



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

Tamelyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager *S. Thacker*
subject: City Manager's Summary of January 17, 2017 Council Meetings
date: January 13, 2017

5:30 Work Session with State Legislators – The City Council will meet in a work session at 5:30 p.m. with State Legislators representing Centerville to discuss bills anticipated during the 2017 Session that may affect Centerville. I have prepared a memo—available online via NovusAgenda—with suggested topics for this discussion. Representative Tim Hawkes and Senators Stuart Adams and Todd Weiler have all indicated they will be present. Dinner will be available beginning about 5:15 p.m.

Regular Council Meeting

E.1. Minutes Review – The minutes to be approved are available online via NovusAgenda.

E.2. Summary Action Calendar

- a. **Ron Schultz Subdivision** – This subdivision is ready to begin its warranty period.
- b. **Personnel Policies** – The City's risk insurer, URMMA, recommends the City adopt a policy regarding pregnancy light duty, to comply with federal law.
- c. **Public Utility Easement** – The City Council did not have to approve the Rohletter Small Subdivision, but they should accept this easement relating to that development.
- d. **Deferral Agreement** – Staff recommend the Council approve this agreement which will allow deferral of sidewalk construction on Lot 10 in the Duncan Hills Subdivision Amended, due to unique conditions explained in the staff report.

E.3. 2017 Municipal Elections – Vote-By-Mail Recommendation – The City Recorder and City Attorney attended a meeting at Davis County offices this week, during which they learned the County will administer a city's elections this year *only* if the city conducts a vote-by-mail election; otherwise the city will have to conduct its own elections. The County wants cities to make this decision by February 13; therefore, I have put this on the January 17 agenda. If the Council needs more time to make a decision, this matter can carry over to the February 7 meeting.

E.4. Briefing re Stormwater Regulations – The Federal Clean Water Act—as implemented over the years through federal regulations—has placed an increasing burden on cities regarding their own operations as well as their enforcement of others' actions that may affect the quality of stormwater



runoff. Providing an understanding of this impact will be useful as you address the next item on the agenda, as well as future matters that will come before you. Dave Walker, the City's Drainage Utility Supervisor, will provide this briefing.

- E.5. **Alternatives for Bulk Green Waste Collection in Spring** – After last year's spring cleanup event, Public Works employees began discussing alternatives to the traditional curbside pickup service. Placement of debris in the gutters/streets is something we normally do not allow—to comply with federal stormwater regulations—yet we “sanction” that activity during a two-week period in the spring. It impacts stormwater quality and the operational condition of the storm drain system. The cost is also significant. Last year the direct cost was \$46,000 (plus staff time) due to the impact of a windstorm during the pickup period. Staff estimate the direct cost of the traditional service this year, under normal conditions, would be \$35,000. Staff believe it is time to discontinue this practice, as most other Davis County cities have already done, and replace it with one of the options that other cities are using: 1) designate locations where residents can take their green waste within the City, where a contractor would grind it up and haul it away; or 2) issue vouchers to residents that cover the tipping fee if they haul their green waste to the landfill.
- E.6. **Mayor's Report** – Mayor Cutler will report on the latest UIA/UTOPIA financial reports and the activities/issues of the South Davis Metro Fire Service Area.
- E.7. **City Council Liaison Report** – Councilman McEwan, who represents the City on the Mosquito Abatement District Board and the UTOPIA Board, will report on the activities/issues of those entities.
- E.8. **City Manager's Report** – I will brief you on the federal funding applications to be sent to WFRC next week for intersection projects on Parrish Lane. I am also recommending a “financial planning” work session” on January 31—see staff report for the proposed agenda. Lisa Romney, City Attorney, has also asked for opportunity under this heading to update the Council regarding the Online Municipal Code Project.
- E.9. **Open and Public Meetings Training** – The City Attorney will provide training on this topic, which is required annually by state law.
- E.10. **Miscellaneous Business** – No topics are identified at this time under this heading.
- E.11. **Closed meeting, if needed** – Although I do not know of a need for a closed meeting at this time, the agenda allows for that possibility.
- E.12. **Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments.

Potential Agenda Items for February 7, 2017 City Council meetings (subject to change):

- Subdivision Plat Amendment - 1872 N. Main Subdivision
- Possible decision re 2017 Municipal Elections—Vote-By-Mail
- Work session with Parks Committee and consultant re Island View Park renovation plan
- Museum policies
- Cemetery analysis

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON JANUARY 17, 2017 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 801-295-3477, giving at least 24 hours notice prior to the meeting.

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

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

Time:

- 5:30 Work Session with Legislators representing Centerville re legislative issues affecting Centerville City
- 7:00 **A. ROLL CALL**
 (See City Manager's Memo for summary of meeting business)
- B. PLEDGE OF ALLEGIANCE**
- C. PRAYER OR THOUGHT**
 Mayor Cutler
- 7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**
- E. BUSINESS**

- | | | |
|------|-----|--|
| 7:10 | 1. | Minutes Review and Acceptance
January 3, 2017 work session and regular Council meeting |
| 7:10 | 2. | Summary Action Calendar <ul style="list-style-type: none">a. Ron Schultz Subdivision - Commence Warrantyb. Amendments to Personnel Policies - Resolution No. 2017-01c. Accept Public Utility Easement for Rohletter Small Subdivisiond. Approve Public Improvements Deferral Agreement for Lot 10 of the Duncan Hills Subdivision Amended |
| 7:10 | 3. | 2017 Municipal Election - Vote-By-Mail Recommendation |
| 7:30 | 4. | Briefing re stormwater regulations and impacts on City operations |
| 7:50 | 5. | Discuss proposed alternatives for bulk green waste collection in spring |
| 8:20 | 6. | Mayor's Report <ul style="list-style-type: none">a. UIA/UTOPIA reportsb. Fire Service Area |
| 8:30 | 7. | City Council Liaison Report – Councilman McEwan – Mosquito Abatement District & UTOPIA |
| 8:40 | 8. | City Manager's Report <ul style="list-style-type: none">a. WFRF funding applicationsb. Financial planning work sessionc. Status of Online Municipal Code Project |
| 8:50 | 9. | Open and Public Meetings Training - City Attorney |
| 9:05 | 10. | Miscellaneous Business |
| 9:10 | 11. | Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended |
| | 12. | Possible action following closed meeting, including appointments to boards and committees |

F. ADJOURNMENT

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

Marsha L. Morrow, MMC
Centerville City Recorder

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No.

Short Title: Work Session with Legislators representing Centerville re legislative issues affecting Centerville City

Initiated By: City Council

Scheduled Time: 5:30

SUBJECT

RECOMMENDATION

Discuss with State Legislators representing Centerville the Council's concerns about issues that will be the subject of bills in the 2017 Legislative Session. Also identify how each Legislator prefers to be communicated with during the Session.

BACKGROUND

The City Manager drafted the attached memo containing his suggestions for topics that should be addressed with Rep. Tim Hawkes, Senator Stuart Adams and Senator Todd Weiler.

ATTACHMENTS:

Description

- City Manager Memo re Work Session

To: Mayor and City Council
From: Steve Thacker, City Manager 
Subject: Work Session with State Legislators
Date: January 12, 2017

This memo identifies legislative issues I perceive as most important for the City Council to discuss with State Legislators during the January 17 work session. I realize each of you may have other issues in mind that are important to you. You may have time to address your individual concerns, but I cannot guarantee such. I will leave it to the Mayor to manage the work session time. I am assuming he will allow opportunity at some point in the meeting for our Legislators to preview any legislative issues they want us to know about—but I recommend this be *after* the City's most important concerns are shared with them.

Based on my attendance at monthly meetings of the ULCT Legislative Policy Committee—as well as drawing from my experience as the City's "Budget Officer"—I recommend you address two very important topics: 1) online sales tax; and 2) local land use authority. My concerns are expressed below.

Online Sales Tax

Online retailers without a physical presence in Utah are not required to collect sales tax, but customers who purchase goods from these retailers are legally supposed to pay "use tax" on their annual income tax return in lieu of sales tax, but few do. According to a December 17 Deseret News article (attached), an estimated \$200 million and \$100 million in state and local sales taxes, respectfully, are not paid for online sales annually in Utah. I believe online sales will continue to grow. Senator Bramble—briefing municipal officials at the most recent meeting of the ULCT Legislative Policy Committee—reported that online sales this past holiday season exceeded the prior year by 17%.

Using the \$100 million in lost sales tax assumption above, I estimate the portion that would flow to Centerville City if it could be collected would be \$600,000 annually. If this \$100 million *was distributed based strictly on population*, Centerville's share would be:

$$\$100,000,000 \times (\text{population factor of } 0.00563) = \$563,000$$

If it was distributed based on the current 50/50 population/point-of-sale formula for distributing local sales tax revenue, with the 50% "point-of-sale" factor being replaced by a "point-of-delivery" factor, I expect it would generate more than this amount because the above average income level of Centerville residents would mean above average online sales volume.

According to Senator Bramble's briefing, Utah has participated since the late 1990's in the national effort to convince Congress to create a "streamlined" online sales tax program, but Congress "has done nothing for 18 years". So states have become impatient and are stepping up to pass laws that overcome the legal obstacles created by the US Supreme Court in the Quill case. He said 16 states considered legislation in the past year. Last year in Utah, the Sales Tax Fairness Coalition promoted an online sales tax bill which passed the Senate but was not voted on in the House. Rumblings are that the US Supreme Court might be ready to overturn its own earlier decision (i.e. Quill case), which could add pressure to

Congress to adopt a uniform national approach in lieu of retailers having to deal with the unique requirements of each of the 50 states. Senator Bramble, however, is not waiting for Congress to act. His bill this Session will include two ways of establishing the “nexus” that allows the State to require the collection of sales taxes by online retailers who have no physical presence in Utah: 1) an “economic threshold” nexus; and 2) an “affiliate nexus”—i.e. the online retailer is affiliated with retailers who do have a physical presence in Utah.

One important point to understand about Senator Bramble’s bill. He says it will have a trade-off for state sales taxes—i.e. state income tax rate would be reduced to offset the increase from online sales tax. However, he said his bill does not require cities to reduce their sales tax rate to offset online sales tax gain. **I recommend the City Council emphasize the point that cities have been losing out on sales tax revenue for years because of online sales, and therefore any gain from online sales tax should be considered restoring that which was lost, and not require an offset by lowering the local sales tax rate or some other tax that cities rely on, such as the Energy Sales & Use Tax.**

Local Land Use Authority

Every year the ULCT has to oppose bills that attempt to diminish the authority of cities to regulate land use. 2016 was a particularly challenging legislative session because of the perception that cities were abusing their land use authority. Fortunately the Legislature was convinced to delay acting upon this perception to give the ULCT a chance to work with private property reps and prepare “consensus legislation” for the 2017 Session. The attached document—“2016 Land Use Task Force Consensus Legislation Summary”—is a good briefing of this process and its outcome. I highly recommend you read this document before the work session, and then at the work session **encourage our legislators to support the idea that land use concerns be vetted through the Land Use Task Force before considering formal action during the legislative session.** The LUTF has broad representation from both the public and private sectors, as noted in the attachment.

Other Work Session Topics

Mayor Cutler may briefly mention in the work session other matters of importance to Centerville that may not be legislative issues but he would like our Legislators to be aware of, such as:

- I-15 Parrish Lane interchange reconstruction
- Connecting Centerville and Farmington on the west side via extension of 1250 West
- Hillside recreational development
- Challenges recruiting public safety employees

Utah

Local governments eager to see returns from Amazon.com deal

By Katie McKellar @KatieMcKellar1

Published: Dec. 17, 2016 4:10 p.m.

Updated: Dec. 18, 2016 1:44 p.m.

SALT LAKE CITY — It's not yet known exactly how much revenue the state and local governments will reap from Utah's sales tax deal with Amazon.com, but local leaders are eager to start seeing the dollar signs.

That's because they view it as revenue they should have been collecting all along — meaning when they do get the returns, the revenue should either level out their tax bases or manifest back to the taxpayer in a varying range of services.

Lincoln Shurtz, government affairs director for the Utah Association of Counties, said local governments for years have been pushing the Legislature to expand internet sales collections to all companies that do a significant amount of business in Utah. Amazon's deal, he said, is a "great first step" in repairing a deteriorating tax base thanks to an "economy shifting online."

"It's capturing what should have been paid — unrealized revenue that should have been coming to cities and counties in the first place," Shurtz said. "So clearly it will be helpful in paying for basic services, education, road funding and infrastructure."

An estimated \$200 million in state sales tax and another \$100 million in local sales taxes go uncollected each year from online purchases made by Utahns.

It's still not clear how much of a dent Utah's deal with Amazon will make in that revenue gap because state tax officials have not yet shared an estimate. But it's expected that the internet giant — one of the nation's most popular online shopping sites — could collect millions.

"No one knows the amount of money cities will see," said Roger Tew, senior policy analyst with the Utah League of Cities and Towns. "But it is the biggest online retailer that did not have a nexus with Utah."

According to a recent study for the American Booksellers Association, Amazon sold nearly \$428 million in retail goods in Utah last year but did not have to pay \$28.6 million in sales taxes.

The study also estimated that Amazon's sales in Utah represent the equivalent of nearly 300 retail storefronts and more than 2,500 retail jobs, and the combined loss of sales and property taxes costs each household nearly \$35.

At a recent meeting with the Utah League of Cities and Towns, Utah State Tax Commission Chairman John Valentine told a room full of local mayors and city council members what he could about the deal with Amazon and what wasn't bound by a confidentiality agreement.

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for — in the best way possible.

Valentine said the sales tax collection will begin Jan. 1 and will include taxes for state and local entities — including transit districts.

Just like any other vendor, he said, Amazon will keep 1.31 percent of the sales tax it collects from Utah customers. The rest will go to taxing entities, with rates varying by zip code.

"It will be up to the local governments to decide what to do with the money," Valentine said in an interview after his presentation. "You're going to have more in the general fund to be able to fund potholes, maybe reduce property taxes, collect garbage or pay police officers."

Tew said it will vary across local jurisdictions what elected leaders decide to do with the revenue, but for "people who want public services, this should be viewed as good news."

"It's a broader addition to a tax base that frankly needs to be maintained," he said. "If your base gets smaller, you have to raise rates. Nobody wants to do that."

In Utah's largest county, Salt Lake County Mayor Ben McAdams said he's "very interested" in knowing what kind of impact the Amazon deal will have on the county's general fund.

"We're not really expecting it to be such a large sum of money that it will be a game changer for our budget," McAdams said. "But I think it will give us the opportunity to invest in some basic services that we haven't been able to."



Utah



"As we've lost tax power to online sales, we've had to scrape by and kick the can down the road," McAdams said. "It costs money to plow the streets and run basic services of government, so hopefully this will help keep taxes down."

The Utah Transit Authority will also likely benefit considerably from the Amazon deal, new UTA President and CEO Jerry Benson said during a recent meeting with the Deseret News and KSL editorial boards.

"I'm really anxious to see an estimate," Benson said. "I think it will be significant."

Whatever the amount, the funding will follow priorities the UTA board recently established for new revenue, including increasing bus service throughout the Wasatch Front, he said.

14
comments
on this
story



Katie McKellar

Katie McKellar covers local politics and community issues on city, county and state levels for Deseret News/KSL.

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**2016 LAND USE TASK FORCE
CONSENSUS LEGISLATION SUMMARY
January 9, 2017**

Representative Mike Schultz has agreed to sponsor consensus legislation drafted by the Land Use Task Force (LUTF) over the 2016 interim session. The legislative background, concepts summary and takeaway bullets are described below.

I. BACKGROUND

A. Land Use Task Force:

The LUTF began in 2006 as an attempt to find a better way to understand, verify and resolve difficult land use issues. Since then, the LUTF has drafted, lobbied and shepherded over 50 consensus-based land use bills into law. Currently, the LUTF includes 110 people who represent public and private land use stakeholders. 70 members of the LUTF advise local governments, including 42 attorneys, 17 planners, 10 administrators, 2 council members, 4 financial consultants, an architect and two engineers. LUTF membership also includes the Office of the Property Rights Ombudsman, 6 members of Utah State House and Senate leadership, developers responsible for 80% the residential lots in Utah, the Utah Association of Realtors, the Utah Homebuilders' Association, the Association of General Contractors and all Utah public utilities.

B. Legislative Leadership Challenge:

In November of 2015, legislative leadership challenged the ULCT to address a legislative perception that local jurisdictions are not consistent with the Municipal and County Land Use Development and Management Acts (together, LUDMA)--despite ten years of participating in consensus based land use legislation. Leadership perceived that many local governments regulated land use lawlessly and would continue to do so without drastic revisions to LUDMA, including several areas of comprehensive state oversight. Leadership wanted a comprehensive solution ready for the 2016 session.

At our request, legislative leadership gave the ULCT fourteen months to assess the situation and develop a consensus-based solution for the 2017 session.

C. LUTF Consensus:

By late spring, the LUTF identified a likely cause of the ills that leadership had described: a missing and essential link between state law and local land use practice. The LUTF agreed that:

1. Many local jurisdictions have not codified fundamental distinctions between legislative and administrative decision-making in land use.
2. Amended LUDMA definitions and clearly limited administrative discretion could provide a framework and clear incentives for municipalities to implement compliant land use systems.

After twelve months, countless research hours, scores of individual and group meetings, public outreach efforts, full concept development and ample civil discourse, the LUTF reached consensus in October of 2016, on its twenty-third (23rd) draft of painstakingly crafted LUDMA amendments.

II. LUTF BILL CONCEPTS

A. Affirms Broad Authority to Enact Land Use Regulations

Both the state legislature and the Utah courts acknowledge the importance of broad authority and discretion for local governments to enact local land use regulations. Local land use control and local discretion to plan and regulate land use are and will always be core principles for the ULCT. No two communities are exactly alike and no two communities regulate land use in exactly the same way. No "one size fits all" state solution is appropriate.

B. Mutual Commitment to Oppose Stray Land Use Bills

In recent years, several members of the state legislature have attempted to limit local land use discretion in a variety of ways, including attempts to prohibit local laws that regulate bee keeping, falconry, historic districts, high towers, aesthetic regulations, charter schools, billboards and short term rentals. The ULCT identified this dangerous trend as an unofficial attempt to restrict local land use authority through a slow and methodical bloodletting: "Death By 1000 Cuts."

The LUTF consensus effort reverses this unnerving trend and reaffirms local governments' place and broad authority to regulate land use. Representative Schultz and the Land Use Task Force members have agreed to actively and mutually oppose further legislative attempts to remove local land use discretion (such as the "Death By 1000 cuts" bills) or to restrict private property rights.

C. Clarifies Limits Of Administrative Discretion

While cities have broad discretion to enact the land use laws and rules that are important to them, in contrast, they have comparatively little discretion when they apply those laws. In other words, you have discretion to make the rules of the "game" before the "game" starts. Once the "game" starts, you must then apply the rules of the "game" plainly and objectively. Both the Utah courts and the Utah legislature have addressed specific limits on local discretion to administer land use regulations.

1. Conditional Use Permit Case Study

For example, in 2005 the legislature limited local discretion to administer conditional use permit applications: in most cases, a city *must issue* a conditional use permit if the use is listed as conditional in the zone. However, since 2005, very few cities have addressed conditional uses in response to the 2005 law. Unfortunately, many jurisdictions continue to apply illegally broad pre-2005 discretion to deny conditional uses. An endless stream of bad CUP stories feed the local "abuse of land use discretion" rumor mill, which then results in targeted legislation to "reign in" local government.

2. Council as Land Use Authority

These stories are often confined to a particular circumstance: where a city council has designated itself as the "land use authority" to decide conditional use permit applications. Councils may be tempted to use broader, "legislative" discretion to their administrative decisions and may thereby blur important distinctions that then lead to abuse of discretion claims.

The LUTF bill clarifies that a council designated as the land use authority must act "administratively"—according to the plain language of the regulation and without discretion. Better appreciation of these critical distinctions that a council must acknowledge when it serves as the land use authority should lead to fewer land use disputes, additional delegation of land use authority responsibilities to staff or commissions, updates to land use codes and fewer land use application decisions referred to the electorate.

3. Plain Language Enforced

No matter who is designated to administer land use regulations, many land use authorities improperly rely on restrictive unwritten practices or on legislative "intent" to interpret and administer vaguely worded provisions in land use codes. It may surprise many local officials that their codes may not restrict land uses as they intend. Under existing law, local land use restrictions must be *plainly written* to overcome the common law right to the unrestricted use of private property. The common law decision dates back to 1998. This common law rule will be codified in the LUTE bill to promote better understanding of this important rule of interpretation.

III. TEN TAKEAWAYS

1. Courts shall defer to municipalities' broad discretion to *enact* land use regulations to meet the unique needs of their citizens.
2. The term "land use regulation" is broadly defined in the new law, to include fee schedules, development standards and other rules.
3. The local legislative body (council) must enact all "land use regulations" in the same manner as it enacts or amends provisions of its land use code.
4. Heads up! Un-codified land use regulations, such as engineering requirements, fee schedules and subdivision standards will not satisfy this enactment standard, which means councils must enact these standards now, in the same manner they enact land use code amendments, to enforce these provisions after the effective date of the law.
5. Courts shall continue to enforce the plain meaning of land use regulations.
6. Municipalities should revise unclear ordinances to plainly describe restrictions the municipalities would like to enforce.
7. Municipalities should not expect courts to uphold vague land use restrictions or regulations that require local interpretation.
8. Courts shall review local decisions that *administer* local land use laws to determine if the decision is "correct", without deference to the local interpretation of the land use code.
9. Courts shall consider a land use authority decision, applying a land use regulation to a land use application, as an administrative decision--even if the local governing body is the land use authority that renders the decision.
10. Clearly delineating the administrative nature of each land use authority decision may reduce the number of land use decisions that are subject to referenda.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No.

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

Initiated By: City Manager

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- D City Manager Summary of January 17, 2017 Council meetings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No.

Short Title: Mayor Cutler

Initiated By: City Recorder

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:10

SUBJECT

January 3, 2017 work session and regular Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ January 3, 2017 work session minutes
- ☐ January 3, 2017 regular Council meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, January 3, 2017 at 6:15 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith Assistant to the City Manager
Lisa Summers, Recreation Coordinator
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

CITY RECREATION PROGRAM

Lisa Summers, Recreation Coordinator, updated the Council on the City's recreation program. She explained that the goal of the program has been to offer classes at a reduced rate to the community, and to offer summer jobs to community youth. She estimated that around 500 merit badge cards are signed through the City every year. Council members looked at a list of classes offered by the City over the years, and Ms. Summers stated that she tries to change the classes offered as the needs in the community change. The number of adult classes offered has reduced as other options have become available in the community. Recreation booklets are only mailed to Centerville residents, but registration priority is not given to Centerville residents. Registration is taken on a first-come, first-served basis.

Responding to a comment from Councilwoman Ivie regarding making the classes more affordable for all, Ms. Summers said she feels the classes offered are a good deal. She said she can only remember three instances in all the years she has held this position that she has been asked about a reduced fee. Staff worked with those families on an individual basis. Councilwoman Ivie said she suspects there are many families in the area in which she lives that do not even consider the City classes because the cost is out of their league. Councilwoman Ivie suggested that schools in the City could be contacted for the number of students on the reduced lunch program for a better idea of need.

Councilwoman Mecham asked about the possibility of summer classes running longer than three weeks, perhaps offering something that would last all summer. Ms. Summers responded that she is always open to ideas of ways to improve the program. She has noticed that the first session of the summer has more participation than the later session, and not all subjects are able to hold participants' interest for more than the three weeks. Councilwoman Mecham asked if it would be possible to involve volunteers to make the classes more affordable. Ms. Summers described the training and work schedule for summer employees. She said she would be thrilled to have quality volunteers, but she has not seen proof that enough consistent volunteer labor would be available. Councilman Ince asked if Ms. Summers has had any pushback from local companies. Ms. Summers responded that the City partners with local companies rather than competing. She said she has never felt any pushback.

ADJOURNMENT

Mayor Cutler adjourned the work session at 6:53 p.m.

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, January 3, 2017 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Assistant to the City Manager
Chief Paul Child, Centerville Police Department
Cassie Younger, Assistant City Planner
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Mark Dimond, Trails Committee Chair
Brandon Federico, Trails Committee
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Councilwoman Fillmore

COMMENDATION

Mayor Cutler expressed gratitude to the individuals responsible for clearing snow from City streets, and acknowledged the significant sacrifice made to clear the streets early Christmas morning. He also expressed appreciation to all police and fire officials who sacrifice holiday time to keep the community safe.

OPEN SESSION

Dave Farnsworth – Mr. Farnsworth expressed appreciation for the wonderful efforts to keep the streets free of snow, and congratulated the Parks Department on the beautiful holiday light display in Founders Park. As a member and representative of the Sons of Utah Pioneers (SUP), Mr. Farnsworth expressed concern about the fencing currently restricting access to the plaque placed by the SUP on the County-owned property located on 100 South. He asked the Council to register the concern with the County, with the request that citizens have free and full access to that property. He said he is not aware of any dangerous incident occurring on the property in the last 35 years, and he feels the property should not be posted "No Trespassing".

Wayne Argyle – Mr. Argyle said he lives across the street from the County-owned property on 100 South. He expressed concern that the County-owned parcel of land that has been enjoyed by many as a nature spot could be lost to something that only a few homeowners would enjoy. Mr. Argyle said the property is used extensively by both children and adults for taking walks, crossing the bridge, and enjoying the water cascading over the rocks. The land is important as it is now. The comparable small amount of money gained in a sale, would be nothing compared to the loss of the natural historical site. He referred to the "No Trespassing" signs currently posted, and said he understands the issue of liability. However, in its current

1 state, there is little, if any, upkeep. Mr. Argyle suggested that liability insurance could be
2 acquired at a cost much less than the maintenance on any of Centerville's parks. He suggested
3 the area along 100 South be left as it is, even if Davis County continues the plan to urbanize the
4 area along 200 South.

5
6 Tracy James – Mr. James stated he is a commercial developer. He said he believes the
7 northern half of the County-owned property on 100 South would be very expensive to develop,
8 and he thinks a peace offering could be made. He suggested the County sell the southern half
9 of the property for development, and preserve the northern half. Mr. James said he has made
10 the offer to the County to purchase some of the land at the current asking rate, and also
11 suggested to others in the community that money could be raised to purchase some of the
12 property.

13
14 Lee Skabelund – Mr. Skabelund stated that, as a retiree with the Forest Service, he
15 recognizes the value of natural land. He echoed the expressions of gratitude for the snow
16 plowing. Referring to the County-owned property on 100 South, Mr. Skabelund said he feels
17 good-faith communication has been lacking between the City and the County. He said he feels
18 the property has a lot of opportunity, and he encouraged open communication between
19 representatives of both groups.

20
21 Jennifer Decker – Ms. Decker said it is her understanding that the Council and Mayor
22 are concerned about the lack of available cemetery space, and are looking into options to add
23 or expand burial space. She questioned the financial feasibility of the options under
24 consideration, and expressed concern regarding legal liability. She suggested the proposed
25 wall would be a short-term solution, not a long-term solution. Ms. Decker suggested the Council
26 explore the possibility of utilizing some of the County-owned property on 100 South for
27 expanded cemetery space.

