



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

To: Mayor Cutler
City Council
Cc: Department Heads
Planning Commission
From: Steve Thacker, City Manager *A. Thacker*
Subject: City Manager's Summary of August 18, 2015 Council Meetings
Date: August 14, 2015

5:30 Joint Work Session with Planning Commission – This is a continuation of the work session held on August 4 regarding the South Main Street Corridor. Staff will complete their presentation by identifying the issues they recommend be discussed. The two bodies can then discuss the issues and see if there is substantive agreement on the nature of revisions that should be made to the SMSC Plan and Overlay Zone.

7:00 Regular City Council Meeting

D. Introduction of New Police Officers and New Leadership in Police Department – The recent retirement of Neal Worsley as Chief of Police triggered several promotions. The Department has a new Chief (Paul Child), Lieutenant (Von Steenblik) and Sergeant (Jake Alexander). Officer Will Barnes was also transferred from Patrol Division to the Investigative Division to serve as a detective. These promotions/transfers from within the Department, combined with the recent retirement of Officer Gary Thomas, opened up two Police Officer patrol positions for outside recruitment. Marquelle Peters and Colton Robinson have been hired to fill those openings. All of these employees, along with the new K-9, will be introduced to the City Council.

F.1. Canvass of Municipal Primary Election – The City Council will sit as the elections canvassing board to accept the results of the August 4 Primary Election. The Primary Election narrowed the number of candidates from 8 to 6 for three Council seats to be filled in the November General Election.

F.2. Minutes Review and Acceptance – The minutes to be approved include the August 4 work session and regular meeting, as well as the July 8 joint Planning Commission/City Council meeting. Approval of the July 8 meeting minutes was postponed to allow Councilwomen Fillmore and Ivie to submit proposed additions to that record. The July 8 minutes draft has been redlined to show the proposed revisions.

F.3. Summary Action Calendar

a. Award Drainage Maintenance Contract – Staff recommend the Council extend the contract with Twin D Environmental Services for cleaning and TV-inspection of storm drains and subsurface drains. Twin D was the low bidder last year for this contract and that bid award allowed the option of renewing



the contract for two more years if Twin D is willing to hold their unit prices, which they have agreed to do.

b. Planning Commission Per Diem for Training – In an earlier meeting, the City Council agreed with the proposal to offer an incentive to Planning Commissioners to attend training by paying them \$35 to attend training of two hours or more duration. This is the same amount they receive when they attend PC meetings. The action on this agenda is to formally implement that decision.

F.4. Code Amendments Prohibiting Feeding of Wild Animals – In response to property owners' complaints about resident deer damage, City staff are applying for permission from the Utah Division of Wildlife Resources (DWR) to use lethal methods to remove deer inside the City limits. This must be done according to an Urban Deer Plan developed with public input and approved by the DWR. The first requirement for such a plan, however, is for the City to adopt an ordinance prohibiting the intentional feeding of deer, elk and moose. This is the action for the August 18 meeting. This will be followed by a public information and public comment process over the next two months to develop a plan that will be submitted to the DWR for their approval.

F.5. RAP Tax Discussion – In their August 4 meeting the City Council approved a Resolution placing the renewal of the RAP Tax on the November ballot. The current RAP Tax authorization expires April 1, 2016. Ninety percent (90%) of the current RAP Tax revenues are used to pay the debt on the performing arts facility. If a renewal is approved by the voters, most of the revenues will be used for recreational facilities (i.e. parks repairs and improvements). The Council needs to decide who will draft statements in favor of the RAP Tax for the Voter Information Pamphlet and the Statewide Website.

F.6. City Council Liaison Report – Councilman Wright serves as the City Council liaison to the Whitaker Museum Board and will report on their activities/issues.

F.7. Mayor's Report – Mayor Cutler recently met with the City Manager and department heads to review the latest data in the Operational Metrics report. It will be attached to NovusAgenda after a few revisions are made to the report. This report contains performance measures relating to various City services.

F.8. Work Session with Parks & Recreation and Trails Committees (estimated time of 8:00 p.m.) – These two committees will meet with the City Council to discuss: 1) the Parks Committee's latest draft of the Parks Capital Improvements Plan and 2) the Trails Committee's Trails/Bike Lanes Master Plan. This will be an important foundation for the public information effort relating to the RAP Tax election in November.

F.9. Personnel Policies and Procedures Amendments – Pursuant to the City Manager's recommendation in 2014 and the City Council's subsequent directive, an employee committee has reviewed and discussed the City's paid leave benefits, particularly the Long-Term Sick Leave benefit. In response to concerns about the increasing financial liability created by current policy, the Committee

and City Manager recommend the establishment of an 800-hour cap on the amount of LTSL accumulation, with an annual cash-out at a 4 to 1 ratio above that number. See the staff report for much more detail.

F.10 City Manager's Report – I will update the Council about the I-15 South Davis Project, including the pedestrian bridge and related fencing and sidewalk, and seek direction regarding the public information and open houses relating to the proposal to create a fire district.

F.11. Miscellaneous Business – At this time there are no topics showing under this heading.

F.12 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.

F.13. Appointments to Boards/Committees – Mayor Cutler may recommend appointments to City boards or committees.

Potential Agenda Items for September 1, 2015 City Council meeting (subject to change):

- Consider requests for writing arguments against the RAP Tax ballot question
- Approve argument in favor of RAP Tax for Voter Information Pamphlet and to be submitted by City Council to Statewide Website
- Consider whether to provide additional public information relating to Transportation Sales Tax ballot question
- 500 East Street right-of-way vacation
- Open & Public Meetings Act training by City Attorney
- Approve Parks Capital Improvements Plan
- Staff report re asset and inventory updates

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, AUGUST 18, 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 - The times shown below are tentative and are subject to change during the meeting.
Time:

5:30 Joint work session with Planning Commission to discuss possible ordinance amendments to the South Main Street Overlay Zone for the City Center and Traditional Districts

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT
Steve Thacker

7:05 D. Introduction of new police officers and new leadership in Police Department

7:10 E. 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.

F. BUSINESS

7:15 1. Canvass of August 11, 2015 Municipal Primary Election

(OVER)

According to State law as provided in UCA 20A-4-301 (2)(ii), the Mayor and City Council, acting as the board of municipal canvassers, shall meet to canvass the returns from a municipal primary election no sooner than seven (7) days and no later than fourteen (14) after the election

- 7:20 2. **MINUTES REVIEW AND ACCEPTANCE**
July 8 joint Planning Commission/City Council meeting; and August 4, 2015 joint Planning Commission/City Council work session and regular Council meeting
- 7:25 3. Summary Action Calendar
a. Award Annual Drainage Maintenance Project contract to Twin D Environmental Services in estimated total amount of \$96,710
b. Planning Commission Per Diem for training– Consider Resolution No. 2015-15
- 7:25 4. Municipal Code Amendments – Section 7-02-022 – Prohibiting Feeding or Attracting Wild Animals
Consider Ordinance No. 2015-15 Enacting 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals re feeding deer, etc.
- 7:35 5. RAP Tax Discussion
Continue discussion regarding Voter Information Pamphlet and Ballot Transparency Act requirements and drafting arguments for or against the proposed RAP Tax ballot proposition.
- 7:45 6. City Council Liaison Report
Councilman Wright – Whitaker Museum
- 7:55 7. Mayor's Report
a. Operational Metrics Report
b. Fire Agency Monthly Report
- 8:00 8. **Joint Work Session with Parks & Recreation and Trails Committee to discuss parks & trails capital improvement plans, bike system master plan and related matters**
- 9:00 9. Personnel Policies and Procedures - Amendments - Long-Term Sick Leave and All-Purpose Leave
Consider Resolution No. 2015-16 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave
- 9:15 10. City Manager's Report
a. I-15 Project Milestone Event
b. Pedestrian bridge, fencing and sidewalk update
c. Preparations for open house and public hearing re proposal to create fire district

- 9:25 11. Miscellaneous Business
- 9:30 12. 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.
- 9:30 13. 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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 Steve Thacker
- 7:05 **D. Introduction of new police officers and new leadership in Police Department**
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9:30

13. Possible action following closed meeting, including appointments to boards and committees

G. ADJOURNMENT

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

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No.

Short Title: Joint Work Session with Planning Commission to discuss possible ordinance amendments to the South Main Street Corridor Overlay Zone for the City Center and Traditional Districts

Initiated By:

Scheduled Time: 5:30

SUBJECT

Joint Planning Commission and City Council Work Session to discuss possible ordinance amendments to the South Main Street Corridor Overlay Zone (SMSC) for the City Center and Traditional Districts

RECOMMENDATION

On August 4, 2015, the City Council and Planning Commission held a Joint Work Session to receive information and discuss proposed amendments to the South Main Street Corridor Overlay Zone (SMSC) regarding the City Center and Traditional Districts. Staff presented substantial data and analysis regarding property ownership, valuation, land use, zoning, infrastructure, setbacks and streetscape design for properties within the City Center and Traditional Districts of the SMSC Zone. This Joint Work Session has been scheduled to provide the City Council and Planning Commission additional time to consider and discuss possible amendments to the SMSC ordinance provisions. Staff recommends starting with Slide #26 of the attached PowerPoint presentation regarding "Discussion on Proposed SMSC Ordinance Amendments".

BACKGROUND

As a continuation of the August 4, 2015 Joint Work Session and based upon the data and analysis of parcels within the City Center and Traditional Districts and consideration of public comment and concerns regarding development within the SMSC Overlay Zone, Staff recommends the Planning Commission and City Council discuss possible ordinance amendments to the SMSC Overlay Zone for the City Center and Traditional Districts regarding the following issues. Staff does not have specific recommendations regarding each item and is seeking input from the Planning Commission and City Council regarding these items. Based on such input, Staff will prepare ordinance amendments to be brought back to the Planning Commission and City Council for review.

- a. Public Space Design
 - total width
 - green space allocation
 - sidewalk location
- b. Building Setbacks
 - distance from sidewalk, property line or back of curb
 - allocation of green space
 - allowance for entry features, stairs, patios, etc.
- c. Building Heights
 - east versus west side

- maximum height allowance
- height calculation
- d. Permitted Uses
 - commercial
 - mixed use
 - residential (single family, townhomes, etc.)
- e. Density Caps on Residential Development
 - maximum cap on units per acre
 - additional setback requirements for solely residential development
 - orientation to Main Street
 - new lot type for residential

ATTACHMENTS:

- | | Description |
|---|--------------------------------------|
| □ | SMSC PowerPoint Presentation |
| □ | SMSC-Land Use and Ownership Diagrams |
| □ | SMSC-Parcel Analysis Chart |
| □ | SMSC-Built Environment Chart |

CENTERVILLE

**Staff Backup Report
8/18/2015**

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 Memo

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No.

Short Title: Steve Thacker

Initiated By:

Scheduled Time:

SUBJECT

Introduction of new police officers and new leadership in Police Department

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 1

Short Title: Canvass of August 11, 2015 Primary Election

Initiated By:

Scheduled Time: 7:15

SUBJECT

According to State law as provided in UCA 20A-4-301 (2)(ii), the Mayor and City Council, acting as the board of municipal canvassers, shall meet to canvass the returns from a municipal primary election no sooner than seven (7) days and no later than fourteen (14) after the election.

RECOMMENDATION

The City Council, acting as the Board of Canvassers, should canvass the returns of the August 11, 2015 Primary Election, according to State law as set forth in UCA 20A-4-301 (2)(ii).

BACKGROUND

Pursuant to Utah law, the Mayor and City Council constitute the board of municipal canvassers for the City. The board of canvassers is required to meet to canvass the returns at the usual place of meeting and shall canvass the returns from the municipal primary election no sooner than 7 days and no later than 14 days after the primary election. The board of canvassers shall canvas the election returns by publicly opening the returns and determining from them the votes of each voting precinct for each person voted for. The board of canvassers shall declare "elected" or "nominated" those persons who had the highest number of votes and shall certify the vote totals for persons that were submitted to voters within the board's jurisdiction and transmit those vote totals to the lieutenant governor. The Davis County Elections Office will provide the final vote tabulation, including provisional and mail-in/absentee ballots, for the board of canvassers to be considered at the meeting.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 2

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:20

SUBJECT

July 8, 2015 joint Planning Commission/City Council meeting; and August 4, 2015 joint Planning Commission/City Council work session and regular Council meeting

RECOMMENDATION

BACKGROUND

At their August 4 meeting, the City Council postponed approval of the July 8 PC/CC meeting minutes to allow Councilwoman Irie to submit a proposed addition relating to comments made by Councilwoman Fillmore. These revised minutes are attached.

ATTACHMENTS:

Description

- ☐ July 8, 2015 Joint City Council/Planning Commission meeting
- ☐ August 4 Joint City Council/Planning Commission meeting
- ☐ August 4, 2015 regular City Council meeting

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, July 8, 2015

7:00 p.m.

A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

Cheylynn Hayman
David Hirschi, Chair
Gina Hirst
William Ince
Logan Johnson
Kevin Merrill

MEMBERS ABSENT

Scott Kjar

COUNCIL MEMBERS PRESENT

Paul Cutler, Mayor
Ken Averett
Tamilyn Fillmore
Stephanie Ivie
John Higginson

COUNCIL MEMBERS ABSENT

Lawrence Wright

STAFF PRESENT

Corvin Snyder, Community Development Director
Lisa Romney, City Attorney
Kathy Streadbeck, Recording Secretary

VISITORS

Interested citizens

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Hayman

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held June 24, 2015 were reviewed and amended. Commissioner Hirst made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Hayman and passed by unanimous vote (6-0).

PUBLIC HEARING | TRUMP RESIDENTIAL LOT | 540 SOUTH 400 WEST -
Consider proposed Final Site Plan for an unplatted residential building lot on property
located at 540 South 400 West, for the purpose of constructing a new dwelling. Scott &
Susan Trump, Applicants.

Cory Snyder, Community Development Director, reported the Planning Commission previously accepted the conceptual site plan for the proposed single family home. The applicant has addressed the conditions of approval from the conceptual acceptance and is now ready for a final site plan review. The applicant will still be required to pay all applicable fees, submit all necessary utility provider sheets, and receive final approvals from the City Engineer. In addition, a current title report will still need to be submitted to the City Attorney for review. Overall, the final site plan is in harmony with the previously approved conceptual site plan. A building permit is required prior to any construction taking place and will need to meet all applicable standards found within the Zoning Ordinance.

Chair Hirschi opened the public hearing. Seeing no one wishing to comment; he closed the public hearing.

