

CENTERVILLE CITY

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

Incorporated in 1848



interoffice MEMORANDUM

Mayor

Paul A. Cutler

City Council

Ken S. Averett

Tamiyn 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 H. Thacker, City Manager *S. Thacker*
subject: City Manager's Summary of October 6, 2015 Council Meetings
date: October 2, 2015

5:30 Joint Work Session with Youth City Council – The City Council will meet with the Youth City Council at 5:30 p.m. The Youth Council—which will provide dinner—will report on their activities this past summer and for the upcoming year. I suggest the group also discuss whether to continue the practice of appointing Youth Council members as liaisons to the various City committees. Depending on time, the Youth Council members may want to ask questions or comment on current City issues. The Youth Mayor is Lyndsey Kunzler. A list of Youth Council members is attached to Novus online.

7:00 Regular City Council Meeting

E.1. Centennial Celebration Report – Daken and Carolee Tanner, Centennial Committee Co-Chairs, will report on the Centennial Celebration, including the July 4th activities. Their written report is available in the online meeting packet. They will also show some power point slides.

E.2. Minutes Review – The minutes to be approved are attached to Novus.

E.3. Summary Action Calendar

- a. **Bid awards for waterline** – These bid awards are for materials and labor to construct the water line that will serve the Brighton Homes residential project on Porter Lane. The developer pays the entire cost of this infrastructure.
- b. **Municipal Code Title 1 amendments** – In preparation for putting the City's Code online in 2016, the City Attorney is updating the Code—one title at a time—to conform with State law, reformat, renumber, etc. There are no major revisions to Title 1, so it has been put under the Summary Action Calendar.
- c. **Termination of Warranty Period** – Legacy Crossing Lot 4 Amended Subdivision is ready to terminate its warranty period.
- d. **Accept easements** – As a condition of the Planning Commission's approval of this residential development, the owner must provide easements for a sidewalk and public utilities.
- e. **Commence warranty period** – This site plan is ready to commence its warranty period (related to easement matter immediately above).
- f. **Approve poll workers list** – The City Council is required to appoint the poll workers who will be working the November General Election.



- E.4. Justice Court Recertification** – State law requires justice courts to be recertified every four years, to determine whether the court is meeting all relevant standards. The Justice Court Judge is also required to meet with the City Council at least once during every term to discuss any concerns or pertinent issues. Judge David Miller will attend this portion of the Council meeting. As indicated in a letter from City Attorney Lisa Romney, she agrees that the Centerville Justice Court is meeting all of the relevant standards for recertification.
- E.5. Municipal Code Amendments – Title 4 Amendments** – In connection with the recertification of the Justice Court, the City Attorney has updated the sections of the City Code (Title 4) that pertain to the Court.
- E.6. Public Hearing re South Main Street Corridor—will be tabled to October 20** – A public hearing was advertised for the Oct. 6 council meeting to consider amendments to the South Main Street Corridor Overlay Zone Ordinance. However, since the Planning Commission has not yet completed their work on these amendments, this matter will be postponed to the October 20 council meeting.
- E.7. Municipal Code Amendments re RAP Tax** – Staff recommend the current Code sections pertaining to the RAP Tax (Title 5, Chapter 9) be amended to make it very clear that the current authorized uses of the RAP Tax expire when the current voter authorization expires—and that the uses of revenue relating to an extension (if approved by the voters) will be determined in a future ordinance.
- E.8. Parrish Lane Sidewalk Project** – UDOT has offered the City the option of directly administering the work of installing a sidewalk along the north side of Parrish Lane on the east side of the interchange, to connect with the new pedestrian bridge. If the Cooperative Agreement is approved, it will also give the City direct responsibility for hiring a contractor to install an upgraded fence on the pedestrian bridge and along Parrish Lane from the I-15 Frontage Road to 1250 West. UDOT will pay for the sidewalk project and the equivalent cost of a chain link fence, which the City will apply towards an upgraded fence. Staff and UDOT are still reviewing the bids results and Cooperative Agreement, so final details will not be available until next Monday or Tuesday.
- E.9. Complete Streets Implementation Strategy** – Staff are seeking direction from the City Council regarding the elements of an implementation strategy for the Complete Streets Policy the Council approved earlier this year. This discussion will hopefully result in agreement on what those elements are and the relative priorities among those elements.
- E.10. Mayor's Report** – Excerpts from the Fire Agency's monthly report for August is attached online. Mayor Cutler may also report on other matters.
- E.11. City Council Liaison Report** – Councilman Wright, who serves as the Council's liaison to the Whitaker Museum Board, will report on the Museum's activities/issues/etc.
- E.12. City Manager's Report** – No topics are identified at this time on the agenda under this heading.
- E.13. Miscellaneous Business**
- a. Councilmembers Wright and Ivie asked for an opportunity to discuss the City's support of CenterPoint Legacy Theatre and other non-profit organizations.
 - b. The County Elections Director has invited city officials to an open house about the Vote By-Mail process.
- E.14. 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.15. Appointments to City Boards/Committees – Mayor Cutler may recommend appointments to boards and committees.

E.16. Redevelopment Agency Meeting

Contract for traffic signal study – I recommend the RDA fund a study of traffic conditions at two intersections: 400 West/Porter Lane and 400 West/Bellano Way. The study of 400 West/Porter Lane is needed to determine an appropriate contribution from Brighton Homes as their fair share of a future traffic signal at that intersection. Adding 400 West/Bellano Way to the study does not add much cost, and having data regarding current traffic conditions at that intersection will help staff with long-range planning for traffic signals.

Davis Center for the Performing Arts HVAC System – Staff will report on the evaluations made by the RDA's independent mechanical engineer regarding the DCPA's HVAC system, need for repairs and a long-term maintenance agreement.

Potential Agenda Items for October 20, 2015 City Council meeting (subject to change):

- Zone Map Amendment – Rezone of property at 85 E. Chase Lane
- Public hearing on RAP tax
- Public hearing - South Main Street Corridor Plan/Overlay Zone amendments
- Financial Report for period ending September 30, 2015
- City Council Liaison Report – Councilman Averett

mlm

AMENDED AGENDA 10-5-2015

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, OCTOBER 6, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

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

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

5:30 Joint work session with Youth City Council

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Mayor Paul Cutler

7:05 D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.

E. BUSINESS

7:10 1. Centennial/4th of July Celebration Report
Report from Centennial/4th of July Committee Co-chairs regarding this year's community celebrations

7:30 2. MINUTES REVIEW AND ACCEPTANCE
September 15, 2015 Council meeting
(OVER)

- 7:30 3. Summary Action Calendar
- a. Award bid to Ferguson Waterworks in the amount of \$48,927.90 plus tax for materials and to Ormond Construction in the amount of \$82,877.75 for labor for the Porter Walton Townhomes waterline
 - b. Municipal Code Amendments - Title 1 Amendments – General Provisions – Consider Ordinance No. 2015-21
 - c. Approve termination of warranty period - Legacy Crossing Lot 4 (Amended)
 - d. Accept Sidewalk Easement and Public Utility Easement for Cosper Residence at 85 South 300 East
 - e. Approve commencement of warranty period - Randy Cosper Site - 85 East 300 South
 - f. Approve list of poll workers for 2015 municipal general election
 - g. Approve purchase of 2016 Toyota Tundra truck for the Water Department from Tony Divino Toyota in the amount of \$29,306.35
- 7:35 4. Justice Court Recertification
Consider Resolution No. 2015-16 requesting the recertification of the Centerville City Justice Court
- 7:45 5. Municipal Code Amendments - Title 4 - Justice Court
Consider Ordinance No. 2015-22 amending various provisions of Title 4 of the Centerville Municipal Code Justice Court regarding the City Justice Court
- 7:55 6. Public Hearing - Zoning Code Text Amendments, South Main Street Corridor (SMSC) Overlay Ordinance, Chapter 12-48
TABLE TO OCTOBER 20, 2015 - Consider proposed Zoning Code Text Amendments for the South Main Street Corridor (SMSC) Overlay Ordinance (Chapter 12-48); including changes to the City Center District, Traditional District, North and South Gateway Districts, adding a Public Space Plan for Main Street, and other related changes
- 7:55 7. Municipal Code Amendments - Title 5, Chapter 9 - Recreational, Arts and Parks (RAP) Tax
Consider Ordinance No. 2015-23 amending various provisions of Title 5, Chapter 9 regarding the Recreational, Arts and Parks (RAP) Tax
- 8:00 8. Parrish Lane Sidewalk Project
- a. Approve Cooperative Agreement with UDOT regarding sidewalk and fencing improvements in connection with the Parrish Lane Overpass Pedestrian Bridge
 - b. Award bid for Parrish Lane Sidewalk Project to ACME Construction in the amount of \$354,117.30
- 8:15 9. Complete Streets Implementation Strategy
Discuss proposed Complete Streets Implementation Strategy
- 8:45 10. Mayor's Report
- a. Fire Agency monthly report
- 8:55 11. City Council Liaison Report
Councilman Lawrence Wright – Whitaker Museum Board
- 9:05 12. City Manager's Report

- 9:10 13. Miscellaneous Business
- a. Council request for discussion re City's support of CenterPoint Legacy Theatre and other non-profit organizations
 - b. The County is inviting Elected Officials, candidates and media to an open house re Vote By-Mail processing on October 29, 2015 from 6:00 - 7:00 p.m.
- 9:20 14. 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 15. Possible action following closed meeting, including appointments to boards and committees
- 9:20 16. Adjourn to RDA meeting

F. ADJOURNMENT

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

Marsha L. Morrow, MMC
Centerville City Recorder

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5:30 Joint work session with Youth City Council

7:00 A. ROLL CALL

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

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C. PRAYER OR THOUGHT

Mayor Paul Cutler

7:05 D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 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. | Centennial/4th of July Celebration Report
Report from Centennial Committee Co-chairs regarding this year's community celebrations |
| 7:30 | 2. | Minutes Review and Acceptance
September 15, 2015 Council meeting |
| 7:30 | 3. | Summary Action Calendar <ul style="list-style-type: none"> a. Award bid to Ferguson Waterworks in the amount of \$48,927.90 plus tax for materials and to Ormond Construction in the amount of \$82,877.75 for labor for the Porter Walton Townhomes waterline b. Municipal Code Amendments - Title 1 - General Provisions - Consider Ordinance No. 2015-21 c. Approve termination of warranty period - Legacy Crossing Lot 4 (Amended) d. Accept Sidewalk Easement and Public Utility Easement for Cosper Residence at 85 South 300 East e. Approve commencement of warranty period - Randy Cosper Site - 85 South 300 East f. Approve list of poll workers for 2015 municipal general election g. **Approve purchase of 2016 Toyota Tundra truck for the Water Department from Tony Divino Toyota in the amount of \$29,306.35** |
| 7:35 | 4. | Justice Court Recertification
Consider Resolution No. 2015-16 requesting the recertification of the Centerville City Justice Court |
| 7:45 | 5. | Municipal Code Amendments - Title 4 - Justice Court
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| 7:55 | 6. | Public Hearing - Zoning Code Text Amendments, South Main Street Corridor (SMSC) Overlay Ordinance, Chapter 12-48
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Consider Ordinance No. 2015-23 amending various provisions of Title 5, Chapter 9 regarding the Recreational, Arts and Parks (RAP) Tax |
| 8:00 | 8. | Parrish Lane Sidewalk Project <ul style="list-style-type: none"> a. Approve Cooperative Agreement with UDOT regarding sidewalk and fencing improvements in connection with the Parrish Lane Overpass Pedestrian Bridge b. Award bid for Parrish Lane Sidewalk Project to ACME Construction in the amount of \$354,117.30. |
| 8:15 | 9. | Complete Streets Implementation Strategy
Discuss proposed Complete Streets Implementation Strategy |
| 8:45 | 10. | Mayor's Report <ul style="list-style-type: none"> a. Fire Agency monthly report |

- | | | |
|------|-----|--|
| 8:55 | 11. | City Council Liaison Report |
| | | Councilman Lawrence Wright - Whitaker Museum Board |
| 9:05 | 12. | City Manager's Report |
| 9:10 | 13. | Miscellaneous Business |
| | | a. Council request for discussion re City's support of CenterPoint Legacy Theatre and other non-profit organizations |
| | | b. County invitation to elected officials, candidates and media to an open house re Vote By-Mail ballot processing on October 29, 2015 from 6 to 7 p.m. |
| 9:20 | 14. | 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 | 15. | Possible action following closed meeting, including appointments to boards and committees |
| 9:20 | 16. | Adjourn to RDA meeting |

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
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No.

Short Title: Joint work session with Youth City Council

Initiated By:

Scheduled Time: 5:30

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ List of Youth City Council

Youth City Council

Lyndsey Kunzler, Youth Council Mayor

Annelie Horlacher

Ayden Richards

Braden Brown

Brooke Vogrinec

Coulson Harris

Eli Bangerter

Eliza Greer

Emma Kimball

Ethan Horlacher

Grace Fillmore

Jake Garn

Joe Moore

Justin Barton

Kathryn-Anne Pertab

Lana Bangerter

Nathaniel McDonald

Paige Wadley

Peter Jeppesen

Sara Garn

Sarah Cutler

Sarah Hawkes

Smith Jackson

Steve Dixon

Thomas Newman

CENTERVILLE

**Staff Backup Report
10/6/2015**

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- City Manager Summary of October 6, 2015 Council Meetings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No.

Short Title: Mayor Paul Cutler

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 1

Short Title: Centennial/4th of July Celebration Report

Initiated By:

Scheduled Time: 7:10

SUBJECT

Report from Centennial Committee Co-chairs regarding this year's community celebrations

RECOMMENDATION

Allow Daken and Carolee Tanner—the Co-chairs of the Centennial Committee—to report on this year's activities.

BACKGROUND

The Tanners prepared the attached written summary and will also present power point slides as part of their report.

ATTACHMENTS:

Description

- ☐ Summary Report 2 - Centerville Centennial 4th of July 2015
- ☐ Text of Proclamation presented to Tanners

Celebrating Centerville, Our American Hometown 2015

Summary Report

Daken and Carolee Tanner, Celebration Co-Chairs

What a year to live in Centerville! We were asked to chair Centerville's Centennial Celebrations, including the 4th of July celebrations. Several years earlier a Committee had been formed to write an updated history of Centerville as many were desirous to celebrate 100 years since Centerville's incorporation, May 17, 1915.

Since we had no previous year's experience to go on, we relied on the great citizens/volunteers of Centerville to pull together a fantastic Celebration year! The City had a representative from the Whitaker Museum, Trails, Landmarks, Parks, Recreation, and Youth Council Committees join our planning meetings. In addition, early on we gathered Centerville residents to head up other significant committees: Centennial Program, Service Activities, Quilt Show, Activities Coordinator, Centennial T-Shirts, Artistic Director, and Fundraising both for the Foundation and Flags for Main Street. In addition, we also had Committee heads for the traditional 4th of July activities as has been done in the past. We were thrilled with the willingness of great people here in our City to jump on board creating celebrations for this important year in Centerville. We started meeting in November 2014 to brainstorm and found that, though our meetings were long, there were many great ideas shared that produced a memorable year for us here in Centerville.

Though we were intimidated by our assignment, we found what Chris Stewart said at our Centennial Program to be very true for us:

Rep. Chris Stewart from Centerville Centennial Program on May 17, 2015:

"God cares about this country. He cares about little towns like Centerville. He cares about states like Utah—places that can be in many ways a light to the world.... The little things we do in our families, in our communities, in small towns like Centerville, can make a difference on the future of our great nation."

We believe the little things we did this year, in our small town of Centerville did make a difference and were a light for us, for our residents, for our state, and for our nation.

Celebration Highlights

Centennial Brand/Theme/Publicity

With the help of our talented Graphic Artist, Pat Gerber, we were able to come up with a logo and theme that reflected both the Centennial and our 4th of July. We had many different ideas for a theme, but after input from our Committee Heads and with Carolee suggesting "Our American Hometown to reflect both the Centennial and the 4th, our theme and logo were decided upon. Pat was very patient with all the changes and details, and we ended up with something that worked for the rest of the year. We used principles of "branding" in our

thinking on this matter. We had Centennial banners made early on for the City that have been up since February and remained up through the year to kickoff and introduce the theme. Pat designed a mast head for the city website and the logo/theme has been on emails, letterhead, and posters, flyers, signs, floats, and t-shirts since early in the year.

We wanted to get the word out early on since this was our Centennial year and people didn't know what would be happening. Ann Hewlett helped Pat Gerber with the leg work and getting his posters, flyers, etc. printed and ready to go. We started early by putting an event poster in the Clipper and posters around town. Lisa Summers arranged to have all the Centennial events listed in the annual Event booklet the City puts out. Shelley Davies put an announcement in the Playbill at Centerpoint Theater. Large posters were placed in City Hall and the Theater, huge banners were hung from City Hall and placed strategically through the city for different events, announcements were made in churches, in the City's utility bills and in the City newsletter. We had door hangers for our Centennial program taken to each house by the Boy Scouts, and really utilized the City's web sight for updated announcements and advertisements. Jake Smith, the Management Assistant for the City, did a wonderful job of keeping everything up to date and posted. We also had a rotating banner on the website with facts about Centerville to keep those interested informed on some of the interesting historical information about Centerville.

Whitaker Museum

The Whitaker had our first Centennial activity with the Whitaker Museum's storytelling evening in March and then every month thereafter. We have had a variety of speakers and presentations that have all been educational and fun. From meeting in Jennie P. Stewart's home, to Veteran's honored, to a tour of a farm, there has been something of interest for everyone. In addition, there have been marvelous genealogy charts and timelines on display, and fun scavenger hunts for Museum guests. The entire Board have been wonderful to work with, but we particularly appreciated Nancy Smith and Diane Chamberlain for their support and attendance at our meetings. The Whitaker provided a great option for some of our older citizens as well as families.

Trails and Landmarks

We had an historic hike with Royce Allen as Guide for the great trails we have right here in Centerville. Though the first attempt was rained out, the Trails Committee still provided great information about the history of our City and our Historic Trails. Denise Cox was so supportive and positive as our liason for our Centennial.

The Landmarks Commission hosted an historic home tour in Centerville. Malinda Mitchell and Brandon Toponce were great to work with for our Centennial. Each home had a member there to answer questions and host at that home. We were able to see many historic homes currently owned by members of our community that are otherwise not available for tours.

Raffle/End of Summer Bash

Our Parks Committee volunteer, Melissa Smith, organized raffles at many of our activities that helped encourage attendance at each event. They also had quilts donated to use for the raffles at the Whitaker Museum. At the end of the summer, they also had a big raffle with everyone's name included that had been to any Centennial activity throughout the year, as well as blow up toys and treats before the last Movie in the Park.

Centennial/4th of July T-shirts

This year was the first year that t-shirts were available to purchase by anyone vs. just for volunteers. We worked with the City to be able to get a system set up this year for online orders and payments for t-shirts, the Centennial book and donations/fundraising that worked great. We also sold the shirts at Dick's. Brian, the Store Manager, was great to work with. The few we had left, we sold for \$5 at the park on the 4th of July, and donated the remainder to a charity. All of our volunteers were given the opportunity to purchase the shirts at half price. Mike and Suzanne Evans made all the arrangements for our T-shirts sales and distribution. We ended up making \$2000 on t-shirts sales, after costs.

Centennial Celebration Program

May 17, 2015 (100 years *to the day*)

Our plans for the actual Centennial day started with an idea to have cake at the park, however, it blossomed into a spectacular performance at the Bountiful Regional Center. Bruce and Linda Pitt headed up this event and helped with the other Centennial activities. We wanted to hold the program in Centerville but couldn't find a venue large enough to hold the crowd we hoped to have, so we received permission to use the Regional Center. After many meetings with many people, they finally came up with a wonderful program.

Since the Centennial was on a Sunday, we wanted the program to be appropriate for all attending. In the foyer of the Regional Center, Kris Green and her Quilt Committee had a marvelous quilt display from Centerville's residents as well as plaques commemorating long time Centerville residents. We were pleased and honored to have both Governor Gary Herbert and Congressman Chris Stewart speak to us that evening. Kris Larsen worked with the Centennial Book Committee to obtain information and pictures and to write a dramatic presentation covering Centerville's history. She also, with the help of others, directed the entire evening. These historical vignettes followed the speakers. Some of the Youth Council were the narrators. Centerville's history and strengths were presented in word, video presentation and music. We wanted to involve as many people as possible so there was an adult choir led by Nancy Toone with over 100 participants and a Children's Choir led by Charlene Ford. We had 100 children on stage in their Centerville t-shirts waving American flags and singing "We're from Centerville" written by Royce Allen. They were a highlight of the program.

We worried about whether we could get the word out and fill the large Regional Center. We were thrilled to have a capacity crowd (approx. 2500)! AlphaGraphics generously printed door hangers *and* our official program for the evening, and Centerpoint Legacy Theater allowed us to

use their costumes for the actors. One of our goals was to unify residents of Centerville in our common principles and values that our City was founded on. We think all who attended felt grateful they were from Centerville! Literally hundreds were involved in this huge undertaking and many hours of rehearsal were held to produce such an outstanding production.

Service Events

Service is a part of what makes Centerville great, so we wanted to include some service opportunities. Mike and Rashelle Buchanan headed up our service projects. Near Arbor Day, we had **100 Trees for 100 Years**. A scout used this for his eagle project! We had 153 people attend and we planted 135 trees on the hillsides of Freedom Hills Park. The trees were donated, as were all the service hours as well. Signs have been placed by some of these trees to commemorate and remember this wonderful day at the park.

We also had a Service Day scheduled in May, but had a significant rain storm that day. Even still, many service hours happened that day picking up trash and doing service projects for the Whitaker Museum. Other service events happened later that week, like planting flowers at City Hall and at Founders' Park. Over 100 hours of service were donated.

On July 2nd, we held an Eagle Recognition for the Scouts who had earned their Eagle during the year of our Centennial. We had hoped to have 100, but didn't reach that goal. We found the boys weren't really interested in another recognition event. Nevertheless, we did have a nice evening recognizing the Scouts. The Sons of the American Revolution performed the flag ceremony and short historical presentation, and there was also a special speaker.

July 2nd- Centennial Street Dance

The Youth Council sponsored a fun dance for the residents of Centerville. It was held in the parking lot East of City Hall. We had a great DJ, Kyle Green, from Centerville, and it was well attended, primarily by the youth in the City, though there were some families as well. We took our grandchildren, and they loved the dancing and the bubble machines. This was one of their favorite activities. This might be a fun activity to have every year. Lisa Summers and the Youth Council were a great support throughout our celebrations.

July 3rd-Children's Parade

Natalie Musgrove organized the Children's Parade again this year and it was well attended, as usual, with Pace bars for the treat at the end of the parade. It was a very hot day, so the popsicles were refreshing. Thanks to Jeff Bassett and the Fire Department for being available to lead out the Children's Parade.

National Anthem/Activities/Concert/Fireworks

This was the best attended event of all the 4th of July activities, and perhaps the most we've ever had at the concert before. People were at the park by 9:30 a.m. spreading out blankets to

save their spots. The booths were all set up and running by 5:00 p.m. and we had bounce houses, reptiles, The Balloon Lady, a climbing wall and craft projects for children to complete from Home Depot. Wayne and Bev Lewis did a marvelous job arranging all of our activities. All activities were free of charge and were busy all evening.

We began the concert with an encore performance of the Children's Choir singing, "We're From Centerville." Many had asked if they could perform again so we were able to work it out for this evening. After the singing, the Mayor led the audience in the National Anthem as we looked to the East to see the flag, the size of a basketball court, unfurled way up on the side of the mountain overlooking Centerville. Kyle Naylor and some young men and leaders in his church congregation hiked up the mountain to display the flag as we sang. It was an impressive sight. On cue, when the audience sang "...banner yet wave..." the flag started to wave. Kyle's wife was giving cues from her phone in the park. It was a patriotic start to a wonderful celebration!

We were pleased to have a Centerville native, Kat Tingey perform first at 7:00 p.m. Kat was followed by Eclipse 6, an A Cappella singing group. One of its members is also from Centerville. There was feedback from last year that the group wasn't as family friendly as hoped, so we tried to get a group that the whole family would enjoy. It seemed to be well received and enjoyed by all. They were great to work with and would love to be considered again. Many bands we tried are very expensive, so it is somewhat limiting as to choices. Kevin Peay and Kevin Robinette were very helpful in arranging bands and getting the sound system set up and taken down. They also do the music for the fireworks display. Eclipse coordinated their final number, the Star Spangled Banner, with the fireworks display. We had the fireworks person on the phone with Daken who gave them the word when the first one should go off just as we sang "...And the rocket's red glare, the bombs bursting in air..."

