CENTERVILLE CITY

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

Incorporated in 1915

Mayor
Paul A. Cutler

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

City Manager
Steve H. Thacker

interoffice MEMORANDUM

[redacted]

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of December 15, 2015 Council Meetings
date: December 11, 2015

6:30 **City Council Picture** – The City Council is expected at City Hall in best dress at 6:30 p.m. for a group photo that will be mounted on the wall in the lobby. The photographer, Sam Blundell, has been used by our Police Department as well as Farmington City.

7:00 **Regular City Council Meeting**

Open Session – At the beginning of Open Session, Mayor Cutler will recognize the Council Members whose terms are ending and give each of them a plaque.

E.1. **Coloring Contest Winners** – The Youth Mayor will present awards to the winners of the Youth Council's annual Christmas Coloring Contest. A large crowd of family members is expected.

E.2. **Minutes Review** – The minutes to be approved is available online on NovusAgenda.

E.3. **Summary Action Calendar**

- **a.** **2016 Meeting Schedule** – State law requires the City Council to adopt its regular meeting schedule for the following year and then publish it in the newspaper. There is no conflict in 2016 between a regular council meeting and the general election because the Council will meet on November 1 and the election is on November 8.
- **b.** **Recording Secretary Contracts** – This is the annual adjustment in hourly rates for the three recording secretaries. They are considered "contractors" and not City employees, as documented in the agreements the Council approves annually.
- **c.** **Purchase of Police Vehicle** – This is the last of three police vehicles to be purchased as funded in the FY 2016 Budget.

E.4. **Zoning Ordinance re Accessory Dwelling Units** – This matter was advertised in a utility bill insert for a public hearing on December 15. However, the City Council has decided to postpone this matter until January 19, 2016, when the new City Council will conduct the public hearing. Citizens wishing to read the proposed ordinance and staff report can find a link on the City website homepage.

MAKING Life BETTER
Centerville City

E.5. **Deuel Creek Historic District** – The Landmarks Commission and Planning Commission recommended the creation of a historic district covering the area bounded by Main Street, Parrish Lane, 400 East and Porter Lane (both sides). The ordinance would not force any property owner to comply with the desired building standards expressed in the ordinance, but incentives would be offered in the form of reduced building setbacks and reduced building permit fees for remodeling or reconstruction that meets the architectural criteria. A public hearing will be held on both the text amendment and zoning map amendment, which involves the creation of an overlay zone for the area described above. All development rights of the underlying zone would remain in place.

E.6. **Municipal Code Amendments - Title 5** – Lisa Romney, City Attorney, continues to update titles of the City Code in preparation for putting the Code online in 2016. The proposed revisions bring Title 5 into harmony with recent changes in State law and improve the consistency of formatting, numbering, etc.

E.7. **Bid for Parrish Lane Fencing** – Despite interest from several potential bidders, only one submitted a bid for this work. Unfortunately, the bid was much higher than the City Engineer's estimate for this work, which involves the installation of upgraded fencing on the new pedestrian bridge and along Parrish Lane from the Frontage Road to 1250 West. I do not recommend awarding this bid as received. Staff will discuss with Council the options at this point, review available funding, and seek the Council's direction.

E.8. **Financial Report** – Blaine will prepare a financial report for the five-month period ending November 30, 2015; however, it will not be available online until Monday or Tuesday. He is currently focused on finalizing the Comprehensive Annual Financial Report, which includes the annual audit report for FY 2015 that must be issued by December 31.

E.9. **Mayor's Report** – Mayor Cutler and I recommend two work sessions in January for the new Council, as explained in the staff report.

E.10. **City Manager's Report** – As I do at the end of each calendar year, I am compiling a list of City projects and issues from 2015 and a list of projects and issues anticipated in 2016. This will be available by the Council meeting.

E.11. **Miscellaneous Business**

a. **Amendment of Position Pay Grade Schedule** – I recommend two positions be assigned to higher pay grades in the Position Pay Grade Schedule, based on significant changes in the job descriptions and duties of the employees occupying those positions. These are explained in the staff report.
b. **Training from Brent Bateman** – The Utah Property Rights Ombudsman, Brent Bateman, has agreed to train the City Council and Planning Commission on Wednesday, February 10 at 6:00 p.m. prior to the Planning Commission's regular meeting.

E.12. **Closed Meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.

E.13. **Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments to City boards and committees.

E.14. **Redevelopment Agency Meeting** – Following the City Council meeting, the RDA Board will meet to consider funding for two projects. One is upgraded fencing on the new pedestrian bridge and along Parrish Lane—the subject of item #7 on the council meeting agenda. The other project involves construction of improvements on the corners of the 1250 West/Parrish Lane intersection. Some RDA

funding would enable UDOT's traffic signal contractor to include the first phase of improvements in their work. Conceptual plans for the proposed improvements on these corners are available to the public online via NovusAgenda.

Potential Agenda Items for January 5, 2016 City Council meeting (subject to change):

- Reception for newly elected officials
- Swearing-in of newly elected officials
- Work Session (following regular meeting) re annual audit report and City finances
- Public hearing - Amendment of Legacy Trails Subdivision Plat
- Public hearing - Holbrook Property proposed rezone
- Closed meeting for update re claims/lawsuits
- Cost-sharing agreement with Maverik re bike trailhead improvements

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, DECEMBER 15, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

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

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

6:30 City Council picture

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT
Councilwoman Tami Fillmore

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. Presentation to winners of Youth Council Coloring Contest

7:20 2. **MINUTES REVIEW AND ACCEPTANCE**
December 1, 2015 Council meeting

(OVER)

7:20 3. Summary Action Calendar
   a. City Council 2016 Meeting Schedule – Consider Resolution No. 2015-19
   b. Approve amendments to recording secretary services contracts
   c. Approve purchase of a 2016 Ford Explorer from Ken Garff Ford in the amount of $27,437.91 for the Police Department

7:20 4. ****POSTPONED UNTIL JANUARY 19, 2016**
Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs

7:20 5. Deuel Creek Historic District
   a. Public Hearing – Zoning Ordinance Text Amendment – Creation of Deuel Creek Historic District – Chapter 12-49 – Ordinance No. 2015-30
   b. Public hearing – Zoning Map Amendment – Rezone of various properties with the Deuel Creek Historic District to the Deuel Creek Historic District Overlay - Ordinance No. 2015-31

7:50 6. Municipal Code Amendments - Title 5 - Revenue and Finance
Consider Ordinance No. 2015-32 amending various provisions of Title 5 of the Centerville Municipal Code regarding Revenue and Finance

8:00 7. Review bid for installation of fencing on Parrish Lane, including the pedestrian bridge; determine whether to award bid

8:20 8. Financial Report for period ending November 30, 2015

8:30 9. Mayor's Report
   a. Schedule work sessions for new City Council

8:40 10. City Manager's Report
   a. Summary of 2015 projects/issues and anticipated projects/issues in 2016

8:50 11. Miscellaneous Business
   a. Ordinance No. 2015-33 amending Centerville City Position Pay Grade Schedule

9:00 12. Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.

9:00 13. Possible action following closed meeting, including appointments to boards and committees

9:00 14. 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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(See City Manager's Memo for summary of meeting business)

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C. PRAYER OR THOUGHT

Councilwoman Tami Fillmore

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.	Presentation to winners of Youth Council Coloring Contest
7:20	2.	Minutes Review and Acceptance December 1, 2015 Council meeting
7:20	3.	Summary Action Calendar a. City Council 2016 Meeting Schedule - Consider Resolution No. 2015-19 b. Approve amendments to recording secretary services contracts c. Approve purchase of a 2016 Ford Explorer from Ken Garff Ford in the amount of $27,437.91 for the Police Department
7:20	4.	Public Hearing - Zoning Ordinance Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs) ****POSTPONED UNTIL JANUARY 19, 2016** Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs
7:20	5.	Deuel Creek Historic District a. Public Hearing - Zoning Ordinance Text Amendment - Creation of Deuel Creek Historic District - Chapter 12-49 - Ordinance No. 2015-30 b. Public Hearing - Zoning Map Amendment - Rezone of Various Properties within the Deuel Creek Historic District to the Deuel Creek Historic District Overlay - Ordinance No. 2015-31
7:50	6.	Municipal Code Amendments - Title 5 - Revenue and Finance Consider Ordinance No. 2015-32 amending various provisions of Title 5 of the Centerville Municipal Code regarding Revenue and Finance
8:00	7.	Review bid for installation of fencing on Parrish Lane, including the pedestrian bridge; determine whether to award bid
8:20	8.	Financial Report for period ending November 30, 2015
8:30	9.	Mayor's Report a. Schedule work sessions for new City Council
8:40	10.	City Manager's Report a. Summary of 2015 projects/issues and anticipated projects/issues in 2016
8:50	11.	Miscellaneous Business a. Ordinance No. 2015-33 amending Centerville City Position Pay Grade Schedule b. Land Use Training by Brent Bateman, the Utah Property Rights Ombudsman, on Wednesday, February 10, 2016 at 6:00 p.m. for all PC and CC members
9:00	12.	Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended
9:00	13.	Possible action following closed meeting, including appointments to boards and committees
9:00	14.	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
12/15/2015

Item No.

Short Title: City Council Picture

Initiated By:

Scheduled Time: 6:30

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

Staff Backup Report
12/15/2015

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 December 15, 2015 Council meetings

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No.

Short Title: Councilwoman Tami Fillmore

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 1.

Short Title: Presentation to winners of Youth Council Coloring Contest

Initiated By:

Scheduled Time: 7:10

SUBJECT

RECOMMENDATION

Mayor Cutler and Youth Council Mayor Lyndsey Kunzler will present awards for the 2015 Christmas coloring contest. Following the awards presentation, congratulate the award recipients and express appreciation to all children who submitted entries. Also thank the Youth Council for sponsoring the annual event.

BACKGROUND

The list of winners will be attached for the Council only, when available. The three winners in each grade category have been notified, but they will not know whether they are 1st, 2nd or 3rd place until the meeting. There are three winners in each of the following categories:

Pre-School- Kindergarten
1st Grade - 2nd Grade
3rd Grade - 4th Grade
5th Grade - 6th Grade

All winners will receive gift cards in varying amounts.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 2.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:20

SUBJECT

December 1, 2015 Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- December 1, 2015 Council meeting minutes

Minutes of the Centerville **City Council** meeting held Tuesday, December 1, 2015 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Brandon Toponce, Assistant Planner Jacob Smith, Management Assistant Katie Rust, Recording Secretary
STAFF ABSENT	Blaine Lutz, Finance Director/Assistant City Manager
VISITORS	Dee Hansen, South Davis Sewer District Spence Packer, Whitaker Museum Board Chair Interested citizens (see attached sign-in sheet)
PLEDGE OF ALLEGIANCE	Skyler Henry, BSA Troop 1462
PRAYER OR THOUGHT	Councilman Wright

OPEN SESSION

Dale McIntyre – Mr. McIntyre stated that, prior to the election, George McEwan stated on a radio show that he would like to see Council meetings streamed so citizens can watch what is happening without having to attend. Mr. McIntyre said he thinks it is an excellent idea, and that transparency in government is important.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 29, 2015 Council work session, and the November 17, 2015 Canvass meeting and regular Council meeting were reviewed. Councilwoman Fillmore requested an addition to the October 29 work session minutes. Councilman Wright made a **motion** to approve the October 29, 2015 work session minutes as amended. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0). Councilwoman Fillmore and City Manager Thacker requested changes to the November 17 Council meeting minutes. Councilman Wright made a **motion** to approve the November 17, 2015 regular meeting minutes as amended. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). Lisa Romney, City Attorney, requested an amendment to the Canvass meeting minutes, and Councilman Wright made a **motion** to approve the November 17, 2015 Canvass meeting minutes as amended. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (4-0), with Councilman Averett abstaining.

REPORT REGARDING SOUTH DAVIS SEWER DISTRICT

Dee Hansen, Centerville's representative on the South Davis Sewer District Board of Trustees, updated the Council on the finances and operations of the Sewer District, including a potential "food waste to energy project" the Board is currently evaluating. Councilman Higginson mentioned that the Wasatch Integrated Waste Management District has also been interested in anaerobic food waste digestion. He acknowledged the potential benefit to such a program, and expressed a hope that the two entities could cooperate. Councilwoman Fillmore said she looks forward to hearing more about the possibilities, and agreed with Councilman Higginson's hope for open communication between the two entities. Councilman Wright expressed appreciation for the Sewer District's exemplary fiscal management.

APPOINTMENT TO SOUTH DAVIS SEWER DISTRICT BOARD

Mayor Cutler recommended the Council reappoint Dee Hansen as Centerville's representative on the South Davis Sewer District Board of Trustees. Councilman Wright made a **motion** to approve Resolution No. 2015-18 appointing Dee C. Hansen as a member of the Board of Trustees of the South Davis Sewer District representing Centerville City. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – PORTER WALTON TOWNHOMES SUBDIVISION – FINAL PLAT

On October 28, 2015, the Planning Commission recommended to the City Council approval of the Final Subdivision Plans and Plat for the Porter Walton Townhomes project located at 564 West Porter Lane, allowing the property to be divided into 47 residential units for individual ownership. Cory Snyder, Community Development Director, explained the recommendation and answered questions. Applicant Taylor Spendlove added that Brighton Homes has received multiple conditional offers, and has a long list of potential buyers waiting for the plat to record. Mayor Cutler stated he feels the community will be better served with individual ownership of the units.

At 7:45 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment. Councilwoman Fillmore made a **motion** to approve the Final Subdivision Plat for the Porter Walton Townhomes Subdivision located at approximately 564 West Porter Lane, subject to the following conditions and findings. Councilman Averett seconded the motion, and agreed with the Mayor that owner-occupied units rather than rental units is an improvement. Councilwoman Ivie asked about maintenance of the development. Mr. Spendlove responded that the HOA will be required to hold an insurance policy that covers all of the buildings as well as the common space. Maintenance will be administered by the HOA. The motion to approve the Final Subdivision Plat passed by unanimous vote (5-0).

Conditions:

1) The final plat shall be recorded at the Davis County Recorder's Office prior to the sale of any individual units.
2) The applicant shall address all correction and edits as stated by the City Engineer and City Attorney prior to the printing of the final linen plat.
3) The applicant shall address all corrections and edits to the CC&Rs as stated by the City Attorney.
4) All applicable development fees shall be paid prior to the recording of the final plat.

5) The applicant shall enter into an improvements agreement and related bonding for remaining public improvements prior to recording the plat.
6) The applicant shall meet all applicable conditions as approved by the Planning Commission and set forth within the final site plan approval and the conditional use permit including but not limited to the continuation of traffic monitoring and a determination by the City Engineer of any applicable impact fees to be paid by the applicant.

Findings:

a) The final subdivision plans and plat are in harmony with the relevant provisions of the City's General Plan [Section 12-480-1(a)].
b) The Porter Walton Townhomes Development is in harmony with the provisions of the Residential-Medium Zone [Chapter 12-32].
c) The Porter Walton Townhomes Development is in harmony with the final site plan and conditional use permit as approved by the Planning Commission [July 22, 2015].
d) The City Council is the authorized body to grant approval for a final subdivision plat [Section 15-4-107].
e) With the directives listed, the acceptance is consistent with the expectations for PUD subdivisions, as outlined in Chapter 15-6, Planned Unit Development.

WHITAKER MUSEUM REPORT

Spence Packer, Whitaker Museum Board Chair, updated the Council regarding projects funded by CLG Grants. He expressed the appreciation of the Museum Board for the Council's continued support, and stated the Board is looking forward to working with the Council regarding possible use of RAP Tax revenues to fund physical projects. Mayor Cutler commended the Board for the significant improvements made at the Museum. Councilman Wright added that he feels the Whitaker Museum is an asset to the community, and it has been his privilege to be associated with the Museum as Council liaison.

PROPOSAL TO CREATE DEUEL CREEK HISTORIC DISTRICT

Mr. Snyder opened the discussion pointing out that, regardless of what the Council decides regarding the proposed historic district, the City has already made progress in preserving Centerville's built historic environment with the Whitaker Museum and the continued efforts of the Landmarks Commission to add homes to the National Historic Register. The first settlement in Centerville was the Deuel Creek Settlement, and the Landmarks Commission has chosen to propose a locally-recognized historic district – the Deuel Creek Historic District – to celebrate the history of the community. The Landmarks Commission has put together an incentive program for properties within the proposed Historic District. Mr. Snyder expressed the hope that creating the Historic District will encourage property owners to participate in preserving the area of historical significance to the City.

Brandon Toponce, Assistant City Planner, explained that as a result of a reconnaissance level survey completed by a Historic Preservation Consultant, and close examination of the historic area of Centerville by the Landmarks Commission, the Landmarks Commission has proposed the creation of the Deuel Creek Historic District in the area defined by the following boundaries: the east side of Main Street from Parrish Lane to Porter Lane, the south side of Parrish Lane from Main Street to 400 East, the west side of 400 East from Parrish Lane to Porter Lane and both sides of Porter Lane from 400 East to Main Street. He explained

participation incentives proposed by the Landmarks Commission, and provided an estimate of the financial impact on the City of the proposed ordinance. Participation by property owners would not be mandatory. The Planning Commission has recommended the Council approve creation of the Deuel Creek Historic District.

Councilwoman Fillmore said she thinks including the many historic homes on the east side of 400 East would be a good idea. Mr. Toponce responded that the Landmarks Commission had a difficult time narrowing down the proposed area, with an emphasis on walkability, but added that he thinks expanding the area to the east side of 400 East would be a good idea. Councilwoman Fillmore also stated she would like the building permit fee reduction to be greater than the proposed 25%, considering the cost-intensive process involved in historic preservation for property owners, and the relatively small financial impact the reduction would have on the City. Mr. Toponce agreed, stating that greater incentives would result in greater preservation. As Council liaison to the Landmarks Commission, Councilwoman Ivie added that the Commission tried to propose a reduction the Council would be willing to approve. Councilwoman Fillmore suggested that even a 100% fee reduction would have a small impact on the City. Mayor Cutler responded that he would be willing to support a reduction higher than 25%, but not willing to completely eliminate the fee considering the significant amount of work involved in reviewing building permit applications. Mr. Snyder also agreed with the idea of increasing the percentage, but pointed out that the fee reduction would also apply to new development within the District. Responding to a follow-up question from Councilwoman Fillmore, staff agreed that the ordinance could specify that the fee reduction would apply only to preservation efforts. Councilman Wright asked if the proposed ordinance addresses infill. Mr. Toponce responded it does not. Councilman Wright encouraged the Council to consider looking at the possibility of infill within the Historic District. Councilman Wright also encouraged changing the name to "Centerville – Deuel Creek Historic District" to improve public recognition.

The Planning Commission is scheduled to consider a zoning map amendment creating an overlay for the proposed Historic District boundaries on December 9th. Councilman Wright recommended the boundary of the Historic District not include the South Main Street Corridor (SMSC), since the result would be an overlay on top of an overlay. Mr. Snyder responded that one is a regulatory overlay and the other is a voluntary incentive overlay. By including the east side of Main Street, the Landmarks Commission was being sensitive to historic buildings in the Corridor. The proposed ordinance does not specify particular building types. Councilwoman Fillmore suggested the Council could discuss incentives that could be given for different types of buildings. Mayor Cutler said he suspects it would be best to take a long-term view, starting with a minimal ordinance and incentives that could be adjusted over time based on experience. Mr. Toponce commented that the Landmarks Commission has discussed strengthening the demolition aspect of the ordinance, but did not want to bring that into the initial discussion with the Council. Mayor Cutler recommended the city present the ordinance as it is for public comment. Council members Ivie and Averett indicated agreement. Councilman Wright repeated his concern that the SMSC Plan does not take historic nature into account, and that two competing interests would be created. Mayor Cutler said he feels the two overlays would be complimentary rather than competing.

Councilwoman Ivie made a **motion** to table discussion of the proposed Deuel Creek Historic District to the December 15, 2015 Council meeting, at which a public hearing will be held. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

ACCESSORY DWELLING UNITS (ADUs)

Mr. Snyder stated that, from previous discussions with the Council regarding ADUs, he received the impression that the Council is leaning toward removing development impact fees from the proposed ADU ordinance, based on data gathered by staff that other cities in Utah do not charge ADU development impact fees. He stated he also sensed support from a majority of the Council for removing detached units from the ADU ordinance, to be addressed along with

other accessory buildings. Removing detached units from the ADU ordinance would not require remanding the issue back to the Planning Commission.

Councilman Averett pointed out that the Council listened for six months to citizen comments expressing preference for single-family housing in the community. He said that, in his opinion, ADUs turn single-family units into multi-family units, and he will not be voting in favor of allowing ADUs. He asked if a majority of the Council is in favor of continuing the discussion. Councilman Wright asked if a mother-in-law or parent apartment is considered an ADU, and was informed that the ordinance currently allows residence of up to two people in addition to a family in a single-family home. Councilman Wright then responded that he agrees with Councilman Averett and is not in favor of ADUs. Councilwoman Fillmore pointed out that Centerville has an aging population. Many homeowners have decreased their density impact on the city as family members have left the home. ADUs would provide an opportunity for older citizens to stay in their homes and return to former density impacts. She said she believes the ordinance would clearly be most used by the older population. Councilwoman Ivie agreed with Councilwoman Fillmore.

Mayor Cutler commented that the City has a large number of ADUs existing in noncompliance, and he feels it would be beneficial to make the situation legal with specific restrictions. Councilman Averett stated an ADU would involve more adults and vehicles than a typical family with varying ages, and would create issues not present with a single family. Councilman Wright agreed that most Centerville neighborhoods are not designed to handle the additional intensity. Councilmen Averett, Higginson, and Wright stated they are not interested in further Council consideration of ADUs. Councilwoman Fillmore suggested tabling the issue to January 2016. Staff will put a notice on the City website that the public hearing advertised regarding ADUs will be tabled to January. Councilman Averett commented that the three newly-elected Council members were all elected on a single-family low-density platform, and he cannot imagine any of them would be interested in allowing ADUs.

MAYOR'S REPORT

- The City Employee Christmas Party will be held on Wednesday, December 2nd at the Megaplex Theater.
- The Founders Park lighting ceremony will be held on December 7th.
- City Council photographs will be taken on December 15th prior to the regular Council meeting.
- Council members are invited to the Walking Comfort Grand Opening at their new location on Saturday, December 5th at 12:00 p.m.
- Mayor Cutler recognized the tremendous amount of work City Manager Thacker has put in with the other city managers regarding the South Davis Metro Fire District. Mr. Thacker explained the six-month Metro Fire Agency Tentative Budget, and the transition that will occur in July to a new fiscal year for the Fire District. The six-month Budget includes an assessment for Centerville that is slightly less than the funding for this purpose in the City's 2016 Budget.

CITY COUNCIL LIAISON REPORT

Councilman Higginson reported that the Mosquito Abatement District is implementing an expansion effort to accommodate the growing population and development. He repeated his hope that the Waste Management District and the South Davis Sewer District will keep open communication regarding the possibility of anaerobic digestion. He reported that curb-side recycling may not be necessary in the near future due to Waste Management District innovations, but recommended the City renew the existing contract for recycling services for a shorter period than normal.

CITY MANAGER'S REPORT

Mr. Thacker reported that construction of the traffic signals at the 1250 West/Parrish Lane intersection is expected to begin in the next week or two. A decision from the Council is needed regarding the concrete on the southeast and southwest corners before UDOT work begins. Mr. Thacker showed an image of the Landscape Architect's proposal for the first phase of the planned intersection improvements. The Council discussed how much concrete to approve at this stage, and gave staff direction regarding matching curves of colored concrete for both corners. Councilwoman Fillmore emphasized that the purpose of setting up an RDA is to be able to provide improvements that distinguish the area. Mr. Thacker said he anticipates having more information for the Council at the December 15th meeting.