Commissioner Hirst questioned if all utilities are available to this site and if any connections will need to be adjusted. Mr. Snyder said all utilities are available to the site and staff will ensure all connections are appropriate during the building permit process. He said all utility companies have been contacted; the applicant is awaiting responses.

Scott Trump, applicant, reviewed the site plan explaining its unique layout. The hammerhead driveway will ensure fire safety access and turn-around. He also explained his hopes to utilize this property for some small farming activities, including small animals.

Chair Hirschi made a **motion** for the Planning Commission to approve the final site plan for the Scott and Susan Trump Residential Lot, located at 540 South 400 West, with the following conditions:

Conditions:

1. All professional service fees, development fees and related impact fees shall be paid.
2. A bond for all public improvements must be posted prior to the issuance of a building permit.

3. The submitted grading and utility plan shall be reviewed and approved by the City Engineer prior to a building permit being issued.
4. Applicant shall provide appropriate public utility easements and submit to the City. All easements shall be accepted by the City Council and recorded with the Davis County Recorder's Office.
5. A current title report shall be submitted to the City Attorney for review prior to issuance of a building permit.

Reasons for Action (findings):

1. The applicant has clearly shown how the property may be developed [Section 12-21-110(d)(2)].
2. The applicant has submitted a full final site plan application [Section 12-21-110(e)(2)].
3. Proposed utility easements are required on all developed lots [Section 12-21-110(e)(2)(iii)(d), 15-5-106(8)].

The motion was seconded by Commissioner Merrill and passed by unanimous roll-call vote (6-0).

WORK SESSION | SOUTH MAIN STREET CORRIDOR PLAN & PUBLIC COMMENTS REVIEW - The City Council and the Planning Commission will discuss the South Main Street Corridor Plan and review all the public comments received from various meetings.

The Planning Commission and City Council reviewed and discussed several aspects of the South Main Street Corridor Plan (SMSC), including the many public comments that have been made over the past several meetings. Mayor Cutler explained the City Council recently reviewed the proposed density cap as recommended by the Planning Commission and after a lengthy discussion the issue was ultimately tabled for further review and discussion. In addition to density caps the Commission and Council also discussed viability, mixed-uses, building heights and framing, and public spaces.

City staff reviewed conditional use permits and how this tool is used to allow additional development options if negative impacts are appropriately mitigated. Staff also reviewed the Planned Development Overlay (PDO) tool, which also provides an option for additional density but also ensures an overall better developed project. Staff explained there may be some ways to take a more conservative approach to density including a density cap. Several Council and Commission members agreed each tool can be useful but that each tool also presents its own challenges with respect to the SMSC. A majority of the members present agreed a density cap is an appropriate safeguard for the SMSC.

1 Chair Hirschi said density and viability go hand in hand; the viability of commercial uses
2 depends on residential roof tops. He said if residential density is too restricted then commercial
3 uses will struggle. He said residential density should promote both commercial and retail uses.
4 He said commercial is important and should be encouraged along Main Street in addition to
5 appropriate residential uses. He said there have been many comments made that residential only
6 is the way to go. He is not sure this is best for Main Street. He said single-family uses are more
7 difficult to control. He questioned if the city really wants single-family homes with yards and
8 structures that cannot be specifically regulated along Main Street. He also questioned if people
9 would really be interested in raising a family on a busy Main Street. He believes the mixed-use
10 concept is still the best option for Main Street. He said he is also concerned with the idea of a
11 single-family PDO on Main Street. He said this could potentially put a fence along Main Street
12 with single-family homes facing interior. He does not believe a "wall" on Main Street is a good
13 idea. He is also concerned with "down zoning" Main Street from commercial to residential only.
14 He said this is unfair to current property owners who have been paying commercial taxes for
15 many years.

16
17 Councilwoman Fillmore said the SMSC uses form base standards to help unify
18 development along the frontage of Main Street, but does not address the rear parcels very well;
19 perhaps some clarification may be appropriate for rear residential uses. She believes the mixed-
20 use concept is still the best option for Main Street. She said economic viability is very important.
21 There needs to be enough return so a property owner is able to demolish an old building and
22 build a new high quality project. However, she is concerned comments made regarding viability
23 may be just that, comments. She believes viability needs to be studied more thoroughly to know
24 for sure if this is an issue. Councilwoman Fillmore stated that she had received today an email
25 from Jeff Cook, a business owner on Main Street, which said: "I have concerns about some of
26 the proposals for zoning ordinance changes in this corridor. The current ordinance which was
27 adopted only a few years ago is and will continue to be instrumental in retaining the small local
28 business atmosphere on Main Street, which is an important part of our history and our future."
29 She said the mixed-use concept pointed out that Centerville's Main Street is full of office space
30 which is owned by Centerville residents, which allows people to live and work in Centerville.
31 Councilwoman Fillmore noted that a majority of the property/business owners on Main Street
32 are local Centerville residents, which allows them to live and work in Centerville. She said the
33 SMSC is appropriate because it provides flexibility. She said current property owners have
34 expressed a desire for flexibility so they can find the best redevelopment option for their
35 situation. Councilwoman Fillmore read again from what Jeff Cook had sent her, stating that he
36 has discussed this issue with several small business owners that want to express their concern as
37 citizens and property owners. This is a statement Jeff believes summarizes their feeling: "We
38 express our desire that the zoning in this area, which allows for mixed use development of
39 commercial and residential remain. The ordinances that are currently in place are the results of
40 more than a year of public input, study, professional consultation and compromise. A substantial
41 change would in fairness require that the same process be followed as when the current

1 ordinance was adopted. We believe that a moderate change such as a medium density cap would
2 be more fair and balanced." She said Main Street is intended to be primarily commercial. She
3 suggested keeping commercial as the primary use and residential or mixed-use as secondary, and
4 writing in language to that point. She is concerned a density cap could be detrimental for smaller
5 properties and may hinder their ability to redevelop. She believes a required commercial use or
6 mixed-use will help control density. She said the majority of the comments made in the past few
7 meetings have been concern over density, not necessarily negatives toward the SMSC plan. She
8 believes eliminating commercial on Main Street will intensify residential uses and density. She
9 said a density cap may be appropriate but is worried that if set to low could encourage blight
10 because there is no incentive for redevelopment. She believes it is important to maintain the
11 synergy of the SMSC and encourage consistent redevelopment.

12
13 Commissioner Merrill said single-family lots are not as sought after with rising
14 generations. Research has shown that generations to come prefer smaller mixed-use homes with
15 little to no maintenance and services within walking distance.

16
17 Mayor Cutler said flexibility is important and questioned if there is a need to promote
18 townhomes or other forms of multi-family housing on Main Street. Commissioner Johnson said
19 he likes the flexibility of either residential, commercial, or mixed-use. Commissioner Hayman
20 agreed flexibility is best, but does not believe residential only is the best or viable option. She
21 said townhomes could be appropriate with a suitable density cap and green space requirement.
22 She questioned if a lower density cap could be set with incentivized increases? She too is
23 concerned with blight, but also wants to find a balance in keeping Centerville's unique small
24 town feel.

25
26 City staff discussed possible density caps (i.e., 4, 6, and 8). Staff believes there are pros
27 and cons to each density cap option. Staff is willing to research possible incentive options and
28 tools. Staff also discussed the General Plan for Main Street explaining some changes to the
29 SMSC may also require a change to the General Plan. Staff explained it may be possible to cap
30 residential densities and/or size of parcel with some type of tiered density system. Staff
31 explained that a density cap will affect viability and the City needs to be careful not to negatively
32 impact property owners. Staff agreed the higher the density cap the more likely it will not
33 negatively affect smaller parcels.

34
35 Councilman Higginson agreed commercial uses should be encouraged along Main Street.
36 He said commercial uses should front Main Street with residential uses behind. He is not
37 concerned with catering to every demographic. He said Centerville is different and unique. He
38 said walkability is often discussed but is rarely a reality. He said there are walkable
39 developments but most people drive to them, then walk around. He said Main Street will not
40 likely ever become a true walkable area. He said he is in favor of a density cap and is also in
41 favor of keeping commercial uses on Main Street.

1
2 Councilman Averett questioned if the City is planning for the past or planning for the
3 future. He said retail is not viable on Main Street mostly due, he believes, to online sales. He said
4 current research shows that 1 in 5 Americans work from home at least once a week and trends
5 show that number will only increase in the future. He agrees live/work concepts are important
6 and should be encouraged. He agreed future generations want to live in smaller PDO type
7 developments with no maintenance. He said it seems the future is leaning toward mixed-use
8 options.

9
10 The Planning Commission and City Council discussed density with regard to the Pages
11 Lane area which is set at a much higher density. Members present were not as concerned with
12 this area as it is different from the Core District and will bring a different type of redevelopment.
13 A majority of the members present agreed the Pages Lane area may still require a density cap but
14 at a much higher option in order to maintain flexible redevelopment options. The Planning
15 Commission agreed to research and discuss the Pages Lane area and provide a recommendation
16 for density to the City Council in the near future.

17 Councilwoman Ivie said she is not comfortable with any density over four (4) units per
18 acre along Main Street including the Pages Lane area. She said Centerville already has over 600
19 units within this small SMSC area, which is too dense. She said any additional density will only
20 negatively impact the area.

21
22 City staff discussed public open space options along Main Street, including sidewalk,
23 trees, street furniture, parking and lighting. Staff explained how UDOT is involved with these
24 decisions as Main Street is a State owned road. The City intends to complete a public space plan
25 for Main Street in the future. The public right-of-way is narrow and options are limited. Any
26 public space plan will require feasibility studies and coordination with UDOT. The Commission
27 and Council discussed requiring aesthetic public space improvements as part of redevelopment
28 plans thus placing the burden on property owners. Staff reminded those present that these types
29 of burdens are generally balanced with density increases. Chair Hirschi suggested creating a
30 PDO option for Main Street with bonus density provisions for public space improvements. This
31 possible PDO option could also maintain the SMSC building structure/framing and commercial
32 use requirements. The Planning Commission agreed to research and discuss possible public
33 space options in the near future.

34
35 The Commission and Council discussed building heights for Main Street. The building
36 height for all residential homes across the city is 35 feet. A majority of the members present
37 agreed a maximum building height of 35 feet is appropriate for Main Street and will help
38 encourage redevelopment. It was also mentioned that building height can be mitigated with
39 setbacks. City staff discussed the "framing" concept. If buildings are brought forward then
40 parking is pushed behind providing less vehicular accesses on Main Street and a buffer between
41 the commercial fronts and residential uses behind. It was mentioned that "framing" should

1 provide more commercial viability because the cost from UDOT to install an access on Main
2 Street is excessive.

3
4 The Commission and Council discussed street width. Concerns were raised regarding the
5 challenges that sub-standard street widths can produce (i.e., maintenance, fire access, density,
6 parking, etc.). City staff debated the challenges that can come when full-width streets are
7 required in private developments (i.e., parking lots, car ports, decreased circulation, speed, etc.)
8 Staff agreed to research possible options to increase street widths where possible.

9
10 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 11
12 1. The next Planning Commission meeting will be Wednesday, July 22, 2015.
13 2. Upcoming Agenda Items
14 • Porter Lane Townhomes, Conditional Use Permit & Final Site Plan
15 • Youngblood Storage, Conceptual Site Plan

16
17 The meeting was adjourned at 9:45 p.m.

18
19
20
21 _____
22 David Hirschi, Chair

Date Approved

23
24
25 _____
Kathleen Streadbeck, Recording Secretary

Preliminary Draft

Minutes of the joint work session of the Centerville City Council and Planning Commission held Tuesday, August 4, 2015 at 5:40 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler
Council Members Ken S. Averett
Tamilyn Fillmore
John T. Higginson
Stephanie Ivie
Lawrence Wright

PLANNING COMMISSION PRESENT

Cheylynn Hayman
David Hirschi, Chair
Gina Hirst
Logan Johnson
Kevin Merrill, Vice Chair

COMMISSIONERS ABSENT

William Ince
Scott Kjar

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

SOUTH MAIN STREET CORRIDOR PLAN/OVERLAY ZONE

Parcel Data Analysis – Lisa Romney, City Attorney, presented data and analysis compiled by staff for the South Main Street Corridor (SMSC). The Temporary Zoning Regulation (TZRO) adopted on May 12, 2015 is set to expire on November 12th. The purpose of the TZRO is to provide time to study and analyze the corridor without accepting applications for development. Staff has analyzed and compiled data for the City Center District and the Traditional District of the SMSC, between 100 North and Porter Lane. The 44 parcels in the study area are all zoned Commercial-Medium (C-M), bordered by Residential-Low (R-L) on the east side and Residential-Medium (R-M) and Residential-High (R-H) on the west side.

Eighty-nine percent (89%) of the subject properties are owned by Davis County residents or businesses (62% are owned by Centerville residents and business owners). Sixty-three percent (63%) of the acreage is locally owned, and 55% is locally owned based on tax assessed value. Sixty-four percent (64%) of the properties are used commercially, 16% of the properties are vacant, and a few of the properties are residential. Of the properties currently used commercially, 41% is office space, 25% is retail, and 10% is industrial/manufacturing. The subject properties have a cumulative 2015 tax assessed value of \$13.8 million. Ms. Romney pointed out that the two districts are significantly commercial, and significantly locally owned.