28
29 **MINUTES REVIEW AND ACCEPTANCE**

30
31 The minutes of the December 6, 2016 Council meeting were reviewed. Councilwoman
32 Fillmore made a **motion** to approve the minutes. Councilman Ince seconded the motion, which
33 passed by unanimous vote (5-0).

34
35 **SUMMARY ACTION CALENDAR**

- 36
37 a. Approve amendments to recording secretary services contracts
38 b. Commence warranty period – Porter Walton Townhomes
39 c. Terminate warranty period – Chick-Fil-A
40 d. Award bid for replacing three submersible pumps and pump column to Nickerson
41 Company in the amount of \$88,738.00

42
43 Mr. Thacker requested that the motion to approve item (d) on the Summary Action
44 Calendar include authorization to participate in a Rocky Mountain Power energy savings
45 agreement. Councilman Ince made a **motion** to approve all four items on the Summary Action
46 Calendar, and include with item (d) the authorization to participate in a Rocky Mountain Power
47 energy savings agreement. Councilman McEwan seconded the motion, which passed by
48 unanimous vote (5-0).

49
50 **PUBLIC HEARING – FINAL SUBDIVISION – RAY SUBDIVISION**

51

1 On December 14, 2016, the Planning Commission reviewed and recommended for
2 approval the proposed Final Subdivision Plat for the Ray Subdivision located at approximately
3 233 South 100 East. Cassie Younger, Assistant City Planner, explained the recommendation
4 and answered questions from the Council.
5

6 Mayor Cutler opened a public hearing at 7:24 p.m., and closed the public hearing seeing
7 that no one wished to comment. Councilwoman Fillmore made a **motion** to approve the Final
8 Subdivision Plat for the Ray Subdivision, subject to the following conditions and based on the
9 following findings. Councilwoman Mecham seconded the motion, which passed by unanimous
10 vote (5-0).
11

12 Conditions:
13

- 14 1. The Final Plat Linen shall meet all standards found in Chapter 15.3 of the
15 Subdivision Ordinance.
- 16 2. After the final plat is deemed acceptable by the City Engineer and City Attorney, the
17 developer shall submit the final plat with all required signatures and
18 acknowledgments to the City Recorder for recording with the Davis County
19 Recorder's Office. The developer shall submit an updated title report current within
20 30 days of recording the plat to the City Recorder along with the final plat.
- 21 3. The final construction drawings shall be reviewed and approved by the City Engineer
22 prior to the recommendation of the Subdivision Plat.
- 23 4. The developer shall submit a signed public improvements agreement and bond prior
24 to recording the final plat regarding any required public improvements.
- 25 5. Developer shall pay all required development, impact and recording fees prior to
26 recording of the final plat.
- 27 6. The developer shall remove the shed on Lot 2 prior to the issuance of any building
28 permit within the subdivision.
29

30 Findings:
31

- 32 1. The final subdivision plat is in harmony with the General Plan [Section 12-480-
33 52(1)(e)].
- 34 2. The new subdivision meets the objectives for development within a Residential-Low
35 Zone [Section 12-30-020(b)(1)].
- 36 3. It appears all applicable development standards for development within an R-L Zone
37 have been satisfied [Table 12.32.1].
- 38 4. It appears all general requirements for a subdivision have been satisfied [Chapter
39 15-5].
- 40 5. All applicable standards found in the Subdivision Ordinance pertaining to a final
41 subdivision review have been satisfied [Chapter 15-4].
42

43 **POLICE DEPARTMENT BUSINESS**
44

45 Police Chief Child explained the need for continual updates to Police Department
46 Policies, and presented revisions to the Physical Fitness Policy. The current policy was drafted
47 and recommended by URMMA several years ago through an extensive validation process. It
48 requires that an employee be terminated or transferred into a non-police officer position if, after
49 several attempts, that employee continues to fail the fitness tests. In the context of the current
50 police officer job market, Chief Child is concerned about retaining his current officers, and

1 therefore would like to back off the termination requirements and use other incentives to
2 encourage compliance.

3
4 City Manager Thacker explained that authority for the content and adoption of the Police
5 Policy Manual resides normally with the Police Chief. However, the Council has the authority to
6 override the Chief if they disagree with the content of a Police Department policy. The Council
7 is being apprised of these revisions because the changes could affect the amount of premium
8 paid by the City to URMMA for liability insurance coverage. The increase would be slight, if any,
9 due to this factor. Councilman McEwan suggested the Chief consider the acceptable overlays
10 used by the military. Chief Child responded that URMMA has indicated they would not
11 acknowledge military overlays. A majority of the Council appeared to support the change.

12
13 Chief Child explained the proposal to transition an existing position in the Police
14 Department to an Administrative Sergeant position. He explained the proposed duties for the
15 position, and the shift of duties that would occur within the Department. Councilman Ince made
16 a **motion** to approve the proposal to convert a Police Officer position to an Administrative
17 Sergeant position, and support use of Contingency for the transition. Councilwoman Mecham
18 seconded the motion, which passed by unanimous vote (5-0).

19
20 **COUNTY PROPERTY ON 100 SOUTH STREET**

21
22 In March of 2016, County officials attended a City Council meeting and informed the
23 Council that they intend to sell the 2 acres of County-owned property on 100 South, which
24 contains the Deuel Creek channel and sedimentation basin on the north portion. From 1997 to
25 2014 the property was the subject of a lease agreement between the County and Centerville
26 City, allowing the property to be used as a natural open space by City residents. Recently,
27 County employees have fenced the property and posted "No Trespassing" signs.

28
29 Mayor Cutler said he is confident that both the County and the City are willing to work
30 together for the best possible outcome. He said one possibility is to allow the south side of the
31 property to be developed, leaving the north side in a permanent conservation status, possibly
32 deeded back to the City. The desire of residents seems to be to keep the north end in a more
33 natural state. The County would retain responsibility of the stream channel. Councilwoman
34 Mecham said she would love to leave the entire property open as a legacy, and she strongly
35 feels the City needs to work with the County. Councilman McEwan said he feels the fence is
36 probably an overreaction, since there is not a history of problems on the property, and working
37 to have the fence removed would be good. Councilwoman Fillmore said she feels the Council
38 missed an opportunity in past discussions by not looking into the possibility of extending the
39 liability agreement. Mayor Cutler showed on a map a suggestion for retaining a public-access
40 path through the north portion of the property. A pathway on the south portion of the property
41 would be more expensive to create.

42
43 Wayne Argyle – Mr. Argyle said he feels the Mayor's suggestion would be something the
44 citizenry would not like. There is an established nature path on the south portion of the property
45 that would not cost anything.

46
47 Ron Schultz – Mr. Schultz described the existing trail on the property, and commented
48 that keeping the existing trail would not cost anything.

49

1 Lee Skabelund – Mr. Skabelund commented that he is experienced at operating trail
2 systems. He said he is confident that area residents would be willing to commit to annual
3 cleanup of the property to minimize maintenance expense.

4
5 Dale Engberson – Mr. Engberson commented that property rights of the homes on the
6 south portion will need to be respected.

7
8 The Council agreed to proceed with negotiations with the County, with Mayor Cutler
9 taking the lead.

10
11 **MAYOR'S REPORT**

- 12
13 • Mayor Cutler reported that a number of citizens have approached him with concerns
14 about the options being considered to expand the cemetery.
15 • The Mayor reported that he attended two DARE graduations in December.
16 • There have been significant challenges recently with the City website. Councilman
17 McEwan commented that more and more citizens are looking to the internet as their
18 first source for information, and the City needs to have a reliable website, with an
19 established backup plan. The Mayor and Council discussed the City's current
20 provider, and options for improving the situation.

21
22 **CITY MANAGER'S REPORT**

- 23
24 • The Trails Committee has proposed the construction of mountain bike trails on the
25 mountainside. Brandon Federico, a member of the Trails Committee, showed the
26 proposed bike trails on a map. He stated that the Trails Committee is willing to take
27 on responsibility of maintaining the trails. It is intended that bikers would park their
28 vehicles on Island View Drive and access the trail system at that location.
29 Councilwoman Ivie expressed her concern regarding erosion, and said she knows
30 the Island View Drive neighborhood is on high alert because of crime – watching for
31 vehicles that do not belong in the neighborhood. Councilman McEwan stated he
32 would want the gun range property to the east to be well posted to prevent bikers
33 from straying into a dangerous situation. Councilwoman Fillmore said she loves that
34 Centerville has a Trails Committee that is active, and pointed out the possible
35 opportunity to partner with the County. Mayor Cutler suggested Trails Committee
36 representatives join him in a meeting with County representatives. Mr. Federico
37 expressed confidence that the trails could be constructed with volunteer labor and
38 hand tools. Councilman McEwan said he would be interested in knowing what kind
39 of impact similar trail systems have had on liability and emergency responders in
40 other communities. Mayor Cutler commented that, since a portion of the proposed
41 trail system extends into Bountiful, it would make sense to involve Bountiful in
42 discussions. Mark Dimond, Trails Committee Chair, and Mr. Federico indicated they
43 could put together a phased proposal. City Manager Thacker referred to the trail that
44 currently runs through the gun range property, and Councilman Ince agreed that the
45 trail is a problem. Mr. Federico responded that he feels the lack of signage is the
46 problem.
47 • In the past few weeks staff have been working on the Council's directive to study
48 options for increasing burial space at the City Cemetery. Mr. Thacker updated the
49 Council on the options being considered. Mayor Cutler suggested the Council hold a
50 work session to receive a report from staff as well as citizen input. The Council
51 appeared to be in agreement that they would only consider an expansion project if it

1 were cost neutral for the City. Councilman McEwan said he is intrigued by the
2 suggestion to use part of the County-owned property on 100 South as a memorial
3 park and columbarium space. Staff will continue to study the possibilities.

- 4 • Mr. Thacker updated the Council on the plan to improve parking space at the
5 Whitaker Museum. He explained that the estimated cost for an improved parking lot
6 (without curb and gutter) with approximately eight parking stalls is \$20,000-\$30,000.
- 7 • A Summary of Projects/Issues for 2016 and 2017, and an update of the Capital
8 Improvement Program Summary for 2017 are included in the staff report available
9 with the agenda on NovusAgenda.
- 10 • A majority of Council members indicated interest in the City hosting an emergency
11 management training meeting, with other cities invited to attend.
- 12 • The Council indicated they would like an update from a UTOPIA representative at a
13 future meeting, and an update from Dee Hansen about the Sewer District's biowaste-
14 to-energy project.
- 15 • The Council will meet with Legislators in a work session prior to the regular Council
16 meeting on January 17th, and will meet with the Parks Committee in a work session
17 prior to the Council meeting on February 7th.

18
19 **CLOSED MEETING**

20
21 At 9:15 p.m. Councilwoman Ivie made a **motion** to move into a closed meeting to
22 discuss the character and competence of individuals. Councilman McEwan seconded the
23 motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor;
24 Council members Fillmore, Ince, Ivie, McEwan, and Mecham; Steve Thacker, City Manager;
25 Lisa Romney, City Attorney; Jacob Smith, Assistant to the City Manager; and Katie Rust,
26 Recording Secretary.

27
28 The Council returned to regular meeting at 9:40 p.m.

29
30 **APPOINTMENTS**

31
32 Mayor Cutler recommended the following appointments: reappoint Scott Sappenfield to
33 the Board of Adjustment, and appoint Kevin Merrill and Paula Tew to the Board of Adjustment;
34 reappoint Gina Hurst and Logan Johnson to the Planning Commission; and reappoint Diane
35 Chamberlain to the Whitaker Museum Board. Councilman McEwan made a **motion** to
36 reappoint Scott Sappenfield to the Board of Adjustments and appoint Kevin Merrill and Paula
37 Tew to the Board of Adjustments; reappoint Gina Hurst and Logan Johnson to the Planning
38 Commission; and reappoint Diane Chamberlain to the Whitaker Museum Board. Councilman
39 Ince seconded the motion, which passed by unanimous vote (5-0).

40
41 **ADJOURNMENT**

42
43 At 9:43 p.m., Councilman Ince made a **motion** to adjourn the meeting. Councilwoman
44 Ivie seconded the motion, which passed by unanimous vote (5-0).

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

49 _____
50 Date Approved

51
52 _____
53 Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 2.

Short Title: Summary Action Calendar

Initiated By: City Recorder

Scheduled Time: 7:10

SUBJECT

- a. Ron Schultz Subdivision - Commence Warranty
- b. Amendments to Personnel Policies - Resolution No. 2017-01
- c. Accept Public Utility Easement for Rohletter Small Subdivision
- d. Approve Public Improvements Deferral Agreement for Lot 10 of the Duncan Hills Subdivision Amended

RECOMMENDATION

- a. Approve commencement of warranty period for the Ron Schultz Subdivision located at approximately 233 South 100 East, effective January 17, 2017.
- b. Adopt Resolution No. 2017-01 enacting Section 6.050 of the Centerville Personnel Policies and Procedures regarding pregnancy light duty.
- c. Accept Public Utility Easement for Rohletter Small Subdivision located at 560 South 400 West, subject to City Engineer approval of legal descriptions and Staff approval and acceptance of the final Map of Boundary Survey for the Small Subdivision.
- d. Approve Public Improvements Deferral Agreement between the City and Ensign Construction & Development, LLC for deferral of installation of sidewalk and associated public improvements related to Lot 10 of the Duncan Hills Subdivision Amended located at approximately 480 East Worsley Lane.

BACKGROUND

- a. The public improvements have been completed for the Ron Schultz Subdivision and the City Engineer recommends commencement of the warranty period.
- b. Staff recommend certain revisions to the Personnel Policies and Procedures regarding pregnancy light duty. The new pregnancy light duty policy is recommended by URMMA in order to comply with provisions of the Federal Pregnancy Discrimination Act. The new proposed Section 6.050 regarding pregnancy light duty is set forth in the attached Resolution No. 2017-01. Staff recommend adoption of the proposed amendments.
- c. On April 27, 2016, the Planning Commission approved the Rohletter Small Subdivision located at 560 South 400 West, approving the division of the existing parcel into two lots. The applicant desires to record a Map of Boundary Survey rather than a subdivision plat for recording the lot split. Since the applicant is not recording a subdivision plat, the public utility easements for each new lot must be recorded by separate

easement. The attached public utility easement has been prepared for this purpose. Staff recommends the City Council accept the easement with the stated conditions and direct the City Recorder to record the easement with the Davis County Recorder's Office in conjunction with the recordation of the Map of Boundary Survey.

d. Ensign Construction & Development, LLC, owns the proposed Lot 10 of the Duncan Hills Subdivision Amended, located at approximately 480 East Worsley Lane (540 North). As part of subdivision plat approval, the developer is required to install and bond for all public improvements required for the subdivision. The developer has requested that the sidewalk along the northern portion of proposed Lot 10 be deferred due to the fact that the frontage of Lot 10 along Worsley Lane is encumbered by a portion of Parrish Creek. The neighboring properties along Worsley Lane do not have sidewalk installed. Staff finds the deferral of these improvements acceptable and recommends the City Council approve the attached Public Improvements Deferral Agreement.

ATTACHMENTS:

Description

- ☐ City Engineers email recommendation
- ☐ Resolution No. 2017-01-Pregnancy Light Duty
- ☐ Public Utility Easement - Rohletter
- ☐ Deferral Agreement-Ensign
- ☐ Duncan Hills Subdivision Amended
- ☐ Duncan Hills Aerial View

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Friday, December 30, 2016 3:18 PM
To: Steve Thacker
Cc: Marsha Morrow; Lisa Romney; diane@updwell.com
Subject: Ron Schultz Subd - Bond Reduction #3 (Begin Warranty)
Attachments: Ron Schultz Subd. - Bond Reduction #3 (Begin Warranty)_12-30-16.pdf

Steve,

The attached bond reduction and start of warranty are recommended for the Ron Schultz Subdivision.

Let me know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

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

RESOLUTION NO. 2017-01

**A RESOLUTION AMENDING THE CENTERVILLE CITY PERSONNEL
POLICIES AND PROCEDURES ENACTING A NEW SECTION 6.050
REGARDING PREGNANCY LIGHT DUTY**

WHEREAS, the City Council has previously adopted the Personnel Policies and Procedures providing guidelines and procedures for City employees and related personnel matters; and

WHEREAS, City Staff recommend amendments to the Personnel Policies and Procedures to add a new Section 6.050 regarding pregnancy light duty as recommended by the City's insurance provider, the Utah Risk Management and Mutual Association (URMMA), as more particularly provided herein; and

WHEREAS, the City Council has reviewed the recommended changes to the Personnel Policies and Procedures as more particularly provided herein and desires to adopt the same.

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

Section 1. **Enactment.** Section 6.050 of the Centerville City Personnel Policies and Procedures regarding Pregnancy Light Duty is hereby enacted to read in its entirety as follows:

6.050. Pregnancy Light Duty.

(a) **Purpose.** It is the purpose of this policy to establish guidelines relating to Temporary Light Duty for full-time and part-time employees during pregnancy. It is the intent of the City to provide equal employment opportunities to employees and to comply with the Pregnancy Discrimination Act (PDA). Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work.

(b) **Policy.** It is the policy of the City to provide pregnant employees an opportunity to continue to participate in the work force during pregnancy where possible. Pregnant employees who are able to fully perform their regularly assigned job duties must be permitted to do so on the same conditions as other employees. For pregnant employees who are not able to fully perform their regularly assigned job duties, this policy implements provisions and procedures for Temporary Light Duty assignment for pregnant employees. The pregnant employee's acceptance of light duty will not result in reduced pay or benefits.

(c) **Employee Notice to the City.**

(1) If an employee becomes pregnant and she has physical limitations

that prohibit her from performing the functions of her regularly assigned position, she shall notify, or cause to be notified, her Department Head and the City Manager.

(2) As part of the notice to the Department Head and City Manager, the employee must submit a Medical Release-Pregnancy Form signed by her medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the light duty assignment, and states how long the restrictions apply.

(3) The employee is responsible, with the advice of her medical care provider, to determine how long she will continue working in her regularly assigned position. An employee is not required to accept a light duty assignment. The employee may request light duty at any time during her pregnancy pursuant to the advice of her medical care provider.

(d) Light Duty. Once the City has knowledge the employee is pregnant and the employee has requested light duty in accordance with Subsection (c), she will be eligible for consideration for a light duty assignment. The City is under no obligation to create or design a job or assignment specifically for such light duty, but will allow a pregnant employee who cannot perform the physical duties of her assigned position to fill a light duty position to the extent one is available. Light duty assignments may be either in the employee's own department or elsewhere in the City, depending on availability. The light duty assignment shall comply with the physical restrictions imposed by the employee's medical care provider.

(e) Duration. The employee can remain in a light duty position until she is physically unable to perform her light duty assignment or she can return to her regularly assigned position as certified by her medical care provider. Light duty assignments are temporary and are intended to last only for the duration of the pregnancy and only to the extent there are physical limitations due to the pregnancy that would cause the employee to be unable to continue working in her regular assignment.

(f) FMLA, ADA and Paid Leave. Pregnant employees may be eligible for Family and Medical Leave in accordance with the provisions and procedures set forth in Section 4.160. Certain pregnancy related conditions may qualify an employee to receive reasonable accommodations under the Americans with Disabilities Act, including the ADA Amendments Act of 2008 (ADA) in accordance with provisions and procedures set forth in Section 6.030. Accrued paid leave such as sick leave and all-purpose leave may also be used in accordance with and subject to applicable provisions of Chapter 4.

(g) Training. While on light duty status, the employee will participate in department-level training classes that other employees are undergoing, as long as the training classes do not pose any risk to the employee.

(h) Return to Work. In order to return to her regularly assigned job duties an employee must submit a Medical Release, signed by the employee's physician, indicating

the employee is released to full duty, with no restrictions. Upon an employee's request to return to a full duty assignment and submittal of the signed Medical Release, the City will reinstate the employee to her regularly assigned position.

Section 2. Severability. If any section, clause or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately and the amendments to the Personnel Policies and Procedures regarding Section 6.050 shall become effective February 1, 2017, in order to provide appropriate notice to City employees of the changes to policy.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 17th DAY OF JANUARY, 2017.

CENTERVILLE CITY

Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

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

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 2017.

WHEN RECORDED, MAIL TO:

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

Affects Parcel No.: 03-001-0058

PUBLIC UTILITY EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors, **JAMES C. ROHLETTTER AND ELLEN H. ROHLETTTER**, hereby grant, convey, sell and set over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees and franchisees, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace public utility structures and facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantors' land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

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

Grantors shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this right-of-way and easement this
_____ day of _____, 2017.

"GRANTORS"

JAMES C. ROHLETTER

James C. Rohletter

ELLEN H. ROHLETTER

Ellen H. Rohletter

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the _____ day of _____, 2017, personally appeared
before me **JAMES C. ROHLETTER AND ELLEN H. ROHLETTER**, who being by me duly sworn, did
acknowledge that they are the owners of the Property referred to in the foregoing instrument
and that they executed the same in their individual capacity.

Notary Public

My Commission Expires:

Residing at:

Accepted for Recordation by Centerville City:

Marsha L. Morrow, City Recorder

Date

Exhibit A

Legal Descriptions of Public Utility Easements

EAST PARCEL EASEMENT DESCRIPTION

A PUBLIC UTILITY EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, ALSO BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE DEUEL SPRINGS SUBDIVISION, SAID POINT BEING THE GRANTOR'S SOUTHEAST CORNER, SAID POINT ALSO BEING NORTH 89°12'36" WEST 33.00 FEET TO THE WEST LINE OF 400 WEST STREET AND NORTH 00°06'19" EAST 25.00 FEET ALONG SAID WEST LINE TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTH LINE OF RAWLINS CIRCLE FROM THE MONUMENT AT THE INTERSECTION OF SAID 400 WEST STREET AND RAWLINS CIRCLE, AND RUNNING THENCE NORTH 89°12'36" WEST 90.01 FEET ALONG THE NORTH LINE OF RAWLINS CIRCLE TO THE SOUTHWEST CORNER OF THE GRANTOR'S PARCEL; THENCE NORTH 00°06'19" EAST 10.00 FEET ALONG THE GRANTOR'S WEST LINE; THENCE SOUTH 89°12'36" EAST 80.01 FEET ALONG A LINE THAT IS 10.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S SOUTH LINE; THENCE NORTH 00°06'19" EAST 124.15 FEET ALONG A LINE THAT IS 10.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S EAST LINE; THENCE NORTH 89°20'23" WEST 80.00 FEET ALONG A LINE THAT IS 7.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S NORTH LINE TO THE GRANTOR'S WEST LINE; THENCE NORTH 00°06'19" EAST 7.00 FEET ALONG SAID WEST LINE TO THE GRANTOR'S NORTHWEST CORNER; THENCE SOUTH 89°20'23" EAST 90.00 FEET ALONG THE GRANTOR'S NORTH LINE TO THE WEST LINE OF 400 WEST STREET; THENCE SOUTH 00°06'19" WEST 141.17 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

WEST PARCEL EASEMENT DESCRIPTION

A PUBLIC UTILITY EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, ALSO BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE GRANTORS SOUTHEAST CORNER, SAID POINT BEING NORTH 89°12'36" WEST 90.01 FEET ALONG THE NORTH LINE OF THE DEUEL SPRINGS SUBDIVISION FROM THE NORTHEAST CORNER OF SAID SUBDIVISION, SAID NORTHEAST CORNER BEING NORTH 89°12'36" WEST 33.00 FEET TO THE WEST LINE OF 400 WEST STREET AND NORTH 00°06'19" EAST 25.00 FEET ALONG SAID WEST LINE TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTH LINE OF RAWLINS CIRCLE FROM THE MONUMENT AT THE INTERSECTION OF SAID 400 WEST STREET AND RAWLINS CIRCLE, AND RUNNING THENCE NORTH 89°12'36" WEST 297.99 FEET ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID SUBDIVISION AND TO THE GRANTOR'S SOUTHWEST CORNER; THENCE NORTH

00°06'19" EAST 140.30 FEET ALONG THE GRANTOR'S WEST LINE THE GRANTOR'S NORTHWEST CORNER; THENCE SOUTH 89°20'23" EAST 7.00 FEET ALONG THE GRANTOR'S NORTH LINE; THENCE SOUTH 00°06'19" WEST 130.31 FEET ALONG A LINE THAT IS 7.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S WEST LINE; THENCE SOUTH 89°12'36" EAST 283.99 FEET ALONG A LINE THAT IS 10.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S SOUTH LINE; THENCE NORTH 00°06'19" EAST 130.89 FEET ALONG A LINE THAT IS 7.00 FEET DISTANT FROM AND PARALLEL TO THE GRANTOR'S EAST LINE TO THE GRANTOR'S NORTH LINE; THENCE SOUTH 89°20'23" EAST 7.00 FEET ALONG THE GRANTOR'S NORTH LINE TO THE GRANTOR'S NORTHEAST CORNER; THENCE SOUTH 00°06'19" EAST 140.97 FEET TO THE NORTH LINE OF DEUEL SPRINGS SUBDIVISION AND TO THE POINT OF BEGINNING.

WHEN RECORDED, RETURN TO:

Centerville City Recorder
250 North Main Street
Centerville, Utah 84014

Affects Parcel No.:

**PUBLIC IMPROVEMENTS DEFERRAL AGREEMENT
OBLIGATION FOR FUTURE CONSTRUCTION OF IMPROVEMENTS
AND WAIVER OF PROTEST TO SPECIAL IMPROVEMENT DISTRICT**

(Lot 10 – Duncan Hills Subdivision Amended)

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2017, by and between **CENTERVILLE CITY**, a municipal corporation, whose address is 250 North Main Street, Centerville, Utah, 84014 (hereinafter referred to as "City"), and **ENSIGN CONSTRUCTION & DEVELOPMENT, LLC**, whose current address is 837 North 700 East, Centerville, Utah, 84014 (hereinafter referred to as "Owner").

RECITALS:

WHEREAS, Owner has applied for land use approvals to develop property known as Lot 10 of the Duncan Hills Subdivision Amended, located at approximately 480 East Worsley Lane (540 North), Centerville, Utah, which property is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference (hereinafter referred to as the "Property"); and

WHEREAS, City Ordinances generally require the installation of public improvements along streets fronting property to be subdivided or developed; and

WHEREAS, the City is willing to grant Owner a deferral of the obligation to install public improvements and landscaping along a portion of the Property's street frontage on Worsley Lane (540 North) in exchange for Owner's agreement to pay for and install such public improvements and landscaping in the future and for Owner's agreement to waive the right to vote against a special improvement district in the event the City elects to create such a district in the future to construct public improvements benefitting the Property as more particularly provided in and subject to the terms and conditions set forth in this Agreement.