Because of some donations from businesses, we were able to spend about \$800 more than the year before for additional fireworks. We didn't notice a big difference from last year, so it appears we would have to spend a lot more money to have a noticeably longer show. However, the fireworks were great and it seemed long enough since most people had been there since 5:00 or 6:00 that evening. The fireworks concluded at about 10:00 p.m.

The City employees, headed by Bruce Cox, were wonderful to work with. We had to make special arrangements this year since the 3rd of July was Centerville Elementary School's holiday this year (the 4th was on Saturday) and wasn't open during the day on the 3rd. Bruce arranged with Sandra Waite, the Custodian, to get things we borrow from the School the day before and then after 3:00 p.m. on July 3rd. The park looked great and very festive! Bruce and his team also hung the extra flags all along Main Street, about double what they've hung in years past!

We also had our sons do park security through the night until the breakfast crew arrived. They said 3 different cars of people stopped at the park during the night, such as some with metal detectors wanting to search the park. They asked these people to leave, and they all left without incident.

4th of July

Breakfast and Fun Run

The morning of the 4th started out cloudy, which was a nice break from the intense heat this year. We even got a few sprinkles to start the morning, but they disappeared. The breakfast was well organized by Duane and Laura Toney and a crew of many, probably a couple hundred. This year, in keeping with the Centennial theme, they arranged for a brass band to play during the breakfast just as they did in 4 of July celebrations 100 years ago. The band was a hit! They also had wooden Centennial decorations for the tables which they sold after the breakfast. I think perhaps we priced them a bit too high this year because they didn't sell as well as last years'. We also had a smaller crowd for breakfast than last year by a few hundred but still served approximately 1250. They added fruit topping for the pancakes which was a nice addition! We also eliminated the eggs because of the expense (Bird flu made eggs very expensive) and the challenges they had last year preparing the eggs.

The Fun Run was well attended as usual and Dale Anderson, representing the South Davis Rotary Club for the 37th consecutive year, had everything organized and ready to go. Einstein Bagels donated bagels that they used at the Fun Run. Dale Anderson, again representing the Rotary, also took care of all the arrangements for our booths in the park used both the 3rd and 4th of July.

Parade

We wanted this year's parade to be the best ever, celebrating our Centennial. We wanted a float dedicated to the Centennial, which we were able to have made by David Breitenbeker. It was made possible with the help of donations to the Foundation (thanks to Jack Dellastacious) which paid for the float. The float featured the logo and all the past mayors of Centerville still living riding on the float. We had more floats than in years past and two flyovers. We were thrilled this year to have the Air Force open the parade and then 20 minutes later, another flyover with planes that dropped red, white and blue confetti. It was magical to have the confetti falling from the skies. The parade was kept to an hour as we had feedback that this was an appropriate length. We also charged businesses \$50 to be in our parade this year, and still required that they decorate their entry to fit our patriotic theme. This money helped offset some big-ticket items we purchased and helped eliminate so many companies just driving their box truck down the street. It seemed to work very well. We ended the parade with giant helium balloons carried by some young adults from our City. The balloons can be used each year. We asked two couples that had done the parade in the past to chair the parade this year, Steve and Jolene Johnson and Blake and Patti Mathews. They worked well together and brought much experience and talent to our parade. Steve Kmetzsch headed up the parade announcers this year and we had more announcers than every before, which was such an asset to the parade. People should have been able to hear an announcer from anywhere on the parade route. It was a terrific parade. Our Single Adult LDS wards helped with our staging and destaging again, and they did a fabulous job.

Quilt/Historic Display

Kris Green was in charge of our quilt and historical display this year at Centerville Elementary. Sandra Waite, the custodian at Centerville Elementary, was great to work with in getting tables and chairs and everything else needed from the school. Kris and her Committee had a beautiful display of 50 quilts, plus many historical paintings and objects also displayed. We also had a goal to collect 100 quilts to donate to charity as part of the display. We actually gathered 431 quilts that were given to many different charities. We chose to focus on the quilts this year and not do the art show in addition.

Entertainment in the Park

After the parade, many of the people moved into the park. Our attendance was much smaller than the night before, but was still well attended. All of the activities from the night before were again available at no charge. Of course, vendors who rented booths charged for their food and games, etc.

Our entertainment was mostly all local Centerville residents. We had feedback from some last year to use more local performers. We do have many talented performers right here in Centerville and we enjoyed many wonderful performances. Shelley Davies arranged our entertainment and Doug Ingram did the sound system as he has for many years.

The Police Department started their auction right after the entertainment. By 2:30 most everyone had cleared out of the park. We did have volunteers from Wal-Mart come and help take down chairs and return them to Centerville Elementary. The Parks crew came and took down booths and emptied trash.

Flags on Main Street/Fundraising/Treasurer

Ever since we moved to Centerville, Daken has had the dream to have flags line our entire main street instead of ending at Chase Lane. We talked with Paul Cutler and Bruce Cox to find out how much such an endeavor would cost. We had to get permission to use the light poles and come up with a plan to raise money for the flags. We approached the City Council, which generously agreed to pay for cost of the flags up front and we would raise money to cover some of the cost. Todd and Connie Jones led a very successful fundraising event by creating "the Century Club" where people were asked to donate \$100 towards the flags and our Centennial Celebrations. We were thrilled with the response from our citizens. And by May 17th, we had flags running the entire length of Main Street. Many, many people told us how thrilling it was to see the flags all along Main Street. We feel it was a unifying effort for the City and can be used now for years to come. It was fun to have the flags still lining Main Street when the Tour of Utah bike race ran down our Centerville Main Street on August 5th!

Jack Dellastacious ran a very successful fundraising effort with businesses here in Centerville for our Centennial year. We had most of our businesses give very generously because it was our Centennial. Jack did a great job finding money or donations for every event that we wanted to do this year above and beyond what has happened in the past.

Spencer Hewlett was our Treasurer and this was a big job this year! We had online accounts at the City, t-shirts sales at Dicks, Century Club donations, and many other expenses and deposits a that we haven't had before. Spencer kept accurate records of all the financial proceedings of the entire Centennial and all the related events. We appreciated having budget records from the previous year for the 4th of July items as we found most prices to be similar this year.

Centerville Centennial Book

We should also mention the amazing book the Centerville Book Committee has been working on for several years now. It is such a treasure! Though the book wasn't under our leadership and started long before our Celebration preparations, we appreciated Lloyd Carr and Ann Allred who attended all our meetings for their historical expertise and encouragement. They were great supporters of all our activities. At each of our meetings, Ann gave a little "historical moment" so we could all learn more about Centerville in the course of the year. The book committee was also essential in putting together our May 17th Centennial Program.

City Support

The City Staff provided exceptional service and support throughout our Celebration. Paul Cutler and Steve Thacker were at every meeting and were willing to meet with, email, and call us numerous times as we had questions and concerns. We felt their total and complete support and enthusiasm for what we were trying to accomplish. We also appreciated the City Council's enthusiasm for the Centennial and the support with our Flags project! When we talked with the Council, they wanted this to be a big and memorable year for Centerville, and we believe through much support we achieved that. Jake Smith, Management Assistant, was so prompt to answer questions and help with reserving rooms, making copies, being to all our meetings and especially being our computer expert. Jake did a marvelous job keeping the City's webpage up to date and informative throughout the year. He was a great liaison for utility bill stuffers and City newsletters, as well as securing the mass gathering permit, licensing fee for the music, fireworks display, health permits, etc. We appreciated the City setting up an online payment system for fundraising, and t-shirt and book sales. Bruce Cox and his staff were efficient, supportive and always so positive and optimistic. They were flexible and worked with us in every way. The police department was supportive and we appreciated Jeremy Brown's assistance as our liaison. Jolene Jackson of the City was helpful with our financial questions and the entire City Staff supported many new items like the t-shirts and Centennial book and gathering donated quilts. Our entire Committee felt of the City's support throughout our Celebration year. Sandra Waite (801.809.8835), the custodian at Centerville Elementary is great to work with as well for all our 4th of July activities.

Concerns

Each year the subject of extending the parade route comes up. Jolene Johnson really worked hard this year to see if it was a possibility but the Police Department does not think this would

work. Most notably, there is an issue of not having enough available staging and destaging locations as well as cross streets that would accommodate the parade line up. We walked much of parade route this year as the parade was starting to see if there was space for additional viewers. While the spots by the curb were staked out well in advance, there were available places up and down the parade route for interested onlookers. The sunny side of the street, especially, has spots available. It is true that people set out chairs well in advance in the more desired places, but we were surprised to see how there were additional places available right as the parade was starting.

There is also concern about how crowded Founder's Park has become. This is really only a concern for the 3rd of July when we have so many in attendance. If we had less bounce toys up and running, we would have some more space. It is also very nice and almost essential to have Centerville Elementary right there to use for chairs, stage, quilt shows, fireworks, and the breakfast. It would be very difficult to find another park with so many resources right there. I don't think anyone had to leave because there wasn't room. Also, tables were set up for making Home Depot crafts on the grass in the back of City Hall. That seemed to work well and the children saw it because they passed it while in the Children's Parade. If we had additional activities behind City Hall each year, everyone would realize events were located there as well.

We did have problems with the electrical system, as they did last year too. It seemed that perhaps 5 bounce houses are too many for our system. We had to shut one jump house down and one of the vendors at one of the booths had to go and rent a generator to run their drink machines. We seemed to get by but it was unfortunate a vendor had to rent the generator. We spoke with each vendor and, other than the power issue, everyone seemed happy to be there and had good sales both days. Later, while cleaning up, we discovered that there may have been additional unused outlets on the South end of the park behind the Climbing Wall.

The Police Department wanted to have their auction start at noon this year but we discussed it and already had performers lined up to 1:00 p.m. It may be something that needs to be discussed earlier next year before entertainment is lined up.

Thank You Dinner

Finally, Steve Thacker invited us to include all the Centennial and 4th of July committee heads and their families to participate in the City's annual Thank You dinner for all volunteers. Lisa Summers and the Youth Council organized a very enjoyable evening. That was a marvelous way for us to thank our volunteers, for the Mayor to thank them, and for all the City's volunteers to feel appreciated. This year's 4th of July Celebration was significantly more with all the Centennial events added. What a great way to wrap it all up! So...

Thank YOU, Centerville, for this wonderful opportunity to be a part of Celebrating Centerville, Our American Hometown!

Daken and Carolee Tanner

Businesses that donated services, goods, money or reduced prices for the Centennial 2015

Starbucks
Wells Fargo Bank
Walmart
Home Depot
Colonial Building
The UPS Store
Interforms
AlphaGraphics
Consolidated Printing, Inc.
Kim Samuelson, DDS
Leon J. Nielson, CPA
Ace Disposal
Frodsham Lawns
Bartile
Zions Bank
Legacy Granite
Dick's Market
Western Pipe Fabricators
Ann Fadel, Farmers Ins.
Centerpoint Legacy Theatre
Carr Printing
Ferrari Color
J & L Garden Center
KD8 Enterprises
Legacy Crossing Theater
Signs.com
O'Brien Glass Products
Hogan Construction
Lowe's
Maverick
LDS Foundation
Smiths Marketplace
Lewis Custom Woodwork

Thomas & Sons
Einstein Bagels

***CENTERVILLE CITY
PROCLAMATION NO. 2015-03***

***Appreciation to Daken & Carolee Tanner for leading the
2015 Centennial Celebration***

WHEREAS, Centerville City was settled as early at 1847, and officially incorporated as a city in 1915, making 2015 a hundred year anniversary; and

WHEREAS, the Mayor and City Council have declared 2015 an official Centennial Celebration, and:

WHEREAS, Governor Herbert has issued an official State Declaration celebrating Centerville's Centennial; and

WHEREAS, the Centerville Centennial and 4th of July activities brought our community together to celebrate our shared heritage; and

WHEREAS, the Tanners generously shared their talents with the community and their neighbors in the city of Centerville by organizing and overseeing all celebration activities; and

WHEREAS, the Tanners involved hundreds of people and did an exceptional job organizing, communicating, and inspiring people to work together for the benefit of our city; and

WHEREAS, the May 17th Centennial program was an amazing tribute to our shared history, which educated and entertained all who attended; and

WHEREAS, the 4th of July celebration was the biggest, and best in Centerville history; and

WHEREAS, because of the Tanners' efforts, during every future 4th of July Celebration, our citizens will now enjoy inspiring American Flags displayed on Main Street from one end of Centerville to the other.

NOW, THEREFORE BE IT RESOLVED by the Mayor of Centerville City, Davis, County, State of Utah, as follows:

Centerville City expresses deep appreciation to Daken & Carolee Tanner for their generous service to Centerville City.

DATED this 21st day of September 2015.

CENTERVILLE CITY

ATTEST:

Mayor

City Recorder

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 2.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:30

SUBJECT

September 15, 2015 Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- September 15, 2015 City Council meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, September 15, 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 (left at 10:05 p.m.) Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Bruce Cox, Parks and Recreation Director
Paul Child, Police Chief
Kevin Campbell, City Engineer
Jacob Smith, Management Assistant
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Jeff Bassett, South Davis Metro Fire Chief
Karl Hendrickson, South Davis Metro Fire Attorney
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

Cub Scout Pack 3519

PRAYER OR THOUGHT

Reverend Loren Pankratz, The Bridge Community

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the September 1, 2015 Council meeting were reviewed. Councilwoman Fillmore requested an addition to the minutes. Councilman Wright made a **motion** to accept the minutes as amended. Councilman Averett seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Award bid for the Street Sweeping Project 2015-2016 to Jacketta Sweeping in the amount of \$44,600
- b. Accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board

Steve Thacker, City Manager, answered questions regarding the street sweeping bid. Councilwoman Fillmore suggested the City explore the possibility of cost saving by contracting with a neighboring city, as previously suggested by Councilman Higginson. Councilman

Higginson agreed to discuss the possibility with Bountiful representatives, and made a **motion** to accept both items on the Summary Action Calendar. Councilwoman Fillmore seconded the motion. Councilman Wright suggested the street sweeping contract include quality control and recourse for the City if the work performed is not deemed complete or sufficient. Mr. Thacker agreed to discuss quality control with the Public Works Department. The motion passed by unanimous vote (5-0).

PUBLIC HEARING – PLANNED DEVELOPMENT OVERLAY AND CONCEPTUAL PLAN AMENDMENT – LEGACY TRAIL APARTMENTS – 1250 WEST PARRISH LANE – ORDINANCE NO. 2015-20

On August 26, 2015, the Planning Commission reviewed and recommended for approval certain amendments to the Planned Development Overlay Approval and Conceptual Plan for the Legacy Trail Apartments planned development for the purpose of allowing alternative commercial architectural design. Cory Snyder, Community Development Director, explained the request to allow a flat roof alternative for the commercial component. Councilman Averett stated he feels the request makes sense from a commercial standpoint.

At 7:22 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment. Councilman Averett made a **motion** to approve Ordinance No. 2015-20 amending the PDO and Conceptual Plan for the Legacy Trail Apartments planned development located at approximately 1250 West Parrish Lane, for the purpose of allowing alternative commercial architectural design, with the following findings. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Findings:

- a) The Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
- b) The Council finds that according to Section 12-41-010, the purpose of the PDO provisions is to allow:
“mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.”
- c) The Council finds that Section 12-41-070 allows for “variations from development standards” from both the Subdivision and Zoning Ordinances.
- d) The Council finds that allowing an alternative commercial design plan facilitates the screening of needed utility and equipment for service to buildings.
- e) The Council finds that the conditions of approval of the Alternative Commercial Design Plan are consistent and compatible with the originally approved Architectural Design Plan of the Legacy Trails Development.

PUBLIC HEARING REGARDING PROPOSAL TO CREATE A FIRE DISTRICT

Karl Hendrickson, Attorney for the South Davis Metro Fire Agency, explained that following the public hearing a 60-day protest period would commence, during which any registered voter living in Centerville, or any owner of property within Centerville, may file a written protest regarding creation of a fire district with the City Recorder prior to the end of business on November 16, 2015. The levels of protest required to block creation of a district

1 are 25% of the number of votes cast within the City at the last Presidential Election, or protest of
2 property owners representing at least 25% of the private land area within Centerville,
3 representing at least 15% of the total land area assessed valuation. Fire Chief Bassett reported
4 that open houses were held at the fire stations during Fire Prevention Week, in addition to the
5 open house held at City Hall prior to the Council meeting. He gave a brief history of the South
6 Davis Metro Fire Agency (SDMFA) and explained the original intention to create an independent
7 district within five years of creation of the SDMFA. The current movement toward creating a
8 district has been driven by the inability of the SDMFA to obtain financing to meet considerable
9 capital needs.

10
11 At 7:32 p.m. Mayor Cutler opened a public hearing.

12
13 David Youngberg, Centerville – Mr. Youngberg asked if creation of an independent
14 taxing district is a common method of financing fire services. Mr. Hendrickson responded that
15 there are several fire districts within the State. Chief Bassett added that the concept of
16 combining municipal fire departments to provide better service is common. Mr. Youngberg
17 asked what would happen if one of the cities involved votes against a district. Mayor Cutler
18 responded that all mayors involved have agreed that creation of a district needs to be done in a
19 unified manner. Mr. Hendrickson added that if there is sufficient protest within a city to block
20 creation, the remaining entities could proceed with creating a district, and the city that opted out
21 could contract with the district for fire services. Mr. Thacker pointed out that, because the
22 opted-out city would not have a district tax levy imposed, the city's annual assessment would
23 have to include their part of the debt service. Mr. Youngberg asked the Mayor, as Centerville's
24 representative, to make sure this is the best means of financing fire services to ensure a
25 continued high level of service. The Mayor thanked Mr. Youngberg, and stated that a number of
26 options were explored by the Board, with an independent taxing district being determined as the
27 best alternative to benefit all equally.

28
29 Dan Loewen, Centerville – Mr. Loewen asked for further explanation regarding the
30 Agency's inability to bond. Mr. Hendrickson responded that part of the difficulty with interlocal
31 entities is that every participant can depart when they wish, and every participant's contribution
32 is subject to having funds to appropriate, raising the level of risk to the point that banks are not
33 willing to finance. A district, with ongoing taxing ability, can better guarantee payment of debt
34 over time.

35
36 Michelle Morris, Centerville – Ms. Morris asked the Council to support creation of a fire
37 district. She expressed that Centerville has put a lot of time and resources into emergency
38 preparedness, and being able to support fire services is at the top of the list.

39
40 Dale McIntyre, Centerville – Mr. McIntyre asked what percentage savings would have
41 been obtained if the SDMFA had been able to refinance. Chief Bassett responded that it would
42 depend on the interest rate. The bond is financed at just over 4%. When refinancing was
43 considered a few years ago the interest rate was around 2%, which would have provided
44 significant savings. The current balance of the bond is approximately \$3.4 million. Mr. Thacker
45 clarified that the anticipated bond issue would not occur for almost two years, and it would
46 include refinancing the existing debt only if the interest rate is favorable.

47
48 The Mayor closed the public hearing at 7:41 p.m. Mr. Hendricks repeated that protests
49 must be submitted in writing to the City Recorder by registered voters living in Centerville or
50 owners of property within Centerville prior to end of business on November 16, 2015.
51 Councilman Wright stated that he wants citizens to understand that if a district is created they

1 would no longer have protest capability. Mr. Hendrickson responded that the statute is silent
2 regarding referendum, but he thinks, in all likelihood, that a referendum would be possible,
3 based on his analysis of cases out of the Utah Supreme Court. Councilman Wright pointed out
4 that protest after creation of a district would require 25% of the entire district, compared to 25%
5 of each individual city during the protest period.
6

7 Assessments to the cities would continue following creation of an independent district.
8 Councilman Wright expressed his desire to ensure that citizens are not taxed twice for fire
9 services, and stated he would like to reduce property tax on the City's end as much as possible,
10 recognizing that levies from the district would continue to increase over time. For the benefit of
11 everyone present, Mayor Cutler explained that the City would reduce property taxes in the initial
12 year to keep the impact cost-neutral for citizens. The levy would be increased in subsequent
13 years to meet capital needs and to pay the portion of existing debt that cannot be paid by impact
14 fees. The expected levy increase after the initial year is currently estimated at \$13-\$14 per year
15 for an average home in Centerville. Mayor Cutler stated that the issue was discussed within the
16 Fire Board, and a majority of the cities wanted the levy to start out small. Mr. Thacker stated
17 that cities could decide to reduce taxes in future years to compensate for increased levies, but
18 the ability to pay city fire assessments would also reduce. Councilman Wright stated that he
19 supports funding fire services and the need to be able to respond to any kind of emergency, but
20 he is concerned about how the taxes are structured.
21

22 Councilman Averett asked about the costs to the SDMFA associated with the protest
23 period. Mr. Hendrickson responded that if protest levels are sufficient to terminate the process,
24 the process is terminated for at least two years. Mayor Cutler stated that the County is
25 considering not joining the district, with the intention to contract with the district for fire services.
26 The County (and any city that does not join) would not have a seat on the Board, and would be
27 responsible to pay its share of existing debt up front. Mr. Hendrickson also pointed out that the
28 capital needs of any non-member entity may not be included in a future bond issue.
29 Centerville's portion of the existing debt is approximately \$700,000. Councilwoman Fillmore
30 pointed out that a majority of the SDMFA's current capital needs are associated with Centerville,
31 and if Centerville were to opt out, the capital needs costs would possibly not be covered by the
32 district. Councilwoman Ivie commented that the City would begin the new situation without a
33 fire station and fire trucks. The Council appeared to be in agreement that it would be beneficial
34 for Centerville to participate in the proposed district. Councilman Wright suggested that a
35 volunteer Fire Corps could be beneficial, and stated he feels a drone would be a good
36 investment.
37

38 **PUBLIC HEARING – MUNICIPAL CODE AMENDMENTS – SECTION 7-02-022 –**
39 **PROHIBITING FEEDING OR ATTRACTING WILD ANIMALS – ORDINANCE NO. 2015-17**
40

41 Mr. Thacker described discussions and steps taken over the last two years regarding the
42 City's deer problem. The Department of Wildlife Resources (DWR) now has the ability to assist
43 municipalities with deer problems, provided the feeding or attracting of deer, moose, and elk is
44 prohibited. Bruce Cox, Parks and Recreation Director, stated that 39 email comments and 22
45 in-person comments were received by the City. Fifty-five of those comments represent citizens
46 having issues or problems with urban deer. Five of the remaining comments expressed a
47 desire to not take any action. The concerns voiced by citizens primarily related to nuisance
48 issues, damage to gardens and landscaping, and safety concerns. Many comments expressed
49 that deer problems are increasingly getting worse and have become severe in the last few
50 years. Mr. Cox said he feels the citizens who commented in favor of not taking action may not
51 understand that the problem is not seasonal - the animals remain in the city year-round.