MISCELLANEOUS BUSINESS

- Councilwoman Fillmore made a **motion** to table discussion regarding the use of City newsletters and utility bill inserts indefinitely. Councilwoman Ivie seconded the motion. Councilman Wright made a **substitute motion** to table the discussion to a Council meeting in January. Councilwoman Ivie seconded the substitute motion, which failed (2-3), with Council members Averett, Fillmore, and Higginson dissenting. The original motion passed by majority vote (4-1), with Councilman Wright dissenting.
- Councilwoman Fillmore informed the Council of two upcoming free events at the South Davis Recreation Center. The free admission day for Centerville citizens at the Recreation Center is scheduled for February 27, 2016.
- Councilwoman Ivie informed the Council and staff of a dangerous portion of the Deuel Creek South trail on the hillside. She said the Trails Committee would like to immediately sign that portion of the trail as dangerous, and possibly reroute the trail. Councilman Wright agreed that the danger should be mitigated immediately. Centerville resident and former employee of the Forest Service with experience in trail management, Lee Skabelund, commented that trail maps and trailhead signs giving invitation for use of a dangerous trail is a liability to the City. He suggested closing the dangerous leg of the trail, and said he would be willing to help reroute and reestablish the trail in the spring with volunteer labor. The City Manager agreed to talk with Bruce Cox about closing the trail for now, and direct the Trails Committee to consider possibilities to reestablish it safely.
- Councilman Wright expressed a desire to place discussion of the County property on 100 South on a future agenda. Mayor Cutler said Commissioner Smith has indicated willingness to hold off on the sale of the property to allow the new Council time for discussion. The Mayor stated he intends the next Council to study and discuss appropriate use of the property.

ADJOURNMENT

At 9:44 p.m. Councilman Wright made a **motion** to adjourn to a closed session for the purpose of discussing the character and competency of individuals. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

_____ _____

Marsha L. Morrow, City Recorder Date Approved

1
2 Katie Rust, Recording Secretary

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 3.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:20

SUBJECT

a. City Council 2016 Meeting Schedule - Consider Resolution No. 2015-19
b. Approve amendments to recording secretary services contracts
c. Approve purchase of a 2016 Ford Explorer from Ken Garff Ford in the amount of $27,437.91 for the Police Department

RECOMMENDATION

a. Approve the enclosed Resolution No. 2015-19 establishing the City Council's 2016 meeting schedule.

b. Approve the agreements--after adjustments for the appropriate name and recommended rate of pay--with Connie Larson, Kathleen Streadbeck and Katie Rust, Recording Secretaries.

c. Approve purchase of an SUV from Ken Garff Ford in the amount of $27,437.91 for the Police Department.

BACKGROUND

a. Upon approval by the City Council, the 2016 regular meeting schedule will be published as required by state law. This does not mean the City Council has to meet on each of these dates. However, if a regular meeting is cancelled, a notice of such cancellation should be posted in advance of that date.

b. The recording secretary contracts for these individuals state that their compensation will be evaluated yearly. Connie, Kathleen and Katie received pay increases effective January 1, 2015: therefore, they are eligible for a raise again as of January 1, 2016.

Recording secretaries provide their own equipment and supplies at home for transcribing the minutes (City provides equipment used at the meeting), and the City pays no benefits to them.

Although recording secretary positions are not formally assigned a pay grade, the City Manager considers the skills required to be comparable to the Secretary II position (Grade 6) in the City's Position Pay Grade Schedule. The Grade 6 pay range has a minimum of $13.48 and a maximum of $19.55 per hour. Based on an analysis of equipment and supplies provided by the recording secretaries, approximately $2 of the hourly rate could be considered a reimbursement of their expenses. Therefore, after adding $2 per hour to the minimum and maximum of the Grade 6 pay range, the adjusted range would be $15.48 - $21.55 per hour. Using the Salary Administration Guidelines for FY 2016 as a general guide (i.e., pay raise percentage declines if current pay rate is higher in the pay range), the City Manager recommends the following increases:

Connie Larson--increase hourly rate from $21.22 per hour to $21.55 per hour--the top of the adjusted pay range (1.6% increase).

Kathleen Streadbeck--increase hourly rate from $20.85 per hour to $21.37 per hour, a 2.5 percent increase. This increase includes 2.0% due to her current wage being in the 4th Quartile of the adjusted pay range, plus 0.5% for extraordinary performance as the recording secretary for the Planning Commission.

Katie Rust--increase hourly rate from $17.56 per hour to $18.26 per hour, a 4.0 percent increase. This increase includes 3.0 % due to her current wage being in the 2nd Quartile of the adjusted pay range, plus 1.0 % additional due to the outstanding quality of her work and, therefore, to continue narrowing the gap between Katie and the other two recording secretaries.

Only one of the three agreements is enclosed, since all three are identical except for name of recording secretary and hourly rate of pay.

c. The Police Department is requesting approval to order the last of three vehicles approved in the Departments FY2015/16 Budget. See attached memo for more details.

ATTACHMENTS:

Description

- Resolution No. 2015-19
- Recording Secretary Agreement
- Memo re Purchse of Vehicle for Police Department

RESOLUTION NO. 2015-19

A RESOLUTION ESTABLISHING THE REGULAR MEETING SCHEDULE OF THE CENTERVILLE CITY COUNCIL FOR 2016.

WHEREAS, the Governing Body of Centerville City intends to hold regular and open public meetings generally on the first and third Tuesdays of each month, beginning at 7:00 p.m.; and

WHEREAS, pursuant to Section 52-4-202, Utah Code Annotated 1953, as amended, the City Council has determined its annual meeting schedule as hereinafter set forth;

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

Section 1. Meeting Schedule. The annual meeting schedule of the Centerville City Council for the calendar year 2015 shall be as follows:

January 5th	July 5th
January 19th	July 19th
February 2nd	August 2nd
February 16th	August 16th
March 1st	September 6th
March 15th	September 20th
April 5th	October 4th
April 19th	October 18th
May 3rd	November 1st
May 17th	November 15th
June 7th	December 6th
June 21st	December 20th

Section 2. Time & Location. Unless otherwise determined by the City Council pursuant to State statute, all said meetings shall be held at the City Council Chambers, City Hall, 250 North Main Street, Centerville, Utah, beginning at 7:00 p.m.

Section 3. Publication. The City Recorder shall publish notice of the foregoing annual meeting schedule of the Governing Body in one issue of the Davis County Clipper, a newspaper of general circulation within the city.

Section 4. 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 15th day of December, 2015.

CENTERVILLE CITY

BY:_____
Mayor

ATTEST:

_____
Marsha L. Morrow, City Recorder

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

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

PASSED on _____ day of _____, 20_____.

RECORDED on _____ day of _____, 20_____.

EFFECTIVE on _____ day of _____, 20_____.

_____ DATED: _____
MARSHA L. MORROW, City Recorder

AGREEMENT

THIS AGREEMENT is made and entered into as of the 15th day of December, 2015, by and between **CENTERVILLE CITY,** a municipal corporation of the State of Utah, hereinafter referred to as the "City," and **KATIE RUST,** an individual, hereinafter referred to as "Contractor."

WITNESSETH

WHEREAS, the City desires to obtain certain clerical services in connection with providing minutes of meetings by the City and its various councils and boards; and

WHEREAS, Contractor is willing to provide such clerical services in accordance with the terms of this Agreement.

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

Section 1. **Services.** Contractor hereby agrees to provide the following services to the City: Attending, and transcribing the minutes of, meetings held by the City Council, Planning Commission, Board of Adjustment, Historic Sites Committee and other committees as directed by the City. Contractor will be required to be present in a timely manner at each such meeting to take the minutes. Following the meetings, Contractor will prepare a typed draft of the minutes and submit an electronic version to the City Recorder within five (5) calendar days following the meeting. The minutes will be considered for approval at a subsequent meeting of the affected entity and corrections may be required. Final minutes (hard copy as well as electronic version) will be provided by the Contractor to the City for inclusion in the permanent records of the City within three (3) calendar days after final approval by the City Council, Planning Commission, Board of Adjustment, Historic Sites Committee, etc.

Section 2. **Compensation.** For the services rendered under this Agreement, Contractor shall be paid by the City in the sum of Eighteen Dollars and Twenty-Six Cents ($18.26) per hour, effective January 1, 2016, for actual time expended in attendance at meetings and transcribing the minutes. The City will evaluate yearly the compensation paid to the Contractor.

Section 3. **Independent Contractor.** It is expressly understood and agreed by the parties hereto that Contractor is an independent contractor and not an employee of the City. Accordingly, Contractor is not entitled to receive any fringe benefits, retirement, or other benefits offered to City employees. No mileage shall be paid to Contractor by the City. Contractor shall be responsible for the payment of all withholding, social security, or other employment taxes which may be due in conjunction with the Contractor's rendering of services to the City.

Section 4. **Equipment and Supplies.** Contractor shall provide all equipment necessary to perform the services required hereunder except that the City will provide a laptop computer and recording equipment for use at the City meetings. Except as provided herein, Contractor will provide, at Contractor's sole expense, all equipment and supplies needed to perform Contractor's services hereunder including a personal computer, transcriber, foot pedal, etc.

Section 5. **Term of Agreement.** It is expressly understood that either party may terminate this Agreement at any time upon giving fourteen (14) days written notice of termination to the other party. Such notice may be delivered personally or sent by certified mail, return receipt requested, postage prepaid to the other party at their last known address. Upon termination for any reason, Contractor agrees to immediately return to the City any tapes or other City property in the possession of Contractor and to deliver any drafts of minutes then under preparation.

Section 6. **Assignment.** This Agreement is personal to Contractor and may not be assigned or subcontracted.

Section 7. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and no prior agreements, representations, promises, or inducements, whether written or oral, which are not contained herein shall be of any force or effect.

Section 8. **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity or enforceability of any of the remaining portions and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.

Section 9. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective officers, employees, successors and assigns.

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

"CITY"

ATTEST: **CENTERVILLE CITY**

_____ By: _____

City Recorder Mayor

"CONTRACTOR"

By: _____

Katie Rust

CITY ACKNOWLEDGMENT

STATE OF UTAH)
:ss.
COUNTY OF DAVIS)

On the _____ day of December, 2015, personally appeared before me **PAUL A. CUTLER**, who being by me duly sworn, did say that he is the Mayor of **CENTERVILLE CITY**, a Utah municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the entity executed the same.

_____
Notary Public

My Commission Expires: Residing at:

_____ _____

CONTRACTOR ACKNOWLEDGMENT

STATE OF UTAH)
:ss.
COUNTY OF _____)

On the _____ day of December, 2015, personally appeared before me **KATIE RUST**, who being by me duly sworn, did say that she is the signator of the foregoing document and that she executed the same.

_____
Notary Public

My Commission Expires: Residing at:

_____ _____

MEMO

To: Blaine Lutz

From: Von Steenblik

Date: December 11, 2015

Re: Capital Equipment Order

The Police Department is requesting permission to order the last of three vehicles approved in the department's FY2015/16 budget. This vehicle will be a replacement for a current detective vehicle.

Ken Graff Ford has the current state bid pricing and has given us a quote of $27,437.97 for 2016 Ford Explorer. This vehicle will be used in the investigations division by one of the detectives. This vehicle will provide enough space for the detective to carry all of his crime scene equipment which includes a camera, tripod, fingerprinting kit, light sources, crime scene evidence collection kit, and search warrant entry kit.

This SUV vehicle will enable us to use it in all weather and off road conditions and to carry all the needed equipment in the back area in a secure storage box and with a secure rifle rack. Since this is an unmarked vehicle the cost of emergency equipment will be lower.

Please contact me if you have any questions.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 4.

Short Title: Public Hearing - Zoning Ordinance Text Amendment, Chapter 12-60, Accessory Dwelling Units (ADUs)

Initiated By:

Scheduled Time: 7:20

SUBJECT

****POSTPONED UNTIL JANUARY 19, 2016**
Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses for ADUs, and enacting Chapter 12-60 regarding ADUs

RECOMMENDATION

BACKGROUND

This matter has been noticed for a public hearing to be held on December 15, 2015. Based on discussion and action of the City Council on December 1, 2015, this matter and the public hearing have been postponed to the City Council meeting to be held on January 19, 2016.

ATTACHMENTS:

Description

- 03-26-15-Transmittal Report
- Ordinance No. 2016-01-ADUs
- Exhibit A-Chapter 12-60-ADUs

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF TRANSMITTAL REPORT

DATE: **MARCH 26, 2015**

APPLICANT: **CENTERVILLE CITY PLANNING COMMISSION**
C/O DAVID HIRSCHI, CHAIR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO ALLOW FOR THE DEVELOPMENT AND USE OF ACCESSORY DWELLING UNITS (*ADUs*)**

PC RECOMMENDATION: **RECOMMEND APPROVAL OF THE ZONING CODE TEXT AMENDMENTS**

BACKGROUND

Over the past several months of 2014 and early 2015, the Planning Commission held a few public discussion meetings to assess the possibility of allowing accessory dwelling units as part of the housing options within the City. The Commission hosted both general feedback and roundtable discussion meetings, where dates and times were posted on the City's website and in the City newsletters and/or utility billings.

Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns about allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss. Consequently on March 25, 2015, the Planning Commission recommended APPROVAL of a new ordinance that allows for the possibility of ADUs in the Agricultural-Low and Residential-Low Zoning Districts.

Nonetheless, two (2) Commissioners did cast dissenting votes. However, each Commissioner dissenting explained that their vote was not centered on opposing ADUs, but rather on a desire to allow a larger percentage or size for ADUS, specifically desiring allowing a range greater than the proposed 25% and possibly up to 50% of the floor area of a home.

PLANNING COMMISSION RECOMMENDATION

On March 25, 2015, the Planning Commission forwarded to the City a **recommendation of *APPROVAL*** of the proposed text amendments for allowing ADUs, as follows:

1. *Amend Title 12–Zoning by adding Chapter 12-60-Accessory Dwelling Units, as submitted, or modified by the Planning Commission.*
2. *Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.*
3. *Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L Zones, as submitted to the Commission.*

Suggested Reasons for Action (findings):

a. *The Planning Commission finds that the proposed Ordinance is consistent with the City's Moderate Income Housing Element concerning the use of ADUs.*
b. *The Planning Commission finds that the proposed Ordinance includes several compatibly elements to maintain expected neighborhood characteristics.*
c. *The Planning Commission finds that the proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties.*

Planning Commission Vote (4-2):

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

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

✓ *January 28, 2015*
✓ *February 25, 2015*

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING SECTION 12-12-040 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY DWELLING UNITS, AMENDING TABLE 12-36 OF THE SAME REGARDING TABLE OF USES TO ALLOW ACCESSORY DWELLING UNITS AS CONDITIONAL USE IN AGRICULTURAL-LOW (A-L) AND RESIDENTIAL-LOW (R-L) ZONES, AND ENACTING CHAPTER 12-60 OF THE SAME REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City Council directed Staff along with the Planning Commission to research and prepare possible ordinance amendments regarding accessory dwelling units within the City in accordance with the goals and objectives of the City's moderate income housing plan adopted in the Centerville General Plan; and

WHEREAS, as directed by the City Council, the Planning Commission held a number of public meetings and roundtable discussions to engage the public in the discussion of allowing accessory dwelling units as part of the housing options within the City; and

WHEREAS, based on such meetings and discussions and direction from the Planning Commission, Staff prepared a draft ordinance regarding accessory dwelling units for review and consideration by the Planning Commission; and

WHEREAS, the Planning Commission, after a number of public hearings on the matter, reviewed the proposed ordinance amendments regarding accessory dwelling units and recommends approval of the Zoning Ordinance amendments as more particularly provided herein; and

WHEREAS, City Council has determined that the proposed revisions to the Zoning Ordinance regarding accessory dwelling units, as more particularly set forth herein, are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public health, safety and welfare, and will provide additional housing options within the City; and

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

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

Section 1. **Amendment.** Section 12-12-040 of the Centerville Zoning Ordinance regarding Definitions is hereby amended to amend the definition of accessory dwelling units as more particularly set forth as follows:

12-12-040. Definitions.

As used in this Title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

* * *

Accessory Dwelling Unit (ADU)~~Apartment~~: A habitable living area located within or as accessory to a detached single family dwelling and which has its own kitchen, living/sleeping areas, and sanitation facilities which meets the requirements of Chapter 12-60 of this Title.

* * *

Dwelling, Single-Family with Accessory Dwelling Unit: A building having only one (1) dwelling unit and one (1) accessory dwelling unit.

* * *

Section 2. Amendment. Table 12-36 of the Centerville Zoning Ordinance regarding the Table of Uses is hereby amended to add accessory dwelling units as conditional use in the A-L and R-L Zones, as more particularly set forth as follows:

	Zones														
Residential Uses	**A-L**	**A-M**	**R-L**	**R-M**	**R-H**	**PF-L**	**PF-M**	**PF-H**	**PF-VH**	**C-M**	**C-H**	**C-VH**	**I-M**	**I-H**	**I-VH**
Dwelling, single-family with accessory dwelling unit (ADU) ~~apartment~~	C~~N~~	N	C~~N~~	N	N	N	N	N	N	N	N	N	N	N	N

Section 3. Enactment. Chapter 12-60 of the Centerville Zoning Ordinance adopting provisions regarding Accessory Dwelling Units is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A,** attached hereto and incorporated herein by this reference.

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

Section 5. **Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS _____ DAY OF JANUARY, 2016.

ATTEST: **CENTERVILLE CITY**

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

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	_____	_____
Councilmember Ince	_____	_____
Councilmember Ivie	_____	_____
Councilmember McEwan	_____	_____
Councilmember Mecham	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____ DATE: _____
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20____.

Exhibit A

Chapter 12-60 of the Centerville Zoning Ordinance
Accessory Dwelling Units

Chapter 12-60-Accessory Dwelling Units

12-60-010. Purpose
12-60-020. Scope
12-60-030. Definitions
12-60-040. Use Allowed
12-60-050. Limitations, Termination, and Exemptions
12-60-060. General Development Standards
12-60-070. Design Standards
12-60-080. Occupancy Requirements
12-60-090. Other Applicable Regulations and Codes
12-60-100. Conditional Use Required

12-60-010. Purpose

The purpose of this Chapter is to establish the use and development regulations for the allowance of accessory dwelling units (ADUs) within the City. These regulations are intended to provide opportunity for secondary separated living quarters (i.e. dwelling unit) for the elderly to be taken care of by family members, or permit alternative housing options for newly married couples or the return of adult children, or even perhaps for those who are on a fixed income to supplement a mortgage payment. Provided however, that the ADU is to be clearly and distinctly an accessory use to the approved primary building use located on the property and must not disrupt the residential environment and character of single-family neighborhoods.

12-60-020. Scope

The requirements of this Chapter shall apply to any ADU created or established within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville City Code, or other laws.

12-60-030. Definitions

Certain words and phrases in this Chapter, including uses, are defined in this Chapter and in Chapter 12-12 of this Title.

12-60-040. Use Allowed

(a) *Permitted.* ADUs are to be allowed in residential zones as set forth on the Table of Uses Allowed in Chapter 12-36 of this Title. Permitted and conditional uses are indicated by "P" or "C," respectively. Uses not permitted are indicated by "N."

12-60-050. Limitations, Termination, and Exemptions

(a) *Use in Combination.* An ADU shall be established as a secondary accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.

(b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the "Owner Occupancy" requirements of subsection 12-60-080.

(c) *Number allowed.* Only one (1) ADU is allowed for a:

(1) Lot, parcel, or tract of land; and

(2) Main building or structure of a primary single-family dwelling.

(d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (*rear portion*) the primary building of the lot or parcel.

(e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.

(f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.

(g) *Exemptions.* The following exemptions shall apply to the use of ADUs:

(1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).

(2) Except as provided in this Chapter regarding establishing a separate

dwelling unit, the provisions of this Chapter do not apply if a single family dwelling is wholly occupied by a family, as defined in Chapter 12-12-Definitions, or other laws.

12-60-060. General Development Standards

The development standards set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these development standards are to ensure that the ADU is clearly and distinctly an accessory use to the approved primary building use located on the property.

(a) *Creation.* An ADU shall only be established through the following methods:

(1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.

(2) Adding floor area to the main building.

(3) Integration of an ADU into the design plan for new construction of a single family dwelling.

(4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.

(b) *Habitable Space and Size.* ADUs shall meet the following parameters for habitable space:

(1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.

(2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.

(3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.

(c) *Setbacks*. ADUs shall meet the following:

(1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for "main buildings" as listed in the development standards of its respective residential zone.

(2) Detached ADUs shall be setback as follows:

i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.

ii. A minimum of six (6) feet from any perimeter side or rear line of the lot or parcel.

1. *Exception*. For conversion of an existing accessory structure on a lot or parcel, the minimum six (6) foot setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.

(d) *Heights*. ADUs shall meet the following:

(1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.

(2) Detached ADUs shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building's elevation using the mid-point between the lowest eave and the highest ridge line.

(e) *Parking*. At least one (1) additional parking space shall be provided for an ADU, provided however that the existing parking requirements for the primary dwelling are in place or restored if missing. The ADU parking space may be located in tandem with other required parking spaces. All required parking spaces must be located behind the front yard setback line of the lot.

(f) *Yard Space*. Every ADU shall be provided yard space using one (1) of the following methods:

(1) *Common Space*. The ADU and primary or main building may equally share yard areas for use by all occupants.

(2) *Private Space*. At least 200 square feet (*25% if the maximum allowed ADU size*) of yard area shall be provided for exclusive use by the ADU, regardless of its size.

(g) Bulk Rear Yard Area Limitation. For detached ADUs, the combined building foot print coverage of the required rear yard area (*i.e. rear yard setback area*) for all accessory buildings, including the ADU, shall not exceed 20%.

12-60-070. Design Standards

The design standards set forth in this section are to apply to any ADU that is created or established within the City. The purposes of these design standards are to ensure ADU compatibility with the general pattern, character, and livability of Centerville's typical low density single-family neighborhoods.

(a) *Exterior Finish Materials*. The exterior finish materials should be compatible with, or visually appear to be harmonious with the type, size, and colors, as the finish materials utilized on the primary or main building of the lot or parcel.

(b) *Location of Entrances*. Only one (1) entrance may be located on the wall facade that can be viewed from the public street directly adjacent to the same lot or parcel in which the ADU is located. All other entrances must be located on wall facades facing interior to the lot.

(1) *Ground Entrance Restrictions*. Ground entrances are prohibited on a wall facade facing a perimeter lot line, unless such wall façade is at least 6 feet from a perimeter lot line.

(2) *Upper Story Entrance Restrictions*. Upper story entrances (*e.g. access from balconies and decks*) having no other ground entrance are prohibited on a wall façade facing a perimeter lot line unless such wall façade is located 20 feet from the perimeter lot line.

(c) *Roof Pitch*. The roof pitch should be the compatible or visually appear to be harmonious with the roof pitch style of the primary or main building of the lot or parcel in which the ADU is located.

(d) *Windows*. Windows should be compatible or visually appear to be harmonious in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.

(e) Eaves. Building eaves for ADUs should meet one of the following designs:

(1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.

(2) The eaves are to project from the walls at least one (1) foot on all elevations.

(3) If the primary or main building style has no eaves, then eaves are not required for the ADU.

(f) *Exceptions*. If there is a conflict between these design standards and the adopted construction codes of the City, then the applicable construction code shall govern that particular design element.