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

1. Deferral of Installation of Public Improvements. The City hereby grants Owner a temporary deferral of the obligation to install public improvements required for development of the Property to include the deferral of the installation of approximately 161 lineal feet of sidewalk, including road base, parkstrip, and other necessary improvements along the

northern portion of the Property's street frontage along Worsley Lane (540 North), Centerville City, Davis County, Utah ("Public Improvements"). Such deferral is granted until such time: (1) the City provides written request and demand to the Owner to install the Public Improvements; or (2) written notice of the City's intent to proceed with the installation the Public Improvements and to charge the Owner for such costs associated with installation of the Public Improvements. If the City requests the Owner to install the Public Improvements, Owner shall have 180 days from the date of written request and demand from the City to install the improvements. If the City decides to install the improvements and to charge the Owner for the costs associated with installation, the City may proceed with installing such improvements within 30 days from the date of written notice and Owner shall be required to pay the City the actual cost of installing the Public Improvements within 180 days from the date of written notice. Owner, or Owner's successor in interest as owner(s) of the Property, hereby agrees to install the Public Improvements required for the Property at its sole cost and expense upon written request and demand by the City or to pay the City the amount due and owing for the City to install or have installed the Public Improvements, as directed by the City and provided herein.

2. Installation of Public Improvements. If the Public Improvements are installed by the Owner, Owner, or its authorized agent, representative or contractor, shall install the Public Improvements in strict accordance with the approved building permit and site plan for the Property and all applicable City standards, specifications, ordinances, rules, and regulations regarding sidewalks, road base, parkstrip landscaping and public improvements, including compliance with all permit requirements for work within the public right-of-way, which are in effect at the time the Public Improvements are installed. The Public Improvements shall be installed in accordance with the City standard street cross section in effect at the time the Public Improvements are installed. It is expressly understood and agreed that the City is granting this temporary extension of time to install the Public Improvements to Owner conditioned upon and subject to the agreed future performance by Owner to install the Public Improvements or to pay the City to install the Public Improvements as more particularly provided in this Agreement. It is further expressly acknowledged by Owner that in order to install the Public Improvements described herein, certain improvements and work may have to be done on Owner's Property to accommodate the installation of the Public Improvements. Owner's obligation to install the Public Improvements or to pay for such improvements installed by the City shall include any and all work within the public right-of-way as well as on Owner's Property necessary to install the Public Improvements, such as grading, retaining walls, landscaping, irrigation or utility line removal or relocation, etc.

3. Building Plans and Permit Requirements. Owner agrees, as a condition of building permit issuance for construction on the Property, to prepare building plans for development of the Property that show the design, grade, fill and development of the Property to accommodate and provide for the installation of the Public Improvements at a future date. Such plans shall show the design and development of the Public Improvements to be deferred acceptable to the City Engineer. Owner shall design and develop the Property to provide a relatively flat landscaped area at least eight feet back of curb and gutter to be landscaped and maintained by Owner with sod. No vertical landscaping or structures, such as bushes, trees, fences, retaining walls, or retaining slopes, shall be allowed in the public right-of-way or within the area eight feet back of curb and gutter, whichever is greater.

4. Failure to Install or Pay for Public Improvements. If, for any reason, Owner does not install and complete the Public Improvements or pay the City the amount due and owing for the City to install the Public Improvements within 180 days after having been requested in writing by City to do so, the City is hereby authorized to install and/or complete the Public Improvements at the sole expense of the Owner at that time and to charge the Owner

and/or the Property with the cost of said installation and completion. The costs incurred by the City to install and complete the Public Improvements shall be an obligation of the Owner and shall be promptly paid by the Owner. Upon the failure of Owner to install the Public Improvements or to pay the City the amount due for the City's installation, these costs shall become a charge on the Property described herein and shall be a continuing lien upon the Property, together with interest thereon at ten percent (10%) per annum, and all costs and reasonable attorney's fees incurred by the City. The City may commence an action against the Owner to collect the foregoing charges and to foreclose the lien against the Property. Upon foreclosure of the lien provided herein by the City, should any deficiency remain, Owner shall remain liable for payment of the deficiency.

5. Fee Title Owner. Owner hereby represents and warrants that Owner owns fee title interest to the Property and further hereby confess judgment for Owner, Owner's heirs, representatives, successors in interest, future owners, and assigns for the total of any and all amounts expended by City for the installation and completion of the Public Improvements and any expenses related thereto.

6. Covenants to Run with the Land. The foregoing covenants in each and every particular are and shall be construed as real covenants and shall run with the land, and the same are hereby made binding upon the heirs, representative, devisees, assigns, future owners and successors in interest of the parties hereto.

7. Default. The parties herein each agree that should they default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorney's fees which may arise or accrue from enforcing this Agreement, or in pursuing any remedy provided hereunder or by the statutes or other laws of the State of Utah, whether such remedy is pursued by filing suit or otherwise, and whether such costs and expenses are incurred with or without suit or before or after judgment.

8. Amendments. Any amendment, modification, termination, or rescission (other than by operation of law) which affects this Agreement shall be made in writing, signed by the parties, and attached hereto.

9. Successors. This Agreement shall be binding upon and inure to the benefit of the legal representatives, subsequent owners, successors and assigns of the parties hereto.

10. Notices. Any notice required or desired to be given hereunder shall be deemed sufficient if sent by certified mail, postage prepaid, addressed to the respective parties at the addresses shown in the preamble or at the respective parties' known address at the time of notice.

11. Severability. If any portion of this Agreement for any reason declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity 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.

12. Governing Law. This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.

13. Waiver. No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision, regardless of any similarity that may exist between such

provisions, nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding unless executed in writing by the waiving party.

14. Captions. The captions preceding the paragraphs of this Agreement are for convenience only, and shall not affect the interpretation of any provision herein.

15. Integration. This Agreement, together with its exhibits, contains the entire and integrated agreement of the parties regarding the deferral and installation of the Public Improvements as of the date hereof, and no prior or contemporaneous promises, representations, warranties, inducements, or understandings between the parties pertaining to the subject matter hereof which are not contained herein shall be of any force or effect.

16. Exhibits. Any exhibit(s) to this Agreement are incorporated herein by this reference, and failure to attach any such exhibit shall not affect the validity of this Agreement or of such exhibit. An unattached exhibit is available from the records of the parties.

17. Recording. This Agreement shall be recorded with the Davis County Recorder's office for all parcels or lots within the Property as notice of the required Public Improvements.

18. Waiver of Protest. Owner agrees to waive the right to vote against a special improvement district in the event the City elects to create such a district to construct public improvements benefitting the Property.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first hereinabove written.

"CENTERVILLE CITY"

ATTEST:

Mayor Paul A. Cutler

Marsha L. Morrow, City Recorder

"OWNER"

By: N. Dale Anderson
Its: Member

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2017, personally appeared before me, **PAUL A. CUTLER**, who being duly sworn, did say that he is the Mayor of Centerville City, a municipal corporation, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Paul A. Cutler acknowledged to me that said municipal corporation executed the same.

Notary Public

My Commission Expires

Residing at:

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2017, personally appeared before me **N. DALE ANDERSON**, who being by me duly sworn, did say that he is the Member/Manager of **ENSIGN CONSTRUCTION & DEVELOPMENT, LLC**, a Utah limited liability company, that the limited liability company is the legal property owner of record of the property subject to this agreement, and that the foregoing instrument was duly authorized by the limited liability company by authority of its operating agreement and signed in behalf of said limited liability company.

Notary Public

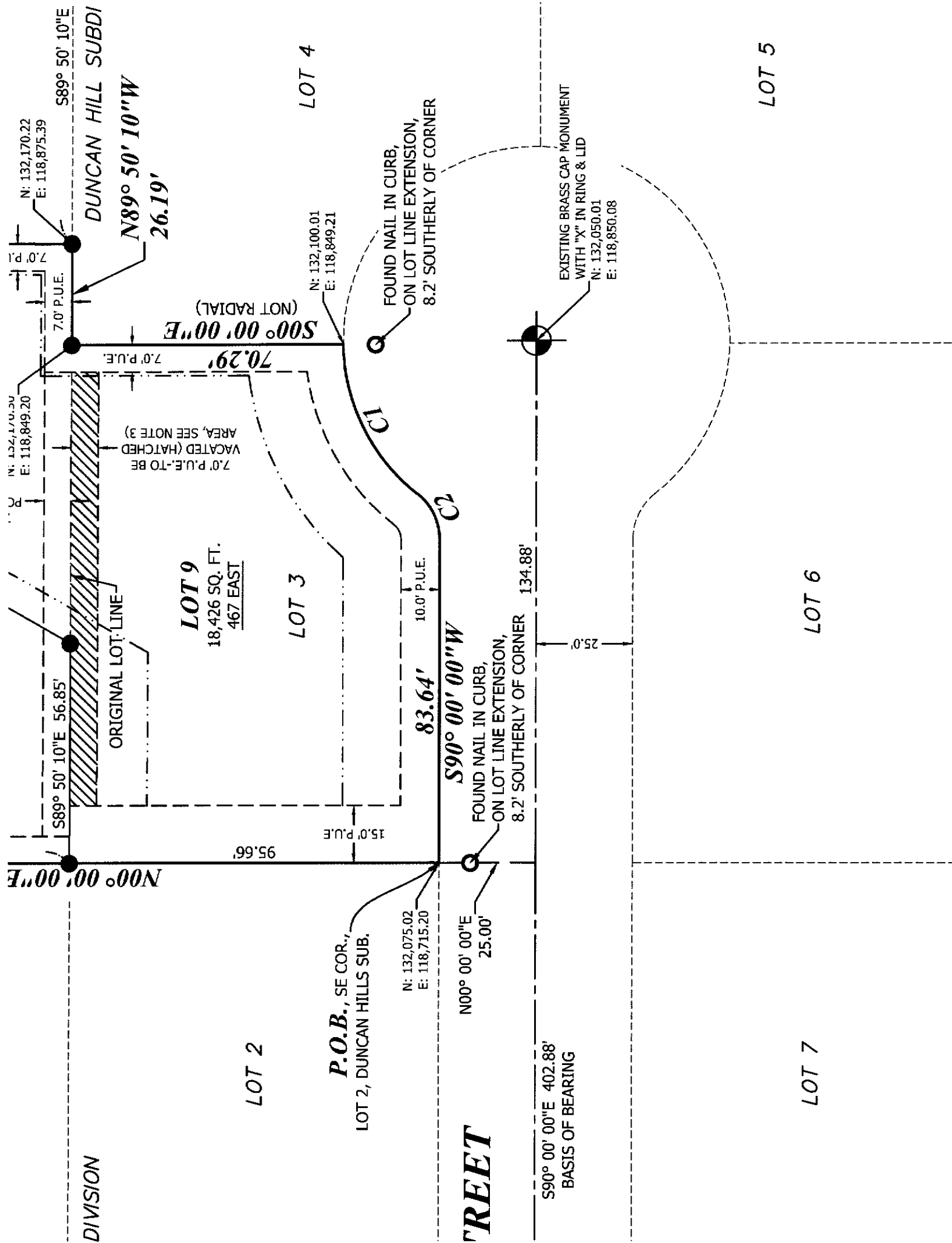
My Commission Expires

Residing at:

EXHIBIT "A"

Legal Description of Property

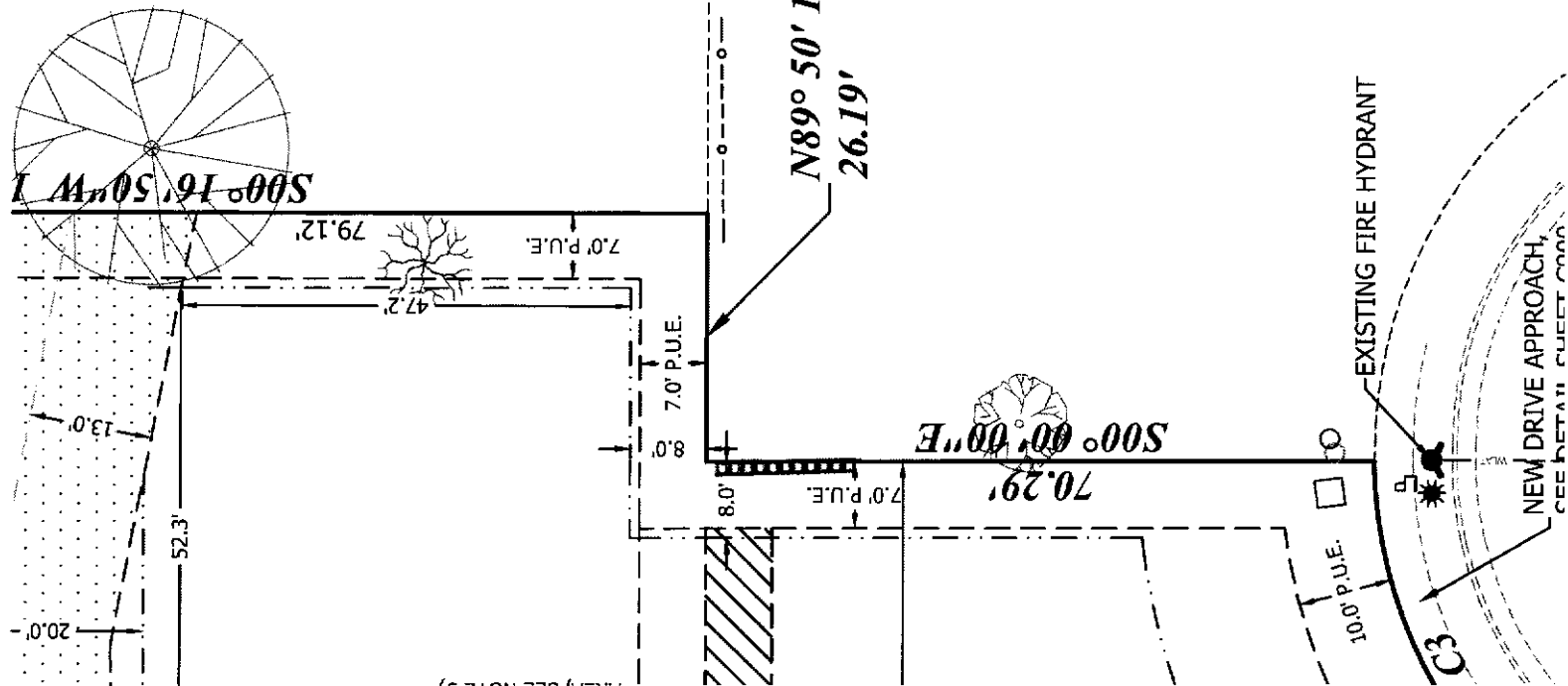
ALL OF LOT 10
DUNCAN HILLS SUBDIVISION AMENDED
DAVIS COUNTY, UTAH



BUILDABLE AREAS

LOT 9 10,474 SQ.FT.
 LOT 10 2,790 SQ.FT.

CURVE TABLE				
CURVE	LENGTH	RADIUS	Δ	CH BEARING
C3	44.53'	50.00'	051°01'36"	S 63°29'35" W
C4	13.62'	15.00'	052°01'12"	S 63°59'24" W



BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH LINE OF BEING ON THE NORTH LINE OF 133.87 FEET ALONG THE SECTION NORTH 00°16'51\"

Diagram illustrating the cross-section of a concrete curb and gutter assembly. The components and dimensions are labeled as follows:

- RESIDENTIAL 5" THICK COMMERCIAL 8" THICK**: Labels for the curb and gutter sections.
- 1"**: Dimension for the curb height.
- 2"**: Dimension for the gutter depth.
- EXPANDED CURB & GUTTER DRIVE APPROACH**: Label for the expanded curb and gutter section.
- SLOPE DOWN**: Label for the downward slope of the expanded curb and gutter.
- DRIVE APPROACH**: Label for the drive approach section.
- SLOPE 2 1/4"**: Label for the slope of the drive approach.
- 6" CONCRETE SIDEWALK AT DRIVEWAY**: Label for the concrete sidewalk section.
- 1 1/2" EXPANSION JOINT**: Label for the expansion joint between the sidewalk and the drive approach.

ETAIL

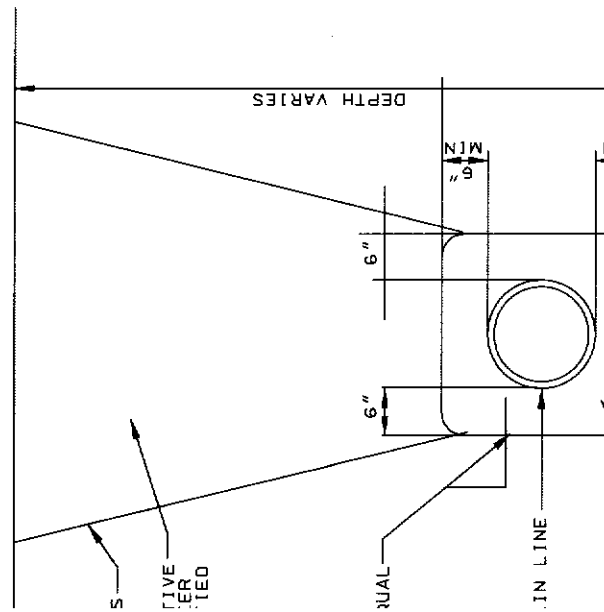
NOTE: ALL CONCRETE TO BE CLASS 4000



ESI ENGINEERING
CONSULTING ENGINEERS AND LAND SURVEYORS
3500 SOUTH MAIN STREET SUITE 206
SALT LAKE CITY, UTAH 84115
TEL: (801) 263-1752

SHEET 2 OF 18

PROJECT NO.
05-312



Aerial View of Subject Property
Duncan Hills Subdivision Amended
467 East 500 North
Centerville, Utah



**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 3.

Short Title: 2017 Municipal Election - Vote-By-Mail Recommendation

Initiated By: City Recorder/City Attorney

Scheduled Time: 7:10

SUBJECT

RECOMMENDATION

The City Recorder/Election Officer and City Attorney recommend going to Vote-By-Mail for the 2017 Municipal Election. If the Council wishes to have more information or analysis before making a decision, they can provide that direction to staff and make a final decision in their February 7 meeting.

BACKGROUND

The City Recorder and City Attorney attended an election meeting at the County regarding the upcoming municipal election. The County is moving forward with doing all their elections using the by-mail system. For the 2016 presidential election, the voter by-mail turnout was 88.21%. During the last municipal election the average voter turnout for the 15 cities in Davis County was 45%. If the cities in Davis County want to contract with the County for the upcoming 2017 municipal election, then they must do vote-by-mail. Otherwise, the city will have to administer their own election. The time & cost involved would be substantial to do own election.

Reasons to do vote-by-mail election:

- Less confusing for voters
- Voters expectation is to receive a ballot by mail
- Elections are consistent, whether federal or municipal elections
- The cost & time involved to administer own election
- Better turn out
- Voters can study candidates and issues at their leisure

The attachment is the 2017 Municipal Elections Proposal from the County. Please note the deadline of February 13 to notify the County of what direction we are going to go.

If the Council wants more information, we can provide that at the February 7 meeting.

ATTACHMENTS:

Description

- 2017 Municipal Elections Proposals

2017 Municipal Elections

Proposals

Centerville



Table of Contents

Introduction

Administration options

Important dates

- Deadlines for providing information to the County
- Dates of supply delivery and pickup

By mail system

- Included services
- City responsibilities

Election plan

- Equipment, Officials and Recourses (EOR) worksheet
- Standard election expenses estimate

Introduction

The Davis County Clerk/Auditor's Office can provide administrative, technical and professional election services for the 2017 Municipal Elections. The scope of these services depends upon the administration option chosen by each city. Below you will find a brief explanation of each option.

Although this book focuses mainly on explaining costs and services for those cities that choose the By Mail System, it also contains important dates, costs, and other general information.

Administration Options

City Administered: With this option the city chooses to run their election using paper ballots (neither provided nor tabulated by the county). The County would provide printed official registers as required by state statute.

By-Mail system: With this option the city chooses to contract with the county to administer their election, providing a by mail ballot to all active registered voters (this is an optical scan ballot that is tabulated by the county). One polling location per city will be used with this option.

Important Dates

Below are important dates that affect each city regardless of which administration option they choose.

February 13, 2016

- Notify County which administration option is chosen.
 - Complete paper voting system
 - By-Mail

May 1, 2015

- Provide polling location(s) and assigned precincts – if using City Administered option
- Provide a list of races and any ballot issues

May 15, 2016

- Complete paper voting system
 - Provide # of check-ins (Official Registers)
- Complete electronic systems
 - Approve election plan (planned turnout, amount of equipment, number of poll workers)

June 8, 2016

- Notify county if a primary election will or will not be needed
- Provide a copy of each declaration of candidacy

Information provided will be displayed on the State and County websites.

Important Dates - Supplies

City Administered – City Recorder will pick up Official Registers. Registers will be available on or about the following dates.

Primary Election – July 28, 2016

General Election – Oct 20, 2016

Addendums will be printed as needed

By Mail – Election Day voting machines and basic poll supplies will be delivered to the polls on Wednesday, Thursday, or Friday before the election.

Poll workers will pick up remaining poll supplies from the County on Friday or Monday before the election.

Primary Election – Friday, Aug. 11th, 2:00pm to 5:00pm or

Monday, Aug. 14th, 8:00am to 12:00pm

General Election – Friday, Nov. 3rd, 2:00pm to 5:00pm or

Monday, Nov. 6th, 8:00am to 12:00pm

By Mail System – Included Services

Davis County will provide the following services to the cities/districts choosing to use a By Mail System.

- Voting equipment – machines and laptops
- Poll supplies
- Polling location management – contact, arrangements, etc.
- Poll workers:
 - Recruitment
 - Training
 - Reimbursement
- Election Day Support
- Complete By Mail ballot processing
 - Ballot and envelope setup
 - Mailing services, both outbound and inbound
 - Signature Verification
- Tabulation of election results – Includes sending electronic file to Lt. Governor's office
- Provisional ballot verification
- Canvass reports
- Election Returns Retention for 22 Months
- Publication in Newspaper of Notice of Election (just prior to Election) with Sample Ballots
- Publication in Newspaper of Election Results

By Mail System – City Responsibilities

Each city choosing to use a By Mail system will be responsible for the following items:

- Candidate filing
- Providing to the County:
 - Offices up for election
 - Candidate names & any ballot issues
 - Poll worker approval
- Ballot proof – review and certify the accuracy of the ballot and audio recording
- Notices – as required by law and for informational purposes for Candidate Filing and any other notices not listed in “Included Services”
 - Newspapers
 - Websites
 - Voters
- Canvass – Includes sending certification to Lt. Governor’s Office
- Candidate certificates

Election Name: Municipal General Election
 Election Date: November 2017

Voters per Machine	Expected to Vote Provisional
150	6%

01/06/17

Centerville City		Planned Turnout	
Polling Locations	1	45 %	
Precincts	11	Election Day Turnout	By Mail Turnout
Centerville Elementary - Courtyard		15%	85%
Assigned Precincts		Active Voters	
CE01-11		9819	

Planned Turnout			Poll Workers					Laptops		Machines	Carts
Total	By Mail	Election Day	PM	TST	RC	ProvPBC	Hosts	Total	Check-In		
4419	3756	663	1	1	2	2		6	2	2	1

2017 General
DAVIS COUNTY MUNICIPAL ELECTION EXPENSES
Estimate

Centerville City

Poll Workers Compensation Rates

20A-5-602(4)(b) Municipalities may not compensate higher than the county.	QTY	COST	TOTAL	
Poll Manager (PM)	1	\$160.00	\$160.00	
Training Course(s)	1	\$50.00	\$50.00	
Review Training	0	\$10.00	\$0.00	
Touch Screen Technician (TST)	1	\$160.00	\$160.00	
Training Course(s)	1	\$35.00	\$35.00	
Review Training	0	\$10.00	\$0.00	
Receiving/Poll Book Clerk	2	\$135.00	\$270.00	
Training Course(s)	2	\$35.00	\$70.00	
Review Training	0	\$10.00	\$0.00	
Provisional/Poll Book Clerk	2	\$135.00	\$270.00	
Training Course(s)	2	\$35.00	\$70.00	
Review Training	0	\$10.00	\$0.00	
Host	0	\$125.00	\$0.00	
Training Course(s)	0	\$25.00	\$0.00	
Mileage	38	\$0.25	\$9.50	
Alternate Poll Workers	1	\$232.50	\$15.50	Shared with 15 cities
		Sub Total	\$1,110.00	

Poll Worker Recruitment and Training

Poll Worker Recruitment and Administration	6	\$8.00	\$48.00	Per Poll Worker
Training Creation and Preparation (Includes equipment and preparation)	1	\$500.00	\$33.33	Shared with 15 cities
Poll Worker Handbook and Supplies	6	\$1.00	\$6.00	
Poll Worker Training (per person)	6	\$20.00	\$120.00	
Review Training (per person)	0	\$10.00	\$0.00	
		Sub Total	\$207.33	

Equipment

Touch Screen (TSX) Includes:	4	\$75.00	\$300.00	(150 voters per machine, minimum of 3 machines per location)
Testing Pre and Post election				
Security Seals				
Canister, Label, and (1) Roll of Paper				(1 per machine)
Printer Housing				(1 per machine)
VIBS--Visually Impaired Ballot Station (Keypad & Headphones)				(1 per polling location)
Voter Access Cards				(4 per machine)
Vote Here Signs (4 per location)	1	\$5.00	\$5.00	
WiFi Connection	1	\$40.00	\$40.00	
Laptop Computers, Programming Pre/Post Test (includes Poll Books)	4	\$75.00	\$300.00	(If using electronic voter check in, 1 laptop per 500 voters)
		Sub Total	\$645.00	

Consumable Supplies

Paper Roll (for each additional)	0	\$1.00	\$0.00	(No charge for unused and returned paper rolls)
Canister Label	0	\$1.00	\$0.00	
Canisters	0	\$10.00	\$0.00	
Polling Location Supplies	1	\$35.00	\$35.00	(Forms, instructions, signs, stickers, pens, pencils, name tags, etc.)
		Sub Total	\$35.00	

Ballot Layout and Programming

Gems Programming/ Ballot Logic and Accuracy Testing - TSX & Optical Scan	11	\$800.00	\$44.22	Shared with 199 precincts
City/District set-up (cities/districts with new recorders/clerks)	0	\$75.00	\$0.00	
Memory Card Programming (per card)	4	\$15.00	\$60.00	
Audio Programming	1	\$50.00	\$50.00	
		Sub Total	\$154.22	

Election Services

Public L&A Demonstration (testing, programming & demonstration)	1	\$300.00	\$20.00	Shared with 15 cities
Election Rovers (training & election day - per person)	5	\$500.00	\$178.57	Shared with 14 cities
Election Night Clerk Staff Support	1	\$1,400.00	\$93.33	Shared with 15 cities
Election Night Security	1	\$150.00	\$10.00	Shared with 15 cities
Election Night Ballot / Supply Return Teams	1	\$210.00	\$14.00	Shared with 15 polling locations
Rover Kits (each)	7	\$25.00	\$11.67	Shared with 15 cities
Rovers Training	1	\$400.00	\$26.67	Shared with 15 cities
Help Desk Set-Up	1	\$75.00	\$5.00	Shared with 15 cities
Help Desk Staff	1	\$450.00	\$30.00	Shared with 15 cities based on pre and post regular work day hrs.
Pre-Canvass Ballot Issues Audit if needed	0	\$300.00	\$0.00	Shared with 0 cities
Canvass Preparation	0	\$150.00	\$0.00	Shared with 15 cities
		Sub Total	\$389.24	

Delivery and Pickup (machines & supplies at polls)

Delivery (per location)	1	\$34.50	\$34.50	Actual cost per contract with moving company
Pickup (per location)	1	\$34.50	\$34.50	Actual cost per contract with moving company
		Sub Total	\$69.00	

Election Night Counting - IT Services

TSX Counters	1	\$750.00	\$50.00	Shared with 15 cities based on # of hrs. -- election specific
		Sub Total	\$50.00	

By-Mail and Paper Ballots**Materials**

By-Mail Outer Envelopes	9819	\$0.10	\$932.81	
By-Mail Inner Return Envelopes	9819	\$0.09	\$883.71	
By-Mail Ballots	9819	\$0.28	\$2,749.32	
Paper Ballots - Election Day, Early Vote, Extra for Remakes, Late Absentee	175	\$0.28	\$49.00	
Test Deck Paper Ballots	1	\$175.00	\$11.67	Shared with 15 cities
Printed Inserts for ID Requirements	1	\$80.00	\$5.33	Shared with 15 cities

Administration

Ballot set-up (per style)	1	\$1.00	\$1.00	
Database Setup for Ballots By IVS	1	\$500.00	\$33.33	Shared with 15 cities
Database Setup for Integravote (ballot insertion) By (iVS)	1	\$500.00	\$33.33	Shared with 15 cities
Ballot Preparation Assembly into Envelopes (each sent out)	9619	\$0.29	\$2,847.51	
Signature Verification and Tabulation Prep. (each returned)	3756	\$0.16	\$600.96	
Tabulation (each returned)	3756	\$0.15	\$563.40	

Postage

Freight to Salt Lake City for Non-Profit Rate Out-Bound	9819	\$0.03	\$252.80	Total freight / total Ballots = freight cost per each ballot
Postage Out-Bound	9819	\$0.11	\$1,080.09	Actual Postage
Postage In-Bound	3756	\$0.46	\$1,727.76	Actual Postage
		Sub Total	\$11,772.02	

Post Election

Provisional Verification (per hour)	3.08	\$25.00	\$77.00	
		Sub Total	\$77.00	

General Administration

Election Administration Support	1	\$45.00	\$45.00	
Clerk Staff (per-hour for any additional services)		\$25.00	\$0.00	
		Sub Total	\$45.00	

Additional Special Services

Election Notice in papers	1	\$5,123.00	\$341.53	Shared with 15 cities
Election Results in papers	1	\$4,011.52	\$267.43	Shared with 15 cities

Total Election Expense	\$15,162.78
Less District/County Expense	
Total City Expense	\$15,162.78

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 4.

