

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 *S. Thacker*
Subject: City Manager's Summary of September 1, 2015 Council Meeting
Date: August 28, 2015

E.1. Minutes Review and Acceptance – The minutes to be approved include the August 4 joint City Council/Planning Commission work session. Approval of those minutes was tabled at the August 18 meeting to allow the Recording Secretary to listen to a portion of the recording and add to the minutes.

E.2. Vacation of Portion of 500 East ROW – This involves the vacation of public right-of-way behind the sidewalk on 500 East Street along the frontage of two homeowners. This matter began months ago as a code enforcement issue when City staff discovered a retaining wall being constructed in the public right-of-way without a permit. Due to circumstances explained in the staff report, staff recommended the retaining wall be allowed to remain in place if the homeowner applied for and obtained the vacation of that portion of the public right-of-way, thereby relieving the City of any potential liability associated with the wall and adjacent driveway. In an earlier meeting, the City Council agreed to support this solution, but State law requires that a specific process be followed to vacate a portion of the right-of-way. The action scheduled for this meeting is the culmination of that process, which included public notice in the newspaper of this proposed vacation. The applicants are paying all the direct costs associated with this process.

E.3. Burying Overhead Utilities on Main Street – The City Council directed staff to investigate the cost of burying the overhead utility lines on Main Street between Parrish Lane and Pages Lane. Rocky Mountain Power (RMP) has done a high-level (i.e. rough) estimate of a portion of that cost, and identified other costs that are not included in their number. Based on this information and meetings with RMP representatives, staff estimate it would cost \$4 to 5 million to bury all of the overhead utility lines in this section of Main Street (approximately 5300 linear feet) and install street lights to replace those currently mounted on power poles. RMP Customer Relations Manager, Steve Rush, will attend the Council meeting to answer questions about this matter, including his written summary included in the meeting packet.

E.4. FY 2015 Financial Report – Blaine Lutz, Finance Director, prepared the enclosed *unaudited* financial report for the entire Fiscal Year 2015, which ended June 30, 2015. These numbers are subject to change based on the annual financial audit, which will occur over the next few months, but I do not anticipate much change.



E.5. Parks Capital Improvement Plan – The Parks & Recreation Committee has revised the Parks Capital Improvement Plan (CIP) since meeting with the City Council in a work session on this matter on August 18. The City Council is now being asked to approve some version of the Parks CIP before it is used in public education efforts about the need for more funding for these purposes.

E.6. RAP Tax – Arguments For and Against -- August 31 is the deadline for anyone to submit a request to write an argument either for or against the RAP Tax ballot proposal. The City Council must select who will write such arguments if there are multiple requests. In addition, the City Council must consider how to meet the requirement of providing an argument for the RAP Tax for the Statewide Voter Information Website.

E.7. County Local Option Transportation Tax – The 2015 State Legislature passed HB 362, authorizing County Commissions to decide whether to place a transportation sales tax of 0.25% on the election ballot. The Davis County Commission—based upon the request of Davis County city councils—recently agreed to place this question before the voters this November. The Centerville City Council will now consider what information to provide to the public about this ballot question. If approved by the voters county-wide, it would generate an estimated \$300,000 annually for Centerville City to use for street maintenance and other eligible transportation related purposes.

E.8. Mayor's Report – Mayor Cutler may report on some matters.

E.9. City Manager's Report – I will report on staff efforts to improve the City's records of capital assets and inventory, pursuant to the Procurement Policy updated in February 2015. I will also propose dates for the annual Volunteer Recognition Dinner and Employee Christmas Dinner.

E.10. Miscellaneous Business – This includes just one routine matter—the acceptance of a utility easement for a new development on Porter Lane.

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

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

Potential Agenda Items for September 15, 2015 City Council meeting (subject to change):

- Public hearing re Ordinance prohibiting the intentional feeding of deer, etc.
- Open House (5 to 7 p.m.) and public hearing re proposal to create tax district for fire and emergency medical services
- Financial report for first two months of FY 2016--period ending August 31, 2015
- Open & Public Meetings Act training by City Attorney
- City Council liaison report—Councilman Wright re Whitaker Museum
- Legacy Trail Apartments PDO amendment

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON SEPTEMBER 1, 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:

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Blaine Lutz

7:05 D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.

E. BUSINESS

7:10 1. Minutes Review and Acceptance

- August 4, 2015 City Council and Planning Commission Joint Work Session

minutes;

- August 18, 2015 City Council and Planning Commission Joint Work Session meeting minutes;
- August 18, 2015 Regular Council meeting minutes; and
- August 18, 2015 City Council, Parks & Recreation, and Trails Committee Joint Work Session meeting minutes

- | | | |
|------|-----|--|
| 7:10 | 2. | Public Hearing - Proposed Vacation of a Portion of 500 East Public Right-of-Way - Ordinance No. 2015-18 and Ordinance No. 2015-19 - Petitioners Michael J. Kelley and Richard and Elizabeth Johnson

Consider Petitions to vacate a portion of 500 East public right-of-way located within the Panorama Subdivision No. 2 and conveying such portion of the public right-of-way to adjoining property owners - Petitioners Michael J. Kelley and Richard and Elizabeth Johnson |
| 7:20 | 3. | Discussion and rough cost estimates for burying power and utility lines within a portion of Main Street |
| 7:50 | 4. | FY2015 Financial Report |
| 8:00 | 5. | Parks Capital Improvement Plan

Review Draft Parks Capital Improvement Plan (CIP) as recommended by the Parks & Recreation Committee |
| 8:30 | 6. | RAP Tax - Submittal of Arguments For and Against RAP Tax

If more than one person requests to submit an argument in favor or against the RAP tax for the Voter Information Pamphlet, the City Council shall determine the drafter. The City Council must also consider and discuss the City Council required argument in favor of the RAP tax for the Statewide Voter Information Website. |
| 8:45 | 7. | County Local Option Transportation Tax - HB 362

Discuss potential City involvement in providing public information and/or City position on the proposed County Local Option Transportation Tax to be submitted to the voters of Davis County during November 2015 election. |
| 9:00 | 8. | Mayor's Report |
| 9:05 | 9. | City Manager's Report
a. Asset and Inventory Updates
b. Dates for Volunteer Recognition Dinner and Employee Christmas Dinner |
| 9:15 | 10. | Miscellaneous Business

Accept waterline and public utility easement for the Porter Walton Townhomes project located at approximately 564 West Porter Lane. |
| 9:20 | 11. | Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended |
| 9:20 | 12. | 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

CENTERVILLE

**Staff Backup Report
9/1/2015**

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- City Manager Summary Memo

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No.

Short Title: Blaine Lutz

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 1

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

SUBJECT

- August 4, 2015 City Council and Planning Commission Joint Work Session minutes;
- August 18, 2015 City Council and Planning Commission Joint Work Session meeting minutes;
- August 18, 2015 Regular Council meeting minutes; and
- August 18, 2015 City Council, Parks & Recreation, and Trails Committee Joint Work Session meeting minutes

RECOMMENDATION

BACKGROUND

Approval of the August 4 joint work session minutes was tabled in the August 18 meeting to allow the recording secretary to listen to a portion of the recording and expand the written summary on page 2 of what was said by Cory Snyder, Community Development Director, about the difference between the east and west sides of Main Street. The additions by the recording secretary are highlighted in yellow.

ATTACHMENTS:

Description

- ▢ 8-4-15 Joint Worksession - PC
- ▢ 8-18-15 Joint Worksession - PC
- ▢ 8-18-15 City Council Meeting
- ▢ 8-18-15 Joint Worksession - Parks, Rec & Trails

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. **The east side is bounded primarily by Residential-Low, and the difference**
15 **between the east and west sides was clear in 2010 to some degree and is even more apparent**
16 **today when you talk about densities or building heights. Looking at the Complete Streets issue**
17 **it is easy to see the challenges posed by the infrastructure that is in place.** He showed an
18 image depicting current travel lanes, shoulder, utility and light zone on the east, pedestrian
19 sidewalk zone, and development zone. The four-foot utility zone on the east side creates a lack
20 of symmetry. He showed an image depicting a proposed symmetrical layout, with a utility zone
21 added to the west side, and trees added to the utility zones on both sides. Change would have
22 to be made to the west side to achieve symmetry. Councilman Averett asked Mr. Snyder to
23 address a rumor circulating that UDOT intends to widen Main Street. Mr. Snyder responded
24 that the only project scheduled on UDOT's 15-year plan for Main Street is an enhanced bus
25 system. Mr. Snyder then showed an image depicting a proposed off-set layout, with the utility
26 zone remaining only on the east side, and an 8' to 10' green zone for trees and landscaping
27 added to the development zone on both sides of the street. He pointed out that trees are
28 difficult to combine in the same space as utility poles. The off-set layout pushes buildings 10
29 feet away from the pedestrian zone on both sides allowing space between the utility zone and
30 the green zone. Mr. Snyder stated that most of the properties could accommodate the 10-foot
31 development zone setback. Councilman Wright expressed his concern for above-ground utility
32 lines from an emergency management standpoint, and said he would like the lines to be buried.
33

34 Mr. Snyder stated that considering the dominance of local services and office space, he
35 thinks the off-set layout with the deeper setbacks could be “historic” with a focus on design and
36 layout rather than density. Mayor Cutler commented that the off-set layout seems to match
37 what exists and what citizens want. He added that the symmetrical layout does not seem
38 practical. Councilwoman Fillmore agreed that the off-set layout is the easier route, but said she
39 is concerned that the street would continue to be emphasized as a wide Main Street, leaving the
40 City vulnerable to higher vehicle speeds. She stated that drivers behave differently with items
41 framing the roadway to make it feel narrower. Mr. Snyder agreed that aesthetically congesting
42 the streetscape naturally reduces speeds. He pointed out that Main Street is a travel corridor
43 and a UDOT road. Councilman Wright said he likes the off-set layout better. Councilwoman
44 Ivie said she thinks the off-set layout speaks more to what the citizens want.
45

46 Ms. Romney stated that, based upon data and analysis, and consideration of public
47 comment and concerns regarding development with the SMSC Overlay Zone, staff
48 recommends the Planning Commission and City Council discuss possible ordinance
49 amendments to the SMSC Overlay Zone and for the City Center and Traditional Districts
50 regarding the following issues:
51

- 52 • Public Space Design

- Building Setbacks
- Building Heights
- Permitted Uses
- Density Caps on Residential Development

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

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

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

ADJOURNMENT

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

Marsha L. Morrow, City Recorder

Date Approved

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Katie Rust, Recording Secretary

Minutes of the joint work session of the Centerville City Council and Planning Commission held Tuesday, August 18, 2015 at 5:30 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 (arrived at 5:58 p.m.)
David Hirschi, Chair
Gina Hirst
William Ince
Logan Johnson
Scott Kjar
Kevin Merrill, Vice Chair

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Management Assistant
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

Councilwoman Ivie asked why density is the last of the five recommended issues for discussion, considering density is the issue the public cares about most. Mayor Cutler, Cory Snyder, Community Development Director, and Lisa Romney, City Attorney, all stated that discussion could begin with any of the issues. The Planning Commission has already made a recommendation to the Council regarding density for the City Center and Traditional Districts. Mayor Cutler added that a number of property owners have asked for flexibility, and the Council needs to consider their request and their property rights.

Ms. Romney reviewed existing ordinance provisions for permitted uses and conditional uses in both districts (Commercial-Medium) as presented in the staff report. Councilman Wright asked if a convalescent center would be allowed. Mr. Snyder responded that a convalescent center is allowed in the C-M Zone, an assisted living facility is not. However, the market is experiencing a blending of the two types of services, and the City may want to revise its definition to be consistent with the market.

Mayor Cutler commented that the data presented at the August 4th joint work session showed the two districts to be heavy in commercial uses. Commissioner Johnson stated he likes the idea of allowing more flexibility for property owners, and is not opposed to either full commercial, mixed-use or full residential. Councilmen Wright and Higginson agreed that commercial uses naturally reduce density. Commissioner Kjar stated he believes Main Street

1 commercial uses will be office, not retail, and he would not want to limit property owners with
2 zoning that is not feasible. Councilman Wright said he would like to look at barriers that prevent
3 small business, and help reduce costs to make small business more affordable on Main Street.
4 Councilman Averett agreed with Commissioner Kjar that Main Street will attract office
5 commercial uses such as dentists, lawyers, and other local services, not retail.
6

7 Mayor Cutler stated that the existing ordinance does not include clear definitions of
8 mixed-use, and it might be helpful to clarify what is meant. Councilman Averett commented that
9 with the east side of Main Street backed by single-family residential, and the west side backed
10 by medium density, it would make sense to have commercial fronting the east side and low to
11 medium density or mixed-use on the west side. Chair Hirschi added that, without the
12 commercial component, the area would be vulnerable to high-density residential.
13 Commissioner Kjar stated that "mixed-use" in citizens' minds means high-density residential and
14 said he thinks it would be tough to lease the required commercial spaces in mixed-use.
15 Councilwoman Fillmore responded that it depends on the definition of commercial. The data
16 shows that 20% of the subject area has been developed commercially in the last fifteen years.
17 She said she agrees with everything that has been said, and added that the City needs to be
18 more clear about the amount of commercial versus residential required, and a density cap
19 should be added. Councilman Wright said he agrees with the residents' request of Residential-
20 Low (R-L). Councilwoman Fillmore responded that the reality with single-family development
21 now is smaller yards and homes closer together, with at least eight units per acre. She said she
22 does not want high-density, but if the density cap is unfeasible the area will remain blighted. Mr.
23 Snyder clarified that a single-family development is currently allowed, but an entire block cannot
24 be filled with a single lot-type. Councilwoman Ivie said she does not want the Planning
25 Commission to ever be in the position that they have to vote in favor of something because of
26 the ordinance that they know is a bad development, like happened with the proposed
27 development on the Hafoka property. Mr. Snyder responded that in that situation the issue of
28 residents wanting single-family overrode the possibilities with multi-family. He pointed out that
29 with the Hafoka property there was push for more active open space, but the development is
30 still required to pay Park Impact Fees toward City open space. There needs to be equity.
31 Councilwoman Ivie said she believes the Council is in place to listen to public outcry and
32 respond.
33

34 Councilwoman Ivie said she feels allowing commercial is a good thing, and she likes the
35 idea of having mixed-use only on the west side, but there needs to be a major density cap even
36 if the area stays blighted and takes longer to redevelop. Councilman Averett suggested a low
37 enough density that it feels like residential with commercial allowed. Councilwoman Fillmore
38 added that requiring entry on ground level could be another control. Councilman Averett agreed
39 with the need for patio homes for the aging community. Commissioner Kjar said the concern
40 with the Hafoka property was that the open space was not really active open space.
41 Councilwoman Fillmore said she likes the idea of separating east and west, but feels it would be
42 unreasonable to go lower than six units per acre on the east side and eight units per acre on the
43 west side of Main Street. She also suggested ten units per acre on the west side and eight
44 units per acre on the east side. She said stronger language is necessary clarifying that the
45 commercial element needs to be predominant with residential secondary. Mr. Snyder explained
46 density per acre for several developments within the City for comparison.
47

48 Councilman Wright mentioned that one issue brought up during the public hearings is
49 the impact density will have on the community and the ability to provide services, schools, and
50 traffic impacts. He asked how an acceptable and sustainable threshold of density is
51 determined. Mr. Snyder responded that it is hard to tabulate fairly because a lot of traffic on the
52 roads is made up of people outside the community drawn by the commercial element. Mayor
53 Cutler pointed out that an acceptable level of density is a matter of opinion. Mr. Snyder added

1 that it would be difficult to guess what the market will generate in the future. The possibility of a
2 traffic study is included in the ordinance to review developments as they come up. Councilman
3 Wright said he does not know how to set a density cap without knowing the impacts. He said he
4 thinks the City needs to take a more holistic look at the corridor. Ms. Romney referred to the
5 limited numbers of units that are likely to redevelop as explained at the August 4th joint work
6 session. The largest property in the subject area is the O'Brien Glass property, which is under
7 consideration for redevelopment now. Councilman Wright repeated his suggestion that the City
8 would have more options if it took over responsibility of Main Street from UDOT. Ms. Romney
9 added that residential development has not occurred in the two districts since 2000.