12-60-080. Occupancy Requirements

The occupancy requirements set forth in this section shall apply to any ADU that is created or established within the City. The purposes of these occupancy requirements are to accommodate secondary separated living quarters (*i.e. dwelling unit*) with reasonable limitations on their use and to minimize the impact on neighboring properties and to the desired setting of the City's single-family neighborhoods.

(a) *Definitions and Terms*. The following definitions or terms are applicable to the creation and use of ADUs:

(1) *Owner*. An owner is defined as a person having at least 50% or greater interest in the property.

(2) *Full-time Residency*. Full-time residency means the owner must live in a dwelling for at least six (6) months of each calendar year.

(3) *Owner Occupancy Covenant*. A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.

(4) *Temporary Owner Absence Waiver*. An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.

(b) *Full Time Owner Residency.* Either the primary dwelling or the ADU is to be occupied by a full time resident property owner, as shown on the Davis County Tax Assessment rolls.

(c) *Owner Occupancy Covenant.* ADU owners must sign and record an "owner occupancy covenant" with the City and have it recorded with the Davis County Recorder prior to receiving an ADU permit. The covenant shall at minimum establish the following:

(1) That he/she/ they are owner(s) of the property located in Centerville, Utah.

(2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.

(3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.

(4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.

(5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.

(6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.

(7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the covenant.

(d) *Temporary Owner Absence Waiver.* The owner(s) shall comply with the Full-time Owner Residency Requirements or shall terminate, in writing, the ADU permit, as

deemed acceptable to the City. Nonetheless, an owner may receive a waiver of the occupancy requirement upon submitting in writing evidence showing good cause such as:

(1) Temporary job dislocation,
(2) Sabbatical leave,
(3) Educational pursuits, or
(4) Illness

A waiver of the occupancy requirement may be granted, by the City's Zoning Administrator, up to a maximum of three (3) years. Thereafter, if not re-occupied, then ADU permit shall be deemed null and void and one or more features shall be removed immediately, upon notice from Centerville City, or the property will subject to applicable enforcement measures.

12-60-090. Other Applicable Regulations and Codes

The creation and use of ADUs are subject to other pertinent codes, restrictions, and regulations that address applicable life, safety, and welfare concerns. Any ADU shall comply with the following:

(a) *Construction and Fire Codes*. An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.

(b) *Utilities and Charges*. An ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be in the property owner(s) name and the owner shall be responsible for the payment of such services.

(c) *Addressing*. An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary numerical or alphabetical reference (*e.g. 1390 West #A*), as approved by the local postmaster and/or emergency service agencies.

12-60-100. Conditional Use Permit Required

The creation and use of ADUs are subject to the issuance of a conditional use permit pursuant to the requirements of Section 12-21-100 of this Title and the standards and requirements of this Chapter.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 5.

Short Title: Deuel Creek Historic District

Initiated By: Landmarks Commission

Scheduled Time: 7:20

SUBJECT

a. Public Hearing - Zoning Ordinance Text Amendment - Creation of Deuel Creek Historic District - Chapter 12-49 - Ordinance No. 2015-30
b. Public Hearing - Zoning Map Amendment - Rezone of Various Properties within the Deuel Creek Historic District to the Deuel Creek Historic District Overlay - Ordinance No. 2015-31

RECOMMENDATION

a. Adopt Ordinance No. 2015-30 adopting Chapter 12-49 of the Centerville Zoning Ordinance regarding the creation of the Deuel Creek Historic District based on the findings recommended by the Planning Commission and set forth in the Staff Report regarding the Zoning Ordinance amendments.

b. Adopt Ordinance No. 2015-31 amending the Centerville Zoning Map by changing the zoning of various properties within the Deuel Creek Historic District to the Deuel Creek Historic District Overlay Zone based on the findings recommended by the Planning Commission and set forth in the Staff Report regarding the Zoning Map amendment.

BACKGROUND

a. The Landmarks Commission has been working on this matter for several years, beginning with a survey of the historic nature of the homes in the area bounded by Main Street, Parrish Lane, 400 East and Porter Lane (both sides). After extensive public outreach efforts, the Commission recommended to the Planning Commission the creation of the Deuel Creek Historic District with the boundaries described above, including an ordinance that would encourage new construction and remodeling in this area that would compliment the historic nature of the existing architecture. The desired design standards would not be mandatory. Property owners would be encouraged to follow the desired standards through the use of incentives--reduced building setbacks and reduced building permit fees. However, property owners could choose instead to build according to the standards of the underlying residential zone.

At their November 18 meeting, the Planning Commission recommended approval of the Zoning Ordinance text amendment and forwarded that recommendation to the City Council. Anticipating this action, the City Council (at their November 17 meeting) directed staff to schedule the matter for an initial discussion by the Council at their December 1 meeting, followed by a public hearing in the December 15 Council meeting. This allowed the public hearing to be advertised in the utility bill at the end of November. The City Council should hold a public hearing on the proposed Zoning Ordinance texts amendments for the creation of the Deuel Creek Historic District. The Staff Transmittal Report for this matter is attached.

b. The creation of the Deuel Creek Historic District involves approval of Zoning Code text amendments and approval of a Zoning Map amendment to rezone various properties to the overlay zone. On December 9, 2015, the Planning Commission held a public hearing on the proposed Zoning Map amendments to rezone various properties to the Deuel Creek Historic District Overlay Zone, and has forwarded their recommendation of approval for the rezoning of property to the Deuel Creek Historic District Overlay Zone. The City Council should hold a public hearing on the proposed Zoning Map amendments for the Deuel Creek Historic District Overlay. The Staff Transmittal Report for this matter is attached.

ATTACHMENTS:

Description

- CC Staff Report re Deuel Creek Historic District
- Ordinance No. 2015-30-Deuel Creek Historic District
- Exhibit A-Chapter 12-49-Deuel Creek Historic District
- PC Staff Report re Deuel Creek Historic District
- November 18, 2015 Planning Commission minutes re PC approval
- CC Staff Report re Deuel Creek Historict District Rezone
- Ordinance No. 2015-31-Deuel Creek Rezone
- PC Staff Report re Deuel Creek Rezone
- PC Staff Report - December 9, 2015 re Deuel Creek Historic District Zone Map Amendment
- December 9, 2015 Planning Commission re Deuel Creek Historic District

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

APPLICANT: **CENTERVILLE CITY LANDMARKS COMMISSION**

APPLICATION: **ZONING CODE TEXT AMENDMENT TO CREATE THE DEUEL CREEK HISTORIC DISTRICT, SECTION 12-61-062, AND CREATE CHAPTER 12-49**

RECOMMENDATION: **APPROVE THE ZONE TEXT AMENDMENT**

BACKGROUND

Over the past few years, the Landmarks Commission has been working toward creating the Deuel Creek Historic District. This local historic district is located along the east side of Main Street from Porter Lane to Parrish Lane, the south side of Parrish Lane from Main Street to 400 East, the west side of 400 East from Parrish Lane to Porter Lane and both sides of Porter Lane from 400 East to Main Street. The Landmarks commission chose the original town site for its high concentration of historic homes and walk ability. The district is only recognized by Centerville City and has been created to represent the desires of the community. The Landmarks Commission held three work sessions with the public and took their comments into consideration as the final document was drafted. The creation of the district by involving the public follows the goals and objectives for historic sites found in Section 12-480-8(3) of the General Plan.

Creating a new Ordinance is the first step in implementing the new district. After the Ordinance has been approved, the Landmarks Commission will propose a change to the zoning map to create an overlay district. This overlay zone will not affect the underlying zoning and will still allow a property owner to utilize their property as they see fit.

REVIEW AND ANALYSIS OF THE REQUEST

The creation of the district by involving the public follows the goals and objectives for historic sites found in Section 12-480-8(3) of the General Plan. The proposed ordinance encourages citizens to construct new development, or remodel existing structures in a way that compliments the historic harmony and integrity of the neighborhood. The Landmarks Commission desires to create the Deuel Creek Historic District, with the related Ordinance, to reduce adverse effects of demolition and out of context development. With a positive program in place, the historic fabric of the original Centerville town site may be preserved and help educate citizens on the history of our community.

PLANNING COMMISSION REVIEW

On Wednesday November 18, 2015, the Planning Commission accepted the proposed zone text amendment and recommended approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed zoning text amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives.
5. The Landmarks Commission believes the proposed district and subsequent created documents will be beneficial to the neighborhood.

Planning Commission Vote (6-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar			X
Merrill	X		
Hayman	X		
Ince			X

PROPOSED ZONE TEXT AMENDMENT

SECTION 12-61-060(g)

(g) Deuel Creek Historic District. The City hereby creates the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street. Refer to Section 12-49, Deuel Creek Historic District, for further standards and detail.

CHAPTER 12-49, DEUEL CREEK HISTORIC DISTRICT

12-49-010. Purpose.

The purpose of creating the Deuel Creek Historic District, voluntary overlay, is to preserve the integrity and characteristics of the original townsite, while educating the community concerning Centerville's past.

12-49-020. Scope.

The Deuel Creek Historic District shall consist of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South),

north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.

12-49-030. Permitted and Conditional Uses.

All permitted and conditional uses as allowed within the respective underlying zones stated within Chapter 12-36 of this Title shall still apply within the Deuel Creek Historic District.

12-49-040. General Requirements of Applicability.

Development standards as pertaining to the individual underlying zone as stated within this Title, the Centerville City Code, or other laws and standards as set forth by the governing body, shall apply to all real property found within the Deuel Creek Historic District except to the extent such provisions are altered within this Chapter.

12-49-050. Property Classification.

1) Historic Landmark Register. Highest recognition of an historic resource found within the Deuel Creek Historic Districts. Properties listed on the Official Historic Landmark Register shall be found on the National Register of Historic Places and are subject to the standards found in Section 12-61-050 of this Chapter in relation to additions, alterations and demolition criteria.

2) Contributing Property. Any structure constructed 50 years in the past found within the Deuel Creek Historic District that contributes to the historic character of the district. This shall include all properties listed on the significant Historic Sites List as defined in Section 12-61-040 of this Chapter.

3) Non-Contributing Property. This shall include all properties that do not contribute to the historic character of the district: structures older than 50 years that have been significantly altered as to not resemble the original appearance, new development constructed less than 50 years in the past and future development on vacant ground.

12-49-060. Property Owner Obligation.

The Historic Preservation Program within Centerville is considered voluntary. Nothing in this section shall be construed to prevent a property owner of record within the Deuel Creek Historic District from developing his or her property as allowed by the underlying Ordinances found in this Title. Properties as listed on the Historic Landmark Register shall be subject to Section 12-61-100 of this Title in relation to modifications and alterations, which shall be satisfied to participate in the incentives found in 12-49-100.

12-49-070. Procedures.

Review. The Zoning Administrator, or designee, shall contact the applicant to ensure they are aware of the Deuel Creek Historic District Standards and Incentives as part of the review process for an exterior building permit.

12-49-080. Property Development Standards

These standards have been created to enhance the district area and generate continuity between contributing properties, non-contributing properties and new development. The standards are desirable, yet they are not mandatory. Property owners who do not wish to follow these guidelines shall not receive any incentives as stated within Section 12-61-062(i) of this Title, and shall be subject to all applicable Zoning Standards, fees and governing laws found within this Title for standard development.

(a) Contributing Properties:

A. Owner of a property considered Contributing as stated in Section 12-49-050 of this Title, desiring to participate in the Incentive Program shall be subject to the approval standards found in Section 12-61-100(e) of this Title and may also participate within the incentive program as stated herein.
B. This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

(b) Non-Contributing Properties and/or New Development:

1) Owner of a property considered Non-Contributing as stated in Section 12-49-050(c) of this Title, desiring to participate in the Incentive Program shall choose at least four of the following:

i. Design Standards:

- Façade material consisting of 80% of one of the following: brick, rock, wood, cement fiberboard. The remaining 20% shall consist of like material that is consistent with contributing properties
- Detached Garage *or*
- Garage setback from the front facing building line of the main structure at 18 feet
- Construction of a two-car garage, instead of 3-car garage or larger
- Front porch of at least 25 square feet
- Gable accents consistent with those found within the district
- A driveway curb cut no larger than 18 feet and driveway at its widest point at 20 feet
- Traditional exterior details (such as pillars, shutters, ornamental designs, etc.)
- Bay window
- Dormer windows
- Historic paint colors
- Other architectural features as found throughout the district (this criteria must include a photograph of the inspirational feature)

12-49-090. Incentive Criteria.

Incentive Criteria. These incentives shall apply to all property owners of record that have met the above Property Development Standards for those properties designated under Property Classification as found within Section 12-49-050 of this Title. Property owners who choose not to participate in the development standards shall not receive these

incentives and shall be subject to all required Zoning Regulations and Standards as set forth in this Title and all other applicable standards and fees as set forth by the City.

(a) All Incentives are for exterior projects only, such as:
    1) New development
    2) Alterations/additions
    3) General exterior repairs or rehabilitation that requires a building permit
(b) All incentives shall be reviewed and approved by the Zoning Administrator
(c) A certificate shall be given to the property owner stating that the property has been allowed incentives based on the approved standards as stated in Section 12-49-080 of this Title and be placed with the building permit
(d) These incentives shall only be for those properties found within the Deuel Creek Historic District as specified in Section 12-49-020 of this Title
(e) These incentives shall only apply to properties within the Deuel Creek District from the date this section was approved by the City Council and shall not be retroactive
(f) No incentives shall be given to property owners that have not completed all the required obligations as stated within this Section

12-49-100. Incentives.

(a) Setback reduction. Setback shall be measured from the building line and a property or designated right-of-way line. Actual setback shall be determined by the property owner prior to approval of any setback reductions. Setback standards in relation to decks and patios shall still apply and follow standards found in Section 12-55-130(g) of this Title, except for approved front porches as indicated in this section.

    1) Front Yard Setback: 20 Feet
    2) Front Yard Setback from Porch: 15 Feet
    3) Side Yard Setback (each side yard): 7 Feet
    4) Street Side Setback: 18Feet
    5) Rear Yard Setback: 18 Feet

(b) Building Fee Reduction. All applicants who meet the above criteria found in this section shall be allowed a 25% reduction on the building permit review charges. This reduction shall only be allowed within the Deuel Creek Historic District for the purpose of encouragement of promoting the preservation of existing contributing properties and encouraging harmony between new and historic architectural and property designs.

ORDINANCE NO. 2015-30

AN ORDINANCE ENACTING CHAPTER 12-49 OF THE CENTERVILLE ZONING ORDINANCE REGARDING THE CREATION OF THE DEUEL CREEK HISTORIC DISTRICT AND ENACTING SECTION 12-61-062 OF THE SAME REFERENCING THE CREATION OF THE DEUEL CREEK HISTORIC DISTRICT

WHEREAS, the Centerville Landmarks Commission has been working toward the creation of the Deuel Creek Historic District for the past few years, including three work sessions with the public to obtain input regarding the proposed creation of the Historic District; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance amendments for the creation of the Deuel Creek Historic District as recommended by the Landmarks Commission and recommends approval of such Zoning Ordinance texts amendments as more particularly provided herein; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Ordinance regarding the creation of the Deuel Creek Historic District are consistent with the goals, objectives and policies of the Centerville General Plan, are harmonious with the character of existing development within the City, will not adversely affect properties within the City, are in the best interest of the City and the public to provide meaningful incentives for historic preservation and to celebrate the rich historic fabric of Centerville located within the District; and

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

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

Section 1. **Enactment.** Chapter 12-49 of the Centerville Zoning Ordinance creating the Deuel Creek Historic District is hereby enacted to read in its entirety as more particularly set forth in **Exhibit A,** attached hereto and incorporated herein by this reference.

Section 2. **Enactment.** Section 12-61-062 of the Centerville Zoning Ordinance regarding the Deuel Creek Historic District is hereby enacted to read in its entirety as follows:

> **12-61-062. Deuel Creek Historic District.** The City hereby creates the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street. Refer to Section 12-49, Deuel Creek Historic District, for further standards and detail.

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

Section 4. **Omission Not a Waiver**. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 5. **Effective Date**. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF DECEMBER, 2015.

ATTEST: **CENTERVILLE CITY**

_____ By:_____

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

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____ DATE: _____

MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20____.

Exhibit A

Chapter 12-49 of the Centerville Zoning Ordinance
Deuel Creek Historic District

Chapter 12-49 – Deuel Creek Historic District

12-49-010. Purpose.
12-49-020. Scope.
12-49-030. Permitted and Conditional Uses.
12-49-040. General Requirements of Applicability.
12-49-050. Property Classification.
12-49-060. Property Owner Obligation.
12-49-070. Procedures.
12-49-080. Property Development Standards.
12-49-090. Incentive Criteria.
12-49-100. Incentives.

12-49-010. Purpose.

The purpose of creating the Deuel Creek Historic District, voluntary overlay, is to preserve the integrity and characteristics of the original townsite, while educating the community concerning Centerville's past.

12-49-020. Scope.

The Deuel Creek Historic District shall consist of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.

12-49-030. Permitted and Conditional Uses.

All permitted and conditional uses as allowed within the respective underlying zones stated within Chapter 12-36 of this Title shall still apply to all real property within the Deuel Creek Historic District.

12-49-040. General Requirements of Applicability.

Development standards as pertaining to the individual underlying zone as stated within this Title, the Centerville City Code, or other laws and standards as set forth by the governing body, shall apply to all real property found within the Deuel Creek Historic District except to the extent such provisions are altered within this Chapter.

12-49-050. Property Classification.

(a) Historic Landmark Register. Highest recognition of an historic resource found within the Deuel Creek Historic Districts. Properties listed on the Official Historic Landmark Register shall be found on the National Register of Historic Places and are subject to the standards found in Section 12-61-050 of this Title in relation to additions, alterations and demolition criteria.

(b) Contributing Property. Any structure constructed 50 years in the past found within the Deuel Creek Historic District that contributes to the historic character of the district. This shall include all properties listed on the significant Historic Sites List as defined in Section 12-61-040 of this Title.

(c) Non-Contributing Property. This shall include all properties that do not contribute to the historic character of the district: structures older than 50 years that have been significantly altered as to not resemble the original appearance, new development constructed less than 50 years in the past and future development on vacant ground.

12-49-060. Property Owner Obligation.

The Historic Preservation Program within Centerville is considered voluntary. Nothing in this section shall be construed to prevent a property owner of record within the Deuel Creek Historic District from developing his or her property as allowed by the underlying Ordinances found in this Title. Properties as listed on the Historic Landmark Register shall be subject to Section 12-61-100 of this Title in relation to modifications and alterations, which shall be satisfied to participate in the incentives found in 12-49-100.

12-49-070. Procedures.

The Zoning Administrator, or designee, shall contact the applicant to ensure they are aware of the Deuel Creek Historic District Standards and Incentives as part of the review process for an exterior building permit.

12-49-080. Property Development Standards

These standards have been created to enhance the district area and generate continuity between contributing properties, non-contributing properties and new development. The standards are desirable, yet they are not mandatory. Property owners who do not wish to follow these guidelines shall not receive any incentives as stated within Section 12-49-100, and shall be subject to all applicable Zoning Standards, fees and governing laws found within this Title for standard development.

(a) Contributing Properties:

(1) Owner of a property considered Contributing as stated in Section 12-49-050, desiring to participate in the Incentive Program shall be subject to the approval standards found in Section 12-61-100(e) of this Title and may also participate within the incentive program as stated herein.

(2) This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

(b) Non-Contributing Properties and/or New Development:

(1) Owner of a property considered Non-Contributing as stated in Section 12-49-050, desiring to participate in the Incentive Program shall choose at least four of the following:

Design Standards:

- Façade material consisting of 80% of one of the following: brick, rock, wood, cement fiberboard. The remaining 20% shall consist of like material that is consistent with contributing properties
- Detached Garage *or*
- Garage setback from the front facing building line of the main structure at 18 feet
- Construction of a two-car garage, instead of 3-car garage or larger
- Front porch of at least 25 square feet
- Gable accents consistent with those found within the district

- A driveway curb cut no larger than 18 feet and driveway at its widest point at 20 feet
- Traditional exterior details (such as pillars, shutters, ornamental designs, etc.)
- Bay window
- Dormer windows
- Historic paint colors
- Other architectural features as found throughout the district (this criteria must include a photograph of the inspirational feature)

(2) This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

12-49-090. Incentive Criteria.

These incentives shall apply to all property owners of record that have met the above Property Development Standards for those properties designated under Property Classification as found within Section 12-49-050. Property owners who choose not to participate in the development standards shall not receive these incentives and shall be subject to all required Zoning Regulations and Standards as set forth in this Title and all other applicable standards and fees as set forth by the City.

(a) All Incentives are for exterior projects only, such as:

(1) New development

(2) Alterations/additions

(3) General exterior repairs or rehabilitation that requires a building permit

(b) All incentives shall be reviewed and approved by the Zoning Administrator.

(c) A certificate shall be given to the property owner stating that the property has been allowed incentives based on the approved standards as stated in Section 12-49-080 and be placed with the building permit.

(d) These incentives shall only be for those properties found within the Deuel Creek Historic District as specified in Section 12-49-020.

(e) These incentives shall only apply to properties within the Deuel Creek District from the date this section was approved by the City Council and shall not be retroactive.

(f) No incentives shall be given to property owners that have not completed all the required obligations as stated within this Section.

12-49-100. Incentives.

(a) Setback reduction. Setback shall be measured from the building line and a property or designated right-of-way line. Actual setback shall be determined by the property owner prior to approval of any setback reductions. Setback standards in relation to decks and patios shall still apply and follow standards found in Section 12-55-130(g) of this Title, except for approved front porches as indicated in this section.

(1) Front Yard Setback: 20 Feet

(2) Front Yard Setback from Porch: 15 Feet

(3) Side Yard Setback (each side yard): 7 Feet

(4) Street Side Setback: 18 Feet

(5) Rear Yard Setback: 18 Feet

(b) Building Permit Review Fee Reduction. All applicants who meet the above criteria found in this Section shall be allowed a 25% reduction on the building permit review fees. This reduction shall only be allowed within the Deuel Creek Historic District for the purpose of encouragement of promoting the preservation of existing contributing properties and encouraging harmony between new and historic architectural and property designs.

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
11/18/2015

Item No. 2.

Short Title: Public Hearing - Zoning Code Text Amendment, Section 12-61-062-Deuel Creek Historic District

Initiated By: Centerville City, Applicant

Scheduled Time: 7:30

SUBJECT

Consider proposed Zoning Code Text Amendment for Section 12-61-062-Deuel Creek Historic District; which purpose is to help promote preservation of the original town site

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- 11-18-2015 PC Staff Report Zoning Code Text Amendment Deuel Creek Historic District

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT
AGENDA: ITEM 2

APPLICANT: CENTERVILLE CITY LANDMARKS COMMISSION

APPLICATION: ZONING CODE TEXT AMENDMENT TO CREATE THE DEUEL CREEK HISTORIC DISTRICT

RECOMMENDATION: ACCEPT THE ZONE TEXT AMENDMENT AND RECOMMEND APPROVAL TO THE CITY COUNCIL

BACKGROUND

Reconnaissance Level Survey
In the summer of 2011, Korral Broschinsky, Historic Preservation Consultant, completed a reconnaissance level survey, which evaluated the historic fabric of the community. As part of her recommendation, she suggested Centerville City create an historic district in the central region of the City. A map created by Mrs. Broschinsky indicates a large concentration of homes 50 years and older within the area East of Main Street from Parrish Lane to Porter Lane.