Short Title: Briefing re stormwater regulations and impacts on City operations

Initiated By: City Manager

Scheduled Time: 7:30

SUBJECT

RECOMMENDATION

Allow Dave Walker, the City's Drainage Utility Supervisor, to brief the Council on federal stormwater regulations and their impact on City operations. An understanding of these regulations will be useful as the Council considers the next item on the agenda as well as other matters that will come before them in future meetings.

BACKGROUND

The impact of the Federal Clean Water Act passed many years ago has become more burdensome over the years as higher standards are adopted through regulatory action. These regulations impose numerous requirements on municipal operations as well as private industry. Cities have not only had to modify their own operations but also enforce the actions of others that affect the quality of stormwater runoff. Dave Walker will provide an overview of these regulations and the impact on City operations and its enforcement role.

CENTERVILLE

Staff Backup Report 1/17/2017

Item No. 5.

Short Title: Discuss proposed alternatives for bulk green waste collection in spring

Initiated By: City Staff

Scheduled Time: 7:50

SUBJECT

RECOMMENDATION

Approve one of the alternatives proposed for the annual green waste cleanup, to eliminate impact on stormwater quality/system and reduce cost. If the Council can make a decision in this meeting, pertinent information can be included in the annual community brochure which will soon be reviewed by the City Council before being published.

BACKGROUND

For many years the City has offered a green waste curbside pickup service in the spring. Residents are allowed to place green waste in the gutter for pickup by the City's contractor over a two-week period.

Placing this debris in the street is contrary to the City's own stormwater regulations, which are intended to protect the quality of stormwater runoff and operational condition of the drainage system. Debris in the streets also interferes with garbage pickup and mail delivery. Staff recommend it is time to discontinue a practice that is at odds with its own regulations. Initial discussion among staff about alternatives occurred following the 2016 curbside pickup, which was extended in length and magnitude due to a windstorm during the pickup period, and created extraordinary impacts on the streets and drainage system.

The cost of the annual curbside pickup is also a concern. As shown in the attached analysis, in 2014 and 2015 it cost approximately \$26,000 to \$28,000 for the contractor's services, disposal fees and additional street sweeping. Staff time to organize, direct and monitor the contractor's work is not included in this cost, nor the hidden cost of cleaning storm drains impacted by additional debris. In 2016 the cost increased to more than \$46,000 (due to the windstorm), plus staff time. Using 2014 and 2015 statistics as a basis for projecting 2017, staff estimate it will cost about \$35,000 for this service this year (see attached analysis).

In recent years the costs have been paid from the Sanitation Fund--without raising rates to cover this program--i.e. the balance in this Fund has been intentionally drawn down to cover this cost. As a result of "prior year adjustments" resulting from the most recent financial audit, the positive balance in the Sanitation Fund at the end of FY 2016 was eliminated. Therefore, any green waste cleanup service provided this year needs to be funded with current revenues in the Sanitation Fund--or shift the cost to the General Fund.

Implementing one of the alternatives proposed by staff would reduce the cost from \$35,000 to somewhere between \$10,000 and \$21,000, depending on the option chosen. **Just as important, however, is the elimination of the impact on stormwater quality and the drainage system.**

Staff have contacted most of the cities in Davis County to learn what type of green waste cleanup service they provide, if any. Most have moved away from curbside pickup--presumably for similar reasons of cost

and stormwater impact. Staff propose three alternatives to the current practice in Centerville:

- Provide residents with vouchers to pay the tipping fee when they haul their own green waste to the landfill.
- Allow residents to haul their green waste to the PWs/Parks Maintenance Facility on designated days. A contractor would be hired to bring in a tub grinder, grind the green waste and haul it off.
- Allow residents to haul their green waste to two designated locations at City parks on designated days. A contractor would be hired to bring in a tub grinder, grind the green waste and haul it off.

Staff prefer the first alternative—i.e. a voucher program. However, they realize this may not be politically acceptable.

The Drainage Utility Supervisor, Dave Walker, will make a presentation at the council meeting, supported by the Public Works Director, Randy Randall.

ATTACHMENTS:

Description

- Spring Cleanup—Presentation Slides
- Spring Cleanup—Supporting Details
- Public Works Cleanup Route
- Smoot_IV Park Cleanup Route

Curbside Pickup

<u>Contractor Hauling</u>					
<u>Year</u>	<u>Contractor Charges</u>	<u>Hours</u>	<u>Landfill charges</u>	<u>Loads</u>	<u>Hauling Total Costs</u>
2014	\$20,060.00	59 hrs	\$2,760.00	138	\$22,820.00
2015	\$20,400.00	60 hrs	\$3,266.00	160	\$23,666.00
2016*	\$36,465.00	107.25 hrs	\$5,433.00	270	\$41,898.00
2017 Estimate	\$26,220.00	76	4,308.00	204	\$30,528.00
<u>Sweeping</u>					
<u>Year</u>	<u>Sweeping services</u>	<u>ACE Disposal</u>	<u>Landfill Charges</u>	<u>Sweeping Total Cost</u>	
2014	\$8,122.00	\$600.00	\$1,656.00	\$10,378.00	
2015	\$7,938.50	\$600.00	\$1,581.00	\$10,119.50	
2016	\$9,637.50	\$840.00	\$2,332.00	\$12,809.50	
2017 Estimate – minus cost of typical sweeping	\$8,200.00 (\$5,400) \$2,800.00	\$720.00 (\$240.00) \$480.00	\$1,700.00 (\$440.00) \$1,260.00	\$10,620.00 (\$6,080.00) \$4,540.00	
Estimated total cost for 2017 Spring Clean Up				\$35,068.00	

* A modest wind event occurred part way through the clean up likely increasing the quantities. Totals not used in determining estimates.

Tub Grinding

	Proposal 1 - Public Works Facility	Proposal 2 - Smoot/Island View Parks
Man hours	\$1,496.00	\$2,992.00
Contractor	\$15,300.00	\$15,300.00
Jacketta Sweeping	\$300.00	\$600.00
Fence Rental	\$0.00	\$1,500.00
Fuel, maintenance items	\$200.00	\$200.00
Davis landfill	\$0.00	\$200.00
Proposal estimates	\$17,296.00	\$20,792.00

Proposal 1

Pros:

Secure, controlled location
 Minimal storm water impact
 Significant financial savings
 Easy traffic flow
 Overflow capability
 Minimal handling by City
 Employees

Cons:

ease of accessibility
 Traffic over Parrish Lane

Proposal 2

Pros:

Ease of accessibility
 Minimal storm water impacts
 Minimal handling by City employees

Cons:

Lack of control during unmanned times
 Traffic would impact local residents
 Increased expectations from police to patrol off peak times
 Loss of use of parking areas until work is completed
 No ability to accommodate higher than anticipated volumes

Proposal 3

Green Waste Voucher

This voucher entitles Centerville City resident to one load of green waste **ONLY** at no charge to the resident.
Present at Wasatch Integrated Waste
3404 North 650 East Layton, Utah



Valid April 1 - 29, 2017

Residents are issued a voucher that entitles them to one load of green waste only. Centerville City is then billed at the end of the cycle for the balance. Rates are \$5 per standard load (pickup truck, single axle trailer), or \$20/ton for larger loads (double axle trailers). Estimated cost \$9,825.00 is based on 50% of 3,930 single family dwellings utilizing this service.

Summary:

Allowing residents to place green waste in the roads is a major storm water quality issue. It is very costly to clean the catch basins and remove debris from pipes. It also puts strain on the everyday operations of the Public Works Department and interferes with scheduling of street maintenance projects beginning in the spring. Debris left in the road complicates other services like mail delivery and garbage pickup.

2017 Estimate	\$35,068.00	Potential Savings
Proposal 1 - Contractor grinds at PW facility	\$17,296.00	\$16,276
Proposal 2 - Contractor grinds at park locations	\$20,792.00	\$14,276
Proposal 3 - Voucher system to landfill	\$9,825.00	\$25,243

The primary reasons for changing the spring clean up:

- Impacts to storm water and the drainage system
- Significant financial savings

EPA regulations require contractors, cities, and individuals to implement best management practices to minimize the amount of dirt, debris, and other pollutants from entering the storm water system.

Having contractors remove debris is expensive, messy, and unable to be adequately managed.

- People begin putting items out weeks in advance. Violations are filed, but difficult to follow through on due to lack of manpower.
- Residents put items out after the contractor has gone through resulting in return trips.
- Residents put out items out that don't qualify, resulting in added expense to the City.

2016 was a great example of where it can become a larger problem. While residents had green waste set out to the curb, there was a modest wind event that not only caused more material to be placed, but scattered much of the debris throughout the city.

2017 estimates are based on compounded increases seen between 2014 and 2015. 2016 was an anomaly due to a modest wind event partially through the clean up period. This was accounted for and not taken into consideration for estimation purposes.

Landfill charges reflect Bland hauling debris as well as Centerville City hauling stumps, large items and debris from homes that were "skipped".

Loads were based on 16% increase from 2014. 2016 saw a 40% increase from the year prior.

Man hours based on overtime pay for 2 employees per shift, for 2 five hour shifts per day for 2 days.

Estimation is based on the average employee normally making \$22.68/hr + 10% to cover social security and workers compensation. \$ 37.40 per hour includes overtime rate.

ACE Disposal charges \$120 each dump and return. This may also be negotiable if hauling multiple local trips to Bountiful Landfill instead of Wasatch Integrated Waste in Layton.

Through chipping green waste, we are able to consolidate the number of loads to a 4:1 ratio.

Bountiful landfill may waive fees for already processed material.

Wasatch Integrated Waste will accept green waste from City or City contractor at no charge.

Contractor costs for proposal 1 and 2 are high estimates based on quantity hauled away. They were conceived using a 4:1 ratio for shredding, at \$10 per cubic yard hauled away. Conversations with contractor indicated \$5 - \$8 per cubic yard, but \$10 was used for estimation purposes.

Estimates for vouchers were based on 50% of the total number of single family residence. Historically, we have seen about 50% of the residents participate when doing curbside pickup.

Consideration was given to have City employees grind materials onsite throughout the week. This would add a significant strain on the workforce and result in a significant decrease in services they would be able to provide for a lengthy period of time.

Staff can determine if closing the roads near the park locations during the drop off times would be beneficial for the overall safety of residents and employees.

Proposal 1:

Public Works/Parks Maintenance Facilities

Designate 2 Saturdays, 8 am – 6 pm, for green waste to be brought to designated locations. Two onsite employees can monitor loads and control traffic in and out of facility. Material would be stacked and consolidated by employees and then a contractor would shred material using a tub grinder during the week and haul it away.

This will also encourage those with minimal green waste to use their green waste cans or regular garbage disposal which is already paid for.

Route: Residents would follow designated route through industrial park to north gate of public works facilities (725 north) and exit through north gate of the parks department. Disposal would be monitored by onsite employees to guarantee green waste only.

Pros: Secure, easy traffic flow; consolidated; minimal storm water impact; encourages residents to utilize existing methods for disposal; \$\$\$ significant financial savings; overflow capacity in south parking area; minimal handling by employees; one location for contractor

Cons: ease of accessibility; traffic over Parrish Lane

Parks Maintenance Facility has 12,000 sq/ft of usable space for the cleanup. The Public Works area can easily accommodate an additional 25,000 sq/ft, or more for overflow capacity.

Proposal 2:

Smoot Park/Lower Island View Parks

Designate 2 days each, at 2 separate locations for green waste items to be brought for disposal. Two onsite employees can monitor loads and control traffic in and out of facility. Material would be stacked and consolidated by employees and then a contractor would shred material using a tub grinder and haul it away.

Smoot Park and Lower Island View Would be the designated disposal sites. This will also encourage those with minimal green waste to use their green waste cans or regular garbage disposal which is already paid for.

Temporary fencing would be installed to designate specific areas for containment of materials and safety of local residents. Those bringing material would follow designated routes to enter and exit fenced areas for unloading green waste. Onsite employees are able to monitor loads and stack material awaiting disposal.

Pros: Ease of accessibility; minimal storm water impact; encourages residents to utilize existing methods for disposal; moderate savings

Cons: Lack of control during unmanned times; traffic would impact local residents; extra cost for fencing; increased expectation from police to monitor areas until debris is removed; loss of use of the parking areas until work is completed; No overflow capability

Smoot Park can accommodate about 15,000 sq/ft of usable spaced for cleanup purposes.

Lower Island View Park can accommodate approximately 8,300 sq/ft of working space.

Proposal 3:

Vouchers

In cooperation with Wasatch Integrated Waste and Davis Landfill, Centerville City would design a voucher allowing residents to haul away waste to the landfill in Layton at no cost to them. The City would design and distribute the vouchers with agreed upon dates in whatever manner they prefer. At the end of the period, The City would then be billed for the balance. In the event that a resident were to take something other than green waste, they would not be turned away and the City would still be billed for the debris.

Charges at the landfill for green waste are \$5.00 per truckload or single axle trailer and \$20.00 per ton in larger trailers. The charges for mixed waste are \$5.00 per truckload or single axle trailer and \$30.00 per ton in larger trailers. This is a minimal difference in cost and very unlikely to be abused.

Centerville City typically sees approximately 50% participation in the curbside cleanup. Other cities utilizing the voucher system see usage by <30% of all households.

Pros: no impact to the storm water system; zero handling by City employees; no impact to regular duties being performed by employees; managed by others at no extra cost; encourages residents to utilize existing methods for disposal; moderate to significant financial savings

Cons: Discontent residents

Woods Cross City – Chipping service is made available to residents one Saturday a month. Residents are required to sign up and acknowledge the requirements for size, length, etc.

Also during the spring and fall clean up they currently go throughout the town.

Fruit Heights City – Vouchers to Wasatch Integrated Waste

Bountiful City – Curbside pick up performed by City employees. They also make their landfill available to residents during that designated week. Currently, they are looking to change this based on impracticality and the strain it adds to their workforce.

North Salt Lake City – Dumpsters are staged at different locations throughout the town on two separate weekends. These are dumped and returned by a contract service. Residents bring material and load it themselves. Some issues with clean up after along with mixing material in green waste bins causing added costs.

Clearfield City – Vouchers to Wasatch Integrated Waste

Clinton City – Items are taken to Public Works facilities on specified days and hauled away in dumpsters. Two hours a day for two separate days each week, people are allowed to bring green waste items to their facility to be shredded by employees. This is ongoing through the spring and summer.

West Bountiful City – A temporary worker is hired to manage incoming waste through a 9 day period at the Public Works facility, 2 Saturdays (8-5) and the week (m-f, 11-7) between. Dumpsters are placed monitored, one for metals and five for green waste. Metals are recycled, and that money goes towards the payment of the worker.

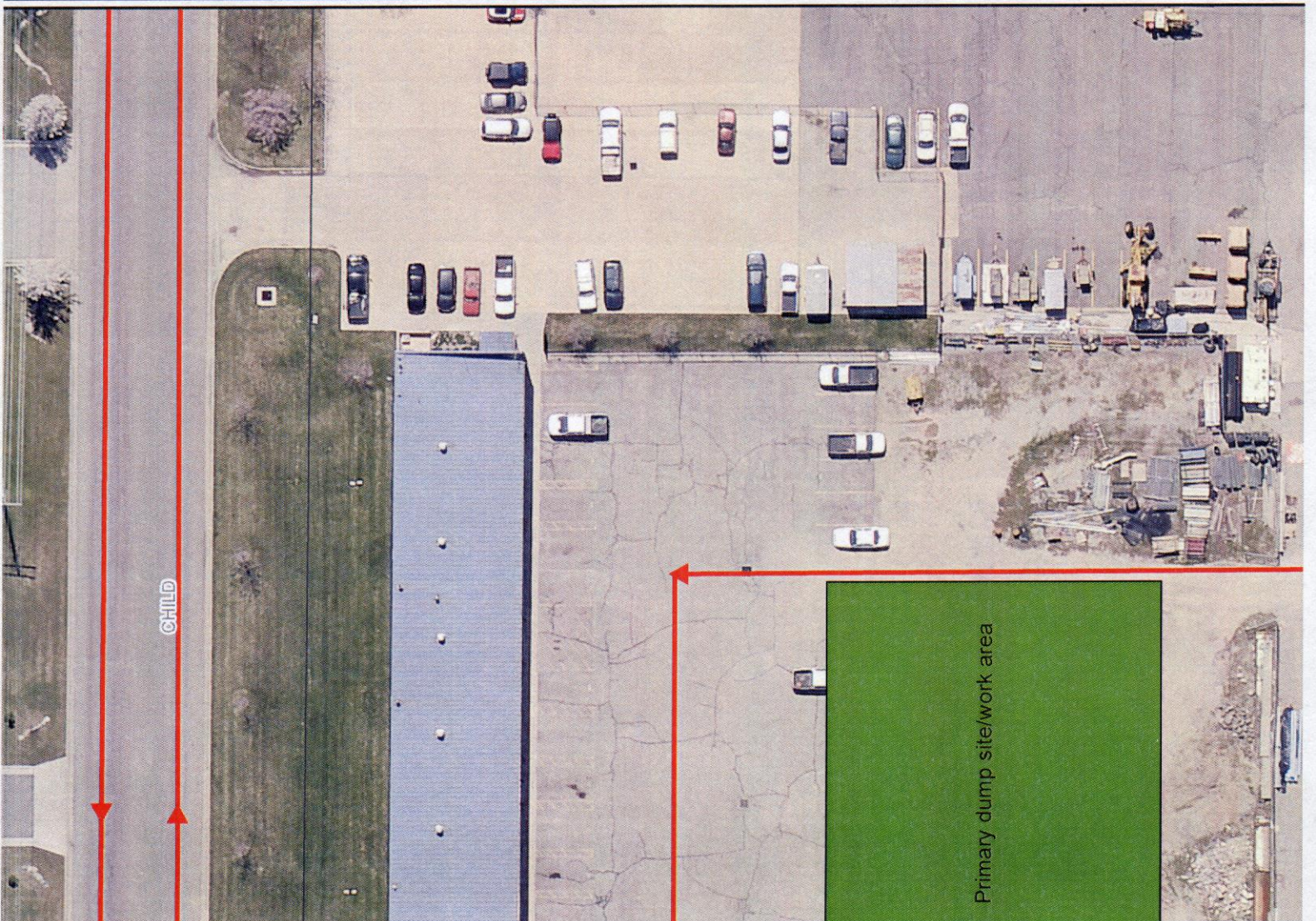
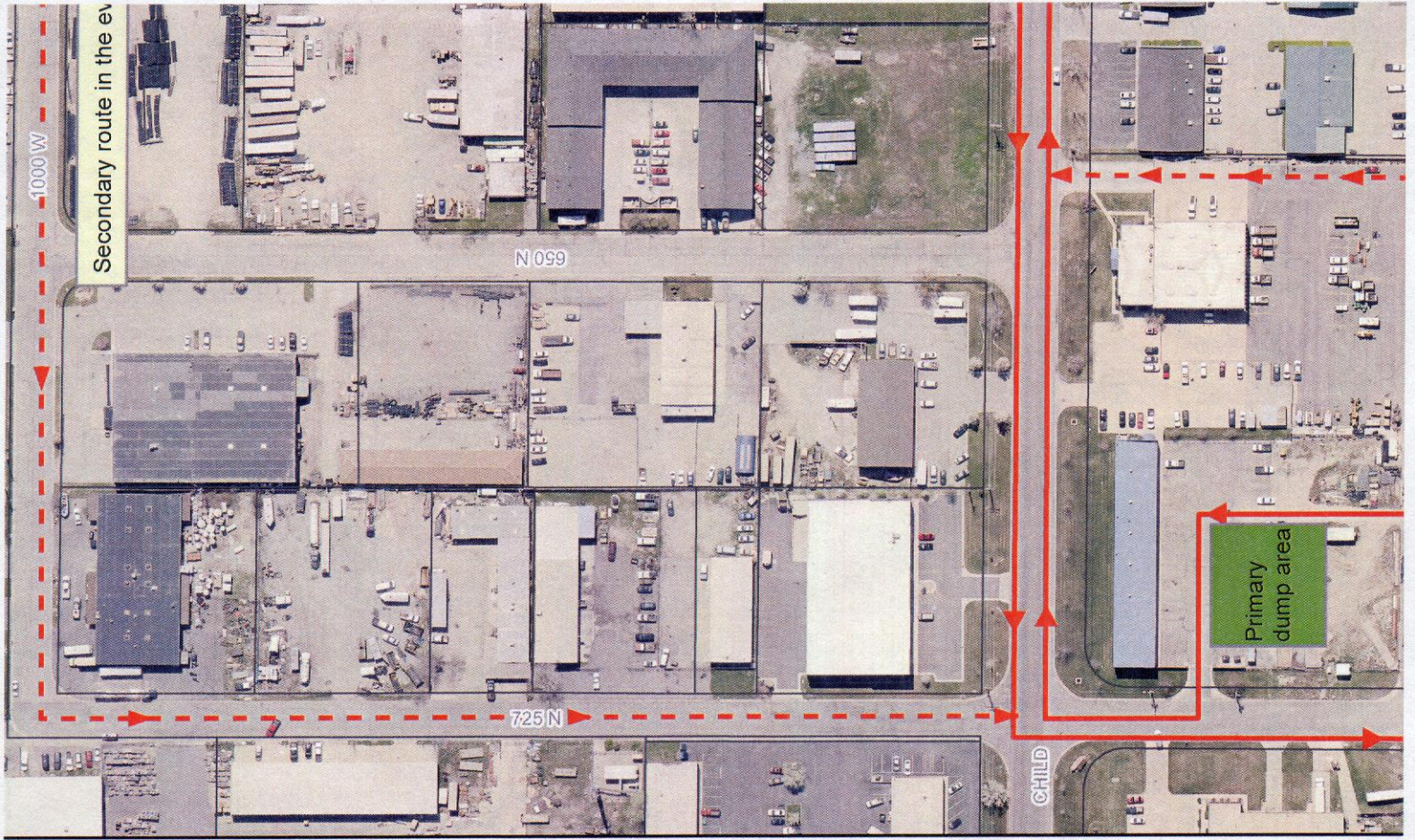
South Weber City – Residents bring material to one of two locations on set date where dumpsters are placed and monitored by onsite staff to ensure green waste only. Dumpsters are hauled away by an outside contractor who maintains staff to rotate dumpsters as needed throughout the day.