10
11 Councilman Higginson stated he would prefer six units per acre with no conditional use
12 so that it really is a six-unit cap. The Council and Planning Commission discussed whether or
13 not a unit per building cap should be included. Councilwoman Fillmore and Mr. Snyder spoke in
14 favor of a unit per building cap. Mayor Cutler explained that the density cap per acre would be
15 an overlay regardless of the number of buildings. Chair Hirschi agreed that doing away with the
16 building component would be a mistake. Commissioner Hirst said she would like to know how
17 low the cap can be and still have redevelopment possible. Mayor Cutler read aloud a letter
18 submitted by owners of properties between 100 South and 400 South on Main Street requesting
19 medium density rather than low density.

20
21 The recommendation submitted to the Council by the Planning Commission includes a
22 cap of four units per acre permitted and up to eight conditional. Commissioner Johnson stated
23 he feels there was some misunderstanding of conditional use on the part of the Commissioners
24 at the time the recommendation was made. Commissioner Johnson added that Councilman
25 Higginson's suggestion is closer to what he had in mind. Ms. Romney explained that with a
26 conditional use permit the City looks at negative impacts, and it is difficult from a legal
27 standpoint to show negative impact for density. Councilman Wright said he would like to
28 eliminate conditional use and place a cap on density per acre. Councilwoman Fillmore
29 responded that even the limited control provided by conditional use can be beneficial.
30 Councilman Higginson said he would consider four units per building permitted with six
31 conditional. Chair Hirschi pointed out that every project is different and unique, and removing
32 conditional use would take away the Planning Commission's ability to consider and improve a
33 development. Councilman Wright said he feels the focus of the Planning Commission is
34 different from the focus of the Council. He said he feels the Council's focus should be putting a
35 framework in place after considering what the citizens say. The Planning Commission is then to
36 operate within that framework.

37
38 Councilwoman Fillmore said she would prefer to consider the smaller parcels and put a
39 caveat in place to make development of smaller parcels possible. Councilman Averett agreed
40 that it does not make sense to try to put all properties in the same box. He said conditional use
41 may be necessary, but the Council needs to be comfortable with the maximum conditional use
42 allowed. Council members Ivie and Wright agreed that if permitted use is limited to what the
43 City is comfortable with, the level of review with conditional use is not necessary. Mr. Snyder
44 pointed out that without conditional use public input cannot be considered. If requirements of
45 permitted use are met, approval is guaranteed. Any problems that arise along the way cannot
46 be mitigated. Conditional use allows more discretion for the Planning Commission to improve a
47 situation.

48
49 Councilmen Wright and Higginson agreed with setting the maximum they are
50 comfortable with per building as the conditional use level, with something lower set as
51 permitted. Chair Hirschi added that a density cap adds a level of control. Councilman Wright
52 said he believes allowing six on the east is appropriate. Mr. Snyder responded to a question
53 from Councilwoman Fillmore stating that the Council could choose to make the decision, or

1 could remand the issue back to the Planning Commission. Commissioner Ince agreed with
2 Councilwoman Fillmore, and stated that one or two units per parcel should be allowed
3 regardless of parcel size. Councilwoman Ivie said she prefers four units permitted on the east
4 and six units permitted on the west, not less than one unit per parcel. Commissioner Johnson
5 stated he is comfortable with a minimum of eight units. He said he is not opposed to high-
6 density, and does not think 12-15 units per acre would be a bad addition to Main Street. Chair
7 Hirschi stated that developers need some flexibility, and he feels the City should be encouraging
8 business development along Main Street.
9

10 Councilwoman Fillmore repeated that she would like to see the commercial element
11 strengthened. Councilwoman Ivie said she would like to see an option for single-family
12 development by itself. Councilman Wright stated he is comfortable with one-four units per acre
13 permitted on the east side with up to six units conditional use, and one-four units per acre
14 permitted on the west side with up to eight conditional. Councilman Higginson agreed.
15 Commissioner Ince said he is comfortable with four and six. Commissioner Hayman pointed out
16 that there has been no discussion of per building limits, and said she is uncomfortable with the
17 six units per building currently allowed. She suggested allowing 1-3 units per acre permitted
18 and up to four units per acre conditional. Councilwoman Fillmore added that she would like to
19 require street-level entry for stand-alone residential.
20

21 Regarding building height, Mayor Cutler pointed out current restrictions. Councilman
22 Wright stated that the impact of shadows on surrounding residences needs to be considered.
23 The Council and Planning Commission discussed height restrictions and setbacks. Mr. Snyder
24 added that placing parking behind a building creates a buffer, but if the ordinance is too
25 definitive there will be scenarios where it does not work. Commissioner Kjar said the issue is
26 not so much how high a building is off the street, but how it affects the homes behind it.
27 Councilman Averett stated he prefers pitched roofs over flat roofs. Commissioner Hirst agreed.
28

29 ADJOURNMENT

30
31 The work session was adjourned at 6:57 p.m.
32
33
34
35
36

37 _____
38 Marsha L. Morrow, City Recorder
39
40
41
42
43

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville City Council meeting held Tuesday, August 18, 2015 at 7:00 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
Jacob Smith, Management Assistant
Marsha Morrow, City Recorder
Paul Child, Centerville Police Chief
Bruce Cox, Parks and Recreation Director
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Steve Thacker, City Manager

POLICE DEPARTMENT RECOGNITIONS

Police Chief Child recognized Lieutenant Vaughn Steenblik and Sergeant Jake Alexander for promotions within the Police Department, and Detective William Barnes for his new assignment. He introduced two new officers, Colton Robinson and Marquelle Peters, who were sworn in by City Recorder Marsha Morrow. The officers were welcomed and congratulated by the Council, and Chief Child thanked the Council and Mayor for the trust placed in the Police Department.

OPEN SESSION

Mayor Cutler submitted to the record a letter (attached) signed by owners of properties between 100 South and 400 South on Main Street requesting that the zoning in their area of Main Street allow medium density residential.

Dale McIntyre – Mr. McIntyre pointed out that the Council meeting was begun with the Pledge of Allegiance and prayer. He mentioned that the words “under God” were added to the Pledge of Allegiance in 1954, and “In God We Trust” was adopted as the motto of the United States of America in 1956. He quoted from the Book of Mormon, and expressed a desire to see the national motto proudly displayed in the City Council chambers.

CANVASS OF AUGUST 11, 2015 PRIMARY ELECTION

Marsha Morrow, City Recorder, distributed the canvass report of the August 11, 2015 Primary Election to the Council members, and the canvass was reviewed. Councilwoman

1 Fillmore stated it would be interesting to calculate and compare the cost of providing an early
2 voting period with the cost of the vote-by-mail option.

3
4 Councilman Wright made a **motion** to accept the canvass report of the August 11, 2015
5 Primary Election. Councilman Higginson seconded the motion, which passed by unanimous
6 vote (5-0). Councilman Wright expressed appreciation for Ms. Morrow's work as the City's
7 Election Official.

8
9 **MINUTES REVIEW AND ACCEPTANCE**

10
11 The minutes of the July 8, 2015 joint City Council/Planning Commission meeting, and
12 the August 4, 2015 joint City Council/Planning Commission work session and regular Council
13 meeting were reviewed. Councilwoman Fillmore requested two additions to the July 8 joint
14 meeting. Councilman Wright requested an addition to the August 4 Council meeting minutes.
15 Councilwoman Ivie requested the recording secretary double-check a statement made by the
16 Community Development Director during the August 4 joint work session. Councilman Averett
17 made a **motion** to accept the July 8, 2015 joint City Council/Planning Commission meeting
18 minutes as amended and the August 4, 2014 regular Council meeting minutes as amended, and
19 table approval of the August 4, 2015 joint City Council/Planning Commission work session
20 minutes, directing the recording secretary to listen to Mr. Snyder's comments. Councilman
21 Wright seconded the motion, which passed by unanimous vote (5-0).

22
23 **SUMMARY ACTION CALENDAR**

- 24
25 a. Award Annual Drainage Maintenance Project contract to Twin D Environmental
26 Services in the estimated total amount of \$96,710
27 b. Planning Commission Per Diem for Training – Consider Resolution No. 2015-15
28

29 Councilman Wright made a **motion** to approve both items on the Summary Action
30 Calendar, including Resolution No. 2015-15. Councilwoman Ivie seconded the motion, which
31 passed by unanimous vote (5-0).

32
33 **MUNICIPAL CODE AMENDMENTS – SECTION 7-02-022 – PROHIBITING FEEDING**
34 **OR ATTRACTING WILD ANIMALS – CONSIDER ORDINANCE NO. 2015-17**
35

36 As of August 1, 2015 the Division of Wildlife Resources (DWR) has authority to assist
37 Utah cities with deer control problems, subject to regulatory requirements and guidelines. A city
38 must develop an "Urban Deer Plan" and solicit public comment before the DWR will allow
39 implementation of the plan. The initial requirements include the passage of an ordinance
40 prohibiting the intentional feeding of deer, elk and moose prior to applying for a certificate of
41 registration with the DWR. Steve Thacker, City Manager, explained the process involved in
42 obtaining the help of the DWR, and suggested that the City receive public comments regarding
43 the issue by email, at an open house, and at a public hearing. Councilwoman Ivie said she
44 would prefer to hear from residents before passing an ordinance. Councilman Wright agreed,
45 and commented that the first requirement listed for a municipality regarding urban deer control
46 is to demonstrate that deer are causing significant damage or threatening public safety.
47 Councilman Wright said he does not feel the City has shown evidence that deer are threatening
48 public safety. He added that the ordinance has expanded the scope to include elk, moose, and
49 turkeys. Lisa Romney, City Attorney, responded that elk and moose must be included in order
50 to qualify for DWR help, but the Council could choose to eliminate turkeys from the ordinance,
51 which was provided by the DWR.
52

Councilman Wright asked what constitutes intentionally feeding the animals, and stated that the Council needs to be careful with passing a law that gives government more power. The Council and Mayor discussed the language of the ordinance pertaining to the intent to feed. Councilwoman Ivie repeated her desire to hear from citizens before passing an ordinance. Mr. Thacker suggested the Council move forward with inviting public comment, and consider proposed edits to the ordinance in September. He emphasized that Council members would be welcome to attend the open house. Councilman Wright stated that public comment should validate that significant damage is occurring or that public safety is threatened. Mayor Cutler responded that the DWR has already stated the City meets the standard regarding significant damage.

An article will be included in the next utility bill insert inviting email comments and attendance at an open house on September 8th [later moved to Sept. 9th], and the Council may consider an ordinance prohibiting the intentional feeding of the animals on September 15th following a public hearing. Councilman Averett stated it is his understanding that the only option available to the City is a kill plan, which he does not support. He commented that if there is not majority support of the Council for a kill plan, there is not a need to proceed. Councilman Wright responded that he also cannot support a kill plan. Councilwoman Ivie stated that, with the right balance, she could support it. She added that the food bank does not accept meat that has not been commercially packaged. Councilwoman Fillmore stated that two deer have died probably painful deaths in her neighborhood, and she would have an open mind and be open to receiving more information on all sides of the story. Council members Ivie, Fillmore, and Higginson expressed interest in moving forward with collecting public input.

RAP TAX DISCUSSION

Lisa Romney, City Attorney, stated that the deadline to submit a request to write an argument for or against the RAP Tax for publication in the Voter Information Packet is Monday, August 31st at 5:00 p.m., and arguments must be submitted to the City Recorder by September 14th. The Council will designate who will write the formal arguments both for and against. The argument that will be placed on the State website must be submitted to the City Recorder by September 4th. The City cannot expend public funds to campaign for or against, but can provide factual information. Mayor Cutler suggested that websites separate from the City website could be set up by individuals for comments and information for or against the RAP Tax. Councilman Wright added that historical information regarding the RAP Tax would be helpful. Ms. Romney provided a training sheet regarding the Political Activities of Public Entities Act. Mayor Cutler reported that the County Commissioners have voted in favor of placing a Transportation Tax on the ballot.

Councilman Higginson stated that, if approved by the voters, RAP Tax revenues need to benefit all aspects of recreation, arts, and parks. The CenterPoint Legacy Theatre (CPT) benefited from the previous RAP Tax, and he feels CPT should not plan for or rely on the RAP Tax in the future.

CITY COUNCIL LIAISON REPORT

Councilman Wright suggested postponing his liaison report on the Whitaker Museum until a meeting in September.

JOINT WORK SESSION WITH PARKS & RECREATION AND TRAILS COMMITTEES

At 8:20 p.m. Councilman Wright made a motion to adjourn to a joint work session with members of the Parks & Recreation Committee and the Trails Committee. Councilwoman Ivie

1 seconded the motion, which passed by unanimous vote (5-0). The Council returned to regular
2 meeting at 9:36 p.m. after a short recess.

3
4 **MAYOR'S REPORT**

- 5
6 • Mayor Cutler thanked Jacob Smith, Management Assistant, for his work on the
7 quarterly Operational Metrics Report. The Council discussed how the metrics will be
8 utilized. Councilman Wright expressed a desire to receive more detailed information
9 regarding code enforcement.
10 • The Mayor reported on the initial success of the staffing changes implemented by the
11 Fire Agency in July.

12
13 **PERSONNEL POLICIES AND PROCEDURES – AMENDMENTS – LONG-TERM SICK**
14 **LEAVE AND ALL-PURPOSE LEAVE, CONSIDER RESOLUTION NO. 2015-16**

15
16 City Manager Thacker reported that the employee committee recommends preserving
17 the separation between long-term sick leave and all-purpose leave, with a recommendation to
18 establish a cap on the accumulation of long-term sick leave at 800 hours. Cashing out the 800
19 hours of long-term sick leave when employment ends would require formal retirement or at least
20 20 years of employment with the City. Councilman Wright pointed out that the purpose of
21 granting leave is to promote employee morale, and employees should be encouraged to use the
22 leave given. Mr. Smith displayed the City's current financial liability from accrued employee sick
23 leave, and Mr. Thacker explained staff's recommendation regarding buying down the accrued
24 amounts. Responding to the question of whether the City is obligated to buy-down the accrued
25 amounts in excess of 800 hours, Ms. Romney stated that it is more of an employee morale
26 issue than a legal issue, and expressed willingness to research the issue further if directed by a
27 majority of the Council.

28
29 Mayor Cutler stated three questions that need to be considered and answered by the
30 Council:

- 31 • Is 800 hours a good cap?
32 • What should be done about accrued amounts over the cap?
33 • Should the accrual rate be changed?

34
35 Councilman Wright emphasized that the use of leave time needs to be well managed by
36 department heads. Further discussion of the issue was tabled.