Ms. Romney presented staff's estimate regarding likelihood of redevelopment within the two districts based on assessed value, date of construction, condition of structures, undeveloped areas, and size of building. Of the commercial buildings in the corridor, 19% have

1 been constructed in the last 15 years (20% based on acreage, and 37% based on tax assessed
2 value). If all of the properties were built out residential with a density cap of four units per acre,
3 an estimated 73 units would be possible (58 units if the most recently developed properties are
4 subtracted). With a density cap of eight units per acre, an estimated 155 units would be
5 possible (123 units after subtracting the most recently developed properties).
6

7 Complete Streets and Public Space – Cory Snyder, Community Development Director,
8 stated it has been his impression that the Council desires to keep the existing SMSC Plan,
9 making amendments to best match what is wanted for Centerville. He said the key words he
10 heard during the public comment period are "historic nature", and pointed out that what is meant
11 by "historic" can be different for everyone.
12

13 Mr. Snyder stated it is clear that there is a difference between the east and the west
14 sides of Main Street. He showed an image depicting current travel lanes, shoulder, utility and
15 light zone on the east, pedestrian sidewalk zone, and development zone. The four-foot utility
16 zone on the east side creates a lack of symmetry. He showed an image depicting a proposed
17 symmetrical layout, with a utility zone added to the west side, and trees added to the utility
18 zones on both sides. Change would have to be made to the west side to achieve symmetry.
19 Councilman Averett asked Mr. Snyder to address a rumor circulating that UDOT intends to
20 widen Main Street. Mr. Snyder responded that the only project scheduled on UDOT's 15-year
21 plan for Main Street is an enhanced bus system. Mr. Snyder then showed an image depicting a
22 proposed off-set layout, with the utility zone remaining only on the east side, and an 8' to 10'
23 green zone for trees and landscaping added to the development zone on both sides of the
24 street. He pointed out that trees are difficult to combine in the same space as utility poles. The
25 off-set layout pushes buildings 10 feet away from the pedestrian zone on both sides allowing
26 space between the utility zone and the green zone. Mr. Snyder stated that most of the
27 properties could accommodate the 10-foot development zone setback. Councilman Wright
28 expressed his concern for above-ground utility lines from an emergency management
29 standpoint, and said he would like the lines to be buried.
30

31 Mr. Snyder stated that considering the dominance of local services and office space, he
32 thinks the off-set layout with the deeper setbacks could be "historic" with a focus on design and
33 layout rather than density. Mayor Cutler commented that the off-set layout seems to match
34 what exists and what citizens want. He added that the symmetrical layout does not seem
35 practical. Councilwoman Fillmore agreed that the off-set layout is the easier route, but said she
36 is concerned that the street would continue to be emphasized as a wide Main Street, leaving the
37 City vulnerable to higher vehicle speeds. She stated that drivers behave differently with items
38 framing the roadway to make it feel narrower. Mr. Snyder agreed that aesthetically congesting
39 the streetscape naturally reduces speeds. He pointed out that Main Street is a travel corridor
40 and a UDOT road. Councilman Wright said he likes the off-set layout better. Councilwoman
41 Ivie said she thinks the off-set layout speaks more to what the citizens want.
42

43 Ms. Romney stated that, based upon data and analysis, and consideration of public
44 comment and concerns regarding development with the SMSC Overlay Zone, staff
45 recommends the Planning Commission and City Council discuss possible ordinance
46 amendments to the SMSC Overlay Zone and for the City Center and Traditional Districts
47 regarding the following issues:
48

- 49 • Public Space Design
- 50 • Building Setbacks
- 51 • Building Heights
- 52 • Permitted Uses
- 53 • Density Caps on Residential Development

1 Chair Hirschi stated that in a perfect world he loves symmetry, but the difficulty putting
2 trees and power lines in the same space is a barrier. He said he thinks the off-set layout could
3 help create a beautiful green space utilizing existing space. Commissioner Johnson said he
4 does not agree with choosing the easier route to avoid working with UDOT. Commissioner
5 Hayman stated the space is the same whether the trees are closer to the street or farther away.
6 She asked if the street could be narrowed. She said she loves Main Street in Moab, and asked
7 if Centerville Main Street could be adjusted similarly with a nice bike/running lane. Councilman
8 Higginson commented that most cities have an artery other than their main street, but Main
9 Street is Centerville's only artery. He said that symmetry is more beautiful, but the off-set layout
10 makes more sense. Councilwoman Fillmore said it is valuable to look at both layouts, and
11 agreed that Main Street is the City's only through artery. Over the decades the City will
12 continue to feel pressure from all of the transportation agencies. She said it would be naïve to
13 think the street will stay the same. More than creating an urban feel, she said she likes the
14 symmetrical layout because it physically protects the right-of-way and pedestrian safety. If
15 setbacks are increased the street is more vulnerable to future widening.

16
17 Councilman Averett agreed with Chair Hirschi that the off-set layout is the only way to
18 go. Councilman Wright agreed with Councilwoman Fillmore that greater setbacks leave the
19 street vulnerable. He suggested it would be worth finding out how much it would cost for the
20 City to take over responsibility of Main Street from UDOT. Commissioner Hirst agreed with
21 Councilwoman Fillmore's concerns and comments regarding safety. Councilwoman Ivie said
22 she does not like the idea of telling property owners how to landscape their property, but the
23 utility issue is huge. She said she does not think the optical illusion of a smaller street would
24 protect pedestrians any better. The issue for the citizens is the increased number of vehicles
25 from higher density, not the UDOT speed limit. Vice Chair Merrill commented that the trees will
26 look symmetrical whether they are five feet back or eight feet back. Commissioner Hayman
27 said she thinks having trees closer to the street would look more historic, but agreed it is difficult
28 to put trees and power lines in the same space. She asked if it would be possible to put trees at
29 the street and move utility poles back. It was generally agreed that it would not be practical to
30 move the utility lines back.

31
32 Mayor Cutler stated there seems to be a slight majority in favor of looking at the realistic
33 off-set layout, with some desire to consider the symmetric layout. Mr. Snyder said he would
34 make some adjustments and come back with both layouts. Councilwoman Fillmore said she
35 feels resolving the street design issue during the TZRO period is critical. The Mayor suggested
36 inviting representatives from UDOT and Rocky Mountain Power to answer Council questions.

37 38 ADJOURNMENT

39
40 The Council and Planning Commission will meet together again prior to the August 18th
41 Council meeting. Mayor Cutler adjourned the work session at 6:55 p.m.

42
43
44
45
46
47 _____
48 Marsha L. Morrow, City Recorder

49
50
51
52
53 _____
Katie Rust, Recording Secretary

Preliminary Draft

Minutes of the Centerville City Council meeting held Tuesday, August 4, 2015 at 7:10 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler
Council Members Ken S. Averett
Tamilyn Fillmore
John T. Higginson
Stephanie Ivie
Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Bruce Cox, Parks and Recreation Director
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Craig Poll, Assistant Superintendent Davis County School District
Jeff Bassett, South Davis Metro Fire Chief
Dave Powers, Deputy Fire Chief
Karl Hendrickson, Fire Agency Attorney
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE led by John Henry Phillips, Cub Scout

PRAYER OR THOUGHT Reverend Briggs, Episcopal Church of the Resurrection

OPEN SESSION

Dale McIntyre – Mr. McIntyre stated that he has been to most of the Council meetings and reviewed the minutes, and has found that not everything that is said is included in the minutes. He asked if there is a reason the minutes cannot be verbatim, and said he thinks it would be beneficial for the citizens.

Councilman Larry Wright – Councilman Wright said he would like the Council to consider providing a video recording of Council meetings for citizens who are unable to attend. He said he was told by UTOPIA representatives that it could probably be done at no cost to the City.

The Council discussed visual recording and storage options.

DAVIS SCHOOL DISTRICT BOND ELECTION

Craig Poll, Assistant Superintendent of the Davis School District, showed a video and gave a presentation about the District's proposed bond issue on the November election ballot. He explained the District's infrastructure and capital needs to be able to provide room to learn for the growing student population. The bond income would fund capital needs, and would not be used to fund salaries or educational supplies. Councilman Wright expressed the hope that the money would be used to really benefit the students rather than for structural aesthetics. Mr. Poll responded that it costs just as much to build an ugly building as an attractive building, and explained some of the District's cost-saving construction decisions. Mayor Cutler thanked Mr.

1 Poll for the presentation, and stated that he supports the bond. Councilman Wright stated he
2 also supports the bond.
3

4 **MINUTES REVIEW AND ACCEPTANCE**
5

6 The minutes of the July 7, 2015 work session and Council meeting, the July 8, 2015 joint
7 City Council/Planning Commission meeting, and the July 21, 2015 Council meeting were
8 reviewed. Councilwoman Fillmore requested two amendments to the July 7, 2015 Council
9 meeting minutes. Council members Fillmore and Ivie requested amendments to the July 8,
10 2015 joint meeting minutes, and it was suggested the Council table approval of the July 8
11 minutes. Councilwoman Fillmore agreed to send information regarding an email she referred to
12 during the July 8th meeting to the City Recorder. Councilwoman Ivie agreed to send to the City
13 Recorder a proposed addition she requested pertaining to Councilwoman Fillmore's comments
14 in the July 8 meeting, to be considered as an addition to those minutes. Councilman Wright
15 made a **motion** to accept the July 7, 2015 work session minutes, the July 7, 2015 Council
16 meeting minutes as amended, and the July 21, 2015 Council meeting minutes. Councilman
17 Higginson seconded the motion, which passed by unanimous vote (5-0). Councilman Wright
18 made a **motion** to table approval of the July 8, 2015 joint City Council/Planning Commission
19 meeting minutes. Councilman Averett seconded the motion, which passed by unanimous vote
20 (5-0).
21

22 **SUMMARY ACTION CALENDAR**
23

- 24 a. Approve purchase of a Jacobsen R311 4WD with cab large-area mower from RMT
25 Equipment in the amount of \$69,101 for Parks Department
26 b. Approve purchase of a cab and chassis F550 truck from Ken Garff Ford for
27 \$33,648.78 and the plow bed equipment from Semi Service for \$22,415.52 for Street
28 Department.
29

30 Bruce Cox, Parks and Recreation Director, explained the proposed mower replacement.
31 Councilman Wright made a **motion** to approve both items on the Summary Action Calendar.
32 Councilman Averett seconded the motion, which passed by unanimous vote (5-0).
33

34 **RESOLUTION AUTHORIZING RAP TAX BALLOT QUESTION**
35

36 The Council previously initiated the process to place reauthorization of the RAP Tax on
37 the ballot. The next step in the process is for the Council to approve a resolution submitting the
38 RAP Tax ballot proposition to the residents. Ninety percent of the current RAP Tax revenues
39 are used for debt service relating to the Performing Arts Center. None of the RAP Tax revenues
40 after April 1, 2016 – assuming voter approval of the extension – will be needed for debt service
41 on this facility. The proposed ballot question would allow revenues to be used for "recreational
42 facilities and cultural facilities and organizations for the City."
43

44 Mayor Cutler stated that Former Mayor Ron Russell has offered to serve as a contact for
45 citizens regarding the proposition. Councilman Wright expressed concern that, given Former
46 Mayor Russell's affiliation with the Performing Arts Center, he would bias citizens in favor of
47 more funding for the Performing Arts Center. Mayor Cutler reminded Councilman Wright that
48 the Council will decide how the funds are used. The Mayor said it is his understanding that the
49 Council is supportive of using most of the revenues for parks and trails, with a smaller amount
50 going to support the Whitaker Museum and CenterPoint Theatre. Mayor Cutler expressed a
51 desire for a broad coalition of citizens representing a variety of interests in the community to
52 work together on this issue. Council members Wright and Higginson both emphasized they
53 would like a show of support for all aspects of RAP, not just the Performing Arts Center. Lisa

1 Romney, City Attorney, reminded the Council that they cannot get involved with leading the
2 effort in their official capacity as Council members. The City Council is required, however, to
3 write the argument in support of the proposition that will be posted on the State website.
4 Councilman Wright suggested the Council ask the different City committees and boards to write
5 out why they would support RAP Tax renewal. Ms. Romney stated that committees can be
6 used for research, but cannot be used for campaign purposes.

7
8 Councilman Wright made a motion to adopt Resolution No. 2015-13 submitting a ballot
9 question to residents regarding the reauthorization and imposition of a local sales and use tax of
10 one-tenth of one percent (0.1%) on certain qualifying transactions within the City to fund
11 recreational facilities and cultural facilities and organizations. Councilman Higginson seconded
12 the motion, which passed by unanimous vote (5-0). City Manager Thacker emphasized the
13 need to have an active group of citizens working on public awareness. Mr. Thacker stated he
14 feels Ron Russell would be a strong advocate for park improvements and recreation for the
15 community, and could take direction from the Council regarding what should be emphasized.
16 Councilman Wright recommended holding an opportunity for public comment during open
17 meeting. Councilman Averett said he understands Councilman Wright's concerns regarding a
18 possible bias with Former Mayor Russell, but he feels that no one has served the community
19 more or better than Ron Russell, and he is supportive of Ron Russell's involvement.

20
21 **CONSIDER RESOLUTION INITIATING PROCESS OF CREATING LOCAL DISTRICT**
22 **AND SERVICE AREA FOR FIRE/EMS SERVICES**
23

24 Councilman Averett disclosed that his son works as a part-time employee for both the
25 South Davis Metro Fire Agency and the North Davis Fire District. City Manager Thacker briefly
26 reviewed information presented at the July 7th Council work session. The South Davis Metro
27 Fire Agency was originally created with the intention to consider moving to an independent
28 taxing district after a number of years. The existing debt of the Agency cannot be paid entirely
29 from impact fees. If a district is not created, the debt will have to be paid with assessments from
30 the individual cities. The need to fund capital improvements is also a driving force behind the
31 current discussions regarding creation of a district. If a district is created, the funding sources
32 currently relied on would continue to be relied on. An offset would occur for the citizens with the
33 cities reducing property taxes by the same amount as the initial increase from the district. The
34 district would then need to go through the Truth-in-Taxation process for any future increase.
35 The cities would continue to be assessed an amount similar to current assessments for the
36 operations budget.

37
38 Councilman Wright stated that he would prefer a clean break between the cities and the
39 proposed district. He said he does not think it will take long for the District to increase property
40 taxes, and he does not agree with the citizens paying what he considers two property taxes for
41 fire services. Mayor Cutler agreed that the proposed format is a hybrid, not a clean break. The
42 Mayor added that during Fire Board discussions a majority of cities were in favor of preserving
43 property tax income to the cities. For some of the cities, the amount assessed by the Fire
44 Agency exceeds property tax income. Councilwoman Ivie asked if the Resolution allows for
45 assessments to the cities to end. Karl Hendrickson, Fire Agency Attorney, responded that the
46 Resolution does include the ability to end city assessments. The assessment formula now and
47 over time is subject to a separate interlocal agreement that has to be reviewed and approved
48 prior to the final decision. Fire Chief Bassett further explained the desire of some cities to
49 preserve property tax income and retain a certain amount of control. Mr. Thacker pointed out
50 that property tax revenue goes into the General Fund, and the City's assessment is paid from
51 the General Fund.
52

1 Mayor Cutler stated that the Agency is in need of more revenue, and does not have the
2 ability to bond. The proposed Resolution No. 2015-14 would start the process of proposing
3 creation of a Fire District. Mr. Hendrickson added that any non-participating city could contract
4 with the new district. Councilman Wright stated that the services need to be provided. He has
5 concerns with the taxation issues, but feels the City should move forward with the Resolution.
6 The Council discussed when and where to hold an open house for citizen education.