1 At 8:12 p.m. Mayor Cutler opened a public hearing.

2
3 Dale McIntyre, Centerville – Mr. McIntyre stated that a group of deer living a block away
4 from his home on 200 South frequently eat from his garden. He read aloud a portion of the
5 proposed Ordinance, and asked if, as a licensed bee keeper with many plants that are attractive
6 to bees, he will be required to remove the plants that might also attract deer. Councilman
7 Wright emphasized the need to be specific regarding what constitutes intentionally attracting
8 deer. Mr. McIntyre related an experience regarding a dead deer in his neighborhood last year.
9

10 Todd Jones, Centerville – Mr. Jones asked if there is any way to resolve the problem
11 without involving the DWR. Councilwoman Ivie responded that the DWR owns all deer within
12 the State, and any control attempts must involve the DWR. Mr. Jones stated he dislikes laws or
13 ordinances that do not have teeth, and asked if the Council really wants police officers to go
14 around writing “feeding deer” tickets. He asked if the DWR has given any indication of what
15 would happen as far as natural selection goes if the city were to experience a heavy winter
16 rather than the recent mild winters.
17

18 Ms. Romney commented that enforcement of the proposed Ordinance would fall under
19 the City’s civil enforcement procedures most likely as a Class B misdemeanor. Councilman
20 Wright stated he feels the Ordinance should be specific regarding what is considered intentional
21 feeding of deer.
22

23 The Mayor closed the public hearing at 8:20 p.m. Councilman Averett disagreed with
24 Councilman Wright stating that he approves of the existing language, and feels common sense
25 should be allowed to prevail. He also pointed out that code enforcement in Centerville is
26 complaint driven; the Council is not going to direct the Police Chief to have police officers go
27 door to door and search citizens’ yards. Councilman Wright responded he feels that laws
28 should be as specific as possible to prevent subjective interpretation.
29

30 The Council discussed specific language in proposed Ordinance No. 2015-17 as well as
31 what constitutes responsible feeding of birds, and directed staff to make desired changes to the
32 Ordinance. Councilman Wright made a **motion** to adopt Ordinance No. 2015-17 as amended
33 by the Council, including the following finding. Councilwoman Ivie seconded the motion, which
34 passed by unanimous vote (5-0).
35

36 Finding:

- 37
38 a) The Council finds that the urban deer situation is causing significant damage to
39 property and causing concern for public safety within the community.
40

41 Councilman Wright suggested that the sportsmen involved be allowed to retain the meat.
42 Mayor Cutler suggested allowing staff to work with the DWR to put together a recommendation.
43 Councilman Wright made a **motion** to direct staff to apply for a Certificate of Registration with
44 the DWR to initiate the process of preparing an urban deer control plan. Councilman Higginson
45 seconded the motion, which passed by unanimous vote (5-0). Councilman Wright thanked Mr.
46 Thacker for taking the lead on this issue, and thanked the Mayor for allowing the public to
47 comment prior to taking action.
48

49 The Council took a break at 8:36 p.m., returning at 8:44 p.m.
50

POTENTIAL ACTION RELATED TO PEDESTRIAN BRIDGE PROJECT

Mr. Thacker updated the Council regarding the Pedestrian Bridge Project, explaining that the proposed fencing satisfies wind-load requirements, but does not meet AASHTO (American Association of State Highway and Transportation Officials) live-load standards, rendering the Betterment Agreement between the City and UDOT void. Because the I-15 Project is a "design-build" contract, the contractor, not UDOT, is responsible for ensuring compliance with AASHTO standards. Mr. Thacker stated that UDOT has given the City the option to take over administration of the sidewalk project on the east side of the freeway as well as the bridge fencing project. UDOT would prefer to pay the City a lump sum for all of the work, including an administrative percentage, an engineering fee, and a contingency percentage. Mr. Thacker stated that staff does not want to enter into a contract accepting a lump sum without first bidding the project, a stipulation to which UDOT has agreed. Kevin Campbell, City Engineer, further clarified funding details, and stated that the City may be able to receive some savings for the fencing by bidding directly to the fencing companies. The sidewalk project and the fencing project would most likely have separate bids. Staff has the sidewalk project bid ready to advertise.

Councilman Wright made a **motion** to grant staff fast-track authority to move forward with the bid process for the east-side sidewalk project, with fence design issues to be presented to the Council. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). Mr. Thacker stated that at least 75% of the lump sum would be paid to the City up front. Councilwoman Fillmore expressed appreciation for UDOT's willingness to add active transportation elements to the I-15 project.

Mayor Cutler asked Council members Fillmore and Wright to work with Mr. Campbell to select fencing. Councilwoman Fillmore expressed the goal to obtain essentially the same fence design, compliant with AASHTO standards, within budget. Mr. Campbell added that the challenge will be finding a stock fence rather than a custom fence that is compliant with ASHTO standards and within budget.

RDA MEETING

At 9:06 p.m. Councilman Higginson made a **motion** to adjourn to a meeting of the Centerville Redevelopment Agency. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson, Vice Chair; Directors Averett, Fillmore, Ivie, and Wright; Steve Thacker, Executive Director; Lisa Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 10:05 p.m., at which time Councilman Averett left the meeting.

DESIGN WORK FOR FOUNDERS PARK

Following discussion, the Council agreed to proceed with the Grassli Group for professional landscape architect services for a design plan for the Founders Park west end, with initial funds (\$1,000) to be drawn from the Parks Budget.

FINANCIAL REPORT

The Council reviewed the financial report for the period ending August 31, 2015.

MAYOR'S REPORT

Mayor Cutler reported that Centerville now has a UTOPIA/UIA take-rate of almost 30%, with over 1,300 subscribers. He commented that the subscriber base in Tremonton significantly increased after the Tremonton City Council placed information about UTOPIA in a few utility mailers. The Mayor stated he has asked UTOPIA to put together a possible insert for a future Centerville utility mailer. The UIA Board intends to move forward with issuing bonds in the amount of approximately \$26 million. The interest rate will be similar to bond rates received by the UIA in the past. Mayor Cutler stated he is optimistic that city assessments will end. He stated he does not anticipate any continuing relationship between UTOPIA and Macquarie. The Council asked Mayor Cutler to find out whether any bills from Macquarie were issued and paid by UTOPIA, and whether Centerville was ever charged by UTOPIA for Phase One. Neither entity has formally cancelled the existing relationship.

CITY MANAGER'S REPORT

Mr. Thacker stated he will send two articles he will draft for the newsletter regarding the Parks Capital Improvement Plan and the Street Maintenance Plan to the Council for review.

MISCELLANEOUS

The TZRO in place on Main Street will expire in November 2015. The Planning Commission is scheduled to review the proposed Public Space Plan in September, with the anticipation that the Plan will be presented to the Council in October, along with other recommended edits to the South Main Street Corridor overlay zone ordinance.

ADJOURNMENT

At 10:29 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 3.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:30

SUBJECT

- a. Award bid to Ferguson Waterworks in the amount of \$48,927.90 plus tax for materials and to Ormond Construction in the amount of \$82,877.75 for labor for the Porter Walton Townhomes waterline
- b. Municipal Code Amendments - Title 1 - General Provisions - Consider Ordinance No. 2015-21
- c. Approve termination of warranty period - Legacy Crossing Lot 4 (Amended)
- d. Accept Sidewalk Easement and Public Utility Easement for Cosper Residence at 85 South 300 East
- e. Approve commencement of warranty period - Randy Cosper Site - 85 South 300 East
- f. Approve list of poll workers for 2015 municipal general election
- g. **Approve purchase of 2016 Toyota Tundra truck for the Water Department from Tony Divino Toyota in the amount of \$29,306.35**

RECOMMENDATION

- a. Award bid to Ferguson Waterworks in the amount of \$48,927.90 plus tax for materials and to Ormond Construction in the amount of \$82,877.75 for labor for the Porter Walton Townhomes waterline.
- b. Approve Ordinance No. 2015-21 amending and recodifying Title 1 of the Centerville Municipal Code regarding General Provisions.
- c. Approve termination of warranty period for Legacy Crossing Lot 4 (Amended) Subdivision, effective October 6, 2015.
- d. Accept Sidewalk Easement and Public Utility Easement for Cosper Residence located at 85 South 300 East.
- e. Approve commencement of warranty period for Randy Cosper site, effective October 6, 2015.
- f. Approve the appointment of the poll workers listed in the attached document and authorize Davis County to appoint additional poll workers that may be needed in case of an emergency (i.e., in the absence of appointed poll worker).
- g. Approve purchase of 2016 Toyota Tundra truck for the Water Department; 2-wheel drive cab, bed and

shell from Tony Divino Toyota in the amount of \$29,306.35 based on State contract.

BACKGROUND

a. Bids were solicited for this project by ESI Engineering and Centerville Public Works Water Department. See attached bid results and recommendations. Note that the low bid was deemed non-conforming for reasons explained in the email from the City Engineer. Therefore, Ormond Construction becomes the lowest responsive responsible bidder.

b. The City Council has approved funding to transition the Centerville Municipal Code to an online electronic code. Staff would like to make this transition to the online code starting in January 2016. As part of this transition, Staff is working to update the existing titles, chapters and provisions of the Centerville Municipal Code to be consistent with State law and to make other formatting, numbering and editing changes. Staff recommends approval of the proposed amendments to Title 1 as set forth in the attachments.

c. Legacy Crossing Lot 4 Amended Subdivision, located at approximately 1148 West Legacy Crossing Blvd, was given final approval by the Planning Commission on October 10, 2012. The City Council commenced the warranty period on August 19, 2014. The City Engineer recommends the warranty period be terminated. Security (in the form of a cash bond) in the amount of \$9,850 will be released upon termination of the warranty period.

d. The Cosper residence received Final Site Plan approval and building permit for the construction of a single family residence located at 85 South 300 East. As a condition of building permit approval, the property owner is required to grant two easements to the City for sidewalk and public utilities. The proposed easements are attached. Staff recommends the City Council accept these easements and direct the City Recorder to sign and record the easements.

e. The Randy Cosper site, located at approximately 85 South 300 East, posted bond on October 30, 2014. According to the City Engineer, all public improvements have been completed and he recommends commencement of the warranty period. The amount of security posted for the warranty period will be \$1,785.

f. The enclosed list of proposed poll workers for the Municipal November 3 General election has been compiled by the County Elections office. Most of the poll workers have served in the past while using the electronic voting machines. As required by State law, (UCA 20A-5-602), the municipal legislative body shall appoint or provide for the appointment of municipal election poll workers at least 15 days prior to the general election. The approval of poll workers should be subject to the County being able to make any changes as necessary.

g. After reviewing State bids for trucks, the Water Department recommends purchasing the 2016 Toyota Tundra (see attached memo from Mike Carlson). The FY 2016 Water Fund Budget includes \$31,000 for this truck.

ATTACHMENTS:

Description

- ☐ Engineer's Recommendation to award bid for Porter Walton Townhomes Waterline
- ☐ Porter Walton Waterline Bid Tabulations 9-11-2015
- ☐ Materials Bid Summary - Porter Walton Townhomes waterline
- ☐ Ordinance No. 2015-21-Title 1
- ☐ Title 1-redline amendments

- ▣ Engineer's recommendation to terminate warranty period
- ▣ Sidewalk Easement-Cosper
- ▣ PUE-Cosper
- ▣ Engineer's recommendation to commence warranty period
- ▣ List of Poll Workers for General Election
- ▣ Recommendation of Truck Purchase for Water Department

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Thursday, October 01, 2015 4:16 PM
To: Steve Thacker
Cc: Lisa Romney; Randy Randall; Mike Carlson; Cory Snyder; Ryan McLeod
Subject: Porter Walton Townhomes Waterline - NOA
Attachments: Porter Walton WL Bid Tab_09-11-15.pdf; 00 51 00 Notice of Award.pdf

Steve –

Bids were received on Sept 11, 2015 for the above referenced project.

The following contractors submitted bids:

- | | |
|------------------------|--------------|
| 1. Regency Excavation | \$ 40,821.75 |
| 2. Ormond Construction | \$ 82,877.75 |
| 3. Kapp Construction | \$ 88,373.00 |
| Engineer Estimate | \$ 99,750.00 |

After much review with Regency Excavation, Randy and I have determined that Regency's bid is nonconforming. A couple of examples of how the bid in nonconforming is in how they bid the 800 Tons of import sand bedding at \$1.00 / Ton and the 1,000 Tons of import granular backfill at \$1.00 / Ton. Regency has informed us that their supplier for the sand and granular backfill is Staker –Parsons and that the costs for the materials from the pit are \$5 / Ton and \$6.50 / Ton, respectively. Then there are the costs to haul to the site, place and compact. Prices for these items are typically around \$8.00 to \$12.00 per Ton. Guy Anderson, Project Estimator for Regency has admitted to Randy Randall and myself that the bid they submitted "does not stand on its own".

Randy and I offered to Brighton Homes two options – either the City could re-bid the project or award to the second low bidder Ormond Construction. Brighton Homes' does not want to re-bid the project due to their tight time schedule. Ormond Construction has assured us that they can begin on the project on October 8th (if Brighton Homes is ready for them) and complete the project by the end of October.

It is recommended that the project be awarded to Ormond Construction in the amount of \$82,877.75.

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

BID TABULATION FOR CENTERVILLE CITY 9/11/15

Porter Walton Townhomes Waterline Project #15-115				Regency Excavation		Ormond Construction		Kapp Construction		Engineer's Estimate	
ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	AMOUNT
1	8" PVC C900 waterline	1,400	LF	\$7.25	\$10,150.00	\$11.35	\$15,890.00	\$9.00	\$12,600.00	\$10.00	\$14,000.00
2	6" PVC C900 waterline	70	LF	\$9.00	\$630.00	\$11.35	\$794.50	\$9.00	\$630.00	\$10.00	\$700.00
3	3/4" copper water service	350	LF	\$8.25	\$2,887.50	\$11.35	\$3,972.50	\$8.00	\$2,800.00	\$10.00	\$3,500.00
4	8" x 3/4" saddle and corp. stop	6	EA	\$50.00	\$300.00	\$169.00	\$1,014.00	\$236.00	\$1,416.00	\$200.00	\$1,200.00
5	3/4" meter box and yoke assembly	6	EA	\$50.00	\$300.00	\$303.00	\$1,818.00	\$285.00	\$1,710.00	\$400.00	\$2,400.00
6	Double meter box and yoke assembly	20	EA	\$60.00	\$1,200.00	\$454.50	\$9,090.00	\$368.00	\$7,360.00	\$500.00	\$10,000.00
7	1" copper water service	20	LF	\$9.65	\$193.00	\$11.35	\$227.00	\$10.00	\$200.00	\$10.00	\$200.00
8	8" x 1" saddle and corp. stop	1	EA	\$50.00	\$50.00	\$169.00	\$169.00	\$236.00	\$236.00	\$200.00	\$200.00
9	1" meter box and yoke assembly	1	EA	\$50.00	\$50.00	\$303.00	\$303.00	\$285.00	\$285.00	\$400.00	\$400.00
10	1.5" Poly water service	365	LF	\$8.25	\$3,011.25	\$11.35	\$4,142.75	\$8.00	\$2,920.00	\$10.00	\$3,650.00
11	8" x 1.5" saddle and corp. stop	20	EA	\$50.00	\$1,000.00	\$169.00	\$3,380.00	\$236.00	\$4,720.00	\$200.00	\$4,000.00
12	8" x 6" tee with thrust block	4	EA	\$300.00	\$1,200.00	\$190.00	\$760.00	\$200.00	\$800.00	\$400.00	\$1,600.00
13	8" x 10" tapping tee with 8" gate valve and thrust block	2	EA	\$1,200.00	\$2,400.00	\$1,400.00	\$2,800.00	\$3,210.00	\$6,420.00	\$1,000.00	\$2,000.00
14	8" 90° bend with thrust block	2	EA	\$230.00	\$460.00	\$190.00	\$380.00	\$150.00	\$300.00	\$200.00	\$400.00
15	8" 22.5° bend with thrust block	2	EA	\$230.00	\$460.00	\$190.00	\$380.00	\$150.00	\$300.00	\$200.00	\$400.00
16	8" gate valve and valve box	2	EA	\$380.00	\$760.00	\$237.00	\$474.00	\$250.00	\$500.00	\$300.00	\$600.00
17	6" gate valve and valve box	4	EA	\$350.00	\$1,400.00	\$237.00	\$948.00	\$250.00	\$1,000.00	\$300.00	\$1,200.00
18	Fire hydrant assembly with thrust block	4	EA	\$690.00	\$2,760.00	\$795.00	\$3,180.00	\$610.00	\$2,440.00	\$1,000.00	\$4,000.00
19	Remove fire hydrant on 600 West Porter Lane and salvage to city	1	EA	\$770.00	\$770.00	\$575.00	\$575.00	\$940.00	\$940.00	\$500.00	\$500.00

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	AMOUNT
20	Disconnect 6" waterline, remove valve, and install 6" plug (flanged)	1	EA	\$395.00	\$395.00	\$1,390.00	\$1,390.00	\$940.00	\$940.00	\$500.00	\$500.00
21	Disconnect service at the main on Porter Lane and remove meter box	1	EA	\$320.00	\$320.00	\$725.00	\$725.00	\$870.00	\$870.00	\$500.00	\$500.00
22	Loop 8" waterline beneath high pressure gas line	2	EA	\$1,400.00	\$2,800.00	\$875.00	\$1,750.00	\$2,308.00	\$4,616.00	\$2,000.00	\$4,000.00
23	Sawcut, remove and replace asphalt	600	SF	\$6.00	\$3,600.00	\$1.25	\$750.00	\$4.55	\$2,730.00	\$8.00	\$4,800.00
24	Import roadbase	50	TN	\$13.50	\$675.00	\$9.50	\$475.00	\$13.00	\$650.00	\$18.00	\$900.00
25	Import sand bedding	800	TN	\$1.00	\$800.00	\$8.10	\$6,480.00	\$10.65	\$8,520.00	\$12.00	\$9,600.00
26	Import granular backfill	1,000	TN	\$1.00	\$1,000.00	\$8.10	\$8,100.00	\$9.10	\$9,100.00	\$12.00	\$12,000.00
27	Remove and haul away existing material (approx. 1,000 CY)	1	Lump Sum	\$300.00	\$300.00	\$6,100.00	\$6,100.00	\$4,720.00	\$4,720.00	\$8,000.00	\$8,000.00
28	Pressure test new waterlines	1	Lump Sum	\$700.00	\$700.00	\$910.00	\$910.00	\$1,100.00	\$1,100.00	\$1,000.00	\$1,000.00
29	Mobilization and traffic control	1	Lump Sum	\$250.00	\$250.00	\$5,900.00	\$5,900.00	\$7,550.00	\$7,550.00	\$7,500.00	\$7,500.00
	TOTAL			\$40,821.75		\$82,877.75		\$88,373.00		\$99,750.00	

**Water Line Bid results for
Porter Walton Townhomes
Project # 15-115**

BID RESULTS AND RECOMMENDATION

September 11, 2015

- | | | |
|----|----------------------------|-------------|
| 1. | Ferguson Water works | \$48,927.90 |
| 2. | Mountain States Supply | \$49,620.37 |
| 3. | Western Water Works Supply | \$49,983.71 |
| 4. | HD Supply | \$51,241.00 |

Note one, this price includes a two waterline loops that may or may not be used.

Note Two, there are now only four vendors in the area to bid, W R White was sold out.

We have reviewed the bid for materials from Ferguson Waterworks for \$48,927.90 plus tax. We recommend awarding this bid to Ferguson Waterworks and find they meet all of the specifications.

Respectfully submitted,

Michael Carlson
Water Department Supervisor

MC/sd

ORDINANCE NO. 2015-21

**AN ORDINANCE AMENDING AND RECODIFYING TITLE 1 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING GENERAL
PROVISIONS**

WHEREAS, the City is in the process of transitioning the Centerville Municipal Code to an online electronic code and the City Council desires to bring existing titles, chapters and provisions of the Centerville Municipal Code up to date to be consistent with State statutory provisions, and to make other formatting, numbering and editing changes as recommended by Staff; and

WHEREAS, Staff has evaluated, reviewed and prepared suggested revisions and updates to Title 1 of the Centerville Municipal Code regarding General Provisions and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 1 of the Centerville Municipal Code and desires to adopt the recommended revisions and updates as more particularly set forth herein to comply with the requirements of State law; and

WHEREAS, the City Council finds that the proposed revisions and updates to Title 1 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

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

Section 1. Amendment and Recodification. Title 1 of the Centerville City Municipal Code regarding General Provisions is hereby amended and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Repealer. The amendment and recodification of Title 1 shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. Penalty Provision. Unless otherwise specifically provided, any person who violates any provisions of Title 1 shall be subject to criminal penalties as set forth in Title 1, Chapter 5, or civil penalties as set forth in Title 1, Chapter 6, as amended.

Section 5. Effective Date. This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 6th DAY OF OCTOBER, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha 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

Title 1 General Provisions

TITLE 1

GENERAL PROVISIONS

CHAPTER 1-01.	GENERAL CITY PROVISIONS.
CHAPTER 1-02.	GENERAL CODE PROVISIONS.
CHAPTER 1-03.	DEFINITIONS.
CHAPTER 1-04.	RULES OF CONSTRUCTION.
CHAPTER 1-05.	VIOLATIONS.
CHAPTER 1-06.	CIVIL PENALTIES

CHAPTER 1-01. GENERAL CITY PROVISIONS.

1-01-010.	Incorporation.
1-01-020.	Classification.
1-01-030.	City Seal.
1-01-040.	Annexation.
1-01-050.	Boundary Adjustment.
1-01-060.	Disconnection.

1-01-010. Incorporation.

Centerville City was incorporated as a municipal corporation on May 15, 1915. Centerville City is a political subdivision of the State of Utah and may be referred to as "Centerville City, a municipal corporation."

1-01-020. Classification.

Centerville City is classified as a fourth class city under *Utah Code Ann.* § 10-2-301, as amended, as it has a population of more than ten thousand (10,000) and less than thirty thousand (30,000). Any change in classification of the City shall be made pursuant to *Utah Code Ann.* §§ 10-2-301 through -306, as amended.

1-01-030. City Seal.

The corporate seal of Centerville City, established and declared to be the seal of the City, is circular in form, approximately one and three-fourths inch (1-3/4") in diameter, with the words "Centerville City, Inc. Corporate Seal" inscribed in an outer circle and a mountain symbol and the date "1848" inscribed in the center circle.

1-01-040. Annexation.

Property may only be annexed into Centerville City may annex any contiguous, unincorporated area that is contiguous to the existing City corporate boundaries in accordance with and subject to the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-401 through 10-2-428, as amended. Pursuant to *Utah Code Ann.* § 10-2-401.5, the City may not annex any unincorporated area within Davis County until and unless the City has adopted an annexation plan and the area is within the City's designated expansion area.

1-01-050. Boundary Adjustment.

Centerville City may adjust its common boundary with an adjacent municipality in accordance with the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-419 through 10-2-428, as amended.

1-01-060. Disconnection.

| Any proposed disconnection of area within the corporate boundaries of the Centerville City shall comply with the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-501 through 10-2-510, as amended.

CHAPTER 1-02. GENERAL CODE PROVISIONS.

1-02-010.	Title.
1-02-020.	Citation.
1-02-030.	Amendments.
1-02-040.	Updates to Code.
1-02-050.	Recodification.
1-02-060.	Accrued Rights.
1-02-070.	Omission of General Law Not Waiver.
1-02-080.	Severability Clause.
1-02-090.	Continuation of Prior Law.
1-02-100.	Effective Date.

1-02-010. Title.

The Ordinances set forth herein shall be known and may be cited as the "Centerville Municipal Code-" or referred to herein as the "Code".

1-02-020 Citation.

Any provision of state law adopted herein by reference as a City ordinance ~~may~~ shall be cited by adding the number of the Title in this Code in front of the section number assigned in the *Utah Code Annotated*. For example, *Utah Code Ann. § 76-1-101* adopted by reference in Title 13 of this Code ~~may~~ shall be cited as 13/76-1-101. Any reference to the number of any section contained herein shall be understood to refer to its appropriate chapter and title heading, and to the general or specific penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents. This Code, as adopted by the City, including any amendments hereto, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the effective date of adoption, in all courts and administrative proceedings.

1-02-030. Amendments.

Any ordinances adding to, deleting from or altering any part of this Code shall constitute an amendment thereto and shall be adopted by ordinance of the City Council. Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and shall contain and be substantially in the form set forth in *Utah Code Ann. § 10-3-704*, as amended.

1-02-040. Updates to Code.

The City Recorder shall be responsible for compiling and maintaining an updated version of the Centerville Municipal Code and providing ~~should implement appropriate procedures to provide~~ replacement pages and updates for official copies and electronic versions of the Code. Any person having custody of an official copy of the Code shall make every effort to maintain said Code current as to the most recent ordinances passed and shall follow all instructions for immediate insertion of replacement pages. Copies of official Code books, while in actual possession of officials and other employees, shall be and remain the property of the City and shall be returned to the office of the City Recorder when directed to do so by the City.

1-02-050. Recodification.

Any amendment, revision, recodification and compilation of this Code shall be a repeal of all ordinances in conflict with the amendment, revision, recodification and compilation, provided, all ordinances then in effect shall continue in force after the amendment, revision, recodification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor.

1-02-060. Accrued Rights.

