks to establish a sense of continuity along the corridor.

(b) *Evaluation Criteria.* Each development proposal for development within the SMSC Overlay District Zone shall be evaluated based on its compatibility with:

(1) The Centerville City General Plan and the South Main Street Corridor Plan;

(2) The purpose and development standards of the SMSC Overlay Development Standards set forth in this Chapter; and

(6) Any other City-approved study applicable to the subject property and specifically the October 19, 2007, South Main Street Master Plan.

(c) Burden of Persuasion. An applicant shall have the burden of showing that the proposed uses, project design, and location of utilities and facilities meet the requirements of this Chapter.

12-48-080. South Main Street Corridor Zone, Permitted and Conditional Uses by Specified District.

(a) *North Gateway Mixed Use District* – The following uses, as defined in this Title, shall be the permitted and conditional uses in the Gateway District of the SMSC Overlay District Zone:

(1) *Permitted Uses*:
- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development

(2) *Conditional Uses*:
- Conditional Uses, as Shown in Section 12-36- Table of Uses for the respective underlying zone
- Dwelling, Townhouse, Two-Family, or Multiple (5-8 units per building), as part of a mixed-use development;
- Dwelling, Garden Apartments (9-12 units per building), as part of a mixed use development.

(b) *Civic/Cultural District* - The following uses, as defined in this Title, shall be the permitted and conditional uses in the City Civic/Cultural District of the SMSC Overlay District Zone:

(1) *Permitted Uses*:

- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.

(2) *Conditional Uses*:
- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

(c) *Traditional Main Street & City Center Main Street Districts* - The following uses, as defined in this Title, shall be the permitted and conditional uses in the South Main Street Commercial District of the SMSC Overlay District Zone:

(1) *Permitted Uses*:
- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.
- Restaurant, Eatery
- Dwellings, Single Family
- East Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 1-3 units per building), as part of a mixed-use development
- West Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development

(2) *Conditional Uses*:
- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- East Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 4-6 units per building), as part of a mixed-use development
- West Side of Street - Dwelling, Town House, Two-Family, or Multiple (Density 5-8 units per building), as part of a mixed-use development
- Parking Garage, Public, as part of a mixed-use development
- Restaurant, General, as part of a mixed-use development

(d) *Residential Boulevard District* - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Residential Boulevard District of the SMSC Overlay District Zone:

(1) *Permitted Uses*:
- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.

(2) *Conditional Uses*:
- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone

(e) *Pages Lane Mixed Use District* - The following uses, as defined in this Title, shall be the permitted and conditional uses in the Pages Lane Mixed-Use District of the SMSC Overlay District Zone:

(1) *Permitted Uses*:
- Permitted Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone.
- Dwelling, Town House, Two-Family, or Multiple (Density 1-4 units per building), as part of a mixed-use development

(2) *Conditional Uses*:
- Conditional Uses, as shown in Section 12-36-Table of Uses for the respective underlying zone
- Dwelling, Townhouse, Two-Family, or Multiple (5-8 units per building), as part of a mixed-use development;
- Dwelling, Garden Apartments (9-12 units per building), as part of a mixed use development.
- Parking Garage, Public, as part of a mixed-use development

12-48-090. South Main Street Corridor District Zone Development Design Pattern Book.

(a) *Development Design Pattern Book Required.* In addition to applicable requirements of this Title and other provisions of the Centerville City Code, all applications for the development of property to the SMSC Overlay District Zone shall include a development design pattern book.

(b) *Development Design Pattern Book Approval.* The development design pattern book shall be reviewed and approved by the City in conjunction with an application for conceptual site plan and/or conceptual subdivision acceptance within the SMSC Overlay District Zone.

(c) *Development Design Pattern Book Submittal Requirements.* In addition to the conceptual site plan

or conceptual subdivision plan submittal requirements of this Title, the development design pattern book shall provide and address the following:

(1) Written descriptions and graphic illustrations explaining how the development standards in this Chapter are to be integrated into the layout and design of the development.

(2) Written descriptions and graphic illustrations explaining the proposed conceptual architectural design, building location, parking lot placement, landscaping elements, and other such related design schemes.

(3) Written descriptions and graphic illustrations that clearly describe how the development will compliment or relate to the streetscape pattern within the district it is located, such relationships include, but are not limited to, street features and amenities, pedestrian pathways, and other related streetscape design elements.

(d) *Effect of Development Plan Approvals.* Upon acceptance of a conceptual site or subdivision plan and the associated development design pattern book by the City, further development applications such as subdivision plat and site plan approval for development within the SMSC Overlay District Zone shall comply substantially with conceptual plan and development design pattern book.

12-48-100. General Development Standards.

(a) Development within the SMSC Overlay District Zone shall be as follows:

1. Dimensional requirements for each lot type as set forth in Table 12-48-4, and other applicable requirements of this Title and the Centerville City Code.
2. Buildings shall be constructed substantially with rock, brick, and/or decorative concrete block for the first floor level as viewed from Main Street. Upper floors may be accented with other maintenance free materials compatible with the base floor design.
3. At least 25% of the primary building façade facing Main Street shall have upgraded architectural features, such as columns, pillars, archways, canopies, balconies, or other treatments.
4. At least 15% of a secondary façade facing another non-primary street frontage shall be of upgraded architectural features.
5. At least 5% of all other façade shall be of upgraded architectural features.
6. Each building on a lot with Main Street frontage shall have an entrance facing Main Street. Entrances shall be accessible to the public as a regular building entry from the public sidewalk.
7. In the Traditional Main Street and City Center Districts, entrances allowing public access from the sidewalk shall be provided at intervals of at least 50 feet to maximize street activity and pedestrian access opportunities and to minimize expanses of inactive building wall.
8. The percentage of building frontage required along the lot width may be reduced to accommodate site plan approved pedestrian plazas located between buildings. Building frontage percentage shall not be reduced to further accommodate parking beyond what is allowed according to Section 12-48-160. Access to such pedestrian plazas shall be provided from the sidewalk.
9. Pedestrian breezeways between buildings shall be a minimum of five (5) feet in width.
10. A portion of the building frontage may be setback beyond the required build-to range (RBR) up to an additional 20 feet if the space is utilized as a site plan approved courtyard or entryway that is open and accessible to the public sidewalk. This portion may be up to 40 percent of the actual building frontage and shall not be used for parking area.
11. The use of front yard areas for commercial type development shall be oriented towards the pedestrian and is to include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes, or other such features.
12. Required Building Frontage shall be the percentage of the total width of the lot that is required to be used as a building wall. A porte cochere may be counted as a building wall even though it has no front or rear wall.
13. Each building shall have separate walls to support all loads independently of any walls located on an adjacent lot. Buildings with side-facing windows shall provide necessary light and air shafts within their own lot without relying on the side yard of an adjacent lot.

14. Front porches, balconies, or stoops may extend up to 10' into front yards provided that walls, screened areas, or railings that are within the front yard do not exceed 42 inches in height above the floor of the porch, balcony, or stoop.
15. Parking shall be located to the rear of the building or in a side yard as allowed by the lot width and building frontage percentage requirements of the applicable lot type.
16. Side areas that exceed 15 feet in width shall not be located to another side area that exceeds 15 feet in width unless the areas are used as a unified public gathering area or courtyard.
17. The street level floor elevation shall be no more than 12 inches above the fronting sidewalk elevation.
18. Roof lines may be flat or pitched. Roofing shall not be of vivid primary colors (red, blue, yellow).
19. Windows of tinted or reflective glass may not be located between 2 feet and 9 feet above sidewalk grade on street-facing facades.

12-48-110. Regulations of General Applicability.

The use and development of real property in the SMSC Overlay District Zone shall conform to regulations of general applicability as set forth in the following chapters of this Title.

(a) *Existing Conditions Inventory.* See Chapter 12-50 of this Title.

(b) *Landscaping and Screening.* See Chapter 12-51 of this Title.

(c) *Off-Street Parking and Loading.* See Chapter 12-52 of this Title.

(d) *Signs.* See Chapter 12-54 of this Title.

(f) *Supplementary Development Standards.* See Chapter 12-55 of this Title.

(g) *Temporary Uses.* See Chapter 12-56 of this Title.

12-48-120. Development Implementation.

(a) *Intent.* The SMSC Overlay District Zone designation is intended to be utilized for the development of the subject property in accordance with the terms and conditions of the respective zone and/or the approved development plan for the property.

(b) *Conceptual Site Plan and/or Preliminary Subdivision Plat.* Rezoning of any property to the SMSC Overlay District Zone shall be subject to and conditioned upon submission of a Conceptual Site Plan and/or Preliminary Subdivision Plat within one (1) year from the effective date of rezoning.

(c) *Final Site Plan or Final Subdivision Plat.* Rezoning of any property to the SMSC Overlay District Zone is further subject to submission and approval of a Final Site Plan and/or submission, approval, and recording of a final subdivision plat within one (1) year from the effective date of approval of the preliminary subdivision plat(s) and/or conceptual site plan approval, as applicable.

(d) *Substantial Construction.* Substantial construction for all properties within the SMSC Overlay District Zone shall be commenced within one (1) year from the date of final site plan approval or final plat recording.

Section 12-48-130. South Main Street Corridor Overlay Zone Sub-Districts

The Centerville SMSC Overlay District Zone is designed to implement the goals and objectives of the South Main Street Corridor Plan of the City's General Plan, adopted by the City in *[insert date of plan amendment adoption]*. The South Main Street Overlay District Zone is organized around the following sections:

- South Main Street Districts Regulating Plan
- Building Form and Site Layout Standards
- Streetscape (public space) Standards and related amenities.

12-48-140. Corridor Regulating Plan

The SMSC District Overlay District Zone Regulating Plan consists of the Sub-District Illustration Map 12-48-1, the Building Form and Site Layout Envelope Standards, and the Public Space Standards. The illustrative map of the SMSC Overlay District Zone designates the boundary extents of the six (6) sub-districts within the zone, where each district has associated building form and site envelope standard(s) and its related public space elements.

The regulating plan is the key to show the locations of the different building sites and how they relate to the South Main Street District in which they are

located and its relation to other lots and districts along the corridor.

The illustration map may be amended from time to time pursuant to and conjunction with any application for an amendment to the Zoning Map regarding the SMSC Overlay District Zone location. The Building Form and Site Envelope and Public Space Standards may be amended from time to time pursuant to an application for a Zoning Text Amendment.

12-48.150. Building Form and Site Envelope Standards

(a) The following regulations and standards establish the parameters that guide the form of building within the South Main Street Corridor, including the site envelope for building placement. They direct and control the building envelope and site in regard to configuration, orientation, function, and features that define and shape the public realm. The technique of the standards is to use private buildings to define and shape the public space in a manner that makes it attractive. The standards are designed to use a minimum level of control to meet this goal.

(b) The Regulating Plan identifies six (6) specific districts within the overall South Main Street Overlay Zoning District. Within those districts, seven (7) unique lot types have been identified and development regulations established for each unique type. Unique lot types within the South Main Street Overlay District Zone are as follows:

1. **Corner Gateway Lot**
2. **Civic/Cultural Lot**
3. **City Center Main Street Lot**
4. **Traditional Main Street Lot**
5. **Traditional House Lot**
6. **TND/Mixed-Use Lot**
7. **Brownstone/Live-Work Lot**

(c) Unique lot types may occur in more than one of the six (6) South Main Street districts, and the building envelope standards for each lot type shall apply to all such lots within the South Main Street Overlay District as identified in Table 12-48-1 of the Regulating Plan.

The various lot types and related development standards allowed for each of the sub-districts are defined in the Lot Type Illustrations, as found in this Chapter. The development specifications for the various lot types include provisions for Height, Siting, and other Elements. Additionally, "Character Examples" are provided to depict simply context of the style and not the actual design height, or exterior materials of buildings. The development specifications for each lot type are designed to address the following:

1. Height:
   (A) The height of the principal building is measured in stories, with the maximum height indicated in feet.

   (B) The maximum height is measured from the Main Street grade (i.e. top back of curb) to the top of the roof.

   (C) Street wall or landscaping heights are relative to the adjacent sidewalk, or the ground elevation when not fronting a sidewalk.

2. Siting:
   (A) Buildings shall only occupy the specified area of the lot, as indicated on the site plans and in relation to the required building range and setbacks.

   (B) The street frontage for corner lots shall apply to that portion of the building facing Main Street only.

3. Elements:
   (A) The primary or main wall portion of the building's street façade that is required to be built to the Required Building Range (RBR) shall be composed as a simple plane, with interruptions only by windows, stoops or front porches, balconies, and storefronts. Recessed entry doorways are also acceptable and count toward the required built-to percentage.

   (B) Off-street parking for vehicles shall not occupy any space in front of a building on the building lot. Parking areas located to the side of a structure where space allows shall be located at least 10 feet back from the back of the sidewalk.

12-48-160. Off-Street Parking Space Standards

(a) Within the SMSC Overlay District, the building form, scale, mass, and uses need to be interrelated with the streetscape and mass transit opportunities to encourage interaction with one another. Therefore, the expected parking lot

configuration and space calculations need to be revised and even reduced to provide the impetus such for interaction.

(b) Parking lots and their placement shall meet the following requirements:

1. Parking lots are permitted only in side and rear yards as follows:

   (A) All parking areas shall be setback a minimum of 10 feet from the front lot (property) line of the building lot.

   (B) When parking is located in a side yard and has frontage along a public right-of-way, no more than 25% of the total site frontage or 60 feet, whichever is less, shall be occupied by the parking lot (see Figure 1 of this Section).

   (C) For a corner lot, the building shall be located at the corner of the lot adjacent to the intersection. The cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less.

   (D) For a corner lot that has frontages on three streets, the building shall be located at the corner adjacent to the intersection. The cumulative total of the primary and secondary streets frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less.

   (E) A side yard parking lot may not be located adjacent to another side yard parking lot on an adjoining lot. Rear lots may be located adjacent to another parking area and shall be designed to allow through traffic between parking areas.

2. Where an off-street parking lot is visible from the street in a side-yard, it shall be screened by either a 2-foot tall screen wall or 18-inch seat wall located between the parking lot and the sidewalk. Where a parking lot is adjacent to a single-family residential district, a 3-foot screen wall and landscaping, sufficient to screen up to the headlight level of vehicles, shall be located between the residential use and the parking lot.

3. Where a parking structure is provided or parking is located on the ground level and/or below the upper stories of the building, usable building floor space to a depth of a minimum of 20 feet shall be provided in front of the parking area, along the street frontage, for the entire length of the building.

4. Official government approved on-street parking located along a lot's frontage may be credited toward meeting the parking requirements for that use.

5. Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts. Two-way driveways shall be a minimum width of 24 feet. If feasible, driveways shall not be located within 40 feet of a corner.

6. New driveway accesses shall not be established onto Main Street. Exceptions shall be recognized and allowed as follows:

   (A) For an existing legally created lot where the side and rear of the lot are not adjacent to a Street and there are no other opportunities to provide needed access to the property.

   (B) An existing legally created access is being moved to another location to meet the parking placements of this Chapter.

   (C) An existing legally created access or accesses are being combined together to establish an access that meets the parking placements of this Chapter.

7. Driveways and driveway lanes may be combined for adjacent developments and shall be subject to recordation of shared access easements for between the adjacent lots.

8. Parking may be allowed off-site according to joint use agreements or use of shared parking districts, subject to Section 12-52-110, Parking Modifications, as found in this Title.

(c) Table 12-48-2, Off-Street Parking Modifications shall be used to modify the minimum amount of parking spaces required by Section 12-52-1, Off-Street Parking Schedule found in this Title.

12-48-170. Landscaping and Buffer Standards

(a) Within the SMSC Overlay District, the standard Landscaping and Screening requirements of Section 12-51 are also being modified to accommodate the building form and site envelope standards for the various lot types within the sub-districts.

(b) Table 12-48-3, Landscaping Modifications shall be used, which modify the landscaping and buffer standards required by Section 12-51, Landscaping and Screening, as found in this Title.

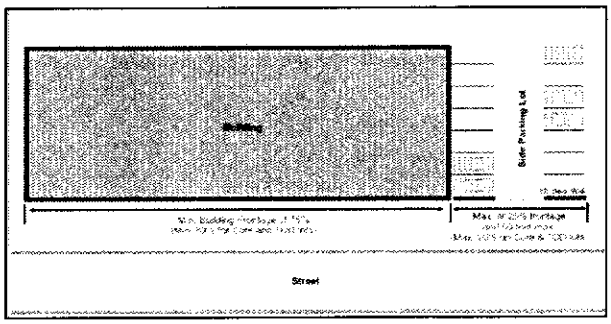

Figure 1 – Example Parking Lot & Stall Arrangement

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

[redacted]

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to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of April 7, 2015 Council Meeting
date: April 3, 2015

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

E.2. **Summary Action Calendar**

a. **Cooperative Agreement with UDOT** – In the Agreement the City commits to maintain the Connector Trail to the Legacy Parkway Trail System, after it is constructed by the developer of the Legacy Trail Subdivision Project. This trail segment will run along the south side of Parrish Lane—west of 1250 West—and then along the west side of this new development and connect with the existing Legacy Parkway Trail at a point north of the Birnam Woods Trailhead. This Connector Trail, along with the pedestrian bridge and related pathway being constructed this year as part of the I-15 project, will allow residents on the east side of I-15 to access the Legacy Parkway Trail without driving to the west side.

b. **Engberson-Taylor Subdivision** – This residential project is ready to end its warranty period.

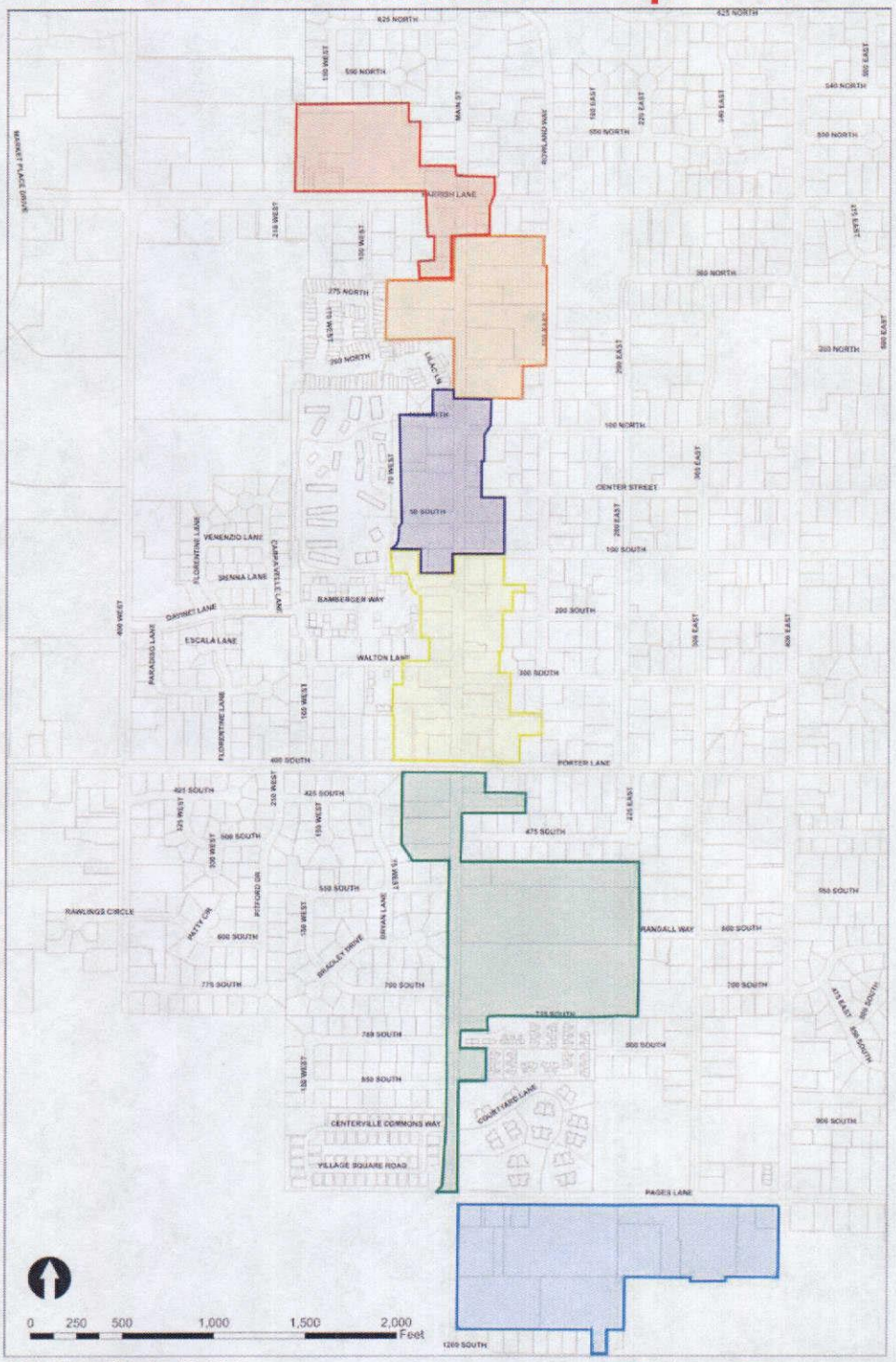
c. **Woods Park PDO** – This residential development is ready to begin its warranty period.

E.3. **2015 Municipal Elections** – Davis County has asked cities to approve agreements pertaining to the conduct of municipal elections in 2015. The County has also given cities the choice of holding a traditional election (i.e. electronic voting at polling places) or a vote by-mail "hybrid" option. The City Council initially discussed this option at their March 17 meeting, but tabled a decision to this meeting.

E.4. **Public Hearing – Code Text Amendment re South Main Street Corridor** – Brighton Homes wishes to redevelop property along the east side of Main Street between 300 South and Porter Lane (400 South). They have applied for several text amendments to the Zoning Code to accommodate their desired residential development—as explained in the staff report. There was a large crowd for the Planning Commission's public hearing on this matter, which resulted in a split vote (4-3) recommending approval to the City Council.

MAKING Life BETTER
Centerville City

SMSC OVERLAY DISTRICT
Sub-District Illustration Map 12-48-1



Main Street Overlay District
Regulating Plan

Traditional Main Street Lot

Building Envelope Specifications:

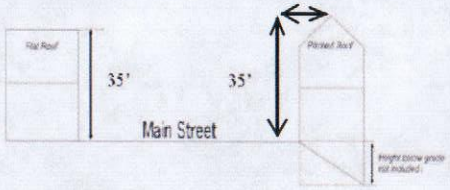
Height East Side , 1.5/ 2 stories 25' maximum
West Side 1.5/ 3 stories 35' maximum w/ CUP
First Floor: 10' clear height (minimum 50% of floor)
Upper Floor: 8' clear height
Front of Lot: Required Build-To Range (RBR) 5' to 10'
Sides of Lot: No setback required
Rear of Lot: 15' setback to building
Lot Width: 25' to 260'
Building Frontage: Minimum 75% of lot width
Street Facade: Minimum 75% in the RBR

Building Use & Element Specifications:

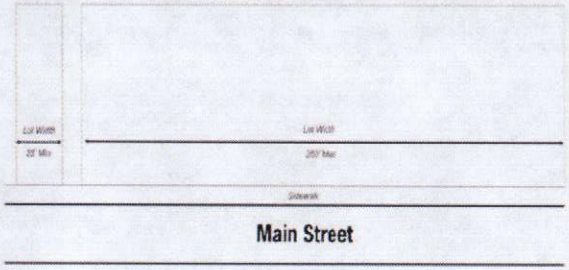
Solid to Void Ratio: 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have 30 to 60% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50%) of the ground floor. Upper floor uses may be residential, office, retail,

Character Examples

Building Height
(35' from Grade of Main Street)



Lot Width
(25' Min to 260' Max)



Required Build-To Range
(5' to 10' From Back of Sidewalk)

Building Frontage %
(75 to 100% of Lot Width)

% of Building within RBR
(75 to 100%)

TND/ Mixed Use Lot

Building Envelope Specifications:

Height: 2 to 3 stories, 35' maximum
First Floor: 12' clear height (minimum 50% of floor)
Upper Floor(s): 8' clear height
Front of Lot: Required Build-To Range (RBR) 5' to 10'
Sides of Lot: 0' to 10' max
Rear of Lot: 15' setback to building
Lot Width: 25' min; no max
Building Frontage: Minimum 80% of lot width
Street Facade: Minimum 75% in the RBR

Building Use & Element Specifications:

Solid to Void Ratio: 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50%) of the ground floor. Upper floor uses may be residential, office, retail.
Arcade: An arcade or galleria may project into the sidewalk easement if constructed as part of a contiguous street frontage of at least 200 feet in length.

Character Examples

Building Height
(35' from grade of Main Street)

Lot Width
(25' Min to No Max)

Required Build-To Range
(5' to 10' From Back of Sidewalk)

Building Frontage %
(80 to 100% of Lot Width)

% of Building within RBR
(75 to 100%)

City Center Main Street Lot

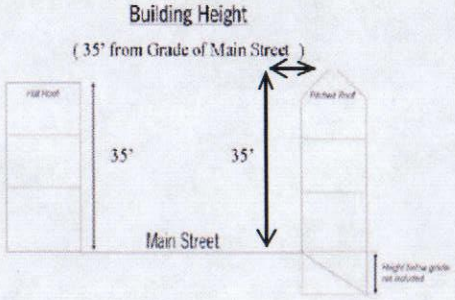
Building Envelope Specifications:

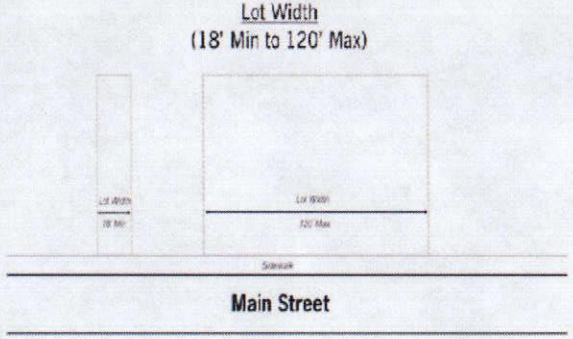
Height: East Side , 1.5/ 2 stories 25' maximum
West Side 1.5/ 3 stories 35' maximum w/ CUP
First Floor: 12' clear height (minimum 50% of floor)
Upper Floor: 8' clear height
Front of Lot: Required Build-To Range (RBR) 2' to 5'
Sides of Lot: 0' to 10' max
Rear of Lot: 15' setback to building
Lot Width: 18' to 120'
Building Frontage: Minimum 80% of lot width
Street Facade: Minimum 75% in the RBR

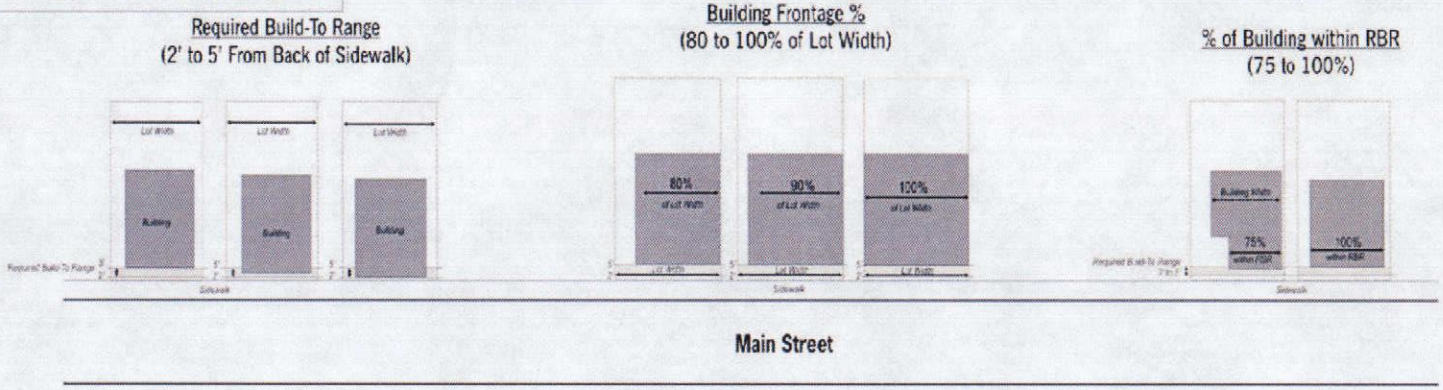
Building Use & Element Specifications:

Solid to Void Ratio: 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have 30 to 70% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50%) of the ground floor. Upper floor uses may be residential, office, retail,
Arcade: An arcade or galleria may project into the sidewalk easement if constructed as part of a contiguous street frontage of at least 200 feet in length.

Character Examples



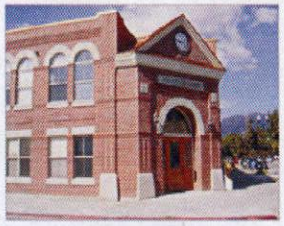


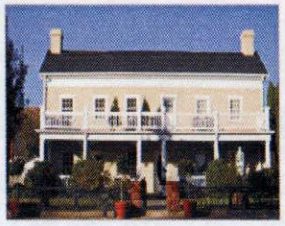


Corner Gateway Lot

Building Envelope Specifications:

Height: 1.5 or 2 stories, 28' maximum
First Floor: 10' clear height (minimum 50% of floor)
Upper Floor: 8' clear height
Front of Lot: Required Build-To Range (RBR) 5' to 10'
Sides of Lot: No setback required
Rear of Lot: 15' setback to building
Lot Width: 25' to 190'
Building Frontage: Minimum 75% of lot width
Street Facade: Minimum 75% in the RBR



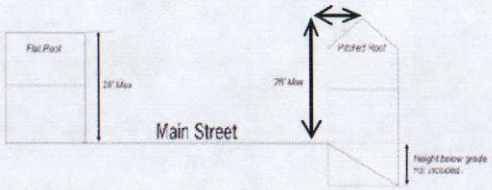


Character Examples

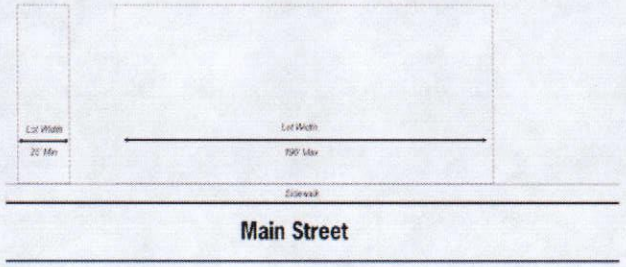
Building Use & Element Specifications:

Solid to Void Ratio: 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: Ground floor uses shall be non-residential, such as office or retail, on the street-side portion of the building. Residential uses may occupy the rear portion (up to 50%) of the ground floor. Upper floor uses may be residential, office, or retail.