Selecting a Location
The Landmarks Commission reviewed the recommendation of Mrs. Broschinsky and conducted a site visit through the central core of the City. After finding the area rich in history, they concluded the creation of a historic district would be an appropriate way to celebrate the history of the original town site. The Commission visited the subject at several meetings to address the geographic boundaries, by looking at the specific concentration of historic homes and an area that would be convenient for walking. The area chosen was the east side of Main Street from Parrish Lane to Porter Lane, the south side of Parrish Lane from Main Street to 400 East, the west side of 400 East from Parrish Lane to Porter Lane and both sides of Porter Lane from 400 East to Main Street. The name of the district was chosen as the Deuel Creek Historic District, which is reminiscent of the first settlement along the Deuel Creek.

Type of District Chosen
There are many types of historic districts ranging from national to local and from restrictive to celebratory. A nationally registered district offers tax incentives to those structures that are found eligible and that follow the Secretary of the Interiors Standards for Rehabilitation. A property owner is still allowed the right to choose what they believe is best for their property. Often a

local jurisdiction will then place additional guidelines and restrictions on the district in order to have more control over design and development.

The Landmarks Commission believed the public might have a misconception of a National District and be concerned that federal regulations could be implemented. Therefore, they believed a local district would be more fitting for the community. The proposed district would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community.

Additional Research

After the proposed area was chosen and the type of district selected, the Landmarks Commission wanted to find similarities and differences among the physical characteristics of the built environment. In the summer of 2014, the Community Development Department had Alex Shirley, an intern with the University of Utah, create a report documenting similarities within the district. Alex addressed architectural features, setback, height, detached garages and more. This information helped the Commission establish a consistent pattern among the properties and to address possible design standards.

Public Comment

The Landmarks Commission held three separate meetings to receive input from those living within the proposed district area. The first meeting was an introduction to the idea of a district, and to hear specific concerns from the neighborhood. At the second meeting, the citizens and the Commission worked together to create a vision of what would fit the needs of the community. The final meeting was conducted to display the proposed Ordinance amendments for the implementation of the district.

The Landmarks Commission has worked diligently to come up with a proposal that will help the City to celebrate the historic core of the community, while at the same time addressing the needs of the citizens living within the district boundaries. The document presented to the citizens focused on the following:

- The district is being created to celebrate the historic fabric of Centerville and to help educate the public on the importance of preservation
- The Deuel Creek Historic District will be designated as a local district only
- Incentives are only given to those who comply with the voluntary guidelines
- The Ordinance was drafted in response to public comment and the comments of the Landmarks Commission
- Development guidelines were based on research that compared the built environment within the proposed district area

Creating a new Ordinance is the first step in implementing the new district. After the Ordinance has been approved, the Landmarks Commission will propose a change to the zoning map to create an overlay district. This overlay zone will not affect the underlying zoning and will allow a property owner to utilize their property as they see fit. However, in order for the program to work, worthwhile incentives have been proposed. These incentives would allow for reduced

setbacks and a reduction in the building permit fee of 25%. The Landmarks Commission is hopeful that by creating the district, it will encourage future preservation projects within the neighborhood such as:

- Kiosk located near the church well site sharing the history of the community and spotlighting people and buildings within the Deuel Creek District
- Neighborhood members come up with a slogan and logo
- District neighborhood activities

ZONE TEXT AMENDMENT, SECTION 12-21-080

With the introduction to the historic district, an addition to the Zoning Ordinance is proposed. This section was created in response to the desires of the Landmarks Commission and the concerns of the citizens who attended the work sessions. Originally, the Landmarks Commission believed the additions would fit within Section 12-61, Historic Buildings and Sites. However, the City Attorney, Lisa Romney, suggested that since it is considered an overlay district, it should be placed in its own section. The Planning Commission may discuss this alternative and create a new Section found in Article 4, of the Zoning Ordinance under Special Purpose and Overlay Zones. The possible new section may be called out as Section 12-49, if the Commission so desires. The following reference wouldl then be placed in Section 12-61-060(g):

> (g) **Deuel Creek Historic District.** The City hereby creates the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street. Refer to Section 12-49, Deuel Creek Historic District, for further standards and detail.

The following proposed Ordinance is drafted as an example of the new Chapter 12-49 however, if the Commission believes it should remain in Chapter 12-61, the numbering may be altered to reflect this change.

PROPOSED ORDINANCE

12-49 - Deuel Creek Historic District

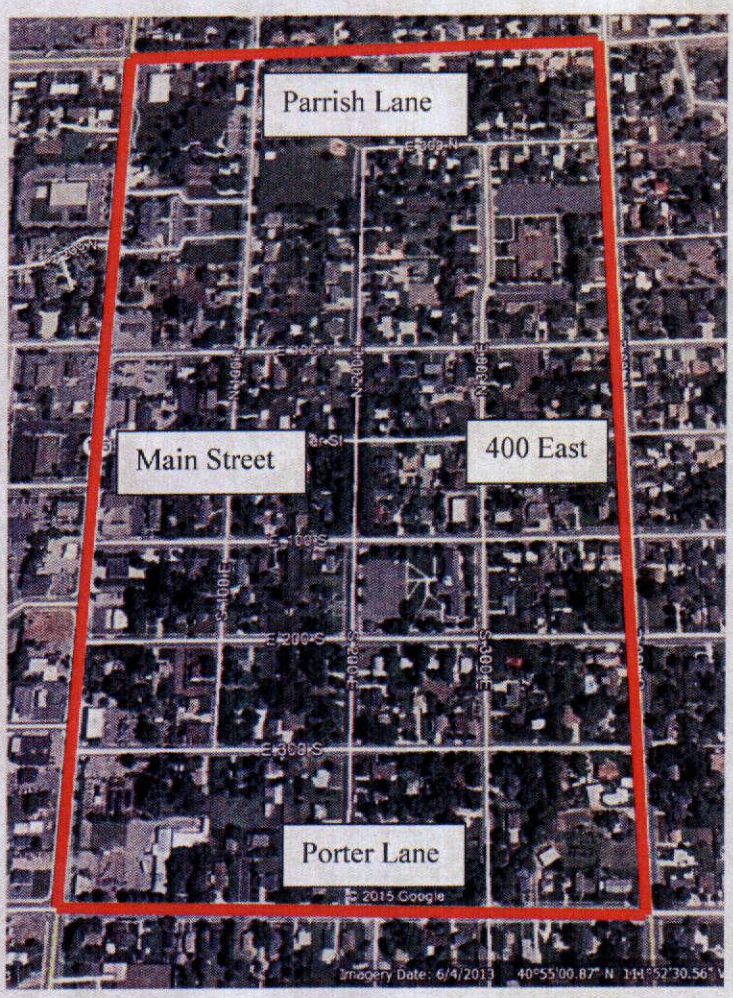
12-49-010. Purpose.

The purpose of creating the Deuel Creek Historic District, voluntary overlay, is to preserve the integrity and characteristics of the original town site, while educating the community concerning Centerville's past.

12-49-020. Scope.

The Deuel Creek Historic District shall consist of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East,

west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.



12-49-030. Permitted and Conditional Uses.

All permitted and conditional uses as allowed within the respective underlying zones stated within Chapter 12-36 of this Title shall still apply within the Deuel Creek Historic District.

12-49-040. General Requirements of Applicabilty.

Development standards as pertaining to the individual underlying zone as stated within this Title, the Centerville City Code, or other laws and standards as set forth by the governing body, shall apply to all real property found within the Deuel Creek Historic District Except to the extent such provisions are altered within this Chapter.

12-49-050. Property Classification.

1) Historic Landmark Register. Highest recognition of an historic resource found within the Deuel Creek Historic Districts. Properties listed on the Official Historic Landmark Register shall be found on the National Register of Historic Places and are subject to the standards found in Section 12-61-050 of this Chapter in relation to additions, alterations and demolition criteria.

2) Contributing Property. Any structure constructed 50 years in the past found within the Deuel Creek Historic District that contributes to the historic character of the district. This shall include all properties listed on the significant Historic Sites List as defined in Section 12-61-040 of this Chapter.

3) Non-Contributing Property. This shall include all properties that do not contribute to the historic character of the district: structures older than 50 years that have been significantly altered as to not resemble the original appearance, new development constructed less than 50 years in the past and future development on vacant ground.

12-49-060. Property Owner Obligation.

The Historic Preservation Program within Centerville is considered voluntary. Nothing in this section shall be construed to prevent a property owner of record within the Deuel Creek Historic District from developing his or her property as allowed by the underlying Ordinances found in this Title. Properties as listed on the Historic Landmark Register shall be subject to Section 12-61-100 of this Title in relation to modifications and alterations.

12-49-070. Procedures.

(a) Building Permit. All properties located within the Deuel Creek Historic District shall be notified concerning the standards for construction within the Deuel Creek Historic District as stated with the Building Permit.

(b) Review. The Zoning Administrator, or designee, shall contact the applicant to ensure they are aware of the Deuel Creek Historic District Standards and Incentives as part of the review process for an exterior building permit.

12-49-080. Property Development Standards

These standards have been created to enhance the district area and generate continuity between contributing properties, non-contributing properties and new development. The standards are desirable, yet they are not mandatory. Property owners who do not wish to follow these guidelines shall not receive any incentives as stated within Section 12-61-

062(i) of this Title, and shall be subject to all applicable Zoning Standards, fees and governing laws found within this Title for standard development.

(a) Contributing Properties:

A. Owner of a property considered Contributing as stated in Section 12-61-062 (e)(2) of this Title, desiring to participate in the Incentive Program shall be subject to the approval standards found in Section 12-61-100(e) of this Title and may also participate within the incentive program as stated herein.

B. This review shall take place at the time of building permit review with final incentive approval being made by the Zoning Administrator.

(b) Non-Contributing Properties and/or New Development:

1) Owner of a property considered Non-Contributing as stated in Section 12-61-062(e)(3) of this Title, desiring to participate in the Incentive Program shall choose at least four of the following:

i. Design Standards:

- Façade material consisting of 80% of one of the following: brick, rock, wood, cement fiberboard. The remaining 20% shall consist of like material that is consistent with contributing properties
- Detached Garage *or*
- Garage setback from the front facing building line of the main structure at 18 feet
- Construction of a two-car garage, instead of 3-car garage or larger
- Front porch of at least 25 square feet
- Gable accents consistent with those found within the district
- A driveway curb cut no larger than 18 feet and driveway at its widest point at 20 feet
- Traditional exterior details (such as pillars, shutters, ornamental designs, etc.)
- Bay window
- Dormer windows
- Historic paint colors
- Other architectural features as found throughout the district (this criteria must include a photograph of the inspirational feature)

12-49-090. Incentive Criteria.

Incentive Criteria. These incentives shall apply to all property owners of record that have met the above Property Development Standards for those properties designated under Property Classification as found within Section 12-61-062(e) of this Title. Property owners who choose not to participate in the development standards shall not receive these incentives and shall be subject to all required Zoning Regulations and Standards as set forth in this Title and all other applicable standards and fees as set forth by the City.

(a) All Incentives are for exterior projects only, such as:
   1) New development
   2) Alterations/additions
   3) General exterior repairs or rehabilitation that requires a building permit

(b) All incentives shall be reviewed and approved by the Zoning Administrator

(c) A certificate shall be given to the property owner stating that the property has been allowed incentives based on the approved standards as stated in Section 12-61-062(h) of this Title and be placed with the building permit

(d) These incentives shall only be for those properties found within the Deuel Creek Historic District as specified in Section 12-61-062(b) of this Title

(e) These incentives shall only apply to properties within the Deuel Creek District from the date this section was approved by the City Council and shall not be retroactive

(f) No incentives shall be given to property owners that have not completed all the required obligations as stated within this Section

12-49-100. Incentives.

(a) Setback reduction. Setback shall be measured from the building line and a property or designated right-of-way line. Actual setback shall be determined by the property owner prior to approval of any setback reductions. Setback standards in relation to decks and patios shall still apply and follow standards found in Section 12-55-130(g) of this Title, except for approved front porches as indicated in this section.

   1) Front Yard Setback: 20 Feet
   2) Front Yard Setback from Porch: 15 Feet
   3) Side Yard Setback (each side yard): 7 Feet
   4) Street Side Setback: 18Feet
   5) Rear Yard Setback: 18 Feet

(b) Building Fee Reduction. All applicants who meet the above criteria found in this section shall be allowed up to a 25% reduction on the total cost of the building

permit. This reduction shall only be allowed within the Deuel Creek Historic District for the purpose of encouragement of promoting the preservation of existing contributing properties and encouraging harmony between new and historic architectural and property designs.

REVIEW AND ANALYSIS OF THE REQUEST

Factors to be considered, Section 12-21-080(e)

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

   - **Staff Response:** As mentioned previously, Section 12-480-8(3), encourages the creation of historic districts. The objectives state this process is to be completed with input from property owners in order to create guiding principles of what the community desires. The Landmarks Commission has used this input and the goals and objectives found in the general plan to create an Ordinance for the district.

2. **Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**

   - **Staff Response:** The citizens who participated believed that each property owner should have a choice and not be obligated to follow strict regulations for each home. Yet, they were also concerned that historic homes could be demolished. Finally, they believed that instead of restrictions, incentives might be more beneficial.

     The document clearly indicates the program is voluntary and that all uses currently allowed by Ordinance would still apply. If a property owner wishes to participate, a list of requirements have been created along with incentives. The requirements are derived from a study Alex Shirley conducted while an intern for the Community Development Department. Alex looked at architectural similarities throughout the proposed district area. The similarities were then gathered in a document that was used by staff and the Landmarks Commission to create the voluntary design standards. These standards reflect the overall characteristics of the area and ensure this harmony may be continued.

3. **What is the extent to which the proposed amendment may adversely affect adjacent property?**

   - ***Staff's Response***: The Landmarks Commission desires to create the Deuel Creek Historic District and the related Ordinance to reduce adverse effects. Historic properties within Centerville may be considered fragile and in need of protection. If no program of preservation is in place, the historic fabric of the original Centerville town site could be lost. Yet, by encouraging citizens to help preserve

the area, education concerning the history of Centerville may become more important.

4. **What is the adequacy of facilities and services intended to serve the subject property?**

   - ***Staff Response***: The area is located within an already developed neighborhood with adequate facilities and services. Any future development would be reviewed by City staff to ensure that proper public utilities have been set forth and other zoning concerns have been satisfied.

CONCLUSION

The Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that would be considered positive for historic preservation. In addition, it appears the proposal is also in harmony with all applicable goals and objectives found within the General Plan.

PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the Zoning Code Text Amendment for Section 12-61-062 and the creation of Section 12-49, Deuel Creek Historic District, as depicted within the Staff Report dated November 18, 2015 and to recommend approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed zoning text amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives.
5. The Landmarks Commission believes the proposed district and subsequent created documents will be beneficial to the neighborhood.

Conditions:

1. All fees shall be paid; including all related development fees.
2. The applicant shall submit a final site plan application meeting the standards found in Section 12-21-110(e) of the Ordinance.
3. A final site plan shall be approved prior to the issuance of a building permit
4. All utilities shall be indicated on the final site plan.
5. Building sketches shall be provided as part of the final site plan application identifying the total building height.
6. The closest fire hydrant shall be indicated on the final plan.
7. The following engineering concerns shall be addressed and reviewed by the City Engineer:
   - A 4-foot park-strip shall be indicated with a 1-foot sidewalk easement
   - The existing drive approach shall be removed.
   - If a new bridge is created approval by Davis County shall be obtained
   - A fixture count must be completed to determine the size of the culinary water line
   - The existence of a basement shall be determined
   - A bond shall be posted for all public improvements
8. Applicant shall prepare and submit legal descriptions for the perimeter public utility easements and sidewalk easement to be submitted to the City with final site plan application with a copy sent to the City Engineer and City Attorney for preparation of required easements for the property.

Reasons for the Action:

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

The motion was seconded by Commissioner Johnson and passed by unanimous vote (5-0).

PUBLIC HEARING | CODE TEXT AMENDMENT, SECTION 12-61-062 – DEUEL CREEK HISTORIC DISTRICT - Consider proposed Zoning Code Text Amendment for Section 12-61-062–Deuel Creek Historic District; which purpose is to help promote preservation of the original town site. Centerville City, Applicant

Cory Snyder, Community Development Director, reported the Landmark Commission has been working on this proposed amendment for some time. He explained the Landmark

Commission's primary duty is to preserve the built environment. They do this by promoting and nominating historic structures for local and national registrations and by providing incentives for preservation. The proposed amendment recognizes a local neighborhood to be celebrated by Centerville and provides incentives if those structures are preserved. The proposed amendments are for a local district only and is strictly volunteer.

Brandon Toponce, Assistant Planner, reviewed the process the Landmark Commission went through in order to create the proposed historical district overlay zone, including work by a consultant and intern and work done by the Landmark Commission. He reviewed the proposed boundary for the Deuel Creek Historic District Overlay Zone. This area has a large concentration of homes 50 years and older and is rich in history. In addition, the Landmark Commission felt it was important to keep the District walkable; this is why the area does not extend across Main Street. He explained the Landmark Commission held three public hearings to receive input and suggestions from the public.

Mr. Toponce reviewed the details of the proposed text amendment to establish the Deuel Creek Historic District Overlay. The proposed amendments are for a local celebratory district and is completely voluntary. The proposed district would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community. Mr. Toponce reviewed the proposed property classifications, the proposed development standards, the proposed review and building permit process, and the incentives program. He also explained that the reference numbers throughout the proposed document will be corrected as needed.

Mr. Toponce said the Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that will be considered positive for historic preservation. In addition, it appears the proposal is in harmony with all applicable goals and objectives found within the General Plan.

Commissioner Merrill asked how much participation came from residents during the public meetings. He also asked if there are any additional monetary incentives for historic preservation, i.e., tax reduction or grant possibilities. Mr. Toponce said the public meetings got a fair turnout of residents who were willing to share ideas and provide support. In addition, a letter was sent to every resident within the proposed boundary informing them of the proposed amendment. Mr. Toponce explained that some tax incentive or grant options may be provided if a home owner chooses to register on the national level and follow national guidelines. The proposed amendments are local to Centerville and do not include tax or grant incentives.

Commissioner Hayman said the incentive for a reduction in building permit fee says "up to" a 25% reduction. She questioned if there is a scale? She said she is inclined to remove the

words "up to" and provide a flat 25% reduction. Staff and the Commission agreed a flat rate reduction is best thus eliminating a need for interpretation.

Chair Hirschi questioned if the proposed amendment run with the land requiring a future property owner to keep the integrity of the historic property. He said a property owner could get a significant break on building permit fees and then turn around and sale the property for a greater profit. Mr. Snyder said a time frame could be added requiring a property owner to reside for a specific amount of time before the incentive payout is allowed.

Lisa Romney said a clarification needs to be made that the 25% reduction is off the building permit fee only and not off all building fees. She also suggested the Procedures statements [Section 12-49-070 (a) and (b)] be combined for clarity. Mr. Snyder clarified the 25% reduction is for the building permit review fee only and does not include any reduction from applicable impact fees.

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

Commissioner Merrill made a **motion** for the Planning Commission to accept the Zoning Code Text Amendment for Section 12-61-062 and the creation of Section 12-49, Deuel Creek Historic District, as depicted within the Staff Report dated November 18, 2015 and with changes as discussed this evening and to recommend approval to the City Council.

Reasons for the Action:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed zoning text amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives.
5. The Landmarks Commission believes the proposed district and subsequent created documents will be beneficial to the neighborhood.

The motion was seconded by Commissioner Hirst and passed by unanimous roll-call vote (5-0).

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

APPLICANT: **CENTERVILLE CITY LANDMARKS COMMISSION**

APPLICATION: **ZONING MAP AMENDMENT TO CREATE THE DEUEL CREEK HISTORIC DISTRICT OVERLAY ZONE**

RECOMMENDATION: **APPROVE THE ZONING MAP AMENDMENT**

BACKGROUND

On December 9, 2015, the Planning Commission reviewed the Zoning Map Amendment for the creation of the Deuel Creek Historic District Overlay Zone. The geographic location of the proposed district was selected for the high concentration of historic homes and the walkability of the neighborhood. The proposed district would only be recognized by Centerville and not subject to any state or national guidelines. The Landmarks Commission has created guidelines and incentives, however, the program is voluntary and property owners may choose to participate if they so wish. The Landmarks Commission now desires to implement the overlay zone to establish the Deuel Creek Historic District officially. This overlay zone will not affect the underlying zoning and will allow a property owner to utilize their property as allowed by current zoning ordinance standards.

ZONING MAP AMENDMENT REVIEW 12-21-080(e)

This proposed amendment is consistent with the goals and objectives of the General Plan as found in 12-480-8(3). This Section encourages the Landmarks Commission to pursue the creation of historic districts along with pursuing any required amendments to the Centerville City Zoning Map, to implement such a designation. The overlay zone will not have a negative impact on the surrounding community and will in fact help the neighborhood to be more harmonious. The Landmarks Commission desires to create the Deuel Creek Historic District to reduce adverse effects. Historic properties within Centerville may be considered fragile and in need of protection. By educating the public through a historic district it may encourage citizens to help preserve the area. The Landmarks Commission is hopeful that by creating the district, it will promote future preservation projects within the neighborhood such as:

- Kiosk located near the church well site sharing the history of the community and spotlighting people and buildings within the Deuel Creek District
- Neighborhood members come up with a slogan and logo
- District neighborhood activities

PLANNING COMMISSION REVIEW AND RECOMMENDATION

On Wednesday December 9, 2015, the Planning Commission accepted the proposed Deuel Creek Historic District Overlay Zoning Map Amendment and recommended approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.
5. The Landmarks Commission believes the proposed overlay zone and related proposed Ordinance will be beneficial to the neighborhood.

Planning Commission Vote (6-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		
Merrill	X		
Hayman	X		
Ince	X		

PROPOSED ZONING MAP AMENDMENT

DEUEL CREEK HISTORIC DISTRICT OVERLAY ZONE

The Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street. Refer to Section 12-49, Deuel Creek Historic District, for further standards and detail.

Parrish Lane
(South Side)
E 300 N
E 200 N
E 100 N
N 100 E
N 200 E
N 300 E
Main Street
(East Side)
E Center St
400 East
(West Side)
E 100 S
S 100 E
E 200 S
S 200 E
S 300 E
E 300 S
Porter Lane
(North and South Sides)
Imagery Date: 6/4/2013 40°55'00.87" N 111°52'30.56"

ORDINANCE NO. 2015-31

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP TO REZONE CERTAIN REAL PROPERTY DESCRIBED HEREIN TO INCLUDE THE DEUEL CREEK HISTORIC DISTRICT OVERLAY DESIGNATION

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

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan, the City Council desires to amend the Centerville City Zoning Map to rezone certain described properties within the Deuel Creek Historic District to include the Deuel Creek Historic District Overlay designation as more particularly provided herein; and

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

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

Section 1. **Zone Map Amendment.** All real property located within the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North), and the south facing side of Parrish Lane (400 North) from 400 East to Main Street, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned to include the Deuel Creek Historic District Overlay designation and the Centerville City Zoning Map is correspondingly amended as described herein.

Section 2. **Findings**. The rezone of the subject property to the Deuel Creek Historic District Overlay and corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The proposed Zoning Map amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.

5. The City Council, Planning Commission, and Landmarks Commission believe the proposed overlay zone and related proposed Zoning Map amendment will be beneficial to the neighborhood.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF DECEMBER, 2015.