7
8 Councilman Wright made a **motion** to adopt Resolution No. 2015-14 proposing creation
9 of a Fire District, recognizing that this is the beginning of a process that will involve the public.
10 Councilman Averett seconded the motion, which passed by unanimous vote (5-0). Councilman
11 Higginson stated he feels retaining as much control and accountability as possible is in
12 everyone's best interest. Chief Bassett stated that he has rough story boards and presentation
13 information ready. Councilman Wright suggested the Chief make an informational video.
14 Councilwoman Ivie said she feels strongly that the open house should occur prior to the
15 September public hearing. Councilwoman Fillmore suggested the Fire Agency host a first open
16 house at the station, with a second open house prior to the September 15th meeting at City Hall.
17 She added that she knows Chief Bassett is always willing to speak to citizens and answer
18 questions. Chief Bassett suggested the information could be added to what is presented at the
19 Fire Prevention Open House already scheduled for September 9th at the Centerville Station.

20
21 At 9:03 p.m. the Council took a break, returning at 9:12 p.m.

22
23 **MAYOR'S REPORT**

- 24
25 • Mayor Cutler reported that he, the City Manager, the Police Chief, and
26 representatives of the Utah Division of Wildlife Resources (DWR) met recently with
27 four property owners impacted by deer residing on their land year-round. These
28 owners are seeking the City's help in reducing the number of resident deer, which
29 feed on their gardens, orchards and other vegetation. As of August 1, 2015, the
30 DWR has authority to assist Utah cities with deer control problems, subject to
31 regulatory requirements and guidelines. A city must develop an "urban deer plan"
32 and solicit public comment before DWR with allow implementation of the plan. The
33 plan could include trapping and euthanizing, or recruitment of experienced
34 sportsmen to help eliminate the deer with property owner consent. Councilwoman
35 Fillmore expressed safety concerns with the shooting option, and said she prefers
36 the trapping and euthanizing option. A majority of the Council indicated a desire to
37 move forward with the process.
- 38 • Mayor Cutler reported that the Fire Agency Board is in agreement that the current
39 problem facing the Agency is structural, not a short-term financial problem.
40 Response times seem to be decreasing with the new rapid-response structure.
41 Councilwoman Fillmore said she is confident the rapid-response structure would not
42 have been implemented without City Manager Thacker's influence.
- 43 • Mayor Cutler has received a letter from the local elementary school principals
44 proposing a "Lunch with the Mayor" program. The City's current budget includes
45 \$2,000 for this program. The letter indicates the schools are willing to share the cost.
46 Councilman Wright asked if the programs could be coupled with the DARE program.
47 Mayor Cutler responded that every 6th grade student participates in the DARE
48 program. The "Lunch with the Mayor" program would include a limited number of
49 students selected by the teachers. He added that Council members may be invited
50 to participate.
51

CITY MANAGER'S REPORT

- The Council confirmed support for encouraging Planning Commission attendance at training opportunities with per diem of \$35 for any training session of 2 hours or more. Staff will prepare a document for approval in a future meeting.
- Mr. Thacker reported on a meeting with property owners and area Senators in which the property owners tried to convince the Director of UDOT that UDOT has a moral obligation to pay for the extension of 1250 West based on previous verbal agreements. The UDOT Director only agreed to provide technical assistance in making application to the Army Corps of Engineers regarding the wetlands. Councilwoman Fillmore asked about the possibility of creating an EDA to help cover the cost, and Mr. Thacker responded that it would be a likely tool to help with development of the property.
- A retirement open house will be held for Police Chief Worsley on Friday, August 7th.
- Mr. Thacker reported that construction of the pedestrian bridge fencing was stopped at the City's request because construction was not being done according to the City's specifications. He stated that, upon subsequent review of the contractor's specifications, the City's structural engineer agreed that the specifications used are comparable with one remaining question about the plate anchor bolts. Staff will continue to work with the contractor. Mayor Cutler reported that a Region One representative stated they are moving forward with the sidewalk connection on the east side of the bridge.
- The County proposed that over a five-year period the majority of responsibility for animal control funding transfer to the individual cities. Mr. Thacker gave historical background regarding animal control funding, and said he pushed back, suggesting a return to the 50/50 cost sharing that occurred prior to the recession. The County subsequently sent a letter announcing the intension to move to a 50/50 cost sharing arrangement for the County's FY 2016 with the intent to discuss further with the cities.
- Mr. Thacker asked the Council if they wish to continue the liaison program between the Youth Council and City committees. Councilwoman Ivie stated that Youth Council members are very busy, and said she wonders if asking them to serve as liaisons is asking too much. Councilman Higginson suggested the opportunity could be offered, but not required. Councilwoman Fillmore said the intent of the program was to provide more exposure and make serving on the Youth Council more than being party planners. She added that she doesn't mind if Youth Council members cannot participate, but she feels the youth perspective is valuable. She said she feels the committees could do a better job of pulling them in. Councilman Wright suggested holding an orientation program with information regarding the individual City departments rather than participation with one committee. Councilwoman Fillmore suggested having the Youth Council Advisor ask the Youth Council how much involvement they are interested in. Councilman Wright suggested discussing specific issues researched by the Youth Council with them at the upcoming joint work session.
- City Manager Thacker reported that a new Police Officer has been hired to fill the vacancy as positions shift with Chief Worsley's retirement.
- The National Citizens Police Academy Association has recognized Davis County as Agency of the Year for the outstanding efforts in conducting a Citizen Police Academy program.

MISCELLANEOUS BUSINESS

- The Utah League of Cities and Towns Annual Conference will occur September 16-18. Officials wishing to attend should provide registration information to the City Recorder by August 27th.
- Councilwoman Ivie expressed concern that a presentation she and Councilman Higginson requested be placed on the July 7th agenda was not included. Mayor Cutler explained that the presenter had wanted to wait. Councilman Higginson agreed to reach out to the individual and find out if the presentation is available.
- Mr. Thacker provided the Council with a memo regarding reassignment of duties related to the Finance Director's current health limitations.

ADJOURNMENT

At 10:02 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 3.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:25

SUBJECT

- a. Award Annual Drainage Maintenance Project contract to Twin D Environmental Services in the estimated total amount of \$96,710
- b. Planning Commission Per Diem for Training - Consider Resolution No. 2015-15

RECOMMENDATION

- a. Award Annual Drainage Maintenance Project contract to Twin D Environmental Services in the estimated total amount of \$96,710, including the option to renew the contract for the 2016-2017 year if the contractor is willing to hold his unit prices.
- b. Approve Resolution No. 2015-15 providing per diem compensation to Planning Commission members for attending training of 2 hours or more

BACKGROUND

- a. Each year the City awards a contract for cleaning and video-inspecting storm drains and subdrains--a critical core element of system maintenance. Twin D was awarded the contract last year--after a bidding process in which Twin D was about \$25,000 lower in price than the other bidder for the same estimated scope of work. The bid award included the option to renew the contract the next two years if the contractor was willing to hold his unit prices, which he has agreed to do. The City has used Twin D's services for a number of years, and is very satisfied with those services.
- b. The City Council directed Staff to prepare the necessary documents to provide per diem compensation to Planning Commission members for attending applicable training of 2 hours or more. Staff has prepared Resolution No. 2015-15 amending Section IX of the City Fee Schedule to add \$35 per diem compensation to Planning Commission members for attending training of at least 2 hours. Staff recommends approval of Resolution No. 2015-15 as an incentive for Planning Commissioners to attend land use training or seminars.

ATTACHMENTS:

Description

- ☐ Notice of Award-Drainage Maintenance Project
- ☐ Resolution No. 2015-15-PC Training Compensation

Section 00 51 00

Notice of Award

Date: 08-18-15

Project: Drainage Maintenance Project 2015-2016

Owner: Centerville City

Owner's Contract No.: 14-107

Contract: Drainage Maintenance Project 2015-2016

Engineer's Project No.: 14-107

Bidder: Twin "D" Environmental Services

Bidder's Address:

3038 North 750 East

Layton, Utah 84041

You are notified that your Bid dated 09-12-14 for the above Contract has been considered. You are the apparent Successful Bidder and are awarded a Contract for Bid Schedule Item Nos. 1-23.

The Contract Price of your Contract is Ninety-Six Thousand Seven Hundred Ten and 00/100 Dollars (\$96,710.00).

3 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the Owner [3] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Other conditions precedent: City reserves right to award contract to same Contractor again in FY 2016-2017 if the Contractor is willing to hold bid prices at that time.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner

By: _____
Authorized Signature

Title

RESOLUTION NO. 2015-15

A RESOLUTION PROVIDING REIMBURSEMENT TO PLANNING COMMISSION MEMBERS FOR ATTENDING LAND USE OR APPLICABLE TRAINING OVER TWO HOURS AND AMENDING SECTION IX OF THE CENTERVILLE CITY FEE SCHEDULE REGARDING THE SAME

WHEREAS, Section 10-9a-301 of the Utah Code authorizes municipal legislative bodies to fix per diem compensation for members of the planning commission based on necessary and reasonable expenses and on meetings actually attended; and

WHEREAS, in accordance with Section 10-9a-301, the City Council has previously set reimbursement to be paid to Planning Commission members at \$35 per meeting attended as adopted in Resolution 2004-25 and set forth in Section IX of the Centerville Fee Schedule; and

WHEREAS, the City Council desires to encourage Planning Commission members to attend land use training or other government applicable training to assist members in performing their duties and to provide per diem compensation to Planning Commission members for attendance at such training as more particularly provided herein; and

WHEREAS, the City Council has determined that providing per diem compensation to Planning Commission members for attending training of at least two hours in length is in the best interest of the City and will encourage Planning Commissioner members to obtain such training.

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

Section 1. Fee Schedule Amendments. Section IX of the Centerville City Fee Schedule regarding Payments to Board and Commission Members is hereby amended to read in its entirety as follows:

IX. PAYMENTS TO BOARD AND COMMISSION MEMBERS

- | | | |
|----|---|----------------------------------|
| 1. | Payments to Board of Adjustment | \$25 per Meeting <u>Attended</u> |
| 2. | Payments to Planning Commission Members | \$35 per Meeting <u>Attended</u> |
| 3. | Planning Chairman | \$50 per Meeting <u>Attended</u> |
| 4. | <u>Planning Commission Training (2 Hour Minimum) \$35 per Training Attended</u> | |

Section 2. Updates. The City Recorder is hereby directed to update the Centerville City Fee Schedule to reflect the amended Planning Commission compensation for training adopted herein.

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

Section 4. Effective Date. This Resolution and the compensation for Planning Commission member attendance at training of at least 2 hours shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 18th DAY OF AUGUST, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

City Recorder, Marsha L. Morrow

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. § 10-3-719, 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____.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 4.

Short Title: Municipal Code Amendments - Section 7-02-022 - Prohibiting Feeding or Attracting Wild Animals

Initiated By: Mayor Cutler and Staff

Scheduled Time: 7:25

SUBJECT

Consider Ordinance No. 2015-15 Enacting Section 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals.

RECOMMENDATION

Approve Ordinance No. 2015-15 Enacting Section 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals.

BACKGROUND

Mayor Cutler, City Manager, Police Chief and Utah Division of Wildlife Resources (DWR) employees met on July 27 with four property owners impacted by deer which reside on their land year-round ("resident deer"). These owners are seeking the City's help in reducing the number of resident deer, which feed on their gardens, orchards and other vegetation. Several years ago City officials and the DWR met with several other property owners in a different part of the City about the same problem. At that time, DWR reps were experimenting with deer control programs in Bountiful City and Highland City, but were not ready to expand their assistance to other cities.

As of August 1, 2015, the DWR has authority to assist other Utah cities with deer control problems, subject to regulatory requirements and guidelines. In summary, a city must develop an "Urban Deer Plan" and solicit public comment before DWR will allow implementation of the plan. The attachment summarizes the requirements and process. The initial requirements include the passage of an ordinance prohibiting the feeding of deer, elk and moose.

Following passage of the attached ordinance, staff will submit an application to the DWR for a Certificate of Registration (COR). Upon receipt of the COR, the City will proceed with the development of an Urban Deer Plan based on public input. At the Council meeting, the City Manager will recommend a process to solicit public input about the deer problem within the City, develop a proposed Urban Deer Plan, and to receive public comment on that Plan.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2015-15-Deer Feeding

ORDINANCE NO. 2015-15

**AN ORDINANCE ENACTING SECTION 7-02-022 OF THE
CENTERVILLE MUNICIPAL CODE PROHIBITING FEEDING OR
ATTRACTING WILD ANIMALS**

WHEREAS, the Centerville City Council finds that supplemental feeding of deer in urban or residential areas can have negative effects, such as over-browsing of local vegetation and ornamental plants by deer populations, increasing the number of deer-vehicle collisions, lowering the instinctive fear deer have towards humans and domestic animals, and artificially increasing birth rates resulting in higher deer population size and concentrations; and

WHEREAS, the Centerville City Council desires to enact Section 7-02-022 of the Centerville Municipal Code prohibiting the intentional feeding of deer and other wildlife within City limits in order to avoid and prevent the negative impacts of such supplemental feeding of deer populations; and

WHEREAS, the Centerville City Council has determined that the proposed enactment of Section 7-02-022 of the Centerville Municipal Code is in the best interest of the public health, safety and welfare and will help protect deer populations from the negative effects of supplemental feeding in urban and residential areas;

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

Section 1. Enactment. Section 7-02-022 the Centerville Municipal Code prohibiting the feeding or attracting of wild deer, elk, moose or turkey is hereby enacted to read in its entirety as follows:

7-02-022. Feeding Wild Deer, Elk, Moose or Turkey Prohibited.

(a) It shall be unlawful for any person to place, distribute, or allow the placement of food, grain, minerals, or similar substances within City limits when it attracts wild deer, elk, moose, or turkey in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

(b) Subsection (a) does not apply to:

(1) public employees or authorized agents acting within the scope of their employment for public safety or wildlife management purposes;

(2) normal agricultural or livestock operation practices; or

(3) recreational feeding of wild song birds, hummingbirds, or passerine birds, unless a previous warning by the City to cease or modify feeding practices is disregarded and continued practices attract wild deer, elk, moose, or turkey in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

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

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 18th DAY OF AUGUST, 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.

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ of _____, 20__.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 5.

Short Title: RAP Tax Discussion

Initiated By: City Council

Scheduled Time: 7:35

SUBJECT

Continue discussion regarding Voter Information Pamphlet and Ballot Transparency Act requirements and drafting arguments for or against the proposed RAP Tax ballot proposition.

RECOMMENDATION

The City Council should continue discussion regarding the drafting of arguments for or against the proposed RAP Tax ballot proposition. Further information regarding the Political Activities of Public Entities Act restrictions can also be discussed.