Building Height
(28' from Grade of Main Street)



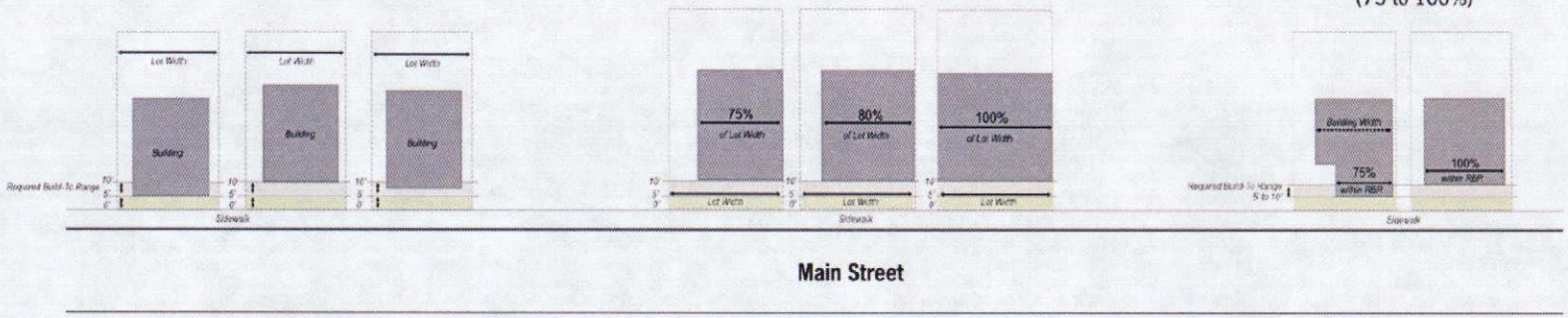
Lot Width
(25' Min to 190' Max)



Required Build-To Range
(5' to 10' From Back of Sidewalk)

Building Frontage %
(75 to 100% of Lot Width)

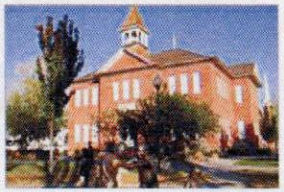
% of Building within RBR
(75 to 100%)



Civic/Cultural Lot

Building Envelope Specifications:

Height: 2 or 3 stories, 40' maximum
First Floor: 12' clear height (minimum 50% of floor)
Upper Floor: 9' clear height
Front of Lot: Required Build-To Range (RBR) 15' to 25'
Sides of Lot: 5' min
Rear of Lot: 15' setback to building
Lot Width: 50' to no max
Building Frontage: Minimum 60% of lot width
Street Facade: Minimum 75% in the RBR

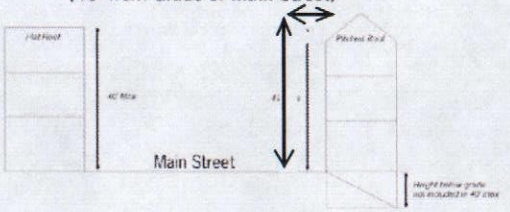


Character Examples

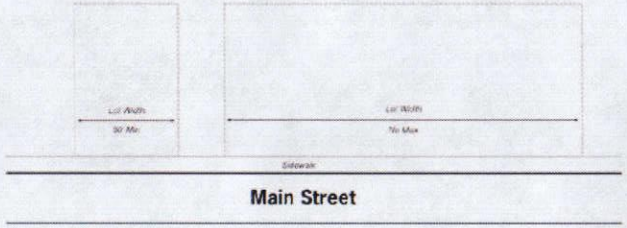
Building Use & Element Specifications:

Solid to Void Ratio: 60% openings (voids) are required for the street level on all street facing facades. Upper levels shall have a minimum of 30% openings on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: Civic uses shall occupy a minimum of 50% of the ground floor space. Office or community service related uses may occupy the remainder of the ground floor and upper floors.

Building Height
(40' from Grade of Main Street)



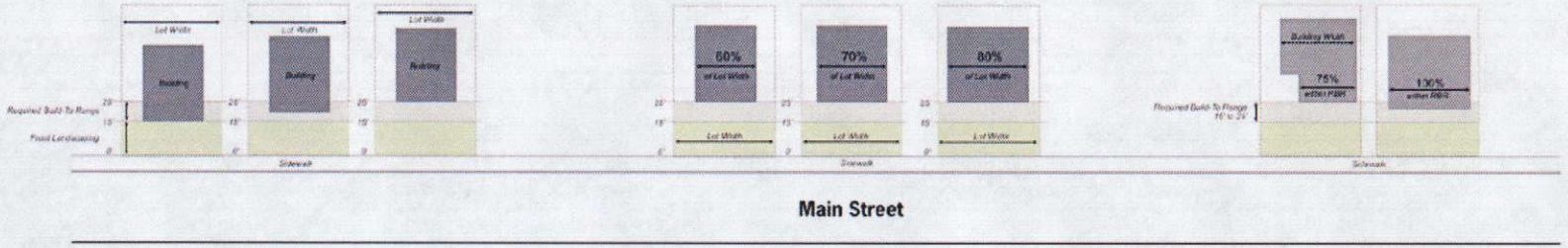
Lot Width
(50' Min to No Max)



Required Build-To Range
(15' to 25' From Back of Sidewalk)

Building Frontage %
(60 to 80% of Lot Width)

% of Building within RBR
(75 to 100%)



Traditional House Lot

Building Envelope Specifications:

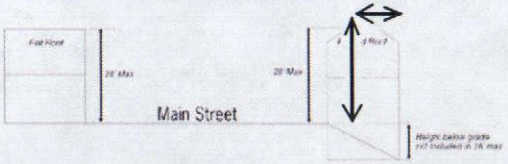
Height: 1 or 2 stories, 28' maximum
First Floor: 9' clear height (minimum 75% of floor)
Upper Floor(s): 8' clear height
Front of Lot: Required Build-To Range (RBR) 15' to 25'
Sides of Lot: 5' min
Rear of Lot: 15' setback to building
Lot Width: 25' to 120'
Building Frontage: 40 to 70% of lot width
Street Facade: Minimum 75% in the RBR

Character Examples

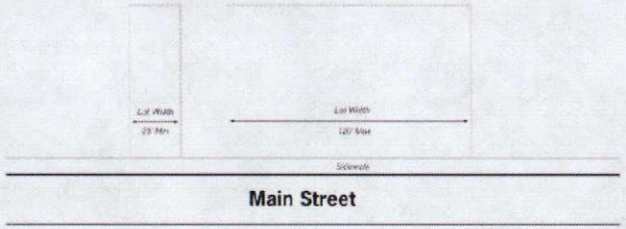
Building Use & Element Specifications:

Solid to Void Ratio: 30 to 60% openings (voids) are required on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: The ground level may be used for a small office or business as associated with a home business.
Access: A rear drive or alley is allowed for access to garages and/or accessory dwelling units at the rear of the lot.
Fencing: Fencing, not to exceed 36 inches in height, is allowed on either street facing facade.

Building Height
(28' from Grade of Main Street)



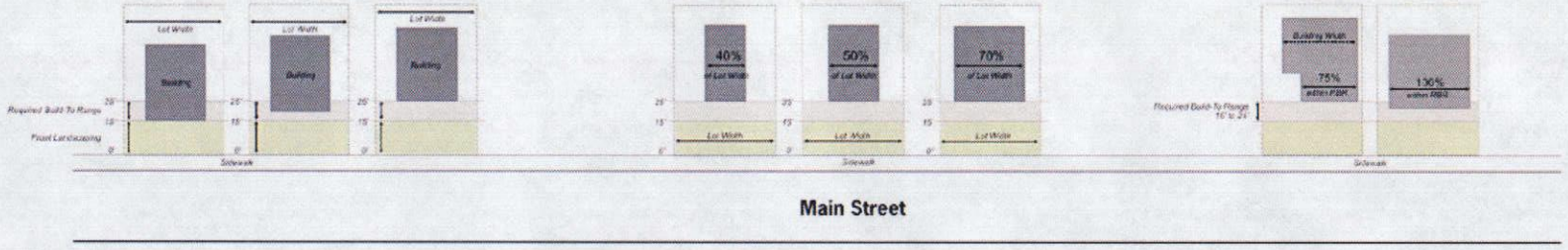
Lot Width
(25' Min to 120' Max)



Required Build-To Range
(15' to 25' From Back of Sidewalk)

Building Frontage %
(40 to 70% of Lot Width)

% of Building within RBR
(75 to 100%)



Brownstone/Live-Work Lot

Building Envelope Specifications:

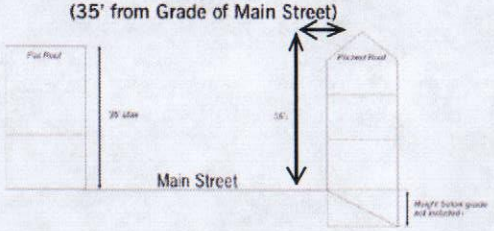
Height: 2 or 3 stories, 35' maximum
First Floor: 10' clear height (minimum 75% of floor)
Upper Floor(s): 8' clear height
Front of Lot: Required Build-To Range (RBR) 5' to 10'
Sides of Lot: 0' min
Rear of Lot: 15' setback to building
Lot Width: 32' to 50'
Building Frontage: Minimum 75% of lot width
Street Facade: Minimum 66% in the RBR

Building Use & Element Specifications:

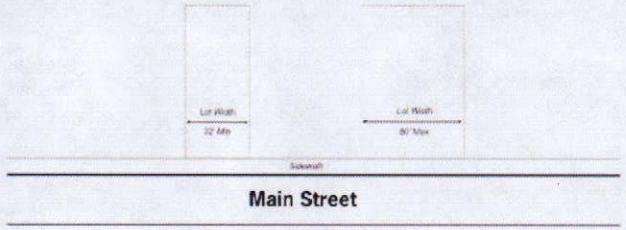
Solid to Void Ratio: 30 to 60% openings (voids) are required on all street facing facades. Blank walls with no openings are not allowed in lengths that exceed 20 feet on any side.
Uses: The ground level may be used for a small office or business as associated with a live-work unit.
Units: A minimum of two units shall be constructed adjacent to one another. This may take place on the same lot or on adjoining lots.
Fencing: Fencing, not to exceed 36 inches in height, is allowed on either street facing facade.

Character Examples

Building Height
(35' from Grade of Main Street)



Lot Width
(32' Min to 50' Max)



Required Build-To Range
(5' to 10' From Back of Sidewalk)

Building Frontage %
(75 to 100% of Lot Width)

% of Building within RBR
(66 to 100%)

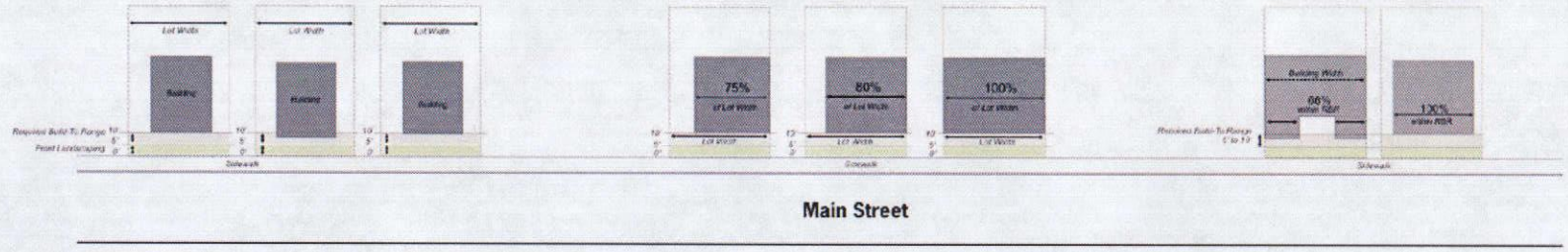


TABLE 12-48-1 Lot Types Allowed by Sub-District						
TABLE 12-48-1	***South Main Street Corridor Districts***					
Lot Type	**North Gateway/ Mixed-Use**	**Civic/Cultural**	**Traditional Main Street**	**City Center Main Street**	**Residential Boulevard**	**Pages Lane/ Mixed Use**
Traditional Main Street	X	X	X	---	---	X
City Center Main Street	X	---	---	X	---	X
Corner Gateway	X[1]	---	---	---	---	X
Civic/Cultural	---	X	X	---	X	---
Traditional House	X	X	X	---	X	---
TND/Mixed Use	X	---	---	---	---	X
Brownstone/Live Work	X	---	X	---	---	X
Note 1: Corner Gateway Lot Type must be used for any corner lot development at the Parrish Lane and Main Street Intersection; The TOD lot is not allowed on lots fronting Main Street						

TABLE 12-48-2, Off-Street Parking Modifications		
Land Use Type	**SMSC Districts**	
	City Center	**All others**
Residential Uses	60% of Requirement	75% of Requirement
Public/Civic Uses	50% of Requirement	60% of Requirement
Commercial Uses	40% of Requirement	60% of Requirement

TABLE 12-48-3 – Landscaping Modifications

Land Use Type	SMSC Districts	
	City Center	All others
Non-Single Family Projects	15% On-Site Requirement	20% On-Site Requirement
Non-Residential Projects	7% On-Site Requirement	9% On-Site Requirement
Mixed Use Projects	7% On-Site Requirement	9% On-Site Requirement
Public Street Landscaping	10 Feet to Parking Areas	15 Feet to Parking Areas
Buffer Landscaping For Mixed Use Projects Only (all others per 12-51)	8 Feet for "M" Zones 15 Feet for "H"	8 feet for "M" Zones 15 Feet for "H"

TABLE 12-48-4 - Lot Size and Dimension Requirements

Lot Types	Height				Setbacks			Siting		
	Total	*Stories (min/max)*	*First Floor (min)*	*Upper Floors (min)*	*Front*	*Side*	*Rear*	*Lot Width (min/max)*	*% of building at RBL*	*Building % of lot frontage*
1. Corner Gateway Lot	28	1.5/2	10	8	5 to 10	0	15	25/185	75	75
2. TND/Mixed-Use Lot	35	2/3	12	8	5 to 10	0/10 max	15	25/no max	75	80 to 100
3.City Center Main Street Lot										
a. East Side	25'	1.5/2	12	8	2 to 5	0/10 max	15	18/120	75	80 to 100
b. West Side	35'	1.5/3 [a]	12	8	2 to 5	0/10 max	15	18/120	75	80 to 100
4. Traditional Main Street Lot										
a. East Side	25'	1.5/2	10	8	5 to 10	0	15	25/240	75	75
b. West Side	35'	1.5/3 [a]	10	8	5 to 10	0	15	25/240	75	75
5. Civic/Cultural Lot	40	2/3	12	9	15 to 25	5	15	50/no max	75	60
6. Traditional House Lot	28	1/2	9	8	15 to 25	5	10	25/120	75	40 to 70
7. Vehicle Storage Lot					15	5	5	56/150		
8. Brownstone/Live-Work Lot	35'	2/3 [b]	10	8	5 to 10	0	15	32/50	66	75

a. Note: For Traditional Main Street & City Center Main Street Lot Types a third story height shall be subject to Condition Use Permit approval and limited to West Side Only.
b. Note: If lot type is used in the Traditional Main Street District building heights shall comply with the east/west allowances of Table 12-48-4(4).

A. Background [1]

A Main Street Master Plan Study was performed and completed in October of 2007. The study was initiated to review current land uses and development patterns along Main Street, from Parrish Lane south to Pages Lane. An "oversight committee" was formed to provide ongoing direction and input throughout the process, On October 23, 2007 the final Main Street Master Plan Study was presented to the City Council.

Based on the assessment and recommendations of the Main Street Master Plan Study, the City Council, on December 18, 2007, adopted a "temporary zoning restriction ordinance" in order to move forward with amendments to the City's General Plan and other relevant ordinances regarding development and uses along Main Street. The City then secured the services of Cooper Roberts and Simonsen Associates (CRSA) to assist City staff and officials with preparing recommended amendments to the City's General Plan and Zoning Ordinance to implement elements of the Master Plan Study.

The overall vision of the South Main Street Corridor Plan is to return Main Street to "center stage" as the civic, cultural, and community heart of Centerville City. The Main Street Corridor from Parrish Lane to Pages Lane is considered the "town center" of Centerville City. The vision of the Corridor Plan is more particularly discussed on Section 4.C.

1. Summary of Existing Assets and Potential Opportunities

Every community has assets that make them unique, such as distinctive buildings, local businesses, public or civic spaces, and historic resources. These assets ought to serve as the foundation for building goals and policies within a general plan document. Establishing such a foundation will assist with preserving and maintaining a community's sense of place. Listed below are several assets and opportunities that should serve as the foundation of the South Main Street Corridor District Plan;

a. City Hall and the Post Office serving as a central civic destination within the Main Street Corridor with Founders Park and the Whitaker Museum as supportive civic land uses.
b. The existence of several historically significant commercial buildings that could provide unique architectural resources to assist with defining the built environment of Main Street.
c. The existence of historic and charming residential buildings that remain as a reminder of the once residential nature of Main Street.
d. The presence of several small businesses, specialty shops, and dining establishments providing locally-owned and operated alternatives and variety to residents.
e. The recent placement and construction of new office buildings providing diversity in the architectural style along Main Street.

2. Summary of Existing Challenges and Potential Possibilities

Like the assets previously cited, each community has challenges or problem areas that ought to be addressed. Identifying these challenges and linking potential possibilities are the first steps in a successful effort to revitalize the South Main Street Corridor.

a. Lack of or little potential for providing on-street parking within the corridor.
b. High-speed vehicle environment creating safety and noise issues along Main Street.

[1] Amended by Ord. No. 2010-16, November 16, 2010

c. Lack of or insufficient park strips buffering various sidewalk and roadway activities.
d. Lack of or insufficient alternative transportation modes and associated amenities in the design of Main Street.
e. Lack of or insufficient pedestrian friendly walkways and street crossings.
f. Narrowness of the streetscape design with uncomfortable transitions to private property (e.g. narrow side walk widths, short tree crowns, and tall fencing adjacent to the public realm).
g. Lack of or inconsistent application of setbacks, landscape buffers, and hardscaping designs along lot frontages of Main Street.
h. Presence of grade changes creating challenging physical and visual design solutions.

3. Formation of a South Main Street Corridor Context

Growth and revitalization efforts or strategies ought to encourage infill and re-development in balance with the community's desire to highlight Centerville's Main Street. The South Main Street Corridor can and will thrive if included in the design framework of this area is a scheme that provides various alternatives to purely an automobile oriented street. Pedestrian-friendly amenities, alternative forms of transportation, proper architectural and building design, and other similar concepts need to be considered in designing the South Main Street South Corridor District. Redevelopment and enhancements need to focus on such concepts to create a stronger, more vibrant, Main Street environment.

4. Summary of Other Existing Applicable General Plan Policies

Section 12-430-2.2 – Describes the area between Porter Lane and Parrish Lane as the traditional commercial area of Centerville City. The policy recognizes that the area never fully developed as a strong focal point and that revitalization efforts need to be encouraged.

Section 12-450-1 – As part of the City's Master Plan, Main Street is defined as a "minor arterial" roadway.

Section 12-450-2 – Identifies Main Street as a "major entrance" to Centerville City. Such an entrance is important to the overall appearance and atmosphere of the City.

Section 12-480-2.2.a – Identifies the existing commercial development at Pages Lane as an important neighborhood shopping center having it own distinctive development characteristics and issues.

Section 12-480-2.2.b & 3.2.a – Again emphasizes the traditional commercial area of Main Street defining it as the area between Porter and Parrish and not extending it more than ½ block east or west of Main Street.

Section 12-480-2.3.a – Establishes a City Hall and Founders Park Master Plan to function as a civic place and cultural center along Main Street.

B. Summarized Neighborhood Planning Process and Comment

October 19, 2007 - Final Presentation of the Main Street Master Plan Study that included a 3-day charette and public meeting presentations to both the Planning Commission and City Council.

February 05, 2008 - An Ad-Hoc Committee Meeting consisting of 2 Elected Officials, 2 Appointed Officials (Commissioners), and several residents and business owners meet. The Committee reviewed the 1st draft of the General Plan

February 12, 2008 - The Ad-Hoc Committee continued their review the 1st draft of the General Plan

March 11, 2008 - The Ad-Hoc Committee reviewed the 1st draft of the Zoning Ordinance Regulations and the 2nd Draft of the General Plan

March 25, 2008 - The Ad-Hoc Committee Meeting reviewed the 2nd draft of the Zoning Regulations

April 16, 2008 - An Open House was held to review the proposed drafts of the General Plan and Zoning Ordinance. Meeting participants were provided and opportunity ask questions and to comment on the proposed changes to the General Plan and Zoning Ordinance.

C. South Main Street Corridor Plan Vision

The South Main Street Corridor District vision establishes a comprehensive guide to future physical land use patterns and desired attributes that have been expressed by the public and City's appointed and elected officials ("Vision"). Additional planning principles and concepts have also been included to help establish the policies of the overall Vision.

In the case of the South Main Street Corridor District Plan, the **Vision is expressed using four (4) different topics.**

These topics are:

- **Land Use**
- **Mobility**
- **Setting**
- **Built Environment**

In addition to the topics, the South Main Street Corridor District area is divided into six (6) different districts ("Districts"). Each district plays a different and sometimes distinct role in how land uses patterns are to develop in that particular area of the neighborhood. These districts are identified as follows:

- North Gateway Mixed Use District
- Civic & Cultural District
- Traditional Main Street District
- City Center Main Street District
- Residential Boulevard District
- Pages Lane Mixed-Use District

The goals and objectives associated with the South Main Street Corridor Plan are to be considered as statements of policy and are to be used in the decision-making process for land use ordinance amendments, applicable land use application reviews, and/or related capital improvement programs. Additionally, each goal may be accompanied by descriptive text that is intended to assist with understanding the purpose, intent, and interpretation of the goal.

The South Main Street Corridor Plan identifies four (4) Corridor-Wide Goals and twenty-three (23) Corridor-Wide Objectives. Additionally, goals and objectives are included for each unique district. All together, the South Main Street Corridor Plan includes nine (9) Goals and seventy-four (74) Objectives.

These goals, objectives, and graphical maps for the South Main Street Corridor Plan are described on the remaining pages of this document.

SOUTH MAIN STREET COORIDOR-WIDE VISION

GOALS:

1. **Promote the South Main Street Corridor as the cultural, civic, and community heart of Centerville by providing a careful balance of *land uses*, which serve residents, businesses, and visitors.**

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is intended to enhance Main Street's role in the Centerville community. This will require preservation of the existing mix of land uses throughout the South Main Street Corridor, and further development of this mix in specific areas. At the same time, care must be given to minimize potential land use conflicts and protect the interests of existing residents and businesses.

OBJECTIVES:

1.A. Preserve the existing mix of land uses along the South Main Street Corridor, recognizing that each District has a different character and different land use needs.

1.B. Minimize, to the extent possible, potential conflicts between adjacent land uses.

1.C. Encourage additional single-family and multi-family residential land uses, by way of mixed-use development, throughout the South Main Street Corridor.

1.D. Encourage greater intensity in land uses in appropriate areas along the South Main Street Corridor. Examples include mixed-use developments, such as a retail use with a housing component above, and greater floor-area-ratios (FAR), such as a two-story building rather than a one-story building of the same footprint.

1.E. Incorporate Main Street into the neighborhood planning process for both the east and west side neighborhood plans to allow for consistency and coordination.

SOUTH MAIN STREET COORIDOR-WIDE VISION

GOALS:

2. Preserve and enhance *mobility* throughout the South Main Street Corridor.

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to improve safety and comfort of people traveling through and within the South Main Street Corridor. This includes accommodations for motorists, pedestrians, bicyclists, and people of all ages and ability levels.

OBJECTIVES:

2.A. Create the opportunity for on-street parking throughout the South Main Street Corridor, specifically in the North Gateway/Mixed Use, Civic/Cultural, and Traditional Main Street Districts.

2.B. Protect and increase the safety of motorists and pedestrians by advocating for a lower speed limit within the South Main Street Corridor. This recommendation is of high priority for implementation and should be pursued immediately upon adoption of the general plan update.

2.C. Work with the Utah Department of Transportation to provide additional crosswalks, and pedestrian safety features, across Main Street.

2.D. Advocate for wider sidewalks throughout the corridor when road cross-section improvements are being considered. Emphasis should be placed on identifying Safe Routes to School and within the Traditional Main Street Commercial District.

GOALS:

2. Preserve and enhance *mobility* throughout the South Main Street Corridor... cont.

OBJECTIVES

2.E. Consider and evaluate the effects of road cross-section improvements on traffic flow, aesthetics, and the safety of motorists and pedestrians. Improvements may include: striped bike lanes, planted medians, raised intersections, bulb-outs and chokes, pavement treatments, and sidewalk improvements *(see Roadway Design Matrix of Corridor Plan).*

2.F. Ensure that pavement treatments do not hinder access for those who have limited physical mobility or are wheelchair bound.

2.G. Allow for bike routes that are a part of the roadway, to provide opportunities for bike lanes along Main Street and on surrounding neighborhood streets that connect to Main Street. Bike lanes/routes create a designated space for bikers and reduce the conflict between pedestrians and bicyclists on the sidewalk.

GOALS:

3. Enhance and promote the South Main Street Corridor as the *setting* for attractive, convenient, active, safe, and enjoyable destination and place of residence.

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to enhance the physical appearance and atmosphere of the South Main Street Corridor. The South Main Street Corridor should be a beautiful focal point for the community, and a reflection of the community's values and demand for quality.

SOUTH MAIN STREET COORIDOR-WIDE VISION

OBJECTIVES:

3.A. Develop and implement a coordinated standard for streetscape improvements along the entire South Main Street Corridor. Improvements should include street lighting, landscaping, street furnishings, signage and other such amenities. These improvements could take place through a City initiated assessment areas and be coordinated with the Utah Department of Transportation (UDOT).

3.B. Develop and implement Corridor-wide standards for fencing to protect the pedestrian environment while still accommodating the needs of private residences. Fencing regulations should be consistent with front-yard fencing, allowing only for low, open fencing under 3' in height or low stone walls (2' height). New privacy fencing ought not to be allowed adjacent to the sidewalk and existing privacy fencing could possibly be phased out using a City incentive program

3.C. Prohibit the location of parking lots or areas of asphalt in the front setback area between a building and Main Street. Strategic public parking lots should be coordinated to provide shared parking opportunities along the Corridor. Individual parking lots should be located to the side or preferably the rear of the building.

GOALS:

3. **Enhance and promote the South Main Street Corridor as the *setting* for attractive, convenient, active, safe, and enjoyable destination and place of residence** (*continued*).

OBJECTIVES:

3.D. Highlight a central intersection along the Main Street Corridor to designate and establish as the core or heart of Main Street.

3.E. Connect Main Street visually to adjacent neighborhoods and regional commercials areas through streetscape design elements (landscaping, furnishings, lighting, etc.).

3.F. Connect Main Street physically to adjacent neighborhoods and regional commercial areas through the use of new trails, bike routes, and established pedestrian routes (sidewalks or pathways).

SOUTH MAIN STREET COORIDOR-WIDE VISION

GOALS:

4. Coordinate elements of the *built environment* to create a sense of arrival and define the enclosure of public space within the South Main Street Corridor.

Generally, the South Main Street Corridor includes the lands along Main Street between Parrish Lane and Pages Lane. Specifically, the South Main Street Corridor addresses parcels abutting Main Street, but may also include parcels located just off of Main Street along the several East-West side streets.

The goal is primarily to use building orientation, architecture, scale and massing, and location to define the physical character of Main Street.

OBJECTIVES:

4.A. Consider preserving key historic buildings within the South Main Street Corridor whenever possible.

4.B. Require a range of consistent setbacks within each District, and generally throughout the entire South Main Street Corridor.

4.C. Require primary buildings to orient to Main Street and provide entrances to each building from Main Street. Corner buildings will orient to both streets and have an entrance on both street-facing sides or at the corner.

4.D. Encourage a variety of complementary architectural styles, types, and massing of structures to establish connectivity along Main Street.

4.E. Develop a set of commercial design guidelines for commercial and mixed-use structures within the South Main Street Corridor.

4.F. Require appropriate building heights within each District.

GOALS:

5. Create a distinctive anchor appearance that signifies arrival into Centerville.

Generally, the North Gateway/Mixed Use District includes the lands at and adjacent to or visually prominent from the intersection of Parrish Lane and Main Street within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to provide a distinctive entryway into Centerville from the I-15 interchange. The appearance and land use should signify arrival and guide people on to Main Street.

NORTH GATEWAY MIXED USE DISTRICT

OBJECTIVES:

5.A. Establish a mixed-use zone for the North Gateway/Mixed Use District that will allow for residential, retail and office uses. Use mixtures may be in one building or a combination of buildings, such as in a planned development. A single use may also occupy a single building (i.e. a residential structure).

5.B. Establish a front setback range of 0' minimum to 15' maximum for the North Gateway District. This range should be used for both street-facing sides of a corner lot building.

5.C. Establish a side setback range of 0' minimum to 45' maximum to allow for a proximity of buildings to one another with shared parking behind.

5.D. Establish a maximum height of 28' to allow for buildings of up to two stories to be located on the corners to physically define the gateway.

5.E. Create a traffic feature such as a raised intersection that will effectively streamline traffic through the intersection and allow for a smooth connection on to Main Street.

5F. Use signage to establish the gateway and direct motorists to the South Main Street Corridor.

NORTH GATEWAY MIXED USE DISTRICT

GOALS:

5. Create a distinctive anchor appearance that signifies arrival into Centerville *(continued)*.

OBJECTIVES:

5.G. Establish landscaping requirements to create a distinctive gateway, which can also be in the form of hardscaping.

5.H. Require the use of building materials and architectural elements in the District that are compatible and complementary. Avoid making requirements that will lead to a "themed" look.

5.I. Create parking requirements that do not allow for lots in front of buildings. Parking lots should be located to the rear of buildings.

5.J. Allow on-street parking where possible.

5K. Require street-level entrances from the sidewalk.

GOALS:

6. Create a distinctive civic/cultural district that is characterized by a collection of civic buildings and public open space.

Generally, the Civic/Cultural District includes the lands from 100 North to the south end of the North Gateway/Mixed Use District at the Parrish Lane intersection within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create a civic district that has an enhanced concentration of public buildings and gathering spaces. The Civic/Cultural District will set the tone for architectural, setting, and signage recommendations for all civic buildings throughout Centerville.

CIVIC/CULTURAL DISTRICT

OBJECTIVES:

6.A. Incorporate useable green open space around each civic building.

6.B. Establish a setback range that will allow for green space in front of buildings – a 15' minimum and 25' maximum front setback – but not set buildings back too far from the street.

6.C. Establish sidewalk, pathway, and crosswalk requirements to create pedestrian connections within the Civic/Cultural District and to and from the rest of the Main Street corridor.

6.D. Require distinctive elements and architectural styles for civic buildings to set them apart from commercial buildings along Main Street.

6.E. Provide at-grade entryways to all civic buildings from Main Street.

6.F. Require all parking lots to be located to the rear of buildings in the Civic/Cultural District.

6.G. Utilize side setback areas for continuing open/green space rather than paved parking lots.

6. H. Align intersections between the east and west sides of Main Street. Create shorter blocks that are similar to the 330' block of the historic grid by introducing new streets rather than just driveways to parking lots.

6.I. Civic buildings should be more than one-story to allow for a smaller building footprint, which will allow for more public green space around the building.

TRADITIONAL AND CITY CENTER MAIN STEET DISTRICTS

GOALS:

7. Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses.

Generally, the Traditional and City Center Main Street Districts consist of lands located between 150 North to Porter Lane within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create a central commercial district along Main Street that will be a counter-balance to the automobile-centric commercial developments along the interstate.

OBJECTIVES:

7.A. Establish a core intersection that has existing assets or potential future assets, such as the historic building at Center Street.

7.B. Concentrate development around the core intersection using small front and side setbacks.

7.C. Establish a front setback range of 0' minimum to 15' maximum for the District. Encourage a smaller range of 0' minimum to 10' maximum for the core intersection. Use the setbacks for active supporting uses such as sidewalk displays and/or dining.