Unless otherwise provided, the repeal, amendment or recodification of any provision, section, chapter or title of this Code shall not affect suits pending or rights existing immediately prior to the

effective date of the revision; impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any revised provision; affect or impair the validity of any bonds or other obligations issued or sold prior to the effective date of the revision; nor shall the repeal, amendment or recodification of any ordinance hereby have the right of reviving any ordinances already repealed or superseded, unless the ordinance containing the amendment or repealer specifically indicates otherwise.

1-02-070. Omission of General Law Not Waiver.

The omission to specify or enumerate in this Code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any such provision.

1-02-080. Severability Clause.

If any title, chapter, section, subsection, sentence, or provision of this Code or application thereof is held to be unconstitutional, invalid, void or unlawful by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

1-02-090. Continuation of Prior Law.

The provisions of this Code to the extent they are the same or substantially the same as those of any prior ordinance shall be construed as a continuation of such prior ordinance.

1-02-100. Effective Date.

Ordinances adopted by the City Council that do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the City Council, whichever is sooner. Notwithstanding the foregoing, all ordinances passed or enacted by the City Council shall be signed by the Mayor, or Mayor Pro Tempore, published or posted (if required by law), and recorded with the City Recorder before taking effect, in accordance with *Utah Code Ann.* §§ 10-3-705 and 10-3-711, as amended.

CHAPTER 1-03. DEFINITIONS.

1-03-010. Definitions.

1-03-010. Definitions.

In the construction of this Code, all ordinances of the City, and any amendments thereto, the following words and terms shall have the meaning indicated, unless such definition or construction would be inconsistent with or contrary to the context of the Ordinance.

- (a) "City" shall mean Centerville City, Davis County, Utah.
- (b) "City Council" shall mean the Centerville City Council.
- (c) "Code" shall mean Centerville Municipal Code.
- (d) "County" shall mean Davis County, Utah.
- (e) "Officers" and "Employees" shall mean officers and employees of Centerville City.
- (f) "Ordinances" shall mean the ordinances of Centerville City.
- (g) "Person" shall mean any individual, corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.
- (h) "State" shall mean the State of Utah.

CHAPTER 1-04. RULES OF CONSTRUCTION.

- 1-04-010. Rules of Construction.**
- 1-04-020. Common Usage.**
- 1-04-030. Use of Number.**
- 1-04-040. Use of Gender.**
- 1-04-050. Verb Tense.**
- 1-04-060. Mandatory Language.**
- 1-04-070. Headings.**
- 1-04-080. Computation of Time.**

1-04-010. Rules of Construction.

In the construction or interpretation of this Code, all ordinances of the City and any amendments thereto, the following rules of construction shall be observed when necessary or applicable, unless such construction would be inconsistent with the manifest intent of the City Council or contrary to the context of the Ordinance. Pursuant to Utah Code Ann. § 10-1-103, all statutory powers delegated to municipalities by the State of Utah shall be liberally construed to permit the City to exercise such powers.

1-04-020. Common Usage.

All words and phrases shall be construed and understood according to the common use and understanding of the language, but technical words and phrases as may have acquired a particular meaning in the law shall be construed and understood according to such particular meaning.

1-04-030. Use of Number.

Unless otherwise specifically provided herein, whenever any provision of this Code refers to the plural number in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, and vice versa.

1-04-040. Use of Gender.

Unless otherwise specifically provided herein, whenever any provision of this Code refers to the masculine in describing or referring to any matters, parties or persons, the feminine shall be deemed to be included, and vice versa.

1-04-050. Verb Tense.

Unless otherwise specifically provided herein, the use of any verb in the present tense shall be deemed to include the future and past tense of such verb, when applicable, and vice versa.

1-04-060. Mandatory Language.

The term "shall" as used in this Code is mandatory and the terms "may" and "should" as used herein are merely permissive.

1-04-070. Headings.

Title, chapter or section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Code.

1-04-080. Computation of Time.

Unless otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday, then the last day shall be the next following business day.

- 1-05-010. Violations.
- 1-05-015. Criminal Enforcement Action.
- 1-05-020. Criminal Penalties.
- 1-05-030. Civil Penalties.
- 1-05-040. Continuing Violation.
- 1-05-050. Other Relief.

1-05-010. Violations.

The City may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under *Utah Code Ann.* § 76-3-301, as amended, or by a term of imprisonment up to six months, or by both the fine and term of imprisonment, in accordance with *Utah Code Ann.* § 10-3-703, as amended. Unless otherwise specifically provided herein or provided by law, any person who violates any provision of this Code shall be guilty of a Class B misdemeanor.

1-05-015. Criminal Enforcement Action.

Any criminal enforcement action regarding the violation of this Code shall comply with applicable provisions of the Utah Code of Criminal Procedure, as set forth in Title 77 of the Utah Code, and the Utah Rules of Criminal Procedures, as adopted by the Supreme Court of Utah.

1-05-020. Criminal Penalties.

(a) Class B Misdemeanors. Persons found guilty of a Class B misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for Class B misdemeanors, including, but not limited to, *Utah Code Ann.* §§ 76-3-204 and -301, as amended.

(b) Class C Misdemeanors. Persons found guilty of a Class C misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for Class C misdemeanors, including, but not limited to, *Utah Code Ann.* §§ 76-3-204 and -301, as amended.

(c) Infractions. Persons found guilty of an infraction may not be imprisoned but shall be subject to fines, forfeitures and/or penalties as provided by law for infractions, including, but not limited to *Utah Code Ann.* § 76-3-205 and -301, as amended.

(d) Corporate Penalties. Corporations, associations, partnerships or governmental instrumentalities shall be subject to fines and sanctions for violations as set forth in *Utah Code Ann.* §§ 76-3-302 and -303, as amended.

1-05-030. Civil Penalties.

The City may establish and impose civil penalties for various violations of City Ordinances to the extent permitted by and in accordance with applicable provisions of State law, including, but not limited to *Utah Code Ann.* §§ 10-3-703 and -703.7, as amended, and *Utah Code Ann.* § 10-9a-803, as amended. In accordance with such provisions, the City has adopted a civil enforcement program, including civil penalties for Code violations, as more particularly set forth in Title 1, Chapter 6.

1-05-040. Continuing Violation.

In instances where the violation of this Code is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues to occur.

1-05-050. Other Relief.

This Chapter shall not limit the authority of the City or any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

CHAPTER 1-06.**CIVIL ENFORCEMENT.**

- 1-06-010. Purpose.**
- 1-06-020. Scope.**
- 1-06-030. Enforcement Action.**
- 1-06-040. Civil Liability.**
- 1-06-050. Definitions.**
- 1-06-060. Notice Requirements.**
- 1-06-065. Complaint Procedures.**
- 1-06-070. Investigation and Inspection.**
- 1-06-080. Notice of Violation.**
- 1-06-090. Warning Period.**
- 1-06-100. Immediate Enforcement.**
- 1-06-105. Subsequent Violations.**
- 1-06-110. Civil Citation.**
- 1-06-120. Civil Penalties.**
- 1-06-130. Request for Administrative Hearing.**
- 1-06-140. Scheduling Administrative Hearing.**
- 1-06-150. Administrative Hearing Procedures.**
- 1-06-160. Failure to Attend Administrative Hearing.**
- 1-06-170. Administrative Order.**
- 1-06-180. Appeal of Administrative Hearing Order.**
- 1-06-190. Failure to Comply.**
- 1-06-200. Collection.**

1-06-010. Purpose.

The City Council finds that the enforcement of the Centerville Municipal Code is an important public service and is vital to the protection of the public's health, safety, welfare and quality of life. Pursuant to *Utah Code Ann.* § 10-3-703, the City Council is authorized to impose a ~~minimum~~ criminal or civil penalty for the violation of any municipal ordinance. The City Council finds that it is in the best interest of the City to establish and provide an enforcement system that allows for a combination of criminal and civil enforcement remedies and penalties.

1-06-020. Scope.

The provisions of this Chapter may be applied to any and all violations of the Centerville Municipal Code, exclusive of violations of the provisions of Title 12 (Zoning Code); Title 13 (Criminal Code); and Title 14 (Traffic Code). The provisions of this Chapter are intended to provide additional remedies for the City to use to achieve compliance with City Ordinances. The remedies, penalties and procedures set forth herein are not intended to limit or waive any right or remedy provided by law. The provisions of this Chapter shall not invalidate any other chapter, section or provision of the Centerville Municipal Code, but shall be read in conjunction with such chapters, sections and provision, and shall be used as an additional remedy for enforcement of violations.

1-06-030. Enforcement Action.

~~Except as otherwise provided herein, the City may~~ ~~Except as otherwise restricted by law, the City shall have the sole discretion in deciding whether to pursue a criminal or civil enforcement action for the violation of any ordinances or applicable code requirements and the provisions of this Chapter shall not be construed to limit the City's right to prosecute any violation as a criminal offense.~~ In accordance with *Utah Code Ann.* § 10-3-703-7, as amended, the City may not impose a civil penalty and adjudication for the violation of a municipal traffic ordinance. In addition, the City may not impose a civil penalty for a civil violation that occurs in conjunction with another criminal episode that will be prosecuted in a criminal proceeding.

1-06-040. Civil Liability.

By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an

essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

1-06-050. Definitions.

For purposes of this Chapter, the following words shall be defined as set forth herein:

- (a) **Civil Citation.** Civil citation means a citation issued to a responsible person which gives notice of a violation and the civil penalty for such violation.
- (b) **Enforcement Official.** Enforcement official means any person authorized by the City to enforce violations of the Centerville Municipal Code, including, but not limited to code enforcement officers, zoning officers, police officers, and building inspection officials.
- (c) **Hearing Officer.** Hearing officer shall mean a person appointed, contracted or hired by the City to conduct administrative hearings and to issue administrative orders as provided in this Chapter.
- (d) **Notice of Violation.** Notice of violation means a written notice that informs the responsible person of Code violations and orders certain steps to correct or remedy the violations.
- (e) **Person.** Person means any natural person, firm, joint venture, partnership, association, club, company, corporation, limited liability company, business trust, organization, or any other entity that is recognized by law.
- (f) **Property Owner.** Property owner means the record owner of real property as shown on the records of the Davis County Assessor or Recorder's Office.
- (g) **Responsible Person.** Responsible person means any person(s) who is responsible for causing or maintaining a violation of the Centerville Municipal Code. The property owner, tenant, person with a legal interest in the property, or person in possession of the real property shall be liable for any violation maintained on the property.

1-06-060. Notice Requirements.

Whenever notice is required to be given under this Chapter, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

- (a) **Personal service;**
- (b) **Certified mail, return receipt requested, postage prepaid, to the last known address(es) of the responsible person(s);**
- (c) **Posting the notice conspicuously on or in front of the property, if inhabited; if the property is uninhabited, the notice must be personally served, mailed or published as provided herein; or**
- (d) **Published in a newspaper of general circulation when the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe the person to be served is avoiding service.**

Failure of a responsible person to receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above. Service by certified mail shall be deemed served on the date signed for on the return receipt.

1-06-065. Complaint Procedure.

Centerville City generally uses the complaint-based methodology for code enforcement whereby the City pursues code enforcement upon receipt of a complaint. Any person desiring to file a complaint regarding a civil code violation may do so by filling out a Centerville City Civil Complaint Form ("Civil Complaint Form") or by contacting the appropriate Department or the City Manager. The City will accept complaints by phone or in writing. If complaints are made by phone, City staff will fill out the Civil

Complaint Form. All official complaints will be logged by the City and thereafter investigated by the applicable Department. If requested and contact information is provided, the City will follow up with the complainant and provide a summary of the investigation and the enforcement action taken, if any. The City may also use a systematic approach to code enforcement whereby the City conducts systematic sweeps or reviews of various areas of the City for code violations. The City may use the systematic approach when deemed necessary to address safety issues, rampant violations in a particular area, as part of an awareness campaign, or as directed by the City Council.

1-06-070. Investigation and Inspection.

An enforcement official may investigate any purported violation of City Ordinances and take such action as is warranted under the circumstances in accordance with the provisions and procedures set forth in this Chapter. An enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of City Ordinances are being obeyed and to make any reasonable examination or survey necessary to determine compliance. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If such inspection, entry, examination or survey requires entry onto private property, the enforcement official shall provide prior notice and obtain approval from the property owner or responsible person. If a property owner or responsible person refuses to allow an enforcement official to enter property, the enforcement official shall obtain a search warrant or administrative warrant before entering the property.

1-06-080. Notice of Violation.

Except as otherwise provided herein, if an enforcement official determines that any provision of the Centerville Municipal Code is being violated or continues to exist and immediate enforcement action is not necessary under the circumstances, the enforcement official shall provide a written notice of violation to the property owner or other responsible person. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall be served in accordance with Section 1-06-060. Such notice of violation shall serve to start the warning period. A notice of violation shall not be required for violations requiring immediate enforcement under Section 1-06-100, or for subsequent violations within a 12-month period under Section 1-06-105, as amended.

1-06-090. Warning Period.

Unless otherwise determined by an enforcement official, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the date of receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the enforcement official shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The enforcement official is authorized to extend the warning period, up to an additional thirty (30) days, if the enforcement official determines that good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. The enforcement official is authorized to grant an extension beyond the additional thirty (30) days, on similar grounds and findings; provided, any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the enforcement official. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period. A warning period shall not be required for violations requiring immediate enforcement under Section 1-06-100, or for subsequent violations within a 12-month period under Section 1-06-105, as amended.

1-06-100. Immediate Enforcement.

The enforcement official is not required to provide a notice of violation or warning period for any continuing development or construction, storm drainage violations, or an emergency situation. In the case of a violation involving such continuing construction or development, storm drainage violations, or an emergency situation, as reasonably determined by the enforcement official, the enforcement official may

use the enforcement powers and remedies available under this Chapter, including issuance of a civil citation, without prior notice or notice of violation.

1-06-105. Subsequent Violations.

The enforcement official is not required to provide a Notice of Violation or Warning Period for the same subsequent civil code violation occurring on the same property within a twelve (12) month period from the date of the first Notice of Violation. In the case of such subsequent violation(s) occurring on the same property within a twelve (12) month period, the enforcement official may use the enforcement powers and remedies provided under this Chapter, including issuance of a civil citation, without prior notice or notice of violation. In accordance with applicable statutes, property owners with weed violations need only be provided one notice of violation per season.

1-06-110. Civil Citation.

If any violation remains uncured after issuance of a notice of violation and expiration of the warning period set forth therein, as applicable, a civil citation may be issued to the property owner or other responsible person for the violation and civil penalties imposed for such violation. The civil citation shall be served in the manner set forth in Section 1-06-060. Each civil citation shall include the date and location of all violations, the Code sections violated, the amount of the civil penalty imposed for each violation, an explanation of how the civil penalty shall be paid and the consequences for failure to pay, an explanation of the right to and the procedures for requesting an administrative hearing, and the signature of the enforcement official issuing the citation.

1-06-120. Civil Penalties.

Civil penalties to be imposed for a civil citation shall be imposed in accordance with the civil penalties fee schedule adopted by the City. Pursuant to Utah Code Ann. § 10-3-703, the City Council may prescribe a minimum civil penalty for Code violations by a fine not to exceed the maximum class B misdemeanor fine which is \$1,000. Civil penalties shall be due and owing to the City within twenty (20) days from the date of service. The civil penalty shall double if not paid within twenty (20) days from the date of service. The civil penalty shall triple if not paid within forty (40) days from the date of service. After forty (40) days, unpaid civil penalties shall accrue interest at the rate set forth by the State of Utah for unpaid judgments. Payment of any civil penalty shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the City. A civil citation and civil penalties may be imposed for each and every day a violation occurs or continues to exist. Additional civil penalties may be imposed for subsequent or reoccurring same violations on the same property within twelve (12) months from the date of the civil citation. Such graduated penalties for subsequent or recurring violations shall be adopted by the City Council and set forth in the City Fee Schedule. Civil penalties may not be imposed for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding. Civil penalties shall be paid to the City Finance Department.

1-06-130. Request for Administrative Hearing.

Any responsible person served with a civil citation shall have the right to request an administrative hearing before a hearing officer by filing a written application for hearing. Such written request for hearing shall be filed with the City Recorder within ten (10) days from the date of service of the civil citation or other specified date set forth therein. Failure to request an administrative hearing as provided herein within ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal.

1-06-140. Scheduling Administrative Hearing.

Upon receipt of a request for an administrative hearing, the City Manager shall appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of Section 1-06-060.

1-06-150. Administrative Hearing Procedures.

Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; provided, all persons shall be afforded due process of law, including adequate notice, an opportunity to be heard, and adequate explanation of the reasons justifying any action. The City shall bear the burden of proof to establish the existence of a violation of the Code. Such proof shall be established by a preponderance of the evidence. All administrative hearings shall be open to the public and shall be recorded. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address and telephone number shall be given to the City at least one (1) day prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assessed to the responsible person. The burden to prove any raised defenses shall be upon the party raising any such defense.

1-06-160. Failure to Attend Administrative Hearing.

A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in Section 1-06-060.

1-06-170. Administrative Order.

After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of Section 1-06-060.

1-06-180. Appeal of Administrative Hearing Order.

Any responsible person adversely affected by a final administrative order may file a petition for review in the district court. Any such appeal shall be filed within thirty (30) days after the administrative order is final. In the petition, the plaintiff may only allege that the administrative order was arbitrary, capricious or illegal. The court shall presume the administrative order is valid, review the record to determine whether the order was arbitrary, capricious or illegal, and affirm the order if it is supported by substantial evidence in the record. The record of the proceedings shall be transmitted to the reviewing court. The filing of the petition does not stay execution of an administrative order, unless so ordered by the hearing officer.

1-06-190. Failure to Comply.

It shall be unlawful for a responsible person to fail to comply with any notice of violation, civil citation, or administrative order, or to pay the required civil penalties as imposed hereunder. A violation of this Section shall be a class B misdemeanor.

1-06-200. Collection.

The City may use any lawful means available to collect any unpaid civil penalties imposed under this Chapter, including costs and reasonable attorney's fees.

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Friday, September 25, 2015 2:55 PM
To: Steve Thacker
Cc: Marsha Morrow; Randy Randall; Cory Snyder; Lisa Romney
Subject: Legacy Lot 4 (Amended) - Bond Reduction #4 (End Warranty)
Attachments: Bond Reduction #4 (End Warranty)_09-25-15.pdf

Steve,

The attached bond reduction and end of warranty period is recommended for Legacy Lot 4 (Amended).

Let me know if additional info is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

WHEN RECORDED, MAIL TO:

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

Affects Parcel No.: 02-103-0100

PUBLIC SIDEWALK EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **LANCE D. COSPER**, hereby grants, conveys, sells and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual four foot (4') wide sidewalk easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public sidewalk improvements and facilities, hereinafter called the "Facilities," said sidewalk easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said sidewalk easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the sidewalk easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said sidewalk easement, nor change the slope or contour thereof. This sidewalk easement 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 sidewalk and slope easement this day of _____, 2015.

"GRANTOR"
LANCE D. COSPER

Lance D. Cosper

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared before me **LANCE D. COSPER**, who being by me duly sworn, did acknowledge that he is the owner of the Property referred to in the foregoing instrument, and that he executed the same.

Notary Public

My Commission Expires:

Residing at:

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

Exhibit A

Description of Sidewalk Easement

Beginning at a the Southwest Corner of Lot 2, Block 25, Plat A of the Centerville Townsite Survey, which point is North89°50'43"East 33.00 feet along the centerline and North0°05'01"East 25.00 feet from the Centerline Intersection of 100 South and 300 East Streets and running thence North0°05'01"East 4.00 feet along the West boundary of said Lot 2; thence North89°50'43"East 102.94 feet to the East line of the grantors property; thence South0°11'35"West 4.00 feet to the North line of 100 South Street; thence South89°50'43"West 102.94 feet along said line to the point of beginning.

WHEN RECORDED, MAIL TO:

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

Affects Parcel No.: 02-103-0100

PUBLIC UTILITY EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **LANCE D. COSPER**, hereby grants, conveys, sells and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantor's land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, its successors and assigns, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns to enter upon the above described property with such equipment as is necessary to install, construct, maintain, operate, repair, inspect, protect, remove and replace said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

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. 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 Grantors have executed this right-of-way and easement this _____ day of _____, 2015.

"GRANTOR"
LANCE D. COSPER

Lance D. Cosper

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2015, personally appeared before me **LANCE D. COSPER**, who being by me duly sworn, did acknowledge that they are the owners of the Property referred to in the foregoing instrument and that they executed the same in their individual capacity.

Notary Public

My Commission Expires:

Residing at:

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

Exhibit A

Legal Description of PUE

Beginning at a the Southwest Corner of Lot 2, Block 25, Plat A of the Centerville Townsite Survey, which point is North89°50'43"East 33.00 feet along the centerline and North0°05'01"East 25.00 feet from the Centerline Intersection of 100 South and 300 East Streets and running thence North0°05'01"East 143.95 feet along the West boundary of said Lot 2 to a point 1.00 foot South of the Northwest Corner of said Lot 2; thence North89°51'25"East 103.21 feet parallel to the North boundary of said Lot 2; thence South0°11'35"West 7.00 feet; thence South89°51'25"West 93.20 feet; thence South0°05'01"West 129.95 feet; thence North89°50'43"East 92.95 feet; thence South0°11'35"West 7.00 feet to the North line of 100 South Street; thence South89°50'43"West 102.94 feet to the point of beginning.

#3d

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Friday, September 25, 2015 3:51 PM
To: Steve Thacker
Cc: Marsha Morrow; Lisa Romney; Ryan McLeod
Subject: Randy Cosper Site - 85 East 300 South - BR#1 (Begin Warranty)
Attachments: Randy Cosper Site - BR #1 (Begin Warranty)_09-25-15.pdf

Steve –

The attached bond reduction and start of warranty are recommended for the Randy Cosper Site.

Let me know if additional info is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

POLL_NAME	FIRST	LAST	PHONE	MAILING_ADDRESS1	CITY	STATE	ZIP	POSITION
Centerville Elementary	Christine	Brown	(801)292-3974	698 E 650 N	Centerville	UT	84014	Receiving Clerk
Centerville Elementary	Alisa	Buxton	(801)660-7247	295 E 500 N	Centerville	UT	84014	Provisional Clerk
Centerville Elementary	Kirsten	Facer	(801)298-0881	112 W 700 S	Centerville	UT	84014	Receiving Clerk
Centerville Elementary	Linda	Gwynn	(801)292-5023	853 N 400 W	Centerville	UT	84014	Poll Book Clerk
Centerville Elementary	Margaret-anne	Ihrig	(801)292-3377	395 E 300 N	Centerville	UT	84014	Receiving Clerk
Centerville Elementary	Stephanie	Ivie	(801)397-0272	595 S 700 E	Centerville	UT	84014	Technician
Centerville Elementary	Rebecca	Suzuki	(801)884-9246	68 W 200 N	Centerville	UT	84014	Poll Book Clerk
Centerville Elementary	Margot	Thompson	(801)797-9916	912 N 700 E	Centerville	UT	84014	Poll Book Clerk
Centerville Elementary	Luke	Todd	(801)703-8187	242 W 1250 N	Centerville	UT	84014	Poll Manager
Centerville Elementary	Melinda	Wan	(801)721-1346	Po Box 1232	Centerville	UT	84014	Technician
Centerville Elementary	Madeline	Warner	(801)856-1351	396 E 700 S	Centerville	UT	84014	Receiving Clerk
Stewart Elementary	Bonnie	Christensen	(801)295-0149	128 Parkway Cir	Centerville	UT	84014	Receiving Clerk
Stewart Elementary	Alice	Giles	(801)298-9849	549 W Chase Ln	Centerville	UT	84014	Poll Book Clerk
Stewart Elementary	Sandra	Hunt	(801)292-1905	357 W 2025 N	Centerville	UT	84014	Poll Manager
Stewart Elementary	Camille	Jessop	(801)298-5906	1597 Lewis & Clark Dr	Centerville	UT	84014	Receiving Clerk
Stewart Elementary	Ann	Monroy	(801)300-0087	60 W 115 N	Centerville	UT	84014	Receiving Clerk
Stewart Elementary	Diane	Pack	(801)295-7489	1474 N 400 E	Centerville	UT	84014	Receiving Clerk
Stewart Elementary	Gynell	Scheel	(801)543-1390	238 N Country Ln	Fruit Heights	UT	84037	Poll Book Clerk
Stewart Elementary	Lynette	Sunday	(801)200-4095	36 Old Haul Rd	Centerville	UT	84014	Provisional Clerk
Stewart Elementary	Starli	Taft	(801)390-7771	66 N Mountain Rd	Fruit Heights	UT	84037	Technician
Stewart Elementary	Gary	Woodward	(801)295-0126	263 W 1750 N	Centerville	UT	84014	Technician
Stewart Elementary	Sandra	Yates	(801)298-2538	382 W 1500 N	Centerville	UT	84014	Poll Book Clerk

Memo: To Randy Randall, Steve Thacker

From: Michael Carlson, Water Supervisor and Deputy Public Work Director

Date 9/25/2015

Subject: New 2016 Water Department Truck

I have looked at the State of Utah's purchasing contracts for trucks and have found the following one. I have asked for a formal quote using the state bid.