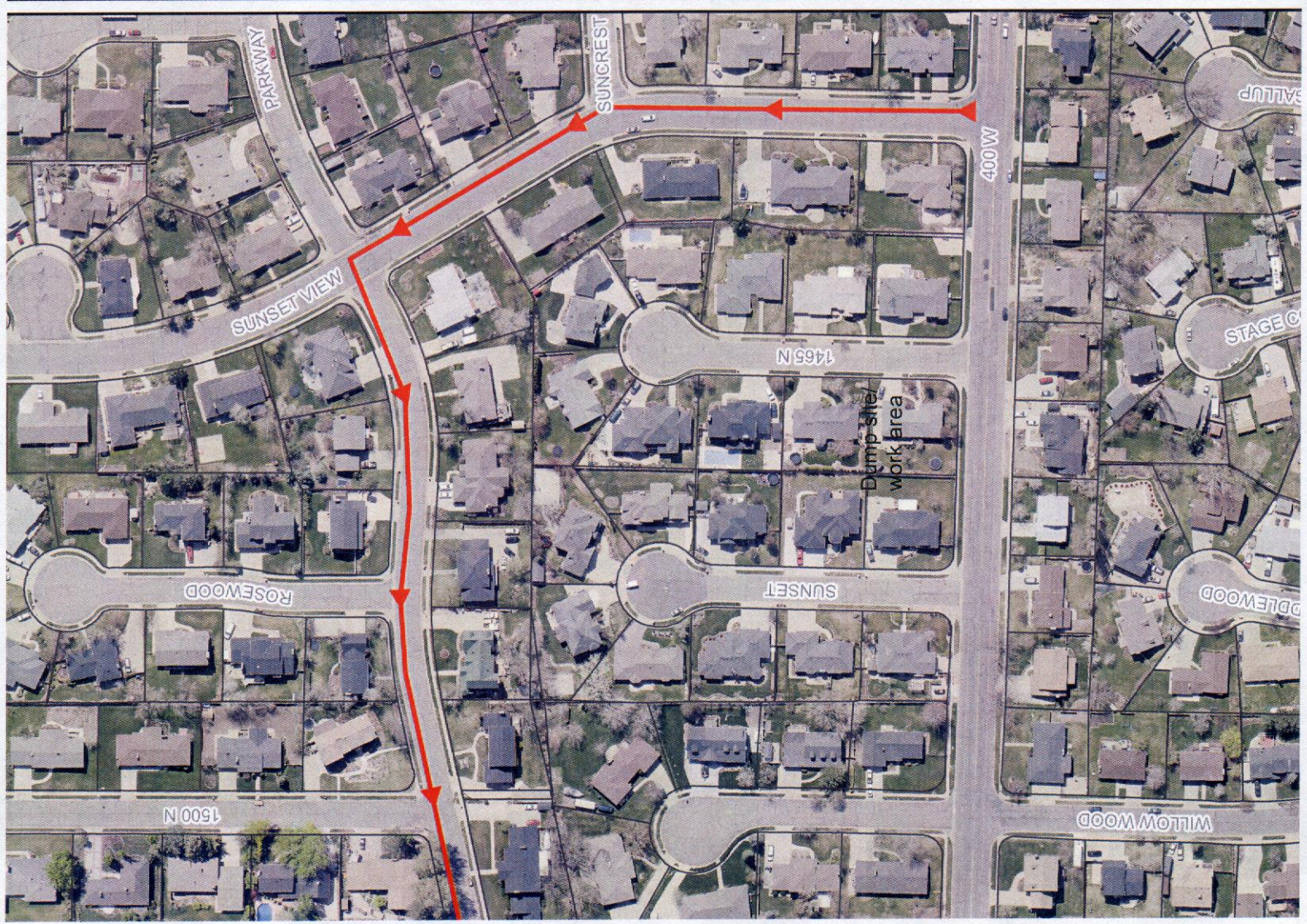
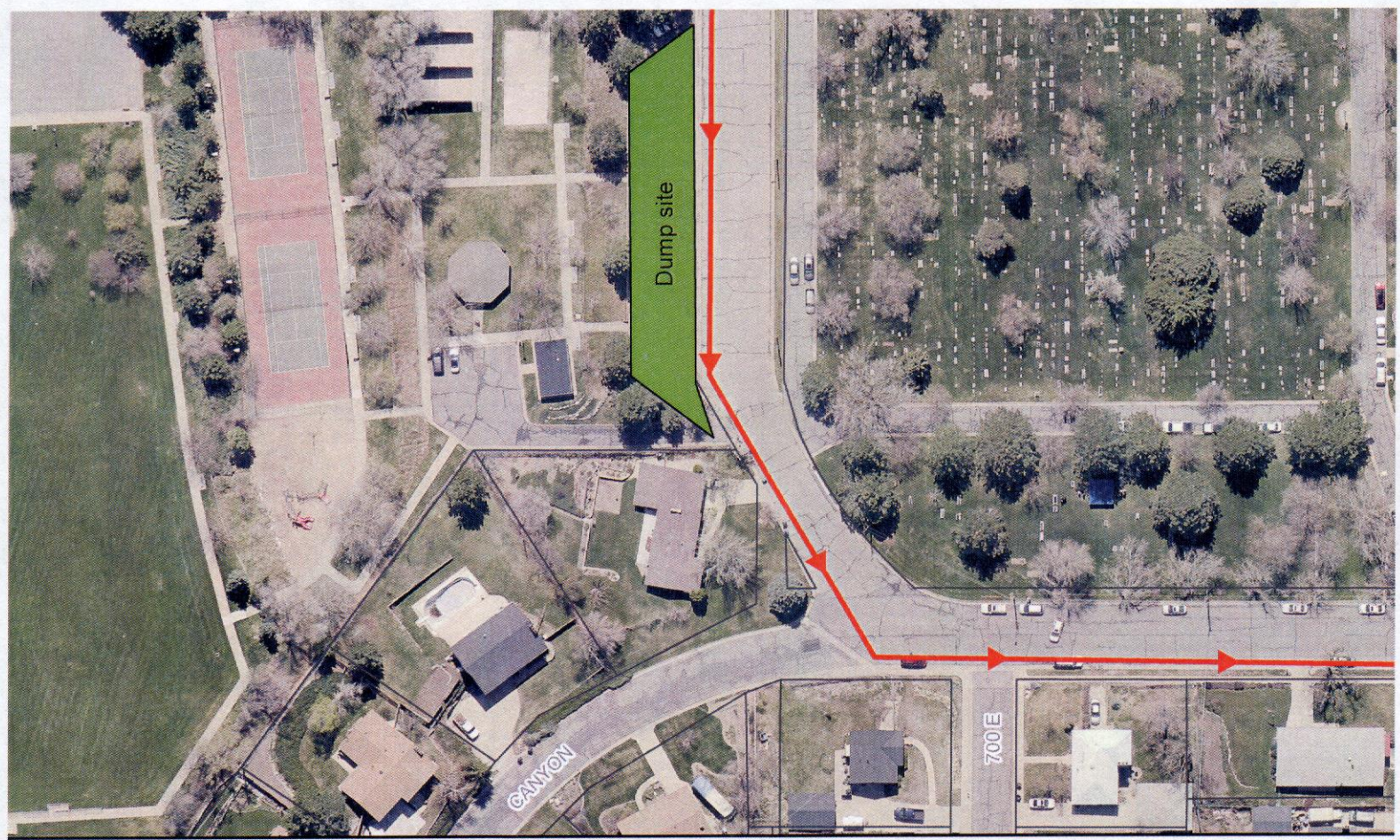
Layton City – Do not offer any City sponsored cleanup activities. Residents are encouraged to use the landfill.

Syracuse City – No green waste pickup is offered. They rely on the green cans, similar to what we have, for residents to dispose of green waste.

Farmington City – Main and State Streets have a curbside pickup allowing large quantities. The rest of the city has curbside pickup with strict rules for size, quantity, and timing. Residents are allowed one pile that is no more than 4'x4'x8' with no material larger than 4" diameter. Residents may take larger items to their shop during that time.

Brigham City, Ogden City and Weber County utilizes a contractor that comes to them with a tub grinder and hauls the material away.





**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 6.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:20

SUBJECT

- a. UIA/UTOPIA reports
- b. Fire Service Area

RECOMMENDATION

Mayor Cutler will report on these matters as well as possibly other matters of City interest.

BACKGROUND

The most recent monthly reports from UIA/UTOPIA and the South Davis Fire Service Area are attached.

ATTACHMENTS:

Description

- ☐ UTOPIA - UIA November Financials
- ☐ SD Metro Fire Service Area Financial Report, etc.
- ☐ Fire/EMS Statistical Report

Finance Committee Report (Unaudited)
COMBINED UTOPIA AND UIA
November 2016 (41.67% of Budget)

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY17 Budget</u>	<u>% of Budget</u>	<u>Prior Year YTD</u>	<u>% of Budget</u>
Revenue						
Recurring	\$ 1,224,816	\$ 5,892,481	\$ 13,939,153	42.27%	\$ 5,040,342	42.81%
Install	18,741	210,456	-		\$ 190,249	
UIA IRU	112,572	551,359	1,307,133	42.18%	447,885	40.75%
Interest Income	21,276	106,256	39,000	272.45%	2,320	#DIV/0!
Other Income	-	55,000	-		4,324	#DIV/0!
Total Revenue	<u>\$ 1,377,404</u>	<u>\$ 6,815,552</u>	<u>\$ 15,285,286</u>	44.59%	<u>\$ 5,685,119</u>	44.17%
Operating Expenses						
Administrative Expense	458,402	2,378,166	6,366,229	37.36%	2,190,105	36.85%
Professional Services	29,377	152,241	482,880	31.53%	174,279	28.53%
Network Management	214,798	1,093,843	2,717,313	40.25%	1,068,829	41.93%
Misc. Expense	-	-	-		-	
Total Operating Expenses	<u>702,576</u>	<u>3,624,250</u>	<u>9,566,421</u>	37.89%	<u>3,433,213</u>	37.71%
Bond Payments						
IRU Capital Lease Interest	6,000	30,000	96,000	31.25%	30,000	31.25%
Interest Expense	1,219,467	6,662,549	16,822,000	39.61%	6,373,422	39.29%
Principal	-	1,967,027	2,347,005	83.81%	1,184,189	84.17%
Total Bond Payments	<u>1,225,467</u>	<u>8,659,576</u>	<u>19,265,005</u>	44.95%	<u>7,587,611</u>	42.81%
Total Expenditures	<u>\$ 1,928,044</u>	<u>\$ 12,283,825</u>	<u>\$ 28,831,426</u>	42.61%	<u>\$ 11,020,825</u>	41.08%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	(550,639)	(5,468,273)	(13,546,140)		(5,335,705)	

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

Finance Committee Report (Unaudited)
UTOPIA
November 2016 (41.67% of Budget)

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY17 Budget</u>	<u>% of Budget</u>	<u>Prior Year YTD</u>	<u>% of Budget</u>
Revenue						
Recurring	\$ 464,541	\$ 2,268,427	\$ 5,244,248	43.26%	\$ 1,936,403	44.97%
Install	9,211	124,680	-		78,516	
UIA IRU	112,572	551,359	1,307,133	42.18%	447,885	40.75%
Interest Income	1,126	5,461	-		70	#DIV/0!
Other Income	-	55,000	-	#DIV/0!	4,324	#DIV/0!
Total Revenue	<u>\$ 587,451</u>	<u>\$ 3,004,927</u>	<u>\$ 6,551,382</u>	45.87%	<u>\$ 2,467,197</u>	45.65%
Operating Expenses						
Administrative Expense	\$ 407,562	\$ 2,191,281	\$ 5,970,229	36.70%	\$ 2,129,893	37.79%
Professional Services	27,465	142,724	458,880	31.10%	164,950	28.10%
Network Management	157,309	819,401	1,992,720	41.12%	899,061	42.71%
Misc. Expense	-	-	-		-	
Total Operating Expenses	<u>592,337</u>	<u>3,153,407</u>	<u>8,421,829</u>	37.44%	<u>3,193,905</u>	38.35%
Bond Payments						
Interest Expense	985,783	5,462,293	13,918,000	39.25%	5,493,836	40.27%
Principal	-	322,027	702,005	45.87%	179,189	44.59%
Total Bond Payments	<u>985,783</u>	<u>5,784,320</u>	<u>14,620,005</u>	39.56%	<u>5,673,025</u>	40.39%
Total Expenditures	<u>\$ 1,578,119</u>	<u>\$ 8,937,727</u>	<u>\$ 23,041,834</u>	38.79%	<u>\$ 8,866,930</u>	39.63%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	(990,669)	(5,932,800)	(16,490,452)		(6,399,733)	

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

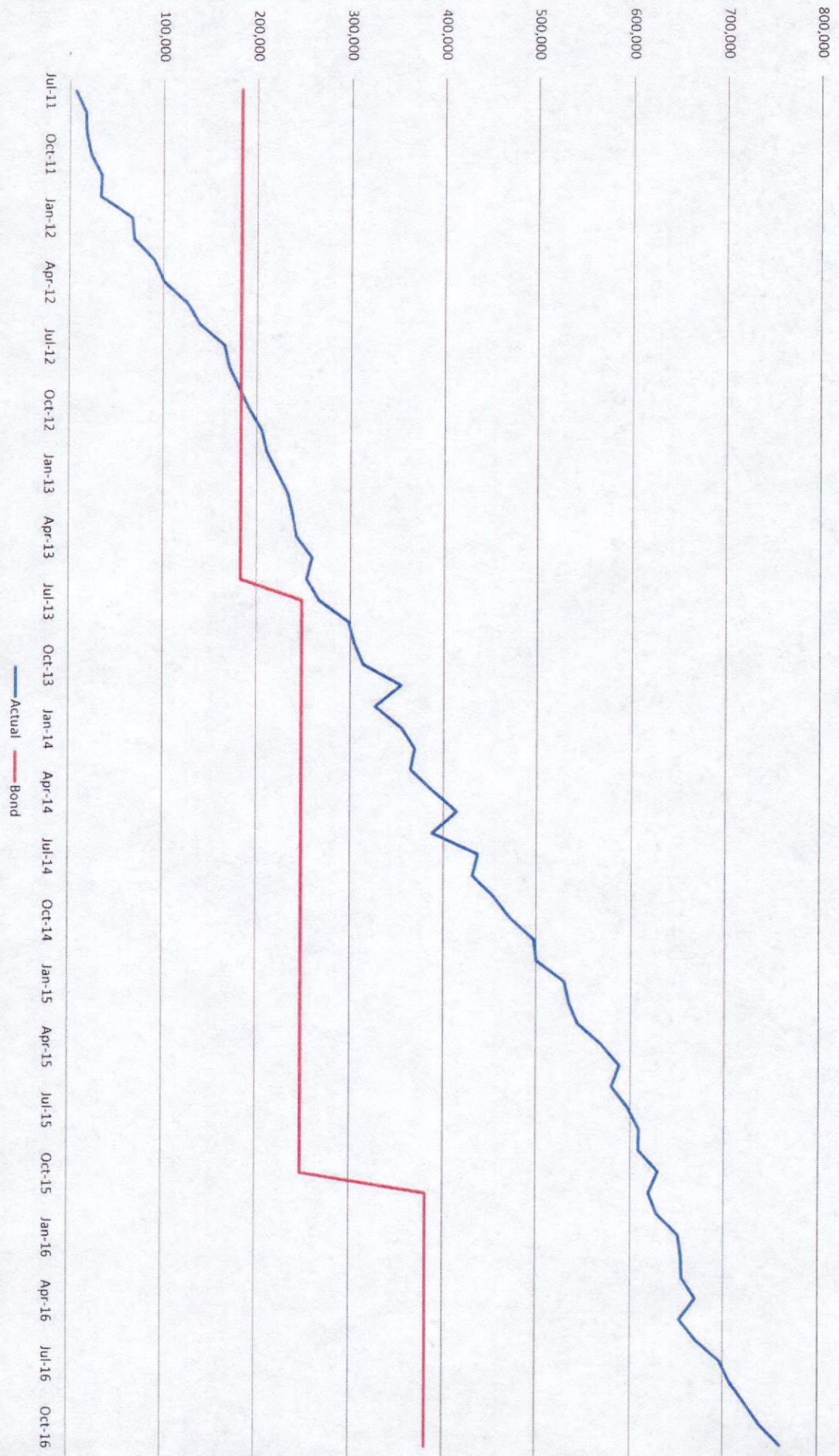
Finance Committee Report (Unaudited)
 UIA
 November 2016 (41.67% of Budget)

	Current Month	Year to Date	FY17 Budget	% of Budget	Prior Year YTD	% of Budget
Revenue						
Recurring	\$ 760,274	\$ 3,624,054	\$ 8,694,905	41.68%	\$ 3,103,939	41.57%
Install	9,530	85,777	-		111,733	
Interest Income	20,150	100,795	39,000	258.45%	2,250	#DIV/0!
Other Income	-	-	-		-	
Total Revenue	\$ 789,953	\$ 3,810,625	\$ 8,733,905	43.63%	\$ 3,217,922	43.10%
Operating Expenses						
Administrative Expense	50,840	\$ 186,884	\$ 396,000	47.19%	60,212	19.55%
Professional Services	1,912	9,516	24,000	39.65%	9,329	38.87%
Network Management	57,489	274,442	724,593	37.88%	169,768	38.24%
Misc. Expense	-	-	-		-	
Total Operating Expenses	110,240	470,843	1,144,593	41.14%	239,309	30.84%
Debt Payments						
IRU Capital Lease Interest	6,000	30,000	96,000	31.25%	30,000	31.25%
Interest Expense	233,684	1,200,256	2,904,000	41.33%	879,586	34.12%
Principal (1)	-	1,645,000	1,645,000	100.00%	1,005,000	100.00%
Total Bond Payments	239,684	2,875,256	4,645,000	61.90%	1,914,586	52.04%
Total Expenditures	\$ 349,924	\$ 3,346,098	\$ 5,789,593	57.80%	\$ 2,153,895	48.35%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	440,029	464,527	2,944,312		1,064,027	

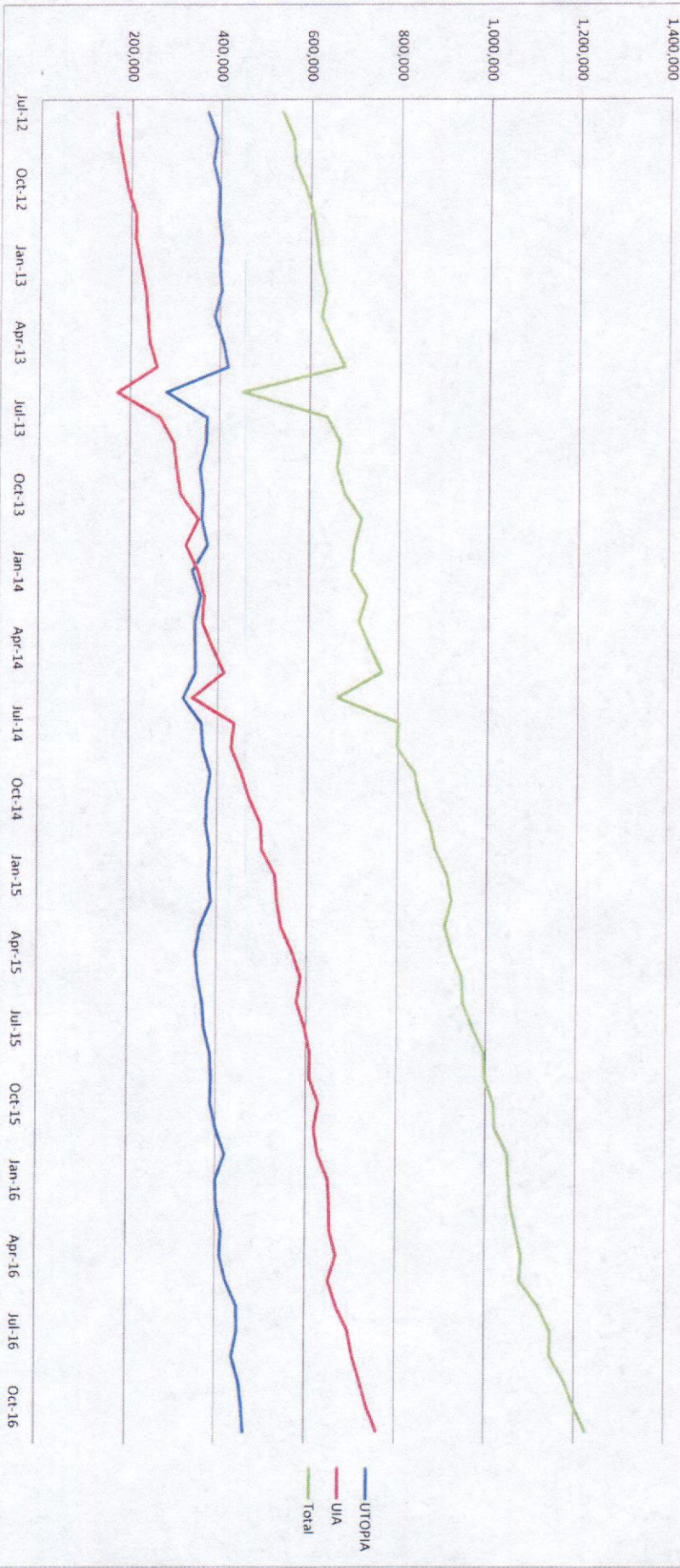
(1) Annual Principal payment made each October

Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

UIA Revenue v. Bond Obligation (Monthly Recurring Revenue)



Recurring Revenue Combined (UTOPIA and UIA)



SOUTH DAVIS METRO FIRE SERVICE AREA

November 30, 2016

FINANCIAL REPORT

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

South Davis Metro Fire Service Area

Cash Position by Fund and in Total

Balances prior to July 2016 are for South Davis Metro Fire Agency

Funds

Month	General	Grant	Public Training	Capital Reserve	Debt Service	Debt Reserve	Total	St Tre Int. R
Nov	1,721,509	43,193	29,717	400,205	(64,999)	269,000	2,398,625	1.1231
Oct	2,296,206	43,193	28,401	403,415	(70,532)	269,000	2,969,683	1.0982
Sept	1,680,717	43,193	29,175	383,918	195,137	269,000	2,601,140	1.0597
Aug	2,089,441	43,193	27,110	366,230	179,345	269,000	2,974,320	0.9968
July	1,535,909	43,193	27,956	354,312	134,445	269,000	2,364,816	0.9429
June	1,595,631	51,331	32,086	338,794	115,875	269,000	2,402,718	0.9093
May	2,451,016	51,331	29,667	685,357	95,908	269,000	3,582,279	0.8997
Apr	1,582,765	51,331	29,308	667,234	81,314	269,000	2,680,952	0.8517
Mar	1,992,791	64,750	31,377	649,233	75,085	269,000	3,082,236	0.8224
Feb	2,532,986	64,750	30,461	631,237	63,525	269,000	3,591,959	0.7796
Jan	2,441,964	53,298	28,710	605,058	49,672	269,000	3,447,703	0.7460
Dec	1,980,493	53,298	27,471	595,520	42,490	269,000	2,968,272	0.7244
Nov	1,962,997	43,047	29,680	577,857	34,810	269,000	2,917,392	0.6824
Oct	2,496,969	43,047	26,858	439,596	(14,891)	269,000	3,260,579	0.6593
Sept	1,566,375	43,047	27,227	422,130	(33,496)	269,000	2,294,282	0.6369
Aug	2,070,076	43,047	30,422	361,317	224,792	269,000	2,998,653	0.6098
July	2,210,357	43,047	29,732	343,685	219,591	269,000	3,115,411	0.5791
June	1,575,733	39,879	29,182	559,135	207,903	269,000	2,680,832	0.5610
May	1,979,523	39,879	28,687	541,609	200,131	269,000	3,058,829	0.5558
Apr	1,643,529	39,879	26,855	785,828	169,171	269,000	2,934,262	0.5475
Mar	1,748,266	39,879	26,583	858,664	168,967	269,000	3,111,358	0.5294
Feb	2,142,251	39,879	30,185	723,979	155,089	269,000	3,360,383	0.5184
Jan-15	2,323,799	39,879	30,285	706,482	147,584	269,000	3,517,028	0.5073
Dec	1,913,763	39,879	29,542	688,917	141,605	269,000	3,082,706	0.5078
Nov	1,783,921	39,879	28,258	721,355	133,377	269,000	2,975,790	0.5071
Oct	2,097,865	39,879	25,941	704,070	110,116	269,000	3,246,871	0.4850
Sept	1,305,145	39,879	29,148	707,771	(36,465)	269,000	2,314,478	0.4767
Aug	1,874,107	39,879	29,691	698,743	232,777	269,000	3,144,197	0.4699
July	2,108,885	39,879	29,242	684,890	217,357	269,000	3,349,253	0.4693
June	1,491,903	23,698	29,335	672,178	203,132	269,000	2,689,246	0.4799
May	1,820,686	30,971	28,565	1,223,223	194,481	269,000	3,566,927	0.4879
Apr	2,217,866	30,971	28,391	1,205,793	156,309	269,000	3,908,330	0.4992
Mar	1,451,650	30,971	27,721	1,188,356	149,354	269,000	3,117,052	0.5023
Feb	1,909,545	11,966	28,628	1,170,809	135,806	269,000	3,525,754	0.5070
Jan-14	2,288,411	11,966	27,126	1,177,037	135,669	269,000	3,909,209	0.5074
Dec	1,997,356	19,971	26,470	735,830	127,300	269,000	3,175,928	0.5103
Nov	1,827,008	19,971	26,444	768,166	109,582	269,000	3,020,171	0.5150
Oct	1,500,545	34,971	25,328	730,937	47,884	269,000	2,608,665	0.5143
Sept	1,389,813	34,971	26,826	893,773	38,844	269,000	2,653,227	0.5125
Aug	1,702,676	34,971	25,776	879,878	294,743	269,000	3,207,045	0.4962
July	2,069,176	34,971	26,643	862,694	257,162	269,000	3,519,646	0.5115
June	1,330,839	34,971	26,025	849,929	229,257	269,000	2,740,021	0.5046
May	1,720,150	33,521	25,859	845,327	223,139	269,000	3,116,996	0.4902
Apr	2,155,452	33,521	25,567	1,009,390	215,946	269,000	3,708,876	0.5295
Mar	1,422,662	24,255	25,482	1,036,059	192,908	269,000	2,970,365	0.5740
Feb	1,845,411	23,726	25,465	1,145,025	160,789	269,000	3,469,416	0.6120
Jan-13	2,113,161	23,726	25,112	1,133,500	158,018	269,000	3,722,517	0.6499

IMPACT FEES COLLECTED

DATE BELOW

Balances prior to July 2016 are for South Davis Metro Fire Agency

DATE	CENTERVILLE	DAVIS COUNTY	NORTH SALT LAKE	WEST BOUNTIFUL	WOODS CROSS	TOTAL REVENUE	TOTAL FOR THE YEAR
2004-4 Mos.	716.00	-	38,593.68	3,402.00	4,158.00	46,869.68	
2005	44,124.66	-	160,858.93	65,640.10	33,128.24	303,751.93	
2006	67,908.61	-	203,896.39	16,793.12	10,156.80	298,754.92	
2007	39,666.50	263.47	118,685.88	52,937.65	65,296.28	276,849.78	
2008	20,118.60	-	95,684.71	5,275.78	10,142.74	131,221.83	
2009	8,231.81	-	73,623.57	3,507.38	41,737.05	127,099.81	
2010	26,063.64	-	24,968.28	2,337.92	18,292.00	71,661.84	
2011	49,665.03	-	30,643.20	3,896.38	16,894.44	101,099.05	
2012	34,245.82	-	90,356.64	12,653.19	41,196.00	178,451.65	
2013	37,542.04	-	155,267.66	9,633.00	25,231.02	227,673.72	
2014	11,095.04	13,990.00	205,859.07	5,179.00	50,727.58	286,850.69	
2015	60,189.64	-	89,746.71	9,197.20	10,165.38	169,298.93	
2016-6 Mos.	49,518.35	-	58,646.56	5,691.00	5,522.03	119,377.94	
07/31/16	-	-	-	-	-	-	
08/31/16	-	-	-	-	-	-	
09/30/16	-	-	15,461.00	-	-	15,461.00	
10/31/16	-	-	2,935.30	-	-	2,935.30	
11/30/16	4,239.00	-	-	942.00	-	5,181.00	
12/31/16	-	-	-	-	-	-	
01/31/17	-	-	-	-	-	-	
02/28/17	-	-	-	-	-	-	
03/31/17	-	-	-	-	-	-	
04/30/17	-	-	-	-	-	-	
05/31/17	-	-	-	-	-	-	
06/30/17	-	-	-	-	-	-	23,577.30
TOTAL	453,324.74	14,253.47	1,365,227.58	197,085.72	332,647.56	2,362,539.07	Down
						2,362,539.07	Across

South Davis Metro Fire Service Area
Board of Directors Financial Summary Fiscal Year 2017
November 30, 2016

						42% of the year expired
Line No	Fund	YTD FY 2017	Annual Budget	Budget	Page No.	Comments
***** General Fund 10 *****						
Revenue						
1	Property Taxes-PM Funding	-	692,906.00	0%	7	
2	Intergovernmental Revenue-Cities & Co	2,426,916	5,824,598	42%	7	
3	Ambulance & PM Fees-Net	937,734	2,170,000	43%	7	
4	All Other General Fund Revenue	31,538	8,000	394%	7	
5	Contribution- Private Sources	-	-	0%	7	
	Total Revenue	3,396,187	8,695,504	39%	7	
	Use of Fund Balance (Transfer to Capital)	-	300,000			
6	Use of Fund Balance (Depreciation)	-	500,000			
7	Total Revenue & Use of fund Balance	3,396,187	9,495,504			
Expenditures by Division						
8	Operations	3,156,214	7,429,987	42%	8	
9	Logistics	191,725	439,700	44%	9	
10	Communications	147,209	398,492	37%	9	
11	Fire Prevention	4,925	15,800	31%	9	
12	Training	13,594	65,725	21%	10	
13	Emergency Medical Services	55,634	145,800	38%	10	
14	Transfer to Capital Reserve Fund	83,333	200,000	42%	10	
15	Total Expenditures	3,652,635	8,695,504	42%		
16	Revenues Over/(Under) Expendtrs Before	(256,448)	800,000	-32%		
15	Transfer to Capital From Fund Balance	-	300,000	0%	10	
16	Depreciation & Loss on Fixed Assets Sold	225,777	500,000	45%	10	
17	Total Fund Expenditures	3,878,412	9,495,504			
18	Net Revenues Over/(Under) Expendtrs	(482,225)	-	0%		
***** Other Funds *****						

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

Public Training Fund 22					
5	Revenues	5,464	12,500	44%	14
6	Fund Balance Appropriation/(Addition)	-	-	0%	14
7	Expenditures	3,126	12,500	25%	14
8	Revenues Over/(Under) Expendtrs	2,337	-	0%	

Capital Reserve Fund 45					
9	Revenues and Transfers	10,107	83,125	12%	16
10	Fund Balance Appropriation/(Addition)	50,781	121,875	42%	16
11	Expenditures	29,806	205,000	15%	16
12	Revenues Over/(Under) Expendtrs	31,082	-	0%	

SDFD Equity Fund 70					
13	Revenues	-	-	0%	18
14	Fund Balance Appropriation/(Addition)	57,500	138,000	42%	18
15	Expenditures	40,768	138,000	30%	18
16	Revenues Over/(Under) Expendtrs	16,732	-	0%	

Debt Service Fund 72 & 73					
17	Revenues	25,255	151,500	17%	22
18	Fund Balance Appropriation/(Addition)	49,075	117,780	42%	22
19	Expenditures	191,647	269,280	71%	22
20	Revenues Over/(Under) Expendtrs	(117,317)	-	0%	

South Davis Metro Fire Service Area

Proudly Serving the Communities of

Bountiful - Centerville - Davis County - North Salt Lake - West Bountiful - Woods Cross

Jeff Bassett, Fire Chief

Centerville Fire Station

As you know we need to work on a plan of action for the new fire station in Centerville. There are 2 options for a new station. Build on existing property or relocation.