7.D. Consider establishing a side setback range of 0' minimum to 15' maximum for the core intersection and 30' maximum for the rest of the District.

7.E. Consider establishing maximum building footprints to prevent encroachment by larger chain stores.

7.F. Consider providing at least one at-grade entry door from Main Street to each retail space that faces the street.

7.G. Allow on street parking along Main Street within the District.

7.H. Establish sidewalk requirements of a minimum of 8' to provide a wider width within the District for an enhanced pedestrian experience.

TRADITIONAL AND CITY CENTER MAIN STEET DISTRICTS

GOALS:

OBJECTIVES:

7. Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses *(continued)*.

7.I. Require street trees to be planted at an appropriate spacing so as not to obscure buildings with a wall of trees.

7.J. Require the use of building materials and elements that complement the historic context on Main Street.

7.K. Require parking lots to be placed in the rear of all buildings within the District. On-street parking will take the place of parking lots in front of buildings.

7.L. Consolidate curb cuts and driveways so that the block face can serve as an enhanced pedestrian area. Align driveways with intersections and driveways across the street.

RESIDENTIAL BOULEVARD DISTRICT

GOALS:

8. Strengthen the residential areas along Main Street to continue the historic ambiance of residential near the Traditional Main Street District.

Generally, the Residential Boulevard District consists of lands located between Porter Lane and Pages Lane within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to enhance the residential component of Main Street that serves as a transition and connection from surrounding residential neighborhoods to the Traditional Main Street District.

OBJECTIVES:

8.A. Continue some elements of the South Main Street Corridor streetscape design into the Residential Boulevard District, including street trees and street lamps.

8.B. Continue sidewalks on both sides of Main Street into the Residential Boulevard District to provide safe walking routes to and from the core area and school. Sidewalk width in the residential section does not need to be as wide as the core commercial areas, but should have a minimum width of 6 feet.

8.C. Orient residential buildings to Main Street on parcels that front on to Main Street to continue the character of the Corridor.

8.D. Establish fencing regulations along Main Street that are consistent with front-yard fencing, allowing only for low, open fencing under 3' in height or low stone walls (2' height). New privacy fencing ought not to be allowed and existing privacy fencing might be phased out using a City incentive program.

8.E. Designate primary crosswalk areas to provide safe walking routes. Make improvements to existing crosswalks. Identify the best location for an additional crosswalk to access the school.

GOALS:

8. Strengthen the residential areas along Main Street to continue the historic ambiance of residential near the Traditional Main Street District. (cont.)

RESIDENTIAL BOULEVARD DISTRICT

OBJECTIVES:

8.F. Increase the width of the sidewalk (6' minimum) and parking strip (5' minimum, 8' ideal) to provide a safer pedestrian environment.

8.G. Allow and encourage sidewalks from existing residential structures to the sidewalk on Main Street. New residential structures that orient to Main Street shall have a sidewalk connection to the street.

8.H. Minimize curb cuts along the residential district. Garages are to be located back from the street and the front façade of the house. Alley access for garages is recommended.

8.I. When opportunities arise, coordinate and align intersections from the east and west sides of Main Street for streets and pathways. Follow a block length of 330' that is compatible with the historic grid of Centerville.

8.J. Allow on-street parking to provide a buffer between traffic and the sidewalk.

GOALS:

9. Create opportunities for Traditional Neighborhood development patterns.

Generally, the Mixed-Use Districts consists of lands located either on the southeast corner of the Pages Lane and Main Street or on the northwest corner of Parrish Lane and Main Street intersections within the South Main Street Corridor as more particularly shown on the District Map.

The goal is primarily to create mixed-use nodes using a combination of commercial, office, and residential uses that will serve as transition area between existing commercial and residential neighborhoods and enhance pedestrian connections.

NORTH GATEWAY & PAGES LANE MIXED USE DISTRICTS

OBJECTIVES:

9.A. Continue sidewalks from the Main Street corridor to the mixed-use node areas (southeast corner of the Main Street and Pages Lane intersection; north side of the Parrish Lane and Main Street intersection).

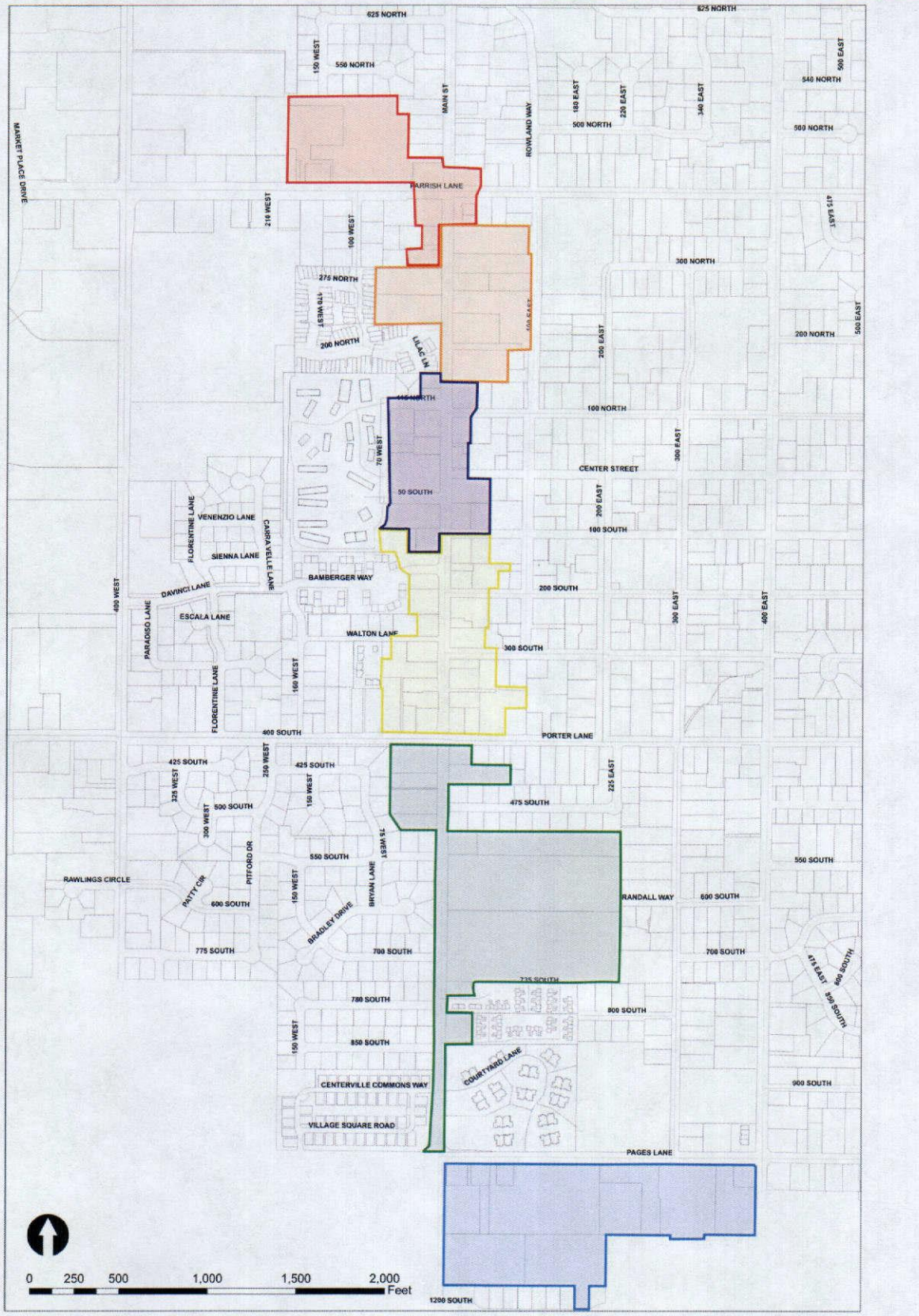
9.B. Establish a front setback range of 0' minimum to 15' maximum to have buildings address the street.

9.C. Establish a maximum height of 35' to allow for buildings of up to three stories to be located within the Mixed-use District.

9.D. Create and enhance pedestrian connections to the other areas along the Main Street Corridor through the use of sidewalks and streetscape enhancements.

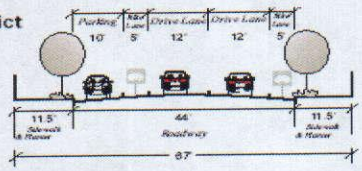
9.E. Orient buildings to the street, with functional entry doors from the street.

9.F. Utilize an urban streetscape pattern, with plazas, gallerias, and wide sidewalks to enhance the pedestrian experience within the mixed-use area.

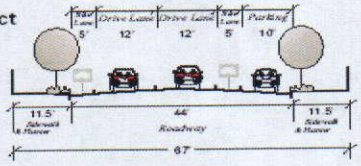


Main Street Overlay Districts

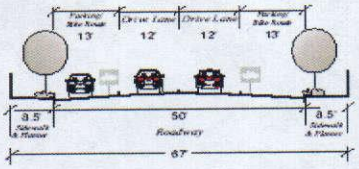
Gateway District



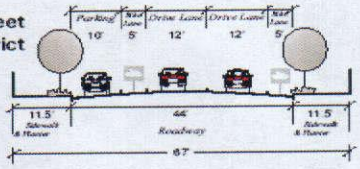
Civic District



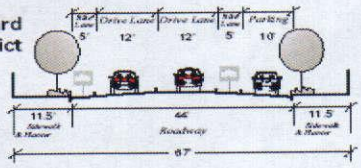
City Center Main Street District

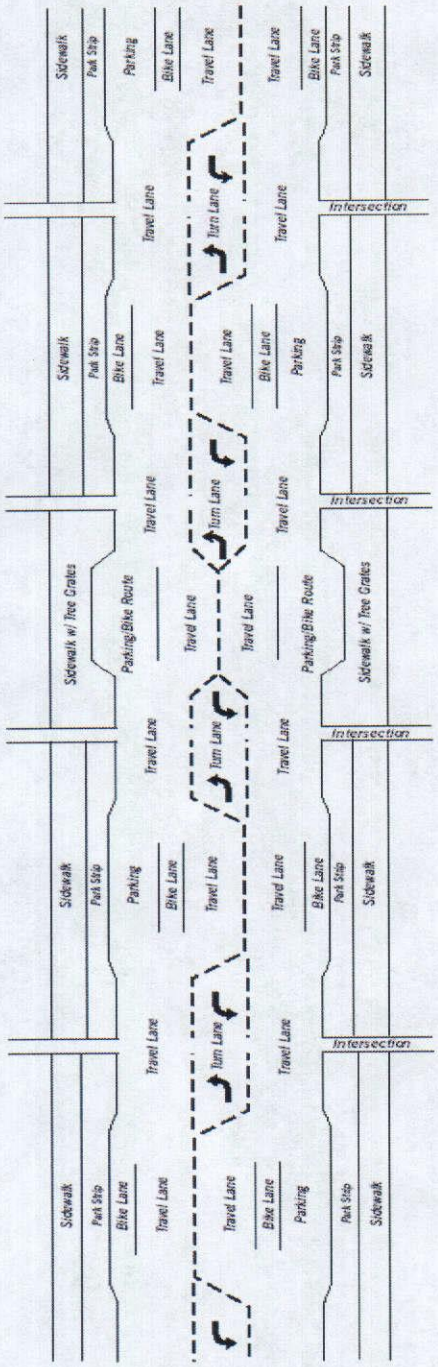


Traditional Main Street District



Residential Boulevard District





Street X-Sections

South Main Street Corridor

SOUTH MAIN STREET CORRIDOR ROADWAY DESIGN (BY DISTRICTS)

Centerville Main Street Right of Way (ROW) = 67 feet (approx. one foot from back of current sidewalk)

Option 1: ROW with turn lanes at intersections; bike lanes; Width of travel lanes can function as a shared transit lane; width of parking adjusted for transit

	Sidewalk Zone		Roadway Zone							Sidewalk Zone		
District	West Sidewalk	Park Strip	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip	East Sidewalk	Total
Gateway	7	4.5	10	5	12		12	5		4.5	7	67
alternate side of on-street parking by block												
Civic	7	4.5		5	12		12	5	10	4.5	7	67
alternate side of on-street parking by block												
City Center	8.5		13		12		12		13		8.5	67
Traditional Main Street	7	4.5	10	5	12		12	5		4.5	7	67
alternate side of on-street parking by block												
Residential Boulevard	6	5.5		5	12		12	5	10	5.5	6	67
alternate side of on-street parking by block												
TOD	8.5		13		12		12		13		8.5	67

Option 1: Intersections Only: Turn lane; bike lane & parking removed; bulb outs part of park strip #; Width of travel lanes can function as a shared transit lane

	Sidewalk Zone		Roadway Zone							Sidewalk Zone		
District	West Sidewalk	Park Strip & Bulb Out	West Parking	Bike Lane	Travel Lane	Center Turn Lane	Travel Lane	Bike Lane	East Parking	Park Strip & Bulb Out	East Sidewalk	Total
Gateway	7	6			15	11	15			6	7	67
Civic	7	6			15	11	15			6	7	67
City Center	8.5	4.5			15	11	15			4.5	8.5	67
Traditional Main Street	7	6			15	11	15			6	7	67
Residential Boulevard	6	7			15	11	15			7	6	67
TOD	8.5	4.5			15	11	15			4.5	8.5	67

Option 2: ROW with a Center Lane; Width of center lane can function as a shared transit lane

	Sidewalk Zone		Roadway Zone							Sidewalk Zone		
District	West Sidewalk	Park Strip	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip	East Sidewalk	Total
Gateway	7.5	5			15	12	15			5	7.5	67
Civic	7.5	5			15	12	15			5	7.5	67
City Center	8.5		8		11	12	11		3		8.5	67
Traditional Main Street	7	4.5	8		12	12	12			4.5	7	67
alternate side of on-street parking by block												
Residential Boulevard	6	6.5			15	12	15			6.5	6	67
TOD	8.5		8		11	12	11		3		8.5	67

Option 2: Intersections Only: ROW with a Center Lane; Width of center lane can function as a shared transit lane

	Sidewalk Zone		Roadway Zone							Sidewalk Zone		
District	West Sidewalk	Park Strip & Bulb Out	West Parking	Bike Lane	Travel Lane	Center Lane	Travel Lane	Bike Lane	East Parking	Park Strip & Bulb Out	East Sidewalk	Total
Gateway	7.5	5			15	12	15			5	7.5	67
Civic	7.5	5			15	12	15			5	7.5	67
City Center	8	4.5			15	12	15			4.5	8	67
Traditional Main Street	7	5.5			15	12	15			5.5	7	67
alternate side of on-street parking by block												
Residential Boulevard	6	6.5			15	12	15			6.5	6	67
TOD	8.5	4			15	12	15			4	8.5	67

CENTERVILLE

Staff Backup Report
4/21/2015

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- City Manager Summary of April 21, 2015 Council meeting

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No.

Short Title: Mayor Cutler

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

SUBJECT

April 7, 2015 City Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- April 7, 2015 City Council meeting mintues
- Attachment No. 1 to minutes
- Attachment No. 2 to minutes
- Attachment No. 3 to minutes

Minutes of the Centerville **City Council** meeting held Tuesday, April 7, 2015 at 7:00 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 John T. Higginson Stephanie Ivie Lawrence Wright
MEMBERS ABSENT	Tamilyn Fillmore
STAFF PRESENT	Blaine Lutz, Finance Director/Assistant City Manager Cory Snyder, Community Development Director Lisa Romney, City Attorney Marsha L. Morrow, City Recorder Katie Rust, Recording Secretary
STAFF ABSENT	Steve Thacker, City Manager
VISITORS	Brian McKenzie, County Elections Manager Bret Milburn, Davis County Commissioner Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Blaine Lutz, Finance Director/Assistant City Manager

OPEN SESSION

Dale McIntyre – Mr. McIntyre is a Centerville resident. Referring to the conversion of the Fire Agency to a taxing district with ability to directly tax citizens that is under consideration, Mr. McIntyre reminded those present that this Country has a history of not liking taxation without representation. He asked who votes on the Fire Agency. He also referred to the vote-by-mail issue on the agenda, and stated that when this Country was created, voters were required to own property so that those voting had a substantial stake in what was happening. Mr. McIntyre said that the vote-by-mail option may increase the number of citizens voting, but he questioned whether they would be informed votes.

Mayor Cutler briefly explained that the Mayor is the City's representative on the South Davis Metro Fire Agency Board. A majority of Centerville's property tax revenue is currently needed to pay Fire Agency assessments. Discussions related to creation of a taxing district have been a multi-year process. If a taxing district is formed, State law dictates that City property taxes must be reduced by the same amount that the new taxing entity is allowed to tax, unless the City goes through a Truth-in-Taxation process. The taxing district would have the same oversight and management as the current Fire Agency, i.e., governed by a Board consisting of the Mayors. Creation of the district would occur by majority vote of elected officials.

Jim Higbee – Mr. Higbee said he appreciates the vote-by-mail option that was recently introduced, but he has some reservations. He said he feels it was misleading that the last election was advertised as mail-in only, when a polling location was offered on Election Day. He also expressed concern that citizens are not informed if their mail-in vote did not count until two or three weeks after the Election. Mr. Higbee stated that some municipal elections are close, and a few votes can make a difference, and he feels County election officials should be more straight forward. Mr. Higbee said he is opposed to early voting in general, and he hopes the mail-in option would take the place of early voting. Mr. Higbee also stated he appreciates Council efforts to come to a good agreement with UDOT to keep the Legacy Trail in good repair.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the March 17, 2015 regular Council meeting, and the March 25, 2015 joint City Council/Planning Commission work session were reviewed. Councilman Higginson made a **motion** to approve both sets of minutes. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

a. Consider Cooperative Agreement between UDOT and Centerville City Providing for Maintenance of Connector Trail to the Legacy Parkway Trail System
b. Terminate warranty for Engberson-Taylor Subdivision
c. Commence warranty for Woods Park PDO

Councilman Higginson made a **motion** to approve all three items on the Summary Action Calendar. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

2015 MUNICIPAL ELECTIONS

Marsha Morrow, City Recorder, explained that the timing of the ballot mailings is governed by State law. She said she feels it would be less confusing for voters if the City adopts the same voting method as the County. Ms. Morrow stated she recommends that the City Council choose the vote-by-mail option. Mayor Cutler emphasized that the County had a higher participation rate with the vote-by-mail option in the last election. Ms. Morrow confirmed that the vote-by-mail option would eliminate early voting at City Hall.

Responding to comments made during the Open Session, Brian McKenzie, County Elections Manager, explained that the County is required to immediately notify a voter if a vote is not counted. Mail-in ballots include a request to provide a daytime telephone number. The County is also required by State statute to release election results at certain times. After the primary release on Election Day, the County is not permitted to release any election results prior to the canvass.

Mr. McKenzie briefly described a few of the many Legislative changes this year related to voting regulations. He showed an informative video put together by the County that explains why the County chose the vote-by-mail option and what takes place in the process. He said he feels the vote-by-mail option is the answer to getting more citizen involvement in the voting process. Ballots are required to be in the mail no later than 28 days prior to an election by State code. The County already has many citizens who have chosen to vote by mail or take advantage of early voting. The County requests that cities be consistent with voting methods for the primary and general elections. Mr. McKenzie said County election officials intend to

recommend to local Legislators that the initial mail date be reduced to two weeks before an election.

Councilman Wright complimented Mr. McKenzie on the work that has gone into the process, but stated that he feels the electoral process needs to not be so convenient. He feels citizens should be required to interact and learn from the candidates with a period of discussion and dialogue. He would not want people to vote without learning about the issues. Councilman Wright also stated he feels the 28 days given to voters is not fair to the candidates, since time to campaign is reduced. He said he feels the City should stick with the traditional route, and citizens need to be taught that citizenship requires engagement and discussion.

Councilwoman Ivie acknowledged that vote-by-mail is probably the way of the future, and said if the Legislature would help with improving the dates, she would be in favor of it. On a municipal level, she expressed concern that the vote-by-mail system prefers candidates who are well funded. Councilwoman Ivie said she is not in favor of the vote-by-mail option at this time. Councilman Averett agreed that the election process should require action on the part of the voters. He added that citizens already have the option to sign up to vote by mail if desired. He said he is not in favor of selecting the vote-by-mail option for the City. Councilman Higginson admitted that he has voted uninformed, even at the ballot box, and he knows plenty of others have as well. He expressed the concern that citizens could send in votes for family members with vote-by-mail. Mr. McKenzie explained that ballot signatures are compared to voter registration signatures and verified by the County. Mayor Cutler stated that he feels any option that would increase voter participation is a good thing, but he respects the concerns that have been voiced.

Mr. McKenzie said that the County telephones were ringing off the hook last year with voters asking where to get more information about candidates/issues before voting. He pointed out that, with the traditional method, citizens do not have the option to stop and research an issue after they have stepped up to the voting machine. With vote-by-mail, if voters want to be informed, they have a ballot in front of them and can get online to get information. Councilman Wright repeated his opinion that voters need to actually communicate and be engaged in a dialogue. The dialogue should be in play until Election Day, but is shortened by the 28-day vote-by-mail period.

Councilman Wright made a **motion** to not adopt the vote-by-mail option for the 2015 Municipal Election, and go with the traditional option. Councilman Averett seconded the motion, which passed by majority vote (3-1), with Councilman Higginson dissenting.

Councilman Averett made a **motion** to approve Resolution No. 2015-05 approving and authorizing the execution of an Interlocal Agreement between Centerville City and Davis County regarding election services for the 2015 Municipal Elections. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONING CODE TEXT AMENDMENT – CHAPTER 12-48 SOUTH MAIN STREET CORRIDOR

Patrick Scott with Brighton Homes explained that Brighton Homes initially submitted a request for Zoning Text Amendment for the property located on Main Street between 300 South and Porter Lane that included a proposed change in elevation to better incorporate a mixed-use concept in the project. After receiving input at a public hearing, Brighton Homes chose to look at different options for the project. The initial application was withdrawn, and a new application for Zoning Code Text Amendment was submitted. The new request for Zoning Code Text

Amendment includes a request to increase the height restriction from 25 feet to a minimum of 28 feet to allow for two-story buildings with pitched roofs. The application also includes a request to eliminate the commercial component from the development, and to reduce the first level ceiling height from 10 feet to 9 feet. Mr. Scott stated he feels it is important to recognize that increasing density is going to be an important part of any redevelopment project. Brighton Homes does not have a site plan at this time, but they estimate the development could include approximately 60 town homes with the requested amendment, with the primary intent to sell.

Councilman Averett asked if Brighton Homes is anticipating a rental prohibition or cap. Mr. Scott responded that they have not gotten that far in the planning. Councilman Averett asked how many and what type of commercial units were part of the initial application. Taylor Spendlove with Brighton Homes responded that the current Code requires that 50% of a development along Main Street be commercial. The original proposal requested a total height allowance of 35 feet to accommodate three-story mixed-use buildings. He stated that commercial use is difficult to incorporate with a two story building. The Brighton Homes representatives showed examples of standard homes – two-story homes with total height greater than 30 feet, and a one-level home with a total height of 27 feet. The current height restriction of 25 feet along Main Street is what makes commercial difficult to incorporate.

Mayor Cutler asked if Brighton Homes would be interested in incorporating commercial in the development if the total height allowance were increased along Main Street, transitioning to lower height and density next to the residential neighborhood. Mr. Spendlove explained some of the factors considered in the process. Nate Pugsley with Brighton Homes stated that the project would not be viable if the density were reduced too much at the back. He expressed willingness to continue working with the City to discuss options. Councilman Averett asked how many commercial units were included in the initial application with the 35-foot height allowance. Mr. Spendlove responded that they had initially planned for 16 commercial units on Main Street. Councilman Averett asked what plan Brighton Homes would prefer. Mr. Spendlove responded that commercial use allows for more density, but as developers they feel the need to create a project that works with the community. Mr. Scott added that Brighton Homes primarily focuses on residential development, and their preference would be to have all residential. Mr. Pugsley repeated that Brighton Homes has pulled back from the original proposal.

Cory Snyder, Community Development Director, stated that policy is set through the legislative process, and consequences follow. It is very difficult to individually build each property based on what the Council is comfortable with. The application before the Council is a private market request. Centerville has already set the ideal with the South Main Street Corridor Plan. The height constraints in the existing standards conflict with current zoning and actual implementation. Mr. Snyder said he recommended against the 25-foot height allowance when the Plan was implemented, and he still believes that 25 feet is not feasible. He explained that, as he remembers it, 25 feet was suggested by the public. Mr. Snyder said he believes the ideal would be mixed-use with a height allowance of 35 feet. The established pattern along Main Street in the Traditional and Core areas is commercial, which is hampered by the height restriction. The Planning Commission recommended approval of the application by majority vote, and staff has chosen not to make a recommendation. The requested Zoning Code Text Amendment would apply to the entire Traditional district. Mayor Cutler asked if spot zoning would be possible. Mr. Snyder responded that policies would need to be altered for spot zoning to be possible. Councilman Averett commented that he does not think spot zoning is ever a good idea. Mayor Cutler asked what control tools the Council would have if the application is approved. Mr. Snyder responded that it would be problematic for the Council to enter into administration of the Code.

Mr. Snyder explained that Centerville ordinances are based on gross density rather than net acreage. He showed densities of several developments in the City on a map for comparison. If approved, the Zoning Code Text Amendment would not eliminate the possibility of mixed-use; it would simply add the ability to develop strictly residential. At 8:43 p.m. Mayor Cutler opened a public hearing.

Karen Buys, Centerville – Ms. Buys said she is in favor of eliminating the commercial component because of all the empty store fronts on Pages Lane. She feels the commercial district has shifted from Main Street to Parrish Lane, and South Main Street is not a viable space for commercial. Ms. Buys stated she has not heard of studies being conducted related to traffic impact on area schools.

Travis Davis, Centerville – Mr. Davis commented that the application to adjust the height requirement by three feet is made with no clear plan. He said he would first like to see a specific site plan for what could happen if the zoning is relaxed.

Representative Tim Hawkes, Centerville – Representative Hawkes stated he does not feel the three requests can be disentangled from the density. He said he is worried about what the additional three feet would mean for the neighborhood and the development that would follow. He agreed that development is inevitable, but he said he would not want it to come at the cost of the very things valued most about Centerville. He stated he does not think the City should radically change the plan without knowing exactly what it would mean for the future.

Jennifer Turnblom, Centerville – Ms. Turnblom said she is in favor of a stand-alone residential provision in the South Main Street Corridor Plan because commercial is no longer happening on Main Street.

Brad Nance, Centerville – Mr. Nance agreed with the comments that have been made. He said he is in favor of steeper pitched roofs, and he agrees that commercial won't work on Main Street. He stated that plans can change, and he loves the low density where he chose to live. He questioned the need for high density for the development to work economically, and stated that the value of the land is going to be dictated by what can be put on the land. He is in favor of all residential for the area, but feels it should be lower-density, single family homes that would increase the value for the whole area. Mr. Nance said he is in favor of lowering the first-level ceiling height to 9 feet if the density is lowered.

Paula Tinnabe, Centerville – Ms. Tinnabe stated that Phil Sessions asked her to represent him. He is concerned about parking for the neighboring dental office, and asks where dental patrons will park if the existing parking on the subject property is taken away. She supplied a photograph of the parking area on the property taken that morning (attached). She requested that a possible agreement between the City and Mr. Pitt regarding parking be researched. Ms. Tinnabe added that impact studies need to be done and potential problems addressed.

Justin Cozad, Centerville – Mr. Cozad stated he could not imagine 60 units on 3.8 acres. He said he believes the place for high density in Centerville is on the west side, not in the historic area near single-family homes.

Robyn Mecham, Centerville – Ms. Mecham stated that the property is only worth what they can sell it for. She said she got involved in the South Main Street Corridor Plan process at the beginning, and has spent considerable time with various officials. Ms. Mecham said she feels good about Brighton Homes as developers. She stated that the property is zoned the way

it is because a Planning Commissioner or Council member at the time wanted his property to remain commercial. She feels it should be residential. The height restriction was changed to 25 feet because the Council listened to the citizens. Ms. Mecham said there is no longer a need for commercial on Main Street, and the density needs to be lowered and commercial eliminated. The General Plan describes high density as 9-12 units per acre. She said she does not think the City understood what was really possible on the property when the Plan was put together. Ms. Mecham requested the Council to put a moratorium on Main Street development to allow time to look at the Plan. She said the property does need to be developed, and she would love to see Brighton Homes be the developer, but at this time it would not be fair to Brighton Homes because everyone in the room is against the density. Ms. Mecham provided the Council with a copy of her comments (attached).

Dale McIntyre, Centerville – Mr. McIntyre stated that the Centerville Landmarks Commission is right now creating the Deuel Creek Historic District, which extends from 400 East and Parrish Lane to 400 South and Main Street, including the subject area. The Historic District is meant to be representative of Old Centerville, and high-density housing did not exist in Old Centerville. He expressed the opinion that if the Plan does not work, the City should rework the Plan.

Nancy Smith, Centerville – Ms. Smith referred to a comment made at a previous meeting that form-based code is not concerned so much with what goes on inside a building. She stated that the City Planner does his job well, but the citizens do care about what goes on inside the buildings. They do not want an incompatible use next to where they live and walk to school. She expressed the opinion that if stand-alone residential is approved, it should be rezoned residential, because adding stand-alone residential does not take away the mixed-use component. Ms. Smith said she does not think the Plan is viable on Main Street, she does not think mixed-use would work on Main Street, and she does not want high density on Main Street. The asking price of a property is driven by the zone, and maybe the City unintentionally made a mistake by creating a mixed-use zone. Ms. Smith named cities in Utah that were previously cited as examples of form-based zoning on Main Street, and said she contacted them and found that they have zone-based density in their mixed-use on Main Street. They either do not allow stand-alone residential on Main Street, or only allow it as a conditional use. She feels that Brighton Homes does a great job, but the City needs to address what any group would be able to do on Main Street. Ms. Smith suggested that the Council has more than the two options listed in the Council packet, and asked the Council to be judicious. She provided the Council with a copy of her research (attached).

Robin Carbaugh, Centerville – Ms. Carbaugh asked the City to post some kind of notice whenever any of the Main Street Corridor is considered by the Council as a courtesy to the citizens.

Rick Bingham, Centerville – Mr. Bingham said he feels the current Plan is ambiguous and cumbersome in the concept of mixed-use. He thinks both commercial and residential together on Main Street would be difficult, and the proposed high density would be out of place. He stated he is in favor of reconsidering the Plan and rezoning to be more reflective of what is already in place in terms of residential. He said, based on information provided, he does not see how the Council could make any kind of determination.

Melissa Thomas, Centerville – Ms. Thomas lives in a historic home in the subject neighborhood, and she has seen a dramatic increase in existing homes being turned into rental units. Some homeowners do a fantastic job of maintaining the properties, but some are not well maintained. She feels that what is allowed on Main Street is pivotal in determining the type of

neighborhood it will be. Centerville feels like home to her, and decisions made about Main Street will have a big impact. She is in favor of improving the blight on Main Street, but she wants to maintain the history and the feel of Centerville.

Bob Ballesteros, Centerville – Mr. Ballesteros stated he lives in the historic neighborhood, and suggested homes should be built on the subject property that are in keeping with the period style of the neighborhood. He mentioned concerns about traffic and parking on the property, and asked the Council to listen to the people.