The truck is a 2016 Toyota Tundra, 2 wheel drive cab, bed and a shell. State bid number is AR1729 for a total cost of \$29,306.35.

One final note, I had Dave Starke look over the quote to make sure that this truck will work for the City and it will.

I recommend that we award the Truck Bid to Tony Divino Toyota for \$29,306.35.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 4

Short Title: Justice Court Recertification

Initiated By: City Attorney

Scheduled Time: 7:35

SUBJECT

Consider Resolution No. 2015-16 requesting the recertification of the Centerville City Justice Court

RECOMMENDATION

Approve Resolution No. 2015-16 requesting the recertification of the Centerville City Justice Court.

BACKGROUND

State statutes require municipal justice courts to be recertified by the Utah Judicial Council every four years. The current term of the Centerville City Justice Court expires in February 2016. The application and request for recertification must be made by October 30, 2015. In order to be recertified, the City Council must approve and submit a resolution that requests recertification and agrees to continue to comply with the operational standards for the term of recertification. Resolution No. 2015-16 has been prepared for this purpose. The recertification also requires a completed and signed affidavit from the Justice Court Judge and an opinion letter from the City Attorney. The signed affidavit from Judge Miller is attached, as well as an opinion letter from City Attorney Lisa Romney advising the City Council of the requirements for operation of the Justice Court and the feasibility of maintaining the Justice Court.

ATTACHMENTS:

Description

- ☐ Resolution No. 2015-16-Justice Court
- ☐ City Attorney Opinion Letter-Justice Court
- ☐ Justice Court Judge Certification Affidavit

RESOLUTION NO. 2015-16

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
CENTERVILLE CITY JUSTICE COURT AND AGREEING TO
CONTINUED COMPLIANCE WITH THE OPERATIONAL STANDARDS
FOR THE TERM OF RECERTIFICATION**

WHEREAS, the provisions of *Utah Code Ann.* § 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Centerville City Justice Court shall expire in February of 2016; and

WHEREAS, the members of the Centerville City Council have received and reviewed an opinion letter dated September 23, 2015, from City Attorney Lisa G. Romney, which letter sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the same; and

WHEREAS, the members of the Centerville City Council have reviewed the operational requirements for the operation of its Justice Court and have determined that it is feasible and in the best interest of Centerville City to continue to provide for a Justice Court.

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

Section 1. Request for Recertification. The Centerville City Council hereby requests recertification of the Centerville City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

Section 2. Requirements. The Centerville City Council hereby affirms its willingness to continue to meet all requirements set forth by statute and by the Judicial Council for continued operation of the Centerville City Justice Court for the next four-year term of the Court, except as to any requirements waived by the Utah Judicial Council.

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 6th DAY OF OCTOBER, 2015.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

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

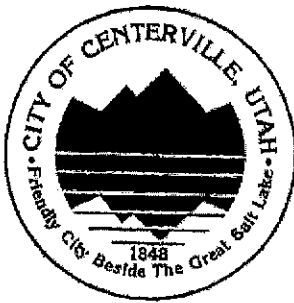
CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council, recorded by me in a book used exclusively for that purpose, and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

MARSHA L. MORROW, City Recorder

DATED: _____

EFFECTIVE DATE: ____ day of _____, 20____



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

September 23, 2015

Mayor Paul A. Cutler and
Centerville City Council
250 North Main Street
Centerville, Utah 84014

Re: *Recertification of Centerville City Justice Court*

Dear Mayor and City Council:

The following opinion is provided to the City in conjunction with the recertification of the Centerville City Justice Court. Pursuant to State law, municipal justice courts are recertified every four years. In order for the Centerville City Justice Court to be recertified for its upcoming term, the City must file its application for recertification, and supporting documents, to the Administrative Office of the Courts by **October 30, 2015**. As part of the recertification process, in order for the City Council to obtain the necessary information regarding the continuing obligations of the City with respect to the operation of its Justice Court, the Utah Judicial Council requires the City Attorney to provide the City Council a written opinion advising the City of the requirements for operation of the Justice Court and the feasibility of maintaining the Justice Court. In preparing this opinion, I have reviewed the Court Certification Affidavit prepared by Judge David L. Miller and applicable legal requirements for recertification.

The various legal requirements for the operation and maintenance of a Justice Court are established by Utah statutes, including, but not limited to the provisions set forth in *Utah Code Ann. §§ 78A-7-101, et seq.* The statutory requirements for the operation of a Justice Court are summarized as follows:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).

4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).

5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, Utah Court Rules Annotated, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. All Justice Courts shall record all proceedings with a digital audio recording device and maintain the audio recordings for one year (78A-7-103).

In addition to the requirements which are directly imposed by statute, Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and recertification of justice courts. Pursuant to statute, the Judicial Council has adopted the following minimum recertification requirements for justice courts:

1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

2) That the judge be available to attend court and conduct court business as needed.

3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

7) The entity must have at least one peace officer (which may be contracted).

8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.

9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts

monthly. Also note that effective July 1, 2011, all justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

Justice courts are divided into four classifications depending upon the average monthly cases filed in that court. The Judicial Council has adopted additional minimum standards for justice courts depending upon their classification. Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. The Centerville City Justice Court's average monthly case filings is 355 cases per month making the City Justice Court a Class II Court.

In addition to the base requirements, Class II Courts are required to be open additional hours (see Class II minimum requirements set forth below), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see Class II minimum requirements set forth below), and the courtroom, judge's chamber and clerk's office must be in the same building. The minimum operational standards for a Class II Court are as follows:

CLASS II

MINIMUM REQUIREMENTS Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open

201-300 filings At least 4 hours per day

301-400 filings At least 5 hours per day

401-500 filings At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

201-275 filings	At least one full time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks..

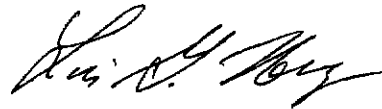
- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

As noted in the Recertification Packet, the application for recertification shall include: (1) a resolution from the City Council requesting recertification; (2) this opinion letter from the City Attorney; and (3) a completed and signed affidavit of the justice court judge certifying that the operational standards for the court have been met. A court security plan must also be submitted in accordance with C.J.A. Rule 3-414. Any exceptions to compliance with the minimum requirements or operational standards shall be noted. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Based upon my review of the foregoing requirements, it is my opinion that it is feasible to continue to maintain the Centerville City Justice Court. If you have any questions regarding this matter, please call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa G. Romney", written in a cursive style.

Lisa G. Romney
Centerville City Attorney

cc: Steve Thacker, City Manager
Justice Court Judge David L. Miller

COURT CERTIFICATION AFFIDAVIT

Court Location: Centerville City

Judge: David L. Miller

Address: 250 N. main

Centerville, UT 84014

Telephone: 801-295-8344

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: 355

Daily Court Hours: 8:00 AM - 5:00 PM M-F
Thursday Nights later for Court 2-7 or until Done

Number of Full-time Clerks: 2
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 2
Hours Worked Per Week Per Clerk: 20

This form is divided into two parts. Section I contains those requirements that are statutory and are **not** waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now Judge David L. Miller

Justice Court Judge for Centerville City

_____ and,

except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. Y
2. Court is open daily. Y
3. The hours of court operation are posted conspicuously. Y
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Y
5. The judge is compensated at a fixed rate, within the statutory range. Y
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Y
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Y
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Y
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support Y
 - b. Funding for attorneys for indigent defendants, as appropriate Y
 - c. Sufficient local law enforcement officers to attend court as provided by statute Y
 - d. Security for the court as provided by statute Y
 - e. Witness and juror fees Y
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Y

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Y
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).
Y
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
Y

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES or NO to each of the following:

1. Court is open each day as appropriate for the classification of the court. Y
2. The judge is available to attend court and to conduct court business as needed. Y
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge Y
 - b. A six inch riser Y
 - c. Desk and chair for the court clerk Y
 - d. Chairs for witnesses Y
 - e. Separate tables and appropriate chairs for plaintiffs and defendants Y
 - f. A Utah State flag Y
 - g. A United States flag Y
 - h. A separate area and chairs for at least four jurors Y
 - i. A separate area with appropriate seating for the public Y
 - j. An appropriate room for jury deliberations Y
 - k. An appropriate area or room for victims and witnesses which is separate from the public Y
 - l. A judicial robe Y
 - m. A gavel Y
 - n. Current bail schedules Y
 - o. A copy of the Code of Judicial Administration Y

- p. Necessary forms and supplies Y
- q. Office space for the judge Y
- r. Office space for the court clerk Y
- s. Secure filing cabinets Y
- t. Appropriate office supplies Y
- u. A cash register or secured cash box Y
- v. At least one computer with internet access Y
- w. Access to a copy machine Y
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. Y
5. Does the applicant have a law enforcement department? Y
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: N/A
-
7. A security plan has been filed consistent with C.J.A. Rule 3-414. Y
8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Y
9. If the court is a Class I court: N/A
- a. Judge is employed on a full-time basis _____
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
- c. Court has a jury deliberation room _____
- d. Judge's chambers, clerk's office, and courtroom are in the same building _____
- e. Judge has his or her own private chambers _____
- f. Clerk's office is separate from any other entity _____

g. Court is open during normal business hours _____

10. If the court is a **Class II** court:

a. Court is open (check one)

- ☒ 1. 201-300 average monthly filings: at least 4 hrs./day
☒ 2. 301-400 average monthly filings: at least 5 hrs./day
_____ 3. 401-500 average monthly filings: at least 6 hrs./day

b. Trial calendar is set at least weekly Y

c. Courtroom configuration is permanent Y

d. Courtroom, judge's chambers, and clerk's office are within the same building Y

e. Judge has his or her own private chambers Y

11. If the court is a **Class III** court: N/A

a. Trial calendar is set at least every other week _____

b. Court is opened (check one):

- _____ 1. 61-150 average monthly filings: at least 2 hrs./day
☒ 2. 151-200 average monthly filings: at least 3 hrs./day

12. If the court is a **Class IV** court: N/A

a. Trial calendar is set at least monthly _____

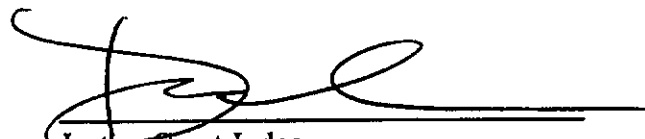
b. Court is open at least 1 hour per day _____

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

[illegible]

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 7 day of September, 2015.


Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 7th day of Sept, 2015.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 5.

Short Title: Municipal Code Amendments - Title 4 - Justice Court

Initiated By: City Attorney

Scheduled Time: 7:45

SUBJECT

Consider Ordinance No. 2015-22 amending various provisions of Title 4 of the Centerville Municipal Code regarding the City Justice Court

RECOMMENDATION

Adopt Ordinance No. 2015-22 amending various provisions of Title 4 of the Centerville Municipal Code regarding the City Justice Court.

BACKGROUND

In conjunction with the recertification of the Justice Court, the City Attorney has reviewed applicable statutes and ordinances regarding judicial administration and municipal justice courts. Based on this review, the City Attorney recommends various amendments to Title 4 of the Centerville Municipal Code regarding the Justice Court. These amendments are recommended to bring our ordinances into conformance with applicable State statutes and regulations and in preparation for our transition to an online electronic code.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2015-22-Title 4
- ☐ Title 4-redline amendments

ORDINANCE NO. 2015-22

**AN ORDINANCE AMENDING AND RECODIFYING TITLE 4 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING JUSTICE COURT**

WHEREAS, the City is in the process of transitioning the Centerville Municipal Code to an online electronic code and the City Council desires to bring existing titles, chapters and provisions of the Centerville Municipal Code up to date to be consistent with State statutory provisions, and to make other formatting, numbering and editing changes as recommended by Staff; and

WHEREAS, Staff has evaluated, reviewed and prepared suggested revisions and updates to Title 4 of the Centerville Municipal Code regarding Justice Court and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 4 of the Centerville Municipal Code and desires to adopt the recommended revisions and updates as more particularly set forth herein to comply with the requirements of State law; and

WHEREAS, the City Council finds that the proposed revisions and updates to Title 4 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

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

Section 1. Amendment and Recodification. Title 4 of the Centerville City Municipal Code regarding Justice Court is hereby amended and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Repealer. The amendment and recodification of Title 4 shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. Penalty Provision. Unless otherwise specifically provided, any person who violates any provisions of Title 4 shall be subject to criminal penalties as set forth in Title 1, Chapter 5, or civil penalties as set forth in Title 1, Chapter 6, as amended.

Section 5. Effective Date. This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 6th DAY OF OCTOBER, 2015.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha 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

**Title 4
Justice Court**

TITLE 4
JUSTICE COURT

CHAPTER 4-01: GENERAL PROVISIONS
CHAPTER 4-02: JUSTICE COURT
CHAPTER 4-03: JUSTICE COURT JUDGE AND STAFF
CHAPTER 4-04: SMALL CLAIMS

CHAPTER 4-01: GENERAL PROVISIONS

4-01-010. Intent.
4-01-020. Conflict.

4-01-010. Intent.

It is the intent of the City Council that this Title comply with and be interpreted in accordance with the applicable provisions of the *Utah Code Annotated*, particularly Chapter 7 of Title 78A, Chapter 7, Part 1, Justice Court, as amended, regarding the jurisdiction, procedure and conduct of Justice Courts and Justice Court Judges, as well as the relevant portions of Title 77, as amended, regarding general criminal procedure for all courts.

4-01-020. Conflict.

If there is any conflict between the provisions of this Title and applicable provisions of the *Utah Code Annotated*, as amended, the provisions of the *Utah Code* shall control.

CHAPTER 4-02: JUSTICE COURT

4-02-010.	Creation of Justice Court.
4-02-020.	Compliance with Minimum Requirements.
4-02-030.	Territorial Jurisdiction.
4-02-040.	Jurisdiction.
4-02-050.	Trial Facilities.
4-02-060.	Reference Materials.
4-02-070.	Court Days.
4-02-080.	Hours of Business.
4-02-090.	Powers of the Justice Court.
4-02-100.	Public Proceedings.
4-02-110.	English Language.
4-02-120.	Change of Place of Trial Because of Calamity.
4-02-130.	Seal.
4-02-140.	Process, Subpoenas and Warrants.
4-02-150.	Reserved.
4-02-160.	Reserved.
4-02-170.	Reserved.
4-02-180.	Reserved.
4-02-150190.	Monthly Reports.
4-02-200.	Reserved.
4-02-160210.	Validity of Papers Issued.
4-02-170220.	Decisions to be Rendered.
4-02-230.	Reserved.
4-02-240.	Reserved.
4-02-180250.	Judgment Not a Lien Unless So Docketed.
4-02-190260.	Fees.
4-02-200270.	Collection and Deposit of Fines, Fees and Forfeitures.
4-02-210280.	Remittal of Fines, Fees and Forfeitures.
4-02-220290.	Disposition of Monies Received.
4-02-230300.	Proceedings Unaffected by Vacancy.
4-02-240310.	Repeated Application for Orders.
4-02-250320.	Electronic Writings.
4-02-260330.	Appeals.

4-02-010. Creation of Justice Court.

There is hereby established a court within the City known as the Centerville City Justice Court which court shall not be a court of record, hereinafter referred to as the "Justice Court." Based on the number of citations and cases filed monthly with the Justice Court, the Centerville Justice Court is designated as a Class II justice court.

4-02-020. Compliance with Minimum Requirements.

The City shall comply with and meet the minimum requirements set forth by the Judicial Council for the creation and certification of the Justice Court in accordance with *Utah Code Ann. § 78A-7-103*, as amended.

4-02-030. Territorial Jurisdiction.

The territorial jurisdiction of the Justice Court extends to the corporate limits of the City. An offense is deemed committed within the territorial jurisdiction of the Justice Court as specified in *Utah Code Ann. § 78A-7-106*, as amended.

4-02-040. Jurisdiction.

(a) The Justice Court has jurisdiction over Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person 18 years of age or older.

(b) Except for those offenses over which the juvenile court has exclusive jurisdiction, the Justice Court has jurisdiction over certain Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person 16 years of age or older, except those offenses over which the juvenile court has exclusive jurisdiction, pursuant and subject to the provisions set forth in Utah Code Ann. § 78A-7-106, as amended. The Justice Court Judge may transfer a criminal matter in which the defendant is a child to the juvenile court for further proceedings if the Justice Court Judge determines and the juvenile court concurs that the best interests of the minor would be served by the continuing jurisdiction of the juvenile court.

(c) The Justice Court has jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, of the Utah Code Annotated, if the defendant resides in or the debt arose within the territorial jurisdiction of the Justice Court.

(d) The Justice Court has jurisdiction over class C misdemeanor violations of Title 53, Chapter 3, Part 2, Driver Licensing Act, of the Utah Code.

4-02-050. Trial Facilities.

(a) The City shall provide adequate courtroom and auxiliary space for the Justice Court. The facility need not be specifically constructed for or allocated solely for the Justice Court if existing facilities adequately serve the purposes of the Justice Court.

(b) The Justice Court Judge shall hold Court in the City at the location designated by the City pursuant to Subsection (a) and shall conduct all official Court business in such location or office located in a public facility within the City which is conducive and appropriate to the administration of justice or any facility or location authorized by rule of the Judicial Council.

(c) The Justice Court shall record its proceedings with a digital audio recording device and maintain such audio recordings for a minimum of one year in accordance with the provisions of *Utah Code Ann. § 78A-7-103*, as amended.

(d) The Justice Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.

4-02-060. Reference Materials.

The City shall provide and keep current for the Justice Court Judge a current copy of the *Utah Code*, the Utah Court Rules Annotated, the Justice Court Manual published by the State Court Administrator, City ordinances, and other legal reference materials as determined to be necessary by the Justice Court Judge.

4-02-070. Court Days.

(a) Generally.—The Justice Court is open and judicial business may be transacted on any day, except as otherwise provided in Subsection (b) or by law.

(b) Closed.—The Justice Court is closed on Sunday, on any day on which a general election is held, and on any legal holiday of the City; provided however that judicial business may be transacted on such days for the following limited purposes:

(1) To give, upon their request, instructions to a jury when deliberating on their verdict;

- (2) To receive a verdict or discharge a jury;
- (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; or
- (4) Judicial business not involving a trial or hearing unless the Judge finds it necessary for the fair administration of justice.

4-02-080. Hours of Business.

The Justice Court shall be open and judicial business shall be transacted from 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of holidays as set forth in Section 4-02-070 or as otherwise permitted by law. The Justice Court may be open for additional evening hours as determined necessary by the court. ~~every day during regular business hours as provided by law.~~ The hours the Justice Court is open shall be posted conspicuously at the Court and in local public buildings. The Justice Court Judge and clerk shall attend the Court at regularly scheduled times.

4-02-090. Powers of the Justice Court.

The Justice Court has the authority necessary to exercise its jurisdiction including, but not limited to, the authority to:

- (a) Preserve and enforce order in its immediate presence;
- (b) Enforce order in the proceedings before it, or before a person authorized to conduct a judicial investigation under its authority;
- (c) Provide for the orderly conduct of proceedings before it or its officers;
- (d) Compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in a pending action or proceeding;
- (e) Control in furtherance of justice the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it in every matter;
- (f) Compel the attendance of persons to testify in a pending action or proceeding, as provided by law;
- (g) Administer oaths in a pending action or proceeding, and in all other cases where necessary in the exercise of its authority and duties;
- (h) Amend and control its process and orders to conform to law and justice;
- (i) Devise and make new process and forms of proceedings, consistent with law, necessary to carry into effect its authority and jurisdiction;
- (j) Establish and adopt procedural process, in conformance with the apparent intent of statutes or rules of procedure, for actions in which such procedure is not yet established; and
- (k) Enforce rules of the Utah Supreme Court and Judicial Council.

4-02-100. Public Proceedings.

The sittings of the Justice Court are public, except as provided in *Utah Code Ann.* § 78A-2-208, as amended.

4-02-110. English Language.

Judicial proceedings in the Justice Court shall be conducted in the English language.

4-02-120. Change of Place of Trial Because of Calamity.

The Justice Court Judge may order court proceedings to be held at another location within the City if the Judge determines it is necessary because of war, insurrection, pestilence, public calamity or natural disaster, or destruction of or danger to the building in which court is held. Any order to move court proceedings shall be reduced to writing and filed with the clerk of the court for publication.

4-02-130. Seal.

(a) ~~Generally.~~—The Justice Court shall have a seal which seal shall be approved by the Judicial Council.

(b) ~~When Affixed.~~—The Seal of the Justice Court need not be affixed to any document of the Court except to:

- (1) A writ;
- (2) The authentication of a copy of a record or document on file with the Justice Court;
- (3) The authentication of the signature of an officer of the Justice Court; and
- (4) Any other document as permitted by law.

4-02-140. Process, Subpoenas and Warrants.

(a) Process from the Justice Court may be issued to any place in the State.

(b) Subpoenas in any action or proceeding of the Justice Court may be issued to any place in the State.

(c) All warrants issued by the Justice Court for violation of any State law or local ordinance within the Court's jurisdiction shall be directed to the sheriff, any constable of the county, or to the City police.

~~4-02-150. Reserved.~~

~~4-02-160. Reserved.~~

~~4-02-170. Reserved.~~

~~4-02-180. Reserved.~~

4-02-150190. Monthly Reports.

(a) The Justice Court shall file monthly with the State Court Administrator a report of the judicial business of the Judge on forms supplied by the State Court Administrator.

(b) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.

(c) A copy of the report shall be furnished by the Justice Court to the City Council or to such other person as the City Council may designate.

~~4-02-200. Reserved.~~

4-02-160240. Validity of Papers Issued.

Every paper made or issued by the Justice Court Judge except a subpoena is valid only if issued without any blank space to be filled or completed by another person.

4-02-170220. Decisions to be Rendered.

(a) The Justice Court Judge shall decide all matters submitted for final determination within two (2) months of submission, unless circumstances causing the delay are beyond the Judge's personal control.

(b) The Justice Court Judge shall follow reporting procedures established by the Judicial Council for all matters not decided within two (2) months of final submission.

~~(c) The Justice Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.~~

~~4-02-230. Reserved.~~

~~4-02-240. Reserved.~~

4-02-180250. Judgment Not a Lien Unless So Docketed.

(a) Except as provided in Subsection (c), a judgment rendered in the Justice Court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract of the judgment is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located, and contains the information identifying the judgment debtor in the judgment or abstract of judgment or as a separate information statement of the judgment creditor as required in *Utah Code Ann.* § 78B-5-201, as amended.

(b) When recorded, the judgment is a lien upon the real property of the judgment debtor which runs for eight (8) years from the date the judgment was entered in the district court under *Utah Code Ann.* § 78A-5-202, unless the judgment is earlier satisfied.

~~(c) State agencies are exempt from the recording requirement of Subsection (a).~~

4-02-190260. Fees.

Except as otherwise provided, all fees in connection with the Justice Court shall be assessed in accordance with the Fee Schedule adopted by resolution of the City Council. Except as otherwise provided by law, all fees shall be paid in advance.

4-02-200270. Collection and Deposit of Fines, Fees and Forfeitures.

(a) The Justice Court shall deposit public funds in accordance with *Utah Code Ann.* § 78A-7-121 and *Utah Code Ann.* § 51-4-2, as amended.

(b) The City Treasurer shall report the sums collected and deposited and apportion and remit the collected proceeds as provided by law.