37
38 **CITY MANAGER'S REPORT**

- 39
40 • An I-15 Project Milestone Event will take place on Friday, August 21st.
41 • Mr. Thacker updated the Council regarding the pedestrian bridge fencing, and
42 reported that UDOT has suggested the City might receive lower bids for
43 administering the sidewalk connection on the east side of the bridge. Councilwoman
44 Fillmore suggested the City request that a percentage of the project cost include an
45 amount for City administrative costs for oversight of the project.
46 • The next utility bill insert will include an article regarding the proposal to create a Fire
47 District, and will advertise the September 9th open house [corrected later to be Sept.
48 8th] at the Centerville Station, and the open house at City Hall prior to the regular
49 Council meeting on September 15th. Councilman Wright said he would like to see a
50 breakdown of the City's property tax revenue between the General Fund and RDA.
51

1 **MISCELLANEOUS**

2
3 Councilwoman Fillmore reported that the Recreation Center is willing to host a free
4 admission day for Centerville citizens any day the City chooses. She said she would look into
5 the possibility of selecting a Saturday in February, 2016.

6
7 **ADJOURNMENT**

8
9 At 10:24 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.
10 Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

11
12
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14
15
16 _____
17 Marsha L. Morrow, City Recorder

Date Approved

18
19
20
21 _____
22 Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the joint work session of the Centerville City Council, Parks and Recreation Committee, and Trails Committee held Tuesday, August 18, 2015 at 8:20 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

**PARKS & RECREATION
COMMITTEE**

Kyle Barney
Gary R. Goff, Chair
Melissa Smith
Rebecca Wright

**COMMITTEE MEMBERS
ABSENT**

Ben Horsley
Lynn Keddington
Loren Pankratz

TRAILS COMMITTEE

Denise Cox
Mark Dimond, Vice Chair
Greg Gunnell
Matt Johnson
Alan Peterson, Chair

**COMMITTEE MEMBERS
ABSENT**

Mikael J. Remington
Richard Turner

STAFF PRESENT

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

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

Alan Peterson, Trails Committee Chair, stated that the Trails Committee views their role as providing an opportunity for the citizens of Centerville to engage in the community in a hands-on/feet-on way, and experience what Centerville has to offer in a personal way. The two biggest issues faced by the Trails Committee are maintaining and keeping access to the existing trails system, and finding ways to expand hiking activities. The City's trails can be divided into mountain trails and urban trails. The biggest challenge on mountain trails is overuse and access. The vast majority of users have no idea that access to the mountain trails is largely through private property. Some property owners have suffered over time from their generosity in sharing access. Balancing the many stakeholders involved is a challenge. One negative event could potentially shut-off access to the trails. Mayor Cutler asked if there would be ways to educate citizens if more financial resources were available. Mr. Peterson responded that signs can be problematic because they don't last very long. The Trails Committee has

1 included educational information in the Davis County Clipper, and has considered making
2 educational efforts in the public high schools to reach younger trail users. The lack of ability to
3 control information posted about trails on the internet can be a challenge. Motorized use of the
4 trails is a big concern, but other concerns include vandalism, drug use, and fire danger.

5
6 The Trails Committee has initiated a Trail Chief program to involve citizens in scouting
7 trails and keeping the Committee updated on trail status. Councilman Wright mentioned a
8 program used in Germany to reward or recognize use of trails, and asked the Committee if they
9 have considered a similar program. Mr. Peterson responded that citizens who hike at least five
10 trails in Centerville can receive a pin that states "Take a Hike".

11
12 Mayor Cutler stated that the Council is hoping to hear from both Committees regarding
13 improvements that could be made or programs initiated if the RAP Tax is passed by voters. Mr.
14 Peterson responded that more signage on the mountain trails, erosion control, trail
15 maintenance, and additional publicity would be nice. Councilwoman Ivie, as liaison to the Trails
16 Committee, added that information that could be distributed at the schools for the young trail
17 users would be helpful. She stated the Committee has considered going through the DARE
18 program to spread information. The Trails Committee has had enthusiastic participation from
19 Youth Council liaisons, but has been limited in their ability to utilize them.

20
21 Councilman Wright asked if there would be a way to link with the walking programs
22 available through Medicare. Councilwoman Fillmore commented that the Silver Sneakers
23 Program is currently the only source of increasing participation at the Recreation Center. City
24 Manager Thacker asked if they would be interested in using RAP Tax money for bike lane
25 improvements. Mr. Peterson responded that they have become aware of a potential bike lane
26 grant possibility for Main Street. Mr. Thacker stated that the City should not be too specific in
27 stating how RAP Tax funds would be used, but bike lanes could be advertised as a possible
28 use. Bruce Cox, Parks and Recreation Director, pointed out proposed bike lanes on the City
29 trails map. An annual budget for bike lane improvements would be helpful. Councilman Wright
30 added that the Complete Streets approach can include bike lanes. Lisa Romney, City Attorney,
31 specified that RAP Taxes can be used for recreation facilities, which includes trail systems, and
32 for ongoing operating costs of recreation facilities. She cautioned that there would be a limited
33 amount of revenue from the RAP Tax, and stated that the ballot proposition was drafted broadly.
34 Mayor Cutler stated that cost estimates would be helpful in determining how to use the funds.
35 He added that the application for the UDOT grant for bike lanes may be more competitive if
36 Centerville teams up with the Farmington or Bountiful Trails Committees for a longer stretch of
37 road. Councilwoman Fillmore commented that Main Street is scheduled for an overlay in a few
38 years, and a bike lane could be added as part of the necessary re-striping. Mayor Cutler
39 suggested that the trails map be updated to more boldly differentiate the proposed lanes and
40 trails from existing trails.

41
42 The Council and Committees discussed possible locations for a restroom along the
43 Legacy/DNRG trails, and Mr. Peterson stated that the addition of a bike station has been
44 discussed for the Maverick that will be located on the southwest corner of Parrish Lane and
45 1250 West. Councilman Wright asked if the Trails Committee has considered sponsoring any
46 marathons or races. Mr. Peterson responded that they sponsor City hikes, and have helped to
47 sponsor race events as part of a larger group of entities.

48
49 Gary Goff, Parks & Recreation Committee Chair presented a prioritized Parks Capital
50 Improvement Plan. Completing the Community Park Expansion is the first priority on the Plan,
51 followed by improvements at Island View Park. Mr. Goff addressed public interest in adding a
52 splash pad somewhere in the City, and the expense and complications involved. Becki Wright
53 on the Parks & Recreation Committee mentioned some of the ways the complications could

1 possibly be reduced. Councilman Wright stated that demographics are changing, and the City
2 needs to attract young families with children. Mr. Goff agreed that a splash pad is a popular
3 suggestion, and the City needs to weigh the costs and the benefits. The idea of providing a
4 District splash pad at the Recreation Center was discussed. Mayor Cutler suggested that a
5 fountain or other water feature designed for playing might be a lower-cost option.
6 Councilwoman Fillmore suggested that Island View Park with its multiple tiers might be an
7 appropriate place for a water feature, with the runoff being used for irrigation. Mr. Cox
8 suggested it might be possible to take advantage of the creek at Smoot Park to add a water
9 feature. Mr. Thacker commented that the City does not currently have funding for repair and
10 replacement that needs to take place in the parks. It was suggested that ongoing park
11 maintenance and upgrading could be added to the Parks Capital Improvement Plan.
12

13 Mayor Cutler pointed out that the Parrish Creek Pond area is not included on the Parks
14 Capital Improvement Plan. Mr. Thacker explained the remaining phases that had been planned
15 for the Parrish Creek Pond area on the Frontage Road. Councilman Averett asked if the Parks
16 & Recreation Committee has tried fundraising for any of the projects. Mr. Cox responded that
17 funds have been raised for baseball field infill through the City baseball program. Councilman
18 Averett repeated that he would like the City to add a dog park, and stated that he would be
19 willing to pay for it if space were provided. Mr. Goff stated he had not been aware of the desire
20 for a dog park. Mr. Cox mentioned some of the liability associated with dog parks. Dogs are
21 currently allowed on a leash in any of the City parks.
22

23 The Mayor suggested the Parks Capital Improvements Plan could be presented more
24 aesthetically for general distribution. He reminded the Committee members that City
25 Committees cannot campaign for the RAP Tax, but Committee members can choose to help as
26 individuals if desired. Mr. Cox commended the members of both Committees for the personal
27 time they donate for the benefit of the community.
28

29 ADJOURNMENT

30
31 The work session was adjourned at 9:30 p.m.
32
33
34
35
36

37 _____
38 Marsha L. Morrow, City Recorder
39
40
41
42
43

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 2

Short Title: Public Hearing - Proposed Vacation of a Portion of 500 East Public Right-of-Way - Ordinance No. 2015-18 and Ordinance No. 2015-19 - Petitioners Michael J. Kelley and Richard and Elizabeth Johnson

Initiated By: City Attorney

Scheduled Time: 7:10

SUBJECT

Consider Petitions to vacate a portion of 500 East public right-of-way located within the Panorama Subdivision No. 2 and conveying such portion of the public right-of-way to adjoining property owners - Petitioners Michael J. Kelley and Richard and Elizabeth Johnson

RECOMMENDATION

Approve Ordinance No. 2015-18 and Ordinance No. 2015-19 vacating a portion of 500 East public right-of-way located within the Panorama Subdivision No. 2 and conveying such portion of the public right-of-way to adjoining property owners Michael J. Kelley and Richard and Elizabeth Johnson, subject to applicants submitting new legal descriptions for the property to be vacated in accordance with the City Engineer's requested corrections and paying all fees associated with the Petition to Vacate.

BACKGROUND

The City has received petitions to vacate a portion of 500 East public right-of-way located within the Panorama Subdivision No. 2. One petition has been filed by Michael J. Kelley, the owner of Lot 32 of the Panorama Subdivision No. 2, located at 1530 North 500 East, Centerville, Utah ("Kelley Property"). The other petition has been filed by Richard and Elizabeth Johnson, the owners of Lot 33 of the Panorama Subdivision No. 2, located at 1514 North 500 East, Centerville, Utah ("Johnson Property"). These petitions were filed in response to a City enforcement action regarding the reconstruction of a retaining wall on the Johnson Property. This matter was previously discussed with the City Council on March 17, 2015. As discussed with the City Council, a stop work order was issued to the Johnsons because the retaining wall was being constructed without a permit (required for any retaining wall or structure exceeding 4 feet in height). In researching the matter further, the City also determined that the retaining wall was illegally located within the public right-of-way constituting 500 East.

Given the construction of the house and driveway so close to the right-of-way on the Johnson Property, Staff concluded that it would be very difficult and impractical for the Johnsons to move and reconstruct the retaining wall outside of the public right-of-way. There are a number of houses along 500 East in a similar situation with retaining walls located immediately adjacent to the public sidewalk and within the public right-of-way. Staff is concerned about the safety and liability issues regarding these retaining walls within the public right-of-way. Normally, the City would pursue an enforcement action for encroachment into the public right-of-way and require the adjacent property owner to remove the encroachment. In other circumstances, the City has alternatively granted a license to the adjacent property owner for use of the public right-of-way when justified. However, the situation along 500 East presents unique circumstances and difficulties

regarding pursuit of any such enforcement action or granting of a license for encroachment. For these reasons, Staff recommended the property owners file a petition to vacate a portion of the 500 East public right-of-way to allow the private retaining walls to be located on private property rather than encroaching into the public right-of-way, conditioned upon the property owners bearing the costs associated with such vacation, including, but not limited to, surveying and engineering costs required to prepare the legal description for the property to be vacated, newspaper noticing costs, and recording costs. The property owners have conducted such surveying and engineering requirements and have submitted the related petitions to vacate. It is estimated that about 5-10 feet of 500 East is proposed to be vacated. The City Engineer has reviewed the survey and recommends a number of corrections to the legal descriptions for the property to be vacated. A copy of the Engineer's recommended corrections is attached.

The City Council is required by law to hold a public hearing on these petitions and the proposed vacation of a portion of the 500 East public right-of-way. Notice of the public hearing has been provided in accordance with UCA 10-9a-208. Pursuant to UCA 10-9a-609.5, the City Council is required to determine whether there is good cause for the vacation and that the public interest or any person will not be materially injured by the proposed vacation. For the reasons set forth herein, it is Staff's opinion that such good cause exists for the vacation and that the public interest or any person will not be materially injured by the vacation. Staff recommends approval of Ordinance No. 2015-18 and Ordinance No. 2015-19 vacating a portion of the 500 East public right-of-way within the Panorama Subdivision No. 2 and vacating the same to the adjoining property owners, subject to the applicants submitting new legal descriptions for the property to be vacated in accordance with the City Engineer's recommendations and paying all fees associated with the Petition to Vacate prior to recording.

ATTACHMENTS:

Description

- D Ordinance No. 2015-18-Kelley
- D Ordinance No. 2015-19-Johnson
- D Street Vacation Petition-Kelley
- D Street Vacation Petition-Johnson
- D Street Vacation-Maps
- D UCA 10-9a-208
- D UCA 10-9a-609.5
- D Street Vacation Memorandum
- D City Engineer-Legal Description Corrections

When Recorded, Return to:

Centerville City Recorder
250 North Main Street
Centerville, Utah 84014

ORDINANCE NO. 2015-18

**AN ORDINANCE GRANTING THE PETITION TO VACATE A PORTION OF
THE 500 EAST PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE
PANORAMA SUBDIVISION NO. 2 AND CONVEYING SUCH PORTION OF
THE PUBLIC RIGHT-OF-WAY TO THE ADJOINING OWNER OF PROPERTY**

WHEREAS, Centerville City has received a petition from Michael J. Kelley, owner of the property located at 1530 North 500 East in the Panorama Subdivision No. 2, Centerville, Davis County, Utah ("Kelley Property"); and

WHEREAS, it is the consensus of staff that the extra right-of-way on the east side of 500 East adjacent to the Kelly Property is not needed since the sidewalk in this area is located directly adjacent to the curb and such extra right-of-way is encumbered by a private retaining wall (which was necessary to create sufficient buildable area on a number of the eastern hillside lots within the Panorama Subdivision No. 2); and

WHEREAS, the City Council has held a public hearing on this matter and provided notice of the date, time and place of the hearing in accordance with *Utah Code Ann.* § 10-9a-208; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of a portion of the right-of-way on the eastern side of 500 East and that there is good cause for the vacation.

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

Section 1. **Vacation.** The City Council hereby finds there is good cause and neither the public nor any person will be materially injured by the proposed vacation of a portion of the right-of-way on the eastern side of 500 East adjacent to the Kelley Property, which portion to be vacated is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference. Pursuant to *Utah Code Ann.* § 10-9a-609.5, the vacation of a portion of the public right-of-way as set forth herein shall not be construed to impair the franchise rights of any public utility and the City hereby reserves a public utility easement over, across and through the vacated portion of the right-of-way for existing and future public utilities within such area.

Section 2. Recording. The City Recorder is directed to cause this Ordinance to be recorded in the office of the Davis County Recorder's Office in accordance with *Utah Code Ann.* § 10-9a-609.5, as amended.

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

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The vacation set forth herein shall become effective upon the date of recording of this Ordinance. The vacation set forth herein shall operate as a revocation of the acceptance of and the relinquishment of the City's fee therein, but shall not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 1st DAY OF SEPTEMBER, 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____.