Currently we have a design plan that will work on the existing site for the new station. See Attachment. This cost is estimated at \$5.5 million. If we choose this option we need to have a temporary location for the firefighters. I have been discussing with Centerville City the possibility of putting a mobile home or double wide trailer at their public works building and running temporary water, power and sewer. We might be able to use the public works building for indoor parking of the engine and ambulance. Currently there are no buildings for rent in the industrial park that have a tall enough garage door for the engine.

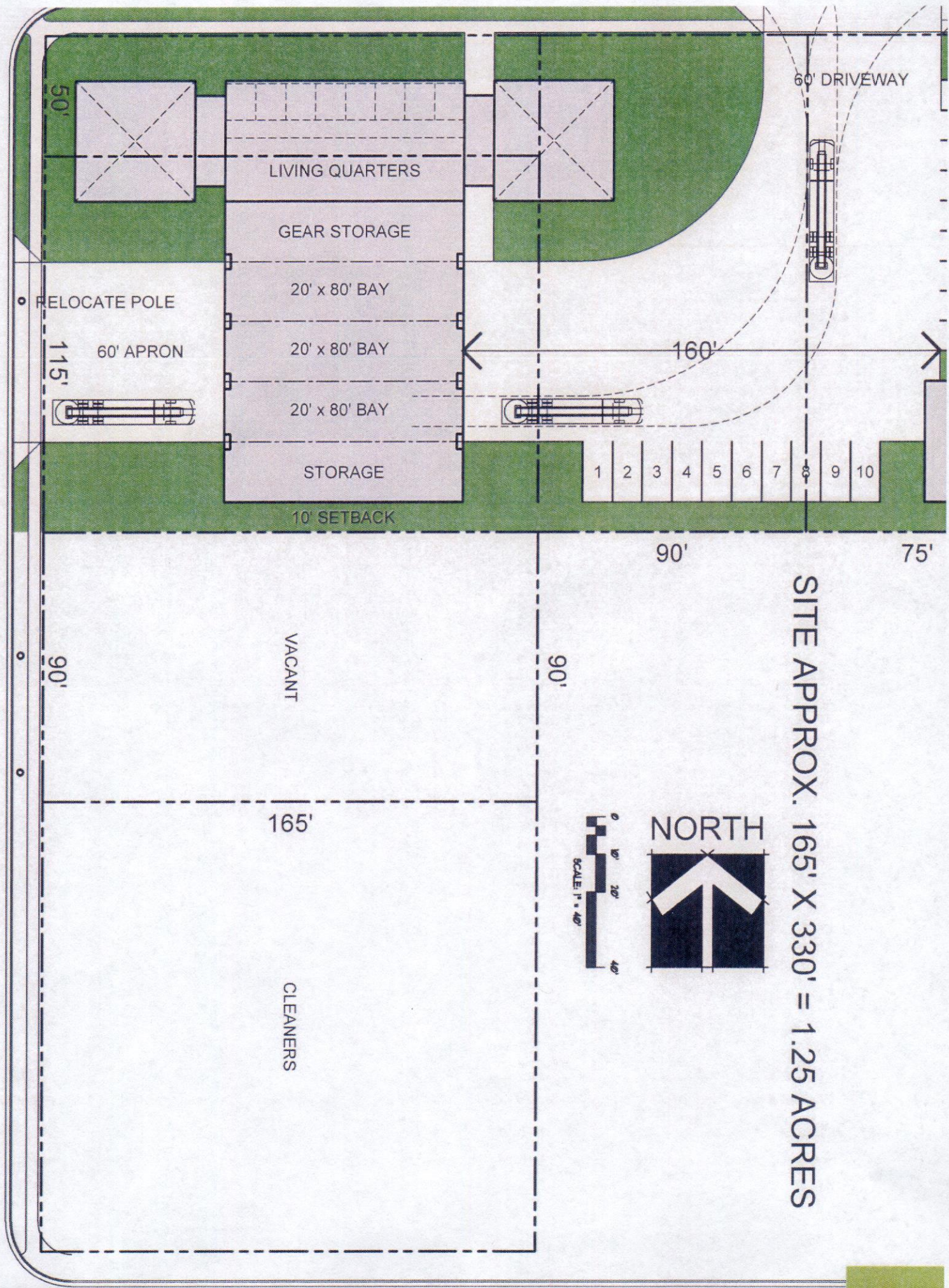
The other option is to relocate the station at a new site. There are 2 locations that are available as of now.

The first is at 550 west and Porter lane. This is flag lot; it is narrow and is on 2 acres. It would accommodate a new station and we could build a new administration building on this site. In discussion with the owner he is asking \$800,000 for the property. Our architect and I agree this site is too narrow to use.

The other site is located at 300 South Main. It would be a purchase of land from 3 owners. Currently the cost to buy from the 2 land owners totals \$600,000. The owners of the 3rd parcel have not decided on a price. This would give us about an acre of land. Down side to this property is the need to enter onto Main St, which requires UDOT approval and we have the same issue of cars not stopping for our vehicles accessing onto Main Street. However, using this site would allow us to remain in our current location and move when the new station is done and it gives us more property, which allows for a better entrance radius for the fire apparatus. See Attachment.

One item I would like to get your approval on is the cost we need to estimate for the fire station. This is needed to complete the impact fee study. This is only an estimate. The estimated price of \$5.5 million is the cost of the station, estimated testing fees, geo work, architect fees, soft costs, estimated temporary housing and contingency. This has been discussed in the Administrative Committee and the recommendation to the board, is to use this figure in the impact fee study.

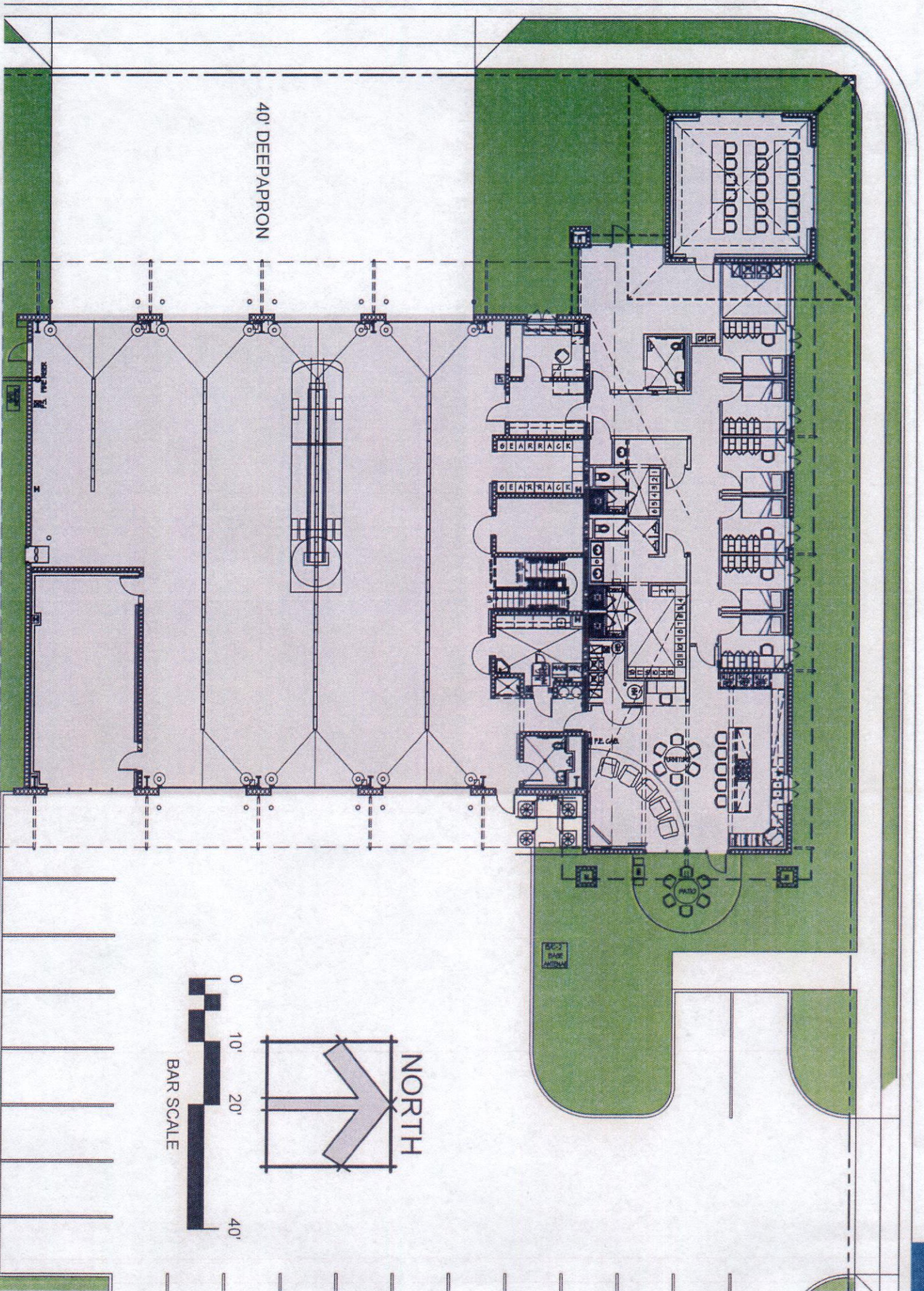
The other item with the existing station is a significant roof leak. Our roofer is attempting to patch the leak but if the patch does not seal to the roof, the only option is to replace the roof at a cost of \$8,580. Our roofer is about 5 weeks out so our crews are doing their best at trying to keep the roof dry.



SITE APPROX. 165' X 330' = 1.25 ACRES



100 SOUTH STREET



South Davis Metro Fire Service Area

Proudly Serving the Communities of

Bountiful - Centerville - Davis County - North Salt Lake, West Bountiful - Woods Cross

Jeff Bassett, Fire Chief

Budget Planning

As we prepare for the upcoming budget, I have been asked to detail the significant budget items that need to be discussed. As we work on these items we will need to schedule a couple of work sessions to discuss all items. Mr. Uresk, Chair of the Administrative Committee, will be here to discuss these work sessions and the role of the Administrative Committee.

Staffing

In the Administrative Committee meetings we have been discussing the overtime and how our part time staff is not working enough shifts to cover the open shifts. Currently we restrict how many people can be on vacation each shift which is 3. We are averaging 3.3 people off per day. Every fire department that uses part time employees is having the same issues with part time staff as us. We are spending up to \$130,000 to hire and train new part time employees every year.

As we evaluate staffing, the research shows each fire engine should be staffed with at least 4 firefighters. Majority of departments have a goal of 4 but have a standard of 3. Only 2 of our 5 fire apparatus run with 3, the rest are staffed with 2.

One idea is to hire 9 new FTE, which could reduce the issue with overtime. 9 new FTE would be 3 per shift; the staffing would be for a 5th ambulance and a 3rd person on the truck. However, with us averaging 3.4 off per day, it would keep our staffing as it is now and reduce our overtime significantly.

The cost to hire 9 FTE is \$626,778. This is just one of several concepts we will discuss.

Many of you have asked for a review of standards, best practices, and comparisons. I am working on a fact sheet to send out with all this information.

Also the SAFER grant will be open from January 9 thru Feb 10th. Safer grant is a program that helps pay for new employees over 3 years. We applied for this grant several years ago and it was awarded to us but the board declined to accept it. We can apply again in an effort to help with our cost.

Centerville Fire Station

\$5.5 Estimated

We need to build a new fire station in Centerville. The current one is 30 years old. It is too small and there are several building issues we continually face. The flat roof leaks every winter, the diesel exhaust system is beyond repairs, there are no female and male restrooms / showers. There is no training room so crews have a place to conduct daily training, no decontamination shower or area, need additional washer and dryers and the list goes on. Previous agenda item, briefed the board on location ideas.

Muller Park Fire Station**\$668,000**

Station 84 the Muller Park Station needs several building and parking lot improvements. This cost was presented to the board several months ago by Bill Gould our architect.

Ladder Truck**\$1-1.2 Million**

We need to replace our current Platform ladder truck. The current ladder is 25 years old and is worn out. With the continued growth in commercial, mixed use and apartments we need to purchase a new ladder and place it as a first line response vehicle. Most vendors are quoting a one year build time from the time of order. We are working on an RFP for the ladder truck and design options.

FY 18 Vehicle Replacement Plan**\$260,000**

2 Brush trucks, Staff Car, UTV Patient transport unit

Air Packs**\$340,000**

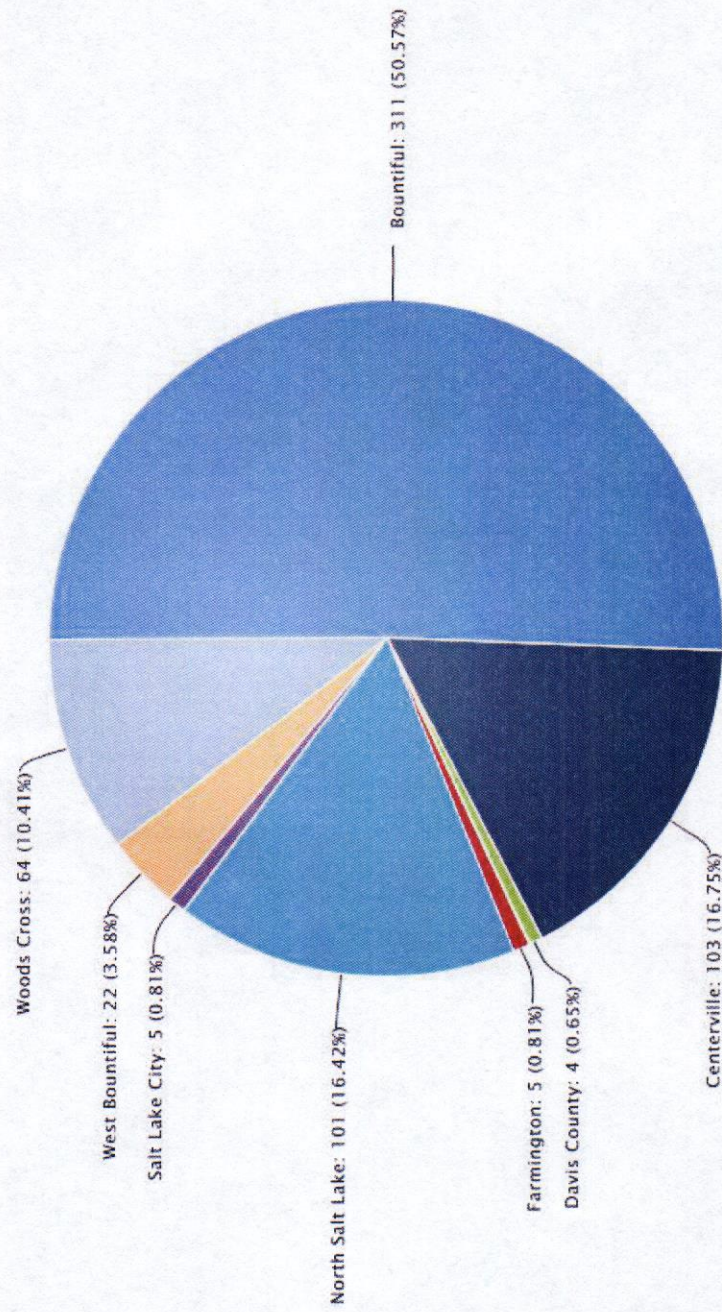
This year our air packs will expire on warranty and we do not have a date on end of life from the vendor. We will have an increase in maintenance cost associated with the repairs that are ongoing. We will start to have air bottles that can no longer be hydrostatic tested. In FY 2018 we have 39 bottles that can no longer be tested and need to be replaced. It is not good practice to have 2 different air packs for our firefighters use. For safety reasons, I am recommending we purchase the new air packs all at once. We are waiting for details on end of life from the manufacture, which will help us in determining our purchasing needs.

New air packs cost about \$6,000 each

New bottles cost between \$800-1,000

We have 50 air packs and 150 air bottles. As we purchase new bottles they will work with our existing air packs and the new version of our air pack when we need to buy them. To keep cost down, we will need to single source the purchase. These new air packs will not require new fittings on both of the refill machines.