(c) With the approval of the City Council, a trust or revolving account may be established in the name of the Justice Court and the City Treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting. Disbursements from this account do not require the approval of the City Auditor, City Recorder, or City Council. The account shall be reconciled at least quarterly by the City Auditor.

(d) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations in accordance with *Utah Code Ann.* § 78A-7-122, as amended.

4-02-210280. Remittal of Fines, Fees and Forfeitures.

All fines, fees, and forfeitures, and surcharges collected by the Justice Court shall be remitted in accordance with the provisions of *Utah Code Ann.* § 78A-7-120, as amended, and the State Money Management Act, as set forth in *Utah Code Ann.* §§ 51-7-1, *et seq.*, as amended.

4-02-220290. Disposition of Monies Received.

Money received or collected on any process or order issued from the Justice Court shall be paid within seven (7) days to the party or parties entitled or authorized to receive the money.

4-02-230300. Proceedings Unaffected by Vacancy.

No proceeding in the Justice Court is affected by a vacancy in the office of the Judge or by the failure of a term of the Judge.

4-02-240310. Repeated Application for Orders.

(a) If an application for an order to the Justice Court Judge is refused in whole or in part or is granted conditionally, a subsequent application for the same order may not be made to any other judge, except of a higher court.

(b) This Section does not apply to motions refused for any informality in the papers or proceedings necessary to obtain the order, or to motions refused with liberty to renew them.

(c) A notice of appeal for a trial de novo in the district court is not a subsequent application for the same order.

(d) A violation of this Section may be punished as a contempt, and an order made contrary thereto may be revoked by the issuing judge, or vacated by a judge of the court in which the action or proceeding is pending.

4-02-250320. Electronic Writings.

Any writing required or permitted to be filed with or prepared by the Justice Court may be filed or prepared in an electronic medium and by electronic transmission subject to the terms and requirements of *Utah Code Ann.* § 78A-2-217, as amended, and the Uniform Electronic Transactions Act, as set forth in *Utah Code Ann.* § 46-4-101, *et seq.*, as amended.

4-02-260330. Appeals.

Any appeal of a judgment rendered in the Justice Court may be made to the district court by filing a notice of appeal in accordance with and subject to applicable statutes, including, but not limited to *Utah Code Ann.* § 78A-2-118, as amended. The appeal to the district court is a trial or hearing de novo as provided by law.

CHAPTER 4-03: JUSTICE COURT JUDGE AND STAFF

4-03-010.	Justice Court Judge.
4-03-020.	Powers of Justice Court Judge.
4-03-030.	Administrative Responsibilities.
4-03-040.	Powers of Judge Contradistinguished from Court.
4-03-050.	Eligibility.
4-03-060.	Appointment.
4-03-070.	Certification and Annual Training.
4-03-080.	Residence Requirement.
4-03-090.	Term and Vacancy.
4-03-100.	Compensation.
4-03-110.	Limitation on Additional Activities.
4-03-120.	Reappointment.
4-03-130.	Retirement.
4-03-140.	Disqualification.
4-03-150.	Grounds for Removal.
4-03-160.	Temporary Justice Court Judge.
4-03-170.	Clerical Personnel.
4-03-180.	<u>Prosecutors and Indigent Defense</u>Justice Court Staff.

4-03-010. Justice Court Judge.

The Justice Court shall be presided over by a municipal justice court judge known as the Centerville City Justice Court Judge, herein referred to as the "Justice Court Judge." The City Council may create as many judicial positions as are required for the efficient administration of the Justice Court.

4-03-020. Powers of Justice Court Judge.

The Justice Court Judge has the same authority regarding matters within his or her jurisdiction as judges of courts of record including, but not limited to, the power and authority to:

- (a) Issue search warrants and warrants of arrest upon a finding of probable cause;
- (b) Conduct proceedings to determine:
 - (1) Probable cause for any case within his or her jurisdiction; and
 - (2) An accused person's release on bail or his or her own recognizance;
- (c) Preserve and enforce order in his or her immediate presence, and in proceedings before him or her, when he or she is engaged in the performance of official duty;
- (d) Compel obedience to his or her lawful orders as provided by law;
- (e) Compel the attendance of persons to testify in a proceeding before him or her in the cases and manner provided by law;
- (f) Administer oaths to persons in a proceeding pending before him or her, and in all other cases where it may be necessary in the exercise of his or her powers and duties;
- (g) Exercise the powers of a magistrate to the extent permitted by law as enumerated in *Utah Code Ann. § 78A-2-220*, as amended;

(h) Punish for contempt in the cases provided by law for the effectual exercise of the powers conferred herein; and

(i) Issue all extraordinary writs and other writs as necessary to carry into effect its orders, judgments, and decrees.

4-03-030. Administrative Responsibilities.

The Justice Court Judge shall comply with and ensure that court personnel comply with applicable City rules and regulations related to personnel, budgets, procurement, and other administrative functions.

4-03-040. Powers of Judge Contradistinguished from Court.

The Justice Court Judge may exercise out of court all the powers expressly conferred upon a judge as contradistinguished from the Court.

4-03-050. Eligibility.

(a) The Justice Court Judge shall be:

(1) A citizen of the United States;

(2) Twenty-five (25) years of age or older;

(3) A resident of Utah for at least three (3) years immediately preceding appointment;

(4) A resident of Davis County or an adjacent county for at least six (6) months immediately preceding appointment; and

(5) A qualified voter of the county in which the Judge resides of residence.

(b) The Justice Court Judge is not required to be admitted to practice law in the State as a qualification to hold office but shall have at the minimum a diploma of graduation from high school or its equivalent. A Justice Court Judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

4-03-060. Appointment.

The Justice Court Judge shall be appointed by the Mayor and the appointment ratified by the City Council pursuant to recommendations made by the Justice Court Nominating Commission in accordance with the procedures and requirements set forth in *Utah Code Ann. § 78A-7-202*, as amended.

4-03-070. Certification and Annual Training.

(a) Certification. Prior to assuming office, the Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon successful completion of the orientation program, ~~t~~The Judicial Council shall certify the Justice Court Judge as qualified to hold office ~~upon successful completion of the orientation program.~~ No Justice Court Judge may perform judicial duties until so-certified by the Judicial Council.

(b) Annual Training. The Justice Court Judge shall meet the continuing education requirements of the Judicial Council each calendar year which education shall include instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the Court, rules of evidence, and rules of civil and criminal procedure. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council.

(c) Costs. The City shall provide sufficient funds to cover the cost of travel and training expenses for the Justice Court Judge to attend training sessions mandated by the Judicial Council.

4-03-080. Residence Requirement.

The Justice Court Judge shall reside in Davis County, or in a county adjacent to Davis County.

4-03-090. Term and Vacancy.

(a) The term of office of the Justice Court Judge is six (6) years, beginning the first Monday in January following the date of election in accordance with the provisions of *Utah Code Ann. § 78A-7-203*, as amended.

(b) If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the vacancy shall be filled in accordance with procedures set forth in *Utah Code Ann. § 78A-7-202*, as amended.

4-03-100. Compensation.

(a) Amount. The Justice Court Judge shall be paid a fixed compensation determined by the City Council in accordance with the caseload and salary range requirements set forth *Utah Code Ann. § 78A-7-206*, as amended.

(b) Review. The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided, the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed or elected, and the Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all municipal employees.

(c) Notice. A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge and any adjustments to the document shall be furnished to the State Court Administrator by the City Council.

4-03-110. Limitation on Additional Activities.

(a) The Justice Court Judge may not appear as an attorney in any justice court, criminal matter in any federal, state, or local court, or any juvenile court case involving conduct which would be criminal if committed by an adult.

(b) The Justice Court Judge may not hold any office or employment including contracting for services in any justice agency of State government or any political subdivision of the State, including law enforcement, prosecution, criminal defense, corrections, or court employment, unless otherwise permitted by law.

(c) The Justice Court Judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in State government or any political subdivision of the State.

(d) The Justice Court Judge may not own or be employed by any business entity which regularly litigates in small claims court.

4-03-120. Retention Election.

Pursuant to *Utah Code Ann. § 78A-7-203* ~~78A-7-202~~, as amended, upon the expiration of a Justice Court Judge's term of office, the Justice Court Judge shall be subject to an unopposed retention election in accordance with the procedures set forth in *Utah Code Ann. § 20A-12-201*, as amended. Before each

retention election, the Justice Court Judge shall be evaluated in accordance with the performance evaluation program established in Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act of the Utah Code.

4-03-130. Retirement.

Pursuant to the provisions of *Utah Code Ann.* § 78A-7-201, as amended, the Justice Court Judge shall retire upon attaining the age of seventy-five (75) years.

4-03-140. Disqualification.

(a) Except by consent of all parties, a Justice Court Judge may not sit or act in any action or proceeding:

- (1) To which he or she is a party, or in which he or she is interested;
- (2) When he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or
- (3) When he or she has been attorney or counsel for either party in the action or proceeding.

(b) The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

4-03-150. Removal.

The Justice Court Judge may be removed from office, reprimanded, suspended, censured, or involuntarily retired, in accordance with applicable procedures and provisions as provided by law, including, but not limited to, *Utah Code Ann.* § 78A-11-105, as amended.

4-03-160. Temporary Justice Court Judge.

When necessary, the City Council may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary Justice Court Judge.

4-03-170. Clerical Personnel.

(a) The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.

(b) The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with personnel policies and procedures as adopted by the City and Title 52, Chapter 3 of the *Utah Code Annotated*, as amended, regarding employment of relatives.

(c) The City shall provide sufficient funds to cover assume the cost of travel and training expenses of clerical personnel at required training sessions mandated conducted by the Judicial Council.

4-03-180. Prosecutors and Indigent Defense. ~~Justice Court Staff.~~

The City shall provide:

(a) Sufficient staff and public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;

(b) Adequate funding to defend ~~for the costs of defense for persons~~ charged with a public offense who are determined by the Justice Court to be indigent under Title 77, Chapter 32, Indigent Defense Act, of the *Utah Code Annotated*, as amended; and

(c) Sufficient local law enforcement officers to ~~attend and provide security for the Justice Court~~ and to attend to the Justice Court when required.

CHAPTER 4-04: SMALL CLAIMS

4-04-010.	Small Claims.
4-04-020.	Jurisdiction.
4-04-030.	Counterclaims.
4-04-040.	Procedure.
4-04-050.	Deferral of Multiple Claims.
4-04-060.	Claims Involving Property Damage to Motor Vehicle.
4-04-070060.	Judges Pro Tempore.
4-04-080070.	Assignee May Not File Claim.
4-04-090080.	Proceedings.
4-04-100090.	Judgment and Execution.
4-04-110100.	Appeals.
4-04-120110.	Fees.
4-04-130120.	Costs.

4-04-010. Small Claims.

Small claims actions may be brought before the Justice Court as provided herein and in accordance with applicable provisions of Title 78A, Chapter 8 of the *Utah Code* regarding Small Claims Courts.

4-04-020. Jurisdiction.

A small claims action is a civil action:

(a) For the recovery of money where the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest and where the defendant resides or the action of indebtedness was incurred within the jurisdiction of the Justice Court; or

(b) Involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest.

4-04-030. Counterclaims.

Counterclaims may be maintained in small claims actions if the counterclaim arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A counterclaim may not be raised for the first time in the trial de novo of the small claims action.

4-04-040. Procedure.

Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Utah Supreme Court.

4-04-050. Deferral of Multiple Claims.

If a person or corporation other than a municipality or political subdivision of the State files multiple small claims in the Justice Court, the Justice Court Judge or clerk may remove all but the initial claim from the Court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the Court's calendar.

4-04-060. Claims Involving Property Damage to Motor Vehicle.

Pursuant to *Utah Code Ann.* § 78A-8-102, as amended, claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without

limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action.

4-04-070060. Judges Pro Tempore.

Pursuant to *Utah Code Ann.* § 78A-8-108, as amended, the Justice Court may request that the Utah Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims actions at times, including evening hours, to be set by the Justice Court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the Justice Court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the small claims court as may be exercised by a regular judge.

4-04-080070. Assignee May Not File Claim.

No claim shall be filed or prosecuted in a small claims action by any assignee of such claim.

4-04-090080. Proceedings.

The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rules of the Judicial Council.

4-04-100090. Judgment and Execution.

(a) The judgment in a small claims action may not exceed \$10,000 including attorney fees but exclusive of court costs and interest.

(b) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

4-04-110100. Appeals.

(a) Either party may appeal the judgment in a small claims action to the District Court of Davis County by filing a notice of appeal with the Justice Court within thirty (30) days of entry of the judgment.

(b) The appeal to the District Court is a trial de novo and shall be tried in accordance with the procedures of the small claims action. A record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

4-04-120110. Fees.

The filing fees for small claims actions shall be assessed in accordance with the filing fees required by law as set forth in *Utah Code Ann.* § 78A-2-301, as amended, and shall be collected and remitted as provided in *Utah Code Ann.* § 78A-8-105, as amended.

4-04-130120. Costs.

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 6.

Short Title: Public Hearing - Zoning Code Text Amendments, South Main Street Corridor (SMSC) Overlay Ordinance, Chapter 12-48

Initiated By: Centerville City

Scheduled Time: 7:55

SUBJECT

TABLE TO OCTOBER 20, 2015 - Consider proposed Zoning Code Text Amendments for the South Main Street Corridor (SMSC) Overlay Ordinance (Chapter 12-48); including changes to the City Center District, Traditional District, North and South Gateway Districts, adding a Public Space Plan for Main Street, and other related changes

RECOMMENDATION

TABLE TO OCTOBER 20, 2015 - The Planning Commission has not yet completed its review and recommendation regarding the proposed Zoning Code Text Amendments to the South Main Street Corridor (SMSC) Overlay, so it is recommended the City Council table action on this matter until the October 20, 2015 City Council Meeting. [Table: Adopt Ordinance No. 2015-23 regarding proposed Zoning Code Text Amendments for the South Main Street Corridor (SMSC) Overlay Ordinance (Chapter 12-48); including changes to the City Center District, Traditional District, North and South Gateway Districts, adding a Public Space Plan for Main Street, and other related changes.]

BACKGROUND

On September 23, 2015, the Planning Commission held a public hearing on the proposed Zoning Code Text Amendments for the South Main Street Corridor (SMSC) Overlay Ordinance (Chapter 12-48); including changes to the City Center District, Traditional District, North and South Gateway Districts, adding a Public Space Plan for Main Street, and other related changes. The Planning Commission tabled action on the proposed SMSC text amendments and held a Special Work Session on September 30, 2015, to discuss further the proposed amendments. The Planning Commission will consider this matter at its next regularly scheduled business meeting on October 14, 2015.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 7

Short Title: Municipal Code Amendments - Title 5, Chapter 9 - Recreational, Arts and Parks (RAP) Tax

Initiated By:

Scheduled Time: 7:55

SUBJECT

Consider Ordinance No. 2015-23 amending various provisions of Title 5, Chapter 9 regarding the Recreational, Arts and Parks (RAP) Tax

RECOMMENDATION

Approve Ordinance No. 2015-23 amending various provisions of Title 5, Chapter 9 regarding the Recreational, Arts and Parks (RAP) Tax.

BACKGROUND

Staff has been requested to prepare amendments to Title 5, Chapter 9 of the Centerville Municipal Code regarding the City's Recreational, Arts and Parks (RAP) Tax to clarify that the provisions of Title 5, Chapter 9, are only applicable to the 2007 voter approved RAP Tax revenues. In accordance with applicable State statutes and City Ordinances, the 2007 RAP Tax may be imposed for a period of eight (8) years from the effective date of April 1, 2008. If a majority of the registered voters voting in the November 3, 2015 municipal general election vote to reauthorize the RAP Tax, the City Council is required by law to adopt a new ordinance imposing the reauthorized RAP Tax and specifying the collection and distribution of revenues for the new RAP Tax. If the 2007 RAP Tax is reauthorized in the 2015 election, Staff will prepare a new Title 5, Chapter 9 for adoption by the City Council as required by law.

ATTACHMENTS:

Description

- Ordinance No. 2015-23-RAP Tax
- 05-09-010-RAP Tax-Redlines

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE CENTERVILLE RECREATIONAL, ARTS AND PARKS (RAP) TAX AND ENACTING PROVISIONS TO SPECIFY THE TERM OF THE RAP TAX AND THE APPLICABILITY OF CURRENT ORDINANCE TO THE 2007 VOTER APPROVED RAP TAX

WHEREAS, at the municipal general election held on November 6, 2007, a majority of the City's registered voters voting on the opinion question regarding the RAP Tax voted in favor of imposing the RAP Tax ("2007 RAP Tax"); and

WHEREAS, the City Council adopted Resolution No. 2007-20 on December 4, 2007, imposing the voter approved 2007 RAP Tax and adopting Title 5, Chapter 9 of the Centerville Municipal Code providing for the imposition, collection and distribution of revenues from the 2007 RAP Tax; and

WHEREAS, in accordance with applicable State statutes and City Ordinances, the 2007 RAP Tax became effective on April 1, 2008, and shall remain in effect for a period of eight (8) years from the effective date of April 1, 2008 through March 31, 2016; and

WHEREAS, the City Council desires to amend Title 5, Chapter 9 of the Centerville Municipal Code to clarify that the provisions of Title 5, Chapter 9 apply only to the 2007 voter approved RAP Tax and if a majority of the City's registered voters approve the reauthorization of the RAP Tax at the municipal general election to be held on November 3, 2015, the Council will adopt a new ordinance regarding the imposition, collection and distribution of revenues from the reauthorized RAP Tax in accordance with applicable State statutes; and

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

Section 1. **Amendment.** Title 5, Chapter 9 of the Centerville City Municipal Code regarding the Recreational, Arts and Parks ("RAP") Tax is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. **Repealer.** The adoption and codification of Title 5, Chapter 9 shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. **Severability Clause.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 6th DAY OCTOBER, 2015.**

CENTERVILLE CITY

Mayor Paul A. Cutler

ATTEST:

Marsha 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

**TITLE 5, CHAPTER 9
RECREATIONAL, ARTS AND PARKS ("RAP") TAX**

CHAPTER 5-09: RECREATIONAL, ARTS AND PARKS (RAP) TAX

5-09-010.	Purpose.
5-09-020.	Compliance.
5-09-030.	Recreational, Arts and Parks (RAP) Tax.
5-09-040.	Collection.
5-09-050.	Use of Funds.
5-09-060.	Distribution of Funds.
5-09-070.	Effective Date.
5-09-080.	Term.

5-09-010. Purpose.

Centerville City submitted an opinion to the residents of the City at the municipal general election held on November 6, 2007, providing each resident an opportunity to express the resident's opinion on the imposition of a local sales and use tax of one-tenth of one percent (0.10%) on certain qualifying transactions within the City to fund a performing arts center and other recreational and cultural facilities and organizations within the community ("2007 RAP Tax"). A majority of the City's registered voters voting on the opinion question voted in favor of imposing the 2007 RAP Tax. The purpose of this Chapter is to impose the 2007 RAP Tax as approved by Centerville City voters and to provide for the collection and distribution of the revenues generated by the 2007 RAP Tax.

5-09-020. Compliance.

It is the intent of the City to comply with all applicable provisions and restrictions set forth in *Utah Code Ann.* §§ 59-12-1401, *et seq.*, as amended, regarding local option sales and use tax to fund cultural, recreational and zoological facilities, and botanical, cultural and zoological organizations.

5-09-030. Recreation, Arts and Parks (RAP) Tax.

There is hereby levied a local option sales and use tax on qualifying taxable transactions within Centerville City at the rate of one-tenth of one percent (0.10%). This tax shall be known as the 2007 Recreation, Arts and Parks (RAP) Tax. The 2007 RAP Tax may be levied for a period of eight (8) years and may be reauthorized at the end of the eight-year period in accordance with applicable provisions of *Utah Code Ann.* § 59-12-1402, as amended.

5-09-040. Collection.

The 2007 RAP Tax shall be administered, collected and enforced in accordance with the procedures set forth in Title 59, Chapter 12, Part 1, Tax Collection, Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act (excluding Subsections 59-12-205(2) through (6)), and Title 59, Chapter 1, General Taxation Policies, of the *Utah Code Annotated*, as amended.

5-09-050. Use of Funds.

The monies collected from the 2007 RAP Tax shall be used for financing recreational and cultural facilities within the City or within the geographic area of entities that are parties to an interlocal agreement with the City providing for recreational or cultural facilities; for on-going operating expenses of cultural organizations within the City or within the geographic area of entities that are parties to an interlocal agreement with the City providing for the support of cultural organizations; and for any other eligible facilities or organizations provided by law.

5-09-060. Distribution of Funds.

The City Council has determined that the primary portion of the funds collected from the 2007 RAP Tax shall be utilized for the financing of a performing arts center and for ongoing operating expenses of such facility and/or organizations providing support for the performing arts center. The City may also enter into an interlocal agreement with other qualifying entities and distribute the revenues collected from the 2007 RAP Tax to participants in the interlocal agreement as provided by law. Any funds collected from the 2007 RAP Tax and not used for the establishment and ongoing operating expenses of the performing arts center or distributed by interlocal agreement may be use for qualifying facilities and organizations approved by the City Council.

5-09-070. Effective Date.

Except as otherwise provided by law for billing cycle transactions and catalogue sales, the enactment and imposition of the 2007 RAP Tax shall take effect on the first day of the calendar quarter following a ninety (90) day waiting period beginning on the date the Utah State Tax Commission receives notice from the City regarding its creation of the 2007 RAP Tax in accordance with *Utah Code Ann. § 59-12-1402(5)(b)*, as amended. Pursuant to such provisions, the Centerville City 2007 RAP Tax shall take effect on April 1, 2008.

5-09-080. Term.

The 2007 RAP Tax imposed and collected hereunder shall be in effect for a period of eight (8) years from the effective date of April 1, 2008. If the 2007 RAP Tax is reauthorized by a majority of the registered voters voting in the municipal general election to be held on November 3, 2015 ("2015 RAP Tax"), the City Council shall adopt a new ordinance providing for the imposition, collection and distribution of revenues from the 2015 RAP Tax in accordance with statutory requirements set forth in *Utah Code Ann. § 59-12-1403*, as amended.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 8.

Short Title: Parrish Lane Sidewalk Project

Initiated By:

Scheduled Time: 8:00

SUBJECT

- a. Approve Cooperative Agreement with UDOT regarding sidewalk and fencing improvements in connection with the Parrish Lane Overpass Pedestrian Bridge
- b. Award bid for Parrish Lane Sidewalk Project to ACME Construction in the amount of \$354,117.30.

RECOMMENDATION

- a. Approve Cooperative Agreement with UDOT regarding sidewalk and fencing improvements in connection with the Parrish Lane Overpass Pedestrian Bridge, with additional amendments recommended by staff.
- b. Award bid for Parrish Lane Sidewalk Project to ACME Construction in the amount of \$354,117.30.

BACKGROUND

As reported in an earlier council meeting, UDOT offered Centerville City the option of directly administering the UDOT-funded work involving the construction of a sidewalk on the east side of the interchange--to tie into the pedestrian bridge constructed by UDOT's I-15 contractor. The scope of work administered by the City would also include the installation of upgraded fencing on the ped bridge, west of the ped bridge (to 1250 West) and on the east-side sidewalk yet to be built.

Bids were opened on Friday, October 2. Despite interest earlier from several potential bidders, only one bid was received--from ACME Construction. However, the City Engineer is comfortable with this company, which has considerable UDOT experience. The bid is higher than the Engineer's estimate, but staff anticipate UDOT will approve the bid. Bid results and the City Engineer's formal recommendation will be attached when available.

Following the bid opening, the City Manager, City Engineer and City Attorney had a conference call with Nathan Peterson of UDOT to discuss the bid results and the Cooperative Agreement. Mr. Peterson will review the bid results, requested sums for engineering, administration and contract contingency, and the Cooperative Agreement with UDOT authorities on Monday and then contact staff. The current draft of the Cooperative Agreement is attached.

The City Engineer is still investigating fencing options that satisfy AASHTO standards and may be acceptable to the City Council. This work will be awarded as a separate contract in a later council meeting.

ATTACHMENTS:

Description

- ▢ UDOT Cooperative Agreement
- ▢ City Engineer Correspondence
- ▢ Notice of Award
- ▢ Sidewalk Project Cost Calculations

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT made and entered into this _____ day of _____, 20____, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as **UDOT**, and **Centerville City**, hereinafter referred to as the **CITY**.