Scott VanOrman, Centerville – Mr. VanOrman said he values Centerville as a whole, and loves the family neighborhoods. He has felt in the past that elected officials or Planning Commissioners have pushed their own agendas against the wishes of citizens. He asked that the Council not approve the requested amendments, and look at the entire Plan overall. He would like the property to become a stable environment with homes that encourage long-term investment in the community.

Spencer Dredge, Centerville – Mr. Dredge said he loves Centerville, and the elected officials are the reason that Centerville is a great place. He stated that this is a complicated issue, and he expressed confidence in the Council members.

Lisa Sommer, Whitaker Museum Director, Centerville – Ms. Sommer commented that the Landmarks Commission has put together a brochure with a walking tour of the historic homes in Centerville. Mayor Cutler added that an app for the walking tour is also available.

Bret Milburn, Davis County Commissioner, Centerville – Commissioner Milburn expressed appreciation to the Council and City staff for the time they put into making the City great. Decisions are not always easy, and it is difficult to make everyone happy. He also expressed appreciation for those interested in developing the subject property. He said he hopes the Council will seriously consider the comments that have been made. Decisions made now will have long-term impacts, and will impact the face and feel of the community. The historic neighborhood is what Centerville is known for, and he suggested the City should decide what Centerville should be and firmly put it in place.

At 9:41 p.m. Mayor Cutler closed the public hearing, and thanked the citizens in attendance. Councilman Wright stated he feels it is time to look again at the South Main Street Corridor Plan so that it reflects what the citizens think it should be. He said he would like to reject the proposed Text Amendments, and begin the process to change the Plan.

Mr. Scott said Brighton Homes appreciates the opportunity to present their case, and said he knows it is difficult to make everyone happy. Brighton Homes has tried to work within the Code, although there are elements that make developing the property difficult. He requested the Council vote to either accept or deny the application rather than table for more information, which Brighton Homes would most likely not be able to provide until later in the process.

Councilman Wright made a **motion** to deny the Zoning Code Text Amendment as proposed by the applicant, with the following reasons for the action. Councilwoman Ivie seconded the motion.

Reasons for the action:

a. The Council finds that the General Plan language promotes a mixture of uses and desires variety to create the expected visual appeal of the street.
b. The Council finds that there is General Plan policy language that desires the bulking and massing of buildings to facilitate desirable development.
c. The Council finds that it is desirable to maintain "the existing historical pattern," which is primarily that of commercial uses.
d. The Council finds that this commercial historical pattern extends from 100 North to Porter Lane (400 South).
e. The Council finds that keeping this existing pattern over the long term is needed to create the expected vibrant local commercial area.
f. The Council finds that the existing commercial pattern has a historical termination boundary, which is Porter Lane. Any conflicts or other compatibilities are long established.
g. The Council finds that the purpose of main floor clear space is to create the traditional storefront appeal that is associated with small town buildings.

Councilman Averett said his concern is that the property is in the historic district. He said the community has a lot of charm, and as elected officials they have stewardship to preserve culture, heritage, and the past. Centerville is celebrating 100 years since incorporation, and approving the project as proposed would fly in the face of the historic character of the community. Councilman Averett encouraged Brighton Homes to stay engaged on the property and try to come up with a project that is financially rewarding and recognizes and pays tribute to Centerville's past. Councilwoman Ivie agreed that it does not feel right to make things taller and more dense in the historic district. She said she would like to see something that would fit in better with the Centerville she loves. Councilman Higginson expressed the hope that Brighton Homes will not walk away, and will work with the neighborhood to find a solution that fits. He acknowledged that the appropriate density is yet to be determined.

The motion to deny passed by unanimous vote (4-0). Mr. Snyder reminded the Council that denying the current application does not change the fact that the Plan and the zoning are in place, and the concerns voiced are still feasible. The Historic District is still in the study phase with the Landmarks Commission, and it would not regulate commercial areas within the District.

Lisa Romney, City Attorney, explained noticing requirements for putting a moratorium on development in the South Main Street Corridor. Mr. Snyder suggested, if redoing the South Main Street Corridor Plan is a priority, the Council needs to commit both time and funds to the process. He said he suspects there would be significant reactions from property owners. Approximately $30,000 was expended to originally put the Plan in place, and Mr. Snyder estimated it might cost half that amount this time.

Councilman Wright made a **motion** directing staff to research initiating a moratorium to take a closer look at the South Main Street Corridor issue, and present to the Council as soon as possible. Councilwoman Ivie seconded the motion, and stated that she realizes it will cost money, but things have changed since the current Plan was put in place and the Council needs to listen to the citizens. Councilman Higginson stated he does not think a moratorium is the right answer, but he will vote in favor of getting more information. Ms. Romney explained that a moratorium would be in place for six months. Staff will provide risk management information to the Council in confidential communication.

Mr. Pugsley expressed disappointment, and said they felt they had been working in good faith with the Code that is in place. Putting a new plan in place could take years, and he is not sure what Brighton Homes will do at this point.

The motion passed by unanimous vote (4-0). The Council took a recess from 10:17 p.m. until 10:40 p.m.

MAYOR'S REPORT

- The Davis County Department of Health recently recognized Centerville for its efforts to promote walk-ability and clean air.
- Mayor Cutler reported that Davis County School District intends to hold a bond election that will likely include a slight property tax increase. Commissioner Bret Milburn confirmed the School District is fairly certain the issue will be placed on the ballot. School District and County issues on the municipal ballot would reduce the City's election costs through cost sharing.
- The Mayor reported on a recent Fire Agency work session. When the Fire Agency was created, there was an intention to eventually form a taxing district. Capital needs are not funded by the current levies, and agreement needs to be reached regarding what investments qualify as capital improvements. Mayor Cutler presented proposed budgets, and a comparison of current versus proposed budgets for the cities within the Agency. He said it was suggested that the cities may be more interested in creating a taxing district if only for capital improvements. The vote to join a separate district would not have to be unanimous, but Mayor Cutler stated the Board acknowledges the importance of being in agreement.

CITY COUNCIL LIAISON REPORT

Councilman Averett reported on Citizen Corps Council/Emergency Management activities. FEMA is currently conducting an emergency management assessment of Davis County that will culminate in a disaster training event in June. The statewide Great Shakeout exercise will occur on April 16th at 10:15 a.m. The Davis Chamber of Commerce has a new director, and Chamber membership is up.

CITY MANAGER'S REPORT

- The Council scheduled an RDA/ACB meeting for April 15th at 7:30 p.m.
- Mr. Lutz reported on Public Works staff member Mike Carlson's health status, and expressed appreciation for his dedication to the City.

MISCELLANEOUS BUSINESS

- Councilman Wright pointed out a news editorial included in the Council packet that may be of interest to Council members.
- Councilwoman Ivie complimented Police Officer Boucher's hard work with the Department's new K-9 dog.

ADJOURNMENT

At 11:18 p.m. Councilman Higginson made a **motion** to adjourn. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

Picture submitted by Paula Tinnabe of parking area for dental office property taken the morning of 4-7-2015.

Reasons and things that have changed since the Main Street overlay was put in to affect.

1. We needed high density to support the commercial component of the village concept. Now the planning commission, residents and the developer agree that commercial will not work on Main Street. So we need to adjust the density to work better with the surrounding area of low density.

2. We needed more affordable housing to meet federal guidelines, with all the new Developments we don't need more now.

3. A developer that is looking at our Main Street says the he believes our zoning will allow for 14-16 units per acre. (General Plan Section 12-420-2) Defines High Density as 9-12 units per acre. At the time it was zoned I was told that the City didn't know how many it would allow so now we know that it is even more than our high density zone would allow we need to down zone. It was zoned this way to entice more commercial development and now its just enticing high density which is not what we want on our main street.

I really don't think our idea of our Historic corridor is one of very high density housing which is now what it allows for. Our historic corridor will be 6 plexes lining our Main Street.

I believe in the land owners rights; they purchased this ground when it was zoned commercial only they still have that right. I believe it should stay commercial and if they can't sell it under commercial zoning any density even R 1 would be an up grade, to give them other options to sell it. It is not the cities place to help them maximize their profits.

Thanks for you time and consideration

Robyn Mecham
801-292-7998

City used as an example similar to Centerville

	KANAB	PANQUICH	PARK CITY	MIDVALE	BOUNTIFUL
Do you have Form-Based Code? Aka: **Zoned by Building**	No	No	No	No	Mix of both Form Based and Zone Based - but MORE Zone Based
Do you use Zone-Based Code? Aka: **Zoned by acre**	Yes	Yes	Yes	Yes	Mix of both Form Based and Zone Based - but MORE Zone Based
Do you allow "Stand Alone Residential"?	Not in this zone	No	No Require 1st floor to be commercial	Depends on Size of property. Over 1 acre goes to Conditional Use. Multi-family takes residential zone standards	Only at 100 West and 100 East and then only as a Conditional Use
Do you have a Mixed-Use Plan in this corridor?	Yes	Currently not going on	Main Street was built in The 1800's and isn't changing much	YES	YES
Do you allow any residential?	Yes BUT - Apartments are not a permitted use in this zone	No Not in the this Zone	YES BUT - only with comm'l	YES Including single family ⬇	
Density	If just residential - density is based per acre	Residential not allowed	Floor Area ratio 4.0 maximum per lot area	Multi-family takes underlying residential zone standards	Based mostly on parking, landscaping requirements

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 2.

Short Title: Presentation re South Davis I-15 Project by Nathan Peterson, Project Manager

Initiated By: Nathan Peterson, UDOT Project Manager for I-15 South Davis Project

Scheduled Time: 7:10

SUBJECT

RECOMMENDATION

Allow Mr. Peterson to report on this project, including matters of specific interest to Centerville, and answer questions from the City Council.

BACKGROUND

Mr. Peterson is meeting with each city council in the project area as this project moves towards completion within the next few months. The City Manager has asked him to address the following topics of specific interest to Centerville in addition to his prepared presentation:

- The outcome of the color selection process (i.e. the meeting with mayors the day before)
- Status of getting a pedestrian walkway on the east side of the pedestrian bridge to be built
- Status of the shared-cost project to install a larger drainage culvert under I-15 at Lund Lane
- Status of UDOT's investigation of Centerville's claim that the contractor compromised the re-use of the drainage culvert at Chase Lane for a future water main

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 3.

Short Title: Questar Franchise Renewal

Initiated By: City Attorney

Scheduled Time: 7:25

SUBJECT

Consider Ordinance No. 2015-06 Granting to Questar Gas Company a Franchise for the Construction, Operation, and Maintenance of a Gas Distribution System in Centerville City

RECOMMENDATION

Adopt Ordinance No. 2015-06 Granting to Questar Gas Company a Franchise for the Construction, Operation, and Maintenance of a Gas Distribution System in Centerville City.

BACKGROUND

In 1989, the City granted Mountain Fuel Supply Company a franchise for the construction, maintenance, and operation of a gas distribution system in the City (as adopted and granted by Ordinance No. 89-10). The term of the 1989 franchise was 25 years, set to expire on August 1, 2014. In order to provide sufficient time to negotiate the terms and conditions of the new franchise, the City granted Questar Gas Company (the successor in interest to Mountain Fuel Supply Company) an extension to the term of the original franchise for an additional 6 months to February 1, 2015 (as adopted and granted by Ordinance No. 2014-16). In order to provide the parties additional time to negotiate the terms and conditions of the new franchise, the City granted Questar an additional extension to the term of the original franchise for an additional 3 months to May 1, 2015 (as adopted and granted by Ordinance No. 2015-01). After nearly a year of negotiation and drafting, the City and Questar have come to agreement on the proposed terms and conditions of the new franchise as more particularly set forth in Ordinance No. 2015-06. As proposed the term of the new Franchise is for ten (10) years commencing on May 1, 2015, with two optional five (5) year renewal terms. Staff recommends approval of Ordinance No. 2015-06.

ATTACHMENTS:

Description

- Ordinance No. 2015-06-Questar Franchise

ORDINANCE NO. 2015-06

AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN CENTERVILLE CITY

WHEREAS, Questar Gas Company, a Utah corporation, (Questar Gas) desires to construct, maintain, and operate a gas distribution system within Centerville City, a Utah municipal corporation (City); and

WHEREAS, the City is authorized to regulate the use of its public rights-of-way pursuant to the City's police power and to establish procedures and standards for the safe use of its rights-of-way, including, but not limited to provisions set forth in Title 10, Chapter 8 of the Utah Code, as amended; and

WHEREAS, the City is willing to grant Questar Gas a nonexclusive franchise to operate a gas distribution system within the City and to use the roads and streets within the City for such purposes subject to the terms and conditions set forth herein;

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

Section 1. Grant of Franchise. Subject to the terms and conditions set forth herein, the City grants to Questar Gas a nonexclusive franchise (Franchise) to construct, maintain, and operate in the present and future public roads, streets, alleys, highways, and other public rights-of-way within the City's jurisdiction, (collectively, "Streets") a distribution system for furnishing natural gas to the City and its inhabitants and businesses for heating and other purposes. Questar Gas shall have the right to erect, construct, equip, and maintain in, along, over, and under the Streets a system of mains,

pipes, laterals, and related equipment (collectively, Facilities) as are reasonably necessary for supplying natural gas service in accordance with this Franchise.

Section 2. Term. This Franchise is granted for an initial term of ten (10) years commencing on May 1, 2015 (Initial Term). At the expiration of the Initial Term, the Franchise shall continue in effect upon the same terms and conditions for up to two additional terms (each of which is a Renewal Period) of five (5) years each. The City may terminate the Franchise at the end of the Initial Term, or at the end of any Renewal Period, by giving Questar Gas written notice of the City's intent to so terminate not less than ninety (90) calendar days before the expiration of the Initial Term or any Renewal Period. The City may also terminate this Franchise for cause in accordance with and subject to the provisions of Section 22.

Section 3. Acceptance. Within thirty (30) days after the passage of this Ordinance by the City, Questar Gas shall file with the City Recorder an unconditional written acceptance of the Franchise declaring its acceptance of the Franchise and agreeing to be bound by the terms and conditions of the Franchise. If Questar Gas fails to submit the written acceptance of the Franchise within the required time frame, the Ordinance and all rights granted herein shall be null and void.

Section 4. Construction and Maintenance of Facilities. All Facilities shall be constructed, installed, and maintained in accordance with applicable federal, state and city laws, codes, and regulations. All Facilities shall be constructed, installed, and maintained so as to interfere as little as possible with traffic over and public use of the Streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the Streets. All Facilities shall be constructed in accordance with established gas distribution construction practices and in a manner which protects the Facilities from all traffic loads and public use. Without

unreasonable additional cost to Questar Gas, all Facilities that are installed (either as new or relocated installations) during the term of the Franchise shall be sited to the extent reasonably possible, to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the City limits.

Section 5. Repair to Streets. Questar Gas shall repair or replace, at its own expense, any and all Streets, rights-of-way, pavements, sidewalks, street improvements, excavations, facilities, landscaping, or other improvements, public or private, that it damages in the Franchise operations. Such property or improvements shall be repaired or replaced by Questar Gas to a safe and satisfactory condition as good as reasonably possible to that existing prior to the disturbance or damage thereof. In the event Questar Gas should fail to repair or replace the Streets and/or public or private property to a safe and satisfactory condition as good as reasonably possible to that existing prior to the disturbance or damage thereof, the City shall give Questar Gas thirty (30) days written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no time frame provided by the applicable ordinance, regulation, or requirement. Excluding any correction, modification, or change to the Facilities, and after written notice and failure of Questar Gas to make correction, the City may, at its sole risk, make such correction itself and charge the reasonable cost to Questar Gas including any minimum cost provided by ordinance. Any corrections made by the City must comply with all Federal, State, and local statutes, regulations, ordinances and common law. The City shall not make, nor request or allow any party other than Questar Gas to make changes, corrections, or modifications of any kind to Questar Gas's Facilities.

Section 6. Compliance with Ordinances--Conflict. Except as otherwise stated in this Franchise, Questar Gas shall obtain all necessary permits, pay all required fees, and comply with all applicable City ordinances, regulations and requirements that are or may be prescribed by the City with respect to the construction, maintenance and operation of all Facilities. However, these obligations shall apply only as long as such ordinances, regulations, requirements, or fees are not preempted by or otherwise in conflict with any applicable statutory or constitutional law, rule, or regulation, or the tariffs approved by regulatory bodies having jurisdiction over Questar Gas, including this Franchise and any lawful revisions made and accepted by Questar Gas during the term of the Franchise. Nothing in this Franchise limits Questar Gas' right to oppose any ordinance, whether existing, proposed, or adopted, from and after the effective date of this Franchise.

Section 7. Excavations. All excavations within the Streets shall comply with the City Excavation Permit Ordinance as set forth in Title 11, Chapter 4 of the Centerville Municipal Code, as amended. If the City Ordinance requires Questar Gas to post a surety bond, that section(s) of the ordinance is expressly waived. Questar Gas shall be responsible for applying for and obtaining all applicable permits. Questar and its agents or subcontractors shall be required to comply with all terms and conditions of this Franchise.

Section 8. Inspection. The City shall have the right to inspect the construction and maintenance of the Facilities to ensure proper compliance with applicable City ordinances, regulations, and requirements. In the event Questar Gas should fail to comply with the terms of any applicable City ordinance, regulation, or requirement, the City shall give Questar Gas written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no time frame provided by the applicable ordinance, regulation, or requirement.

Section 9. Leak Detection. To assure that discernable natural gas leaks and other defects (Leaks) are corrected in the Facilities before the City proceeds in improving or maintaining the Streets above or proximate to such Leaks, Questar Gas shall, at its sole cost and expense, upon the City's request and within a reasonable time, cause a trained "leak detection team" to survey for Leaks in Questar Gas' Facilities within the Streets that are subject to repaving or other improvement or maintenance by the City. If any Leaks in Questar Gas' Facilities are detected, Questar Gas shall repair the Leaks or ensure the safety of the Facilities consistent with accepted industry standards, and shall repair the Streets and any public or private property damaged by such repair in accordance with the provisions of Section 5. Questar Gas shall use reasonably diligent efforts to complete all repair work and necessary excavations within the Streets in connection with repair of Leaks in coordination with the City's proposed improvements. Nothing in this Section shall be construed to waive or affect in any manner Questar Gas' right to seek payment or reimbursement of any cost, expense, and/or obligations referenced herein from any third party(ies) as provided by law or agreement.

Section 10. Interference and Non-Exclusive Grant. Questar Gas shall perform and exercise its rights and obligations under this Franchise so as not to unreasonably interfere with the existence and operation of the Streets to the extent reasonably practicable and safe to do so. Questar Gas' right to use and occupy the Streets for purposes set forth herein are not exclusive, and the City reserves the right to grant similar use of the Streets to any person or corporation at any time during the period of this Franchise, subject to applicable laws and regulations. The City shall have the right to cross Questar Gas' Facilities within the Streets at any point necessary for

the use, maintenance, operation, construction, repair, relocation and/or expansion of the Streets and related facilities and improvements.

Section 11. Information Exchange. Upon request by either the City or Questar Gas, as reasonably necessary, Questar Gas and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City limits, with a view towards coordinating their respective activities in those areas where such coordination may prove mutually beneficial. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality upon request to the extent that the City may lawfully do so.

Section 12. Relocation. Upon written notice to Questar Gas, the City may require Questar Gas to remove, relocate, or reinstall (collectively, Relocation) any Facilities located in, on, along, over, across, through, or under any of the Streets. Questar Gas shall perform such Relocation within a reasonable time after receipt of written notice from the City requesting the Relocation; provided, the period of time available to Questar Gas to effect such Relocation shall be reasonably extended on account of cold weather, material delivery, or other circumstances that are beyond Questar Gas' reasonable control. The Relocation of Facilities by Questar Gas shall be at no cost to the City if: (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the City (which includes, without limitation, the placement, widening, or realignment of streets; the placement or realignment of curb, gutter or sidewalks; the placement and relocation of traffic signals, street lighting or storm drainage facilities; the construction, completion, repair or relocation of a City project); (ii) the Facilities have been installed pursuant to this or any other Questar Gas franchise and not pursuant to a property or other similar right, including, but not limited

including, but not limited to, a rights-of-way, grant, permit, or license from a state, federal, municipal or private entity; and (iii) the City provides a new location for the Facilities. Otherwise, a Relocation required by the City pursuant to such written notice shall be at the City's expense or other third party. Following Relocation of any Facilities, Questar Gas may maintain and operate such Facilities in the new location without additional payment.

Notwithstanding the preceding paragraph, Questar Gas shall not be responsible for any costs associated with an authorized City project not attributable to Questar Gas's Facilities in the Streets. Further, all such costs shall be allocated among all utilities or other persons whose facilities or property are subject to Relocation due to an authorized City project.

Section 13. Reimbursement for Funded Projects. If a City project requiring Relocation of Facilities is funded by federal or state monies that specifically include an amount allocated to defray the expenses of Relocation of Facilities, then the City shall reimburse Questar Gas up to the extent of such specified amount for any reasonable Relocation costs mandated by the project and actually incurred by Questar Gas to the extent that the City actually receives or is otherwise authorized to direct or approve payment of such federal or state funds. The City shall ensure that receipt of compensation from federal or state sources does not restrict or otherwise obligate Questar Gas' ownership of the Facilities in any way.

Section 14. Abandoned Facilities. Questar Gas will provide reasonable notice to the City of Questar Gas' intent to abandon Facilities greater than 20 feet in length. The facility will be abandoned in place and in compliance with all applicable federal, state and local environmental statutes, regulations, ordinances and common law; provided, however, that upon consultation with Questar Gas and a written determination by the City that removal is required in order to eliminate

or prevent a hazardous condition or promote future utilization of the rights-of-way for a public purpose, Questar Gas shall remove at its own cost and expense any abandoned Facilities in accordance with Section 5 of this Franchise agreement.

Section 15. Police Power. The City expressly reserves the right and duty to adopt, from time to time, such ordinances, rules, or regulations as the City may deem necessary in the lawful exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or to exercise any other rights, powers, or duties required or authorized under applicable federal, state or local laws, rules or regulations. Questar Gas reserves all lawful right to oppose or challenge any such exercise as provided by law.

Section 16. Annexations. Upon the annexation of any territory to the City, the right and Franchise granted herein shall extend to the territory so annexed to the extent the City has authority. All Facilities owned, maintained or operated by the Questar Gas within, under, or over such annexed Streets within the City's jurisdiction shall thereafter be subject to all the terms and conditions of this Franchise.

Section 17. Terms of Service. Questar Gas shall furnish natural gas service without preference or discrimination among customers of the same service class at reasonable rates, in accordance with all applicable tariffs approved by and on file with regulatory bodies having jurisdiction over Questar Gas, including revisions to such tariffs made during the term of the Franchise, and in conformity with all applicable constitutional and statutory requirements.

Section 18. Indemnification. Except as otherwise specifically provided herein, the City shall not be liable or responsible for any loss or damage to property or any injury to, or death of, any person that may occur as a result of Questar Gas' construction, maintenance or operation of the

Facilities or Questar Gas' other activities within the City pursuant to this Franchise. Questar Gas shall indemnify, defend, and hold the City, its agents, officers and employees, harmless from and against any and all claims, demands, liens, liabilities, damages, actions, and proceedings arising from or in connection with the exercise by Questar Gas of its rights under this Franchise and Questar Gas shall pay the reasonable cost of defense plus the City's reasonable attorney fees. Questar Gas' obligation to so defend, indemnify and hold the City harmless shall include, without limitation, any such claims, etc., arising from Questar Gas' negligent acts or omissions pursuant to the exercise of the Franchise, whether or not any such use, act or omission complained of is authorized, allowed or prohibited by the Franchise. Notwithstanding any provision to the contrary, Questar Gas shall not be obligated to indemnify, defend or hold the City harmless to the extent that any underlying claim, demand, lien, liability, damage, action, and proceeding arises out of or in connection with any act or omission of the City or any of its agents, officers or employees. This indemnification provision shall not be construed to prevent the City from raising and receiving the protections of any defense under the Utah Governmental Immunity Act.

Section 19. Insurance. Throughout the term of this Franchise, Questar Gas shall responsibly self-insure or maintain insurance in an amount sufficient to cover its obligations and liabilities set forth in Section 18, in lieu of any insurance as may be required in any City ordinances.

Section 20. Assignment. Questar Gas may assign or transfer its rights and obligations under the Franchise to any parent, affiliate, or subsidiary of Questar Gas, to any entity having fifty percent (50%) or more direct or indirect common ownership with Questar Gas, or to any successor-in-interest or transferee of Questar Gas having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the City limits.

Otherwise, Questar Gas shall not transfer, assign, or delegate any of its rights or obligations under the Franchise to another entity without the City's prior written approval, which approval shall not be unreasonably withheld or delayed. Inclusion of the Franchise as an asset of Questar Gas subject to the liens and mortgages of Questar Gas shall not constitute a transfer or assignment requiring the City's prior written consent.

Section 21. Notification of Emergencies. As determined necessary and appropriate by Questar Gas in the performance of its construction, maintenance and operation of the Facilities in accordance with established gas distribution practices and procedures, Questar Gas shall immediately notify the City of any emergency situations in the Streets. Such notice shall be provided to the City's Public Works Director and/or the City Manager.

Section 22. Grounds for Termination. The City may terminate or revoke this Franchise and all rights and privileges provided herein if Questar Gas, by act or omission, materially violates a material duty herein set forth in any particular within Questar Gas' control, and with respect to which redress is not otherwise herein provided. Before terminating or revoking the Franchise as set forth in this paragraph (a), the City Council shall hold a hearing to determine if: (1) the violation actually occurred; and (2) if the violation is material. Questar Gas shall be given at least fifteen (15) days' written notice of the hearing and an opportunity to be heard at the hearing. If the City Council determines that the violation occurred and that the violation was material, the City shall give Questar Gas written notice of its determination and of its intent to terminate the Franchise if Questar Gas does not correct the violation within thirty (30) days of receipt of the notice, except where Questar Gas cannot reasonably complete the work in such time, in which case the time reasonably needed to complete the work will be allowed. If Questar Gas does not correct the violation within such thirty

(30) days of receipt of the notice (or additional time specifically granted by the City), the City may terminate or revoke this Franchise Ordinance provided however, that any such termination or revocation shall be subject to judicial review to the extent provided by law.

Section 23. Failure to Enforce Not a Waiver. Neither party shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other party to seek compliance or enforcement of such terms and conditions.

Section 24. Third Party Beneficiaries. The benefits and protection provided by this Franchise shall inure solely to the benefit of the City and Questar Gas. This Franchise shall not be deemed to create any right in any person who is not a party and shall not be construed in any respect to be a contract in whole or in part for the benefit of any third party (other than the permitted successors and assigns of a party hereto).

Section 25. Relationship. Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the Parties and neither party is authorized to act toward third persons or the public in a manner that would indicate any such relationship with each other.

Section 26. Agents and Subcontractors. The requirements imposed on Questar Gas under the terms of this Franchise shall extend to any agent, subcontractor or independent contractor that Questar Gas might employ to perform the duties and obligations set forth herein.

Section 27. Notices. Unless otherwise specified herein, all notices from Questar Gas to the City concerning this Franchise shall be delivered to the City Recorder's Office, 250 North Main, Centerville, Utah 84014. Unless otherwise specified herein, all notices from the City to Questar Gas shall be delivered to Questar Gas, P.O. Box 45360, Salt Lake City, Utah 84145.

Section 28. Binding Obligations. The Parties represent that when executed by their respective officers or agents, this Franchise shall constitute legal and binding obligations of the Parties; and that each party has complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation in entering into this Franchise. This Franchise shall be binding upon the heirs, successors, administrators and assigns of each of the Parties.

Section 29. Costs and Consideration. Prior to final approval of this Franchise, Questar Gas agrees to pay to the City a nonrefundable Franchise Application Fee in the amount of five hundred dollars ($500). In consideration of this Franchise, Questar Gas shall provide gas service in accordance with the terms of this Franchise, and collect and submit applicable municipal energy taxes in accordance with Section 30.

Section 30. Municipal Energy Sales and Use Tax. Questar Gas acknowledges that the City has levied a municipal energy sales and use tax (MET) on the sale or use of the delivered value of taxable energy within the City. Questar Gas agrees to collect the MET and pay it directly to the City as provided in Utah Code Ann. §§ 10-1-301, et seq or any successor statute. To the extent legally permitted, the City may adjust the amount of the MET. Nothing in this Franchise shall affect the City's right, under the MET, as provided by statute, or any other applicable law, to prospectively impose upon, charge, or collect any lawful fee, tax, license fee, franchise fee, or similar charge, or any combination of any of the foregoing, provided the City is or becomes legally authorized to do so. In the event that the MET, or similar successor tax or fee is declared illegal, unconstitutional, or void for any reason by any court or other proper authority, or in the event Questar Gas provides other services than natural gas, or receives other revenues for services or for the use of its Facilities in the Streets

not covered by the MET, then Questar Gas shall be contractually bound to pay the City as a franchise fee, on the same schedule for the maximum amount as is allowed as a franchise fee for such services under law. In addition, if the franchise fee is determined invalid by a court or authority having jurisdiction, the City shall have the right to impose occupation and license fees and permit charges as allowed by law.

Section 31. Effect of Invalidity. If any portion of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of any remaining portions of this Franchise.

Section 32. Amendment. This Franchise may be modified or amended only by written agreement executed by the Parties, including an ordinance adopted by the City. No oral modifications or amendments shall be effective.

Section 33. Utah Law. This Franchise shall be interpreted pursuant to Utah law.

Section 34. Time of Essence. Time shall be of the essence with respect to the Parties' obligations under this Franchise.

Section 35. Effective Date. This Franchise shall become effective upon May 1, 2015, as established above.

[remainder of page intentionally left blank]

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS _____ DAY OF _____, 2015.

CENTERVILLE CITY

By:_____
Mayor Paul A. Cutler

ATTEST:

_____
Marsha L. Morrow, City Recorder

Voting by the City Council:

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

QUESTAR GAS COMPANY

By:_____
Craig C. Wagstaff
President

CITY ACKNOWLEDGMENT

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

On the _____ day of _____, 20___, personally appeared before me Paul A. Cutler, who being duly sworn, did say that he is the Mayor of Centerville City, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the City executed the same.

_____
Notary Public

My Commission Expires:

_____

Residing at:

_____

QUESTAR GAS ACKNOWLEDGMENT

STATE OF UTAH)
: **ss**
COUNTY OF SALT LAKE)

On the 9th day of April, 2015, personally appeared before me Craig C. Wagstaff, who being by me duly sworn did say that he is President of **QUESTAR GAS COMPANY,** a Utah corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors; and he acknowledged to me that said corporation executed the same.

_____
Notary Public Leora N. Price

My Commission Expires:

Aug 19, 2018

Residing at:

c/o 333 S. State St., SLC, UT

LEORA N. PRICE
Notary Public State of Utah
My Commission Expires on
August 19, 2018
Comm Number 677685

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

_____ DATE:_____

MARSHA L. MORROW, City Recorder

RECORDED this ___ day of _____, 2015

PUBLISHED OR POSTED this ___ day of _____, 2015

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 4.