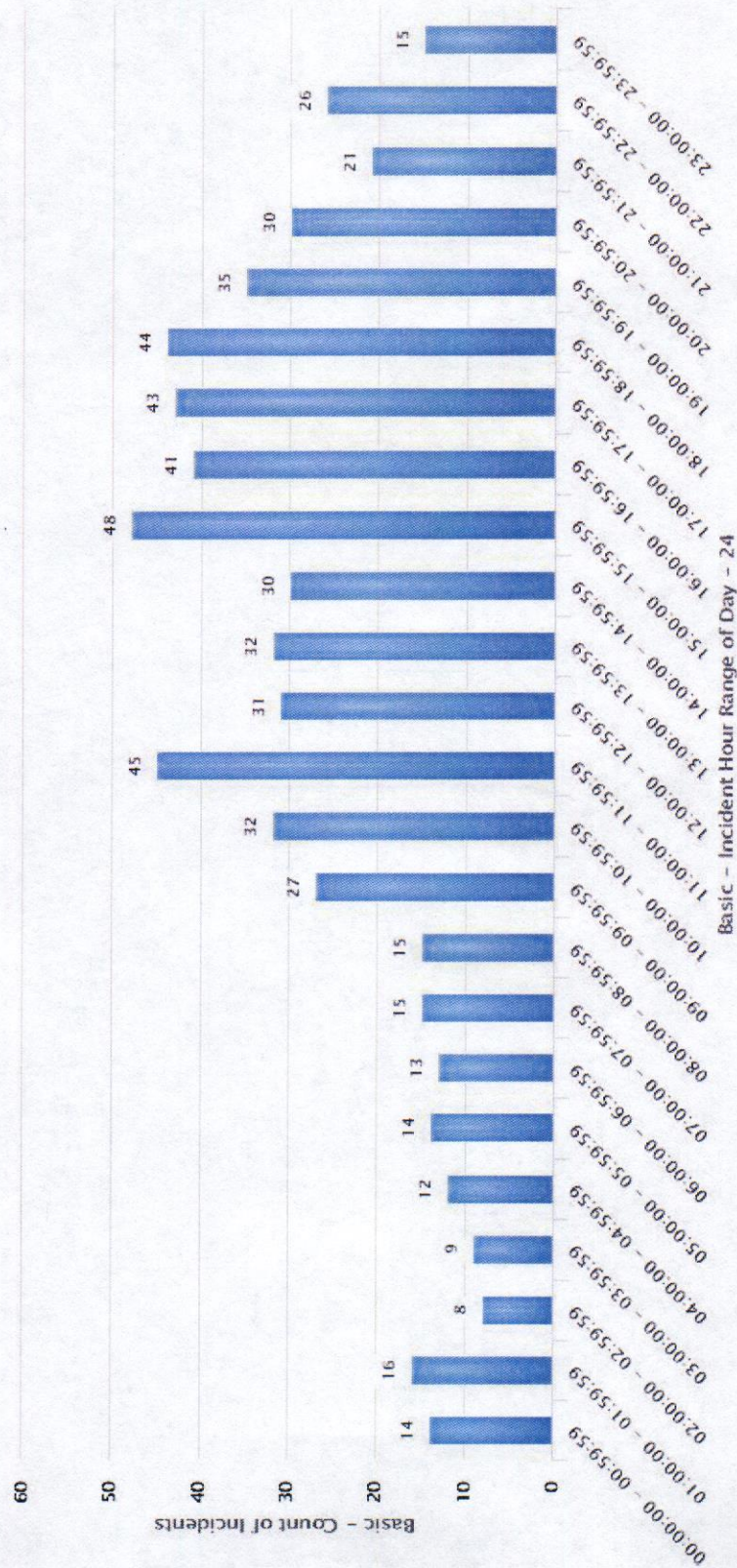
Call percent by district



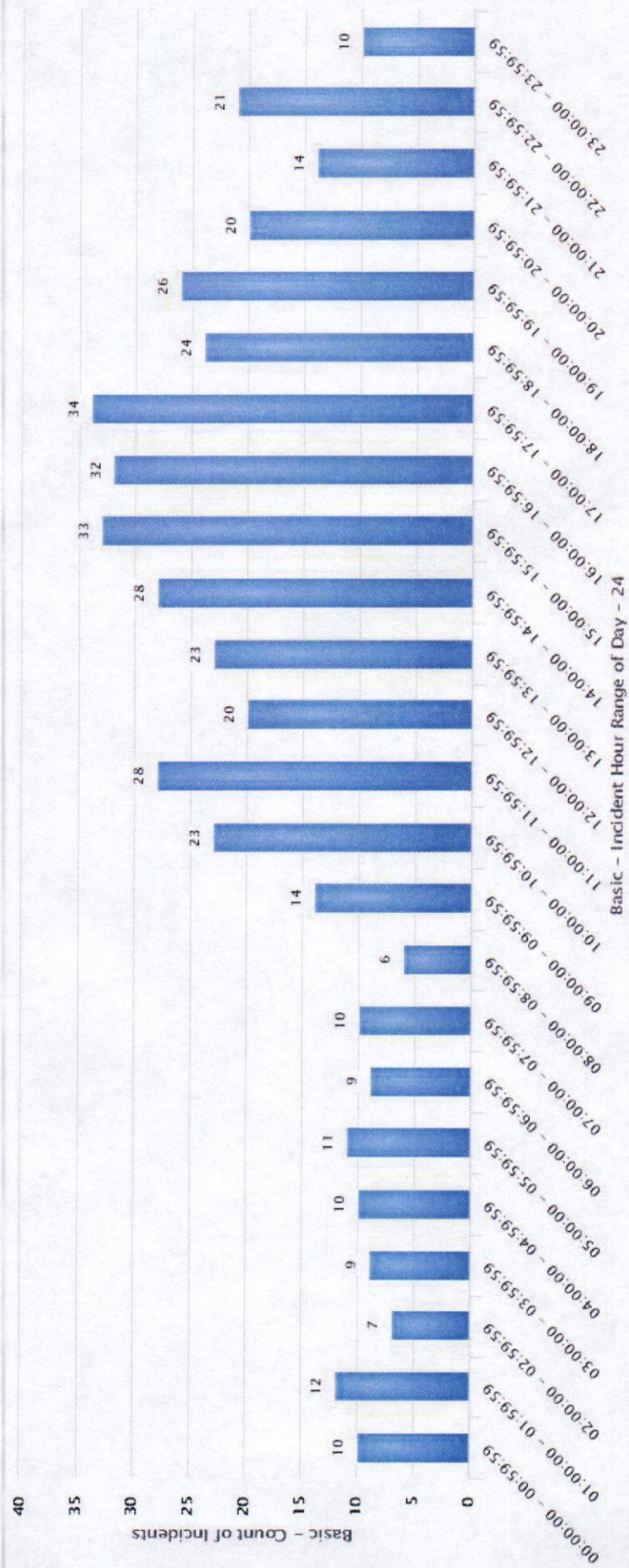
Calls by Time of Day All

Apparatus - Actions Taken

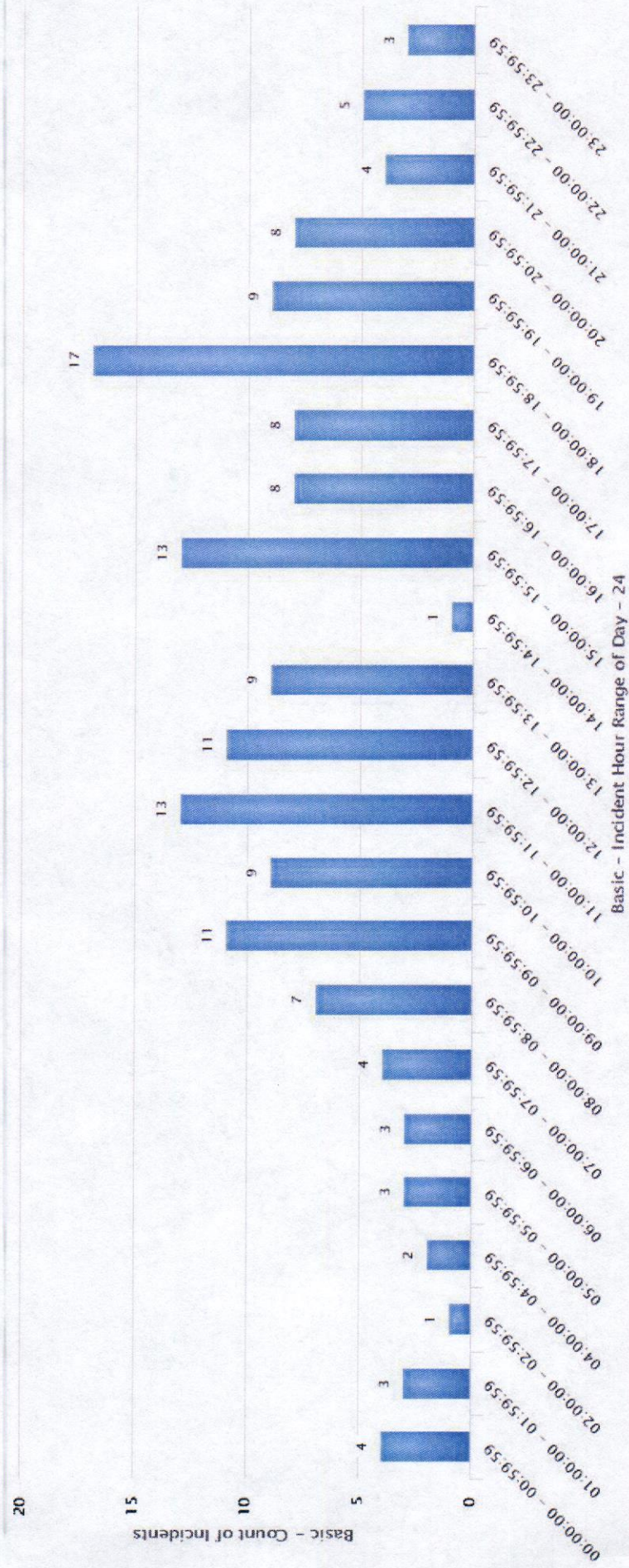
All



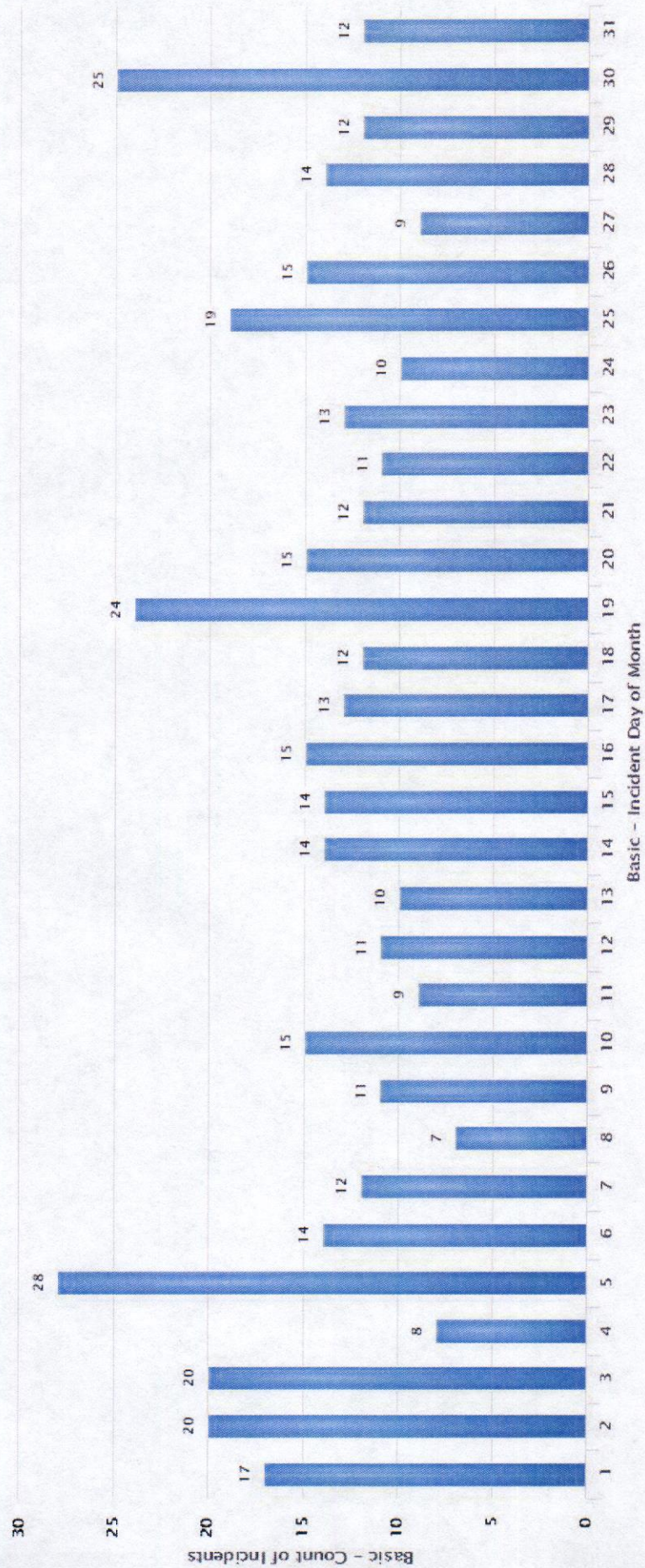
Calls by time of day EMS



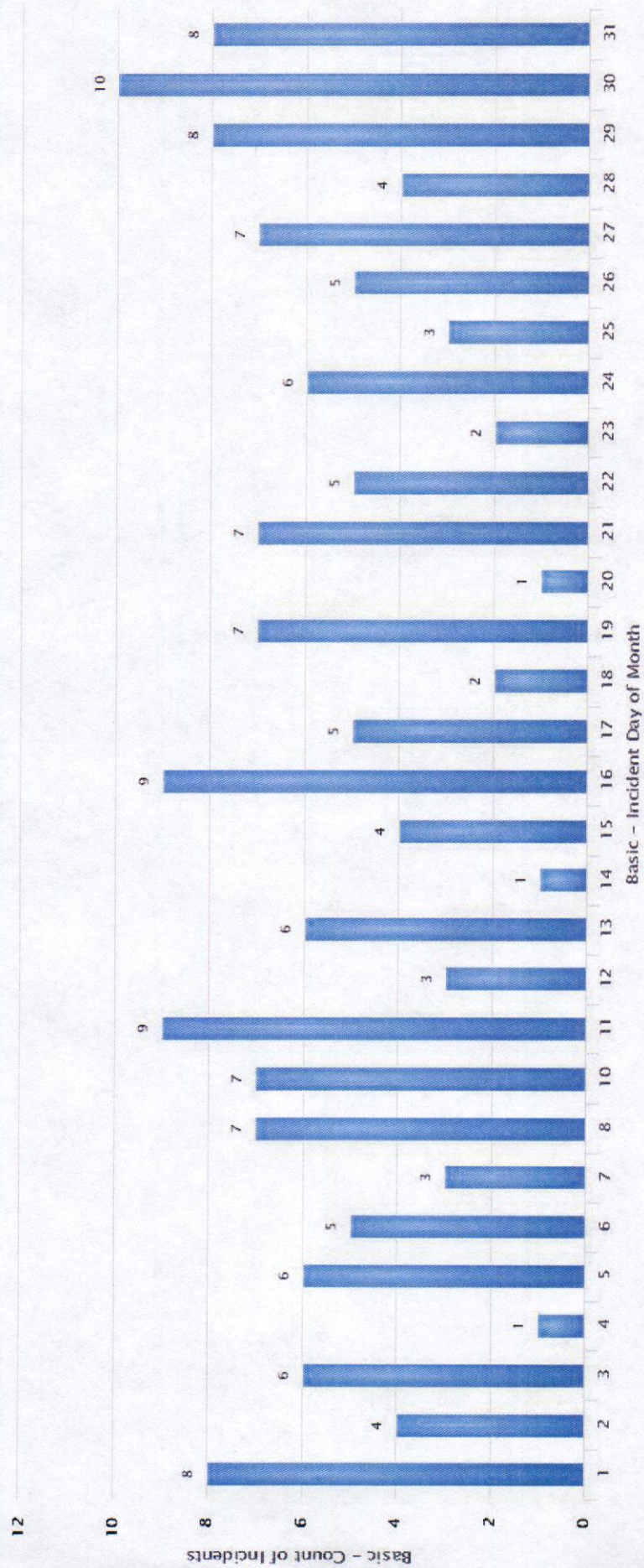
Calls by time of day FIRE



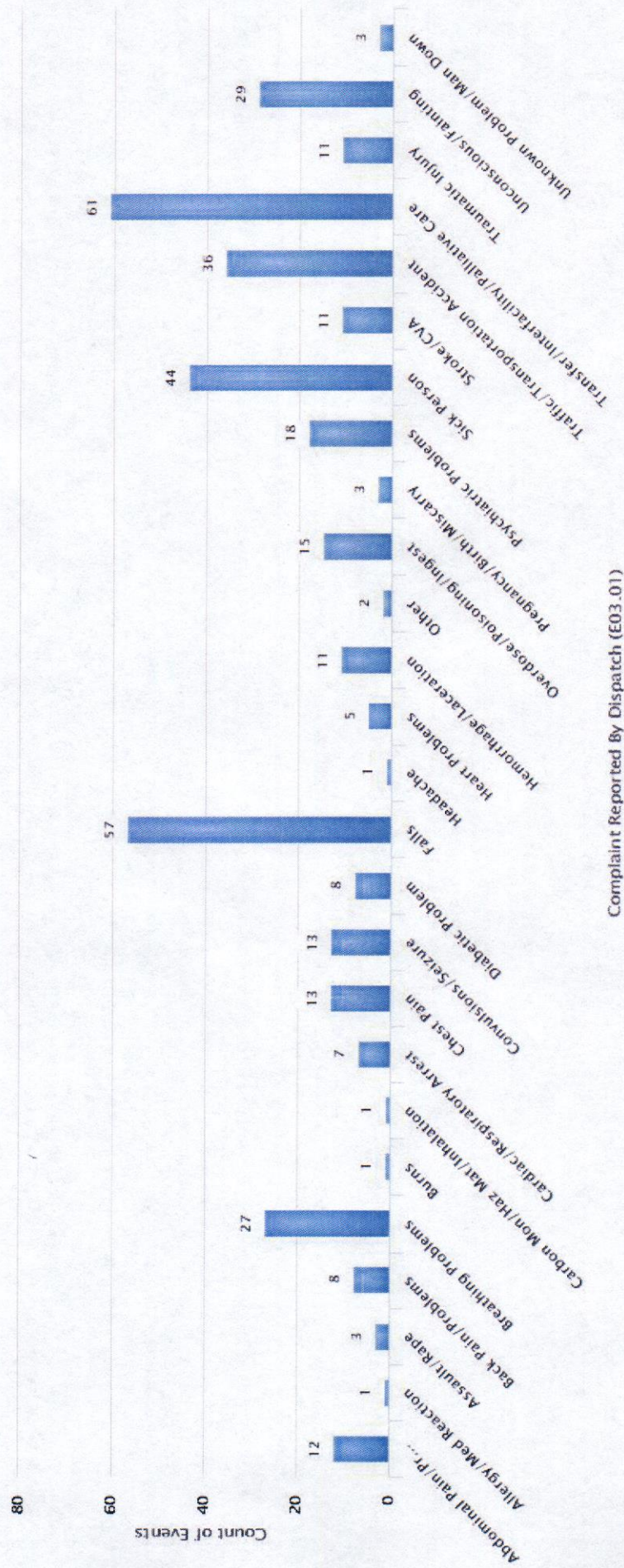
Day of Month Medical



Day of Month Fire

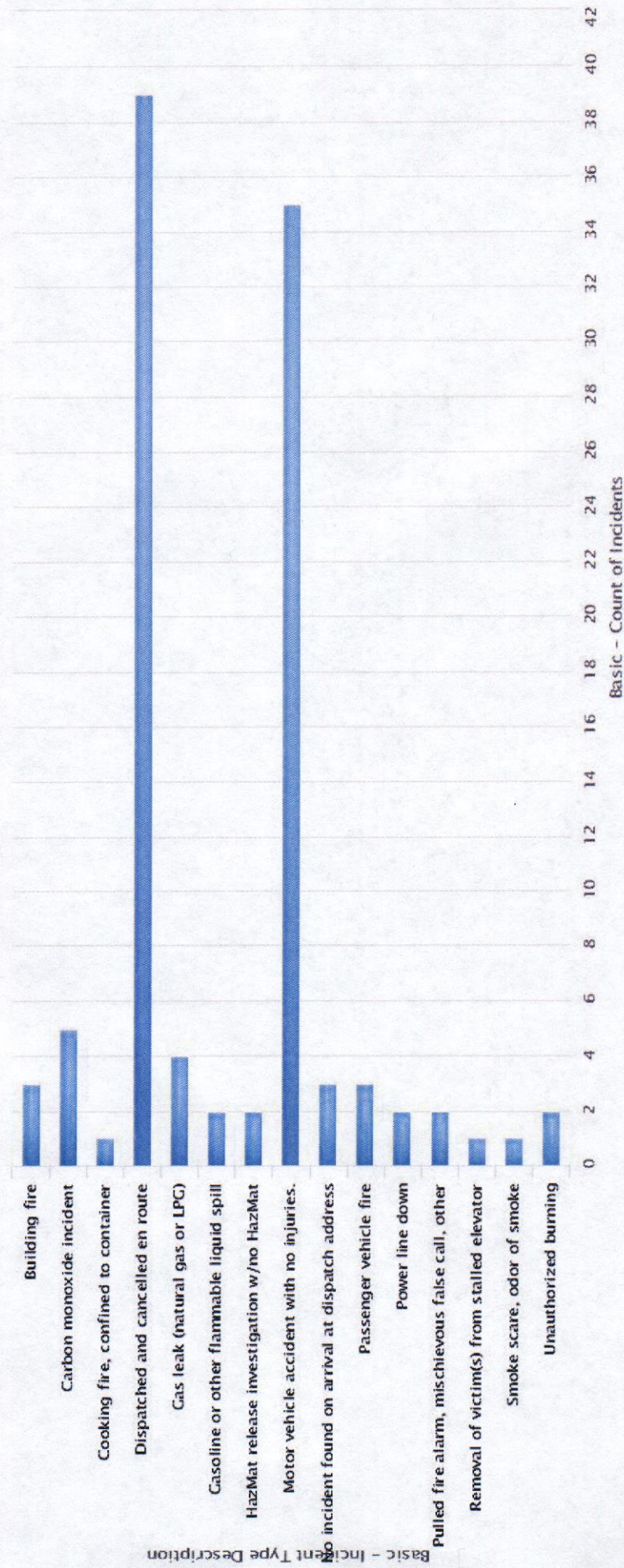


Ems incident type

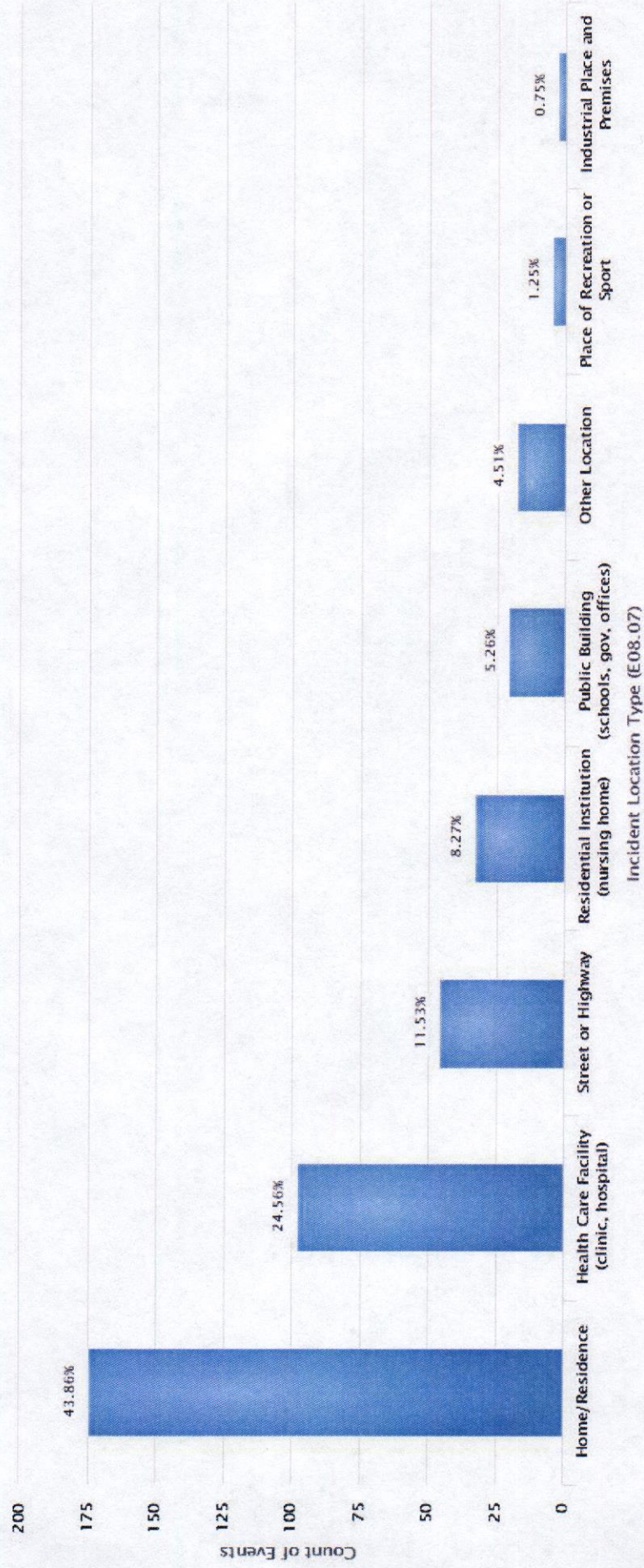


Complaint Reported By Dispatch (E03.01)

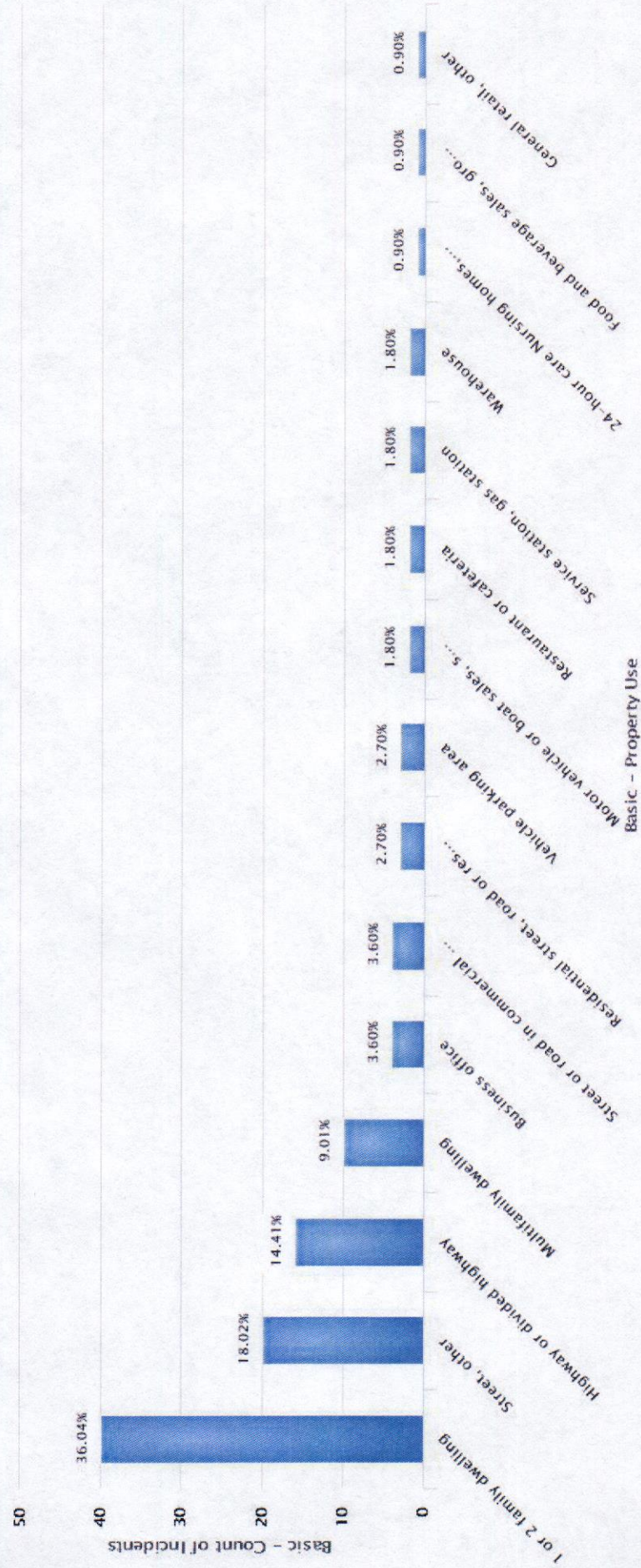
Fire Incident Type



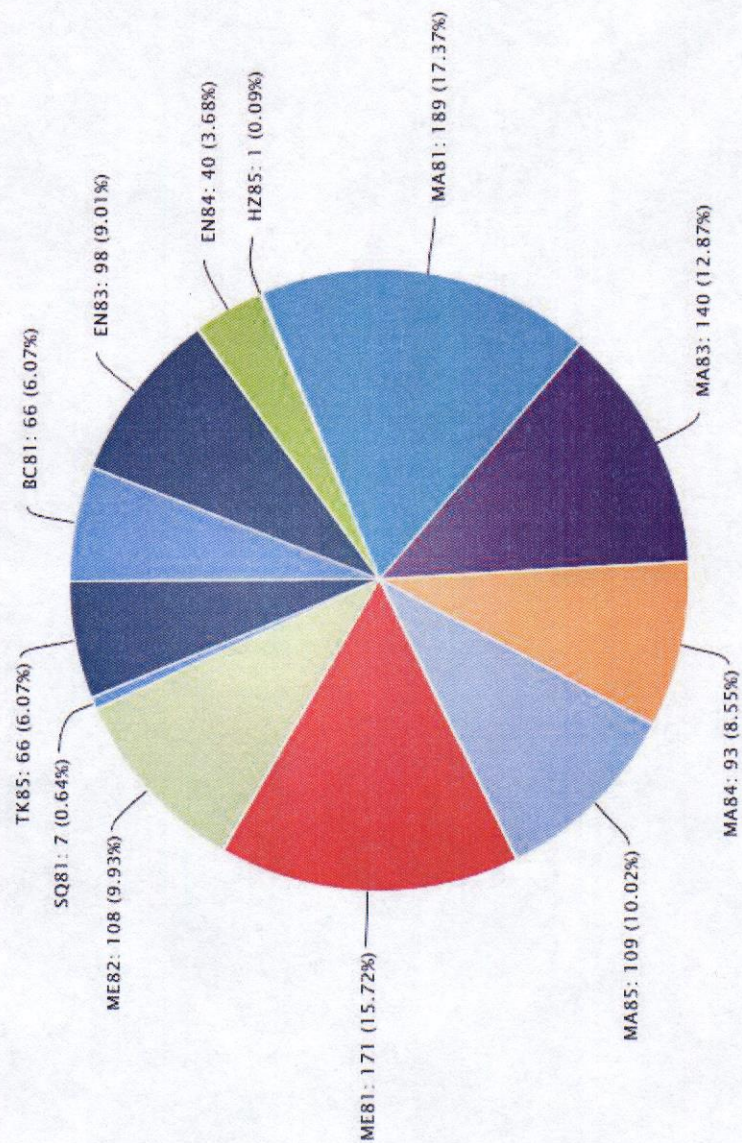
Property Use Medical



property use Fire



Response by unit



EMS response (EMS data)

Response Mode To Scene (E02.20)	Lights and Sirens	No Lights and Sirens
Month (E05.04)		
December	5.5	6.3

Fire Response

Basic - Response Mode to Scene	Emergency	Non-Emergency
Basic - Incident Month		
December	00:06:25	00:07:48

Total Calls

Basic - Incident Year	2016	2017
Basic - Incident Month		
January		75
April	486	
May	616	
June	554	
July	639	
August	531	
September	510	
October	514	
November	573	
December	605	

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 7

Short Title: City Council Liaison Report – Councilman McEwan – Mosquito Abatement District & UTOPIA

Initiated By: City Council

Scheduled Time: 8:30

SUBJECT

RECOMMENDATION

Councilman McEwan is the City's representative on the Mosquito Abatement District Board and the UTOPIA Board. He will report on the issues/activities of those entities.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 8.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:40

SUBJECT

- a. WFRC funding applications
- b. Financial planning work session
- c. Status of Online Municipal Code Project

RECOMMENDATION

- a. Allow City Manager to brief Council on the funding applications to be submitted to WFRC for intersection improvements on Parrish Lane.
- b. Confirm whether the Council is willing to meet in a "financial planning" work session on Tuesday, January 31.
- c. Allow City Attorney to report on the status of the Online Municipal Code Project.

BACKGROUND

a. The City Manager will refer to the attached aerial photos overlaid with proposed intersection improvements on Parrish Lane--at Marketplace Drive and 400 West. These will be attached to the formal applications for federal funding, due by January 19. Based on discussion with UDOT Region One staff, the Marketplace Drive application will be designated as the first priority among these possible projects. Note there are two options for the 400 West/Parrish Lane intersection, resulting in different impacts on adjoining properties. Funding for these projects, if approved, would typically be funded in Year 5 of the updated 5-year Transportation Improvement Program. Staff would like to see the Marketplace intersection project occur sooner, however, which may be possible with UDOT's support. This project could tie in well with a later interchange replacement project.