RECITALS

WHEREAS, the **CITY** desires to construct:

1. Sidewalk improvements along the north side of Parrish Lane between the I-15 Frontage Road and the I-15 Northbound Entrance Ramp and including Pedestrian Corner Access Ramps;
2. A traffic signal on Parish Lane at the I-15 Northbound entrance ramp;
3. A decorative fence including pillars along the north side of Parrish Lane between the I-15 Frontage Road and the I-15 Northbound Entrance Ramp and extending over the new pedestrian bridge crossing I-15 to the intersection of 1250 West; and

WHEREAS, **UDOT** agrees to provide a lump sum of funding to the **CITY**.

NOW THEREFORE, it is agreed by and between the parties as follows:

1. **UDOT** will provide a lump sum of funding to the **CITY** for the **CITY**'s construction of a new traffic signal on Parrish Lane at the I-15 Northbound entrance ramp, and concrete sidewalk improvements along the north side of Parrish Lane between the I-15 Frontage Road and the I-15 Northbound Entrance Ramp, including Pedestrian Corner Access Ramps. Additionally, the installation of a decorative fence including pillars along the north side of Parrish Lane between the I-15 Frontage Road and the I-15 Northbound Entrance Ramp and extending over the new pedestrian bridge crossing I-15 to 1250 West. See attached Final Review Construction Drawings for detailed line drawing of the improvements.
2. The following costs are incorporated by reference:
 - a. Lump Sum for the traffic signal and concrete sidewalk improvements \$533,996.03
 - i. Pedestrian sidewalk improvements and traffic signal \$460,529.03. See attached Parrish Lane Sidewalk Project Cost Calculations (dated 10-2-2015) and Final Review Construction Drawings for sidewalk improvements and traffic signal.
 - ii. **UDOT** Credit for pedestrian structure aesthetics and chain link fencing from I-15 Frontage Road to 1250 West in the amount of \$73,467. See attached Parrish Lane Sidewalk Project Cost Calculations.

3. Within 30 days from the date of execution of this **COOPERATIVE AGREEMENT**, **UDOT** will pay the **CITY** \$533,996.03. **UDOT** will not pay any amount beyond the lump sum payment for the traffic signal, concrete sidewalk improvements, and decorative fence (including pillars) improvements. The **CITY** will pay for any additional costs associated with the traffic signal, concrete sidewalk, and decorative fencing (including pillars).

TOTAL LUMP SUM PAYMENT TO THE CITY IS \$533,996.03

4. The **CITY** shall construct traffic signal, concrete sidewalk improvements, and decorative fencing improvements on the north side of Parrish Lane by June 1, 2016. Any changes to the concrete sidewalk, pedestrian corner access ramps, and decorative fencing improvements will require **UDOT's** prior approval. The **CITY** shall cooperate and coordinate with **UDOT** and its contractor concerning the construction of the sidewalk, ramps, and fencing improvements. The **CITY** shall obtain a permit from the **UDOT** Region One Permits Office prior to beginning construction.
5. The **CITY** shall seek **UDOT's** approval for the decorative fence and pillars and comply with Title 23, U.S. Code of Federal Regulations, Part 635.410 Buy America requirements for all quantities of steel/iron incorporated into the project. The contractor must provide approved documentation indicating that the contractor met the FHWA standard to **UDOT**. Additionally, the **CITY** shall confirm with **UDOT** that the fence and pillars meet the American Association of State Highway and Transportation Official (AASHTO) standards. The City will be responsible for the maintenance of all decorative fencing and pillars associated with this Cooperative Agreement in accordance with the terms and conditions of the previously entered into Maintenance Agreement dated April 6, 2015, CID # 54007, PIN # 10944, and Agreement # 159050.
6. **UDOT** and the **CITY** are both governmental entities subject to the Utah Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the negligent acts, errors or omissions of the indemnifying party's officers, agents, contractors or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any provision of the Utah Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.
7. This Agreement may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument. This Agreement shall become effective when each Party hereto shall have received a counterpart hereof signed by the other Party hereto.
8. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
9. Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create the relationship of principal and agent or create any partnership, joint venture or other association between the Parties.
10. This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be

binding or valid. This Agreement is intended to supersede the previously entered into Betterment Agreement dated April 10, 2015 PIN # 10944, CID # 54007, and Agreement # 159051, and said Betterment Agreement is hereby repealed and rescinded.

11. If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.
12. Each party represents that it has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

CENTERVILLE CITY, a Municipal Corporation
of the State of Utah

By: _____
Title: _____
Date: _____

(IMPRESS SEAL)

By: _____
Title: _____
Date: _____

.....

RECOMMENDED FOR APPROVAL:

UTAH DEPARTMENT OF TRANSPORTATION

By: _____
PROJECT MANAGER

By: _____
REGION DIRECTOR

Date: _____

Date: _____

APPROVED AS TO FORM:

UDOT COMPTROLLER'S OFFICE

The Utah State Attorney General's Office
has previously approved all paragraphs in
this Agreement as to form.

By: _____
CONTRACT ADMINISTRATOR

Date: _____

ATTACHMENTS:

Final Review Construction Drawings
Parrish Lane Sidewalk Project Cost Calculations

Lisa Romney

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Friday, October 02, 2015 4:00 PM
To: Steve Thacker
Cc: Lisa Romney; Nathan Peterson; Cody Pedersen
Subject: Parrish Lane Sidewalk - I-15 to 700 West
Attachments: Parrish Sidewalk - Project Cost Calcs_10-2-15.pdf; Parrish Lane Sidewalk Final Plan Set.pdf; 00 51 00 Notice of Award.pdf

Steve –

We received one bid this morning from ACME Construction in the amount of \$354,117.30.

As discussed we had hoped to receive at least one more bid, but we think that the other contractor that came to the pre-bid meeting, Easton Construction, may have been scared away by the Davis-Bacon Wage requirements.

We have worked with ACME on several projects over the past few years. They are currently wrapping up an Intersection and Signal Improvement project for UDOT Region 2 at 4500 South and Main Street in SLC. We feel that they are a qualified and capable contractor that will do a good job on this project. It is recommended the bid be awarded to ACME for \$354,117.30.

Also see attached "Project Cost Calculations" and Final Plan Set.

Let me know of any questions or if additional info is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

Section 00 51 00

Notice of Award

Date: 10-06-15

Project: PARRISH LANE SIDEWALK PROJECT – I-15 TO 700 W.

Owner: CENTERVILLE CITY

Owner's Contract No.: 15-142

Contract: PARRISH LANE SIDEWALK PROJECT – I-15 TO 700 W.

Engineer's Project No.: 15-142

Bidder: ACME CONSTRUCTION

Bidder's Address: 170 SOUTH 1200 WEST

NSL, UT 84054

You are notified that your Bid dated 10-02-15 for the above Contract has been considered. You are the apparent Successful Bidder and are awarded a Contract for:

The Contract Price of your Contract is THREE HUNDRED FIFTY FOUR THOUSAND ONE HUNDRED SEVENTEEN Dollars and 30/100 (\$ 354,117.30).

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

3 sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within [5] days of the date you receive this Notice of Award.

1. Deliver to the Owner [3] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Other conditions precedent:
None

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

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

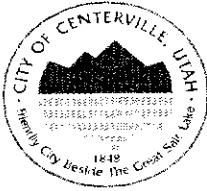
Owner

By:

Authorized Signature

Title

Copy to Engineer



PARRISH LANE SIDEWALK, I-15 TO 700 WEST

Project Cost Calculations

Friday, October 02, 2015

				ACME Construction	
Item No.	Description	Amounts	Units	Unit Price	Total
1	Remove Precast Concrete Barrier	12	ft	\$62.65	\$751.80
2	Remove Guardrail	143	ft	\$27.00	\$3,861.00
3	Remove Cast-In-Place Concrete Barrier	132	ft	\$44.55	\$5,880.60
4	Remove Raised Island	215	ft	\$29.05	\$6,245.75
5	Remove Chain Link Fence	132	ft	\$9.55	\$1,260.60
6	Remove Concrete Curb and Gutter	150	ft	\$6.90	\$1,035.00
7	Roadway Excavation (Plan Quantity)	98	cu yd	\$59.85	\$5,865.30
8	HMA - 1/2 Inch	48	Ton	\$244.00	\$11,712.00
9	SMA - 1/2 Inch (Widening)	20	Ton	\$466.00	\$9,320.00
10	Untreated Base Course (Plan Qty)	28	cu yd	\$94.55	\$2,647.40
11	Granular Borrow (Plan Quantity)	37	cu yd	\$72.60	\$2,686.20
12	18-Inch Concrete Gutter	296	ft	\$26.75	\$7,918.00
13	Concrete Curb and Gutter Type B1	56	ft	\$40.75	\$2,282.00
14	W-Beam Guardrail Curved	36	ft	\$69.55	\$2,503.80
15	W-Beam Guardrail Anchor Type I	1	Each	\$1,110.00	\$1,110.00
16	Cast-In-Place Constant Slope Barrier - 42 Inch	218	ft	\$98.65	\$21,505.70
17	Cast-In-Place Constant Slope Barrier - 42 Inch Approach End Section	3	Each	\$3,820.00	\$11,460.00
18	Concrete Sidewalk	1,944	sq ft	\$6.20	\$12,052.80
19	Concrete Curb Type B4	389	ft	\$18.75	\$7,293.75

Item No.	Description	Amounts	Units	Unit Price	Total
20	Plowable End Section	1	Each	\$947.00	\$947.00
21	Concrete Flatwork 4 Inch Thick	53	sq ft	\$9.30	\$492.90
22	Corner Pedestrian Access Ramp	2	Each	\$3,060.00	\$6,120.00
23	Perpendicular/Parallel Pedestrian Access Ramp	1	Each	\$2,770.00	\$2,770.00
24	W-Beam Guardrail 72 Inch Wood Post	12	ft	\$34.80	\$417.60
25	Concrete Retaining Curb	255	ft	\$115.00	\$29,325.00
26	Turf Sod	1,000	sq ft	\$1.75	\$1,750.00
27	Remove Pavement Message	1,387	ft	\$0.50	\$693.50
28	Remove Pavement Message	6	each	\$141.00	\$846.00
29	Pavement Marking Paint	2,000	ft	\$0.40	\$800.00
30	Thermoplastic Message (crosswalk, stop lines)	250	ft	\$10.45	\$2,612.50
31	Pavement Message (Preformed Thermoplastic)	6	Each	\$364.00	\$2,184.00
32	Relocate Sign Less Than 20 Square Foot	1	Each	\$3,190.00	\$3,190.00
33	Remove Sign Less Than 20 Square Foot	2	Each	\$244.00	\$488.00
34	Slipbase Sign Base with Top Casting SLB-1 (B3)	5	Each	\$717.00	\$3,585.00
35	Sign Post P3	5	Each	\$174.00	\$870.00
36	Sign Type A-1	66	sq ft	\$12.35	\$815.10
37	Parrish Lane - NB Ramps Signal	1	Lump	\$65,234.00	\$65,234.00
38	Mobilization	1	Lump	\$75,000.00	\$75,000.00
39	Traffic Control	1	Lump	\$38,190.00	\$38,190.00
40	Public Involvement	1	Lump	\$395.00	\$395.00
Total Base Bid - ACME Construction					\$354,117.30
	Contingency	10%	%	\$35,411.73	\$35,411.73

Bid Opening: October 2, 2015

Item No.	Description	Amounts	Units	Unit Price	Total
	Administrative	1	Lump	\$18,000.00	\$18,000.00
	Engineering	1	Lump	\$53,000.00	\$53,000.00
	Aesthetic Credit	1	Lump	\$7,500.00	\$7,500.00
	Fence Credit	1	Lump	\$65,967.00	\$65,967.00
Total Project Cost					\$533,996.03

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 9.

Short Title: Complete Streets Implementation Strategy

Initiated By:

Scheduled Time: 8:15

SUBJECT

Discuss proposed Complete Streets Implementation Strategy

RECOMMENDATION

Discuss the attached draft of an action plan for implementation of the Complete Streets Policy; agree upon its elements; and establish priorities for subsequent staff work pertaining to the action plan.

BACKGROUND

Earlier this year the City Council unanimously approved the Complete Streets Policy. Based on the Council's discussion at that time, however, it appeared to staff that council members may have widely differing expectations of what the policy means when implemented. Therefore, the City Manager asked the Community Development Director to draft a document describing the various actions that could be considered as implementation steps for this Policy.

That draft document is attached. It contains the formal policy as already approved by the City Council, followed by the potential implementation elements identified by Cory Snyder. The intent is for the Council to discuss these potential elements and give pertinent direction to staff.

ATTACHMENTS:

Description

- Complete Streets Action Plan



Complete Streets Implementation Action Plan 1.0

July 2015 - TBD





IMPLEMENTATION ACTION PLAN 1.0

Complete Streets Policy

May 19, 2015



Intent

Streets are one of Centerville's largest shared assets. The majority of street funding in Centerville comes from general revenue to which all contribute, and from which all should benefit regardless of their age, ability or transportation choices. Streets also make up about 30 percent of Centerville's land area and the vast majority of our public spaces for the use of our residents and visitors. Centerville intends to leverage these assets to better achieve our Community Vision.

Community Vision

Centerville envisions a community with inviting streets that enhance the livability and prosperity of our neighborhoods and commercial districts. Streets that empower people of all ages and abilities to greater social and economic involvement; to healthier active living; to reduce household transportation costs and to doing something on a personal level to improve air quality. The Community Vision includes a street network that is accommodating to users of all ages and abilities, including pedestrians, people using mobility aids, bicyclists, transit users, motorists, and freight drivers.

Centerville expects that the consistent application of this Complete Streets Policy over time will result in a more economically viable, beautiful, safe, and accessible Centerville. For example:

- More economically viable through increased land values and budgetary savings in utility/street project coordination.
- More beautiful through more attention to street design and amenities.
- Safer, as streets are designed and maintained to encourage proper speeds; maintain proper corner site distances; protect all street users, especially at crossings and on routes to schools; and improve disaster response and resiliency in the face of wind storms that frequent the area.
- Finally, a more accessible Centerville as better pedestrian, bike, and ADA accessible connections are made to our schools, transit lines, commercial destinations, and to our numerous parks, trails, and wild lands.

Beyond these benefits, the largest and most immediate benefit may just be better coordination and communications in street investments and the ability to safely enjoy our communities while walking, jogging, or riding our bikes.

Policy Scope

The City of Centerville recognizes that all transportation projects- new, maintenance, or reconstruction- are potential opportunities to forward the Community's Vision. The City will, to the maximum practical extent, design, construct, maintain, and operate all streets to forward the Community's Vision. Streets for the purposes of this policy include the entire width of the public rights of way and extend from tree height to underground utilities. The Policy applies to streets regardless of funding source - private or public - and directs City Staff to work with the owners of street assets such as UDOT and utility companies to forward the Community's Vision. This Policy, however, does not mandate that accommodations be constructed for all users on every road. This Policy only requires methodical consideration of accommodation of the Community Vision.

Complete Streets Planning

The facilities and infrastructure that contribute to Complete Streets are generally long term investments. As such these elements will remain in place for many years, which affects quality of life both visually and functionally. Therefore, their design, construction, maintenance, and operations need to reflect the best currently available standards and guidelines. This policy directs decision-makers to consistently plan, design, and construct streets to accommodate Centerville's Vision and to modify the City's existing procedures and governing documents and potentially adopt new procedures and governing documents as appropriate to support such Vision. These efforts are to include, but not necessarily limited to, the following:

Street Typology Cataloging – We believe that Street Typologies would be a useful tool in administering a Complete Streets policy in Centerville. Street Typologies expand the notion of street types beyond what they can do for the automobile to what they are to all users and for the surrounding neighborhoods. Once these typologies are developed, they will be applied to all new planning documents and design standards.

Centerville is unique in its geographic size and extent. As a consequence the various arterial and collector streets often perform multiple functions as they transect various neighborhoods and/or land use areas. Thus, a street typology needs to be developed to better understand the needs and purposes of each particular street segment. Such typology must focus on the needs of any particular street segment as well as corridor. Any subsequent construction or reconstruction not only needs to reflect the needs of the segment, but also the appropriate transitions from one segment type to another.

Master or Strategic Planning – All new or updates to master planning documents that affect or influence the efforts to develop Completes Streets must include an element in the process to consider how such concepts ought to be implemented. Such plans may include the City General and Neighborhood Area Plans, the Trail & Pathway Plan, Master Street Plan, maintenance plans, or Storm Water Master Plan.

Capital Improvement Programing - All capital improvement investment planning must also consider how the Community Vision can be included in the phasing and construction of such elements.

However, such programing needs to be prioritized and coordinated to ensure that investments for complete streets are implemented in an efficient and effective manner. Piece meal implementation without a comprehensive view can lead to waste and reduce any benefits from accomplishing a Complete Streets program.

Street Design Standards, Maintenance, and Operations Implementation –City street design standards and specifications will be updated to align with designated street typologies. Street maintenance activities will also be aligned so as to be supportive of the policy.

Complete Streets Funding

This policy recognizes that any implementation of the Community Vision may have significant cost implications. On one hand, the design, construction, and maintenance of street elements that would not have otherwise been built would be an added cost. On the other hand, this Policy facilitates project savings through joint development and economies of scale. The decisions of implementation need to be prioritized and funds may or may not be available. Nonetheless, a concerted effort needs to be made during various processes to determine if any opportunity exists to implement any concepts. These processes may include the following:

City Zoning and Development Approval Process – Any plan, text or map amendment should consider and implement where feasible the desired Community Vision. Furthermore, any development plan required to design, construct, or install such elements (e.g. street trees, street lamps, pedestrian paths, etc.) should reflect the design or typology in which it is located.

City General and Capital Improvement Funds – Each fiscal year, during the annual budget process, the City Council should determine what funding will be directed towards implementation of the Community Vision. The City Manager and Council should receive recommendations from City Staff identifying what opportunities or types of Complete Street projects can be accomplished. Additionally, any capital improvement plan needs to identify such opportunities. Funding then should be appropriated in amounts that are deemed available.

City's RDA Programs – As RDA project areas are created, the planning and budgetary documents must address the opportunities and needs for implementation of the Complete Streets concepts. Additionally, when funds are requested within existing RDA project areas the development of Complete Street elements should be considered in decision making processes.

Other County, State, and Federal Funds and Grants – Many funding opportunities are eligible for use on Complete Streets betterments and some are targeted specifically at Complete Streets. Existing projects can include Complete Streets betterments when planned ahead of time and supported by City Policy and supporting documents. UDOT, UTA, and Wasatch Front Regional Council are funding agencies with Complete Streets type policies and WFRC provides bonuses in scoring projects with Complete Streets elements or policies. City staff should pursue these funds.

Complete Streets – Creation of a Committee and Point Person

A Complete Streets Committee is to be created consisting of the existing Development Review Team and chaired by the City Manager or his designee. Other staff should be included on a case by case basis, as deemed appropriate. This Committee will be responsible for recommending, reviewing and coordinating the desires and concepts relating to Complete Streets. Additionally, a City point person will be assigned by the City Manager to be the point of contact for UDOT, UTA, and other outside agencies.

Bi-annually, the Complete Streets Committee will report in writing and in a regular session of the City Council on their activities. The report shall include street policies, procedures, and investments made in respect to the streets and how Complete Streets elements were incorporated and why they were not incorporated.

Complete Streets Exemptions Evaluation Criteria

Exemptions regarding the implementation or construction shall be reviewed by the Complete Streets Committee and their recommendation may be accepted or rejected by any approving authority. Such exemptions should be documented with supporting data that indicates the basis for the exemption. Exemptions may include, but not be limited to the following:

- Overall cost being prohibitive
- Short, low-volume, low-speed streets unless part of safe routes to School, traffic calming, or planned multi-modal network connectivity
- Existing developments where such concepts cannot be accommodated
- Streets with limited right-of-way or acquisition of is deemed prohibitive or unnecessary
- Any physical or public concern that outweighs the need to implement such concepts
- Historical context



IMPLEMENTATION ACTION PLAN 1.0

Action Items



Action #	Action Title	Lead Department/ Division	Action Description	Target Completion Date	Lead Facilitator(s)
1	Amend Chapter 12-450, Transportation & Circulation Element (GP)	Community Development	Formulate & Adopt Complete Streets Goals & Objectives	TBD	Cory Snyder
2	Street Typology Cataloguing (Task # 1)	Community Development/ Public Works	Formulate & Create a Street Typology Cataloguing System (GIS System)	TBD	Cory Snyder/ Mike Smith
3	Street Typology Cataloguing (Task # 2)	City Council/ Planning Commission	Identify/ Prioritize Street Segments or Corridors for Development of Typologies	TBD	Mayor Cutler/ Steve Thacker
4	Update City Specifications (multiple tasks)	City Engineer	Review/ Formulate City Specifications Relating to Complete Street Typologies <i>(e.g. Utilities, Street Trees, Street Lighting, Sidewalks, Street Signs & Furniture, etc.)</i>	TBD	Kevin Campbell / Randy Randall
5	Update Bicycle & Trails Master Plan (multiple tasks)	Trails Committee	Update/ Review Master Plan Considering Complete Streets Concepts <i>(e.g. Bike Lane Types & Specifications, Trail Types & Specifications, etc.)</i>	TBD	Bruce Cox/ Jake Smith
6	Formulate/ Update Traffic & Pedestrian Safety Specifications (multiple tasks)	Police Department	Update/ Review City Specifications or Standards <i>(e.g. Safe Routes to Schools Mapping, Truck Routes, Traffic Signing System, etc.)</i>	TBD	Police Chief / Randy Randall
7	Complete Streets Capital Improvement Planning & RDA Funding	City Council/ RDA	Establish Protocols for Considering Complete Streets Funding	TBD	Steve Thacker/ Blaine Lutz
8	Creation of Complete Streets Committee	City Administration	Establish protocols or bylaws for Complete Streets Committee & Make Appointments	TBD	Mayor Cutler/ Steve Thacker

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 10.