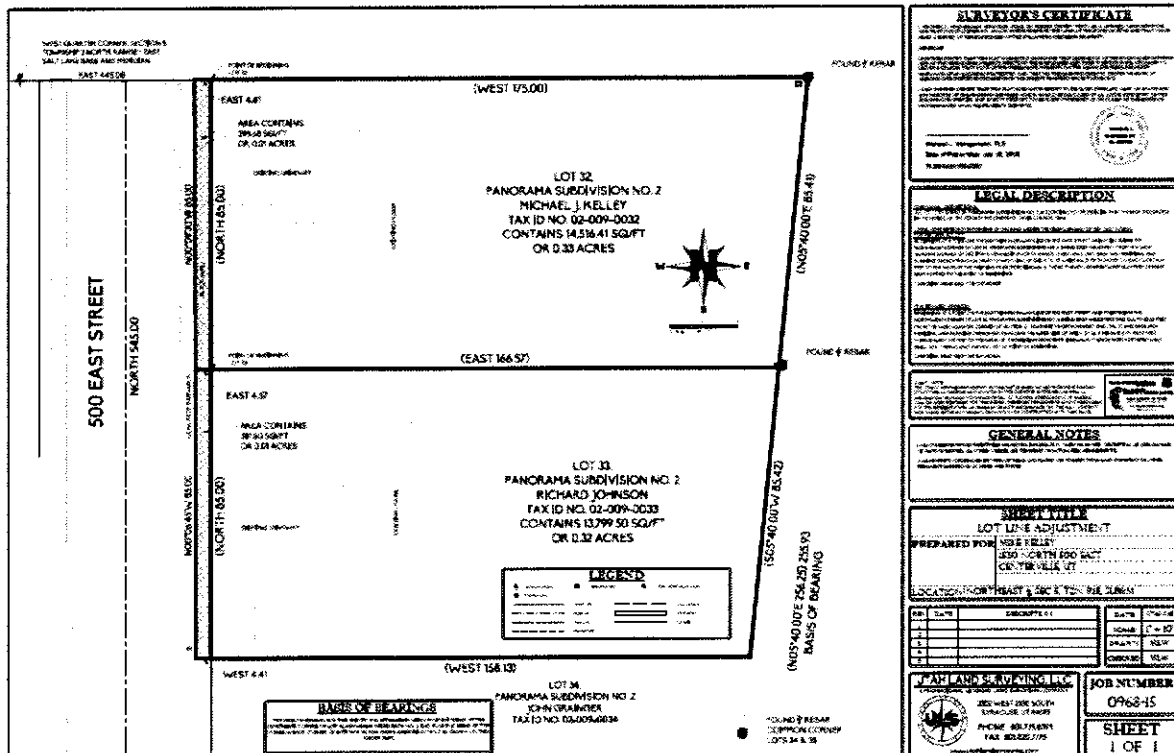
PUBLISHED OR POSTED this ____ of _____, 20____.

EXHIBIT A

LEGAL DESCRIPTION OF VACATED PORTION OF 500 EAST RIGHT-OF-WAY ADJACENT TO LOT 32 OF PANARAMA SUBDIVISION NO. 2

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 500 EAST STREET, SAID POINT BEING THE NORTHWEST CORNER OF LOT 32, PANARAMA SUBDIVISION NO. 2, BEING EAST 445.00 FEET FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 85.00 FEET; THENCE WEST 4.57 FEET TO THE BACK OF THE EXISTING CONCRETE SIDEWALK; THENCE NORTH $00^{\circ}09'30''$ WEST 85.00 FEET; THENCE EAST 4.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 398.68 SQ/FT OR 0.01 ACRES



When Recorded, Return to:

Centerville City Recorder
250 North Main Street
Centerville, Utah 84014

ORDINANCE NO. 2015-19

**AN ORDINANCE GRANTING THE PETITION TO VACATE A PORTION OF
THE 500 EAST PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE
PANORAMA SUBDIVISION NO. 2 AND CONVEYING SUCH PORTION OF
THE PUBLIC RIGHT-OF-WAY TO THE ADJOINING OWNER OF PROPERTY**

WHEREAS, Centerville City has received a petition from Richard and Elizabeth Johnson, owners of the property located at 1514 North 500 East in the Panorama Subdivision No. 2, Centerville, Davis County, Utah ("Johnson Property"); and

WHEREAS, it is the consensus of staff that the extra right-of-way on the east side of 500 East adjacent to the Johnson Property is not needed since the sidewalk in this area is located directly adjacent to the curb and such extra right-of-way is encumbered by a private retaining wall (which was necessary to create sufficient buildable area on a number of the eastern hillside lots within the Panorama Subdivision No. 2); and

WHEREAS, the City Council has held a public hearing on this matter and provided notice of the date, time and place of the hearing in accordance with *Utah Code Ann.* § 10-9a-208; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of a portion of the right-of-way on the eastern side of 500 East and that there is good cause for the vacation.

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

Section 1. Vacation. The City Council hereby finds there is good cause and neither the public nor any person will be materially injured by the proposed vacation of a portion of the right-of-way on the eastern side of 500 East adjacent to the Johnson Property, which portion to be vacated is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference. Pursuant to *Utah Code Ann.* § 10-9a-609.5, the vacation of a portion of the public right-of-way as set forth herein shall not be construed to impair the franchise rights of any public utility and the City hereby reserves a public utility easement over, across and through the vacated portion of the right-of-way for existing and future public utilities within such area.

Section 2. Recording. The City Recorder is directed to cause this Ordinance to be recorded in the office of the Davis County Recorder's Office in accordance with *Utah Code Ann.* § 10-9a-609.5, as amended.

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

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. The vacation set forth herein shall become effective upon the date of recording of this Ordinance. The vacation set forth herein shall operate as a revocation of the acceptance of and the relinquishment of the City's fee therein, but shall not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 1st DAY OF SEPTEMBER, 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____.

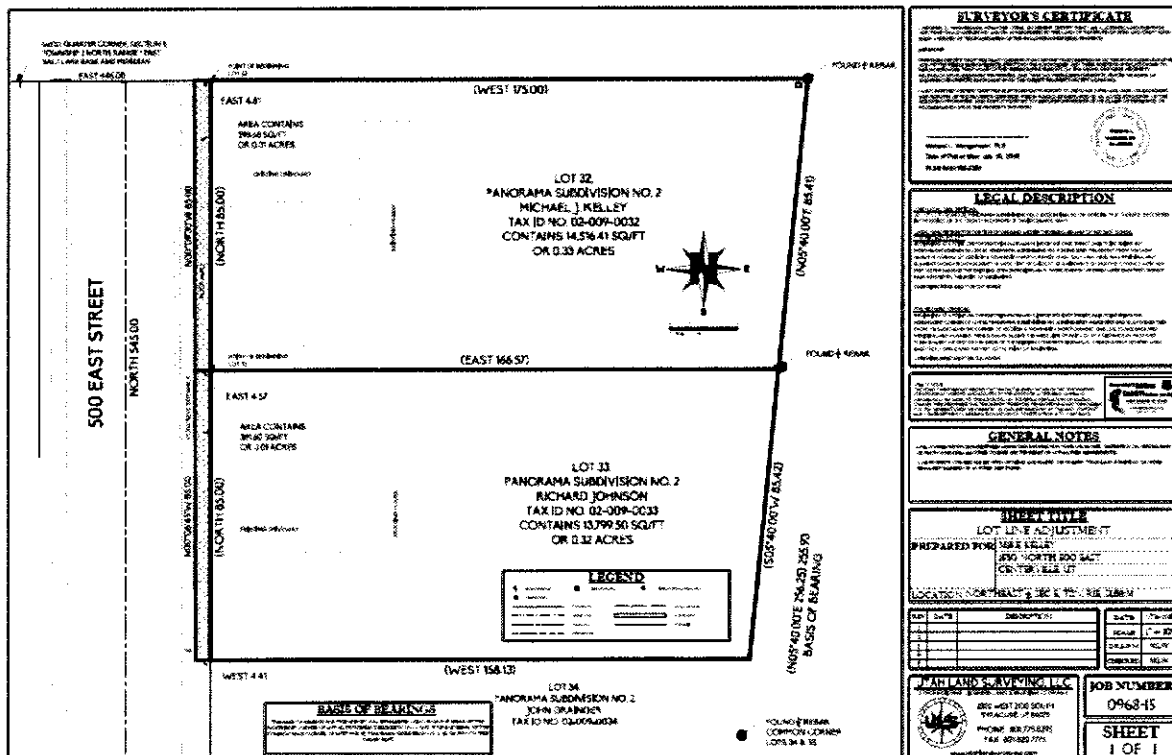
PUBLISHED OR POSTED this ____ of _____, 20____.

EXHIBIT A

LEGAL DESCRIPTION OF VACATED PORTION OF 500 EAST RIGHT-OF-WAY ADJACENT TO LOT 33 OF PANARAMA SUBDIVISION NO. 2

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CONTAINS 381.60 SQ/FT OR 0.01 ACRES



PETITION OF MICHAEL J. KELLEY TO VACATE A PORTION OF THE 500 EAST
PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE PANORAMA SUBDIVISION NO. 2
AND FOR CONVEYANCE OF SUCH PORTION OF THE PUBLIC RIGHT-OF-WAY.

TO: Marsha L. Morrow
Centerville City Recorder
250 North Main Street
Centerville, Utah 84014

Michael J. Kelley, owner of record of Lot 32, Panorama Subdivision No. 2, Serial No. 02-009-0032, 1530 North 500 East, Centerville, Utah (the "Adjoining Property") hereby petitions the City of Centerville to vacate and to convey to Michael J. Kelley that portion of the 500 East public right-of-way that is east of the eastern edge of the eastern sidewalk located within such 500 East public right-of-way that is adjacent to the Adjoining Property.

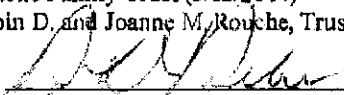
Attached hereto as Exhibit "A" is the name and address of each owner of record that is adjacent to the public street, right-of-way or easement or accessed exclusively by or within 300 feet of the public street, right-of-way or easement.



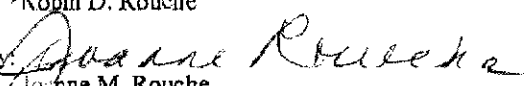
Michael J. Kelley

The undersigned property owners consent to the vacation:

Rouche Family Trust (5/12/2014)
Robin D. and Joanne M. Rouche, Trustees

By: 

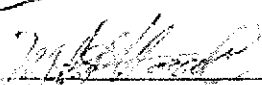
Robin D. Rouche

By: 

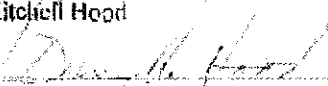
Joanne M. Rouche



Trent J. Waddoups



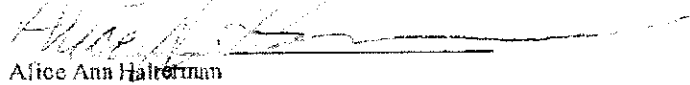
Mitchell Hood



Danielle Hood



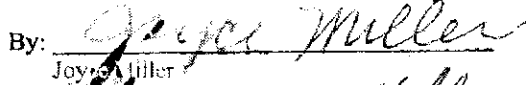
Kenneth Lowder Haltsch



Alice Ann Haltsch

Miller Estate Revocable Trust (9/29/2004)

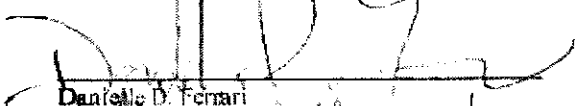
Joyce and Elias Miller, Trustees

By: 

Joyce Miller

By: 

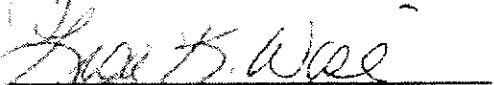
Elias Miller



Danfelle D. Ferrari



Joseph M. Ferrari



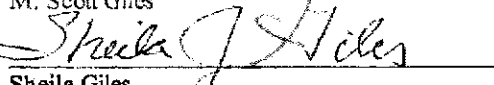
Lisa K. Wise



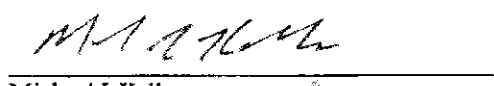
Clifford R. Wise



M. Scott Giles



Sheila Giles



Michael J. Kelley



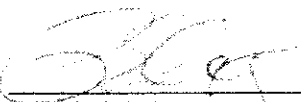
Richard Johnson



Elizabeth Johnson



John Grainger


Peter S. Schultz

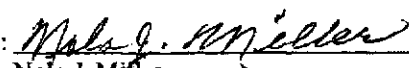
Alane M. Schultz

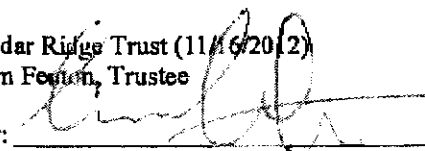
Brent and Laurie Hayes Family Trust (11/21/2014)
Brent Darwin and Laurie S. Hayes, Trustees

By: 
Brent Darwin Hayes, Trustee

By: 
Laurie S. Hayes, Trustee

Miller Family Trust (1/25/1987)
Nola J. Miller, Trustee

By: 
Nola J. Miller

Cedar Ridge Trust (11/16/2012)
Tim Fenton, Trustee
By: 
Tim Fenton

2004 Doretta Lee Smith Living Trust (10/23/2004)
Doretta Lee Smith, Trustee

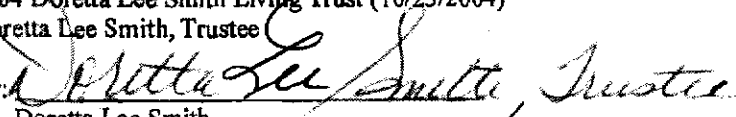
By: 
Doretta Lee Smith

EXHIBIT "A"
Panorama Subdivision No. 2

Lot No.	Serial No.	Owner	Address
24	02-009-0024	Rouche Family Trust (5/12/2014) Robin D. and Joanne M. Rouche, Trustees	1387 N. Oakridge Lane Centerville, UT 84014
25	02-009-0049 Formerly 02-009-0025	Trent J. Waddoups	1411 N. 500 East Centerville, UT 84014
26	02-009-0050 Formerly 02-009-0026	Mitchell and Danielle Hood	1433 N. 500 East Centerville, UT 84014
27	02-009-0027	Kenneth Lowder Halterman and Alice Ann Halterman	1451 N. 500 East Centerville, UT 84014
28	02-009-0028	Miller Estate Revocable Trust (9/29/2004) Joyce and Elias Miller, Trustees	1468 N. 500 East Centerville, UT 84014
29	02-009-0029	Danielle D. and Joseph M. Ferrari	1491 N. 500 East
30	02-009-0030	Lisa K. and Clifford R. Wise	1509 N. 500 East Centerville, UT 84014
31	02-009-0031	M. Scott and Sheila Giles	1523 N. 500 East Centerville, UT 84014
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39	02-009-0039	2004 Doretta Lee Smith Living Trust (10/23/2004) Doretta Lee Smith, Trustee	517 E. 1400 North Centerville, UT 84014 <u>Tax Notice Address:</u> 106 SE View Drive Newport, OR 97365

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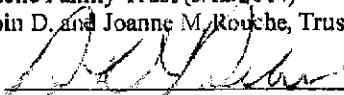
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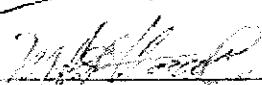
Robin D. Rouche

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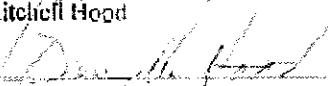
Joanne M. Rouche