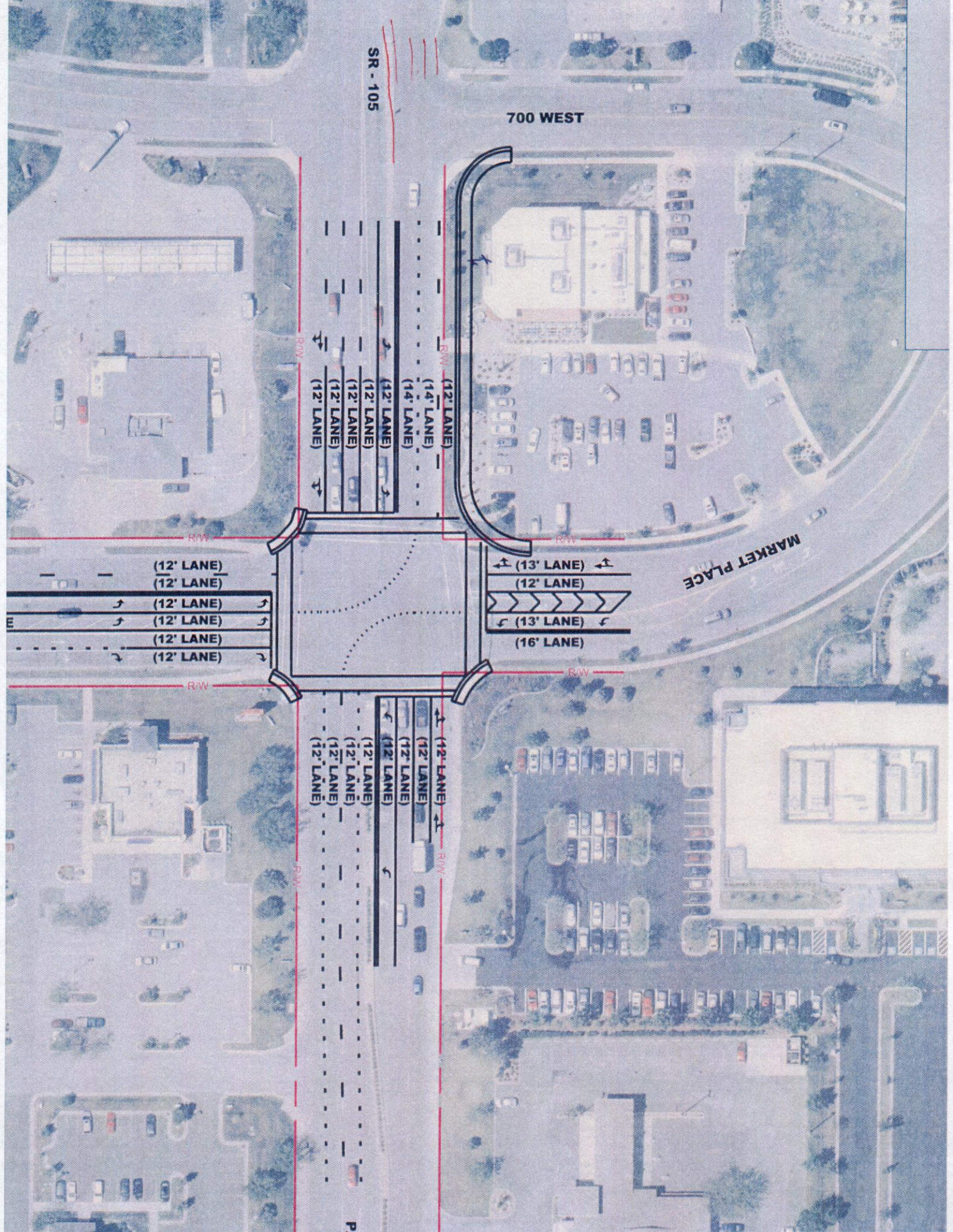
b. This work session recommended by the City Manager would be a good foundation for the FY 2018 budget process to follow. The work session would include:

- Auditor's Report for FY 2016 (with lead auditor present to explain his findings and answer questions)
- Six-month financial report for FY 2017, based on audited fund balances from FY 2016
- Discussion of strategies to address financial issues/concerns, potential financial goals, etc.

The City Council should receive the FY 2016 Comprehensive Annual Financial Report (CAFR)--which includes the audited financial statements and auditor's findings--some time during the week of January 16 and have more than a week to review it before the January 31 work session. Distribution of this document was delayed to make some corrections to its content.

ATTACHMENTS:**Description**

- ▢ Aerial Photos for WERC Federal Funding Project Applications



SR - 105

700 WEST

MARKET PLACE

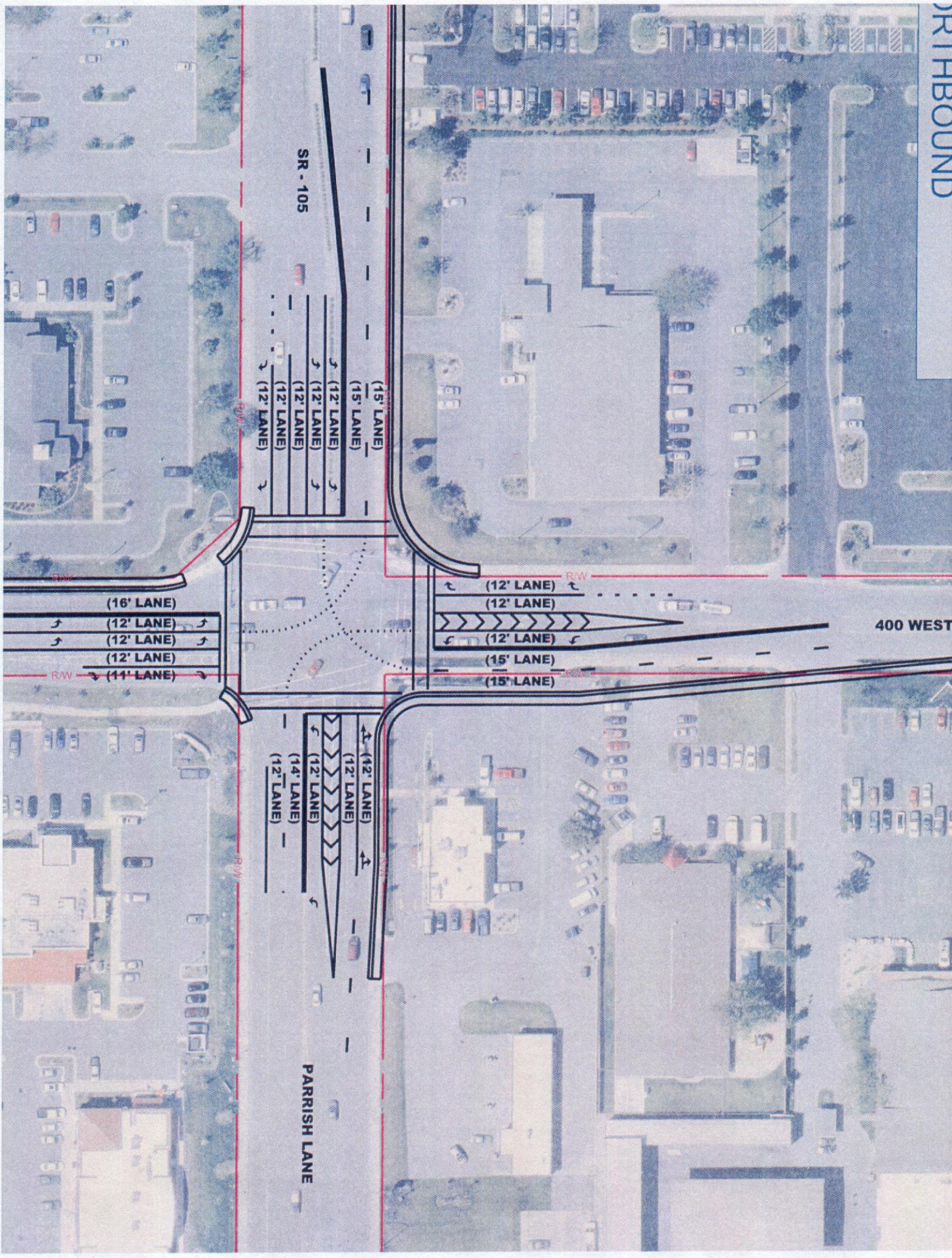
(12' LANE)
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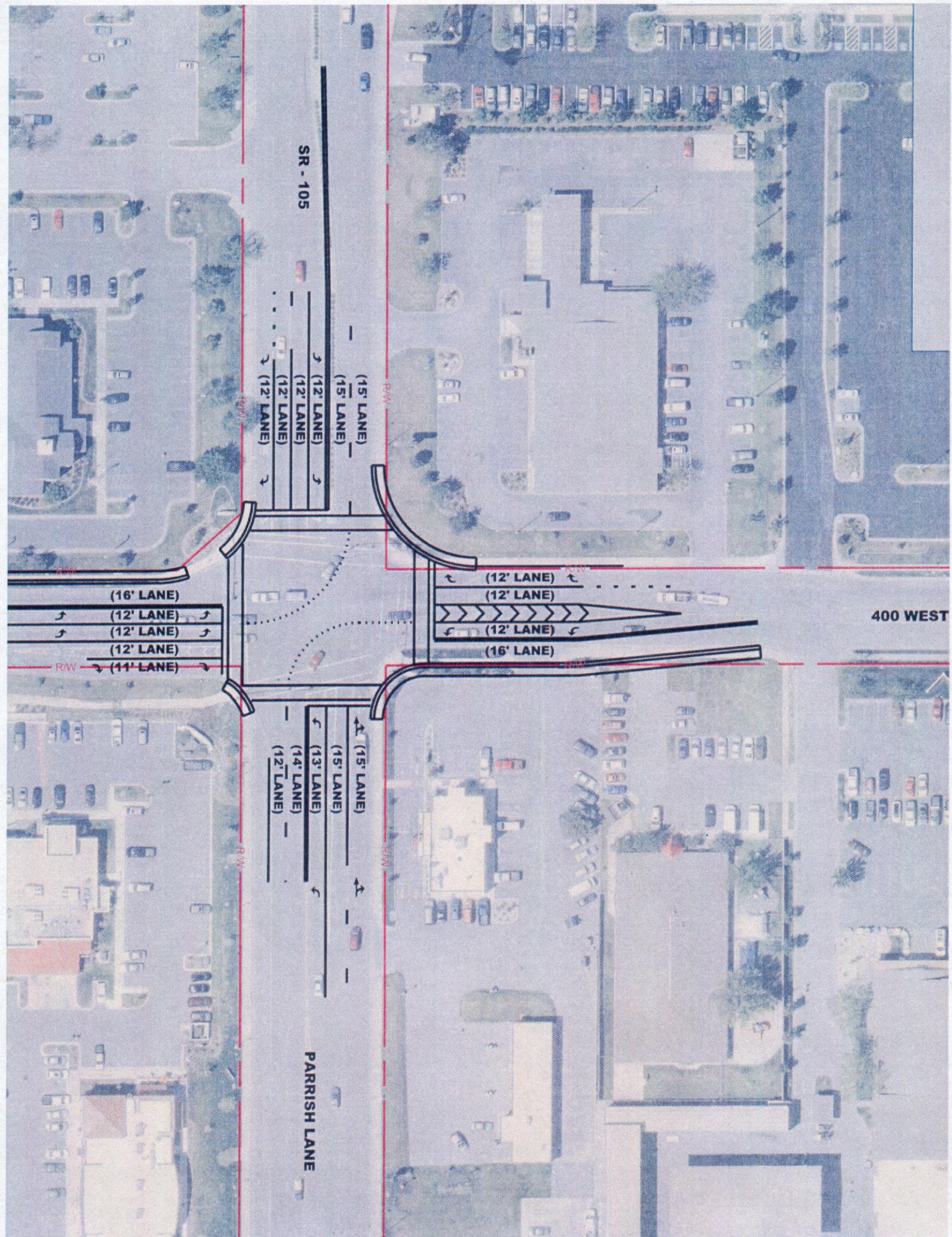
ORTHBOUND



SR - 105

400 WEST

PARRISH LANE



SR - 105

(15' LANE)
(15' LANE)

(12' LANE)
(12' LANE)
(12' LANE)
(12' LANE)

(16' LANE)
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(12' LANE)
(16' LANE)

400 WEST

(15' LANE)
(15' LANE)
(13' LANE)
(14' LANE)
(12' LANE)

PARRISH LANE

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 9.

Short Title: Open and Public Meetings Training - City Attorney

Initiated By: City Attorney

Scheduled Time: 8:50

SUBJECT

RECOMMENDATION

BACKGROUND

The City Council is required by law to receive annual training regarding the requirements and provisions of the Utah Open Meetings Act. The City Attorney has prepared the two attached written handouts regarding open and closed meetings and will provide additional training for the City Council. Also attached is a copy of the Open and Public Meetings Act audit compliance worksheet prepared by the Office of the Utah State Auditor for use in annual local government audits.

ATTACHMENTS:

Description

- ☐ Open Meetings-Handout
- ☐ Closed Meetings-Handout
- ☐ Open Meetings-Audit Questions



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

OPEN AND PUBLIC MEETINGS ACT

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann. §§ 52-4-101, et seq.* The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. As a matter of public policy, the Utah Legislature has declared that the State and all of its entities and political subdivisions exist to aid in the conduct of the public's business. As such, the purpose of the Open Meetings Act is to ensure that the City takes its actions and conducts its deliberations regarding the public's business openly. By law, the Mayor is required to ensure that the members of the City Council receive annual training on the Open Meetings Act. This means you will be seeing and hearing about open meetings from the City Attorney (or more talented and engaging personalities) every year.

Every Meetings Is Public (Unless Closed for Reasons Allowed by Law)

Every meeting of the City Council shall be open to the public unless such meeting is closed for legitimate reasons provided by law. Meetings include regular meetings, special meetings, executive sessions, work sessions, field trips or other meetings of the City Council where a quorum of its members is present and the purpose of the meeting is to discuss or take action on matters within the City Council's jurisdiction. A quorum of the City Council is defined by statute as three members, excluding the mayor. A chance meeting of a quorum of the City Council or a social event, such as the annual City dinner, does not constitute a "meeting" under the Open Meetings Act so long as the members of the City Council do not discuss or act upon matters of public business at the party. Lawful reasons to go into a closed session are summarized in a separate handout on Closed Meetings.

Public Notice

In order to provide the public with an opportunity to attend and participate in the public's business, the City is required to give at least 24 hours public notice of each meeting of the City Council. This public notice must include the agenda for the meeting and the date, time and place of the meetings. The City must also provide public notice at least once each year of the City Council's annual meetings schedule. Public notice of the annual meetings schedule and the 24 hour notice of each meeting requires: (1) posting written notice at City Hall; (2) posting notice on the Utah Public Notice Website; and (3) providing notice to at least one local newspaper or local media correspondent. The City is encouraged to develop and use additional electronic means to provide notice of its meetings, which Centerville does by providing notice of all of its meetings on the City website. The City also provides public electronic access to all of its City Council meeting agendas and packet information through Novus as found on the City website. Other noticing requirements apply to various applications under Centerville City Ordinances in addition to notice required under the Open Meetings Act.

Written Minutes and Recordings

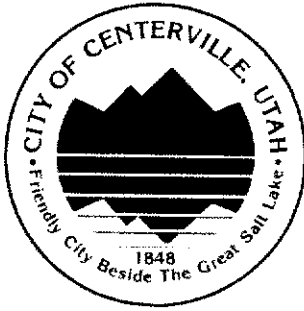
Except otherwise provided by law, written minutes and a recording shall be kept of all open meetings of the City Council. Written minutes are not a verbatim transcript of the meeting but should include the substance in brief of the discussions of the Council and any testimony or public comment. The minutes must also include a record, by individual member, of each vote taken by the City Council. Approval of minutes by City Council shall comply with the City's Minutes Approval Policy. Pending minutes, approved minutes and the recording of an open meeting are public records. Pending minutes of the City Council must be made available to the public within 30 days after holding the meeting. Approved minutes of the City Council must be posted to the Utah Public Notice Website within 3 days after approval. The recording of an open meeting of the City Council must be available to the public within 3 business days after the meeting. Although not required by law, the City also posts audio recordings of City Council meetings on the Utah Public Notice Website. Written minutes from open meetings, once approved by the City Council, are the official record of the meetings and are generally retained permanently by the City Recorder. The Council should make sure the minutes properly reflect the actions taken by the Council.

Electronic Meetings

The City Council may hold electronic meetings, such as conference call or video conferencing, in accordance with the City's Electronic Meeting Policy. In general, there must be an anchor location for the electronic meeting (usually City Hall), and there must be sufficient facilities and technology available at the anchor location to allow all participants of the meeting the ability to communicate with the members of the City Council, and so that each member of Council can communicate with all participants and other members. As extra noticing and facility set up is required for electronic meetings, it is requested that Council members provide sufficient advanced notice to staff of the need for an electronic meeting.

Fun Rules

- A work session or executive session of the City Council that is held on the same day as a regularly scheduled public meeting of the Council is required to be held at the same place as the regular meeting (unless otherwise allowed by law); i.e. you can't have your work session at Dairy Queen.
- The City Council must list the proposed agenda topics and items for discussion and action by the Council. Each agenda item must be listed with reasonable specificity to notify the public as to the topics to be considered at the meeting.
- The City Council should avoid talking about matters that are not listed on the agenda and is prohibited from taking final action on any matter that is not listed on the agenda or included with the advance public notice of the meeting.
- Recordings of open meetings must be a complete and unedited record of all portions of the open meeting; i.e. you can't stop and start the recording to exclude discussions.
- You don't have to make a recording of an open meeting that is a site visit or traveling tour so long as no vote or action is taken by the City Council during the site visit or travelling tour.
- Notice requirements may be disregarded to consider matters of an emergency or urgent nature if the City gives the best notice practicable. Check with City Attorney for applicable requirements.
- Council members should not send emails or texts to other members of the Council when the Council is convened and Council members should avoid creating an electronic meeting through group email chats.
- Anyone can independently record all or any part of an open meeting so long as the recording does not interfere with the conduct of the meeting.
- Members of the City Council who knowingly or intentionally violate the Open Meetings Act may be guilty of a class B misdemeanor.



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
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CLOSED MEETINGS

The Utah Legislature has adopted the Open and Public Meetings Act (Open Meetings Act), as set forth in *Utah Code Ann. §§ 52-4-101, et seq.* The Open Meetings Act applies to all administrative, advisory, elected, appointed and legislative public bodies of the City, including the City Council, Planning Commission, Board of Adjustment, and other boards and committees of the City. Under the Open Meetings Act, all meetings of the City Council shall be open to the public unless lawfully closed for reasons permitted by law.

Lawful Reasons to go into a Closed Meeting

Pursuant to *Utah Code Ann. § 52-4-205*, the City Council may only go into a closed session for the following reasons:

- ⇒ Discussion of the character, professional competence, or physical or mental health of an individual;
- ⇒ Strategy sessions to discuss pending or reasonably imminent litigation;
- ⇒ Strategy sessions to discuss the purchase, sale, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the City from completing the transaction on the best possible terms;
- ⇒ Discussion regarding deployment of security personnel, devices or systems; and
- ⇒ Investigative proceedings regarding allegations of criminal misconduct.

Procedures to go into a Closed Meeting

In order to go into a closed session, a quorum of the City Council must be present at an open meeting for which notice has been provided. Two-thirds of the members of the City Council present at the open meeting must vote to approve going into a closed meeting. The following information is required to be publicly announced and entered into the minutes of the open meeting when the closed meeting is approved: (1) the reason or reasons for holding the closed meeting; (2) the location where the closed meeting will be held; and (3) the vote by name of each member of the City Council either for or against the motion to go into a closed meeting.

Minutes and Recording.

Generally, the City is required to record all closed meetings and "may" keep detailed written minutes of such closed meetings. The recording of the closed meeting must be complete and unedited from commencement of the closed meeting through adjournment of the closed meeting. The recording and minutes of a closed meeting shall include: (1) the date, time, and place of the closed meeting; (2) the names of members present and absent; and (3) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closed meeting. If the City Council closes a meeting exclusively for the purpose to discuss the character, professional competence, or physical or mental health of an individual or to discuss deployment of security personnel, devices or systems, a recording does not have to be made of the closed meeting so long as the person presiding signs a sworn statement affirming that the sole purpose for closing the meeting was to discuss such exempted topics.

Additional Restrictions

A closed meeting is only allowed if each matter discussed in the closed meeting is permitted under Section 52-4-205. Thus, just because the Council closes a meeting for a lawful reason, does not mean Councilmembers can then talk about anything and everything they want in that closed meeting. The Council's discussion is limited to the lawful reasons for which the Council voted to go into the closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment may be approved in a closed meeting. The City Council is also prohibited from interviewing a person applying to fill an elected position or discussing the character, professional competence, or physical or mental health of a person whose name has been submitted for consideration to fill a midterm vacancy or temporary absence under Title 20A regarding vacancies in elected offices.

Challenges and Enforcement

The Attorney General and the County Attorneys of the State are authorized to enforce the provisions of the Open Meetings Act. A person denied a right under the Act may commence suit in court to compel compliance with the Act, to enjoin violations of the Act, or to determine the Act's applicability to discussions or decisions of the City Council. The court may award attorneys' fees and court costs to a successful plaintiff. In a challenge to the legality of a closed meeting held by the City Council, the court shall review the recording or written minutes of the closed meeting *in camera* and decide the legality of the closed meeting. If the judge determines that the Council did not comply with the Act regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed. If the judge determines that the Council did comply with the Act in going into the closed meeting, the judge will dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.

Criminal Penalties

In addition to any other penalty provided in the Open Meetings Act, any member of the City Council who knowingly or intentionally violates or knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of the Act is guilty of a class B misdemeanor.

H. OPEN AND PUBLIC MEETINGS ACT

Legal Ref.	Appl- cable to:	AUDIT PROCEDURES	Performed by and Date	Workpaper Index
UCA 52-4-104	ALL	1. Through inquiry with officials of the entity and observation of meeting agendas, certificates or other relevant evidence, determine that the presiding officer of a governing body ensured that members of the governing body were provided with annual training on the requirements of open and public meetings.		
		2. Select and obtain the agenda and meeting minutes for two public meetings held during the year under audit and perform the following:		
UCA 52-4-202 (1)(b)(3)	ALL	a. Determine that the entity gave proper notice of the meeting at least 24 hours before each meeting by posting the notice on the Utah Public Notice Website.		
UCA 52-4-202 (6)(a)	ALL	b. Determine that the agenda was reasonably specific to enable lay persons to understand the topics to be discussed.		
UCA 52-4-202 (6)(c)	ALL	c. Determine that the public body did not take any final actions on a topic in the meeting unless the topic was listed under an agenda item.		
UCA 52-4-203 (4)(e)	C, M, and LEAs	d. Determine that within three days of the meeting minutes being approved, the minutes were posted to the Utah Public Notice Website. (Exception: Charter schools are required only to <u>make the meeting minutes available</u> to the public within three days of being approved.)		
UCA 52-4- 204(2)-(4)	ALL	e. If a portion of the meeting was closed to the public, determine that 1) before the meeting was closed, the reason for holding the closed meeting was documented in the meeting minutes and a roll call vote was taken, 2) the reason for closing the meeting was permitted under UCA 52-4-205, and 3) an audio recording of the closed meeting was made, or in the case of meetings closed to discuss issues noted in UCA 52-4-205(1)(a)(i)(f) or (2), the presiding person had executed a sworn statement that the sole purpose of the closed meeting was to discuss those issues.		

* C=County; M=Municipality (City/Town); D=Special Service or Local Districts; IL=Interlocal Entity;
LEA=Local Education Agency (School Districts and Operating Charter Schools, including charter schools organized as nonprofits)

Legal Ref.	Applicable to:	AUDIT PROCEDURES	Performed by and Date	Workpaper Index
UCA Towns: <u>10-5-106</u> thru <u>108</u> Cities: <u>10-6-110</u> , <u>113, 135</u> Districts: <u>17B-1-605</u> thru <u>607, 609</u> Counties: <u>17-36-9</u> , <u>10-1, 12</u> LEAs: <u>53A-19-101</u> thru <u>102</u> Interlocals: <u>11-13-509</u>	ALL (except charter schools)	3. Ensure that the entity provided the required notice for its original and final budget adoption hearing by reviewing the certified copy of the notice. a. Municipalities, counties, and districts are required to provide a 7-day notice. b. LEAs (except charter schools) are required to provide a 10-day notice. NOTE on charter schools: UCA 53A-1a-511(4)(e) exempts Charter Schools from UCA 53A-19-102 which requires LEA's to prepare and notice a budget. Effective May 10, 2016, while charter Schools will be required to prepare a budget in accordance with UCA 53A-19-102 (per SB239 in the 2016 Legislative general session), they are still <u>not required</u> to publish notice.		
UCA <u>52-4-201</u>	ALL	4. Determine if the governing board regularly holds "work meetings" before its regularly scheduled board meetings. If so, select two meetings and determine that notice and minutes requirements in step 2 were met if a quorum was present.		

CONCLUSION (adequacy of the controls; significant deficiencies/material weaknesses, and management letter comments)	Performed by and Date	Workpaper Index

* C=County; M=Municipality (City/Town); D=Special Service or Local Districts; IL=Interlocal Entity;
LEA=Local Education Agency (School Districts and Operating Charter Schools, including charter schools organized as nonprofits)

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:05

SUBJECT

RECOMMENDATION

No topics are identified at this time under this heading.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 11.

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

Initiated By:

Scheduled Time: 9:10

SUBJECT

RECOMMENDATION

At this time the City Manager does not know of a need for a closed meeting, but the agenda allows for that possibility.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

Item No. 12.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards/committees.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
1/17/2017**

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 December 2016



Steve Thacker
City Manager

Centerville City Building & Safety Department

655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for December 2016

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	1	24	24	24		292,864.00	224,339.00	7,028,736.00
Duplexes / Town Homes	0	29	29	6			-	5,967,432.00
Apartments	0	3	72	3			-	8,063,441.00
Addition/Alteration/Repair	1	31					21,000.00	1,064,379.00
Power/Mech	5	80					-	4,253.00
Signage	1	15					5,000.00	90,203.00
Commercial/Tenant Finish	0	23					-	3,651,189.00
Detached Structure/Gar	3	7					78,000.00	145,114.00
Demolition	0	2					-	-
Pool	0	3					-	145,000.00
Miscellaneous	5	106					74,662.00	1,912,896.00
Total Permits Issued:	16	323					Total Permitted Valuation:	403,001.00 28,072,643.00

Building Permit Related Revenues	Monthly		YTD Comparison	
	December 2016	YTD 2016	December 2015	YTD 2015
BUILDING	4,789.24	230,158.05	11,525.95	199,963.35
PLAN CHECK	1,431.62	71,679.33	2,745.16	89,279.27
ELECTRICAL	66.00	1,914.00	396.00	1,914.00
PLUMBING	-	-	66.00	66.00
MECHANICAL	264.00	3,366.00	198.00	3,290.00
GRADING	-	-	-	-
STATE SURCHARGE	50.99	2,326.78	119.61	2,049.57
WATER DEV.	-	105,380.00	6,079.00	92,723.00
WATER CONNECTION	-	24,959.79	-	16,132.94
WATER METER	-	18,405.00	1,410.00	15,770.00
STORM DRAIN	-	4,880.93	-	-
FIRE IMPACT	-	59,689.35	2,826.00	58,875.03
PARK IMPACT	-	250,954.00	12,342.00	244,783.00
DRIVE APPROACH	35.00	1,920.00	210.00	1,150.00
BOND	1,000.00	61,000.00	6,000.00	44,000.00
SPECIAL IMP DIST/REC	-	1,536.00	-	12.00
ENGINEERING	-	5,348.77	-	1,000.00
TV INSPECT DRAINS	-	1,056.00	-	-
LANDSCAPING BOND	-	-	-	-
Total Permit Related Revenues:	87,816.88	844,578.00	94,918.72	877,000.16