BACKGROUND

Centerville City will hold a RAP tax reauthorization election on November 3, 2015 for the voters to decide whether to continue the existing RAP tax to fund recreational and cultural facilities and organizations in Centerville. The City must prepare a Voter Information Pamphlet for this ballot proposition in accordance with State law. The City must also post information regarding the ballot proposition on Statewide Website in accordance with the Ballot Transparency Act. The City Council should discuss these requirements and deadlines.

Voter Information Pamphlet. Any interested eligible person may file a request to submit an argument for or against the RAP tax ballot proposition to be published in a Voter Information Pamphlet. Such written request must be submitted to the City Council at least 65 days before the election. For this year's election, **the request to prepare an argument for the Voter Information Pamphlet is due to the City Council by 5:00 p.m. Monday, August 31, 2015.** If more than one person files a request to submit arguments for the Voter Information Pamphlet, the City Council shall determine which one is selected. In making the final designation, members of the City Council have priority over others. Arguments for and against the RAP tax ballot proposition for the Voter Information Pamphlet are limited to 500 words. Arguments for and against the RAP tax ballot proposition for the Voter Information Pamphlet are required to be filed with the City Recorder not less than 50 days before the election. For this year's election, **such arguments must be filed with the City Recorder by 5:00 p.m. on Monday, September 14, 2015.**

Ballot Transparency Act. The City Council is required to submit to the election officer an argument in favor of the RAP tax ballot proposition for the Transparency Act requirements not less than 60 days before the election. Such argument is limited to 500 words. For this year's election, **the City Council must prepare and submit to the City Recorder the argument for the RAP tax ballot proposition by 5:00 p.m. on Friday, September 4, 2015.** Any interested eligible voter may submit an argument against the RAP tax ballot proposition to be posted on the Statewide Electronic Voter Information Website. **Such**

arguments for the Statewide Website are limited to 500 words and must be submitted to the City Recorder by 5:00 p.m. Friday, September 4, 2014. If more than one eligible voter requests to submit the argument against the ballot proposition for posting on the Statewide Website, the City Recorder shall determine which one is selected.

Political Activities of Public Entities Act. Further information regarding the restrictions of the Political Activities of Public Entities Act is provided in the attached memoranda prepared by the Utah League of Cities and Towns. These documents were prepared for discussion of HB 362, but are relevant to the RAP tax ballot proposition and provide helpful information regarding statutory restrictions.

ATTACHMENTS:

- | | Description |
|--------------------------|--------------------------------|
| ☐ | ULCT Public Activities Summary |
| ☐ | ULCT Public Activities Memo |



HB 362 Local Option: County Requirements¹

A county must follow these steps if the county submits the ballot proposition to voters in 2015:

AS SOON AS THE COUNTY ACTS: The county clerk must prepare an election notice of the election either 100 days prior to the election OR as soon as possible before the local election to use in conjunction with a federal write-in absentee ballot²

- The notice must include the ballot propositions and other offices as well as instructions for how to use the federal write-in absentee ballot
- The county clerk must post the notice on the county website & provide it upon request³
- Once the ballot is certified, then the county clerk must update & publish the notice

AUG 30 (LAST DATE FOR 2015 ACTION): The county governing body must submit the certified ballot title of the ballot proposition to the county clerk 65 days prior to the election⁴

AUG 30: The county clerk must receive petitions from supporters and opponents to prepare arguments for and against the ballot proposition for the local voter information pamphlet⁵

- If more than one person files a request to prepare arguments for or against the ballot proposition in the local voter information pamphlet, then the governing body must make the final designation⁶ and give priority to members of the governing body. The voter information pamphlet arguments may not exceed 500 words in length and not list more than five names as sponsors.⁷

SEP 4: Per the TBPA, the county clerk must provide the ballot proposition title, number, and text, the county legislative vote, and other factual information to the lieutenant governor for the Statewide Electronic Voter Information Website⁸

- The county governing body must provide a 500 word argument in favor of the ballot proposition to the county clerk per the TBPA to later publish on the county website, state website, and county newsletter (if applicable) by Sep 4
- The county clerk must receive the 500 word opposing argument by Sep 4 as well
- If multiple opposing arguments arrive, then the county clerk designates one as "official"

SEP 14: The authors of the 500 word arguments for the voter information pamphlet must submit their arguments to the county clerk⁹

SEP 24: The county governing body may provide a 250 word rebuttal per the TBPA to the opposing argument

- The opponents may provide a 250 word rebuttal to the county rebuttal by Sep 24 too

OCT 4-NOV 3: The county per the TBPA must post the argument, opposing argument, and rebuttals on the county website, state website, & the county newsletter (if applicable) until Election Day

OCT 20-30: The county governing body per the TBPA must publicize and hold one public meeting after 6 pm during this time frame and present both supporting and opposing arguments

¹ Transparency of Ballot Propositions Act, Utah Code Ann. § 20A-1-1602; voter information pamphlet, § 20A-7-402

² Utah Code Ann. § 20A-16-502(1),(2)

³ Utah Code Ann. § 20A-16-502(5)

⁴ Utah Code Ann. § 20A-6-106

⁵ Utah Code Ann. § 20A-7-402(1),(2)(a)(i)

⁶ Utah Code Ann. § 20A-7-402(2)(a)(ii)

⁷ Utah Code Ann. § 20A-7-402(2)(a)(v)

⁸ Utah Code Ann. § 20A-7-801(4)(iii)

⁹ Utah Code Ann. § 20A-7-801(2)(a)(vi)

Public Entities: What can and can't be done¹⁰

* Consult with your city attorney and see the *Public entity and public official involvement memo* available on ULCT website for more details

CAN: provide a "brief statement" about the public entity's position & reason for the position¹¹

CAN: provide "factual information" as long as the public entity grants "equal access" to opponents of the ballot proposition¹²

CAN: provide "factual information" that is consistent with the TBPA—up to 500 word arguments & 250 word rebuttals—for publicizing arguments & rebuttals¹³

CAN: neutrally encourage voters to vote regardless of whether the city/town provides a "brief statement" or "factual information"¹⁴

CANNOT: make an expenditure from public funds to influence a ballot proposition¹⁵

CANNOT: spend public money or provide anything of value to campaign or advocate for or against the ballot proposition¹⁶

CANNOT: Provide services at less than fair market value for a political issues committee¹⁷

Public Officials & Public Employees: What can and can't be done

CAN: advocate for or against the ballot proposition by speaking independently of the public entity, using your personal email account, and without using public funds¹⁸

CAN: advocate for or against the ballot proposition by providing campaign contributions from personal resources¹⁹

CANNOT: use your public email account to send emails that advocate for or against the ballot proposition²⁰

CANNOT: approve expenditures from public funds to influence the ballot proposition²¹

¹⁰ Transparency of Ballot Propositions Act, Utah Code Ann. § 20A-1-1602; Political Activities of Public Entities Act, § 20A-11-1201

¹¹ Utah Code Ann. § 20A-11-1202(6)(a),(b)

¹² Utah Code Ann. § 20A-11-1206(2),(3)

¹³ Utah Code Ann. § 59-1-1604

¹⁴ Utah Code Ann. § 20A-11-1206(3)

¹⁵ Utah Code Ann. § 20A-11-1203(1)

¹⁶ *Id.*; Utah Code Ann. § 20A-11-1202(4)(a)

¹⁷ Utah Code Ann. § 20A-11-1202(4)(e)

¹⁸ Utah Code Ann. § 20A-11-1206(1)

¹⁹ *Id.*

²⁰ Utah Code Ann. § 20A-11-1205(1)

²¹ Utah Code Ann. § 20A-11-1203(1)

Date: July 31, 2015
To: ULCT membership and other public entities in Utah
From: Cameron Diehl and the ULCT legal team
RE: Public entity and public official involvement during a ballot proposition election

INTRODUCTION

(Note: ULCT urges city officials to consult with your city attorney and to consider any relevant municipal ordinances in your jurisdiction)

Three acts govern public entity involvement in ballot propositions. First, the legislature enacted the Transparency of Ballot Propositions Act (TBPA) in 2014 that only applies to the entity that imposes the tax. In this case, the imposing entity is the county. Second, the county is also responsible for arguments in the voter information pamphlet. Third, the Political Activities of Public Entities Act (PAPEA) applies to all public entities, regardless of who imposes the tax. The PAPEA allows public entities to offer a brief statement of support and provide factual information so long as opponents have equal access. PAPEA also prohibits public entities from using public funds to influence the ballot proposition election.

Once your county governing body votes to place the local option on the ballot for the November election, then the county triggers both the official ballot proposition and the governing statutes. This memo examines the TBPA, PAPEA, and the voter information pamphlet requirements, and encourages election consolidation between counties and municipalities.

I) TRANSPARENCY OF BALLOT PROPOSITIONS ACT AND VOTER INFORMATION PAMPHLET

A) MANDATORY AND EXCLUSIVE COUNTY ACTION TO PUBLICIZE SUPPORT AND OPPOSITION

The Transparency of Ballot Propositions Act defines the procedure for a governing body to propose a ballot proposition to their voters. A taxing entity must comply with the Act to submit a ballot proposition. In the case of the HB 362 local option, the governing body is the county governing body.

Once a county governing body submits the local option to voters, the county must then follow TBPA guidelines to provide public statements of support, offer an opportunity for the opposition to respond, and hold a public meeting in October on the local option. The county must also provide a local voter information pamphlet which has a different calendar and argument requirements than the TBPA.

First per TBPA, the county governing body must submit to the county clerk an argument in favor of a ballot proposition. In reply, any eligible voter may submit to the county clerk an argument against the ballot proposition.¹ Both arguments must not exceed 500 words in length and be submitted no later than 60 days before Election Day.² In 2015, the 60 day deadline is Friday, September 4.

Second, both the county governing body and the opponent may provide a rebuttal argument to each other that does not exceed 250 words and is submitted at least 40 days before Election Day. In 2015, the 40 day deadline is Thursday, September 24. If multiple opponents submit arguments and rebuttals against the county position, then the county clerk designates one of the opponents to provide the official counter argument and rebuttal.³

¹ Utah Code Ann. § 59-1-1604(1)

² Utah Code Ann. § 59-1-1602, 1604(2)

³ Utah Code Ann. § 59-1-1604(1)(b)(iii)

Third, the county governing body must then post the arguments and rebuttals on the Statewide Electronic Voter Information Website and the county website for 30 consecutive days before the election. In 2015, the 30 day window begins on Sunday, October 4.⁴ The county governing body would also have to post the arguments and rebuttals in the next scheduled newsletter (if the county has a newsletter) published before Election Day.⁵

Fourth, the county governing body must hold a public meeting between four and 14 days before Election Day, which would be between Tuesday, October 20, and Friday, October 30.⁶ The county governing body must allow equal time for a presentation of the arguments both in favor of the ballot proposition and against the ballot proposition.⁷ The public meeting must begin at or after 6 pm.⁸ The county governing body must then provide a digital audio recording of the public meeting no later than three days after the meeting on the county website or, in the case of counties without websites, at the primary government building.⁹

B) CERTIFIED BALLOT AND VOTER INFORMATION PAMPHLET

Meanwhile separate from TBLA, the county governing body must submit the certified ballot title of the ballot proposition to the county clerk 65 days prior to the election¹⁰ which is Sunday, August 30. Additionally, the county clerk must also prepare a voter information pamphlet and receive petitions from supporters and opponents to prepare arguments for and against the ballot proposition by August 30. If more than one person files a request to prepare arguments for or against the ballot proposition in the local voter information pamphlet, then the governing body must make the final designation¹¹ and give priority to sponsors or members of the local governing body. The voter information pamphlet arguments may not exceed 500 words in length and not list more than five names as sponsors.¹² The authors of the 500 word arguments for the voter information pamphlet must submit their arguments to the county clerk¹³ by 50 days before Election Day which is September 14.

C) TBPA APPLICATION TO OTHER PUBLIC ENTITIES

Cities and towns and other public entities are not officially responsible for any of the aforementioned requirements because only counties can impose the HB 362 local option. However, the Transparency in Ballot Propositions Act provides a framework for other public entities that could fit within the broad parameters of the Political Activities of Public Entities Act.

⁴ Utah Code Ann. § 59-1-1604(5)

⁵ Utah Code Ann. § 59-1-1604(6)

⁶ Utah Code Ann. § 59-1-1605(1)

⁷ Utah Code Ann. § 59-1-1605(2)

⁸ Utah Code Ann. § 59-1-1605(3)(b)

⁹ Utah Code Ann. § 59-1-1605(4)

¹⁰ Utah Code Ann. § 20A-6-106

¹¹ Utah Code Ann. § 20A-7-402(2)(a)(ii)

¹² Utah Code Ann. § 20A-7-402(2)(a)(v)

¹³ Utah Code Ann. § 20A-7-402(2)(a)(vi)

II) POLITICAL ACTIVITIES OF PUBLIC ENTITIES ACT (PAPEA, 20A-11-1201)

A) WHAT ALL PUBLIC ENTITIES CANNOT DO

A public entity such as the state, county, municipality, or governmental inter-local cooperative may NOT make an expenditure from public funds for political purposes or to influence a ballot proposition.¹⁴ Violating this section of state law is a class B misdemeanor.¹⁵ As "political purposes" refers to the elections of candidates and judges, this analysis will focus only on the ballot proposition restriction.¹⁶

A "public entity" includes the state, county, municipality, governmental interlocal cooperation agency, local district, and each administrative subunit therein.¹⁷ As such, the Utah Department of Transportation, all counties, all cities and towns, the Utah League of Cities and Towns, associations of governments and the Utah Transit Authority and other transit agencies are considered "public entities."

State law defines an "expenditure" as a "payment, donation, gift of money, or anything of value" for any recipient.¹⁸ State law further defines "expenditure" when the recipient is a political issues committee as "goods or services provided for political purposes at less than fair market value."¹⁹ State law also defines "public funds" as any money received by a public entity from appropriations, grants, taxes, fees, interest, or returns on investment.²⁰

State law defines "influence" as "campaign or advocate for or against a ballot proposition" with one key exception. "Influence" does **not** mean "providing a brief statement about a public entity's position on a ballot proposition and the reason for that position."²¹ This exception is critical because it allows the public entity to explain why the ballot proposition would be beneficial and allows for the activities that the TBPA requires of counties.

In short, a county, city, town, or other public entity may not spend taxpayer dollars to campaign or advocate for or against a ballot proposition with the notable exception of providing a "brief statement" and/or "factual information" with "equal access" (analysis below) about the public entity's position.