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 8:45

SUBJECT

a. Fire Agency monthly report

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Fire Agency August Report

SOUTH DAVIS METRO FIRE AGENCY

August 31, 2015

FINANCIAL REPORT

	<u>Contents</u>	<u>Page Number</u>
1.	Cash Position	1
2.	Impact Fees Collected	2
3.	Board of Directors Financial Summary	3
4.	Financial Statements Detail	4

South Davis Metro Fire Agency

Cash Position by Fund and in Total

Funds								
			Public	Capital	Debt	Debt		St Treas
Month	General	Grant	Training	Reserve	Service	Reserve	Total	Int Rate
August	2,070,076	43,047	30,422	361,317	224,792	269,000	2,998,653	0.6098%
July	2,210,357	43,047	29,732	343,685	219,591	269,000	3,115,411	0.5791%
June	1,575,733	39,879	29,182	559,135	207,903	269,000	2,680,832	0.5610%
May	1,979,523	39,879	28,687	541,609	200,131	269,000	3,058,829	0.5558%
Apr	1,643,529	39,879	26,855	785,828	169,171	269,000	2,934,262	0.5475%
Mar	1,748,266	39,879	26,583	858,564	168,967	269,000	3,111,358	0.5294%
Feb	2,142,251	39,879	30,185	723,979	155,089	269,000	3,360,383	0.5184%
Jan-15	2,323,799	39,879	30,285	706,482	147,584	269,000	3,517,028	0.5073%
Dec	1,913,763	39,879	29,542	686,917	141,605	269,000	3,082,706	0.5078%
Nov	1,793,921	39,879	28,258	721,355	133,377	269,000	2,975,790	0.5071%
Oct	2,097,965	39,879	25,941	704,070	110,116	269,000	3,246,871	0.4850%
Sep	1,305,145	39,879	29,148	707,771	(36,465)	269,000	2,314,478	0.4767%
Aug	1,874,107	39,879	29,691	698,743	232,777	269,000	3,144,197	0.4699%
July	2,108,885	39,879	29,242	684,890	217,357	269,000	3,349,253	0.4693%
June	1,491,903	23,698	29,335	672,178	203,132	269,000	2,689,246	0.4799%
May	1,820,686	30,971	28,565	1,223,223	194,481	269,000	3,566,927	0.4879%
Apr	2,217,866	30,971	28,391	1,205,793	156,309	269,000	3,908,330	0.4992%
Mar	1,451,650	30,971	27,721	1,188,358	149,354	269,000	3,117,052	0.5023%
Feb	1,909,545	11,966	28,628	1,170,809	135,806	269,000	3,525,754	0.5070%
Jan-14	2,298,411	11,966	27,125	1,177,037	135,669	269,000	3,909,209	0.5074%
Dec	1,997,356	19,971	26,470	735,830	127,300	269,000	3,175,928	0.5103%
Nov	1,827,006	19,971	26,444	768,166	109,582	269,000	3,020,171	0.5150%
Oct	1,500,545	34,971	25,328	730,937	47,884	269,000	2,608,665	0.5143%
Sep	1,389,813	34,971	26,826	893,773	38,844	269,000	2,653,227	0.5125%
Aug	1,702,676	34,971	25,776	879,878	294,743	269,000	3,207,045	0.4862%
Jul	2,069,176	34,971	26,643	862,694	257,162	269,000	3,519,646	0.5115%
Jun	1,330,839	34,971	26,025	849,929	229,257	269,000	2,740,021	0.5046%
May	1,720,150	33,521	25,859	845,327	223,139	269,000	3,116,996	0.4902%
Apr	2,155,452	33,521	25,567	1,009,390	215,946	269,000	3,708,876	0.5295%
Mar	1,422,662	24,255	25,482	1,036,059	192,908	269,000	2,970,365	0.5740%
Feb	1,845,411	23,726	25,465	1,145,025	160,789	269,000	3,469,416	0.6120%
Jan-13	2,113,161	23,726	25,112	1,133,500	158,018	269,000	3,722,517	0.6499%
Dec	1,348,824	23,726	25,013	1,115,562	123,097	269,000	2,905,222	0.6908%
Nov	1,340,315	3,726	23,661	790,820	117,303	269,000	2,544,825	0.7235%
Oct	1,871,207	4,506	25,302	769,080	117,082	269,000	3,056,177	0.7484%
Sep	1,293,523	4,506	27,315	751,350	91,014	269,000	2,436,708	0.7784%
Aug	1,440,923	15,189	27,269	909,275	345,477	269,000	3,007,133	0.7791%
Jul	1,897,454	15,189	26,966	891,075	340,430	269,000	3,440,115	0.7877%
Jun	969,247	6,673	26,308	876,825	327,975	269,000	2,476,029	0.7894%
May	1,345,892	2,025	25,727	889,796	341,080	255,526	2,860,046	0.7917%
Apr	1,735,534	5,802	24,900	870,617	300,224	251,808	3,188,685	0.7941%
Mar	1,029,061	1,250	25,036	852,728	285,647	247,697	2,441,419	0.7937%
Feb	1,332,353	(944)	24,304	993,849	286,108	243,783	2,879,453	0.7950%
Jan-12	1,016,551	(944)	24,324	987,347	289,265	239,883	2,556,426	0.7496%
Dec	1,001,809	(7,523)	24,414	969,503	226,971	235,984	2,451,158	0.7190%
Nov	1,025,724	8,794	20,722	740,643	227,857	232,094	2,255,834	0.6790%
Oct	1,375,654	900	21,963	729,100	229,112	228,218	2,584,947	0.6336%
Sep	632,884	6,350	23,518	584,703	183,807	224,344	1,655,606	0.5961%
Aug	1,162,381	8,392	24,875	550,405	456,971	220,493	2,423,517	0.5577%
Jul	1,074,863	4,953	24,367	533,055	454,834	216,643	2,308,715	0.5455%
Jun	665,639	(86)	24,297	516,227	443,850	212,797	1,862,724	0.5463%
May	1,048,915	4,989	23,944	502,121	446,658	208,955	2,235,582	0.5374%
Apr	1,041,509	4,989	24,799	485,282	447,105	205,114	2,208,798	0.5362%
Mar	813,265	(400)	24,334	476,708	445,523	201,277	1,960,707	0.5173%
Feb	1,214,116	(3,896)	24,185	458,659	446,786	197,443	2,337,293	0.4900%
Jan-11	1,561,835	5,314	23,240	291,577	448,447	193,623	2,524,036	0.4878%
Dec	798,668	1,714	23,563	274,694	435,345	189,797	1,723,781	0.4880%
Nov	745,200	10,519	31,010	131,139	435,578	185,973	1,539,419	0.4946%
Oct	1,109,180	10,519	33,516	120,901	433,758	182,152	1,890,026	0.5160%
Sep	567,904	9,519	33,164	102,415	433,707	178,326	1,325,035	0.5622%
Aug	941,612	9,519	32,931	85,586	705,040	174,497	1,949,185	0.5851%
Jul	1,112,263	12,593	32,846	48,023	708,453	170,665	2,084,843	0.5969%
Jun	499,203	12,593	32,410	30,622	702,619	166,832	1,444,279	0.5965%
May	904,648	7,023	32,133	12,289	705,690	163,004	1,824,787	0.5833%
Apr	1,325,601	7,023	31,605	705,265	704,950	159,177	2,933,621	0.5649%
Mar	729,360	11,352	32,112	683,479	695,107	155,358	2,306,768	0.5605%
Feb	1,082,385	11,352	31,862	725,051	752,282	151,538	2,754,470	0.5180%
Jan-10	1,444,384	11,952	33,755	707,707	743,799	147,727	3,089,324	0.5922%

SOUTH DAVIS METRO FIRE AGENCY								
IMPACT FEES COLLECTED								
DATE BELOW								
DATE	CENTERVILLE	DAVIS COUNTY	NORTH SALT LAKE	WEST BOUNTIFUL	WOODS CROSS	TOTAL REVENUE	TOTAL FOR THE YEAR	
2004-4 Mos	716.00	-	38,593.68	3,402.00	4,158.00	46,869.68		
2005	44,124.66	-	160,858.93	65,640.10	33,128.24	303,751.93		
2006	67,908.61	-	203,896.39	16,793.12	10,156.80	298,754.92		
2007	39,666.50	263.47	118,685.88	52,937.65	65,295.28	276,849.78		
2008	20,118.60	-	95,684.71	5,275.78	10,142.74	131,221.83		
2009	8,231.81	-	73,623.57	3,507.38	41,737.05	127,099.81		
2010	26,063.64	-	24,968.28	2,337.92	18,292.00	71,661.84		
2011	49,665.03	-	30,643.20	3,896.38	16,894.44	101,099.05		
2012	34,245.82	-	90,356.64	12,653.19	41,196.00	178,451.65		
2013	37,542.04	-	155,267.66	9,633.00	25,231.02	227,673.72		
2014	11,095.04	13,990.00	205,859.07	5,179.00	50,727.58	286,850.69		
1/31/15	-	-	-	-	-	-		
2/28/15	-	-	-	-	-	-		
3/31/15	-	-	13,494.75	-	-	13,494.75		
4/30/15	-	-	-	-	-	-		
5/31/15	942.00	-	26,498.98	1,327.00	1,985.10	30,753.08		
6/30/15	-	-	7,569.38	-	-	7,569.38		
7/31/15	-	-	6,218.65	-	5,253.18	11,471.83		
8/31/15	1,675.65	-	3,297.00	-	-	4,972.65		
9/30/15						-		
10/31/15						-		
11/30/15						-		
12/31/15						-	68,261.69	
TOTAL	341,995.40	14,253.47	1,255,516.77	182,582.52	324,198.43	2,118,546.59	Down	
						2,118,546.59	Across	

South Davis Metro Fire Agency
Board of Directors Financial Summary Year 2015
August 31, 2015

67% of the year expired

Line No.	Fund	YTD 2015	Annual Budget	Budget	Page No.	Comments
***** General Fund 10 *****						
Revenue						
1	Property Taxes-PM Funding	445,803	668,705	67%	7	
2	Intergovernmental Revenue-Cities & Co	3,605,077	5,500,403	66%	7	
3	Ambulance & PM Fees-Net	1,420,173	1,885,000	75%	7	
4	All Other General Fund Revenue	2,460	8,000	31%	7	
5	Total Revenue	5,473,513	8,062,108	68%		
Expenditures by Division						
6	Operations	4,373,005	6,804,956	64%	8	
7	Logistics	259,607	447,115	58%	9	
8	Communications	241,282	401,037	60%	9	
9	Fire Prevention	6,389	16,250	39%	9	
10	Training	36,009	57,950	62%	10	
11	Emergency Medical Services	94,136	134,800	70%	10	
12	Transfer to Capital Reserve Fund	133,333	200,000	67%	10	
13	Total Expenditures	5,143,760	8,062,108	64%		
14	Revenues Over/(Under) Expendtrs Before	329,753	-	0%		
15	Transfer to Capital Reserve Fund	300,000	-	0%	10	
16	Depreciation & Loss on Fixed Assets Sold	218,744	350,000	62%	10	
17	Net Revenues Over/(Under) Expendtrs	(188,991)	(350,000)	54%		
***** Other Funds *****						

Grant Fund 21					
1	Revenues	3,168	-	0%	12
2	Fund Balance Appropriation/(Addition)	-	-	0%	
3	Expenditures	-	-	0%	
4	Revenues Over/(Under) Expendtrs	3,168	-	0%	

Public Training Fund 22					
5	Revenues	9,292	5,850	159%	14
6	Fund Balance Appropriation/(Addition)	-	-	0%	14
7	Expenditures	9,252	5,850	158%	14
8	Revenues Over/(Under) Expendtrs	40	-	0%	

Capital Reserve Fund 45					
9	Revenues and Transfers	459,025	208,400	220%	16
10	Fund Balance Appropriation/(Addition)	347,733	521,600	67%	16
11	Expenditures	787,290	730,000	108%	16
12	Revenues Over/(Under) Expendtrs	19,468	-	0%	

SDFD Equity Fund 70					
13	Revenues	-	-	0%	17
14	Fund Balance Appropriation/(Addition)	92,000	138,000	67%	17
15	Expenditures	84,424	138,000	61%	17
16	Revenues Over/(Under) Expendtrs	7,576	-	0%	

Debt Service Fund 72 & 73					
17	Revenues	69,906	151,500	46%	20
18	Fund Balance Appropriation/(Addition)	78,520	117,780	67%	20
19	Expenditures	94,267	269,280	35%	20
20	Revenues Over/(Under) Expendtrs	54,159	0	0%	



South Davis Metro Fire Agency August 2015

Fire Response Summary by NFIRS Incident Type Codes

Overall Response Time: 5:52
Fire Response Time: 6:50

Fire Calls	False Calls	Rescue/EMS	Good Intent	Hazard Cond.	Explosion/Overpressure	Service Call	Special Incid.	Weather Inc.	Totals
0	0	1	0	0	0	0	0	0	1
2	2	45	6	2	0	6	0	0	63
2	1	16	2	0	0	1	0	0	22
0	2	36	4	3	0	1	0	0	46
2	14	57	9	5	0	2	1	0	90
1	0	4	1	0	0	0	0	0	6
6	14	208	25	5	2	15	0	0	275
0	0	4	0	0	0	0	0	0	4

Totals:

13 33 371 47 15 2 25 1 0 507

Responses by Station:

ST81: 182 38%
ST82: 51 10%
ST83: 95 18%
ST84: 74 15%
ST85: 105 21%

Responses by Unit:

801 4 802 1
803 2 BC81 44
ME81 129 ME82 114
EN83 49 EN84 32
TK85 43 T855 0
HZ85 1 SQ81 8

Total Dollar Loss:

Davis County: \$0
Centerville: \$43,000
W. Bountiful: \$0
Woods Cross: \$0
North Salt Lake: \$200,000
Bountiful: \$200
Farmington: \$500
SLC/County: \$0

Mutual/Auto Aid Report:

Aid Received: 3
DCSO: 2
Farmington FD: 1
Aid Given: 7
Farmington FD: 7

507 TOTAL INCIDENTS

562 July 2015

4389 YEAR TO DATE
3996 THIS TIME 2014

Average Staff on fires: 7



South Davis Metro Fire Agency

EMS Summary August 2015 Average EMS Response Time: 5:38

Ambulance Transports

Transport to Emergency Dept by EMT:	119	Last Month	123
Transport to Emergency Dept by Paramedic:	141	Last Month	151

No Ambulance Transports

DOA at Scene:	4
Evaluated and Released Against Med Advice:	19
Evaluated and Released With Med Advice:	72
Transported by Air	0
Transported by other EMS agency	0
No Treatment Given	1
Refused Medical Care:	1

Total Patient Contact: 357 Last Month: 374 Patients to Date: 3014

Patients Transported by District

ALS and BLS

DISTRICT	BLS	ALS	AIR
Davis County:	0	0	0
Centerville:	16	14	0
West Bountiful:	6	6	0
Woods Cross:	12	10	0
North Salt Lake:	13	18	0
Farmington:	2	2	0
Bountiful:	69	89	0
SLC/Other:	1	2	0

EMS Patients by District

Davis County:	0	0%	Transported
Centerville:	44	68%	Transported
West Bountiful:	16	75%	Transported
Woods Cross:	32	68%	Transported
North Salt Lake:	51	61%	Transported
Farmington	5	80%	Transported
Bountiful:	206	77%	Transported
SLC/Other:	3	100%	Transported

Total EMS Calls: 350 Last Month: 370 EMS Calls to Date: 2965
Total Patient Transports: 260 Last Month: 274 Transports to Date: 2189

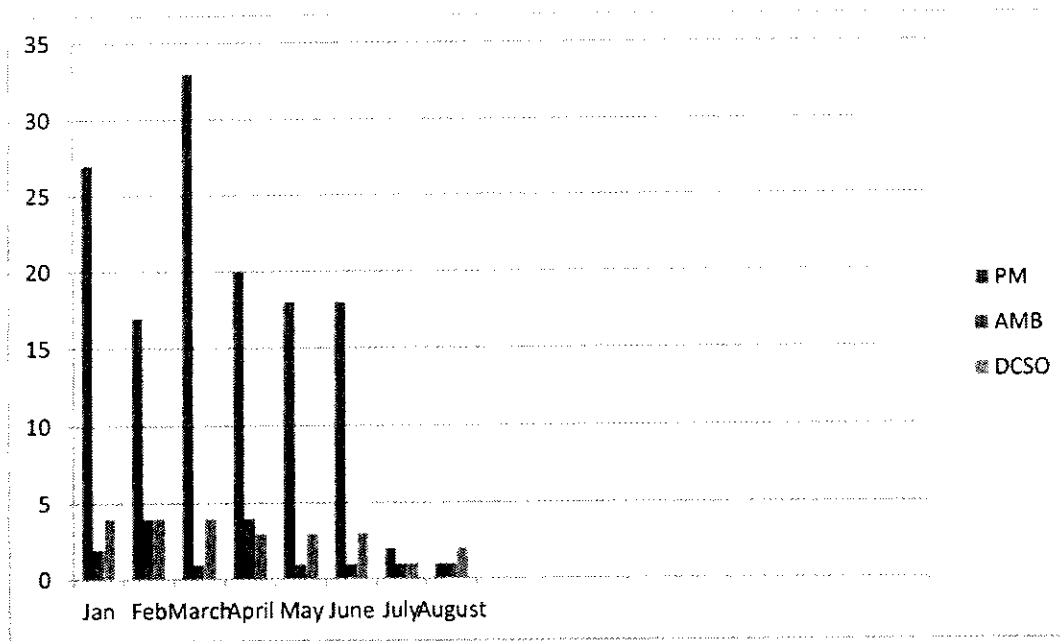
72% of patients in August were transported to the Hospital.

Transport percentage is down 1% since July 2015. 73% of all patients are transported year to date.

Responses by Unit

A811	0	MA81	163	AM82	0
MA83	88	MA84	65	MA85	99
AM855	1	ME81	129	ME82	114
SQ81	8	SQ83	0		

Number of times we are at risk. Out of paramedics, ambulances and how many incidents DCSO handled.



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 11.

Short Title: City Council Liaison Report

Initiated By:

Scheduled Time: 8:55

SUBJECT

Councilman Lawrence Wright - Whitaker Museum Board

RECOMMENDATION

BACKGROUND

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

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 12.

Short Title: City Manager's Report

Initiated By:

Scheduled Time: 9:05

SUBJECT

RECOMMENDATION

BACKGROUND

The City Manager may report on one or more topics and answer questions from the elected officials.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 13.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:10

SUBJECT

- a. Council request for discussion re City's support of CenterPoint Legacy Theatre and other non-profit organizations
- b. County invitation to elected officials, candidates and media to an open house re Vote By-Mail ballot processing on October 29, 2015 from 6 to 7 p.m.

RECOMMENDATION

BACKGROUND

- a. In an earlier council meeting, Council Members Wright and Ivie asked that there be a discussion in a future meeting about the nature of support the City may provide to CenterPoint Legacy Theatre and other non-profit organizations. The Mayor intends to allow these two Council Members to express more specifically their concerns, followed by discussion with the full Council and staff.
- b. See attached email from Brian McKenzie for this invitation.

ATTACHMENTS:

Description

- D Vote By-Mail Ballot Processing Open House

Marsha Morrow

From: Brian McKenzie <bmckenzie@co.davis.ut.us>
Sent: Thursday, October 01, 2015 5:15 PM
To: Brian McKenzie
Subject: FW: By-Mail Ballot Processing Open House

Dear Recorders and Clerks,

Please feel free to share this with your councils, mayors and city managers. You too are invited to join during the 6-7 time frame.



By-Mail Ballot Processing Open House

View ballot processing, ask questions,
interact with election staff, and tour the
election facility.

- Thursday October 29th, 2015
- 6-7 pm (Elected Officials, Candidates,
Media Representatives)
- 7-8 pm (Open to the Public)
- 61 South Main Street, Farmington
Room 202

Elected Officials, Candidates, Media please
RSVP to: bmckenzie@daviscountyutah.gov
or 801-451-3508

Save the Date
10-29-15



We recognize the importance of public involvement and we welcome it.

 Like us on Facebook

Election information www.DavisVotes.com

Voting By-Mail Improving the Voting Experience

The Davis County Clerk/Auditor is committed to improving the voting experience for all citizens. Vote By-Mail provides increased opportunity for citizens to study candidates and ballot questions. Vote By-Mail increases voter engagement and participation in the election process. Vote By-Mail provides more flexibility for voters in choosing how and when they cast their ballot.

Convenient – Secure – Confidential

Davis County
Is Voting By-Mail

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 14.

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; however, the agenda allows for that possibility.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 15.

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 and committees.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

Item No. 16.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 9:20

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
10/6/2015**

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

- ☐ Salt Lake
- ☐ School Bond



Printed: September 21, 2015

All about Google Fiber



Leslie Meredith



Tech Matters

BY LESLIE MEREDITH TECH MATTERS

Salt Lake City has joined a pretty exclusive list of U.S. cities that are among the first to be outfitted with Google Fiber, Google's very high speed Internet service. In fact, our city is the second in Utah behind Provo, and one of only nine in the country.

Google Fiber is best known for offering superspeed Internet service reaching up to 1000 megabits or 1 gigabit per second download and upload, which is significantly faster than even the most expensive plans available from Verizon, AT&T, Comcast and Century Link. I'm currently paying top dollar for Century Link's hi-speed Internet and my download speed clocked in at around 25 Mbps (the direction you use when streaming a movie) and upload speed at under 5 Mbps, which corresponds to the time it takes to

upload photos or other files to the cloud. Test it for yourself at <http://www.speedtest.net>. Needless to say, I'll be switching to Google Fiber as soon as it's available in my "fiberhood" — the name Google uses to section off about 800 homes in an area to connect to a fiber hub.

Along with super speeds, Google's pricing is fair and transparent, meaning no "limited time" deals that result in a big price increase when the promotional period is over as we've seen from traditional providers. Instead, Google charges \$70 per month for Internet only and \$120 for Fiber plus TV. There is also a \$300 connection fee, but Google waives the fee when a customer opts for a two-year contract for Internet and TV or a one-year contract for Internet only. The connection fee can be paid up front or divided into even payments over the life of the contract.

With all the deserved hoopla over Google's superspeed service, a second tier Internet service has gone largely unnoticed. But it deserves attention. Budget-conscious customers can get a slower speed Fiber service — 5 Mbps download and 1 Mbps upload — for free after paying the connection fee. (Those who opt for this service can pay the connection fee in \$25 monthly increments over one year.)

Google has yet to release a date when Fiber will be available, but you can subscribe to updates by visiting <https://fiber.google.com/cities/saltlakecity>. Construction began in June and Google said it will lay enough cable in the city to run from here to Canada.

In addition to providing faster, more affordable and more reliable service, Google has raised the bar for customer service in the handful of cities it serves (Kansas City, Austin and Provo). The company this past week opened a new customer service training center in Atlanta, Ga., where trainees from across the country will gather to what customer service means at Google Fiber.

"We want people to expect friendly representatives, quick answers, and experiences that show they're valued," Alana Karen, director for Google Fiber Customer Service, wrote in a blog post. "We've worked hard to rise to this challenge — visitors at our service centers are helped in under one minute on average, while call center hold times are just 33 seconds on average." So far Google installers have arrived on time for 96 percent of customer appointments.

As fast as Google Fiber is, competitors are working to increase speeds further. Earlier this month, Verizon announced it had successfully tested a new technology that can deliver Internet speeds of up to 10 gigabits per second, which is 10 times faster than the speed of Google Fiber. In practical terms that means you could download a full-length HD movie in 8 seconds versus two minutes on Fiber. That may be attractive to some, but we have to ask ourselves, "What's fast enough?" And more importantly, "Is saving a couple of minutes here and there really worth what would certainly be a higher price?"

Leslie Meredith has been writing about and reviewing personal technology for the past six years. She has designed and manages several international websites. As a mom of four, value, usefulness and online safety take priority. Have a question? Email Leslie at asklesliemeredith@gmail.com.

Editorial: Davis school bond is prudent and unavoidable

First Published Sep 25 2015 05:57PM • Last Updated Sep 25 2015 05:59 pm

It's a little unnerving that the need to build almost \$300 million in schools in just one county feels routine in our ever-growing state.

The Davis School District, the second largest school district in Utah, has put a \$298 million bond on the November ballot, directing \$246 million for new construction and and \$52 million to fix existing ones.

The money would be used to build a new high school in Farmington, a new junior high in west Layton and one or two new elementaries in the north end of Davis County. It would also be used for a remodel of Viewmont High and an expansion of Woods Cross High, among other projects.

The cost is not unbearable, even for those homeowners on fixed incomes. Because Davis has been living with growth for some time, it is already paying off bonded debt, some of which will be paid off before the new bond money would be needed. As a result, it's estimated the new bond will add only \$1 to \$2 per year in property taxes on the average \$240,000 Davis County home.

Davis has gone from about 58,000 students in 2000 to nearly 70,000 today, and that is the equivalent of almost adding another elementary school every year. But, of course, they haven't been adding a school every year. Instead they turn to the tried and true, but temporary, solutions: year-round schedules, portable classrooms and just generally stuffing more kids into buildings built for less.

It's reasonable to wonder if this school building can go on forever. Whether one thinks we are cursed or blessed with the youngest population in the nation, the demographics make it all but impossible for Utahns to be anything but the lowest per-pupil spenders on education in the nation. And the relentless demand for new school buildings — at millions of dollars a pop — only adds to that pressure.

Are there cheaper ways to build schools? Are there ways to deliver some education electronically, relieving some of the need for bricks and mortar? Should charter schools or private education assume a bigger role?

Those are all great questions, but unfortunately none of the answers will be enough to keep Davis from its immediate need for new and improved buildings. Even if school construction is a Napoleonic pursuit, the Davis School District bond election is not its Waterloo.

So Davis school officials are doing the only thing they can, and Davis voters should support them in it.

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A PUBLIC MEETING AT 9:20 P.M. ON TUESDAY, OCTOBER 6, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the Centerville Redevelopment Agency Board 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. 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.

Tentative
Time:

9:20 A. NEW BUSINESS

- 1. MINUTES REVIEW AND ACCEPTANCE** – September 15, 2015 RDA meeting
- 2. Approve contract with A-Trans for traffic signal study**
- 3. Staff report regarding repairs and Maintenance Agreement for Davis Center for the Performing Arts HVAC system**

B. ADJOURNMENT

Steve H. Thacker
Executive Director