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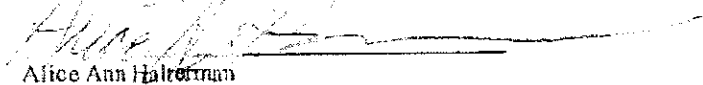
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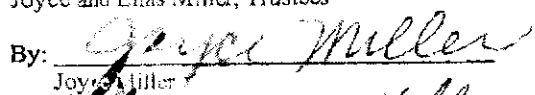


Kenneth Lowder Hansen

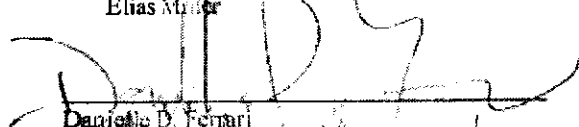


Alice Ann Halterman

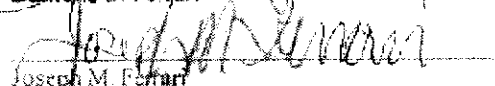
Miller Estate Revocable Trust (9/29/2004)
Joyce and Elias Miller, Trustees

By: 
Joyce Miller

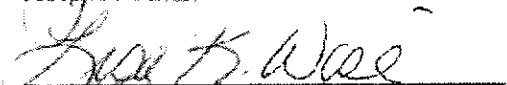
By: 
Elias Miller



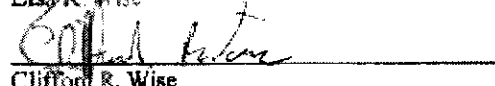
Danielle D. Ferrari



Joseph M. Ferrari



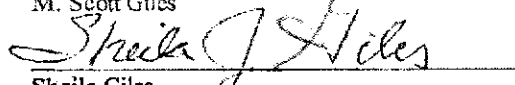
Lisa K. Wise



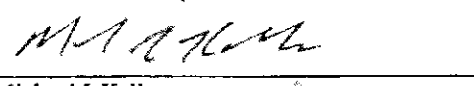
Clifford R. Wise



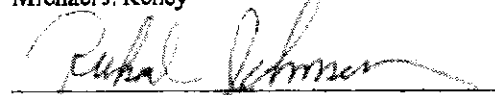
M. Scott Giles



Sheila Giles



Michael J. Kelley



Richard Johnson



Elizabeth Johnson



John Grainger


Peter S. Schultz

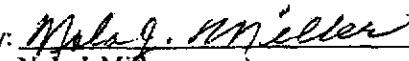

Alane M. Schultz

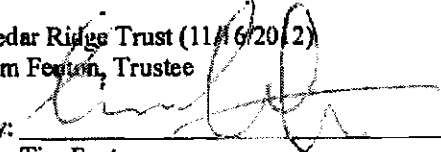
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Brent Darwin and Laurie S. Hayes, Trustees

By: 
Brent Darwin Hayes, Trustee

By: 
Laurie S. Hayes, Trustee

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Nola J. Miller, Trustee

By: 
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Utah Land Surveying, LLC
2302 West 2100 South
Syracuse, UT 84075
(801) 725-8395
Fax (801) 820-7775

A LEGAL DESCRIPTION FOR
MIKE KELLEY ADDITIONAL FRONTAGE

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 500 EAST STREET, SAID POINT BEING THE NORTHWEST CORNER OF LOT 32, PANORAMA SUBDIVISION NO. 2, BEING EAST 445.00 FEET FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 32, A DISTANCE OF 85.00 FEET; THENCE WEST 4.57 FEET TO THE BACK OF THE EXISTING CONCRETE SIDEWALK; THENCE NORTH 00°09'30" WEST 85.00 FEET; THENCE EAST 4.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 398.68 SQ/FT OR 0.01 ACRES

A LEGAL DESCRIPTION FOR
RICHARD JOHNSON ADDITIONAL FRONTAGE

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LETTER FROM THE SECRETARY OF THE BOARD OF DIRECTORS OF THE NATIONAL ASSOCIATION OF PUBLIC DEFENDERS TO THE PRESIDENT OF THE UNITED STATES, APRIL 1964

Michael L. Wangemann, PLS
Date of Print in Map: July 16, 2011
PLS# 8431158-2201



NO LEGAL DESCRIPTIONS
TOWN OF LYNDEN AND 25 PARCELS ARE SUBDIVISIONS. ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED
THE OFFICE OF THE COUNTY RECORDER OF DAVENPORT COUNTY, IOWA

THE COMMISSIONERS OF THE LAND OFFICE, H.M. LAND OFFICE, LONDON, W.C.2.

[illegible][illegible]

PREPARED FOR MIKE KELLEY
1530 NORTH 500 EAST
CENTREVILLE, OH

LOCATION: NORTHEAST 1/4 SEC 5, T2N, R1E, S18W, M

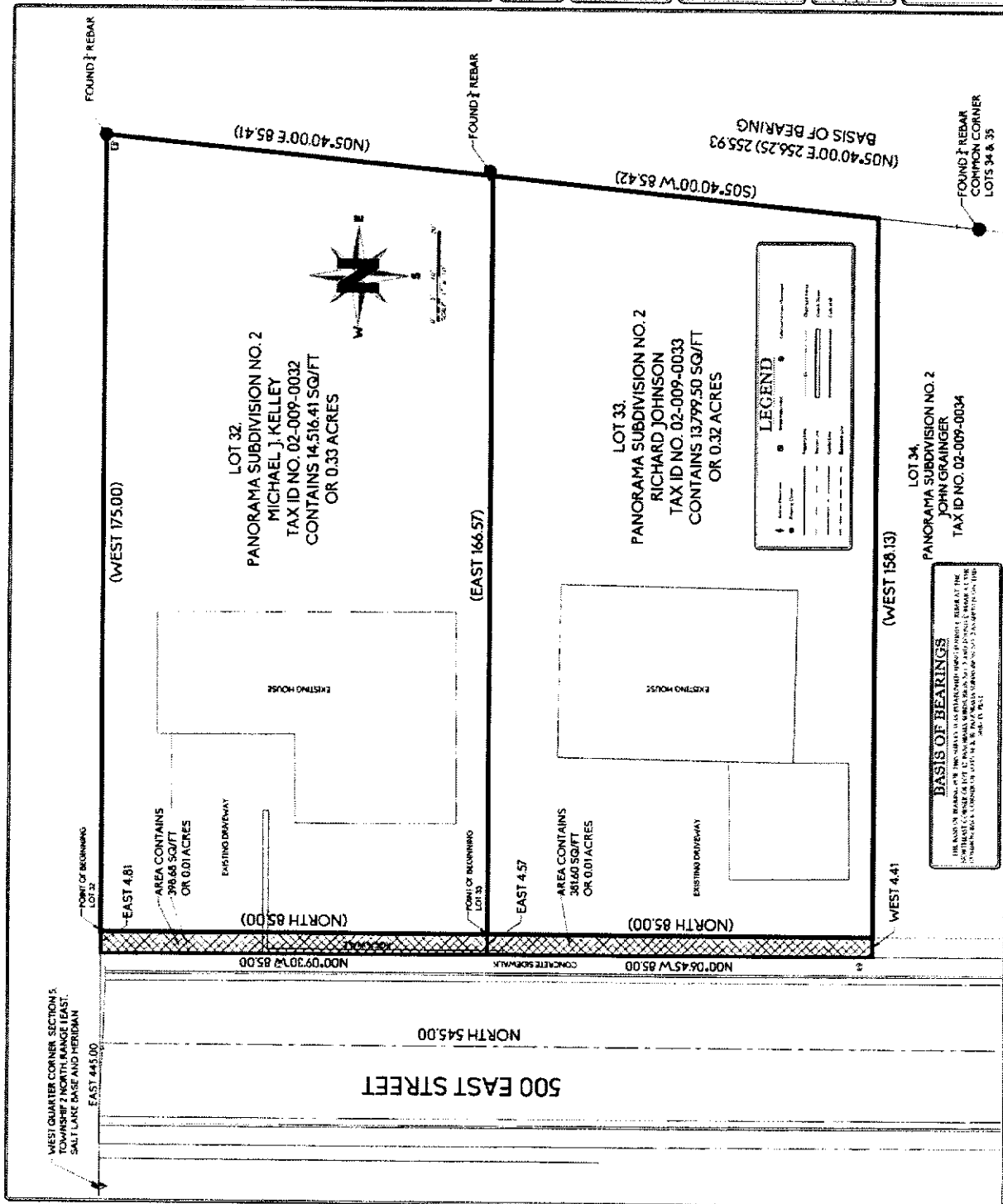
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DATE	07/06/2008
SAME	F = RO
DRAWN	M/W
STUCKED	M/W

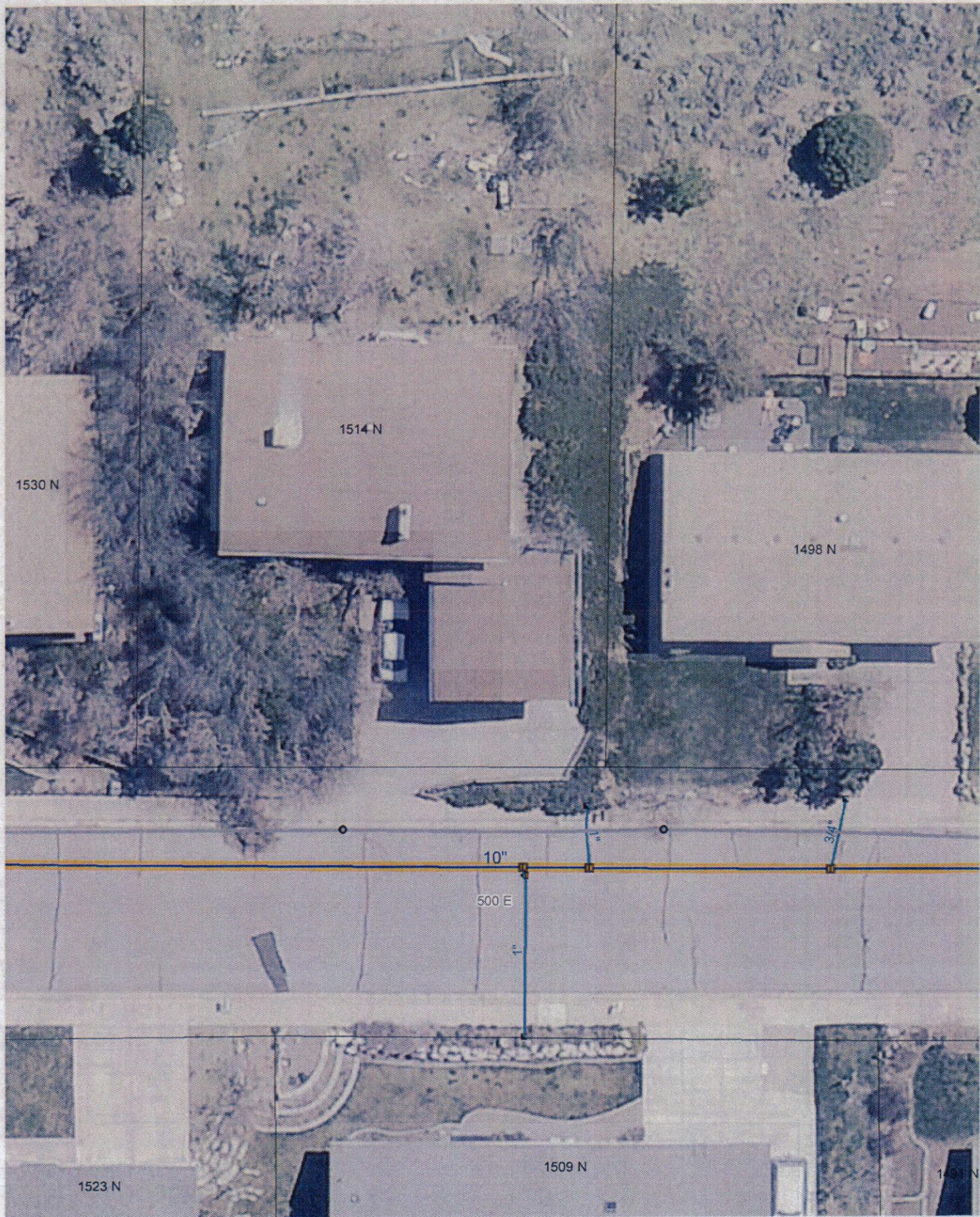
UTAH LAND SURVEYING, LLC
PROFESSIONAL LICENSED LAND SURVEYOR COMPANY
2302 WEST 2100 SOUTH
SALT LAKE CITY, UT 84119
201.462.1515
www.ulsurveying.com

PHONE 801/258395
FAX 801/207775



www.itchandsurveying.com





West's Utah Code Annotated

Title 10. Utah Municipal Code

Chapter 9A. Municipal Land Use, Development, and Management Act (Refs & Annos)

Part 2. Notice

U.C.A. 1953 § 10-9a-208

§ 10-9a-208. Hearing and notice for proposal to vacate a public street, right-of-way, or easement

Currentness

(1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:

(a) hold a public hearing; and

(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).

(2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:

(a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;

(b) mailed to each affected entity;

(c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and

(d)(i) published in a newspaper of general circulation in the municipality in which the land subject to the petition is located;
and

(ii) published on the Utah Public Notice Website created in Section 63F-1-701.

Credits

Laws 2005, c. 254, § 15, eff. May 2, 2005; Laws 2006, c. 240, § 3, eff. May 1, 2006; Laws 2009, c. 338, § 2, eff. May 12, 2009; Laws 2009, c. 388, § 38, eff. May 12, 2009; Laws 2010, c. 90, § 17, eff. May 11, 2010.

U.C.A. 1953 § 10-9a-208, UT ST § 10-9a-208

Current through 2015 General Session.

West's Utah Code Annotated

Title 10. Utah Municipal Code

Chapter 9A. Municipal Land Use, Development, and Management Act (Refs & Annos)

Part 6. Subdivisions

U.C.A. 1953 § 10-9a-609.5

§ 10-9a-609.5. Vacating a street, right-of-way, or easement

Currentness

(1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street, right-of-way, or easement; or

(ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and

(b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

(2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

(4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

§ 10-9a-609.5. Vacating a street, right-of-way, or easement, UT ST § 10-9a-609.5

(a) a plat reflecting the vacation; or

(b) an ordinance described in Subsection (3).

(5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any lot owner; or

(ii) the franchise rights of any public utility.

Credits

Laws 2006, c. 163, § 5, eff. May 1, 2006; Laws 2007, c. 243, § 2, eff. Mar. 14, 2007; Laws 2009, c. 338, § 7, eff. May 12, 2009; Laws 2010, c. 381, § 8, eff. May 11, 2010.

U.C.A. 1953 § 10-9a-609.5, UT ST § 10-9a-609.5

Current through 2015 General Session.

End of Document

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Centerville City
Kevin Campbell
City Engineer

RE: Plat Review of Mike Kelley Lot Line Adjustment Plat

Dear Kevin,

I have reviewed the plat and have found the following errors and omissions.

1. Please show existing and proposed right of widths on 500 East street.
2. It is recommended to show the square feet to the nearest foot and the acres to three decimal places on lots and legal descriptions.
3. Please show all existing easements and note if they will be effected by the lot line adjustment. This can also be done in the narrative.
4. In a narrative, please explain why the changes are being made to the lots.
5. It would be helpful to have an Original boundary description or Deed description (like you show) and then a proposed legal description with the overall SF and Acres for tax purposes. This can be a Lot 32 Together with....for example.
6. Please note if the section corner was found or not found.
7. It appears that the legend is missing.
8. It appears that a rebar was located for lot 32/33. Please notate the location from the calculated lot corner.
9. Please show all adjoining property lines with ownership and parcel numbers.