Short Title: Approve Whitaker Museum Sign

Initiated By: Spencer Packer, Whitaker Museum Board Chair

Scheduled Time: 7:35

SUBJECT

RECOMMENDATION

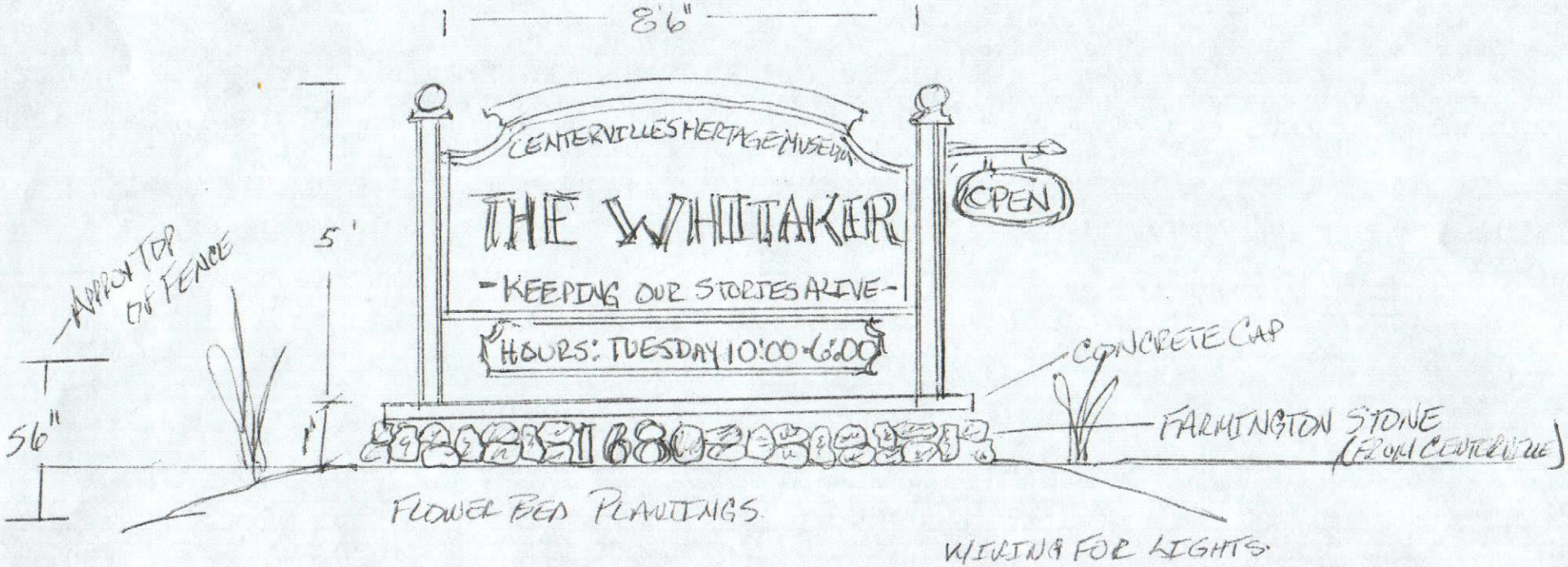
Review and approve the design of the proposed sign for the Whitaker Museum.

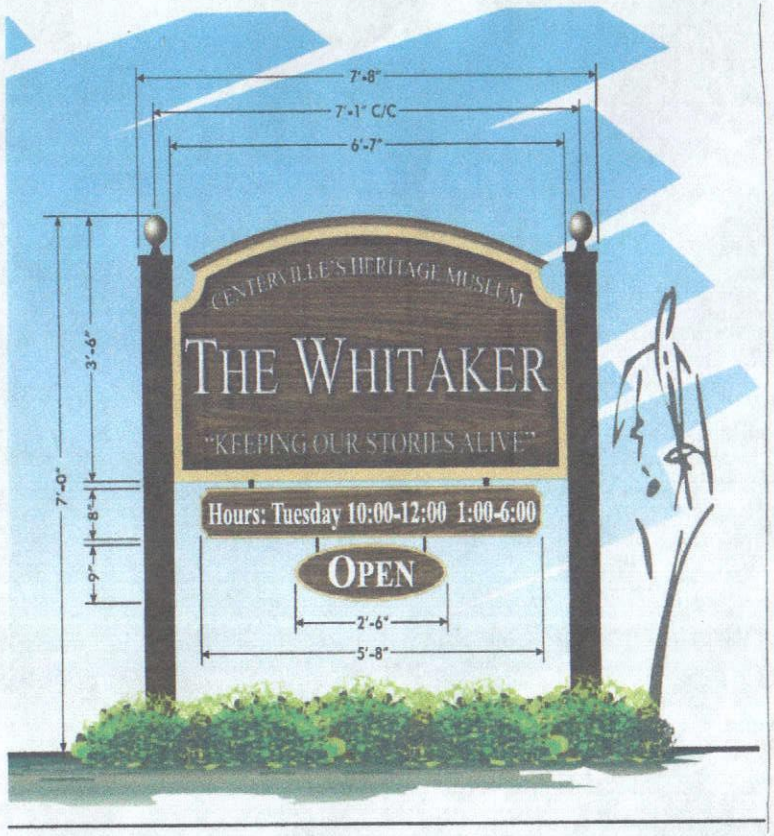
BACKGROUND

Spencer Packer, Museum Board Chair, has met with Cory Snyder, Community Development Director, to be sure the proposed sign complies with the City's sign ordinance. If a drawing is provided in advance, it will be attached.

SIGN - ROUTED PAINTED SIGN FOAM (TWO SIDED)

POSTS PAINTED ALUMINUM




7'-8"
7'-1" C/C
6'-7"
CENTERVILLE'S HERITAGE MUSEUM
THE WHITAKER
"KEEPING OUR STORIES ALIVE"
Hours: Tuesday 10:00-12:00 1:00-6:00
OPEN
2'-6"
5'-8"
7'-0"
3'-6"
8"
9"

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 5.

Short Title: Discuss Temporary Zoning Regulations for South Main Street Corridor Zone – Consider Ordinance No. 2015-05

Initiated By: City Council

Scheduled Time: 7:45

SUBJECT

RECOMMENDATION

BACKGROUND

As directed by the City Council, Staff has prepared a proposed ordinance for imposing temporary zoning regulations (moratorium) on development within the South Main Street Corridor Overlay District. Ordinance No. 2015-05 has been prepared for this purpose. The City Attorney has also prepared a confidential Memorandum regarding the procedures, requirements and legal issues involved in imposing temporary zoning regulations. This Memorandum is attached as a privileged and confidential document. Also attached is a copy of *Utah Code Ann.* 10-9a-504 regarding statutory requirements for imposing temporary land use regulations.

ATTACHMENTS:

Description

- City Attorney Memorandum-Temporary Zoning Regulations
- Ordinance No. 2015-05-SMSC TZRO
- UCA 10-9a-504

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CENTERVILLE CITY COUNCIL ESTABLISHING TEMPORARY REGULATIONS PERTAINING TO LAND USE, ZONING, SUBDIVISION AND DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE SOUTH MAIN STREET CORRIDOR OVERLAY DISTRICT ZONE GENERALLY CONSISTING OF PROPERTIES ALONG AND IN THE VACINITY OF MAIN STREET FROM PARRISH LANE TO PORTER LANE WITHIN CENTERVILLE CITY, UTAH, AS MORE PARTICULARLY DESCRIBED ON THE SMSC OVERLAY DISTRICT MAP

WHEREAS, the City has previously adopted the South Main Street Corridor Overlay District Zone (SMSC Overlay Zone) as set forth in Chapter 12-48 of the Centerville City Zoning Ordinance and the South Main Street Corridor Plan as set forth in Section 12-480-7 of the Centerville City General Plan; and

WHEREAS, one of the major goals of the General Plan provisions for the South Main Street Corridor is to "Create a commercial district with a central core intersection that is designed to serve as the heart of the City and support and encourage local businesses" and to create a central commercial district within the Traditional and City Center Districts along Main Street that will be a counter-balance to the automobile-centric commercial developments along the interstate; and

WHEREAS, the City Council questions whether commercial uses are viable on Main Street given all of the commercial development along Parrish Lane and would like to research and study the viability of such commercial uses within the SMSC Overlay Zone; and

WHEREAS, the City Council desires to research and study whether solely residential development within certain districts of the SMSC Overlay Zone would be desirable and more compatible with existing residential uses adjacent to the SMSC Overlay Zone; and

WHEREAS, the City of Centerville anticipates further growth and development within those portions of the City located west of Interstate 15 and south of Parrish Lane; and

WHEREAS, given the significant contemplated changes to the SMSC Overlay Zone and inherently different direction of proposed uses and development within the SMSC Overlay Zone, there is a need for additional planning and analysis regarding the South Main Street Corridor Plan set forth in the General Plan and the SMSC Overlay Zone as set forth in the Zoning Ordinance and other relevant ordinances of the City to ensure appropriate land use and development, to provide for adequate and safe traffic and pedestrian circulation, and to address commercial and residential uses in the SMSC Overlay Zone; and

WHEREAS, the City Council finds that it is necessary and essential to protect the public health, safety and welfare to undertake a thorough review and update of the City's South Main Street Corridor Plan and/or the City's ordinances relating to land use regulations, traffic and development requirements within the SMSC Overlay Zone as more particularly described in

Exhibit "A," attached hereto and incorporated herein by this reference, hereinafter referred to as the "Study Area"; and

WHEREAS, the City Council and staff need time to appropriately review and study the current South Main Street Corridor Plan and the SMSC Overlay Zone and City ordinances affecting the Study Area and to recommend any appropriate amendments to the existing South Main Street Corridor Plan, the SMSC Overlay Zone, and/or other City ordinances; and

WHEREAS, the City is authorized by law to enact ordinances establishing temporary zoning regulations for any part or all of the City prohibiting, restricting or regulating subdivision or other development approvals, or the issuance of building permits pursuant to Utah Code Ann. § 10-9a-504, as amended; and

WHEREAS, the City Council finds that there are compelling, countervailing public interest reasons which make it necessary to enact temporary regulations for the Study Area as more particularly set forth herein.

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

Section 1. **Enactment.** The following Ordinance is hereby enacted and adopted to read in its entirety as follows:

Title. This Ordinance shall take effect without codification and may be cited as the "2015 South Main Street Corridor Zoning Regulations Ordinance" of Centerville City.

Findings. The Centerville City Council hereby finds that the health, safety, welfare, convenience and compelling, countervailing interest of the public and the residents of Centerville City will be promoted and enhanced by adopting this Ordinance imposing temporary regulations governing land use, zoning, subdivision, development and construction within the Study Area. The City Council hereby finds that such restrictions are necessary and desirable to promote proper land use and development within the Study Area and to allow for adequate and necessary study to address the needs created by the recent conclusion that commercial uses may not be viable on Main Street and that mixed use or solely residential development along Main Street within the SMSC Overlay Zone may be appropriate, and to review and analyze other relevant development, planning, design, transportation and economic impacts occurring within the boundaries of the Study Area with regard to the following:

a. Review of existing General Plan, zoning ordinances, subdivision regulations and building regulations regarding the SMSC Overlay Zone.

b. Evaluate the effectiveness of those elements of the City Ordinances and General Plan in relation to current commercial uses, growth patterns, mixed use development, traffic and pedestrian circulation, relationship of

uses, potential opportunities for residential development, and the needs of the City within the Study Area.

c. Review and consider adopting appropriate ordinances and regulations to provide for the orderly growth and planning of the Study Area and to ensure appropriate uses and development within the Study Area.

In order to accomplish the foregoing objectives and matters related thereto, it is essential and mandatory that adequate time be provided to complete study, evaluation, planning and review with regard to the General Plan, zoning ordinances, subdivision ordinances, building regulations and other development regulations and procedures of the City for the Study Area.

Temporary Regulations.

a. Restriction on General Plan and Zoning Amendments. No new applications for General Plan and/or Zoning Map amendments to any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

b. Restriction on Subdivision Approvals. No new applications for subdivision approval or amendments for any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

c. Restriction on Site Plan and Conditional Use Permit Approvals. No new applications for site plan or conditional use permit approval for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

d. Restriction on Building Permits. No new applications for building permits for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

e. Completed Applications. Any completed application for General Plan amendment, rezone, subdivision, site plan, conditional use permit, building permit or development approval for any property within the Study Area which has been submitted, received and deemed complete by the City as of the date of this Ordinance shall be excluded from the effects of this Ordinance.

f. Term. This Ordinance shall remain in effect for six (6) months from its effective date unless sooner terminated by action of the City Council.

Section 2. Conflict. In the event of any conflict between this Ordinance and any other Centerville City ordinances, resolutions or regulations, the provisions of this Ordinance shall be controlling. This Ordinance is not intended to amend or repeal any other Centerville City ordinances, resolutions or regulations.

Section 3. **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.

Section 4. **Effective Date.** This Ordinance shall take effect immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS _____ DAY OF APRIL, 2015.

CENTERVILLE CITY

By:_____
Mayor Paul A. Cutler

ATTEST:

_____
Marsha L. Morrow, City Recorder

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

DATE: _____

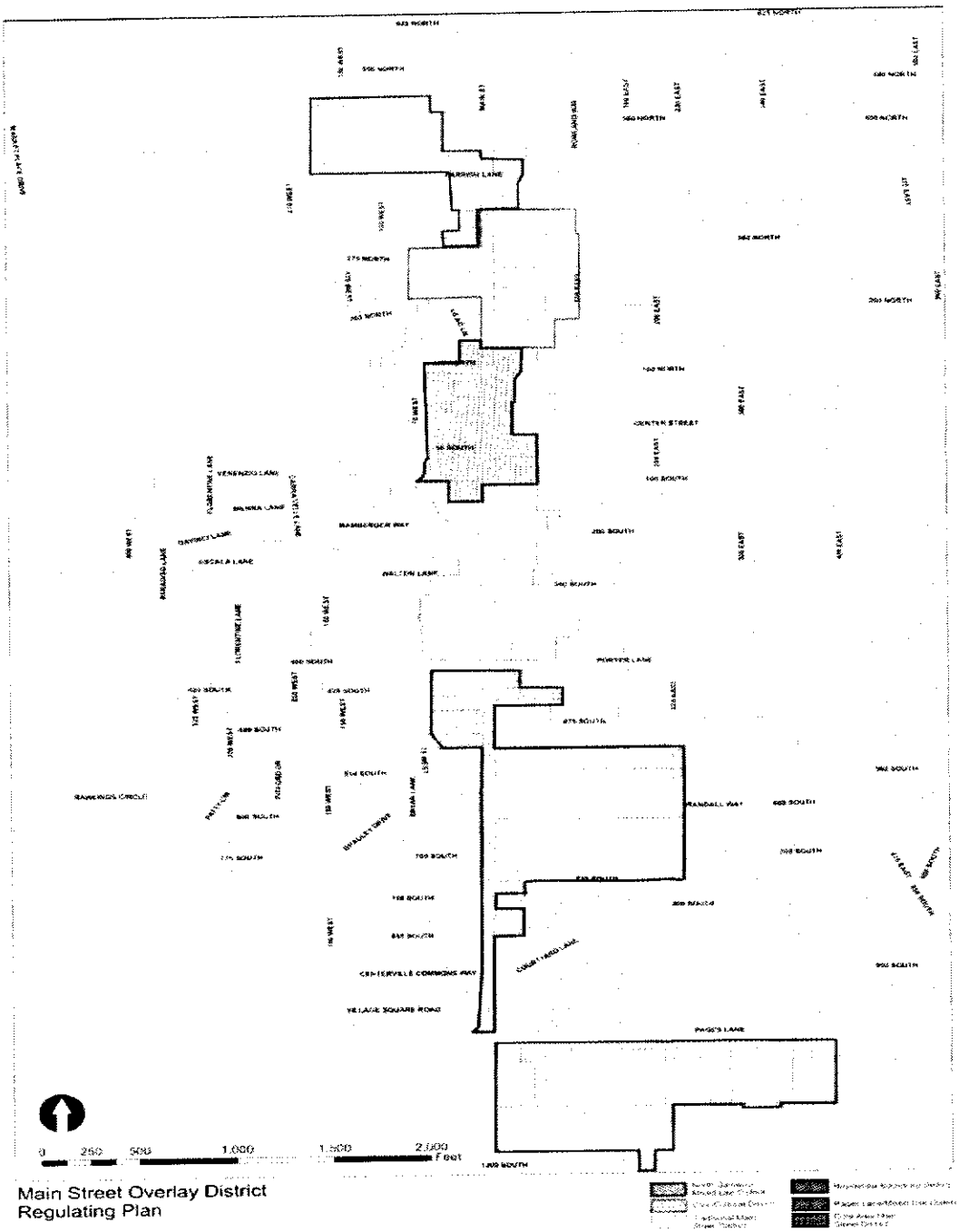
_____
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20_____.

PUBLISHED OR POSTED this ____ of _____, 20_____.

EXHIBIT A

BOUNDARIES OF SOUTH MAIN STREET CORRIDOR TEMPORARY ZONING REGULATIONS



Main Street Overlay District
Regulating Plan

West's Utah Code Annotated
Title 10. Utah Municipal Code
Chapter 9A. Municipal Land Use, Development, and Management (Refs & Annos)
Part 5. Land Use Ordinances

U.C.A. 1953 § 10-9a-504

§ 10-9a-504. Temporary land use regulations

Currentness

(1)(a) A municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3)(a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed six months in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

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Credits

Laws 2005, c. 254, § 33, eff. May 2, 2005.

U.C.A. 1953 § 10-9a-504, UT ST § 10-9a-504

Current through 2014 General Session.

End of Document

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CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 6.

Short Title: Discuss Sign Ordinance and give direction to staff

Initiated By: City Council

Scheduled Time: 8:05

SUBJECT

RECOMMENDATION

Read summary of current sign ordinance prepared by Cory Snyder, Community Development Director. Then receive a briefing from Lisa Romney, City Attorney, regarding the legal framework/issues pertaining to regulation of signs. Finally, consider recommendations from Cory Snyder of ways to revise the current regulations to address the desire of some Councilmembers to make the regulations less restrictive and, therefore, easier to comply with during campaign season.

BACKGROUND

In an earlier meeting, some Councilmembers expressed concerns about the effect of the current sign ordinance on campaign signs and compliance with those regulations. The Council agreed to receive a briefing on the current sign ordinance and related legal issues, then consider possible revisions to these regulations. The summary of current sign regulations, prepared by Cory Snyder, is attached.

In order to make any changes effective by the start of this year's campaign season (June), the Council needs to give staff direction at this meeting as to what changes it desires. Because the Sign Ordinance is a part of the Zoning, Code, any changes would first have to be considered by the Planning Commission, then be forwarded to the City Council for their approval.

ATTACHMENTS:

Description

- Staff Memorandum-Campaign Signs

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF MEMORANDUM

DATE: **APRIL 17, 2015**

TO: **STEVE THACKER, CITY MANAGER**

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

SUBJECT: **CAMPAIGN SIGNS- APPLICABLE ORDIANCE ALLOWANCES**

BACKGROUND

As requested earlier by the City Council, there is a desire to better understand how campaign signs are regulated by the City's Zoning Ordinance. Additionally, the Council expressed the possibility of making changes in an attempt to make it easier for those running for elected office to be in compliance with signing regulations. This memorandum will address three elements relating to the use and placement of such sign types involving campaign signs. These elements are:

- Zoning Ordinance view of Campaign Signs
- General sign restrictions or exemptions of Zoning Ordinance regulations
- Use and placement parameters relating to "Signs by Right" (usually campaign signs fall under these parameters).

ZONING ORDINANCE VIEW OF CAMPAIGN SIGNS

Sign Messaging Expectation– According to Section 12-54-010, it is not the intent of the City's Sign Chapter "***TO REGULATE THE MESSAGE OR ANY CONTENT DISPLAYED ON ANY SIGN.***" In other words, the regulations are ***NOT*** to be used to regulate the speech, advertising, or other content of any particular sign, or to use the regulations to differentiate or favor any particular message being communicated.

Content Neutral vs. Time, Place, and Manner Regulations – A stated above, the City's Sign Ordinance does not make any distinction between types of messaging. This is known as "content neutrality" doctrine, which has been established by case laws governing "commercial or non-commercial speech." However, court cases have supported local municipal regulations regarding the establishment of time, place, and manner regulations relating to posting and use of signs on private property (*seek City Attorney counsel for a more thorough explanation*). Consequently, campaign signs are governed no differently than any other type of sign and are subject to the same applicable time, place, and manner provisions of the Zoning Ordinance.

A Sign "Permitted by Right" Allowance – For most signs used during the campaign season, they generally fall under our City ordinance labeling them as "Signs Permitted by Right," (*see Section*

12-54-080.b). Such signs do not need to obtain a "permit" for their use and placement. These signs are usually temporary in nature and allow property owners to communicate their preference for an issue or candidate. Outside, the campaign season, such signs by right are usually used to advertise, promote, or sell products, or other messages as desired by the property owner.

Posting Campaign Signs via Private Property Rights – When posting a "campaign style" message, such posting is using or borrowing the rights and privileges of a specific property or parcel. Anyone actively campaigning through the use of signs is borrowing these property owner's rights and privileges. There is no inherent free speech right for any candidate to expect a favored or privileged allowance to post campaign signs on any private property or have a privileged or competitive opportunity to post on private properties along high traffic corners or corridors. Those involved in highly motivated campaign efforts often become frustrated with such private property right parameters and can become irritated with property owners, the city staff, or with enforcement actions during the campaign season.

Enforcement & Due Process Constraints – Additionally, those who become frustrated with illegal campaign sign postings may not fully appreciate or understand that it is directly connected to specific private property rights and privileges. Such privileges and rights are protected by the "due process" of law. Enforcement actions must follow the notice, warnings, and other enforcement timelines to correct any violation prior to rendering any fines or consequences. Consequently, enforcement actions function on a different time frame than maybe the electoral process and time frames do. Furthermore, unlike illegal sign postings on public property, city staff and assigned enforcement personal cannot enter private property and seize any illegally posted campaign sign without either permission from, sign owner, the property owner, or having first obtained from the court and order to remove the sign (*see Section 12-23-070.e-g.*).

GENERAL SIGN RESTRICTIONS OR EXCLUSIONS OF ZONING ORDINANCE REGULATIONS *(other local, state, or federal regulations may still apply – particularly with traffic control devices)*

Private/Business Messaging Signs – The Sign Ordinance applies to the display, construction, erection, alteration, use, location, and maintenance of any sign with the City, which is visible to the public from a public right-of-way (*see Section 12-54-020*). Exception, the sign regulations do not apply to the lawful display of merchandise, approved artificial landscaping (*aka: imitation palm trees*), or approved lighting elements related to parking areas, sidewalks, or streets (*e.g. directional signs*).

Government Signs – Signs authorized by a Government Agency are permitted without obtaining a permit (*see 12-54-080.a*). Most often these signs are traffic control and safety sign devices. However they may also include Forest Service, state parks, community park type signs, etc.

Signs on Public Property – Unless authorized by a government agency, signs are NOT to be posted on, over, or across the following (*see 12-54-060.b*):

- Any publicly-owned property or street right-of-way
- Placed on any curb, sidewalk, post, pole, hydrant, etc. located on public property
- Located within a public right-of-way

Public Square/Free Speech – An individual does have a right to be present in a public space and personally hold or wear a sign supporting a particular person or displaying a message about an issue. Such examples are public protests, supportive constituent waving and get-out-to-vote strategies, employees of a business advertising of sales or service, etc.

USE AND PLACEMENT PARAMETERS RELATING TO "SIGNS BY RIGHT" *(usually campaign signs fall under these parameters).*

Residential Zones:

- Number Restriction – None
- Combined Sign Area allowance – 12 sq. ft. total, per lot or parcel
- Height Restriction – no higher than 3 feet
- Setbacks – 3 feet from front property line

Commercial/Public Facility/ Industrial Zones:

Single Tenant Lots:

- Number Restriction – 3 signs total
- Combined Sign Area allowance – 50 sq. ft. total, per lot or parcel
- Height Restriction – no higher than 4 feet
- Setbacks – 5 feet from front property line – most areas
  10 feet from property line – Parrish Lane Corridor

Multi-tenant Lots:

- Number Restriction – One (1) sign per tenant
- Sign Area allowance – 12 sq. ft. total per tenant
- Height Restriction – no higher than 4 feet
- Setbacks – 5 feet from front property line – most areas
  10 feet from property line – Parrish Lane Corridor

Flag Displays, All Zones:

- Display of national, state, county, or local entity flags - allowed no restrictions
- Display of corporate, business, specific project – one per lot, parcel, or project;
  - Height Limitation – 25 feet
  - Flag Area Limitation – 25 sq. ft.
  - Flag Pole – standardized equipment
  - Meets applicable clearance heights

Prohibited or Limitations of Signs, All Zones:

- Roof signs
- Graffiti
- Off-Premise, Commercial
- Spotlights – limited to temporary events with permit
- Balloons, Cold and Hot – limited to temporary events with permit
- Decorative flags, pennants, streamers, etc. - limited to temporary events with permit

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 7.

Short Title: Discuss Campaign Finance Ordinance

Initiated By: City Attorney

Scheduled Time: 8:35

SUBJECT

RECOMMENDATION

Discuss recent amendments to Section 10-3-208 of the Utah Code regarding campaign finance disclosures for municipal elections. Consider repealing or amending City Ordinances regarding campaign finance disclosures in light of State law amendments. Provide direction to Staff to bring back proposed ordinance amendments or repeal provisions as directed by the Council.

BACKGROUND

The State Legislature adopted two bills during the 2015 Legislative Session amending Section 10-3-208 of the Utah Code regarding campaign finance disclosure requirements for municipal elections. The first bill, HB 32 adopts significant amendments to Section 10-3-208 as recommended by the Lieutenant Governor's Office. The amendments in HB 32 add a number of new defined terms and amends existing terms, clarifies certain campaign finance filing deadlines, and adds new provisions prohibiting municipal candidates from making a personal use expenditure from campaign funds. The second bill, HB 91 addresses anonymous contributions and requires any municipal candidate who receives an anonymous donation over $50 to disburse the amount of the contribution to the treasurer of the state or a political subdivision or an organization that is exempt from federal income taxation under Section 501(c)(3) of the IRC. The final enrolled copies of HB 32 and HB 91 are attached.

Given the extensive amendments to the State statute regarding campaign finance disclosures for municipal elections, Staff recommends repealing Section 2-03-110 of the Centerville Municipal Code regarding campaign finance disclosures. By repealing our municipal ordinance, we can rely on statutory and case law interpretation of State law. In addition, the Lieutenant Governor's Office can provide more oversight and advice since any violation of campaign finance requirements would be based on State law rather than municipal ordinance. With the recent amendments, many of the loop holes and questions regarding municipal campaign finance disclosures have been fixed or addressed. Of significant note are the many new definitions that are provided in Section 10-3-208, including new definitions for candidate, agent of candidate, contribution, expenditure, in-kind contribution, political consultant, political purposes, and reporting entity. The State law requires each candidate who is not eliminated at a primary election to file a campaign finance statement with the city recorder no later than 7 days before the municipal general election and no later than 30 days after the general municipal election. For candidates who are eliminated at the primary election, they must file a campaign finance statement with the city recorder 30 days after the primary election.

State law allows municipalities to adopt ordinances imposing stricter requirements in limited areas:

* Cities can adopt more stringent definitions
* Cities can adopt a reporting limit lower than $50
* Cities can adopt more stringent disclosure requirements for contributions and expenditures
* Cities can impose additional penalties

The only two areas where the City currently regulates more stringently than State law is our reporting limit set at $25 and our requirement to file a campaign finance statement before the primary election. If we repealed our ordinance and relied on State law, candidates would not have to submit a campaign finance statement before the primary election, but would have to report after the primary and before and after the general election as outlined above. In addition, if we repeal the city ordinance and rely on State law, candidates would have to identify the name of the donor

and contribution amount for contributions over $50 (rather than $25). In addition, under State law, candidates must report all itemized and total contributions and the aggregate of all contributions that individually do not exceed $50. State law also requires reporting of the amount of all expenditures and the name of the recipient of the expenditure, regardless of amount.

For the above reasons, it is recommended to repeal Section 2-03-110 of the Centerville Municipal Code regarding campaign finance statements and to follow State law as amended and currently provided in Utah Code Ann. 10-3-208. Alternatively, Staff can merely provide amendments to Section 2-013-110 to bring such local provisions into compliance with State law amendments.

ATTACHMENTS:

Description

- Centerville Municipal Code - Section 2-3-110
- HB 32 (2015)-Municipal Campaign Finance
- HB 91 (2015)-Municipal Campaign Finance

2-03-110. Campaign Finance Statement.

(a) Statement Required. Each candidate for municipal office shall file with the City Recorder a Campaign Finance Statement, in substantially the same form as provided by the City, disclosing his or her itemized and total campaign contributions and expenditures in accordance with the procedures and requirements set forth herein and in *Utah Code Ann.* § 10-3-208, as amended.

(b) Time for Filing. Each candidate for municipal office shall file a Campaign Finance Statement at least once no sooner than ten (10) days and no later than seven (7) days before the primary election. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a Campaign Finance Statement no later than thirty (30) days after the municipal primary election. Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a Campaign Finance Statement no sooner than ten (10) days and no later than seven (7) days before the municipal general election and another Campaign Finance Statement no later than thirty (30) days after the municipal general election. A Campaign Finance Statement required under this Section is considered filed if it is received in the City Recorder's Office by 5:00 p.m. on the date that it is due.

(c) Definitions. For purposes of this Section, the following words shall have the meanings set forth.
(1) Contribution. "Contribution" means all monies, in-kind contributions, and contributions of tangible things given to the candidate or to the organization(s) representing the candidate, for the purpose of enhancing the candidate's campaign.
(2) Expenditure. "Expenditure" means the monetary, in-kind payment, or payment of tangible things to any person or entity, by the candidate's campaign.
(3) Reporting Date. "Reporting date" means ten (10) days before a municipal primary or general election (for a Campaign Finance Statement required to be filed no later than seven (7) days before a municipal primary or general election) and the day of filing (for a Campaign Finance Statement required to be filed no later than thirty (30) days after a municipal primary or general election).
(4) Reporting Limit. "Reporting limit" means any contribution or expenditure in an amount equal to $25 or more.

(d) Campaign Finance Statement. Except as provided in Subsection (e), each Campaign Finance Statement shall:
(1) Report all of the candidate's itemized and total campaign contributions, including in-kind and other nonmonetary contributions, received before the close of the reporting date, and for each contribution that exceeds the reporting limit, identify the name and address of the donor, the date the contribution was received, and the amount of the contribution or the estimated value and type of the in-kind contribution;
(2) Report all of the candidate's itemized and total campaign expenditures made through the close of the reporting date, and for each expenditure that exceeds the reporting limit, identify the name of the recipient of the expenditure, and the date, purpose, and amount of the expenditure; and
(3) Report the aggregate summary of the total campaign contributions and expenditures received or made to date; i.e. totals from previous reports and the current report.

(e) Alternative Statement. If the candidate receives $500 or less in campaign contributions and spends $500 or less on the candidate's campaign, the candidate shall be required to merely report the total amount of all campaign contributions and expenditures.

(f) Notice to Candidates. The City Recorder shall, at the time a candidate for municipal office files a declaration of candidacy with the City, and again fourteen (14) days before each municipal primary and general election, notify the candidate in writing of:
(1) The provisions of State statutes and City ordinances governing the disclosure of campaign contributions and expenditures;

(2) The dates when the candidate's Campaign Finance Statement is required to be filed; and
(3) The penalties that apply for failure to file a timely Campaign Finance Statement, including the statutory provisions that require removal of the candidate's name from the ballot for failure to file the required Campaign Finance Statement when required.