ATTEST: **CENTERVILLE CITY**

_____ By: _____

Marsha L. Morrow, City Recorder Mayor Paul A Cutler

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____ DATE: _____

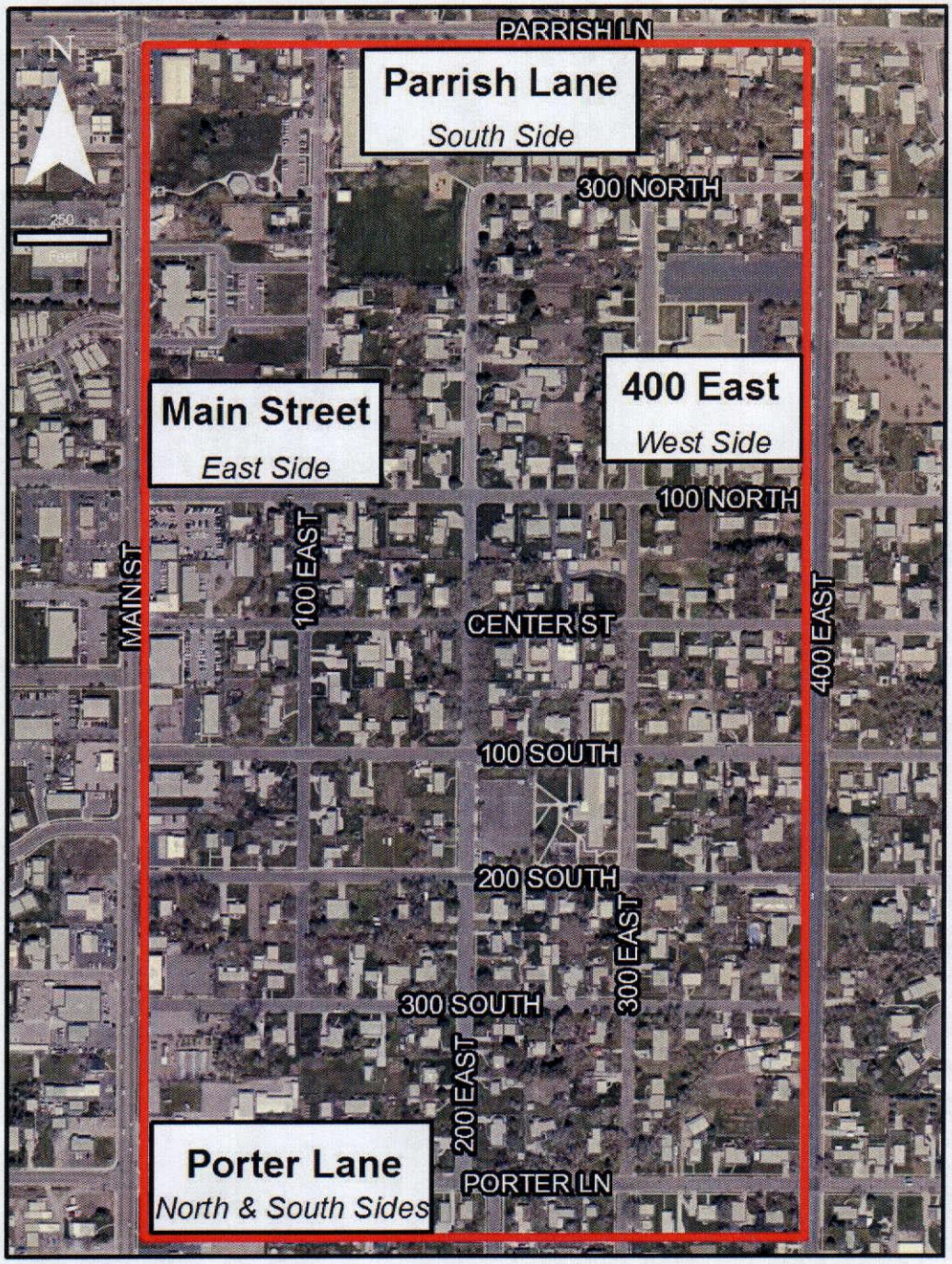
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20___.

EXHIBIT A

Deuel Creek Historic District Rezone Boundaries



CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT
AGENDA: ITEM 3

APPLICANT: **CENTERVILLE CITY LANDMARKS COMMISSION**

APPLICATION: **ZONE MAP AMENDMENT TO CREATE THE DEUEL CREEK HISTORIC DISTRICT OVERLAY ZONE**

RECOMMENDATION: **ACCEPT THE ZONE MAP AMENDMENT AND RECOMMEND APPROVAL TO THE CITY COUNCIL**

BACKGROUND

On November 18, 2015, the Planning Commission reviewed the Code Text Amendment for the creation of the Deuel Creek Historic District. At that time, staff stated the Landmarks Commission had been working on the district since 2011, after a preservation consultant suggested the original town site would be ideal for recognition. After much discussion, and site visits, the Landmarks Commission selected the location in between Main Street and 400 East, and in between Parrish Lane and Porter Lane. This location has the highest concentration of historic homes, and in order to see the architectural similarities, an intern was hired to document the designs. The Landmarks Commission believed a voluntary local district would be more fitting for the community. The proposed district would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community.

Three public meetings were held to receive input and concerns from the neighborhood. These concerns and ideas were then used to create an Ordinance completely based on a voluntary program with incentives, such as: setback standards and building permit reductions. The proposed Ordinance was then reviewed and accepted by the Planning Commission at the November 18, 2015 Planning Commission Meeting. The City Council also reviewed the document at their December 1, 2015 meeting and were positive and supportive of the district. They will be holding a public hearing to discuss the district further at the December 15, 2015 City Council Meeting.

Yet, as was mentioned at the last meeting with the Planning Commission, creating a new Ordinance is the first step in implementing the new district. The Landmarks Commission now desires to implement an overlay zone for the area. This will establish the district officially and allow citizens within the area to take advantage of the proposed incentives. This overlay zone

will not affect the underlying zoning and will allow a property owner to utilize their property as they see fit.

ZONE MAP AMENDMENT, SECTION 12-21-080

With the introduction to the historic district, a change will need to take place on the official zoning map of Centerville, known as an overlay zone. This overlay zone allows property owners to continue with all uses they are currently allowed, yet adds additional standards and allowances for their specific neighborhood. In this case, the overlay zone would be the creation of the Deuel Creek Historic District with the guidelines being voluntary. If the property owners living within this area choose to participate, they would also receive incentives. These incentives, however, would not be illegible for those who do not wish to participate within the preservation program follow.

AREA TO BE CONSIDERED

The City hereby creates an overlay zone for the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.

(See map on page 3)

Parrish Lane
South Side Only
E 300 N
W 200 N
E 100 N
N 100 E
N 200 E
N 300 E
Main Street
East Side only
E Center St
400 East
West Side Only
E 100 S
S 100 E
E 200 S
S 200 E
S 300 E
E 300 S
Porter Lane
North and South
Imagery Date: 6/4/2013 40°55'00.87" N 111°52'30.56"

REVIEW AND ANALYSIS OF THE REQUEST

Factors to be considered, Section 12-21-080(e)

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

   - **Staff Response:** Section 12-480-8(3) of the General Plan, encourages the creation of historic districts. The objectives state this process is to be completed with input from property owners in order to create guiding principles of what the community desires. Finally, the objectives also encourage the updating of the zoning map to establish historic districts.

     Staff believes the proposed map amendment by the Landmarks Commission is consistent with the goals and objectives of the General Plan.

2. **Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**

   - **Staff Response:** As indicated in the proposed zoning amendment, the program is voluntary and that all uses currently allowed by Ordinance would still apply. If a property owner wishes to participate, a list of requirements and standards have been created along with incentives. These standards reflect the overall characteristics of the area and ensure the harmony of the area may be continued.

3. **What is the extent to which the proposed amendment may adversely affect adjacent property?**

   - ***Staff's Response***: The Landmarks Commission desires to create the Deuel Creek Historic District to reduce adverse effects. Historic properties within Centerville may be considered fragile and in need of protection. If no program of preservation is in place, the historic fabric of the original Centerville town site could be lost. Yet, by encouraging citizens to help preserve the area, education concerning the history of Centerville may become more important.

4. **What is the adequacy of facilities and services intended to serve the subject property?**

   - ***Staff Response***: The area is located within an already developed neighborhood with adequate facilities and services. Any future development would be reviewed by City staff to ensure that proper public utilities have been set forth and other zoning concerns have been satisfied.

CONCLUSION

The Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that would be considered positive for historic preservation. In addition, it

appears the proposal is also in harmony with all applicable goals and objectives found within the General Plan. The Landmarks Commission is hopeful that by creating the district, it will encourage future preservation projects within the neighborhood such as:

- Kiosk located near the church well site sharing the history of the community and spotlighting people and buildings within the Deuel Creek District
- Neighborhood members come up with a slogan and logo
- District neighborhood activities

PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the Zone Map Amendment to create an overlay zone for the Deuel Creek Historic District as depicted within the Staff Report dated December 9, 2015, and to recommend approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.
5. The Landmarks Commission believes the proposed overlay zone and related proposed Ordinance will be beneficial to the neighborhood.

CENTERVILLE
PLANNING COMMISSION
Staff Backup Report
12/9/2015

Item No. 5.

Short Title: Public Hearing - Zone Map Amendment for the Deuel Creek Historic District

Initiated By: Centerville City, Applicant

Scheduled Time: 7:55

SUBJECT

Consider proposed Zone Map Amendment for the new Deuel Creek Historic District (Chapter 12-49). The proposed district consists of a specific geographic boundary reflecting the old town site area

RECOMMENDATION

Refer to Staff Report

BACKGROUND

Refer to Staff Report

ATTACHMENTS:

Description

- 12-09-2015 PC Staff Report Deuel Creek Historic District

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT
AGENDA: ITEM 3

APPLICANT: CENTERVILLE CITY LANDMARKS COMMISSION

APPLICATION: ZONE MAP AMENDMENT TO CREATE THE DEUEL CREEK HISTORIC DISTRICT OVERLAY ZONE

RECOMMENDATION: ACCEPT THE ZONE MAP AMENDMENT AND RECOMMEND APPROVAL TO THE CITY COUNCIL

BACKGROUND

On November 18, 2015, the Planning Commission reviewed the Code Text Amendment for the creation of the Deuel Creek Historic District. At that time, staff stated the Landmarks Commission had been working on the district since 2011, after a preservation consultant suggested the original town site would be ideal for recognition. After much discussion, and site visits, the Landmarks Commission selected the location in between Main Street and 400 East, and in between Parrish Lane and Porter Lane. This location has the highest concentration of historic homes, and in order to see the architectural similarities, an intern was hired to document the designs. The Landmarks Commission believed a voluntary local district would be more fitting for the community. The proposed district would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community.

Three public meetings were held to receive input and concerns from the neighborhood. These concerns and ideas were then used to create an Ordinance completely based on a voluntary program with incentives, such as: setback standards and building permit reductions. The proposed Ordinance was then reviewed and accepted by the Planning Commission at the November 18, 2015 Planning Commission Meeting. The City Council also reviewed the document at their December 1, 2015 meeting and were positive and supportive of the district. They will be holding a public hearing to discuss the district further at the December 15, 2015 City Council Meeting.

Yet, as was mentioned at the last meeting with the Planning Commission, creating a new Ordinance is the first step in implementing the new district. The Landmarks Commission now desires to implement an overlay zone for the area. This will establish the district officially and allow citizens within the area to take advantage of the proposed incentives. This overlay zone

will not affect the underlying zoning and will allow a property owner to utilize their property as they see fit.

ZONE MAP AMENDMENT, SECTION 12-21-080

With the introduction to the historic district, a change will need to take place on the official zoning map of Centerville, known as an overlay zone. This overlay zone allows property owners to continue with all uses they are currently allowed, yet adds additional standards and allowances for their specific neighborhood. In this case, the overlay zone would be the creation of the Deuel Creek Historic District with the guidelines being voluntary. If the property owners living within this area choose to participate, they would also receive incentives. These incentives, however, would not be illegible for those who do not wish to participate within the preservation program follow.

AREA TO BE CONSIDERED

The City hereby creates an overlay zone for the Deuel Creek Historic District consisting of the geographic area bounded by the east facing side of Main Street from Parrish Lane (400 North) to Porter Lane (400 South), north and south facing sides of Porter Lane (400 South) from Main Street to 400 East, west facing side of 400 East from Porter Lane (400 South) to Parrish Lane (400 North) and the south facing side of Parrish Lane (400 North) from 400 East to Main Street.

(See map on page 3)

Parrish Lane
South Side Only
E 300 N
E 100 N
N 100 E
N 200 E
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Main Street
East Side only
E Center St
400 East
West Side Only
E 100 S
S 100 E
E 200 S
S 200 E
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Porter Lane
North and South
Imagery Date: 6/4/2013 40°55'00.87" N 111°52'30.56"

REVIEW AND ANALYSIS OF THE REQUEST

Factors to be considered, Section 12-21-080(e)

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

   - **Staff Response:** Section 12-480-8(3) of the General Plan, encourages the creation of historic districts. The objectives state this process is to be completed with input from property owners in order to create guiding principles of what the community desires. Finally, the objectives also encourage the updating of the zoning map to establish historic districts.

     Staff believes the proposed map amendment by the Landmarks Commission is consistent with the goals and objectives of the General Plan.

2. **Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**

   - **Staff Response:** As indicated in the proposed zoning amendment, the program is voluntary and that all uses currently allowed by Ordinance would still apply. If a property owner wishes to participate, a list of requirements and standards have been created along with incentives. These standards reflect the overall characteristics of the area and ensure the harmony of the area may be continued.

3. **What is the extent to which the proposed amendment may adversely affect adjacent property?**

   - ***Staff's Response***: The Landmarks Commission desires to create the Deuel Creek Historic District to reduce adverse effects. Historic properties within Centerville may be considered fragile and in need of protection. If no program of preservation is in place, the historic fabric of the original Centerville town site could be lost. Yet, by encouraging citizens to help preserve the area, education concerning the history of Centerville may become more important.

4. **What is the adequacy of facilities and services intended to serve the subject property?**

   - ***Staff Response***: The area is located within an already developed neighborhood with adequate facilities and services. Any future development would be reviewed by City staff to ensure that proper public utilities have been set forth and other zoning concerns have been satisfied.

CONCLUSION

The Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that would be considered positive for historic preservation. In addition, it

appears the proposal is also in harmony with all applicable goals and objectives found within the General Plan. The Landmarks Commission is hopeful that by creating the district, it will encourage future preservation projects within the neighborhood such as:

- Kiosk located near the church well site sharing the history of the community and spotlighting people and buildings within the Deuel Creek District
- Neighborhood members come up with a slogan and logo
- District neighborhood activities

PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the Zone Map Amendment to create an overlay zone for the Deuel Creek Historic District as depicted within the Staff Report dated December 9, 2015, and to recommend approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.
5. The Landmarks Commission believes the proposed overlay zone and related proposed Ordinance will be beneficial to the neighborhood.

The home is currently vacant and up for sale. He said preliminary discussions included a desire to keep the property zoned A-L due to tax reasons. However, since the various property owners do not wish to develop that is not longer an issue and the rezone to R-L is acceptable.

Chair Hirschi opened the public hearing.

Mary Tullin said she is one of the potential buyers. She said there are eight (8) neighbors/property owners that wish to purchase a portion of this property. She said she has lived in this area for 24 years and has watched this property be farmed year after year. She said the neighborhood loves this open space and desires to keep it open. This is what prompted these neighbors to make on offer to the Holbrook Family Trust. She said none of the potential property owners desire animal rights. She said she plans to use some space for garden and enjoy the rest as open land.

Chair Hirschi closed the public hearing.

Chair Hirschi questioned what other potential down sides could be created with this rezone. Commissioner Merrill asked if the two (2) stub streets could be vacated. Mr. Snyder said the stub streets are an issue during snow season because the City pushes snow to the end of the drive. This could potentially block access to the property, but given the intent that these may become back yards, access may not be an issue. Mr. Snyder said the stub streets could possibly be vacated, however, some of the adjacent homes front onto the stub streets which would require a change in access for these homes.

Chair Hirschi made a **motion** for the Planning Commission to recommend to the City Council the following amendment to the Centerville City Zoning Map:

"Rezone Parcel 07-072-0113 (3.08 acres), addressed as 1851 North Main Street, shall be rezoned from Agricultural-Low (A-L) to Residential-Low (R-L)."

Reasons for the Action (Findings):

a) The Planning Commission finds that the proposed zoning change is consistent with the goals and objectives of the General Plan [*Section 12-480-3(1)(d)(1) & Section 12-420-2.1*].

b) The Planning Commission finds that the recommendation to approve the proposed zone map amendment has taken into account the "factors to be considered," as listed in Section 12-21-080 and described in the related Staff Report dated 12-09-2015.

The motion was seconded by Commissioner Merrill and passed by unanimous vote (7-0).

PUBLIC HEARING | ZONE MAP AMENDMENT FOR THE DEUEL CREEK HISTORIC DISTRICT - Consider proposed Zone Map Amendment for the new Deuel

Creek Historic District (Chapter 12-49). The proposed district consists of a specific geographic boundary reflecting the old town site area. Centerville City, Applicant

Brandon Toponce, Assistant Planner, reported the Commission previously reviewed and recommended approval of the Deuel Creek Historic District. This District provides incentives (i.e., setbacks and building permit fee reductions) for historic preservation in the designated area between Main Street and 400 East and between Parrish Lane and Porter Lane. The proposed District would only be recognized by Centerville and not subject to any state or national guidelines. This informal style allows the community to create an individual incentive program and gives the neighborhood a chance to become more involved in shaping the future of their community. The City Council reviewed the District Ordinance at their December 1, 2015 meeting and were positive and supportive of the District. The Council will be holding a public hearing to discuss the District further at their December 15, 2015 City Council Meeting.

Mr. Toponce explained the first step in creating the Deuel Creek Historic District is its creation and acceptance. The Planning Commission is now being asked to review and approve an overlay zone. This will establish the district officially and allow citizens within the area to take advantage of the proposed incentives. These incentives, however, would not be illegible to those who do not wish to participate within the preservation program. This overlay zone will not affect the underlying zoning and will allow a property owner to utilize their property as they see fit. The Landmarks Commission believes the proposed Zoning Code Text Amendment has been created in a way that would be considered positive for historic preservation. In addition, it appears the proposal is in harmony with all applicable goals and objectives of the General Plan. The Landmarks Commission is hopeful that by creating the district, it will encourage future preservation projects within the neighborhood.

Chair Hirschi opened the public hearing.

Becky Neville said she owns a home in this area which she rents out. She said she would like to add a garage to this property and wasn't sure if the proposed amendment would hinder her plans. She said it sounds as though this will not be a problem. She also said she is in favor of such an ordinance because she believes it will actually improve property values.

Chair Hirschi closed the public hearing.

Commissioner Hirst made a **motion** for the Planning Commission to accept the Zone Map Amendment to create an overlay zone for the Deuel Creek Historic District as depicted within the Staff Report dated December 9, 2015, and to recommend approval to the City Council.

Reasons for the Action:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).

2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning a historic district [Section 12-480-8(3)].
3. Creating the Deuel Creek Historic District would not have a negative impact on the surrounding community.
4. Through research, site visits, three public work sessions and several meetings, the Landmarks Commission believes they have covered important aspects of location, guidelines and incentives for the overlay zone.
5. The Landmarks Commission believes the proposed overlay zone and related proposed Ordinance will be beneficial to the neighborhood.

The motion was seconded by Commissioner Ince and passed by unanimous vote (7-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. The next regularly scheduled Planning Commission meeting will be Wednesday, January 13, 2016.

The meeting was adjourned at 8:30 p.m.

_____ _____

David Hirschi, Chair Date Approved

_____

Kathleen Streadbeck, Recording Secretary

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 6.

Short Title: Municipal Code Amendments - Title 5 - Revenue and Finance

Initiated By: City Attorney

Scheduled Time: 7:50

SUBJECT

Consider Ordinance No. 2015-32 amending various provisions of Title 5 of the Centerville Municipal Code regarding Revenue and Finance

RECOMMENDATION

Approve Ordinance No. 2015-32 amending various provisions of Title 5 of the Centerville Municipal Code regarding Revenue and Finance.

BACKGROUND

The City Council has approved funding to transition the Centerville Municipal Code to an online electronic code. As part of this transition, the City Attorney is updating 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 prior to the transition to the online code. These edits are not intended to make substantive changes, but to address statutory or typographical issues in the code. Staff recommends approval of Ordinance No. 2015-32 amending various provisions of Title 5 of the Centerville Municipal Code regarding Revenue and Finance.

ATTACHMENTS:

Description

- Ordinance No. 2015-32-Title 5
- Title 5-2015-redlines

ORDINANCE NO. 2015-32

AN ORDINANCE AMENDING AND RECODIFYING TITLE 5 OF THE CENTERVILLE MUNICIPAL CODE REGARDING REVENUE AND FINANCE

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 5 of the Centerville Municipal Code regarding Revenue and Finance and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 5 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 5 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 5 of the Centerville Municipal Code regarding Revenue and Finance 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 5 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 5 may 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 15th DAY OF DECEMBER, 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.

_____ DATE: _____
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20___.

EXHIBIT A

Title 5
Revenue and Finance

TITLE 5

REVENUE AND FINANCE

CHAPTER 5-01: GENERAL PROVISIONS
CHAPTER 5-02: ACCOUNTS AND ACCOUNTING
CHAPTER 5-03: BUDGETS
CHAPTER 5-04: EXPENDITURES
CHAPTER 5-05: PROPERTY TAX
CHAPTER 5-06: SALES AND USE TAX
CHAPTER 5-07: TELECOMMUNICATIONS LICENSE TAX
CHAPTER 5-08: ENERGY SALES AND USE TAX
CHAPTER 5-09: RECREATIONAL, ARTS AND PARKS (RAP) TAX - 2007
CHAPTER 5-10: TELECOMMUNICATIONS ENTERPRISE FUND
CHAPTER 5-11: RECREATIONAL, ARTS AND PARKS (RAP) TAX - 2015

CHAPTER 5-01: GENERAL PROVISIONS

5-01-010. Intent.
5-01-020. Definitions.
5-01-030. Budget Officer.
5-01-040. Finance Director.
5-01-050. City Treasurer.
5-01-060. Unlawful Conduct.
5-01-070. Financial Administration.

5-01-010. Intent.

~~It is the purpose of this~~ This Title is provided to set forth accounting, budgeting and financial reporting requirements and procedures of the City. It is the intent of the City to comply with all applicable provisions of the Uniform Fiscal Procedures Act for Utah Cities, as set forth in *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended ("Uniform Fiscal Procedures Act"), and the Uniform Accounting Manual for Utah Cities as prescribed by the State Auditor ("Uniform Accounting Manual").

5-01-020. Definitions.

To the extent used in this Title, the words and phrases defined in *Utah Code Ann.* § 10-6-106, as amended, shall have the meanings set forth therein.

5-01-030. Budget Officer.

The City Manager, as appointed by the Mayor with the approval of the City Council, is the Budget Officer of the City and shall perform all duties required of such position as set forth in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual. The City Manager is also hereby designated as the Chief Administrative Officer of the City for purposes of Utah Code Ann. § 11-50-202, as amended, regarding certification of annual financial reports.

5-01-040. Finance Director.

Pursuant to Utah Code Ann. § 10-6-157, as amended, the City has created the position of Finance Director as set forth in Title 3. The Finance Director shall perform the financial duties of the City Recorder as set forth in the Uniform Fiscal Procedures Act and the financial administrative duties of the director of finance as prescribed in the Uniform Accounting Manual. The Finance Director shall not assume the duties of the City Treasurer. The Finance Director is also hereby designated as the Chief

Financial Officer of the City for purposes of Utah Code Ann. § 11-50-202, as amended, regarding certification of annual financial reports.

5-01-050. City Treasurer.

The City Treasurer shall perform such duties regarding revenue and finance matters for the City as set forth in Title 3 and as otherwise set forth herein and in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual.

5-01-060. Unlawful Conduct.