If you have any questions regarding this plat review please contact me, and we can discuss your concerns. Please have Utah Land Surveying, LLC provide a revised copy of this plat showing that these items have been addressed.

Sincerely,
Brian A. Linam, P.L.S.

ESI Engineering Inc.



CIVIL ENGINEERING

STRUCTURAL ENGINEERING

LAND SURVEYING

GPS



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 3.

Short Title: Discussion and rough cost estimates for burying power and utility lines within a portion of Main Street

Initiated By: City Council

Scheduled Time: 7:20

SUBJECT

RECOMMENDATION

Allow Steve Rush, Community Relations Manager for Rocky Mountain Power (RMP), to explain the attached email and answer questions.

BACKGROUND

During their goal-setting process earlier this year, the City Council expressed an interest in investigating the cost of burying the overhead utilities on Main Street. This interest was expressed again more recently as a part of the discussion about the South Main Street Corridor Plan/Overlay Zone. Staff were directed to seek a cost estimate from RMP for burying the power lines on Main Street from Parrish Lane to Pages Lane. Staff met with RMP reps, who subsequently provided the attached email summarizing the costs they were willing to estimate at this time, and identifying the types of costs that are not included in their estimate. A more detailed cost estimate would require the City to first pay a \$30,000 fee to RMP.

As noted in the attached email, the "high-level" (i.e. very rough) cost estimate begins with \$1.3 million just for RMP's equipment/materials and labor. This does not include many items described in the email, including trenching and conduit, boring, trench patching, converting services for property owners, etc. Nor does it include undergrounding of the other overhead utilities--Comcast, CenturyLink, and UTOPIA--or the re-installation of light poles to replace the power poles that currently hold streetlights. In separate conversations with two RMP employees, both of them said you should realistically triple the \$1.3 million estimate to include the costs not quantified. Therefore, staff suggest a \$4 - 5 million range as a realistic rough projection for Main Street between Parrish Lane and Pages Lane. In addition, there would be an impact on City staff if they are expected to manage this conversion project. This impact would include an intensive effort to obtain easements from numerous property owners to accommodate under-grounding of their service connections and for equipment cabinets on private property.

As Mr. Rush can explain at the meeting, the power lines on Main Street serve as the "backbone" feeder line for customers throughout the City--not just the customers along Main Street. In staff's opinion, this fact makes it inappropriate to ask property owners/developers to absorb the cost of burying these lines either as part of a redevelopment project or as a special assessment district.

Another issue raised by a council member in an earlier meeting is the possibility of transferring ownership of Main Street from UDOT to the City in hopes of providing some advantages as redevelopment occurs along

this corridor. That council member expressed a desire to know what it would cost to maintain Main Street if the City became the owner. Staff have not done any current analysis of this possibility because that was not an assignment given by a majority of the Council and would take significant effort to prepare. However, some years ago staff did some cost analysis when UDOT proposed the possibility of transferring to cities the ownership and maintenance responsibility of many State roads. Randy Randall, Public Works Director, will attend the council meeting to share what he remembers about that analysis.

ATTACHMENTS:

Description

- RMP email - cost of undergrounding power lines

From: Rush, Steve [<mailto:Steve.Rush@rockymountainpower.net>]
Sent: Thursday, August 27, 2015 10:50 AM
To: Steve Thacker; Corvin Snyder (corvins@centervilleut.com)
Subject: Undergrounding Electric Facilities Cost Estimate
Importance: High

Steve,

Below is some specific information regarding approximate costs to underground RMP's 12 kV distribution line along Main St from Parrish Lane to Paiges Lane. These numbers are very high level estimates based upon some recent estimates that RMP has prepared for other projects. They will serve to give you an order of magnitude cost for your internal discussions. As important as what work is included in the estimate is what work is not included and is the responsibility of the city to pay for.

What is not mentioned in the language below is the cost for other utilities to also underground their wires and cables. Centurylink, Comcast, Utopia, etc. all have joint use agreements to be attached to our poles. Once our poles are removed, their wires and cables will need to be buried as well. If the city wishes to have street lights along this section of Main St., street light poles will need to be installed. And finally some of these poles are being used by the City to attach banners for special events.

Please let me know if I can be of further assistance. I will meet with your city council in a work session if that would be of interest.

Regards,
Steve

City of Centerville request to convert approximately 5300' of three phase overhead to underground. Company to install a three phase, 1000MCM AL primary backbone. Ballpark estimate is \$1,300,000 to include all materials and labor.

***Excludes trenching, backfill, conduit, conduit installation, easement acquisition, vault purchase and installation, boring, asphalt repair, landscape repair, etc., which are Customer's responsibility. Also excludes electrical work on individual customer meter base conversions. Other costs to the Customer may include but not limited to, barricading, cranes, permits, inspectors, vac trucks, gravel/sand, survey and engineering fees.

A \$30,000 engineering advance will be required before any further work towards a cost estimate.

Utah Tariff Rule 12:6:C

(c) Overhead to Underground Conversions for Local Governments

When required by a governmental entity and when such conversion is practical, the Company will replace existing overhead with underground distribution facilities provided the entity pays the Company in accordance with paragraph (b) above, and provided the entity will adopt an ordinance creating an underground district requiring:

- (1) All existing overhead communication and electric distribution facilities in said district be removed; and,
- (2) Each property owner to make the changes necessary to receive service from the underground facilities as soon as the Company makes them available; and
- (3) Authorizes the Company to discontinue overhead service when it has completed construction of the underground facilities

(b) above

(b) Overhead to Underground Conversions

For overhead to underground conversions, the new underground system must not impair the use of the remaining overhead system. The Applicant or Customer must elect either: to provide all trenching and backfilling, imported backfill material, conduits, and equipment foundations that the Company requires for the relocation; or, to pay the Company to provide these items.

In addition, the Applicant or Customer must advance the following:

- (1) The estimated installed cost of the new facilities plus the estimated removal expense of the existing facilities, less
- (2) The estimated salvage value of the removed facilities and depreciation on the original facilities.

***Please be reminded that materials for this project are long lead timeframe items that could take up to 6 months for delivery.

***Also, the company may want a contract that includes a "true-up" clause that bills on actuals after the project has been completed. This covers the company in case something does not go according to Hoyle. Many times we see unexpected costs such as additional ground work not done by the Customer. Cities, at times, require odd work hours and timeframes, Delays caused by other entities. Etc.

***Tariff requires RMP to be paid in advance.

Customer and Community Manager

Steve.rush@rockymountainpower.net

801-629-4210 office

801-698-4808 mobile



Let's turn the answers on.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 4.

Short Title: FY2015 Financial Report

Initiated By: Finance Director, Blaine Lutz

Scheduled Time: 7:50

SUBJECT

RECOMMENDATION

Allow Blaine Lutz, Finance Director, to summarize the financial report for FY 2015 and answer questions.

BACKGROUND

This is the *unaudited* financial report for the entire Fiscal Year 2015, which ended June 30, 2015. Typically it takes two months after that date to close out the prior fiscal year records, due to expenditures incurred in June but not paid until after June 30, and revenues accrued prior to June 30 but not received and known until after June 30—such as the sales tax distribution to cities.

ATTACHMENTS:

Description

- D FY 2015 interim financial report

**General Fund
Unaudited Summary
June 2015 (100% of year)**

	This Month	Year to Date	(Accrual) Estimate	FY 15 Budget	% Budget	\$ Difference	% Variance
Revenues							
Property Tax	\$5,124	\$996,187	\$1,002,700	\$1,006,835	99.59%	-\$4,135	-0.42%
Fee in Lieu	\$8,500	\$86,393	\$89,395	\$93,000	96.12%	-\$3,605	-4.17%
Sales & UseTax	\$282,315	\$3,574,885	\$3,610,000	\$3,625,000	99.59%	-\$15,000	-0.42%
RDA Tax Increment	\$0	\$129,011	\$129,011	\$129,011	100.00%	\$0	0.00%
RAP Tax	\$2,650	\$36,320	\$37,320	\$37,000	100.86%	\$320	0.88%
Franchise Taxes	\$135,000	\$1,031,000	\$1,047,000	\$1,330,000	78.72%	-\$283,000	-27.45%
Licenses & Permits	\$15,122	\$241,315	\$241,315	\$356,350	67.72%	-\$115,035	-47.67%
Intergovernmental	\$0	\$642,366	\$642,366	\$564,155	113.86%	\$78,211	12.18%
Charges for Services	\$78,800	\$952,871	\$952,871	\$941,175	101.24%	\$11,696	1.23%
Fines	\$12,470	\$508,780	\$508,780	\$492,000	103.41%	\$16,780	3.30%
Miscellaneous	\$12,053	\$71,600	\$71,600	\$50,750	141.08%	\$20,850	29.12%
Transfers/Contributions	\$5,583	\$46,669	\$46,669	\$156,200	29.88%	-\$109,531	-234.70%
Total	\$557,617	\$8,317,397	\$8,379,027	\$8,781,476	95.42%	-\$402,449	-4.84%
Expenditures							
City Council	\$5,758	\$79,261	\$79,261	\$92,317	85.86%	\$13,056	16.47%
Judicial	\$16,695	\$203,390	\$203,390	\$220,732	92.14%	\$17,342	8.53%
Executive	\$37,378	\$392,492	\$392,482	\$393,247	99.81%	\$765	0.19%
Attorney	\$11,630	\$141,749	\$141,749	\$151,656	93.47%	\$9,907	6.99%
Finance	\$45,509	\$513,611	\$513,611	\$537,594	95.54%	\$23,983	4.67%
Attorney Services	\$6,307	\$27,902	\$32,000	\$33,000	96.97%	\$1,000	3.58%
Emergency Management	\$2,821	\$16,492	\$16,492	\$17,500	94.24%	\$1,008	6.11%
Fire	\$0	\$821,730	\$821,730	\$822,340	99.93%	\$610	0.07%
Elections	\$0	\$0	\$0	\$0	0.00%	\$0	0.00%
Youth Council	\$0	\$7,000	\$7,000	\$7,000	100.00%	\$0	0.00%
Police	\$23,072	\$2,299,842	\$2,299,842	\$2,397,478	95.93%	\$97,636	4.25%
Liquor Law	\$2,442	\$17,354	\$17,354	\$19,650	88.32%	\$2,296	13.23%
School Xing	\$2,339	\$54,120	\$54,120	\$54,650	99.03%	\$530	0.98%
DARE	\$5,159	\$102,478	\$102,478	\$104,036	98.50%	\$1,558	1.52%
K-9	\$456	\$1,900	\$1,900	\$7,250	26.21%	\$5,350	281.58%
Animal Control	\$3,447	\$21,283	\$22,000	\$22,000	100.00%	\$0	0.00%
PW Admin	\$22,434	\$281,449	\$281,449	\$294,740	95.49%	\$13,291	4.72%
Streets	\$71,015	\$648,726	\$648,729	\$676,509	95.89%	\$27,780	4.28%
Projects	\$0	\$413,652	\$413,652	\$611,546	67.64%	\$197,894	47.84%
GIS	\$8,779	\$95,302	\$95,302	\$102,085	93.36%	\$6,783	7.12%
Engineering	\$16,241	\$153,669	\$153,669	\$175,000	87.81%	\$21,331	13.88%
Parks	\$88,849	\$763,379	\$758,310	\$816,090	92.92%	\$57,780	7.57%
Community Events	\$18,935	\$50,366	\$50,366	\$50,150	100.43%	-\$216	-0.43%
Parks & Rec Facility	\$593	\$7,896	\$7,896	\$10,526	75.01%	\$2,630	33.31%
Maint Facility	\$8,593	\$47,187	\$47,187	\$36,500	129.28%	-\$10,687	-22.65%
Maint Facility Storage	\$144	\$6,037	\$6,037	\$6,160	98.00%	\$123	2.04%
City Hall	\$15,256	\$156,830	\$156,830	\$206,410	75.98%	\$49,580	31.61%
Community Dev.	\$21,062	\$287,000	\$287,000	\$303,948	94.42%	\$16,948	5.91%
Building Inspection	\$13,284	\$63,703	\$63,703	\$82,980	76.77%	\$19,277	30.26%
Transfers - Non Dep.	\$0	\$590,449	\$590,449	\$590,449	100.00%	\$0	0.00%
UTOPIA -Pledges	\$0	\$274,876	\$274,876	\$274,876	100.00%	\$0	0.00%
UIA Assessment	\$0	\$20,840	\$20,840	\$20,840	100.00%	\$0	0.00

Use/Contribution to Fund balance	- \$244,568	- \$182,677	\$ (357,783)
(Revenues Over/Under Expenditures)			

Estimate

Fund Balance at Beginning of Year (est.)	\$1,317,015
Fund Balance estimate 6/30/2015	\$1,134,338
Projected Fund Balance %	14.35%

Source: Current Centerville City financial statements. May be subject to change

Capital Project Funds (Unaudited) June 30, 2015
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This Month	Year to Date	FY 15 Budget	% Budget
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Capital Improvement

Storm Drain

Revenues:

Fund Balance			\$51,283	
Impact Fees	\$0	\$52,523	\$25,000	210.09%
Grants	\$0	\$0	\$0	0.00%
Other	\$92	\$1,004	\$75	1338.67%
Total Revenues	\$92	\$53,527	\$76,358	70.10%

Expenditures	\$0	\$1,852	\$452,716	0.41%
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Fund Balance at Beginning of Year (est.) \$45,209

Fund Balance estimate 6/30/2015 \$96,884

Park

Revenues:

Fund Balance			\$354,172	
Impact Fees	\$4,114	\$18,513	\$15,000	123.42%
Transfer	\$0	\$0	\$65,828	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$21,435	0.00%
Total Revenues	\$4,114	\$18,513	\$456,435	18.10%

Expenditures	\$0	\$524,910	\$795,296	66.00%
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Fund Balance at Beginning of Year (est.) \$506,397

Fund Balance estimate 6/30/2015 \$0

Capital Projects Fund

Revenues:

Fund Balance				
Transfers - General	\$315,400	\$590,276	\$590,276	100.00%
RDA additional increment	\$0	\$170,000	\$170,000	100.00%
Other	\$0	\$51	\$100	51.00%
Total Revenues	\$315,400	\$760,327	\$760,376	99.99%

Expenditures

UTOPIA Pledge	\$0	\$444,976	\$444,976	100.00%
Projects	\$210,345	\$210,345	\$315,400	0.00%
Total Expenditures	\$210,345	\$655,321	\$760,376	86.18%

Balance at Beginning of Year \$42,296

Fund Balance estimate 6/30/2015 \$147,302

RDA/Other Funds (Unaudited) June 30, 2015
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	This Month	Year to Date	FY 15 Budget	% Budget
<u>RDA</u>				
Revenues	\$81,000	\$1,497,870	\$1,847,000	81.10%
Expenditures	\$7,835	\$1,284,113	\$1,847,000	69.52%

Fund Balance at Beginning of Year (est.)	\$163,230
Fund Balance estimate 6/30/2015	\$376,987

Recreation

<u>Revenues</u>				
Recreation	\$12,278	\$80,156	\$87,000	92.13%
Youth Baseball	\$828	\$35,619	\$31,000	114.90%
Concession Sales	\$6,698	\$29,898	\$23,635	126.50%
Other	\$0	\$39,000	\$39,000	100.00%
Total Revenues	\$19,804	\$184,673	\$180,635	102.24%