B) WHAT ALL PUBLIC ENTITIES CAN DO

Per PAPEA, the public entity may provide a "brief statement" about the public entity's position and the reason for that position.²² A public entity (both those that impose the tax and those who do not impose like a city or town) may also provide "factual information" about the ballot proposition to the public, so long as the entity grants "equal access" to both the opponents and proponents of the ballot proposition.²³ The public entity may also neutrally encourage voters to vote.²⁴

Even though the county is the governing body that submits the ballot proposition to voters and thus **must** comply with the aforementioned Transparency of Ballot Propositions Act, any public entity like a city or town **may** provide a "brief statement" and "factual information" with "equal access" to explain the entity's position without violating the PAPEA restriction on influencing the election.

¹⁴ Utah Code Ann. § 20A-11-1203(1)

¹⁵ Utah Code Ann. § 20A-11-1204

¹⁶ Utah Code Ann. § 20A-11-1202(9)

¹⁷ Utah Code Ann. § 20A-11-1202(10)

¹⁸ Utah Code Ann. § 20A-11-1202(4)(a)

¹⁹ Utah Code Ann. § 20A-11-1202(4)(e)

²⁰ Utah Code Ann. § 20A-11-1202(11)(a), (b)

²¹ Utah Code Ann. § 20A-11-1202(6)(a)

²² Utah Code Ann. § 20A-11-1206(6)(b)

²³ Utah Code Ann. § 20A-11-1206(2)

²⁴ Utah Code Ann. § 20A-11-1206(3)

III) ULCT RECOMMENDATION: WHAT CITIES, TOWNS, & PUBLIC ENTITIES MAY DO PER BOTH ACTS

PAPEA allows for a "brief statement" and "factual information" so long as the public entity provides "equal access." Even though TBPA does not apply to cities, towns, and other public entities in this context because counties will impose the tax, the TBPA does provide a parallel framework for public entities (like cities and towns) to provide the PAPEA-allowed "factual information" with "equal access."

A) BRIEF STATEMENT

A public entity may provide a "brief statement" explaining their position on the ballot proposition and the reason for that position. PAPEA and case law are silent as to what a "brief statement" is. For example, ULCT believes that cities and towns (and public officials) can reference the resolutions that they passed that demonstrate the official municipal position on the local option.

B) FACTUAL INFORMATION AND EQUAL ACCESS

PAPEA allows but does not require a public entity to provide "factual information" to the public about the ballot proposition so long as the public entity provides "equal access" to opponents. PAPEA does not provide guidance for "factual information" and "equal access." However, TBPA allows an imposing public entity (in this case counties) up to a 500 word public argument and 250 word rebuttal to express support for the ballot proposition. TBPA also outlines how the public entity should provide equal access to opponents by providing an opportunity to a registered voter in the county to submit counter arguments that would be publicly shared in the same manner as the public entity argument.²⁵

Since PAPEA does not require a city, town, or other public entities to provide "factual information," then a city, town, and other public entities need not provide "factual information." If a city or town decides not to provide "factual information," then the city or town need not provide "equal access" to opponents to respond. The city or town could still offer a "brief statement" though the line separating a "brief statement" and "factual information" with "equal access" is unclear.

If a city or town elects, however, to provide "factual information" to demonstrate support of the local option, then ULCT recommends that the city or town follow the same framework in the TBPA: 500 word argument and counter argument, 250 word rebuttal and counter rebuttal, and post all arguments on the municipal website. Since PAPEA is silent about how to provide "equal access" to opponents, ULCT recommends that the city or town could use the same counter argument and counter rebuttal that the county clerk has designated for the county per TBPA. The city or town may choose to have an open meeting to discuss the local option as TBPA requires of counties but that meeting is not mandatory to satisfy the "equal access" requirement.

In conclusion, if a city or town elects to provide "factual information" about the ballot proposition, the city or town should follow the TBPA "equal access," argument, and counter argument framework.

C) WHAT A PUBLIC OFFICIAL AND PUBLIC EMPLOYEE CANNOT DO—EMAIL

A "public official" has a different legal framework than a "public entity." A "public official" includes both elected and appointed government officials who have authority to make public policy. A "public official" also includes any person with "supervisory authority over the personnel and affairs of a public entity and approves the expenditures of funds." As such, a "public official" does not include public employees who do not have authority to make public policy nor does it include public employees who do not have supervisory authority over the public entity's personnel AND do not have the authority to approve expenditures.²⁶

²⁵ Utah Code Ann. § 59-1-1604; see section I(a) above

²⁶ Utah Code Ann. § 20A-11-1202(12)

Public officials may not use public funds to influence a ballot proposition. Specifically, the legislature in 2015 enacted a provision that now also restricts a person—public official, public employee, or anyone—from using the email of a public entity to send an email to advocate for or against a ballot proposition.²⁷ The county clerk may impose a civil fine of \$250 for the first violation and then \$1000 for each subsequent violation multiplied by the number of violations that the person commits.²⁸ The violation is the act of sending the email from the public account, regardless of the quantity of recipients.²⁹ Receiving an email on your public account, however, is not a violation. The law does provide for a safe harbor if the lieutenant governor determines that the email was inadvertently sent as a reply.³⁰

Consequently, anyone—public official, public employee, etc.—with access to an email of a public entity may not send an email from the public account to advocate for or against the ballot proposition.

D) WHAT A PUBLIC OFFICIAL AND PUBLIC EMPLOYEE CAN DO

A public official may advocate for or against a ballot proposition and may speak, contribute personal money, or otherwise exercise his/her First Amendment rights independent of the public entity and without using public funds or resources.³¹ For example, a public official may post on his/her personal Facebook page but he/she may not send an email from the email of a public entity or face a civil fine. Public officials and public employees may use their own personal email accounts and other modes of communication to exercise their First Amendment rights so long as they do not use public funds.

IV) ELECTION CONSOLIDATION

Previous ULCT analysis determined that state law encourages but does not require counties and municipalities to consolidate elections.³² As of July 2015, many municipalities still intend to conduct their own election in November. If the county in which those municipalities reside puts the ballot proposition to voters, then the voters in that county could receive one ballot from the city/town with the city/town council candidates and another ballot from the county with the ballot proposition. Voters receiving two ballots may be confused about which ballot to submit and may result in low turnout. Consequently, ULCT recommends that counties and municipalities consider election consolidation.

²⁷ Utah Code Ann. § 20A-11-1205(1) (note: though the word “influence” is not used in this statute, the definition herein is consistent with “influence” within PAPEA)

²⁸ Utah Code Ann. § 20A-11-1205(2)

²⁹ Utah Code Ann. § 20A-11-1205(5)

³⁰ Utah Code Ann. § 20A-11-1205(5)

³¹ Utah Code Ann. § 20A-11-1206(1)

³² Utah Code Ann. §20A-1-204(2)(a),(b)

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 6.

Short Title: City Council Liaison Report

Initiated By:

Scheduled Time: 7:45

SUBJECT

Councilman Lawrence Wright - Whitaker Museum

RECOMMENDATION

BACKGROUND

Councilman Wright serves as the City Council's liaison to the Whitaker Museum Board. He will report on the Museum's activities and issues.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 7

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 7:55

SUBJECT

a. Operational Metrics Report

RECOMMENDATION

BACKGROUND

a. Mayor Cutler met with the City Manager and department heads on August 12 to review the most recent update of the Operational Metrics report, which includes the quarter ending June 30, 2015. Some revisions are being made to that report. When it is available, it will be attached to NovusAgenda. Management Assistant Jake Smith has added many graphs to this latest version. Now that more time has passed, some year-to-year comparisons can be made for some of the data categories.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 8.

Short Title: Joint Work Session with Parks & Recreation and Trails Committee to discuss parks & trails capital improvement plans, bike system master plan and related matters

Initiated By:

Scheduled Time: 8:00

SUBJECT

RECOMMENDATION

Allow Parks & Recreation Committee Chair (Gary Goff) to explain the Committee's latest draft of their proposed Parks Capital Improvements Plan (attached), and the Trails Committee Chair (Alan Peterson) to explain the latest version of their proposed trails/bike lanes master plan (attached). Council members should engage the two committees in discussion of these documents as a foundation for the Council's later adoption of these plans.

BACKGROUND

The City Council has approved a resolution putting the renewal of the RAP Tax on the November ballot. Since the Council's intent is to use most of the RAP Tax revenues for recreation facilities, this work session should be a useful foundation for future public information efforts about the need for additional funding for these purposes. The City Manager recommends that in a future meeting, the City Council approve versions of these plans so those documents can be used in public information efforts.

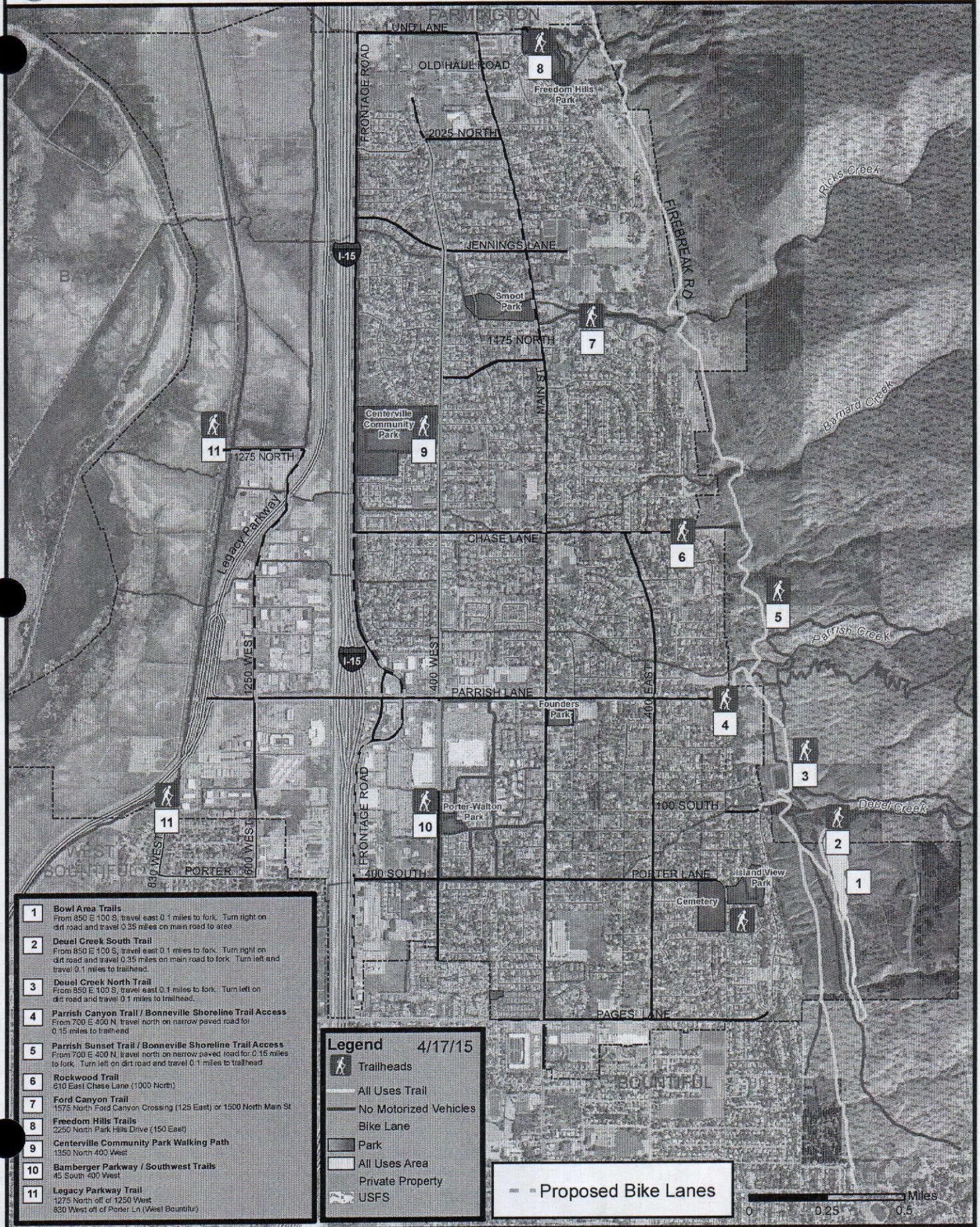
ATTACHMENTS:

Description

- ☐ Parks CIP-Parks Committee Draft
- ☐ Proposed Trails/Bike Lanes Master Plan



CENTERVILLE PARKS AND TRAILS & PROPOSED BIKE LANES



- 1 Bowl Area Trails**
From 850 E 100 S, travel east 0.1 miles to fork. Turn right on dirt road and travel 0.35 miles on main road to area.
- 2 Deuel Creek South Trail**
From 850 E 100 S, travel east 0.1 miles to fork. Turn right on dirt road and travel 0.35 miles on main road to fork. Turn left and travel 0.1 miles to trailhead.
- 3 Deuel Creek North Trail**
From 850 E 100 S, travel east 0.1 miles to fork. Turn left on dirt road and travel 0.1 miles to trailhead.
- 4 Parrish Canyon Trail / Bonneville Shoreline Trail Access**
From 700 E 400 N, travel north on narrow paved road for 0.15 miles to trailhead.
- 5 Parrish Sunset Trail / Bonneville Shoreline Trail Access**
From 700 E 400 N, travel north on narrow paved road for 0.15 miles to fork. Turn left on dirt road and travel 0.1 miles to trailhead.
- 6 Rockwood Trail**
610 East Chase Lane (1000 North)
- 7 Ford Canyon Trail**
1575 North Ford Canyon Crossing (125 East) or 1500 North Main St
- 8 Freedom Hills Trails**
2250 North Park Hills Drive (150 East)
- 9 Centerville Community Park Walking Path**
1350 North 400 West
- 10 Bamberger Parkway / Southwest Trails**
45 South 400 West
- 11 Legacy Parkway Trail**
1275 North off of 1250 West
850 West off of Porter Ln (West Bountiful)

Legend 4/17/15

- Trailheads
- All Uses Trail
- No Motorized Vehicles
- Bike Lane
- Park
- All Uses Area
- Private Property
- USFS

Proposed Bike Lanes



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 9

Short Title: Personnel Policies and Procedures - Amendments - Long-Term Sick Leave and All-Purpose Leave

Initiated By:

Scheduled Time: 9:00

SUBJECT

Consider Resolution No. 2015-16 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave

RECOMMENDATION

Approve Resolution No. 2015-16 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave

BACKGROUND

In 2014 the City Manager informed the City Council of his concern about the increasing financial liability associated with the Long-Term Sick Leave (LTSL) benefit policy, which allows an employee to accumulate such paid leave without a maximum cap. The City Council agreed with the City Manager's recommendation to undertake a review of this paid leave benefit and supported the idea of creating an employee committee to discuss possible revisions. The Council also asked that the employee committee consider a simplification of the City's paid leave benefits. Below is a historical summary of sick leave benefits for City employees.