It shall be unlawful for any person to commingle City funds with his or her own money and whenever it shall appear that the Treasurer or any other officer is making profit out of public money or is using the same for any purpose not authorized by law, such officer shall be suspended from office and subject to disciplinary proceedings up to and including termination in accordance with the City's disciplinary procedures, as applicable.

5-01-070. Financial Administration.

Pursuant to and in accordance with *Utah Code Ann.* § 10-6-158, as amended, the City Council may adopt a financial administration ordinance, with appropriate budgetary controls, to authorize the Mayor, or other official approved by the City Council, to act as the financial officer for purposes of approving payroll checks, if approved in accordance with adopted salary schedule, and routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials.

CHAPTER 5-02: ACCOUNTS AND ACCOUNTING

5-02-010. Fiscal Period.
5-02-020. Accounts.
5-02-030. Accounting Records.
5-02-040. Financial Reporting.
5-02-050. Monthly and Quarterly Financial Reports.
5-02-060. Annual Financial Reports.
5-02-070. Independent Audit.

5-02-010. Fiscal Period.

The fiscal period for the City is an annual period of accounting for fiscal operations of the City which ~~shall~~ begins July 1 of each year and ends June 30 of the following year.

5-02-020. Accounts.

The City shall maintain, according to its own accounting needs, funds and account groups in its system of accounts as prescribed in the Uniform Accounting Manual.

5-02-030. Accounting Records.

Accounting records of the City shall be established and maintained, and financial statements prepared from those records, in accordance with the Uniform Accounting Manual.

5-02-040. Financial Reporting.

The City shall comply with annual financial reporting and independent auditing requirements as set forth in the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

5-02-050. Monthly and Quarterly Financial Reports.

The City Finance Director shall prepare and present to the City Council monthly summary financial reports and quarterly detail financial reports prepared in the manner prescribed in the Uniform Accounting Manual.

5-02-060. Annual Financial Reports.

Within 180 days after the close of each fiscal period, the City Finance Director shall present to the City Council an annual financial report prepared in the manner prescribed in the Uniform Accounting Manual. Each annual financial report shall contain the information required by Utah Code Ann. § 10-6-150, as amended, and shall be certified in accordance with Utah Code Ann. § 11-50-201, as amended. The requirement under this Section to present an annual financial report may be satisfied by presentation of the audit report furnished by the independent auditor, if the financial statements included are appropriately prepared and reviewed with the governing body. Copies of the annual financial report or audit report furnished by the independent auditor shall be filed with the State Auditor and shall be filed as a public document in the Office of the City Recorder.

5-02-070. Independent Audit.

Independent audits of the City are required to be performed in conformity with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, of the *Utah Code Annotated,* as amended. Within ten (10) days following the receipt of the audit report furnished by the independent auditor, the City Recorder shall prepare and publish at least twice in a newspaper of general circulation published within Davis County, and published in accordance with *Utah Code Ann.* § 45-1-101, a notice to the public that the audit of the City has been completed. The City Recorder shall make a copy of the notice available for public inspection at the office of the City Recorder.

CHAPTER 5-03: BUDGETS

5-03-010. Budgets.
5-03-020. Tentative Budget.
5-03-030. Budget Message.
5-03-040. Review of Tentative Budget.
5-03-050. Public Inspection.
5-03-060. Notice and Public Hearing.
5-03-070. Continuing Review.
5-03-080. Final Budget.
5-03-090. Filing and Public Inspection.
5-03-100. Amendments to Budgets.
5-03-110. Operating and Capital Budgets.
5-03-120. Enterprise Funds.
5-03-130. Major Capital Improvements.
5-03-140~~120~~. Appropriations.
5-03-150~~130~~. Fund Balances.
5-03-160. Transfer of Balance in Special Funds.
5-03-170. Interfund Loans.

5-03-010. Budgets.

The Budget Officer, assisted by the Finance Director, shall prepare for each budget period a budget for all required funds in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual, including, but not limited to, preparation of a budget for the general fund, class "C" and collector road funds, special revenue funds, debt service funds, and capital improvement funds.

5-03-020. Tentative Budget.

The Budget Officer, assisted by the Finance Director, shall prepare for the ensuing fiscal period, on forms provided or approved by the State Auditor, and file with the City Council on or before the first regularly scheduled meeting of the City Council in May of each year, a tentative budget for each fund for which a budget is required in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

5-03-030. Budget Message.

Each tentative budget filed by the Budget Officer with the City Council shall be accompanied by a budget message, which shall explain the budget, contain an outline of the proposed financial policies of the City for the budget period, and describe the important features of the budgetary plan. The budget message shall also set forth the reasons for salient changes from the previous year in appropriation and revenue items and shall explain any major changes in financial policy.

5-03-040. Review of Tentative Budget.

The City Council shall review, consider and adopt the tentative budget at any regular or special meeting called for the purpose. The tentative budget may be amended or revised in such manner as is deemed advisable prior to public hearing, provided that no appropriation required for debt retirement and interest, reduction of any existing deficits, or otherwise required by law or ordinance, may be reduced below the minimum required.

5-03-050. Public Inspection.

The tentative budget adopted by the City Council and all supporting schedules and data shall be of public record filed in the office of the City Recorder, and available for public inspection during regular business hours for a period of at least ten (10) days prior to the adoption of a final budget.

5-03-060. Notice and Public Hearing.

At the meeting at which the tentative budget is adopted, the City Council shall establish the time and place of a public hearing to consider adoption of the budget and shall order that notice thereof be published at least seven (7) days prior to the hearing in at least one issue of a newspaper of general circulation published in Davis County and on the Utah Public Notice Website created under *Utah Code Ann.* § 63F-1-701, as amended. The City Council shall hold a public hearing on the tentative budget at the time and place advertised at which all interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item in the tentative budget of any fund.

5-03-070. Continuing Review.

After the public hearing on the tentative budget, the City Council may continue to review the tentative budget and may insert new items or increase or decrease items of expenditures that were the proper subject of consideration at the public hearing, provided that no appropriation required for debt retirement and interest, reduction of any existing deficits, or otherwise required by law or ordinance, may be reduced below the minimum required. The City Council shall increase or decrease the total anticipated revenue to equal the net change in proposed expenditures in the budget of each fund.

5-03-080. Final Budget.

The City Council shall, by resolution or ordinance, adopt a final budget for the ensuing fiscal period for each fund for which a budget is required herein before June 22 of each fiscal period, or August 17 in the case of a property tax increase under Sections 59-2-919 through 59-2-923 ~~Title 59, Chapter 2~~ of the *Utah Code Annotated*, as amended. Upon final adoption, the budgets shall be in effect for the budget period, subject to amendment.

5-03-090. Filing and Public Inspection.

A copy of the final budget for each fund shall be certified by the Budget Officer and filed with the State Auditor within thirty (30) days after adoption of the same by the City Council. A certified copy of the final budget shall also be filed with the City Recorder and shall be available to the public for inspection during regular business hours.

5-03-100. Amendments to Budgets.

The City Council may, upon the written request of one of its members or upon its own motion setting forth the reasons therefor, at any time during the budget period, review the individual budgets of the funds of the City for the purpose of determining if the total of any of them should be increased. If the City Council decides that the budget total of one or more of such funds should be increased, it shall follow the public hearing procedures set forth in Section 5-03-060. After the public hearing, the City Council, by resolution or ordinance, may amend the budgets of the funds proposed to be increased to make the proposed increases or portions thereof which were the proper subject of consideration at the hearing. Final amendments in the current period to the budgets of any funds shall be adopted by the City Council on or before the last day of the fiscal period.

5-03-110. Operating and Capital Budgets.

The City Council shall adopt an "operating and capital budget" for each enterprise fund for the ensuing fiscal period and shall adopt the type of budget for other special funds as required by the Uniform Accounting Manual. For purposes of this Chapter, "operating and capital budget" means a plan of financial operation for an enterprise or other required special fund~~,~~ that includes estimates of operating resources, expenses, and other outlays for a fiscal period. All operating and capital budgets shall be prepared, adopted, administered, and amended in accordance with applicable procedures of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual, including, but not limited to, *Utah Code Ann.* § 10-6-135, as amended.

5-03-120. Enterprise Funds.

In addition to the requirements of Section 5-03-110, any transfer of money deposited in an enterprise fund for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise for which the enterprise fund was created must comply with applicable provisions of *Utah Code Ann.* § 10-6-135, as amended.

5-03-130. Major Capital Improvements.

Major capital improvements financed by general obligation bonds, capital grants, or interfund transfers, shall use a capital projects fund budget in accordance with *Utah Code Ann.* § 10-6-135, as amended. The term of such capital improvements budget shall coincide with the term of the individual project or projects.

5-03-140~~120~~. Appropriations.

The City shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue for the budget period of such fund. All unexpended or unencumbered appropriations except capital projects fund appropriations shall lapse at the end of the budget period in accordance with *Utah Code Ann.* § 10-6-130, as amended.

5-03-150~~130~~. Fund Balances.

(a) All Funds. The City may accumulate retained earnings or fund balances, as appropriate, in any fund in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

(b) General Fund. Accumulated fund balances in the General Fund are restricted to purposes permitted by law. Any fund balance in excess of five percent (5%) of the total revenues of the General Fund may be utilized for budget purposes. Except as otherwise provided in the Uniform Fiscal Procedures Act or the Uniform Accounting Manual, any accumulated fund balance in the General Fund shall not exceed twenty-five percent (25%) of the total ~~estimated~~ revenue of the General Fund for the current fiscal period. If the fund balance at the close of any fiscal period exceeds the amount permitted herein, the excess shall be appropriated in the manner provided in Utah Code Ann. § 10-6-117, as amended.

(c) Capital Improvement Fund. Within a capital improvement fund, the City Council may, in any budget period, appropriate from estimated revenue or fund balance to a reserve for capital improvements for purposes set forth in the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

5-03-160. Transfer of Balance in Special Funds.

If the necessity for maintaining any special fund of the City has ceased to exist and a balance remains in the fund, the City Council shall authorize the transfer of the balance to the fund balance account of the general fund of the City, subject to and in accordance with the provisions of *Utah Code Ann.* § 10-6-131, as amended.

5-03-170. Interfund Loans.

The City Council may authorize an interfund loan from one fund to another and, with available cash in any fund, purchase or otherwise acquire for investment an unmatured bond of the City or of any fund of the City, subject to and in accordance with the provisions and restrictions set forth in *Utah Code Ann.* § 10-6-132, as amended.

CHAPTER 5-04: EXPENDITURES

5-04-010. Expenditures.
5-04-020. Purchasing Procedures.
5-04-030. Filing of Bids.
5-04-040. Emergency Expenditures.

5-04-010. Expenditures.

All expenditures by any department must conform with the department budget. No appropriation may be encumbered and no expenditure may be made against any department appropriation unless there is sufficient unencumbered balance in the department's appropriation, except in the cases of emergency as provided in ~~this Chapter or~~ the Uniform Fiscal Procedures Act. City officers or employees shall not make or incur expenditures or encumbrances in excess of total appropriations for any department in the budget as adopted or subsequently amended. Any obligation contracted by any such officer or employee shall not be or become valid or enforceable against the City. No check or warrant to cover any claim against any appropriation shall be drawn until the claim has been processed as provided by the Uniform Fiscal Procedures Act.

5-04-020. Purchasing Procedures.

All purchases or encumbrances shall be made in accordance with the purchasing procedures adopted by the City, including, but not limited to the procurement procedures adopted pursuant to Title 3 of this Code. All encumbrances reported as outstanding as of the fiscal year-end shall be supported by a purchase order or some form of documentation authorizing expenditures issued on or before the last day of the fiscal period and approved by the City.

5-04-030. Filing of Bids.

Whenever the City is required by State law to receive bids for purchases, construction, repairs, or any other purpose requiring the expenditure of funds, the City shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for at least three (3) years following the letting of any contract pursuant to those bids or three (3) years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected pursuant to *Utah Code Ann.* § 10-6-122, as amended.

5-04-040. Emergency Expenditures.

If the City Council determines that an emergency exists, such as widespread damage from fire, flood or earthquake, and that the emergency necessitates the expenditure of money in excess of the budget of the General Fund, the City Council may by resolution or ordinance amend the budget and authorize such expenditures and incur such deficits in the fund balance of the General Fund as may be reasonably necessary to meet the emergency. If the City creates a local fund under Title 53, Chapter 2a, Part 6, Disaster Recovery Funding Act, of the *Utah Code Annotated*, the City shall expend monies for applicable emergencies in accordance with the provisions of such Act.

CHAPTER 5-05: PROPERTY TAX

5-05-010. Property Tax Levy.
5-05-020. Computation of Levy.
5-05-030. Basis for Determining Levy.
5-05-040. Apportionment of Levy.

5-05-010. Property Tax Levy.

The City Council shall by resolution or ordinance set the real and personal property tax levy for various municipal purposes before June 22 of each year, or August 17 in the case of a property tax rate increase under Sections 59-2-919 through 59-2-923 ~~Title 59~~ of the *Utah Code Annotated*, as amended; provided, the City Council may set the levy ~~may be set~~ at an appropriate later date with approval of the State Tax Commission. The City Recorder shall certify the ordinance or resolution setting the levy to the county auditor as required by State law.

5-05-020. Computation of Levy.

In computing the total levy, the City Council shall determine the requirements of each fund for which property taxes are to be levied and shall specify in its ordinance or resolution adopting the levy the amount apportioned to each fund. The combined levies for all purposes in any year, excluding the retirement of general obligation bonds and the payment of any interest, and taxes expressly authorized by law to be levied in addition, may not exceed .007 per dollar of taxable value of taxable property.

5-05-030. Basis for Determining Levy.

From the effective date of the budget or of any amendment enacted prior to the date on which property taxes are levied, the amount stated therein as the amount of estimated revenue from property taxes shall constitute the basis for determining the property tax levy to be set by the City Council for the corresponding tax year, subject to the applicable limitations imposed by law.

5-05-040. Apportionment of Levy.

The proceeds of the levy apportioned for General Fund purposes shall be credited as revenue in the General Fund. The proceeds of the levy apportioned for special fund purposes shall be credited to the appropriate accounts in the applicable special funds.

CHAPTER 5-06: SALES AND USE TAX

5-06-010. Purpose.
5-06-020. Sales and Use Tax.
~~5-06-030. Reserved.~~
5-06-030~~40~~. Exemption from Tax.
5-06-040~~50~~. Tax Paid.
~~5-06-060. Reserved.~~
5-06-050~~70~~. State Tax Collection Provisions.
5-06-060~~80~~. State Tax Commission Contract.
5-06-070~~90~~. Distribution of Tax Revenue.
5-06-080~~100~~. Continuation of Previous Ordinances.

5-06-010. Purpose.

It is the purpose of this Chapter to provide the City with an added source of revenue to thereby assist the City in meeting its financial needs. The provisions of this Chapter are intended and shall be interpreted to be in compliance with the Local Sales and Use Tax Act, set forth at *Utah Code Ann.* §§ 59-12-201, *et seq.*, as amended, and other applicable provisions of State law. This Chapter may be referred to as the Sales and Use Tax Ordinance of the City.

5-06-020. Sales and Use Tax.

Pursuant to authority set forth in *Utah Code Ann.* § 59-12-203, as amended, there is hereby levied and there shall be collected and paid a sales and use tax upon every transaction listed in *Utah Code Ann.* § 59-12-103, as amended, made within the City at the rate of one percent (1%) of the purchase price paid or charged.

~~5-06-030. Reserved.~~

5-06-030~~40~~. Exemption from Tax.

The City may not impose a tax under this Chapter on sales and uses that are exempt from taxation under *Utah Code Ann.* § 59-12-104, as amended, ~~or~~ *Utah Code Ann.* § 59-12-204, as amended, or any other exempt transactions required by law.

5-06-040~~50~~. Tax Paid.

The amount of any tax paid under the State Sales and Use Tax Act, set forth at *Utah Code Ann.* §§ 59-12-101, *et seq.*, as amended, shall not be included as a part of the purchase price paid or charged for a taxable item.

~~5-06-060. Reserved.~~

5-06-050~~70~~. State Tax Collection Provisions.

The tax collection provisions set forth in Title 59, Chapter 12, Part 1, Tax Collection, of the *Utah Code Annotated*, as amended, insofar as they relate to sales and use taxes, are hereby adopted and made a part of this Chapter as though fully set forth herein, except that the name of the City as the taxing agency shall be substituted for that of the State where necessary for the purposes of the Local Sales and Use Tax, and an additional sales and use tax license is not required if one has been or is issued under *Utah Code Ann.* § 59-12-106, as amended. Any amendments made to Title 59, Chapter 12, Part 1, Tax Collection, of the *Utah Code Annotated*, which would be applicable to the City as set forth herein are incorporated herein by this reference and shall be effective upon the date they are effective as a Utah statute.

5-06-060080. State Tax Commission Contract.

Pursuant to *Utah Code Ann.* § 59-12-202, as amended, the State Tax Commission has been granted the exclusive authority to administer, operate, and enforce the local sales and use tax. The City has previously entered into an agreement with the State Tax Commission for the Commission to perform all functions incident to the administration, operation and enforcement of the Sales and Use Tax Ordinance of the City without interference from the City, provided that the City may be allowed to intervene in accordance with the provisions and restrictions of *Utah Code Ann.* § 59-12-209, as amended. That agreement is hereby confirmed and the Mayor is hereby authorized to enter into such supplementary agreement(s) with the State Tax Commission which may be necessary for the continued administration, operation and enforcement of the Sales and Use Tax Ordinance of the City.

5-06-070090. Distribution of Tax Revenue.

Sales and use tax revenues collected on transactions within the City shall be collected and distributed by the State Tax Commission in accordance with applicable provisions of State law.

5-06-080100. Continuation of Previous Ordinances.

The provisions of this Chapter which are not in conflict with the former local sales and use tax ordinances of the City shall be deemed to be a continuation thereof and any rights, duties, and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

CHAPTER 5-07: TELECOMMUNICATIONS LICENSE TAX

5-07-010. Purpose.
5-07-015. Definitions.
5-07-020. Levy of Tax.
5-07-030. Rate.
5-07-040. Rate Limitation and Exemption
5-07-050. Effective Date of Tax Levy.
5-07-060. Interlocal Agreement for Collection of the Tax.
5-07-070. Taxes Erroneously Recovered.
5-07-080. Highway Management Fees.

5-07-010. Purpose.

The Utah legislature adopted the Municipal Telecommunications License Tax Act, as set forth in *Utah Code Ann.* § 10-1-401, *et seq.*, as amended, authorizing municipalities to levy and cause to be collected from a telecommunications provider a municipal telecommunications license tax on the telecommunications provider's gross receipts from telecommunications service that are attributable to the municipality. It is the City's intent to adopt and levy a Telecommunications License Tax pursuant to and in accordance with applicable provisions of the Municipal Telecommunications License Tax Act.

5-07-015. Definitions.

As used in this Chapter, the terms defined in *Utah Code Ann.* § 10-1-402, as amended, shall have the meanings set forth therein.

5-07-020. Levy of Tax.

There is hereby levied on telecommunications providers a municipal telecommunications license tax on the telecommunications provider's gross receipts from telecommunications service attributed to the City in accordance with *Utah Code Ann.* § 10-1-407, as amended.

5-07-030. Rate.

The rate of the municipal telecommunications license tax shall be 3.5% of the telecommunications provider's gross receipts from telecommunications service that are attributed to the City in accordance with and subject to the provisions of *Utah Code Ann.* § 10-1-407, as amended.

5-07-040 Rate Limitation and Exemption.

Pursuant to ~~Section~~ *Utah Code Ann.* § 10-1-404, as amended, ~~of the Utah Telecommunications License Tax Act,~~ the City is exempt from the statutory limitation on the municipal telecommunications license tax rate if the exemption from the limitation on the rate that may be imposed is approved by a majority vote of the voters in the City that vote in:

(a) a municipal general election; or

(b) a regular general election~~; or~~

~~(c) a local special election.~~

5-07-050. Effective Date of Tax Levy.

The telecommunications license tax imposed by this Chapter shall be levied beginning on July 1, 2007.

5-07-060. Interlocal Agreement for Collection of the Tax.

The City has previously entered into an interlocal agreement with the Utah State Tax Commission as described in *Utah Code Ann.* § 10-1-405, as amended, for the collection, enforcement, and administration of the municipal telecommunications license tax.

5-07-070. Taxes Erroneously Recovered.

Pursuant to the provisions of *Utah Code Ann.* § 10-1-408, as amended, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunications license taxes authorized by this Chapter unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in *Utah Code Ann.* § 59-12-110.1, as amended.

5-07-080. Highway Management Fees.

Nothing in this Chapter shall restrict or affect the City's right to recover from a telecommunications provider management costs for the maintenance of public rights-of-way in accordance with the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq.*, as amended.

CHAPTER 5-08: ENERGY SALES AND USE TAX

5-08-010. Purpose.
5-08-020. Definitions.
5-08-030. Energy Sales and Use Tax.
5-08-040. Exemptions from the Energy Sales and Use Tax.
5-08-050. Existing Franchise Agreements Not Affected -- Credit for Franchise Fees.
5-08-060. Collection of Taxes by Suppliers~~State Tax Commission~~.
5-08-070. Incorporation of State Code Tax Collection Provisions.
~~**5-08-080. Additional License for Collection of Tax Not Required.**~~

5-08-010. Purpose.

The Utah legislature adopted the Municipal Energy Sales and Use Tax Act, as set forth in *Utah Code Ann.* §§ 10-1-301, *et seq.*, in part to provide a stable revenue source for municipalities and to create a more competitive environment for the energy industry. It is the City's intent to adopt a Municipal Energy Sales and Use Tax pursuant to, and in conformance with, the Municipal Energy Sales and Use Tax Act.

5-08-020. Definitions.

As used in this Chapter, the terms defined in *Utah Code Ann.* § 10-1-303, as amended, shall have the meanings set forth therein.

5-08-030. Energy Sales and Use Tax.

There is hereby levied, subject to the provisions of this Chapter, a municipal energy sales and use tax on the sale or use of taxable energy within Centerville City at the rate of six percent (6%) of the delivered value of the taxable energy. This tax shall be known as the Energy Sales and Use Tax. The Energy Sales and Use Tax imposed under this Chapter may be in addition to any sales or use tax imposed by the City under Title 59, Chapter 12, Sales and Use Tax Act.

5-08-040. Exemptions from the Energy Sales and Use Tax.

An exemption from the Energy Sales and Use Tax is provided for the sale or use of taxable energy that is specifically exempt under *Utah Code Ann.* § 10-1-304 and § 10-1-305, as amended.

5-08-050. Existing Franchise Agreements Not Affected -- Credit for Franchise Fees.

(a) This Chapter shall not alter or affect the validity of any franchise agreements between the City and energy suppliers. Any such franchise agreements shall be subject to and comply with applicable provisions of *Utah Code Ann.* § 10-1-203, § 10-1-305 and § 10-1-310, as amended.

(b) The City may continue to collect a contractual franchise fee from an energy supplier pursuant to a franchise agreement in effect on July 1, 1997, at the same rate for the remaining term of the franchise agreement; provided, the City shall provide a credit against the Energy Sales and Use Tax in the amount of the contractual franchise fee paid by the energy supplier in accordance with the terms and conditions of *Utah Code Ann.* § 10-1-203, 10-1-305 and § 10-1-310, as amended.

5-08-060. Collection of Taxes by Suppliers~~State Tax Commission~~.

Pursuant to *Utah Code Ann.* § 10-3-307, energy suppliers shall pay the Energy Sales and Use Tax it collects from its customers directly to the City and shall file an information return with the State Tax Commission at least annually on forms prescribed by the Commission. ~~The City has contracted with the State Tax Commission to perform all functions incident to the administration and collection of the Energy Sales and Use Tax, in accordance with this Chapter. The City may enter into such supplementary agreements with the State Tax Commission as may be necessary and proper for the continued administration and operation of the Energy Sales and Use Tax ordinance enacted by this Chapter.~~

5-08-070. Incorporation of State Code Tax Collection Provisions.