<u>Expenditures</u>				
Recreation	\$29,116	\$105,519	\$127,320	82.88%
Concessions	\$6,758	\$14,496	\$23,635	61.33%
Youth Baseball/Softball	\$30,945	\$51,507	\$28,425	181.20%
Total Expenditures	\$66,819	\$171,522	\$179,380	95.62%

Revenue Over/Under Expend	\$	(47,015)	\$	13,151	\$	1,255
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Balance at Beginning of Year (est.)	\$22,088
Fund Balance estimate 6/30/2015	\$35,239

Sales Tax Debt Service (DCAC)

Revenues	\$0	\$1,623,888	\$1,623,888	100.00%
Expenditures	\$0	\$1,623,888	\$1,623,888	100.00%

Reserved Fund Balance	\$0
Fund Balance estimate 6/30/2015	\$0

Whitaker Trust

Beginning fund balance			\$24,679	
Revenues	\$25	\$29,005	\$69,264	41.88%
Expenditures	\$7,279	\$28,661	\$69,264	41.38%

Fund Balance at Beginning of Year	\$14,854
Fund Balance estimate 6/30/2015	\$15,198

**Enterprise Funds
(Unaudited)
June 30, 2015**

	This Month	Year to Date	FY 15 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	\$9,849	\$301,845	\$230,000	131.24%
Water Sales	\$151,470	\$1,876,762	\$1,861,500	100.82%
Bond Revenue	\$0	\$343,541	\$468,000	73.41%
Other	\$4,332	\$64,237	\$66,500	96.60%
Total Revenues	\$165,651	\$2,586,385	\$2,626,000	98.49%
Expenditures				
Operating/Dep/Debt	\$130,938	\$1,526,574	\$1,935,345	78.88%
Capital Improvement	\$56,562	\$801,238	\$740,130	108.26%
Total Expenditures	\$187,500	\$2,327,812	\$2,675,475	87.01%
Net Cash provided by operations beginning of year		\$355,445		
Estimatec Net Cash provided by operations		\$614,018		
		(includes \$250,000 bond funds)		

Sanitation

Revenues:				
Collection Fees	\$57,825	\$693,144	\$697,400	99.39%
Recycling fees	\$14,856	\$174,125	\$167,885	103.72%
Green Waste fees	\$7,486	\$88,709	\$80,000	110.89%
Other	\$70	\$1,540	\$7,470	20.62%
Total Revenues	\$80,237	\$957,518	\$952,755	100.50%
Expenditures:				
Disposal	\$28,146	\$308,688	\$311,000	99.26%
Collection	\$41,686	\$272,374	\$268,000	101.63%
Recycling	\$28,969	\$172,032	\$164,000	104.90%
Green Waste	\$6,123	\$36,189	\$33,000	109.66%
Other	\$9,239	\$131,264	\$185,325	70.83%
Total Expenditures	\$114,163	\$920,547	\$961,325	95.76%
Net Cash provided by operations beginning of year		\$20,170		
Estimatec Net Cash provided by operations		\$57,141		

Drainage

Revenues	\$49,224	\$572,998	\$594,100	96.45%
Operating Expenditures	\$103,850	\$650,262	\$648,054	100.34%
Capital Expenditures	\$97,228	\$7,948	\$7,600	104.58%
Total Expenditures	\$201,078	\$658,210	\$655,654	100.39%
Net Cash provided by operations beginning of year		\$237,083		
Estimatec Net Cash provided by operations		\$151,871		

Telecommunications

Revenues:				
Connection Fees	\$26,682	\$282,767	\$275,000	102.82%
Transfers - GF	\$0	\$20,840	\$20,840	100.00%
Total Revenues	\$26,682	\$303,607	\$295,840	102.63%
Expenditures:				
Utility Service charges	\$21,675	\$260,052	\$261,250	99.54%
UIA operating assessment	\$0	\$20,840	\$20,840	100.00%
Operating service charge	\$1,145	\$13,750	\$13,750	100.00%
Total Expenditures	\$22,820	\$294,642	\$295,840	99.60%
Net Cash provided by operations beginning of year		\$374		
Estimatec Net Cash provided by operations		\$9,339		

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 5.

Short Title: Parks Capital Improvement Plan

Initiated By: Parks & Recreation Committee

Scheduled Time: 8:00

SUBJECT

Review Draft Parks Capital Improvement Plan (CIP) as recommended by the Parks & Recreation Committee

RECOMMENDATION

Approve a version of the Parks CIP that can be used as a basis for educating the public about the need for more funding for these purposes.

BACKGROUND

The City Council met with the Parks & Recreation Committee and Trails Committee on August 18 to discuss the Parks CIP and Trails/Bike Lanes Master Plan. The Parks & Recreation Committee subsequently met and revised the proposed Parks CIP, which is attached. The City Manager will meet with the Parks & Recreation Director before the September 1 City Council meeting to discuss some further revisions to this document to bring it into harmony with the Park Impact Fee Facilities Plan and possibly revise cost estimates for some line items. As a result, the "Total Improvements" cost estimate may increase over the \$6,185,000, and the total in the "Impact Fee Eligible" column will be reduced. At Tuesday's meeting, the City Council may also want to make some revisions before authorizing the document to be used for public education purposes.

ATTACHMENTS:

Description

- ☐ Draft Parks Capital Improvement Plan
- ☐ Draft Parks Capital Improvement Plan - 8/31/15 Revision

8/26/2015

Parks Capital Improvement Plan

All dollar amounts are rough estimates only.

<u>HIGH TO LOW PRIORITY</u>			Impact Fee Eligible
1	Community Park Expansion	phase 4: Irrigation and seed	\$ 600,000
2	"	phase 5: Parking and Path (.26 miles)	\$ 150,000
3	"	Small Bowery/restrooms	\$ 60,000
4	Porter-Walton Park	Swingset + Toddler Seat	\$ 3,000
5	Community Park	Additional Lighting in Parking Lots	\$ 25,000
6	Community Park Expansion	Additional Playground	\$ 50,000
7	Community Park	Ballfield Lights/Scoreboards	\$ 160,000
8	*Island View Park	Replace Playgrounds	\$ 100,000
9	"	Concept plan/Design Grading	\$ 100,000
10	"	Renovate Tennis Courts	\$ 150,000
11	"	Renovate/Rebuild Lower Level Restrooms	\$ 55,000
12	"	Remove Handball/Build Pickleball courts	\$ 150,000
13	"	New Restroom/Pavilion on Upper Level	\$ 60,000
14	Replace/repair of existing amenities; Playgrounds, pavilions, paths, courts.		\$ 300,000
15	Parish Creek Pond		\$ 100,000
16	Additional Park Amenities	2 Tennis Courts	\$ 300,000
17	Location To Be Determined	2 Basketball Courts	\$ 150,000
18	"	4 Pickleball Courts	\$ 150,000
19	"	Splash Pad/interactive water feature	\$ 500,000
20	Trail Improvements	Legacy/D&RG Trailhead w/restrooms	\$ 100,000
21	Frontage Road	West Side Landscaping	\$ 400,000
22	Future Park(s) Location TBD	Purchase of Property (7.21 acres)	\$ 680,000
23		Phase 5: Concept Planning and Design	\$ 20,000
24		Phase 2: Grading	\$ 60,000
25		Phase 3: Drainage and Utilities	\$ 12,000
26		Phase 4: Irrigation and seed	\$ 600,000
27		Phase 5: Parking and Path	\$ 150,000
28		Phase 6: Pavillion/Restroom Playground	\$ 300,000
29	City Hall/Founders Park Expansion	Purchase & Improve .98 acres	\$ 700,000
Total Improvements			\$ 6,185,000
			\$ 2,555,000

* Island View Park Complete Rebuild estimate at \$ 141,400 per acre
4.6 acres

POTENTIAL FUNDING SOURCES

\$ 650,440

- 1 Future Park Impact Fees/Developer Contributions
- 2 Grants
- 3 General Fund
- 4 RAP Tax
- 5 Recreation District
- 6 Dedicated Property Tax

8/31/2015

Parks Capital Improvement Plan All dollar amounts are rough estimates only.

HIGH TO LOW PRIORITY				Impact Fee Eligible	
1	Community Park Expansion	phase 4: Irrigation and seed	\$ 600,000	\$ 600,000	
2	"	phase 5: Parking and Path (.26 miles)	\$ 150,000	\$ 150,000	
3	"	Small Bowery/restrooms	\$ 60,000	\$ 60,000	
4	Porter-Walton Park	Swingset + Toddler Seat	\$ 3,000		
5	Community Park	Additional Lighting in Parking Lots	\$ 25,000		
6	Community Park Expansion	Additional Playground	\$ 50,000	\$ 50,000	
7	Community Park	Ballfield Lights/Scoreboards	\$ 160,000		
8	*Island View Park	Replace Playgrounds	\$ 100,000		
9	"	Concept plan/Design Grading	\$ 100,000		
10	"	Renovate Tennis Courts	\$ 150,000		
11	"	Renovate/Rebuild Lower Level Restrooms	\$ 55,000		
12	"	Remove Handball/Build Pickleball courts	\$ 150,000		
13	"	New Restroom/Pavilion on Upper Level	\$ 60,000		
14	Replace/repair of existing amenities; Playgrounds, pavilions, paths, courts.		\$ 300,000		
15	Parish Creek Pond		\$ 150,000	\$ 150,000	
16	Additional Park Amenities	2 Tennis Courts	\$ 300,000		
17	Location To Be Determined	2 Basketball Courts	\$ 150,000		
18	"	4 Pickleball Courts	\$ 150,000		
19	"	Splash Pad/interactive water feature	\$ 500,000		
20	Trail Improvements	Legacy/D&RG Trailhead w/restrooms	\$ 100,000		
21	Frontage Road	West Side Landscaping	\$ 400,000		
22	Future Park(s) Location TBD	Purchase of Property (7.21 acres)	\$ 680,000	\$ 205,000	
23		Phase 5: Concept Planning and Design	\$ 20,000	\$ 6,000	
24		Phase 2: Grading	\$ 60,000	\$ 18,000	
25		Phase 3: Drainage and Utilities	\$ 12,000	\$ 36,000	
26		Phase 4: Irrigation and seed	\$ 600,000	\$ 180,000	
27		Phase 5: Parking and Path	\$ 150,000	\$ 45,000	
28	Additional Park Amenities	Pavillion/Restroom Playground	\$ 300,000	\$ 190,000	
29	City Hall/Founders Park Expansion	Purchase & Improve .98 acres	\$ 700,000	\$ 700,000	
Total Improvements			\$ 6,235,000	\$2,390,000	

* Island View Park Complete Rebuild estimate at \$ 141,400 per acre
4.6 acres

POTENTIAL FUNDING SOURCES

\$ 650,440

- 1 Future Park Impact Fees/Developer Contributions
- 2 Grants
- 3 General Fund
- 4 RAP Tax
- 5 Recreation District
- 6 Dedicated Property Tax

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 6.

Short Title: RAP Tax - Submittal of Arguments For and Against RAP Tax

Initiated By:

Scheduled Time: 8:30

SUBJECT

If more than one person requests to submit an argument in favor or against the RAP tax for the Voter Information Pamphlet, the City Council shall determine the drafter. The City Council must also consider and discuss the City Council required argument in favor of the RAP tax for the Statewide Voter Information Website.

RECOMMENDATION

BACKGROUND

Voter Information Pamphlet. Any person desiring to draft an argument for or against the RAP tax for publication in the Voter Information Pamphlet must submit a request to the City Council by 5:00 p.m. on Monday, August 31, 2015. If more than one person submits a request to draft the arguments in favor or against the RAP tax for the Voter Information Pamphlet by the deadline of August 31, 2015, the City Council is required to determine which person is selected to write the arguments. In making the final designation, the law provides that members of the City Council (including the Mayor) have priority over all others. If selected, the arguments in favor or against the RAP tax are limited to 500 words each and 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 City Recorder the argument in favor of the RAP tax for posting on the Statewide Voter Information Website by 5:00 p.m. on Friday, September 4, 2015. The Mayor has submitted a sample argument that can be considered by the City Council for this purpose. City Council members or any eligible voter may also submit an argument against the RAP tax for posting on the Statewide Voter Information Website. Such arguments against the RAP tax must be submitted to the City Recorder by 5:00 p.m. on Friday, September 4, 2015. If more than one eligible voter submits an argument against the RAP tax, the City Recorder shall determine which one is selected.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. Z

Short Title: County Local Option Transportation Tax - HB 362

Initiated By:

Scheduled Time: 8:45

SUBJECT

Discuss potential City involvement in providing public information and/or City position on the proposed County Local Option Transportation Tax to be submitted to the voters of Davis County during November 2015 election.

RECOMMENDATION

Council Members should read the attached documents (at least the first document, which is a summary of the second attachment) from the Utah League of Cities and Towns to understand what they can and can't do as elected officials relating to the County Local Option Transportation Tax ballot question.

BACKGROUND

The Mayor, City Manager and City Attorney have discussed some ideas of how the October newsletter could be used to inform the public about the need for more street maintenance funding—within the legal limits of State law—if the City Council wants to provide such information to the public prior to the election.

ATTACHMENTS:

Description

- ULCT HB 362 Summary Memo
- ULCT HB 362 Memo



HB 362 Local Option: County Requirements ¹

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)(ii)

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
9/1/2015**

Item No. 8

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:00

SUBJECT

RECOMMENDATION

Even though no specific topics are shown under this heading, Mayor Cutler may report on one or more matters.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 9

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:05

SUBJECT

- a. Asset and Inventory Updates
- b. Dates for Volunteer Recognition Dinner and Employee Christmas Dinner

RECOMMENDATION

BACKGROUND

a. Asset and Inventory Updates. The City's Procurement Policy--updated as of February 2015--includes a section about asset and inventory management. It requires each department to maintain records of items with original value of \$1000 to \$5000. Department heads may also choose to keep records of items valued at less than \$1000. The Finance Department is to keep asset records of items with original value of \$5000 or more.

The policy also allows the City Manager to require department heads to track some information in a uniform manner. The first attachment represents the uniform data base that has been established by Jacob Smith, Management Assistant, with the cooperation of each department head--pursuant to the direction of the City Manager. Department heads keep additional details about these items at their level, if they wish, but this centralized list of items with original value over \$1000 will be updated each year as of July 1. It will also be used as a cross-check against the capital asset records updated by the Finance Department during the annual audit. "Capital assets" are defined in the Procurement Policy as items with original value of \$5000 or more.

Many of the items on the attached centralized inventory--such as vehicles--will also be in the Capital Asset records, but those records will also include assets or fixtures that are incorporated into infrastructure or buildings. The Capital Asset records are not attached because these are updated during the annual audit, which occurs over the next few months.

Also attached is the IT inventory maintained by Lisa Bednarz for all departments. This is updated throughout the year. Some of these items may have original value of less than \$1000, but the Procurement Policy allows the City Manager to "... require an inventory of specific categories of items less than \$1000"--which the City Manager agrees should continue to be maintained by the City's technology specialist.

Jake Smith, Management Assistant, will be at the Council meeting to answer questions about these records and the process that will be used each year to update the centralized database.

b. Set Dates for Dinners. Lisa Summers would like the Council to set the dates for the annual Volunteer Recognition Dinner and Employee Christmas Dinner. Some dates will be proposed at the Council meeting.

ATTACHMENTS:

Description

- ▣ Centerville Physical Inventory
- ▣ Centerville IT Inventory
- ▣ Procurement Policy Section 250 & 260

Procurement Policy

making the expenditure, the employee shall return any excess money to the petty cash fund and staple the receipt for the expenditure to the Petty Cash Voucher.