(g) Failure to File. Except as provided in Subsection (h), if a candidate fails to file a Campaign Finance Statement in accordance with the provisions of this Section and applicable provisions of State law, the City Recorder shall inform the appropriate election official who shall, if practical, remove the candidate's name from the ballot; or if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that the votes cast for the candidate will not be counted.

(h) Inadvertent Omissions. Notwithstanding Subsection (g), a candidate who timely files a Campaign Finance Statement seven (7) days before a municipal primary or general election is not disqualified if: (1) the statement details accurately and completely the information required herein, except for inadvertent omissions or insignificant errors or inaccuracies; and (2) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(i) Public Records. Financial disclosure reports filed pursuant to this Section are considered public documents open to inspection in accordance with *Utah Code Ann.* § 10-3-208, as amended, and the Utah Government Records Access and Management Act, as amended. The City Recorder shall make each Campaign Finance Statement filed by a candidate available for public inspection and copying and post an electronic copy of the same in accordance with applicable provisions of *Utah Code Ann.* § 10-3-208, as amended.

Enrolled Copy H.B. 32

LOCAL GOVERNMENT DISCLOSURE AND CAMPAIGN FINANCE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jack R. Draxler

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends provisions related to municipal candidate campaign finance disclosures and personal use expenditures.

Highlighted Provisions:

This bill:

- defines terms;
- authorizes a municipality to adopt more stringent campaign finance disclosure requirements and definitions;
- clarifies campaign finance filing deadlines;
- authorizes a municipality to adopt more stringent personal use expenditure requirements and definitions;
- prohibits a municipal candidate from making a personal use expenditure;
- provides that a municipality may adopt an ordinance to identify personal use expenditure violations and enforce prohibitions; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

ENACTS:

10-3-209, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3-208** is amended to read:

10-3-208. Campaign finance disclosure in municipal election.

(1) [~~As used in~~] Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:

[~~(a) "Reporting date" means:~~]

[~~(i) 10 days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and~~]

[~~(ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.~~]

(a) "Agent of a candidate" means:

(i) a person acting on behalf of a candidate at the direction of the reporting entity;

(ii) a person employed by a candidate in the candidate's capacity as a candidate;

(iii) the personal campaign committee of a candidate;

(iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or

(v) a political consultant of a candidate.

(b) (i) "Candidate" means a person who:

(A) files a declaration of candidacy for municipal office; or

(B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.

(ii) "Candidate" does not mean a person who files for the office of judge.

(c) (i) "Contribution" means any of the following when done for political purposes:

(A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;

(B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;

(C) any transfer of funds from another reporting entity to the candidate;

(D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;

(E) a loan made by a candidate deposited to the candidate's own campaign; and

(F) an in-kind contribution.

(ii) "Contribution" does not include:

(A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;

(B) money lent to the candidate by a financial institution in the ordinary course of business; or

(C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

(d) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:

(i) with the candidate's prior knowledge, if the candidate does not object;

(ii) by agreement with the candidate;

(iii) in coordination with the candidate; or

(iv) using official logos, slogans, and similar elements belonging to a candidate.

(e) (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:

(A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a)(i);

(B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;

(D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;

(E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or

(F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.

(ii) "Expenditure" does not include:

(A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or

(B) money lent to a candidate by a financial institution in the ordinary course of business.

(f) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.

(g) (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.

(ii) "Political consultant" includes a circumstance described in Subsection (1)(g)(i), where the person:

(A) has already been paid, with money or other consideration;

(B) expects to be paid in the future, with money or other consideration; or

(C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.

(h) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.

(i) "Reporting entity" means:

(i) a candidate;

(ii) a committee appointed by a candidate to act for the candidate;

(iii) a person who holds an elected municipal office;

(iv) a party committee as defined in Section 20A-11-101;

(v) a political action committee as defined in Section 20A-11-101;

(vi) a political issues committee as defined in Section 20A-11-101;

(vii) a corporation as defined in Section 20A-11-101; or

(viii) a labor organization as defined in Section 20A-11-1501.

[~~(b)~~] (j) "Reporting limit" means for each calendar year:

(i) $50; or

(ii) an amount lower than $50 that is specified in an ordinance of the municipality.

(2) (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) and (4).

(b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).

(c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) and (4).

[~~(2)~~] (3) (a) [~~(i)~~] Each candidate [~~for municipal office~~]:

[~~(A)~~] (i) shall deposit a [~~campaign~~] contribution in a separate campaign account in a financial institution; and

[~~(B)~~] (ii) may not deposit or mingle any campaign contributions received into a

personal or business account.

[~~(ii)~~] (b) Each candidate [~~for municipal office~~] who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

[~~(A)~~] (i) no later than seven days before the [~~date of~~] day on which the municipal general election is held; and

[~~(B)~~] (ii) no later than 30 days after the [~~date of~~] day on which the municipal general election is held.

[~~(iii)~~] (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement [~~no later than~~] 30 days after the [~~date of~~] day on which the municipal primary election is held.

[~~(b)~~] (4) Each campaign finance statement under Subsection [~~(2)(a)~~] (3)(b) or (c) shall:

[~~(i)~~] (a) except as provided in Subsection [~~(2)(b)(ii)~~] (4)(b):

[~~(A)~~] (i) report all of the candidate's itemized and total:

[~~(I) campaign~~] (A) contributions, including in-kind and other nonmonetary contributions, received [~~before the close of the reporting date~~] up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and

[~~(II) campaign~~] (B) expenditures made [~~through the close of the reporting date~~] up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and

[~~(B)~~] (ii) identify:

[~~(I)~~] (A) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;

[~~(II)~~] (B) the aggregate total of all contributions that individually do not exceed the reporting limit; and

[~~(III)~~] (C) for each [~~campaign~~] expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or

[~~(ii)~~] (b) report the total amount of all [~~campaign~~] contributions and expenditures if the

candidate receives $500 or less in [~~campaign~~] contributions and spends $500 or less on the candidate's campaign.

[~~(3) (a) As used in this Subsection (3), "account" means an account in a financial institution:~~]

[~~(i) that is not described in Subsection (2)(a)(i)(A); and~~]

[~~(ii) into which or from which a person who, as a candidate for an office, other than a municipal office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a municipal office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.~~]

[~~(b) A municipal office candidate shall include on any campaign finance statement filed in accordance with this section:~~]

[~~(i) a contribution deposited in an account:~~]

[~~(A) since the last campaign finance statement was filed; or~~]

[~~(B) that has not been reported under a statute or ordinance that governs the account; or~~]

[~~(ii) an expenditure made from an account:~~]

[~~(A) since the last campaign finance statement was filed; or~~]

[~~(B) that has not been reported under a statute or ordinance that governs the account.~~]

[~~(4)~~] (5) (a) A municipality may, by ordinance:

(i) provide a reporting limit lower than $50;

(ii) require greater disclosure of [~~campaign~~] contributions [~~and~~] or expenditures than is required in this section; and

(iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.

(b) A candidate [~~for municipal office~~] is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection [~~(4)~~] (5)(a) if:

(i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and

(ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection [~~(5)~~] (6).

[~~(5)~~] (6) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:

(a) the provisions of statute or municipal ordinance governing the disclosure of [~~campaign~~] contributions and expenditures;

(b) the dates when the candidate's campaign finance statement is required to be filed; and

(c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

[~~(6)~~] (7) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.

[~~(7)~~] (8) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection [~~(2)(a)(ii)(A)~~] (3)(b)(i), the municipal clerk or recorder shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection [~~(7)~~] (8)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection [~~(2)(b)~~] (4), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

[~~(8)~~] (9) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that [~~is it~~] it is due.

[~~(9)~~] (10) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.

(b) In a civil action under Subsection [~~(9)~~] (10)(a), the court may award costs and attorney fees to the prevailing party.

Section 2. Section **10-3-209** is enacted to read:

10-3-209. Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

(1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for the purposes of this section:

(a) "Candidate" means a person who:

(i) files a declaration of candidacy for municipal office; or

(ii) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(b) "Officeholder" means a person who is elected to and currently holds a municipal office.

(c) (i) "Personal use expenditure" means an expenditure that:

(A) is not excluded from the definition of personal use expenditure by Subsection (2) and primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or

(B) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.

(ii) "Personal use expenditure" includes:

(A) a mortgage, rent, utility, or vehicle payment;

(B) a household food item or supply;

(C) clothing, except for clothing bearing the candidate's name or campaign slogan or logo and that is used in the candidate's campaign;

(D) an admission to a sporting, artistic, or recreational event or other form of entertainment;

(E) dues, fees, or gratuities at a country club, health club, or recreational facility;

(F) a salary payment made to a candidate, officeholder, or a person who has not provided a bona fide service to a candidate or officeholder;

(G) a vacation;

(H) a vehicle expense;

(I) a meal expense;

(J) a travel expense;

(K) a payment of an administrative, civil, or criminal penalty;

(L) a satisfaction of a personal debt;

(M) a personal service, including the service of an attorney, accountant, physician, or other professional person;

(N) a membership fee for a professional or service organization; and

(O) a payment in excess of the fair market value of the item or service purchased.

(2) As used in this section, "personal use expenditure" does not mean an expenditure made:

(a) for a political purpose;

(b) for candidacy for public office;

(c) to fulfill a duty or activity of an officeholder;

(d) for a donation to a registered political party;

(e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

(f) to return all or a portion of a contribution to a donor;

(g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:

(i) (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or

(B) for motor fuel or special fuel, as defined in Section 59-13-102;

(ii) a meal expense;

(iii) a travel expense, including an expense incurred for airfare or a rental vehicle;

(iv) a payment for a service provided by an attorney or accountant;

(v) a tuition payment or registration fee for participation in a meeting or conference;

(vi) a gift;

(vii) a payment for the following items in connection with an office space:

(A) rent;

(B) utilities;

(C) a supply; or

(D) furnishing;

(viii) a booth at a meeting or event; or

(ix) educational material;

(h) to purchase or mail informational material, a survey, or a greeting card;

(i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;

(j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;

(k) to pay membership dues to a national organization whose primary purpose is to address general public policy;

(l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or

(m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2).

(3) (a) A municipality may adopt an ordinance prohibiting a personal use expenditure by a candidate with requirements that are more stringent than the requirements provided in Subsection (4).

(b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1) or (2).

(c) If a municipality fails to adopt a personal use expenditure ordinance described in Subsection (3)(a), a candidate shall comply with the requirements contained in Subsection (4).

(4) A candidate or an officeholder may not use money deposited into a campaign account for:

(a) a personal use expenditure; or

(b) an expenditure prohibited by law.

(5) A municipality may enforce this section by adopting an ordinance:

(a) to provide for the evaluation of a campaign finance statement to identify a personal use expenditure; and

(b) to commence informal adjudicative proceedings if, after an evaluation described in Subsection (5)(a), there is probable cause to believe that a candidate or officeholder has made a personal use expenditure.

(6) If, in accordance with the proceedings described in Subsection (5)(b) established in municipal ordinance, a municipality determines that a candidate or officeholder has made a personal use expenditure, the municipality:

(a) may require the candidate or officeholder to:

(i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the municipality; and

(ii) deposit the amount of the personal use expenditure into the campaign account from which the personal use expenditure was disbursed; and

(b) shall deposit the money received under Subsection (6)(a)(i) into the municipal general fund.

CAMPAIGN CONTRIBUTIONS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends campaign finance provisions.

Highlighted Provisions:

This bill:

- amends definitions;
- requires a candidate to disburse an anonymous contribution or public service assistance that is cash or a negotiable instrument and over $50 to:
  - the state or a political subdivision for deposit into its general fund; or
  - an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- prohibits a filing entity, other than a candidate, from using an anonymous contribution that is cash or a negotiable instrument in excess of $50 for a political purpose or as a political issues expenditure;
- modifies the fine imposed against certain reporting entities that fail to report a contribution; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230
17-16-6.5, as last amended by Laws of Utah 2014, Chapter 337
20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
20A-11-201, as last amended by Laws of Utah 2014, Chapter 335
20A-11-301, as last amended by Laws of Utah 2014, Chapter 335
20A-11-401, as last amended by Laws of Utah 2011, Chapters 297 and 347
20A-11-505.7, as enacted by Laws of Utah 2011, Chapter 396
20A-11-602, as last amended by Laws of Utah 2013, Chapter 420
20A-11-802, as last amended by Laws of Utah 2013, Chapter 420
20A-11-1301, as last amended by Laws of Utah 2014, Chapters 335 and 337
20A-12-301, as enacted by Laws of Utah 2001, Chapter 166
20A-12-303, as last amended by Laws of Utah 2014, Chapter 335

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3-208** is amended to read:

10-3-208. Campaign finance disclosure in municipal election.

(1) As used in this section:

(a) "Reporting date" means:

(i) 10 days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and

(ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

(b) "Reporting limit" means for each calendar year:

(i) $50; or

(ii) an amount lower than $50 that is specified in an ordinance of the municipality.

(2) (a) (i) Each candidate for municipal office:

(A) shall deposit a campaign contribution in a separate campaign account in a financial institution; and

(B) may not deposit or mingle any campaign contributions received into a personal or business account.

(ii) Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

(A) no later than seven days before the date of the municipal general election; and

(B) no later than 30 days after the date of the municipal general election.

(iii) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the date of the municipal primary election.

(b) Each campaign finance statement under Subsection (2)(a) shall:

(i) except as provided in Subsection (2)(b)(ii):

(A) report all of the candidate's itemized and total:

(I) campaign contributions, including in-kind and other nonmonetary contributions, received before the close of the reporting date; and

(II) campaign expenditures made through the close of the reporting date; and

(B) identify:

(I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor, if known;

(II) the aggregate total of all contributions that individually do not exceed the reporting limit; and

(III) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or

(ii) report the total amount of all campaign contributions and expenditures if the candidate receives $500 or less in campaign contributions and spends $500 or less on the candidate's campaign.

(c) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the reporting limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:

(i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(3) (a) As used in this Subsection (3), "account" means an account in a financial institution:

(i) that is not described in Subsection (2)(a)(i)(A); and

(ii) into which or from which a person who, as a candidate for an office, other than a municipal office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a municipal office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A municipal office candidate shall include on any campaign finance statement filed in accordance with this section:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

(4) (a) A municipality may, by ordinance:

(i) provide a reporting limit lower than $50;

(ii) require greater disclosure of campaign contributions and expenditures than is required in this section; and

(iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.

(b) A candidate for municipal office is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

(i) the municipal ordinance establishes requirements or penalties that differ from those

established in this section; and

(ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (5).

(5) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:

(a) the provisions of statute or municipal ordinance governing the disclosure of campaign contributions and expenditures;

(b) the dates when the candidate's campaign finance statement is required to be filed; and

(c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.

(7) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or

recorder shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(8) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

(9) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.

(b) In a civil action under Subsection (9)(a), the court may award costs and attorney fees to the prevailing party.

Section 2. Section **17-16-6.5** is amended to read:

17-16-6.5. Campaign financial disclosure in county elections.

(1) (a) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:

(i) candidates for county office; and

(ii) candidates for local school board office who reside in that county.

(b) The ordinance required by Subsection (1)(a) shall include:

(i) a requirement that each candidate for county office or local school board office

report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;

(ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;

(iii) a requirement that the financial reports identify:

(A) for each contribution of more than $50, the name of the donor of the contribution, if known, and the amount of the contribution; and

(B) for each expenditure, the name of the recipient and the amount of the expenditure;

(iv) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account in a financial institution; [~~and~~]

(v) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account[~~.~~]; and

(vi) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds $50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:

(A) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(B) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(c) (i) As used in this Subsection (1)(c), "account" means an account in a financial institution:

(A) that is not described in Subsection (1)(b)(iv); and

(B) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(ii) The ordinance required by Subsection (1)(a) shall include a requirement that a

candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:

(A) since the last financial report was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

(2) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (3) through [~~(7)~~] (8).

(3) A candidate for elective office in a county or local school board office:

(a) shall deposit a contribution in a separate campaign account in a financial institution; and

(b) may not deposit or mingle any contributions received into a personal or business account.

(4) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:

(a) seven days before the date of the regular general election, reporting each contribution of more than $50 and each expenditure as of 10 days before the date of the regular general election; and

(b) no later than 30 days after the date of the regular general election.

(5) (a) The statement filed seven days before the regular general election shall include:

(i) a list of each contribution of more than $50 received by the candidate, and the name of the donor, if known;

(ii) an aggregate total of all contributions of $50 or less received by the candidate; and

(iii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

(b) The statement filed 30 days after the regular general election shall include:

(i) a list of each contribution of more than $50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;

(ii) an aggregate total of all contributions of $50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and

(iii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

(6) (a) As used in this Subsection (6), "account" means an account in a financial institution:

(i) that is not described in Subsection (3)(a); and

(ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (4) or (5):

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

(7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section

501(c)(3), Internal Revenue Code.

[~~(7)~~] (8) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

[~~(8)~~] (9) Any person who fails to comply with this section is guilty of an infraction.

[~~(9)~~] (10) (a) Counties may, by ordinance, enact requirements that:

(i) require greater disclosure of campaign contributions and expenditures; and

(ii) impose additional penalties.

(b) The requirements described in Subsection [~~(9)~~] (10)(a) apply to a local school board office candidate who resides in that county.

[~~(10)~~] (11) (a) If a candidate fails to file an interim report due before the election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

(i) (A) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

(B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection [~~(10)~~] (11)(a), a candidate is not disqualified if:

(i) the candidate files the reports required by this section;

(ii) those reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and

(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(c) A report is considered filed if:

(i) it is received in the county clerk's office no later than 5 p.m. on the date that it is due;

(ii) it is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or

(iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

[~~(11)~~] (12) (a) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.

(b) In a civil action filed under Subsection [~~(11)~~] (12)(a), the court shall award costs and [~~attorney's~~] attorney fees to the prevailing party.

[~~(12)~~] (13) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:

(a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and

(b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) (A) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the county's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.

Section 3. Section **20A-11-101** is amended to read:

20A-11-101. Definitions.

As used in this chapter:

(1) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

(2) "Agent of a reporting entity" means:

(a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

(b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;

(c) the personal campaign committee of a candidate or officeholder;

(d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or

(e) a political consultant of a reporting entity.

(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(4) "Candidate" means any person who:

(a) files a declaration of candidacy for a public office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(6) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift,

subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist; or

(B) any agency or subdivision of the state, including school districts;

(vi) a loan made by a candidate deposited to the candidate's own campaign; and

(vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

(iii) goods or services provided for the benefit of a candidate or political party at less than fair market value that are not authorized by or coordinated with the candidate or political party.

(7) "Coordinated with" means that goods or services provided for the benefit of a candidate or political party are provided:

(a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object;

(b) by agreement with the candidate or political party;

(c) in coordination with the candidate or political party; or

(d) using official logos, slogans, and similar elements belonging to a candidate or political party.

(8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment

for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

(a) has at least a value of $10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

(vi) goods or services provided by the filing entity to or for the benefit of another

reporting entity for political purposes at less than fair market value.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

(21) "Incorporation election" means the election authorized by Section 10-2-111 or 10-2-127.

(22) "Incorporation petition" means a petition authorized by Section 10-2-109 or 10-2-125.

(23) "Individual" means a natural person.

(24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(27) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(28) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

(29) "Officeholder" means a person who holds a public office.

(30) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

(31) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

(32) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

(33) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

(34) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive contributions from any other person, group, or entity for political

purposes; or

(ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

(35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection (35)(a), where the person:

(i) has already been paid, with money or other consideration;

(ii) expects to be paid in the future, with money or other consideration; or

(iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

(36) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account; or

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee.

(38) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting entity;

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(39) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary

course of business.

(40) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election.

(41) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

(42) "Primary election" means any regular primary election held under the election laws.

[~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

[~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

[~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

(46) "Receipts" means contributions and public service assistance.

(47) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(48) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(49) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(50) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political

Party Formation and Procedures.

(51) (a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(52) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(53) "School board office" means the office of state school board.

(54) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

(55) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(56) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

(57) "Summary report" means the year end report containing the summary of a

reporting entity's contributions and expenditures.

(58) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 4. Section **20A-11-201** is amended to read:

20A-11-201. State office candidate -- Separate bank account for campaign funds -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

(1) (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.

(b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

(3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the lieutenant governor.

(4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

(i) for a cash contribution, that the cash is given to a state office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

(b) Each state office candidate shall report to the lieutenant governor each contribution and public service assistance received by the state office candidate:

(i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or

(ii) within three business days after the day on which the contribution or public service assistance is received, if:

(A) the state office candidate is contested in a convention and the contribution or public service assistance is received within 30 days before the day on which the convention is held;

(B) the state office candidate is contested in a primary election and the contribution or public service assistance is received within 30 days before the day on which the primary election is held; or

(C) the state office candidate is contested in a general election and the contribution or public service assistance is received within 30 days before the day on which the general election is held.

(c) [~~Except as provided in Subsection (5)(d), for~~] For each contribution or provision of public service assistance that a state office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate in an amount equal to:

(i) [~~the greater of $50 or 15%~~] (A) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period

described in Subsection (5)(b) ends; or

(B) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

(ii) [~~the greater of $50 or 15%~~] (A) 10% of the value of the public service assistance[~~.~~], if the state office candidate reports the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

(B) 20% of the amount of the public service assistance, if the state office candidate fails to report the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends.

[~~(d) A fine described in Subsection (5)(c) may not exceed the amount of the contribution or the value of the public service assistance to which the fine relates.~~]

[~~(c)~~] (d) The lieutenant governor shall:

(i) deposit money received under Subsection (5)(c) into the General Fund; and

(ii) report on the lieutenant governor's website, in the location where reports relating to each state office candidate are available for public access:

(A) each fine imposed by the lieutenant governor against the state office candidate;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(6) (a) As used in this Subsection (6), "account" means an account in a financial institution:

(i) that is not described in Subsection (1)(a); and

(ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A state office candidate shall include on any financial statement filed in accordance

with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

(7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from an unknown source, a state office candidate shall disburse the amount of the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Section 5. Section **20A-11-301** is amended to read:

20A-11-301. Legislative office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

(1) (a) (i) Each legislative office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A legislative office candidate may:

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) A legislative office candidate or the candidate's personal campaign committee may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A legislative office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) If a person who is no longer a legislative candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by Section 20A-11-304 are filed with the lieutenant governor.

(4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a legislative office candidate may transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

(i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.

(b) Each legislative office candidate shall report to the lieutenant governor each contribution and public service assistance received by the legislative office candidate:

(i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or

(ii) within three business days after the day on which the contribution or public service

assistance is received, if:

(A) the legislative office candidate is contested in a convention and the contribution or public service assistance is received within 30 days before the day on which the convention is held;

(B) the legislative office candidate is contested in a primary election and the contribution or public service assistance is received within 30 days before the day on which the primary election is held; or

(C) the legislative office candidate is contested in a general election and the contribution or public service assistance is received within 30 days before the day on which the general election is held.

(c) [~~Except as provided in Subsection (5)(d), for~~] For each contribution or provision of public service assistance that a legislative office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the legislative office candidate in an amount equal to:

(i) [~~the greater of $50 or 15%~~] (A) 10% of the amount of the contribution, if the legislative office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

(B) 20% of the amount of the contribution, if the legislative office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

(ii) [~~the greater of $50 or 15%~~] (A) 10% of the value of the public service assistance[~~:~~], if the legislative office candidate reports the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

(B) 20% of the amount of the public service assistance, if the legislative office candidate fails to report the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends.

[~~(d) A fine described in Subsection (5)(c) may not exceed the amount of the contribution or the value of the public service assistance to which the fine relates.~~]

[~~(c)~~] (d) The lieutenant governor shall:

(i) deposit money received under Subsection (5)(c) into the General Fund; and

(ii) report on the lieutenant governor's website, in the location where reports relating to each legislative office candidate are available for public access:

(A) each fine imposed by the lieutenant governor against the legislative office candidate;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(6) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from an unknown source, a legislative office candidate shall disburse the amount of the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

[~~(6)~~] (7) (a) As used in this Subsection [~~(6)~~] (7), "account" means an account in a financial institution:

(i) that is not described in Subsection (1)(a)(i); and

(ii) into which or from which a person who, as a candidate for an office, other than a legislative office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a legislative office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A legislative office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

Section 6. Section **20A-11-401** is amended to read:

20A-11-401. Officeholder financial reporting requirements -- Year-end summary report -- Officeholder as a political action committee officer -- Anonymous contribution or public service assistance.

(1) (a) Each officeholder shall file a summary report by January 10 of each year.

(b) An officeholder that is required to file a summary report both as an officeholder and as a candidate for office under the requirements of this chapter may file a single summary report as a candidate and an officeholder, provided that the combined report meets the requirements of:

(i) this section; and

(ii) the section that provides the requirements for the summary report filed by the officeholder in the officeholder's capacity of a candidate for office.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts received since the last summary report, if any;

(iii) a single figure equal to the total amount of expenditures made since the last summary report, if any;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures; and

(ix) the name of a political action committee for which the officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) An officeholder may:

(a) receive public service assistance from a political action committee registered under Section 20A-11-601; and

(b) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(5) Within 30 days after receiving a contribution or public service assistance that is cash or a negotiable instrument, exceeds $50, and is from an unknown source, an officeholder shall disburse the amount of the contribution or public service assistance to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Section 7. Section **20A-11-505.7** is amended to read:

20A-11-505.7. Separate account for contributions for registered political party -- Anonymous contributions to registered political party or county political party.

(1) A registered political party shall deposit a contribution received in one or more separate campaign accounts in a financial institution.

(2) A registered political party may not deposit or mingle a contribution received into a personal or business account.

(3) A registered political party or county political party may not expend a contribution for political purposes or a political issues expenditure if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds $50; and

(c) is from an unknown source.

Section 8. Section **20A-11-602** is amended to read:

20A-11-602. Political action committees -- Financial reporting.

(1) (a) Each registered political action committee that has received contributions totaling at least $750, or disbursed expenditures totaling at least $50, during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention of each major political party;

(iii) seven days before the regular primary election date;

(iv) on August 31; and

(v) seven days before:

(A) the municipal general election; and

(B) the regular general election date.

(b) The registered political action committee shall report:

(i) a detailed listing of all contributions received and expenditures made since the last statement; and

(ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the required filing date of the financial statement.

(c) The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) The verified financial statement shall include:

(i) the name and address of any individual [~~that~~] who makes a contribution to the reporting political action committee, if known, and the amount of the contribution;

(ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, if known, and the amount of the contribution;

(iii) the name and address of any political action committee, group, or entity, if known, that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iv) for each nonmonetary contribution, the fair market value of the contribution;

(v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;

(vi) for each nonmonetary expenditure, the fair market value of the expenditure;

(vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

(viii) a statement by the political action committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial report is accurate; and

(ix) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Contributions received by a political action committee that have a value of $50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(3) A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

(4) (a) As used in this Subsection (4), "received" means:

(i) for a cash contribution, that the cash is given to a political action committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political action committee.

(b) A political action committee shall report each contribution to the lieutenant governor within 30 days after the contribution is received.

(5) A political action committee may not expend a contribution for political purposes if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds $50; and

(c) is from an unknown source.

Section 9. Section **20A-11-802** is amended to read:

20A-11-802. Political issues committees -- Financial reporting.

(1) (a) Each registered political issues committee that has received political issues contributions totaling at least $750, or disbursed political issues expenditures totaling at least $50, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention of each major political party;

(iii) seven days before the regular primary election date;

(iv) seven days before the date of an incorporation election, if the political issues committee has received donations or made disbursements to affect an incorporation;

(v) at least three days before the first public hearing held as required by Section 20A-7-204.1;

(vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, at the time the initiative or referendum sponsors submit:

(A) the verified and certified initiative packets as required by Section 20A-7-206; or

(B) the signed and verified referendum packets as required by Section 20A-7-306;

(vii) on August 31; and

(viii) seven days before:

(A) the municipal general election; and

(B) the regular general election.

(b) The political issues committee shall report:

(i) a detailed listing of all contributions received and expenditures made since the last statement; and

(ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.

(c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) That statement shall include:

(i) the name and address, if known, of any individual [~~that~~] who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than $50 from the reporting political issues committee, and the amount of each political issues expenditure;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;

(ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and

(x) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Political issues contributions received by a political issues committee that have a value of $50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more political issues contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:

(i) need only report the amount paid to each initiative petition circulator; and

(ii) need not report the name or address of the circulator.

(3) (a) As used in this Subsection (3), "received" means:

(i) for a cash contribution, that the cash is given to a political issues committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.

(b) A political issues committee shall report each contribution to the lieutenant governor within 30 days after the contribution is received.

(4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds $50; and

(c) is from an unknown source.

Section 10. Section **20A-11-1301** is amended to read:

20A-11-1301. School board office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

(1) (a) (i) Each school board office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A school board office candidate may:

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary

decision-making authority as described in Section 20A-11-601.

(b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A school board office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) A school board office candidate may not make any political expenditures prohibited by law.

(4) If a person who is no longer a school board candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

(5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a school board candidate may transfer the money in a campaign account in a manner that would cause the former school board candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

(i) for a cash contribution, that the cash is given to a school board office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

(b) Each school board office candidate shall report to the chief election officer each contribution and public service assistance received by the school board office candidate:

(i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or

(ii) within three business days after the day on which the contribution or public service assistance is received, if:

(A) the school board office candidate is contested in a primary election and the contribution or public service assistance is received within 30 days before the day on which the primary election is held; or

(B) the school board office candidate is contested in a general election and the contribution or public service assistance is received within 30 days before the day on which the general election is held.

(c) [~~Except as provided in Subsection (6)(d), for~~] For each contribution or provision of public service assistance that a school board office candidate fails to report within the time period described in Subsection (6)(b), the chief election officer shall impose a fine against the school board office candidate in an amount equal to:

(i) [~~the greater of $50 or 15%~~] (A) 10% of the amount of the contribution, if the school board office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or

(B) 20% of the amount of the contribution, if the school board office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or

(ii) [~~the greater of $50 or 15%~~] (A) 10% of the value of the public service assistance[-], if the school board office candidate reports the public service assistance within 60 days after the day on which the time period described in Subsection (6)(b) ends; or

(B) 20% of the amount of the public service assistance, if the school board office candidate fails to report the public service assistance within 60 days after the day on which the time period described in Subsection (6)(b) ends.

[~~(d) A fine described in Subsection (6)(c) may not exceed the amount of the contribution or the value of the public service assistance to which the fine relates.~~]

[~~(c)~~] (d) The chief election officer shall:

(i) deposit money received under Subsection (6)(c) into the General Fund; and

(ii) report on the chief election officer's website, in the location where reports relating to each school board office candidate are available for public access:

(A) each fine imposed by the chief election officer against the school board office candidate;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from an unknown source, a school board office candidate shall disburse the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

[~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a financial institution:

(i) that is not described in Subsection (1)(a)(i); and

(ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A school board office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account; or

(ii) an expenditure made from an account:

(A) since the last campaign finance statement was filed; or

(B) that has not been reported under a statute or ordinance that governs the account.

Section 11. Section **20A-12-301** is amended to read:

20A-12-301. Definitions.

As used in this part:

(1) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the judge or the judge's personal campaign committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the judge or the judge's personal campaign committee;

(iii) any transfer of funds from another reporting entity or a corporation to the judge or the judge's personal campaign committee;

(iv) compensation paid by any person or reporting entity other than the judge or the judge's personal campaign committee for personal services provided without charge to the judge or the judge's personal campaign committee; and

(v) goods or services provided to or for the benefit of the judge or the judge's personal campaign committee at less than fair market value.