Prior to 1985, employees earned 12 days of sick leave per year, a typical accrual rate for public employees. They were also allowed to accumulate sick leave year after year without any cap and cash in at full value all of their unused sick leave hours at their current pay upon termination of their employment with the City. This policy was changed in 1985, but those employees who already had sick leave balances under the old policy were allowed to keep those hours on the books and either use those hours as needed or cash those in at full value upon termination of employment. Two current employees still have some pre-1985 sick leave hours for which the City must compensate them at full value upon the termination of their employment.

In 1985 the sick leave benefit was changed by dividing sick leave accrual into two categories, known as "All-Purpose Leave" (APL) and "Long-Term Sick Leave" (LTSL). Employees at that point began earning APL at the rate of 5 days per year and LTSL at the rate of 7 days per year. APL was intended to be used for short-term illness or any other personal reasons, and the City automatically cashes out at full value each year any APL hours accumulated over 300 hours. No cap was set on the accumulation of LTSL and employees became entitled to cash out LTSL at a 3 to 1 rate upon retirement. The hourly rate applied to this cash out was their average hourly rate during their years of City employment. At a later point in time--to simplify the calculation upon an employee's termination of employment--this policy was changed to apply the employee's hourly rate at the time of termination, but the ratio was changed to a 4 to 1 conversion instead of 3 to 1 as an offset to the financial impact of the higher hourly rate. The eligibility for cash-out was also expanded to include not only upon retirement but also if the employee had 20 years or more of service when terminating

employment.

The City Manager convened an employee committee which met five times between March and August 2015. Comparative data compiled by Jake Smith was reviewed to determine if Centerville City's paid leave benefits are more generous than other cities in Davis County. These comparative analyses—one for vacation leave and one for sick leave—are attached and were shared initially with the City Council in 2014. These analyses show that Centerville's accrual rates are not excessive when compared to other cities. Some cities have cash-out provisions for sick leave and other cities do not. Cash-out options and conversion ratios vary greatly. Centerville is unique in breaking down sick leave between APL and LTSL, but the total accrual rate of 12 days per year is in line with the average. Centerville's paid vacation leave accrual rate is also in line with the average for other cities for the first 10 years of employment, then falls behind in subsequent years.

The employee committee discussed the idea of simplifying the City's two-tiered sick leave policy to be similar to other cities. However, there was strong consensus that Centerville's policy—since the changes in 1985—has an advantage when compared with the more traditional sick leave policies by striking a reasonable balance between discouraging employee abuse and encouraging employees to take the time off when actually sick. Department heads particularly believe the two-tiered approach is working well from their perspective.

The employee committee acknowledged the need to contain the City's increasing liability associated with LTSL. After considerable discussion, the committee recommends and the City Manager supports the proposal to cap the accumulation of LTSL at 800 hours and provide for an annual cash-out of hours over 800 at the conversion ratio of 4 to 1. This is the same conversion ratio as currently exists, but the conversion will be occurring at the employee's current rate of pay rather than an inflated future rate. In addition, when an employee retires or terminates employment with 20 years of service, the financial impact on the City's budget at that time will be less by establishing this accumulation cap. The impact over time can be seen in the attached "Long Term Sick Leave Analysis" prepared by Jake Smith, which can be further explained at the Council meeting. It reveals how the City's liability can potentially increase over the next five years with and without the 800-hour cap. It also estimates the cost of initially implementing the proposed annual cash-out provision for employees with over 800 hours of LTSL. The estimated cost would initially be about \$37,000 if implemented in the current fiscal year. In subsequent years, the annual cash out impact would be much less and could be included in the annual budget.

In addition, the City Manager recommends the City buy out the pre-1985 liability of two employees during the current fiscal year, at a cost of \$18,242. If this is not done, the value of that liability will continue to increase year by year until those two employees retire.

The combined impact of implementing the recommendations above is about \$55,000. The current budget does not include funding for this purpose. Therefore, if done in the current year, it would require appropriations from the General Fund and Water Fund through budget amendments. The City Manager will discuss with the Council the timing of implementation if the Council supports the proposed policy revisions.

ATTACHMENTS:

Description

- ☐ Vacation Leave Comparative Data
- ☐ Sick Leave Comparative Data
- ☐ Long-Term Sick Leave Analysis
- ☐ Resolution No. 2015-16-Sick Leave

Annual/Vacation/ Holiday Leave

3/30/2015

City	Holiday Hours	Years of Service																						Max Balance	Cash Out Provision (Annual)	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22			
Bountiful	96	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	Up to 40 hours/year; Exempt employees up to 80 hours/year	
Centerville	96	96	96	96	96	96	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	240	None	
Centerville - exempt	96	120	120	120	120	120	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	144	240	Up to 40 hours	
Clearfield	96	104	104	104	104	128	128	128	128	128	168	168	168	168	168	168	168	168	168	168	168	168	168	240	None	
Clinton	96	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	192	240	At discretion of CM	
Clinton - exempt	96	144	144	144	144	144	168	168	168	168	168	192	192	192	192	192	216	216	216	216	216	216	240	288	At discretion of CM	
Farmington	96	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240		
Fruit Heights	96	80	80	80	80	80	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	At discretion of City	
Kaysville	96	80	80	80	80	80	96	96	96	96	96	120	120	120	120	120	160	160	160	160	160	160	160	240	Note: Employees may only carryover 1/2 of prior years accrued vacation leave	
Layton	96	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	168	240	None	
North Salt Lake																										
South Weber	96	96	96	96	96	96	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	192	192	240	None	
Sunset	88	96	96	120	120	120	120	120	120	120	144	144	144	144	144	168	168	168	168	168	168	192	192	192	480	Cash out 50% or 100 hours (whichever is less) once a year
Syracuse	96	80	80	80	96	96	96	96	96	96	120	120	120	120	120	160	160	160	160	160	160	160	160	240	None	
West Bountiful	96	104	104	104	104	104	128	128	128	128	128	160	160	160	160	160	160	160	160	160	160	160	160	240	None	
Westpoint	96	80	80	80	80	96	96	96	96	96	112	112	112	112	112	128	128	128	128	128	128	128	128	320	None	
Woods Cross																										
Mean	95.5	97.6	97.6	99.2	100.3	102.9	121.1	121.1	121.1	121.1	128.0	142.9	142.9	142.9	142.9	148.3	162.1	162.1	162.1	162.1	163.7	165.3	168.5	264.5		
Median	96.0	96.0	96.0	96.0	96.0	96.0	120.0	120.0	120.0	120.0	120.0	144.0	144.0	144.0	144.0	144.0	168.0	168.0	168.0	168.0	168.0	168.0	168.0	240.0		
Centerville - over/under Median	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-24.0	-24.0	-24.0	-24.0	-24.0	-48.0	-48.0	-48.0	-48.0	-48.0	-48.0	-48.0	0.0		
Centerville - exempt - over/under Median	0.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0	0.0	0.0	0.0	0.0	0.0	-24.0	-24.0	-24.0	-24.0	-24.0	-24.0	-24.0	0.0		

Source: Individual cities' personnel leave policies

Sick Leave

3/30/2015

City	Hours	Max Balance	Separation	Annual Buyout/Conversion	Other
Bountiful	96	None	Retirement only - 1/2 of sick leave up to 720 hours deposited into HRA	Convert to cash up to 32 hours (less sick leave used); Exempt is up to 80 hours; Must maintain balance of 120 hours for conversion	
Centerville - All-purpose	40	300	Paid out; Retirement and 20+ years - combined with vacation and long-term sick leave to be applied to health insurance at employees discretion	Excess paid out at end of year	All purpose is used for short-term sick leave or personal business
Centerville - Long-term sick	56	None	Retirement and 20+ years only - combined with vacation and all-purpose leave to be applied to health insurance at employees discretion - conversion to cash is 1/4	None	Long-term is used for in-patient hospitalization; outpatient surgery; chronic illness; trauma related accident; funeral leave up to 5 days; 5th day+ of a major illness
Clearfield	96	None	Retirement only - 21 hours = 1 month (60 month max) current premium for single medical, dental and life insurance; Amount deposited in RHS	16 hours can be used for personal leave; 1/4 of unused sick leave for that year can be "sold back"	
Clinton	96	None	None	480+ and < 64 hours used in a year - convert to cash or annual leave up to 1/2 of unused sick leave; <480 and <32 hours used in a year - convert up to 8 hours	None
Farmington	96	320	Retirement only - Sick leave converted to HRA at 100%	Bonus for productivity measured in sick days used: 0 days - 32 hours pay; 1 day - 24 hours pay; 2 days - 16 hours pay; 3 days - 8 hours pay; 4+ - no bonus	
Fruit Heights	96	240	None	At the discretion of the City	

Kaysville	96	None	None	Balance of 144+ can convert to cash or annual leave up to 1/3 of unused sick leave for that year	
Layton	96	1000	In good standing - paid out at 1/3 value for employees with 5+ years	Under 480 hours - Cash in or convert to annual leave up to 1/3 of sick leave hours; over 480 hours - Can cash in or convert to annual leave up to 2/3 of sick leave hours	In 2003, City bought down any balance in excess of 600 hours at 1/3 value
North Salt Lake					
South Weber	96	None	None	None	
Sunset	96	None	Retirement and 10+ years at Sunset - % of sick leave paid out is equivalent to years served with a max of 20%	None	
Syracuse	96	1040	Retirement only - paid out at 1/5 value	None	
West Bountiful	104	1440	Retirement only - 10 years of service = 20% payout; 20 years = 40%; 25+ years = 50%	After a balance of 120 hours, employees can convert to cash up to 1/3 (less hours used) of their annual accrual	
Westpoint	96	750	In good standing - paid out at 1/3 value for employees with 5+ years	1/3 of sick hours accumulated during year can be converted to annual leave	
Woods Cross					

Source: Individual cities' personnel leave policies

Long Term Sick Leave Analysis

Start Date	LTSL Balance (4.67/m)	Avg. LTSL Used per Month	Pre Aug '85 Liability	LTSL Liability (20+ years)	LTSL Liability w/ 800 cap	Liability in 5 years (no use of long sick)	LTSL Liability w/ 800 cap (5 yrs)	Initial Payout with 800 cap
Feb-98	888.2	0.46		\$ -	\$ -	\$ 16,205.71	\$ 11,096.00	\$ 1,223.33
Sep-12	163.45	0.87		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-92	995.1	1.15		\$ 5,858.65	\$ 4,710.00	\$ 7,508.33	\$ 4,710.00	\$ 1,148.65
Apr-12	126.63	1.73		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-91	822.45	1.88		\$ 10,268.29	\$ 9,988.00	\$ 13,766.59	\$ 9,988.00	\$ 280.29
Jan-92	953.43	1.30		\$ 6,850.39	\$ 5,748.00	\$ 8,863.63	\$ 5,748.00	\$ 1,102.39
Jul-97	921.22	0.54		\$ -	\$ -	\$ 8,076.55	\$ 5,378.00	\$ 814.90
Aug-03	240.88	3.07		\$ -	\$ -	\$ -	\$ -	\$ -
Nov-11	182.98	1.34		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-12	42.43	3.68		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-82	1655.86	0.56	\$ 11,041.00	\$ 18,731.92	\$ 9,050.00	\$ 21,901.68	\$ 9,050.00	\$ 9,681.92
Dec-02	553.34	1.28		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-08	420.3	0.05		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-08	353.95	0.78		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-82	1491.86	0.97	\$ 7,201.10	\$ 12,550.27	\$ 6,730.00	\$ 14,907.45	\$ 6,730.00	\$ 5,820.27
Dec-91	579.36	2.71		\$ 3,781.77	\$ 3,781.77	\$ 5,610.78	\$ 2,145.96	\$ -
Dec-90	1024.65	1.33		\$ 6,101.79	\$ 4,764.00	\$ 7,770.38	\$ 4,764.00	\$ 1,337.79
Mar-04	509.03	1.01		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-12	118.13	1.92		\$ -	\$ -	\$ -	\$ -	\$ -
May-87	1417.24	0.54		\$ 10,317.51	\$ 5,824.00	\$ 12,357.36	\$ 5,824.00	\$ 4,493.51
Feb-96	899.11	0.84		\$ -	\$ -	\$ 6,957.93	\$ 4,720.00	\$ 584.75
Sep-06	248.04	2.51		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-07	441.01	0.39		\$ -	\$ -	\$ -	\$ -	\$ -
Aug-05	560.4	0.26		\$ -	\$ -	\$ -	\$ -	\$ -
May-15	14.01	2.67		\$ -	\$ -	\$ -	\$ -	\$ -
Apr-04	635.12	0.10		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-00	695.83	0.95		\$ -	\$ -	\$ -	\$ -	\$ -
Jun-06	433.03	0.90		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-87	1488.81	0.33		\$ 15,115.14	\$ 8,122.00	\$ 17,959.87	\$ 8,122.00	\$ 6,993.14
Oct-86	1128.82	1.49		\$ 9,496.20	\$ 6,730.00	\$ 11,853.38	\$ 6,730.00	\$ 2,766.20
Apr-01	665.88	0.86		\$ -	\$ -	\$ -	\$ -	\$ -
Nov-95	873.39	1.13		\$ -	\$ -	\$ 7,965.54	\$ 5,524.00	\$ 506.76
Aug-04	528.44	0.87		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-05	497.07	0.76		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-05	409.57	1.45		\$ -	\$ -	\$ -	\$ -	\$ -
Jan-06	457.05	0.70		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-07	258.98	2.16		\$ -	\$ -	\$ -	\$ -	\$ -
May-10	211.59	1.51		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-11	170.66	1.57		\$ -	\$ -	\$ -	\$ -	\$ -
Sep-12	158.78	0.98		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-13	116.75	0.90		\$ -	\$ -	\$ -	\$ -	\$ -
May-14	70.05	0.98		\$ -	\$ -	\$ -	\$ -	\$ -
May-14	65.38	1.23		\$ -	\$ -	\$ -	\$ -	\$ -
Feb-15	23.35	1.33		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-89	751.34	2.31		\$ 4,474.23	\$ 4,474.23	\$ 6,142.82	\$ 4,764.00	\$ -
Jul-98	505.99	2.27		\$ -	\$ -	\$ 5,053.24	\$ 2,048.59	\$ -
Oct-14	39.03	2.62		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-04	303.89	2.48		\$ -	\$ -	\$ -	\$ -	\$ -
Jul-99	846.81	0.41		\$ -	\$ -	\$ 10,016.30	\$ 7,110.00	\$ 416.02
Aug-99	581.92	1.75		\$ -	\$ -	\$ 5,491.70	\$ 2,110.72	\$ -
Jul-09	325.99	0.54		\$ -	\$ -	\$ -	\$ -	\$ -
Oct-09	172.79	2.48		\$ -	\$ -	\$ -	\$ -	\$ -
Mar-11	204.34	0.95		\$ -	\$ -	\$ -	\$ -	\$ -
Mean		1.32	\$ 18,242.10	\$ 103,546.16	\$ 69,922.00	\$ 188,409.24	\$ 106,563.27	\$ 37,169.93
Median		1.13						
Max		3.68						

RESOLUTION NO. 2015-16

A RESOLUTION AMENDING SECTION 4.150 OF THE CENTERVILLE CITY PERSONNEL POLICIES AND PROCEDURES REGARDING LONG-TERM SICK LEAVE AND AMENDING SECTION 4.140 REGARDING ALL-PURPOSE LEAVE

WHEREAS, the City Council has previous adopted Personnel Policies and Procedures regarding long-term sick leave as set forth in Section 4.150 and all-purpose leave as set forth in Section 4.140; and

WHEREAS, City Staff recommends amending Section 4.150 to implement a maximum cap on long-term sick leave accumulation, to clarify permitted uses of long-term sick leave, and to amend provisions regarding long-term sick leave upon retirement or termination of employment with a minimum of twenty (20) years of service, and amending Section 4.140 regarding end of the year payout for unused all-purpose leave in excess of maximum cap; and

WHEREAS, the City Council has reviewed the recommended changes to Section 4.150 and Section 4.140 of the Personnel Policies and Procedures regarding long-term sick leave and all-purpose leave and desires to amend such sections as more particularly provided herein; and

WHEREAS, the City Council finds that the amendment to Section 4.150 of the Personnel Policies and Procedures regarding long-term sick leave is in the best interest of the City and its employees and will limit City liability for uncapped long-term sick leave accrual while providing legitimate and sufficient protection for employees who may need to use long-term sick leave for qualifying illnesses, and that the amendment to Section 4.140 will provide consistency with the changes to Section 4.150.