The State Tax Commission shall ~~collect,~~ enforce and administer the Municipal Energy Sales and Use Tax according to the procedures established in Title 59, Chapter 1, General Taxation Policies and Title 59, Chapter 12, Part 1, Tax Collection (excluding 59-12-107.1 and 59-12-123), of the *Utah Code Annotated,* as amended. Said provisions of Title 59, Chapter 12, Part 1, Tax Collection, and any amendments thereto, are hereby adopted and incorporated by reference as a part of this Title except that the name of the City as the taxing agency shall be substituted for that of the State where necessary for the purposes of the Municipal Energy Sales and Use Tax. This adoption and incorporation by reference shall include any amendments to those provisions that relate to the levying or collecting of a Municipal Energy Sales and Use Tax.

~~**5-08-080. Additional License for Collection of Tax Not Required.**~~

~~No additional license to collect the Energy Sales and Use Tax as described in this Chapter is required if one has been issued under *Utah Code Ann.* § 59-4-106, as amended.~~

CHAPTER 5-09: RECREATIONAL, ARTS AND PARKS (RAP) TAX - 2007

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 will 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.

CHAPTER 5-10. TELECOMMUNICATIONS ENTERPRISE FUND

5-10-010. Purpose.
5-10-020. Administration.
5-10-030. TelecCommunications Enterprise Fund.
5-10-040. Financial Standards.

5-10-010. Purpose.

Centerville City is a member of the Utah Infrastructure Agency ("UIA"), an interlocal cooperative entity organized under the Interlocal Cooperation Act, as set forth in *Utah Code Ann.* §§ 11-10-101, *et seq.*, as amended. The City and other members of the UIA have entered into a Communications Service Contract ("Communications Contract") with the UIA for the purpose of providing advanced telecommunications infrastructure to residents and businesses within the member municipalities, including residents and businesses of the City. The purpose of this Chapter is to create a telecommunications enterprise fund regarding telecommunications infrastructure to be established within the City under the Communications Contract and to set forth provisions regarding the administration and operation of such enterprise fund.

5-10-020. Administration.

This Chapter shall be interpreted and administered by the Finance Director. To the extent applicable, the administration and operation of the telecommunications enterprise fund shall comply with applicable provisions of the Utah Municipal Cable Television and Public Telecommunications Services Act, as more particularly set forth in *Utah Code Ann.* §§ 10-18-101, *et seq.*, as amended.

5-10-030. TelecCommunications Enterprise Fund.

The City hereby creates and establishes a telecommunications enterprise fund to handle all income, expenses and other financial transactions related to telecommunications infrastructure to be established within the City under the Communications Contract. Except as otherwise permitted by law, money in the telecommunications enterprise fund shall not be comingled with or transferred to other City funds. Notwithstanding the foregoing, the telecommunications enterprise fund may pay other City funds for services and expenses directly attributable to the telecommunications enterprise fund.

5-10-040. Financial Standards.

The telecommunications enterprise fund shall be maintained and operated in accordance with generally accepted accounting principles and applicable provisions of the Utah Fiscal Procedures Act, as set forth in *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended.

CHAPTER 5-11: RECREATIONAL, ARTS AND PARKS (RAP) TAX - 2015

5-11-010. Purpose.
5-11-020. Compliance.
5-11-030. Recreational, Arts and Parks (RAP) Tax.
5-11-040. Collection.
5-11-050. Use of Funds.
5-11-060. Effective Date.
5-11-070. Term.

5-11-010. Purpose.

Centerville City submitted an opinion to the residents of the City at the municipal general election held on November 3, 2015, providing each resident an opportunity to express the resident's opinion on the reauthorization of a local sales and use tax of one-tenth of one percent (0.10%) on certain qualifying transactions within the City to fund recreational facilities and cultural facilities and organizations for the City (2015 RAP Tax). A majority of the City's registered voters voting on the opinion question voted in favor of imposing the 2015 RAP Tax. The purpose of this Chapter is to impose the 2015 RAP Tax as approved by Centerville City voters and to provide for the collection and distribution of the revenues generated by the 2015 RAP Tax.

5-11-020. Compliance.

It is the intent of the City to comply will 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.

5-11-030. 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 2015 Recreation, Arts and Parks (RAP) Tax. The 2015 RAP Tax may be levied for a period of ten (10) years and may be reauthorized at the end of the ten-year period in accordance with applicable provisions of *Utah Code Ann.* § 59-12-1402, as amended.

5-11-040. Collection.

The 2015 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.

5-11-050. Use of Funds.

The monies collected from the 2015 RAP Tax shall be used for financing recreational and cultural facilities, to finance ongoing operating expenses of recreational facilities or cultural organizations, and for any other eligible facilities or organizations provided by law as approved by the City Council.

5-11-060. Effective Date.

Except as otherwise provided by law for billing cycle transactions and catalogue sales, the enactment and imposition of the 2015 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 2015 RAP Tax in accordance with *Utah Code Ann.* § 59-12-1402~~(5)(b)~~, as amended. Pursuant to such provisions, the Centerville City 2015 RAP Tax shall take effect on April 1, 2016.

5-11-070. Term.

The 2015 RAP Tax imposed and collected hereunder shall be in effect for a period of ten (10) years from the effective date of April 1, 2016.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 7.

Short Title: Review bid for installation of fencing on Parrish Lane, including the pedestrian bridge; determine whether to award bid

Initiated By:

Scheduled Time: 8:00

SUBJECT

RECOMMENDATION

Review and discuss bid results for the installation of fencing on the pedestrian bridge and along Parrish Lane. The City Manager does **not** recommend awarding this bid as received, but recommends the Council review again the funding available, discuss the options and give pertinent direction.

BACKGROUND

During the recent I-15 South Davis project, UDOT gave Centerville City the opportunity to pay for an upgrade to the fencing to be installed on the new pedestrian bridge and along Parrish Lane. The additional cost was embodied in a Betterment Agreement approved by the City Council in March 2015. After UDOT's contractor began installing the fence, UDOT determined the fence did not meet AASHTO requirements and work was suspended. The City was allowed to come up with fencing alternatives that meet AASHTO standards as well as UDOT's approval. Those approvals were not given until recently. The City Engineer subsequently bid the work. Bids were received and opened on December 10. Despite the fact there were three plan holders and questions from several potential bidders, only one bid was received--from Custom Fence--the same company which was a subcontractor under WWClyde for the I-15 project.

Unfortunately, the bid was much higher than anticipated. See the attached memo from the City Engineer, Kevin Campbell, which includes the bid results. As explained in his memo, he had been estimating the cost of the Betafence for the pedestrian and railroad bridges at $95 per lineal foot, based on his earlier conversation with Singleton Fence, a potential bidder. The unit bid price from Custom Fence for this type of fence--which meets AASHTO standards--is $183 per lineal foot, or almost twice as much as the Engineer's estimate.

Funding this bid award would require much more funding than approved earlier by the RDA Board. Staff are discussing the options and will seek Council's direction in Tuesday's meeting. Staff's report will include a review of the earlier funding assumptions and whether any funds may be available from the recent agreement with UDOT pertaining to the Parrish Lane Sidewalk Project.

ATTACHMENTS:

Description

- Parrish Lane Pedestrian Bridge Fencing Bid Results

Steve Thacker

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Thursday, December 10, 2015 2:08 PM
To: Steve Thacker
Subject: Parrish Lane Ped Bridge Fencing - Bid Results_12-10-15
Attachments: 15-142_Fence_Bid Tab.pdf

Steve –

We had three plan holders and quite a few questions from other bidders, but in the end only one submitted a bid – Custom Fence out of Kaysville.

We were given some bad information from Singleton Fence on the cost of the Betafence. They informed us initially that this fence was around $90 / LF installed. This seemed like a reasonable cost as the Majestic fence estimate was at $65 / LF.

In speaking with Brett Cheal from Costum Fence after the bid opening, he informed us that the Betafence installed by Singleton on the 1300 South overpass may not have met the Buy America requirement and that Singleton has possibly not been paid for the fence they installed on this overpass because of this issue. He believes that Betafence may have bumped up their pricing in order to provide a Buy America product.

We are fortunate that the Majestic Fence has been accepted for 1,333 LF of the 2,133 LF of fencing, but the Betafence is extremely expensive and was over our estimate by $60,000.

It is recommended that Bid Schedule C be awarded for $255,745.50 to Custom Fence depending on available funds.

Let me know if additional info is needed at this time.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

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

Bid Opening: December 10, 2015

BID TABULATION FOR CENTERVILLE CITY

PARRISH LANE PEDESTRIAN BRIDGE FENCING

800 WEST TO 1250 WEST

Project No. 15-142				Engineer's Estimate		Custom Fence	
Parrish Lane Pedestrian Fencing - Bid Schedule A							
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total
1	Furnish and Install Ameristar Montage Plus Majestic Fence or Equal	1,333	LF	$65.00	$86,645.00	$69.50	$92,643.50
2	Mobilization	1	LS	$5,000.00	$5,000.00	$10,000.00	$10,000.00
	Total Bid Schedule A				**$91,645.00**		**$102,643.50**

Parrish Lane Pedestrian Fencing - Bid Schedule B							
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total
1	Furnish and Install Betafence Upgrade Industrial Landmark Fence or Equal	700	LF	$95.00	$66,500.00	$182.70	$127,890.00
2	Furnish and Install Ornamental Pillar	2	EA	$5,000.00	$10,000.00	$3,785.00	$7,570.00
3	Remove Existing Fence	158	LF	$10.00	$1,580.00	$4.00	$632.00
4	Mobilization	1	LS	$5,000.00	$5,000.00	$14,210.00	$14,210.00
5	Traffic Control	1	LS	$15,000.00	$15,000.00	$2,800.00	$2,800.00
	Total Bid Schedule B				**$98,080.00**		**$153,102.00**

Parrish Lane Pedestrian Fencing - Bid Schedule C							
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total
1	Furnish and Install Ameristar Montage Plus Majestic Fence or Equal	1,333	LF	$65.00	$86,645.00	$69.50	$92,643.50
2	Furnish and Install Betafence Upgrade Industrial Landmark Fence or Equal	700	LF	$95.00	$66,500.00	$182.70	$127,890.00
3	Furnish and Install Ornamental Pillar	2	EA	$5,000.00	$10,000.00	$3,785.00	$7,570.00
4	Remove Existing Fence	158	LF	$10.00	$1,580.00	$4.00	$632.00
5	Mobilization	1	LS	$5,000.00	$5,000.00	$24,210.00	$24,210.00
6	Traffic Control	1	LS	$15,000.00	$15,000.00	$2,800.00	$2,800.00
	Total Bid Schedule C				**$184,725.00**		**$255,745.50**

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 8.

Short Title: Financial Report for period ending November 30, 2015

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

Scheduled Time: 8:20

SUBJECT

RECOMMENDATION

Review the financial report for the 5-month period ending November 30, 2015 and ask pertinent questions of staff.

BACKGROUND

The financial report will be attached when it is available.

ATTACHMENTS:

Description

- Interim Report 11/2015

General Fund
Unaudited Summary
November 30, 2015

	This Month	Year to Date	FY 16 Budget	42% % Budget
Revenues				
Property Tax	$67,987	$150,797	$1,031,826	14.61%
RDA Increment	$0	$0	$164,412	0.00%
Fee in Lieu	$11,020	$46,793	$95,000	49.26%
Sales & UseTax	$317,754	$1,588,095	$3,750,500	42.34%
Franchise Taxes	$89,332	$480,975	$1,330,000	36.16%
RAP Tax (10%)	$2,653	$14,766	$38,850	38.01%
Licenses & Permits	$19,202	$241,638	$358,075	67.48%
Intergovernmental	$88,119	$294,489	$549,800	53.56%
Charges for Services	$18,161	$415,448	$997,175	41.66%
Fines	$33,565	$197,518	$535,000	36.92%
Miscellaneous	$607	$12,068	$50,750	23.78%
Transfers/Contributions	$0	$17,412	$2,000	870.60%
Total	$648,400	$3,459,999	$8,738,976	39.59%
Expenditures				
City Council	$4,526	$32,869	$95,202	34.53%
Judicial	$15,927	$84,314	$230,289	36.61%
Executive	$30,049	$155,926	$416,504	37.44%
Attorney	$12,168	$60,021	$172,701	34.75%
Finance	$40,223	$216,667	$535,191	40.48%
Attorney Services	$472	$8,358	$31,000	26.96%
Emergency Management	$2,931	$3,004	$16,000	18.78%
Fire	$0	$439,231	$878,460	50.00%
Elections	$219	$8,512	$16,272	0.00%
Youth Council	$0	$400	$7,000	5.71%
Police	$157,400	$940,000	$2,422,433	38.80%
Liquor Law	$3,706	$4,893	$20,400	23.99%
School Xing	$5,947	$20,116	$55,285	36.39%
DARE	$15,716	$53,950	$90,073	59.90%
K-9	$119	$1,086	$2,250	48.27%
Animal Control	$1,723	$6,895	$22,000	31.34%
PW Admin	$22,020	$118,585	$296,784	39.96%
Streets	$70,243	$274,172	$776,970	35.29%
Projects	$272	$71,705	$705,000	10.17%
GIS	$6,435	$34,439	$102,534	33.59%
Engineering	$17,939	$63,262	$86,500	73.14%
Parks	$49,275	$313,876	$857,144	36.62%
Community Events	$150	$630	$23,650	2.66%
Parks & Rec Facility	$634	$3,111	$13,760	22.61%
Maint Facility	$1,552	$14,430	$50,250	28.72%
Maint Facility Storage	$35	$605	$6,360	9.51%
City Hall	$8,954	$118,432	$214,095	55.32%
Community Dev.	$24,200	$116,440	$309,579	37.61%
Building Inspection	$4,713	$18,278	$80,600	22.68%
Transfers - Non Dep.	$0	$75,480	$272,226	27.73%
UTOPIA -Pledges	$37,822	$151,042	$248,876	60.69%
UIA Assessment	$0	$0	$0	0.00%
Total	$535,370	$3,410,729	$9,055,388	37.67%
Use/Contribtion to Fund balance (Revenues Over/Under Expenditures)		$ 49,270	$ (316,412)	
Fund Balance at Beginning of Year		$1,134,338		
Fund Balance estimate 10/30/2015		$1,183,608		
Projected Fund Balance %		**14.97%**		

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

Capital Projects
Unaudited Summary
November 30, 2015

	This Month	Year to Date	FY 16 Budget	42% % Budget
Capital Improvement				
Storm Drain				
Revenues:				
Fund Balance				
Impact Fees	$0	$34,257	$25,000	137.03%
Grants	$0	$0	$0	0.00%
Other	$89	$364	$75	485.33%
Total Revenues	$89	$34,621	$25,075	138.07%
Expenditures	$0	$0	$0	0.00%
Fund Balance at Beginning of Year		$96,884		
Fund Balance estimate 10/30/2015		$131,505		
Park				
Revenues:				
Fund Balance				
Impact Fees	$8,228	$222,158	$125,000	177.73%
Transfer	$0	$0	$0	0.00%
Grants	$0	$0	$0	0.00%
Other	$0	$0	$400	0.00%
Total Revenues	$8,228	$222,158	$125,400	177.16%
Expenditures	$0	$65,828	$0	0.00%
Fund Balance at Beginning of Year (est.)		$0		
Fund Balance estimate 10/30/2015		$156,330		
Capital Projects Fund				
Revenues:				
Fund Balance			$315,400	
Transfers - General	$37,822	$151,042	$255,466	59.12%
RDA additional increment	$0	$0	$163,000	0.00%
Other	$0	$0	$0	0.00%
Total Revenues	$37,822	$151,042	$733,866	20.58%
Expenditures				
UTOPIA Pledge	$37,822	$151,042	$453,876	33.28%
Street Projects	$20,687	$225,064	$315,400	71.36%
Total Expenditures	$58,509	$376,106	$769,276	48.89%
Balance at Beginning of Year		$315,400		
Fund Balance estimate 10/30/2015		$90,336		

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

RDA/Special Revenue
Unaudited Summary
November 30, 2015

	This Month	Year to Date	FY 16 Budget	42% % Budget
RDA				
Revenues	$43,050	$145,611	$1,651,000	8.82%
Expenditures	$60,088	$198,892	$1,651,000	12.05%
Fund Balance at Beginning of Year		$376,987		
Fund Balance estimate 10/30/2015		$323,706		
Recreation				
Revenues				
Recreation	$9,560	$23,745	$77,000	30.84%
Youth Baseball	$0	$0	$36,000	0.00%
Concession Sales	$0	$0	$20,000	0.00%
Other	$0	$41,000	$41,000	100.00%
Total Revenues	$9,560	$64,745	$174,000	37.21%
Expenditures				
Recreation	$2,399	$49,330	$116,062	42.50%
Concessions	$0	$403	$20,000	2.02%
Youth Baseball/Softball	$0	$2,241	$36,000	6.23%
Total Expenditures	$2,399	$51,974	$172,062	30.21%
Revenue Over/Under Expend	$ 7,161	$ 12,771	$ 1,938	
Balance at Beginning of Year (est.)		$35,239		
Fund Balance estimate 10/30/2015		$48,010		
Sales Tax Debt Service (DCAC)				
Revenues	$61,176	$61,176	$1,567,088	3.90%
Expenditures	$61,176	$61,176	$1,567,088	3.90%
Reserved Fund Balance		$0		
Fund Balance estimate 10/30/2015		$0		
Whitaker Trust				
Beginning fund balance				
Revenues	$20,087	$55,910	$39,320	142.19%
Expenditures	$10,834	$49,289	$37,680	130.81%
Fund Balance at Beginning of Year		$34,739		
Fund Balance estimate 10/30/2015		$41,360		

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

Enterprise Funds
Unaudited Summary
November 30, 2015

	This Month	Year to Date	FY 15 Budget	42% % Budget
Water				
Revenues:				
Impact/construction Fees	$11,146	$392,869	$230,500	170.44%
Water Sales	$158,283	$834,985	$1,945,267	42.92%
Bond Revenue	$0	$0	$0	0.00%
Other	$0	$29,710	$66,000	45.02%
Total Revenues	$169,429	$1,257,564	$2,241,767	56.10%
Expenditures				
Operating/Dep/Debt	$98,986	$529,869	$2,033,967	26.05%
Capital Improvement	$43,197	$134,543	$325,000	41.40%
Total Expenditures	$142,183	$664,412	$2,358,967	28.17%
Unresrestricted Cash Beginning of Year		$614,018		
Estimate Net Cash provded by operations		$1,207,170		
Sanitation				
Revenues:				
Collection Fees	$58,014	$289,898	$708,000	40.95%
Recycling fees	$14,690	$100,192	$176,000	56.93%
Green Waste fees	$7,529	$37,761	$87,000	43.40%
Other	$70	$770	$7,500	10.27%
Total Revenues	$80,303	$428,621	$978,500	43.80%
Expenditures:				
Disposal	$28,332	$141,276	$311,000	45.43%
Collection	$20,940	$104,555	$245,000	42.68%
Recycling	$14,593	$72,685	$164,000	44.32%
Green Waste Disposal	$3,085	$15,385	$33,000	46.62%
Other	$7,686	$46,587	$185,750	25.08%
Total Expenditures	$74,636	$380,488	$938,750	40.53%
Unresrestricted Cash Beginning of Year		$57,141		
Estimate Net Cash provded by operations		$105,274		
Drainage				
Revenues	$103,416	$517,080	$1,246,940	41.47%
Operating Expenditures	$29,547	$172,405	$722,839	23.85%
Capital Expenditures	$1,971	$116,540	$604,101	19.29%
Total Expenditures	$31,518	$288,945	$1,326,940	21.78%
Unresrestricted Cash Beginning of Year		$151,871		
Estimate Net Cash provded by operations		$380,006		
Telecommunications				
Revenues:				
Connection Fees	$23,012	$96,782	$270,000	35.85%
Transfers - GF	$0	$0	$0	100.00%
Total Revenues	$23,012	$96,782	$270,000	35.85%
Expenditures:				
Utility Service charges	$23,012	$96,782	$257,000	37.66%
UIA operating assessment	$0	$0	$0	0.00%
Operating service charge	$1,515	$6,060	$13,000	46.62%
Total Expenditures	$24,527	$102,842	$270,000	38.09%
Unresrestricted Cash Beginning of Year		$9,339		
Estimate Net Cash provded by operations		$3,279		

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

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 9.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:30

SUBJECT

a. Schedule work sessions for new City Council

RECOMMENDATION

BACKGROUND

a. The City Manager and Mayor recommend the new Council meet with the State Legislators representing Centerville--prior to the beginning of the Legislative Session (January 25). This could be done in a dinner meeting at 5:30 on Tuesday, January 19 prior to the Council's regular 7 p.m. meeting. The purpose would be to discuss anticipated legislative issues that may impact Centerville City.

Another recommended work session would include a presentation from the auditors of their report for FY 2015, combined with a staff presentation about City finances. Understanding the City's financial position, fund structure, budgeting process, etc., would be an important part of a good foundation for the new Councilmembers. The City Manager suggests this be a work session on January 5 *following* the regular council meeting. New Councilmembers will be sworn in prior to the regular meeting that night.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 10.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:40

SUBJECT

a. Summary of 2015 projects/issues and anticipated projects/issues in 2016

RECOMMENDATION

BACKGROUND

At the end of each calendar year the City Manager compiles a list of City projects and issues from the past year. Councilmembers may appreciate this as a summary of what was accomplished during their term. The City Manager also compiles a list of projects and issues anticipated in the next 12 months. The list looking forward to the next year may provide a useful perspective of the breadth of matters the Council will need to deal with in the coming year.

These summary lists will be attached to NovusAgenda when available.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 11.

Short Title: Miscellaneous Business

Initiated By: City Manager

Scheduled Time: 8:50

SUBJECT

a. Ordinance No. 2015-33 amending Centerville City Position Pay Grade Schedule
b. Land Use Training by Brent Bateman, the Utah Property Rights Ombudsman, on Wednesday, February 10, 2016 at 6:00 p.m. for all PC and CC members

RECOMMENDATION

a. Approve Ordinance No. 2015-33 amending the Centerville City Position Pay Grade Schedule, and approve mid-year pay raises recommended by the City Manager for employees affected by this amendment.

BACKGROUND

a. The Centerville City Salary Administration Guidelines provides for the re-evaluation of compensation for a position when job duties change significantly. In addition, it is appropriate to review compensation when job market data suggests the salary range for the position may no longer be competitive. Four employee positions are currently under review to determine the appropriateness of the pay grades assigned to these positions:

- Records/IT Specialist in the Police Department
- GIS Specialist in the Public Works Department
- Management Assistant in the City Manager's Office
- Dispatcher III position occupied by Stephanie Lowe in Police Department.

The first two mentioned above are still under review. Since these are IT related positions, Mayor Cutler (an IT professional) is participating in the review along with the City Manager and Assistant City Manager. Interviews with the employees in those positions will be conducted in December.

Management Assistant -- In July 2015 the City Manager informed the City Council that he was transferring some responsibilities from the Assistant City Manager/Finance Director, Blaine Lutz, to the Management Assistant, Jacob Smith. These transferred duties include risk management and human resources administration (other than payroll and benefits, which remain in the Finance Dept.). In the area of risk management, claims management was transferred to the City Attorney, but all other risk management functions were transferred to Jacob. With the addition of these significant responsibilities, the compensation for the Management Assistant position and employee should be upgraded. To reflect this increase in responsibility, the City Manager also recommends a change in job title--from Management Assistant to "Assistant to the City Manager". Looking longer term, this position could evolve into an Administrative Services Director position with additional duties such as budgeting and oversight of City Recorder position. This is one of the City Manager's strategies for

addressing the impact of several employee retirements anticipated in the next few years.