(b) "Contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or the judge's personal campaign committee; or

(ii) money lent to the judge or the judge's personal campaign committee by a financial institution in the ordinary course of business.

(2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and

makes any expenditure from corporate funds for political purposes.

(b) "Corporation" does not mean:

(i) a business organization's political action committee as defined in Section 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

(ii) a business entity organized as a partnership or a sole proprietorship.

(3) "Detailed listing" means:

(a) for each contribution:

(i) the name and address of the individual or source making the contribution, to the extent that the name or address of the individual or source is known;

(ii) the amount or value of the contribution; and

(iii) the date the contribution was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

(4) (a) "Expenditure" means:

(i) any disbursement from contributions or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a corporation or reporting entity for personal services rendered by a person without charge to the judge or the judge's personal campaign committee;

(v) a transfer of funds between the judge's personal campaign committee and another judge's personal campaign committee; or

(vi) goods or services provided by the judge's personal campaign committee to or for the benefit of another judge for political purposes at less than fair market value.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or judge's personal campaign committee; or

(ii) money lent to a judge's personal campaign committee by a financial institution in the ordinary course of business.

(5) "Individual" means a natural person.

(6) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(7) "Personal campaign committee" means the committee appointed by a judge to act for the judge as provided in this chapter.

(8) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any judge standing for retention at any election.

(9) "Reporting entity" means a judge, judge's personal campaign committee, candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.

(10) "Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

Section 12. Section **20A-12-303** is amended to read:

20A-12-303. Separate account for campaign funds -- Reporting contributions.

(1) The judge or the judge's personal campaign committee shall deposit each contribution in one or more separate personal campaign accounts in a financial institution.

(2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

(3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

(i) for a cash contribution, that the cash is given to a judge or the judge's personal

campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.

(b) The judge or the judge's personal campaign committee shall report to the lieutenant governor each contribution received by the judge, within 30 days after the day on which the contribution is received.

(c) [~~Except as provided in Subsection (3)(d), for~~] For each contribution that a judge fails to report within the time period described in Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount equal to [~~the greater of $50 or 15%~~]:

(i) 10% of the amount of the contribution[~~.~~] if the judge reports the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends; or

(ii) 20% of the amount of the contribution, if the judge fails to report the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends.

[~~(d) A fine described in Subsection (3)(c) may not exceed the amount of the contribution to which the fine relates.~~]

[~~(c)~~] (d) The lieutenant governor shall:

(i) deposit money received under Subsection (3)(c) into the General Fund; and

(ii) report on the lieutenant governor's website, in the location where reports relating to each judge are available for public access:

(A) each fine imposed by the lieutenant governor against the judge;

(B) the amount of the fine;

(C) the amount of the contribution to which the fine relates; and

(D) the date of the contribution.

(4) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds $50, and is from an unknown source, a judge or the judge's personal campaign committee shall disburse the amount of the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 8.

Short Title: Discuss proposed Complete Streets Policy

Initiated By: Working Group of Staff and Elected Officials

Scheduled Time: 8:45

SUBJECT

RECOMMENDATION

Approve the attached draft policy regarding "Complete Streets" with any revisions agreed upon by the City Council.

BACKGROUND

In November and December 2014, a working group of City staff, Councilmembers Fillmore and Wright, a WFRC employee and consultants, met in three Complete Streets workshops. The first attachment is a one-page summary of that process. The second attachment is a draft policy developed in the final workshop. The working group agreed to educate the Planning Commission and City Council on the Complete Streets concept, which was subsequently done by Cory Snyder and Councilwoman Fillmore, respectively. In the Council's goal-setting process over the past two months, the adoption of a Complete Streets Policy scored relatively high. Therefore, the task for the Council now is to agree upon the content of such a policy and direct staff to implement it.

If any Council Member would like to review all of the presentation materials and minutes for the three workshops, the City Manager will forward, upon request, an email that will allow access to the Drop Box holding these extensive documents/photos. Councilwoman Fillmore used some of these materials when briefing the Council on the Complete Streets concept in an earlier council meeting.

ATTACHMENTS:

Description

- Summary of Complete Streets Policy Workshops
- Draft Complete Streets Policy

COMPLETE STREETS POLICY WORKSHOP – CENTERVILLE, UT

Centerville City asked to take part in a series of Complete Streets policy development workshops offered by Wasatch Front Regional Council (WFRC). WFRC is the federal- and state-designated transportation planning organization for the metropolitan area. The purpose of the workshop was to assist the city in developing a Complete Streets policy draft and a road map to implementation that is uniquely suited to Centerville's goals. The three-session workshop took place on October 6, 2014, December 3, 2014, and December 10, 2014. The workshops were attended by members of the City Council, the City Manager, and senior staff from the Public Works, Engineering, Planning, Economic Development, Parks and Recreation, and Police Departments.

To ensure a successful outcome, WFRC worked closely with the City Manager and City Planner to understand the community's knowledge and perspective of Complete Streets as well as Centerville's current operations. The team met prior to each meeting to ensure the agenda items would culminate in a draft policy that would resonate with the City Council, Planning Commission, and residents of Centerville.

The focus of each day was as follows:

- Day 1 – Complete Streets 101, goals, and vision of Complete Streets in Centerville
- Day 2 – Policies, programs, and procedures and how Complete Streets would be integrated into city operations; the group also discussed street typologies and how they can be an effective strategy for implementation
- Day 3 – Draft Complete Streets policy and steps toward implementation

In addition to the attached draft policy, the group also identified a preferred pathway towards implementation, including:

1. City Manager report to the Council with support from the two Council Members in the Working Group
2. Joint City Council/Planning Commission educational work session with special invites from within the community
3. Target public investment allocations starting with allocations to improving the pedestrian environment
4. Public involvement emphasis at the I-15 pedestrian bridge opening

Complete Streets in Centerville

Complete Streets policies do not mandate that accommodations be constructed for all users on every road. Rather, these policies only require methodical consideration of accommodations for all users and implementation of strategies when and where appropriate. Initially, a Complete Streets policy in Centerville would likely result in more coordinated projects and in more synergy between road investments and community goals and, ultimately, in project savings as well as a healthier, safer, economic sustainable Centerville.

Please see the attached documents for further information:

1) Draft Centerville Complete Streets Policy
2) Day 1 Notes and Presentation
3) Day 2 Notes and Presentation
4) Salt Lake City Policy
5) Day 3 Notes
6) Additional Resources

Centerville City Council Discussion
Draft Complete Streets Policy
January, 2015

Intent

Streets are one of Centerville's largest shared assets. The majority of street funding in Centerville comes from general revenue to which all contribute, and from which all should benefit regardless of their age, ability or transportation choices. Streets also make up about 30 percent of Centerville's land area and the vast majority of our public spaces for the use of our residents and visitors. Centerville intends to leverage these assets to better achieve our Community Vision.

Community Vision

Centerville envisions a community with inviting streets that enhance the livability and prosperity of our neighborhoods and commercial districts. Streets that empower people of all ages and abilities to greater social and economic involvement; to healthier active living; to reduce household transportation costs and to doing something on a personal level to improve air quality. The Community Vision includes a street network that is accommodating to users of all ages and abilities, including pedestrians, people using mobility aids, bicyclists, transit users, motorists, and freight drivers.

Centerville expects that the consistent application of this Complete Streets Policy over time will result in a more economically viable, beautiful, safe, and accessible Centerville. For example:

- More economically viable through increased land values and budgetary savings in utility/street project coordination.
- More beautiful through more attention to street design and amenities.
- Safer, as streets are designed and maintained to encourage proper speeds; maintain proper corner site distances; protect all street users, especially at crossings and on routes to schools; and improve disaster response and resiliency in the face of wind storms that frequent the area.
- Finally, a more accessible Centerville as better pedestrian, bike, and ADA accessible connections are made to our schools, transit lines, commercial destinations, and to our numerous parks, trails, and wild lands.

Beyond these benefits, the largest and most immediate benefit may just be better coordination and communications in street investments and the ability to safely enjoy our communities while walking, jogging, or riding our bikes.

Policy Scope

The City of Centerville recognizes that all transportation projects- new, maintenance, or reconstruction- are potential opportunities to forward the Community's Vision. The City will, to the maximum practical extent, design, construct, maintain, and operate all streets to forward the Community's Vision. Streets for the purposes of this policy include the entire width of the public rights of way and extend from tree height to underground utilities. The Policy applies to streets regardless of funding source - private or public - and directs City Staff to work with the owners of street assets such as UDOT and utility companies to forward the Community's Vision. This Policy, however, does not mandate that accommodations be constructed for all users on every road. This Policy only requires methodical consideration of accommodation of the Community Vision.

Complete Streets Planning

The facilities and infrastructure that contribute to Complete Streets are generally long term investments. As such these elements will remain in place for many years, which affects quality of life both visually and functionally. Therefore, their design, construction, maintenance, and operations need to reflect the best currently available standards and guidelines. This policy directs decision-makers to consistently plan, design, and construct streets to accommodate Centerville's Vision and to modify the City's existing procedures and governing documents and potentially adopt new procedures and governing documents as appropriate to support such Vision. These efforts are to include, but not necessarily limited to, the following:

Street Typology Cataloguing – We believe that Street Typologies would be a useful tool in administering a Complete Streets policy in Centerville. Street Typologies expand the notion of street types beyond what they can do for the automobile to what they are to all users and for the surrounding neighborhoods. Once these typologies are developed, they will be applied to all new planning documents and design standards.

Centerville is unique in its geographic size and extent. As a consequence the various arterial and collector streets often perform multiple functions as they transect various neighborhoods and/or land use areas. Thus, a street typology needs to be developed to better understand the needs and purposes of each particular street segment. Such typology must focus on the needs of any particular street segment as well as corridor. Any subsequent construction or reconstruction not only needs to reflect the needs of the segment, but also the appropriate transitions from one segment type to another.

Master or Strategic Planning – All new or updates to master planning documents that affect or influence the efforts to develop Completes Streets must include an element in the process to consider how such concepts ought to be implemented. Such plans may include the City General and Neighborhood Area Plans, the Trail & Pathway Plan, Master Street Plan, maintenance plans, or Storm Water Master Plan.

Capital Improvement Programing - All capital improvement investment planning must also consider how the Community Vision can be included in the phasing and construction of such elements. However, such programing needs to be prioritized and coordinated to ensure that investments for complete streets are implemented in an efficient and effective manner. Piece meal implementation without a comprehensive view can lead to waste and reduce any benefits from accomplishing a Complete Streets program.

Street Design Standards, Maintenance, and Operations Implementation –City street design standards and specifications will be updated to align with designated street typologies. Street maintenance activities will also be aligned so as to be supportive of the policy.

Complete Streets Funding

This policy recognizes that any implementation of the Community Vision may have significant cost implications. On one hand, the design, construction, and maintenance of street elements that would not have otherwise been built would be an added cost. On the other hand, this Policy facilitates project savings through joint development and economies of scale. The decisions of implementation need to be prioritized and funds may or may not be available. Nonetheless, a concerted effort needs to be made during various processes to determine if any opportunity exists to implement any concepts. These processes may include the following:

City Zoning and Development Approval Process – Any plan, text or map amendment should consider and implement where feasible the desired Community Vision. Furthermore, any development plan required to design, construct, or install such elements (e.g. street trees, street lamps, pedestrian paths, etc.) should reflect the design or typology in which it is located.

City General and Capital Improvement Funds – Each fiscal year, during the annual budget process, the City Council should determine what funding will be directed towards implementation of the Community Vision. The City Manager and Council should receive recommendations from City Staff identifying what opportunities or types of Complete Street projects can be accomplished. Additionally, any capital improvement plan needs to identify such opportunities. Funding then should be appropriated in amounts that are deemed available.

City's RDA Programs – As RDA project areas are created, the planning and budgetary documents must address the opportunities and needs for implementation of the Complete Streets concepts. Additionally, when funds are requested within existing RDA project areas the development of Complete Street elements should be considered in decision making processes.

Other County, State, and Federal Funds and Grants – Many funding opportunities are eligible for use on Complete Streets betterments and some are targeted specifically at Complete Streets. Existing projects can include Complete Streets betterments when planned ahead of time and supported by City Policy and supporting documents. UDOT, UTA, and Wasatch Front Regional Council are funding agencies with Complete Streets type policies and WFRC provides bonuses in scoring projects with Complete Streets elements or policies. City staff should pursue these funds.

Complete Streets – Creation of a Committee and Point Person

A Complete Streets Committee is to be created consisting of the existing Development Review Team and chaired by the City Manager or his designee. Other staff should be included on a case by case basis, as deemed appropriate. This Committee will be responsible for recommending, reviewing and coordinating the desires and concepts relating to Complete Streets. Additionally, a City point person will be assigned by the City Manager to be the point of contact for UDOT, UTA, and other outside agencies.

Bi-annually, the Complete Streets Committee will report in writing and in a regular session of the City Council on their activities. The report shall include street policies, procedures, and investments made in respect to the streets and how Complete Streets elements were incorporated and why they were not incorporated.

Complete Streets Exemptions Evaluation Criteria

Exemptions regarding the implementation or construction shall be reviewed by the Complete Streets Committee and their recommendation may be accepted or rejected by any approving authority. Such exemptions should be documented with supporting data that indicates the basis for the exemption. Exemptions may include, but not be limited to the following:

- Overall cost being prohibitive
- Short, low-volume, low-speed streets unless part of safe routes to School, traffic calming, or planned multi-modal network connectivity
- Existing developments where such concepts cannot be accommodated
- Streets with limited right-of-way or acquisition of is deemed prohibitive or unnecessary
- Any physical or public concern that outweighs the need to implement such concepts
- Historical context

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 9.

Short Title: Financial Report for period ending March 31, 2015

Initiated By: Finance Director, Blaine Lutz

Scheduled Time: 9:05

SUBJECT

RECOMMENDATION

BACKGROUND

The financial report for the nine-month period ending March 31, 2015 will be attached if available before the meeting.

General Fund
Unaudited Summary
March 2015

	This Month	Year to Date	FY 15 Budget	75% % Budget	Prior Year Year to Date	Prior Year % Budget
Revenues						
Property Tax	$41,873	$1,042,540	$1,006,835	103.55%	$ 981,662	96.86%
Fee in Lieu	$7,754	$66,141	$93,000	71.12%	$ 77,817	86.46%
Sales & UseTax	$264,296	$2,638,703	$3,662,000	72.06%	$ 2,525,197	73.09%
Franchise Taxes	$107,610	$819,740	$1,330,000	61.63%	$ 859,477	63.17%
Licenses & Permits	$14,579	$195,588	$356,350	54.89%	$ 252,411	70.83%
Intergovernmental	$86,325	$452,801	$517,825	87.44%	$ 442,126	73.40%
Charges for Services	$100,197	$653,814	$916,175	71.36%	$ 379,004	91.96%
Fines	$58,152	$411,181	$492,000	83.57%	$ 379,004	78.15%
Miscellaneous	$2,440	$16,763	$50,750	33.03%	$ 9,496	17.83%
Transfers/Contributions	$126,145	$146,640	$154,500	94.91%	$ 182,974	103.00%
Total	$809,371	$6,443,911	$8,579,435	75.11%	$ ~~7,837,446~~ 6,089,168	~~80.63%~~
Expenditures						
City Council	$4,417	$59,151	$109,617	53.96%	$45,101	40.85%
Judicial	$16,266	$155,490	$216,568	71.80%	$152,324	68.84%
Executive	$28,340	$293,694	$387,113	75.87%	$275,825	70.18%
Attorney	$10,688	$106,793	$151,565	70.46%	$97,187	65.50%
Finance	$41,851	$405,337	$510,478	79.40%	$377,901	75.39%
Attorney Services	$495	$7,605	$33,000	23.05%	$13,377	40.54%
Emergency Management	$30	$7,605	$10,000	76.05%	$5,004	38.79%
Fire	$0	$616,450	$822,340	74.96%	$308,019	76.56%
Elections	$0	$0	$0	0.00%	$11,682	59.60%
Youth Council	$224	$6,363	$7,000	90.90%	$6,500	73.23%
Police	$177,766	$1,679,983	$2,318,757	72.45%	$1,555,540	70.06%
Liquor Law	$1,098	$6,275	$19,650	31.93%	$2,365	12.89%
School Xing	$5,869	$40,889	$54,650	74.82%	$39,317	75.32%
DARE	$5,620	$51,066	$103,830	49.18%	$70,404	68.44%
K-9	$818	$954	$7,250	13.16%	$68,330	303.00%
Animal Control	$3,447	$14,387	$22,000	65.40%	$202,349	71.11%
PW Admin	$20,676	$215,784	$288,584	74.77%	$464,730	65.82%
Streets	$37,934	$440,471	$686,709	64.14%	$583,181	72.53%
Street Projects	$0	$390,983	$750,000	52.13%	$61,332	69.64%
GIS	$6,059	$73,169	$96,988	75.44%	$85,143	98.34%
Engineering	$13,021	$120,204	$86,500	138.96%	$72,204	62.00%
Parks	$34,474	$543,235	$813,541	66.77%	$461,251	53.02%
Community Events	$0	$3,751	$43,650	8.59%	$617	2.61%
Parks & Rec Facility	$712	$6,361	$10,526	60.43%	$12,950	120.00%
Maint Facility	$3,572	$33,712	$36,500	92.36%	$41,647	76.70%
Maint Facility Storage	$1,265	$5,198	$6,160	84.38%	$4,763	76.80%
City Hall	$7,899	$117,516	$184,110	63.83%	$105,956	82.52%
Community Dev.	$22,036	$208,870	$293,873	71.07%	$192,022	66.05%
Building Inspection	$5,463	$42,862	$120,400	35.60%	$43,998	36.60%
Transfers - Non Dep.	$0	$39,000	$180,360	21.62%	$62,360	100.00%
UTOPIA -Pledges	$0	$274,876	$274,876	100.00%	$254,479	93.22%
UIA Assessment	$0	$20,840	$20,840	0.00%	$88,008	53.86%
Total	$450,040	$5,988,874	$8,667,435	69.10%	$5,937,890	69.21%

Use/Contribtion to Fund balance (Revenues Over/Under Expenditures)	$ 455,037	$ (88,000)

Fund Balance at Beginning of Year	$1,317,015
Fund Balance estimate 3/31/2015	$1,772,052
Projected Fund Balance %	**22.41%**

Source: Current Centerville City financial statements. May be subject to change

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 10.

Short Title: Amend FY 2015 Budget

Initiated By:

Scheduled Time: 9:15

SUBJECT

a. Staff report
b. Public hearing
c. Consider Resolution No. 2015-06

RECOMMENDATION

Allow Blaine Lutz, Finance Director, to explain the proposed amendments to the FY 2015 Budget. The Council should then conduct a public hearing on this matter before considering Resolution No. 2015-06.

BACKGROUND

As typical in each fiscal year, a number of revisions are needed to the Adopted Budget before the Fiscal Year ends. Normally there are amendments in June, or the last month of each fiscal year. Sometimes amendments are also needed earlier in the Fiscal Year. Item #11 on the agenda includes the award of two contracts--one for re-roofing City Hall and the other for the annual street paving project--which should not be awarded until the Council amends the Budget in item #10 to provide additional budget authority for these projects.

Finance Director Blaine Lutz is preparing a number of proposed amendments and will attach those to this staff report when available.

ATTACHMENTS:

Description

- Resolution No. 2015-06

RESOLUTION NO. 2015-06

A RESOLUTION AMENDING THE FISCAL YEAR 2015 BUDGET OF FUNDS AND ACCOUNTS FOR CENTERVILLE CITY AND GIVING AN EFFECTIVE DATE.

WHEREAS, in order to conform with the Utah State Code and Accounting Procedures as outlined in the Uniform Accounting Manual, it is necessary to amend the City budget which states revenues and expenditures for the Fiscal Year ending June 30, 2015.

NOW THEREFORE, be it resolved by the City Council of Centerville City, Utah, as follows:

Section 1. Amendment. That the Fiscal Year 2015 Budget be amended, including all funds and accounts, as shown in the Budget format attached and dated April 21, 2015.

Section 2. Effective Date. This Resolution shall become effective April 21, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, on this 21st day of April, 2015.

CENTERVILLE CITY

By:_____
Mayor

ATTEST:

I hereby certify that the above-mentioned Resolution, entitled "A Resolution Amending the Fiscal Year 2015 Budget of Funds and Accounts for Centerville City and Giving an Effective Date," is a true and accurate copy, including all attachments of the Resolution passed on Wednesday, the 21st of April, 2015.

_____
Marsha L. Morrow, City Recorder

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. 910-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below

_____ _____

Marsha L. Morrow, City Recorder Date

Effective Date: _____ day of _____, 20____

FY 2015 General Fund
Revenues & Expenditures
Second
Proposed Amended Budget
April 21 ,2015

	2014/15 Original Approved	2014/15 Proposed	Adjustment	note
Revenues				
Property Tax/Fee in Lieu	$1,099,835	$1,099,835	$0	
Sales Tax	$3,662,000	$3,662,000	$0	
Franchise Taxes	$1,330,000	$1,330,000	$0	
Licenses & Permits	$356,350	$356,350	$0	
Intergovernmental	$517,825	$556,655	$38,830	1
Charges for Services	$916,175	$941,175	$25,000	2
Fines	$492,000	$492,000	$0	
Miscellaneous	$50,750	$50,750	$0	
Contributions & Transfers	$154,500	$156,200	$1,700	3
Total General Fund Revenues	$8,579,435	$8,644,965	$65,530	
Use of Designated Fund Balance				
Use of Undesignated Fund Balance/Other Proceeds	$88,000	~~$88,000~~ 264,946	~~$0~~ 176,946	4
Total Sources of Revenues	$8,667,435	~~$8,732,965~~ $8,909,911	~~$65,530~~ $242,476	
Expenditures				
City Council	$109,617	$103,817	-$5,800	1
Justice Court	$216,568	$216,568	$0	
Executive	$387,113	$387,113	$0	
Attorney	$151,565	$151,565	$0	
Finance	$510,478	$510,478	$0	
Legal	$33,000	$33,000	$0	
Emergency Management	$10,000	$10,000	$0	
Elections	$0	$0	$0	
Youth Council	$7,000	$7,000	$0	
Police	$2,318,757	$2,318,757	$0	
Liquor Law	$19,650	$19,650	$0	
School Crossing	$54,650	$54,650	$0	
DARE	$103,830	$103,830	$0	
K-9	$7,250	$7,250	$0	
Animal Control	$22,000	$22,000	$0	
Fire	$822,340	$822,340	$0	
Public Works Administration	$288,584	$288,584	$0	
Streets	$686,709	$669,709	-$17,000	2
Street Projects	$750,000	~~$750,000~~ 926,946	~~$0~~ 176,946	9
Other Improvement Projects	$0	$0	$0	
GIS	$96,988	$96,988	$0	
Engineering	$86,500	$175,000	$88,500	3
Parks	$813,541	$815,241	$1,700	4
Community Events	$43,650	$43,650	$0	
City Hall	$184,110	$203,410	$19,300	5
Parks & Recreation Facility	$10,526	$10,526	$0	
Public Works Facility	$36,500	$36,500	$0	
Public Works Storage	$6,160	$6,160	$0	
Community Development	$293,873	$297,073	$3,200	6
Building Inspection	$120,400	$82,980	-$37,420	7
Transfers/Other	$476,076	$489,126	$13,050	8
Total General Fund Expenditures	$8,667,435	~~$8,732,965~~ 8,909,911	~~$65,530~~ 242,476	
Sources Over (Under) Expenditures	$0	$0	$0	

General Fund
Second Proposed Amended Budget Notes
FY 2015

Revenues

Note#	1	Grants	
		CLG	$10,000
		Police	$28,830
Note#	2	Charges for development	$25,000
Note#	3	Contribution from Rotary	$1,700
Note# 4		Use of Fund Balance	$176,946
Total Sources of Funds			~~$65,530~~ 242,476

Expenditures

Note#	1	Council Contingency	-$5,800	CLG grant matches
Note#	2	Streets	-$17,000	Salt/sand savings
Note#	3	Engineering	$88,500	Additional development & special projects
Note#	4	Parks	$1,700	Disc golf - Rotary donation
Note#	5	City Hall roof	$19,300	Additional cost for actual bid amount plus ESI bidding & inspection services
Note#	6	Landmarks	$3,200	CLC grant
Note#	7	Inspection	-$37,420	Inspection savings
Note#	8	Transfer to Whitaker	$13,050	CLG grant and match/energy savings
Note# 9		2015 Street Projects	$176,946	Additional Funding for 2015 Street Projects
Total Expenditure Adjustment			~~$65,530~~ $242,476	
Revenue over/under expenditures			$0	

FY 2015 Other Funds
Revenues & Expenditures
Second Proposed Amended Budget
4/21/2015

	2014/15 Approved	2014/15 Amended	Adjustment	Note
Whitaker				
Revenues/Sources	$52,214	$65,264	$13,050	
Expenditures	$52,214	$65,264	$13,050	
Revenue Over/Under Expenditures	$0	$0	$0	

Notes:
CLG grant
Energy savings grant

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 11.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 9:25

SUBJECT

a. Award bid for re-roofing City Hall
b. Award bid for the 2015 Street Overlay Project
c. Award bids for labor and materials for construction of the Legacy Trail Subdivision waterlines
d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150 East 200 South
e. Terminate warranty period for Chapel Ridge Cove Subdivision

RECOMMENDATION

a. Award bid to VIP Roofing in the amount of $61,500 for re-roofing City Hall building.
b. Award bid to Granite Construction in the amount of $244,887 for the 2015 Street Overlay Project
c. Award bids to Kapp Construction in the amount of $76,722.50 for labor and to Mountain States in the amount of $72,298.54 (plus tax) for materials for construction of the Legacy Trail Subdivision waterlines.
d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150 East 200 South subject to approval of final site plan by Planning Commission. Direct City Recorder to execute and record the Public Utility Easement with the Davis County Recorder's Office.
e. Terminate warranty period for the Chapel Ridge Cove Subdivision and release the remaining contingency ($27,375.25) but still hold the bond amount for landscaping ($3,000 per lot=$15,000) and drive approach ($800 per lot = $4,000) for the remaining 5 lots until pulling of a building permit for each lot.

BACKGROUND

a. Bids for re-roofing City Hall were solicited by ESI Engineering. See attached bid tabulation. The project was initially bid in late summer 2014. The low bidder withdrew his bid (about $59,000) and the other bid amounts were $80,000+, or way over the project budget of $50,000. All bids were subsequently rejected with the intent of bidding again in the spring of 2015. Based on last year's bid results, staff expected the bids would again be in the vicinity of $80,000. Therefore, they were pleased to see the low bid of $61,500. The City Engineer has confirmed with the low bidder that he is willing to stick with his bid, and has checked references sufficiently to recommend awarding the bid to VIP Roofing.

b. Bids for the 2015 Street Overlay Projects were solicited by ESI Engineering. See attached bid tabulation. The City Engineer was pleased that all three bids were below his estimate of $292,897.

c. Bids for construction of the Legacy Trail Subdivision waterlines were solicited by ESI Engineering (for labor) and Centerville Public Works Department (for materials). See attached bid tabulations. There was a wide range of bids for labor, from Kapp Construction's low bid of $76,722.50 to the high bid of $182,630. The Engineer's Estimate for labor was $123,340. The City Engineer believes one reason for Kapp's low bid is because this contractor is already on site doing the sewer system work.

d. On March 25, 2015, the Planning Commission accepted the conceptual site plan for the Paul Holmes residential parcel located at 150 East 200 South. Since this property is not in a subdivision and is merely a parcel, City Zoning Code requires the applicant to receive site plan approval for development. As a condition of conceptual site plan acceptance, the developer is required to provide public utility easements on three sides of the parcel. A public utility easement has been prepared for this purpose. Staff recommends the City Council accept the easement and direct the City Recorder to submit the same for recording at the Davis County Recorder's Office. Approval of the public utility easement should be conditioned upon approval of the final site plan by the Planning Commission.

e. The Chapel Ridge Cove Subdivision, located at approximately 2250 North 150 East, was given final approval from the City Council on November 12, 2008. The City Council commenced the warranty period on August 20, 2013. The City Engineer has inspected this project and recommends the warranty period be terminated and release of the remaining contingency in the amount of $27,375.25 (in the form of an escrow bond) upon termination of the warranty period. The amounts of $15,000 for landscaping and $4,000 for drive approaches is being held for the remaining lots that have yet to have houses built. When a building permit is requested, the amount of bond for the landscaping and drive approach will be added to the building permit and a cash bond agreement will need to be entered into.

ATTACHMENTS:

Description

- City Hall Roofing Bid Award Recommendation
- Bid Award Recommendation for Annual Street Paving Contract
- Bid Tabulations for Annual Street Paving Contract
- Bid Award Recommendation for Legacy Trail Subdivison Waterline (labor)
- Bid Tabulations for Legacy Trail Subdivision Waterline (labor)
- Bid Award Recommendation for Legacy Trail Subdivision Waterlines (materials)
- Bid Tabulations for Legacy Trail Subdivision Waterlines (materials)
- PUE-(Paul Holmes Parcel)
- City Engineer's recommendation to terminate warranty period for Chapel Ridge Cove Subdivision

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Thursday, April 16, 2015 1:45 PM
To: Steve Thacker
Cc: Marsha Morrow; ryan.mcleod@esieng.com; Bruce Cox; Randy Randall
Subject: City Hall Roof
Attachments: Bid Tab_4-15-2015.pdf; 00 51 00 Notice of Award.DOC

Steve -

Bids were received on March 31, 2015 for the above referenced project. The following contractors submitted bids:

1. VIP Roofing $61,500.00
2. Reg Miles Roofing $78,865.00
3. North Face Roofing $86,720.00

Engineer Estimate $88,000.00

We have checked several references for VIP Roofing and two of the three references gave them a fair rating, while one gave them a good rating. All three said that they plan to use VIP on future projects. VIP received no negative comments regarding their quality of work, but did on scheduling and project management.

It is recommended that the project be awarded to VIP Roofing in the amount of $61,500.00

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Friday, April 17, 2015 2:53 PM
To: Steve Thacker
Cc: Marsha Morrow; Randy Randall; Ken Williams; ryan.mcleod@esieng.com
Subject: Street Overlay Project 2015
Attachments: #14-161 NOA.pdf; #14-161 Bid Tab.pdf

Steve -

The following bids were received this morning for the Street Overlay Project - Frontage Road & Marketplace Drive - 600 North to 100 South:

1. Granite Construction Co. $244,887.00
2. Morgan Asphalt $263,134.00
3. Staker Parson Co. $268,000.00

Engineer Estimate $292,897.50

We were very pleased to have received three competitive bids from such reputable companies. Granite Construction has a very good reputation in the industry. Some of the Cities they have worked with recently include Kaysville City, Layton City and Ogden City. They have also completed a substantial amount of work for UDOT over the past years. They are a highly qualified and capable contractor.