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

Section 1. Amendment. Section 4.150 of the Centerville City Personnel Policies and Procedures regarding long-term sick leave is hereby amended to read in its entirety as follows:

4.150. Long-Term Sick Leave.

The City provides eligible employees with long-term sick leave each year. Long-term sick leave benefits are designed to provide for the continuation of income during periods of acute or prolonged employee illness. The use of long-term sick leave will be subject to the provisions provided below.

(a) **Eligibility.** Full-time and part-time employees are eligible to accrue long-term sick leave in accordance with the accrual rates set forth herein.

(b) **Accrual.** Full-time employees accrue long-term sick leave at the rate of seven (7) days per year or 4.67 hours (4 hours 40 minutes) per month. Part-time employees accrue long-term sick leave at the rate of 3 ½ days per year or 2.34 hours per month.

(c) Accumulation. Beginning on December 31, 2015, employees can accumulate and carry forward to the next calendar year a maximum of eight hundred (800) hours of long-term sick leave. Any unused long-term sick leave hours that accrue in excess of the maximum will be cashed-out at the end of each calendar year. The annual cash-out rate is one-fourth (1/4) of the long-term sick leave hours in excess of eight hundred (800) hours times the employee's then current rate of pay. Such annual cash-out of excess long-term sick leave shall be paid to the employee on the employee's second pay check in January of the following year or the employee may elect in writing to have his or her annual cash-out to be contributed to an eligible retirement account or health savings account.

(de) Definition of Illness. ~~Illness, for~~ For the purpose of this policy, illness is will be defined as an employee's temporary inability to perform his or her duties as a result of mental or physical injury, illness or incapacity, and includes disability caused by pregnancy, false pregnancy, childbirth, termination of pregnancy and recovery therefrom. Long-term sick leave is intended to provide time off for serious health conditions. Colds and minor health issues do not generally qualify for long-term sick leave.

(ed) Utilization of Long-term Sick Leave. The long-term sick leave benefit is has been designed to protect the income of eligible City employees who are absent as a result of acute or long-term illness. Except as otherwise provided in Subsection (lh), the use of long-term sick leave will be restricted to periods of actual employee illness or physician certified recovery from illness.

(1) First Day Coverage: Long-term sick leave may be used to cover the first (1st) day of illness under the following circumstances:

(i) In-patient care requiring an overnight stay at a hospital, hospice or residential care facility hospitalization.

(ii) Necessary out-patient surgery or procedures, including colonoscopy. Major Surgery Performed on an Outpatient Basis. Elective or cosmetic surgery does not qualify for long-term sick leave.

(iii) Chronic illness of a serious nature which is characterized by periods of remissions and relapse and requires continuous monitoring and intervention by a health care provider.

(iv) ~~Absence Due to Trauma.~~ Injury as the result of an accident which causes major trauma.

(v) Funeral Leave. ~~Leave~~ Funeral leave up to five (5) days for the death of an immediate family member. Immediate family members include: Father, Mother, Sibling, Spouse, Child or anyone for whom the employee is a you are legal guardian.

(vi) Qualified FMLA leave for non-employee illnesses in accordance with the limitations set forth in Subsection (l).

(vii) Emergency room visit causing employee to miss scheduled work.

(2) Fifth Day Coverage. Employees may be eligible to use long-term sick leave on the fifth and successive days of any bona fide illness not included in paragraph (ed)(1) above with physician certification. Only one waiting period will be required, however, for any single occurrence of illness or injury. ~~(A single occurrence within a thirty (30) day period of time).~~

(f3) Supplemental to Workers' Compensation. Long-term sick leave may be used to make up the difference between Worker's Compensation payments and the employees' base pay equivalent.

(g4) Supplement to Part-Time Earnings. Long-term sick leave may be used to make up the difference between an employee's part-time earnings and his or her base pay equivalent when the employee is returning from an approved medical leave and, upon the orders of his or her physician, must phase back into his or her regular work schedule.

(h5) Use of Other Paid Leave. If an employee's long-term sick leave account is depleted during a long-term period of illness, the employee may utilize other accrued paid leave (such as vacation or all-purpose leave) to provide for income continuation.

(ie) Scheduling. To the extent practicable, long-term leave shall be scheduled ~~Scheduling long-term leave is to be done in accordance with the leave procedures set forth in section 4.110.~~

(jf) Authorization/Record keeping. The employee's supervisor authorizes the payment of long-term sick leave by recording long-term sick leave hours taken each pay period on the employee's time card.

(kg) ~~Cash-In Provision.~~

(l+) ~~Termination or Retirement. Upon retirement or termination of employment with a minimum of twenty (20) years of continuous full-time employment with the City, such employees are entitled to cash in lieu for unused long-term sick leave hours. Unused long-term sick leave may be cashed in at the time of employee retirement or upon termination of employment with a minimum of twenty (20) years of continuous full-time employment with the City. The cash-in rate is one-fourth (1/4) of the unused long-term sick leave hours times the employee's rate of pay upon qualifying retirement or termination. Such cash-in amount shall be paid to the employee with the employee's final pay check or the employee may elect in writing to have his or her cash-in amount contributed to an eligible retirement account or health savings account. Eligible employees may also~~ An employee who terminates employment due to retirement or who has been employed with the City for a minimum of twenty (20) consecutive years of continuous full-time employment with the City may refer to Section 5.030 for an additional use of unused long-term sick leave for continued health insurance coverage.

(lh) Use of Long-Term Sick Leave for Qualifying Family Medical Leave. Employees may utilize up to forty (40) hours of accrued long-term sick leave for non-employee illnesses when such leave qualifies as family medical leave and is taken in accordance with the policies and procedures set forth in Section 4.160. While it is acknowledged that long-term sick leave is generally limited to leave necessitated by the employee's own injury, illness or incapacity as defined herein, this provision permits employees to utilize a portion of their accrued long-term sick leave for nonemployee

illnesses when such leave qualifies as family medical leave under Section 4.160. No waiting period shall be required for use of long-term sick leave for non-employee illnesses as family medical leave as provided herein. The use of long-term sick leave as provided herein shall be limited to forty (40) hours per rolling 12-month period as defined in Section 4.160(d).

Section 2. Amendment. Subsection 4.140(d)(1) of the Centerville City Personnel Policies and Procedures regarding all-purpose leave is hereby amended to read in its entirety as follows:

4.140. All-Purpose Leave.

* * *

(d) Cash-In of Unused Leave.

(1) Year-End: At the end of each calendar year, all-purpose leave in excess of three hundred (300) hours in an employee's account will be automatically cashed out to the employee on the employee's second ~~first~~ pay check in January of the following year.

Section 3. Severability. If any section, clause or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date. This Resolution and the amendments to Section 4.150 and Section 4.140 of the Personnel Policies and Procedures provided herein shall become effective November 1, 2015.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 18th DAY OF AUGUST, 2015.**

CENTERVILLE CITY

Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. § 10-3-719, 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 ____.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 10.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:15

SUBJECT

- a. I-15 Project Milestone Event
- b. Pedestrian bridge, fencing and sidewalk update
- c. Preparations for open house and public hearing re proposal to create fire district

RECOMMENDATION

The City Manager will report on several topics, including those shown on the agenda. He will seek direction from the City Council about the nature and scope of public information to be prepared relating to the proposal to create a fire district. He recommends the utility bill insert at the end of August be used to inform the public of the proposal, open house and public hearing relating to this matter.

BACKGROUND

See the attached flyer announcing an event to celebrate the substantial completion of the I-15 South Davis Project.

In their August 4 meeting, the City Council and Fire Chief Jeff Bassett agreed to use the Sept. 9 Fire Safety Week open house at the Centerville Fire Station as an opportunity to inform the public about the proposal to create a fire district. The City Council also agreed to hold an open house on this subject on Sept. 15 at City Hall prior to the regular Council meeting, and a public hearing on this matter during the regular meeting.

ATTACHMENTS:

Description

- UDOT Flyer

Celebrate the final project milestone with the I-15 South Davis Improvements Team.

Local officials will help us kick-off the finishing touches on the 2600 South interchange.

When: Friday, August 21, 2015, at 9:00 a.m.

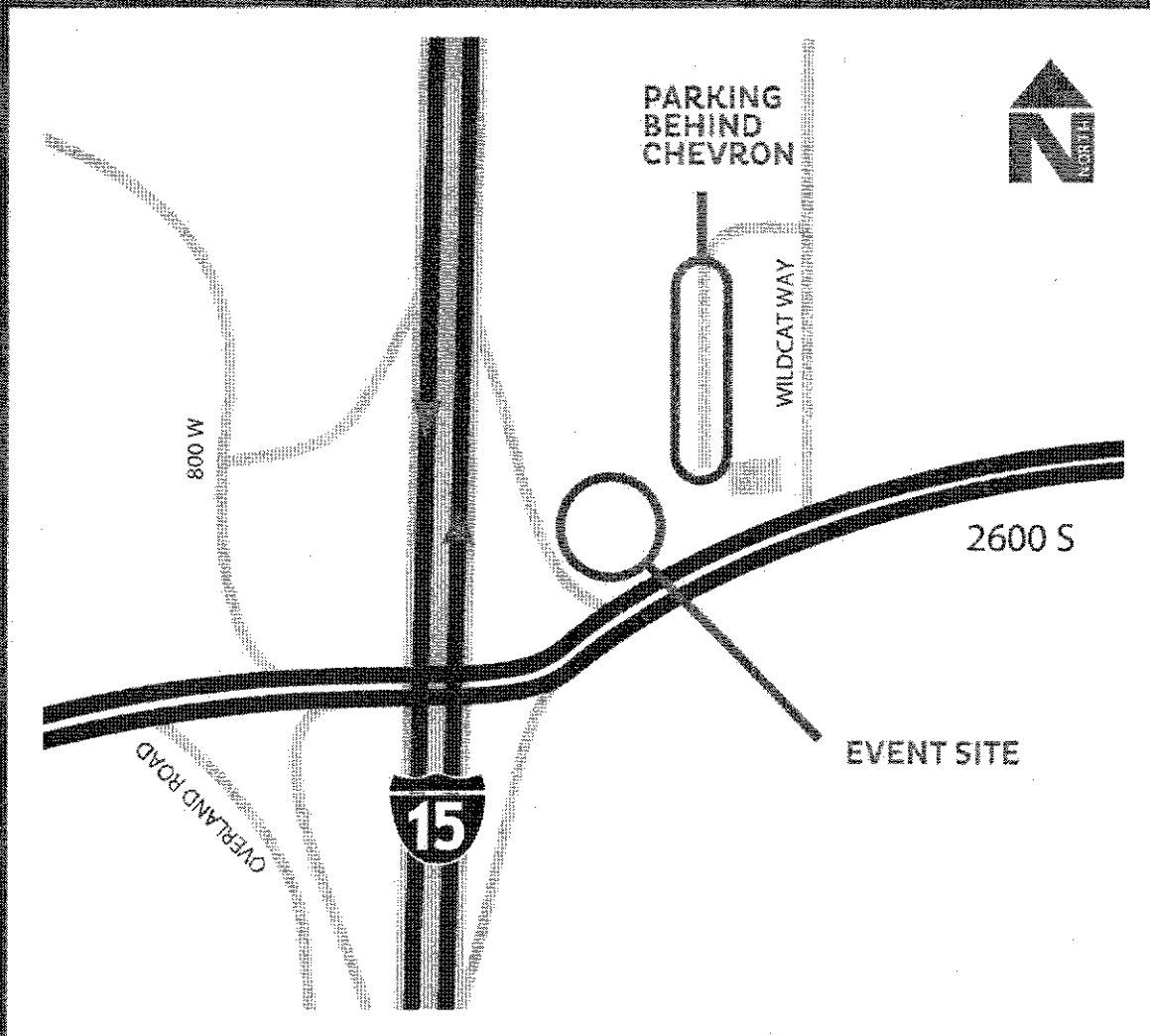
Where: Just northeast of the 2600 S. interchange in Bountiful.

Event parking is available behind Slim Olsen's Chevron Gas Station (see attached map).

Questions? Please contact Leah Jaramillo, Communications Manager, at **801-556-7455**.



EVENT PARKING MAP



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 11.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:25

SUBJECT

RECOMMENDATION

No topics are shown at this time under this heading.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 12.

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: 9:30

SUBJECT

RECOMMENDATION

Staff are not aware of a need for a closed meeting, but the agenda allows for that possibility.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

Item No. 13.

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

Initiated By:

Scheduled Time: 9:30

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards and committees.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
8/18/2015**

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