The revised job description for the Management Assistant position is attached. The changes in job title to "Assistant to the City Manager", as well as the additional job duties, are highlighted in red.

Dispatcher III -- This position, currently occupied by Stephanie Lowe, would remain in the Position Pay Grade Schedule because it is intended to provide advancement opportunity for employees in Dispatcher I and II positions as they meet the experience and other requirements for advancement in the Dispatcher job series. Stephanie's job duties, however, have expanded beyond the scope of work in the current Dispatcher III job description. She functions, in essence, as an office manager, supervising the other dispatchers and providing support to the Police Department managers and to the City's prosecutors. A new job description has been written for this position and is attached, with the new title of "Dispatch Supervisor/Court Liaison".

Ordinance No. 2015-33 -- This ordinance amends the current Position Pay Grade Schedule as follows:

- The Management Assistant position is replaced by the position of "Assistant to the City Manager", with a change in pay grade from 15 to 17. Pay grade 17 is 10% higher than pay grade 15.
- The new position of "Dispatch Supervisor/Court Liaison" is added. The assigned pay grade is 11, which is one grade (5%) higher than Dispatcher III. This will make this position on par with the Court Clerk Supervisor position, which is also assigned to grade 11.
- As mentioned in the Ordinance, the positions of Records/Technician and Court Technician/Dispatcher are deleted. These are outdated positions that have not been used for a number of years.

Pay Raises -- Considering the substantial responsibilities that have been transferred to Jacob Smith since July, the City Manager recommends a 10% increase in his current salary, which is $55,682. The pay range for grade 17 is $48,267 to $69,985. Jacob well exceeds the minimum qualifications as defined in the job description (i.e. bachelor's degree and 5 years experience)--with an MPA degree and 10 years of state and local government experience.

Stephanie Lowe is currently at the top of the Dispatcher III pay grade. Reassigning her to grade 11 will create a gap of 5% between her current wage and the top of grade 11. The City Manager and Police Chief will determine whether some increase should be given mid-year for this change.

b. The City Attorney recommends attendance for all Planning Commissioners and City Council members at this Land Use Training by Brent Bateman. The training will be provided at Centerville City Hall and is sure to be both informative and entertaining. Mark your calendars.

ATTACHMENTS:

Description

- Ordinance No. 2015-33-Position Pay Grade Amendments
- Exhibit A-Position Pay Grade Schedule
- Job Description-Assistant to the City Manager
- Job Description-Dispatch Supervisor/Court Liaison

ORDINANCE NO. 2015-33

AN ORDINANCE AMENDING THE CENTERVILLE CITY POSITION PAY GRADE SCHEDULE

WHEREAS, the City Council has previously approved the Position Pay Grade Schedule as part of the Compensation Plan and Salary Administrative Guidelines for FY 2015-16; and

WHEREAS, the City Council desires to amend the Position Pay Grade Schedule to reflect recent changes to positions and job descriptions, including the elimination of the positions of Management Assistant, Records/IT Technician, and Court Technician/Dispatcher, and creating the positions of Assistant to the City Manager and Dispatch Supervisor/Court Liaison.

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

Section 1. **Amendment.** The Position Pay Grade Schedule, included as part of the Compensation Plan and Salary Administrative Guidelines for FY 2015-16, is hereby amended to read in its entirety as more particularly provided in **Exhibit A,** attached hereto and incorporated herein by this reference, including the elimination of the positions of Management Assistant, Records/IT Technician, and Court Technician/Dispatcher, and creating the positions of Assistant to the City Manager and Dispatch Supervisor/Court Liaison.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF DECEMBER, 2015.

ATTEST: **CENTERVILLE CITY**

By:_____

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

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____ DATE: _____

MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 2015.

PUBLISHED OR POSTED this ____ of _____, 2015.

EXHIBIT A

POSITION PAY GRADE SCHEDULE

Centerville City
Position Pay Grade Schedule
12/15/2015

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

Centerville City
Position Pay Grade Schedule
12/15/2015

Index Code	Department	Job Title	Pay Grade
500	Police	Police Chief	25
505		Assistant Chief/Lieutenant	21
510		Sergeant	17
515		Police Officer III	15
516		Police Officer II	13
517		Police Officer I	12
518		Records/IT Specialist	13
524		Dispatch Supervisor/Court Liaison	11
520		Dispatcher III	10
521		Dispatcher II	8
522		Dispatcher I	6
525		Crossing Guard	NA

600	Public Works	Public Works Director	23
610		Water Supervisor/Deputy Public Works Direct	17
611		Drainage Utility Supervisor	14
615		Street Supervisor	15
617		GIS Specialist	13
621		Journey Mechanic	11
622		Apprentice Mechanic	10
625		Water Maintenance Operator III	12
626		Water Maintenance Operator II	10
627		Water Maintenance Operator I	8
630		Street Maintenance Operator III	12
631		Street Maintenance Operator II	10
632		Street Maintenance Operator I	8
640		Meter Reader	7
645		Laborer	6

Assistant to the City Manager Job Description

General Purpose

Performs a variety of technical, professional and administrative duties with the following primary areas of responsibility: 1) the City's public information program, including City website, newsletters and use of social media; 2) human resources administration; 3) risk management; and 4) research, analysis and special projects assigned by the City Manager.

Supervision Received

Works under the general guidance and direction of the City Manager.

Supervision Exercised

Temporary, short-term or shared supervision of other employees in connection with job duties and special project assignments.

Essential Functions

Public Information

Produce City newsletters and news updates: recommend articles; write or assign others to write articles; edit articles submitted; format content, add graphics and arrange for printing; post newsletters and news updates on City website.

Manage City website: recommend and make improvements to website appearance, functionality and content; work with each department on a continuing basis to gather updated website content; edit statements or documents provided to make them web-ready; review website for broken links or missing data.

Manage the City's use of other social media: recommend policies and procedures for use of social media; check with each department on a regular basis for new social media content; upload up-to-date data, images, video and documents; process social media updates submitted by departments at any time; verify department content submissions are in compliance with City policies, goals and standards; patrol the City's internet comment forums for inappropriate content if comments from public are allowed.

Coordinate with City Recorder to maintain updated records of official City web accounts on an "Account Register" including site name, username, passwords, URLs, registering email address, date established, authorizing official, created by, and approved authors or editors; maintain Freedom of Information Act (FOIA) and Government Records Access and Management Act (GRAMA) appropriate records of all content on social media pages.

Write and administer citizen surveys as requested by the City Council or City Manager.

Identify appropriate subjects for and draft press releases as approved by City Manager.

Serve on the Emergency Operations Center team as the Public Information Officer in the event of a disaster or emergency.

Human Resources Administration

Serves as the City's HR specialist. Advises the City Manager regarding Human Resource practices and techniques to effectively plan for and manage the City's workforce. Researches, compiles, analyzes and evaluates information about selection procedures, recruitment methods, benefits administration, compensation, job descriptions and related human resource practices

Makes recommendations to the City Manager regarding the creation or revision of personnel policies and procedures. Provides updates on personnel policy changes to all employees. Updates the Employee Handbook.

Assists City Manager in administering the City's compensation plan including writing/updating job descriptions, classification/reclassification of positions, salary studies and benefit analyses.

Maintains knowledge of industry trends and employment legislation to ensure compliance and assists departmental directors in complying with labor laws and regulations.

Works with departmental directors to promote career development, assess training needs and provide training opportunities.

Risk Management

Identify, evaluate and mitigate risks inherent to the operations of the City and identified by the City's annual risk inspection program.

Work with department heads to develop and implement risk management strategies to efficiently and cost-effectively manage risk.

Coordinate annual inspection program with the City's insurance company and City departments.

Administer and coordinate risk related training for all City employees.

Assist City Attorney when needed with claims.

Maintain the City's asset and physical inventory lists. Perform periodic audits on physical and capital assets to ensure accuracy.

Secure and monitor insurance coverage of all assets, as appropriate.

Research, Analysis and Special Projects

Conduct research, studies, analyses and evaluations of current or proposed policies, programs or operations. Administer Operational Metrics program. Write reports and present results in appropriate forums, including staff meetings, City Council meetings, etc.

Assist City Manager and department heads in preparing staff reports for matters to be considered by the City Council. Provide technical support during City Council meetings.

Participate as a member of the City's executive team and work on interdepartmental issues.

Provide administrative support for the Centerville Community Foundation, July 4th Celebration Committee and other groups/organizations as requested by the City Manager.

Perform related duties as required, including assistance to City Recorder as needed.

Minimum Qualifications

1. Education and Experience:

A. A bachelor's degree in public or business administration or some related field;
AND

B. Five (5) years of responsible experience related to above duties;
OR

C. An equivalent combination of education and experience.

2. Required Knowledge, Skills and Abilities:

Considerable knowledge of issues related to operations and performance of city activities, website management and use of social media for governmental purposes. **Working knowledge** of city management and council processes, procedures and the political environment associated with City programs, interrelationships between various types of local governments and agencies, budget development, fiscal management, human resources and risk management.

Strong skills in quantitative analysis; business or technical writing; public speaking and presentations; interpersonal communications; use of computer software for recording, organizing and analyzing data and producing formal documents and reports; use of website software and social media; and creative problem solving.

Ability to analyze a variety of operational and organizational problems and make recommendations; coordinate a variety of policy and administrative matters between City Manager and department heads, subcontractors and clients; plan, organize and draft technical reports, documents and agreements; develop effective working relationships with local officials, the public and city employees; ability to communicate effectively, verbally and in writing; and work effectively under stress and deadlines.

3. Special Qualifications:

4. Work Environment:

Performs in a typical office setting with appropriate climate controls. Tasks require variety of physical activities, not generally involving muscular strain, such as walking, standing, stooping, sitting, reaching, talking, hearing and seeing. Common eye, hand, finger dexterity exist.

CENTERVILLE CITY
JOB DESCRIPTION

Title: Dispatch Supervisor/Court Liaison
Division: Administration/Prosecution
Department: Police

General Purpose

Supervises department office staff involved in use of radio equipment, time-off requests, handling calls for service and walk-in public requests and complaints. Provides administrative support for the police department and city prosecutors.

Supervision Received

Works under the general supervision of the Chief of Police and Lieutenant for police duties. Works under the city prosecutors for court related duties.

Supervision Exercised

Supervises, trains, schedules, and evaluates dispatch/records staff. Recruits, hires, trains and schedules crossing guard staff.

Essential Functions

Dispatch/Records Management
Serves as backup in answering the phone and radios, dispatch calls for service to officers, the monitoring of radio traffic and calls and providing information to walk-ins.

Ensures information entered into the police records management system is accurate. Trains in and is familiar with government records requests, record keeping rules, and retention of records. Maintains files on active warrants, active National Crime Information Center (NCIC) entries, and permanent sex offender files.

Police Administrative Support
Transcribes recordings and dictations and types Internal Affairs (IA) reports, confidential correspondence, memorandums, and messages. Procures office supplies, forms and other printed items. Prepares agenda for staff and department meetings. Attends and takes minutes at staff meetings. Communicates to the Chief and Lieutenant pertinent police-related information. Compiles data and assists with special projects, grants, and budget requests.

Updates personnel records, personal action forms, phone lists, police records management system personnel records, and next of kin forms. Codes and enters invoices and verifies items and equipment have been received. Maintains local gun dealer files.

Assists Lieutenant with DUI roadblock paperwork and dispatch coverage. Attends all roadblocks and gathers required statistical information.

Emergency Management
Trains on data entry in WEB EOC, the Incident Command System, and assists during exercises and drills. Is designated as support staff in the emergency operations center when activated.

Crossing Guards
Works under the Chief to recruit, hire and train crossing guards. Makes sure all zones are covered, calls in substitutes when needed, coordinates with the schools for crossing times, and schedules changes. Fields minor crossing guard/zone related complaints. Communicates serious complaints and concerns to the Chief. Tracks crossing guard hours for payroll.

Bureau of Criminal Information (BCI) Lead Terminal Agency Coordinator
Downloads and maintains monthly validations and status of Utah Criminal Justice Information System (UCJIS) training for department employees. Point of contact for UCJIS. Enters NCIC requests and maintains active NCIC files on persons, vehicles, stolen guns, and property. Administrator for user files, security and testing, and user agreements. Compiles data for State and Federal audits. Monitors user access of data related to criminal history, state wide warrants, driver's license and registration transactions.

Performs various information requests on driver's license information, vehicle registration, and state and interstate criminal history information.

Court Liaison
Assists city prosecutors with motions, informations, and affidavits for warrants. Attends open court to assist prosecution. Runs all criminal history information, queries on the court exchange system, and provides technical support during court. Combines court and police reports for pre-trials, bench trials, etc.

Compiles Discovery/Court packets with reports and reproduces video for prosecution and defense for Centerville Justice Court cases. Coordinates with outside agencies for reports, toxicology results, video, pictures, etc.

Prepares subpoenas/summons for officers, witnesses, and victims for pre-trials and trials. Arranges prisoner transportation requests.

Tracks and follows up with bail bonds and forfeitures.

Prepares and monitors bailiff shifts and make sure all court dates are covered.

Assures the proper delivery of documents at various stages of the legal system process; expediting delivery when needed.

Minimum Qualifications

1. Education and Experience:

   High School Graduation; plus at least 1 year of specialized training;
   Five (5) years experience as a dispatcher and/or with police records
   Prior experience with police, courts, or other criminal justice preferred.

   OR

   An equivalent combination of education and experience

2. Knowledge, skills, and abilities:

   Considerable knowledge and understanding of legal and liability issues common to dispatching, radio dispatch procedures and radio codes, BCI systems and codes, records management systems, and related city systems, criminal and city codes, and city geography. Ability to use communications equipment and proficient in the use of computers and standard office software such as Microsoft Word and Excel. Knowledge of proper grammar, spelling, punctuation, standard office practices and procedures related to records, correspondence, telephone etiquette, and the operation of various types of office equipment.

   Ability to understand and operate a variety of radio communication equipment including police radio procedures; think clearly and act quickly in emergency situations; deliver understandable and complex verbal instructions; establish and maintain effective working relationships with public safety personnel, other agencies, and the public; supervise and assign work to subordinates performing similar duties.

   Ability to type 50 wpm.

   Ability to comprehend common legal terms, court procedures, criminal code, and city information.

3. Special Qualifications:

Successful completion of Peace Officer Standards and Training (POST) Dispatch Certification.

Successful completion of BCI training and certification annually.

Successful completion of NIMS IS100, 200 and 700 courses.

4. Work Environment:

Incumbent performs in a typical office setting with appropriate climate controls. Tasks require a variety of physical activities such as walking, standing, stooping, sitting, reaching, talking, hearing and seeing. Common eye, hand, finger dexterity exits. Mental application utilizes memory for details, verbal instructions, emotional stability, discriminate thinking and creative problem solving.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 12.

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

Initiated By:

Scheduled Time: 9:00

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
12/15/2015

Item No. 13.

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

Initiated By:

Scheduled Time: 9:00

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City committees/boards.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No. 14.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 9:00

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
12/15/2015

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- Monthly Building Report for November 2015
- Newspaper article - SL Tribune - voting by mail increased turnout by 52%

Steve Thacker
City Manager
Building & Safety Department
655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for November 2015

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	5	25	25	25	232,554.00	277,328.00	1,162,770.00	6,933,189.00
Duplexes / Town Homes	0	0	0	0			-	-
Apartments	0	4	90	4			-	12,244,075.00
Addition/Alteration/Repair	1	20					12,000.00	718,963.00
Power/Mech	10	68					-	-
Signage	0	22					-	95,100.00
Commercial/Tenant Finish	0	26					-	4,137,730.00
Detached Structure/Gar	0	9					-	473,252.00
Demolition	0	4					-	2,500.00
Pool	0	1					-	45,000.00
Miscellaneous	4	33					744,462.00	1,115,863.00
Total Permits Issued:	**20**	**212**				**Total Permitted Valuation:**	**1,919,232.00**	**25,765,672.00**

	Monthly		YTD Comparison	
Building Permit Related Revenues	***November 2015***	***YTD 2015***	***November 2014***	***YTD 2014***
BUILDING	*16,142.12*	*188,437.40*	*5,636.54*	*129,898.97*
PLAN CHECK	*6,128.40*	*86,534.11*	*1,685.28*	*63,055.27*
ELECTRICAL	*198.00*	*1,518.00*	-	*1,386.00*
PLUMBING	-	-	-	-
MECHANICAL	*462.00*	*3,092.00*	*132.00*	*2,904.00*
GRADING	-	-	-	*188.00*
STATE SURCHARGE	*168.01*	*1,929.96*	*57.69*	*1,343.85*
WATER DEV.	*9,120.00*	*86,645.00*	*508.00*	*28,284.00*
WATER CONNECTION	-	*16,132.94*	*4,455.00*	*7,752.81*
WATER METER	*1,250.00*	*14,360.00*	*90.00*	*4,725.00*
STORM DRAIN	-	-	-	*700.00*
FIRE IMPACT	*2,534.52*	*56,049.03*	-	*11,373.77*
PARK IMPACT	*8,228.00*	*232,441.00*	-	*12,342.00*
DRIVE APPROACH	*175.00*	*940.00*	*35.00*	*310.00*
BOND	*5,000.00*	*38,000.00*	*2,000.00*	*22,000.00*
SPECIAL IMP DIST/REC	-	*12.00*	-	*1,316.93*
ENGINEERING	-	*1,000.00*	*500.00*	*3,500.00*
TV INSPECT DRAINS	-	-	-	*750.00*
LANDSCAPING BOND	-	-	-	*2,000.00*
Total Permits Related Revenue:	***$49,406.05***	***$727,091.44***	***$15,099.51***	***$293,830.60***

The Salt Lake Tribune

Voting by mail increased Utah turnout by 52%

BY LEE DAVIDSON

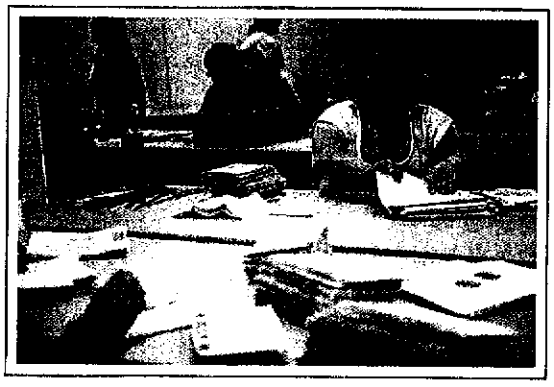
THE SALT LAKE TRIBUNE

PUBLISHED: DECEMBER 2, 2015 05:49PM

UPDATED: DECEMBER 2, 2015 09:52PM

Utah cities and counties that voted by mail this year increased voter turnout by an average of 52 percent, a new study says.

That is welcome news because turnout has plummeted in recent decades, including setting a record low in 2014, when only 28.8 percent of the state's voting-age population participated in the general election, according to the Utah Foundation.



Chris Detrick | Tribune file photo
Jan Young opens and prepares ballots for tabulation at the Salt Lake County Government Center Wednesday November 4, 2015. A new report says vote by mail has contributed to a big increase in voter participation.

It released a report Wednesday looking at some of the reasons for low voter turnout and methods that could boost it.

Atop the list of actions bringing improvement so far is voting by mail.

The report said that all of the 70 Utah cities that chose to vote by mail this year increased turnout compared with the two previous municipal elections, in 2013 and 2011.

"Smaller communities saw higher turnout than larger cities," the report said, "and average turnout for the participating cities was 40 percent," an improvement of 52 percent from the previous election.

For example in Salt Lake City, which had a close mayoral election, canvass results show turnout was 54.6 percent — up from 13 percent in 2013 and 24 percent in 2011. The mayoral election in the capital four years ago was far less competitive.

Some other vote-by-mail cities with the highest turnout were: Wallsburg, 68 percent (no election was held there two years ago when it "forgot to hold the municipal election" when no candidates filed); Green River, 65 percent (up from 35 percent); Moab, 62 percent (up from 16 percent); and Charleston, 61 percent.

The report notes that voting by mail "removes obstacles created by getting to the polls and finding time to vote when locations are open for limited hours." It said Utah also helped overcome those problems with "early voting" in weeks before Election Day.

The report said studies have found that reasons for decreasing voter turnout in Utah range from having fewer competitive races to obstacles that make it difficult to vote or register.

"A lack of competitive races has been increasing in statewide and federal races while turnout has been decreasing. In the past decade the majority of races have either been won by a significant margin (30 percent or above) or have lacked an opponent," the report said. "This lack of competitive races is at least partially due to Utah's [historic] caucus-convention system."

Until the system was changed recently, delegates selected a party nominee if a candidate won more than 60 percent of votes at convention. Otherwise, delegates narrowed the field for a primary to the top two candidates.

Because Utah has large Republican majorities, the caucus-convention system often took the real contest — between GOP rivals — out of voters' hands. So a group called Count My Vote started a petition drive to replace that system with a direct primary. But the Legislature passed SB54 in 2014 as a compromise, allowing candidates to qualify for a primary either through the traditional caucus-convention system or by gathering enough signatures.

Despite court challenges to SB54 by the Republican and Constitution parties, the 2016 election will be the first time the new system will be used. "So the actual impact on civic engagement and voter participation are yet to be seen," the report said.

Hurdles to voter registration are a problem despite improvements, the report said. It notes that Utah Foundation research has shown that while 90 percent of Utahns believe they are registered, only about 63 percent are. Part of the problem, the report said, is that some people mistakenly think that if they report an address change to the Division of Motor Vehicles, that will automatically change their voter registrations. It does not.

Utah has taken steps to make registration easier, the report said, including allowing online voter registration for people who have a signature on file with the Division of Motor Vehicles; allowing 16- and 17-year-olds to "preregister" to vote

when they obtain a driver license, effective when they turn 18; and an experiment with Election Day registration in some counties.

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The Salt Lake Tribune

Voting by mail increased Utah turnout by 52%

BY LEE DAVIDSON

THE SALT LAKE TRIBUNE

PUBLISHED: DECEMBER 2, 2015 05:49PM

UPDATED: DECEMBER 2, 2015 09:52PM

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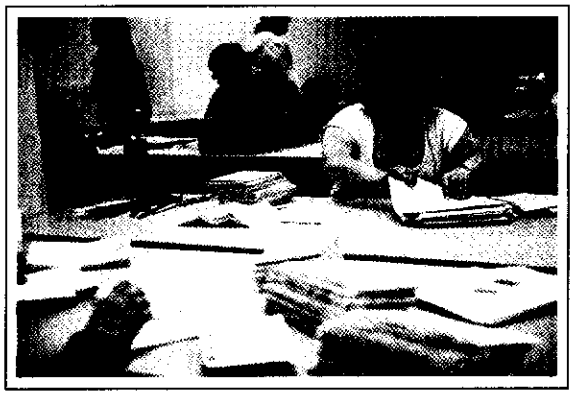

Chris Detrick | Tribune file photo
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REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REDEVELOPMENT AGENCY OF CENTERVILLE MEETING AT 9:00 PM ON DECEMBER 15, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

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

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

A. NEW BUSINESS

1. Minutes Review and Acceptance
   December 1, 2015 RDA/ACB meeting minutes
2. Consider funding for fencing on pedestrian bridge and along Parrish Lane
3. Approve funding for betterments related to 1250 West/Parrish Lane traffic signal project

B. ADJOURNMENT

Steve H. Thacker
Executive Director