It is recommended that this project be awarded to Granite Construction in the amount of $244,887.00

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

Bid Opening: April 17, 2015

BID TABULATION FOR CENTERVILLE CITY

Street Overlay Project 2015 #14-161				Granite Construction		Morgan Aspahlt		Staker Parson Co.		Engineers Estimate	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Frontage Road & Marketplace Drive - 600 North to 100 South - 2" Overlay											
1	1.5" Asphalt roto-mill at drive entrances and transitions only including lowering of manholes and valves as necessary	11,000	SF	$1.00	$11,000.00	$0.35	$3,850.00	$0.55	$6,050.00	$0.15	$1,650.00
2	Sweep Street	168,000	SF	$0.02	$3,360.00	$0.01	$1,680.00	$0.01	$1,680.00	$0.015	$2,520.00
3	Pavedry 381 or Mirafi Mirapave 400 geo-textile fabric including tack coat (not including overlap)	168,000	SF	$0.13	$21,840.00	$0.13	$21,840.00	$0.08	$13,440.00	$0.20	$33,600.00
4	2" thick asphalt overlay (HMA-PG 64-34-1/2) including tack coat	2,200	TN	$64.00	$140,800.00	$74.27	$163,394.00	$74.20	$163,240.00	$75.00	$165,000.00
5	Remove and replace existing asphalt (6" thick) including saw-cut	875	SF	$5.00	$4,375.00	$5.80	$5,075.00	$11.60	$10,150.00	$7.50	$6,562.50
6	Remove curb & gutter and replace with reinforced curb & gutter (see sheet 7) as per Engineer including saw-cut as needed	186	LF	$32.00	$5,952.00	$31.50	$5,859.00	$26.00	$4,836.00	$65.00	$12,090.00
7	Remove and replace concrete waterway as per Engineer including saw-cut as needed	60	SF	$12.00	$720.00	$18.10	$1,086.00	$12.00	$720.00	$10.00	$600.00
8	Remove and replace concrete wheelchair ramp as per Engineer including saw-cut as needed	100	SF	$25.00	$2,500.00	$9.11	$911.00	$8.50	$850.00	$6.50	$650.00
9	Remove and replace sidewalk as per Engineer including saw-cut as needed	320	SF	$7.00	$2,240.00	$9.10	$2,912.00	$6.50	$2,080.00	$5.00	$1,600.00
10	Adjust water valve box and monuments to final grade with concrete collar	13	EA	$350.00	$4,550.00	$280.00	$3,640.00	$315.00	$4,095.00	$325.00	$4,225.00
11	Adjust manhole to final grade with concrete collar	16	EA	$450.00	$7,200.00	$505.00	$8,080.00	$415.00	$6,640.00	$400.00	$6,400.00
12	18" RCP storm drain	92	LF	$75.00	$6,900.00	$97.00	$8,924.00	$86.00	$7,912.00	$50.00	$4,600.00
13	Remove and replace inlet box	2	EA	$2,200.00	$4,400.00	$1,276.00	$2,552.00	$2,365.00	$4,730.00	$3,500.00	$7,000.00
14	Core-Drill existing manhole	2	EA	$1,600.00	$3,200.00	$400.00	$800.00	$675.00	$1,350.00	$400.00	$800.00
15	Sewer rock	30	TN	$30.00	$900.00	$14.50	$435.00	$17.00	$510.00	$20.00	$600.00
16	Untreated base course	50	TN	$21.00	$1,050.00	$11.00	$550.00	$14.00	$700.00	$20.00	$1,000.00
17	Re-stripe traffic lanes, crosswalks and markings as per plan	1	Lump Sum	$4,300.00	$4,300.00	$4,800.00	$4,800.00	$3,950.00	$3,950.00	$5,000.00	$5,000.00
18	Restore landscaping and sprinklers as needed	1	Lump Sum	$2,000.00	$2,000.00	$5,058.00	$5,058.00	$1,050.00	$1,050.00	$1,000.00	$1,000.00
19	400 West 100 North - Remove and replace existing asphalt (6" thick) including saw-cut (AC 20 DM 1/2)	600	SF	$5.00	$3,000.00	$4.48	$2,688.00	$8.35	$5,010.00	$5.00	$3,000.00
20	Traffic Control	1	LS	$10,000.00	$10,000.00	$13,000.00	$13,000.00	$11,750.00	$11,750.00	$15,000.00	$15,000.00
21	Mobilization	1	LS	$4,600.00	$4,600.00	$6,000.00	$6,000.00	$17,257.00	$17,257.00	$20,000.00	$20,000.00
	Total (Items 1-21)				**$244,887.00**		**$263,134.00**		**$268,000.00**		**$292,897.50**

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Friday, April 17, 2015 1:12 PM
To: Steve Thacker
Cc: Marsha Morrow; Mike Carlson; Fred Hale; Chad Salmon; Ryan McLeod
Subject: Legacy Trail Subdivision WL - NOA
Attachments: #14-165 Bid Tab.pdf; 00 51 00 Notice of Award.DOC

Steve -

The following bids were received yesterday for the Legacy Trail Subdivision Waterline:

1. Kapp Construction $76,722.50
2. Merlin Daines Inc. $82,935.00
3. Ormond Construction $87,931.50
4. Leon Poulsen Const. $88,100.00
5. AAA Excavating $94,985.00
6. MC Green & Sons $141,211.60
7. England Const. $182,630.00

Engineer Estimate $123,340.00

We have worked with Kapp Construction on many projects over the years. They are a qualified and capable contractor for this job. It is recommended that the project be awarded to Kapp in the amount of $76,722.50.

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

Bid Opening: April 16, 2015

BID TABULATION FOR CENTERVILLE CITY

Note: All culinary and irrigation waterline pipe and parts will be furnished by Centerville City

Legacy Trail Subdivision Waterline Project #14-165				Engineer's Estimate		Merlin Daines Inc		Kapp Companies		Ormond Construction		England Construction		AAA Excavating		M.C. Green & Sons		Leon Poulsen Construction	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	10" PVC C900 waterline	220	LF	$20.00	$4,400.00	$9.00	$1,980.00	$8.30	$1,826.00	$8.20	$1,804.00	$35.00	$7,700.00	$12.00	$2,640.00	$26.00	$5,720.00	$6.75	$1,485.00
2	8" PVC C900 waterline	2,100	LF	$15.00	$31,500.00	$8.00	$16,800.00	$8.30	$17,430.00	$8.20	$17,220.00	$22.00	$46,200.00	$12.00	$25,200.00	$17.80	$37,380.00	$6.75	$14,175.00
3	6" PVC C900 waterline	520	LF	$15.00	$7,800.00	$8.00	$4,160.00	$8.30	$4,316.00	$8.20	$4,264.00	$22.00	$11,440.00	$12.00	$6,240.00	$23.33	$12,131.60	$7.50	$3,900.00
4	2" poly water service	100	LF	$12.00	$1,200.00	$8.00	$800.00	$11.25	$1,125.00	$8.20	$820.00	$15.00	$1,500.00	$11.00	$1,100.00	$35.00	$3,500.00	$9.50	$950.00
5	1.5" poly water service	50	LF	$12.00	$600.00	$8.00	$400.00	$11.25	$562.50	$8.20	$410.00	$12.00	$600.00	$11.00	$550.00	$35.00	$1,750.00	$8.00	$400.00
6	1" copper water service	200	LF	$12.00	$2,400.00	$8.00	$1,600.00	$11.25	$2,250.00	$8.20	$1,640.00	$12.00	$2,400.00	$11.00	$2,200.00	$35.00	$7,000.00	$8.00	$1,600.00
7	10" x 1" saddle and corp. stop	2	EA	$325.00	$650.00	$200.00	$400.00	$175.00	$350.00	$95.00	$190.00	$150.00	$300.00	$275.00	$550.00	$250.00	$500.00	$100.00	$200.00
8	8" x 2" saddle and corp. stop	6	EA	$380.00	$2,280.00	$200.00	$1,200.00	$175.00	$1,050.00	$95.00	$570.00	$150.00	$900.00	$275.00	$1,650.00	$250.00	$1,500.00	$100.00	$600.00
9	8" x 1.5" saddle and corp. stop	2	EA	$380.00	$760.00	$200.00	$400.00	$175.00	$350.00	$95.00	$190.00	$150.00	$300.00	$275.00	$550.00	$250.00	$500.00	$100.00	$200.00
10	8" x 1" saddle and corp. stop	2	EA	$275.00	$550.00	$200.00	$400.00	$175.00	$350.00	$95.00	$190.00	$150.00	$300.00	$275.00	$550.00	$250.00	$500.00	$100.00	$200.00
11	2" meter box and yoke assembly	6	EA	$550.00	$3,300.00	$400.00	$2,400.00	$390.00	$2,340.00	$425.00	$2,550.00	$300.00	$1,800.00	$300.00	$1,800.00	$350.00	$2,100.00	$710.00	$4,260.00
12	1.5" meter box and yoke assembly	2	EA	$550.00	$1,100.00	$400.00	$800.00	$390.00	$780.00	$375.00	$750.00	$300.00	$600.00	$300.00	$600.00	$350.00	$700.00	$710.00	$1,420.00
13	1" meter box and yoke assembly	4	EA	$400.00	$1,600.00	$300.00	$1,200.00	$390.00	$1,560.00	$225.00	$900.00	$300.00	$1,200.00	$300.00	$1,200.00	$350.00	$1,400.00	$300.00	$1,200.00
14	Remove plug and install 10" sleeve	1	EA	$275.00	$275.00	$250.00	$250.00	$1,075.00	$1,075.00	$975.00	$975.00	$500.00	$500.00	$325.00	$325.00	$450.00	$450.00	$1,065.00	$1,065.00
15	8" x 10" Reducer	1	EA	$175.00	$175.00	$150.00	$150.00	$45.00	$45.00	$195.00	$195.00	$200.00	$200.00	$125.00	$125.00	$250.00	$250.00	$120.00	$120.00
16	6" x 8" Reducer	1	EA	$175.00	$175.00	$150.00	$150.00	$45.00	$45.00	$165.00	$165.00	$200.00	$200.00	$125.00	$125.00	$250.00	$250.00	$120.00	$120.00
17	10" x 6" Tee with thrust block	2	EA	$400.00	$800.00	$200.00	$400.00	$142.00	$284.00	$225.00	$450.00	$380.00	$760.00	$175.00	$350.00	$250.00	$500.00	$210.00	$420.00
18	8" x 6" tee with thrust block	14	EA	$400.00	$5,600.00	$200.00	$2,800.00	$142.00	$1,988.00	$225.00	$3,150.00	$380.00	$5,320.00	$175.00	$2,450.00	$350.00	$4,900.00	$210.00	$2,940.00
19	8" x 8" tee with thrust block	3	EA	$425.00	$1,275.00	$200.00	$600.00	$142.00	$426.00	$225.00	$675.00	$380.00	$1,140.00	$175.00	$525.00	$350.00	$1,050.00	$200.00	$600.00
20	8" x 8" tapping tee with thrust block	1	EA	$800.00	$800.00	$950.00	$950.00	$1,518.00	$1,518.00	$950.00	$950.00	$450.00	$450.00	$200.00	$200.00	$2,150.00	$2,150.00	$1,000.00	$1,000.00
21	8" 90° bend with thrust block	4	EA	$400.00	$1,600.00	$250.00	$1,000.00	$142.00	$568.00	$185.00	$740.00	$320.00	$1,280.00	$175.00	$700.00	$250.00	$1,000.00	$200.00	$800.00
22	8" 22.5° bend with thrust block	1	EA	$400.00	$400.00	$250.00	$250.00	$142.00	$142.00	$185.00	$185.00	$320.00	$320.00	$175.00	$175.00	$250.00	$250.00	$200.00	$200.00
23	6" 90° bend with thrust block	1	EA	$400.00	$400.00	$200.00	$200.00	$142.00	$142.00	$175.00	$175.00	$320.00	$320.00	$175.00	$175.00	$250.00	$250.00	$200.00	$200.00
24	8" gate valve and valve box	6	EA	$675.00	$4,050.00	$250.00	$1,500.00	$125.00	$750.00	$190.00	$1,140.00	$400.00	$2,400.00	$200.00	$1,200.00	$350.00	$2,100.00	$420.00	$2,520.00
25	6" gate valve and valve box	17	EA	$550.00	$9,350.00	$275.00	$4,675.00	$125.00	$2,125.00	$180.00	$3,060.00	$400.00	$6,800.00	$200.00	$3,400.00	$320.00	$5,440.00	$420.00	$7,140.00
26	Fire hydrant assembly with thrust block	7	EA	$1,600.00	$11,200.00	$750.00	$5,250.00	$625.00	$4,375.00	$918.00	$6,426.00	$1,500.00	$10,500.00	$800.00	$5,600.00	$2,300.00	$16,100.00	$885.00	$6,195.00

Bid Opening: April 16, 2015

Legacy Trail Subdivision Waterline Project #14-165				Engineer's Estimate		Merlin Daines Inc		Kapp Companies		Ormond Construction		England Construction		AAA Excavating		M.C. Green & Sons		Leon Poulsen Construction	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
27	Excavate, remove and haul away native material (approx. 900 CY)	1	Lump Sum	$1,600.00	$1,600.00	$7,500.00	$7,500.00	$3,600.00	$3,600.00	$6,300.00	$6,300.00	$32,000.00	$32,000.00	$4,500.00	$4,500.00	$1,000.00	$1,000.00	$5,530.00	$5,530.00
28	Excavate, stock pile and ruse granular on site material (approx. 350 CY)	1	Lump Sum	$2,500.00	$2,500.00	$2,100.00	$2,100.00	$350.00	$350.00	$50.00	$50.00	$8,500.00	$8,500.00	$1,400.00	$1,400.00	$1,000.00	$1,000.00	$2,070.00	$2,070.00
29	Import sand bedding	1,800	TN	$10.00	$18,000.00	$10.00	$18,000.00	$9.50	$17,100.00	$12.50	$22,500.00	$14.00	$25,200.00	$11.00	$19,800.00	$14.80	$26,640.00	$12.50	$22,500.00
30	Pressure test new waterlines	1	Lump Sum	$1,000.00	$1,000.00	$950.00	$950.00	$2,900.00	$2,900.00	$797.50	$797.50	$5,500.00	$5,500.00	$2,000.00	$2,000.00	$2,300.00	$2,300.00	$850.00	$850.00
31	Mobilization	1	Lump Sum	$6,000.00	$6,000.00	$3,670.00	$3,670.00	$5,000.00	$5,000.00	$8,500.00	$8,500.00	$6,000.00	$6,000.00	$7,105.00	$7,105.00	$900.00	$900.00	$3,240.00	$3,240.00
	Total Bid (Items 1 - 31)				**$123,340.00**		**$82,935.00**		**$76,722.50**		**$87,931.50**		**$182,630.00**		**$94,985.00**		**$141,211.60**		**$88,100.00**

Marsha Morrow

From: Ryan McLeod <Ryan.McLeod@esieng.com>
Sent: Tuesday, April 21, 2015 11:27 AM
To: Steve Thacker
Cc: kevin campbell; Marsha Morrow; Randy Randall; Suzanne DeVoe; Mike Carlson
Subject: FW: Legacy Trail Waterline Parts

Steve -

The following bids were received 4/16/2015 for the parts of "Legacy Trail Waterline" Project #14-165:

1. Mountain States $72,298.54
2. Western Water Works $72,438.52
3. WR White $72,760.77
4. HD Supply $76.697.78

We were very pleased to have received four competitive bids. Bid prices listed do not include tax (7.05%) or the materials handling fee (5.0%). Materials handling fee will be charged to the developer.

It is recommended that this project be awarded to the low bidder, Mountain States Supply Co. in the total amount of $72,298.54.

Tax (7.05%) for this bid will be $5,097.05.

Ryan McLeod E.I.T.
ESI Engineering, Inc.

BID TABULATION FOR CENTERVILLE CITY

Note: All culinary and irrigation waterline pipe and parts will be furnished by Centerville City

Legacy Trail Subdivision Waterline Project #14-165				Mountain States		Western Water Works		WR White		HD Supply	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	10" PVC Pipe C900 Class 150, DR 18	220	LF	$9.79	$2,154.17	$10.20	$2,244.00	$10.58	$2,327.60	$11.15	$2,453.00
2	8" PVC Pipe C900 Class 150, DR 18	2,100	LF	$6.46	$13,562.50	$6.80	$14,280.00	$7.05	$14,805.00	$7.43	$15,603.00
3	6" PVC Pipe C900 Class 150, DR 18	520	LF	$3.72	$1,933.75	$3.96	$2,059.20	$4.06	$2,111.20	$4.29	$2,230.80
4	Tracer wire	4,000	LF	$0.09	$346.67	$0.11	$440.00	-	$337.76	$0.22	$880.00
5	Lube	12	Quarts	$2.31	$27.72	$3.34	$40.08	$3.08	$36.96	$0.00	$0.00
6	10" X 6" Tee MJ X FL	2	EA	$355.02	$710.04	$340.38	$680.76	$347.55	$695.10	$346.67	$693.34
7	8" Tee MJ	2	EA	$230.54	$461.09	$221.04	$442.08	$225.69	$451.38	$219.17	$438.34
8	8" Tee MJ X FL	2	EA	$311.23	$622.46	$295.19	$590.38	$225.69	$451.38	$260.00	$520.00
9	8" X 6" Tee MJ X FL	14	EA	$212.87	$2,980.12	$204.09	$2,857.26	$208.39	$2,917.46	$203.33	$2,846.62
10	10" X 15" Sleeve MJ	1	EA	$185.40	$185.40	$175.85	$175.85	$179.53	$179.53	$177.51	$177.51
11	8" 90 Degree Bend MJ	4	EA	$158.59	$634.37	$150.42	$601.68	$153.59	$614.36	$146.67	$586.68
12	6" 90 Degree Bend MJ	1	EA	$107.96	$107.96	$102.40	$102.40	$104.56	$104.56	$100.84	$100.84
13	8" 22.5 Degree Bend MJ	1	EA	$123.60	$123.60	$117.23	$117.23	$119.69	$119.69	$116.67	$116.67
14	10" X 8" Reduce MJ	1	EA	$123.60	$123.60	$117.23	$117.23	$119.69	$119.69	$120.84	$120.84
15	8" X 6" Reducer MJ	1	EA	$104.24	$104.24	$98.87	$98.87	$100.95	$100.95	$85.00	$85.00
16	6" Push in Plug	10	EA	$58.97	$589.67	$61.44	$614.40	$0.00	$0.00	$58.33	$583.30
17	6" Valve Box	22	EA	$58.89	$1,295.56	$56.14	$1,235.08	$57.00	$1,254.00	$60.23	$1,325.06
18	8" Gatevalve MJ	4	EA	$892.00	$3,568.00	$809.10	$3,236.40	$825.12	$3,300.48	$849.29	$3,397.16
19	6" Gatevalve MJ	1	EA	$560.50	$560.49	$508.02	$508.02	$518.07	$518.07	$533.22	$533.22
20	8" Gatevalve MJ X FL	2	EA	$875.50	$1,750.99	$793.86	$1,587.72	$809.56	$1,619.12	$833.22	$1,666.44
21	6" Gatevalve MJ X FL	16	EA	$560.50	$8,967.91	$504.75	$8,076.00	$518.07	$8,289.12	$533.22	$8,531.52
22	6" Fire Hydrant 4'6" Bury MJ	7	EA	$1,939.23	$13,574.58	$1,781.00	$12,467.00	$1,932.17	$13,525.19	$1,964.15	$13,749.05
23	10" MJ Bolt Packs	7	EA	$29.19	$204.32	$25.73	$180.11	$27.65	$193.55	$43.92	$307.44
24	8" MJ Bolt Packs	53	EA	$19.20	$1,017.60	$20.59	$1,091.27	$19.52	$1,034.56	$31.00	$1,643.00
25	6" MJ Bolt Packs	26	EA	$18.31	$476.09	$18.01	$468.26	$17.35	$451.10	$27.56	$716.56
26	8" Flange Bolt packs with Stainless Steel Bolts	4	EA	$32.63	$130.50	$34.51	$138.04	$36.13	$144.52	$29.23	$116.92
27	6" Flange Bolt packs with Stainless Steel Bolts	12	EA	$31.09	$373.09	$34.08	$408.96	$26.54	$318.48	$28.16	$337.92
28	8" Tapping Sleeve, all stainless	1	EA	$741.20	$741.20	$762.56	$762.56	$706.37	$706.37	$681.99	$681.99

Legacy Trail Subdivision Waterline Project #14-165				Mountain States		Western Water Works		WR White		HD Supply	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
29	Chloirne 5 LB Jars	4	EA	$13.11	$52.44	$17.24	$68.96	$16.24	$64.96	$26.38	$105.52
	Subtotal (Items 1 - 29)				$57,380.13		$55,689.80		$56,792.14		$60,547.74
	Service Line Parts										
30	10" X 1" Brass Saddle, PVC	2	EA	$129.42	$258.84	$139.80	$279.60	$145.71	$291.42	$130.13	$260.26
31	8" X 2" Brass Saddle, PVC	6	EA	$119.73	$718.37	$129.46	$776.76	$134.94	$809.64	$120.38	$722.28
32	8" X 1.5" Brass Saddle, PVC	2	EA	$109.99	$219.98	$118.76	$237.52	$123.79	$247.58	$110.59	$221.18
33	8" X 1" Brass Saddle , PVC	2	EA	$104.47	$208.93	$112.83	$225.66	$117.61	$235.22	$105.04	$210.08
34	2" Corp Stop Male I.P. to Compression No Lead, Ball Valve	6	EA	$192.28	$1,153.66	$195.87	$1,175.22	$191.13	$1,146.78	$193.33	$1,159.98
35	1.5" Corp Stop Male I.P. to Compression No Lead, Ball Valve	2	EA	$116.26	$232.51	$118.43	$236.86	$115.57	$231.14	$116.90	$233.80
36	1" Corp Stop Male I.P. to Compression No Lead, Ball Valve	4	EA	$51.87	$207.48	$52.48	$209.92	$51.21	$204.84	$52.16	$208.64
37	2" Meter Yoke see specification, No Lead	6	EA	$884.03	$5,304.16	$1,121.39	$6,728.34	$1,094.24	$6,565.44	$868.62	$5,211.72
38	1.5" Meter Yoke see specification, No Lead	2	EA	$762.63	$1,525.27	$903.54	$1,807.08	$881.67	$1,763.34	$797.83	$1,595.66
39	1" Meter Yoke Compression see specification, No Lead	4	EA	$303.62	$1,214.48	$280.83	$1,123.32	$274.03	$1,096.12	$305.28	$1,221.12
40	30" X 30" Meter Box	8	EA	$27.53	$220.26	$80.20	$641.60	-	$557.00	$111.06	$888.48
41	20" X 30" Meter Box	4	EA	$57.57	$230.27	$54.07	$216.28	-	$553.85	$60.95	$243.80
42	30" Meter Lid, Reference D&L L2324	8	EA	$171.11	$1,368.89	$101.11	$808.88	$0.00	$0.00	$230.59	$1,844.72
43	21" Meter Lid, Reference D&L L2244,	4	EA	$37.78	$151.11	$38.60	$154.40	$35.79	$143.16	$40.00	$160.00
44	2" Poly CTS 200 PSI	100	LF	$1.10	$110.24	$1.35	$135.00	$1.19	$119.00	$1.33	$133.00
45	1.5" Poly CTS 200 PSI	60	LF	-	$64.71	-	$79.00	-	$71.00	-	$78.00
46	1" Copper Tubing Type "K"	200	LF	$4.18	$835.78	$4.50	$900.00	$4.68	$936.00	$4.23	$846.00
47	2" Male I.P. X Copper Compression Coupler No Lead	12	EA	$57.78	$693.39	$60.13	$721.56	$58.67	$704.04	$58.42	$701.04
48	1.5" Male I.P. X Copper Compression Coupler No Lead	4	EA	$39.65	$158.61	$41.28	$165.12	$40.28	$161.12	$40.09	$160.36
49	2" Inserts CTS	18	EA	$1.73	$31.10	$5.90	$106.20	$6.15	$110.70	$2.08	$37.44
50	1.5" Inserts CTS	6	EA	$1.73	$10.37	$3.40	$20.40	$3.54	$21.24	$2.08	$12.48
	Subtotal (Items 30 - 50)				$14,918.41		$16,748.72		$15,968.63		$16,150.04
	Total (Items 1 - 50)				$72,298.54		$72,438.52		$72,760.77		$76,697.78

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Thursday, April 09, 2015 4:39 PM
To: Steve Thacker; Marsha Morrow
Cc: Lisa Romney; Cory Snyder; Alan Prince
Subject: Chapel Ridge Bond Reduction - End Warranty for Subd Improvements
Attachments: Bond Reduction #7 (End Warranty)_04-09-15.pdf

Steve -

The attached bond reduction and end of warranty for subdivision improvements is recommended.

Amounts are still being withheld for Landscaping of 5 Lots ($15,000) and Drive approaches for 5 Lots ($4,000).

Let me know if additional information is needed at this time.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

WHEN RECORDED, MAIL TO:

Centerville City
Attn: City Recorder
250 North Main
Centerville, Utah 84014

Affects Parcel No.: 02-103-0090

PUBLIC UTILITY EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors, **PAUL HOLMES AND JOAN HOLMES, TRUSTEES OR SUCCESSOR TRUSTEES OF THE HOLMES FAMILY TRUST, DATED THE 19TH DAY OF JUNE, 2008,** hereby grant, convey, sell and set over unto **CENTERVILLE CITY,** a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A,** attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantors shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantors shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this right-of-way and easement this _____ day of _____, 2015.

"GRANTORS"
HOLMES FAMILY TRUST, DATED THE 19TH DAY OF JUNE, 2008

_____
Paul Holmes, Trustee

_____
Joan Holmes, Trustee

ACKNOWLEDGMENT

STATE OF UTAH)
:ss
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared before me **PAUL HOLMES AND JOAN HOLMES, TRUSTEES OR SUCCESSOR TRUSTEES OF THE HOLMES FAMILY TRUST, DATED THE 19TH DAY OF JUNE, 2008,** who being by me duly sworn, did acknowledge that they are the Trustees of the Holmes Family Trust, owner of the Property referred to in the foregoing instrument, and that they executed the same as authorized Trustees of the Trust.

_____
Notary Public

My Commission Expires:

Residing at:

_____ _____

Accepted for Recordation by Centerville City:

_____ _____
Marsha L. Morrow, City Recorder Date

Exhibit A

Legal Description of PUE

A PUBLIC UTILITY EASEMENT FOUND ALONG THE EAST, SOUTH, AND WEST BOUNDARIES OF A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF BLOCK 20, PLAT "A", CENTERVILLE TOWNSITE SURVEY, DAVIS COUNTY, UTAH, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE GRANTOR'S PROPERTY, SAID POINT BEING NORTH 87°15'42" EAST 627.17 FEET FROM THE MONUMENT AT THE INTERSECTION OF MAIN STREET AND 200 SOUTH STREET (BASIS OF BEARING IS NORTH 89°54'43" EAST ALONG THE CENTERLINE OF 200 SOUTH STREET), SAID POINT IS ALSO NORTH 89°54'43" EAST 129.15 FEET ALONG THE SOUTH LINE OF BLOCK 20 AND NORTH 0°06'21" EAST 4.00 FEET, FROM THE SOUTHWEST CORNER OF LOT 2, BLOCK 20, PLAT A OF CENTERVILLE TOWNSITE SURVEY AND RUNNING THENCE NORTH 00°06'21" EAST 139.62 FEET ALONG THE PARCEL LINE TO THE NORTHWEST CORNER OF SAID PARCEL;
THENCE NORTH 89°52'43" EAST 7.00 FEET ALONG THE PARCEL LINE;
THENCE SOUTH 00°06'21" WEST 129.62' FEET;
THENCE NORTH 89°54'43" EAST 66.01 FEET;
THENCE NORTH 00°05'57" EAST 115.38 FEET TO THE NORTH LINE OF SAID PARCEL;
THENCE NORTH 89°52'55" EAST 7.00 FEET ALONG THE PARCEL LINE TO THE NORTHEAST CORNER OF SAID PARCEL;
THENCE SOUTH 00°05'57" WEST 125.39 FEET ALONG THE PARCEL LINE TO THE SOUTHEAST CORNER OF SAID PARCEL;
THENCE SOUTH 89°54'43" WEST 80.02 FEET ALONG THE PARCEL LINE TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE POINT OF BEGINNING.

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Thursday, April 09, 2015 4:39 PM
To: Steve Thacker; Marsha Morrow
Cc: Lisa Romney; Cory Snyder; Alan Prince
Subject: Chapel Ridge Bond Reduction - End Warranty for Subd Improvements
Attachments: Bond Reduction #7 (End Warranty)_04-09-15.pdf

Steve -

The attached bond reduction and end of warranty for subdivision improvements is recommended.

Amounts are still being withheld for Landscaping of 5 Lots ($15,000) and Drive approaches for 5 Lots ($4,000).

Let me know if additional information is needed at this time.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 12.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:30

SUBJECT

a. Quarterly utility bill adjustments
b. UTOPIA Financial Reports
c. Centennial Celebration update

RECOMMENDATION

BACKGROUND

The latest UTOPIA/UIA financial reports are (or will be) attached.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 13.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:40

SUBJECT

RECOMMENDATION

BACKGROUND

At this time there are no topics showing under this heading.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 14.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:45

SUBJECT

RECOMMENDATION

BACKGROUND

At this time there are no topics under this heading, but this heading allows for miscellaneous matters or issues to be reported on or followed up on.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 15.

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: 9:50

SUBJECT

RECOMMENDATION

At this time staff are not aware of a need for a closed meeting, but the agenda allows for this possibility.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No. 16.

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

Initiated By:

Scheduled Time: 9:50

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards/committees.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/21/2015

Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- Monthly Building Report for March 2015

Steve Thacker
City Manager

Build

655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for March 2015

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	0	2	2	2	-	237,017.00	-	474,034.00
Duplexes / Town Homes	0	0	0	0			-	-
Apartments	0	0	0	0			-	-
Addition/Alteration/Repair	4	6					95,045.00	183,928.00
Power/Mech	5	16					-	-
Signage	2	7					3,700.00	28,338.00
Commercial/Tenant Finish	6	12					537,000.00	912,900.00
Detached Structure/Gar	0	3					-	134,471.00
Demolition	1	1					2,500.00	2,500.00
Pool	1	1					45,000.00	45,000.00
Miscellaneous	3	8					23,325.00	82,930.00
Total Permits Issued:	**22**	**56**				**Total Permitted Valuation:**	**706,570.00**	**1,864,101.00**

	Monthly		*YTD Comparison*	
Building Permit Related Revenues	***March 2015***	***YTD 2015***	***March 2014***	***YTD 2014***
BUILDING	*7,869.46*	*21,150.34*	*2,314.23*	*17,929.91*
PLAN CHECK	*3,098.56*	*7,290.63*	*838.66*	*7,609.65*
ELECTRICAL	*66.00*	*462.00*	*198.00*	*330.00*
PLUMBING		-	-	-
MECHANICAL	*264.00*	*594.00*	*264.00*	*924.00*
GRADING		-	-	-
STATE SURCHARGE	*52.02*	*221.80*	*37.77*	*191.85*
WATER DEV.		*2,026.00*	-	*2,026.00*
WATER CONNECTION		*12,364.00*		*2,997.81*
WATER METER		*430.00*		*195.00*
STORM DRAIN				*700.00*
FIRE IMPACT		*942.00*		*471.00*
PARK IMPACT		*4,114.00*		*2,057.00*
DRIVE APPROACH		*70.00*		*35.00*
BOND	*2,000.00*	*6,000.00*	*1,000.00*	*3,000.00*
SPECIAL IMP DIST/REC		-		-
ENGINEERING				*500.00*
TV INSPECT DRAINS		-		-
LANDSCAPING BOND				
Total Permits Related Revenue:	***$13,380.06***	***$57,664.77***	***$5,652.68***	***$38,966.62***