240. City Credit Cards.

City credit cards may be used to make purchases or pay bills as provided herein. All such purchases with City credit cards shall be made in accordance with the procedures for applicable purchase types and approval requirements as set forth in this Policy. Other than fuel purchases with a City-authorized gas card, any approved purchase made with a City credit card shall require a receipt which must be turned in with the credit card statement to the Finance Department. For purchases made online where a receipt is not provided, a copy of the confirmation email or printout shall be attached to the statement in lieu of a receipt. Department heads shall review and approve all department credit card statements prior to submitting to the Finance Department for payment. The Finance Director may review any Department credit card statements at his or her discretion.

250. Asset and Inventory Management.

"Capital assets" are those assets with an initial individual cost of more than \$5,000 and an estimated life in excess of two (2) years. Examples of capital assets include land and land improvements, building and building improvements, machinery and equipment, vehicles and trucks, easements, water rights, and infrastructure assets (e.g., roads, bridges, sidewalks and similar items). "Inventory" are assets with an initial individual cost between \$1,000 and \$5,000 and an estimated life in excess of one (1) year. Inventory does not include any assets or fixtures that are incorporated into infrastructure or buildings. Department heads may choose to inventory items less than \$1,000 at their discretion. The City Manager may also require an inventory of specific categories of items less than \$1,000. "Estimated useful life" is the period of time a capital asset or inventory item is expected to be used by the City. The estimated useful life is standardized for capital assets as more particularly set forth in the attached Standard Useful Life Table. Departments may set their own estimated useful lives for department-specific inventories (i.e. police weapons, shop tools, etc.). Such department set useful life estimates must be applied uniformly and consistently. "Item valuation" is the value of a capital asset or inventory item at its original cost. Values, per current standards, are not marked up or appreciated above their original cost at any time during an item's estimated useful life.

260. Reporting and Accountability.

The Finance Department is responsible for maintaining and updating capital asset lists, reports and schedules. Department heads are responsible for determining procedures for the tracking of inventory (items between \$1,000 - \$5,000) within their own department, but may be required by the City Manager to track some information regarding inventory in a uniform matter. Capital assets and inventory records should be updated (report all new, sold, or disposed items) as purchases or disposal occurs and such records should be reviewed annually

Procurement Policy

in connection with the annual audit. Department heads may delegate record-keeping and/or data entry duties.

270. Ethics.

All employees must abide by the guidelines and procedures set forth in this Policy regarding expenditures. Employees shall comply with applicable provisions of the Utah Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann. §§ 10-3-1301, et seq.*, as amended. A violation of this Policy by any officer or employee of the City may be cause for disciplinary action in accordance with the disciplinary procedures of the City as set forth in the Personnel Policies and Procedures as adopted by the City.

280. Disposal of Personal Property.

(a) The City shall dispose of all public personal property in good faith and for adequate consideration under the circumstances. Purchasing agents are encouraged to use a variety of procedures and advertising for the disposal of City personal property. The disposal of any public personal property of the City should be made, as nearly as possible, under the same conditions and limitations as required by this policy in the purchase of public personal property. If the estimated value of the surplus property is under \$1,000 the department head is authorized to determine the appropriate method for disposal as deemed in the best interest of the City. If the estimated value of the surplus property is over \$1,000, the Finance Director must approve the appropriate method for disposal as deemed in the best interest of the City. No employee shall obtain a personal benefit in the disposal of City personal property. The method used for disposal should be an open and competitive process in consideration of the value of the property. Examples of disposal methods include, but are not limited to, the following:

- (1) the sale of surplus property at public auction;
- (2) the sale of surplus property through sealed bids;
- (3) the trade or exchange of surplus property;
- (4) the lease or sublease of surplus property; or
- (5) the sale of surplus property through online advertising.

(b) The disposal or sale of real property (as defined in Centerville City Ordinances) shall comply with applicable provisions of *Utah Code Ann. § 10-8-2* and Chapter 3-06 of the Centerville City Code regarding the sale of a significant parcel of real property.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:15

SUBJECT

Accept waterline and public utility easement for the Porter Walton Townhomes project located at approximately 564 West Porter Lane.

RECOMMENDATION

Accept waterline and public utility easement for the Porter Walton Townhomes project located at approximately 564 West Porter Lane.

BACKGROUND

The Porter Walton Townhomes project received final site plan and conditional use permit approval by the Planning Commission on July 22, 2015. As a condition of approval, the developer is required to grant to the City a waterline and public utility easement for culinary waterlines and public utilities. The proposed easement is attached. Staff recommends the City Council accept the easement and direct the City Recorder to sign and record the same against the subject property.

ATTACHMENTS:

Description

- Porter Walton-Waterline & PUE

WHEN RECORDED, MAIL TO:

Centerville City
Attn: City Recorder
250 North Main
Centerville, Utah 84014

Affects Parcel Nos.: 03-001-0125, 03-001-0145

WATERLINE AND PUBLIC UTILITY EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **BRIGHTON DEVELOPMENT UTAH, LLC**, a Utah limited liability company, hereby grants, conveys, sells and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, its successors, assigns, licensees, franchisees and public utilities (collectively referred to as Grantee), a perpetual right-of-way and public utility easement to install, maintain, operate, repair, inspect, remove, replace, or relocate culinary water pipelines and related facilities and other public utility facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee perpetually, with right of ingress and egress, to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, remove, replace, and relocate said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. To the extent required by Utah law, and except as otherwise provided herein for buildings or structures, the utility or its contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible.

Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to Grantee hereunder. Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof,

without the written consent of Grantee. Grantor is expressly permitted to install grass, soil, shrubbery, bushes, and other low level vegetation, sprinkler systems, gravel, flat concrete and asphalt within the easement area. Pursuant to Utah law, if the property owner places buildings or improvements to land that interfere with the easement rights granted herein, the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights granted herein.

This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this right-of-way and easement this _____ day of _____, 2015.

"GRANTOR"

BRIGHTON DEVELOPMENT UTAH, LLC

By: _____

Its: _____
Member/Manager

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

BRIGHTON ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared before me _____, who being by me duly sworn, did say that he/she is the Member/Manager of BRIGHTON DEVELOPMENT UTAH, LLC, a Utah limited liability company, and that said instrument was signed on behalf of said limited liability company by authority of its operating agreement and signed on behalf of said limited liability company.

Notary Public

My Commission Expires:

Residing at:

EXHIBIT A

LEGAL DESCRIPTION FOR WATERLINE AND PUBLIC UTILITY EASEMENT

PART OF THE NORTHWEST QUARTER OF SECTION 18 AND THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING N89°40'15"E 906.55 FEET AND N00°19'45"W 0.63 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 18; THENCE S89°57'07"E 247.58 FEET; THENCE S00°02'53"W 46.00 FEET; THENCE N89°57'07"W 18.00 FEET; THENCE S00°03'06"W 360.73 FEET; THENCE S89°56'54"E 18.00 FEET; THENCE S00°03'06"W 74.00 FEET; THENCE N89°57'07"W 18.00 FEET; THENCE S00°03'06"W 75.18 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 5.66 FEET, A RADIUS OF 10.00 FEET, A CHORD BEARING OF S16°10'26"E, AND A CHORD LENGTH OF 5.59 FEET; THENCE S32°23'58"E 6.37 FEET; THENCE N89°54'03"W 54.04 FEET; THENCE N32°47'44"E 6.42 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 5.71 FEET, A RADIUS OF 10.00 FEET, A CHORD BEARING OF N16°25'25"E, AND A CHORD LENGTH OF 5.64 FEET; THENCE N00°03'06"E 143.44 FEET; THENCE N89°56'54"W 18.00 FEET; THENCE N00°03'06"E 56.00 FEET; THENCE S89°56'54"E 18.00 FEET; THENCE N00°03'06"E 304.35 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 28.28 FEET, A RADIUS OF 18.00 FEET, A CHORD BEARING OF N44°57'01"W, AND A CHORD LENGTH OF 25.46 FEET; THENCE N89°57'07"W 105.58 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 28.27 FEET, A RADIUS OF 18.00 FEET, A CHORD BEARING OF S45°02'59"W, AND A CHORD LENGTH OF 25.46 FEET; THENCE S00°03'06"W 304.34 FEET; THENCE S89°56'54"E 18.00 FEET; THENCE S00°03'06"W 56.00 FEET; THENCE N89°56'54"W 18.00 FEET; THENCE S00°03'06"W 58.08 FEET; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 64.31 FEET, A RADIUS OF 87.00 FEET, A CHORD BEARING OF S21°13'38"W, AND A CHORD LENGTH OF 62.85 FEET; THENCE ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 27.66 FEET, A RADIUS OF 53.00 FEET, A CHORD BEARING OF S27°26'58"W, AND A CHORD LENGTH OF 27.35 FEET; THENCE ALONG A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 7.98 FEET, A RADIUS OF 10.00 FEET, A CHORD BEARING OF S10°22'29"E, AND A CHORD LENGTH OF 7.77 FEET; THENCE S33°14'42"E 6.58 FEET; THENCE N89°54'03"W 55.11 FEET; THENCE N33°22'10"E 6.56 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 4.66 FEET, A RADIUS OF 10.10 FEET, A CHORD BEARING OF N20°08'30"E, AND A CHORD LENGTH OF 4.62 FEET; THENCE ALONG A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 63.55 FEET, A RADIUS OF 97.00 FEET, A CHORD BEARING OF N23°38'08"E, AND A CHORD LENGTH OF 62.42 FEET; THENCE ALONG A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 31.78 FEET, A RADIUS OF 43.00 FEET, A CHORD BEARING OF N21°13'38"E, AND A CHORD LENGTH OF 31.07 FEET; THENCE N00°03'06"E 470.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 59,477 SQUARE FEET OR 1.365 ACRES

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No. 11.

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

Initiated By:

Scheduled Time: 9:20

SUBJECT

RECOMMENDATION

At this time 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
9/1/2015**

Item No. 12.

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

Initiated By:

Scheduled Time: 9:20

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards/committees.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/1/2015**

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Farmington/Davis justice courts
- ☐ Newspaper Article - Clipper - Housing density a long-term battle in Centerville



Printed: August 20, 2015

Farmington to take over Davis County Justice Court

Agreement goes into affect Jan. 1



COMSTOCK

Courtroom gavel

BY JANA E FRANCIS STANDARD-EXAMINER STAFF

FARMINGTON — The Davis County Commission has approved an agreement with Farmington calling upon the city to supply all of the county's justice court services.

The deal will take effect Jan. 1, 2016, allowing Farmington to administer all of the cases that have been handled by the current Davis County Justice Court. The county in October 2014 decided to wind down its justice court.

"We are looking at getting out of that line of work," said Commission Chairman P. Bret Millburn in the commission meeting Tuesday. "We are trying to find as seamless a transition as possible."

Justice courts are established by counties and municipalities and have the authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their jurisdiction. Justice court jurisdictions are determined by the boundaries of local government entities such as cities or counties, which hire the judges.

Millburn said Farmington officials agreed to provide the services and the agreement also has been approved by other entities now served by the county Justice Court. The court handles cases from Farmington, Fruit Heights, Kaysville, West Bountiful and West Point.

The move is set to take effect a year earlier than previously discussed by the commission. However, according to the resolution approved by the commission, the move will not take place until the Farmington City Justice Court has been created by the Utah Judicial Council.

Davis County Clerk/Auditor Curtis Koch said Wednesday that in 2014, the Davis justice court cost \$1.2 million, with expected revenue of \$1.38 million.

"We believe it will be close to a neutral or potentially make money (for Farmington)," he said of the pending switch.

"For years, it's always been said the justice courts are not about making a profit. The service is what's important. If it was being purely driven off of profit, would they be accomplishing what their intent was, which is dealing with the public justly and fairly?"

Koch said he didn't believe Farmington would make a large profit from the switch.

"By no means have we seen this as a cash cow," he said. "By no means do we ever project it to be a cash cow."

Farmington City Manager Dave Millheim could not be reached for comment. He is out of the office until Monday.

Koch said an equivalent of 11 full-time employees would be affected by the change. Millburn said Farmington would have the opportunity to hire those employees.

Millburn said financial considerations were only part of the reason Davis officials opted to stop operating a justice court. He said another reason was a belief that the justice court system was not the optimum way to solve such legal issues.

However, he said that opinion was not shared by legal authorities in the state and that the justice court system followed Utah law.

In an Oct. 22, 2014 letter from Davis County Attorney Chief Criminal Deputy David M. Cole explained to then-County Commissioner Louenda Downs the need to close the court.

"Considering the many issues and/or concerns raised by citizens and residents of Davis County and

neighboring counties as well as Davis County representatives over the past several years, this office has concluded that it is no longer feasible to continue operating” the court, the letter said.

At that time, Downs said there had been numerous complaints made about the court. But those complaints filed with the court are not available to the public, according to state law.

You may reach reporter JaNae Francis at 801-625-4228. Follow her on Twitter at @JaNaeFrancisSE or like her on Facebook.

[print](#)

Housing density a longterm battle in Centerville

by JENNIFFER WARDELL

08.20.15 - 10:25 am

CENTERVILLE— The housing density debate rages on in Centerville.

Though the West Porter Lane development is the most recent example of the conflict between single-family homes and higher density housing in Centerville, the issue has been a factor in city decisions for decades. From last year's West Centerville Neighborhood Plan to the mixed-use development that would have taken the property where Walmart now sits, residents have long protested higher-density housing in the city.

"Most communities that are small would really like to stay a small bedroom community," said Centerville City Community Development Director Cory Snyder.

Many of the grassroots organizations who fight for lesser density say that higher-density housing will change the community, citing fuller schools and more crowded streets. They also argue that the presence of apartments and townhomes will change the entire feel of the area.

"If Centerville only has apartments, it will completely change what Centerville is," said Marti Money, one of the leaders of Zone Centerville Right. "It will continue to change the lifestyle of the area."

In many cases, however, the people moving into the apartments and townhomes are the same ones that would have moved into small single-family homes 15 years ago. One of those people is Logan Johnson, a member of the Centerville City Planning Commission. He has a wife, two children, and a master's degree in city planning, and he said he wanted to raise his family in the city where he grew up. When it came time to find a living space that fit their budget, however, it wasn't easy.

"It's tough to find affordable housing in Centerville because the land demand is so high," said Johnson.

After a few false starts, they landed in a rental unit that meets their needs.

"We definitely couldn't afford to buy a house, and even now our housing takes up a significant portion of our income," said Johnson.

Money said that moderately-priced family homes are the answer, though current listings for those type of homes in Centerville start in the mid-\$200,000s and go higher. Though some townhomes in the city sell for that price, others are as low as \$108,000.

Among rental spaces in the city, demand is high. The apartments at Legacy Crossing are currently completely full, while Garden View Townhomes will have

a rental unit open in September. The Village on Main Street, located in Bountiful but near Pages Lane, is currently at 94 percent capacity.

Zone Centerville Right, however, believes that those apartments and townhomes aren't fit for growing families. A statement on their website, *zonecentervilleright.wordpress.com*, states that apartments, condos and other higher-density housing is a "revolving door that threatens to spin good families out of Centerville as they outgrow short-sighted housing options."

"Developers come and go, but housing stays for generations," said Money.

According to Johnson, however, it's the higher density housing that's keeping him in Centerville. Though he admits he might have to move if his family grows larger, he said that he's happier living in an apartment than he would be in a single family home.

"I mowed the lawn all the time growing up," he said. "I've mowed enough lawns. I enjoy the lifestyle of living in an apartment. It's definitely the right fit for us."

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